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June 29, 2004

MARY CAROLYN BROWN
202-862-5990

Internet
Address: mcbrown@hklaw.com

VIA HAND DELIVERY

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Case No. 17186
777 6th Street, N.W.

Dear Members of the Board:

Enclosed please find an original and twenty copies of the Applicant's pre-hearing statement in support of the above-referenced application. We look forward to presenting our case to the Board at its July 13, 2004, hearing in this matter.

Very truly yours,

Carolyn Brown

Enclosure

cc: Advisory Neighborhood Commission 6C, w/encl.
Arthur Jackson, Office of Planning, w/encl.

BZA
Case No. 17186
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17186
EXHIBIT NO. 26A1

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
TC MidAtlantic Development Inc.
on behalf of 777 6th Street, LLC
and Avalon Bay Communities, Inc.

BZA Application No. 17186
Public Hearing: July 13, 2004
ANC 6C

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This statement supports the application of TC MidAtlantic Development, Inc. and 777 6th Street, LLC (collectively, the "Applicant"), to the Board of Zoning Adjustment ("Board" or "BZA") for special exception and variance relief pursuant to 11 DCMR §§ 3104.1 and 3103. The Applicant seeks a special exception under sections 770.6 and 411.11 of the Zoning Regulations, to allow a roof structure not meeting the normal setback requirements, and a variance from the rear yard requirements set forth in section 774. The requested relief is necessary to permit the construction of an office building and retention of a late-nineteenth century building in the DD/C-2-C District at premises 777 6th Street, N.W. (Square 486, Lots 10, 11, 12, 13, 36, 804, 805, 806, 807, and 808 (the "Subject Property").

II.
Jurisdiction of the Board

The Board of Zoning Adjustment has jurisdiction to grant the requested special exception pursuant to D.C. Code § 6-641.07 (2001 ed.) and sections 3103 and 3104.1 of the Zoning Regulations (11 DCMR).

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D.C. OFFICE OF ZONING
2004 JUN 29 PM 4:55

III.
Exhibits in Support of the Application

Exhibit A:	Surveyor's Plat of the Subject Property.
Exhibit B:	A portion of the Sanborn Atlas showing Square 486.
Exhibit C:	A portion of the Zoning Map showing Square 486.
Exhibit D:	Architectural Drawings.
Exhibit E:	Outline of testimony of Frederick Rothmeijer, Representative of TC MidAtlantic Development Inc. and 777 6th Street, LLC, Applicant.
Exhibit F:	Outline of testimony of Frank Durkin, Representative, Hickok Warner Cole, Architects.
Exhibit G:	Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.
Exhibit H:	Copy of BZA Decision dated December 1, 2003, in Case No. 17078 for 777 6th Street, N.W.
Exhibit I:	Copies of D.C. Court of Appeals decisions regarding standard of review for variances: *Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979) and *Monaco v. District of Columbia Board of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974).

IV.
Background Of The Case

A. Introduction

Through this application, the Applicant returns to the Board to supplement the special exception approval granted for roof structure setbacks in BZA Case No. 17087 on December 1, 2003. A copy of the BZA order is attached as Exhibit H. As a result of a landmark application filed by the D.C. Preservation League ("DCPL") for the existing building on the site known as "Hockemeyer Hall" at 719 6th Street, N.W. (Lot 10), and a subsequent agreement

with DCPL to preserve significant portions of the building, the Applicant now seeks a variance from the rear yard requirements. Hockemeyer Hall is located in what was the rear yard of the proposed development site, as approved by the BZA in Case No. 17087. Consequently, in order to retain the existing structure on the site, the Applicant seeks a 100% variance from the rear yard requirements.

B. Description of the Subject Property and the Surrounding Area

Located in the northwest corner of Square 486, the Subject Property is rectangular in shape, measuring approximately 225 feet by 85 feet. Bounding the Subject Property are 6th Street to the west, H Street to the north, a 30-foot wide public alley to the south, and a 16.75-foot wide public alley to the east, all in Northwest Washington. A plat of the Subject Property is attached at Exhibit A. With the exception of a vacant three-story row building at the southwestern corner of the site, the Subject Property is unimproved and is utilized as a surface parking lot.

The Subject Property is located in the heart of the DD's Chinatown subarea, at the southeast corner of the intersection of 6th and H Streets, N.W. Immediately east of the site, across a public alley is the 10-story Red Roof Inn hotel. Just south of the Red Roof Inn, at 770 5th Street, N.W., is the 12-story Avalon at Gallery Place apartment house, with which the Subject Property is entering into combined lot development. North of the site, across H Street, are a number of smaller scale commercial row buildings. West, across 6th Street, N.W., the Gallery Place mixed use development is under construction amidst a number of smaller scale commercial buildings. Diagonally northwest across the intersection of 6th and H Streets, N.W., is the 90-foot Wah Luck House apartment building at 800 6th Street, N.W.

The MCI Center is located one-half block south of the Subject Property along 6th Street, N.W. The Gallery Place/Chinatown Metrorail station is located one block west of the site, at the corner of 7th and H Streets, N.W. An excerpt of the Sanborn Atlas showing the Subject Property and surrounding area is attached as Exhibit B.

The Subject Property is zoned DD/C-2-C, which permits general office and retail uses as a matter of right. A portion of the Zoning Map showing Square 486 is attached Exhibit C. Pursuant to section1701.7 of the Zoning Regulations, the maximum height permitted in the DD/C-2-C District is determined by the Act to Regulate the Height of Buildings in the District of Columbia, Approved June 1, 1910 (the "Height Act"). In the case of the Subject Property, the Height Act permits a building height of 120 feet.

B. Description of the Proposal

The Applicant proposes to improve the underutilized site in the heart of a particularly dynamic area of the District by incorporating Hockemeyer Hall into the construction of a new high-quality eleven-story, 120-foot tall office building with ground floor preferred retail, service, arts or arts-related uses, as enumerated in sections 1710 and 1711 of the Zoning Regulations. The building will have four levels of below-grade parking. This Class A commercial project has been designed by the notable architecture firm of Hickok Warner Cole and will utilize a mixture of glass and cast façade materials in keeping with the standards of surrounding construction.

Since the time of its approval last December, the building has been reconfigured and redesigned to accommodate Hockemeyer Hall. The building is designed to contain approximately 203,015 square feet of gross floor area, with approximately 9,244 square feet

of that space devoted to ground floor preferred arts and retail uses. The Applicant is utilizing the combined lot development process established in section 1708 of the Zoning Regulations in order to construct the building. To that end, section 1708.1(g) of the Zoning Regulations provides, "the maximum permitted gross floor area for all uses, the minimum required gross floor area for preferred uses, and bonus density, if applicable, shall each be calculated as if the combined lots were one lot, and the total project shall conform with the maximum and minimum gross floor area requirements."

C. Special Exception Relief Requested

The penthouse size, shape and location remains unchanged from the previously approved project. However, because other portions of the building have been redesigned and reconfigured, the Applicant must resubmit its request for roof structure setback relief. The single penthouse structure measures 18 feet 6 inches in height with a rectangular footprint. The penthouse structure accommodates rooftop mechanical and elevator equipment as well as two sets of stairs accessing the roof level. While the penthouse structure is setback more than 55 feet from the building's most prominent frontages, along 6th Street and H Street, and also 57.5 feet from the building's southern edge, the penthouse is located flush along a portion of the east, alley, wall of the building. Because the penthouse structure is not set back at least 18 feet 6 inches from the building's east wall, special exception approval is required for the location of the structure.

The Applicant has made every attempt to minimize the penthouse footprint while still providing the requisite components for the building. As will be discussed in greater detail at the public hearing, the proposed penthouse structure represents the Applicant's efforts to minimize

any detriment to neighboring properties and the general public, while not incurring any impractical or unduly restrictive operating difficulties due to the narrow width of the building lot.

D. Variance Relief Requested

As previously approved, the project consisted of a fully compliant rear yard at the south of the property adjacent to the 30-foot wide alley. Because the Applicant is retaining the existing Hockemeyer Hall, which is located at the south edge of the site, pursuant to an agreement with DCPL, it can no longer provide a rear yard for the project.

In proceeding with its previously approved project, the Applicant filed the necessary permits to build the mixed-use structure. Among the permits applied for was a demolition permit to allow the removal of the one existing structure on the site. In accordance with the ANC law and building code provisions, the public was informed of this pending application.

Just prior to the expiration of the public review period, DCPL filed a landmark application with the D.C. Historic Preservation Office. In accordance with the provisions of the District's historic preservation law, Hockemeyer Hall has been afforded immediate landmark protection until the question of its historic and architectural merit can be decided by the HPRB. As a result, the Applicant is prevented from obtaining any permits for the approved project.

