

As the project proceeded, the building was totally demolished except for the remaining portion of the façade, and newly constructed from the ground up—and up, and up, and up. By early September it had evolved into a narrow towering structure, shockingly out of scale with its neighbors and visible from distant points in Adams Morgan (see Exhibit 4), the subject of widespread dismay in the area and comment in the local press (*The Intowner*—see exhibit 5). At that time KCA attempted to see the plans at DCRA, only to be refused on various grounds (including alleged filing disarray and inability to locate the file). The developers had earlier declined a request from the KCA Zoning Chair for access to the plans. An apparently incomplete set of plans was eventually obtained from DCRA on October 23, after repeated requests including a Freedom of Information Act request, and intervention by Ward 1 D.C. Councilmember Jim Graham. KCA is continuing to press, most recently by a letter to DCRA of January 22, 2004, for copies of materials previously requested but not received (DCRA’s F.A.R. and lot occupancy worksheets and mechanical drawings), as well as the height certification and any papers related thereto prepared in connection with the revised plans and October, 2003 permits.

At KCA’s urging, on grounds of a possible Height of Buildings Act violation, failure to display permits and other problems, DCRA issued a stop work order on September 12. Thereafter, the developers applied for, and received on October 6 and 16, 2003, new permits on the basis of plans reflecting certain revisions in the project. These included removing the front roof parapet so as to reduce the maximum height of the roof to 70 feet 0 inches, and reducing the footprint but not the height of a penthouse roof structure covering a stairway opening (the penthouse was by then fully constructed, and has now been modified to accord with the later permit). A document in the DCRA case file dated September 15, 2003, entitled “Fact Sheet 1819 Belmont Street, NW”, states: “Based on inspections and review of the building plans, it was determined that the demolition exceeded the scope of the permit, and that the proposed building height exceeds the 70 feet maximum allowable.” Continuing neighborhood concerns were discussed in a further meeting of the ANC and in a meeting of the KCA (in both of which the developers participated), leading to a KCA decision to file the present Appeal of the issuance of the new permits, with support from ANC 1C.

Grounds for the appeal

Three grounds are addressed below: *excessive height, insufficient roof structure setback, and excessive F.A.R.* Preliminarily, in connection with the first two, we would ask the Board to note the nature of limitations placed on the authority of instrumentalities of the District Government by the Height of Buildings Act (*DC Official Code §6-601.01 et seq.*) (*the Height Act*). Essentially, under this 1910 Act of Congress, District officials are without authority to permit, whether by variance, special exception or exercise of discretionary authority, structures whose height or other characteristics do not comply with the terms of the Act. Out of an abundance of caution the Zoning Regulations make this point explicit in several places, including 11 DCMR §2520.1, which provides simply that “in addition to any controls established in this title, all buildings or other structures shall comply with the Act to Regulate the Height of Buildings in the District of Columbia . . .” It follows also, for example, that the authorization to permit minor deviations from roof structure setback requirements, granted to the Zoning Administrator by 11 DCMR §2522, is not available in a case like the present one where the roof

structure exceeds the Height Act maximum and is therefore governed by the Height Act. This is because in these circumstances any deviation would be inconsistent with the Height Act, and the proviso in §2522.1(c), included at the insistence of the National Capital Planning Commission,¹ explicitly rules out any even minor deviation that does not comply with that Act. Indeed the Zoning Administrator would lack authority to permit deviations from the Height Act even in the absence of this proviso.

(1) Excessive height. *The plans on the basis of which these permits were issued call for a deck and a banister structure raised above the roof. As a result, the building height will exceed that allowed by the Height Act (DC Official Code §6-601.01 et seq.).*

The Height Act, in §6-601.05, limits the height of buildings on a residence street to the width of the street less 10 feet. The width of the 1800 block of Belmont Road, N.W., determined under §6-601.05(e) by the distance between building lines, is 80 feet, yielding a maximum height of 70 feet. As already indicated, the revised plans show a structure modified, by removal of the front roof parapet, so as to reduce the height of the roof at the highest point to just under 70 feet (see Exhibit 6). (Note that the Zoning Regulations allow a height of 90 feet in this zoning district, R5-D, but under 11 DCMR §2510.1, cited in the preceding paragraph, this provision is trumped by the Height Act.)

The revised plans depict a roof deck and balustrade or banister at the front of the building extending by several feet above the roof (see Exhibit 6). These structures are not among the several types of structures and embellishments enumerated in either the Height Act (§6-601.05(h)) or the Zoning Regulations (11 DCMR §§400.3, 400.4, and 400.8) that may be erected on a roof and may, under stated conditions, exceed the allowable building height. Had the legislature intended initially or at any time thereafter to include roof decks and their balustrades in the list of such excepted structures it could have done so. It did not. These structures on the subject property would therefore violate the Height Act and may not be authorized by special exception or otherwise.

Relief sought: The permit for the deck and balustrade should be revoked.

(2) Roof structure setback. *The roof structure called for by the plans does not meet the requirement of the Height Act (DC Official Code §6-601.01 et seq.), 11 DCMR §400.7 and 11 DCMR §411.2 that it be set back from all exterior walls by a distance at least equal to its height above the roof.*

The roof structure called for by the original and revised plans, and now erected, is a penthouse for the purpose of enclosing the opening onto the roof of a stairway between the roof and the “attic” level immediately below. Unlike roof decks, a penthouse is on the list of roof structures that are permitted to exceed the allowable height under the Height Act and the Zoning Regulations (see above), but is subject to certain conditions, including the requirement that it “be set back from all exterior walls by a distance at least equal to its height above the roof upon which it is located”. In this case, the roof structure is 11 feet 7-1/2 inches in height. It appears to be set back by the requisite distance from the front wall and the rear wall. The west wall of the roof structure, however, appears to be set back only about 6 feet from the

¹ Zoning Commission Order No. 864, Case No. 98-19, September 13, 1999, at p. 3.

west side wall of the building, and its east wall is flush with the east side wall of the building. (See Exhibit 7) Consequently, in our view the roof structure is set back as required by the Height Act and the Zoning Regulations from only two of the building's four exterior walls. It does not meet the setback requirement for the other two exterior walls.

We are aware that there have been cases in which the Board has treated the side, or party, walls of a row house as not constituting "exterior" walls for purposes of the setback requirements. We would note two points in this connection:

(1) In our view the appropriate interpretation of the Height Act and the Zoning Regulations, required by their plain language, is that all four (or more) walls of any house, including a row house, that separate the space inside the house from the space outside of the house are "exterior walls". Clearly all such walls of row house are exterior *to it*, even though one or both side walls may be attached to, or also serve as a part of, the exterior walls of an adjacent building, and all such walls are equally distinguishable from the house's inside, or interior, walls. We find nothing in the legislative history of the Height Act that would justify excluding some of these walls from the reach of the Act or the parallel Zoning Regulations.

This conclusion is reinforced by the fact that the Zoning Commission, in enacting the 1986 amendments to the Regulations governing roof structure, clearly indicated that the term "exterior walls" should be strictly construed and not modified by administrative decision. Zoning Commission Order No. 476 was adopted in 1986 after extensive consideration of proposed changes in the regulations regarding roof structures. In that Order, the Commission noted that the Zoning Secretariat had recommended special language to ensure that the various requirements for roof structures do not operate in conflict with the 1910 Height Act. The Commission found the proposed language unacceptably ambiguous and unnecessary, and continued:

To the Commission, the reference of the Height Act to "exterior walls" is clear, and leaves no room for amendment by administrative construction. The Commission intends that its use of the phrase "exterior walls" not be subject to exceptions under any circumstances. As to the concern regarding that penthouse setback requirements not be in conflict with the 1910 Height Act, the Zoning Commission believes that its decision in this case lawfully and appropriately addresses the matter.

That decision of the Commission, Order No. 476, included an amendment containing the present set-back language of §400.8: "It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located... ." It should be noted that the Commission, as if to make its point about the sacrosanct status of the Height Act crystal clear, used the term "*all* exterior walls", whereas the Height Act uses simply "the exterior walls".

(2) In the present case, however, the Board need not resolve the question whether all row house party walls are "exterior walls". For, assuming *arguendo* that interpreting party walls as non-exterior could be justified in the case of certain row house rows, where variations in height from one house to the next may be relatively small and consequently the sideways visual

intrusiveness, and impact on air and light, of a roof structure may be small, it cannot be justified in the present case. The present building towers above its neighbors by as much as several stories, abutting, on the sides, not the structure of an adjacent building but the open air space of the adjacent lot, and having a substantial adverse effect on light and air and as well as viewscape over a wide area in all directions. The evident intent of the Congress in including the setback provision in the Act, which is replicated in the Zoning Regulations, was to minimize such adverse effects, and that intent must be taken into account in resolving any perceived ambiguity in the language of the Act. Moreover, as is customary with exterior walls, ample provision has been made for windows in these side walls, from some of which views of distant vistas will be possible: a windowed wall by definition must be exterior. In sum, in this particular structure, the side walls cannot reasonably be regarded as anything but “exterior walls”.

(3) In any event, without regard to the Height Act, the permit to construct this structure required a grant of special exception from the BZA, under §§411.11 and 3104.1, consistent with the Zoning Regulations and the Board’s past practice, for there was not sufficient setback from all exterior walls. §411.11 requires proof that “the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.”

A recent case before the Board, BZA Order No. 17032 (2003) is instructive. There, a special exception for constructing an elevator penthouse on a rowhouse was sought, because the planned setback was insufficient under the Zoning Regulations—notably, *the Height Act was not at issue*--from one of the side walls and the rear wall of the third story (which was set back from the second story rear wall). The Board granted the exception, with language in the transcript suggesting that the party walls were not to be regarded as exterior walls. The difference in elevation between the row house in question and adjacent row houses was typically minor. In another recent case, BZA Order No.16867 (2002), an application for a variance was sought because a staircase leading to a roof deck could not be properly set back from both side walls, which were party walls. The Board took the position that a special exception was required, but not a variance, and granted the exception. Again, *the Height Act was not at issue*.

In the present case, however--in which in any event no request for special exception was made--the Height Act is at issue and bars this non-complying roof structure.

Relief sought: The permit for the roof structure should be revoked, or the roof structure brought into compliance with the Height Act.

We believe the Board may properly take notice, in this connection, of the fact that under the BOCA Construction Code, §1027.1, no stairway egress to the roof would be required, assuming that the proposed deck and banister are not constructed, as we believe they cannot lawfully be. A simple ladder leading to a trap door would suffice, greatly mitigating the adverse impact of the building on light, air and view.

(3) **Excessive F.A.R.** *The portion of the building that the plans label as “attic” is not an attic under either the definition of “attic” contained in the BOCA Code (§1202.1), which we mention because it was invoked by the developers of this project in pre-permit*

exchanges with DCRA, or that contained in Webster's Unabridged Dictionary, as incorporated into the Zoning Regulations by 11 DCMR §199.2(g). Moreover it does not meet the standard set in 11 DCMR §199, definition of "gross floor area", for exclusion from gross floor area calculation. The revised F.A.R. calculations submitted in support of the application for these permits fail to include the gross floor area of the portion of the building erroneously labeled as "attic", concealing the fact that the building exceeds the F.A.R. allowed under 11 DCMR §199.1 (definition of "gross floor area" and "floor area ratio") and 11 DCMR §402.4.

It seems obvious that this feature (see Exhibit 6) was deliberately designed so as to evade the F.A.R. requirements and create additional valuable marketable living space in a high-end, three-level top apartment—in a building now being advertised as “bold and beautiful lofts”. This space will command the highest views of any space in the house, through the large south-facing false-dormer windows. It will have more than ample light from that direction as well as from windows to the east and west, for which provision has been made in the walls as constructed, if not in the plans. It will look out over the floor below at the front of the apartment like a mezzanine (Exhibit 8). It is connected to both the level below and the roof level above by a full staircase. It is an integral part of the living space of the apartment in which it is located.

Adding this valuable space was to be achieved by describing its headroom as 6 feet 5 –1/4 inches--just below 6 feet 6 inches--which, in the case of an attic, would exclude the space from gross floor area calculations (see 11 DCMR §199.1, definition of “gross floor area”). It appears to have a total of approximately 700 square feet of floor area, sufficient to exceed the maximum 3.5 total F.A.R. as calculated by the developers (Exhibit 9).

There are two problems. *First*, this space is not an attic. Webster's Unabridged Dictionary, maintained in the Zoning Office, defines “attic”, in relevant part, as: “the part of a building immediately below the roof and wholly or partly within the roof framing.” The BOCA Code, in 12 DCMR §1202.1, relied on by the developers (Exhibit 10), defines “attic” as: “The space between the ceiling beams of the top story and the roof rafters.” The real attic in this building, according to these definitions, is the space between the rafters supporting the roof and the ceiling beams of the level immediately below, space of no more than a foot in height at the front tapering to nothing at the rear. You can't make a space an attic simply by lowering its headroom and labeling it “attic”. For this reason alone--and leaving aside both the evident intended use of the space as living space, and the headroom—it is not an “attic” and thus its floor area must be included in the calculation of F.A.R., since it is one of the “several floors” of the building referred to in the definition of “gross floor area” in §199. Its inclusion appears adequate to take the total F.A.R. well over the allowable limit.

Second, even if this space were an attic, it would have to be included in calculating gross floor area, because the 11 DCMR §199 definition of “gross floor area” requires inclusion of attic space providing *structural* headroom of six feet, six inches (6 ft., 6 in.) or more”. It appears clear from the plans that the proposed 6 foot 5-1/4 inch ceiling is not structural, but simply a (presumably) drywall ceiling mounted on structurally unnecessary collar ties attached to the roof rafters. It could be removed without affecting the structural integrity of the building, perhaps to be replaced by some tall future owner with one mounted directly on the underside of the roof

rafters. The structural headroom, as evidenced by the height of the roof rafters, is clearly well in excess of 6 feet 6 inches.

Consequently, the project cannot lawfully proceed, or a certificate of occupancy ultimately be issued, unless relief from the requirements of the F.A.R. requirements of the zoning regulations is applied for and granted. There is an additional reason why this is so, previously raised by KCA with DCRA although not included in the stated grounds for this appeal: namely, that a portion of the floor area of the basement has been improperly excluded from the calculation of F.A.R. The plans indicate that the basement floor level is near the front grade level (it appears to be about 6" above that grade). This being the case, a simple application of the definitions of "cellar" and "basement" in 11 DCMR §199.1 would result in the whole area being considered a basement, and thus included in gross floor area, since its entire ceiling is "four feet or more above the adjacent finished grade". Consequently the developers have employed another device, namely: measuring the perimeter of the front façade at the basement level, determining what proportion it bears to the to the perimeter of the whole basement, and taking only that proportion of the total floor area. There appears to be no explicit provision for this arbitrary calculation in the Zoning Regulations, which produces an artificially low proportion of includable floor area. In our view, the appropriate and accepted method is to determine the average *grade plane* for the building and then calculate the height of the basement ceiling above that—a calculation that will yield a ceiling height for the whole basement of more than 5 feet above the grade. (See Exhibit 1, Observations of Don Hawkins, Architect, and Exhibit 11 from the building plans.)

