GLADYS HICKS, 7710 MERRICK LANE
LANDOVER, MARYLAND 20785

April 23, 2004

Jerrily Kress, FAIA
Director,
Office of Zoning
D.C. City Government
Second Floor South
441 Fourth Street, N.W.
Washington, D.C. 20001

Re: BZA Case Number 17154
Rear of 935 26th Street, N.W.
Lot 95 in Square 16

Dear Ms. Kress:

The referenced Board of Zoning Adjustment Case was presented at an Advisory Neighhood Commission (ANC-2A) on April 21, 2004. A copy of the agenda is attached to this letter. The Foggy Bottom and West ANC voted to support the BZA application. In addition the following documents are attached:

(1) Revised architectural plans which reflect the height of the row single family dwelling of 30.0 feet. The roof access was moved from the south side of the building to the north side of the structure.

(2) A copy of a D.C. builders plat for Square 16 from the D.C. Office of the surveyor.

(3) A revised computation sheet with the height changed from 31.33 feet to 30.0 feet.

(4) A copy of Zoning Commission 714, Case # 91-8, (Text and Map Amendment-Foggy Bottom Overlay District). Final Order Dated April 17, 1992.Zoning Commission Order #714 changed the Zoning Classification of lot 95 in Square 16 from R-5-B to FBOD/R-3 residential.

Gladys Hicks

Gladys Hicks
Zoning Consultant

BZA
Case No. 17154
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17154
EXHIBIT NO. 26

Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

MEETING AGENDA – April 21, 2004

1. **Call to Order 7:00 PM**
2. **Roll Call**
3. **Election of Chair pro tem**
4. **Approval of Agenda**
5. **Approval of Minutes for March 17, 2004**
6. **Treasurer's Report—Staff assistance update and approval**
7. **Police Report**
8. **Community Concerns— Watergate Hotel ZC Decision, May 10, 2004**

9. **ANC-2A UPDATE**
   - **a. GWU—Public Space Request—616 23rd Street, NW**
   - **b. GWU—Chapter V Permit approval request**
   - **c. GWU—Sign & Public Space violations**

10. **PRESENTATION & ANC POSITION**
    - ✳ **a. BZA Case No. 17154-- Sidney Rasekh, AIA—hearing, May 4, 2004**
    - **b. 51st State—ABC Application No. 50275, Retailer "C" Tavern License**
    - **c. Panda Café—ABC Application for a Stipulated B License**
    - **d. D.C. Library Renaissance Project—ANC Resolution No. 04-4--**
    - **e. GWU- Health & Wellness Center, Z.C. Case No. 02-26--ANC's response to March 11, 2004 Filing--Decision May 13, 2004—**
    - **f. Federal Highway Adm.--Kennedy Center Access Improvement Project, Robert A. Morris, P.E., Special Project Manager**

11. **Community Comments—NCPC—Hearing, May 6, 2004, GWU PUD Residence Hall; APhA—2215 Constitution Ave., NW (ZC, June 10, 2004)**

12. **Adjournment**

Lot 95 in Square 16

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

REVISED 4/23/04

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	926.67#	2000.0#	N/A	926.67#	1073.33# (53.67%)
Lot Width (ft. to the tenth)	18.17'	20.0'	N/A	18.17'	1.83' (9.15%)
Lot Occupancy (building area/lot area)	N/A	N/A	566.61#	586.77#	30.77# (5.5%)
Floor Area Ratio (FAR) (floor area/lot area)	N/A	N/A	N/A	N/A	—
Parking Spaces (number)	N/A	1 space (9'x19')	N/A	1 space (9'x19')	—
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	—
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	—
Rear Yard (ft. to the tenth)	N/A	20.0'	N/A	18.00'	2.00' (10.00%)
Side Yard (ft. to the tenth)	N/A	N/A (0'&0')	N/A	0' & 0'	—
Court, Open (width by depth in ft.)	N/A	6.0' min	N/A	6.33'	—
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	—
Height (ft. to the tenth)	N/A	30.0'	30.0'	30.00' ~~#~~	— ~~#~~

Lot 95 in Square 16

R-20/R-5 zone

INSTRUCTIONS

~~Propose~~ & Proposed row

Page 2 of 2

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REVISED 4/23/04

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
ROOF ACCESS					
HEIGHT	N/A	N/A	18.5'	9.0'	N/A
SETBACK				9.0'+ & 9.0+	N/A

Lot 95 in Square 16

INSTRUCTIONS RA-1/R-5 zone

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REVISED 4/23/04

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Lot Width (ft. to the tenth)	18.17'	20.0'	N/A	18.17'	1.83' (9.15%)
Lot Occupancy (building area/lot area)	N/A	N/A	566.61#	586.77#	30.77# (5.5%)
Floor Area Ratio (FAR) (floor area/lot area)	N/A	N/A	N/A	N/A	—
Parking Spaces (number)	N/A	1 space (9'x19')	N/A	1 space (9'x19')	—
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	—
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	—
Rear Yard (ft. to the tenth)	N/A	20.0'	N/A	18.00'	2.00' (10.00%)
Side Yard (ft. to the tenth)	N/A	N/A (0'&0')	N/A	0' & 0'	—
Court, Open (width by depth in ft.)	N/A	6.0' min	N/A	6.33'	—
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	—
Height (ft. to the tenth)	N/A	30.0'	30.0'	30.00' ~~9H~~	— ~~9H~~

Lot 95 in Square 16

R-3/R-5 zone

INSTRUCTIONS

~~Propose~~ & Proposed row

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REVISED 4/23/04

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
ROOF ACCESS					
HEIGHT	N/A	N/A	18.5'	9.0'	N/A
SETBACK				9.0'+ & 9.0+	N/A

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 714
Case No. 91-8
(Text & Map Amendment- Foggy Bottom Overlay District)
March 9, 1992

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on October 28, 1991. At that hearing session, the Zoning Commission considered a petition from Advisory Neighborhood Commission (ANC) 2A to amend the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and the Zoning Map of the District of Columbia, pursuant to 11 DCMR 102. The public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

By letter dated May 17, 1991, the Chairman of ANC-2A requested the Zoning Commission to authorize a public hearing to consider amending the Zoning Regulations and the Zoning Map to create and map the Foggy Bottom Historic District Overlay by rezoning the Foggy Bottom Historic District (FBHD) with the new overlay zone. The letter petitioned the Zoning Commission to rezone the historic district from R-5-B and R-5-D to R-4 or, in the alternative, to adopt the proposed FBOD zone.

The District of Columbia Office of Planning (OP), by report dated June 28, 1991, stated the following in it's recommendation:

> "We recommend that the advertised scope of the public hearing be broad so as to minimize the risk of needing to advertise and conduct a further public hearing on the case, and so as to maximize the chance of securing the optional zoning for the area. Accordingly, we recommend that petitioner's R-4 alternative for the historic district be advertised, along with petitioner's proposed grandfather clause regarding building additions and rebuilding rights. We also recommend advertising R-3 for the rowhouse areas and R-5-B, R-5-C or R-5-D for the highrise residential buildings as indicated in the second map."

On July 8, 1991, at its regular monthly meeting, the Zoning Commission authorized for public hearing the above-mentioned proposals of the petitioner, and the proposal of the Office of Planning (OP).

The Foggy Bottom Historic District is in the Foggy Bottom neighborhood of the northwest quadrant of the city, generally bounded by K Street to the north; 24th Street to the east; New

Hampshire Avenue to the southeast; H Street to the south; the Potomac River Freeway to the southwest; and 26th Street to the west. Existing zone districts that are within the FBHD include R-3, R-4, R-5-A, R-5-B, R-5-C and R-5-D.

The R-3 District permits matter-of-right development of single-family residential uses including detached, semi-detached, and row dwellings with a minimum lot area of 2,000 square feet, a minimum lot width of twenty feet, a maximum lot occupancy of sixty percent, and a maximum height of three stories/forty feet.

The R-4 District permits matter-of-right development of residential uses including detached, semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and a maximum height limit of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment, low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of three-stories/forty feet.

The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 3.5, and a maximum lot occupancy of seventy-five percent.

The R-5-D District permits matter-of-right development of general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for apartment houses and 5.0 for other structures and a maximum lot occupancy of seventy-five percent.

The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital, as amended, indicates a moderate density residential land use category for the historic district.

ANC-2A, the petitioner, by its prehearing submission and by testimony at the public hearing, amended its original request to include the following:

Option I

Rezone to R-3, the Foggy Bottom Historic District leaving all resulting nonconforming uses and structures in the nonconforming category, subject to the conditions of Chapter 20, 11 DCMR, Zoning, governing such nonconforming uses and structures. The D.C. Zoning Map should be amended to R-3 for the following;

Square 16, excluding lots 884, 863, 93, 71, 17 and 2009 through 2161 (the Griffith Condominium apartment building);

Square 17, excluding lots 2001-2051 (The Plaza Condominium Apartments)

Square 28, excluding lots 884 and 168;

Square 29, in its entirety;

The lots excluded in Squares 16, 17 and 28 are areas outside of the Foggy Bottom Historic District.