In order to proceed as expeditiously as possible, the Applicant entered into negotiations with DCPL to seek ways to address the needs of both parties. After lengthy and productive discussions, the Applicant and DCPL were pleased to resolve their differences and reach agreement. Pursuant to the terms of the accord reached, DCPL will

withdraw its landmark application in exchange for the Applicant incorporating significant portions of the Hockemeyer's Hall into the new building and a manner that is sensitive to the building's original form. The revised drawings submitted with this pre-hearing statement reflect the final negotiated settlement with DCPL. The south, west and east facades of the building will remain in place; the floor plates and structure will be retained in significant part and the north wall will be partially demolished to connect the two structures. The south elevation of Hockemeyer Hall will be altered to accommodate access to parking and loading in the new building. In reconfiguring the new building's mass around the existing structure, however, the Applicant no longer meets the rear yard setback requirements. Thus, the Applicant seeks relief from the provisions of section 774 of the Zoning Regulations, as described in Section VI below.

V.
The Applicant Meets the Requirements for Special Exception Relief Under Sections 770.6 and 411.11 of the Zoning Regulations

A. Standard of Review

As set forth above, special exception approval is required from the penthouse structure setback requirements of sections 770.6(b) and 411.2 of the Zoning Regulations. As the Board is aware, a special exception use is a use predeemed compatible with other uses permitted in that particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*,

432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

In the instant case, special exception approval is required because the proposed penthouse structure does not meet the normal setback requirements of the Zoning Regulations. While the penthouse structure is 18 feet, 6 inches in height, and meets the 1:1 setback requirement on the north and west (H Street and 6th Streets, respectively) sides of the building, and on the south side (facing the 30-foot wide public alley), it does not meet the setback requirement on the east side of the building, running flush with the exterior wall along that side of the building, which fronts the 16.75-foot wide public alley.

B. Roof Structure Requirements Under Section 770.6

Section 770.6 of the Zoning Regulations provides that, if housing for mechanical equipment or a stairway or elevator penthouse is provided on a building's roof, it must be erected or enlarged in compliance with the provisions of section 770.6, as follows:

(a) It shall meet the requirements of section 411.
(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
(c) [Applicable only to C-5 zoned properties]; and
(d) It shall not exceed more than18 feet 6 inches in height above the roof on which it is located, nor shall mechanical equipment extend above the permitted 18 feet 6 inch height of the housing.

The penthouse structure for the proposed building measures 18 feet 6 inches in height and thus complies with section 770.6(d). Because the penthouse structure does not set back from all exterior walls a sufficient distance, it does not comply with the provisions

of section 770.6(a) (by reference to section 411.2) or with section 770.6(b), and thus requires special exception approval by the Board pursuant to section 411.11.

B. Compliance with Special Exception Standards of Section 411

Section 411 establishes numerous criteria for penthouse structures in all districts. Section 411.11 provides the Board authority to approve as a special exception the location, design, and other aspects of penthouse structures, including setbacks. In order to obtain such special exception approval, an applicant must demonstrate that: (1) compliance with the penthouse structure regulations is impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable and (2) the intent and purpose of Chapter 400 and the Zoning Regulations are not materially impaired by the structure and the light and air of adjacent buildings are not adversely affected.

1. Compliance with the roof structure regulations is impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

The placement of the penthouse structure is the direct result of the narrow width of the building lot, measuring only 85 feet. The penthouse structure has a width of 30 feet. Were the penthouse structure able to be located at the center of the roof, special exception would not be necessary and the required setbacks would be provided in all directions. However, in this case, such a placement of the structure cannot readily be accommodated within the column grid anticipated for the building without negatively impacting the functionality of the structure. Further, a central location of the penthouse structure would force the relocation of the elevator and facilities core to the center of the building footprint,

significantly compromising the layout of the various floors for multi-tenant use. With respect to the layout of the upper floors for office use, a relocated core would result in unduly restrictive and unreasonably constrained tenant spaces.

The inefficiency relating to a relocated core would likewise extend to the ground floor preferred uses to be provided. As concerns ground floor preferred uses, the Zoning Regulations applicable to the DD require that any building on the Subject Property devote not less than 50 percent of the ground floor gross floor area to preferred retail, service, arts or arts-related uses (§1702.1) and 0.5 FAR equivalent to such uses (§1705.3). As the Applicant will demonstrate further at the public hearing, the relocation of the core to the center of the building, in order to provide a compliant penthouse structure setback, would severely compromise the Applicant's ability to satisfy these ground floor preferred use provision requirements, as a significant amount of the limited ground floor footprint would be swallowed up by corridors needed to link the building's loading facilities to the building core, and as the ground floor of the building would be severed into smaller portions, rendering the footprint inefficient for such preferred uses.

2. The intent and purpose of Chapter 400 and the Zoning Regulations are not materially impaired and the light and air of adjacent buildings are not adversely affected.

With the exception of the setback, the penthouse structure is fully compliant with the Zoning Regulations and harmonizes with the main structure in architectural character, material, and color. Likewise, any impact of the penthouse structure on light and air to adjacent buildings will be comparatively minimal.

While deficient in meeting the setback requirements along a portion of the east, alley, side of the building, the penthouse structure does set back significantly from the building's two most prominent frontages: approximately 55 feet from the building's 6th Street, NW, frontage and 58 feet from the building's H Street frontage. It also sets back 58 feet from its southern edge, which fronts a 30 foot-wide public alley. These setbacks from the building's two most prominent frontages will insure that the penthouse structure creates no visual impact upon the vistas for those streets.

Given the comparatively significant and equivalent heights of the proposed building and the neighboring Red Roof Inn to the immediate east, any impact of the penthouse structure placement on the light and air to the hotel will be negligible. The Applicant notes that the Red Roof Inn appears to have chosen a similar approach for its penthouse structure, with at least a portion of the structure sited flush with that building's west wall, nearest to the Subject Property.

The Applicant's roof level plan is in harmony with that of neighboring structures and is in keeping with the purpose and intent of the Zoning Regulations. For the above stated reasons, special exception relief from the penthouse structure setback requirement of section 70.6(b) is appropriate in the instant case, pursuant to section 411.11.

VI.
The Applicant Meets the Standard for a Rear Yard Variance Under Section 3103 of the Zoning Regulations

A. Standard of Review

Under D.C. Code § 6-641.07(g)(3) (2001 ed.) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property is unique because of its size, shape or topography; or other extraordinary or exceptional situation or condition of the specific property;
(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied;
(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980); *see, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment,* 534 A.2d 939 (D.C. 1987).

Extraordinary and exceptional conditions are found at the Subject Property due to the existing nineteenth-century building on the site and the agreement between the Applicant and DCPL requiring preservation of that building. Further, the existing structure is currently deemed an historic landmark under the District's historic preservation law. The D.C. Court of Appeals has held that such factors constitute extraordinary and exceptional conditions in the property for purposes of meeting the first prong of the area variance test.

In *Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment,* the Court found that an existing seminary building used as a dormitory for a religious order created a unique condition in the property. There, the Clerics of St. Viator were seeking a use variance to convert the dormitory to a convalescent home in the R-1 District. Initially, the Board denied the use variance on the grounds that the unique or extraordinary condition must be inherent in the land and the existing building was simply an improvement thereon. The Court rejected this reasoning, stating that the statute used the term "property," not "land,"

and that improvements are considered part of the property that can contribute to extraordinary conditions.

> The purpose of a variance provision is to prevent a zoning statute from operating to deprive a property owner of all beneficial use of his property. A statute which so operated would be unconstitutionally confiscatory. *It makes no practical difference whether the inability to use property in accordance with zoning regulations stems from topographical conditions of the land itself or from the existence of a structure on the land.*
>
> We think that the statute is clear. It provides that "other extraordinary or exceptional situation or condition of a specific piece of property" may be grounds upon which a variance may be granted. The Board is in error when it takes the position that a variance may only be issued when the required hardship inheres in "land" as opposed to "property".

Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment, 320 A.2d 291, 294 (D.C. 1974), *quoting* 2 ANDERSON, AMERICAN LAW OF ZONING § 14.02 (1968).

While *Clerics of St. Viator* dealt with the more onerous use variance test where the Applicant had to demonstrate undue hardship, the first prong of both the use and area variance standard is the same. Consequently, the existing nineteenth century building on the property is sufficient to create an extraordinary or exceptional situation or condition in the Subject Property.

Additionally, however, the agreement between the Applicant and DCPL also creates an exception situation or condition in the property. In *Monaco v. District of Columbia Board of Zoning Adjustment*, the D.C. Court of Appeals found that an agreement between the property owner and the House Office Building Commission to locate the Republican National Committee on the property was a unique factor to consider in evaluating the variance standard. *See Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1096, 1101 (D.C. 1979). Here, the Applicant has entered into an agreement with DCPL to retain

and preserve the existing structure on the site, with that obligation running to the Applicant's successors and assigns.

Finally, the fact that Hockemeyer Hall is currently deemed an historic landmark under the preservation law also contributes to the exceptional conditions now affecting the property. No other property in the vicinity has the individual character of Hockemeyer Hall that triggered the filing of the landmark application, and no other property in the vicinity is affected by the temporary landmark status, thereby precluding issuance of the requested building and demolition permits. While location in an historic district is insufficient to create an exceptional or unique condition inherent in the property because all property within the historic district is treated the same, *see Capitol Hill Restoration Society v. District of Columbia Board of Zoning Adjustment,* 534 A.2d 939, 942 (D.C. 1987), individual landmark status does confer an exceptional condition. Thus, the current landmark status of the building also contributes to the unique conditions of the site.