Relief sought: The permit for the building should be revoked, and the owner required to apply to the BZA for an F.A.R. variance, without which no certificate of occupancy should be issued.

Conclusion

The permit for the deck and balustrade should be revoked.

The permit for the roof structure should be revoked, or the roof structure brought into compliance with the Height Act.

The permit for the building should be revoked, and the owner required to apply to the BZA for an F.A.R. variance, without which no certificate of occupancy should be issued.

* * * * *

Representation: KCA will be represented by Andrea Ferster, Esquire.

Witnesses: Don A. Hawkins, John Lawrence Hargrove

Submitted by:


Ann Hughes Hargrove, Zoning Chair

Kalorama Citizens Association

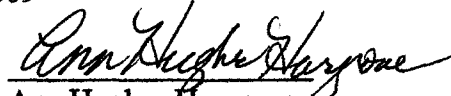
CERTIFICATE OF SERVICE

I certify that the foregoing Statement was served by United States Mail, postage prepaid, or by hand delivery, this 3rd day of February, 2004 upon the following:

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Ann Hughes Hargrove
Zoning Chairperson
Kalorama Citizens Association

Report of Don A. Hawkins, Architect
February 2, 2004
BZA Appeal 17109

Observations on the Drawings for 1819 Belmont Road, N.W.

Roof Deck and stairway to the roof: The roof deck exceeds the height limit of 70 feet. It does not qualify as a roof structure under the Height of Buildings Act. The stair to the roof is not needed without the deck. **Conclusion:** The roof structure with its stairway should be eliminated, for access to the roof for maintenance purposes could be provided by ladder from the lower roof or a hatch.

Roof structure: If a roof structure is provided in compliance with the Height Act, it must be set back from all exterior walls by its height. This cannot be done in this instance because of the height of the roof structure, made higher because of its design in relation to the planned raised deck when applied to this narrow row house. It sits on an exterior wall, a party wall on one side. **Conclusion:** The roof structure, especially since it will not be needed without the deck, should be eliminated as not being able to be in compliance, as currently designed, with the Height of Buildings Act.

Exit Passageway from the Roof Deck: The exit passageway is not shown on the drawings. It would pass under the Attic ceiling that is less than 78" high. The only direct reference to exit passageways that I have found refers to assembly spaces and requires a 96" ceiling height. The minimum height of a required exit door is 78". The passageway should certainly be at least as high as the doors serving it. **Conclusion:** This deficiency could be corrected by turning the first set of steps going down from the Attic to the Fifth Floor.

Attic: By definition an attic is the space between the top of the ceiling joists of the uppermost story and the bottom of the roof rafters. The only space shown on the Drawings that conforms with the definition of an attic is the small sliver of space less than a foot high at the front of the house.

The ceiling joists are not structurally necessary for the strength or stability of the roof. In the back portion of the "Attic", collar ties are indicated at 4'-0" on center. They are not performing any necessary function and could be removed without weakening the structure in any way.

Not being required, the ceiling joists could easily be removed by a future owner to achieve a higher space and thereby raise the habitable floor area above the allowable.

It might be argued that the ceiling joists, as part of the roof system, are the equivalent of the rafters in the definition, but if the roof is looked at as a system, it must include the mansard roof at the front. The mansard rests on the fifth floor, which would make the fifth floor an attic and the proposed attic redundant. **Conclusion:** The Attic is not an

attic as per definition and appears to be a means of gaining living space. Therefore, its floor area ratio should be counted

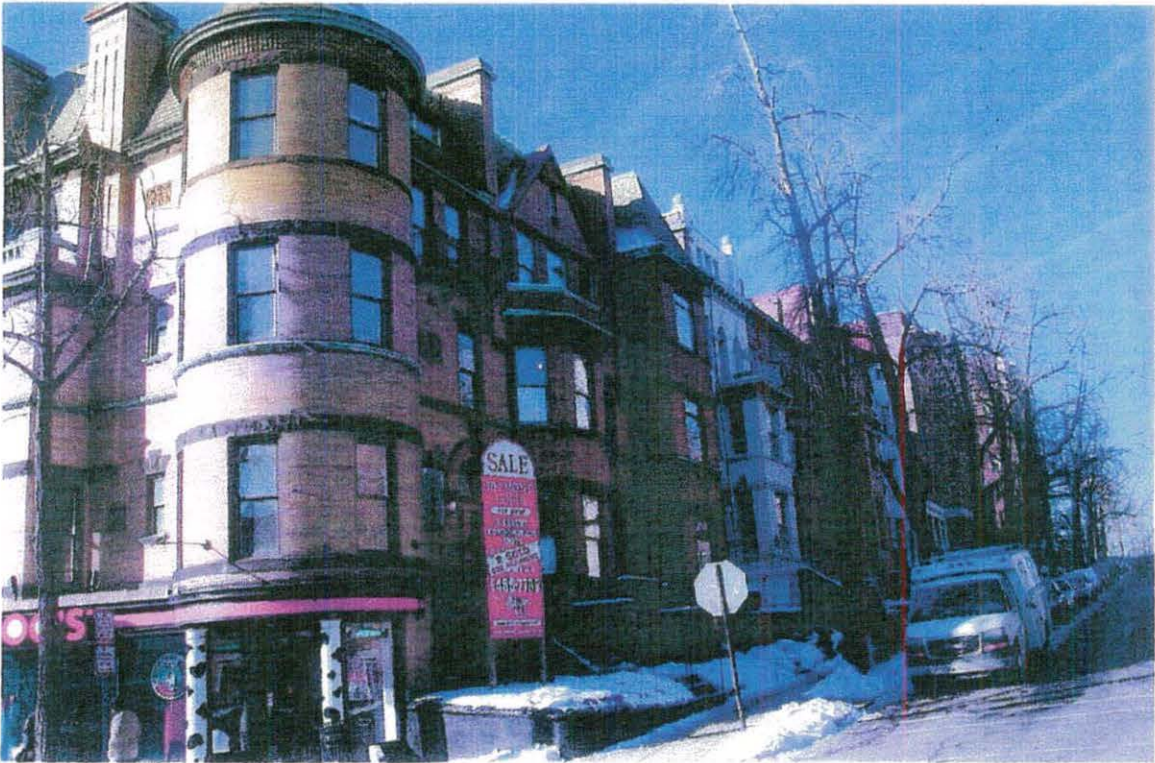
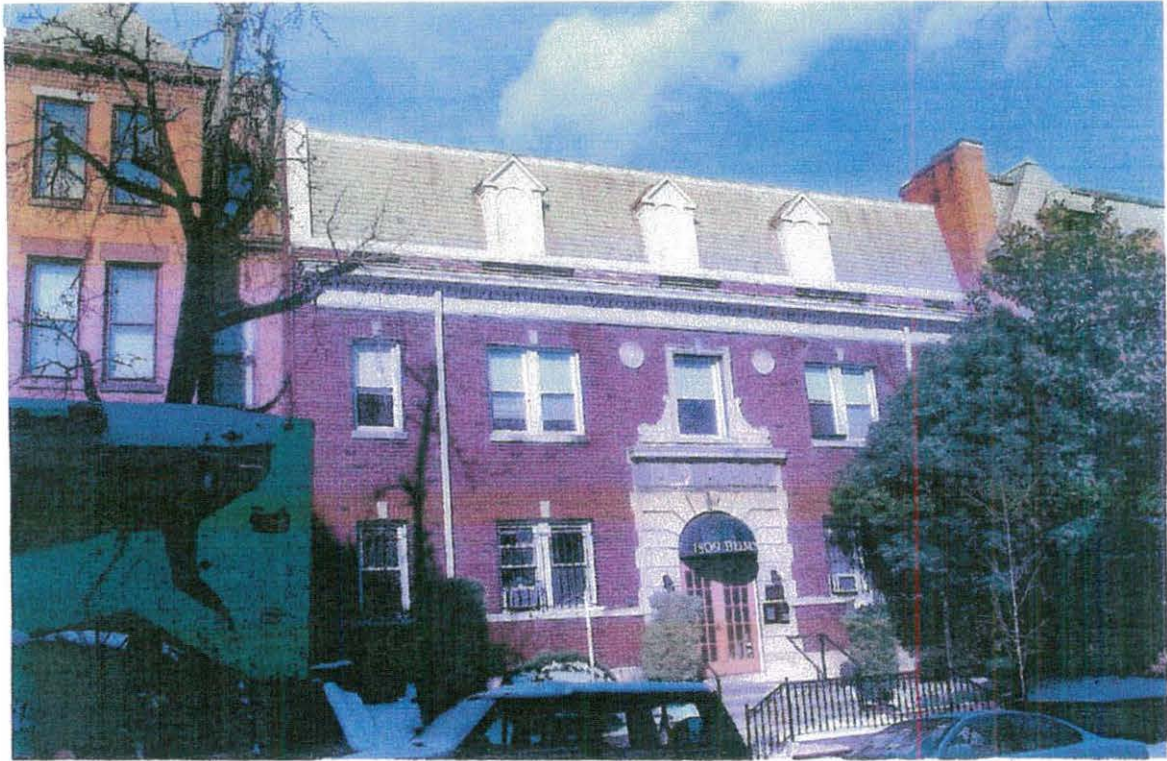
Missing elevations: No East Elevation or West Elevation was submitted for review by DCRA. These elevations would illustrate the full impact of the "Attic" and roof structure. Windows which are not shown on the plans have been cut through the exterior walls which are face-on-line, reducing the fire resistance of the walls.

Basement: The earlier set of drawings indicates a height of 7'-7 1/2" from the Basement slab to the First Floor level. The revised set gives a dimension of 8'-2" for the height. I cannot see how that dimension could change, since the grade in front of the building is determined by the height of the public sidewalk, which has not changed. The Basement floor level appears to be at least 6" above front grade. The height of the measuring point of the rear grade above the Basement, calculated with the dimensions given in the Drawings, is 6'-3 1/8". Add 6" for the drop to grade out front, and one finds that the Basement no longer conforms to the Zoning Regulations definition because the floor above it is more than 5 feet above the Grade Plane. **Conclusion:** the entire area formerly called the Basement should be counted in the F.A.R. calculations because its enclosing walls all rise more than four and a half feet above the Grade Plane.

F.A.R. calculations: If the floor area of the Basement is included, as it should be, the F.A.R. increases to 3.78. If the floor area of the attic is included, it increased the F.A.R. to 3.84. If both are included, F.A.R. is increased to 4.13, an excess of 18%. **Conclusion:** the F.A.R. is in excess to the 3.5 F.A.R. allowed in the R-5-D-zone.

