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September 16, 2003

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HAND DELIVERY

Board of Zoning Adjustment
441 – 4th Street, N. W.
Room 210 S
Washington, D.C. 20001

Re: BZA No. 17070

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in support of the above-referenced application, scheduled for public hearing on September 30, 2003.

Please do not hesitate to contact me should you have any questions or require further information.

Very truly yours,

HOLLAND & KNIGHT LLP

Christopher H. Collins

CHC/skp
Enclosures

1192859_v1

BZA
Case No. 17070
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17070
EXHIBIT NO. 24

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF
THE DISTRICT OF COLUMBIA

Application No. 17070
of
Meridian International Center
for
Modification of Conditions in Order No. 5802

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

Christopher H. Collins
Attorney-at-Law

September 16, 2003

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
MERIDIAN INTERNATIONAL CENTER

BZA APPLICATION NO. 17070
HEARING DATE: SEPTEMBER 30, 2003
ANC 1C

STATEMENT OF THE APPLICANT

I.

NATURE OF RELIEF SOUGHT

This Statement is submitted on behalf of Meridian International Center, the owner of property located at 17th and Belmont Streets, N.W. (Square 2567, Lot 850) (the "Site"), in support of the above-referenced Application to the Board of Zoning Adjustment. As further detailed below, the Application requests a modification to two (2) of the six (6) conditions approved in conjunction with Board of Zoning Adjustment Order No. 5802, dated February 24, 1960.

The purpose of this Application is to allow the existing accessory parking on the property to be moved from the surface parking lot to a below-grade garage on that same property. The lot is to be developed with a matter-of-right residential building.

II.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the special exception relief requested herein pursuant to Section 3104 of the District of Columbia Municipal Regulations (the "Zoning Regulations"). 11 DCMR § 3104.

III.

BACKGROUND

Board of Zoning Adjustment Order No. 5802, dated February 24, 1960, approved the location of off-site accessory parking spaces for the Washington International Center, at 1630 Crescent Place, N.W. (Lot 809 (formerly Lot 807) in Square 2568) to be located across 17th Street, at Lots 811, 834, 838 and 839 in Square 2567 (hereinafter "the parking lot"), pursuant to former Section 3101.411 of the 1960 edition of the D.C. Zoning Regulations (the predecessor to current Section 214.1). See Exhibits F and G.

Meridian International Center, the successor to Washington International Center, is proposing to sell the parking lot for matter-of-right residential development under the existing R-5-B zoning of the property. The parking lot contains 38 spaces. When the parking lot is developed, Meridian will reserve for itself the ownership and use of 39 parking spaces on the property, to be located in a garage below grade. See Exhibit I. Accordingly, the following existing conditions of Order No. 5802 must be modified:

(e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings.

(f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon

which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.[1]

While the spirit and intent of these conditions will be met, the precise language of these two conditions must be amended in order to reflect the proposed development. When the specific property is developed, the parking spaces will remain on the same property as at present, and will be located within the new development. Conditions (a), (b), (c) and (d) of Order No. 5802 will still apply. Condition (e) will apply, as long as the parking area remains as a surface parking lot. When the property is developed and the parking is placed below grade, the condition is not necessary. Condition (f) will also remain, and will be modified to require that at least 38 spaces are reserved exclusively for that purpose, so long as said accessory off-street parking is required by the Zoning Regulations.

In this case, the Applicant is only requesting the modification of two conditions to a special exception approval previously approved by the Board. These modifications are necessary only because the parking will move from the surface of the property to a below-grade garage on that same property.

[1] The covenant required by condition (f) has been recorded and must be amended as well.

IV.

THE APPLICANT MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

A special exception use is deemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met. If the Applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981).

In Order No. 5802, the Board found in 1960 that all requirements of former Section 3101.411 had been met. Current Section 214.1 is virtually identical to that prior provision. In this case, the Applicant is requesting only the modification of two conditions imposed by the Board in its original special exception approval.

Pursuant to § 214.1 of the Zoning Regulations, use as a parking lot shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 214. The Subject Property is in compliance, as set forth herein:

A. Section 214:

In approving the original application in 1960, the Board determined that the accessory parking lot was in compliance with all of the requirements of the applicable Zoning Regulations, including the predecessor of Section 214. In approving the application, consistent with its general authority, the Board imposed conditions for the protection of surrounding property and to assure that the lot was operated and

maintained in a fashion that would be in harmony with the general purpose and intent of the Regulations and would not adversely affect the use of neighboring property. The Board 's authority to impose conditions must be consistent with the purposes for which the associated regulations were established.

This Application relates solely to conditions (e) and (f), which the Applicant proposes to modify as follows:

(e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings. Said wall and posts shall be maintained so long as the parking area is used exclusively for surface parking.

(f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that ~~the area approved for required off-street~~ at least 38 parking spaces shall be reserved ~~exclusively~~ on site for that purpose so long as the improvements to be served are existing or so long as said accessory off-street parking is required by the Zoning Regulations.

(deleted language ~~struck through~~; language to be added underlined)

The two modified conditions will maintain the protection of adjacent properties and consistency with adopted regulations as approved by Order No. 5802. The modifications are necessary due to the decision to develop the parking lot property, which was not contemplated in 1960. The proposed development, which would put the parking underground, would make approved conditions (e) and (f) no longer applicable or necessary in their current form. The new parking spaces will include 37 full size and two handicapped parking spaces, which the developer is contractually obligated to deliver to Meridian. The garage will be designed in full accordance with all applicable zoning requirements, including parking space size, location, access, maintenance and operation. The Developer's plans for the project will proceed in full compliance with the Zoning Regulations as a matter-of-right. The schematic plan for the garage is attached as Exhibit I.

The revisions to the conditions proposed herein would continue the requirement to maintain the accessory parking spaces. Locating the spaces inside a new building otherwise permitted as a matter-of-right brings the added benefit of removing the surface lot and replacing it with residential uses which increases the supply of housing in the District.

B. Section 3104.1:

The requested modifications to the conditions of the prior special exception are in harmony with the intent and purpose of the zone plan and will not adversely impact the use of neighboring property. Adequate accessory parking – one

space above what currently exists – will be maintained on the subject property for exclusive use by the Applicant.

In order to address an issue raised by the Board, the Applicant has arranged to lease 40 parking spaces for the duration of the construction period for the new residential development, in the nearest commercial parking garage, as temporary substitute parking for the parking that will be displaced during that period. See Exhibit H. In addition, the Applicant's parking area at 16th and Crescent Streets will also be available for use during that time.

V.

COMMUNITY SUPPORT

The Applicant has discussed the project with representatives of the community, and presented the project to Advisory Neighborhood Commission ("ANC") 1C, on numerous occasions. The ANC voted unanimously on September 3, 2003 to support this application.