The confluence of these factors – the existing building on the site, the DCPL agreement preventing demolition of the structure, and the current landmark status of the building – create extraordinary and exceptional conditions inherent in the property. Thus, the Applicant meets the first prong on the variance test.

2. Practical Difficulties Resulting from Uniqueness of Property

These unique factors listed above create practical difficulties in providing a rear yard for the Subject Property. Without the requested relief, the Applicant would be forced to demolish all portions of Hockemeyer Hall above a twenty-foot plane, which equates to the entire upper story of the building. Such action would run directly counter to the agreement

with DCPL and would not advance the preservation of a current landmark building. Thus, the strict application of the rear yard requirements would create a clear practical difficulty for the Applicant.

4. No Detriment to Public Good or Intent, Purpose and Integrity of Zone Plan

The proposed area variance will trigger significant public good without substantially impairing the intent or purpose of the zoning laws. By granted the requested variance, the goals of historic preservation will be advanced, consistent with the intent of the Zoning Regulations and the Comprehensive Plan. The purpose and intent of the Zoning Regulations, and the rear yard requirement in particular, will not be impaired because adequate setbacks will be provided above the plane of Hockemeyer Hall, which is a three and one-half story building. Adequate light and air will also be provided at the south portion of the building by virtue of the 30-foot alley, the 6th Street frontage and the setback above Hockemeyer Hall. Consequently, the requested relief meets the third and final prong of the area variance test.

VII.
Community Support

Advisory Neighborhood Commission ("ANC") 6C voted unanimously to support the special exception and variance relief requested by the Applicant, provided the Applicant return to the Planning and Zoning Committee of the ANC if the plans changed as a result of further negotiations with DCPL. Because the plans have not been altered since approval by DCPL, no further coordination with the ANC on this project is necessary.

VII.
Witnesses

A. Frederick Rothmeijer, Representative of TC MidAtlantic Development, Inc., Applicant.

B. Frank Durkin, Representative, Hickok Warner Cole, Architects, Project Architect.

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

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of special exception approval under the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By _____
Norman M. Glasgow, Jr.

_____
Mary Carolyn Brown

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

June 29, 2004

1337833_v3

A

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 27, 2003

Plat for Building Permit of SQUARE 486 LOTS 10,11,12,13,804,805,806,807,808,36

Scale: 1 inch = 30 feet Recorded in Book 30 Page 110
REC. 2 Page 486

Receipt No. 06608 MICROFILM

Furnished to: FREDA HOBAR

Surveyor, D.C.

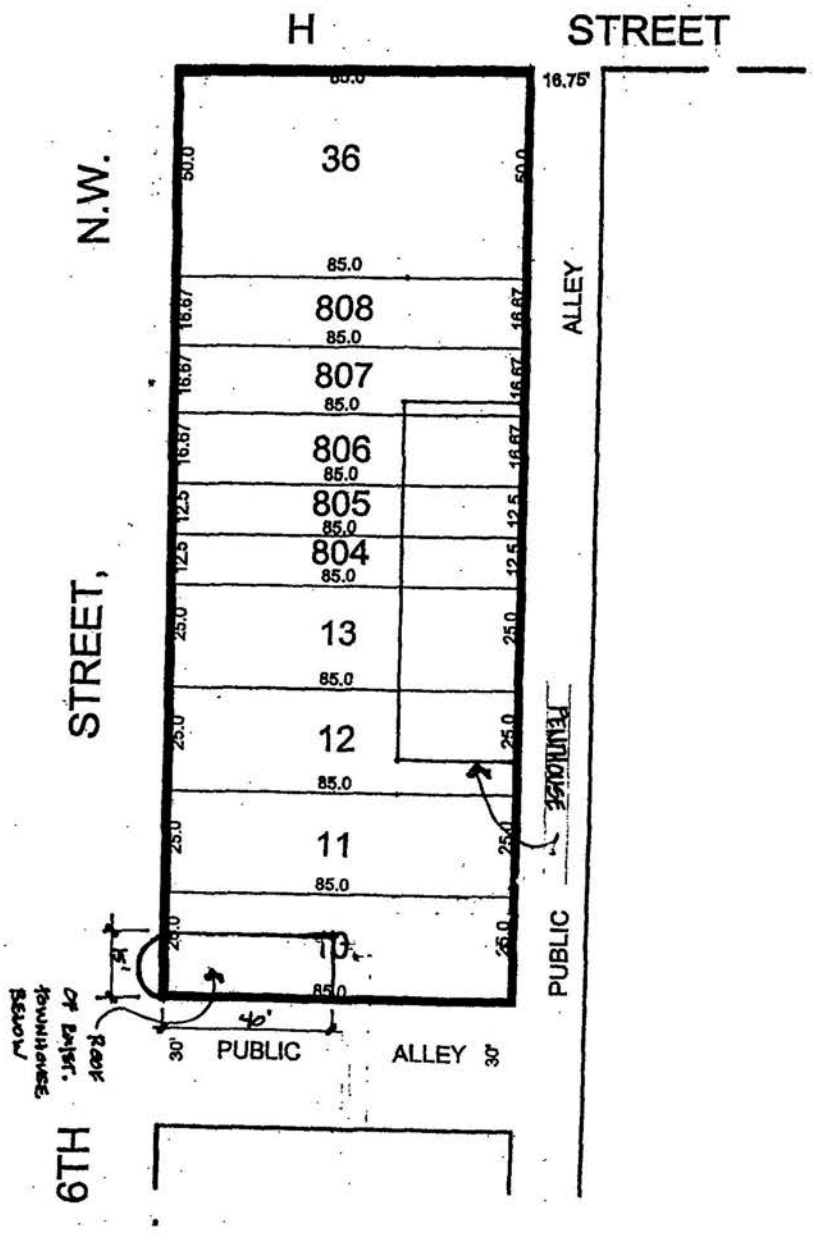
By: L.M.A. ✓TJ

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.)