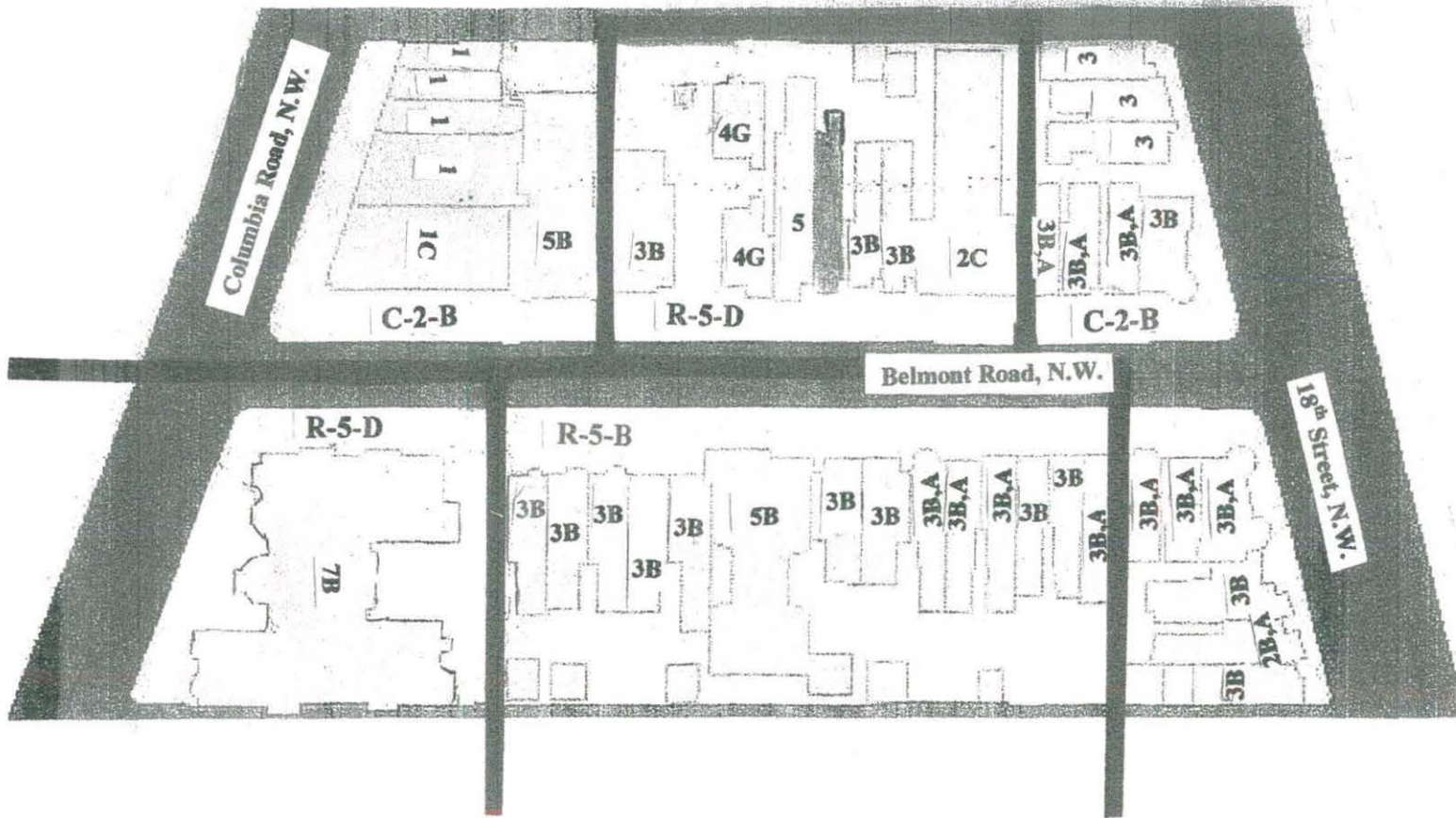








BELMONT ROAD ZONING AND BUILDINGS

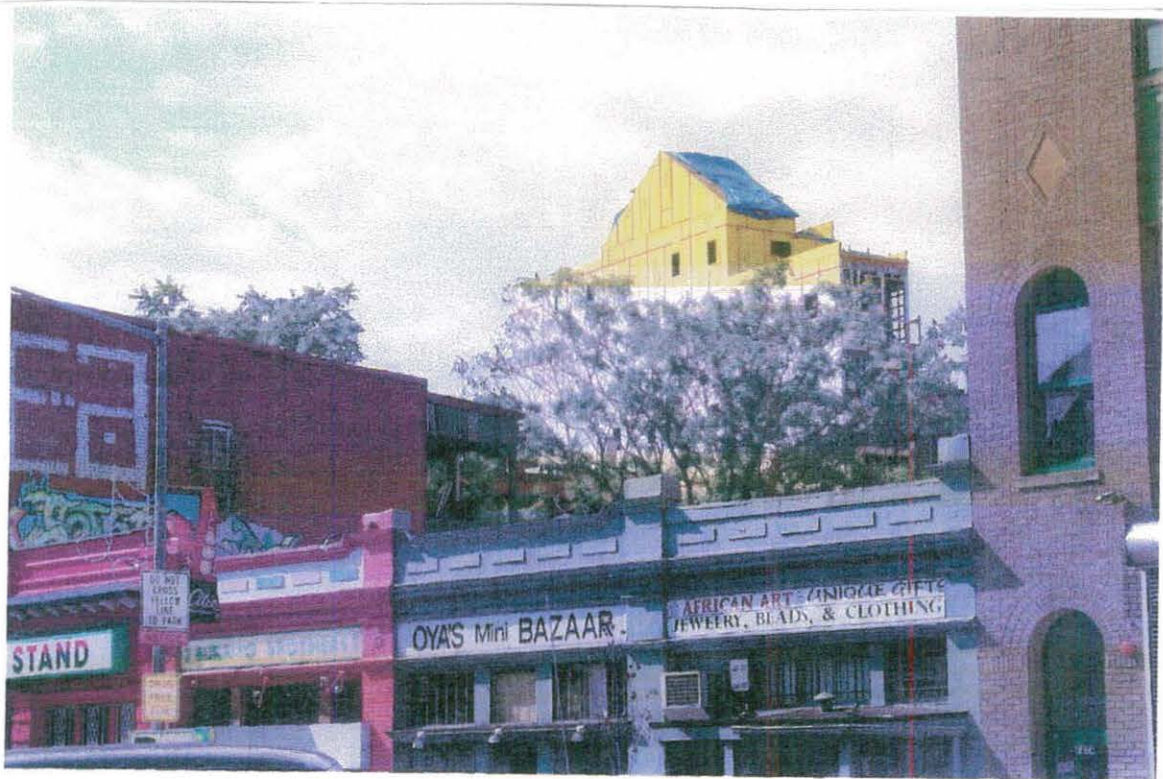
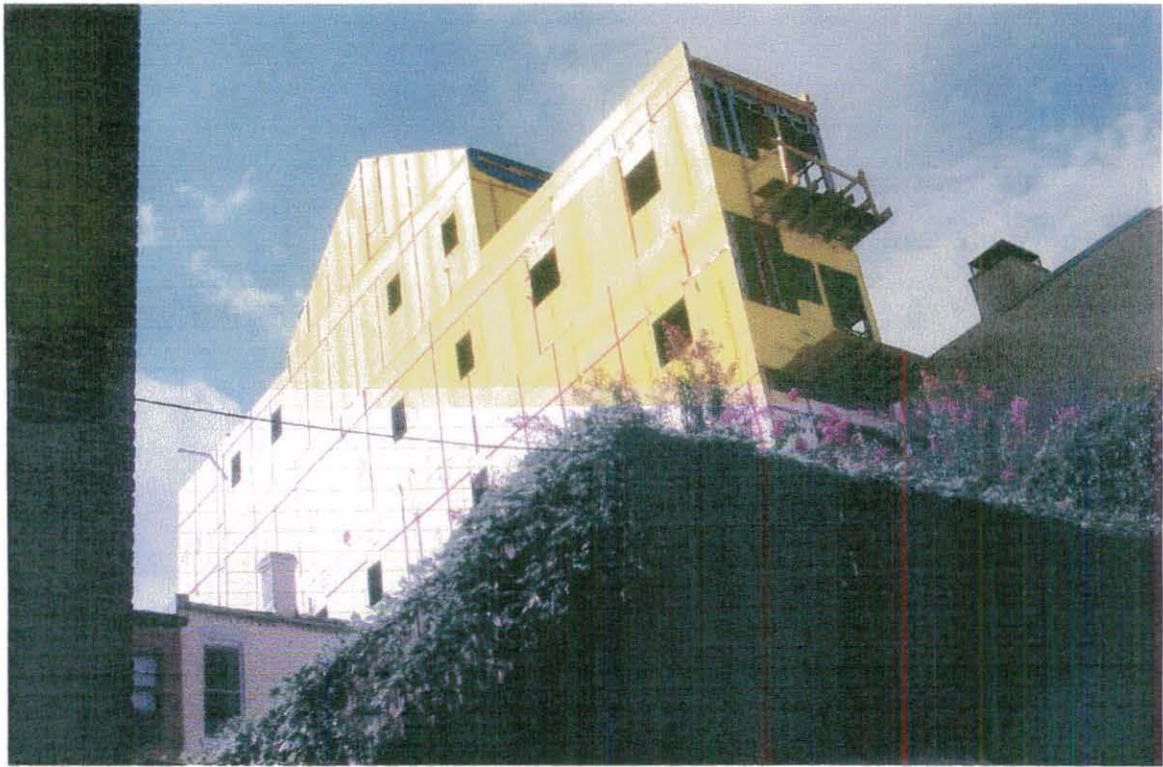


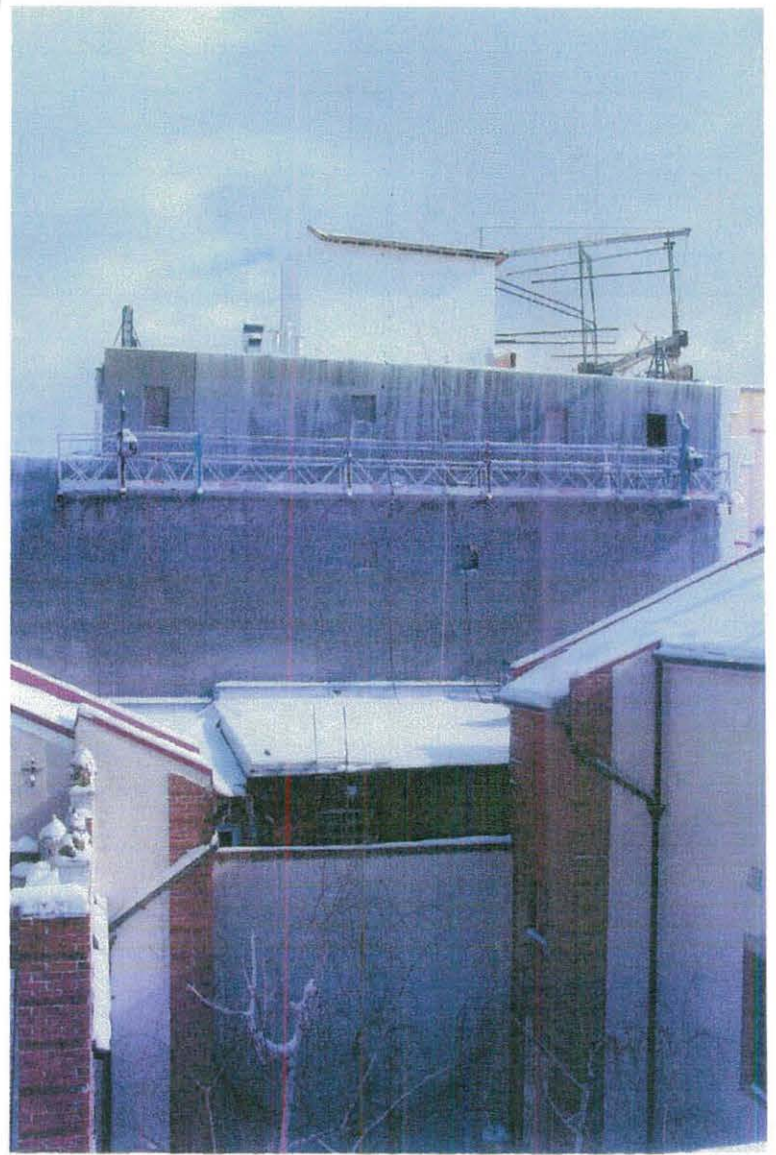
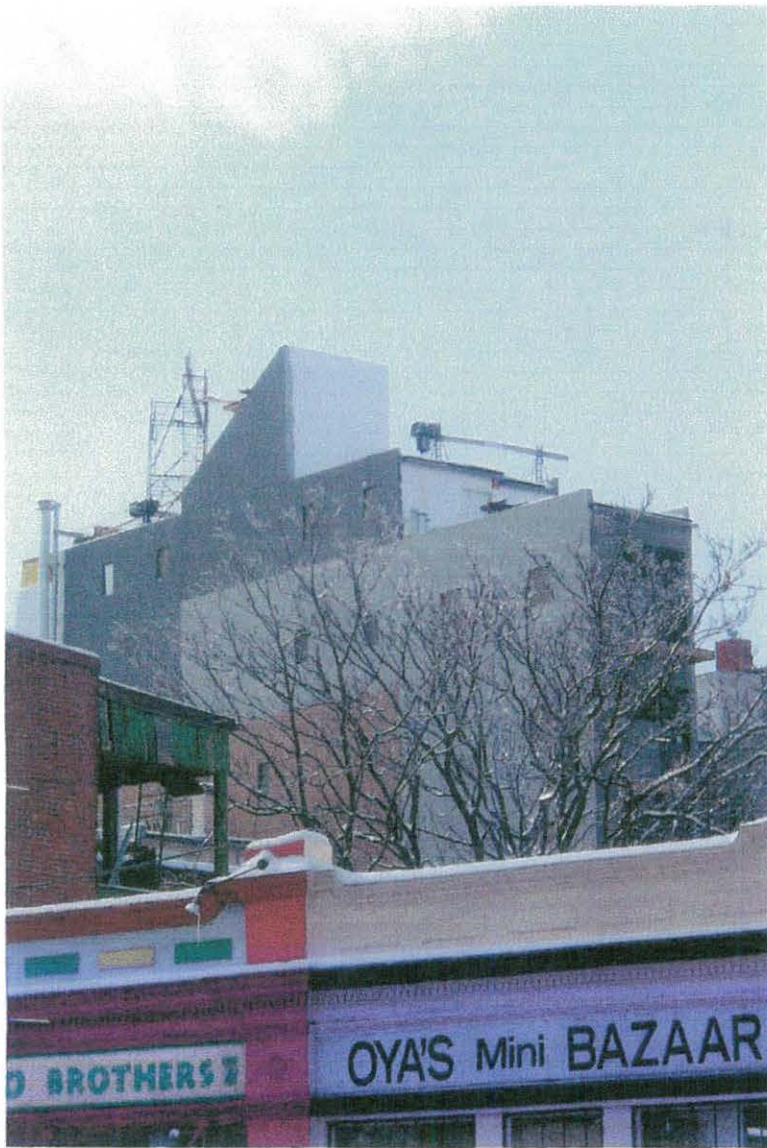
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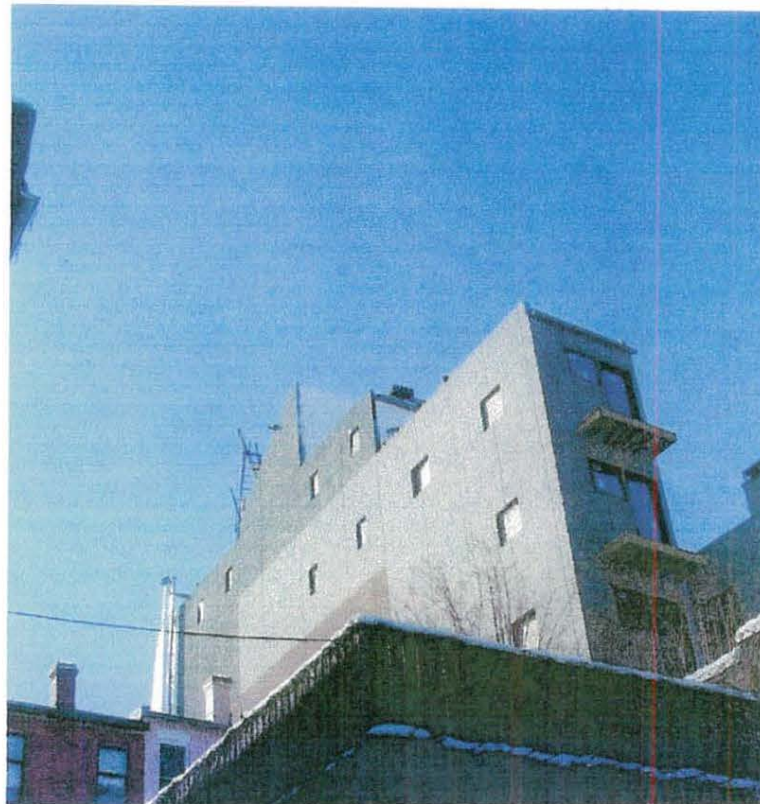
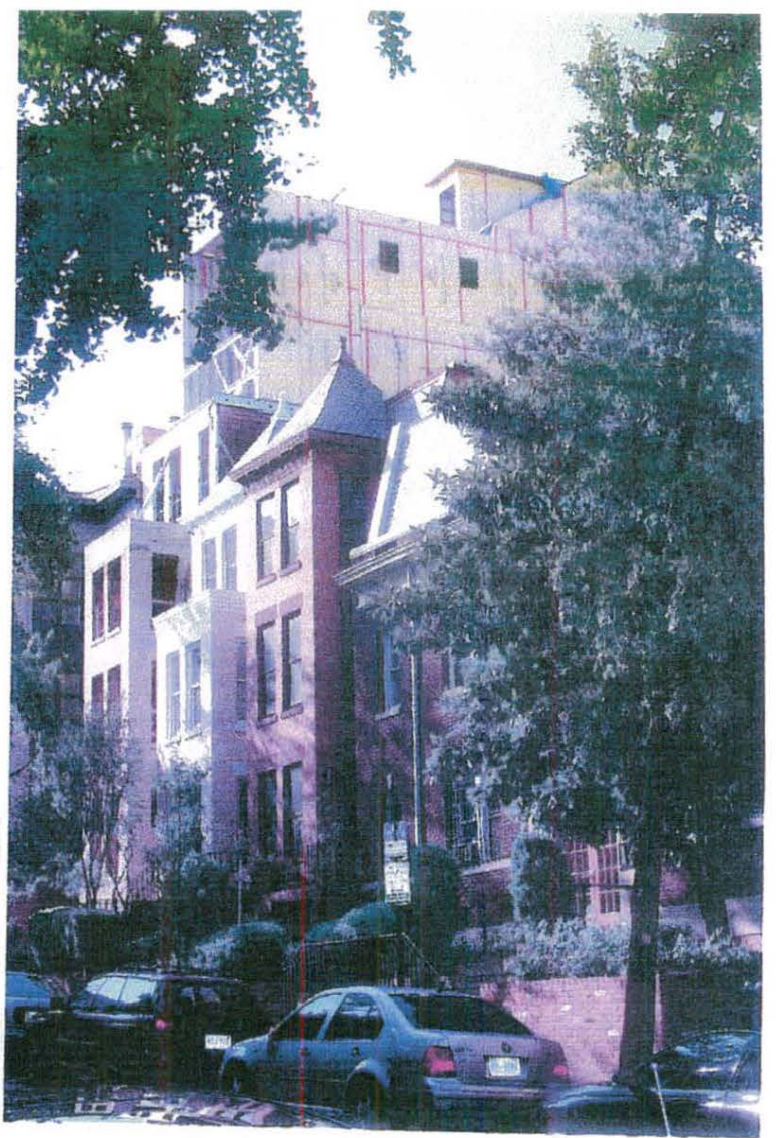
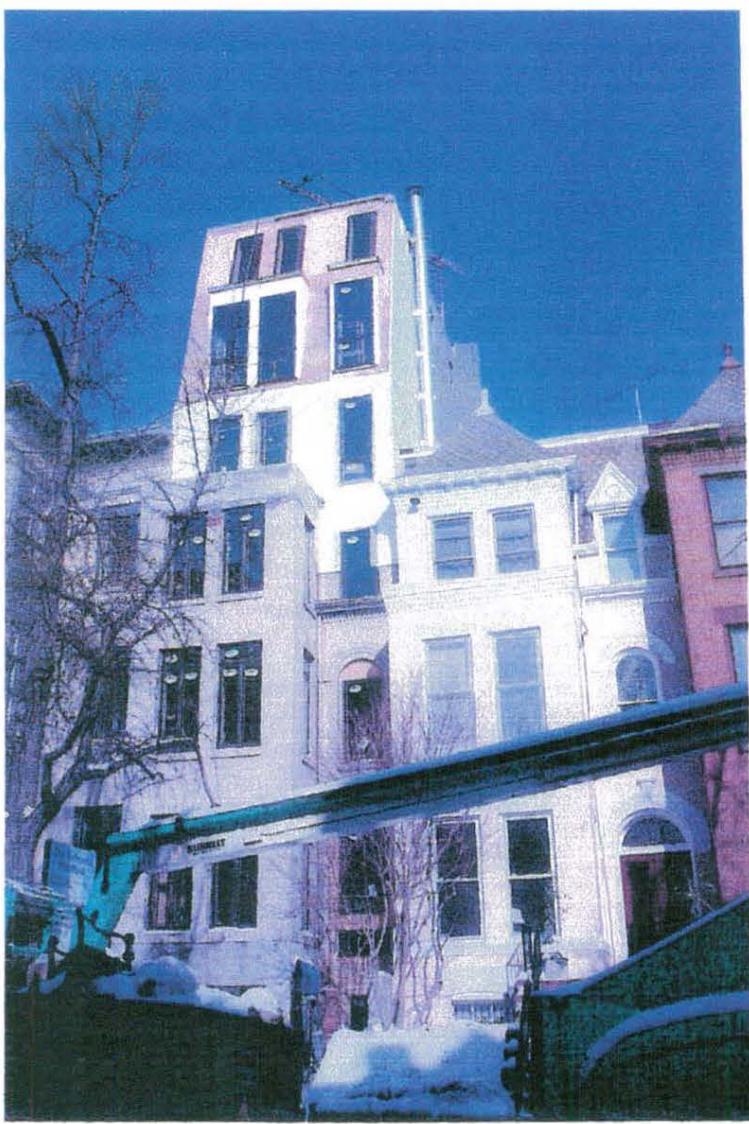
Heights noted in stories plus possible basement, attic, cellar or garage. A=Attic with small windows; B=Basement; C=Cellar, G=Garage.

