

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

APPEAL OF:

WALTER PARRS, ET AL

**From the Zoning Administrator's
Decision of April 8, 2011 and Issuance
of Building Permit No. B1104635 and
Elevator Permit No. EN1101667
regarding the construction of a
"material lift" structure
at 3307 M Street, N.W., in the C-2-A
District (Square 1205, Lot 79)**

EB
18257
**BZA Appeal No. ~~17335~~
ANC 2E**

Hearing Date: November 1, 2011

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PRE-HEARING STATEMENT IN SUPPORT OF APPEAL

**I.
NATURE OF THE APPEAL**

Appellants Walter Parrs, Dorina Kanopka, and Zdenek Nikodem (hereinafter "Appellants"), through undersigned counsel, submit this pre-hearing statement in support of their appeal of the April 8, 2011, administrative decision of Matthew Le Grant, Zoning Administrator (hereinafter "Zoning Administrator's Decision") (Exhibit A), in which he determined that the elevator or "material lift" structure at the rear of 3307 M Street, NW, complies with all applicable zoning regulations. That decision provided the authority for the issuance of Building Permit No. B1104635 on April 26, 2011 (hereinafter "building permit") (Exhibit B), that authorized the construction of an elevator penthouse in the rear of the property located at 3307 M Street, abutting Appellants' properties and other

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO.

EXHIBIT NO.

18257
22

neighboring properties, and led to the issuance of Elevator Permit No EN1101667 (hereinafter “elevator permit”) (Exhibit C) on May 4, 2011.

As set forth more fully below, Appellants appeal the Zoning Administrator’s Decision and the April 26, 2011, building permit on grounds that the Zoning Administrator erred in determining that the regulations governing roof structures set forth in 11 DCMR 400.7 and 411 applied to the structure at the rear of 3307 M Street, NW (hereinafter “structure”), and then in misconstruing BZA Order 17109 in failing to properly apply the regulations to the structure. In so doing, the Zoning Administrator erred in failing to apply to the structure either the regulations governing the set back of roof structures or the regulations governing the height and rear-yard requirements for accessory buildings in commercial districts. Moreover, the Zoning Administrator failed to consider the accessory structure’s obstruction of light to neighboring properties. If the Board determines that the structure is a roof structure, then issuance of the elevator permit would be in error if the elevator is to be used in conjunction with required loading and delivery spaces. The regulations governing locations for required loading and delivery do not provide for such spaces to be located on a roof.

II. JURISDICTION

The Board of Zoning Adjustment (BZA) has jurisdiction to consider and grant this appeal pursuant to Section 8 of the Zoning Act, approved June 20, 1938 (52 Stat. 797, 799) (“Zoning Act”). That provision authorizes the BZA to hear and decide appeals by any person who is aggrieved by a District official’s decision that is based in whole or in part on a zoning regulation or map. The BZA’s jurisdiction is limited to appeals

brought within the time limitations set forth in 11 DCMR 3112.2. Appellants filed this appeal regarding the application of the zoning regulations referenced above, on June 5, 2011, within 60 days of the Zoning Administrator's April 8, 2011, determination.

Accordingly, the appeal was timely filed and is properly before the Board.

III. FACTUAL BACKGROUND

3307 M Street, N.W. (hereinafter "the property"), is located in the C-2-A District. Attached as Exhibit D is the plat for Square 1205, Lot 79, which shows the building in which CB2 is housed and the location of the mechanical equipment as of March 3, 2011, prior to the issuance of the building and elevator permits at issue in this case. Attached as Exhibit E are relevant sections of CB2's architectural floor plans, elevations, and specifications for the elevator penthouse (hereinafter, "the plans"). The principal structure fronts M Street and is currently occupied by the CB2 store and an adjacent tenant on the first level. Because the property has a steep slope from M Street to its rear property line, the rear part of the CB2 store is underground.

The plans indicate an "Adjacent Tenant" above the CB2 store with a courtyard extending from the rear wall, exposed at this second level of the building, into a proposed building loading area. The loading area extends to the rear property line abutting the rear yards of homes on the 3300 block of Prospect Street to the North and to the side property line abutting the rear yards of homes on the 1200 block of 33rd Street to the East. The structure is located in the northeast corner of the loading area. The plans indicate that the structure is approximately 18 feet high from the top of the concrete pavement. It is set back eight (8) feet from the rear property line that abuts the rear yards of the Prospect Street homes, and extends to the property line of the rear yards of the 33rd Street homes.

The residences are located in the R-3 District. Photographs of the structure in the loading area are attached as Exhibit F.

The Zoning Administrator described the structure in his decision as a “rooftop elevator penthouse” with the roof over the garage below. The plans indicate that the elevator shaft extends from the CB2 stockroom underground through the pavement above and that the shaft is enclosed in a penthouse located on the grounds of the designated loading area.

Construction of the structure began in February 2011, without notice to the abutting neighbors, in connection with a lease to the CB2 store for the space previously occupied by the Staples store. The Appellants’ attempts to seek relief from the Zoning Administrator led to his issuance of the decision that is at issue in this case.

IV. ARGUMENT

A. The Zoning Administrator Erred in Determining that the Structure is a Roof Structure.

The Zoning Administrator in his decision determined that the structure was a “rooftop elevator penthouse.” The rationale that he provided for this conclusion was that “the roof is over the garage that is below.” While the plans seem to indicate that the roof is actually over CB2’s stockroom, the more relevant fact is that the structure is located in what the plans identify as the building’s courtyard and loading area. The penthouse enclosing the elevator shaft sits upon pavement that vehicles drive upon and people walk on. That pavement has no defined “roof edges” as referenced by the Zoning Administrator.

The Zoning Regulations do not define the term *roof*. Accordingly, the meaning given to the term is that set forth in *Miriam Webster’s Unabridged Dictionary*. 11 DCMR

199.2. *Webster's Unabridged Dictionary* defines *roof* as

“the outside cover of a building or structure including the roofing and all the materials and construction necessary to maintain the cover upon its walls or other support”

The BZA has specifically determined, consistent with this definition, that an open yard does not constitute a roof. If there is no roof, then the structure cannot be a “rooftop” elevator penthouse. In BZA Appeal No. 17538 of Advisory Neighborhood Commission 3C and Woodley Park Community Association (2007), the Board ruled that an underground garage was not a building, in part, because it did not have a roof. In that case, the underground garage was located under the front yard of the property. In essence, the Board determined that a yard did not constitute a roof. Similarly in this case, the yard on top of the CB2 storage room is not a roof and the elevator penthouse is not a “rooftop” elevator penthouse.

B. Even if the elevator penthouse is determined to be a rooftop elevator penthouse, the Zoning Administrator erred in his conclusion that pursuant to BZA Order 17109, no setback is required from the “roof edges.”

While the Zoning Administrator determined that 11 DCMR 400.7 and 411 applied to the structure as he determined it to be a rooftop elevator penthouse, he then cited BZA Order 17109 for authority that no setback is required in this case. The Zoning Administrator stated that the BZA found at pages 11 and 12 of the Order that “the 1:1 setback requirement from a roof edge only applies to those roof edges adjacent to public space [no public space is adjacent to the side or eastern as well as the north or rear

property in this case.]" An examination of pages 11 and 12 of that order and the order as a whole show that that finding applies only to the Height Act and not to the Zoning Regulations. The Zoning Administrator is required to apply both the Zoning Regulations and the Height Act to rooftop elevator penthouses.

