ARNOLD & PORTER LLP

Nathan W. Gross
Zoning and Land Use Specialist
Nathan_Gross@aporter.com
Not Engaged in the Practice of Law

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

May 9, 2005

Mr. Geoffrey Griffis, Chairman
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2005 MAY -9 AM 11:36

Re: Application No. 17323, Pre-Hearing Submission
2105 10th Street, N.W.

Dear Mr. Griffis and Members of the Board:

Enclosed please find the Pre-Hearing Submission in support of three area variances and a special exception to allow construction of a residential condominium at 2105 10th Street, N.W., including the following:

1. A completed Board of Zoning Adjustment Application form;

2. A zoning Self-Certification Form prepared by the project architect;

3. A surveyor's plat of the subject property;

4. A Letter of Authorization; and

5. A statement in support of the application that includes information about the existing and intended use of the subject property and the basis for the requested zoning relief, with supporting exhibits.

Please contact the undersigned if there are any questions or if additional information is required.

Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

Enclosures

BZA
Case No. 17323
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17323
EXHIBIT NO. 28

Form 120 — Exhibit 1
(Revised 04/29/02)

Case No. _____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

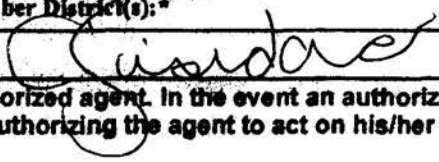
Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
2105 10th Street, N.W.	358	5, 6, 802	C-2-B/Arts	Area Variance	774.1
					773
					2117.8
				Special Exception	411, 770.6

Present Use of Property:*	Vacant church, vacant commercial building and vacant land						
Proposed Use of Property:*	Condominium apartments						
Owner of Property:*	2105 10th Street, NW, L.L.C.			**Telephone No.:***	(301)587-1678		
Address:*	8511 Cedar Street	**City:***	Silver Spring	**State:***	DC	**Zip:***	20910

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

Application of 2105 10th Street N.W., L.L.C. for area variances pursuant to 11 DCMR Sec. 3103.2 and a special exception pursuant to Sec. 3104 to allow construction of a residential condominium at 10th and V Streets, N.W. (Square 358, Lots 5, 6 and 802). The specific request is for variances from the rear yard, residential recreation space and slope of parking ramp requirements set forth in 11 DCMR §§ 774.1, 773 and 2117.8, respectively. A special exception pursuant to § 411 is also requested for flexibility from the roof structure setback requirements of § 770.6. The Property is zoned C-2-B/Arts.

Estimated Construction Cost:	$8,500,000.00	**Advisory Neighborhood Commission Single-Member District(s):***	1B02

Date:*	03/04/05	**Signature:**	

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:*	Cynthia A. Giordano, ARNOLD & PORTER						
Address:*	555 12th Street, N.W.	**City:***	Washington	**State:***	DC	**Zip:***	20004
Phone No.:*	(202)942-5840	**Fax No.:**	(202)942-5999	**E-Mail:**	Cynthia_Giordano@aporter.com		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Form 135 — Side 1
(Revised 03/15/02)

Case No.

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning District*	ANC(s)/Single Member District(s)*
2105 10th St. NW	358	5, 6, 802	C-2-B/Arts	ANC 1b02

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 - Use Variance	☒	§3103.2 - Area Variance	☒	§3104.1-Special Exception
Pursuant to Subsections			774.1, 773, 2117.1		411, 720.6	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

1. **the agent is duly licensed to practice law or architecture in the District of Columbia;**
2. **the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and**
3. **the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.**

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owners Signature		Owner's Name	Scott Freidman
Agent Signature		Agent Name	WILLIAM J. BONSTRA, AIA

Date*	3/9/05	DC Bar No.		or	Architect Registration No.	DC 4031

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ **Accepted for filing.**

☐ **Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.**

☐ **Rejected for failure to comply with the provisions of**

- ☐ **DCMR Title 11 §3113.2; or**
- ☐ **DCMR Title 11 Zoning Regulations.**

Explanation

Signature:		Date	

Jerrily R. Kress, FAIA - Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Signature:		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Form 135 — Side 2

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.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	9,563	N.A.	N.A.	9,563	--------
Lot Width (ft. to the tenth)	95	N.A.	N.A.	95	--------
Lot Occupancy (building area/lot	18%	N.A.	80%	80%	--------
Floor Area Ratio (floor area/lot area)	0.58	N.A.	4.5	4.2	--------
Parking Spaces (number)	0	0	N.A.	6	--------
Loading Berths (number and size	0	0	N.A.	0	--------
Front Yard (ft. to the tenth)	0	0	N.A.	0	--------
Rear Yard (ft. to the tenth)	0	15	N.A.	0	100%
Side Yard (ft. to the tenth)	0	0	N.A.	0	--------

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., January 18, 2005

Plat for Building Permit of SQUARE 358 LOTS 5,6,7 & 8

Scale: 1 inch = 20 feet Recorded in Book B Page 61

Receipt No. 16827

Furnished to: WALTER SMITH

Surveyor, D.C.

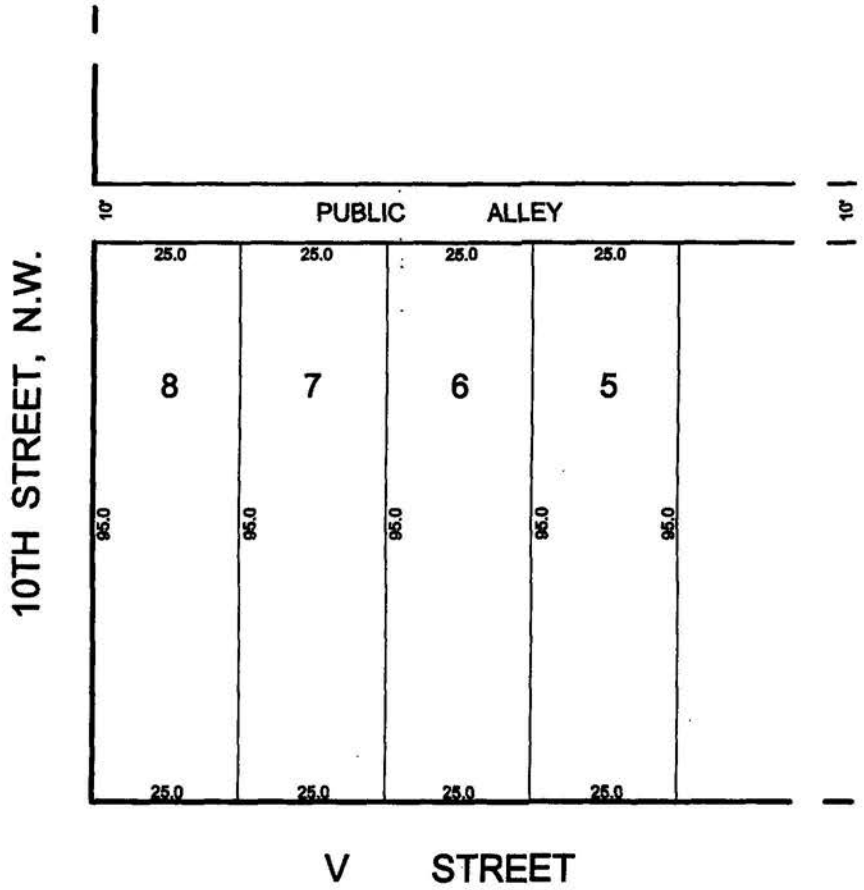
By: L.M.A.

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: 1/18/05

(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-16827(2005)

2105 10th Street, NW, L.L.C.

8511 Cedar Street • Silver Spring, Maryland 20910 • 301-587-1640 • Fax 301-587-1678

February 3, 2005

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

Re: Letter of Authorization
10th & V Streets, N.W.

Dear Members of the Board:

The property at the northeast corner of 10th and V Streets, N.W. (Square 358, Lots 5, 6 and 802) is owned by 2105 10th Street, N.W. Please accept this letter as authorization for Cynthia A. Giordano and Nathan W. Gross, AICP, and the law firm of Arnold & Porter LLP to file and prosecute on our behalf an application to the District of Columbia Board of Zoning Adjustment for variances and a special exception affecting the above-referenced property.

Sincerely,



Scott Friedman

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Pre-Hearing Statement in Support of Area Variances and a Special Exception To Allow Construction of a Residential Condominium at 10th and V Streets, N.W.

2105 10th Street, N.W., L.L.C., Applicant

May 9, 2005

I. Nature of Relief Sought

This is the Pre-Hearing Statement in support of an application by 2105 10th Street, N.W., L.L.C. (the "Applicant") for variance relief pursuant to Section 3103 of the Zoning Regulations and a special exception under Section 3104 to allow construction of a residential condominium at 10th and V Streets, N.W. (Square 358, Lots 5, 6 and 802) (the "Property"). The specific request is for variances from the rear yard, residential recreation space and slope of parking ramp requirements set forth in the Zoning Regulations at 11 DCMR §§ 774.1, 773 and 2117.8, respectively. A special exception pursuant to § 411 is also requested for flexibility from the roof structure setback requirements of § 770.6. The Property is zoned C-2-B/Arts and has 9,563 square feet of land area.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to §§ 3103 and 3104 of the Zoning Regulations.

III. The Site, Surrounding Area and Existing Zoning

The site is a nearly square property located at the northeast corner of the intersection of 10th and V Streets, N.W., in the Shaw neighborhood. Lot 802 is occupied by the First African New Church (the "Church"), an individually listed historic landmark with the address, 2105 10th Street, N.W. The remainder of the Property is partly vacant and partly occupied by a vacant, two-story brick building formerly occupied by Koons Roofing Company.

The Property is towards the eastern end of the U Street corridor, which has experienced significant new development and renovation of both commercial and residential buildings in the past 10-15 years, proceeding generally from 15th Street towards the east. The immediate neighborhood consists of a mixture of uses and zone districts.[1] The broad band of C-2-B/Arts zoning along and north of U Street and Florida Avenue, extending generally from 11th Street to 7th Street/Georgia Avenue, N.W. (including the Property), is improved predominantly with row dwellings, plus scattered retail and service uses, building materials and trades offices, churches and vacant lots.

The southern and eastern portions of the subject Square 358 are within the C-2-B/Arts District. Existing development on V Street to the east of the Property consists of an automobile repair shop and row dwellings on V Street and extending north along Florida Avenue. On a large site at Florida Avenue and W Street a six-story residential condominium is under construction.

Approximately the northwestern one-fourth of the subject square is devoted to two-story row dwellings and an apartment house, reflecting its R-5-B zoning. The R-5-B

---

[1] See the "Neighborhood Context Map" in *Exhibit A* and the "Zoning Map" in *Exhibit B*.

district extends two blocks to the west and north, where the predominant uses are townhouses, flats and small apartment buildings. Directly across 10th Street are three-story flats or apartments of fairly recent construction. Immediately across the alley to the north of the Church, a new three-story apartment house is under construction. The Garnett Patterson Middle School structure is located directly across V Street to the south and occupies its entire city block.

