

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

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**Application of King's Creek, LLC
2329 & 2335 Champlain Street, N.W.
Square 2563, Lots 103 and 816**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted on behalf of King's Creek, LLC (the "Applicant"), the owner of property located at 2329 & 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816) (the "Site"), in support of its application pursuant to 11 DCMR, Section 3129.7, for the approval of interior and exterior modifications to the plans approved by the Board of Zoning Adjustment (the "Board") pursuant to Order Nos. 17431 and 17431-A, and an increase in the number of dwelling units from 22 to 31, to allow an addition to, and conversion of, an existing building for residential use in the RC/R-5-B District at the Site.

Pursuant to § 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested modifications.

I. Description of Prior Board Approvals

The Applicant requests that the entire record in Application Nos. 17431 and 17431-A be incorporated by reference in this Application. In Application No. 17431, which as approved on May 2, 2006, the Board granted a special exception under § 1403 to allow a building height of 50 feet in the Reed Cooke Overlay, a variance from subsection 2001.3 to permit an addition to a nonconforming structure, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements of § 406, to allow an addition to, and conversion of, the

existing building on the Site for residential use. In Application No. 17431-A, which was approved on November 18, 2008, the Board approved minor modifications to the approved plans. Copies of Order Nos. 17431 and 17431-A are included with this application.

II. Background Information Regarding the Site

The Site is zoned RC/R-5-B and is located at 2329 & 2335 Champlain Street, N.W. Square 2563 is generally bounded by Kalorama Road on the south, Ontario Road on the east, Euclid Street on the north, and Champlain Street on the west. Lot 103 consists of approximately 9,771 square feet (measured) and is occupied with a two story masonry and stone commercial/industrial building that was developed in 1924 with a footprint of 9,395 square feet. The existing lot occupancy of Lot 103 is approximately 97 percent. The height of the existing structure is 24.5 feet. The total existing building area is 18,401 square feet. Prior uses of the building have included office, garage, warehouse, and retail. Lot 816 consists of approximately 1,008 square feet of land area and is located directly north of Lot 103 on Champlain Street. Lot 816 is occupied with a small two story commercial building. The combined lot occupancy for Lots 103 and 816 is approximately 92.8%.

III. Description of Proposed Modifications

Subsequent to the Board's approval of the project pursuant to Order No. 17431, and modifications pursuant to Order No. 17431-A, and as reported by numerous economic experts in statements made in the mass media, the District of Columbia and the United States began to suffer one of the most significant economic downturns since the Great Depression of the 1930's, and the market for new residential developments evaporated. Despite the initial owner's efforts to redesign the project and convert it from condominium to a rental apartment building, and to

undertake numerous and significant cost-cutting efforts to reduce construction costs and to make the units affordable to the rental market, the owner was ultimately unable to move forward with the approved project. The owner has determined that the units as originally designed and approved are too large for the current rental market. Given the improving market conditions, the Applicant is seeking BZA approval to modify the approved plans to make the building's design and unit layout more practical and buildable given current market conditions. These modifications result in the following changes to the approved plans:

1. Lot Occupancy – The building's lot occupancy will be decreased from 92.80% to 88.22% at the 1st and 2nd floors. This reduction in lot occupancy is due to a slight decrease in the footprint of the new construction replacing the existing frame structure on Lot 816, as well as the elimination of a small previously proposed addition on the rear of the existing structure on Lot 103. The lot occupancy on the 3rd and 4th floors will remain at 60%. These changes decrease the lot occupancy and thus do not require any additional relief from the Board.

2. Revised Design and Increase in Number of Residential Units - In response to market conditions favoring smaller residential units, as well as the Applicant's desire to simplify and rationalize the interior building configuration and exterior façade treatments, the Applicant has modified the prior-approved plans. As shown on the plans included with this application, the Applicant has increased the number of proposed residential units from 22 to 31. In addition, a number of the projections on the Champlain Street façade shown on the approved plans have been eliminated in order to comply with building code requirements regarding the permissible amount of projections, and to simplify the building envelope. Moreover, in order to accommodate both the increased number of residential units and to provide a sufficient number of parking spaces, the interior configuration of the building's core -- including the elevator,

egress stairs, and internal corridors -- and the lower level of the parking access ramp have been modified. In addition, the parking garage layout has been revised to accommodate the revised core and ramp configurations and an adequate number of full-size zoning parking spaces.

As a result of the increase in number of units, the elimination of the projecting bays, and the reconfigured interior core, the proposed façade elevations have been slightly revised, but have retained the overall aesthetic intent of the approved project. The Applicant has also made changes to the configuration of the penthouse structure to increase the proposed setbacks. The Applicant has also relocated the building's main lobby entry and canopy from the south end of the proposed building to the north end of the building in the slightly set-back new construction extending onto Lot 816. In addition to accommodating the rationalized core configuration needed for the additional units, the revised entry location allows for the elimination of the previous entry/canopy projecting into the Champlain St. R.O.W. from the façade of the existing building on Lot 103. None of these changes require any additional zoning relief from the Board.

3. Parking - As the Board previously noted in Order No. 17431, no parking is required for this proposed use because the parking credits generated by the prior uses on the Site exceed the new residential parking requirement. The record in case No. 17431 indicates that the prior uses on the Site generate a parking credit of 25 spaces. However, if parking were required, the required ratio would be one space for each two dwelling units, or 16 spaces. The Applicant proposes to provide 19 parking spaces in the proposed garage, and one space on the surface at the rear of the building, which is a reduction of one space from the 21 spaces approved by the Board. The parking garage will continue to be accessed at the rear of the building through the alley and will have no impact on pedestrian passageways along the sidewalk. Given the Site's proximity to several Metro Bus lines, the proposed parking will be sufficient to meet the

anticipated parking demand, and as the Board has already found, the development will not cause any objectionable traffic conditions in the immediate area.

In conclusion, the Applicant submits that all of the modifications to the approved plans can be approved by the Board pursuant to its authority under Section 3129.7.