On page 12 of the Order, the BZA notes that "the Zoning Commission has adopted the view that the Height Act requires set back only from a property line which abuts a street." (Emphasis added.) However, the Board's discussion on pages 11-13 of that order regarding penthouse set back addresses the fact that penthouse set back is governed by both the Zoning Regulations and the Height Act. The Board notes that the setback provisions under 11 DCMR Section 400.7(b) are similar, but not identical to Section 5 of the Height Act, D.C. Official Code Section 6-601.05 (h) (2001) and that the Zoning Regulations may subject roof structures to different requirements from the Height Act provided they are not in conflict with the Height Act:

[t]he Height Act ...requires that [elevator penthouses] "be set back from exterior walls distances equal to their respective heights above the adjacent roof." D.C. Code Section 6-601.05(h).

The Zoning Regulations subject roof structures to conditions not in conflict with the Height Act, including the requirement that an elevator penthouse "be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located." 11 DCMR Section 400.7(b), Section 400.1 and 400.2. This requirement applies to all elevator penthouses, including those that are within matter of right zoning height, regardless of whether the penthouse is "located below, at the same roof level with, or above the top story of any building or structure." 11 DCMR 411.2.

Order at 11.

Both of these provisions require set back of roof top structures only from "exterior walls." Neither the Height Act nor the Zoning Regulations define the term.

However, the Board noted that historically the term “exterior walls” has been interpreted under the Height Act as only requiring set back from a street or alley, and the term “exterior walls” has been interpreted more broadly under the Zoning Regulations to include a wall set back from the property line that abuts a yard or court, as opposed to a street or alley....” Order at 13.

The Board stated that the difference in interpretations may be explained by the difference in the purpose that the Zoning Regulations and the Height Act serve:

“Under the regulations, deviation from the set back provisions is allowed by special exception. Accordingly, the focus of analysis under the regulations is broader- whether the deviation will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property. In contrast the, Height Act is prohibitive, allowing no flexibility or exception, and the focus is on the protection of views from the street or alley.”

Order at 13.

In this case, the Zoning Administrator erred by only applying the Height Act and not applying the Zoning Regulations to the structure. 11 DCMR 770 sets forth the Zoning Regulations for height of buildings or structures in commercial districts. It states in pertinent part:

770.6 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

- (a) It shall meet the requirements of Section 411;
- (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
- (c) -----
- (d) It shall not exceed eighteen feet, six inches (18ft., 6 in.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18ft, 6 in.) height of the housing.

The Zoning Administrator identified the eastern and northern “roof edges” as the eastern and northern or rear property lines. Location of the structure in this case accordingly violates Section 770.6 of the Zoning Regulations because the structure is set back only 8 feet from the rear property line to the north and is not set back at all from the side property line to the east. These sides of the structure are exterior walls because they are set back from property lines that abut required rear yards. The elevator penthouse appears to be approximately 18 feet high. If that is the case it must be set back 18 feet from the property lines of the residences on both sides.

Accordingly, the Zoning Administrator erred in failing to adhere to the finding in BZA Order 1710 that the structure comply with the penthouse set back provisions of the Zoning Regulations, and not just the Height Act, as the structure does not comply with Section 770.6 and Section 411 of the Zoning Regulations.¹

C. If the Board determines that the structure is properly designated a roof top structure, then the Zoning Administrator erred in approving the building and elevator permits if the loading berths and delivery spaces will be used to fulfill CE2’s loading requirements under the Regulations.

The Zoning Regulations do not allow required loading and delivery spaces on a roof. The elevator permit states that the type of elevator is “LIFT (HAUL MATERIAL OUT). The building permit describes the work as “EXTERIOR WORK TO INCLUDE

¹ The Zoning Administrator references Section 400.7, but that provision applies to the heights of buildings and structures in Residence Districts. Section 770 applies to the heights of buildings and structures in Commercial Districts. Section 411 applies to both.

WALL ENCLOSURE TO EXTEND SHAFT, AND CANOPY IN REAR OF BUILDING.” CB2’s plans identify the area next to the new material lift as a loading area. (A002, A211, E102).

Accordingly, the purpose of the structure is to haul store goods up and out to delivery trucks as well as to receive deliveries from trucks and haul them down into the store.

11 DCMR 2203 sets forth the Zoning Regulations governing the location of loading berths, loading platforms and service /delivery spaces. Section 2203.1 provides in relevant part:

Except as provided in this section, all required loading berths and service/delivery loading spaces shall be located as follows:

- (a) Within the building or structure the berths or spaces are designed to serve; or
- (b) On an open area of the lot:

Lot is defined, in relevant part, as “the land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes open spaces required under this title. (Emphasis added.) 11 DCMR 199.1. As set forth above, the definition of roof does not include land. Accordingly, the Zoning Administrator erred in approving permits for this structure if the structure is intended to service a required loading berth or delivery spaces and such spaces may not be located on a roof.

D. The elevator penthouse is an accessory structure and the Zoning Administrator erred in failing to require that the structure comply with the Zoning Regulations applicable to accessory structures.

The elevator penthouse falls squarely within the definition of accessory building as set forth in 11 DCMR 199.1 An accessory building is defined as follows:

Building, accessory - a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.

There can be no dispute that this structure is subordinate to the principal building and that its use is incidental to the main building. It is on the same lot as the main building as shown by the plat. In addition, the structure fits the definition of *building* set forth at 199.1 as follows:

Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

As the photographs attached as Exhibit F show, the structure has a roof supported by columns and walls. It will enclose and be used for hauling “chattel.” (Chattel is defined by *Miriam Webster’s Unabridged Dictionary* as “an item of tangible movable or immovable property except real estate, freehold, and that movable property which is by its nature considered to be essential to such an estate.”)

As an accessory building, the elevator penthouse may not exceed fifteen feet (15 ft.) in height. 11 DCMR 2500.4. It appears from CB2’s plans as well as general observation that the elevator structure exceeds this limit.

Pursuant to 11 DCMR 774.1, a rear yard of 15 feet is required for all buildings in the C-2-A District. The structure does not meet this rear yard requirement.

Finally, 11 DCMR 2500.9 requires that an accessory building not obstruct the light and ventilation required by other regulations. The attached photographs show that

the structure obstructs the light of the residences in its noncompliance with the regulations governing the height and set back of accessory buildings.

**V.
CONCLUSION**

For the reasons set forth above, the Zoning Administrator erred in his April 8, 2011, Decision that the structure required no set back from the property line; that the structure was not limited to 15 feet in height; that no consideration be required regarding the obstruction of the abutting residences' light; and that no determination was made with respect to CB2's compliance with the loading regulations as a result of characterizing the loading area as a roof. Even if the structure is treated as a roof top structure, the Zoning Administrator erred in his interpretation of BZA Order 17109 and failed to apply the set back provisions required by the Zoning Regulations for rooftop elevator penthouses.

Accordingly, the Board should determine that the Zoning Administrator erred in his Decision and that the building and elevator permits should be revoked. Further, Appellants request that the Board seek assurance from the Zoning Administrator that he will bring an enforcement action by a date certain if CB2 fails to remove or otherwise bring the structure into compliance.

Respectfully submitted,

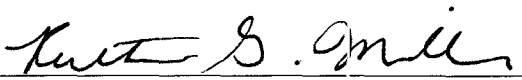


Ruthanne G. Miller, Esq.
Sullivan & Barros, LLP
1990 M Street, N.W., Suite 200
Washington, D.C. 20036
(202) 503-1705

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Statement in Support of Appeal was served this 18th day of October, 2011, by first-class mail, postage prepaid, on the following:

Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th Street SW, Room 3100
Washington, DC 20024



Ruthanne G. Miller, Esq.