The Property is zoned C-2-B/Arts. C-2-B is a medium-density mixed-use zone that allows residential and mixed uses to a maximum height of 65 feet and 3.5 FAR, of which commercial uses are limited to 1.5 FAR. The "Arts" designation refers to the Mixed Use Uptown Arts overlay district, which modifies the base zoning to provide incentives for retail, arts, entertainment and residential uses along the 14th Street, U Street and 7th Street corridors. The provisions of this overlay zone are found in Chapter 19 of the Zoning Regulations.

IV. The Project

The Church will be preserved and converted to condominium apartments, and six stories of new construction will be an addition to the landmark church.[2] The Church is 53.73 feet high[3] and has approximately 5,531 gross square feet ("gsf") of floor area on four levels (1st to 4th Floors). The preservation of this space plus new construction of an additional of 906 gsf at the 3rd Floor level brings the total gsf in the Church to approximately 6,437 gsf.

---

[2] See the Photographs of the Property in *Exhibit C*, the "Zoning Analysis" tabulation in *Exhibit D* and the set of Plans in *Exhibit F*.

[3] The height of the steeple, which is exempt from the maximum height under zoning, is 67.07 feet.

The attached new apartment building will have a height of 64.5 feet and will accommodate 33,982 gsf of residential space for a total project of 40,171 gsf. This constitutes a 4.20 FAR on the site of 9,563 sf. This density in excess of the normal limit of 3.5 FAR is accomplished by use of bonus density pursuant to the overlay zone. Subsection 1904.3 states, "A building that provides 3.0 or more FAR devoted to residential use is entitled to a bonus of 0.5 FAR." The project qualifies for this 0.5 FAR bonus by exceeding 3.0 FAR of residential density. Subsection 1904.2 allows each square foot of space devoted to "below-market housing" to earn three square feet of bonus density. The Applicant proposes to include approximately 640 gsf of below-market housing to earn this additional bonus of 1,919 gsf. The total of 4.20 FAR is within the maximum density with bonuses (4.5 FAR) that is allowed in the C-2-B/Arts District under § 1904.1(b). A total of 42-45 apartments are proposed in the project.

Six conforming and 10 nonconforming parking spaces will be provided in the basement level, and an additional three nonconforming spaces will be provided off the alley for a total of 19 spaces. At the C-2-B requirement of one space for every three apartments, the normal zoning requirement would be 15 spaces. However, the landmark property is entitled to the waiver of required parking under § 2100.5. The Applicant notes that this is an urban neighborhood, and the site is within two blocks of the U Street/Cardozo Metrorail station and numerous bus lines.

On December 23, 2004 the Mayor's Agent for Historic Preservation approved the consolidation of lots into a single lot of record to be created for the purpose of carrying out this preservation-new construction project. The Historic Preservation Review Board ("HPRB") had previously granted concept design approval of the restoration and new

construction on November 18, 2004 and referred the subdivision request to the Mayor's Agent.

The height of the proposed new construction is 64.5 feet, which complies with the 65-foot height limit in the C-2-B District. The proposed building also complies with the following zoning requirements:

- Lot occupancy – 80 percent;
- Side yard – none required or provided;
- Penthouse – single enclosure;
- Parking – 6 conforming spaces in the basement level; plus 13 additional non-conforming spaces are provided; none required for a historic building;
- Loading – none provided or required for a residential building with fewer than 50 units; and
- Open court – exceeds minimum 15-foot width and 350 sf area and thus complies with zoning requirements.

The areas of requested variance relief are from the rear yard setback, the residential recreation space requirements and the parking ramp slope requirements. In addition, a special exception is requested from the penthouse setback/roof structure requirements. The rationale for the requested forms of relief is set forth in the following two sections.

V. The Requested Variances

The requested variances from the rear yard, residential recreation space and slope of parking ramp requirements are area variances, the granting of which requires a demonstration to the Board of Zoning Adjustment (the "Board" or "BZA") that some exceptional condition of the Property creates a practical difficulty for the owner in using or developing it as regulated by zoning. The Board must also find that the requested

variances can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

A. **Exceptional Condition/Practical Difficulty.** In this case the practical difficulty stems from the historic designation of the Church and the resultant regulatory and practical constraints on developing the Property.

1. ***Rear Yard Variance.*** Regarding the rear yard setback, a 15-foot rear yard is required under § 774.1. In this project, the main entrance is on V Street, and thus the rear yard is the opposite side -- the northern boundary of the Property -- which borders a 10-foot-wide public alley. In that location the Church faces 10th Street, and its northern side wall is on the northern property line along the alley. The Church by itself is allowed to have no side yard, but as a part of the larger development, it occupies part of the required rear yard setback area based on V Street as the front of the project. The new construction to the southeast of the Church complies with the 15-foot rear yard requirement.

The exceptional condition is that, as a designated historic landmark, the Church essentially cannot be demolished, and accordingly there is no practical way to comply with the rear yard setback under zoning.

The lack of a rear yard is thus a technicality created by V Street becoming the front of the larger project. Along the 10th Street frontage, it is preferable in urban design terms for the church to continue in place rather than to demolish the Church (even if that were to be allowed) and create a 15-foot-wide gap in the built street frontage in order to comply with the rear yard requirement. This is a densely-constructed, urban

neighborhood with predominantly attached buildings, and a continuation of that pattern is generally considered preferable to creating large gaps in the street wall.

The alternative of using 10th Street as the front of the project could not be pursued because this would have required construction abutting the rear (east) wall of the Church, thus obscuring this part of the historic landmark and also being complicated by the fact that this wall is not a party wall (unlike the south side wall, which will abut the new construction). Also, creating a 15-foot setback along the eastern border of the property on this small site would substantially reduce the building's footprint, resulting in a significant loss of FAR given the 65-foot height limit and creating serious constraints in laying out the apartment building. Also, as on 10th Street, this approach would create an unattractive 15-foot-wide gap in the built street frontage along V Street, which could potentially become a public safety problem as well.

The Applicant also notes the favorable intent of the Zoning Regulations in avoiding rear yard requirements that result in unsightly gaps in the built fabric. In particular, for Commercial Districts, § 774.9(c) allows a court to be provided in lieu of a rear yard on a corner lot. This relief, however, is limited to the C-3-B through C-5 zone districts. The intent of this regulation should be noted favorably in regard to a mid-rise apartment building in the C-2-B/Arts District as proposed in this application.

2. ***Residential Recreation Space Variance.*** The residential recreation space requirement in the C-2-B District is fifteen percent (15%) of the residential gross floor area of the building. In this case, the requirement is 6,035 square feet. The project plans dedicate 275 square feet of residential recreation space on one roof deck at the 6th story level on the 10th Street side. Immediately adjacent to the deck is an interior room having

363 gsf that will be used as a "function" or "party" room with casual seating and a wet bar. The landscaped portion of the front yard or "parking" at the ground level constitutes an additional 1,771 square feet of outdoor sitting or walking area as recreation space. The Applicant also notes that a significant number of balconies are provided for the apartment units, totaling 1,191 gsf. Although these are private and thus do not qualify as residential recreation space, they help achieve the goal of on-site recreation space for residents of the building.

The total residential recreation space provided is thus 3,600 square feet, the great majority of which is outdoors and in the spirit of § 773.8, which requires at least 50 percent of the space to be outdoors. This is 60 percent of the required amount of space. Also, the 11-foot, 4-inch east-west dimension of the roof deck does not meet the required 25-foot minimum width requirement of § 773.7.

The practical difficulty regarding residential recreation space stems from the following factors. First, the historic church has a sloping roof that cannot accommodate recreation space. Second, the core facilities in the new construction must serve the Church as well as the new construction and the proportionally large core facilities (in terms of the new construction) preclude a significant part of the combined roof level from being devoted to recreational uses. This leaves a relatively small roof area available for recreation space. Third, the site, at 9, 563 sf is quite small and is rendered smaller still when the footprint of the Church is excluded from it. Setbacks required by the HPRB further decreased the roof area.

3. ***Slope of Parking Ramp Variance.*** Subsection 2117.8 sets forth standards for "a driveway that provides access to required parking spaces." Paragraph (a) states:

(a) It shall have a maximum grade of not more than twelve percent (12%) with a vertical transition at the property line.

Comment: The actual maximum grade provided is a 20 percent slope. This is unavoidable for the following reasons. To maintain historic integrity on the site, the existing and proposed facades on 10th Street and V Street should not be penetrated by a driveway entrance. The only desirable option is off the alley, which is at the high point of the site, although the grade differential is quite small. The driveway must then go below the cellar level of apartments and must accomplish this in a distance of only 95 feet – the north-south dimensions of the building site. Consequently, the grade must be relatively steep to reach the parking level.

B. The requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan. The proposed variances can be granted without detriment to the public good and without impairing the zone plan. As to the rear yard variance, the proposed new construction provides a 31.56-foot rear yard along the east-west alley, significantly exceeding the 15-foot requirement. The Church, which occupies the remainder of this property line, is an existing condition with very few windows facing the alley and properties to the north. Thus, in terms of imposing upon the light, air or privacy of neighbors to the north, the paucity of windows on the north wall of the Church, the extra space provided by the alley and the setback of the new construction assure that there will be no such imposition.

The project is fully in keeping with the purposes of the C-2-B/Arts zoning of the site, as well as the purposes of the Historic Preservation Act. The existing zoning encourages full-density residential buildings up to a maximum height of 65 feet in the interest of adding population, pedestrian activity and consumer support for business and

entertainment uses in the 14th and U Street corridors. The project restores the landmark Church in conjunction with compatible new construction that has received concept design approval from the Historic Preservation Review Board.

Regarding the shortfall in residential recreation space, it should be noted that the purposes of the Arts overlay district are to encourage an active environment of retail, arts and entertainment uses along 14th, U and 7th Streets, in a pedestrian-oriented environment. The residents of the condominium will take advantage of nearby attractions and meet many of their recreational needs in that manner.

Regarding the non-complying slope of the parking ramp, the Applicant notes that this will be a residential property with less in-and-out traffic than many retail, office and nonprofit uses (customers, commuters, business visitors). Also, the total number of parking spaces is relatively small, with 16 spaces on the parking level.

VI. The Requested Special Exception

This Application also requests a Special Exception regarding the roof structure setback (§§ 770.6, 411.11). Subsection 770.6 applicable to the Commercial zones, provides, in part:

> *770.6 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:*
>
> *(a) It shall meet the requirements of § 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;*

In this Application, the plans provide a north side penthouse setback facing the rear courtyard that is slightly less than the required 1:1 ratio. Specifically, the proposed

height of the penthouse is 12 feet, whereas the setback is 10.23 feet. Hence the need for zoning relief.

Section 411 governs roof structures in all zone districts and authorizes a special exception from the setback requirements and some other standards. The following summary indicates compliance with all but the setback requirements. Then the basis for the specific request is set forth.[4]

411.1 Purpose clause. Not regulatory.

411.2 Cross reference to specific standards in zone districts, including § 770.6 applicable to the C-3-A District among others and the subject property.

411.3 All penthouses and mechanical equipment shall be placed in one enclosure and shall harmonize with the main structure in architectural character, material and color.