VI.

EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portion of the Baist Atlas Map showing the subject site outlined;
Exhibit B:	Portion of the Zoning Map showing the subject site outlined;
Exhibit C:	Drawing of the existing parking lot;
Exhibit D:	Photographs of the subject site;
Exhibit E:	Outline of Testimony of Representative of Meridian International Center;

Exhibit F: BZA Order No. 5802, dated February 24, 1960, approving the use of the subject site as off-site accessory parking for the Washington International Center;

Exhibit G: Former Section 3101.411 of the D.C. Zoning Regulations;

Exhibit H: Agreement for off-site parking spaces during construction; and

Exhibit I: Schematic plans for parking garage portion of new development on subject property.

VII.

WITNESSES

A. Representative of the Meridian International Center.

VIII.

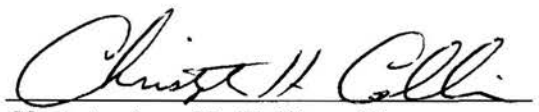
CONCLUSION

The Applicant submits that it has fully met the burden of proof for special exception relief under Section 214 and Subsection 3104.1 of the Zoning Regulations to amend the two conditions of Order No. 5802 discussed herein.

For the reasons stated above, the Applicant respectfully requests that this application be approved.

Respectfully submitted,

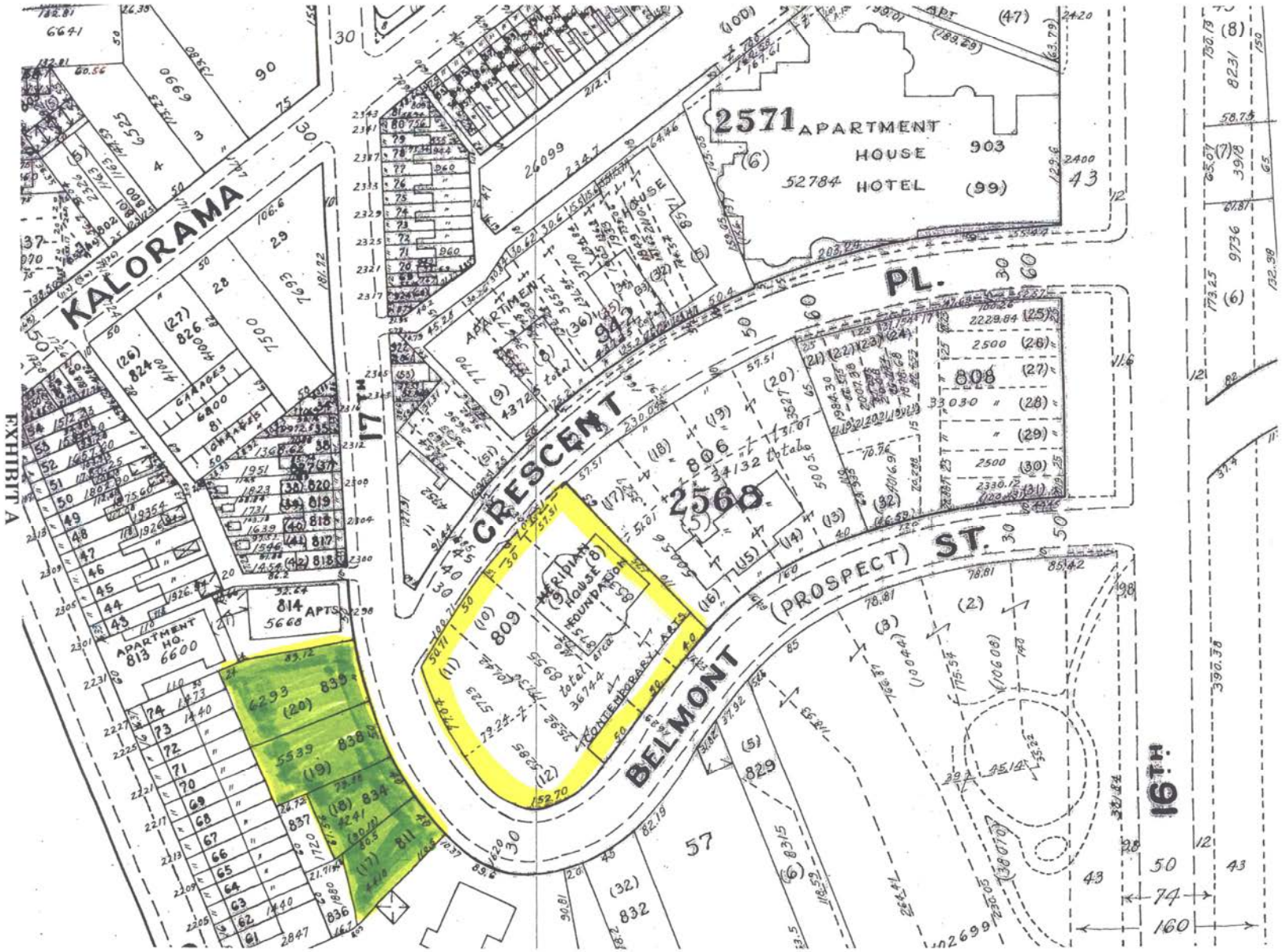
HOLLAND & KNIGHT, LLP

By: 