From: "LeGrant, Matt (DCRA)"

<matthew.legrant@dc.gov<<mailto:matthew.legrant@dc.gov>>>

Date: April 8, 2011 6:07:29 PM EDT

Subject: RE: Zoning concerns at 3307 M St NW - CB2

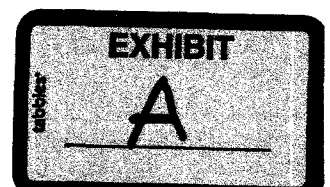
Walter Parrs, Jeff Miller, and Neighboring Residents of 3307 M St NW:

I wanted to update all of you about the elevator or 'material lift' structure at the rear of 3307 M St NW, for the "CB2" store, that I discussed with several of you on March 31, 2011. After a thorough review, I have concluded that the structure complies with all applicable zoning regulations and have approved the pending building permit application B1104635 for the Office of Zoning Administrator.

I found that the structure is an rooftop elevator penthouse [the roof is over the garage that is below], and that the plans illustrate conformance with the applicable provisions of 11 DCMR 400.7 and 411, which govern such rooftop structures. I found that no setback from the roof edge at the eastern property line is required, as per BZA Order 17109, pages 11 and 12, in which the BZA found that the 1:1 setback requirement from a roof edge only applies to those roof edges adjacent to public space [no public space is adjacent to the side or eastern as well as the north or rear property lines in this case]. I also found that the site falls wholly within the underlying C-2-A zoning district [see the basic zoning map, below].

With all other standards satisfied, I conclude that the 'material lift' structure is allowed as a matter of right. Once the application is reviewed by all other DCRA disciplines, and (if approved by all these disciplines) then the building permit will be issued. I will then ask the Building Official to lift the present Stop Work Order, which will allow construction to proceed.

Please let me know if you have any questions. I will be out of the office Monday and Tuesday but I plan to return Wednesday April 13th (barring a Government Shutdown closure) .



Zoning Map for area including 3307 M St NW – shown by the star
[cid:image001.jpg@01CBF617.D2D53560]

Best Regards,

Matthew Le Grant
Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov<<mailto:matt.legrant@dc.gov>>
<<http://dcoz.dc.gov/main.shtm>>

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

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

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

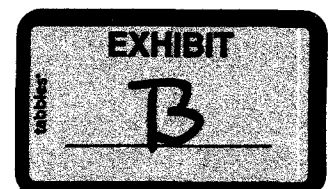
B**BUILDING PERMIT**THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 04/26/2011

PERMIT NO. E1104635

Expiration Date: 04/26/2012

Address of Project: 3307 M ST NW		Zone: C-2-A	Ward: 2	Square: 1205	Suffix:	Lot: 0079
Description Of Work: EXTERIOR WORK TO INCLUDE WALL ENCLOSURE TO EXTEND SHAFT, AND CANOPY IN REAR OF BUILDING						
Permission Is Hereby Granted To: 3307 M Street LLC		Owner Address: EASTBANC INC 3307 M ST NW STE 200		PERMIT FEE: \$499.00		
Permit Type: Addition Alteration Repair		Existing Use: Other (Specify)		Proposed Use: Other (Specify)		Plans:
Agent Name: Jason Bentley	Agent Address: 10505 JUDICIAL DR., SUITE # 200 FAIRFAX, VA 22030-5157		Existing Dwel Units:	Proposed Dwel Units:	No. of Stories:	Floor(s) Involved:
Conditions/ Restrictions: Separate permits and shop drawing approvals required for modification to fire alarm system and installation of new material lift. 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. Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.						
Director: Nicholas A. Majett <i>Nicholas Majett</i>		Permit Clerk Doris Minor				
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.						



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

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

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

ELEV

ELEVATOR PERMIT

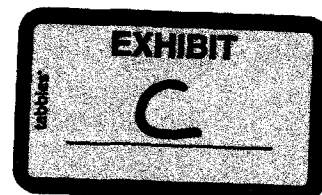
THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL
WORK IS COMPLETED AND APPROVED

Issue Date: 05/09/2011

Print Date: 05/09/2011

PERMIT NO. EN1101667

Address of Project: 3307 M ST NW		Suite No:	Zipcode: 20007	Zone:	Ward: 2	Square: 1205	Suffix:	Lot: 0079
Description Of Work: TYPE OF ELEVATOR : LIFT (HAUL MATERIAL OUT) COST OF OF INSTALLATION \$60,000.00								
Permit Type: Elevator - New		Number of Elevators: 1		Elevator(s) Company: PERFERR ELEVATOR				
Permisson Is Hereby Granted To: 3307 M Street Llc		Owner Address: EASTBANC INC 3307 M ST NW STE 200				PERMIT FEE: \$93.50		
Agent Name: PREFERRED COMPANY INC		Agent Address: 4 NASHUA CT BALTIMORE, MD 21221						
Contractor Name: Preferred Elevator Company Inc / Preferred Elevator Company Inc		Contractor Address: 4 Nashua Ct Baltimore, MD 21221						
Conditions/ Restrictions: This permit expires if no construction is started within 1 year or if the last inspection is over 1 year. All construction done according to the current construction codes and zoning regulations; As a condition preceient 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 th is 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: Nicholas A. Majett		Permit clerk: <i>Jazmin Wright</i> Jazmin Wright			Expiration Date: 05/09/2012			
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								



3307 M St NW
B-1104635E
Elevated Re. House
C-2-4

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., March 3, 2011

Plat for Building Permit of: SQUARE 1205 LOT 79

Scale: 1 inch = 30 feet Recorded in Book: 180 Page 106

Receipt No. 11-02263

Furnished to: JASON BENTLES

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.)

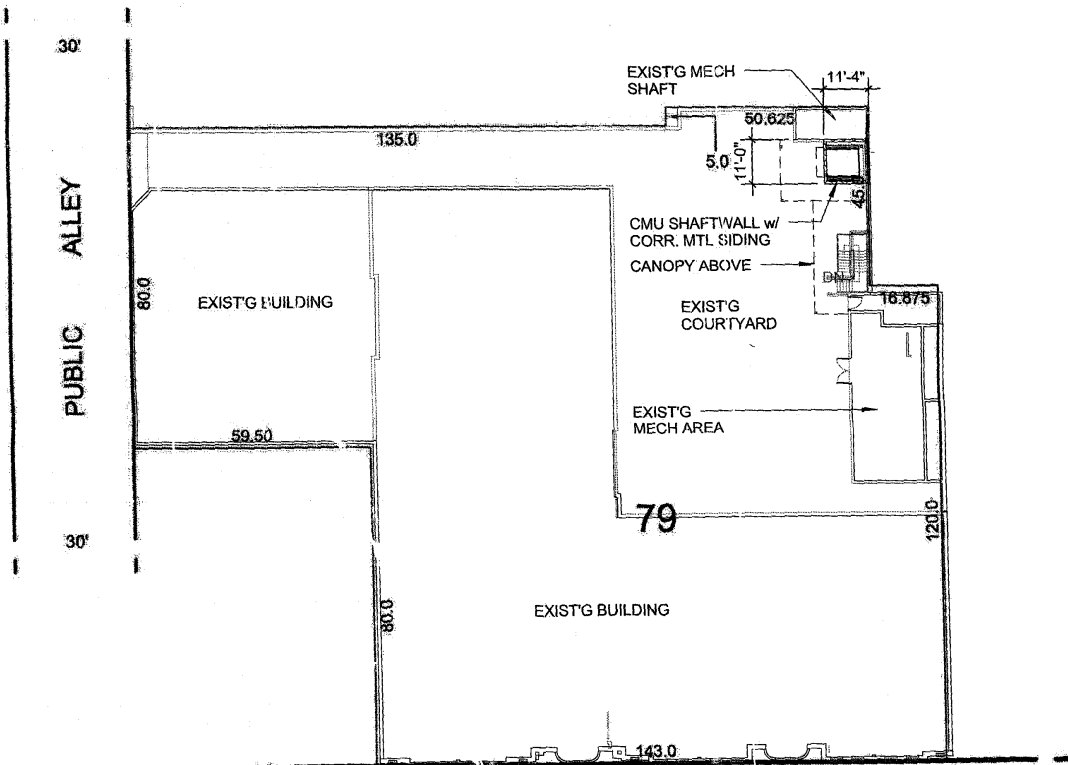
[Signature]
Surveyor, D.C.

