

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

Appeal of Advisory Neighborhood
Commissions 1C and 1D

Appeal No. 18152

2011-10-17 AM 11:08

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("Appellee" or "DCRA"), by and through undersigned counsel, respectfully submits its pre-hearing statement in opposition to the October 12, 2010 appeal filed by the Appellant, Advisory Neighborhood Commissions 1C and 1D. The appeal alleges that DCRA erred in its decision to issue building permit no. B1001861, which permitted an interior renovation and the construction of an addition at the Mt. Pleasant Library located at 3160 16th St., NW (Square 2595, Lot 830) ("the Property"). The Board must deny this appeal as the work approved by building permit no. B1001861 is in full compliance with the Zoning Regulations.

FACTUAL BACKGROUND

On August 13, 2010, DCRA issued building permit no. B1001861 ("the August 13th permit"), which permitted the construction of the addition as well as an interior renovation of the Property. See Exhibit A. The existing library was built in 1925 and is listed in the District of Columbia Inventory of Historic Sites. See Exhibit B. The existing structure has a gross floor

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18152

EXHIBIT NO. 18

Board of Zoning Adjustment
District of Columbia
CASE NO. 18152
EXHIBIT NO. 18

area (GFA) of 18,012 sq. ft. *See Exhibit C.* The addition will add 6,973 sq. ft. of GFA, thus expanding the GFA of the total development to 24,985 sq. ft.¹ *See id.*

On March 26, 2009, the Zoning Administrator provided an attorney representing the District of Columbia Public Library (DCPL) with a zoning determination letter regarding this project. *See Exhibit E.* The letter permits DCPL to use Lamont Street as the front of the lot for zoning purposes in order to allow for the addition to the west side of the existing structure.

As the letter explains, the proposed the Property has frontage on both 16th and Lamont Street, with the longest frontage on Lamont. The frontage on Lamont Street is 107.7 ft. and the frontage on 16th Street is 92.42 ft. The main entrance to the Property is located at the apex of the intersection of 16th and Lamont Street. *See Exhibit F.* Under the Zoning Regulations, the lot is considered a corner lot.

The Property is located in an R-5-D district. In that district, a 15' foot rear yard is required. *See* 11 DCMR § 404.1. No side yards are required. *See* 11 DCMR §§ 405.5, 405.9. By using Lamont Street as the front of the lot, the area at the south of the Property (abutting Lots 822 and 829) is used to satisfy the 15' rear yard requirement. *See Exhibit F* (showing a 15' foot rear yard).

This appeal was filed on October 12, 2010 (on the 60th day from the issuance of the permit and over 1.5 years from the date of the Zoning Administrator's letter).

¹ The 'description of work' on the August 13th permit indicates that the addition will have 9,000 sq. ft. While this figure was written on the permit application, it is not accurate with respect to the amount of GFA that will be added as a result of this addition. According to the plans, the addition will be 8,459 sq. ft., however, it will only increase the GFA of the library by 6,973 sq. ft. as part of the existing structure will be removed to make way for the addition. *See Exhibit C.* DCRA does not know how the 9,000 sq. ft. figure was calculated. During the permit review process, this was clarified when the Office of the Zoning Administrator requested that DCPL submit additional information concerning the project. DCPL submitted a Zoning Data Summary form reflecting the existing and proposed GFA. This form reflects that the addition will increase the GFA by 6,973 sq. ft. A reviewer with the Office of the Zoning Administrator then reviewed the information on the Zoning Data Summary form and confirmed that it was consistent with the depiction of the project on the plans and plat. Unfortunately, at the time the permit was issued, a clerk in the permit department, when typing the description of work on the permit, took the language off the permit application verbatim, rather than using the clarifying data. The permit application, the information request, and the Zoning Data Summary form are all attached as Exhibit D.

THE APPEAL MUST BE DENIED

I. The Zoning Administrator's designation of the front and rear of the lot complies with the Zoning Regulations

Appellant argues that the Zoning Administrator erred by allowing DCPL to redefine the location of the rear of the Property so as to allow for the addition. In determining the front and rear of the lot, the Zoning Administrator did not act arbitrarily, as Appellant alleges, but rather made his decision in full compliance with the Zoning Regulations.

The Zoning Regulations do not give specific instruction on how to determine which property line is the front or rear of a lot. In its absence, DCRA has looked to the definition of "street frontage" as guidance in determining the front of a lot. "Street frontage" is defined as:

The property line where a lot abuts upon a street. When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.

See 11 DCMR § 199.1.

Traditionally, DCRA has interpreted this to mean 1) that the front of a lot must abut a street, and 2) where a lot abuts more than one street, the owner can select which street will be the front. Once DCRA has ascertained which line is the front of the lot, it can apply the definitions of "rear yard" and "depth of rear yard" in the Zoning Regulations to determine the rear and sides.²

In this case, the Property abuts two streets and DCPL sought to use Lamont Street as the front. Since the Property was built in 1925, before the enactment of the modern Zoning Regulations, it is unclear if the Property was built with one side intended as the front for the

² "Yard, rear" - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title. *See* 11 DCMR § 199.1.

"Yard, rear, depth of" - the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title. *See* 11 DCMR § 199.1.

purposes of the Zoning Regulations. Accordingly, DCPL can choose which street will be the front.

Further, even if we assume that the builder of the library intended the front of the lot to be on 16th Street, the Zoning Regulations do not prohibit DCPL from re-designating the front to Lamont Street. While the regulations are silent on this point, the Zoning Administrator's practice has been to permit property owners to re-designate the front of their lots so long as it does not create a non-conforming condition. *See Exhibit G* (providing examples of this practice). This interpretation is reasonable as it does not permit any construction into a required yard that would not be permitted as a matter of right if the Property was a vacant lot.

II. DCPL does not need a variance from the parking requirement

In its appeal, Appellant argues that DCPL should have obtained a parking variance, but the Appellant's analysis does not consider the specifics of this Property. As the Property is in the District of Columbia Inventory of Historic Sites, it is considered a "historic resource" by the Zoning Regulations. *See* 11 DCMR § 2120.2. As a historic resource, the Zoning Regulations provide that a variance is not necessary as the construction of the addition does not require additional parking. Section 2120.3 states:

A historic resource and any additions thereto are exempt from the requirement of § 2100.4 to provide additional parking as a result of a change of use and from the requirement of § 2100.6 to provide additional parking as a result of an increase of intensity of use, except that parking shall be required for any addition where:

- (a) The gross floor area of the historic resource is being increased by 50% or more, and
- (b) The parking requirement attributable to the increase in gross floor area is at least four (4) spaces.

See 11 DCMR § 2120.3.

Since the addition does not increase the GFA of the Property by 50% or more, no additional parking is required.³

III. Appellant's other objections do not concern the Zoning Regulations and are therefore beyond the Board's jurisdiction

Appellant also raises a number of issues that are beyond the jurisdiction of the Board and are not relevant to this appeal. Specifically, Appellant complains of the length of the proposed disability access ramp, the "elimination of emergency access points", and the lack of "construction safeguards." None of these issues relate to errors in the administration or enforcement of the Zoning Regulations and are therefore beyond the jurisdiction of the Board. See 11 DCMR § 3100.2.

