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July 23, 2004

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Application No. 17175 for Variances and Special Exceptions
1701 Kalorama Road, N.W.
Square 2566, Lot 90

Dear Members of the Board:

At the Board's Special Public Meeting on Tuesday, July 13th, the Board raised the issue of whether the Applicant's proposed roof top residential recreation space qualified as an A-3 occupancy or an A-5 occupancy under the D.C. Building Code. The Applicant's Building Code analysis classified the occupancy as A-3. However, the Board suggested at the special public meeting that the area could potentially be classified as an A-5 occupancy. The Board thus requested that the Applicant submit information addressing the proper occupancy classification.

As the attached letter from the Hnedak Bobo Group indicates, the Applicant conducted a thorough analysis, including an experienced code specialist's review of the occupancy classifications, communications with the District's Department of Consumer and Regulatory Affairs (DCRA), and communications with staff of the International Code Council. The code review concluded that the proposed residential recreation space is an A-3 occupancy and is not an A-5 occupancy.

The Board's discussion at both the Public Hearing on June 29th and the Special Public Meeting on July 13th indicated that the Applicant met its burden of proof for the requested variances from the lot occupancy, side yard, and parking drive aisle width requirements, and the requested special exceptions from the roof structure requirements and to increase the height of the proposed building pursuant to the Reed-Cooke Overlay requirements. The only remaining issue was the requested residential recreation space relief. In response, on June 30th the Applicant submitted schematic drawings showing two design options for 735 square feet of roof top residential recreation space. With the submission of this occupancy classification analysis, the Applicant respectfully requests that the Board grant the application and issue a summary

BZA
Case No. 17175
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 17175
EXHIBIT NO. 33

order approving the application, subject to the condition that the Applicant provide 735 square feet of roof top residential recreation space, consistent with the concepts shown in the Applicant's submission on June 30th, subject to the further final approval by DCRA.

Sincerely,

Norman M. Glasgow, Jr.

Attachment

cc: Jennifer Steingasser (Office of Planning)
ANC 1C

HNEDAK BOBO GROUP
Memphis · Las Vegas

July 21, 2004

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Application No. 17175 - 1701 Kalorama, DC

Dear Members of the Board:

At its special public meeting held on July 13, 2004, the Board reviewed the above-referenced application with specific reference to the use of the roof for residential recreation space. It is my understanding that the Board questioned the stated occupancy classification of the recreational rooftop deck and asked the Applicant to respond as to why the roof should not be considered an A-5 occupancy under the Building Code. As the architects for the project, Hnedak Bobo Group (HBG) would like to take this opportunity for BZA to review the following chronology of how the team established and verified that the A3 classification is the only classification that the 1701 Kalorama project's rooftop deck could fall under while using the locally adopted code: IBC 2000

As a basis, we started with the Code's specific language. We then reviewed this on two separate occasions with the local Department of Consumer and Regulatory Affairs (DCRA). Finally, we confirmed it with the Official IBC Commentary as well as with an individual with the International Code Council.

Excerpts from the IBC 2000:

> *A-3: Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:*
>
> *Amusement arcades, Art galleries, Bowling alleys, Churches, Community halls, Courtrooms, Dance halls (not including food or drink consumption), Exhibition halls, Funeral parlors, Gymnasiums (without spectator seating), Indoor swimming pools (without spectator seating), Indoor tennis courts (without spectator seating), Lecture halls, Libraries, Museums, Waiting areas in transportation terminals, Pool and billiard parlors.*
>
> *A-5: Assembly uses intended for the participation in or viewing outdoor activities but not limited to:*
> *Amusement Park Structures, Bleachers, Grandstands, and Stadiums.*

Terry Hughes with HBG was responsible for the code interpretation that led our team to classify the recreational rooftop deck as an A3 Occupancy. Terry is HBG's in-house code specialist and works on projects across the country. He has dedicated his entire career to code enforcement and most recently served as the former Building Official for Shelby County, Tennessee for a decade. He received Tennessee's Building Official of the Year award in 2001. Because of the high respect Terry has earned among local architects and other building officials across the state, he is sought out by other architectural firms to provide code consulting for their projects as well. He is thoroughly familiar with the IBC code and has recently been asked to write all of Shelby County's local amendments to the code.

Upon commencement of the design documents for 1701 Kalorama, the HBG team, led by Terry Hughes and Project Manager Janet Smith-Haltom, presented the code research and analysis for this project to the District of Columbia's Department of Consumer and Regulatory Affairs *Building and Land Regulation Administration* DCRA (code officials: Carl Marshall and Sydney Lester). Terry specifically discussed the recreational rooftop deck with the officials at that time with plans in hand. The DCRA officials did not take exception to the A3 classification.

Subsequent to BZA's comments, Janet Smith-Haltom discussed the issue with DCRA and met with plans reviewer Mr. Robert Chen to specifically review BZA's question as to whether the rooftop deck could possibly be classified as an A5 Occupancy. Although Mr. Chen did not do an exhaustive investigation of the entire building, he did look at this specific issue and indicated that an A5 Occupancy was intended for watching outdoor sporting type events with structured seating such as bleachers, grandstands, etc. He went on to say that a rooftop deck would not meet the A5 criteria and he stated that such a use would be classified as an A3 Occupancy. We were unable to get Mr. Chen to confirm his comments in writing.

HBG pursued the following interpretations from the International Code Council to expedite the process.

Verification from two sources with the International Code Council:

Conversation with John Battles with the International Code Council:

John Battles at ICC (International Code Council) was asked for his interpretation of what Assembly occupancy a roof deck above condominiums or apartments would be classified. John Battles stated that a roof deck is classified as an A-3 Occupancy and not an A-5 occupancy. His response was firm and spent no time thinking about his interpretation. He stated that the deck will most likely have tables, chairs, umbrellas, grilles, etc., for social activities and would not be classified as an A-5 occupancy, because an A-5 occupancy is reserved for outdoor structures primarily for the viewing and participation of sporting events.

From the International Code Council - Code Commentary:

A-5 *Occupancies are structures classified as outdoor facilities where people assemble to view or participate in recreational activities* ***primarily for the viewing and sports participation areas****. (i.e., stadiums, grandstands, bleachers, coliseums, ext.). The Life safety hazard from panic that might occur in an emergency, however, is a serious concern. Therefore, the capability of large crowds to exit the structure quickly and orderly during emergencies is an important design consideration.*

We trust that this is a satisfactory explanation for why the subject property must meet the A-3 standards of the IBC and why we cannot proceed under the A-5 classification. Accordingly, we cannot exceed 735 square feet on the roof without substantially and significantly affecting the design of the entire building. We therefore respectfully refer the Board to our submission of July 30, 2004, which contained two alternate conceptual configurations for the use of the roof as recreation space, and request the Board's approval to allow us to work with the DCRA Code Officials to get the best utilization of a 735 square foot roof deck.

If the Board has any questions as to the information provided, please do not hesitate to contact us.

Sincerely,

Janet Smith-Haltom, AIA

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