1819 Belmont Road is grayed for emphasis:

The owners assert the building consists of a basement plus 5 stories and what is claimed to be an attic plus a roof structure. To laymen, it looks like an 8 story building. The building replaced a 3-story plus basement rowhouse matching its two neighboring houses to the east.







Adams Morgan Property Owner Embroiled in Dispute Over Alleged Illegal Added Floors; Townhouse Looms Over Neighbors

By Anthony L. Harvey



photo—Keith Krugner—The InTowner

Students of current trends in architectural design for small apartment buildings in historic DC neighborhoods were treated to summer bookend presentations this year regarding a townhouse at 1819 Belmont Road, NW being rebuilt into a seven-story apartment house in the midst of, and towering over, three- and four-story, late 19th century town houses and recently built small apartment buildings in the Washington Heights section of Adams Morgan. These presentations occurred at the May and September, 2003 monthly meetings of the Kalorama Citizens Association (KCA), and attracted both neighborhood interest and the attendance of the new structure's builder/developer, Taurus Enterprise Group, Inc., at the September meeting, and historic preservationists at both.

At the May KCA meeting, with construction (or demolition, depending on one's skills with English deconstruction) having just begun, the project was offered as the answer to the question posed by Ann Hughes Hargrove, prominent KCA and citizen activist who resides just four doors down from the project site, "Why a historic district? One good reason: to protect our neighborhood against projects such as the facade demolition now under way by outside developers in the 1800 block of Belmont Road." Along with her presentation at the KCA meeting, Hargrove distributed a profusely illustrated, seven-page statement entitled "A Possible Historic District For Washington Heights."

Following this presentation, *The InTowner* stopped by the construction site and observed no posted permits for the demolition (or any other work) occurring that day. Stepping through a front, ground floor hole-in-the-wall doorway, this reporter spotted two permits which were attached to the east

side party wall, one for interior demolition "only" in a multi-family apartment zoned R-5-B, with the second being for "foundation and ground work excavation only." As this reporter was copying down the permit information, having already identified himself to nearby workers, he was summarily ordered out of the premises and back through the ground floor doorway by a Taurus



photo—Keith Krugner—The InTowner

View from Billmore Street showing new construction looming over remnant of original facade and neighboring rooftops.

Construction manager who refused to identify himself, and when asked when these construction permits would be posted on the outside of the remaining facade where they would be publicly visible, as required by city regulation, the manager replied, whenever he "felt like it." The public posting of permits, as far as this reporter has observed when passing by the site, has never occurred.

The InTowner went immediately to the DC Department of Consumer and Regulatory Affairs (DCRA) to check the

Cont., TOWNHOUSE, p. 10

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TOWNHOUSE

From p. 1

Taurus Group's 1819 Belmont Road permit file; neither of the two permits observed inside the construction site were in the file, nor were there any public space permits present. Instead, there was one, far more substantial permit in the file, it being for the "alteration and repair of an existing building; [an] addition in [the] rear [that] add[s] two floors plus attic; [and] retaining wall and stair at rear" in an R-5-D zone (not R-5-B as on the interior only demolition permit cited above).

Subsequently, rather than proceeding with the alteration and repair of an existing building and the addition of two floors plus an attic, Taurus had proceeded over the course of the summer to demolish the entire Belmont Road structure, retaining only a middle portion fragment of the building's front façade. Continuing into

late August and early September, the construction firm erected the framework for an entirely new building, crowning it with a superstructure that towers over the immediate neighborhood.

This prompted action by concerned citizens living in the 1800 block of Belmont Road, resulting in the issuance and posting by DCRA of a "Stop Work" order in mid-September.

Not surprisingly, the KCA's September 29 meeting agenda included resolutions presented by Ann [Hughes] and Larry Hargrove, which they wrote in a way designed to protect the historic, residential character of Washington Heights, and which were adopted by the KCA membership without objection. The Taurus Enterprise Group's position and a nine-page, illustrated handout containing an "Artist's Rendering of 1919 Belmont Road, NW" and a fact sheet for the development project were also presented.

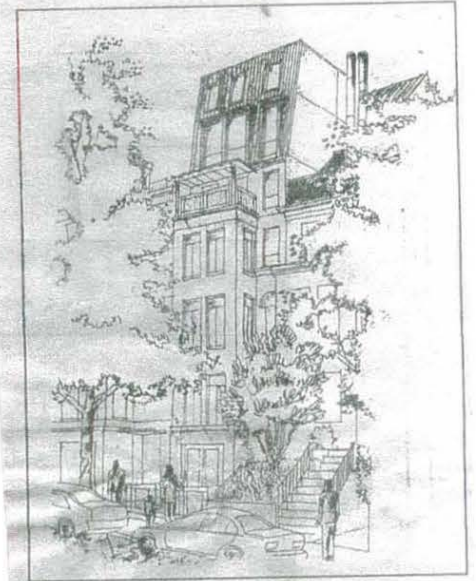
The artist's rendering of the project is an

architect's conception of what the property will look like when its construction is completed. What the neighborhood is now viewing, however, is new construction that appears to present a building more than twice the height of the original townhouse and that reveals in its skeletal framing and flooring at least three additional floors (which are clearly visible from the rear elevation on the alley side of the building) over and above the now four floors of new construction replacing the old townhouse's three floors and basement—plus an attic room at the top.

With the new structure's crown of canary yellow sheathing serving as a red flag to the neighborhood, responses and counter responses have involved DCRA officials at the highest level as well as Ward 1 Councilmember Jim Graham and his staff. And, controversies continue regarding height limitations for buildings on the 1800 block of Belmont Road and the existence of "proper permits" for the project.

Following the September 29 KCA meeting, *The InTowner* further reviewed the 1819 Belmont Road file at DCRA and found that all three previously mentioned permits were now present in the file, plus a fourth from the District's Public Space Office for an alley permit of 17 feet by 10 feet (presumably for the additional rear parking space promised by the builder.) No public space permit for the removal of the berm in the front of the demolished building was present. The most recent item in the DCRA permit file for this property, a fact sheet dated September 15, 2003, contains a summary of some of the controversy surrounding this project and appears to offer something to both sides in the controversy.

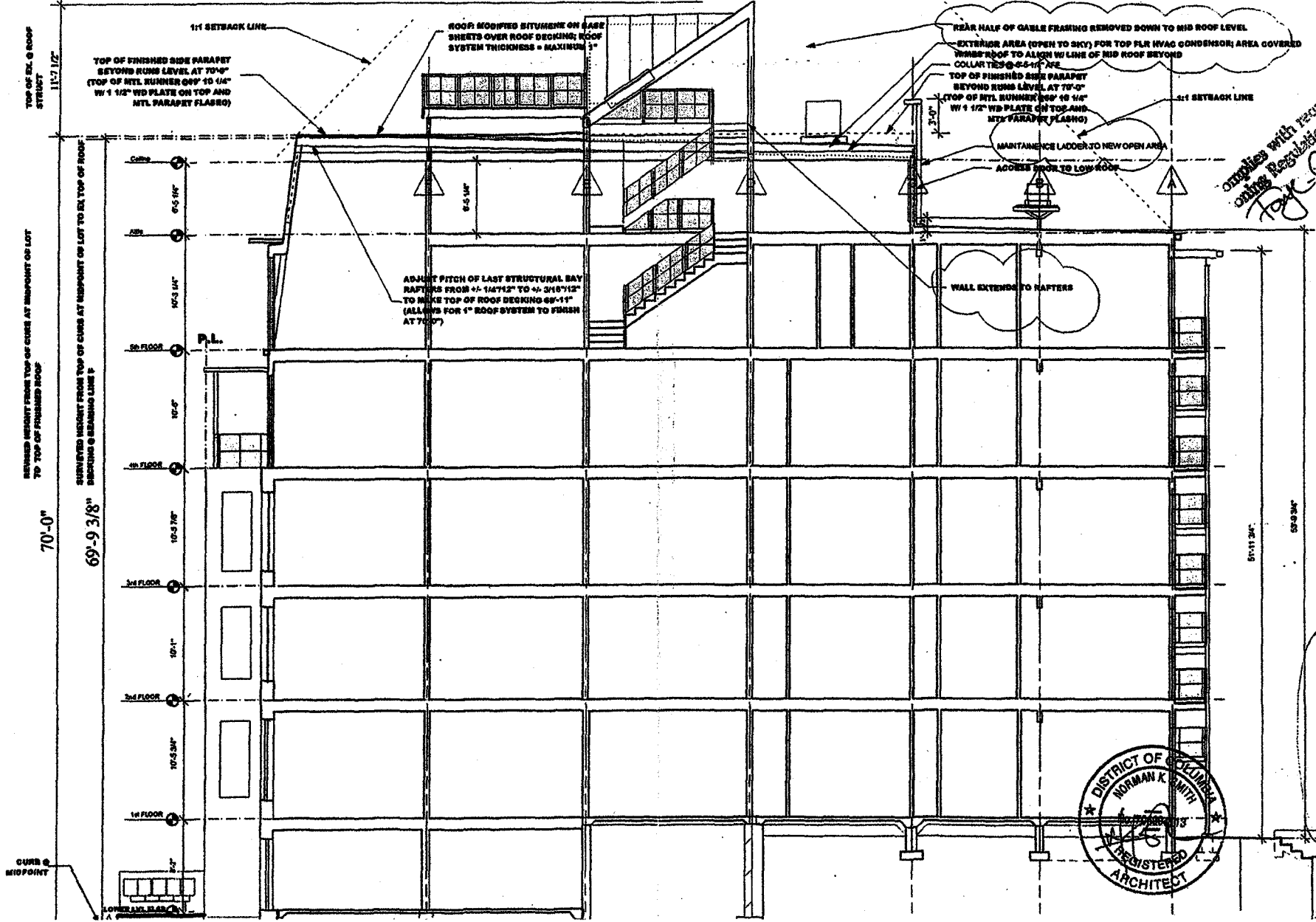
Under a heading labeled "Current Status," the fact sheet states, "Based on the inspections and review of the building plans, it was determined that the demolition exceeded the scope of the permit, and that the proposed building height exceeds the 70 feet maximum allowable." Yet, in a paragraph concluding the fact sheet, and labeled "Next Steps," the document contains the following conclusion: "It was determined that demolition that has taken place complies with the approved demolition plans. Regarding future construction, the owner's reps will present available options to the owner: (1) whether or not to appeal to the BZA or (2) file revised plans that conform to the 70 foot requirements." □



drawing—courtesy, Taurus Enterprise Group, Inc.
Architect's conceptual drawing showing how the building will appear from the street.