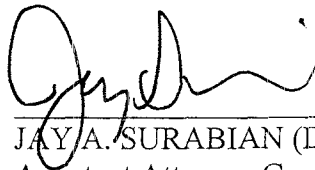
For these reasons, the Board must deny the appeal.

Respectfully Submitted,

IRVIN B. NATHAN
Acting Attorney General

MELINDA M. BOLLING
General Counsel

January 7, 2011



JAY A. SURABIAN (DC Bar # 977657)
Assistant Attorney General
Department Of Consumer And
Regulatory Affairs
Office of the General Counsel
1100 4th Street, SW, 5th Floor
Washington, DC 20024
(202) 442-8403 (office)
(202) 442-9447 (fax)
jay.surabian@dc.gov

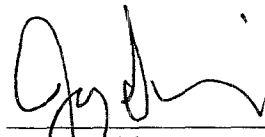
³ The addition will increase the GFA of the structure by approximately 38%, from 18,012 sq. ft. to 24,985 sq. ft. See Exhibit B.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pre-Hearing Statement was served by first class mail and email, this 7th day of January 2011, to the following:

ANC 1C
c/o Chris Otten
2032 Belmont Rd., NW, #332
Washington, DC 20009
Chrisotten2@yahoo.com

ANC 1D
c/o Gregg Edwards
1647 Lamont Street NW, #201
Washington, DC 20010
g@gel.org



Jay Surabian

EXHIBIT A

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 08/13/2010

PERMIT NO. B1001861

Expiration Date: 08/13/2011

Address of Project:

3160 16TH ST NW

Zone:

R-5-D

Ward:

1

Square:

2595

Suffix:

Lot:

0830

Description Of Work:

INTERIOR RENOVATION OF AN EXISTING DC PUBLIC LIBRARY W/A #9000 SQ FT ADDITION TO THE EXISTING STRUCTURE. SCOPE OF
WORK INCLUDES, LANDSCAPE STRUCTUAL, MECHANICAL, PLUMBING , AND ELECTRICAL.

Permission Is Hereby Granted To:

District Of Columbia

Owner Address:

SUITE 307

1350 PENNSYLVANIA AVE NW

PERMIT FEE:

\$104,242.25

Permit Type:

Alteration and Repair

Existing Use:

Library - A-3

Proposed Use:

Library - A-3

Plans:

Agent Name:

Kimée Brown

Agent Address:

2703 12TH ST N.W
WASHINGTON, DC

Existing Dwell
Units:

0

Proposed
Dwell Units:

0

No. of Stories:

3

Floor(s)
Involved:

Conditions/ Restrictions:

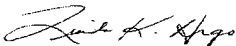
This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.

All Construction Done According To The Current Building Codes And Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

Director:

Linda K. Argo



Permit Clerk

Stacie Williams

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639

FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.

EXHIBIT B

DISTRICT OF COLUMBIA INVENTORY OF HISTORIC SITES

STREET ADDRESS INDEX

UPDATED TO AUGUST 10, 2010

NUMBERED STREETS

Half Street, SW

1360 Syphax School

1st Street, NE

between East Capitol Street and Maryland Avenue Supreme Court

100 block Capitol Hill HD

between Constitution Avenue and C Street, west side Senate Office Building

and M Street, southeast corner Woodward & Lothrop Warehouse

1st Street, NW

320 Federal Home Loan Bank Board

2122 Samuel Gompers House

2400 Fire Alarm Headquarters (pending landmark)

between Bryant Street and Michigan Avenue McMillan Park Reservoir

1st Street, SE

between East Capitol Street and Independence Avenue Library of Congress

between Independence Avenue and C Street, west side House Office Building

300 through 500 blocks Capitol Hill HD

1st Street, SW

734 Friendship Baptist Church

2nd Street, NE

Unit block, west side Supreme Court

1 through 500 block, odd addresses Capitol Hill HD

and Constitution Avenue Sewall-Belmont House

2nd Street, NW

400 United States Tax Court

1830 through 1900 block, even addresses LeDroit Park HD

2035 Gage School

2nd Street, SE

and East Capitol Street Folger Library

Unit block, west side Library of Congress

200 block, even addresses Capitol Hill HD

224 Watterston House

300 through 500 block Capitol Hill HD

1331 DC WASA Pumping Station (pending landmark)

3rd Street, NE

1 through 500 block Capitol Hill HD

1132, 1140, and 1146 Uline Arena

3rd Street, NW

200 through 400 block, even addresses Pennsylvania Avenue NHS

701 Adas Israel Synagogue

704 Harrison Apartment Building

748 Germuiller Row

816 Second Baptist Church

902 Emily Wiley House

1146 through 1200 block Mount Vernon Square HD

1840 through 1900 block LeDroit Park HD

3300-34	Riggs-Tompkins Building
3301-25	Tivoli Theatre
3500 through 3528, even addresses.....	Cavalier Apartment Building
3501	Danzansky Funeral Home
4615	Decatur Street Car Barn (pending landmark)
14th Street, SE	
1 through 219, odd addresses	Capitol Hill HD
2000 through 2200 block	Anacostia HD
and W Street.....	Frederick Douglass Home
14th Street, SW	
and Independence Avenue, southwest corner.....	Auditors Building
between C and D Streets, west side.....	Bureau of Engraving and Printing
15th Street, NE	
Unit block, even addresses	East Capitol Street Car Barn
15th Street, NW	
200 through 500 block	Pennsylvania Avenue NHS
between Constitution and Pennsylvania Avenues	Federal Triangle
and Hamilton Place, southwest corner.....	Sherman Memorial
500 through 800 block	Fifteenth Street HD
between Pennsylvania Avenue and F Street, east side.....	Hotel Washington
between Pennsylvania & New York Aves, west side	Treasury Department
611-13	National Metropolitan Bank
615-27	Riggs Building
and Pennsylvania Avenue.....	Lafayette Square HD
700-18	American Security & Trust
701-19	National Savings & Trust Company
725.....	Hibbs-Folger Building
727.....	Swartzell, Rheem & Hensey Building
740.....	Union Trust Company (First Union Bank)
801-13	Southern Building
900	United Mine Workers of America
1225, 1227, and 1229.....	Fourteenth Street HD
1301	Fourteenth Street HD
1322 through 1336, even addresses.....	Fourteenth Street HD
1400 through 1700 block	Fourteenth Street HD
1401-05	Grace Reformed Church
and Church Street, southwest corner	Saint Luke's Episcopal Church
1530.....	Alma Thomas House
1800 through 2203	Greater U Street HD
between W and Euclid Streets, west side	Meridian Hill Park
2401	Meridian Hall
2437	2437 15th Street
15th Street, SE	
1920 through 2100 block	Anacostia HD
15th Street, SW	
and Independence Avenue, southeast corner.....	Auditors Building
300 block, east side	Bureau of Engraving and Printing
★ 16th Street, NW	
800 through 2100 block	Sixteenth Street HD
800 and 801	Lafayette Square HD
801.....	Saint John's Church
900.....	3 rd Church of Christ Scientist
900.....	Christian Science Monitor Building