Comment: The building has one rooftop enclosure. The roof structure has been designed to be low (12 feet), simple and unobtrusive. The exterior material will be a plaster in a light color in the white or gray range. The Historic Preservation Review Board has granted concept design with the roof structure included.

411.4 When there are varying roof levels, multiple elevator cores are allowed.

Comment: Not applicable. Only the new construction has elevator cores, and this roof has one level.

411.5 Enclosing walls from roof level shall be of equal height and shall rise vertically to a roof, except as provided in § 411.6.

Comment: A higher roof is proposed above the elevator machine room to accommodate standard machine requirements. This roof is proposed to be three feet higher than the rest of the penthouse roof. Although the penthouse is allowed to be 18.5

[4] A copy of the full text of § 411 is attached in *Exhibit E.*

feet tall, the plans have maintained a 12-foot-high penthouse favored by the HPRB and consistent with the Applicant's desire to keep the overall penthouse as low as possible and thereby minimize its visibility from the street and sidewalk.

411.6 Allows no roof on the penthouse when the penthouse encloses solely mechanical equipment, and use of louvers.

Comment: The Applicant does not request the flexibility allowed in this subsection.

411.7 Additional density of 0.37 FAR is allowed solely for the roof structure.

Comment: The allowed 0.37 FAR equals 3,515 g.f.a. The proposed roof structure is only 1,825 g.f.a. and therefore complies with the regulations.

411.8 Roof structures not to exceed 1/3 of roof area in those zones having a limit on the number of stories.

Comment: Not applicable because the C-3-A District does not have a limit on the number of stories.

411.9 Special provision for mass transit facilities.

Comment: Not applicable.

411.10 The Zoning Administrator is to refer plans to the Office of Planning for review and report as to whether the roof structure harmonizes with the exterior of the building.

Comment: This provision applies to a matter-of-right project. In the instant case, the Office of Planning will report its findings to the Board of Zoning Adjustment.

The special exception provision is § 411.11:[5]

411.11 Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding

[5] Subsections 411.12 through 411.17 provide rules of interpretation rather than regulation and are accordingly not reviewed as to compliance.

area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; 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.

This is the critical regulation authorizing a special exception from the setback standards of § 770.6. The justification for setting back less than 1:1 from all exterior walls in this project is simply that the 10.23-foot setback dimension aligns with the elevator hoistway and cannot be increased. The elevator provides access from the parking level up to the sixth floor. The hoistway has been set back as far away from the rear yard as possible while still maintaining a 20-foot drive aisle at the parking level.

If this special exception is approved, there is unlikely to be any impairment of the zone plan or any substantial adverse effect on the public. The actual setback is only 1-foot, 9-inches less than the required setback. The penthouse is only 2/3 of the height allowed under the Zoning Regulations (12 feet provided versus 18.5 feet allowed). This reduced height more than offsets the very minor deviation from a 1:1 setback on one of the four walls of the building.

VII. Community Comment

The applicant has presented the plans and discussed the project on two occasions with Advisory Neighborhood Commission ("ANC") 1B. On May 5, 2005 the ANC took at official vote to support approval of the application. The Cardozo-Shaw Neighborhood

Association ("CSNA"), Preservation and Development Committee, has officially endorsed the project.

VIII. Conclusion

Based on the analysis and rationale presented in this statement and other evidence submitted to the record of this case, the Applicant believes that the requested variances and the special exception are justified. The Applicant respectfully requests approval by the Board.

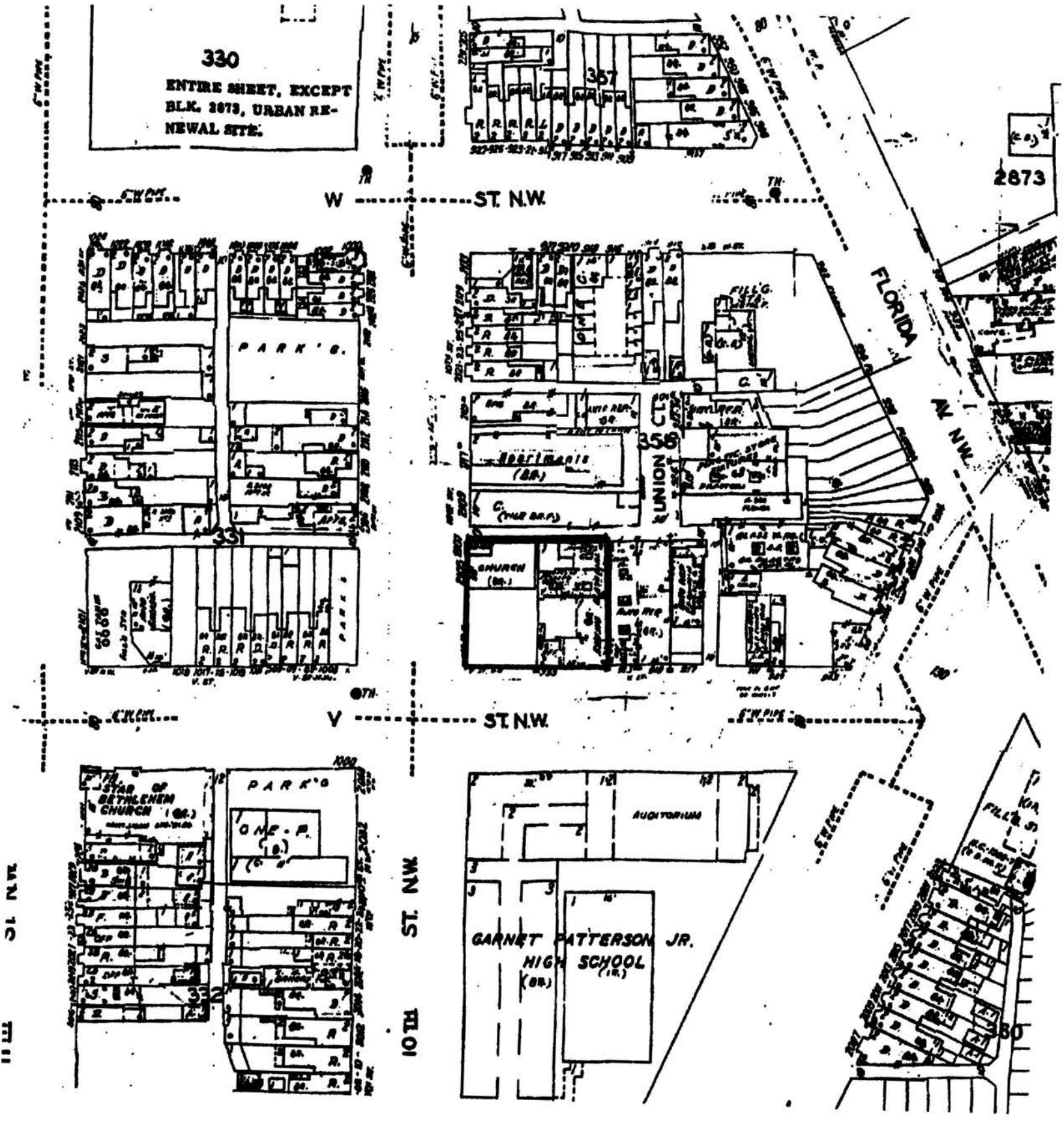
Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