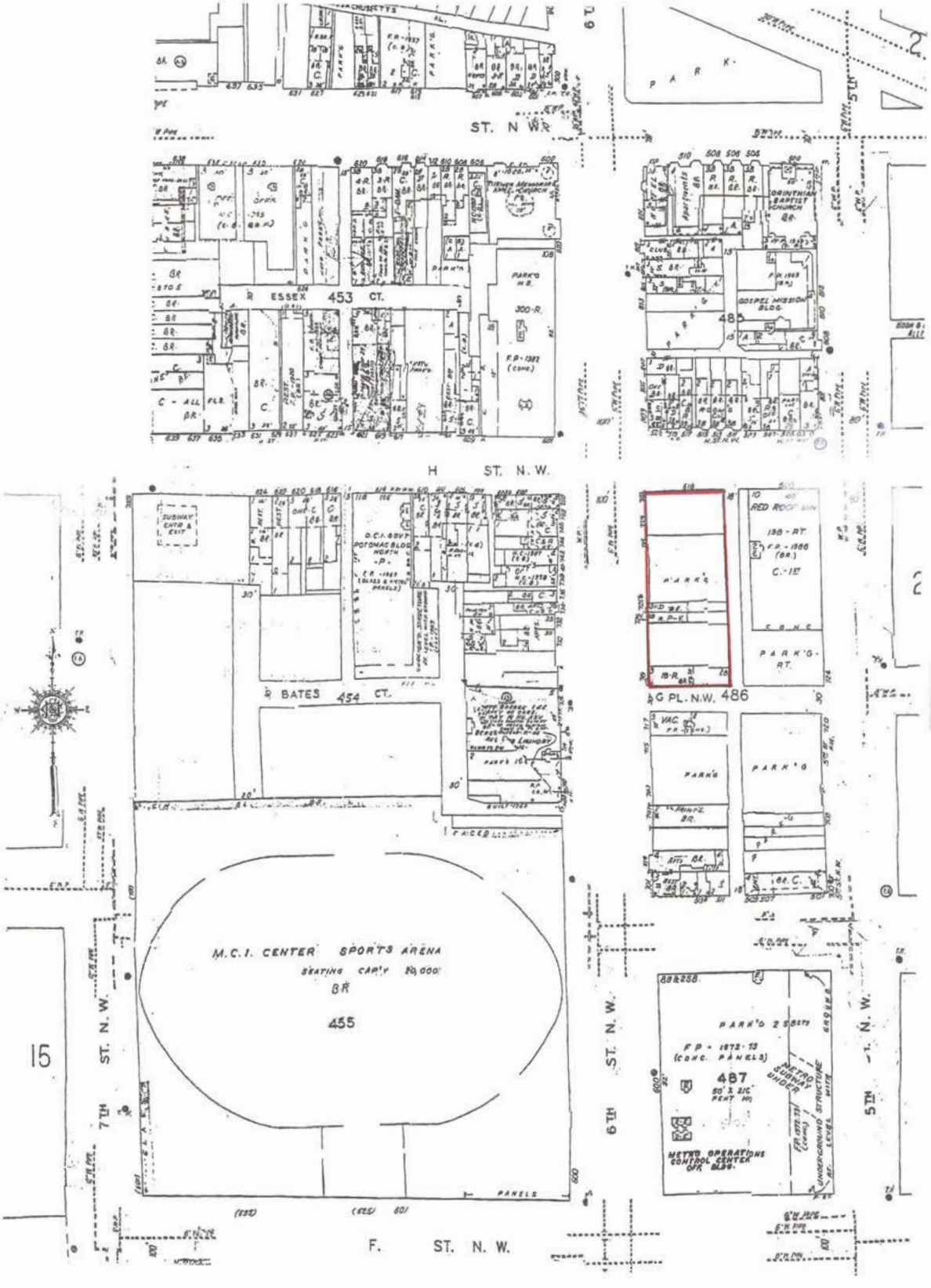
Date: _____

_____
(Signature of owner or his authorized agent)

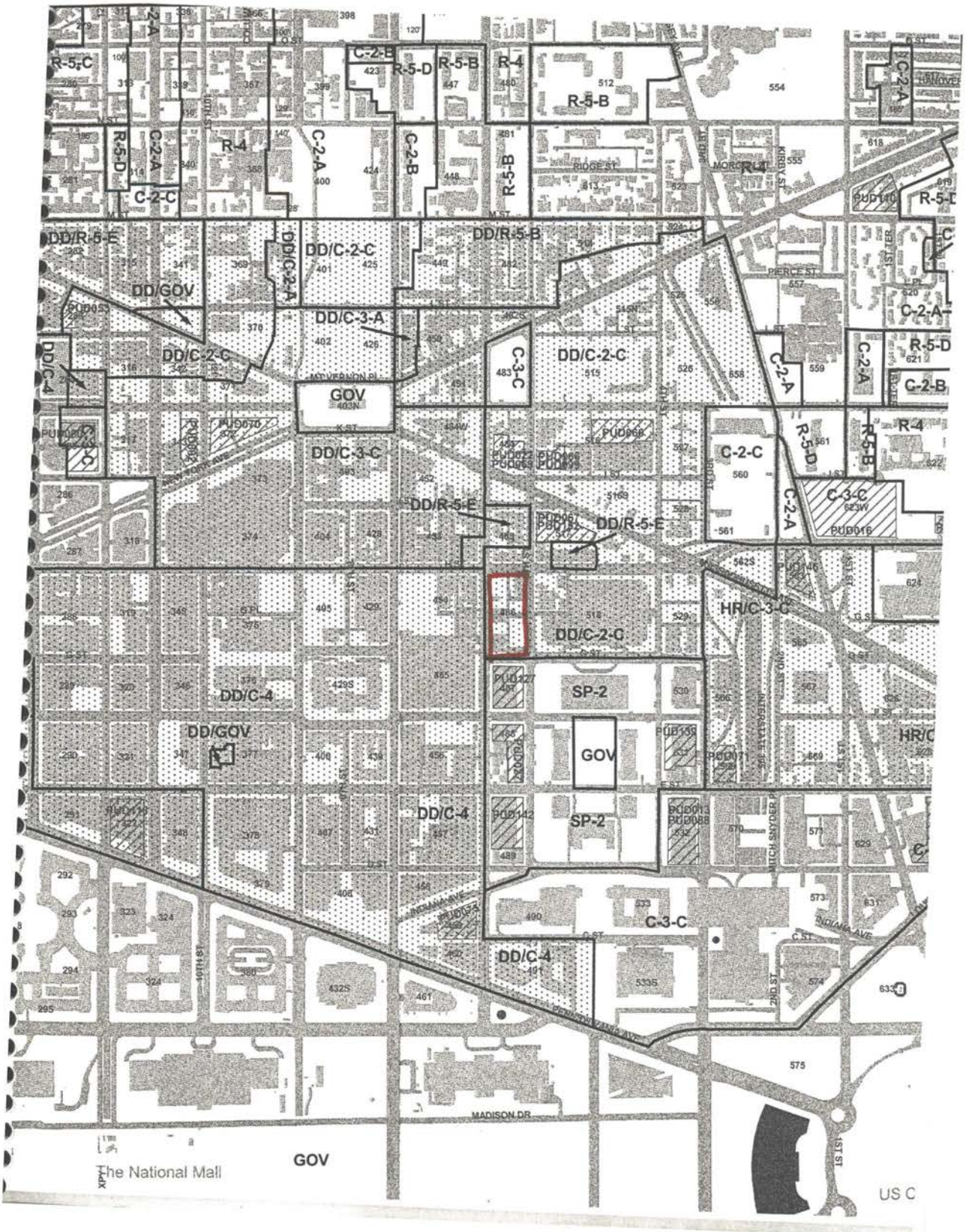
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



B


ST. N.W.
ESSEX 453 CT.
H ST. N.W.
BATES 454 CT.
G PL. N.W. 486
M.C.I. CENTER SPORTS ARENA
SEATING CAP'Y 20,000
455
487
F. ST. N.W.
6TH ST. N.W.
7TH ST. N.W.
5TH ST. N.W.
15

C


R-5-C
C-2-A
R-5-D
C-2-C
R-4
C-2-B
R-5-B
DD/R-5-E
DD/C-2-A
DD/C-2-C
DD/R-5-B
DD/GOV
DD/C-3-A
DD/C-4
GOV
C-3-C
PUD053
PUD070
PUD068
PUD016
PUD146
PUD127
PUD130
PUD142
PUD113
PUD088
PUD071
SP-2
HR/C-3-C
HR/C
DD/C-3-C
C-2-C
C-2-A
R-5-D
R-5-B
R-4
C-2-B
C-3-C
DD/C-4
DD/GOV
SP-2
GOV
C-3-C
DD/C-4
MADISON DR
The National Mall
GOV
US C

D

SQUARE 486

6TH & H STREET NW, WASHINGTON DC



VIEW OF SITE FROM CHINATOWN GATE



VIEW OF SITE FROM H STREET, FACING SOUTH



PROJECT TEAM

DEVELOPER

TRAMMELL CROW COMPANY
1055 THOMAS JEFFERSON ST. NW SUITE 650
WASHINGTON, D.C. 20007
(202) 337-1025

ARCHITECT

HICKOK WARNER COLE ARCHITECTS
1023 31st ST. NW
WASHINGTON, D.C. 20007
(202) 667-9776

CONSULTANTS

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1943 ISAAC NEWTON SQUARE EAST SUITE 260
RESTON, VIRGINIA 20190-5002
703.391.0024, EXT. 135

MECHANICAL: B & A CONSULTING ENGINEERS
1908 LUDOVIE LANE
DECATUR, GEORGIA 30033
404.325.3120

CIVIL: WILES MENSCH CORPORATION
11860 SUNRISE VALLEY DRIVE SUITE 200
RESTON, VA 20191
703.391.7600

DRAWING LIST

COVER SHEET
A1-01 P-2 (TYPICAL PARKING) FLOOR PLAN
A1-02 P1 FLOOR PLAN
A1-03 GROUND FLOOR PLAN
A1-04 SECOND FLOOR PLAN
A1-05 THIRD FLOOR PLAN
A1-06 TYPICAL (4TH THROUGH 11TH) FLOOR PLAN
A1-07 ROOF PLAN
A1-08 DIAGRAM, REQUIRED BZA REAR YARD SETBACK
A2-01 WEST ELEVATION
A2-02 SOUTH ELEVATION
A2-03 AXONOMETRIC