923.....	Carlton Hotel
1125.....	Pullman House (Russian Embassy)
at Scott Circle.....	Scott Statue
at Scott Circle.....	Daniel Webster Memorial
at Scott Circle.....	Samuel Hahnemann Memorial
and P Street, southwest corner.....	Carnegie Institution of Washington
1513.....	Robert S. Woodward House
1733.....	Scottish Rite Temple
between W and Euclid Streets, east side	Meridian Hill Park
2400	Meridian Mansions
2440	Park Tower
2460	Old French Embassy
2600	Pink Palace
2633	Warder-Totten House
2700	Embassy of Italy
and Harvard Street, southeast corner	All Souls Unitarian Church
2810	Church of Jesus Christ of Latter Day Saints
and Columbia Road, northeast corner	National Baptist Memorial Church
at Mount Pleasant Street.....	Francis Asbury Memorial
★ 3000 through 3510, even addresses.....	Mount Pleasant HD
3149	Embassy Building No. 10
at Lamont Street	Guglielmo Marconi Memorial
at Park Road	Cardinal Gibbons Memorial
at Park Road (and Pine Street)	Sacred Heart Church
6825 (on Walter Reed grounds)	Army Medical Museum

16th Street, SE

1941 through 2100 block	Anacostia HD
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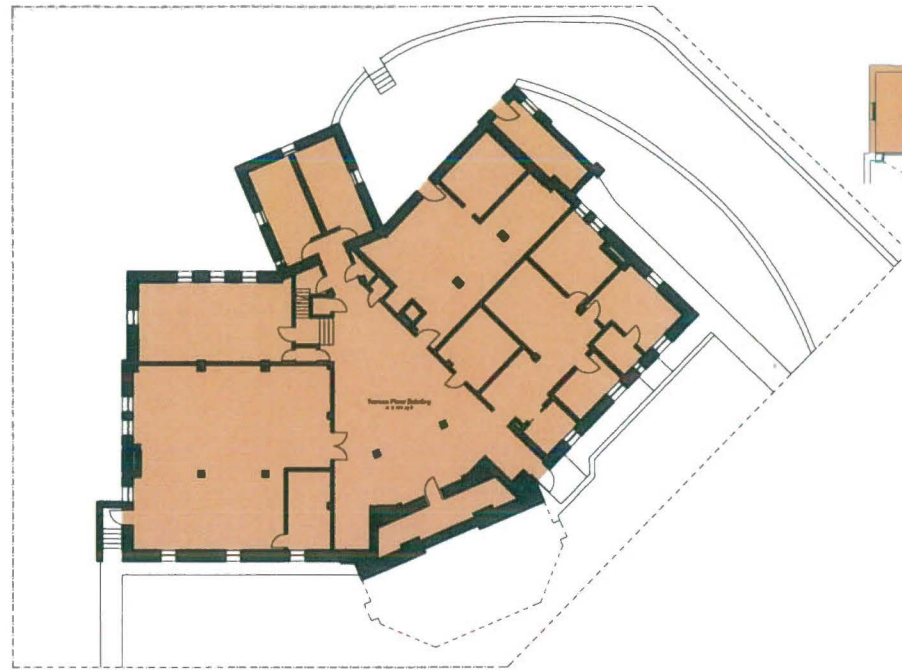
17th Street, NW

and Constitution Avenue	Bulfinch Gatehouses; Lockkeeper's House
between Constitution and New York Avenues.....	17th Street HD
at Constitution Avenue, northwest corner	Pan American Union
between C and D Streets, west side	DAR Memorial Continental Hall
between D and E Streets, west side	American National Red Cross
between E Street and New York Avenue, west side.....	Corcoran Gallery of Art
604	Winder Building
between New York and Pennsylvania Avenues, east side.....	Lafayette Square HD
and Pennsylvania Avenue, southeast corner	State, War, and Navy Building
and Pennsylvania Avenue, northeast corner	Renwick Gallery
and H Street, southwest corner	Metropolitan Club
and I Street, northeast corner	Army and Navy Club
and M Street, northeast corner.....	Charles Sumner School
910.....	Barr Building (pending landmark)
1224 through 1814	Dupont Circle HD
and Massachusetts Avenue.....	Wilkins House; Massachusetts Avenue HD
1822 through 2100 block	Strivers' Section HD
3100 through 3436	Mount Pleasant HD
7753 and 7775.....	Marjorie Webster School (pending landmark)

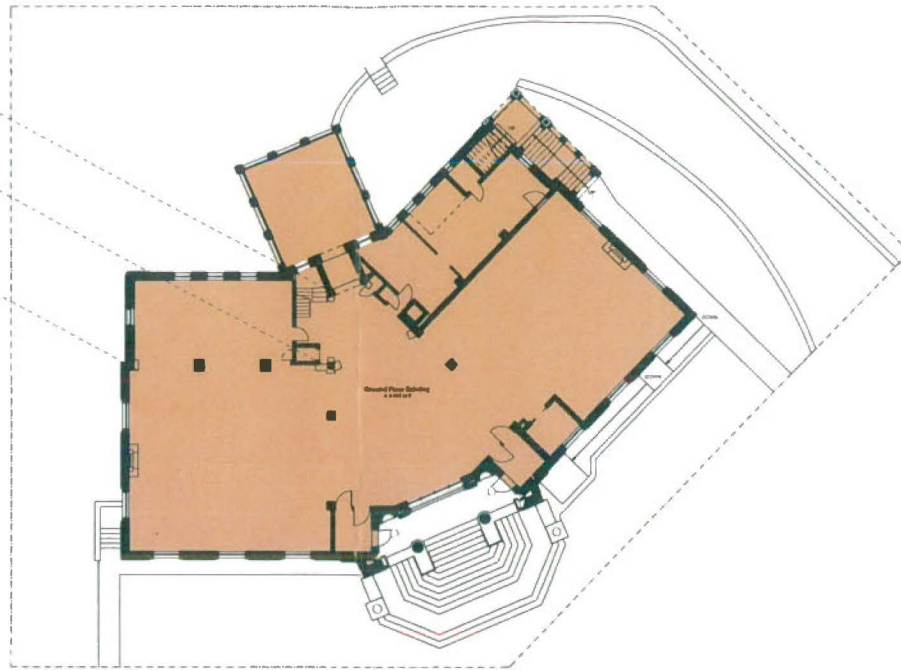
18th Street, NW

at C Street, southwest corner	Van Ness House Stables
between C and E Streets, west side	Department of the Interior
311	DAR, Constitution Hall
between D and E Streets, east side	American National Red Cross
at E Street and New York Avenue, west side.....	Rawlins Statue