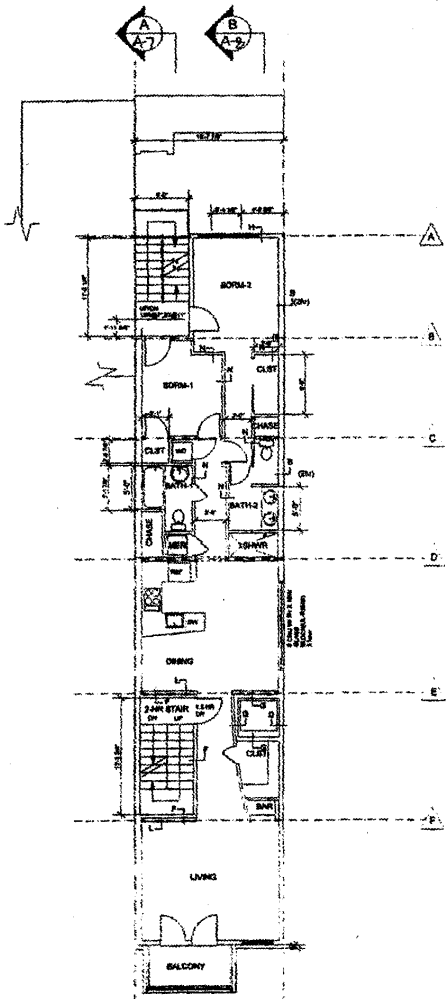


View from afar showing the structure towering over

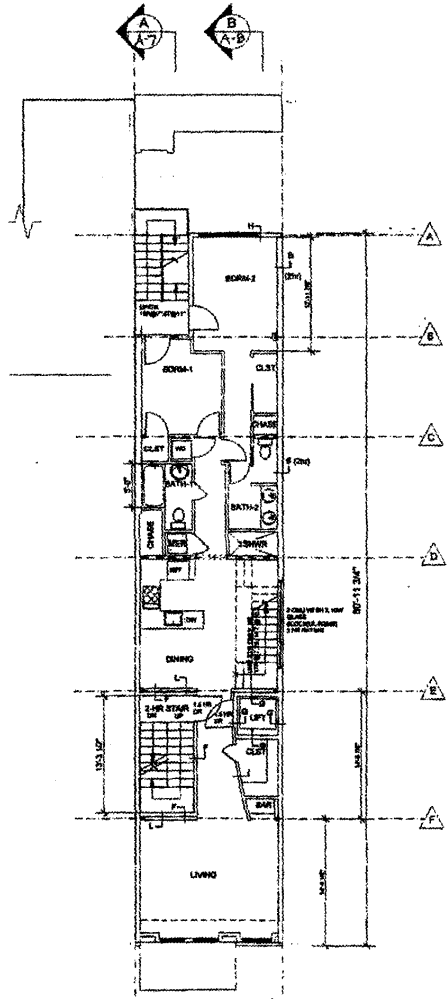


Complies with requirements of
 zoning Regulations
 Form 101
 FPKO

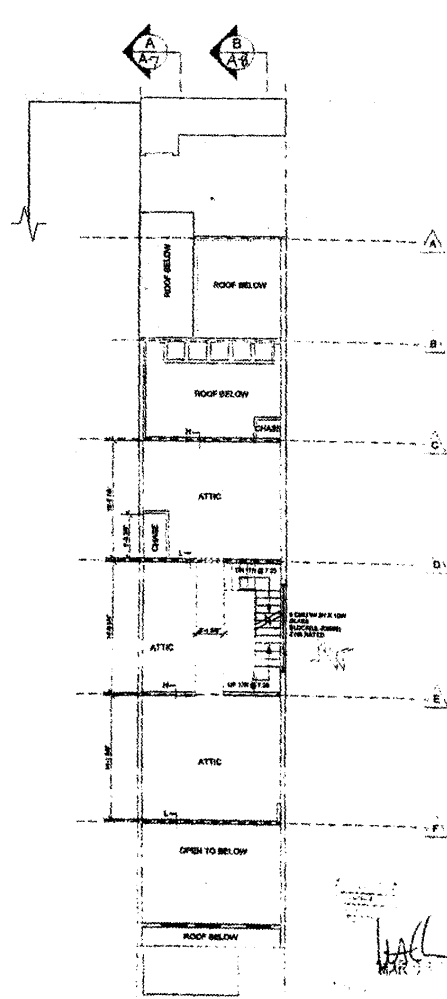
SECTION SHOWING REVISED
 PARAPET AND BUILDING
 1819 BELMONT RD., NW 10-14-03
 NORMAN SMITH ARCHITECTURE 202-462-5886
 SCHEMATIC BUILDING SECTION



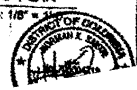
FOURTH FLOOR PLAN
Scale: 1/8" = 1'-0"



FIFTH FLOOR PLAN
Scale: 1/8" = 1'-0"



ATTIC PLAN
Scale: 1/8" = 1'-0"



1819 Belmont RD. NY
 PERMIT 12-19-2-
 JONAS CAVALIER ARCHITECTURE
 1117 E. 10th St. New York, NY 10003

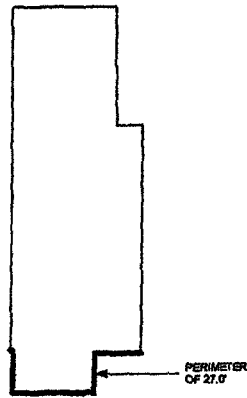
ZONING INFORMATION; REVISED 09-29-03

- 1 **STREET ADDRESS:** 1819 BELMONT STREET, N.W. WASHINGTON, DC
 2 **LOT:** 45
 3 **SQUARE:** 2551
 4 **ZONING:** R5D
 5 **NUMBER OF DWELLING UNITS:** 5
 6 **MINIMUM LOT SIZE:** NONE PRESCRIBED
 7 **LOT SIZE:** 2000.4 SF
 8 **FAR: SEE ATTACHED GRAPHIC**
- 8.1 **ALLOWABLE/REQUIRED;**
- 8.1.1 **MAIN:** 3.5 MAIN: 2000.4 SF X 3.5 = 7001.4 SF
 8.1.2 **ROOF STRUCTURE:** 37 OF FAR OF FLOOR BELOW: 37 X 1270.5 = 470.1
 8.1.3 **TOTAL ALLOWABLE:** 7471.4 SF
- 8.2 **ACTUAL**
- 8.2.1 **CELLAR:** (20% OF GFA CEILING HEIGHT AT LESS THAN 4' ABOVE GRADE, BASED ON PERIMETER CALCULATION)
 736.6 X .20 = 147.3 SF
- 8.2.2 **1ST,**
- 8.2.2.1 **MAIN:** 1394.1 SF
 8.2.2.2 **STAIR LANDING:** 15.4 SF
- 8.2.3 **2ND,**
- 8.2.3.1 **MAIN:** 1394.1 SF
 8.2.3.2 **STAIR LANDING:** 15.4 SF
- 8.2.4 **3RD,**
- 8.2.4.1 **MAIN:** 1394.1 SF
 8.2.4.2 **STAIR LANDING:** 15.4 SF
- 8.2.5 **4TH,**
- 8.2.5.1 **MAIN:** 1336.6 SF
 8.2.5.2 **STAIR LANDING:** 15.4 SF
- 8.2.6 **5TH,**
- 8.2.6.1 **MAIN:** 1270.5 SF
 8.2.6.2 **STAIR LANDING:** NONE 0 SF
- 8.2.7 **ATTIC:** NOT APPLICABLE 0 SF
 8.2.8 **ROOF STRUCTURE:** 124.3 SF
 8.2.9 **TOTAL:** 7122.6 SF
 8.2.10 **NOTES:**
- 8.2.10.1 **CALCULATION BASED ON LOT LINE TO LOT LINE AND INCLUDING EXTERIOR WALLS**
 8.2.10.2 **CHASE SPACES INCLUDED IN FAR FOR EACH FLOOR**
 8.2.10.3 **REAR STAIRS INCLUDED AS SEPARATE LINE ITEM AT FLOORS 1-4 (I.E. STAIR RUN FROM FLOOR 1 TO FLOOR 2 IS COUNTED AS FAR ON FLOOR 1); STAIR RUN TO GRADE IS BELOW MAIN LEVEL OF 1ST FLOOR AND DOES NOT COUNT TOWARD FAR; THERE IS NO STAIR ABOVE FLOOR 5**
 8.2.10.4 **3'-0" DEEP REAR BALCONIES DO NOT COUNT TOWARD FAR**
 8.2.10.5 **ROOF STRUCTURE FAR IS BASED ON THE STAIR, LANDING AND HORIZONTAL SURFACES WITHIN THE ROOF STRUCTURE**
 8.2.10.5.1 **TOTAL AREA OF ROOF STRUCTURE, INCLUDING OPEN AREAS = 260.7 SF, RESULTING IN TOTAL OF 7259 SF < 7471.4 ALLOWABLE**



- 9 **LOT COVERAGE:**
 9.1 **ALLOWABLE/REQUIRED;** 75%; 2001.4 X .75 = 1500.3 SF
 9.2 **ACTUAL:** 1409.3 SF
- 10 **REAR YARD**
 10.1 **ALLOWABLE/REQUIRED:** 4" PER 12" VERTICAL HEIGHT (33) AT MIDPOINT REAR GRADE, 15'-0" MIN.; BUILDING HEIGHT AT REAR = 53'9 1/4" X .33 = 17'9 1/8"
 10.2 **ACTUAL AT NEW WORK:** 31' 2 1/2"
- 11 **SIDE YARDS:** NOT APPLICABLE
 12 **COURTS:** NOT APPLICABLE
 13 **BUILDING HEIGHT**
 13.1 **ALLOWABLE:** 90.0' UNDER R5-D
 13.1.1 **UNDER 1910 HEIGHT ACT, FOR STREET WIDTH OF 80.0', BUILDING HEIGHT IS LIMITED TO 70.0'**
 13.2 **ACTUAL AS REVISED:** 70.0'
- 14 **NUMBER OF STORIES**
 14.1 **ALLOWABLE:** NO LIMIT
 14.2 **ACTUAL:** 5
- 15 **USE GROUP UNDER BLDG CODE**
 15.1 **EXISTING:** R-2; 4 UNITS
 15.2 **NEW:** R-2; 5 UNITS (20% INCREASE IN USE INTENSITY)
- 16 **PARKING**
 16.1 **REQUIRED:** (1) REQUIRED UNDER DCMR 11, #2100.7 FOR 5 UNITS (20% INCREASE IN USE INTENSITY).
 16.2 **PROVIDED:** 1 SPACE PROVIDED; AUXILIARY PARKING SPACES WHICH MAY BE PROVIDED; 2

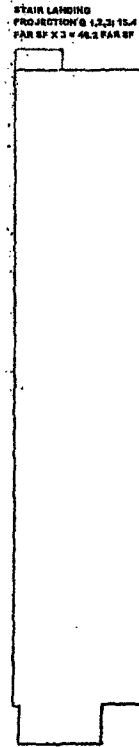




LOWER LEVEL FAR CALCULATION:
 TOTAL AREA = 736.6 SF TOTAL
 PERIMETER = 131.4 LF

PERIMETER WITH CEILING WHICH IS >4' ABOVE ADJACENT FINISHED GRADE = 27.0 LF

FAR = $131.4 / 27.0 \times 736.6 = 147.3$ FAR SF



FLOORS 1,2,3 FAR CALCULATION:
 1,2,3; 1394.1 FAR SF X 3 = 4182.3 FAR SF.
 1. CHASE SPACES INCLUDED IN FAR
 2. REAR STAIRS INCLUDED IN FAR AT EACH FLOOR
 3. 3.0' REAR BALCONIES DO NOT COUNT TOWARD FAR

STAIR LANDING PROJECTION @ 1,2,3; 15.4 FAR SF X 3 = 46.2 FAR SF

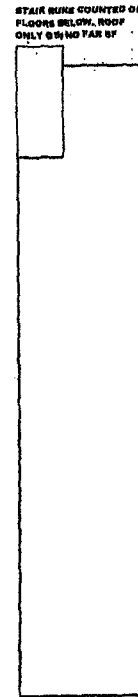
TOTAL FAR = 4228.5 FAR SF



FLOOR 4 FAR CALCULATION:
 1336.6 FAR SF X 1 = 1336.6 FAR SF.
 1. CHASE SPACES INCLUDED IN FAR
 2. REAR STAIRS INCLUDED IN FAR AT EACH FLOOR
 3. 3.0' REAR BALCONIES DO NOT COUNT TOWARD FAR

STAIR LANDING PROJECTION @ 4; 15.4 FAR SF X 1 = 15.4 FAR SF

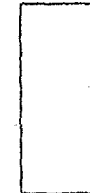
TOTAL FAR = 1352.0 FAR SF



FLOOR 5 FAR CALCULATION:
 1270.5 FAR SF X 1 = 1270.5 FAR SF.
 1. CHASE SPACES INCLUDED IN FAR
 2. REAR STAIRS INCLUDED IN FAR OF FLOORS BELOW; NO FAR AT THIS LEVEL
 3. 3.0' REAR BALCONIES DO NOT COUNT TOWARD FAR

TOTAL FAR = 1270.5 FAR SF

TOTAL AREA OF ROOF STRUCTURE INCLUDING STAIR AND OPEN AREAS WITHOUT LANDING OR STAIRS 280.7 SF



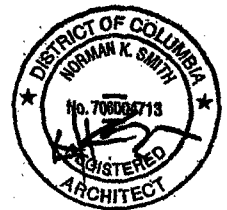
AREA OF ROOF STRUCTURE WITH LANDINGS AND STAIR THAT COUNTS TOWARD FAR SF 124.3 FAR SF



ROOF STRUCTURE FAR CALCULATION:
 TOTAL SF OF ROOF STRUCTURE INCLUDING STAIR LANDING AND OPEN AREAS WITHOUT FLOORS = 280.7 SF

AREA OF ROOF STRUCTURE WITH LANDING AND STAIR THAT COUNTS TOWARD FAR SF = 124.3 FAR SF

TOTAL FAR = 124.3 FAR SF



1819 BELMONT RD., NW 09-29-03
 NORMAN SMITH ARCHITECTURE
 202.462.5886

FAR GRAPHICS

DATE: 02/05/03

TO: ROBERT CHEN @ STRUCTURAL, RAVI SHANKAR @ MECK/PLUMB, FIRE REVIEWER
(NO NAME PROVIDED)

FROM: NORMAN SMITH ARCHITECTURE

RE: RESPONSES TO YOUR PLAN CORRECTION LIST DATED 02/03/03 FOR JOB
FILE # 314-B; 1819 BELMONT ST., N.W.

