LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DeLORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DePUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
JOHN PATRICK BROWN, JR.
LEWIS F. MORSE
ROGER D. LUCHS
STEPHANIE A. BALDWIN
LYLE M. BLANCHARD
JOHN M. CATALANO
GREGORY T. DuMONT
ALFRED M. GOLDBERG
MONIC Y. HALSEY
DONALD F. HOLMES, JR.
M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. SABIO*
JAMES D. SADOWSKI
*ADMITTED IN VA ONLY

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605
TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www.gdllaw.com

OF COUNSEL
MICHAEL T. CREHAN

November 30, 2004

BY MESSENGER

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210 South
Washington, D.C. 20001

Re: Post-Hearing Submissions; BZA Application No. 17240; FSP-Arkansas, LLC; Square 2699; Lot 64; Alley Lot within Square bounded by 14th Street, N.W., Arkansas Avenue, N.W., Varnum Street, N.W., 15th Street, N.W. and Webster Street, N.W.

Dear Mr. Griffis:

On behalf of the Applicant, FSP-Arkansas, LLC, the following information is being provided in response to the specific requests of the Board of Zoning Adjustment (the "Board") at the public hearing on November 23, 2004.

1. **Parking Lot Plan showing revision of Green Space area as requested by the Board.**

The revised "Parking Lot Plan" is attached to this letter as "Attachment 1". Note the additional landscaping within the Green Space and the bollard fencing around the Green Space. An additional plan is also provided showing the details of the bollard fencing, the trash enclosure and concrete pad, the shrub plantings and the deciduous tree plantings. The "Details" of the "Parking Lot Plan" is attached to this letter as "Attachment 2". The Board should note that the Applicant proposes to plant more trees than are being removed.

BZA
Case No. 17240
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17240
EXHIBIT NO. 31

2. Explanation of special exception requested versus requirements for accessory parking.

According to Chapter 21 of the Zoning Regulations regarding the requirements for off-street parking, only buildings or structures erected on or after May 12, 1958 are required to provide parking spaces. With its application, the Applicant seeks to construct a parking lot containing sixteen parking space which will, in part, be marketed for sale to the purchasers of residential condominium units at 4306 Arkansas Avenue, N.W. (the "Building"). The Building was built in 1926 and is currently undergoing renovations. Because the Building was constructed prior to 1958 and is only under renovation, there is no requirement for providing accessory parking spaces under the terms of Chapter 21 of the Zoning Regulations.

Additionally, as established at the public hearing, the proposed alley parking lot is not directly linked or accessory to the Building. In fact, the parking lot and Building will be separate, independent corporate entities. Although some residential condominium owners may purchase parking spaces in the alley parking lot, there is no requirement to do so. Alley parking lot spaces will be available to other local residents who are not associated with the Building. The existence of Section 333 for storage and parking on alley lots indicates that the Zoning Commission in adopting the Regulations specifically contemplated alley lot parking that was not accessory. The definitions under Subsection 199.1 of "Lot, parking" and "Parking space" both reference "temporary" use. As a result, the term "temporary" does not distinguish the two types of parking, but is likely to draw the distinction between parking and storage of motor vehicles. Section 333 of the Zoning Regulations allows for the construction of a parking lot on an alley lot when approved by the Board as a special exception subject to the requirements of Sections 333 and 3104. Similarly, the Regulations also require a special exception for accessory parking on a separate lot. In the end, regardless of the nomenclature, both are to be judged by the same special exception standard. Although, as practical matter, the distinction is without a difference for the Board's adjudication, alley parking lot is the most accurate description of the subject property and the proposed use.

3. Proposed Conditions.

Attached please find a revised copy of the proposed conditions (attached hereto as "Attachment 3") which were set forth in the handwritten "Binding Agreement" submitted to the Board at the public hearing. The proposed conditions are as requested by the community as of the hearing date. As requested by the Board, a rationale for each condition has been included.

Thank you for your consideration of these additional materials.

Sincerely yours,

John Patrick Brown, Jr.