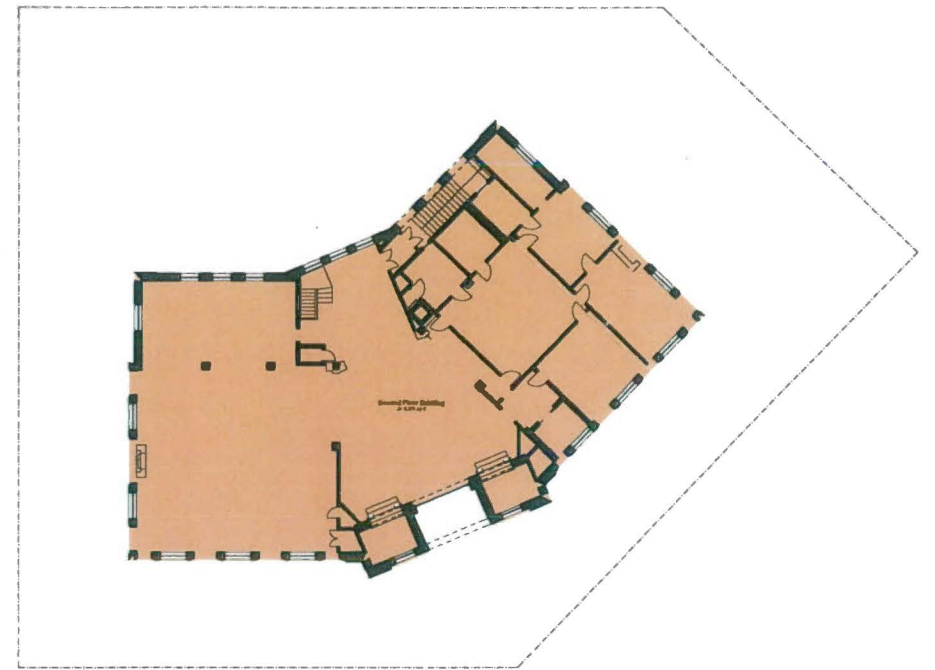
EXHIBIT C



1 EXISTING TERRACE FLOOR
Scale: 1/16" = 1'-0"



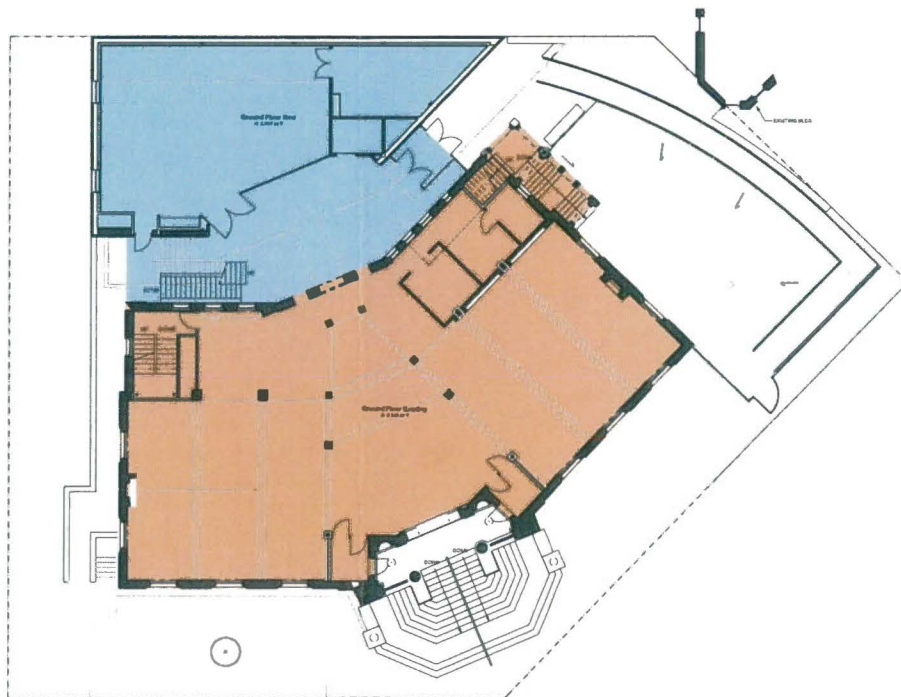
2 EXISTING FIRST FLOOR
Scale: 1/16" = 1'-0"



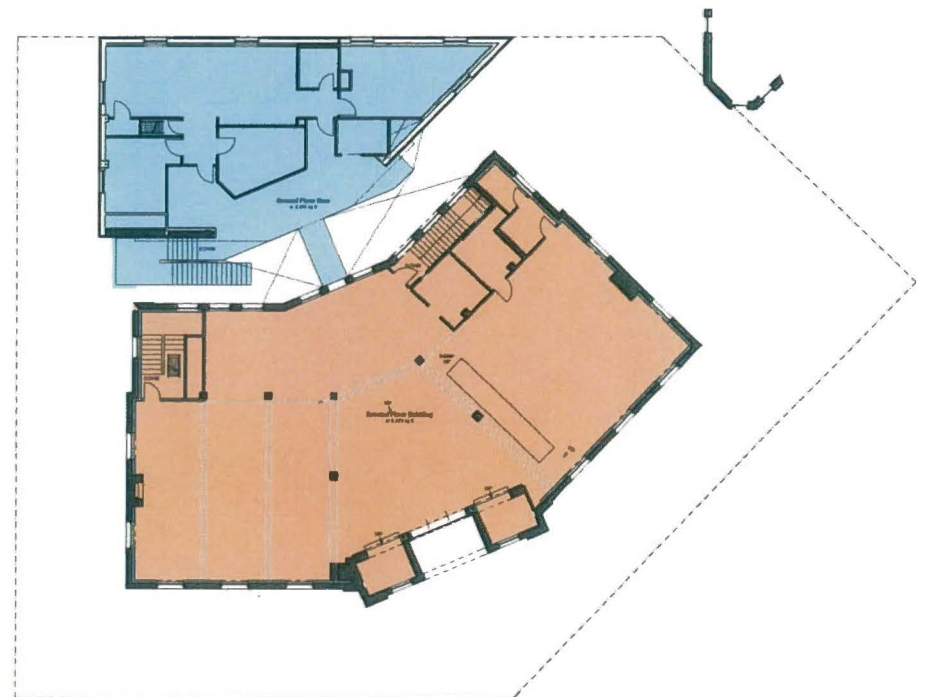
3 EXISTING SECOND FLOOR
Scale: 1/16" = 1'-0"



4 PROPOSED TERRACE FLOOR
Scale: 1/16" = 1'-0"



5 PROPOSED FIRST FLOOR
Scale: 1/16" = 1'-0"



6 PROPOSED SECOND FLOOR
Scale: 1/16" = 1'-0"

EXISTING CONDITIONS:

Terrace Floor:	6,194 sq. ft.
Ground Floor:	5,823 sq. ft.
Mezzanine:	616 sq. ft.
Second Floor:	5,379 sq. ft.
Total:	18,012 sq. ft.