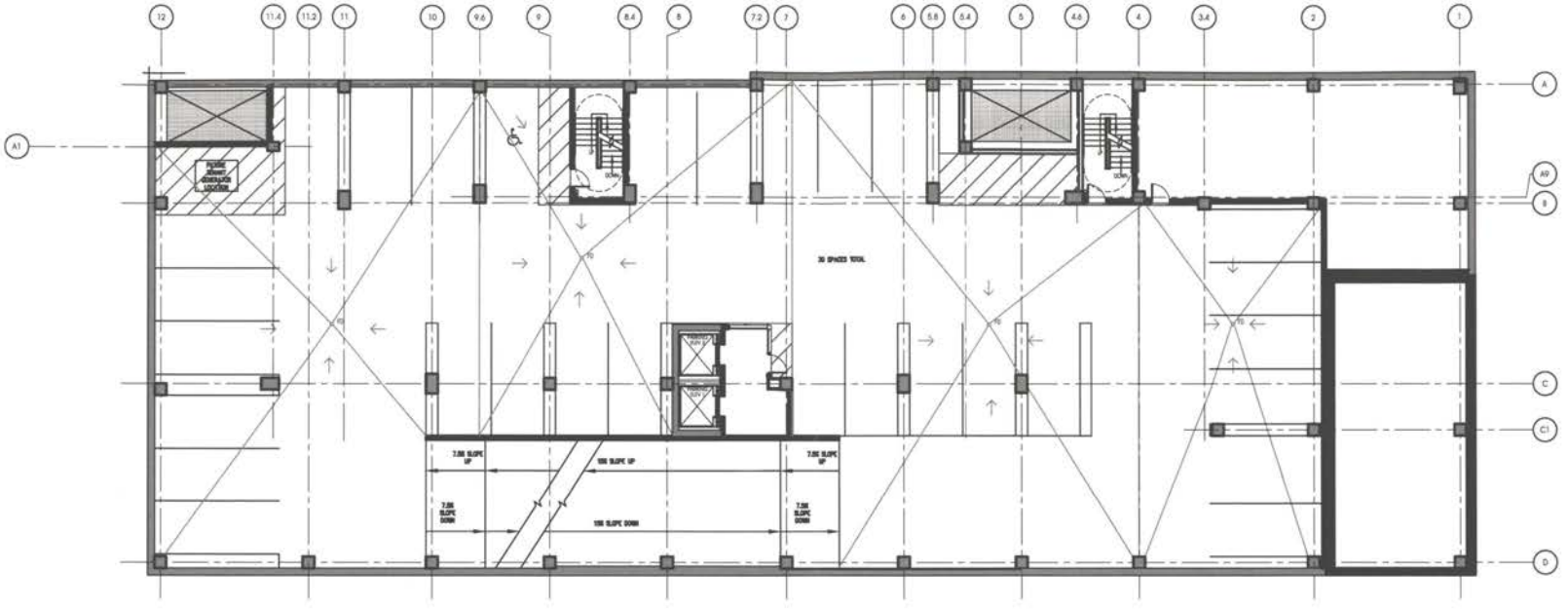
Trammell Crow Company

ZONING REVIEW

HICKOK WARNER COLE
Architects

1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

DATE ISSUED: 29 JUNE 2004
NOT FOR CONSTRUCTION
PROJECT NUMBER: 03022.00



Note: 27 spaces total, P-3 & P-4 similar.
Total parking spaces (P-1 through P-4): 101

1 FLOOR PLAN P-2, P-3 & P-4 SIM.
SCALE: 1"=20'-0"

0 20 40

Scale: 1"=20'

ZONING REVIEW

SQUARE 486

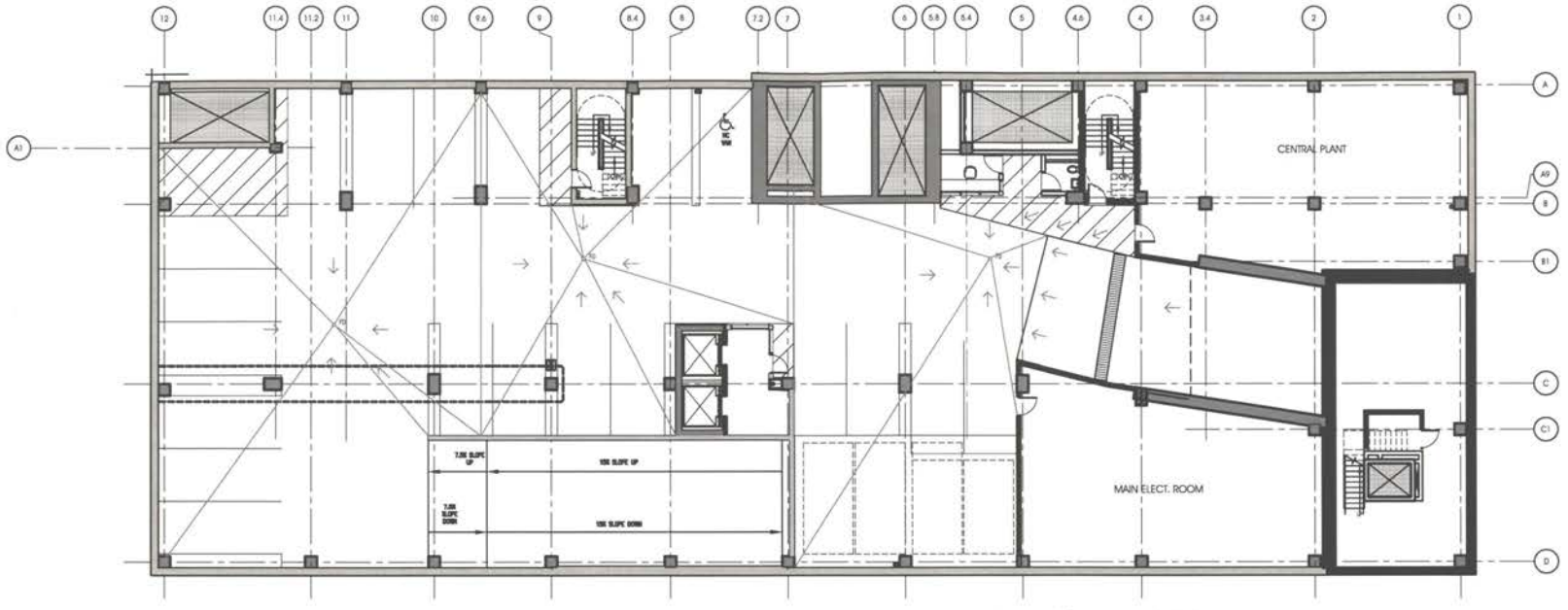
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-01



Note: 18 spaces total,
not including double parking.

1 FLOOR PLAN, P-1 LEVEL
SCALE: 1"=20'-0"

0 20 40

Scale: 1"=20'

ZONING REVIEW

SQUARE 486

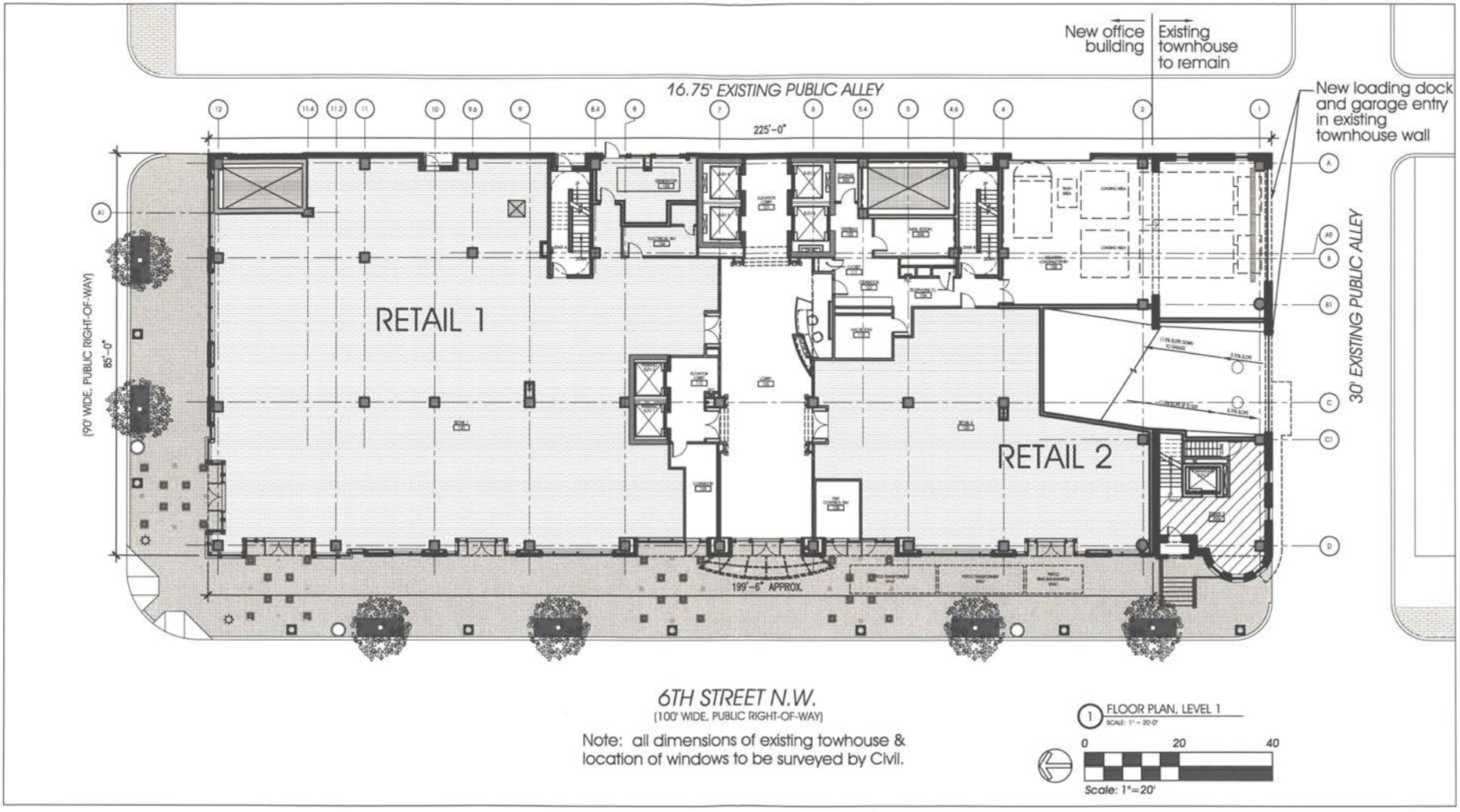
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-02