RESPONSES TO STRUCTURAL, LISTED BY YOUR NUMBERS:

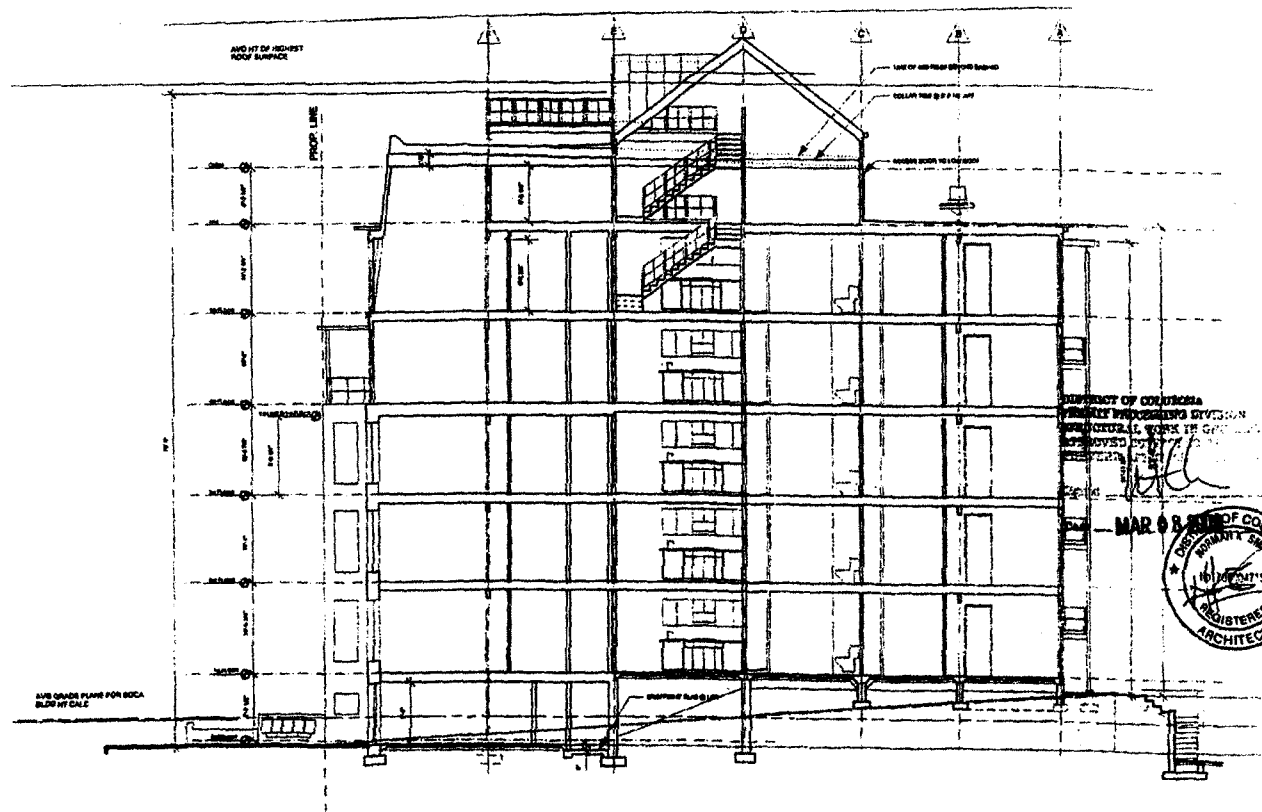
1. DC SURVEYOR'S PLAT(S) WERE PROVIDED WITH ORIGINAL APPLICATION;
REPLACEMENT COPIES WERE PROVIDED ON 02/03/03.
2. CLARIFY SPRINKLER: YOUR COMMENT IS UNCLEAR: THE SPRINKLER RISER IS NOTED
ON PAGE SP/FP-1. ALL LEVELS OF THE BUILDING (INCLUDING BASEMENT, FIRST,
SECOND, THIRD FOURTH, FIFTH, ATTIC AND STAIR AREA TO PRIVATE ROOF DECK ARE
SERVED BY SPRINKLER RISER (SP ON THE DRAWINGS); INDIVIDUAL HEAD LOCATIONS
AND SPRINKLER PIPE DRAWINGS WILL BE PROVIDED, AS USUAL, WITH THE FIRE
PROTECTION/SPRINKLER SUBCONTRACTOR'S SHOP DRAWING SUBMITTAL TO DC.
3. CLARIFY NO. OF STORIES: THE BUILDING IS FIVE STORIES WITH ATTIC SPACE; THE
BASEMENT IS NOT A STORY ABOVE GRADE UNDER BOCA DEFINITION FOR STORY
ABOVE GRADE, 502.1 (DEFINITION OF STORY ABOVE GRADE, ITEM #2); THE ATTIC IS
THE SPACE BETWEEN THE CEILING BEAMS AND THE RAFTERS PER BOCA DEFINITION
FOR ATTIC, 1202.1 (DEFINITION OF ATTIC). ALTHOUGH THE BASEMENT IS NOT A
STORY BY DEFINITION, BOCA SECTION 504.6 ALLOWS 6 STORIES (1 MORE THAN
SHOWN) WHEN THE BASEMENT IS SEPARATED BY THE 3-HOUR ASSEMBLY NOTED IN
THE DRAWINGS AND IN THE BUILDING CODE NOTES ON PAGE A-1.
4. NO OPENING W/IN 3 FT; THE GLASS BLOCK ASSEMBLY NOTED IS NOT AN OPENING IN
THE WALL BUT IS A U.L. RATED 2-HOUR ASSEMBLY WHICH IS INOPERABLE AND IS A
WALL ASSEMBLY AND MAINTAINS THE 2-HOUR WALL RATING. HOWEVER, FOR COST
REASONS, THAT ASSEMBLY WILL BE DELETED FROM THE DRAWINGS WHICH WILL
RESOLVE THIS ISSUE.
5. PROVIDE STL CERTIFCN; THE STRUCTURAL ENGINEER, AHMET OZUSTA, WILL
PROVIDE THE REQUESTED LETTER.

RESPONSES TO FIRE

1. THE INCOMING WATER SUPPLY AND SIZING IS INDICATED ON THE WATER/SPRINKLER
RISER ON PAGE SP/FP-1.
2. RE THE ABBREVIATIONS; FS = FLOW SWITCH, BFP = BACK-FLOW PREVENTOR, FDC =
FIRE DEPARTMENT CONNECTION. THE LEGEND IS NOTED ON PAGE P-2; A COPY OF
LEGEND WILL BE PROVIDED.

RESPONSES TO MECH/PLUMB

1. APPROVAL FROM WASA/BRYANT ST FOR WATER/SEWER AVAILABILITY WILL BE
PROVIDED.
2. ELEVATOR (PRIVATE LIFT) REVIEW HAS BEEN APPROVED ON CONTROL BATCH SHEET
SO THIS ISSUE IS RESOLVED.
3. DOH(DEPARTMENT OF HEALTH) DOES NOT HAVE PURVIEW OVER A 5 UNIT
RESIDENTIAL CONDOMINIUM SO NO APPROVAL IS REQUIRED.
4. WATER RISER; THE WATER SUPPLY LINES ARE INDICATED IN PLAN WITH THE MAIN
WATER RISER INDICATED ON THE WATER/SPRINKLER RISER ON PAGE P-2.
ALTHOUGH WE HAVE NOT BEEN REQUIRED TO PROVIDE A COMPLETE WATER RISER
DIAGRAM IN THE PAST FOR SIMILAR SIZE PROJECTS, WE WILL PROVIDE THIS.



AVE GRADE PLANE FOR BOLD BUILDING DATE

AVOID HT OF HIGHEST ROOF SURFACE

PROP. LINE

LINE OF ROOF RISE BEFORE SHEDDING

COLLAR TRUSSES

ROOF STRUCTURE

DEPARTMENT OF COLLEGE
 PUBLIC WORKS DIVISION
 APPROVED FOR THE CITY
 ENGINEER



 BUILDING SECTION B-B

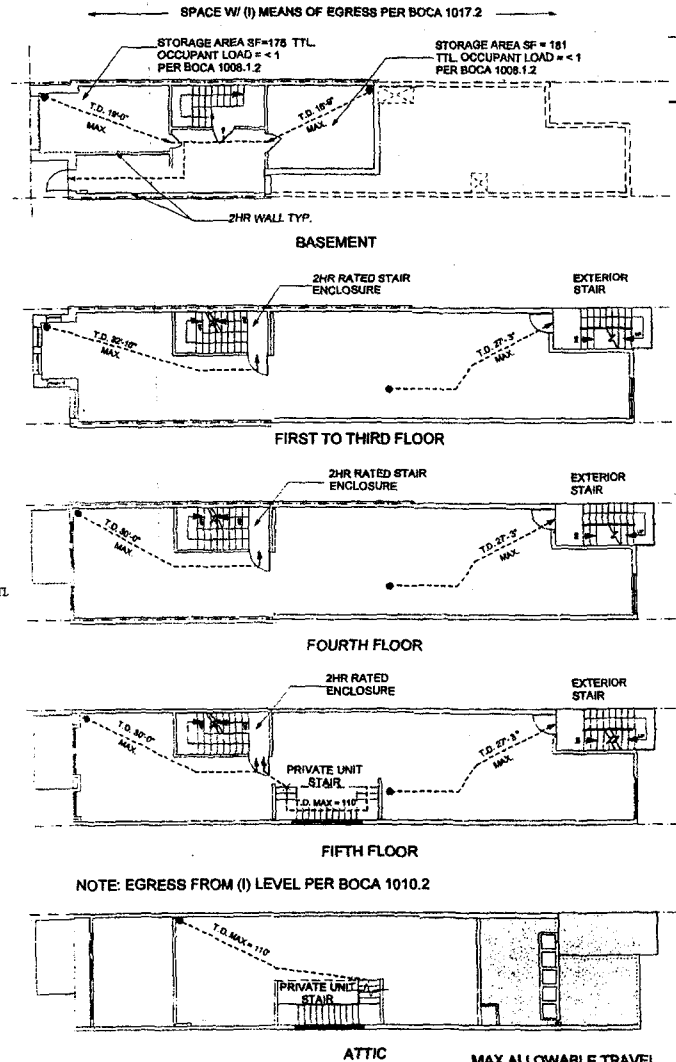
SOJAN SMITH ARCHITECTURE
 2111 14th St. N.W., Washington, D.C. 20036
 PERMIT # 2-19-02
 1819 Re-Imant Bldg. NW
 REGISTERED ARCHITECT

ABBREVIATIONS

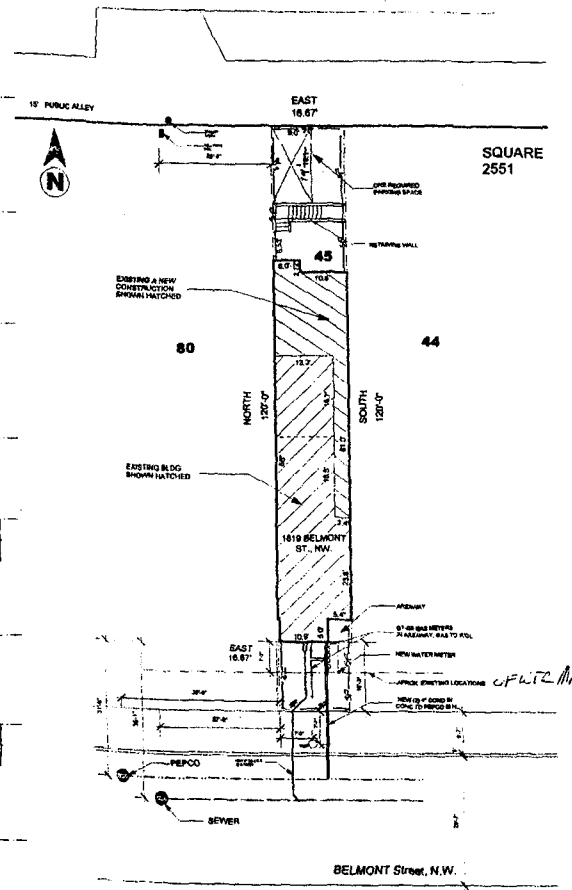
ABOVE FINISHED FLOOR
 AESTHETIC JOINT
 ANCHOR BOLT
 APPROXIMATE
 BENCHMARK
 BUILDING
 BLOCK/BLOCKING
 BUILT-IN
 BEAD
 BULKHEAD
 BOLT
 BOTTOM
 CEILING
 CEMENT SLURRY BOARD
 CENTER(S)
 CLEAR
 CONCRETE MASONRY UNIT
 COMPACTED
 COMBINED SAN/STORM SWR
 CORNER
 COLUMN
 CONTROL JOINT
 CONCRETE
 COURSE(S)
 COLLAR TIE
 DRAINAGE/WASTE/VENT
 DEPT/PUBLIC WORKS
 DIMENSION
 DISCHARGE
 DOUBLE
 DOOR(S)
 DOWNSPOUT
 DRAIN TILE
 EACH WAY
 EQUAL
 ELECTRICAL PANEL
 EXPANSION
 EXISTING
 EXTERIOR
 EXTRA STRONG
 FINISH FLOOR
 FINISH
 FACE OF FRAMING
 FIBERGLASS
 FLOOR
 FACE OF MASONRY
 FOUR SIDES
 GYPSUM DRYWALL
 HEADER
 HEAD/SILL/JAMB
 HEAD
 HEIGHT
 INSULATE/INSULATION

INTERIOR
 JOINT
 JOINT
 LAG SCREW
 LOAD BEARING
 MASONRY
 MAXIMUM
 MEMBRANE
 MOISTURE RESISTANT
 METAL
 MODIFIED BITUMENE SYSTEM
 MAN HOLE
 BO
 NOT IN CONTRACT
 ORIENTED STRAND BOARD
 OWNER FURNISHED AND OWNER
 INSTALLED
 OWNER FURNISHED AND
 CONTRACTOR INSTALLED
 PERFORATE/
 PERFORATED
 PLATE
 PLYWOOD
 PAINT/PAINTED
 PRESSURE-TREATED
 POLYETHYLENE
 PATCH TO MATCH
 RAIN WATER LEADER
 SCHEDULE
 SERVICE ENTRANCE
 SOLDERED FLAT SEAM
 SPRINKLER
 SPLASH BLOCK
 STEEL
 STORM
 SUBFLOOR
 SHELF/SHELVES
 SHOWER
 STAGGERED
 STANDING SEAM
 STRUCTURAL
 SURFACED 4 SIDES
 TO BE DECIDED
 TONGUE AND GROOVE
 TO BE SELECTED
 TUBE STEEL
 TYPICAL
 TELEPHONE
 UNLESS OTHERWISE NOTED
 VAPOR BARRIER
 VERIFY IN FIELD
 WELDED WIRE MESH/FABRIC
 WOOD
 WATER
 WATER PROOF/PROOFED

INT
 JST
 JNT
 LS
 LP
 MAS
 MAX
 MIN
 MR
 MTL
 MBS
 MH
 NLB
 NIC
 OSB
 OFOI
 OFCI
 PERP
 PL
 PLY
 PNT/PNTD
 PT
 POLY
 PTM
 RWL
 SCH/SCHED
 SE
 SFS
 SP
 SB
 STL
 ST
 SUBFLR
 SH
 SHWR
 SHDR
 STGD
 STNGD SM
 STRL/STRUCTL
 S4S
 TBD
 T&O
 TBS
 TS
 TYP
 TEL
 UON
 VB
 VIF
 WWM/WWE
 WD
 WTR
 W/W/PD