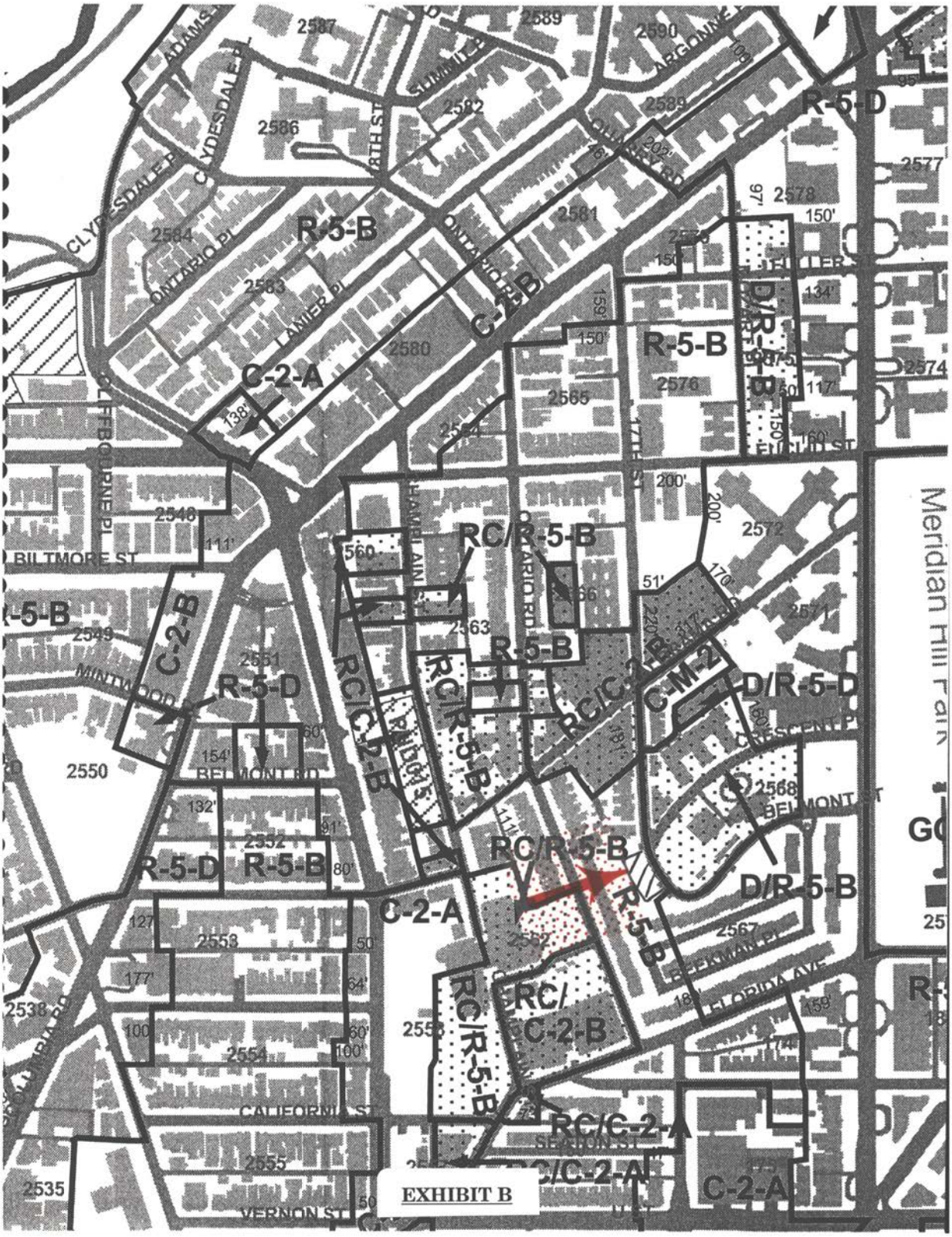
Christopher H. Collins, Esq.
2099 Pennsylvania Avenue, N.W.
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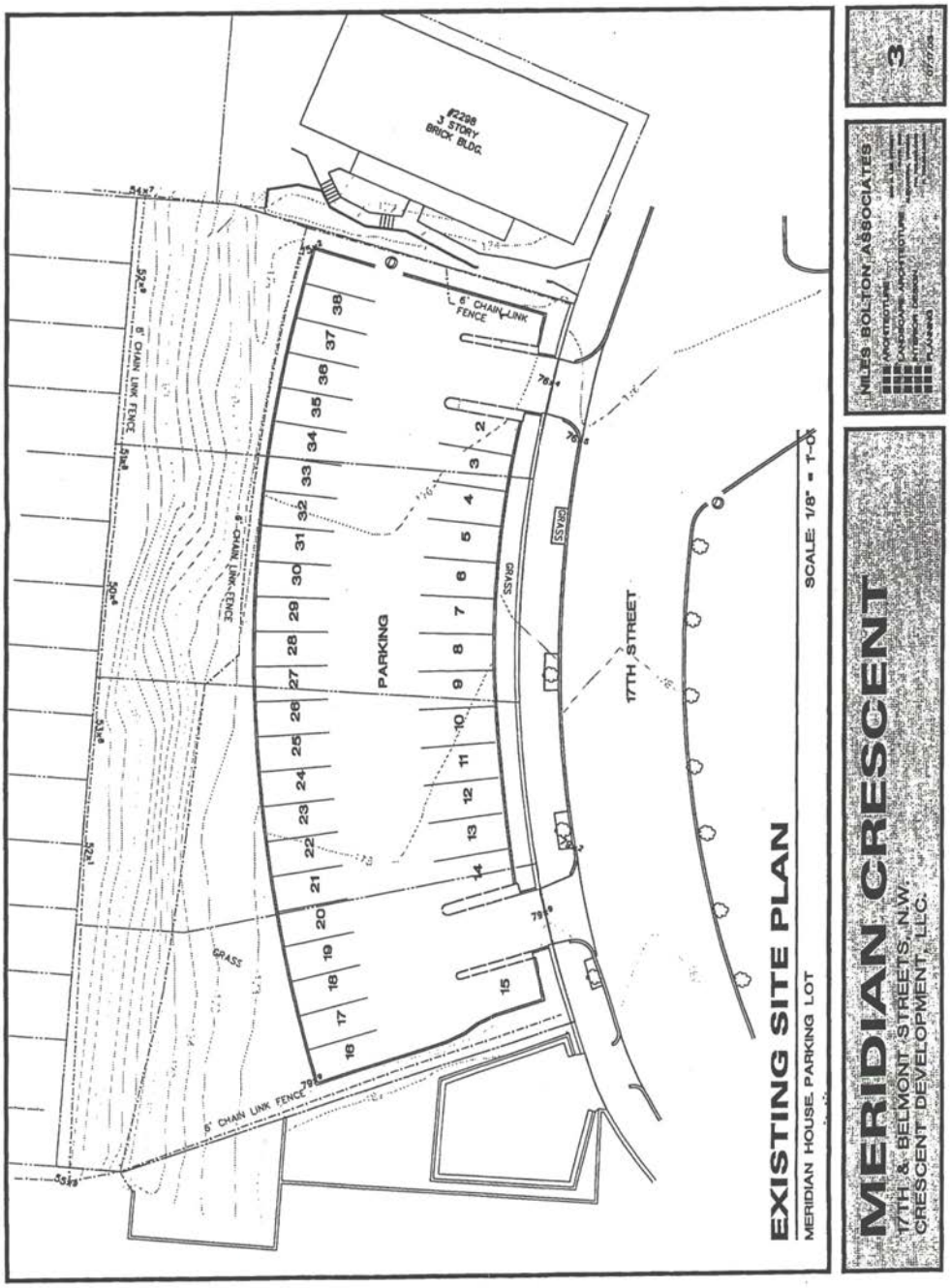
A


EXHIBIT A
KALORAMA
17TH
CRESCENT
PL.
BELMONT
(PROSPECT) ST.
16TH
2571 APARTMENT HOUSE 903
52784 HOTEL (99)
2568
809
806
808
814 APTS
5668
APARTMENT HO. 6600
813
829
832
MERIDIAN HOUSE FOUNDATION
CONTEMPORARY ARTS

B


R-5-B
R-5-D
C-2-A
C-2-B
RC/R-5-B
D/R-5-B
D/R-5-D
C-M-2
RC/C-2-A
RC/C-2-B
BILTMORE ST
BELMONT RD
CALIFORNIA ST
VERNON ST
Meridian Hill Park
EXHIBIT B

C



NOTE:
All parking spaces not drawn to scale.
Lot includes 38 parking spaces.

EXHIBIT C

D

EXHIBIT D-1

EXHIBIT D-2

EXHIBIT D-3

E

OUTLINE OF TESTIMONY
OF
REPRESENTATIVE
OF
MERIDIAN INTERNATIONAL CENTER

I. Identification.

II. Location of Existing Parking Spaces on Surface.

III. Location of Proposed Parking Spaces in Below-Grade Garage.

IV. Discussions with Community.

V. Temporary Location of Parking During Construction.

VI. Compliance with Zoning Regulations.

EXHIBIT E

F

Mr. Gladser:

I move that the following Order be entered:

ORDERED:

That the appeal of Gertrude Louise Isabel Laughlin Chanler to establish a private school, known as the Washington International Center at 1630 Crescent Place, N.W., lot 807, square 2568, and to provide automobile parking on lots 811, 834, 838 and 839, square 2567 at 17th and Belmont Streets, N.W., accessory to the proposed Center, be granted for the following reasons and subject to the conditions hereinafter set forth:

(1) As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds that the location of this Center is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, other otherwise objectionable conditions, and that the use will be reasonably necessary or convenient to the neighborhood which it is proposed to serve.

In making the above findings the Board has taken into consideration the fact that the Center will attract adults most of whom will be brought to the Center by private car or public transportation, thereby creating very little demand for off-street parking. The parking area, subject of this appeal, can accommodate about 240 students whereas the average will be from 60 to 75 at any one time. Hours of operation will be from 9:00 a. m. to 5:00 p.m. monday to Friday, and on certain eveningsfrom 5:00 p. m. to 10:30 p. m. and Saturday from 9:00 p. m. until midnight.

(2) The Board finds that it is not practicable to locate the parking on the same lot as the structure it is intended to serve because of the unusual topography and lack of appropriate ingress and egress to the site. We find that the parking area is so located as to furnish reasonable and convenient parking facilities for the occupants and guests of the structure for which they are designed to serve being directly across 17th Street from the Center building.

(3) The Department of Highways and Traffic offers no objection to the granting of this parking lot.

This Order shall be subject to the following:

(a) The number of dances to be held at the subject property shall be limited to the number normally scheduled by colleges and universities. Appellant shall bring this case to the attention of the Board of Zoning Adjustment one year after the date on which it occupies the subject property in order to permit the Board to consider the actual night activities of the appellant. The Board reserves the right to modify this order with respect to night activities if it finds after a trial period of one year that such activities are not consonant with the residential character of the neighborhood.

(b) All areas devoted to driveway, access lanes, and parking areas on this lot shall be paved with materials which form an all-weather impervious surface.

EXHIBIT F

(c) The parking lot shall be so designed that no vehicle or any part thereof shall project over any lot or building line.

(d) Any lighting if required for night use shall meet the requirements of the District of Columbia Electrical Code.

(e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each end of the two openings.

(f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors intitle, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.

Mr. Schwab: I second the motion. Motion unanimously carried.

Occupancy permit shall not issue until all conditions of this Order are met and complied with. Further, the Board reserves the right to direct revocation of the occupancy permit upon a proper showing tha any terms or conditions of this Order have been violated.

G

ZONING REGULATIONS

of the

DISTRICT OF COLUMBIA

ADOPTED BY THE ZONING COMMISSION
UNDER AND BY VIRTUE OF THE AUTHORITY CONFERRED
UPON IT BY AN ACT OF CONGRESS
APPROVED JUNE 20, 1938, AS AMENDED

EFFECTIVE MAY 12, 1958
Revised to July 1, 1960
(The date of each revision follows the text)

WASHINGTON, D. C.

EXHIBIT G

(c) Such use is reasonably necessary or convenient to the neighborhood and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; and,

(d) Before taking final action on an application for such use, the Board shall have submitted the application to the Director, Department of Vehicles and Traffic for review and report.

3101.49 *Philanthropic or eleemosynary institution*, not of a correctional nature, provided that:

(a) No goods, chattel, wares or merchandise are commercially created, exchanged or sold therein,

(b) Such use will not adversely affect the use of neighboring property; and,

(c) Before taking final action on an application for such use, the Board shall have submitted the application to the National Capital Planning Commission for review and report.

3101.410 *Chancery*, provided all other appropriate provisions of these regulations are compiled with and provided further that the proposed use and *building* in which the use is to be conducted are compatible with present and proposed development of the neighborhood. In determining compatibility the Board shall find that:

(a) The size and scope of the operation will not be objectionable because of noise, traffic, or the number of persons employed;

(b) The amount and arrangement of *parking spaces* and *loading berths* are adequate; and,

(c) The architectural design and arrangement of all *structures* are in keeping with the character of the neighborhood.

3101.411 Accessory passenger automobile *parking spaces* elsewhere than on the same *lot* or part thereof on which the main use is permitted, except for a *one-family dwelling*, provided that:

(a) Such *parking spaces* will be in an open area or in an underground garage no portion of which, except for access, extends above the level of the adjacent finished grade, provided in either case they are located in their entirety within 200 feet of the area to which they are accessory, and provided further that they are contiguous to or separated only by an *alley* from the use to which they are accessory. (63-22)

(b) All provisions of Article 74 regulating *parking lots* are complied with, except that the Board may in an appropriate case under paragraph 7404.3 modify or waive the conditions specified in paragraph 7404.2 where compliance therewith would serve no useful purpose.

(c) It is economically impracticable or unsafe to locate such *parking spaces* within the principal *building* or on the same *lot* on which such *building* or use is permitted because of:

(i) Strip zoning or shallow zoning depth;

(ii) Restricted size of *lot* caused by adverse adjoining ownership or substantial improvements adjoining or on such *lot;*

(iii) Unusual topography, grades, shape, size or dimensions of the *lot;*

(iv) The lack of an *alley* or the lack of appropriate ingress or egress through existing or proposed *alleys* or *streets;* or,

(v) Traffic hazards caused by unusual street grades or other conditions.

(d) Such *parking spaces* are so located and all facilities in relation thereto are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions; and,

(e) Before taking final action on an application for such use, the Board shall have submitted the application to the Director, Department of Highways and Traffic for review and report. (Apr. 20, 1959.)

3101.412 Residences for clerical groups and religious denominations in excess of fifteen persons, provided that:

(a) Such use will not adversely affect the use of neighboring property; and,

(b) The amount and arrangement of *parking space* are adequate. (Case 61-63 of 3-6-62)

3101.5 The following *accessory uses* incidental to uses permitted by this Section are permitted:

3101.51 Tutoring of not more than three students at any one time, provided:

(a) Not more than one music student shall be tutored at one time; and,

(b) All such tutoring shall be conducted within the main *building*.

3101.52 Office of a physician or dentist residing on the premises, provided that:

(a) No goods, chattel, wares, or merchandise are commercially created, exchanged, or sold therein;

(b) Exclusive of domestics, not more than two persons who do not reside on the premises may be employed. Neither person employed shall be a physician or dentist; and,

(c) Only one sign not over one square foot in area and affixed to the *dwelling* is used. Such sign, if illuminated, shall be white and nonflashing.

3101.53 A maximum of two roomers or boarders in the main *building*.

3101.54 *Home occupation*.

3101.55 *Parking space*, subject to the special requirements for such *parking space* in Article 72. (As amended Apr. 20, 1959.)

Section 7402—Parking Garages

7402.1 A *building* erected, altered, converted, or reconstructed for use as a *parking garage* shall be subject to the following special provisions:

7402.11 A *parking garage* which is an *accessory use* may be located as follows:

(a) As an *accessory building* in any *district* subject to the general provisions for *accessory buildings* as specified in Section 7502; and,

(b) Within the main *building*, provided:

(1) The entrance or exit to such garage shall be accessible and when it opens onto an *alley* such entrance or exit shall be set back at least 12 feet from the center line of such *alley;* and,

(2) That portion of the garage beneath *side yards*, *rear yard*, or *courts* does not obstruct required light and ventilation and is so designed that the area above it can be used for an unobstructed level open terrace.

7402.12 A *parking garage* erected, altered, converted, or reconstructed as a principal use shall have no vehicular entrance or exit nearer than 25 feet to a *street* intersection as measured from the intersection of the curb lines extended. The entrance or exit to such garage shall be accessible and when it opens onto an *alley* such entrance or exit shall be set back at least 12 feet from the center line of such *alley*.

Section 7403—Public Storage Garages, Repair Garages, Mechanical Parking Garages, and Gasoline Service Stations

7403.1 A *public storage garage*, *repair garage*, *mechanical parking garage*, or *gasoline service station* hereafter established or enlarged in any *district* except in the C-M or M *districts* shall be subject to the following special provisions: (As amended June 16, 1959.)

7403.11 No portion of the *structure* or premises to be so used shall be located within 25 feet of a Residence District unless separated therefrom by a *street* or *alley;*

7403.12 No such use shall have a vehicular entrance or exit connected with a *street* at a point closer than 25 feet to any Residence District existing at the time such use is established, unless separated therefrom by a *street* or *alley;*

7403.13 No driveway of any entrance or exit to such use shall be closer than 25 feet to a *street* intersection as measured from the intersection of the curb lines extended; and,

7403.14 Except in a C-M or M District, all grease pits or hoists hereafter constructed or established as part of such use shall be within a *building*.

Section 7404—Parking Lots

7404.1 A *parking lot* in any *district* shall conform to the following special provisions:

7404.11 All areas devoted to driveways, access lanes, and parking areas shall be paved with materials which form an all-weather impervious surface;

7404.12 The *parking lot* shall be so designed that no vehicle or any part thereof shall project over any *lot line* or *building line;*

7404.13 No other use shall be conducted from or upon the premises and no *structure* other than an attendant's shelter shall be erected or used upon the premises unless such use or *structure* is otherwise permitted in the *district* in which the *parking lot* is located;

7404.14 No vehicular entrance or exit shall be within 25 feet of a *street* intersection as measured from the intersection of the curb lines extended; and,

7404.15 Any lighting used to illuminate a *parking lot* or its *accessory buildings* shall be so arranged that all direct rays of such lighting are confined to the surface of the *parking lot*.

7404.2 In addition to the provisions of paragraph 7404.1, a *parking lot* located in an R-1, R-2, or R-3 District and a *parking lot* located in any other *district* where such *parking lot* is contiguous to an R-1, R-2, or R-3 District, shall conform to the following special provisions, unless such provisions are waived or modified by the Board of Zoning Adjustment:

7404.21 Such *parking lots* shall be screened from all contiguous residential property located in an R-1, R-2, or R-3 District by a solid masonry wall at least 12 inches thick and 42 inches high; and,

7404.22 All parts of the *lot* not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

7404.3 If approved by the Board of Zoning Adjustment the conditions set forth in paragraph 7404.2 may be waived or modified. Before authorizing such waiver of modification, the Board shall give consideration to:

7404.31 The adequacy of protective and screening walls located on adjacent residential property;

7404.32 Topographic and traffic conditions; and,

7404.33 Any adverse effect the requested waiver or modification of standards may have on adjacent residential property.

7404.4 The Board may require such special treatment of the premises as it shall deem necessary to protect the value of adjacent property.

ARTICLE 75

MISCELLANEOUS PROVISIONS

Section 7501—Site Plans for Large-Scale Planned Development of Five Acres or More

7501.1 The purpose of this Section is to encourage, in one or more Districts irrespective of use restrictions required by general zoning regulations, the design of well-planned, large-scale residential, institutional, or commercial developments, or a combination thereof which will offer a variety of building types or more attractive and efficient overall planning and design without sacrificing creative and imaginative planning. Under this Section well planned shopping centers, large-scale residential developments, and other types of uses or combination thereof might be developed with greater flexibility than otherwise would be possible under these regulations in area zoned as Residence, Special Purpose or Commercial or combinations thereof. The procedure and standards established herein are intended to permit, with Zoning Commission approval, diversification in the use, size, type and location of *structures*, and to improve circulation and site facilities while at the same time insuring adequate standards relating to public health, safety, welfare and convenience in the use and occupancy of *buildings* and other facilities in planned building groups. (Case No. 61-3 of 5-23-61)

7501.2 Each application (in duplicate) for a large-scale planned development shall be filed with the staff of the Zoning Commission. When filed such application shall certify that: (Case No. 61-3 of 5-23-61)

7501.21 The area to be included within the development contains five or more acres, PROVIDED:
(a) That, in any case where the area to be included is entirely within an SP, C-3-B, or C-4 *District,* or within any combination of such *districts,* such area may, at the option of the applicant, be reduced to not less than one and one-half acres; and
(b) That, in any case where the area to be included is less than one and one-half acres but involves one or more *lots* within an area as described in 7501.24, such *lot* or *lots* may be developed on an individual basis, if the improvements conform to the provisions of a *sectional development plan* within such area.

7501.22 The names and known addresses of each property owner included within the area to be developed are designated and listed in the application filed; and (Case No. 61-3 of 5-23-61)

7501.23 The *gross floor area* of all *buildings* does not exceed the sum of the total permitted within that portion of each Residence, Special Purpose, or Commercial District under the *floor area ratio* limitations established by these regulations for each *district,* provided:

(a) The maximum permitted *gross floor area* for all uses in R-5-D, Special Purpose and C-3-B Districts shall be 6.0; and the maximum permitted *gross floor area* for R-1, R-2, or R-3 Districts shall be determined by multiplying the area of those portions of the designated area located in an R-1 or R-2 District by a *floor area ratio* of 0.4 and those portions of the designated area located in an R-3 District by a *floor area ratio* of 0.6;

(b) No *building* exceeds the maximum *height* of *buildings* permitted in the least restrictive *district* in which any of the designated area is located; provided that in the Special Purpose and C-3-B Districts a maximum height of 130 feet may be permitted;

(c) No *building* located in a Residence District exceeds on any one *lot* the bulk limitations established by the *floor area ratio* and *percentage of lot* occupancy requirements of the R-5-D District;

(d) No *buildings* located in a Special Purpose or Commercial District exceeds on any one *lot* the bulk informations established by the *floor area ratio* requirements of the Special Purpose District under (a) above;

(e) *Yards* and *courts* for each residential or institutional *building* shall be of an area and dimension not less than the requirements for each such *building* in the R-5-D District; and *yards* and *courts* for each commercial *building* shall be of an area and dimension not less than the requirements for each such *building* in the Special Purpose District; and,

(f) Off Street *parking spaces* and loading *berths* for each residential or institutional *building* shall be provided in an amount not less than that required for each such *building* in an R-5-D District; and off street *parking spaces* and loading *berths* for each commercial *building* shall be provided in an amount not less than that required for each such *building* in the C-3-B District. (Case No. 61-3 of 5-23-61)

7501.24 Whenever the application filed with the staff of the Zoning Commission as provided for in Section 7501.2 shall show that all of the *buildings* or *structures* in the planned development are entirely within a C-4 *District* which abuts a *street* 160 feet in width, that pursuant to the Act of June 1, 1910 (36 Stat. 452) the *height* of the *buildings* does not exceed160 feet, that the *floor area ratio* does not exceed 12.0 on any one lot, that the *floor area ratio* for the over-all bulk of the total planned development project does not exceed 10.0, and that all of the *buildings* and *structures* in said planned development project comply with the *yard, court,* of-street loading and off-street *parking* requirements applicable in a C-4 *District,* then the extension of the area and bulk limitations in Section 5301.22 may be permitted or required, and where such *buildings* or *structures* face or abut a *street,* the *buildings* or *structures* may in the discretion of the Zoning Commission, be extended above 110 feet without set-backs as required by Section 5201.22(b). (64-68, 4-27-65)

7051.25 Notwithstanding the *floor area ratio* limitation for any one *lot* as contained in Paragraph 7501.24, development pursuant to the provisions of subsection 7501.21 (b) shall not exceed a *floor area ratio* of 10.0 in any one *lot.* (65-93) 11-10-65

H

1050 Thomas Jefferson Street, NW
Suite 100
Washington, DC 20007
202-295-8100 ▪ Fax 202-295-8111

29 July 2003

Ms. Jennifer Cumiskey
Vice President of Operations
Meridian House Center
1630 Crescent Place, NW
Washington, DC 20009

Re: Letter of Intent
Purchase of Parking Permits
Adams Morgan Parking Garage

Dear Ms. Cumiskey,

As the operator of the Parking Garage located at 2328 Champlain Street, NW, this letter will serve as our offer to sell Meridian House Center 40 monthly account parking permits on a monthly basis beginning on approximately 15 November 2003. The permits will provide parkers with access to the garage twenty-four hours a day. The rate associated with the permits is currently $100.00 plus tax of $12.00 for total cost of $112.00 per permit, per month. We understand that you agree to purchase the 40 permits for approximately 18-24 months.

Please sign one of the originals and return it to me so that we can commence processing your permits.

Very truly yours,

Andrew Blair
President
Chief Executive Officer

Agreed and Accepted:

MERIDIAN HOUSE CENTER:

By: _____

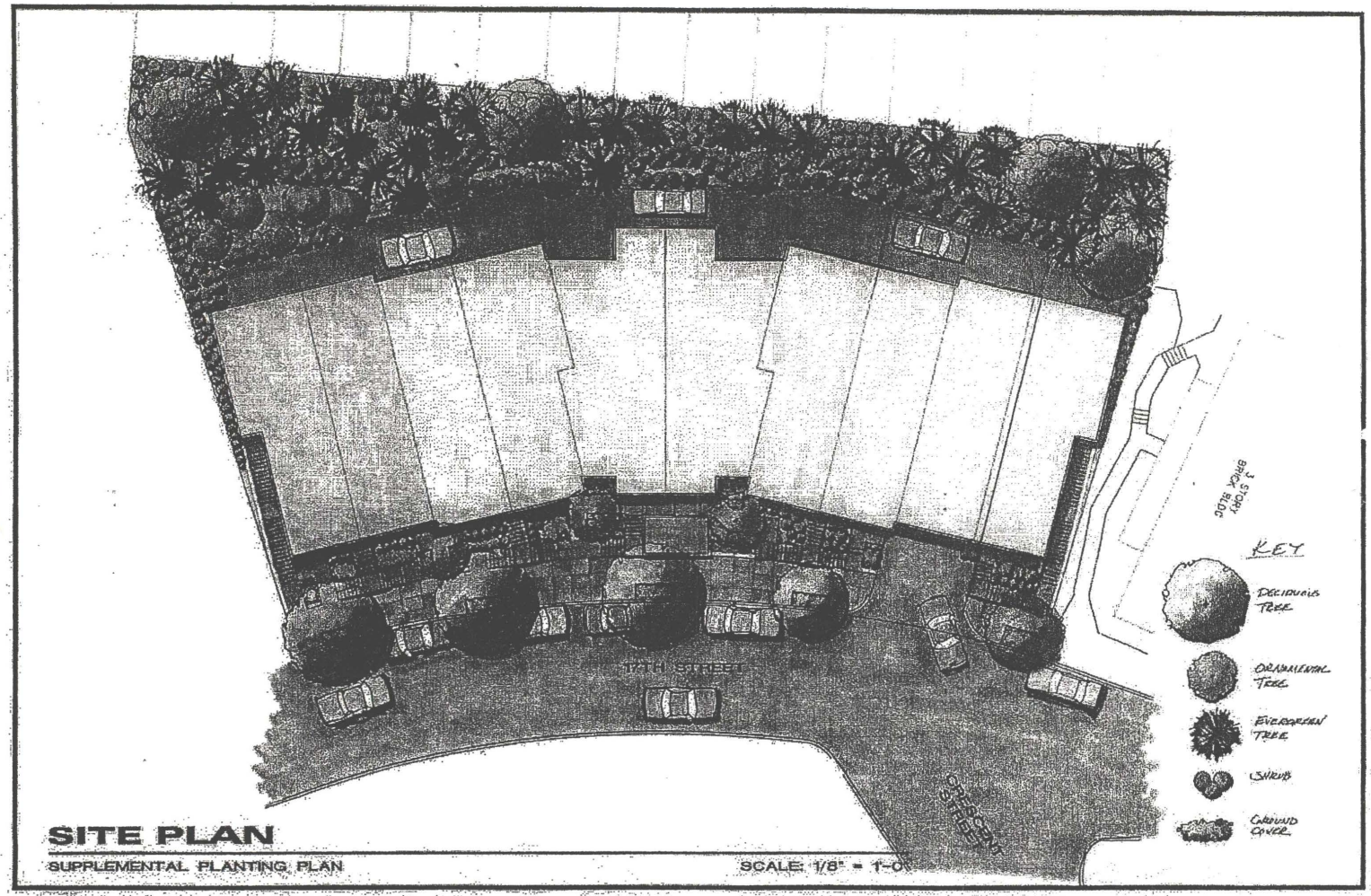
Title: CFO

Date: 7/29/2003

EXHIBIT H

I

EXHIBIT I



SITE PLAN

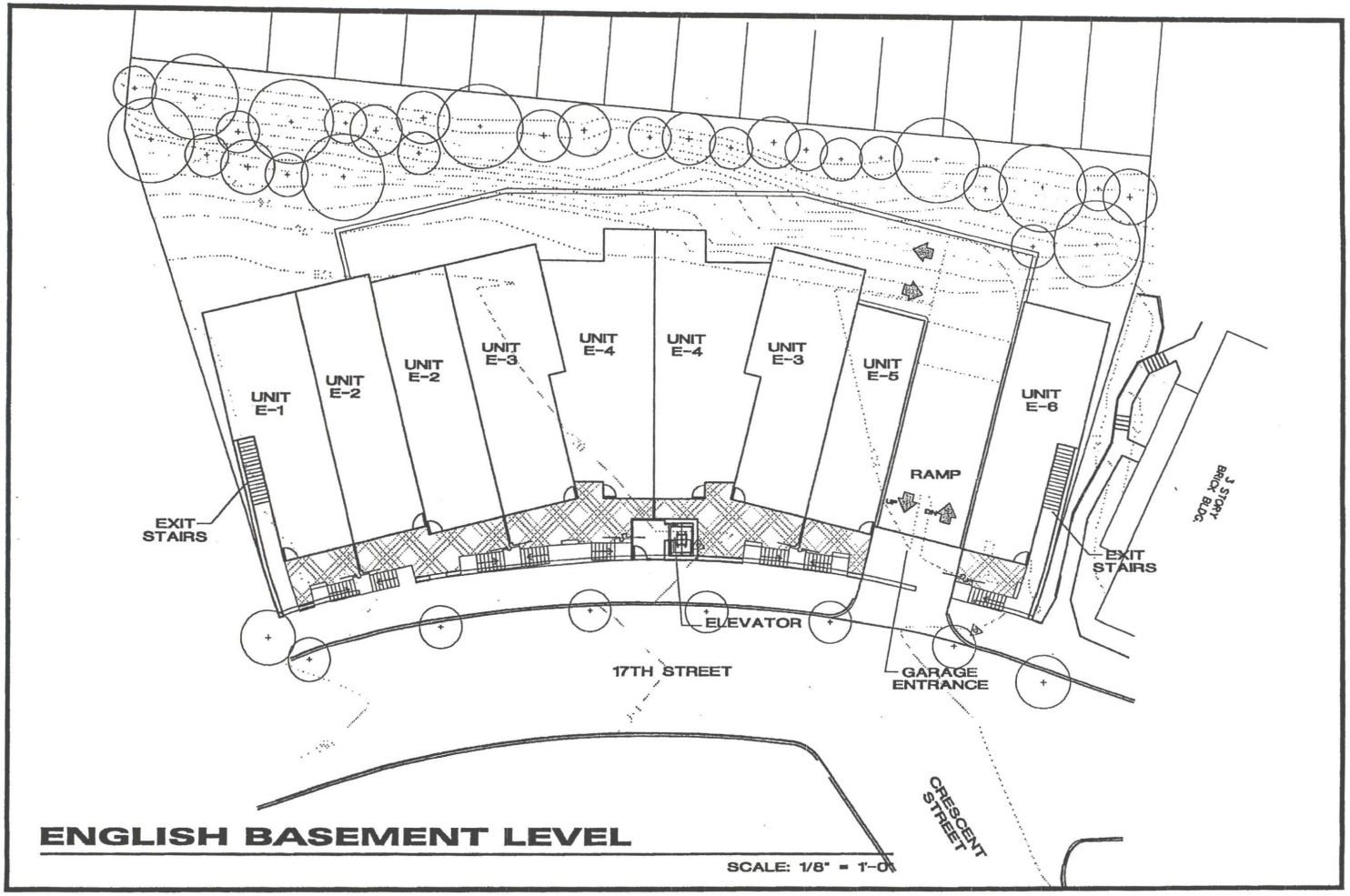
SUPPLEMENTAL PLANTING PLAN

SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, NW
CRESCENT DEVELOPMENT, LLC

NILES BOLTON ASSOCIATES
ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING



ENGLISH BASEMENT LEVEL

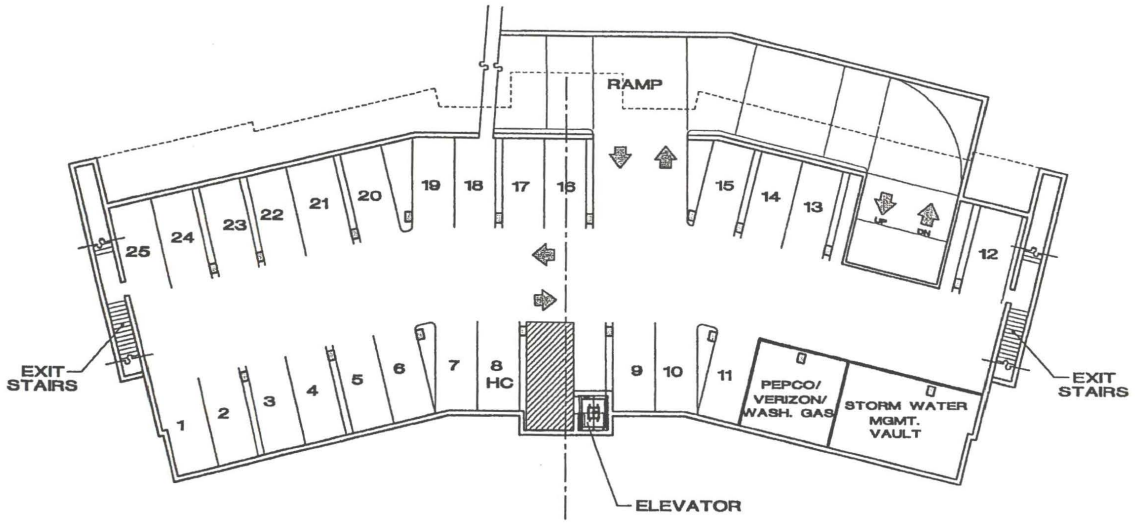
SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, N.W.
CRESCENT DEVELOPMENT, LLC

NILES BOLTON ASSOCIATES

ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING



UPPER LEVEL PARKING GARAGE

RESIDENTIAL PARKING / MERIDIAN HOUSE PARKING

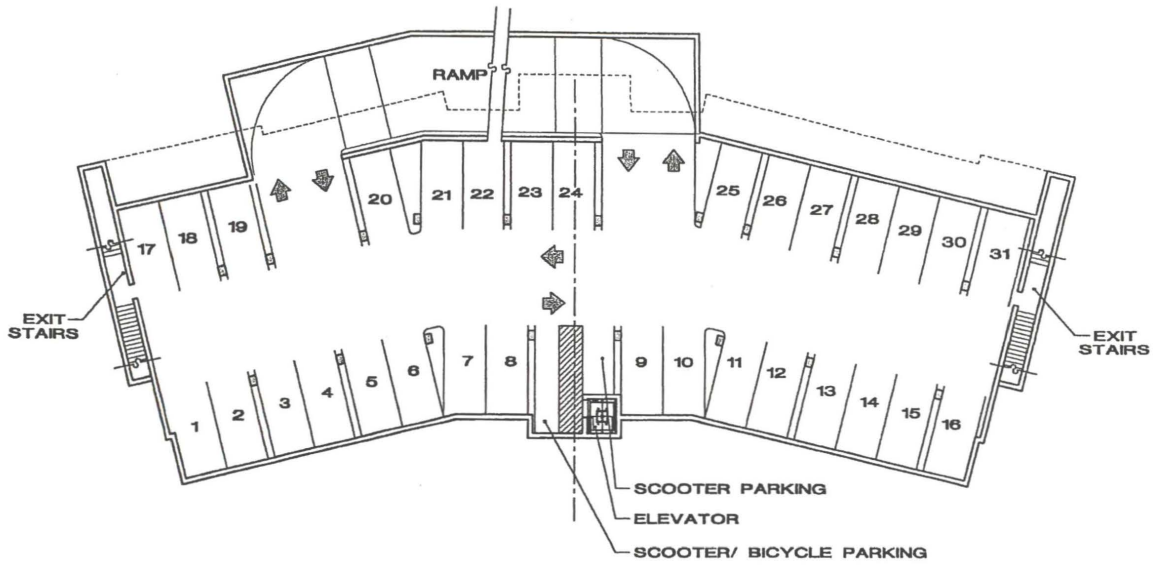
SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, N.W.
CRESCENT DEVELOPMENT, LLC

NILES BOLTON ASSOCIATES

ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING



MIDDLE LEVEL PARKING GARAGE

MERIDIAN HOUSE PARKING

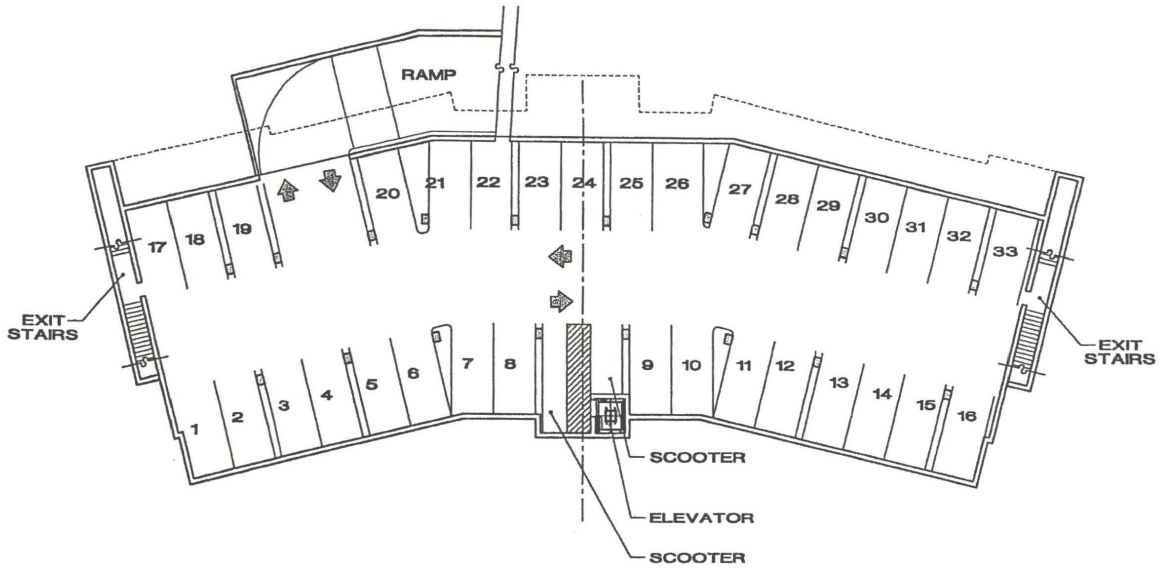
SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, N.W.
CRESCENT DEVELOPMENT, LLC

NILES BOLTON ASSOCIATES

ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING



LOWER LEVEL PARKING GARAGE

MERIDIAN HOUSE PARKING

SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, N.W.
CRESCENT DEVELOPMENT, LLC.

NILES BOLTON ASSOCIATES

ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING



REAR ELEVATION

CONCEPTUAL ELEVATION

SCALE: 1/8" = 1'-0"

MERIDIAN CRESCENT

17TH & BELMONT STREETS, N.W.
CRESCENT DEVELOPMENT, LLC

NILES BOLTON ASSOCIATES

ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PLANNING