Option II

Request that the Zoning Commission adopt a text and map amendment to 11 DCMR and the Zoning Map, respectively, by creating and mapping a Foggy Bottom Historic District Overlay combined with a rezoning to R-3.

ANC-2A by report dated October 28, 1991, and by testimony presented at the public hearing stated the following, "ANC-2A strongly recommends that the Zoning Commission approve this petition for a change in the Zoning Map from the R-5 to the R-3 zone category for the whole of the historic district. ANC-2A further stated "However, if your Commission were concerned about the problem of nonconformity, our ANC would accept R-3 zoning with an overlay which would make conforming the nonconforming structures and legal uses existing at the time of the rezoning. This approach of R-3 zoning with an overlay also is not the preferred option of the Office of Planning (OP), as stated on page 5 of its 17 October 1991 memorandum." The ANC also urged the Zoning Commission to adopt their proposed provisions governing planned unit developments.

The specific proposals to create and map the Foggy Bottom Historic District Overlay was published as a notice of public hearing and appeared in the September 13, 1991 edition of the D.C. Register (38 DCR 5826).

The Office of Planning (OP) by memorandum dated October 17, 1991 and by testimony presented at the public hearing considered zoning alternatives for the area that included R-3, R-4, R-3 with a zoning overlay district, and a combination of R-3 and apartment house zones. Following are OP's comments on these alternatives.

R-3

R-3 is preferable to R-4 in Foggy Bottom, in part because conversions to apartments need not and should not be permitted as an option for these very small houses. Another significant advantage of R-3 zoning in this location is that clinic use is not permitted in R-3 but is permitted in R-4 and apartment house zones. In summary, the R-3 zone is very close to the existing scale and uses in the neighborhood and would be advantageous in screening out some uses that have caused a loss of housing units and neighborhood character over the years.

R-4

The permitted height and lot occupancy are the same as for R-3 -- 40 feet, three stories and 60 percent. This produces the same de facto FAR of 1.8. However, this zone permits clinic or hospital use as a matter-of-right and also permits conversion of buildings to apartments with a density limit of one unit per 900 square feet of land area in the lot. Although the potential for such conversions is extremely limited given the small size of rowhouses in this neighborhood, it is also clear that R-3 much more closely approximates existing scale and uses in this neighborhood. It is accordingly preferred over R-4 in this location.

R-3 with an Overlay Zone

In OP's opinion, the overlay zone is the third best zoning approach, coming after either straight R-3 zoning for the historic district or the modified zoning map approach. OP wishes to continue to use overlay zones to establish fine-grained planning and zoning controls in various location of the District; if possible, OP would like to avoid imposing overlays where more direct approaches are suitable. In fact, the historic district, with its controls over demolitions, alterations and new construction is a type of overlay zone regulating development, which, together with new zoning, should provide suitable development and reuse controls.

Modified Zoning Map Approach

The key features of this approach consist of R-3 zoning for the great majority of land area and buildings in the historic district; and R-5-B zoning extending in a band through the middle-north part of the area.

OP further testified that the proposed overlay zone has only two substantive aspects, limitations of PUDs and grandfather provisions. The PUD limitations are not needed given the rezoning and the Comprehensive Plan policies for the area. Existing nonconformity provisions are very generous in historic districts. Any contributing building can be reconstructed to its former height and bulk even if damage exceeds 50 to 75 percent. In a residential zone, a nonconforming flat or apartment house can undergo structural alterations as matter-of-right.

ANC-2B, by memorandum dated October 28, 1991 and by testimony presented at the hearing, supported ANC-2A's position that a straight rezoning to R-3, or rezoning with an overlay to "grandfather" in structures and uses which would become "nonconforming" as a result of the rezoning, as their preferred option.

ANC-2E, by letter dated November 14, 1991, indicated that at its public meeting of October 1, 1991, the Commissioners voted unanimously to support the request of ANC-2A to rezone the FBHD to R-3 and to include the provisions contained in the advertisement of the case governing planned unit developments.

The Foggy Bottom Association, the Foggy Bottom Historic District Conservancy, the D.C. Preservation League, the Committee of 100 on the Federal City, the Jefferson House Condominium, the Residential Action Coalition and a number of residents and homeowners testified, and submitted letters in support of the ANC's Option I proposal. Other reasons for supporting the proposed zoning included, but were not limited to the following:

a. Rezoning in the historic district should be brought into compliance with the Comprehensive Plan, as required by law;

b. Historic Preservation laws cannot fully protect historic districts; zoning protection is also needed, especially when an area is severely overzoned such as Foggy Bottom;

c. R-3 does not permit certain uses that have caused a loss of dwelling units in this neighborhood; e.g., clinic, chancery, hotel, and fraternity and sorority houses. Highrise apartment development has deprived adjacent row

houses of light, air and privacy. The operation of hotels in the neighborhood has adversely affected neighboring residents;

d. The Comprehensive Plan Amendments Act of 1989 changed the land use category for this area from medium density residential to moderate density residential, creating a clear mandate for more restrictive zoning, especially regarding the existing R-5-D zoning which is high density residential; and

e. Nonconformity problems are not major; the larger buildings are modern buildings that are not likely to be destroyed more than 50 percent by fire. If the Zoning Commission is concerned about nonconformity, R-3 zoning is acceptable with the advertised overlay zone which protects nonconforming uses and structures and limits the permitted height and bulk of planned unit developments (PUDs). Historic districts often have many nonconforming buildings. Property owners need to carry proper casualty insurance.

Several persons testified in opposition to the rezoning proposals at the public hearing, and several letters were received in opposition. Opposition to the proposal included, but was not limited to the following:

a. The proposed rezoning will achieve only a punitive purpose. The Foggy Bottom Historic District is not threatened with new development; contributing buildings in a historic district cannot be demolished;

b. The new nonconformities of use created by downzoning will only lock in the major nonconforming uses and motivate owners to maintain valid certificates of occupancy for many years;

c. R-3 zoning will adversely affect insurance rates and the ability to refinance; this zoning will also prevent favorable exterior design changes to these generally plain, modern buildings;

d. Conversion of hotels to apartment houses will not be permitted by R-3 zoning, as R-3 zoning does not permit apartment house use;

e. The major buildings in the area should retain their existing zoning;

f. Ninety-three percent of the lots in the area, including the rowhouse lots, will be made nonconforming by R-3 zoning, so that even a deck or minor addition will require a variance;

g. The Inn at Foggy Bottom is operated as a first-class facility, it has no expansion potential and is unsuited for conversion to clinics. A conversion to chancery use, also an unsuitable use for the design of the building, would require Board of Zoning Adjustment review;

h. The Medical Clinic Condominium at 908 New Hampshire Avenue, N.W. has no plans to expand or to change the uses as it is designed for clinic use; and

i. St. Paul's Episcopal Church needs to expand its school and day care center located in the parish buildings; thus, the project would be adversely affected by R-3 or R-4 zoning.

The Commission concurs with the position and recommendation of the petitioners, ANC-2B and ANC-2E, and the Office of Planning, in part. The Commission does not concur with the position of the opponents to the proposal. The Commission believes that after considering and balancing all of the issues for and against the proposal, the R-3 zoning with the FBOD is an appropriate means of stabilizing the existing character of the community.

The Commission believes that many of the properties, as is the case in many historic districts, generally are already nonconforming. Thus, the rezoning proposed does not significantly alter the process available to property owners for obtaining relief if additions to existing structures are sought.

The Commission believes that the proposed rezoning would not adversely affect the Medical Clinic Condominium and that it could continue to be used as a clinic as intended by the owners.

The Commission believes that the proposed rezoning would not adversely affect St. Paul's Episcopal Church because any addition or expansion under the existing zoning would require approval from the Board of Zoning Adjustment and/or the Historic Preservation Review Board.

On December 9, 1991, at its regular monthly meeting, the Zoning Commission discussed properties located at 924 and 940 25th Street, N.W. which are not in the historic district. The discussion

centered on OP's concern about whether to leave the properties as R-5-B or change them to R-5-D. The Commission voted to take no action to rezone the said properties because they were outside of the historic district and the scope of the public hearing notice.

The Zoning Commission believes that its proposed decision to approve the Foggy Bottom Historic District Overlay and R-3 rezoning is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

The proposed decision to approve the FBOD and the rezoning to R-3 was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. By report dated February 6, 1992, NCPC found that the proposed zoning amendment would not adversely affect the Federal establishment or other Federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission has accorded ANCs 2A, 2B and 2E the "great weight" consideration to which they are entitled.

A notice of proposed rulemaking was published in the District of Columbia Register on January 24, 1992 (39 DCR 522). As a result of the publication of that notice comments of the petitioners were transmitted by the law firm of Robins, Kaplan, Miller and Ciresi dated February 28, 1992 and a memorandum from the Secretary to the Zoning Commission were received.

