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January 20, 2012

VIA HAND DELIVERY

Meridith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18308
EXHIBIT NO. 22

Re: Board of Zoning Adjustment (“BZA”) Case No. 18308 by Bozzuto Development Company – Application for Variance and Special Exception Relief for 460 New York Avenue, NW (Square 515N, Lot 828), Washington, DC (the “Property”) – Amendment to Requested Relief

Dear Chairperson Moldenhauer and Members of the Board:

On behalf of the Bozzuto Development Company (the “Applicant”), the applicant in Case No. 18308, we hereby submit this letter amending the relief requested by this Application. Originally, this Application requested a modification to the plans approved under BZA Order Nos. 17723 and 17723-A and new relief.

By this letter, the Applicant desires to withdraw its request for a special exception under 11 DCMR Section 411.11 from the roof structure setback requirement of 11 DCMR Section 770.6(b). The Applicant has revised the plans for the project to incorporate the roof structure into the top story of the building such that relief from 11 DCMR Section 770.6(b) is not required. The result is an innovative design that will incorporate both amenity space and mechanical space for the project in the project’s top floor.

In addition, by this letter, the Applicant wishes to amend its application to add an additional area of variance relief – relief from 11 DCMR Section 2116.12. 11 DCMR Section 2116.12 requires that parking spaces provided within a structure are located at least twenty feet from all lot lines that abut public streets, unless the ceilings of all parking levels are at or below the grade of the adjacent public sidewalk at all points along the building frontage. Due to the small size, atypical shape, extensive public street

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frontage, and difficulties related to the excavation of a full subgrade parking garage, the Applicant is unable to strictly comply with 11 DCMR Section 2116.12. The project is proposing mechanical stacked parking that will be located within the structure as shown on pages A1.1 – A1.3 of Tab 3 to the Applicant's application packet.

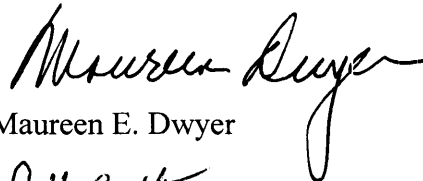
The Applicant believes that the proposed project and its stacked mechanical parking solution meets the intent of the Zone Plan, including the new Zoning Regulation instituted by 11 DCMR Section 2116.12. The Applicant will further detail the compliance with the standards for variance relief from this Section in its pre-hearing statement.

11 DCMR Section 2116.12 was approved on May 23, 2011 by the Zoning Commission and made effective on September 30, 2011 through the publication of Z.C. Order No. 11-01 in the D.C. Register, which was four days after the subject application was filed (September 26, 2011). Although we believe that the Applicant's project is vested under the Zoning Regulations as they existed on March 28, 2008 (the date that the original Order was promulgated), the Applicant is requesting relief from 11 DCMR Section 2116.12 to proceed conservatively. While technically a new request, this area of relief concerns the same area of relief that has been advertised and discussed with the public, namely, variance relief from the parking requirements of the Zoning Regulations.

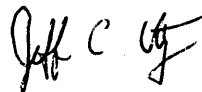
Submitted along with this letter is an additional filing fee of \$1,040.00 for the additional area of variance relief noted above.

We look forward to presenting our application to the Board on February 14, 2012. If you have any questions, please do not hesitate to contact the Maureen at (202) 721-1101 or Jeff at (202) 721-1132. Thank you for your attention to this application.

Sincerely yours,



Maureen E. Dwyer



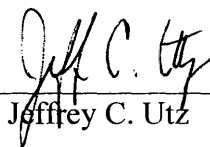
Jeff C. Utz

Enclosure

cc: Duncan Slidell

Certificate of Service

I certify that on January 20, 2012, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

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