By: A.S. *[Signature]*

Date: _____

[Signature] agent
(Signature of owner or his authorized agent)

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.



M STREET, N.W.

DCRA/OFFICE OF THE ZONING
ADMINISTRATOR/COMPLIES
WITH REQUIREMENTS OF
DC ZONING REGULATIONS (11DCMR)

22 4-8-11

CORE & SHELL

NOTE: INTERIOR BUILDOUT SCOPE IS SUBMITTED UNDER SEPARATE SUBMITTAL

A large graphic featuring the letters 'C', 'B', and '2' in a bold, white, sans-serif font. Each letter is centered within a dark, textured circular background. The circles are arranged horizontally, with the 'C' on the left, 'B' in the middle, and '2' on the right. The overall effect is high-contrast and visually striking.

APPROVED
U.S. Commission of Fish and Wildlife
OGIO-265
JAN 28 2001
SUPPLEMENTAL
NOTE: DRAWINGS

NOTE:
SEE SPECIFICATIONS FOR

K Q A

Cathryn Quinn
Architects

doi:10.1371/journal.pone.0141111.g001

[illegible]

C B 2

3307 M STREET, NW
WASHINGTON, DC

SEP 1 1994

COVER SHEET

Scale:	
Drawn By:	KQA
Project Number:	1021



A

EXHIBIT

F

BANK STREET NW

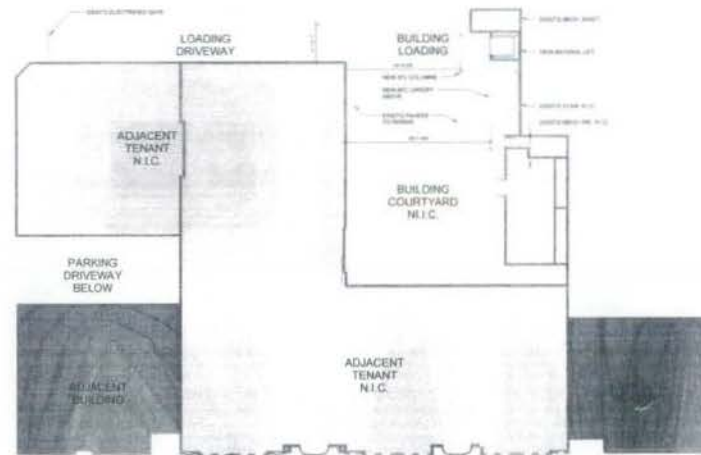


NOTE: REFER TO SUPPLEMENTAL TENANT INTERIOR
PERMIT SUBMITTAL FOR ADDITIONAL
INFORMATION. EXISTING PLAN VERSION IS SHOWN
FOR CLARITY ONLY.

M STREET NW

1 FGA FIRST FLOOR PLAN CODE
SCALE: 1/8" = 1'-0"

BANK STREET NW



M STREET NW

2 FGA SECOND FLOOR PLAN CODE
SCALE: 1/8" = 1'-0"

CODE SUMMARY - WASHINGTON D.C.

PROJECT NAME	3307 M STREET NW
OWNER OR PROJECT	3307 M STREET NW
ARCHITECT	3307 M STREET NW
ENGINEER	3307 M STREET NW
PERMITTING AGENCY	3307 M STREET NW
DATE	3307 M STREET NW
REVISION	3307 M STREET NW

APPLICABLE CODES	3307 M STREET NW
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0619-265
JAN 11 2008
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KQA
ARCHITECTS

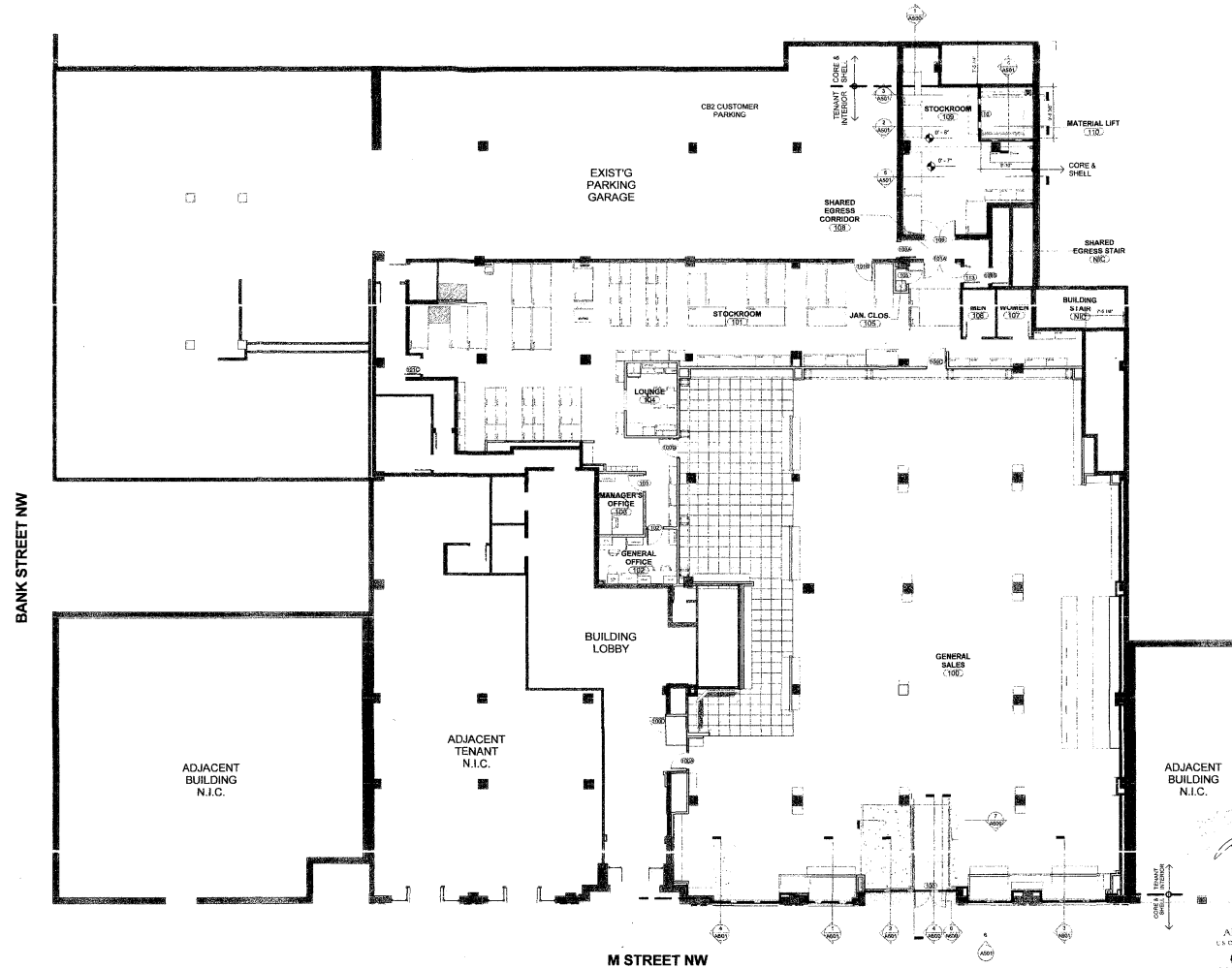
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CB2
3307 M STREET NW
WASHINGTON, DC 20007