ZONING REVIEW

SQUARE 486

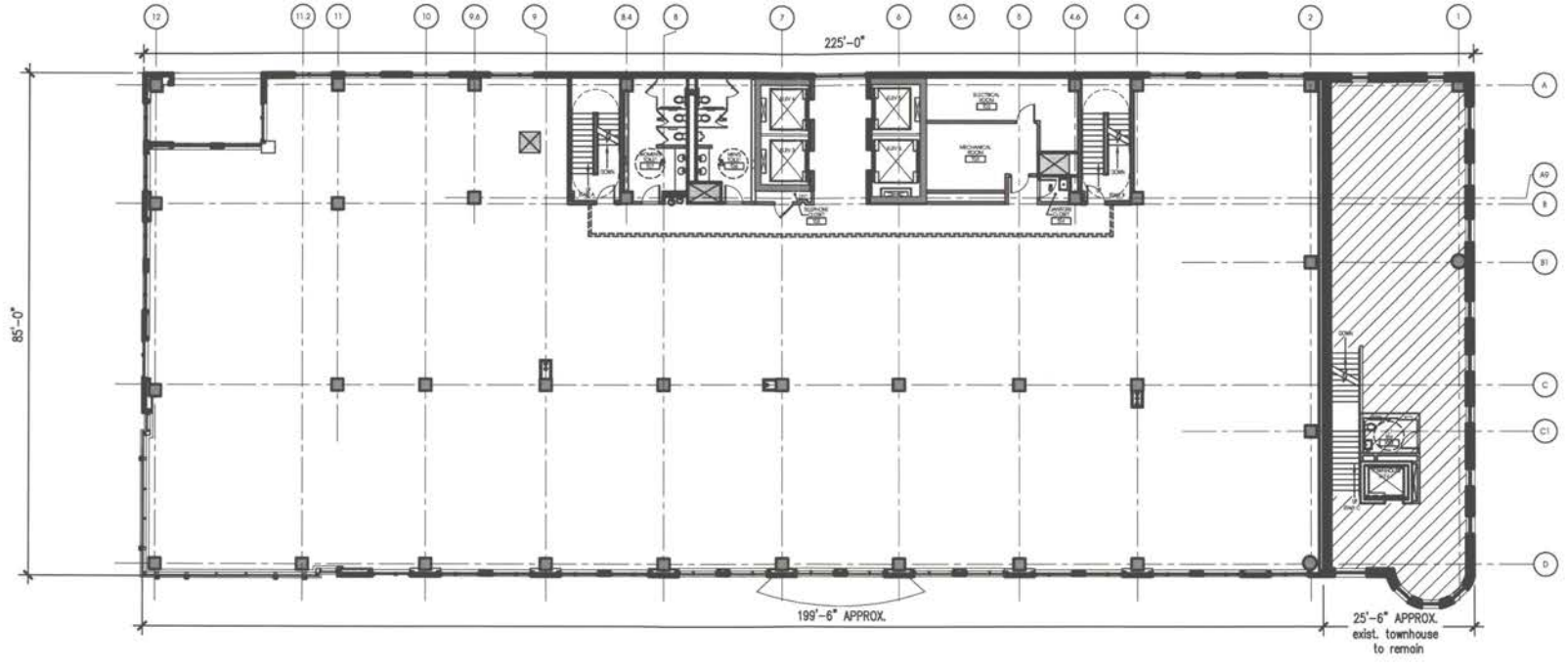
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-03



Note: all dimensions of existing towhouse & location of windows to be surveyed by Civil.

1 SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

0 20 40

Scale: 1"=20'

ZONING REVIEW

SQUARE 486

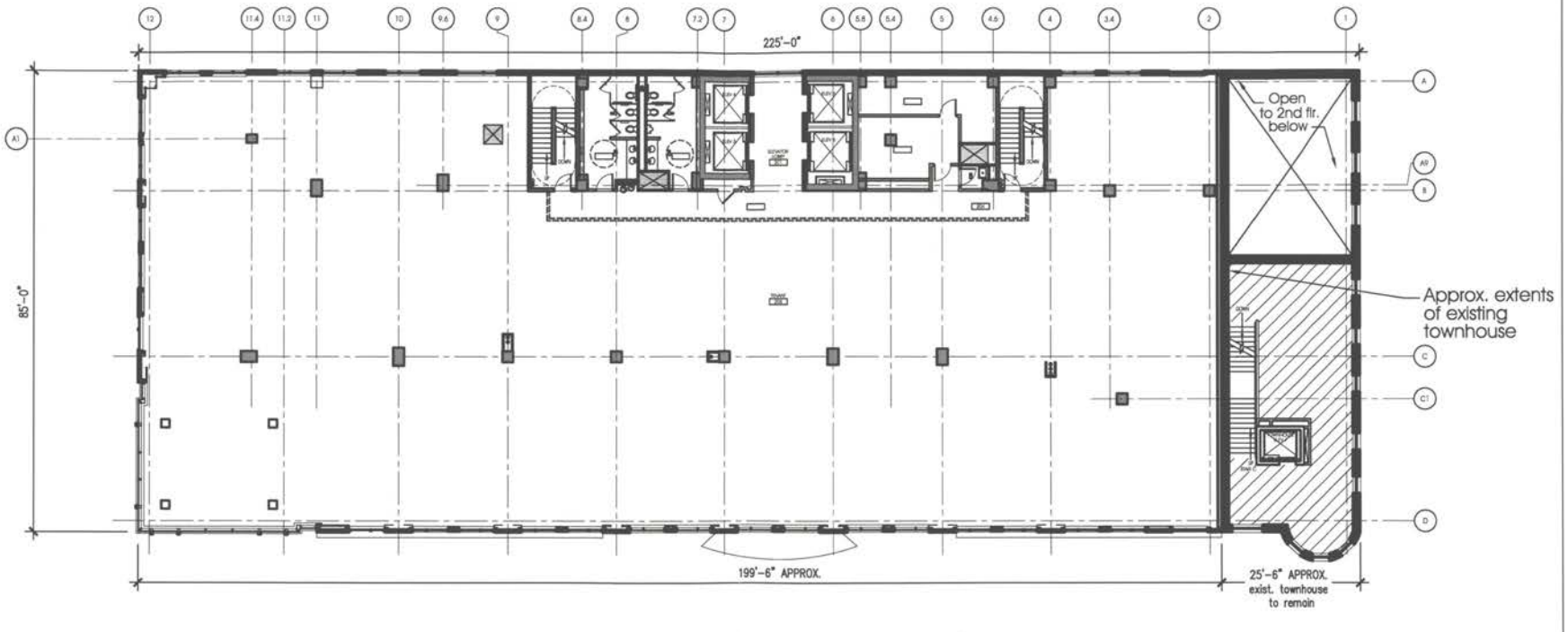
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-04



ZONING REVIEW

SQUARE 486

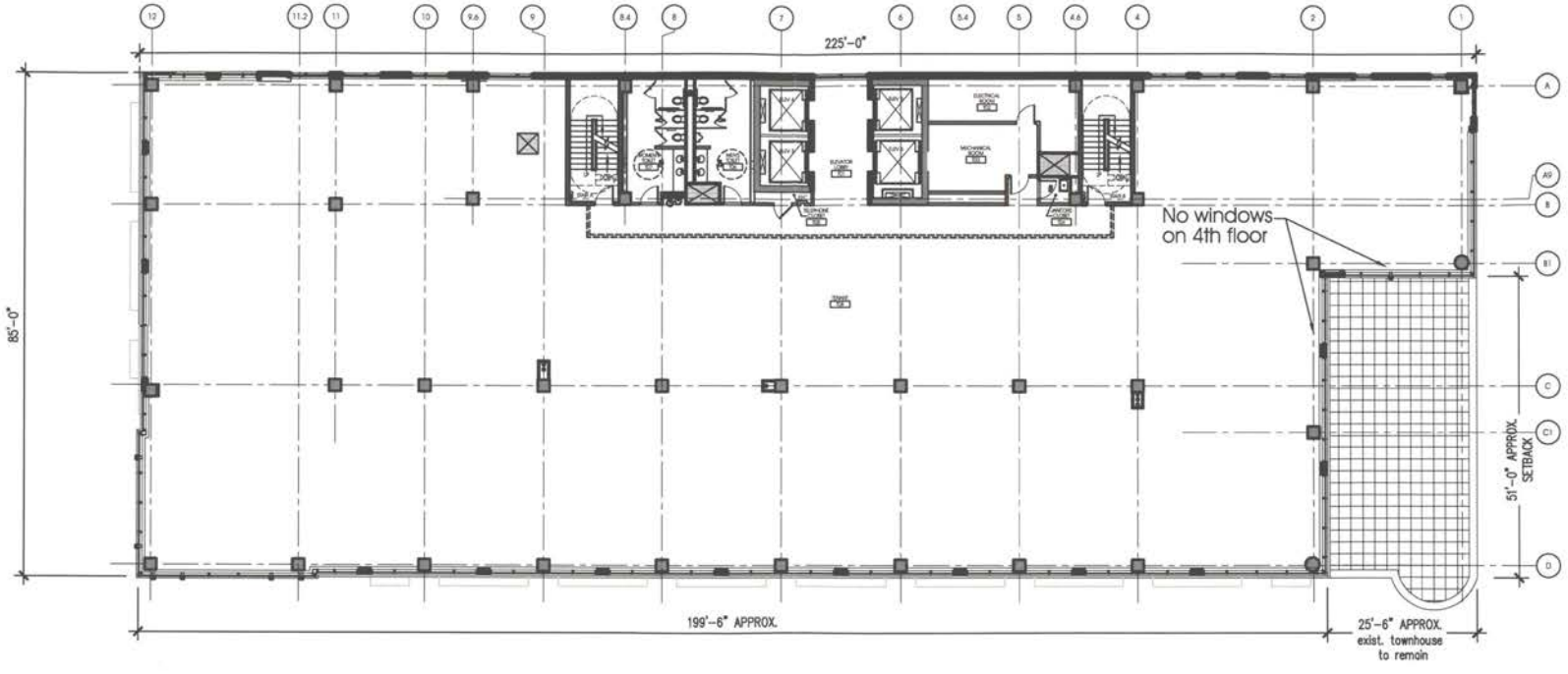
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-05



