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October 9, 2001

VIA HAND DELIVERY

Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001
Attention: Richard S. Nero, Jr.

16775

Re: BZA Case No. ~~16679~~

Dear Board Members:

On behalf of the National Medical Association, please find enclosed an original and ten copies of the Statement of the Applicant in connection with the above-referenced application for special exception relief. Eleven reduced sets of architectural drawings are included as an exhibit to the same.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 419-2559.

Sincerely,

Lisa L. Jackson

cc: Rudolph Williams
Marshall Purnell
Susan Longstreet
Norman M. Glasgow, Jr.
Steven E. Sher

WAS1 #1020511 v1

BZA 16775
Case No.
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16775
EXHIBIT NO.22

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

16775

Application of the National Medical Association

BZA Application No. ~~16679~~
Hearing Date: October ~~23,~~ 2001
ANC: 2F

STATEMENT OF THE APPLICANT

I.

NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of National Medical Association (the "Applicant") in support of the above-referenced application for a special exception in accordance with Sections 411.11 of the District of Columbia Municipal Regulations (the "Regulations") and for variances from the requirements of Sections 774.1, 1706.13, 1708.1, 2101.1 and 2201.1 of the Regulations. The request is being made in order to allow the Applicant to construct a new office building on Lot 57 of Square 342 ("the Property"), located at 1012 10th Street, N.W. The proposed building has the support of Advisory Neighborhood Commission ("ANC") 2F.

II.

JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the special exception and variances requested herein pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations.

III.
BACKGROUND

A. Description of the Subject Property

The subject property is a small, narrow rectangular lot located in Square 342 of approximately 3, 258 square feet. (*See* Exhibits A, B, and C.) The Property is improved with an approximately four-story, 13,000 square foot office building owned by the National Medical Association, a non-profit professional organization that represents the approximately 25,000 African-American physicians in the United States from every branch of medicine. The organization was founded in 1895 as the National Association of Colored Physicians, Dentists and Pharmacists and has been located in the District of Columbia since approximately 1901. The property is designated on the District of Columbia Comprehensive Plan Generalized Land Use Map as high-density commercial, high density residential and is included within the Central Employment Area. The property is located in the C-2-C District and overlain by the Downtown Development District ("DD"). The property is further classified under the DD within the Housing Priority Area B subarea of the DD, subjecting it to a requirement to provide a minimum of 4.5 Floor Area Ratio ("FAR") of housing either on-site or through the combined lot development provisions of the Regulations. The Applicant's property will be linked to a development site on the east side of Square 517 for purposes of fulfilling its housing requirement. (*See* Exhibit D.)

B. Description of Surrounding Area

The Property is located in an area with a mix of office, residential and commercial uses. The Property is bordered to the north by a seven-story office building owned by the Cato Institute, to the east by 10th Street, to the south by a 12 foot wide public alley, and to the west by an 11.75 foot wide public alley. The United Brotherhood of Carpenters Local and a parking lot are located on the south side of the southern public alley. Another parking lot is located on the west side of the western public alley.

C. Prior Zoning Approvals

In 1991 in Zoning Commission Order No. 681, the Zoning Commission re-zoned the property from the SP-2/Hotel-Residential Overlay Districts to the DD/C-2-C District. The existing building was constructed in 1983 pursuant to its then SP-2/HR zoning. The existing building on the site also is subject to Board of Zoning Adjustment Order Number 13530 adopted in 1981.

D. Description of the Proposal and Requested Variances and Special Exception

Consistent with the additional development rights gained through the DD overlay zone, the Applicant seeks to demolish the existing building and replace it with a new nine-story office building. The new building will be approximately 25, 275 square feet in size and 105 feet tall and constructed with granite, glass and aluminum. The proposed building will occupy 90% of the site, which is 34.67 feet wide and 94 feet long.

Due to the extraordinarily narrow width of the lot, the Applicant is seeking special exception approval for the proposed location of the building's roof structure. In addition, the exceptionally small size of the lot requires the Applicant to seek a number of variances from the requirements of the Regulations. First, although the building will meet the required rear yard setback at grade up through the second floor, the third through ninth floors will project by approximately five feet into the 15 foot rear yard setback required under the Regulations. Second, the Applicant proposes to provide one handicapped space in lieu of the total 13 regular spaces required under the Regulations. Third, the Applicant seeks a variance from the requirements to provide one loading berth and proposes instead to provide one 10' x 20' service/delivery space.

Because the 4.5 minimum residential FAR requirement will be provided on Square 517 by another developer under a combined lot development agreement, the Applicant seeks two additional variances from the timing requirements of the Regulations for the provision of the required housing. As a non-profit organization focused on serving and promoting the interests of the nation's ever increasing population of African American physicians, the NMA does not have the resources nor expertise to undertake such a development and the small size of the lot renders it impracticable for the NMA to fulfill the residential development requirement on-site. The residential developer, as has been stated to the Zoning Commission, may not build the required housing for several years. However, the growing staff and space needs of the NMA dictate an earlier construction timeline for the new office

building. Therefore, the NMA seeks a variance from the requirements of Section 1706.13 and Section 1708.1 (f) relating to the timing of the provision of the required housing components. The Zoning Commission has recently adopted regulations which would at least partially address this issue in Case No. 00-30TA.

IV.
THE APPLICANT MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL OF A ROOF STRUCTURE

A. Special Exception Standards

A special exception use is deemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If an Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

Pursuant to Section 771.1 and 411.11 of the Regulations, the Board may approve the location, design, number, or any other aspect of a roof structure even if it does not comply with the setback requirements of Section 770.6:

where full compliance would be impracticable, because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area, to fully comply with the regulations because such full compliance would be unduly restrictive, prohibitively costly, or unreasonable, provided that the intent and purpose of the Regulations are not materially impaired, and the light and air of adjacent buildings are not adversely affected.

Section 770.6 of the regulations provides in pertinent part, that with regard to a roof structure:

(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 on which it is located;

(c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof on which it is located. Mechanical equipment shall not extend above the permitted eighteen feet six inches permitted for the housing.

B. The roof structure cannot comply with the setback requirements.

In this case, it is impossible for the Applicant to comply with the roof structure setback requirement of Section 770.6(b). The width of the building is approximately 34 feet and 6 inches. The height of the proposed roof structure is approximately 15 feet in height. The setback required from the north and south side of the building under the Regulations would leave insufficient room for a roof structure, only six feet. If the allowable height of the roof structure were to be provided, 18 feet 6 inches, then it would be mathematically impossible to provide one, i.e. 37 feet of setback on a 34 foot wide lot. The Applicant proposes to locate the

roof structure flush against the north side of the building, and comply with the required 15 foot setback on the other three sides of the building.

C. The intent and purpose of the Regulations and Zone map will not be materially impaired and light and air to adjacent buildings will not be adversely affected.

The roof structure will consist of the elevator overrun and, as mentioned above, will be approximately 15 feet in height. The proposed location of the roof structure will not adversely affect light and air to the adjacent Cato Institute for several reasons. First, the proposed structure is approximately 3 feet 6 inches lower than the maximum permitted 18 feet 6 inches for roof structures. Second, the proposed roof structure will only be 41 feet long, less than half the length of the building and will occupy fewer than 16% of the roof. Third, the Property is setback at least 20 feet from the adjacent Cato Institute building. Each of these factors will work toward minimizing the impact to the adjacent Cato Institute building.

V.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES FROM THE REAR YARD, PARKING, LOADING AND TIMING OF PROVISION OF RESIDENTIAL REQUIREMENT

A. Standards for Granting a Variance

Under D. C. Code Section 5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant variances from the strict application of the regulations where it finds three conditions exist:

(1) the property is unique because, *inter alia*, of its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties or undue hardship if the Zoning Regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and may be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See French v. District of Columbia Board of Zoning Adjusment,* 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment,* 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment,* 534 A.2d 939 (D.C. 1987).

In the case of an area variance, the Applicant must show that the uniqueness of the property imposes a practical difficulty on the Applicant's ability to comply with the regulations and such variance will not injure the public good or substantially impair the intent and purpose of the regulations and Map. In the subject case, the requested variances from the parking, loading, and rear yard requirements of the regulations meet the requirements for the approval of area variances. The Applicant also seeks variances from the timing requirements for the provision of the required housing. The variances from the timing requirements relate to the small area of the Property and the exceptional situations and conditions affecting this site, and, as the other variances requested in this case, likewise meets the test for approval of a variance.

B. Variance relief under Section 774.1 (Rear Yard)

The Applicant is seeking a partial variance from the requirement of Section 774.1 that all buildings be set back at least 15 feet from the rear property line. As will be explained in more detail at the hearing by the Architect, this small narrow lot is practically difficult to construct upon and meet the rear yard requirements. The provision of a core with elevators, mechanical equipment room and means of egress stair make it impracticable to provide sufficient space to build the new structure without the granting of variance relief.

1. <u>The Property is Affected by an Exceptional Situation or Condition.</u>

The subject property is unique in that it is an exceptionally small office lot, consisting of only 3,258 square feet. At 94 feet deep and 34.7 feet wide, the Property is by far the smallest of the four office lots in the square. In addition, the small size of the lot is compounded by the requirements of the DD. The DD is intended to stimulate the production of housing by requiring developers with property within the overlay zone to provide a specified amount of housing in exchange for enhanced non-residential development rights. In this case, the intent of the DD is not fully realized because although the Applicant will provide the full amount of the required housing through combined lot development, the Applicant does not get the full benefit of the incentives because the size of the lot, combined with the height and other zoning restrictions, makes it impossible for the Applicant to use the incentive FAR to the fullest extent absent a variance from the rear yard,

parking, and loading requirements. Even with the granting of the requested relief, the building will still only achieve 7.75 FAR.

In addition, as mentioned herein, because the size of the lot makes it impossible for the Applicant to provide the residential FAR required under the DD on-site and still provide the amount of office space necessary to meet the NMA's space needs, the Applicant has made an agreement with a residential developer to fulfill those requirements off-site. Due to the state of the housing market and other market issues, the residential developer may not begin construction for several years. Meanwhile, the Applicant's space and resource needs continue to grow.