The petitioner, ANC-2A, requested that two changes be made to the notice of proposed rulemaking. The petitioner requested that the wording in brackets in Section 1523.1 be changed from "(except to a more conforming residential use)" to "(except to a more conforming residential use other than a dormitory)." The latter request of the ANC consisted of changing the wording "to a more conforming residential condition" in the first sentence of Section 1523.2 to "to a more conforming residential condition other than a dormitory".

The February 28, 1992 memorandum from the Secretary to the Zoning Commission recommended that the Commission adopt a name and acronym for the proposed overlay district that would clearly distinguished it from the historic district.

On March 9, 1992 at its regular monthly meeting, the Zoning Commission considered draft Z.C. Order No. 714 for final action, and concurred with the comments of the petitioner and the recommendation of the Secretary to the Zoning Commission.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the amendments to the Zoning Regulations and Map to create and map the Foggy Bottom Overlay District (FBOD). The specific amendments to the Zoning Regulations and Map are as follows:

1. Create a new section of Chapter 15, to read as follows:

1521 FOGGY BOTTOM OVERLAY DISTRICT

1521.1 The Foggy Bottom Historic District is a unique resource to the city which must be preserved and enhanced. The historic district was designated and was included in the National Register of Historic Places in 1986 and 1987, respectively. The historic district is characterized by low scale residential structures forming a cohesive neighborhood of modest dwellings. Given the high density development pressures caused by the proximity of the central employment area, George Washington University, medical clinics, and hotels, strong protection is needed to retain the historic district's low-scale residential character, its human scale streetscape and its historic character.

1521.2 The Foggy Bottom Overlay District (FBOD) has the identical boundaries of the Foggy Bottom Historic District and is applied to the area, the boundaries of which begin at the intersection of K and 25th Streets, N.W., and proceed as follows: east along the centerline of K Street, turning south along the eastern edge of Lot 19 in Square 28 to the northern edge of the alley; then eastward and southward along the alley to the northern boundary of Lot 92 in Square 28, then eastward to the centerline of 24th Street; then south along the centerline of 24th Street to New Hampshire Avenue; then southwest along the centerline of New Hampshire to H Street; west along the centerline of H Street to 25th Street; north along the centerline of 25th Street to the southern edge of Lot 42 in Square 17; then west along said lot line to the alley in Square 17; then through the alley and then north along the western line of Lot 848 (encompassing lots 812 through 820, 28 through 35, and 834, 848 and 849) in Square 17 to the centerline of I Street; then west along the centerline of I Street to the

centerline of 26th Street; then north on 26th Street to the northern edge of Lot 73 in Square 16; then east along the northern edge of Lot 73 to the easternmost corner of Hughes Mews and then south along the eastern edge of Hughes Mews to the northern edge of lots 883, 858, and 856; then east along said lots to the centerline of 25th Street; then north along the centerline of 25th Street to the origination point at the centerline of K Street.

The Foggy Bottom Overlay District includes the following: Square 16, excluding lots 884, 863, 93, 17, 71, and 2009 through 2161 (The Griffin Condominium Apartment Building); Square 17, excluding lots 2001 through 2051 (The Plaza Condominium Apartment Building); Square 28 excluding lots 884 and 168; and Square 29 in its entirety.

1521.3 **The purposes of the Foggy Bottom Overlay District are the following:**

(a) To require a scale of development consistent with (1) the Comprehensive Plan which provides that the land use map for the Foggy Bottom Historic District be amended from the present "medium" category to the "moderate" category and (2) the characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood which formed the basis on which the area was designated a historic district;

(b) To protect the integrity of the historic district, its small scale and open spaces, to require compatibility of any development with the purposes of D.C. Law 2-144, and to preclude demolitions or partial demolitions which would lead to an increase in height and floor area ratio inappropriate to the area;

(c) To enhance the residential character of the area by maintaining existing residential uses;

(d) To preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect light, air, and the privacy that they provide;

(e) To enhance the special human scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts; and

(f) To encourage greater use of public transportation through use of the nearby Foggy Bottom Metro Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

1522 GENERAL PROVISIONS

1522.1 The Foggy Bottom Overlay District is mapped in combination with the underlying R-3 District.

1522.2 Except as specifically provided in subsection 1522.3 and in other provisions of this chapter, all matter-of-right uses, buildings, and structures permitted in accordance with this chapter and the appropriate regulations of the underlying district with which the mapped Foggy Bottom Overlay District is combined, shall be permitted in the combined district.

1522.3 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern. Where other chapters provide for additional requirements for planned unit developments, those additional requirements shall continue to apply.

1523 SPECIFIC PROVISIONS

1523.1 In the Foggy Bottom Overlay District, buildings constructed on or before the effective date of this rezoning regulation and existing legitimate uses within such buildings shall be deemed conforming, except that no addition, replacement, or expansion of such building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the underlying R-3 District.

1523.2 If any building is destroyed by fire, collapse, explosion or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses which are nonconforming prior to the effective date of this rezoning and operating without a special exception issued by the Board of Zoning Adjustment.

1524 PLANNED UNIT DEVELOPMENT

1524.1 In the Foggy Bottom Overlay District, the matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for planned unit developments.

2. **Amend the D.C. Zoning Map to FBOD/R-3 for the following:**

Square 16, excluding lots 884, 863, 93, 17, 71, and 2009 through 2161 (the Griffin Condominium Apartment Building); Square 17, excluding lots 2001 through 2051 (The Plaza Condominium Apartment Building); Square 28, excluding lots 884 and 168; and Square 29 in its entirety.

The boundaries of this area are those described in Section 1521.2 of this chapter.

Vote of the Zoning Commission taken at the public meeting on December 9, 1991: 4-0: (Tersh Boasberg, John G. Parsons, Lloyd D. Smith and Maybelle Taylor Bennett to rezone the Foggy Bottom Historic District to FBOD/R-3, William L. Ensign, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its monthly meeting on March 9, 1992 by a vote of 4-0: (Tersh Boasberg, Lloyd D. Smith, John G. Parsons and Maybelle Taylor Bennett, to adopt as amended - William L. Ensign, not present, not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on APR 17 1992.

TERSH BOASBERG
Chairman
Zoning Commission

MADELIENE H. ROBINSON
Acting Director
Office of Zoning

zco714/LJP

16

53039 (E) $36.00
16: 81, 82 & 83
Exam Walls
2BP-Rect-1card
Ready Now Gibraltar, Inc.
R.L. Kuckland 10/31/60
10-28-60

55234 (E) $84.00
16: 84 to 92
Exam Walls (9 houses)
2BP-Rect-1card
Ready Now Vega Investment Corp.
4-19-61 4-17-61

55027 Survey $75.00
(173/K91) 16: Pt. 7 & 8 (E)
Survey to mark into 3 sites. Per sketch and description furn. Use pipe furnished
R.L. Kuckland 5/19/61
Vega Investment Corp.
4-6-61

16

49453 Survey (E) $150.00
16: 9, 70, OF-10 & OF-11
Survey to mark into 18 sites per Sub. ordered on S.O. 49455
Use pipes to be furnished in Office
R.L. Kuckland 4/13/60
(S.B. 174/54)
Hercules Investment Corp.
3-30-60

51407 (E) 75 to 80 $60.00
16: ~~70, OF-10 & OF-11~~
Exam Walls per S.O. ~~49453~~
(~~West 6 sites north side Hughes Court~~)
19
2BP-Rect-1card
~~Hold for phone~~ Hercules
Ready now Invest. Corp.
7-15-60 7-13-60

16

70669 (E) $75.00
16: Pt. 7 & 8
Exam Walls (885, 886, 887)
3-houses Per Sketch
2BP-Rect-1card
~~Hold for phone~~ Titan Investment Corp.
Ready Now
Corp. R.D.E.
Surveyed 5-24-63
SUBDIV. MAY 29 1963

83560 (E) Survey $50.00
16: 66 and 67
Survey to locate all walls and fences on north and south lines.
DEC 3 1964
12-21-64 W.L. Beck
(SO 178/210)
Sonia Korn
12-2-64

20827 $50.00
16: 94
Exam Walls
2BP-Rect-1card
SUBDIV. JUN 29 1969
Ready Now Demory Brothers Inc.
R.L. Kuckland 6/6/69
6-5-69

16

28331 (E) Survey 50.00
16: 94 Survey to locate all walls, improvements and encroachments. Show premises #
(SB 187/231)
MAILED JUN 26 1970
Demory Brothers
W.O.T. 6-24-70 6-18-70
SURVEY MADE PER INSTRUCTIONS IN FIELD

34369 $75.00
Survey
16: Part 8
Survey to mark
Also locate walls along north and south lines.
7/16/71
R.L. Kuckland
(SB. 190/232)
Irene I. Vockelson
MAILED JUL 21 1971
7-7-71