ADDITION:

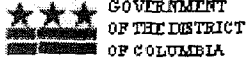
Renovation:	18,012 sq. ft. existing conditions - 616 sq. ft. mezzanine - 870 sq. ft. sunroom
Terrace Floor:	+ 3,081 sq. ft.
Ground Floor:	+ 2,968 sq. ft.
Second Floor:	+ 2,410 sq. ft.
Total:	

16,526 sq. ft.

8,459 sq. ft.
24,985 sq. ft.

EXHIBIT D

GOVERNMENT OF THE DISTRICT OF COLUMBIA



Jeannette Anderson | Zoning Plan Specialist

DCRA/OFFICE OF THE ZONING ADMINISTRATOR

941 North Capitol Street, NE, 2nd Floor | Washington, D.C. 20002

ZONING CORRECTION LIST

<i>Job No.</i>	<i>Property Address</i>	<i>Reviewer</i>	<i>Review Date</i>
B1001861	3160 16 th Street NW	JeannetteB.Anderson@dc.gov (202) 442-4576	02.16.2010
Zone: R-5-D	Mt. Pleasant Library (Interior + Addition)		

1. Provide four (4) hard copies of a current DC Surveyor's Plat showing existing and proposed structure(s), fully dimensioned and labeled to clearly identify the work proposed to include minimum setbacks.
2. Complete the Zoning Data Summary Form (attached for your use).
3. Resubmit your application/drawings back to Tay Garnett, DAP Representative; more corrections may apply.

Office Use Only

Wall Test Required	Computation Sheet	D.C. Surveyor's Plat Scanned
No		Required

ADDITIONAL COMMENTS MAY FOLLOW AFTER THE DATA PROVIDED FOR THESE COMMENTS HAS BEEN ASSESSED. PLEASE NOTE THAT ALL PREVIOUS COMMENTS SHALL REMAIN FULLY VALID AND NO ZONING REVIEW OR APPROVAL IS OFFICIAL UNTIL THE APPLICANT HAS COMPLIED WITH ALL PROVISIONS OF TITLE-11.

Zoning Data Summary

General Instructions: Pursuant to 12 DCMR, § 106.1.11.6, submit this completed form with Building Permit and Certificate of Occupancy applications for:

- proposed new construction of buildings
- additions to existing buildings
- changes in use or occupant load.

Print clearly in ink. Do not write in gray areas. Write N/A (non-applicable) for items that do not apply. If you erase, cross out, white out, or otherwise change any information on this application, the application will be void.

For more information, call the Office of Zoning Administrator at 202-442-4576. If you need more forms, you can download them at dcra.dc.gov (go to Zoning Requirements) or pick them up at the Permit Center, 941 North Capitol St NE.

A. Site Address

Give complete and legal District address. If you need to apply for a new address, complete a New Address Application, before you complete this form. Do not abbreviate street names. Write the correct quadrant (NW, NE, SW, SE), suite or office number. Enter the correct Square, Suffix, and Lot number (SSL) or parcel ID.

Street Number 3160	Street Name 16TH STREET	Quadrant NW	Unit / Suite	Application Date
Square 2595	Suffix	Lot 830	Proposed use PUBLIC LIBRARY	File Job # B1001861

B. Owner & Contact Information

Agent must be an individual -- not a company.

Owner of Building or Property DC PUBLIC LIBRARY	Complete mailing address (include zip) 901 G STREET NW WASHINGTON DC 20001	Phone Number(s) 202-727-4913	Email
Agent for owner, if applicable CHRIS WRIGHT	Complete mailing address (include zip) 901 G STREET NW WASHINGTON DC 20001	Phone Number(s) 202-727-4913	Email chris.wright@dc.gov

C. Zoning District & Special Development Restrictions

Give the correct zoning and overlay zoning district(s). Check with Zoning staff if you are unsure. If your proposed construction was subject to Board of Zoning Adjustments (BZA) or Zoning Commission review, write the order number. Attach copies of BZA order and Office of Zoning stamped plan exhibits (site plan, elevations, floor plans).

District R-5-D	Overlay(s), if any
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Number of Board of Zoning Adjustment (BZA) or Zoning Commission (ZC) Order, if applicable.

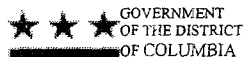
SEE ATTACHED LETTER FROM ZONING ADMINISTRATOR.

D. Zoning Data

For items with asterisks (*) refer to the Definitions Section of the Zoning Regulations, 11 DCMR, § 199.1, available online at dcoz.dc.gov/info/reg.shtm.

Data	Existing	Proposed	Official Use Only (code requirement)
Fill in both columns: numbers must match those on attached applications, plats, and plans.			
Units & Parking Spaces			
Number of dwelling units	0 Units	0 Units	
Number of parking spaces (9' x 19')	0 Units	0 Units	
Setbacks & Building Heights			
Side Yard* Setback (left when you face property)	0' Linear feet	0' Linear feet	
Side Yard* Setback (right when you face property)	0' Linear feet	0' Linear feet	
Rear Yard* Setback	20'-0" Linear feet	15'-0" Linear feet	
Building Height*	3 Stories	3 Stories	
	45'-6" Feet	45'-6" Feet	
Areas			
Lot Area	16,576 Square feet	16,576 Square feet	
Gross Floor Area* (GFA) of entire building (sum of all floors)	18,012 Square feet	24,985 Square feet	
Floor Area Ratio*	1.09 GFA / Lot Area	1.51 GFA / Lot Area	
Building Area* (sum of footprints of all buildings)	6,184 Square feet	8,833 Square feet	
Lot Occupancy* (Bldg Area / Lot Area)	37 %	54 %	
Residential Recreation Space (For multi-family buildings in C-prefixed zoning districts)	0 Square feet	0 Square feet	

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
No:	O.G. No:	R-5-D		B1001861	By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:



BLRA-33
(Rev. 2/04)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Tel 202-442-4589 Fax 202-442-4862

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

10:00p
246

CLEARANCE TO FILE
By _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 3160 16th St NW		Suite No.	2 Lot 830	3 Square 2595	4 Application Date Dec 10, 2009
5 Owner of Building or Property DC Public Library		6 Address (include Zip Code) 901 O Street NW 20001		7 Phone (2) 727-4913	
8 Agent for Owner: (if applicable) Kimmie Brown		9 Address (include Zip Code) 2703 12th St NE		10 Phone 240-328-8357	
11. Type of Proposed Work (check all applicable boxes)					
☐ New Building ☐ Retaining Wall ☐ Garage ☐ Addition ☐ Fence ☐ Sign ☒ Alteration and Repair ☐ Shed ☐ Projection ☐ Raze Building ☐ Awning ☐ Other (Specify) _____					
12. Description of Proposed Work Interior Renovation of an existing DC public library w/ a 9000 sq ft addition to the existing structure. Scope of work includes, landscape, structural, mechanical & plumbing, and electrical					
13 Existing Use(s) of Building or Property Library		14 Ex. No of Stories of Bldg 3	15 Ex No of Dwelling Units 0	Official Use Only Miscellaneous FEE \$	
16 Proposed Use(s) of Building or Property Library		17 Prop No of Stories of Bldg 3	18 Prop. No of Dwelling Units 0	By:	Date:
19 Starting Date ASAP	20 Completion Date of work ASAP	21 Method of Removing Construction Debris ☐ Pick-up Truck ☐ Dumpster ☐ Other (specify)		22 Does the proposed work involve disturbing the earth or razing a building? ☒ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☒ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods Soil Control / Storm Water Mgmt		25. Area of Offsite Drainage 5K sq. ft	26. No of Footings or Columns 10	27 Size of Footings or Columns 6"