2. <u>Strict Application of the Zoning Regulations would impose a practical difficulty on the Applicant.</u>

If the Applicant is not granted a five foot rear yard setback variance, the Applicant will suffer the practical difficulty of being unable to achieve an appropriate FAR on the site to meet the NMA's space needs even though the proposed FAR is well within the maximum allowable non-residential FAR. At the time of construction of the existing building in 1983, the NMA had approximately 9 employees. As the number of African-American physicians in the United States has risen to the approximately 25,000 that exist today, so have the demands on the association designed to serve them similarly increased. Today, the organization's employees numbers approximately 45. It is critical that the NMA have enough space to accommodate all of its employees. The NMA also seeks to include a small amount of museum space within the building as a tribute to the nation's African

American doctors and the organization's more than 100 years of service to that group.

If the regulations are strictly applied, the Applicant would have to push the building further in toward 10th Street, and would lose a sizable portion of space that will be used for offices if the variance is granted. The layout of the building will be such that the typical floor will consist of approximately five perimeter window offices and 10 interior staff work stations. The bathroom, mechanical and electrical rooms, as well as the elevator core and stairway will be located along the northern perimeter wall. Because the size and placement of such items as the bathroom, mechanical and electrical and elevator core and stairway would not likely change due to code and regulatory requirements, the interior space would be most affected if compliance with the 15 rear yard setback is required. As will be explained in more detail by the Architect at the hearing on this case, compliance with the rear yard setback requirement could result in the loss of either 40-60% of the window offices on those floors or the loss of approximately 20% of the window offices and approximately 20% of the staff space on those floors. Under either scenario, a significant amount of office space would be lost.

3. **Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan As Embodied in the Zoning Regulations and Map.**

A partial variance to the rear yard requirement would not cause substantial detriment to the public good nor impair the intent of the Regulations or Map. The Applicant proposes to provide the required amount of rear yard space at grade up

through the third floor—a height of approximately 21 feet—and provide a 10 foot setback on floors four through eight. This will allow trucks and cars that might need access to the rear yard sufficient clearing room under the building so as not to disrupt nearby uses. The 11.75 foot public alley which abuts the rear of the site provides a substantial buffer from the lots located on the other side of the alley directly behind the Property, which primarily consists of a surface parking lot and other

B. Variance Relief Under Section 2101.1 (Parking)

The Applicant is also seeking relief from the requirements of Section 2101.1 of the Regulations. Section 2101.1 requires offices in the C-2-C District to provide one space for each 1,800 square feet of gross floor area in excess of 2,000 square The Applicant is proposing a 25,275 square foot building and thus would be required under the Regulations to provide 13 parking spaces. The provision of the required number of spaces would further reduce the space available to the NMA to meet its space needs. Due to the location of the Property in close proximity to two metro stations, several major bus lines, several parking lots, the Applicant proposes instead to provide one handicapped space on-site and lease 12 spaces in nearby parking lots and garages consistent with its understanding with ANC 2F. The Applicant is in the process of securing commitments from nearby parking operators to lease at least 12 spaces to the National Medical Association.

1. <u>The Property is Unique and Affected by an Exceptional Situation or Condition.</u>

As mentioned herein in Section A.1 above, the Property is exceptional in that the lot in which it is located is exceptionally small and narrow, the exceptional nature of which is further compounded by the zoning history of the lot and the requirements of the DD.

2. **Strict Application of the Zoning Regulations would impose a peculiar and exceptionally practical difficulty on the Applicant.**

The Applicant would suffer a practical difficulty if the variance from the parking requirement is not granted because the Applicant would have to further reduce the amount of floor space provided for the NMA offices, which already is less than the maximum of nonresidential FAR allowed in the DD/C-2-C District. In addition, the cost of underground parking is infeasible due to the size of the lot. As will be explained in more detail by the Architect at the hearing on this case, the narrow width of the lot makes it impossible to construct ramps for underground parking.

3. **Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan As Embodied in the Zoning Regulations and Map.**

A variance from the parking space requirement would not be of substantial detriment to the public good or substantially impair the intent and purpose and integrity of the regulations and map. As mentioned herein, the Property is located within several blocks of the Metro Center and Chinatown, Mount Vernon and McPherson Square metro stations and several major bus routes on Massachusetts, New York and Georgia Avenues and, significantly, the Applicant has agreed to lease

12 parking spaces offsite which would meet its requirement under the Zoning Regulations. The Applicant estimates that the vast majority of its employees utilize mass transit or other means than individual automobiles to get to and from work.

C. Variance Relief Under Section 2201.1 (loading requirements)

Section 2201.1 of the Regulations requires an office building in the C-2-C zone to provide one 30 foot deep loading berth and one 20 foot deep service/delivery loading space. There is no existing loading berth or platform on the site. There is an existing service/delivery loading space on the site. The Applicant seeks a variance from the requirement to provide a loading berth and to instead provide one 20 feet deep service/delivery loading space in the rear. In addition, the Applicant will, consistent with office buildings throughout the downtown, be requesting a "loading zone" in front of the building which would be approximately 30 feet in length.

1. The Property Unique and is Affected by an Exceptional Situation or Condition.

As set forth in Section A.1 above, the Property is exceptional in that the lot in which it is located is exceptionally small and narrow, the exceptional nature of which is further compounded by the requirements of the DD.

2. Strict Application of the Zoning Regulations would impose a practical difficulty on the Applicant.

The Applicant would suffer a practical difficulty if the variance from parking and loading requirements is not granted because the Applicant would not be able to construct any more than 5,600 square feet of office space plus ground floor space where the existing building has in excess of 13,000 square feet of office space. The resulting structure, which would be well below the existing site improvements and the permitted DD/C-2-C FAR, would never be built.

3. **Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan As Embodied in the Zoning Regulations and Map.**

The absence of a loading berth and platform at the subject site will not substantially detriment the public good nor substantially impair the intent purpose and integrity of the Zoning Regulations and Map. The nature of the NMA's activities does not necessitate frequent deliveries or outside services. In addition, as the sole occupant of the building, the frequency of such deliveries and services to the building will be limited. The Applicant does propose to provide a 20 feet deep service/delivery space which can be easily accessed by the public alleys and will be able to accommodate the types of trucks and vehicles that may need access to the rear. In addition, the Applicant will be requesting a loading zone of approximately 30 feet in length in the front of the building.

D. Variance relief under Sections 1706.13 and 1708.1 (f) (Timing requirements for the provision of the required housing.

The Applicant is seeking a variance from the provisions of Section 1706.13 and 1708.1 of the Regulations. Section 1706.13 provides that:

> "If a development project that includes both required residential uses and nonresidential uses, whether on the same lot or in a combined lot development, no Certificate of Occupancy shall be issued for the nonresidential space until a Certificate of Occupancy has been issued for the residential space... ."

Section 1708.1(f) provides that:

> "In a linkage project, the certificate of occupancy for the development sending FAR for preferred uses to another development may be revoked, if no building permit for the receiving site has been issued to the developer within three (3) years after the issuance of the certificate of occupancy for the

sending site, or if no certificate of occupancy for the receiving site has been issued within five (5) years after the issuance of the certificate of occupancy for the sending site."

The Applicant has made an agreement for the provision of the required residential use but, because of factors discussed below, not within the timeframe currently set forth in the Regulations.

1. **The Property is Unique and is Affected by an Exceptional Situation or Condition.**

As mentioned above, the Property is unique in that it is too small to meet all of the requirements imposed by the DD overlay zone on-site. In addition, the Applicant is uniquely situated in that, as a non-profit organization, it does not have the resources to construct the required housing itself. Therefore, the Applicant has had to enter into an agreement with a residential developer to provide the required housing on Square 517.

2. **Strict Application of the Zoning Regulations Would Result in an Exceptional Practical Difficulty for the Applicant.**

The small size of the lot makes it impossible for the Applicant to develop a mixed use building on the site and the Applicant therefore must meet the housing requirement off-site. In addition, without the financial resources to provide the requirement itself, the Applicant must enter into an agreement with another developer. The Applicant's space needs are now and not contingent upon the timing of the residential project. Thus, the Applicant is at mercy of the residential developer and the developer with which the Applicant will enter a housing agreement on Square 517 may not be ready to develop that site for several years.

Meanwhile the space needs of the Association continue and the Applicant needs to construct a new building to meets its space needs now. If the zoning application is strictly applied, the Applicant will suffer the practical difficulty of being unable to meet construct its new building, and thereby meets its growing space requirements, until possibly several years in the future.

3. **Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan As Embodied in the Zoning Regulations and Map.**

The granting of the requested relief will not substantially detriment the public good nor substantially impair the intent, purpose and integrity of the zone plan as the organization is committed to providing the required housing through its agreement with another residential developer, although on a modified timeframe that will help allow the underutilized site to proceed to development more quickly, thereby allowing the Applicant to more quickly meet its current and pressing space needs and, as a result, more effectively serve the approximately 25,000 African-American physicians in the United States. Moreover, the granting of the requested relief will allow the District of Columbia to retain a distinguished organization with a history of more than 106 years in existence, approximately 100 of which have been in the District of Columbia.

V.

EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A: A portion of the Sanborn Atlas showing the subject property highlighted in red.

Exhibit B: A portion of the Zoning Map showing the Subject Property highlighted in red.

Exhibit C: Surveyor's Plat of the subject property.

Exhibit D: Covenant recorded limiting use on lots on the east side of Square 517 to residential with ground floor retail.

Exhibit E: Architectural Drawings and Elevations

Exhibit F: Outline of testimony of Representative of National Medical Association.

Exhibit G: Outline of testimony of Representative of Purnell & Devouax, Architects.

Exhibit H: Outline of testimony of Steven K. Sher, Director of Zoning & Land Use Services, Holland & Knight, LLP.

VI.

WITNESSES

A. Representative of National Medical Association.

B. Representative of Purnell & Devrouaz Architects.

C. Steven K. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

VII.
COMMUNITY SUPPORT

At its regularly scheduled public meeting on October 3, 2001, ANC 2F unanimously voted to support this application.

VII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Norman M. Glasgow, Jr.

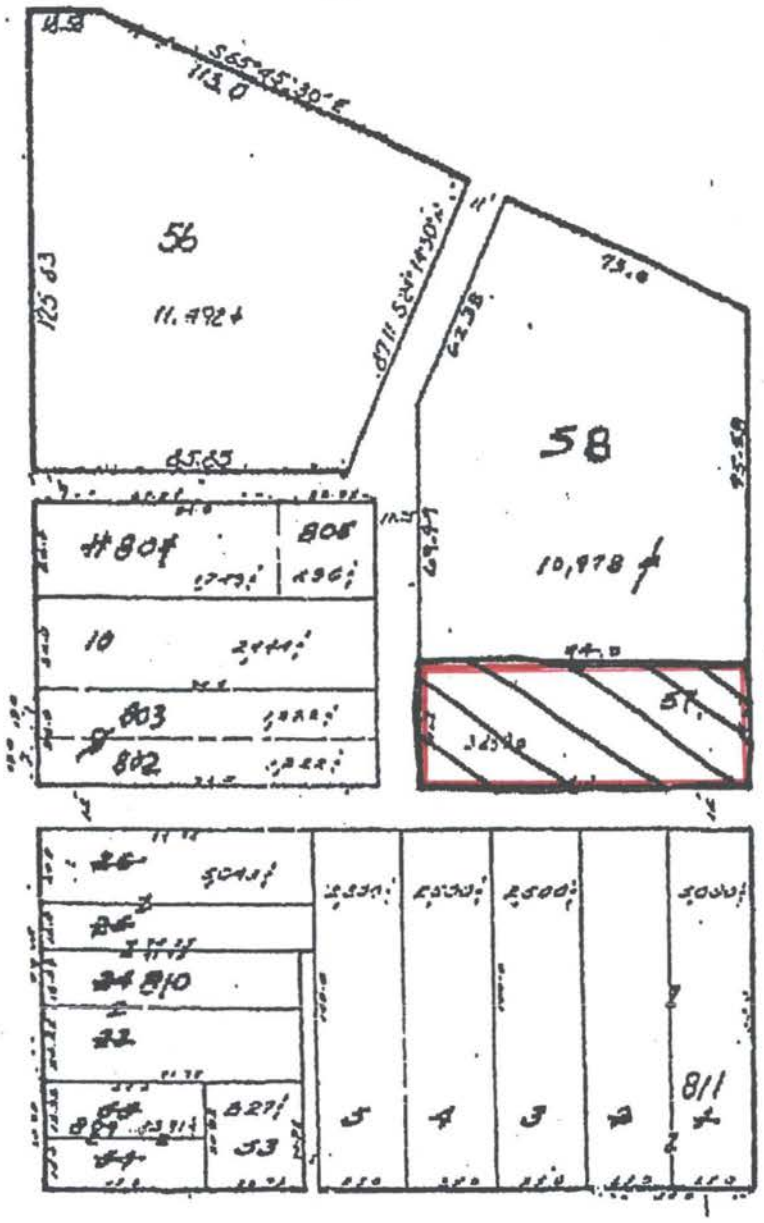
By: _____
Lisa L. Jackson

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

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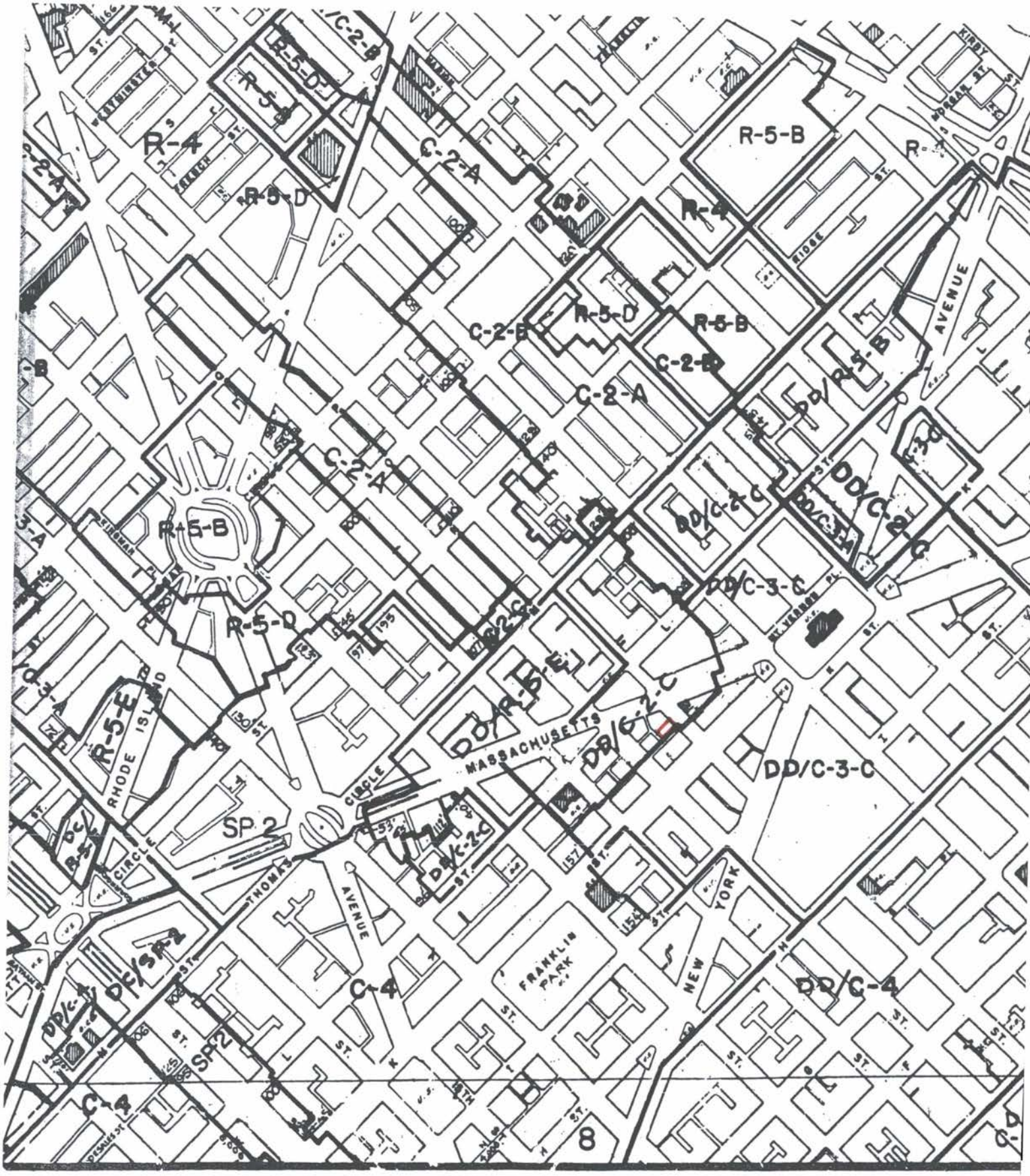
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SQ 342



K





DISTRICT OF COLUMBIA

ZONING MAP

SECTION 5

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 5-24, 2001

Plat for Building Permit of SQ-342 LOT 57

Scale: 1 inch = 20 feet Recorded in Book 173 Page 163

Receipt No. 3829

Furnished to: HOLLAND + KNIGHT

Surveyor, D.C.

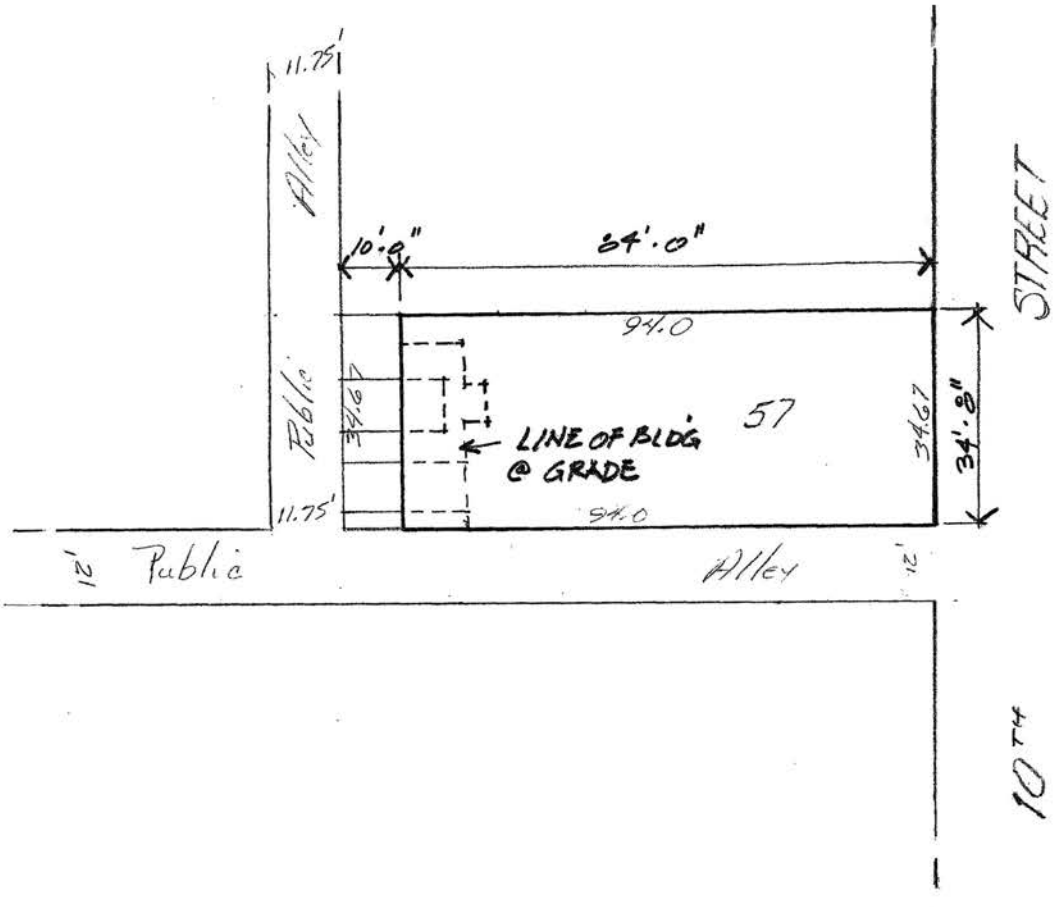
By: DA

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: _____

_____
(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.





DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made as of the 7 day of Feb, 2001 by and among Jemal's Cayre Woodies L.L.C., Jemal's Lofts L.L.C., Jemal's Golub I L.L.C and Jemal's Barton L.L.C., District of Columbia limited liability companies (collectively hereinafter the "Developer") and The Downtown Housing Now Committee (herein the "Beneficiary").

WITNESSETH:

WHEREAS, Developer is the owner of certain properties located in Washington, D.C. and being described as:

(a) The former Woodies site located at 10th & F Streets, N.W., in Square 346 (the "Woodies Site");

(b) The premises known as 910, 912, 914 and 916 F Street, N.W. in Square 377 in the District of Columbia (the "F Street Properties"); and

(c) Approximately 25,000 square feet of property located in Square 517 (the "Square 517 Properties") (the Woodies Site, F Street Properties, and the Square 517 Properties being hereinafter collectively referred to as the "Properties"); and

(d) The Properties are more fully described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, Developer desires to develop the Properties and Beneficiary is agreeable to the development of the Properties and has agreed to support the development thereof, subject to the covenants and restrictions hereinafter set forth; and

WHEREAS, the parties have entered into this Declaration in order to set forth certain restrictions on development of the Properties and the obligations of Beneficiary in connection with the development of the Properties.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. The Developer hereby agrees to cause approximately 95,000 square feet of "Residential Type of Uses" to be developed on the F Street Properties. As used herein the term "Residential Type of Uses" shall mean such as uses as would meet the definition of apartment buildings under the zoning requirements of the District of Columbia, together with related accessory uses and such ground floor and potential below-grade uses as shall be determined by Developer and approved by Beneficiary, such approval not to be unreasonably withheld. In order to assure to Beneficiary the performance by Developer of its obligations under this paragraph 1, Developer shall provide a performance bond in an amount of not less than $18,000,000 or more than $20,000,000 from a credit worthy bonding company doing business in the District of Columbia and

having a Best's rating of AAA. Such bond shall be provided to Beneficiary by Developer within 30 days after (i) the Developer obtains all governmental and regulatory approvals necessary to construct such Residential Type of Uses (including the demolition and building permits therefor) and (ii) the appeal periods from such approvals having expired, without any appeals having been filed, or all appeals from such grants shall have been fully and finally denied or rejected in favor of Developer. The Developer shall initiate the governmental approvals process no later than one hundred twenty (120) days after final issuance of the Planned Unit Development (PUD) Order for the Woodies Site from which no appeal has been taken. In the event that Developer does not timely initiate the governmental approvals process then Beneficiary shall be permitted to seek such approvals with reasonable costs to be borne by the Developer and Developer appoints Beneficiary as agent of Developer for the purpose of obtaining any required building permits consistent with this paragraph 1.. The Developer shall diligently pursue said governmental approvals after initiation of the process. The bond shall terminate on the earlier to occur (y) building(s) containing the Residential Types of Uses are substantially completed as certified by Developer's architect or (z) a certificate of occupancy therefor has been issued by the District of Columbia government. If the conditions of the immediately preceding sentence have not been satisfied within three years from the date the bond is provided by the Developer, then Beneficiary may, but shall not be required, to draw upon the bond or portions thereof as are necessary to complete development of the Residential Types of Uses. For this purpose, Beneficiary, its successors, assigns, agents and contractors shall have the right to go upon the F Street Property for the purpose of completing the Residential Types of Uses. Once the Residential Types of Uses have been completed on the F Street Properties, Developer shall have been deemed to have satisfied the conditions of this paragraph 1.

2. The Developer agrees that with respect to the Square 517 Properties, that the uses and development thereof shall be restricted to development and operation of not less than 200,000 and as much as 330,000 square feet of Residential Type of Uses with Developer being permitted to use grade level and below grade level space for commercial purposes at its option. This covenant is subject to Developer obtaining approvals from the Board of Zoning Adjustment and any other governmental or regulatory agency having jurisdiction thereof to obtain those approvals necessary for such uses of the Square 517 Properties. The covenants set forth in this paragraph 2 herein shall be deemed to run with the Square 517 Properties for the duration of the Woodies PUD once Developer has obtained the necessary approval as aforesaid.

3. The obligations of Developer under this Declaration are subject to (a) the Developer having obtained all necessary governmental and regulatory approvals (including, but not limited to, demolition and building permits) requested by Developer to construct the improvements proposed to be constructed on the F Street Properties, the Square 517 Properties and the Woodies Site, and (b) the appeal periods from the grants of such approvals with respect to the Woodies Site shall have expired without any such appeals having been filed or all appeals from such grants shall have been fully or finally denied or rejected in favor of the Developer.

4. The Beneficiary agrees to actively support all of Developer's present and future efforts to obtain all of the governmental approvals necessary for the development of the Woodies Site, the F Street Properties and the Square 517 Properties in accordance

with the development plans (including all of the permits necessary for the construction thereof) on an emergency basis, by or from the Neighborhood Advisory Commission, Zoning Commission, the Mayor, the City Council and all other community, governmental and regulatory agencies and organizations involved. Such approvals may include such changes of law and regulations and may be through such zoning and land use processes as a Developer may reasonably select so long as such requested approvals are consistent with the terms and conditions of this Declaration of Covenants

5. The following general provisions shall be applicable to this Declaration as follows:

(a) The covenants and restrictions set forth herein shall run with the land and shall bind the Developer, Beneficiary, its successors and assigns for the duration of the Planned Unit Development approval in Zoning Commission Case No. 00-33C.

(b) Beneficiary hereby agrees upon thirty days written request by Developer to provide to Developer an Estoppel Certificate stating as of the date of such certificate that to Beneficiary's knowledge as to whether Developer is in compliance with or is in default under this Declaration, and if so, specifying such default.

(c) Enforcement of these covenants and restrictions shall be by any proceeding law or in equity against any person or persons violating or attempting to violate any covenant or restrictions, either to restrain violation or to enforce the covenants and restrictions herein contained. In any such proceeding, the prevailing party shall be entitled to be reimbursed for the payment of reasonable attorneys fees.

(d) Invalidation of any one or more of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, all of which shall remain in full force and effect.

(e) Any notice or communication required or permitted to be given hereunder shall be in writing and shall be sent by hand delivery or by registered or certified mail, return receipt requested, postage prepaid, or by recognized overnight delivery service as follows:

If to Developer:	Douglas Jemal 702 H Street, N.W., Suite 400 Washington, D.C. 20001
CC:	Norman M. Glasgow, Jr., Esquire
If to Beneficiary:	Richard Nettler, Esquire 1801 K Street, N.W., Suite 1200 Washington, D.C. 20006

Any party may change its address for notice by notice sent in accordance with the terms of this subparagraph (e).

(f) Nothing herein contained shall be deemed or construed to create the relationship of principal and agent or partners or joint venturerers among the parties

hereto and/or of their successors in interests or assigns owning from time to time all of any part of the Property, except as may otherwise be provided herein.

(h) Time is of the essence under this Declaration.

(i) The liability of Developer hereunder to Beneficiary, its agents or contractors shall be limited to the interest of Developer in the Properties, except that Beneficiary retains the right to the remedy of specific performance to require the placing of the performance bond if not timely provided when required pursuant to the terms and provisions of this Declaration. Further, Developer shall not be liable for consequential, special or punitive damages arising hereunder except for costs as provided in paragraph 1(ii) and for attorney fees as provided in 5(c).

IN WITNESS WHEREOF, Developer and Beneficiary have executed this Declaration of Easements and Covenants as of the day and year first written.

DEVELOPER:

JEMAL'S CAYRE WOODIES L.L.C.

By: _____
Managing Member

JEMAL'S LOFTS L.L.C.

By: _____
Managing Member

JEMAL'S GOLUB I L.L.C.

By: _____
Managing Member

JEMAL'S BARTON L.L.C.

By: _____
Managing Member

BENEFICIARIES:

THE DOWNTOWN HOUSING NOW COMMITTEE

By: _____

D.J.

DISTRICT OF COLUMBIA, ss

This instrument dated the 7 day of February, 2001, was acknowledged before me on Feb 7, 2001 by Douglas Jemal as Managing Member of Jemal's Cayre Woodies L.L.C.

Notary Public

My commission expires:

HABIB ABOUJAOUDI
NOTARY PUBLIC DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES: JUNE 30, 2004

DISTRICT OF COLUMBIA, ss

This instrument dated the 7 day of February, 2001, was acknowledged before me on February 7, 2001 by Douglas Jemal as Managing Member of Jemal's Lofts L.L.C.

Notary Public

My commission expires:

HABIB ABOUJAOUDI
NOTARY PUBLIC DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES: JUNE 30, 2004

DISTRICT OF COLUMBIA, ss

This instrument dated the 7 day of February, 2001, was acknowledged before me on February 7, 2001 by Douglas Jemal as Managing Member of Jemal's Golub I L.L.C.

Notary Public

My commission expires:

HABIB ABOUJAOUDI
NOTARY PUBLIC DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES: JUNE 30, 2004

DISTRICT OF COLUMBIA, ss

This instrument dated the 7 day of February, 2001, was acknowledged before me on February 7, 2001 by Douglas Jemal as Managing Member of Jemal's Barton L.L.C.

Notary Public

My commission expires:

HABIB ABOUJAOUDI
NOTARY PUBLIC DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES: JUNE 30, 2004

DISTRICT OF COLUMBIA, ss

This instrument was acknowledged before me on February 8, 2001 by Charles A. Docter as Chairman of The Downtown Housing Now Committee.

Jerilyn A. Spach
Notary Public JERILYN A. SPACH
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My commission expires: My Commission Expires May 31, 2003

224288v5

WOODIES SITE

All that certain property located in the City of Washington, District of Columbia more particularly described as follows:

Lot numbered 16 in Square numbered 346 in a subdivision made by Alvin M. Lothrop for Woodward & Lothrop as per plat recorded in Liber 25 at folio 133 in the Office of the Surveyor for the District of Columbia.

AND

Part of Original Lot 12 in Square 346, beginning at the Southeast corner of said Lot, West 50 feet, North 25 feet, East 50 feet to 10th Street, N.W., South along said Street 25 feet to the beginning.

AND

Closed Alley as per plat recorded in Plat Book 45 at folio 163 in the Office of the Surveyor for the District of Columbia.

AND

Lots numbered "B and "C" in Square numbered 346 in a subdivision made by F. Howard as per plat recorded in Liber RW at folio 55 in the Office of the Surveyor for the District of Columbia.

AND

Original Lots 2, 3, 4 and 5 in Square 346.

All of the above property being now known for assessment and taxation purposes as Lot 805 in Square 346.

Together with rights under Declaration of Covenants recorded December 12, 1986 as Instrument No. 53015 and Covenant recorded February 1, 1985 as Instrument No. 04151 containing provisions for the benefit of the caption property.