SQUARE-16
SCALE: 1-INCH: 20 FEET

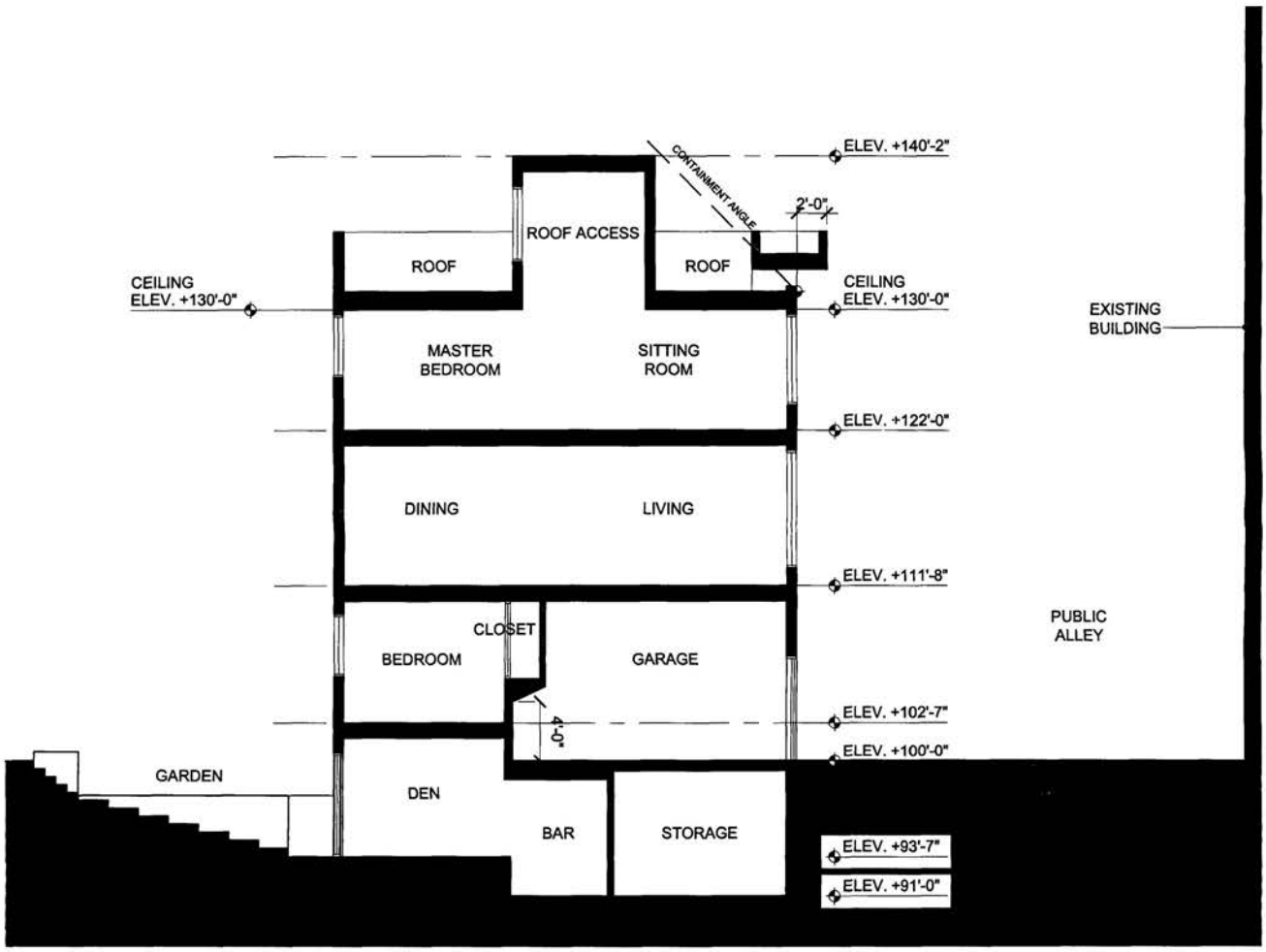
(140/83) ± alley (sq) & "J" 10
"J" 11 & 70 = (37/31)
9 = (orgl)
East 4-7-60

Bd (orgl)
East 5-4-61

(7 to 9 ±) Rec. 140/129
East.
7-15-6

140/151 (w. N. cl.)
140/151 (a. R.L.)

148.50
N. F. on Line
OFF-B
E.F. on Line
36.35
3 STORY + FINISHED BSMT. BRICK
94
See Seperate Paper
23.12
67.15
118.15
51.0
95
51.0
19.25
18.17
8.167
5.0
0 COPE
30'
#935
W. F. on Line
12.40
20.02
53.50
97.50
15.0
N
Old NAIL
19.0
140
16.50
14.0
19.0
170
5.0
7.0
9.0
PIPE
16.5
35.83
32.92
59.84
41.84
CEN. OF 11 ON LINE
CEN. OF 10'
Building
Restaurant
Store
75
76
77
78
79
80
81
82
83
148.50
1.83
3.17
INACCESSIBLE
W. F. on Line
E. F. on Line
PLAT.
STREET, N.W.
26-TH
Alley
Mews)
15'
Public
(QUEEN ANNE'S LANE)
29.91 M.S.T.
30
92
91
90
89
88
87
86
85
84
41.92
59.92
W.F. 0.85E
N.F. 0.35W
Public (Hughes