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION D)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is retaining wall. (Page 2)
 Complete Section E if the proposed work is fence. (Page 3)
 Complete Section F if the proposed work is garage. (Page 3)
 Complete Section G if the proposed work is paving. (Page 3)
 Complete Section H if the proposed work is sign. (Page 3)

OFFICIAL USE ONLY			
R	P	H	A
B1001861-AA			
E	F	S	
W _____ PLANS _____ ☐ No ☐ Sm ☐ Lg			

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name: Michael Wiercinski		29. D.C. Lic. No.: 8574		30. Architect's Address: (include Zip Code) 1010 W. Sconson Ave NW		31. Phone: 466-6116	
32. Engineer's Name:		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)		35. Phone:	
36. Building Contractor's Name:		36A. D.C. Lic. No.		37. Contractor's Address		38. Phone:	
39. Type of Construction ☐ Masonry ☐ Steel ☐ Wood ☐ Other ☐ Concrete		40. Fire Suppression: ☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other _____		41. Booster Pump ☐ New ☐ Existing ☐ None		42. Total Lot Area sq. ft.	
44. Present Gross Floor Area of Bldg. sq. ft.		45. Proposed Gross Floor Area of Bldg. sq. ft.		46. Floors involved in this permit ☐ All ☐ Floors _____		43. Breakdown of Lot Area (= 100 %)	
						a. building _____ %	
						b. paved area _____ %	
						c. greenery _____ %	
48. Number and type of projection:		49. Distance of projection:		50. Width of projection:		51. Width of building frontage ft.	
						52. Signature of Owner (projection only):	
53. Water or Sewer Excavation? ☐ Yes ☐ No		54. Driveway Construction? ☐ Yes ☐ No		55. Sheeting/Shoring Necessary? ☐ Yes ☐ No		56. Elevators Involved? ☐ Yes, answer q. 57 ☐ No	
						57. No and type of elevator	
						58. Plans Certified by Engineer? ☐ Yes, cert. attached ☐ No	
59. Estimated Cost of Work		OFFICIAL USE ONLY					
(a) New/Add.: \$		Alter/Repair FEE		New Const. FEE		Filing Fee	
(b) Alt/ Repair \$ 7945 mil		\$		\$		\$	
Total \$ 7945 Mil							
60. Volume of New Bldg. or Addition cubic ft.		By:		Date:		By:	

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip Code)		63. Phone:	
64. Insurance Company		65. Policy or Cert. Number		66. Expiration Date	
67. Raze Method					
68. Building Material	69. Raze Entire Building? ☐ Yes ☐ No	70. Building Condemned? ☐ Yes ☐ No	70A. Building Vacant? ☐ Yes ☐ No	71. Public Space Vault? ☐ Yes ☐ No	72. Disconnect Water and/or Sewer? ☐ Yes ☐ No
73. Size of Water Connection in.					
74. Plumber's Name:		75. D.C. Lic. No.	76. Length ft.	77. Width ft.	78. Height ft.
79. Volume ft.		80. Party Wall? ☐ Yes ☐ No			
81. Asbestos in the Building? ☐ No ☐ Yes, location _____		82. Raze Contractor Signature		OFFICIAL USE ONLY	
		83. Owner's Signature		FEE By: Date:	
				\$	

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work \$	85. Material:	86. Height	87. Color	88. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application				
89. Signature of Adjoining Owner:		90. Phone: Home Work		OFFICIAL USE ONLY
91. Address of Adjoining Owner:		92. Lot:	93. Square:	FEE By: Date:
				\$

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician	131. Phone No.	132. License No.
---	--	----------------	------------------

141. C of O No for Bldg.		142. Sign Contractor:		OFFICIAL USE ONLY					
		License No.		Sign FEE		Elect. FEE		Total FEE	
143. Sign Contractor's Address:		144. Phone:		\$		\$		\$	
				By: Date:		By: Date:		By: Date:	

A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Agent [Signature] Address 2703 12th NW Date 12/10/09

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 12/1/04
☐ 2. Information Center by: _____ Date: _____
☐ ☐ (a) ABRA by: _____ Date: _____
☐ (b) Noise Control by: _____ Date: _____
☐ (c) Industrial Safety by: _____ Date: _____
☐ (d) Vector Control by: _____ Date: _____
☐ (e) D.C. Animal by: _____ Date: _____
☐ (f) Police Dept. by: _____ Date: _____
☒ 3. Zoning by: _____ Date: 7/30/04
 Zoning Update by: _____ Date: _____
 Zoning Overlay approval by: _____ Date: _____

☒ 4. DDOF - Permit and Records Division/Deposit # _____
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by [Signature] Date 8-12-10

☒ 5. Water/Sewer Design Branch _____
Consumer Eng. by: C. Taylor Date 8-12-2010

6. Environmental Regulation Administration
- ☐ Environmental Policy Review
Control No. _____
by _____ Date _____
- ☒ Erosion Control by: _____ Date: 2/04/00
- ☐ Storm Water Mgmt. by: _____ Date: _____
Plan No _____

- ☐ Air Quality by: _____ Date _____
☐ Underground Storage by: _____ Date _____
☒ 7. Mechanical Eng. Review by: RM Date 8/4/10
☒ 8. Plumbing Eng. Review by: RM Date 8/4/10
☐ 9. Electrical Eng. Review by: SWWW Date 5-18-10
☐ 10. Health Plan Review
 ☐ (a) Food Plan Review by: _____ Date _____
 ☒ (b) Medical X-Ray Plan Rev. by: _____ Date _____

11. Fire Protection Plan Review by: AB Date 5/12/10

12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date _____
13. Elevator Plan Rev. Sec. by: B Date 5/12/10
14. Plumbing Insp Rev. by: _____ Date _____

15. Construction Insp. Branch (Field Check)
by: _____ Date _____

- ☐ 16. ~~Historic Pres. Div. by:~~ _____ Date _____

- ☒ 17 EISF: _____ Date 1/10/2017
☒ 18 _____ Date 1/10/2017

18. Structural Eng. by: [Signature] Date 4/29/16
19. Permit and Certificate Issuance Counter

- by: [Signature] Date: 1/1/11

- 124 - 0131

- ☐ 20. QC By: _____ Date: 11/9/14

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL
INSTALLATION PERMITS ARE REQUIRED