OVERALL CODE
FLOOR PLANS -
CODE SUMMARY

1021

A002
CODE & SHELL



1 KQA LEVEL 1 OVERALL PLAN
SCALE: 1/8" = 1'-0"

NOTE:
SEE SPECIFICATIONS FOR
FURTHER INFORMATION

KQA
Katie Quint
Architects
1400 M STREET, NW
WASHINGTON, DC 20005
P: 202.555.1000
F: 202.555.1001
E: KQA@KQA.COM

NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
11.9.10		CORE AND SHELL PERMIT			
12.28.10		TENANT EXTERIOR PERMIT			
13.18.10		INTERIOR CONSTRUCTION PERMIT			
15.01.10		DOOR SUBMITTAL			
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3307 M STREET, NW
WASHINGTON, DC 20007

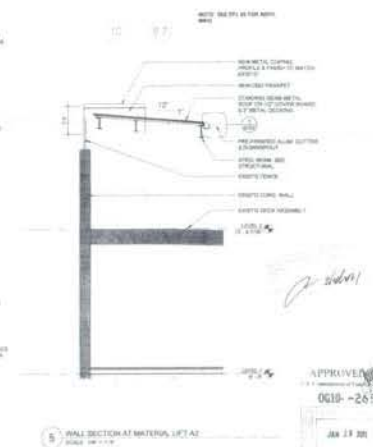
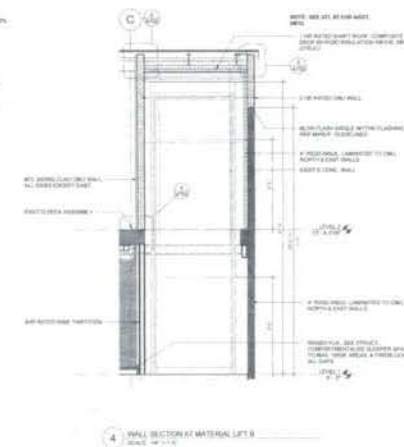
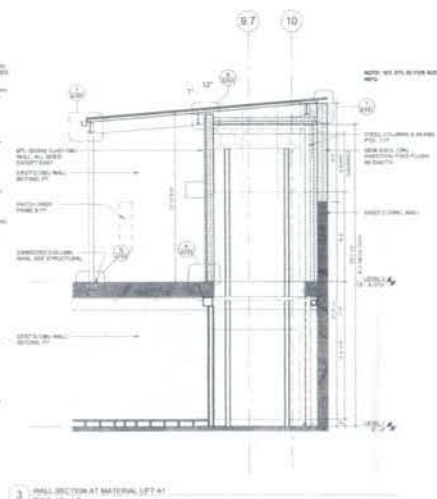
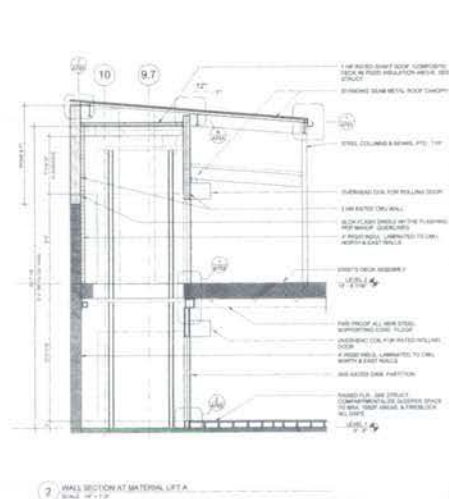
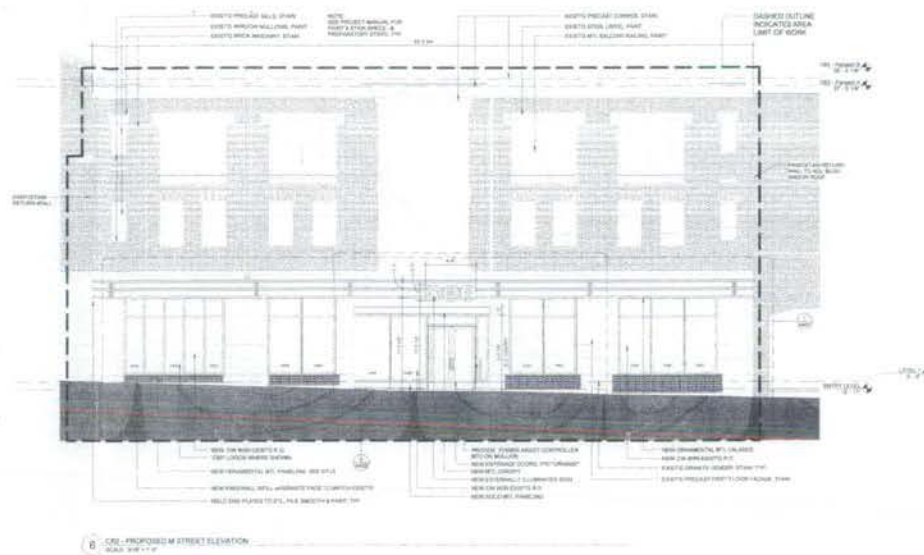
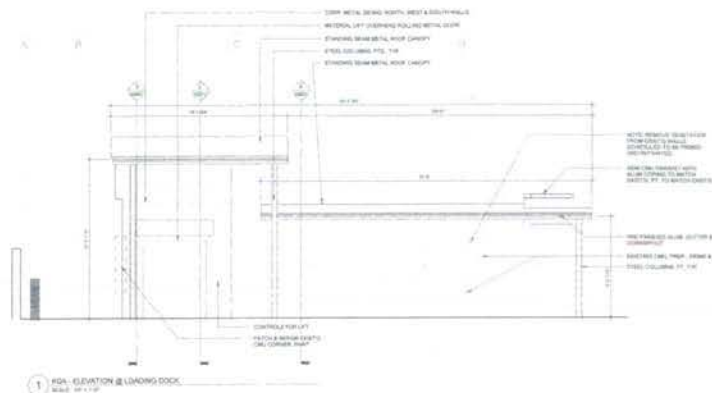
FIRST FLOOR
OVERALL PLAN

Scale:
1/8" = 1'-0"
Drawn by:
KQA
Project Number:
1021



Sheet Number:
A210
CORE & SHELL

APPROVED
U.S. Commissioner of Patents
0610-265
JUN 21 2011
SUPPLEMENTAL



APPROVED
OG18-26

Jan 18 2001

SUPPLIERS

Shady Nungwa

A501

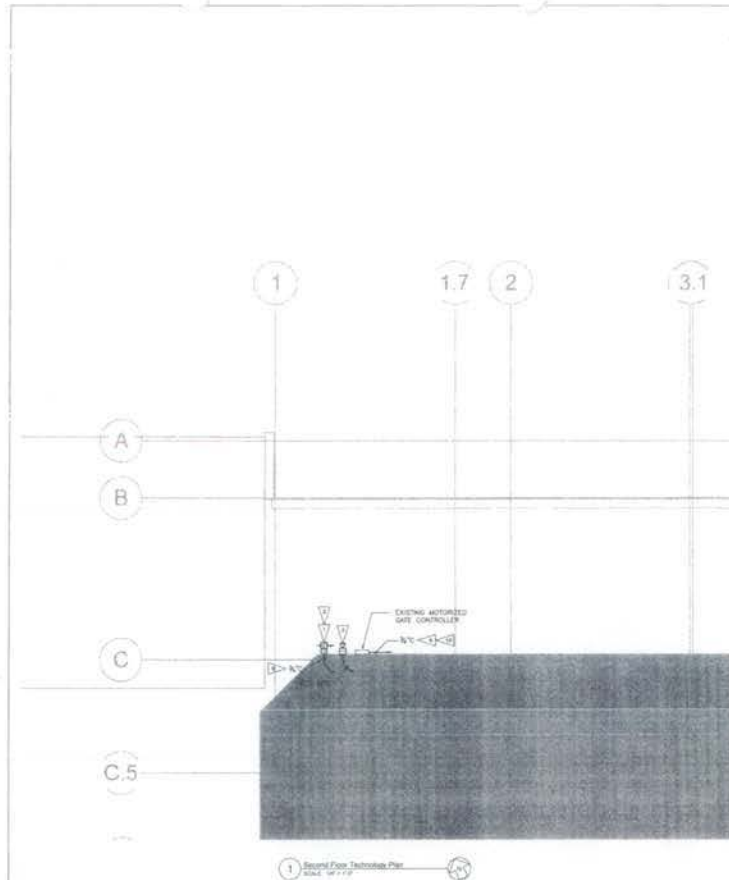
CORE & SHELL

SHEET NOTES

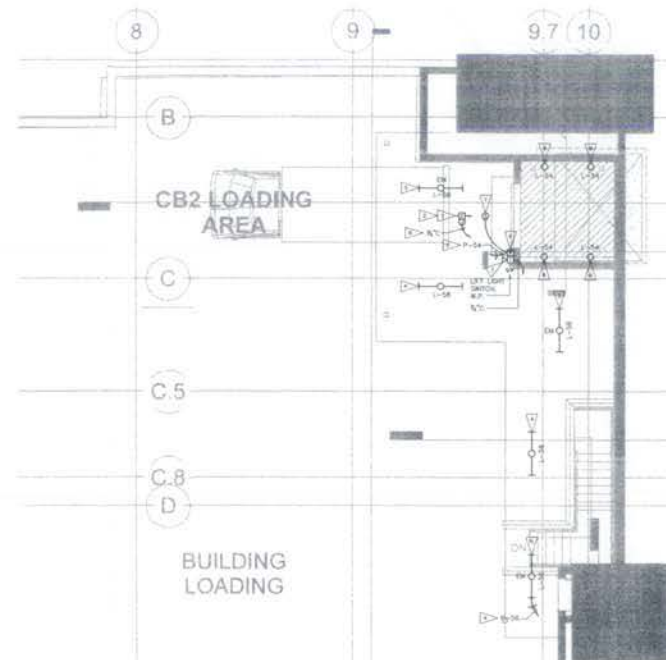
1. EXACT LOCATION AND DIMENSIONS OF ALL LIGHTING FIXTURES SHALL BE AS SHOWN ON ARCHITECTURAL PLANS. REFERENCE ARCHITECTURAL ROOF FOR EXACT LENGTHS AND LOCATIONS OF LAMPPERS (INCLUDING TRUCKS).
2. ALL CONDUITS AND JUNCTION BOXES SHALL BE NOTED, TYPED, IN STRUCTURED AND PARALLEL TO MAJOR STRUCTURAL BEAMS AS MUCH AS POSSIBLE.
3. ALL ELECTRICAL EQUIPMENT SHALL BE LISTED AND UNLESS FOR THE QUALIFIED USE.

FLAG NOTES:

1. EXTENSION MOUNTED CCTV SECURITY CAMERA. PROVIDE SURFACE MOUNT, R.P. OUTLET BOX PRIOR TO ROUGH-IN. COORDINATE WITH CONTINGENCIES. LISTS PREVENTION FOR EXACT MOUNTING LOCATION FOR OUTLET BOX.
2. ROUTE FIBER OPTIC (1518-3) UNARMED FIBER AND (1518/3) CABLE. CABLE WITHIN GROUND BETWEEN CAMERA LOCATION AND TELECOMMUNICATIONS BACKBOARD FOR OWNER PROVIDED SECURITY CAMERA. PROVIDE BY COILED AT CAMERA LOCATION AND 10' COILED ABOVE TELECOMMUNICATIONS BACKBOARD. LABEL BOTH ENDS OF CABLE. COORDINATE ROUTING OF SECURITY CAMERA CONDUIT WITH LANDLORD & GENERAL CONTRACTOR PRIOR TO INSTALLATION.
3. APHONE INTERCOM EQUIPMENT AT DOOR STATION. SURFACE MOUNT INTERCOM AT 4" X 4" X 1/2" IN GROUT. PROVIDE LOOP STATION. USE CABLE ROUTING TO MASTER STATION LOCATED IN GENERAL OFFICE. COORDINATE ROUTING OF WIRING INTERCOM CONDUIT WITH LANDLORD & GENERAL CONTRACTOR PRIOR TO INSTALLATION. COORDINATE WITH CONTINGENCIES FOR EXACT LOCATION OF INTERCOM.
4. CANOPY LIGHTS SHALL BE ULTRABRIGHT. PROVIDE 4' X 4' EXTERIOR FLUORESCENT STRIPS. PROVIDE 120' 1200W. 40' OR LAMP. FUTURE FURNISHED BY CIB FOR INSTALLATION BY ELECTRICAL CONTRACTOR. MOUNT LIGHT FIXTURES TO UNDERSIDE OF CANOPY STRUCTURE. PRIOR TO ANY ROUGH-IN REVIEW MOUNTING LOCATIONS WITH CONTINGENCIES AND LANDLORD. DO NOT PUNCTURE CANOPY ROOF DECK.
5. EMERGENCY CANOPY LIGHTS SAME AS NOTE #4 EXCEPT PROVIDE WITH EMERGENCY BATTERY OPTION (E2). PROVIDE 24-HOUR BATTERY BACKUP TO FUTURE BACK-UP BATTERY SHALL PROVIDE 90 MINUTES MINIMUM BACK-UP POWER TO LAMP.
6. PROVIDE FIRE ALARM AND 120VAC CONNECTION TO FIRE DOOR TO PROVIDE DOOR CLOSURE UPON ACTIVATION OF LOCAL SMOKE DETECTOR. ELECTRICAL SUB-CONTRACTOR SHALL FULLY COORDINATE WITH LIFT INSTALLER FOR INTERCONNECTION REQUIREMENTS TO PROVIDE A FULLY FUNCTIONING SYSTEM.
7. PROVIDE SMOKE DETECTION WITH 120VAC NORMALLY OPEN FIRE ALARM CONTACTS FOR INTERCONNECTED TO FIRE DOOR. PROVIDE ALL TESTED CONTACTS. MONITOR AND/OR MONITORING RELAY FOR FIRE ALARM SUPERVISORY OF CONTROL. WIRING TO FIRE DOOR. PROVIDE INTERCONNECTION WITH TOWER P.A. SYSTEM. COORDINATE BUILDING IF INTERCONNECTION WITH LANDLORD AND GENERAL CONTRACTOR PRIOR TO INSTALLATION. ROUTE CABLE WITHIN 6" OF AS REQUIRED BY ALL.
8. LIFT LIGHTS SHALL BE ULTRABRIGHT. PROVIDE 4' X 4' EXTERIOR FLUORESCENT STRIPS. PROVIDE 120' 1200W. 40' OR LAMP. FUTURE FURNISHED BY CIB FOR INSTALLATION BY ELECTRICAL CONTRACTOR. MOUNT LIGHT FIXTURES TO UNDERSIDE OF CANOPY STRUCTURE. PRIOR TO ANY ROUGH-IN REVIEW MOUNTING LOCATIONS WITH CONTINGENCIES AND LANDLORD. DO NOT PUNCTURE CANOPY ROOF DECK.
9. COORDINATE ROUTING OF CONDUIT TO TOWER INTERCOM WITH LANDLORD AND GENERAL CONTRACTOR PRIOR TO INSTALLATION.
10. PROVIDE CONDUIT FROM CONTROLLER TO OUTLET BOX IN CIB GENERAL OFFICE. SHOWN TO BE MASTER INTERCOM. ELECTRICAL SUB-CONTRACTOR SHALL PROVIDE FIBER OPTIC AT OUTLET BOX WITH INTERCONNECTION BUILDING WIRELESS. PROVIDE REMOTE CONTROL OPERATION OF GATE FROM GENERAL OFFICE. ELECTRICAL SUB-CONTRACTOR SHALL ALSO PROVIDE REMOTE CONTROL TO PROVIDE A COMPLETE AND FUNCTIONING SYSTEM. PROVIDE EMERGENCY COVER BE PUSHBUTTON THAT RECALLS "LOADING AREA GATE OPEN".