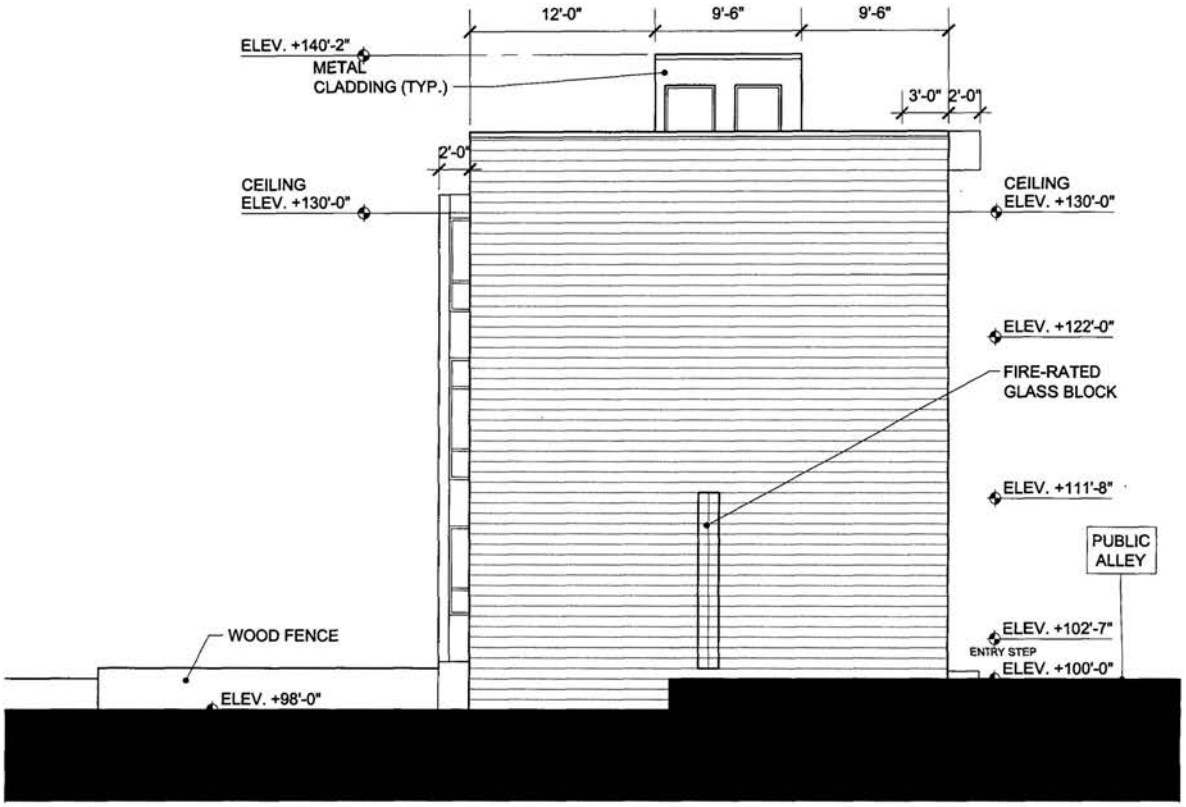


CROSS-SECTION A-A

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

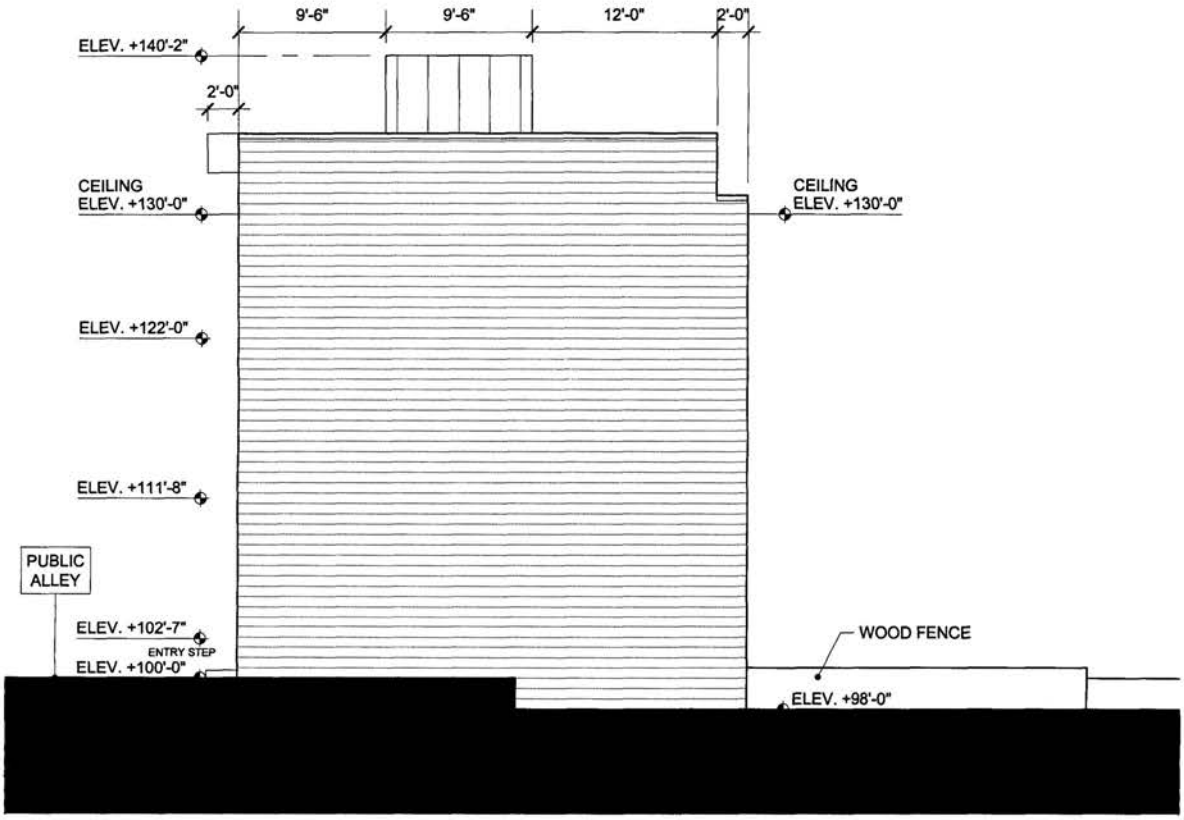
SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004



SOUTH ELEVATION

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

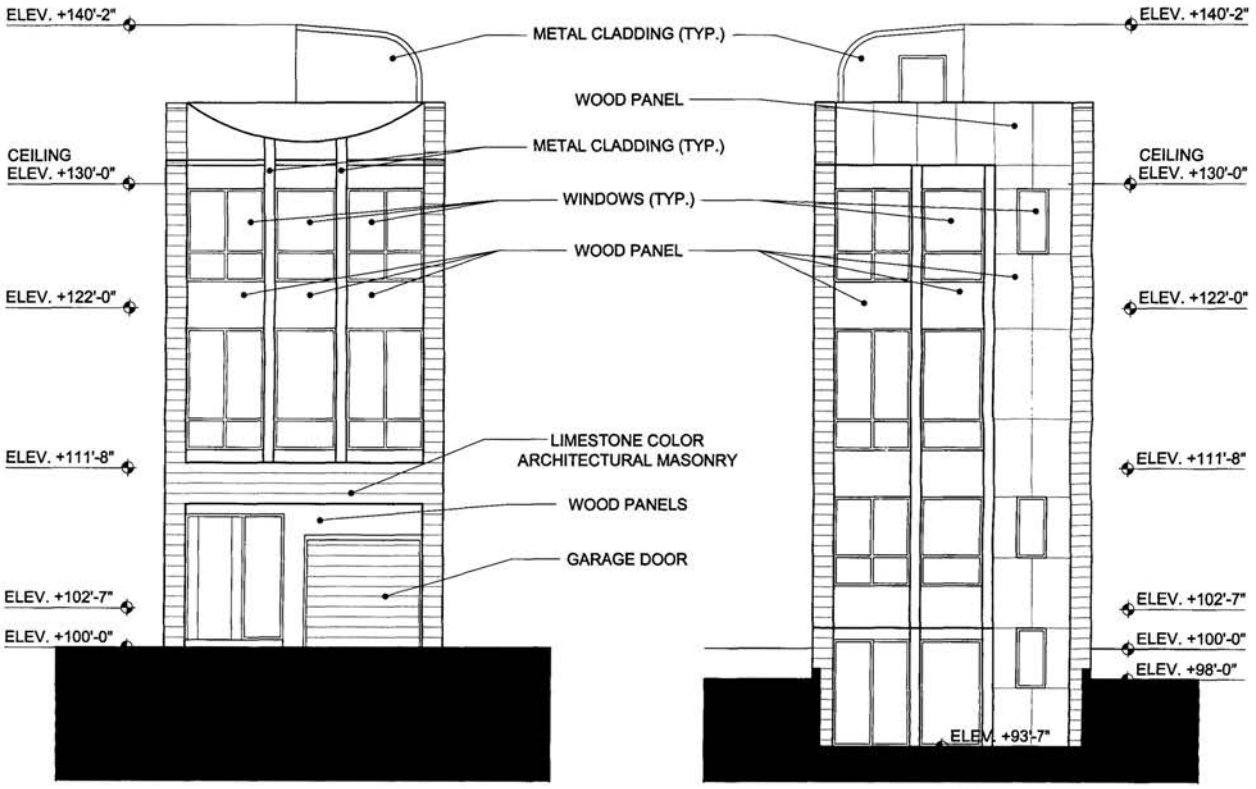


NORTH ELEVATION

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

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004



EAST ELEVATION

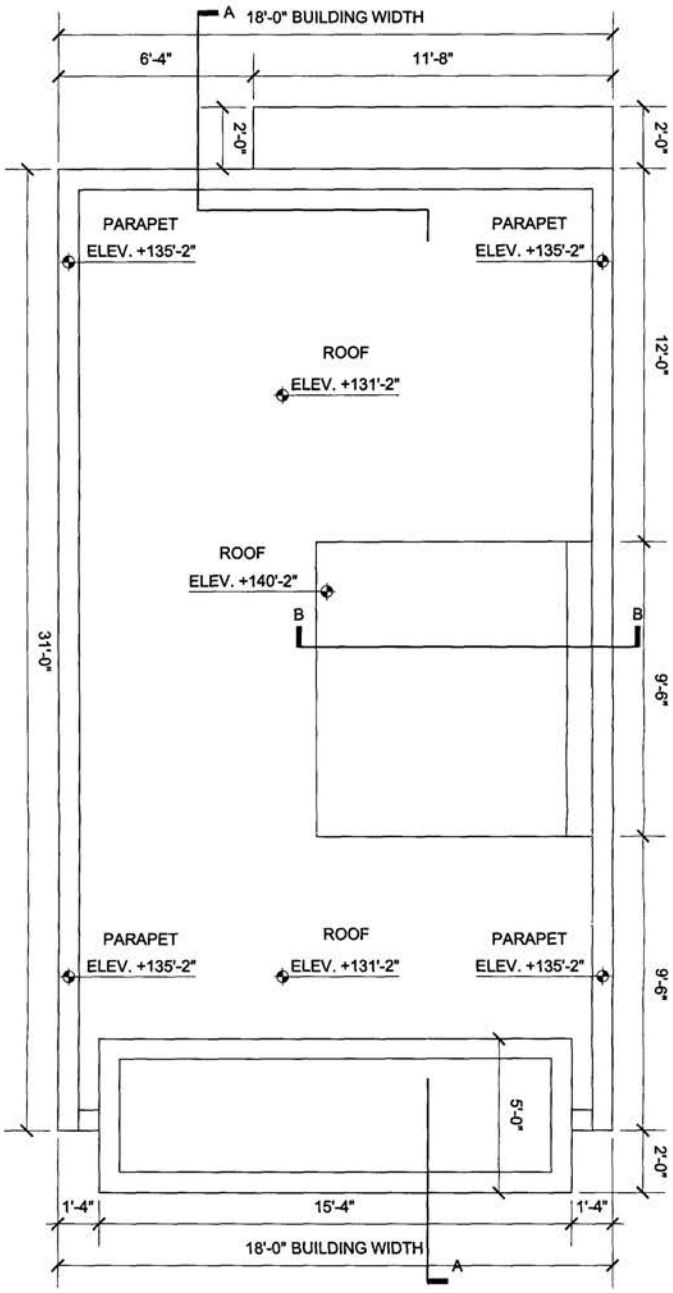
SCALE: 1/8"=1'-0"

WEST ELEVATION

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

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

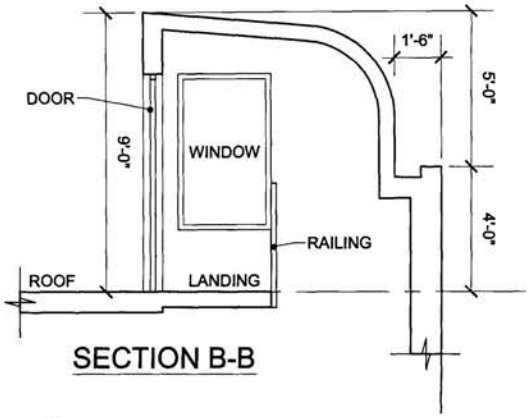


ROOF LEVEL

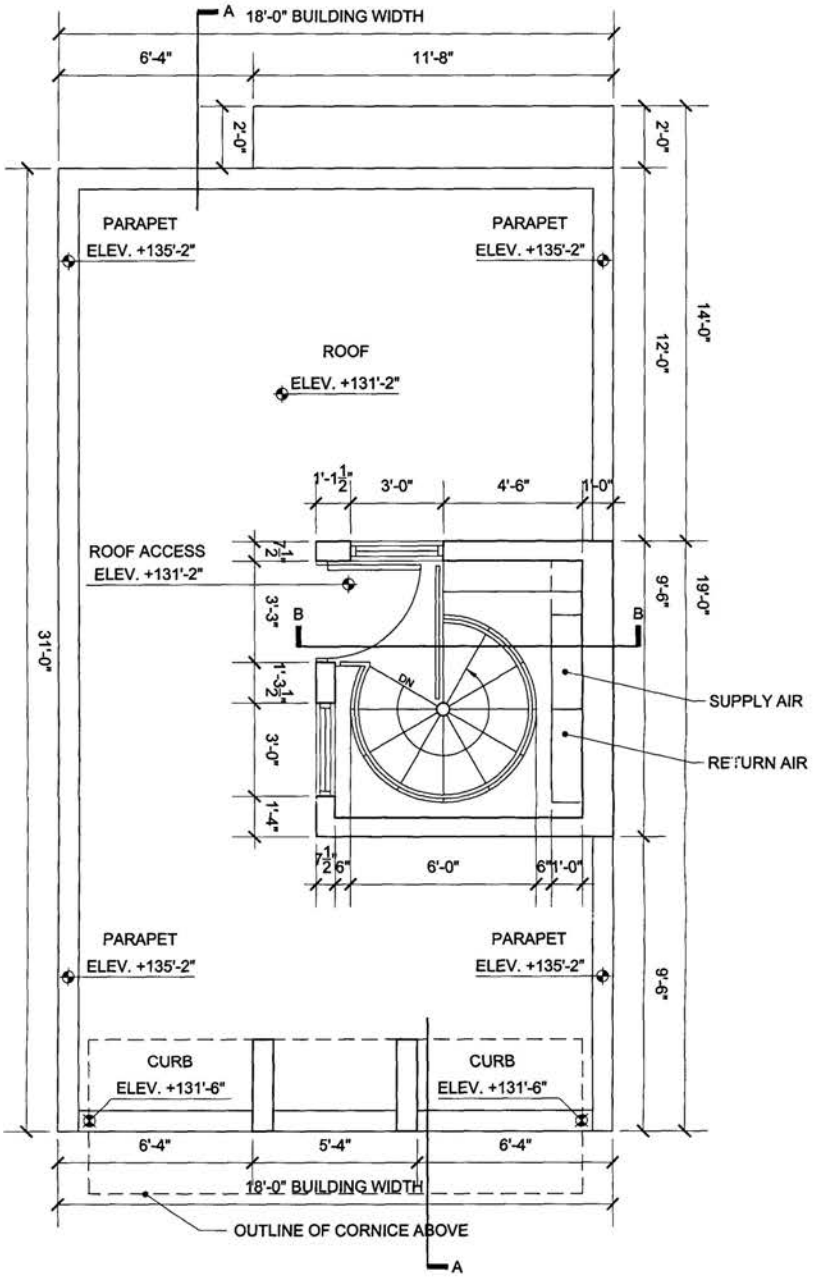
SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004



SECTION B-B

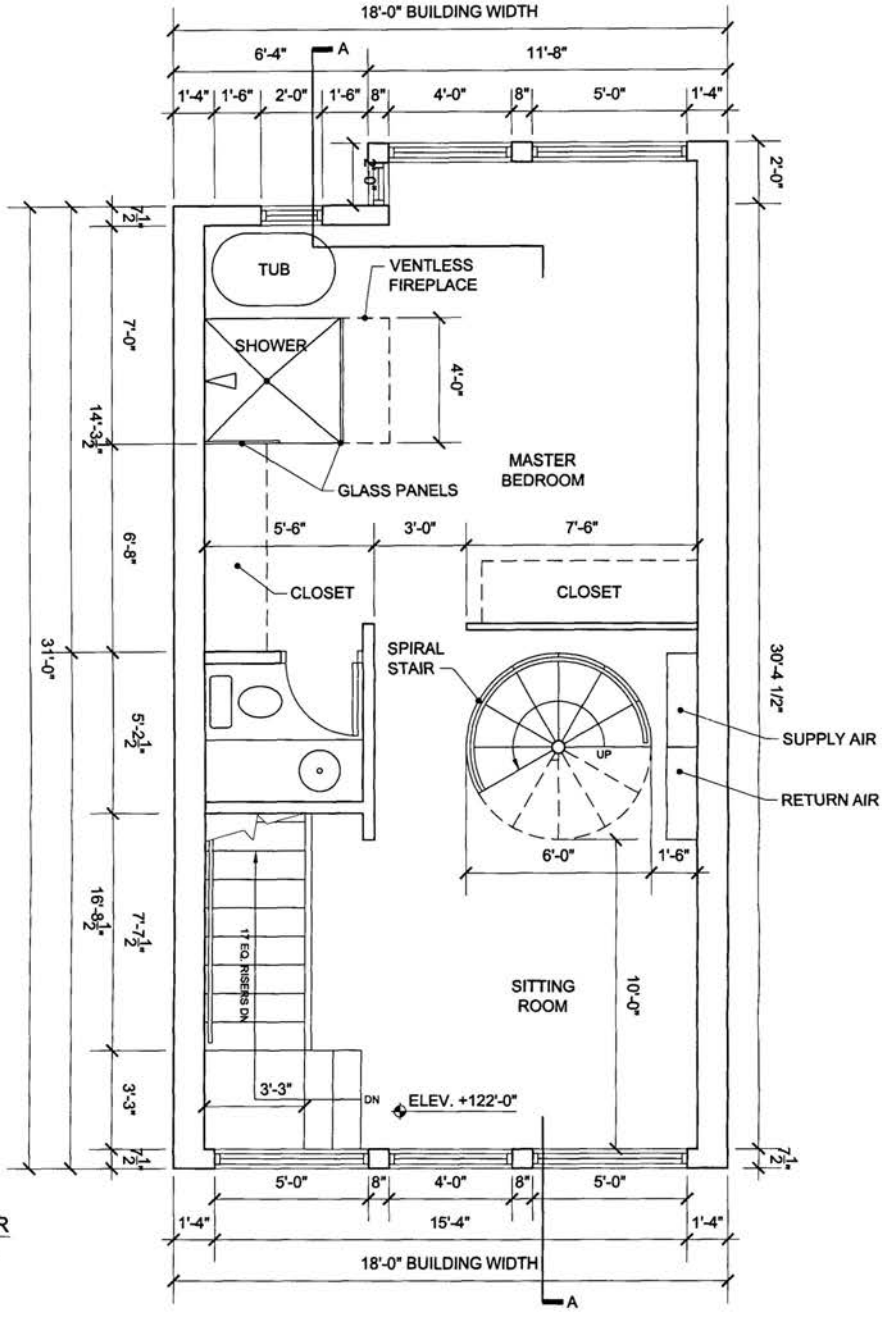


ROOF ACCESS

SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

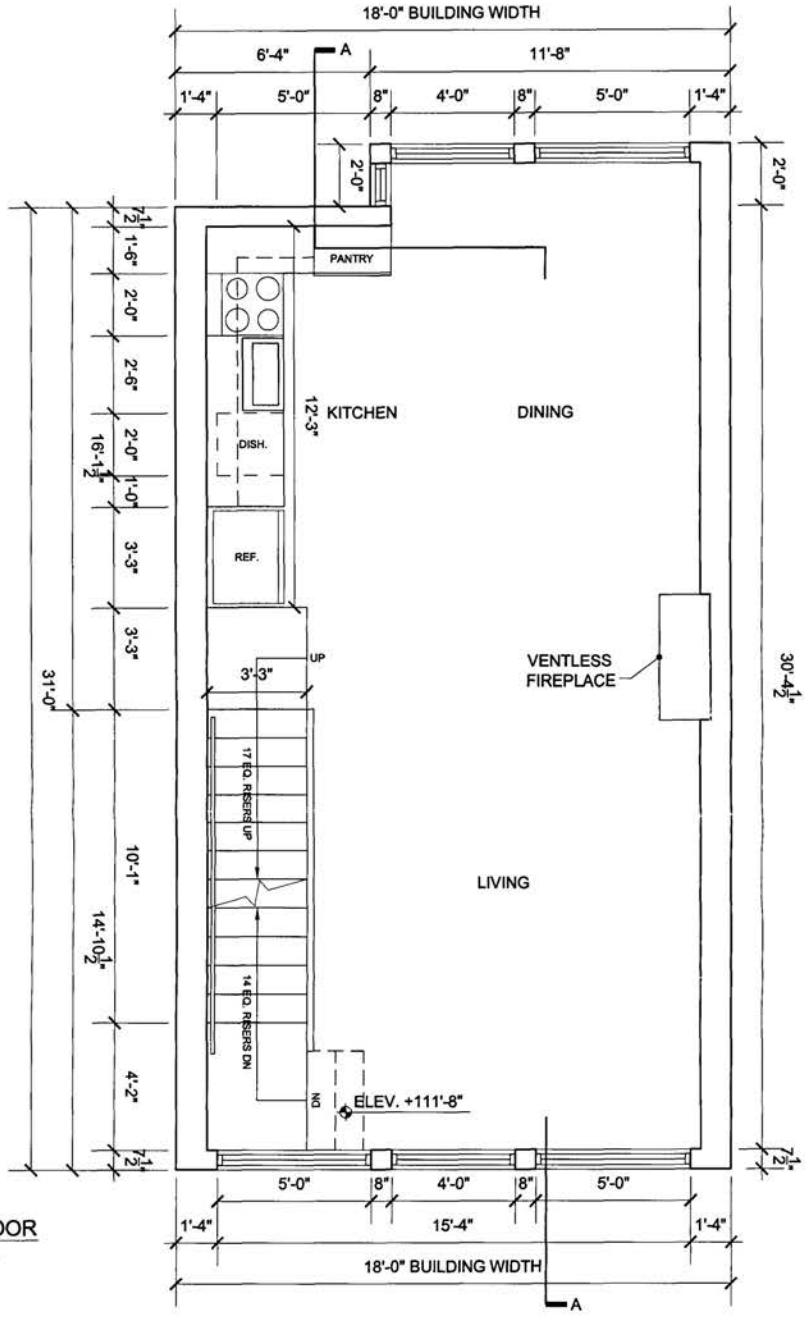


THIRD FLOOR

SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

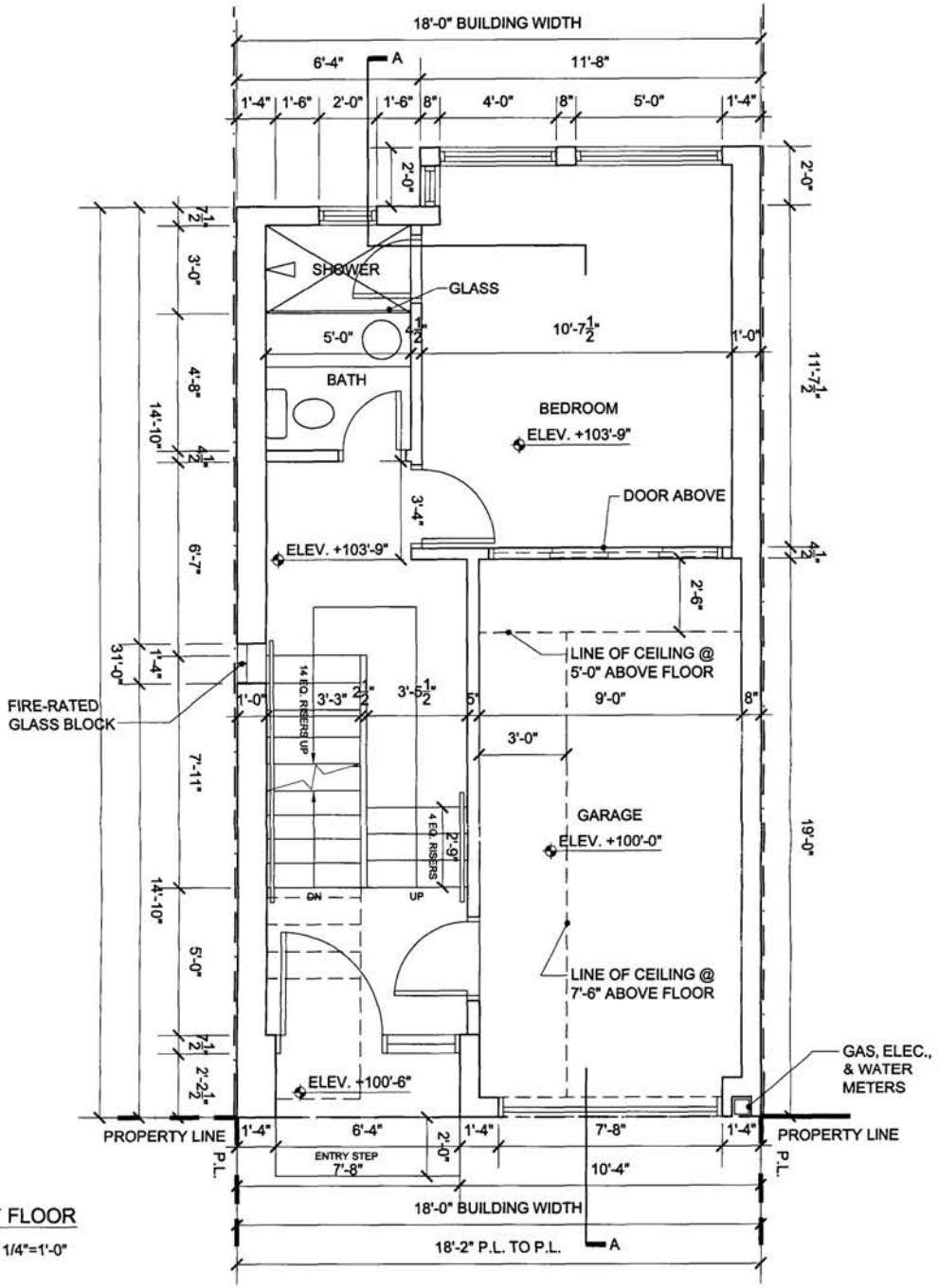


SECOND FLOOR

SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

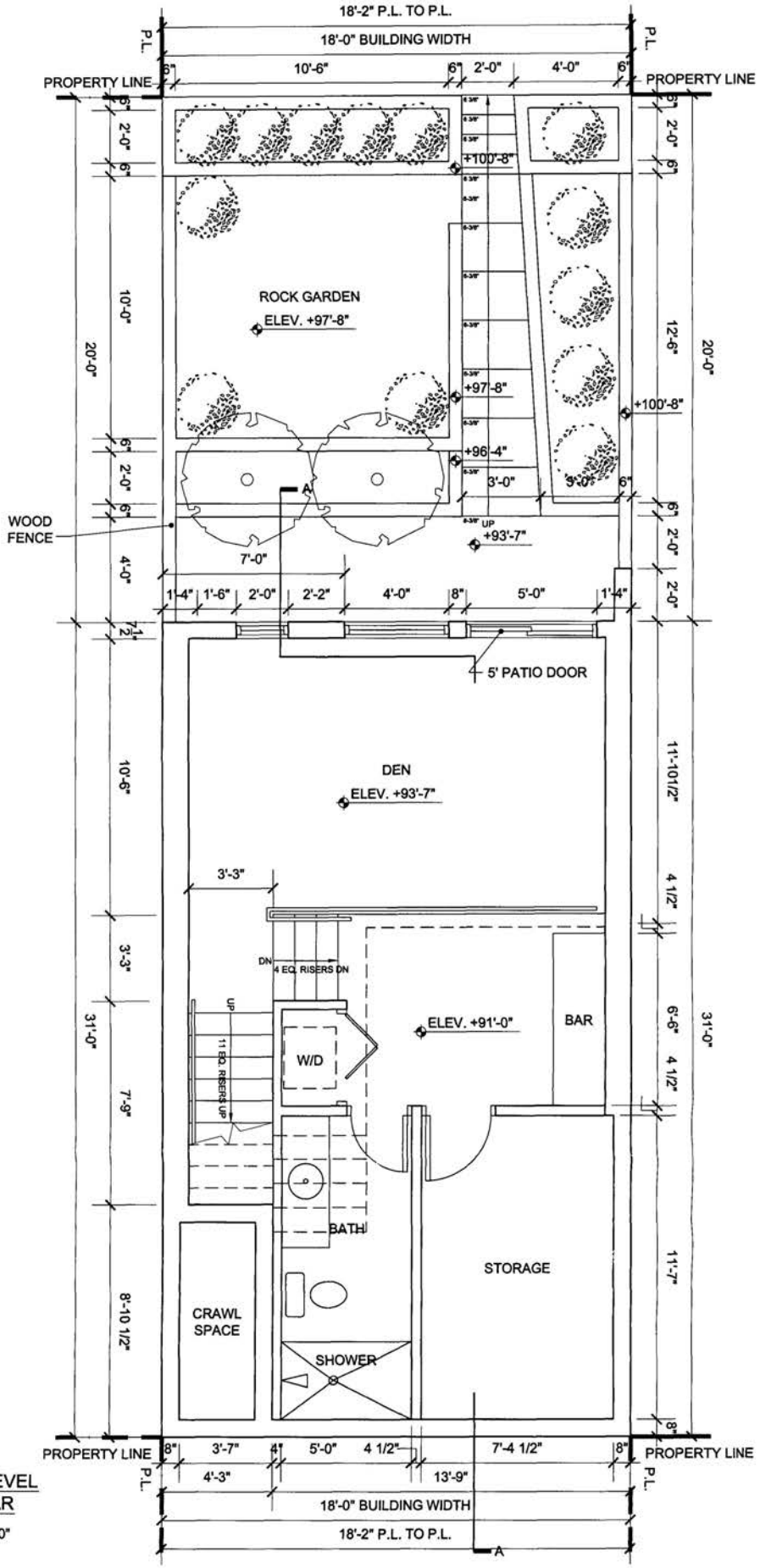


FIRST FLOOR

SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

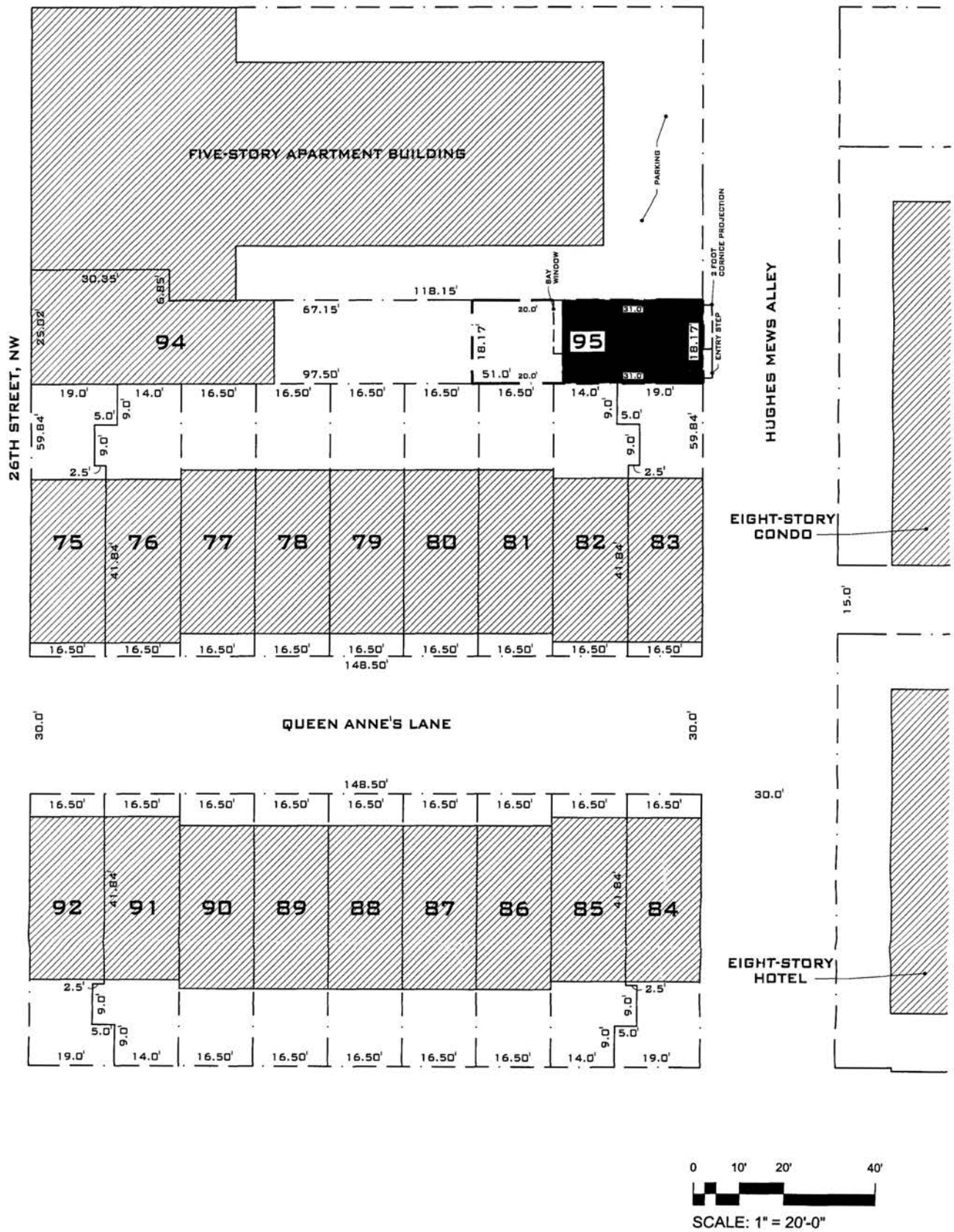


GARDEN LEVEL
AND CELLAR

SCALE: 1/4"=1'-0"

SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004



SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004

N

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., May 14, 2003

Plat for Building Permit of SQUARE 16 LOT 95

Scale: 1 inch = 10 feet Recorded in Book 154 Page 119

Receipt No. 04419

Furnished to: TRACY STANNARD

Surveyor, D.C.

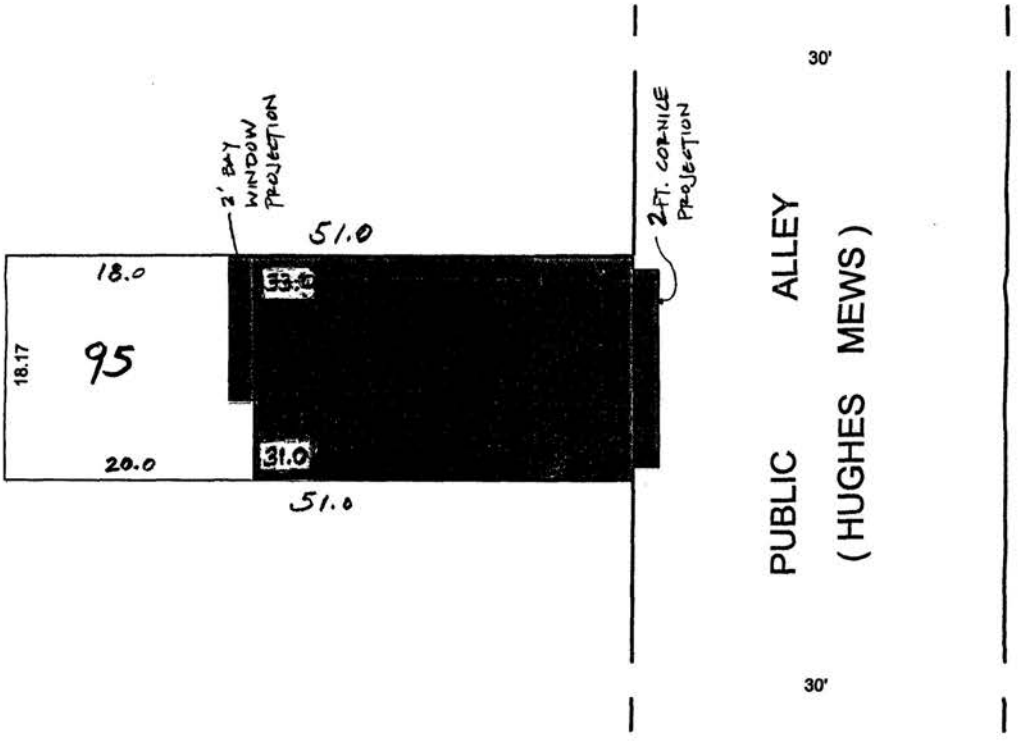
By: L.E.S.

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: _____

_____
(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.



SO-04419(2003)



VIEW SOUTH HUGHES MEWS ALLEY

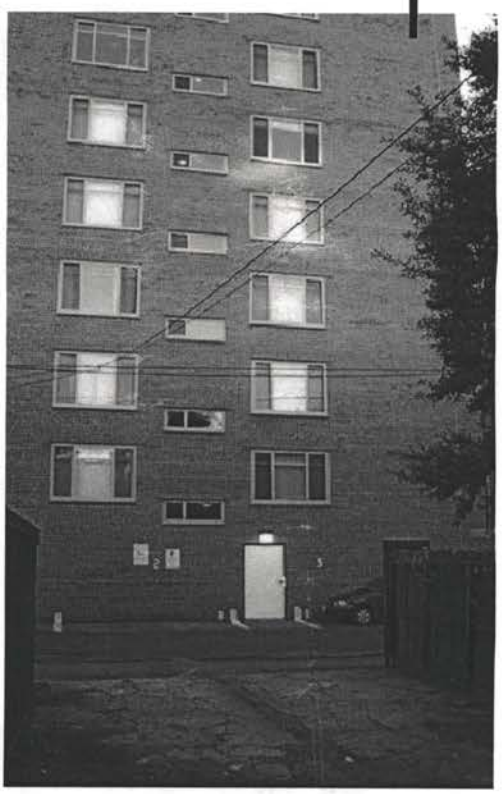


VIEW INTO SITE FROM HUGHES MEWS ALLEY



VIEW NORTH FROM HUGHES MEWS ALLEY

VIEW EAST TOWARDS
HUGHES MEWS ALLEY FROM SITE



SID RASEKH RESIDENCE

January 12, 2004 - Revision April 18, 2004