Note: all dimensions of existing towhouse & location of windows to be surveyed by Civil.

1 TYPICAL FLOOR PLAN, 4TH THROUGH 11TH
SCALE: 1" = 20'-0"

0 20 40
Scale: 1"=20'

ZONING REVIEW

SQUARE 486

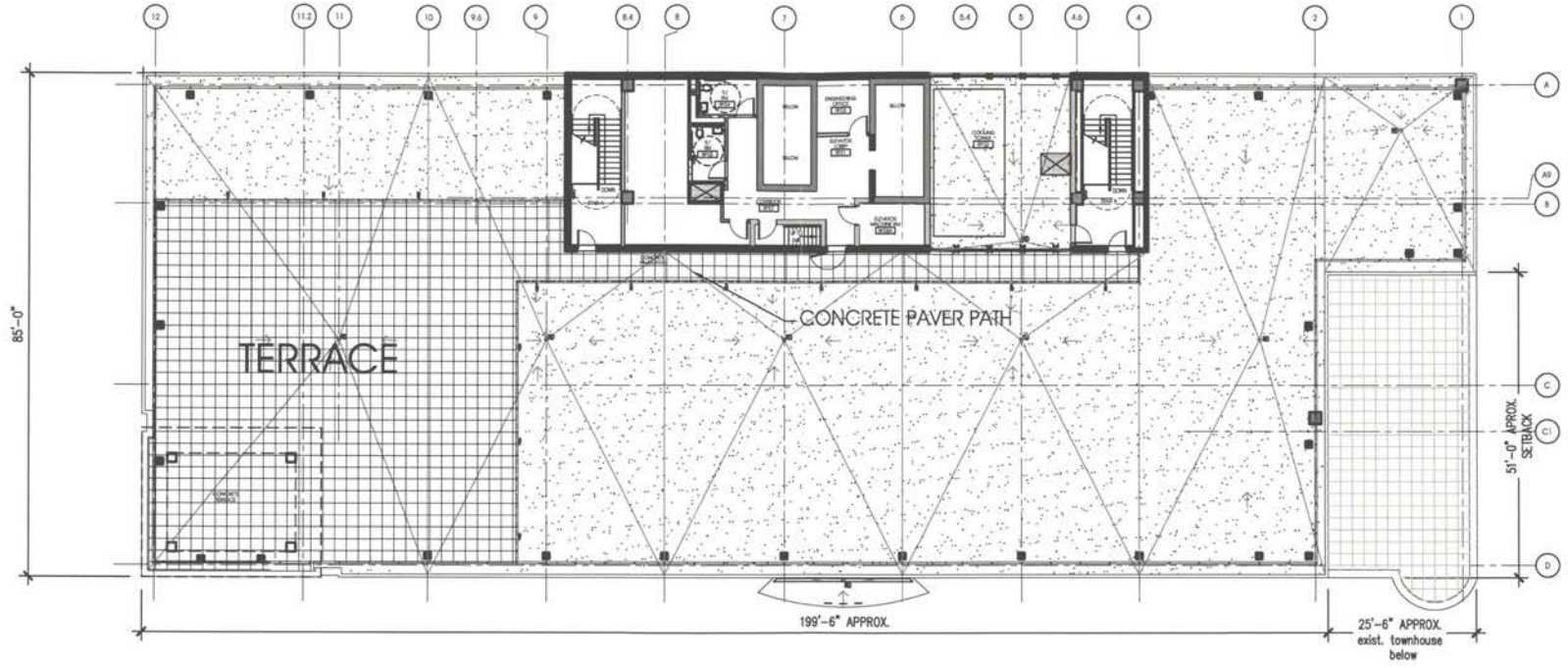
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE
Architects
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P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A1-06



Note: all dimensions of existing towhouse & location of windows to be surveyed by Civil.

1 ROOF FLOOR PLAN
SCALE: 1" = 20'-0"

0 20 40

Scale: 1"=20'

ZONING REVIEW

SQUARE 486

6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
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NOT FOR CONSTRUCTION

A1-07



DIAGRAM: REQUIRED BZA REAR YARD SETBACK

ZONING REVIEW

SQUARE 486

6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
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NOT FOR CONSTRUCTION

A1-08



1 WEST ELEVATION, 6TH STREET
SCALE: 1" = 30'-0"

ZONING REVIEW

SQUARE 486

6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A2-01



1 SOUTH ELEVATION, 6TH STREET
SCALE: 1" = 30'-0"

ZONING REVIEW

SQUARE 486

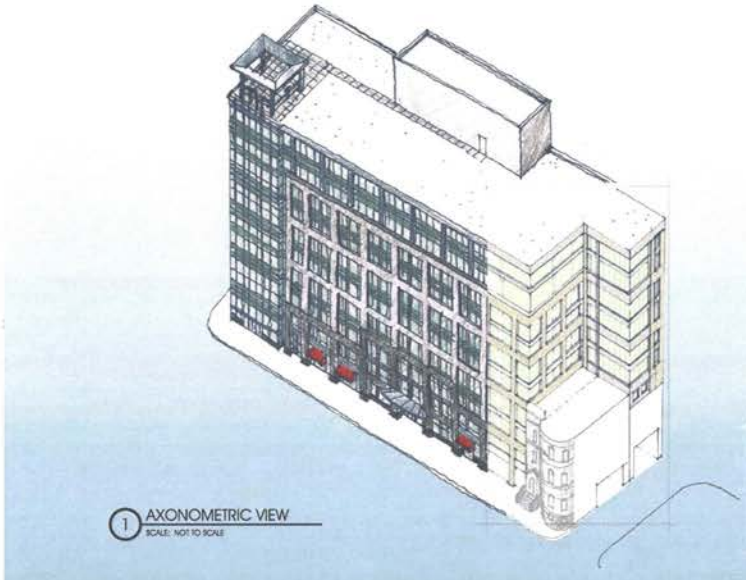
6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A2-02



1 AXONOMETRIC VIEW
SCALE: NOT TO SCALE



2 PERSPECTIVE, VIEW FROM 6TH STREET
SCALE: NOT TO SCALE

ZONING REVIEW

SQUARE 486

6TH & H STREET WASHINGTON, DC

03022.00 29 JUNE 2004

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

NOT FOR CONSTRUCTION

A2-03

E

OUTLINE OF TESTIMONY
FREDERICK ROTHMEIJER
REPRESENTATIVE OF APPLICANT
TC MIDATLANTIC DEVELOPMENT, INC.