EGRESS PLAN
 NON SCALE



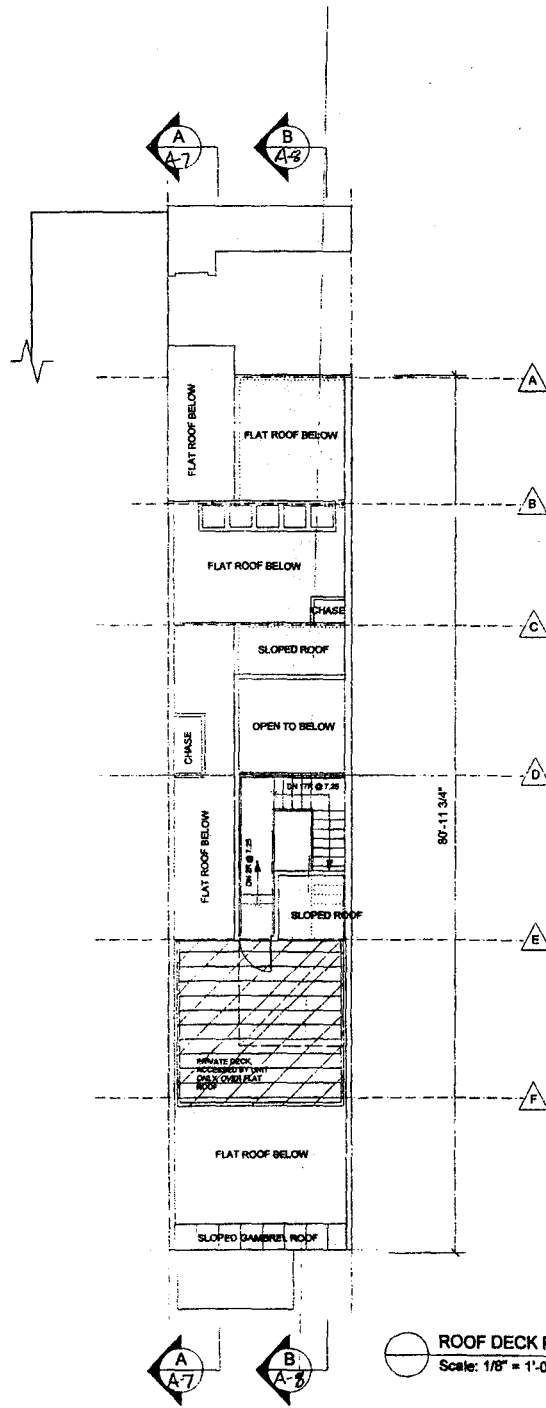
SITE PLAN
 Scale: 1" = 20 ft

DISTRICT OF COLUMBIA
 PERMIT PROCESSING DIVISION
 STRUCTURAL WORK IN GENERAL
 APPROVED SUBJECT TO THE
 CURRENT APPLICIAL OF CONSTRUCTION

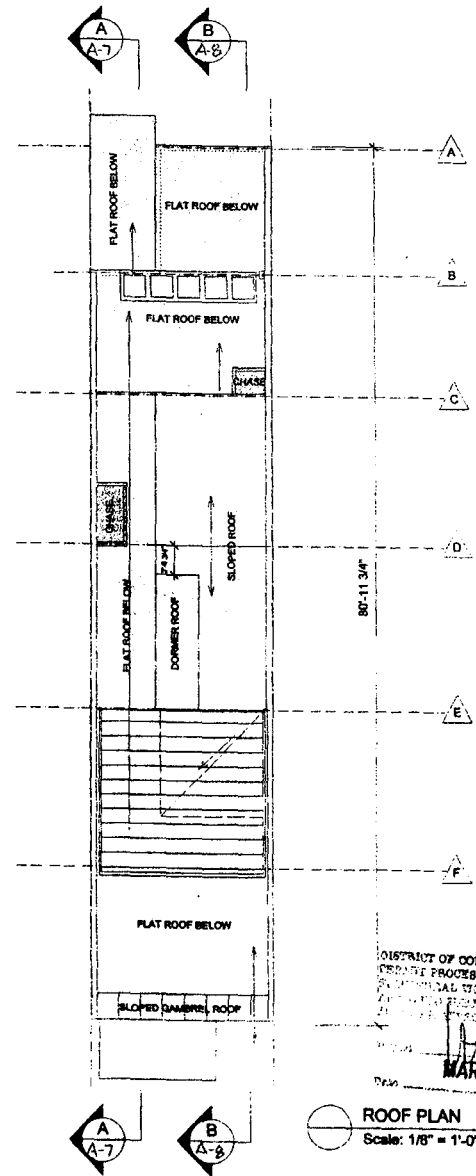
DATE
 MAR 08 2003



NORMAN SMITH ARCHITECTURE
 ARCHITECTS
 3311 15th St., N.W., Washington, DC 20005
 PERMIT 12-19-02
 Design © NORMAN SMITH ARCHITECTURE INC.
 1819 Belmont Rd. NW
 Washington, DC 20009
 A2



ROOF DECK PLAN
Scale: 1/8" = 1'-0"



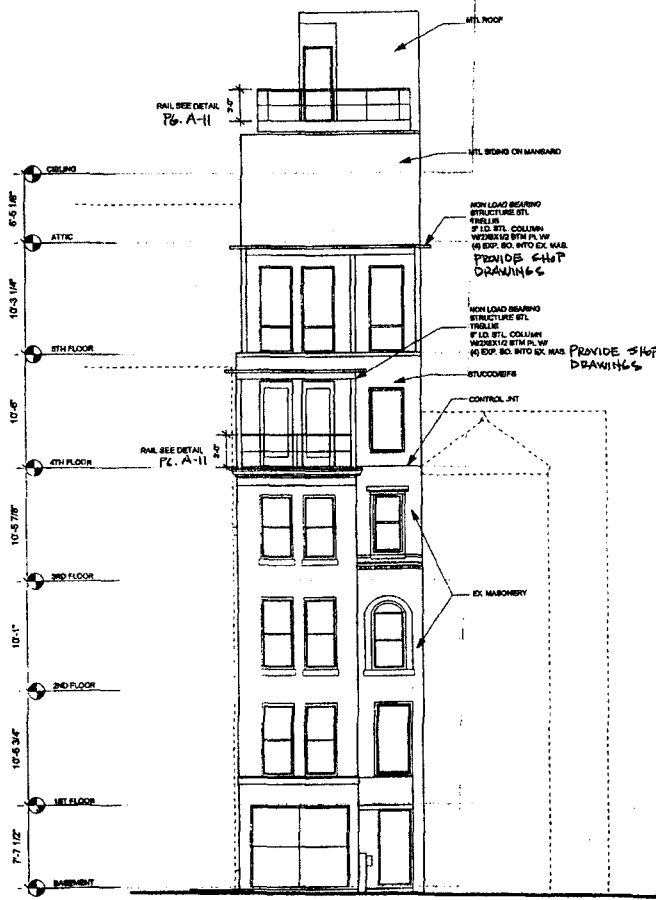
ROOF PLAN
Scale: 1/8" = 1'-0"

DISTRICT OF COLUMBIA
PERMIT PROCESSING DIVISION
GENERAL WORK IN GENERAL
DATE: MAR 08 2003

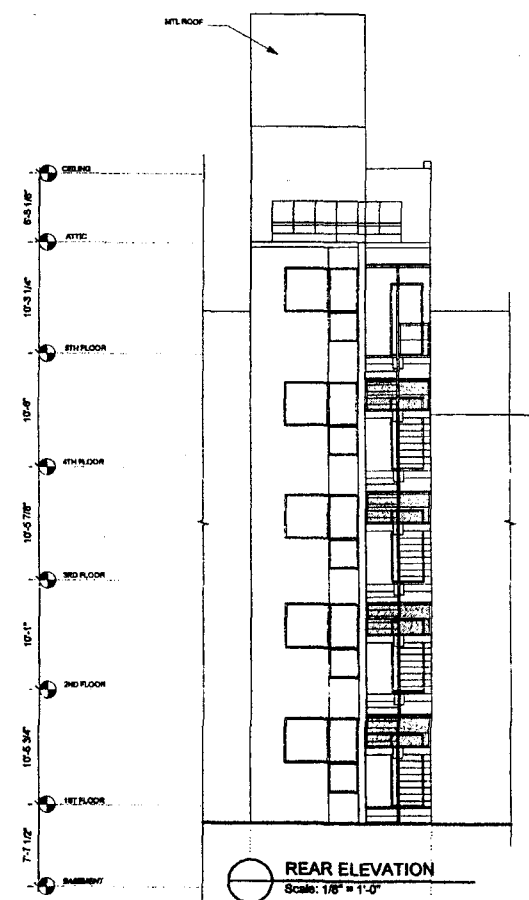


1819 Belmont RD. NW
 Washington, DC 20009
 PERMIT 12-19-02
 Designer: NORMAN SMITH ARCHITECTS, LLC
 NORMAN SMITH ARCHITECTURE
 2311 15th St. N.W. Washington, DC 20009
 T: 202-462-2384 F: 202-462-6996
 Email: nsmith@nsmith.com

A5



○ FRONT ELEVATION
Scale: 1/8" = 1'-0"

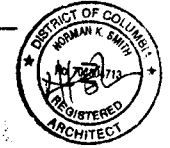


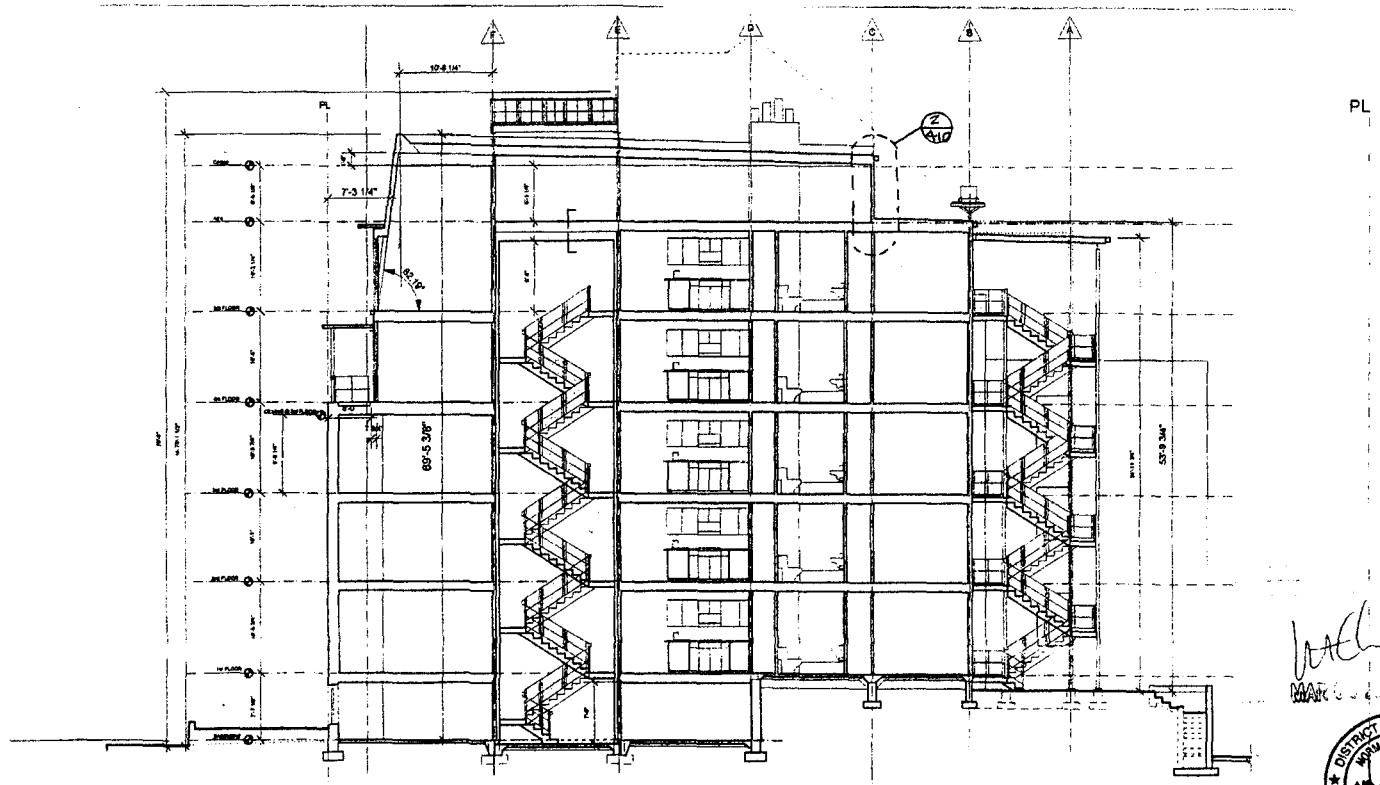
○ REAR ELEVATION
Scale: 1/8" = 1'-0"



○ REAR ELEVATION @ LOWER LEVEL
Scale: 1/8" = 1'-0"