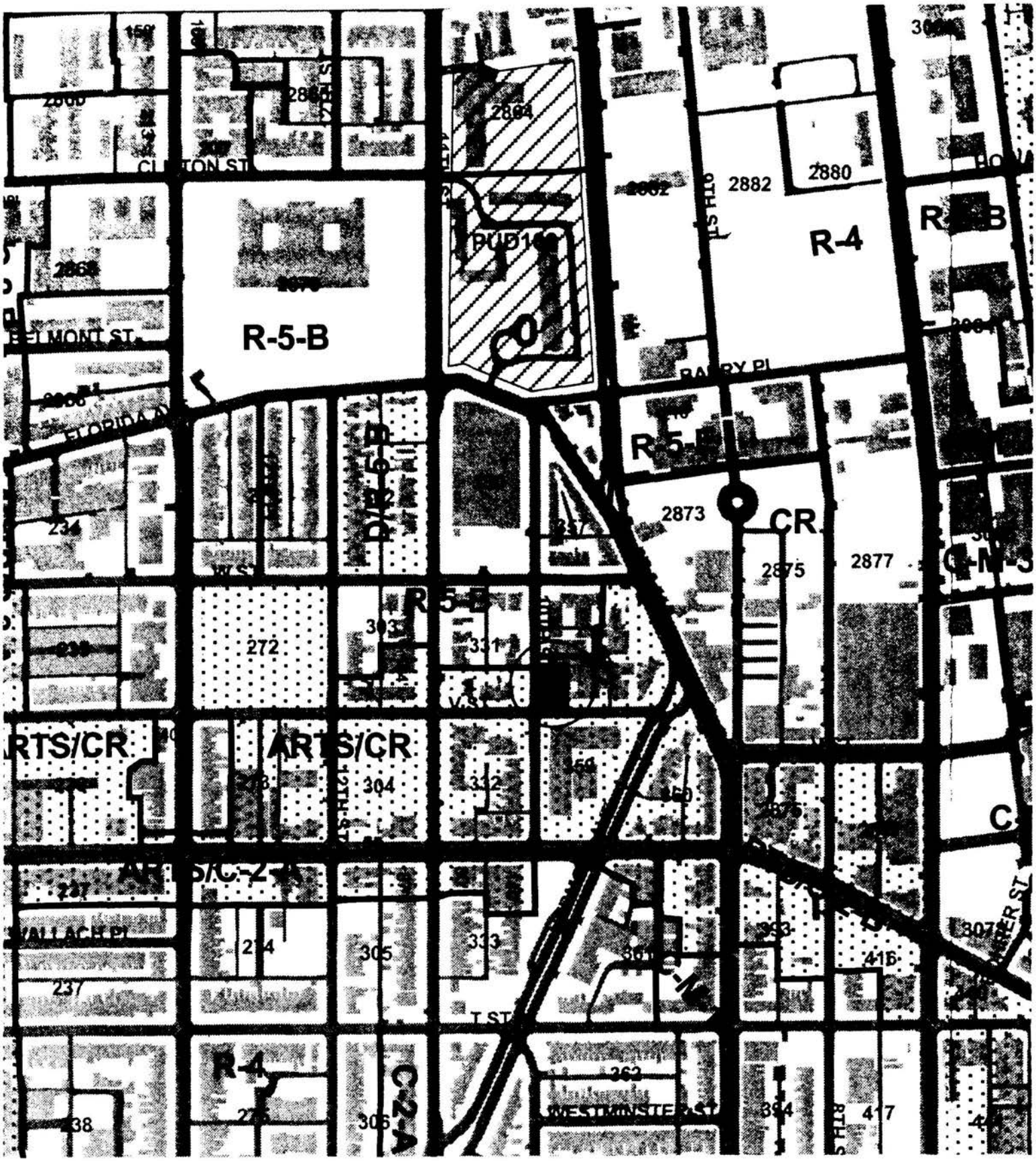
Attachments

Exhibit A: **Site Location and Neighborhood Context Map**



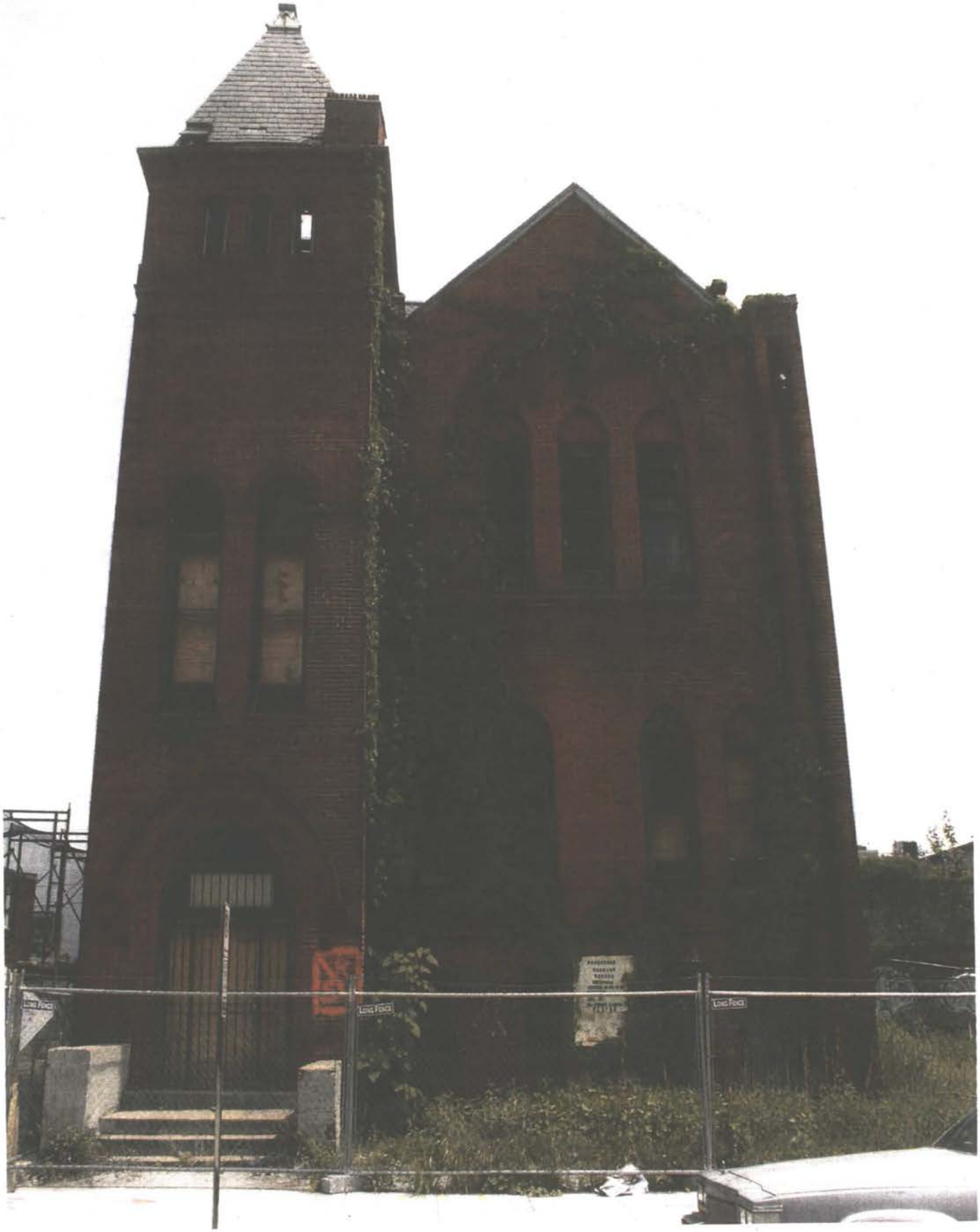
SITE LOCATION AND NEIGHBORHOOD CONTEXT MAP

Exhibit B: **Zoning Map**


R-5-B
R-4
R-5-B
R-5-E
ARTS/CR
ARTS/CR
R-4
C-2-A
PUD
2882
2880
2873
2875
2877
CLINTON ST
BELMONT ST
FLORIDA AV
T ST
WESTMINSTER ST

ZONING MAP

Exhibit C: **Photographs of the Property**



Front façade of First African New Church as viewed from 10th Street, NW



The project site (within fence) looking northeast from 10th/V Streets, NW intersection



North wall of the Church with east-west alley in foreground, at 10th Street, NW

Exhibit D: **Zoning Analysis Tabulation**

10th and V Street Condominium

Washington, DC 20009

Analysis by:	David Baker			C-2-B / Arts
Applicable Section(s)	Requirements	Values	C / NC / NA / P	Relevant Criteria
DC Zoning Map- 1/1/03		**Site Data:**		
	Lot:	5, 6 & 802		From owner's statement
	Square:	358		
Client provided information	Site Area:	9,563 SF		From Willes Mensch survey
DCMR 11 - dated Feb 2003		**Zoning Data:**		
DC Zoning Map- 1/1/03	Zone:	C-2-B / Arts		
DCMR- 720.6	Existing Use:			
	10th and V Streets, NW:	Church, roofing contractor, and vacant lot	C	From owner's statement
	Existing Gross Floor Areas:			
	Existing Church Building:		Bays*	For projecting bays, obtain preliminary approval from Building Code review branch
	1st Floor-	1,675 GSF	62 SF	
	2nd Floor-	1,675 GSF	62 SF	
	3rd Floor-	1,675 GSF	62 SF	
	4th Floor-	258 GSF (assumed)	62 SF	
	5th Floor-	NA		
	6th Floor-	NA		
	Total-	5,283 GSF	248 SF	
	Proposed Gross Floor Areas:			
	Proposed Building:		Bays*	10th: 31 LF x 4' = 124 SF/Floor; V Street: 51 LF x 4' = 204 SF/Floor
	Terrace level	0 GSF	NA	Cellar level does not count towards GFA.
	1st Floor-	5,973 GSF	78 SF	
	2nd Floor-	5,973 GSF	78 SF	
	3rd Floor-	6,879 GSF	158 SF	
	4th Floor-	5,973 GSF	78 SF	
	5th Floor-	5,642 GSF	76 SF	
	6th Floor-	4,448 GSF	429 SF	
	Penthouse lofts-	0 GSF	300 SF	
	Total-	34,888 GSF	1,197 SF	
	Grand total-	40,171 GSF	1,445 SF	
DCMR- 770.1	Allowable Building Height:	65 feet - no limit in the number of stories		
	Existing-	67.07 feet		From Willes Mensch survey
	Proposed-	64.5 feet		Measured to highest point of roof or parapet.
DCMR- 771.2	FAR:			
	Residential Use-	3.5	C	R-2 residential
	Bonus-	0.5 (38,252 GSF)	C	Arts Overlay District - a building that included 3.0 or more FAR devoted to residential
	Bonus-	0.5	C	Arts Overlay District - for each 1 SF of "Below Market Housing" receive 3 SF bonus
	Maximum permitted-	4.5 (43,033 GSF)	C	4,781 GSF / 3 = 1,594 GSF of BMR
	Proposed-	4.2 (40,171 GSF)	C	1,919 GSF / 3 = 640 GSF of BMR

Abbreviations:
C- Conforming
NC- Non-Conforming
NA- Not Applicable
P- Prohibited

10th and V Street Condominium

Washington, DC 20009

DCMR- 772.1	**Lot occupancy:**	**80% - Residential use**		7,650 GSF
DCMR- 771.2	**Allowable Building Area:**			
	Maximum allowable building area-	**43,033 GSF**	C	4.5 x 9,563
	Proposed area-	**40,171 GSF**	C	
	Existing total building area-	**1,675 GSF**		
	Total allowable building footprint based on lot occupancy-	**7,650 GSF**	C	Lot occupancy: 80% x 9,563 (most restrictive)
	Proposed footprint-	**7,648 GSF**	C	
	Total building footprint based on rear yard setback-		NA	
DCMR- 773.3	**Residential Recreation:**			
	Required-	**15% of net residential area**	NC	**Net area has been used in the past to calculate the RRA. May be reduced by application to BZA.**
	Provided-	**638 GSF**	NC	
DCMR- 774.1	**Rear Yard:**	**15' minimum depth**		See DCMR 774.7. Building "front" shall be V Street.
DCMR- 774.7	Required - Above 20'-	**15'**	C	Measured from the rear lot line. New construction would be conforming.
	Existing-	**0.0'**	NC	
DCMR-774.2	**Waiver of rear yard setback:**			The Board of Zoning Adjustment may waive the rear yard requirements pertaining to the C-2-B zone provided that the standards set forth in 774.3 through 774.6 are met.
DCMR- 775.5	**Side yard:**	**Not required / provided**		But if provided must be 2" wide for each foot of height of building, but not less than six feet (6 feet)
	Proposed addition-			
DCMR- 776.1	**Courts:**			
DCMR- 776.3	Required width-	**15' minimum**	C	
DCMR- 776.4	Area of closed court-	**350 sf minimum**	C	Area shall be twice the square of the width of the court.
DCMR- 777 / 411	**Roof Structures:**			
DCMR- 411.3	Single enclosure-		C	Shall be a single penthouse structure or linked to create a single structure.
DCMR- 411.5	Enclosing walls-		NC	Shall be of equal height and setback from the edge of the building by a distance equal to its height.
DCMR- 411.8	Area determined by roof area-	**1,483 GSF**	NA	Shall not exceed 1/3 of the total roof area. (4,450 roof x .33) (most restrictive)
	Area determined by GFA-	**3,515 GSF**	C	Shall not exceed 0.37 FAR = 3,515 GSF
	Proposed penthouse-	**1,825 GSF**	C	
DCMR- 2100.1	**Parking:**			Area does not count in GFA since it is "cellar" space.
DCMR- 2100.5	Existing-	**0 spaces**	C	BZA waiver per DCMR 2100.5 due to historic landmark status
DCMR- 2101.1	Req'd-	**15 spaces**	C	1 for each 3 dwelling units - (approximately 43 units are proposed)
	Provided-	**19 spaces**	C	6 conforming spaces provided
DCMR- 2115.1	Size of spaces-	**9ft wide x 19ft long**		
DCMR- 2115.5	Vertical clearance-	**6'-6" minimum**	C	
DCMR- 2117.4	Alley width-	**10ft minimum**	C	
DCMR- 2117.5	Aisle width-	**20ft minimum**	C	For 90 deg. Parking
DCMR- 2117.8(a)	Driveway grade-	**12% maximum**	NC	Proposed 20% grade
DCMR- 2117.8(c)(2)	Driveway width-	**14ft minimum**	C	For two-way circulation