Stephanie A. Baldwin

247783v1

cc: Mr. Timothy McShea
Mr. Grant Montgomery
Mr. Steve Goley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Statement of the Applicant was mailed, first-class, postage prepaid, this 30th day of November, 2004 to:

Advisory Neighborhood Commission 4C
c/o Mr. Timothy Jones, Chair
737 Rock Creek Church Rd., NW
Washington, DC 20010

Mr. Stephen Mordfin
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002

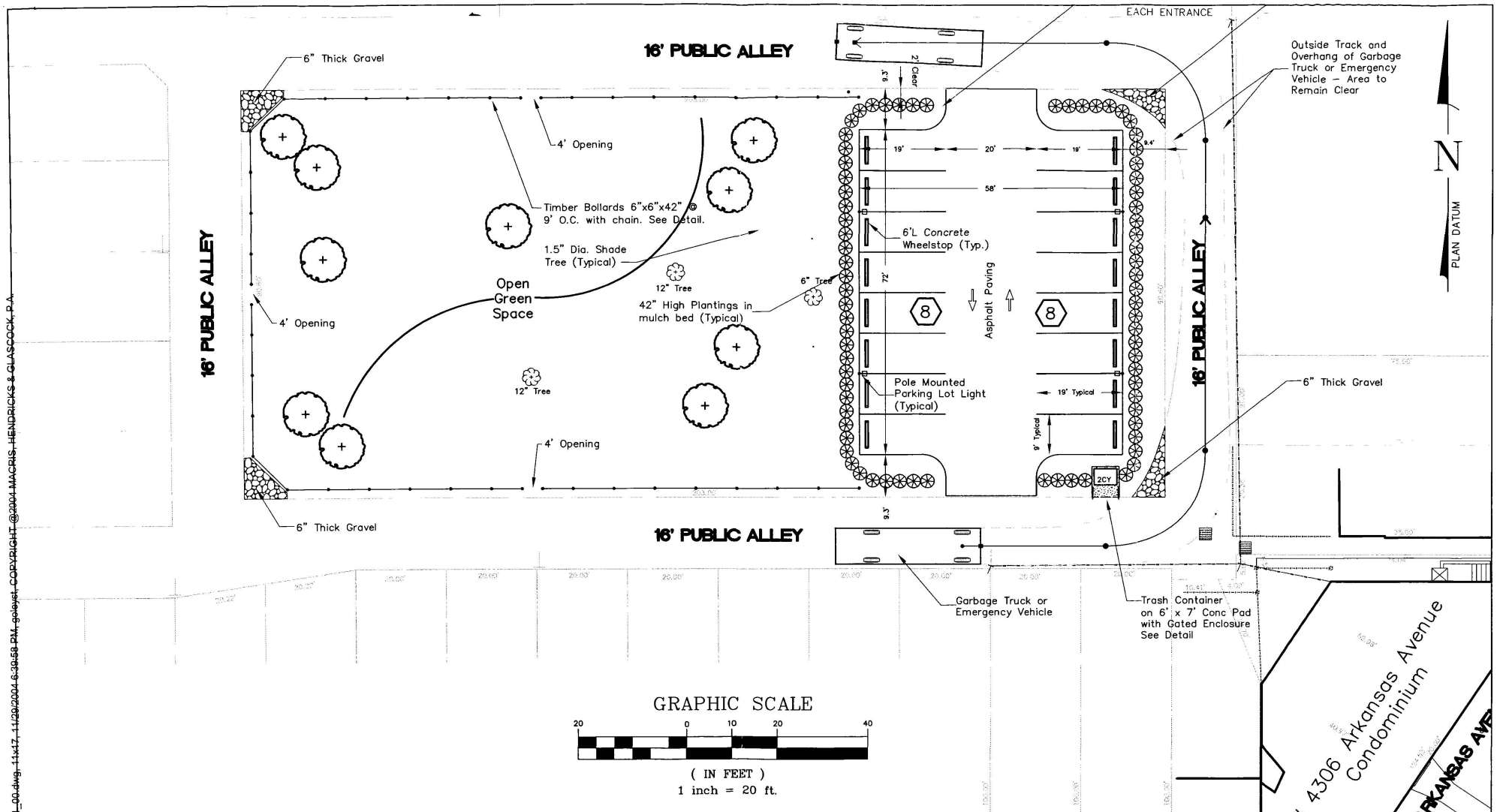
16th Street Neighborhood Association
c/o Mr. Louis Wassel, Chair
P.O. Box 76084
Washington, D.C., 20011-6084



Stephanie A. Baldwin

Attachment 1

Parking Lot Plan



GRAPHIC SCALE

20 0 10 20 40

(IN FEET)

1 inch = 20 ft.