1 Second Floor Electrical Plan
DATE: 06/17/18



2 Second Floor Electrical Plan
DATE: 06/17/18

NOTE: SEE SPECIFICATIONS FOR
FURTHER INFORMATION

KQA

Kristin Quinn
ARCHITECTS

90 W. 41ST ST. SUITE 1200 NEW YORK, NY 10018
212.692.8743

NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
11.06.18		CIBS & SHILL POINT			
12.03.18		TOWER INTERCOM POINT			
12.06.18		ADDITION FOR DEMONSTRATION POINT			
12.01.18		CIBS TOWER			
06.17.18		RECORD			

CB2

3307 M STREET, NW
WASHINGTON, DC 20007

Second Floor
Electrical Plans

Scale:
Drawn By: CIB
Project Number:

Scale:
Drawn By: CIB
Project Number:

Sheet Number:
E102
CIBS & SHILL
TOWER INTERCOM

SUPPLEMENT

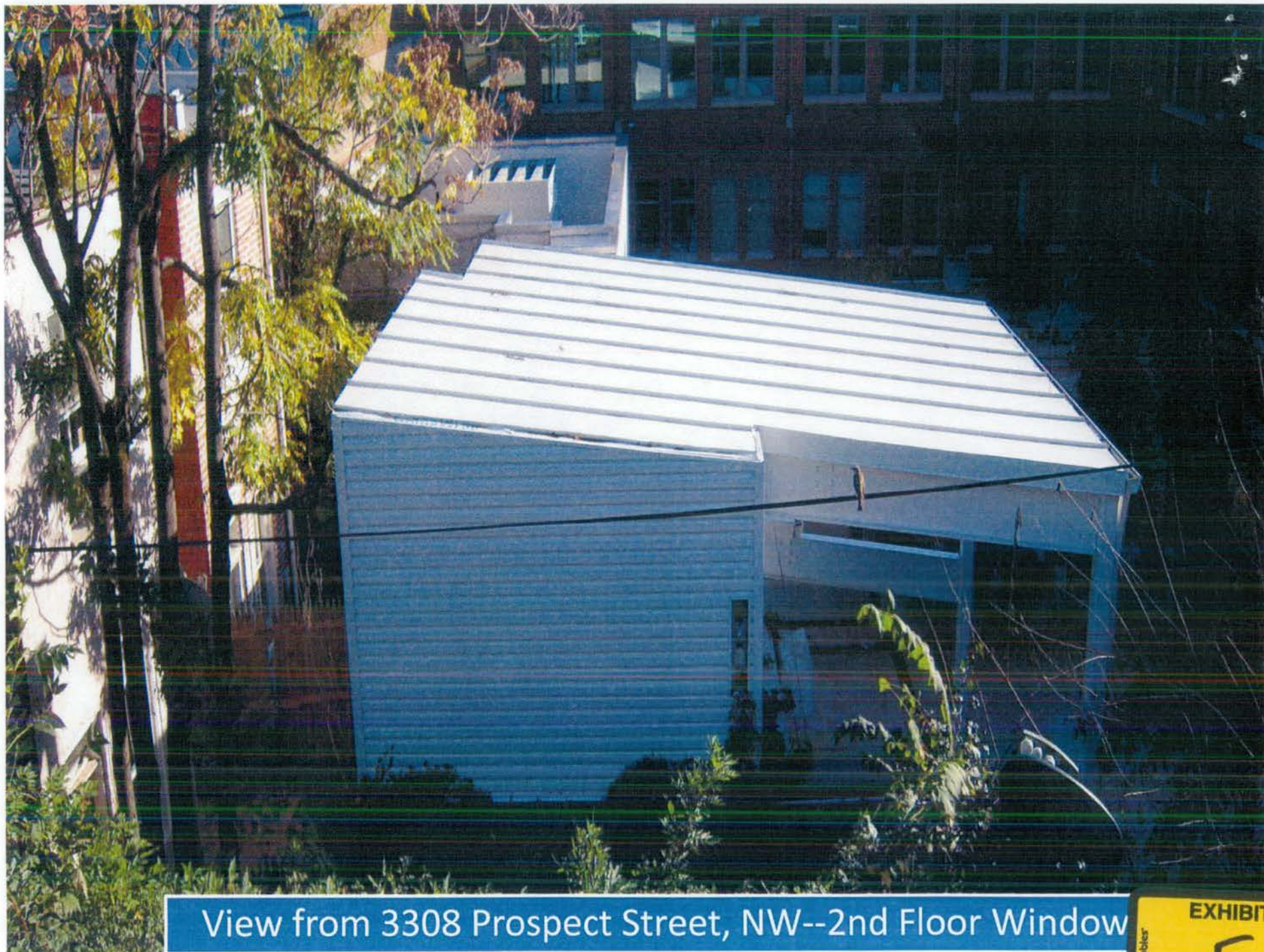
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AS 18.00

SUPPLEMENT

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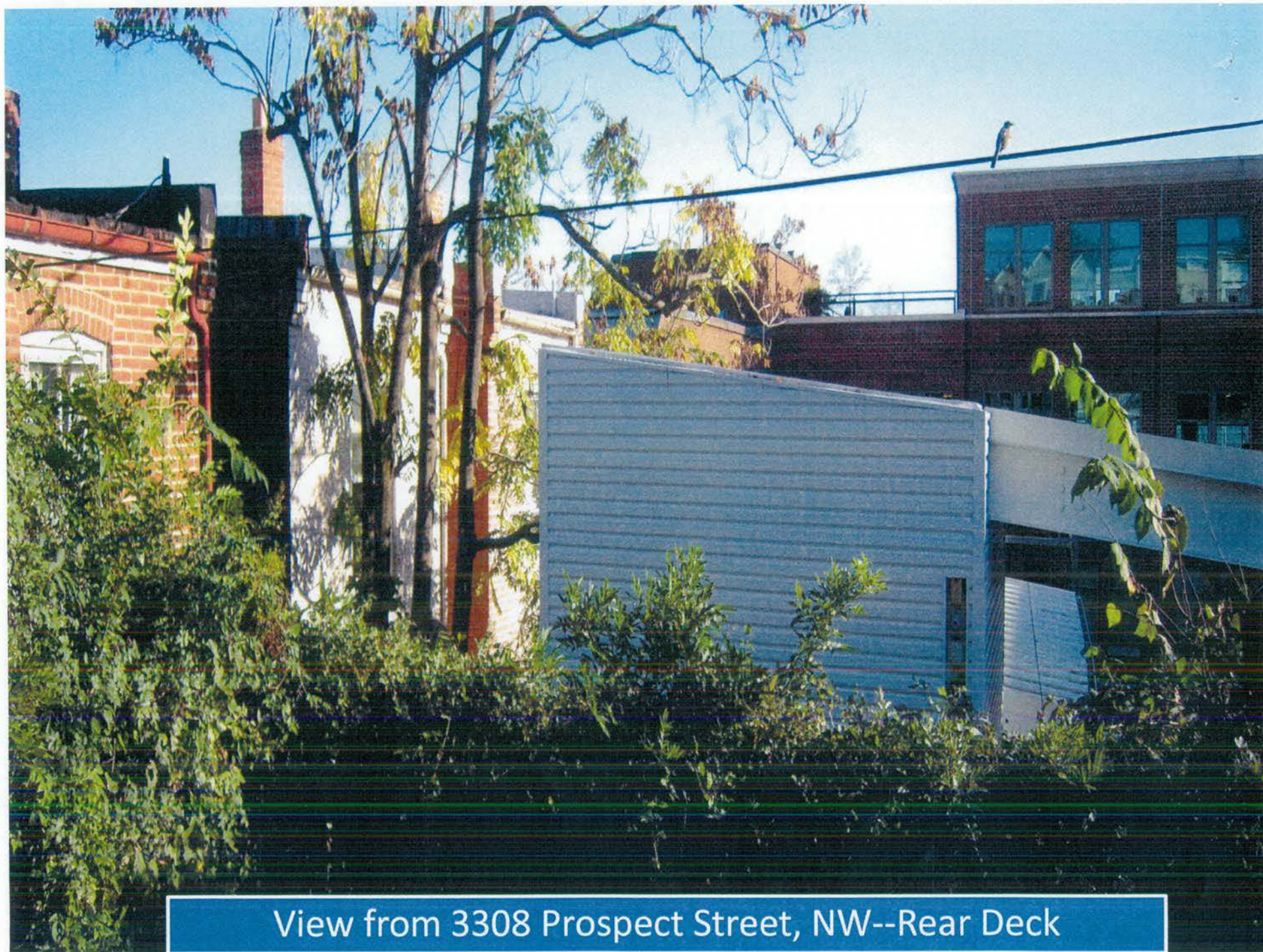


View from 3308 Prospect Street, NW--2nd Floor Window

EXHIBIT

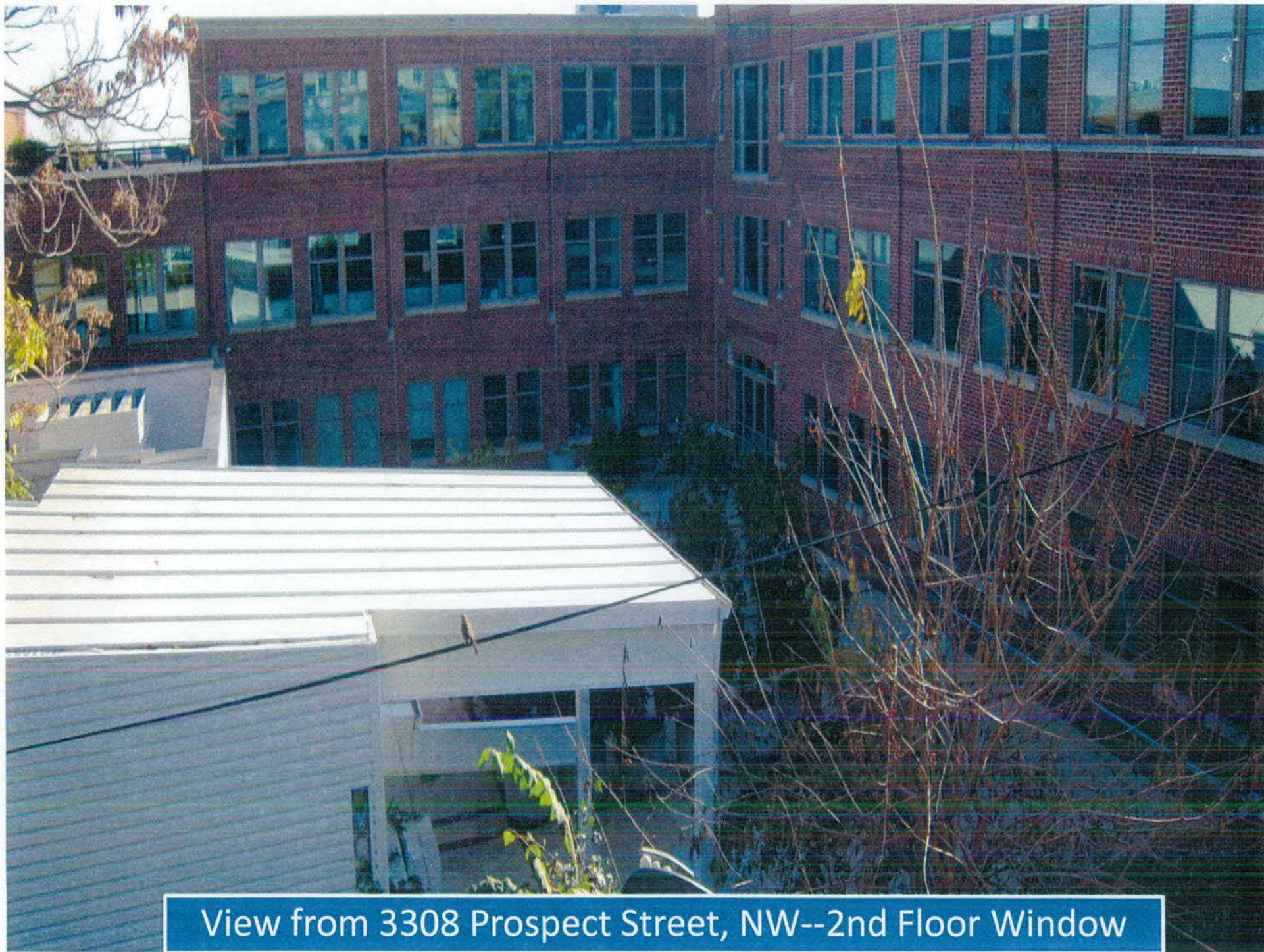
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View from 3308 Prospect Street, NW--Rear Deck

F-3



View from 3308 Prospect Street, NW--2nd Floor Window

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On-Site