Abbreviations:
C- Conforming
NC- Non-Conforming
NA- Not Applicable
P- Prohibited

10th and V Street Condominium Washington, DC 20009				
DCMR- 2201.1	**Loading Requirements:**			
	Req'd-	**0**	**NA**	
	Existing / provided-	**0**	**NA**	Required with 50 or more units
DCMR12- 3202	**Projections:**			
DCMR12- 3202.7.1	Limitation based on street width-	**10ft on 80ft street, 12ft on 85ft street**		Clear space from outer edge of curb to projection
DCMR12- 3202.7.2	Clearance-	**8"**	**C**	Between projection and extended party lines
DCMR12- 3202.9.1	Areaways-			
DCMR12- 3202.9.1.2	Enclosure height-	**Limited to grade**	**C**	Except for 8" coping and railing
DCMR12- 3202.9.1.3	Projection-	**4 ft**	**NC**	In C district. 6.5ft if R district.
DCMR12- 3202.9.1.4	Railing-	**42" - 48"**	**C**	
DCMR12- 3202.10	Bay windows / Balconies-			
DCMR12- 3202.10.1.1	Alley location-	**Not Permitted**	**C**	
DCMR12- 3202.10.1.2	Restriction based on zoning-	**Not Permitted in C district**	**NC**	
DCMR12- 3202.10.2 and 3202.10.3	Projection-	**4'**	**C**	Projection: 3' for streets width 60-70 ft, and 4' for streets > 70 ft.
		Width: 10th Street - 31ft and V Street - 51ft.		Width: 13 feet plus 6" for every foot of building in excess of 24 feet.
DCMR12- 3202.10.7	Pilasters-	**4" projection, 8" at base**	**C**	Not to exceed 5ft wide
DCMR12- 3202.10.8	Bases, water tables and sills-	**8" projection**	**C**	Not more than 4ft above grade
DCMR12- 3202.10.9	Belt courses, cornices and roof overhangs-	**8" projection, 60" for cornice and overhangs**	**C**	Unlimited length and height
DCMR12- 3202.11.3	Steps and ramps-	**10' projection**	**C**	On parked streets
DCMR12- 3202.12.2	Canopies-	**5' projection**	**C**	8' height clearance, may project beyond 5' if approved by code official
DCMR- 2503.1 DCMR- 2503.2	**Structures in Req'd Open Spaces:** May occupy yard-	**If not > 4 ft above grade**	**C**	

Abbreviations:
C- Conforming
NC- Non-Conforming
NA- Not Applicable
P- Prohibited

Exhibit E: Roof Structures Regulations, 11 DCMR § 411

411 ROOF STRUCTURES (R)

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), penthouses for storage and toilets incidental and accessory to roof swimming pools shall be subject to conditions and variable floor area ratio credit specified in this section.

411.2 When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3 when applicable, and to the conditions and variable floor area ratio specified in this section.

411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.

411.4 When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.

411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.

411.6 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

411.7 Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted.

411.8 Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories.

411.9 In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.

411.10 Before taking final action on a roof structure plan, the Zoning Administrator shall submit the plan to the D. C. Office of Planning for review and report. The report shall be returned within fifteen (15) days of the date of submission unless a different period has been provided by mutual agreement of all parties involved.

411.11 Where impracticable 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 Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; 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.

411.12 For purposes of this section, the rules of interpretation provided in §§ 411.13 through 411.17 shall be applicable.

411.13 In computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floors contained within a roof structure measuring six and one-half feet (6½ ft.) ormore in height shall be included in the total floor area ratio permitted.

411.14 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio, but shall be computed as a roof structure to determine if they comply with § 411.8.

411.15 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.

411.16 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.

411.17 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.

SOURCE: § 3308 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 33 DCR 3975 (July 4, 1986); Final Rulemaking published at 33 DCR 4682 (August 1, 1986); Final Rulemaking published at 33 DCR 7308 (November 21, 1986); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8370 (October 20, 2000).

Exhibit F: **Project Plans**

10TH AND V STREET CONDOMINIUM

WASHINGTON, DC

OWNER: 2105 10TH STREET NW LLC, C/O CROSSTOWN PROPERTIES

BUILDING CODE AND PROJECT DATA:

SITE DATA:

LOT	SQUARE	AREA
5,6,802	358	9,563 SF

ZONING DISTRICT:

C-2-B / ARTS OVERLAY DISTRICT

CONSTRUCTION TYPE:

TYPE 1: CONCRETE FLAT PLATE
MASONRY AND STEEL STUD NON-LOAD BEARING WALLS

USE GROUP:

R2: MULTI-FAMILY RESIDENTIAL

FIRE SUPRESSION SYSTEM:

FULLY SPRINKLERED

NUMBER OF STORIES ABOVE GRADE:

6 STORIES

BUILDING HEIGHT:

64.50 FT MEASURED FROM TOP OF CURB @ ℄ OF 10TH ST ELEVATION

FAR FLOOR AREAS:

	NEW	CHURCH	TOTAL
FIRST:	5,973 GSF	1,675 GSF	7,648 GSF
SECOND:	5,973 GSF	1,675 GSF	7,648 GSF
THIRD:	5,973 GSF	1,675 GSF	7,648 GSF
FOURTH:	5,973 GSF	1,164 GSF	7,137 GSF
FIFTH:	5,642 GSF	0 GSF	5,642 GSF
SIXTH:	4,448 GSF	0 GSF	4,448 GSF
TOTAL:	33,982 GSF	6,189 GSF	**40,171 GSF**

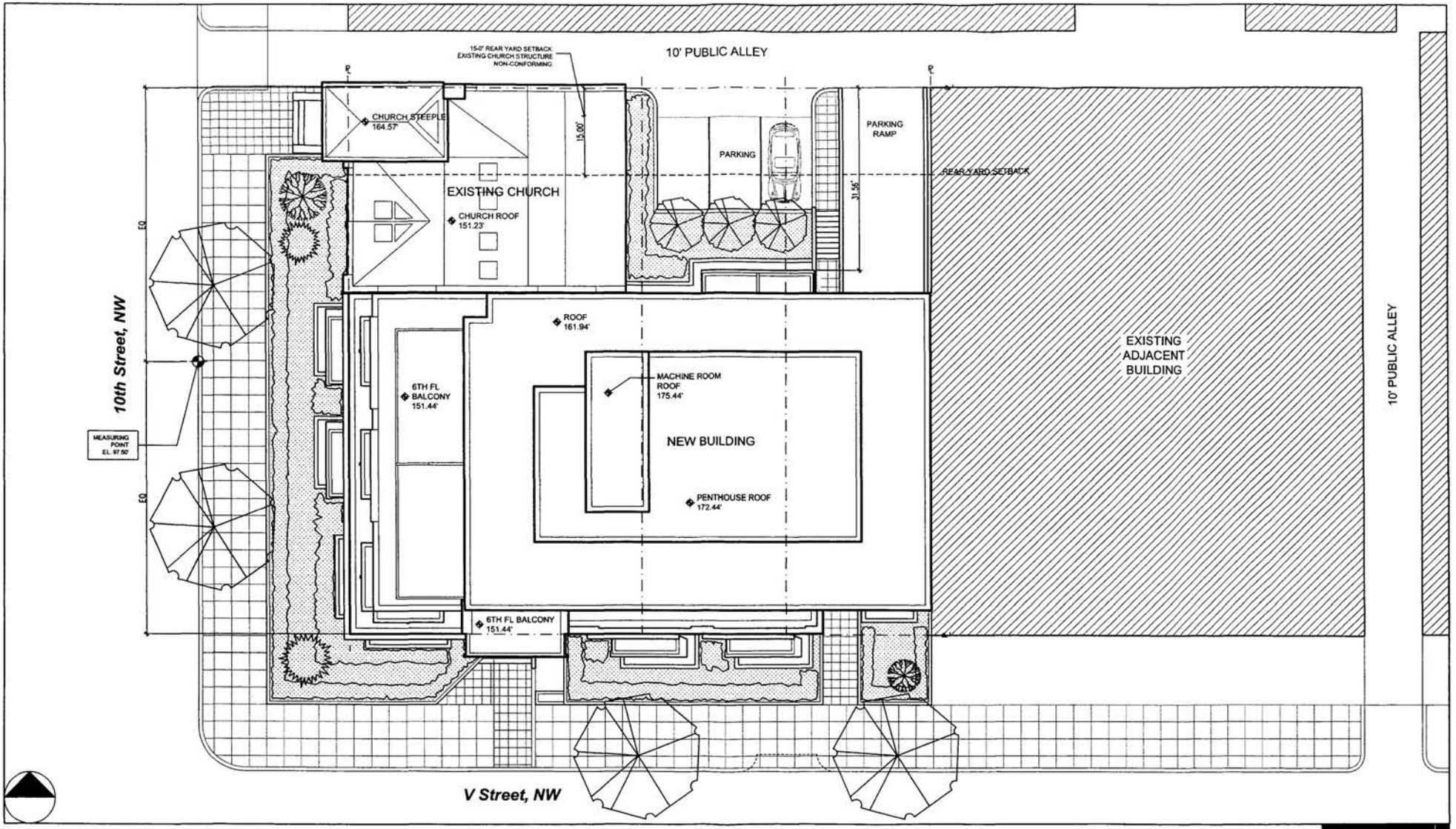
PARKING SPACES:

REQUIRED: 0 SPACES
PROVIDED: 6 CONFORMING SPACES
13 NON-CONFORMING SPACES

APPLICABLE CODES:

DC CONSTRUCTION CODE SUPPLEMENT DCMR 12A/ 2003
DCMR 11 ZONING/ 2003
INTERNATIONAL BUILDING CODE/ 2000
INTERNATIONAL PLUMBING CODE/ 2000
INTERNATIONAL MECHANICAL CODE/ 2000
INTERNATIONAL FIRE CODE/ 2000
INTERNATIONAL PROPERTY MAINTENANCE CODE/ 2000
INTERNATIONAL FUEL CODE/ 2000
INTERNATIONAL ENERGY CONSERVATION CODE/ 2000
NFPA NATIONAL ELECTRICAL CODE/ 1996