PREPARED FOR
FOUNTAIN SQUARE PROPERTIES, LLC
11921 FREEDOM DRIVE, STE. 950
RESTON, VA 20190
PHONE: 301-907-7800
ATTN.: MR. GRANT MONTGOMERY

PARKING LOT PLAN

LOT 64 SQUARE 2699

THE #4306 ARKANSAS AVENUE CONDOMINIUM

4306 ARKANSAS AVENUE, N.W.

WARD 4 – DISTRICT OF COLUMBIA – WASHINGTON, D.C.

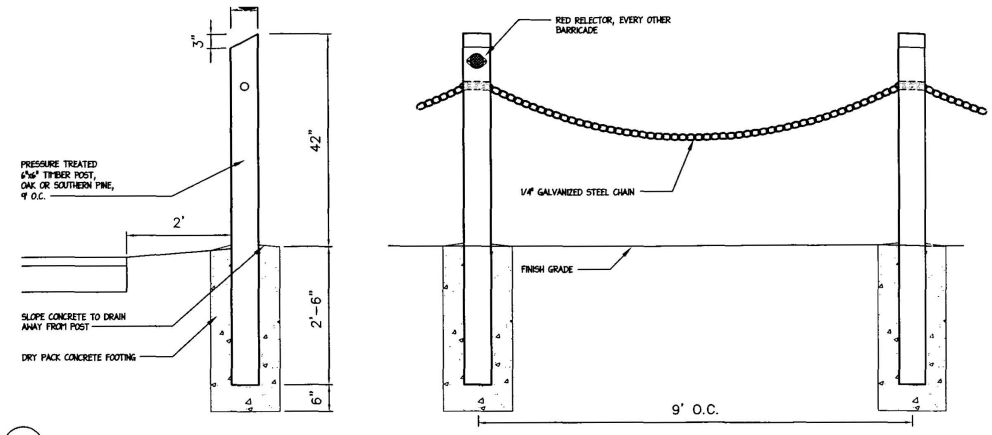
MHG
Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

Proj. Mgr.	Designer
SVG	ABJ
Date	Scale
11-29-04	1"=20'
Project No.	Sheet
04-222	1 of 2

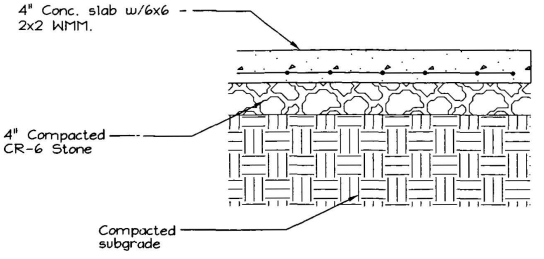
I:\04222\dwg\CP_11_00.dwg, 11x17, 11/29/2004 6:39:58 PM, gglevyst COPYRIGHT ©2004 MACRIS, HENDRICKS & GLASCOCK, P.A.

