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March 21, 2003

DENNIS R. HUGHES
202-419-2448
drhughes@hklaw.com

RECEIVED
D.C. OFFICE OF ZONING
2003 MAR 21 PM 2:56

Memorandum

To: Rick Nero

From: Dennis Hughes

Re: Square 155 – Subdivision Plat
German Marshall Fund

Pursuant to our conversation, attached please find copies of the following:

1. BZA Order No.16953 identifying Lot 150, Square 155 as zoned DC/SP-1;

2. zoning certification identifying Lot 150, Square 155 as zoned DC/SP-1;

3. certified plat; and

4. subdivision plat with Lot 251, Square 155 noted as zoned DC/R-5-B.

Please note that Lot 150 forms the western portion of the newly "subdivided" lot, with Lot 839 forming the eastern portion.

I have a meeting with Robert Kelly scheduled for Monday morning, March 24th, to discuss this matter. Please let me know if there is anything you can do to confirm that the proper zoning of the property is DC/SP-1 and not DC/R-5-B.

Thanks very much.

WAS1 #919995 v1

BZA
Case No. 16953
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16953
EXHIBIT NO.31

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

☆ ☆ ☆

Application No. 16953 of German Marshal Fund of the United States, pursuant to 11 DCMR § 3104.1, for a special exception to construct an addition to a building for office use under section 508, in the DC/SP-1 District at premises 1742 R Street, N.W. (Square 155, Lot 150).

HEARING DATE: November 26, 2002
DECISION DATE: November 26, 2002 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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) 2B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report recommending approval of the special exception application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR §3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 508. No persons or entities 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.

Based upon the record before the Board and having given great weight to the ANC and the OP, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 508, that the requested relief can 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 concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED.**

VOTE: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, David A. Zaidain, Curtis L. Etherly, Jr., and John G. Parsons to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 0 3 2002

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (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. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

☆ ☆ ☆

BZA APPLICATION NO. 16953

As Director of the Office of Zoning, I hereby certify and attest that on DEC 0 3 2002 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 and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Dennis R. Hughes, Esq
Whayne S. Quin, Esq
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006

Vince Micone, Chairperson
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

David R. Jolliffe, Commissioner 2B03
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

October 28, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lot 150 in Square 155 is zoned DCOD/SP-1 as shown on the attached plat.

JERRILY R. KRESS, FAIA
Director
Office of Zoning

District of Columbia, ss:

Signed and sworn to before me this 30th day of October 2002.

BETTY J. WILLIAMS
Notary Public, D.C.

My Commission expires on February 14, 2006

DISTRICT COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., October 15, 2002

Plat for Building Permit of SQUARE 155 LOT 150

Scale: 1 inch = 20 feet Recorded in Book 14 Page 18

Receipt No. 01225

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

By: L.E.S.

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: 10-17-02

Freda Hobar

(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.

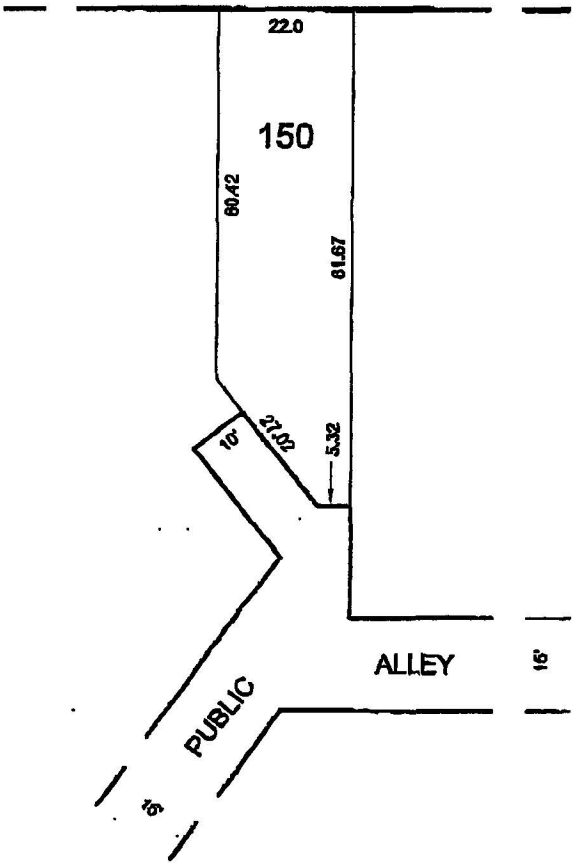
October 28, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lot 150 in Square 155 is zoned DCOD/SP-1, as shown on this plat.

