Testimony of ANC 3G and Nebraska Ave. Neighborhood Association
Summary of References

Rec'd. 8.3.01

1. Noncompliant 8th Floor Penthouse

Code provisions

11 DCMR § 400.7: "If housing for mechanical equipment, 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 § 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; and
(c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot six inch (18 ft. 6 in.) height of the building."

11 DCMR § 411.3: "All penthouses and mechanical equipment shall be placed in one (1) enclosure . . . ."

11 DCMR § 411.10: "Before taking final action on a roof structure plan, the Zoning Administrator shall have submitted the plan to the Director of the Office of Planning for review and report. . . ."

Exhibits

NANA Volume I, page A-14 – Main roof plan

NANA Volume II, page 9 – Longitudinal building section

NANA Volume I, page A-3 – South elevation

2. FAR Noncompliance – 8th Floor

Code Provisions

11 DCMR § 411.2: "When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7 . . . ."

11 DCMR § 411.7: "Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted."

BZA
Case No. 16716
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.45

Exhibits

NANA Volume I, page A-14 – Main roof plan

ANC Attachment B – FAR calculations

3. FAR Noncompliance – 3d Floor

Code Provisions

11 DCMR § 199.1: "**Building** – a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel."

Exhibits

NANA Volume I, page A-2 – Front elevation

NANA Volume II, page 7 – 3d floor plan

NANA Volume I, page A-9 – 3d floor plan

ANC Attachment B – FAR calculations

4. FAR Noncompliance – Basement

Code Provisions

11 DCMR § 199.1: "**Basement** – that portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade."

11 DCMR § 199.1: "**Cellar** – that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade."

Exhibits

NANA Volume I, page A-5 – Grading plan

ANC Attachment B – FAR calculations

5. FAR Noncompliance – Summary

Code Provisions

11 DCMR § 199.1: "**Floor area ratio** – a figure that expresses the total gross floor area as a multiple of the area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot."

11 DCMR § 199.1: "**Gross floor area** – the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. The term "gross floor area" shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet six inches (6 ft. 6 in.) or more); penthouses; attic space (whether or not a floor has actually been laid, providing headroom of six feet six inches (6 ft. 6 in.) or more); interior balconies; and mezzanines. The term "gross floor area" shall not include cellars, and outside balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building."

11 DCMR § 402.4: "Except as [otherwise] provided . . . the maximum permitted floor area ratio in a Residence district shall be as set forth in the following table:

ZONING DISTRICT:	R-5-D
FLOOR AREA RATIO (F.A.R.):	3.5"

Exhibits

ANC Attachment B – FAR calculations

6. Loading Dock Irregularities

Code Provisions

11 DCMR § 2200.2: "No application for a building permit . . . shall be approved unless there is included with the plans for the building or structure a loading plan showing the location, dimensions, and grades of all loading berths, loading platforms and service/delivery loading spaces. . . ."

11 DCMR § 2201.1 "On or after May 12, 1958, all buildings or structures shall be provided with loading berths, loading platforms and service/delivery loading spaces as specified in the following table:

Uses and Districts:	Apartment House with 50 or more dwelling units in all Districts	Any other use in all Districts With 30,000 to 100,000 ft.^{2} of gross floor area
Minimum No. and Size of Loading Berths Req'd:	1 @ 55 feet deep	1 @ 30 feet deep
Minimum No. and Size of Loading Platforms Req'd:	1 @ 200 ft.^{2}	1 @ 100 ft.^{2}
Minimum No. and Size of Service/Delivery Loading Spaces Req'd:	1 @ 20 feet deep	1 @ 20 feet deep"

11 DCMR § 2203.2: "All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure."

Exhibits

NANA Volume I, page A-5 – Grading plan

NANA Volume I, page A-6 – Basement floor plan

NANA Volume II, page 6 – 1st floor plan

NANA Volume II, page 12 – Electrical plan

7. Excessive Building Height

Code Provisions

11 DCMR § 199.1: "**Building, height of** – the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet. . . . In those districts in which the heights of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured to the highest point of the roof excluding parapets not exceeding three feet (3 ft.) in height."

11 DCMR § 400.1: "Except as [otherwise] specified . . . the height of buildings or structures in a Residence district shall not exceed that given in the following table:

DISTRICT:	R-5-D
HEIGHT (Feet):	90"

Exhibits

NANA Volume II, page 9 – Longitudinal building section

8. Building Setback Nonconformance

Code Provisions

11 DCMR § 199.1: "**Lot, corner** – a lot fronting on two or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°)."

11 DCMR § 199.1: "**Yard, rear** – a yard between the rear line of a building or other structure and the rear lot line . . . . The rear yard shall be for the full width of the lot . . . ."

11 DCMR § 199.1: "**Yard, side** – a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure."

11 DCMR § 404.1: "A rear yard shall be provided for each structure located in a Residence district, the minimum depth of which shall be as set forth in the following table:

ZONING DISTRICT:	R-5-B, R-5-C, R-5-D
MINIMUM DEPTH OF REAR YARD:	4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet."

11 DCMR § 405.5: "A side yard shall not be required along a side street abutting a corner lot in a Residence district."

11 DCMR § 405.6: "Except as [otherwise] provided . . . a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D or R-5-E district. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide."

Exhibits

NANA Volume I, page B-1 – Applicant's description of site

NANA Volume I, page A-1 – Site plan

NANA Volume I, page A-5 – Grading plan