Attachment 2

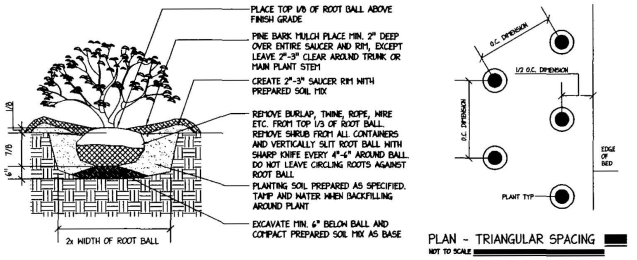
Parking Lot Plan - Details



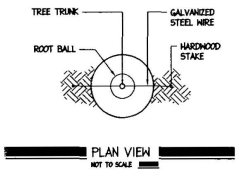
E 6"x6" TIMBER BOLLARD
NOT TO SCALE



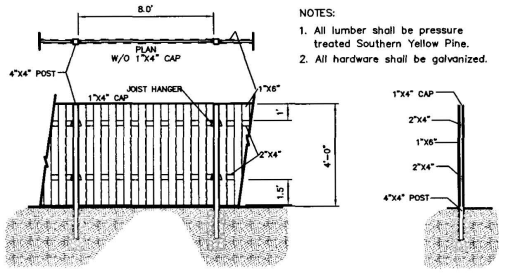
B CONCRETE PAD
NOT TO SCALE



PLAN - TRIANGULAR SPACING
NOT TO SCALE

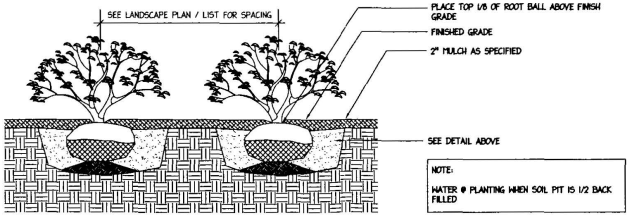


PLAN VIEW
NOT TO SCALE

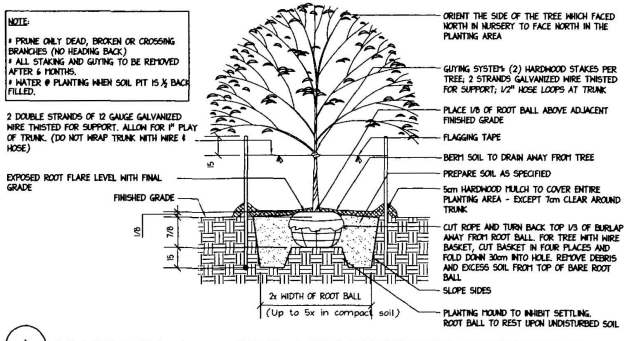


NOTES:
1. All lumber shall be pressure treated Southern Yellow Pine.
2. All hardware shall be galvanized.

D BOARD ON BOARD WOODEN FENCE TRASH ENCLOSURE TYPICAL DETAIL
NOT TO SCALE



C SHRUB & MASS SHRUB PLANTING
NOT TO SCALE



A DECIDUOUS TREE PLANTING - UNDER 3" CALIPER
NOT TO SCALE

I:\04222\dwg\CP_11_00.dwg, 11x17 DETAILS, 11/29/2004 6:40:28 PM, goleyst, COPYRIGHT @2004 MACRIS, HENDRICKS & GLASCOCK, P.A.

PREPARED FOR
FOUNTAIN SQUARE PROPERTIES, LLC
11921 FREEDOM DRIVE, STE. 950
RESTON, VA 20190
PHONE: 301-907-7800
ATTN.: MR. GRANT MONTGOMERY

PARKING LOT PLAN - DETAILS

LOT 64 SQUARE 2699

THE #4306 ARKANSAS AVENUE CONDOMINIUM

4306 ARKANSAS AVENUE, N.W.

WARD 4 - DISTRICT OF COLUMBIA - WASHINGTON, D.C.

MHG
Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

Proj. Mgr.	Designer
SVG	ABJ
Date	Scale
11-29-04	AS SHOWN
Project No.	Sheet
04-222	2 of 2

Attachment 3

Proposed Conditions

FSP-Arkansas, LLC
BZA Case No. 17240

Proposed Conditions

1. Applicant will develop the property in accordance with the Site Plan (Exhibit ___) subject to these additional conditions;

   Assurance for neighbors that changes made to the property will be as approved by the Board of Zoning Adjustment.

2. No more than sixteen (16) parking space shall be constructed upon the property;

   Applicant reduced the number of parking spaces from thirty (30) to sixteen (16) in response to neighborhood concerns of excessive traffic within the alleyway system.

3. The Green Space will remain open and well-maintained. The Green Space will not occupied by any person, nor will the Green Space contain any barbeques, gardens, picnic tables or other similar objects [Applicant suggests that the future uses of the Green Space for barbeques, etc. may be changed by mutual written agreement with Advisory Neighborhood Commission 4C, but will not require Board of Zoning Adjustment approval];

   In response to neighborhood concerns of neglected landscapes and undesirable loitering, both of which have been problems within the alleyway and lot for the past several years. The restrictions on barbeques, etc. is intended to eliminate elements which would attract people to the site.

4. Bollards will be installed and maintained around the Green Space to prevent vehicles from trespass;

   A bollard and a chain system fence will be installed to prevent car and trash dumping within the lot, a problem within the alleyway and lot for the past several years.

5. Every two (2) years from the date of this Order, the owner of the property and the community shall review these conditions for possible modifications that may be appropriate. The owner will seek Board of Zoning Adjustment, Advisory Neighborhood Commission 4C and community authorization as required.

   In time, it is anticipated that such strict rules regarding the use of the Green Space may not be necessary in order to maintain a safe and clean alleyway for the neighborhood. The community would like to be able to review and revise those rules and other conditions when appropriate and do so without Board of Zoning Adjustment approval in the case of uses of the Green Space.