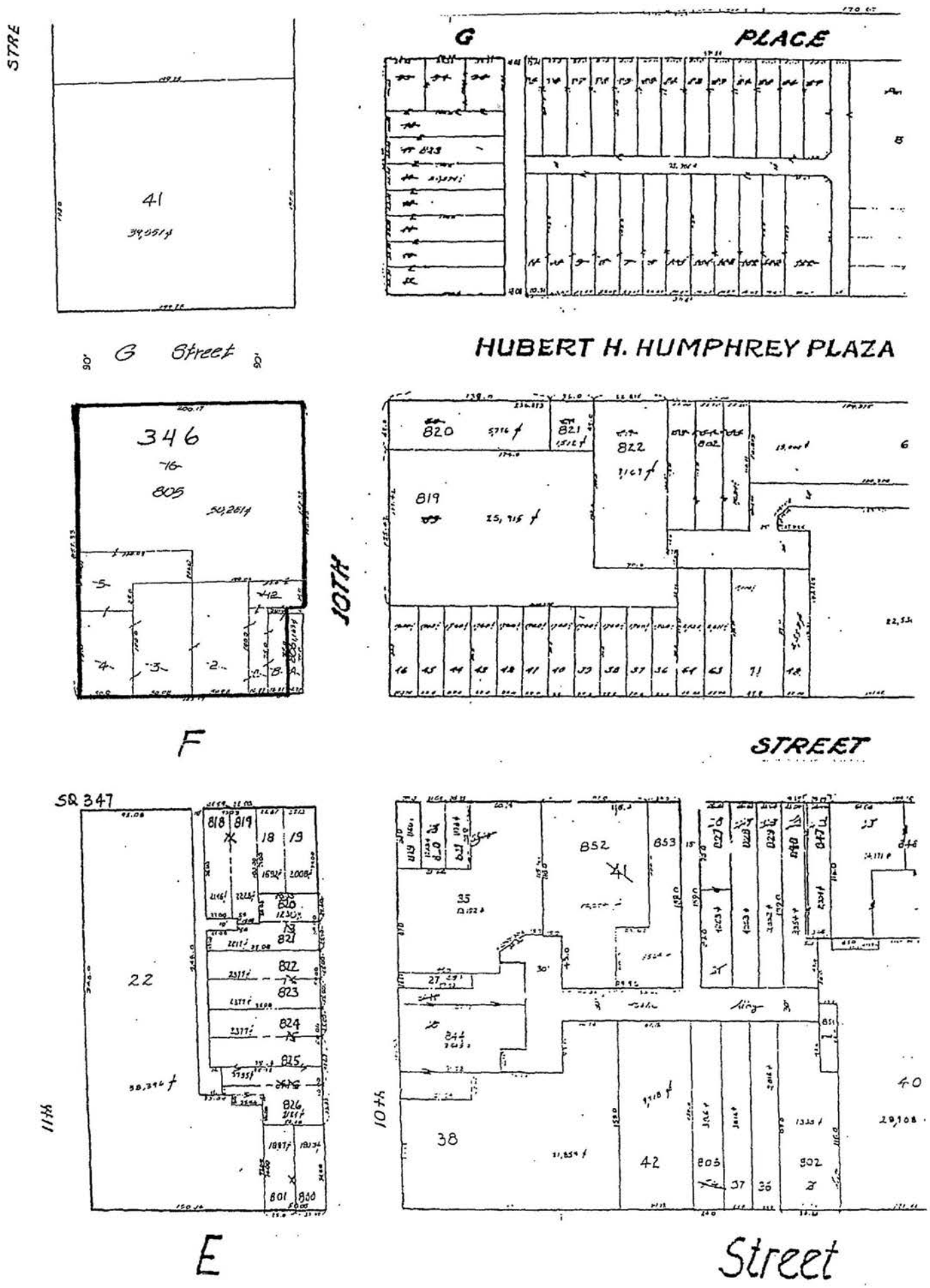

STRE
41
39,055 f
G
PLACE
B
G Street
HUBERT H. HUMPHREY PLAZA
346
16
805
30,261 f
5
42
4
3
2
1
8
10TH
820
5716 f
821
822
819
25,715 f
802
6
16
45
44
43
42
41
40
39
38
37
36
44
43
71
42
F
STREET
SQ 347
818
819
18
19
820
821
822
823
824
825
826
22
58,396 f
801
850
11TH
852
853
35
27
30
844
851
40
29,108
38
21,859 f
42
805
37
36
802
10TH
E
Street

Exhibit A

F STREET PROPERTIES

PARCEL I:
(Premises No. 910 "F" Street, N.W., Washington, D.C.)

Part of original Lot 18 in Square 377, as per plat recorded in "Record of Squares" Book No. 2 at page 377 in the Office of the Surveyor for the District of Columbia; ALSO, part of Lot 32 in Square 377 in a subdivision made by Josephine Bergling, Executrix of the Estate of George Bergling, deceased, as per plat recorded in Liber 20 at folio 98 in the said Surveyor's Office, being more particularly described in one parcel as follows: .

BEGINNING for the same at a point in the south line of F Street, N.W., at the northeast corner of said Lot 18, and running thence South along the east line of said lot, 116.00 feet to a point in the north line of a 20-foot wide public alley; thence West along said line of said alley and a prolongation thereof, 18.40 feet to a point at the southeast corner of part of the land conveyed to Let, Incorporated, by Deed recorded October 1, 1968 in Liber 12925 at folio 156, among the Land Records of the District of Columbia; thence continuing West along the south line of said conveyance, 1.89 feet; thence North, 116.00 feet to a point in said line of said street; and thence East along said line of said street, 20.29 feet to the point of beginning.

Note: At the date hereof, the above described property is known for assessment and taxation purposes as Lot 847 in Square 377.

PARCEL II:
(Premises No. 912 "F" Street, N.W., Washington, D.C.)

Part of Lot 32 in Square 377 in a subdivision made by Josephine Bergling, Executrix of the Estate of George Bergling, deceased, as per plat recorded in Liber 20 at folio 98 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the north line of a 30-foot wide public alley, at the southwest corner of said lot, and running thence North along the west line of said lot, 159.00 feet to a point in the south line of F Street, N.W.; thence East along said line of said street, 19.65 feet to a point; thence South, 116.00 feet to a point; thence East, 5.35 feet to a point in the east line of said lot; thence South along said last mentioned line, 43.00 feet to a point in the south, or rear, line of said lot; and thence West along said south line of said lot, 25.00 feet to the point of beginning.

Note: At the date hereof the above described property is known for assessment and taxation purposes as Lot 848 in Square 377.

PARCEL III:
(Premises No. 914 "F" Street, N.W., Washington, D.C.)

Part of original Lot 18 in Square 377, as per plat recorded in "Record of Squares" Book No. 2 at page 377 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

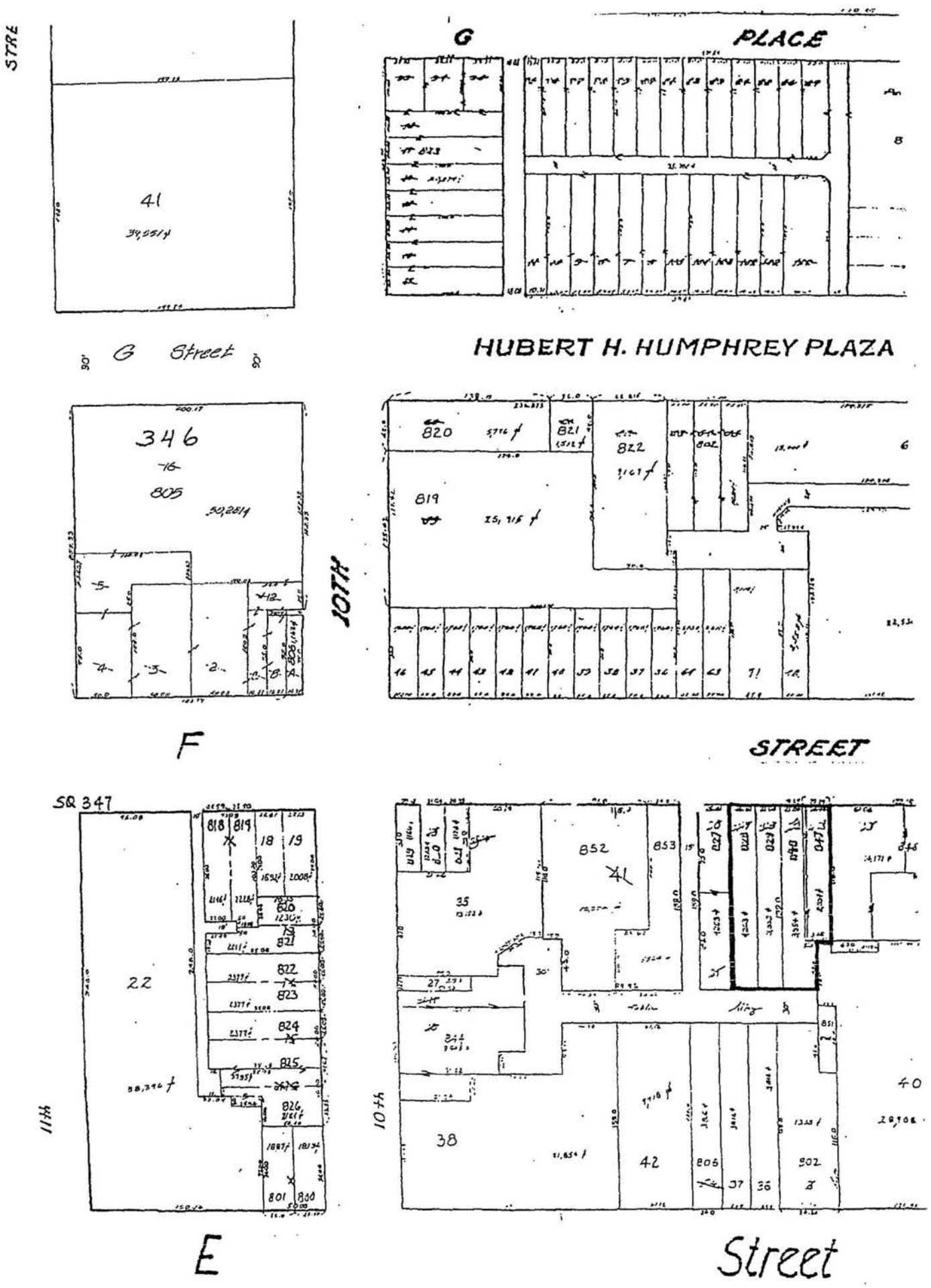
> BEGINNING for the same at a point in the south line of F Street, N.W., at the northwest corner of said lot, and running thence East along said line of said street, 21.00 feet, 1-inch, more or less, to a point at the northwest corner of part of said lot conveyed to George Bergling, by Deed recorded in Liber 699 at folio 385, among the Land Records of the District of Columbia; thence South along the west line of said conveyance, 159.00 feet to a point in the south, or rear, line of said lot; thence West along said south line, 21.00 feet, 1-inch, more or less, to a point at the southwest corner of said lot; and thence North along the west line of said lot, 159.00 feet to the point of beginning.

Note: At the date hereof the above described property is known for assessment and taxation purposes as Lot 829 in Square 377.

PARCEL IV:
(Premises No. 916 "F" Street, N.W., Washington, D.C.)

The East ½ Front on F Street, N.W., by the full depth thereof of original Lot 17 in Square 377, as per plat recorded in "Record of Squares" Book No. 2 at page 377 in the Office of the Surveyor for the District of Columbia.

Note: At the date hereof the above described property is known for assessment and taxation purposes as Lot 828 in Square 377.


G PLACE
41
39,251 f
G Street
HUBERT H. HUMPHREY PLAZA
346
16
805
30,281 f
10TH
820
821
822
819
F
STREET
SQ 347
818
819
18
19
820
821
822
823
824
825
826
22
801
850
11TH
852
853
35
38
42
805
902
37
36
40
10TH
E
Street

SQUARE 517 PROPERTIES

PARCEL 1
(422 Mass. Ave.)

Lot 41 in Square 517 in a subdivision made by Rudolph Goldschmid, as per plat recorded in Liber 11 at folio 143 in the Office of the Surveyor for the District of Columbia.

PARCEL 2
(415 "H" Street, N.W.")

Lot 47 in square 517 in a subdivision made by Oreste Ridolfi, as per plat recorded in Liber 85 at folio 194 in the Office of the Surveyor for the District of Columbia.

PARCEL 3
(414 Mass. Ave., N.W.)

Lot 48 in Square 517 in a subdivision made by Oreste Ridolfi, as per plat recorded in Liber 85 at folio 194 in the Office of the Surveyor for the District of Columbia.

PARCEL 4:
(408 Massachusetts Avenue, NW.)

Part of original Lot 1 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the north line of H Street, N.W., distant 84.50 feet West from the southeast corner of said lot, and running thence North 33.00 feet; thence Northeasterly at right angles to Massachusetts Avenue, N.W., 20.00 feet to a point in the southwesterly line of said avenue; thence Northwesterly along said line of said avenue, 12.00 feet; thence Southwesterly at right angles to said avenue, 24.00 feet; thence due South, 35.00 feet to a point in said line of H Street; and thence East along said line of said street, 12.50 feet to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 803 in Square 517.

PARCEL 5
(unimproved lots on Massachusetts Avenue, N.W.)

Part of original Lot 1 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the north line of H Street, N.W., distant 97.00 feet West from the southeast corner of said lot, and running thence West along said line of said street, 25.00 feet to a point at the southeast corner of Lot 47 in said square, as per plat recorded in Liber 85 at folio 194 in said Surveyor's Office; thence North along the east line of said Lot 47, 37.79 feet, per plat, (38.00 feet, per Deed); thence Northeasterly at right angles to Massachusetts Avenue, N.W., 30.93 feet, per plat, (31.00 feet, per Deed), to a point in the southwesterly line of said avenue; thence Southeasterly along said line of said avenue, 24.00 feet; thence Southwesterly at right angles to said avenue, 24.00 feet; thence due South, 35.00 feet to a point in said line of H Street and to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lots 804 and 805 in Square 517.

PARCEL 6
(420 Mass. Ave., N.W.)

The West 17.71 feet front on Massachusetts Avenue, N.W., by the full depth thereof of Lot 42 in Square 517 in a subdivision made by Rudolph Goldschmid, as per plat recorded in Liber 11 at folio 143 in the Office of the Surveyor for the District of Columbia.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 808 in Square 517.

PARCEL 7
(424-26 Mass, Ave., N.W.)

Part of Lot 37 in Square 517 in a subdivision made by H.J. Frost, Attorney, for the heirs at law of Thomas F. Anderson, deceased, as per plat recorded in Liber 10 at folio 14 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the southwesterly line of Massachusetts Avenue, N.W., at the northwest corner of said lot, and running thence Southwesterly along the northwesterly line of said lot, 52.00 feet to angle therein; thence due South along the west line of said Lot, 55.32 feet to a point in the north line of H Street, N.W., at the southwest corner of said lot; thence East along said line of said street, 22.50 feet to a point at the southwest corner of Lot 40 in said square, as per plat recorded in Liber 11 at folio 143 in said Surveyor's Office; thence North along the west line of said Lot 40, 48.39 feet to a point at the southwest corner of Lot 41 in said square, as per the aforesaid last mentioned plat; thence Northeasterly along the westerly line of said Lot 41, 48.85 feet to a point in said line of said avenue; and thence Northwesterly along said line of said avenue, 23.50 feet, more or less, to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 809 in Square 517.

PARCEL 8
(Lots fronting "H" Street)

Parts of original Lots 5, 6, 7 and 8 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the north line of H Street, N.W., distant 15.125 feet West from the southeast corner of said Lot 5, and running thence West along said line of said lot, 105.875 feet, more or less, to a point at the southwest corner of said Lot 8; thence North along the West line of said Lot 8, 78.00 feet, 4.75-inches; thence Southeasterly, to a point which intersects a line drawn North 79 degrees 13 minutes 00 seconds West, 15.67 feet from the east line of said Lot 5, and distant North and parallel with said east line of said Lot 5, 59.00 feet, 2.375 inches, more or less, from said line of H Street; and thence South and parallel with said east line of Lot 5, 59.00 feet, 2.375 inches, more or less, to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lots 811 through 817, inclusive, in Square 517.

PARCEL 9
(442-44 Mass. Ave., N.W.)

Part of original Lot 8 in square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point at the northwest corner of said lot, and running thence Southeasterly along the southwesterly line of Massachusetts Avenue, N.W., 30.00 feet to a point at the northeast corner of said lot; thence Southwesterly at right angles to said line of said avenue along the easterly line of said lot, 73.00 feet to point in the southerly line of the land conveyed by Frank W. Tucker and Mary C. Tucker, his wife, to Charles Facchina and Gion B. Facchina, by Deed recorded May 5, 1910 in Liber 3323 at folio 165, among the Land Records of the District of Columbia; thence westerly along said line of said conveyance, to a point in the westerly line of said lot, distant 80.00 feet South from the point of beginning; and thence Northeasterly along said Westerly line of said lot, 80.00 feet to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lots 854 and 855 in Square 511.

PARCEL 10:

(434, 432, 430 Mass. Ave., N.W.)

Parts of original Lots 5 and 6 in Square 517, as per plat in Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly

described as follows:

BEGINNING for the same at a point in the southwesterly line of Massachusetts Avenue, N.W., at the northwest corner of said Lot 6, and running thence Southeasterly along said line of said avenue, 45.00 feet to a point in the centerline of the party wall between premises 428 and 430 Massachusetts Avenue, N.W.; thence Southwesterly along said centerline and a prolongation thereof, 55.40 feet; thence North 79 degrees 13 minutes 00 seconds West, to a point in the westerly line of said Lot 6 distant 66.0 feet Southwesterly from said point of beginning; and thence Northeasterly along said westerly line of said Lot 6, 66.00 feet to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lots 857, 858 and 859 in Square 517.

PARCEL 11

(418 Massachusetts Avenue, N. W.)

Part of original Lot 2 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the southwesterly line of Massachusetts Avenue, N.W., distant 14.00 feet Northwesterly from the northeast corner of said lot, and running thence Northwesterly along said line of said avenue, 16.00 feet to a point at the dividing line between original Lots 2 and 3 in said square; thence Southwesterly at right angles to said line of said avenue along said dividing line, 33.80 feet; thence southeasterly and parallel with said line of said avenue, 16.00 feet; and thence Northeasterly and parallel with said dividing line, 33.80 feet to the point of beginning.

- ALSO -

The East 11.50 inches front on Massachusetts Avenue, NW., by the full depth thereof of Lot 42 in Square 517 in a subdivision made by Rudolph Goldschmid, as per plat recorded in Liber 11 at folio 143 in the Office of the Surveyor for the District of Columbia.

NOTE: At the date hereof all of the above described property is known for assessment and taxation purposes as Lot 862 in Square 517.

PARCEL 12:
(Premises No. 421 "H" Street, N.W.)

Lot 40 in square 517 in a subdivision made by Rudolph Goldschmid, as per plat recorded in Liber 11 at Folio 143 in the Office of the Surveyor for the District of Columbia.

PARCEL I3
(Premises No. 419 H Street, N.W.)

Lot 39 in square 517 in a subdivision made by Rudolph Goldschmid, as per plat recorded in Liber 11 at Folio 143 in the Office of the Surveyor for the District of Columbia, saving and excepting therefrom the east 1.35 feet front on H Street, N.W., by the full depth thereof.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 869 in Square 517.

PARCEL 14:
(Premises No. 425 "H" Street, N.W.)

Part of original Lot 5 in square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point in the north line of H Street, N.W., at the southeast corner of said lot, and running thence North along the east line of said lot, 55.31 feet to a point; thence North 79 degrees 13 minutes 00 seconds West, 15.67 feet to a point; thence South and parallel with said east line of said lot, 58.84 feet to a point in said line of said street; and thence East along said line of said street, 15.125 feet to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 860 in Square 517.

PARCEL I5
(428 Massachusetts Avenue, N.W.)

Part of original Lot 5 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described in accordance with a plat of survey recorded in Survey Book 120 at page 417 in said Surveyor's Office, as follows:

BEGINNING for the same at a point in the southwesterly line of Massachusetts Avenue, N.W., at the northeast corner of said lot, and running thence Northwesterly along said line of said avenue, 14.80 feet to a point in the centerline of the party wall between premises 428 and 430 Massachusetts Avenue, N.W.; thence Southwesterly along said centerline and a prolongation thereof, to a point in the northeasterly line of part of the land conveyed to Elijah B. McDonald, by Deed recorded in Liber 4084 at folio 461, among the Land Records of the District of Columbia; thence South 79 degrees 13 minutes 00 seconds East, to a point in the easterly line of said lot; and thence Northeasterly along said easterly line of said lot, 52.00 feet to the point of beginning.

NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 861 in Square 517.

Parcel 16
(417 H Street, N.W.)

Part of Original Lot numbered Two (2) in Square numbered Five Hundred Seventeen (517), being more particularly described as follows:

BEGINNING for the same on H Street; 15.39 feet West of the Southeast corner of said lot and running thence at right angles to the North line of H Street, 42 feet 1 inch; thence Northeasterly to the Southeast corner of the part of said lot conveyed to Ethel M. Rutty by Deed recorded May 24, 1920 in Liber 4359 at folio 390; thence with said Southerly line, Northwesterly to the division line between Original Lots 2 and 3 in said square; thence South along said division line, 4.20 feet; thence still with said dividing line, 43 feet 9 1/2 inches to H Street and the Southwest corner of said Lot 2; thence East along said Street to the place of beginning.

Also, the East 1.35 feet front on H Street by the full depth thereof of Lot numbered Thirty-nine (39) in said Square numbered Five Hundred Seventeen (517) in the subdivision made by Goldschmid, as per plat recorded in Liber 11 at folio 143 among the said Surveyor's Office Records.

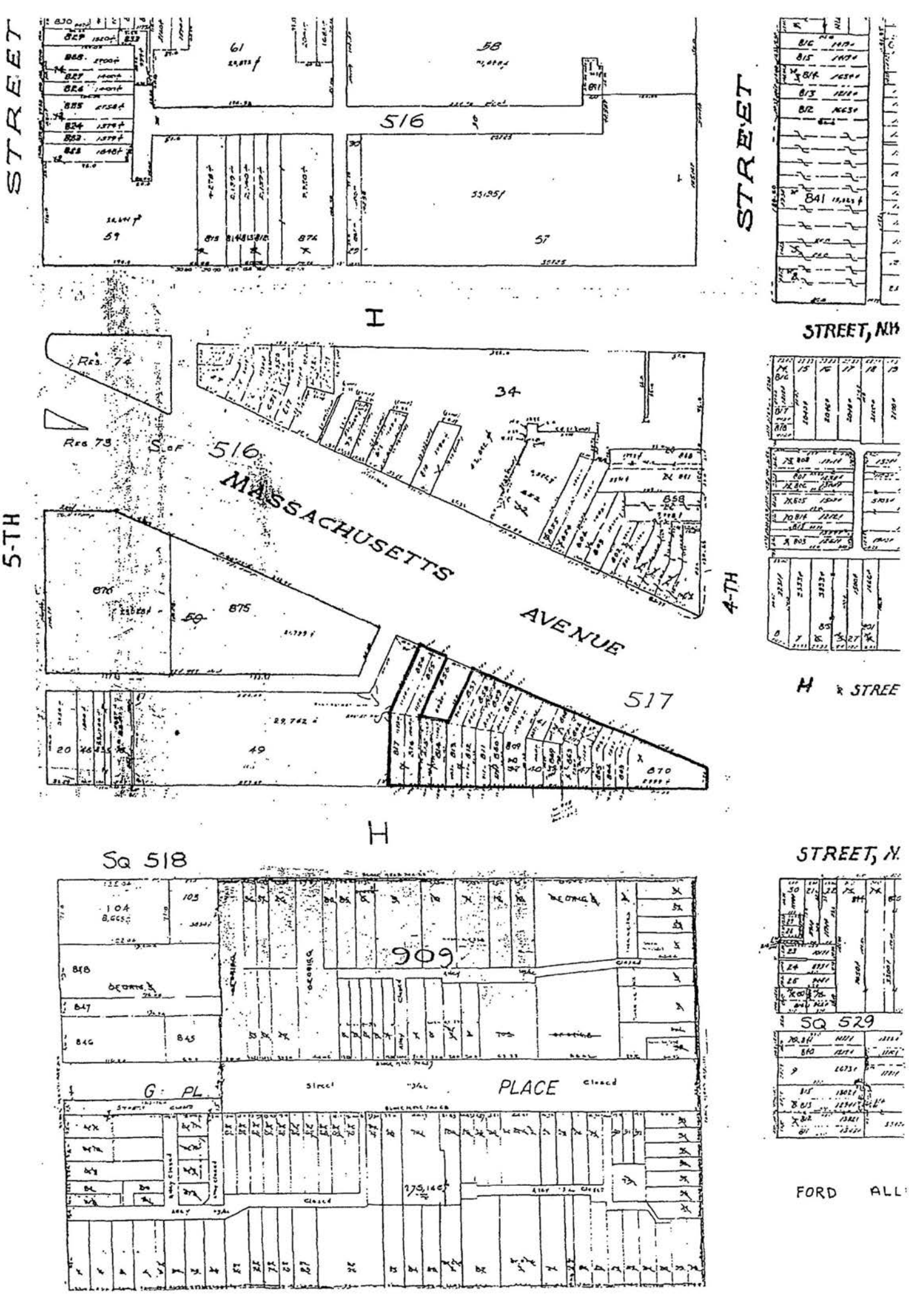
Said property being known for assessment and taxation purposes as Lots 863 and 868 in Square 517

Parcel 17
(400 Mass. Ave., N.W.)

Part of original Lot 1 in Square 517, as per plat recorded in "Record of Squares" Book No. 2 at page 517 in the Office of the Surveyor for the District of Columbia, being more particularly described as follows:

BEGINNING for the same at a point at the intersection of the west line of 4th Street, N.W., and the north line of *H* Street, N.W., said point being also the southeast corner of said lot, and running thence West along said line of I-I Street, 84.50 feet; thence North, 33.00 feet; thence Northeasterly, 20.00 feet to a point in the southwesterly line of Massachusetts Avenue, N.W.; thence Southeasterly along said line of said avenue, 84.00 feet to a point in said line of 4th Street, at the northeast corner of said lot; and thence South along said line of 4th Street, 17.50 feet to the point of beginning.

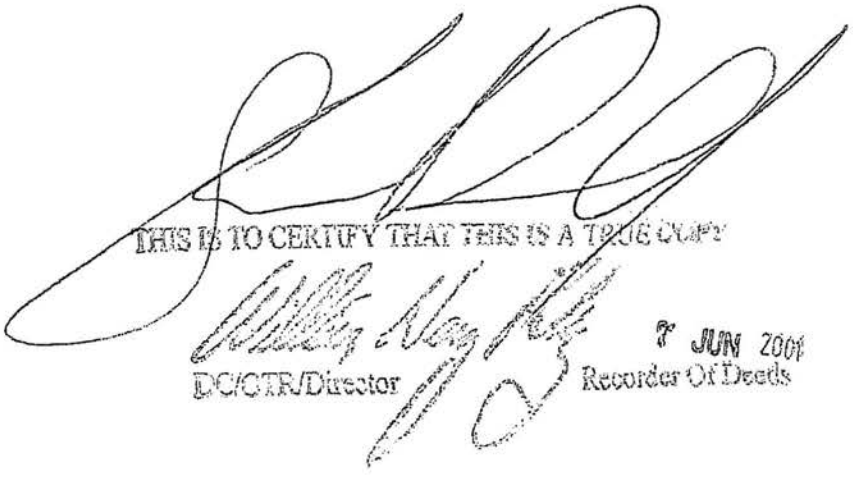
NOTE: At the date hereof the above described property is known for assessment and taxation purposes as Lot 870 in square 517.


STREET
STREET
STREET, NW
H
H & STREE
5-TH
4-TH
MASSACHUSETTS
AVENUE
516
517
Res. 74
Res. 73
61
58
59
57
34
49
20
875
876
841
Sq 518
909
104
105
818
847
846
845
G PL
PLACE
closed
Sq 529
STREET, N.
FORD ALL

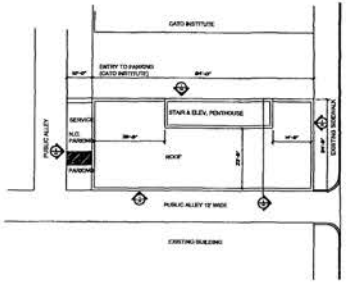
Dennis Hughes, Esq.
Holland & Knight LLP
2099 Pennsy. Ave NW
Wash. DC 20006

Doc# 2001051233
Book:
Pages: —
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06/07/2001 12:23:42 PM
HENRY RILEY
RECORDER OF DEEDS
WASHINGTON D.C. RECORDER OF DEEDS

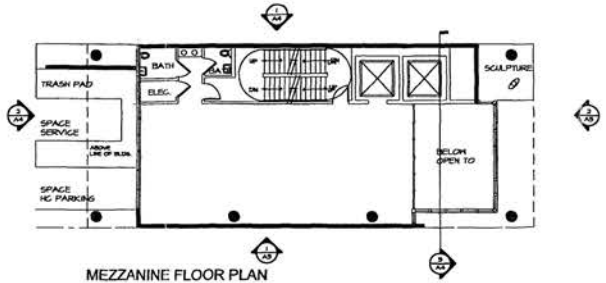
SURCHARGE	$	5.00
RECORDING	$	95.00


THIS IS TO CERTIFY THAT THIS IS A TRUE COPY
DC/CTR/Director
8 JUN 2001
Recorder Of Deeds

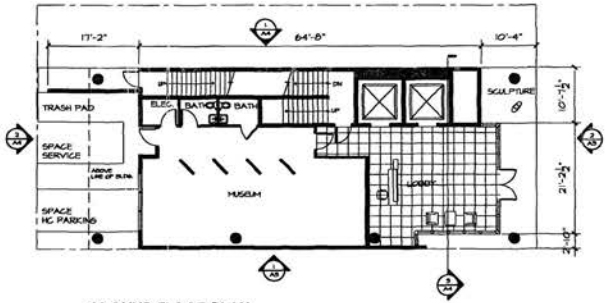




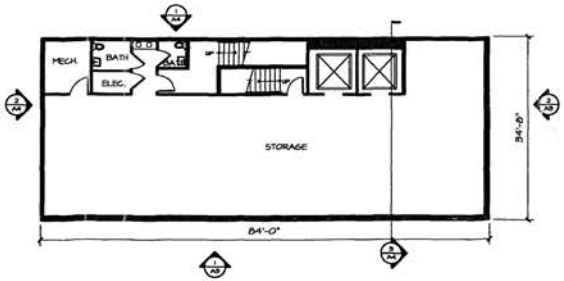
SITE PLAN



MEZZANINE FLOOR PLAN



GROUND FLOOR PLAN



LOWER LEVEL / STORAGE

ZONING INFORMATION

Zoning District: DD/ C-2-C
Lot: 57
Square: 342
Lot Area 3,258 SF

	PERMITTED/ REQUIRED	PROPOSED
Lot Occupancy	100%	90%
F.A.R.	3.5 Non Residential	7.75
Building Area	11,403 SF	25,275 SF
Building Height	105'	105'
Side Yard:	(no side yard required)	none
Rear Yard:	15'-0"	10'-0"
Parking Spaces	13 Spaces	1 Handicapped Space
Loading:	1 @ 20'-0" 1 @ 30'-0"	1 @ 20'-0"

ARCHITECT
DEVROUAX & PURNELL
717 D STREET, NW
WASHINGTON, DC 20004

NATIONAL MEDICAL ASSOCIATION
1012 10TH STREET, NW
WASHINGTON, DC 20001

NOTES

REVISIONS

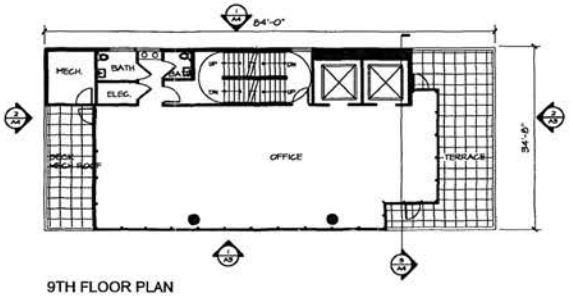
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PROPOSED PLANS

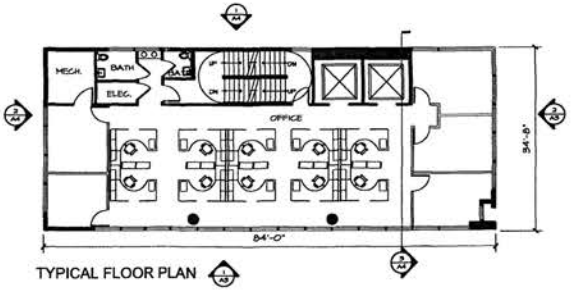
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SHEET NO.

A-1



9TH FLOOR PLAN



TYPICAL FLOOR PLAN

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NOTES

REVISIONS

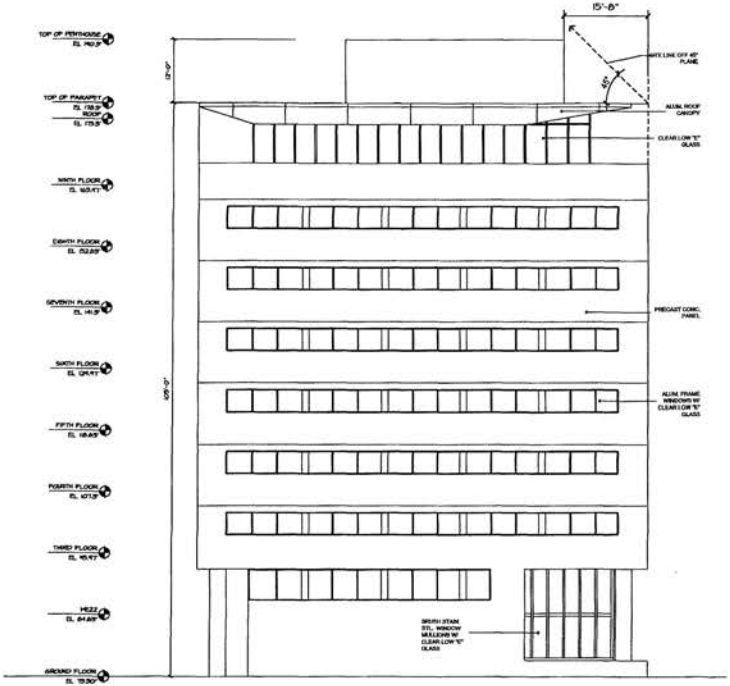
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COMMISSION NO.

PROPOSED PLANS

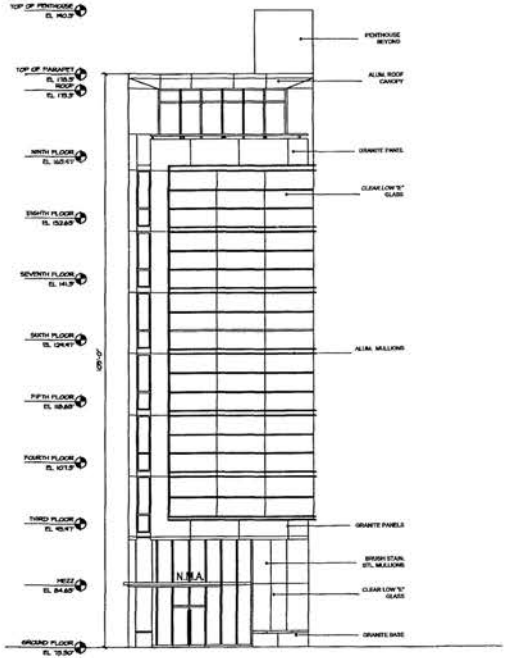
DRAWING TITLE

SHEET NO.

A-2



1 SOUTH ELEVATION



2 EAST ELEVATION

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REVISIONS

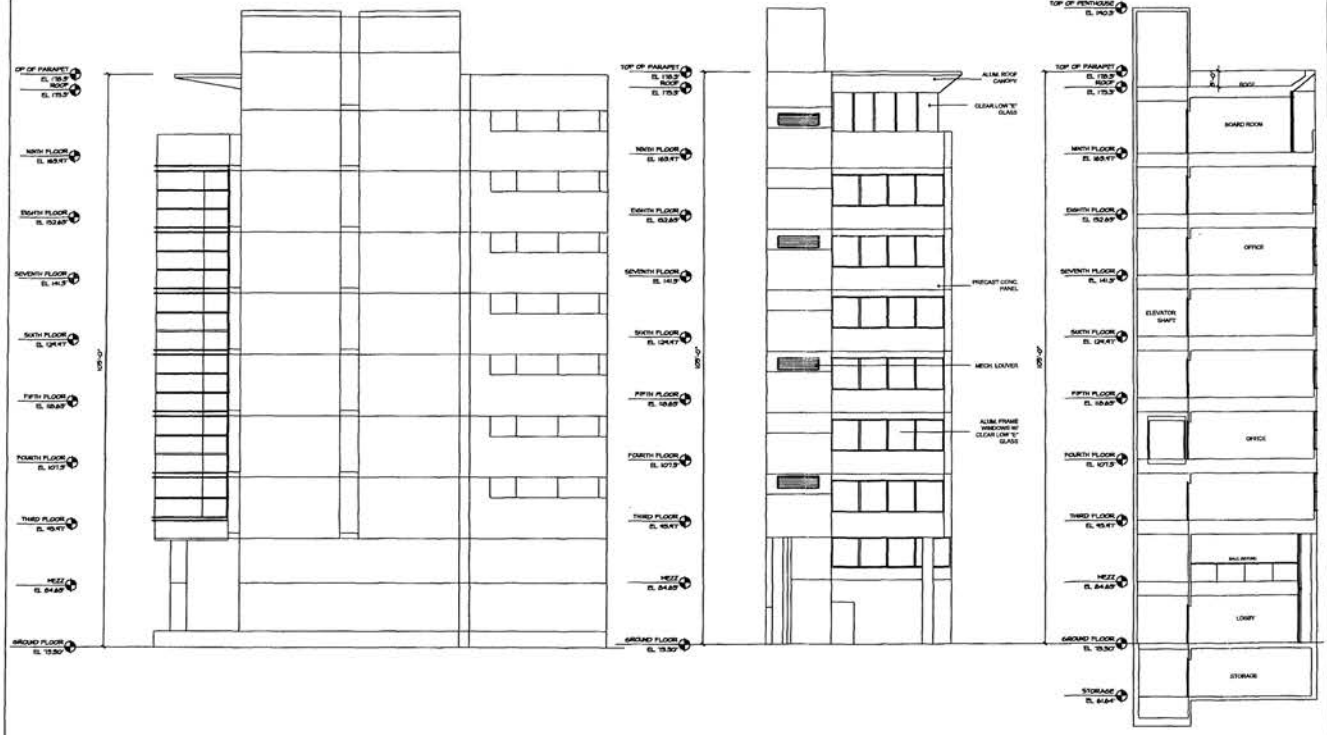
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DRAWN :
CHECKED :
COMMISSION NO.

ELEVATIONS - NORTH AND EAST

DRAWING TITLE

SHEET NO.

A-3



1 NORTH ELEVATION

2 WEST ELEVATION

3 BUILDING SECTION

ARCHITECT
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WASHINGTON, DC 20004

NATIONAL MEDICAL ASSOCIATION
1012 10TH STREET, NW
WASHINGTON, DC 20001

NOTES

REVISIONS

DATE : OCTOBER 1, 2001
SCALE : 1/8" = 1'-0"
DRAWN :
CHECKED :
CONNECTION NO. :

ELEVATIONS - SOUTH AND WEST

DRAWING TITLE

SHEET NO.

A-4

F

OUTLINE OF TESTIMONY OF
REPRESENTATIVE OF THE
NATIONAL MEDICAL ASSOCIATION

I. Introduction and General Description of the National Medical Association
   1. Membership
   2. History of Organization generally and in Washington, D.C.

II. Brief Overview of Development Plan for the Site

   1. Space needs
   2. Museum
   3. Housing Development Agreement

III. Brief Description of Special Exception and Variance Request

VI. Conclusion

WAS1 #1020288 v1

OUTLINE OF TESTIMONY OF
REPRESENTATIVE OF DEVROUAX & PURNELL, ARCHITECTS

I. Introduction

II. Site Description

III. Description of Proposed Site Plan
1. Rear Yard Setback
2. Building Height
3. Parking
4. Service/Delivery Space
5. Roof Structure Location
6. Interior Space Layout
    a. Office areas
    b. Museum
7. Exterior Façade/Building Materials

IV. Conclusion

H

OUTLINE OF TESTIMONY OF
STEVEN E. SHER, LAND PLANNER

I. Introduction

II. Site Location

III. Site Description

IV. Zoning

V. Description of Requested Special Exception
1. Roof Structure

VI. Description of Requested Variances
1. Rear Yard
2. Parking
3. Loading
4. Timing Requirements for the Provision of Required Housing

VI. Compliance with Special Exception and Variance Standards

VII. Conclusion