I. INTRODUCTION

II. OWNERSHIP BACKGROUND

III. DESCRIPTION OF SITE

IV. DESCRIPTION OF PROPOSED OFFICE CONSTRUCTION

V. SPECIAL EXCEPTION IS NEEDED

VI. VARIANCE RELIEF IS NEEDED

VII. CONCLUSION

F

OUTLINE OF TESTIMONY,
FRANK DURKIN
REPRESENTATIVE,
HICKOK WARNER COLE, ARCHITECTS

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

- **A. Overview of Site, Vicinity, and Land Use/Zoning**
- **B. Site Planning – site size, location and configuration,**

III. PROJECT DESIGN

- **A. Design Considerations for Hockemeyer Hall**
- **B. Design Considerations for Office Use**
- **C. Review of Revised Massing of New Construction**
- **D. Review of Revised Floor Plans**
- **E. Consideration of Any Impact on Adjacent Properties**

IV. SPECIAL EXCEPTION IS NEEDED FOR ROOF STRUCTURE SETBACK

V. VARIANCE RELIEF FROM REAR YARD REQUIREMENTS

- **A. Existing Hockemeyer Hall Creates Exceptional Condition Inherent in the Property**
- **B. Exceptional Condition Creates Practical Difficulty in Complying with Strict Application of Rear Yard Requirements**
- **C. Variance Relief Will Not Cause Detriment to Surrounding Properties or Impair the Intent and Purposes of the Zoning Plan**

VI. CONCLUSION

G

Holland + Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

Steven E. Sher
202 663 7278

Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17186
777 6th Street, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

July 13, 2004

I. Site location and description

A. Location

1. Southeast corner of the intersection of 6th and H Streets, N.W.

2. Project site consists of lots 10, 11, 12, 13, 36, 804, 805, 806, 807 and 808 in Square 486

3. Site located in the Gallery Place/Judiciary Square area of Downtown

B. Size

1. Total site area is approximately 19,125 square feet

2. Rectangular site with frontage of approximately 85 feet on H Street and 225 feet on 6th Street

3. 30 foot wide public alley to the south and 16.75 foot wide public alley to the east

C. Existing site condition:

1. Three story building at 719 6th Street

2. Remainder of site used for surface parking lot

II. Description of surrounding area

A. Judiciary Square/Mount Vernon Square area of Downtown

B. Area contains mix of uses and building types

C. Remainder of Square 486

1. To the east: Red Roof Inn hotel (10 stories) at 500 H Street

2. To the southeast: apartment house (12 stories) at 750 5th Street, developed by AvalonBay Communities

3. To the south:

a. Three story retail building at 717 6th Street, now vacant, formerly used as a restaurant/bar

b. Apartment house (12 stories) under construction

c. Various two, three and four story buildings along 6th Street and at the corner of 5th and G Streets

D. Uses to the south:

1. WMATA headquarters building at 600 5th Street

2. National Building Museum at 441 F Street

E. Uses to the east:

1. General Accounting Office

2. St. Mary's Church

3. Commercial 90 foot building at 450 H Street

F. Uses to the west:

1. MCI Center

2. New Gallery Place development , including retail/office/ residential/parking (under construction)

3. Various 1 to 5 story commercial buildings, forming the east-west core of Chinatown along H Street, part of the Downtown Historic District

G. Uses to the north:

1. 2 and 3 story buildings devoted to residential and miscellaneous commercial uses

2. Parking lots

3. Corinthian Baptist Church at the corner of 5th and I Streets

4. Judiciary House apartments at 461 H Street (90 foot high rise housing for the elderly)

5. Two story vacant former D.C. Fire House (historic landmark on the D.C. Inventory)

6. Apartment house (130 feet) at 450 Massachusetts Avenue, currently under construction

7. Two and three story buildings used for offices at the northwest corner of 5th and H Street

8. Wah Luck apartment house (90 feet) at the northwest corner of 6th and H Streets

III. Existing zoning: DD/C-2-C

A. Uses (§§720 – 734)

1. Commercial use permitted as a matter-of-right, including retail, service and office use

2. Hotel

3. Residential use permitted as a carry-over from the Special Purpose and Residential Districts

B. Height - maximum of 90 feet (§770.1)

C. Density - maximum of 6.0 FAR, with nonresidential uses limited to 2.0 FAR (§771.2)

D. Rear yard – 15 feet (§774.11)

E. Side yard - not required (§775.5)

F. Parking (§2101.1) for office use: minimum of one space for each 1,800 square feet of gross floor area in excess of 2,000 square feet

G. Downtown Development (DD) Overlay District

1. Applies to new buildings and alterations or additions to existing buildings involving more than 100 percent of assessed value of building in any twelve month period

2. Height is maximum permitted under the Act of 1910 (110 feet for subject site)

3. Housing Priority Area B

a. No maximum FAR for residential uses

b. Minimum of 4.5 FAR required to be devoted to residential use (3.5 FAR available for commercial)

c. Additional 0.5 commercial FAR available through transferable development rights

IV. Zoning history

A. Property was zoned SP in 1958

B. Redesignated SP-2 in 1978

C. Included in the Hotel-Residential (HR) Incentive District in 1981

D. Rezoned to DD/C-2-C in 1991

V. Historic Landmark Designation

A. Landmark application filed February 13, 2004

B. Temporary landmark status granted because of pending demolition permit application

C. Landmark hearing postponed by DCPL and Applicant to Allow Settlement to be Reached

D. Settlement Agreement Signed June 28, 2004

E. Landmark Application to Be Withdrawn If Variance Relief Granted

VI. Proposed development

A. Use: office building with ground floor retail, service, arts and entertainment uses

B. Maximum gross floor area of approximately 177,015 square feet (9.26 FAR)

C. Height: ten stories, maximum of 120 feet

D. Parking: 94 spaces on three levels with access from a ramp from the 30 foot alley on the south

VII. Special exception relief required for roof structure not meeting the normal setback requirements

A. Required setback: 18 feet six inches

B. Provided on the east side adjacent to the alley: 0 feet

VIII. Standards for the roof structure special exception (§411.11)

A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area

B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable

C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...

D. Provided 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.

IX. Compliance with the special exception standards for roof structure

A. Size of building lot and other conditions: lot is shallow (85 feet) for typical high rise office construction

B. Unduly restrictive and unreasonable

1. Roof structure is typical 18 feet, 6 inches in height and has an east-west dimension of thirty feet

2. With normal penthouse setbacks, core would be forced to center of floor plate

3. Location would not readily fit within column grid

4. Elevator core in center of building disrupts ground floor retail layout and multi-tenant office floors

5. Setback requirements cannot be waived along the street frontages due to the requirements of the Act of 1910

C. Impact on light and air of other buildings

1. Roof structure is setback from exterior walls by substantial distances on the north (58 feet), west (55 feet, 4 inches) and south (57 feet, 6 inches)

2. Public alley to the east is 16.75 feet wide and adjoining hotel is setback from the line of the alley

3. Adjoining hotel is already at 110 feet height but top portion has a blank brick wall facing the top of the proposed building

X. Rear Yard Requirements Under Section 774

A. Lot abuts an alley

B. Rear yard may be measured as follows:

1. § 774.6(a): for that portion of the structure below a horizontal plan twenty feet above the mean finished grade and the middle of the rear of the structure from the center line of the alley to the rear wall of the portion; and

2. 774.6(b): for that portion of the structure above the horizontal plane described in 774.6(a), the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.

C. 100% variance requested

XI. Test for Variance Relief

A. Property is unique by virtue of its size, shape or topography;

B. The owner would encounter practical difficulties if the zoning regulations were strictly applied; and

C. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan

XII. Compliance with Variance Test

A. Existing Hockemeyer Hall and agreement with DCPL create unique conditions to property – *see Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment; see also Monaco v. District of Columbia Board of Zoning Adjustment*

B. Owner would encounter practical difficulty if regulations strictly enforced – would have to demolish portion of Hockemeyer Hall at plane above 20 feet

C. No substantial detriment to public good would occur and purpose and intent of zone plan not impaired –

1. detriment would occur if building were not preserved;

2. southern portion of building is similar to corner lot – 30 ft alley and 6th Street provide ample light and air for property

XIII. Conclusions

A. Subject property is shallow for a high-rise office building

B. Placement of roof structure in accordance with setback requirements would significantly disrupt ground floor and office floors, causing operating difficulties for the building

C. Roof structure with no setback along the east wall would have no adverse affect on the existing hotel across the alley

D. Variance from rear yard requirements would not be detrimental to the public good or impair the intent or purposes of the Zoning Regulations

E. The application should be granted

1361017_v2

H

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 17078 of TC MidAtlantic Development Inc. on behalf of Avalon Bay Communities, Inc. and Ruby Restaurant, Inc. pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements in order to permit the development of a ten-story office building with ground floor retail in the DD/C-2-C District pursuant to section 411 and subsection 770.6, at premises 777 6th Street, N.W. (Square 486, Lots 10, 11, 12, 13, 36, 804, 805, 806, 807 and 808).

HEARING DATE: November 25, 2003
DECISION DATE: November 25, 2003 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report in support of the application. The site of the application is located within the jurisdiction of ANC 6C. ANC 6C submitted a letter in conditional support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 770.6. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 770.6, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further

concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

VOTE: **3-1-1** (Curtis L. Etherly, Jr., Ruthanne G. Miller, and David A. Zaidain to approve, John G. Parsons opposed to the motion and Geoffrey H. Griffis not voting having recused himself).

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

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

FINAL DATE OF ORDER: DEC - 1 2003

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17078

As Director of the Office of Zoning, I hereby certify and attest that on DEC - 1 2003 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr., Esq.
Dennis R. Hughes, Esq.
Holland & Knight LLP
2099 Pennsylvania Avenue, n.W.
Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C. 20013

Commissioner 6C09
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C. 200013

Sharon Ambrose, City Councilmember
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 102
Washington, D.C. 20004

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

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.

Washington, D.C. 20002

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

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning