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April 15, 2014

BY HAND DELIVERY

D C Board of Zoning Adjustment
Office of Zoning
441 4th Street, N W., Suite 200-S
Washington, D C 20001

Re **Application No. 18741**
Pre-Hearing Statement of the Applicant, BB& H Joint Venture, on behalf of
Potomac Foods Company – II, Inc., for Continued Use of a Parking Lot Accessory
to an Existing Burger King Restaurant – (Square 1971, Lot 822)

Dear Members of the Board

Enclosed please find the pre-hearing statement of the applicant in the above-referenced BZA Application. The applicant looks forward to presenting its case to the Board at the public hearing on April 29, 2014

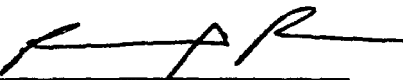
Sincerely,

Troutman Sanders LLP

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18741

EXHIBIT NO. 26

By: 
Richard M. Pollak

Enclosures

cc: Karina L. Sagar, Troutman Sanders LLP
Nicola Harrison, Troutman Sanders LLP
ANC 3F (office), 4401-A Connecticut Avenue, NW, Box 244, Washington, D C , 20008-2322 – by first class mail
Office of Planning, 1100 4th Street, SW, Suite E650, Washington, D C 20024 – by first class mail
Brian Timmons, Potomac Foods Company – II, Inc., 7611-N Rickenbacker Drive, Gaithersburg, Maryland 20879 – by hand

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

**Application of BB& H Joint Venture
on behalf of Potomac Foods Company – II, Inc.**

**Application No. 18741
Public Hearing: April 29, 2014
ANC 3F
Date: April 15, 2014**

STATEMENT OF THE APPLICANT

I. Nature of Relief Sought

The subject site is located in Square 1971, Lot 822, at premises known as the rear of 4422 Connecticut Avenue, N W. (the “Property”) BB&H Joint Venture is the owner of the Property Potomac Foods Company – II, Inc leases the Property and operates the surface parking lot located on the Property Applicant requests a special exception under Section 214 of the Zoning Regulations to permit the continued use of the Property for accessory parking provided certain conditions are met By Order No 17875 dated August 12, 2009, the Board of Zoning Adjustment (the “Board”) approved the continued use of the site as a parking lot for a period of three (3) years, subject to certain conditions The Applicant requests a renewal of this special exception for a period of five (5) years, unless there is no objection to an indefinite approval.

II. Jurisdiction of the Board

The Board has jurisdiction pursuant to § 3104.1 to grant the requested special exception relief

III. Background

The Applicant requests a special exception to continue the use of the Property as accessory parking for the Burger King restaurant located at 4422 Connecticut Avenue, N.W (the “Restaurant”) The Property has been in continuous operation as accessory parking for the Restaurant with minimal impact on the neighborhood since 1982. The lot has been well-

maintained since that time. The Board approved the use as an accessory parking lot in 1994 for a period of five (5) years by Order No. 16000. The Board renewed the use in 2000 for four (4) years by Order No. 16541. The Board renewed the use in 2004 for a period of four (4) years by Order No. 17200. The Board renewed the use in 2009 for a period of three (3) years by Order No. 17875 (the "2009 Order"). A copy of the 2009 Order is attached as **Exhibit A**.

IV. Description of Property and Proposed Use

The Property is located in the Van Ness neighborhood in the R-1-B Zone District. The surrounding area includes a Day's Inn, a Montessori school, and several low-scale retail establishments such as a car wash and a dry cleaning establishment, as well as several single-family homes located behind the Property.

The Property is situated behind the Restaurant and is separated from the Restaurant by a public alley. The Property contains approximately 9,100 square feet of land area. As shown in **Exhibit B**, the Property provides seventeen parking spaces and requires one-way traffic circulation. A wooded area, landscaped with grass, bushes and several mature trees, substantially buffers the parking lot use from the residential uses from the rear. The residential uses are further buffered by wooden fences. Photographs of the western border of the Property are attached as **Exhibit C**.

The Applicant first became aware of any concerns regarding the maintenance of the Property at the Advisory Neighborhood Commission (the "ANC") meeting on March 18, 2014. In response to those concerns, the Applicant has already doubled the number of trash cans on the Property (as shown in **Exhibit D**), and agreed to take numerous additional measures to address the concerns of the ANC, such as (1) installing a bike rack, (2) repainting the parking spaces and directional arrows on the Property, (3) allocating a parking space for persons with disabilities, (4)

adding additional trees and bushes, and (5) repairing potholes and uneven surfaces on the Property

V. Compliance with the Requirements of § 3104.1 and § 214 of the Zoning Regulations

In order to meet the burden of proof for a special exception under § 3104.1, an applicant must demonstrate that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of the neighboring property, subject to the special conditions specified for the particular case. Here, the requested special exception, if granted, complies with § 3104.1 and meets the special condition provisions of 11 DCMR § 214.

A. Section 3104.1

The special exception, if granted, will not detrimentally affect the public good or substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map. The Property has been used as a parking lot for over thirty-two years—since 1982—with minimal impact on neighboring properties, traffic in the area, and the zone plan. Further, the Property is well-maintained and adequately buffered from adjacent residential uses. The fences and trees located on the western border of the Property provide a significant buffer for the neighboring residential properties. See photographs attached as **Exhibit**

C.

B. Section 214

The proposed use should be approved because it meets the requirements of § 214.

1. Section 214.2 The parking lot is an open area, no portion of which extends above the level of the adjacent finished grade.

- 2 Section 214.3 The parking spaces are located in their entirety within 200 feet of the area to which they are accessory.
- 3 Section 214.4. The parking spaces are separated from the Restaurant by only an alley.
4. Section 214.5· The parking lot satisfies the requirements of Chapter 23 of the Zoning Regulations. The parking lot's surface is paved with materials that form an all-weather, impervious surface, and it is designed so that parked vehicles do not project over any building or lot line. The surface of the parking lot has been maintained. There are no other uses and no structures on the Property except for a recycling dumpster and a garbage dumpster that are located on the eastern edge of the Property bordering the public alley, which are separated from the parking spaces by a strip of sidewalk and curb. There are no vehicular entrances within forty feet (40 ft) of a street intersection. The lighting is directed entirely on the surface of the Property. All parts of the lot are cleaned regularly. Landscaping on the property line is well-maintained in a healthy, growing condition. Although the parking lot does not provide a forty-two inch high wall along the western border of the Property, which abuts the residential properties, the Property remains adequately buffered from adjacent residential uses by wooden fences, the garage wall, and landscaping such as trees and bushes. The Applicant has provided this same explanation in a pre-hearing supplement dated January 16, 2009, which special exception application was approved by the 2009 Order. See photographs attached as **Exhibit C**.
- 5 Section 214.6· The Restaurant's main parking lot provides only eight parking spaces. Due to space constraints, it is impossible to locate additional accessory parking spaces on the Property.

- 6 Section 214.7 There will be no adverse traffic, noise, or other objectionable impacts resulting from the location of accessory parking spaces on the subject site. The Property has been used as accessory parking for the Restaurant for thirty-two years and has been operated with minimal impact on neighboring properties. The parking lot decreases the likelihood of objectionable traffic because it allows customers of the Restaurant to park their cars in the parking lot rather than on the neighboring residential streets.

VI. Community Input

The ANC submitted an ANC Report dated March 23, 2014 (the “ANC Report”), which noted certain conditions on the Property that the ANC would like to be changed or maintained. The ANC Report addressed issues regarding certain Conditions set forth in the 2009 Order, and the Applicant’s responses are as follows

- 1 Condition 1. The Applicant is seeking to comply with the Zoning regulations by filing the instant Application
- 2 Condition 2. The dumpsters are located on the eastern edge of the Property bordering the public alley, which is separated from the parking spaces by a strip of sidewalk and curb. There is no other feasible location for the dumpsters to be located because the waste management vehicles require a wide berth to pull up directly to the dumpsters to empty them. See photographs attached as **Exhibit E**
- 3 Condition 3. The ANC did not cite any issues with Condition 3 of the 2009 Order. The Applicant is not aware of any delivery, vendor, or trash trucks using the accessory parking lot, and there is no need for any delivery, vendor, or trash trucks to enter the parking lot. Waste management vehicles empty the dumpster from the public alley and have limited contact with the eastern edge of the Property while doing so

- 4 Condition 4 The Applicant has installed a second trash can. The trash cans are emptied more than once per day See photographs attached as **Exhibit D**.
- 5 Condition 5 The ANC did not cite any issues with Condition 5 of the 2009 Order The lot is free of refuse and debris, the trees are pruned at least once per year, and as the photographs demonstrate, the landscaping is well-maintained.
- 6 Condition 6 The ANC also did not cite any issues with Condition 6 of the 2009 Order The lot is free of rodents, and an exterminator regularly performs extermination services on the perimeter of the Restaurant and inside the Restaurant As explained in Section II of the Applicant's post-hearing supplement dated February 13, 2009, the Applicant built a twelve (12) inch dirt berm and planted twenty-five (25) holly shrubs to provide underground reinforcement. Exterminators warned that planting additional ground cover could become a haven for rats and that sod was a preferable ground cover
- 7 Condition 7 A letter was sent to the ANC 3F on January 15, 2009 notifying the ANC 3F and all ANC 3F residents that Brian Timmons is the appointed neighborhood and ANC liaison The letter also provided Mr Timmons' phone number and e-mail address
8. Condition 8. The Applicant is providing and distributing an Annual Report detailing compliance as of April 15, 2014
9. Conditions 9 and 10 The Applicant will repaint the parking space lines and the entrance and exit directional arrows on the surface of the Property.

In the ANC Report, the ANC also requested additional conditions to any Order issued by the Board if the Board grants the special exception, and the Applicant's responses are as follows

- 1 Additional Condition 1: The ANC requested and the Applicant has agreed to install a permanent bike rack in the parking lot.

2. Additional Condition 2 Replacing the current surface with a pervious surface is a very costly project. In addition, it would adversely affect the operations of Burger King and impact the local residents as the parking lot would be unavailable to customers for a significant period of time. There would also be additional noise to the adjacent residential neighborhood during the construction period. In addition, installing pervious surfaces is not required by the zoning regulations. Section 2303 1(a) of the zoning regulations, which requires all-weather surface for parking lots, allows for traditional impervious surfaces. To help minimize runoff, the Applicant has agreed to increase shrubbery along the western border of the Property. If the Board finds pervious paving necessary notwithstanding the significant economic burden it places on the Applicant, the Applicant proposes that it be given until the year 2020 to satisfy this condition.
3. Additional Condition 3 The ANC requested and the Applicant has agreed to increase shrubbery to minimize runoff.
4. Additional Condition 4 There are currently fourteen (14) car sharing locations within less than a mile from the Property. In addition, the lot is small and usually at capacity. Therefore, the Applicant does not find it necessary to provide car sharing parking spaces in the Property. The addition of a car sharing location would create additional congestion on local streets.
5. Additional Condition 5 This condition is the same as the existing Condition 5 of the 2009 Order. As mentioned above, the parking lot is and has been free of refuse or debris and the landscape is well-maintained.

- 6 Additional Condition 6 This condition is required by Section 214 5 and as addressed above in Section V B 4, the parking lot's surface is designed so that no vehicles project over any building or lot line
- 7 Additional Condition 7. This condition is required by Section 214 5 and as addressed above in Section V B.4, the lighting is directed entirely on the surface of the Property
- 8 Additional Condition 8: The ANC requested and the Applicant has agreed to maintain the surface of the Property and repair potholes and bumps
9. Additional Condition 9 The ANC requested and the Applicant has agreed to designate one parking space as a van accessible parking space with a minimum 96" wide access aisle

VII. Witness

The Applicant will present its Application to the Board by counsel. Mark James and Clara Willis, both employees of Potomac Foods Group—II, Inc , will appear to provide witness testimony

VIII. Supporting Exhibits

- Exhibit A:** The 2009 Order (BZA Order No. 17875)
- Exhibit B:** Photographs of the Property
- Exhibit C:** Photographs of the western border of the Property
- Exhibit D:** Photographs of the trash cans
- Exhibit E:** Photographs of the eastern border of the Property

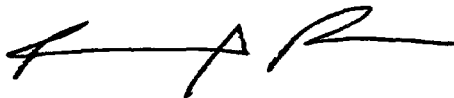
IX. Proposed Condition

1. The Application will be approved for a period of **FIVE (5)** years unless there is no objection to an **indefinite** approval

X. Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board approve the Application

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Pollak', with a stylized, flowing script.

