

Law Offices

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Atlanta	Northern Virginia
Boston	Orlando
Bradenton	Providence
Chicago	St. Petersburg
Fort Lauderdale	San Antonio
Jacksonville	San Francisco
Lakeland	Seattle
Los Angeles	Tallahassee
Melbourne	Tampa
Miami	Washington, D.C.
New York	West Palm Beach

International Offices:

Buenos Aires*	São Paulo
Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo

*Representative Offices

November 29, 2001

MARY CAROLYN BROWN
202-862-5990
Internet Address:
mcbrown@hklaw.com

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

THIS PAGE
HAS BEEN
REPLACED ON THE
COPIES
QPB
11/29/01

Re: Z.C. Case No. 01-07C
Errata to Applicants' Supplemental Submission

Dear Members of the Commission:

Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture, applicants in the above-referenced case, respectfully submit the following errata to its supplemental submission dated November 27, 2001. In the second full paragraph on page 10 regarding the classification of the perpetual light and air easement as a court niche or open court, the applicants intended to state that the windows provided on the south elevation of the project are not provided for any required light or air, in accordance with section 705.3.3 of the D.C. Building Code. A new page 10 reflecting this correction is being inserted into the submission.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Carolyn Brown, Esq.

Attachments

cc: K.V. Sun Holdings
ANC 2B

WAS1 #1036599 v1

ZONING COMMISSION
District of Columbia
Case 01-07C
Exhibit 43

ZONING COMMISSION
District of Columbia
CASE NO.01-07
EXHIBIT NO.43

lines and abut adjacent parcels in the commercial districts. The proposed PUD design simply accommodates the easement area. The applicants believe that the open area is a court niche as defined in the regulations, since it is an "indentation, [or] recess... of the exterior wall of a building, not a court, which opens onto a street, yard, alley or court."¹⁸ The description of court niche includes in the alternative a decorative architectural treatment of the wall of a building. While the easement area provided for in the new design is not a decorative architectural treatment, it most certainly is an indentation or recess.

If this area were treated as an open court, its required width would be approximately thirty feet, pursuant to calculations based on the height of the court. Such a width would substantially interfere with the circulation and floor plate area on the 17th Street side of the PUD and would reduce the density to well below the allowable 11.0 FAR.

Accordingly, the applicants request the Commission to conclude that the recess and/or indentation in the building which opens onto the alley meets the definition of a court niche. Alternatively, if the Zoning Commission does not so conclude, the applicants request the Commission to approve the court area as designed. Courts are designed to provide a minimum amount of light and air for the property on which the court is located, and not for adjacent property owners. Here, the applicants do not propose to use the windows on this elevation for any required light and air on its own property, in accordance with section 705.3.3 of the D.C. Building Code. Additionally, the owner of the adjacent Barr Building has agreed to the adequacy of this open area through the perpetual easement, which will continue to provide light and air to the Barr Building in accordance with the recorded covenant. Thus, approval of court as designed would not impair the intent or purpose of the Zoning Regulations, and would not have an adverse effect on adjacent properties.

IV. Projections into Public Airspace

As discussed at length in the applicants' November 9, 2001, submission to the record, the 5.5 foot projection of the PUD into public airspace at the north alley cul-de-sac has a modest *positive* impact on the reflected light into the alley elevation of the Barr Building and no impact whatsoever on its direct light. The Commission has nevertheless requested an analysis of what the applicants will gain relative to the Barr Building as a result of this projection, and whether the projection is essential to the successful functioning of the PUD project. While the applicants continue to believe that the only relevant evaluation standard is

¹⁸ See definition of "court niche" at 11 DCMR § 199.

Accordingly, the applicants request the Commission to conclude that the recess and/or indentation in the building which opens onto the alley meets the definition of a court niche. Alternatively, if the Zoning Commission does not so conclude, the applicants request the Commission to approve the court area as designed. Courts are designed to provide a minimum amount of light and air for the property on which the court is located, and not for adjacent property owners. Here, the applicants do not propose to use the easement area for windows on this elevation for any required light and air on its own property ~~and, accordingly, no windows are provided in this area of the building design, in accordance with section 705.3.3 of the D.C. Building Code.~~ Additionally, the owner of the adjacent Barr Building has agreed to the adequacy of this open area through the perpetual easement, which will continue to provide light and air to the Barr Building in accordance with the recorded covenant. Thus, approval of court as designed would not impair the intent or purpose of the Zoning Regulations, and would not have an adverse effect on adjacent properties.