Pubwz sfare

TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639

E-5-D

ZONING

DDOT - PUBLIC SPACE

C of O Number _____ Date _____

Existing Use(s) MT Pleasant Library

Proposed Use: Alteration

6/1/2013

② Kar-Semio

(3) 9,000 Addition

Job No.	1177-7	BZA Case No.	1	PUR
---------	--------	--------------	---	-----

☐ New Bldg
☐ P.O.D.
☐ File in
room 2124

NO PO Δ

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____'

Parking:

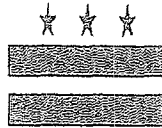
Restrictions:

Hold for Stamp on
Geotech Report

HOLD FOR ZONING APPROV
16/3/10
HOLD FOR DISTRICT
SISTER ARCADE
16/8/10

EXHIBIT E

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



March 26, 2009

Kinley R. Bray
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington DC 20036

Re: Mt. Pleasant Library Rear Yard Determination- 3200 16th Street NW

Dear Ms. Bray:

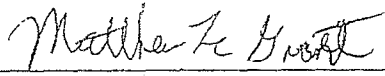
As a follow-up to our meeting on Thursday, March 12, 2009, and in addition to the bullet points below, which constitute a synopsis of our discussion and the information you have provided to me regarding the applicable rear yard setback for the Mt. Pleasant Library at 3200 16th Street N.W. (the "Property"), I am confirming the conclusions reached on the rear yard setback.

You have previously sent me a copy of the 1925 Plot Plan showing the development of the library relative to 16th and Lamont Streets, and a survey indicating the existing conditions on the property as well as the area of proposed addition. With this information, I agree that the front of the lot is along Lamont Street, N.W., and therefore the rear yard is along the shared property boundary between the library (Lot 830) and Lots 822 and 829, as depicted in the attached Grading Plan marked "Option A." This understanding is based on the following:

1. The Property is improved by the Mt. Pleasant Library, which was constructed in 1925 and donated by Andrew Carnegie. The Library is a contributing building in the Mt. Pleasant Historic District.
2. The Property is a corner lot. 11 DCMR § 199.1 defines a corner lot as "a lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees up to and including one hundred thirty-five degrees."

3. Because the Property fronts on two streets, for purposes of the Zoning Regulations, an applicant for a building permit may choose which side of the building is the "front." While the building has used a 16th Street address, the entrance is equally on both 16th and Lamont Streets, so the designation of Lamont as the "front" does not constitute a change in the location of the entrance, merely a minor change in designation.
4. The Property is irregularly shaped and has frontage on both Lamont and 16th Streets, N.W., with the longest frontage on Lamont. The Lamont Street frontage is 107.7 feet compared to 92.42 feet along the 16th Street frontage. Moreover, although the Property abuts the right of way for 16th Street, there is a large area of public space and service roadways between the Property and the paved main section of 16th Street, N.W. separating the building from 16th Street.
5. There are two entrances to the existing building along the Lamont Street frontage: (1) the main entrance, which is situated at the apex of the intersection between the Lamont and 16th Street frontages, and (2) the special stairway which was designed to provide children with their own direct entrance to the second floor Children's Room, and which is located on the side of the building which fronts on Lamont. The stairway to the Children's Room will be enclosed but will remain functional and visible after the new addition is constructed. A new entrance will be created as part of the work, and this new entrance will also be located along the Lamont Street frontage.
6. The proposed rear lot line is opposite the Lamont Street frontage.
7. The Zoning Regulations define "yard, rear" as "a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title." 11 DCMR § 199.1. The proposed rear yard will extend the full width of the lot, consistent with the Zoning Regulations.
8. The proposed rear yard will ensure that adequate light and air are provided to the adjacent apartment house at 3150 16th Street (Lot 822 & 829, Square 2595), which has windows facing the proposed rear yard.

9. Consistent with Section 101.3 of the Zoning Regulations, the proposed rear yard will result in a larger yard and a greater percentage of unoccupied land area on the lot than any other alternative.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment – Grading Plan – Option A

EXHIBIT F

EXHIBIT G

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



January 7, 2010

Allison Prince, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Re: Casey Trees – New Headquarters – 3030 12th Street, NE (“Property”) –
Modification of Street Frontage for Zoning Purposes

Dear Ms. Prince:

The purpose of this letter is to confirm the matters discussed in our meeting on Friday, December 18, 2009, concerning the above-referenced subject.

As we discussed, the Property is a corner lot fronting on 12th and Irving Streets, N.E. The subject building located on the Property has an entrance located at the corner and the door of such structure faces the middle of the intersection, as shown on Exhibit A. The existing building conforms with the Zoning Regulations if either 12th Street or Irving Street is considered as the front for zoning purposes. Therefore, it is unclear which street was used as the zoning front when the building was constructed. As we discussed, you are seeking to use Irving Street as the street frontage for zoning purposes in order to allow for an addition to the west side of the existing building. Such structure would then use the area at the south of the Property to comply with the rear yard requirements.

With respect to street frontage, the Zoning Regulations state: “When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.” The Regulations do not address whether a street frontage can be changed when it has already been established; however, in practice, property owners have been able to switch street frontage during reconfigurations of their properties.

As we discussed during the meeting, two recent examples illustrate how an originally established street frontage can be changed in residential areas. First, the owner of the single family house located at 4848 W Street, a corner lot fronting on both W and 48th Street, subdivided the lot into two lots. Originally, the house had zoning frontage on W Street, but once the lot was subdivided, it no longer had a conforming rear yard if W Street remained the front. By changing the street frontage to 48th Street, the former side yard became a conforming rear yard, and the lot was entirely conforming. This subdivision was approved by the Zoning Administrator at that time.

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4576 Fax: (202) 442-4871

Allison Prince, Esq.
January 7, 2010
Page 2 of 2

The second example, located at 4130 Legation Street, NW and containing a single family dwelling, is similar to the first. The property fronted on both Legation Street and 42nd Street and was large enough to create two conforming lots. The zoning front was Legation Street. The owner subdivided that property to carve a second conforming lot out of the rear yard of the original lot. With the loss of its rear yard, the original lot was no longer conforming with respect to rear yard as long as the street frontage remained on Legation Street. However, by switching the street frontage to 42nd Street, the side yard became a conforming rear yard, and the house remained conforming in all respects. This subdivision was also reviewed and approved by all relevant District agencies.

There are also numerous examples where commercial office building lots have been combined into other lots resulting in a shift of building frontage for zoning purposes. The construction of 1920 L Street/1999 K Street, NW is one of the most recent examples.

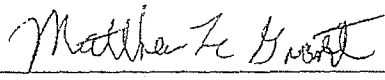
These examples are analogous with the situation proposed for the Property.

Therefore, after reviewing the past applications of the Zoning Regulations regarding street frontages, I have determined that changing street frontages, after the front of a building has already been established, is permitted as long as the change does not create any new nonconforming situation under the Zoning Regulations. In the case of the subject building, it is unclear which street was the original frontage. Thus, the Zoning Regulations permit Irving Street to be used as the zoning front so that a conforming rear yard can be maintained once the proposed addition is constructed.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely, Matthew LeGrant
Matthew LeGrant
Zoning Administrator

9. Consistent with Section 101.3 of the Zoning Regulations, the proposed rear yard will result in a larger yard and a greater percentage of unoccupied land area on the lot than any other alternative.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment – Grading Plan – Option A

Exhibit A



Existing Building
South View from Irving Street and 12th Street

EXHIBIT F

3160 16th Street, NW
Washington, DC 20010



901 G Street, NW
Washington, DC 20001

As a result of the above, the following is proposed:

1010 Wisconsin Avenue, NW
Suite 405
Washington, DC 20007
T 202.462.8118
F 202.462.8235

3 East 28th Street, 8th Floor
New York, NY 10016
T 212.696.0414

Structural Engineer
R&D Designers, Inc.
1001 Connecticut Ave. NW, Suite
320
Washington, DC 20036
T 202.452.1103
F 202.452.1133

MEP Engine

7061 Deepage Drive
Columbia, MO 21046
T 410.381.7100
F 410.381.7110

Civil Engineer

AMT
12750 Twinbrook Parkway
Rockville, MD 20852
T 301.881.2645
F 301.881.0814

Landscape Architect
OCULUS
2410 17th Street, NW, Suite 201
Washington, DC 20008
T 202.588.5454
F 202.588.5449

REV DT ISSUED
12/1/08 DESIGN DEVELOPMENT

1. GEORGE WENT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A U.S. LICENSED PROFESSIONAL ENGINEER, THE LARSEN
UNIVERSITY OF COLORADO

Project No. 08002.00

GRADING PLAN

EXHIBIT G

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



January 7, 2010

Allison Prince, Esq.
Pillsbury Winthrop Shaw Pittman LLP
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Washington, DC 20037

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Phone: (202) 442-4576 Fax: (202) 442-4871

Allison Prince, Esq.
January 7, 2010
Page 2 of 2

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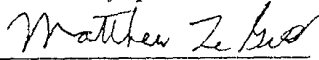
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If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,



Matthew LeGrant
Zoning Administrator

Exhibit A



Existing Building
South View from Irving Street and 12th Street

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., December 8, 2009

Plat for Building Permit of: SQUARE 2595 LOT 830

Scale: 1 inch = 20 feet

Recorded on Microfilm

Receipt No. 05911

Furnished to: JAMES J. GLENN

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: December 11, 2009

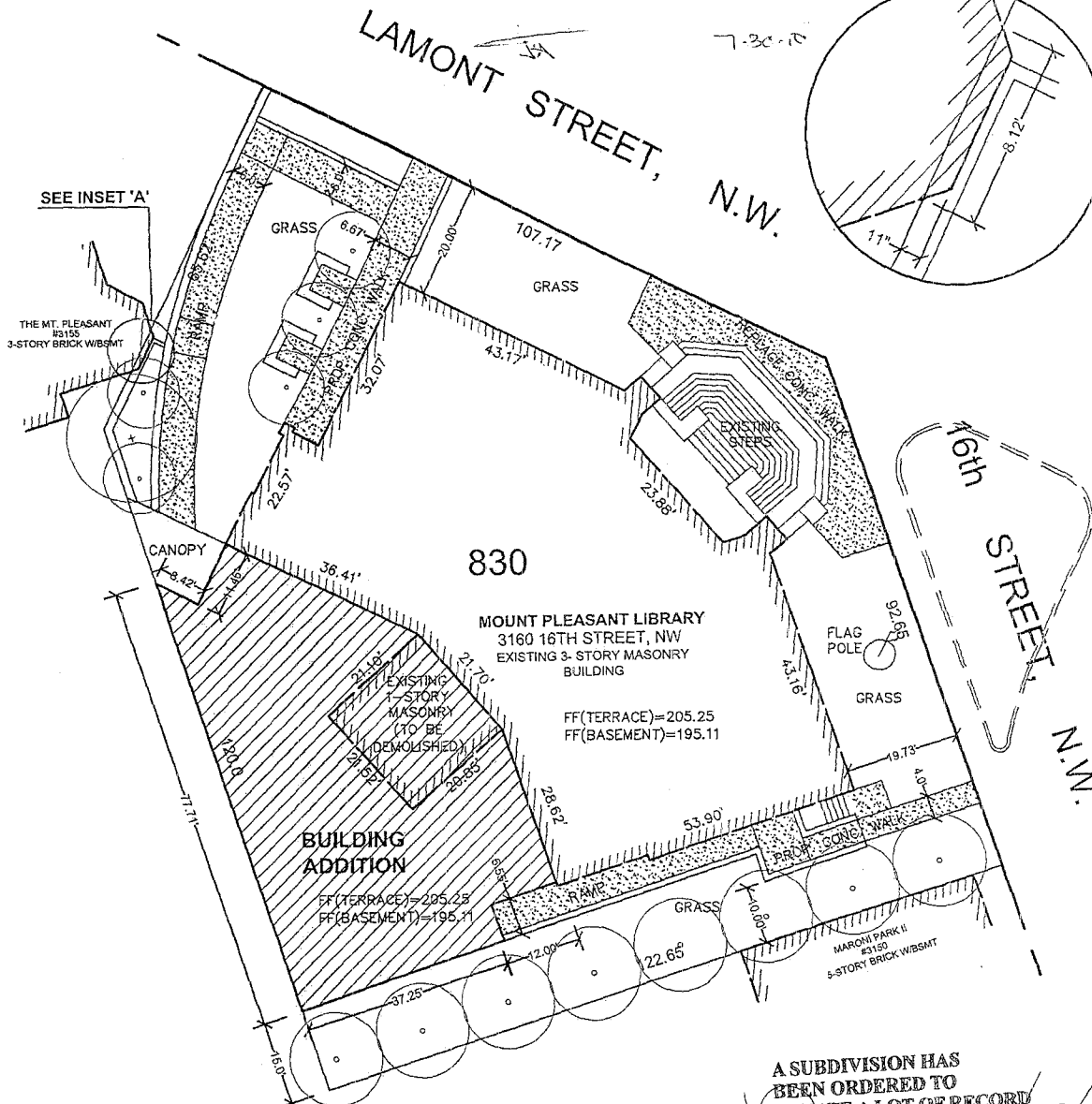
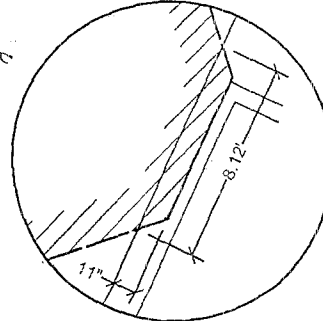
James J. Glenn
(Signature of owner or his authorized agent)

[Signature]
For Surveyor, D.C.

By: A.S. *[Signature]*

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

R.S.D. INSET 'A' (APPARENT ENCROACHMENT)
Scale- 1"=5'



A SUBDIVISION HAS
BEEN ORDERED TO
CREATE A LOT OF RECORD
[Signature]
S.O. Staff Signature Date 7/23/2010