Richard M Pollak

EXHIBIT A

THE 2009 ORDER (BOARD OF ZONING ADJUSTMENT ORDER NO. 17875)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17875 of BB & H Joint Venture, on behalf of Potomac Foods Company, pursuant to 11 DCMR 3104.1, for a special exception to permit the continued use of an accessory parking lot serving a Burger King restaurant under section 214 of the Zoning Regulations, in the R-1-B District at premises Rear 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822)

HEARING DATE: February 3, 2009
DECISION DATE: March 3, 2009

SUMMARY ORDER

Self-Certification

The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2. The request did not include relief from § 2116.1, which requires that all parking, whether required or not, be located on the lot of the building they serve. These spaces serve a Burger King restaurant located on a different lot. The Board is authorized to grant relief from that provision as a special exception pursuant to § 2216.5, and appears to have implicitly done so in the past as to these accessory spaces.

Notice of Application and Notice of Hearing

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application.

ANC Report

The ANC submitted a report in support of the continued use of the property as an accessory parking lot¹ (Exhibit 34). The ANC report contained proposed conditions for the special exception use, some of which differed from conditions that were proposed by the Applicant and the Office of Planning (OP). The ANC proposed that the special exception term be limited to two years, while the Applicant sought a ten year term.

¹ Although the ANC report was untimely filed, the Board waived its rules to accept the report into the record.

BZA APPLICATION NO. 17875
PAGE NO. 2

OP Report

OP also submitted a report in support of the continued use of the property as an accessory parking lot (Exhibit 25). The OP originally proposed that the special exception term be set for ten years, but during testimony at the public hearing, OP recommended a five year term. OP also pointed out that the Applicant had failed to comply with several of the conditions in the previous BZA order.

The ANC Issues and Concerns

The Board is required under Section 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Code § 1-309 10(d)(3)(A), to give "great weight" to the issues and concerns raised by the affected ANC. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances, and make specific findings and conclusions with respect to each of the ANC's issues and concerns. As stated, the ANC did not oppose the application, but it did oppose the Applicant's request for a ten year term, citing a history of non-compliance with prior Board orders and problems with noise and rodents at the site. The ANC maintained that nearby residential properties were affected by truck noise and rodent infestation at the site, and that both of these conditions stemmed from the trash dumpsters at the accessory parking lot. Because the Board finds the ANC's concerns to be legitimate, it is adopting a three year term instead of the ten year term requested by the Applicant, and is also requiring that the dumpsters be removed from the accessory lot.²

The OP Recommendations

The Board is also required under D.C. Official Code §6-623.04 (2001) to give "great weight" to OP recommendations. While OP recommended continuing most of the conditions imposed in previous orders, it advised that the Board should approve the application for a term of five years. OP provided a cogent rationale with respect to several of the proposed conditions. However, as discussed previously, the Board was not persuaded it should incorporate all of the proposed conditions, or that the term should be for more than three years.

Approval for Continued Use as Accessory Parking Lot

As directed by section 3119.2 of the Zoning Regulations, the Board has required the Applicant to satisfy the burden of proving the general conditions for a special exception under section 3104.1, and the specific conditions for an accessory parking lot under section 214. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

² The dumpsters serve the Burger King lot, not the accessory parking lot, and the Board finds they have no place on a residentially zoned lot. The Board also finds that locating the dumpsters on the accessory parking lot runs afoul of section 2303.1(c), which prohibits all "structure[s]" on a parking lot, with the exception of an attendant shelter.

BZA APPLICATION NO. 17875

PAGE NO. 3

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof pursuant to sections 3104 1 and 214. The Board considered the conditions proposed by the Applicant, the ANC and the OP, and also considered the Applicant's history of non-compliance with conditions of prior Board orders, and the adverse impacts on neighboring property owners which resulted from the dumpsters. In conclusion, the Board found that the requested relief could be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concluded that, subject to the conditions set forth below, the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to section 3101.6 of the Regulations, the Board has determined to waive the requirement of section 3125 3, the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The application shall be approved for a period of **THREE (3) YEARS**
2. The dumpsters shall be removed from the accessory parking lot
3. At no time shall delivery, vendor, or trash trucks be permitted to enter the accessory parking lot
4. Two trash cans shall be maintained on the parking lot and emptied at least once per day, or more often if they are overflowing with trash.
5. The parking surface and fence along the western boundary of the site shall be maintained in good condition at all times. All parts of the lot shall be kept free of refuse and debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance, and the trees located on the property shall be pruned at least once per year.
6. An exterminator shall perform extermination services twice a month to control any rodents. In addition, the portion of the fence owned by the Applicant and located on the property shall be reinforced underground to help prevent any rodents from entering the neighbors' properties.
7. The Applicant shall appoint a neighborhood and ANC liaison. The Applicant shall notify the ANC and all residences within 200 feet of the property of the name, telephone number, and e-mail address of the appointed liaison. When that individual is no longer designated to act as the liaison, the Applicant shall use the same procedure to notify the neighborhood of his or her successor.
8. The Applicant shall provide to the ANC and the residences within 200 feet an annual report summarizing its compliance with the conditions.

BZA APPLICATION NO. 17875
PAGE NO. 4

- 9 Existing wheel stops, signage, guardrail, parking space striping, and direction signage painted on the pavement shall be properly maintained
10. The Applicant shall, as necessary, repaint and maintain the entrance and exit directional arrows on the surface of the parking lot.

VOTE: **5-0-0** (Ruthanne G Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman and Gregory N Jeffries to APPROVE)

Vote taken on March 3, 2009

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved the issuance of this Decision and order

ATTESTED BY:


RICHARD S. NERO, JR.

Acting Director, Office of Zoning

FINAL DATE OF ORDER: **AUG 12 2009**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF

BZA APPLICATION NO. 17875

PAGE NO. 5

ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., 9 (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

SG

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17875

As Director of the Office of Zoning, I hereby certify and attest that on AUG 12 2009, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

Laura N. Begun, Esq
Troutman Sanders, LLP
1600 International Drive
Suite 600, Tysons Corner
McLean, Virginia 22102

Single Member District Commissioner 3F01
Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W., #244
Washington, D.C. 20008

Albert R. Hinton
President
BB&H Joint Venture
7611 Rickenbacker Drive
Gaithersburg, Maryland 20879

Mary Cheh, Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W., Suite 108
Washington, D C 20004

Chairperson
Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N W., #244
Washington, D.C. 20008

Bennett Rushkoff, Esquire
Acting General Counsel
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D C 20002

ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

EXHIBIT B
PHOTOGRAPHS OF THE PROPERTY



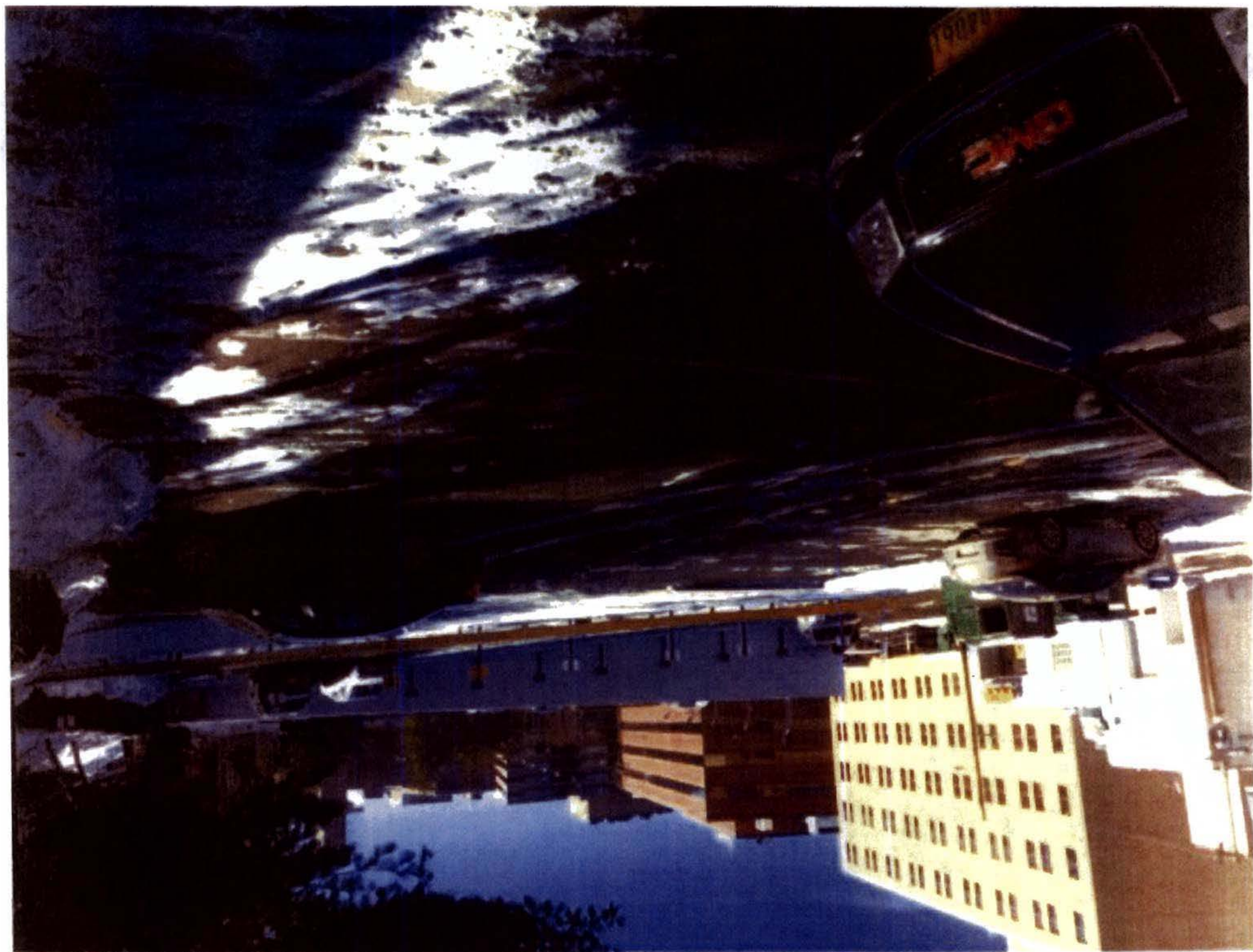




EXHIBIT C

PHOTOGRAPHS OF THE WESTERN BORDER OF THE PROPERTY







EXHIBIT D
PHOTOGRAPHS OF TRASH CANS



PUBLIC
OF
BOARD OF ZONING ADJUSTMENT
HEARING

APPLICATION NO.

18741

OF

BB+H Joint Venture

THE BOARD OF ZONING ADJUSTMENT OF THE
DISTRICT OF COLUMBIA WILL HOLD A PUBLIC
HEARING IN SUITE 220-S, ONE JUDICIARY
SQUARE, 441 4th STREET, N.W. ON 04/29/14
AT 9:30 a.m. TO CONSIDER A PROPOSAL FOR

Notification of BB+H Joint Venture, submitted to the Board of Zoning Adjustment, for a special exception to
change the zoning of the property to the B-1B District, as per the Board of Zoning Adjustment's decision on 04/29/14.

THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA
1100 17th STREET, N.W. SUITE 220-S
WASHINGTON, DC 20036
(202) 691-1100

THIS SIGN SHALL NOT BE REMOVED, DEGRADED, OR DESTROYED UNDER PENALTY OF THE LAW.

EXHIBIT E

PHOTOGRAPHS OF EASTERN BORDER OF THE PROPERTY

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