DISTRICT OF COLUMBIA
OFFICE OF THE ARCHITECT
REGISTERED ARCHITECT
NORMAN K. SMITH
MAR 03 2003





BUILDING SECTION A-A
 Scale: 1" = 10 ft

Walt
 M.A.S. 6/2/09

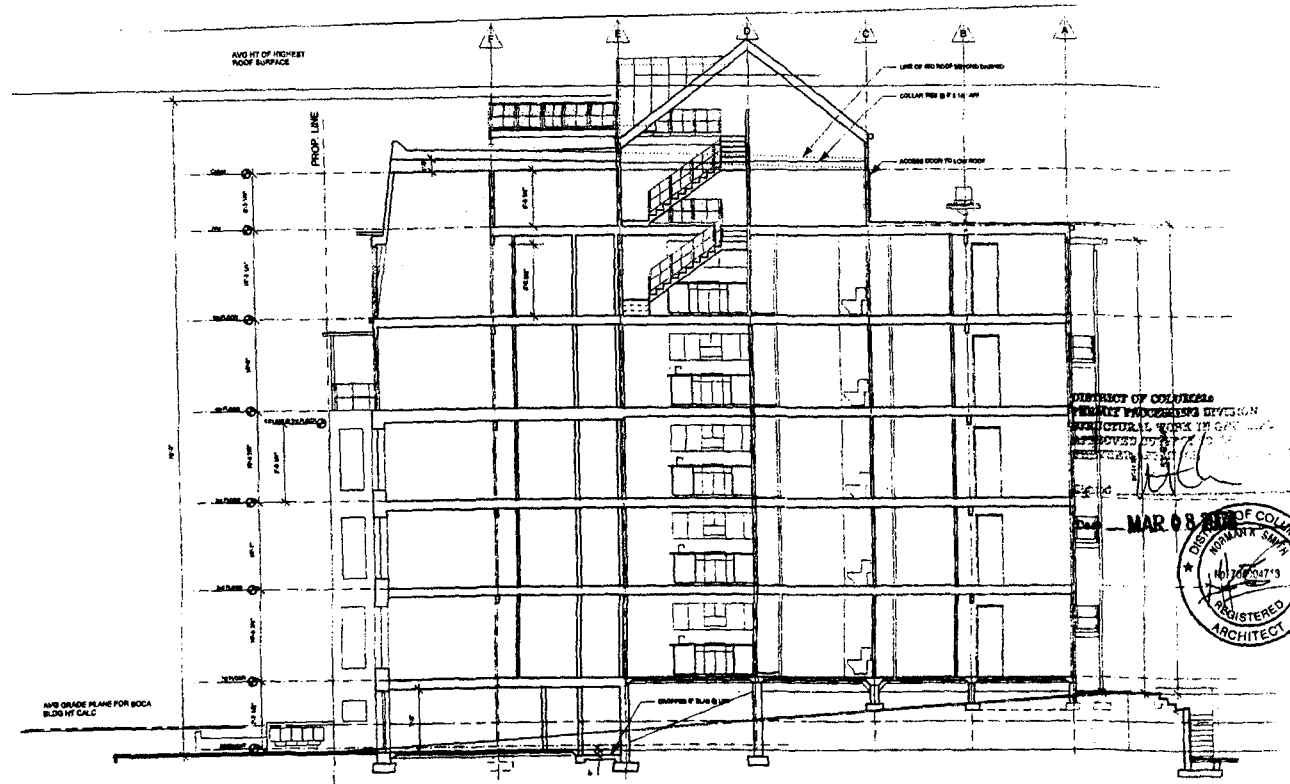


A7

1819 Belmont RD. NW
 Washington, DC 20009

PERMIT 17-19-02
 Drawn by NORMAN SMITH ARCHITECTURE

NORMAN SMITH ARCHITECTURE
 Architecture • Interiors • Construction Management
 2311 15th St. NW, Washington, DC 20009
 T 202.462.1514 F 202.462.2000
 Email: norman@nsmithperm.com



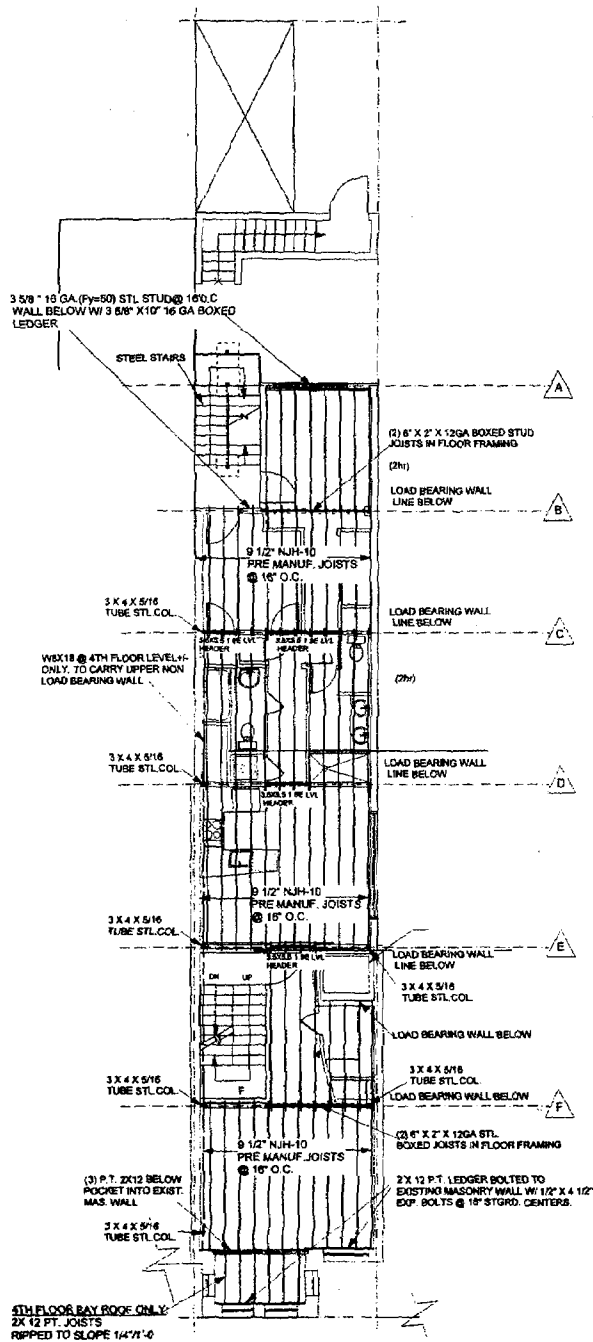
AB BUILDING SECTION B-B

GERMAN SMITH ARCHITECTURE
 2117 19th St. N.W., Washington, D.C. 20036
 Phone: 202-331-1111

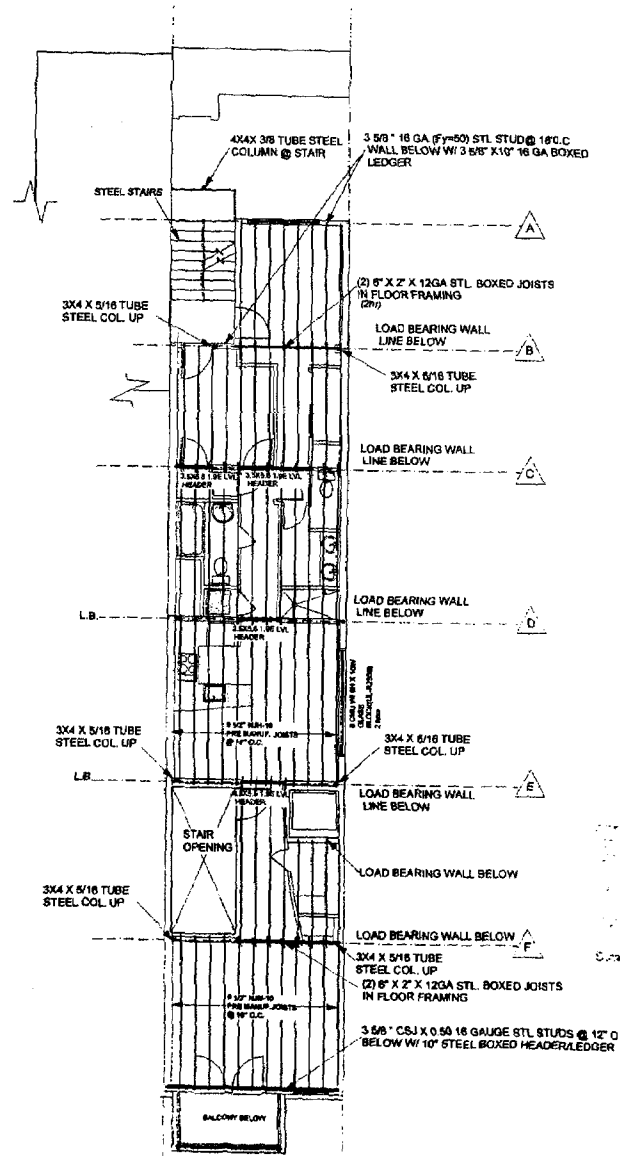
PERMIT 12-19-02

1819 Belmont Rd. NW
 Washington, DC 20009

A 8



2nd, 3rd & 4th FLOOR FRAMING ON TYP.
Scale: 1/8" = 1'-0" 1ST 2ND & 3RD FLOOR PLAN



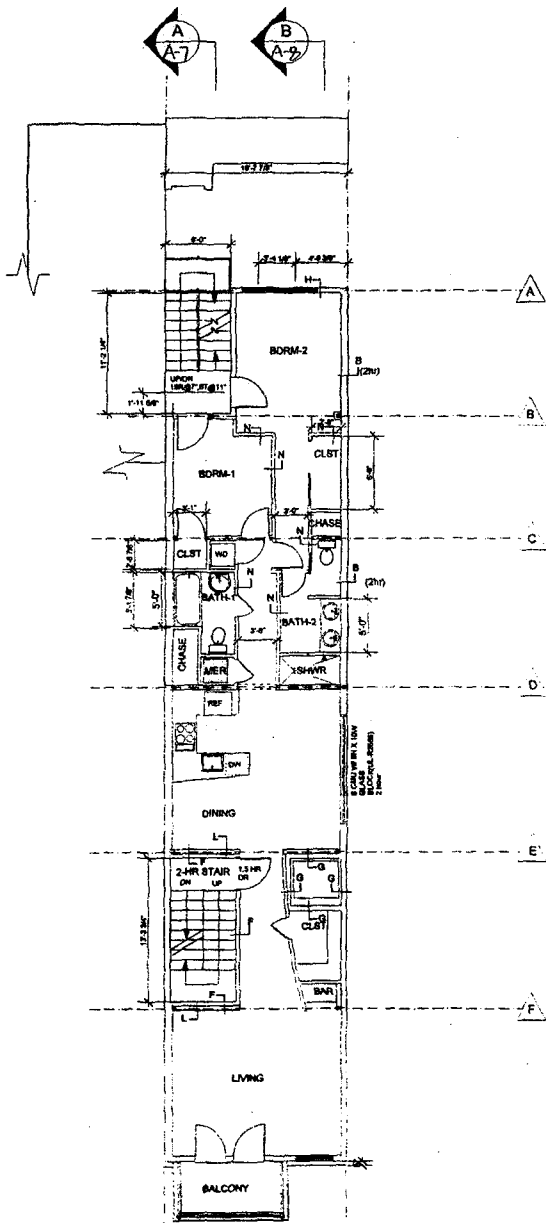
5TH FLOOR FRAMING ON 4TH FLOOR PLAN
Scale: 1/8" = 1'-0"

MAR 05 2010

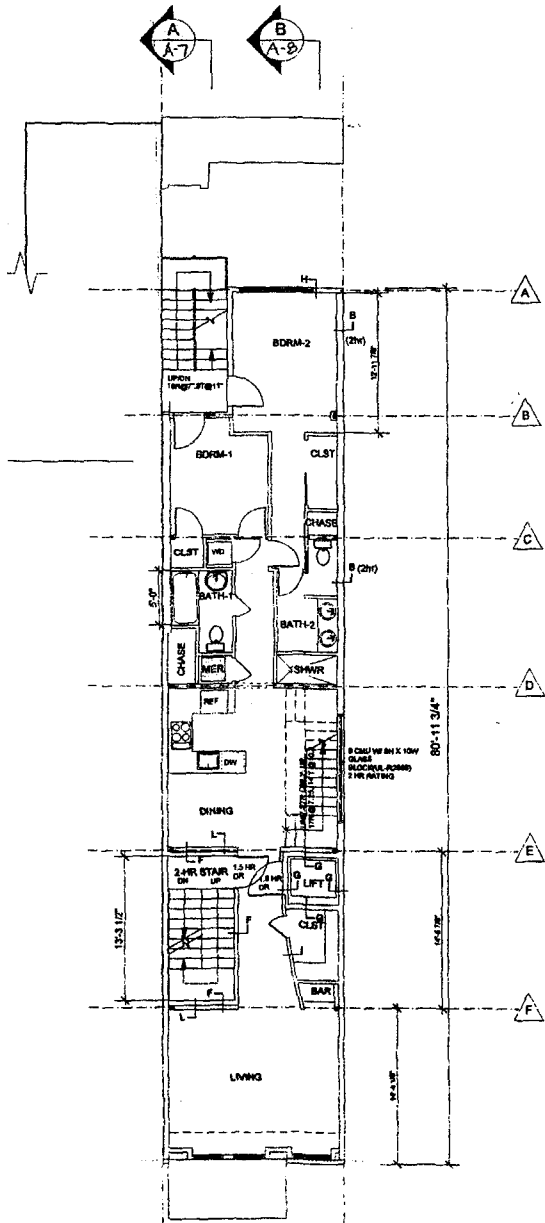


NORMAN SMITH ARCHITECTURE
 1819 Belmont Rd., NW
 Washington, DC 20009
 Phone: 202.462.1888 Fax: 202.462.1906
 Email: nsmith@normansmith.com
 PERMIT 12-19101-1
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

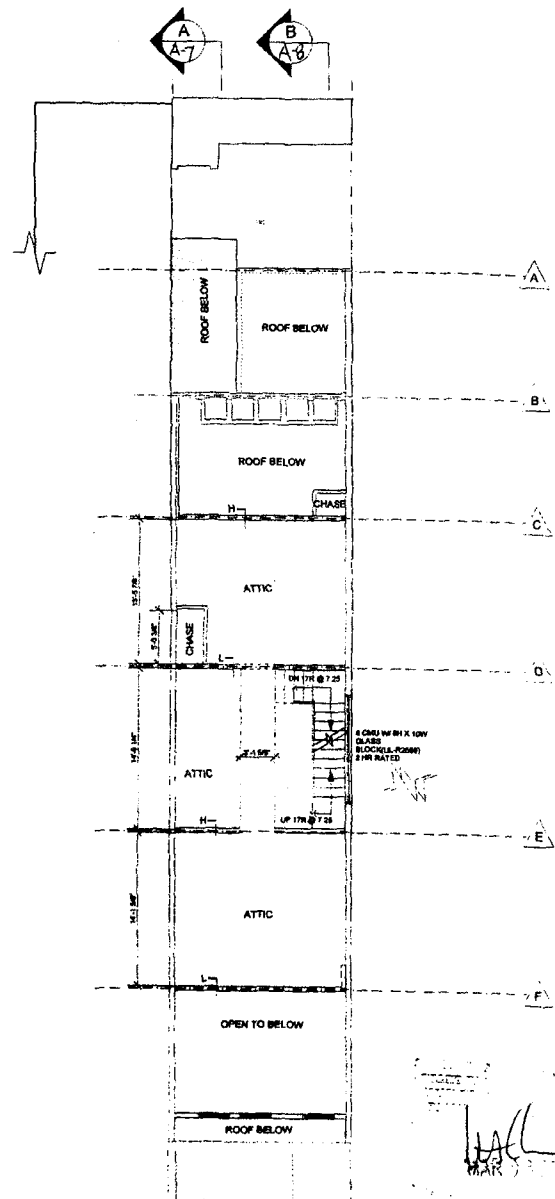
S3



FOURTH FLOOR PLAN
Scale: 1/8" = 1'-0"



FIFTH FLOOR PLAN
Scale: 1/8" = 1'-0"



ATTIC PLAN
Scale: 1/8" = 1'-0"



1819 Belmont RD. NW
 Washington, DC 20009
 PERMIT 12-1902
 NORMAN SMITH ARCHITECTURE
 ARCHITECTS
 2111 15th St. N.W., Washington, D.C. 20036
 Local permit only

A4