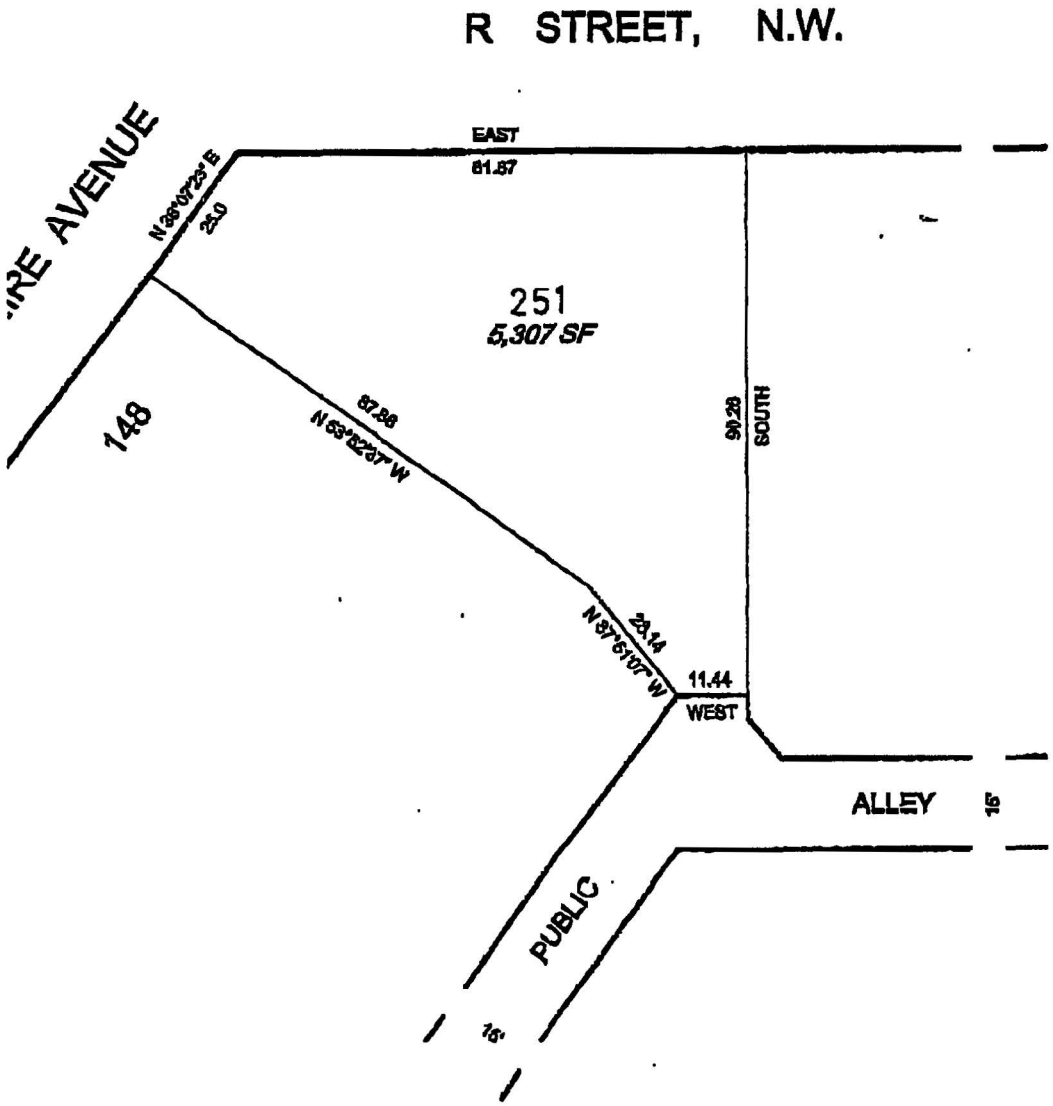
JERRILY R. KRESS, FAIA
Director
Office of Zoning

2002 OCT 17 PM 2:11
DISTRICT OF COLUMBIA ZONING

R STREET



SUBDIVISION
SQUARE 155



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Square 155
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FUND
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NT

2/27

I certify that the following statements relating to this subdivision are correct.

1 Ownership agrees with our records: 2/27/03 AB

2 Real estate taxes are paid to: 3/31/03 AB

3 There are no unpaid assessments: 2/27/03 AB

Assistant Director, Office of Real Property Tax

I acknowledge for the owners that this is not a tax certificate as intended by D.C. Code Section 47-405.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

03/14/03, 2002

I certify that this subdivision complies with all applicable provisions of DCMR11, Zoning Regulation of the District of Columbia.

Zoning District: RESIDENTIAL DC/R-5-B

Zoning Administrator

13 March, 2002 03

HISTORIC PRESERVATION

OFFICE OF THE SURVEYOR

March 17, 2003

I certify that this plat is correct and is hereby recorded.

Surveyor, D.C.

NEW HAMPSHIRE AVENUE

148

deeds of trust have thereon encumbering said property; and the property other than such deeds of trust. The undersigned combines Lot 149 and Lot 150, Square 155 (Book 14 Page 18) and Public Alley Closed (Book 54 Pag one Lot and Square 155 and requests that this subdivision be recorded in the Office of the Surveyor of the District of Columbia.

WITNESSES

OWNERS

GERMAN MARSHALL FUND OF THE UNITED STATES

CRAIG KENNEDY, PRESIDENT

MARIANNE GINSBURG

day of December 2002

JULIA R. ALTIZER
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires August 31, 2007

Notary Public

My Commission Expires 8/31/07

NUMBER OF TRUSTS: 0

ASSENT BY TRUSTEES:

I certify that the following statem

1 Ownership agrees with our rec

2 Real estate taxes are paid to:

3 There are no unpaid assessm

Assis

I acknowledge for the owners t by D.C. Code Section 47-405.

DEPARTMENT OF CONSUMER

I certify that this subdivision complies Zoning Regulation of the District of Colur

Zoning District: RESIDENTIAL

HISTORIC P

OFFICE OF T

I certify that this plat is correct and is h

Surve

SURVEYOR'S OFFICE, D.C.

Made for: STEVEN H. GELL

Drawn by: L.E.S. Checked by: FS

Record and computations by: F. SLEEM

Recorded at: 11:30 AM MARCH 20, 2003

Recorded in Book 196 Page 152 S.O.00167

Scale: 1 inch = 20 feet File No. 02-3397

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FOR THE RECORD:

DATE: **March 21, 2003**

URGENCY: ☐ SUPER RUSH ☐ RUSH ☐ REGULAR

FAXED BY: AMOUNT:

CLIENT #: 085827 MATTER #: 00001

WAS1 #1137824 v1