BZA SUBMISSION

FEBRUARY 2005

SITE PLAN

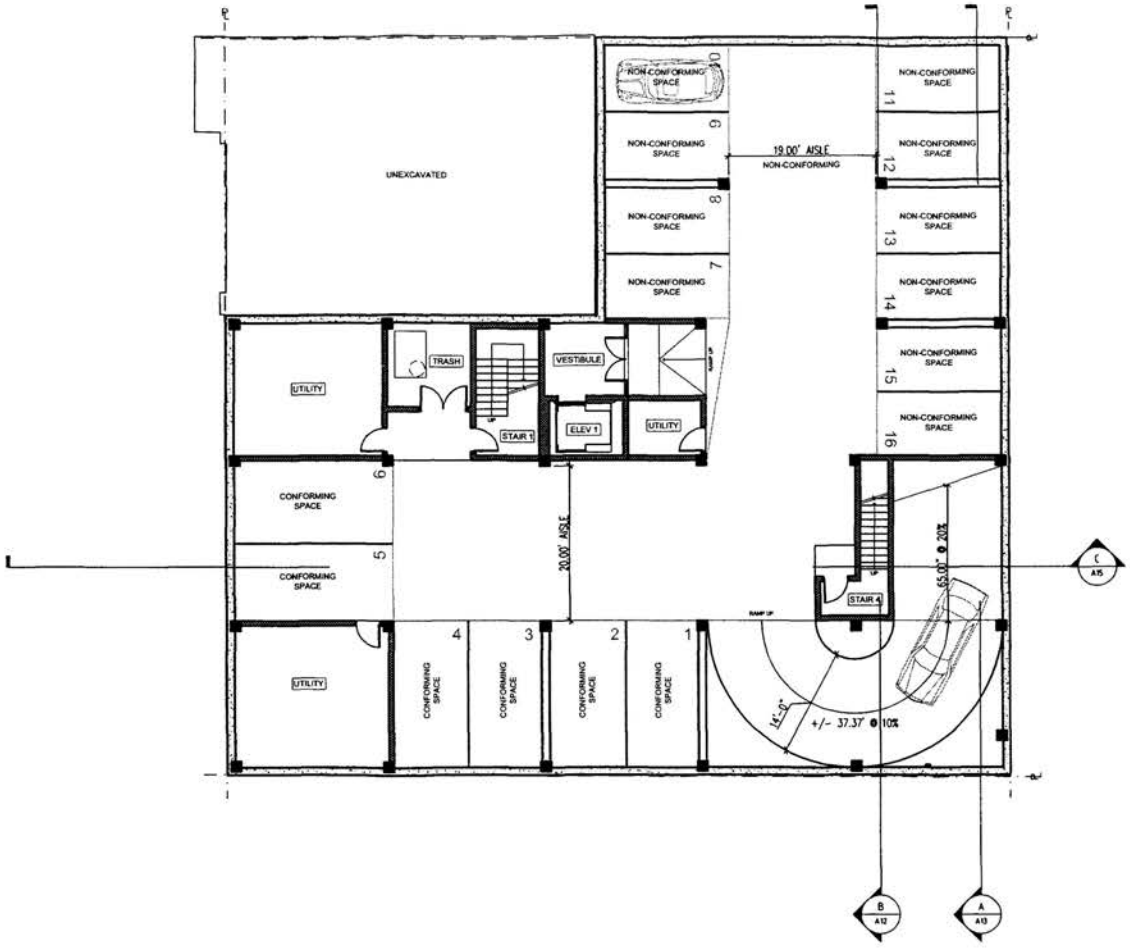
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A1



BZA SUBMISSION

FEBRUARY 2005

PARKING FLOOR PLAN

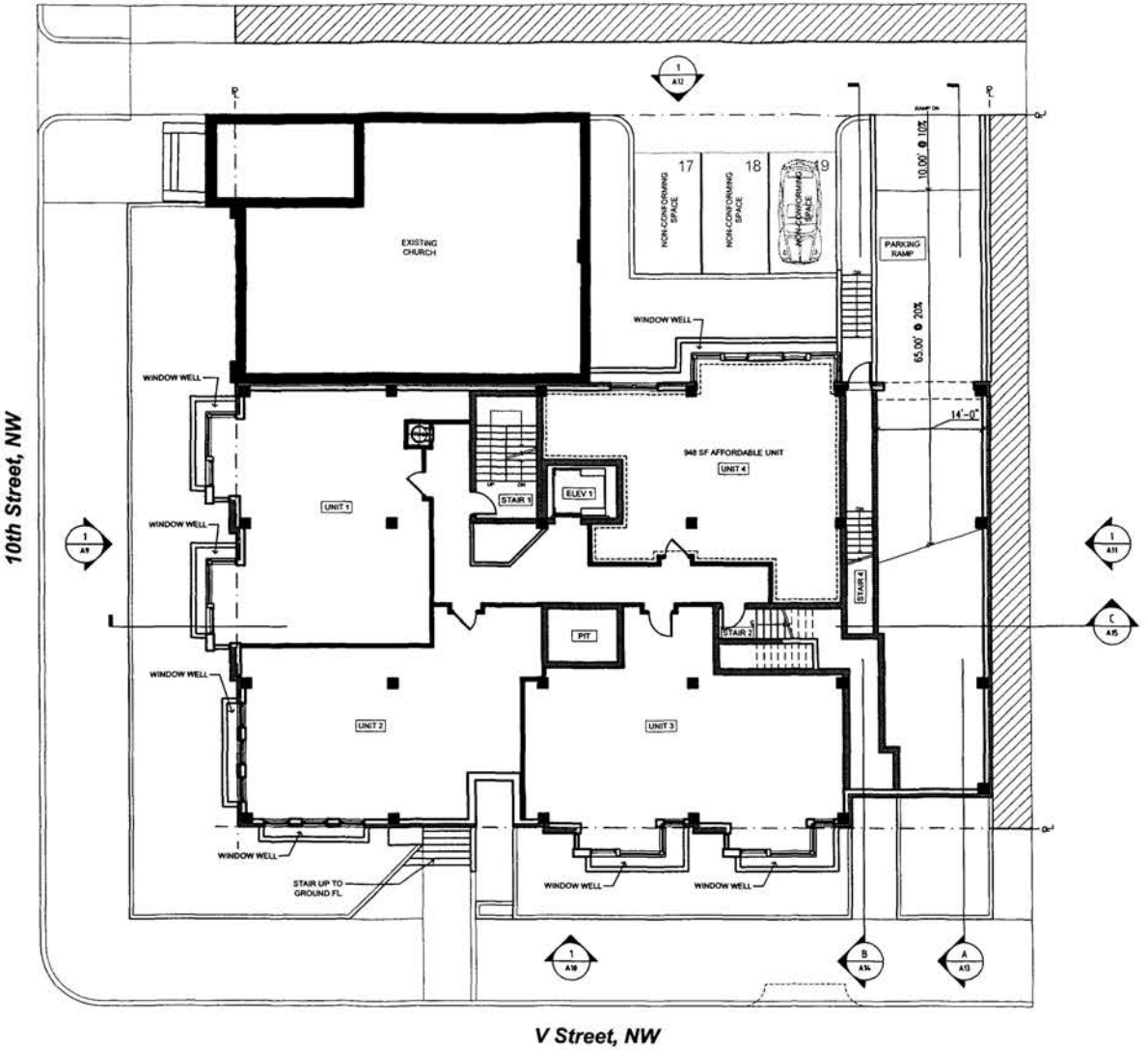
SCALE: 1' = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A2



BZA SUBMISSION

FEBRUARY 2005

CELLAR FLOOR PLAN (NON-F.A.R.)

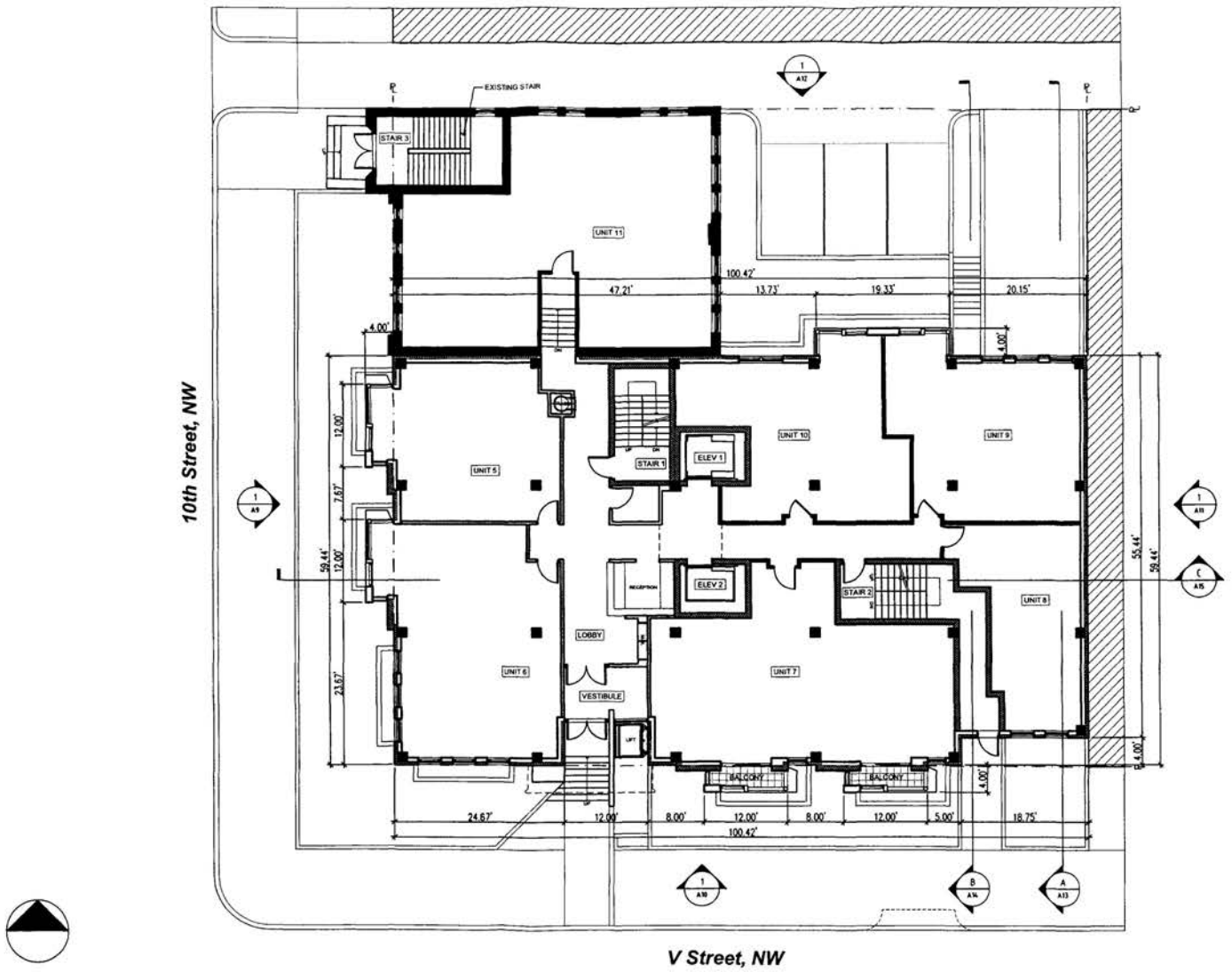
SCALE: 1' = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A3



BZA SUBMISSION

FEBRUARY 2005

GROUND FLOOR PLAN

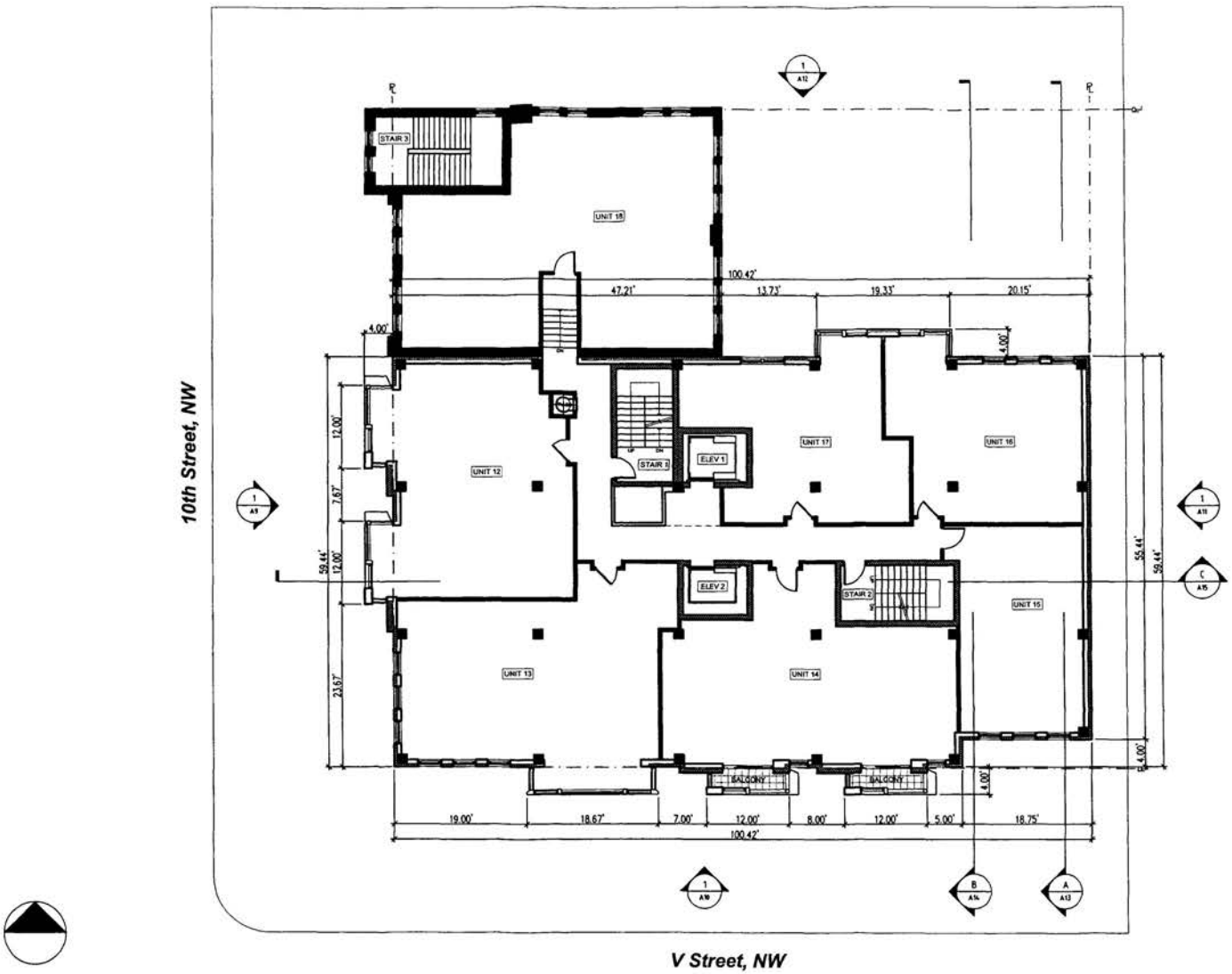
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A4



BZA SUBMISSION

FEBRUARY 2005

TYPICAL FLOOR PLAN

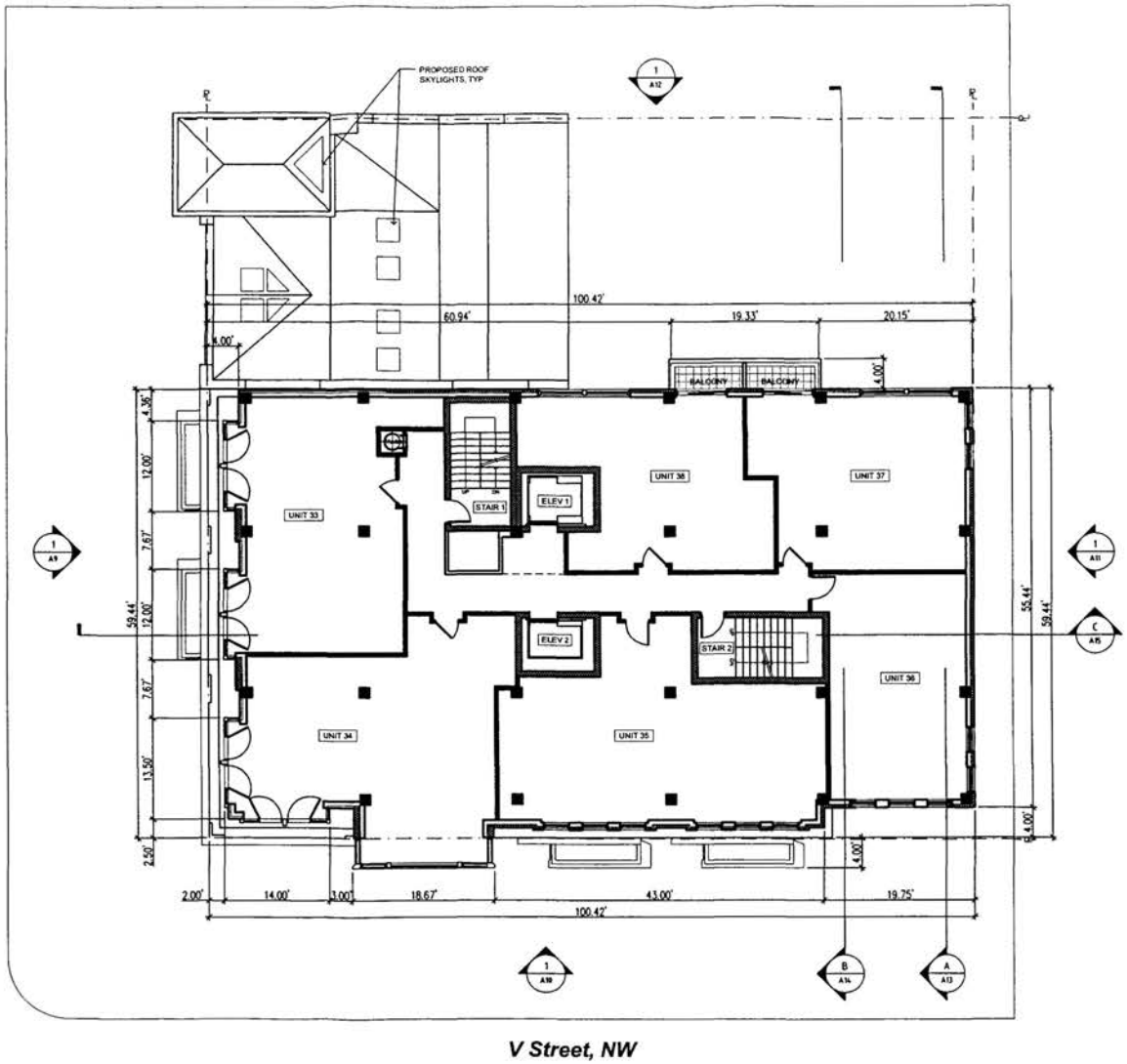
SCALE: 1' = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A5



BZA SUBMISSION

FEBRUARY 2005

FIFTH FLOOR PLAN

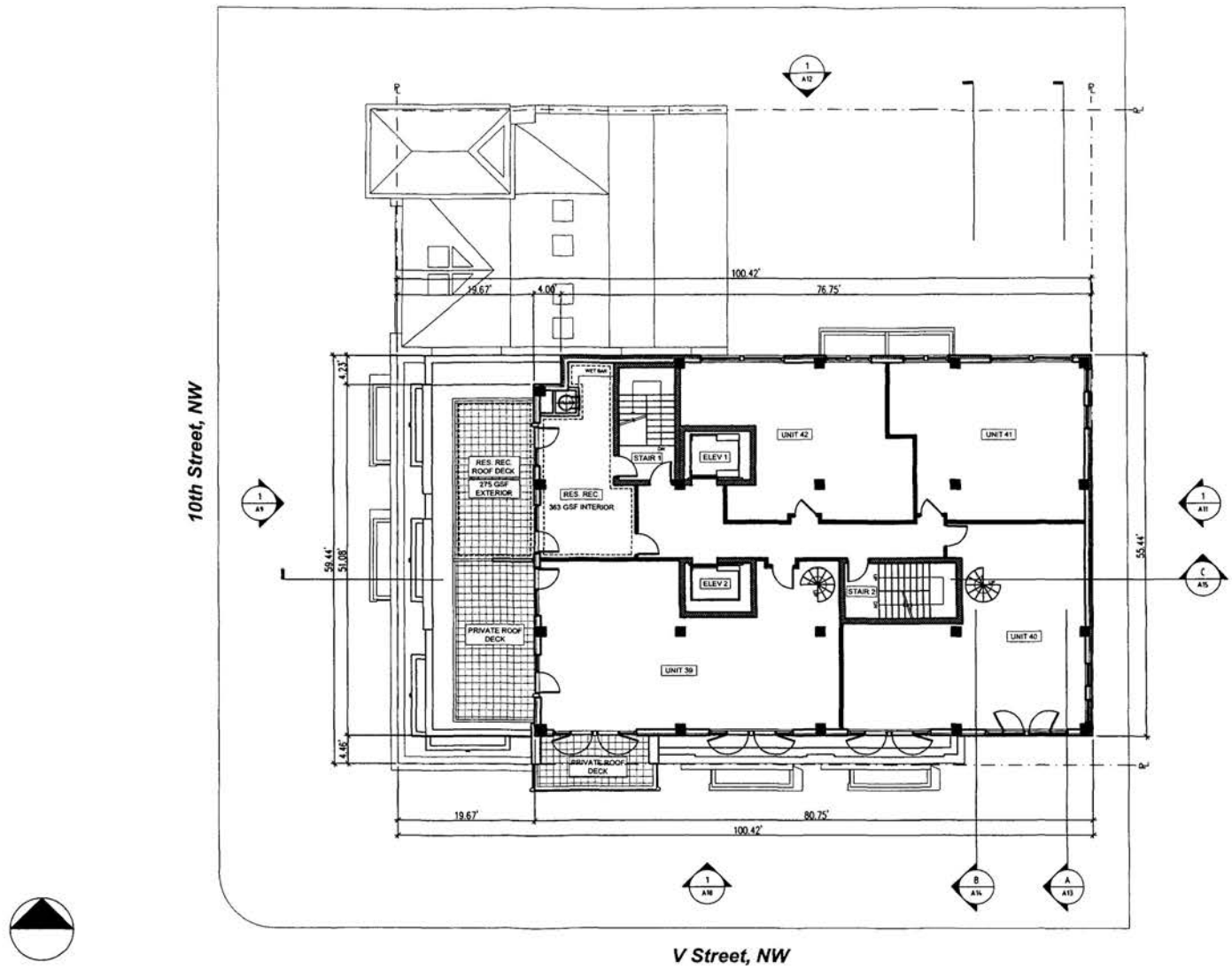
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A6



BZA SUBMISSION

FEBRUARY 2005

SIXTH FLOOR PLAN

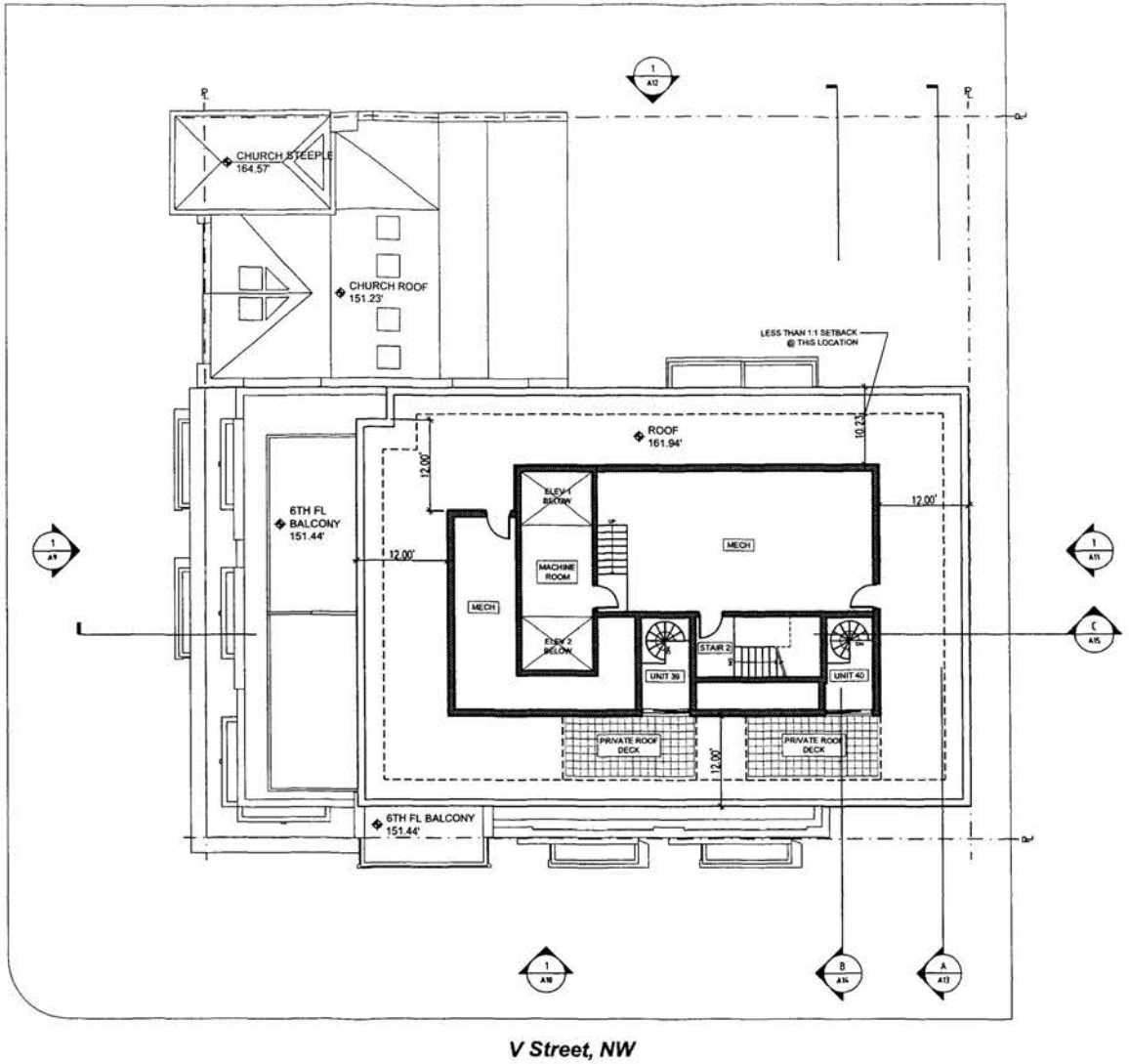
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A7



BZA SUBMISSION

FEBRUARY 2005

ROOF / PENTHOUSE PLAN

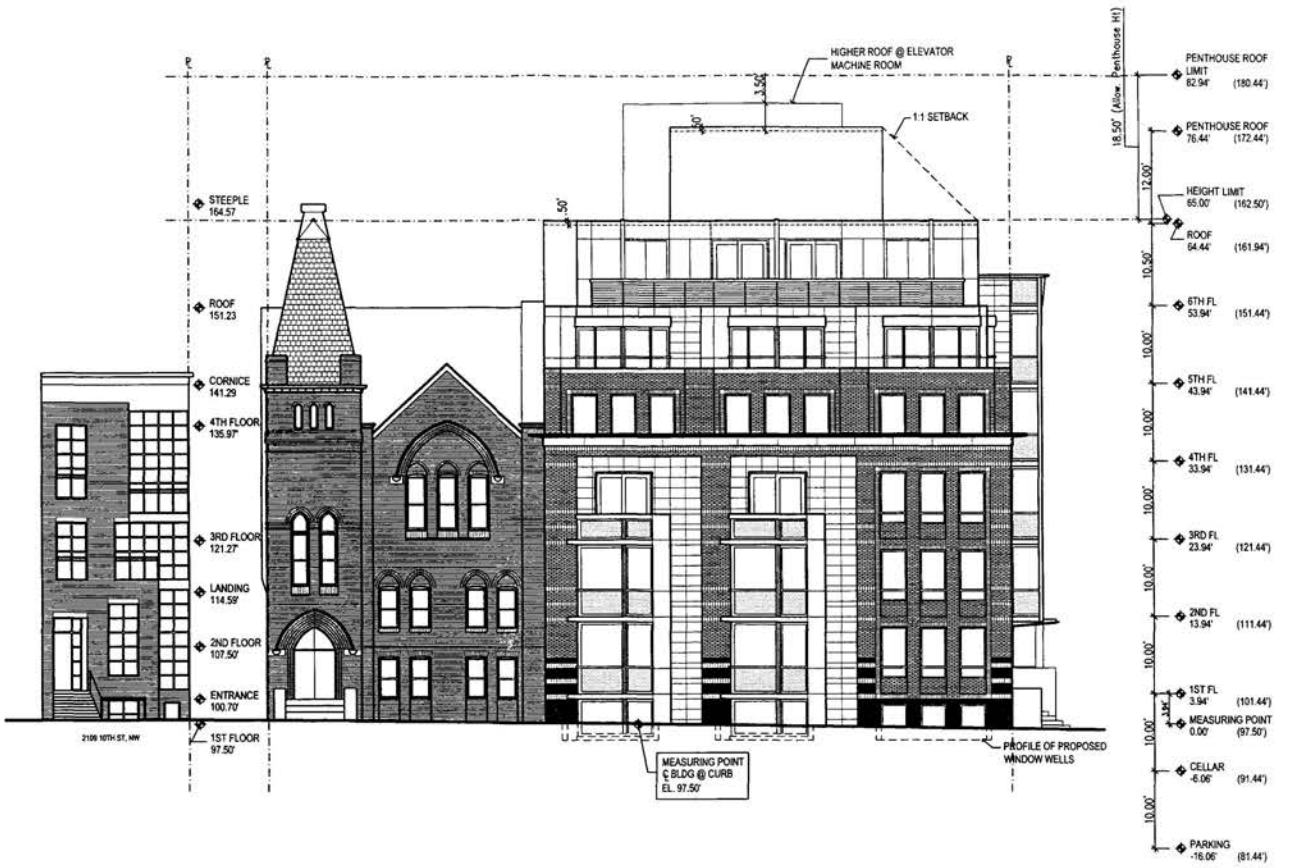
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A8



BZA SUBMISSION

FEBRUARY 2005

WEST ELEVATION

SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A9



BZA SUBMISSION

FEBRUARY 2005

SOUTH ELEVATION

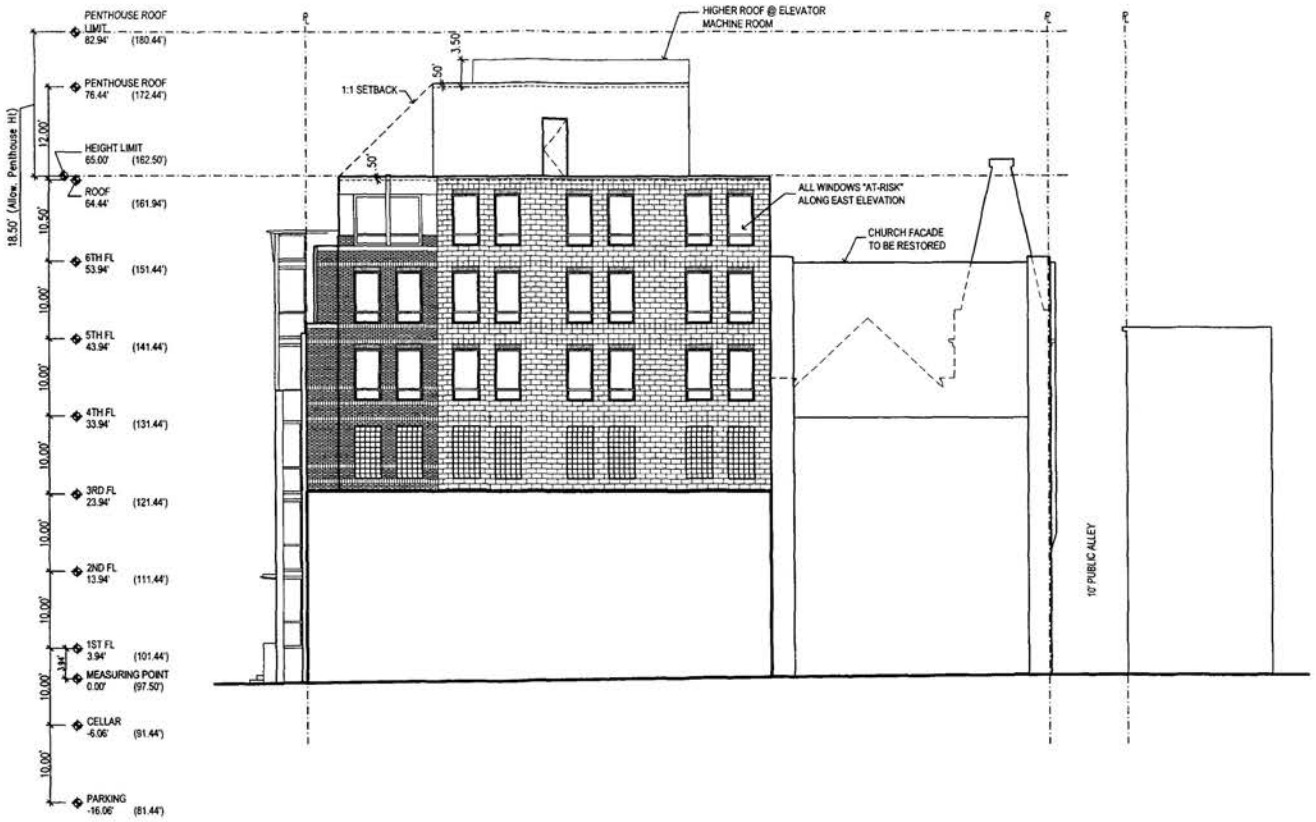
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A10



BZA SUBMISSION

FEBRUARY 2005

EAST ELEVATION

SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

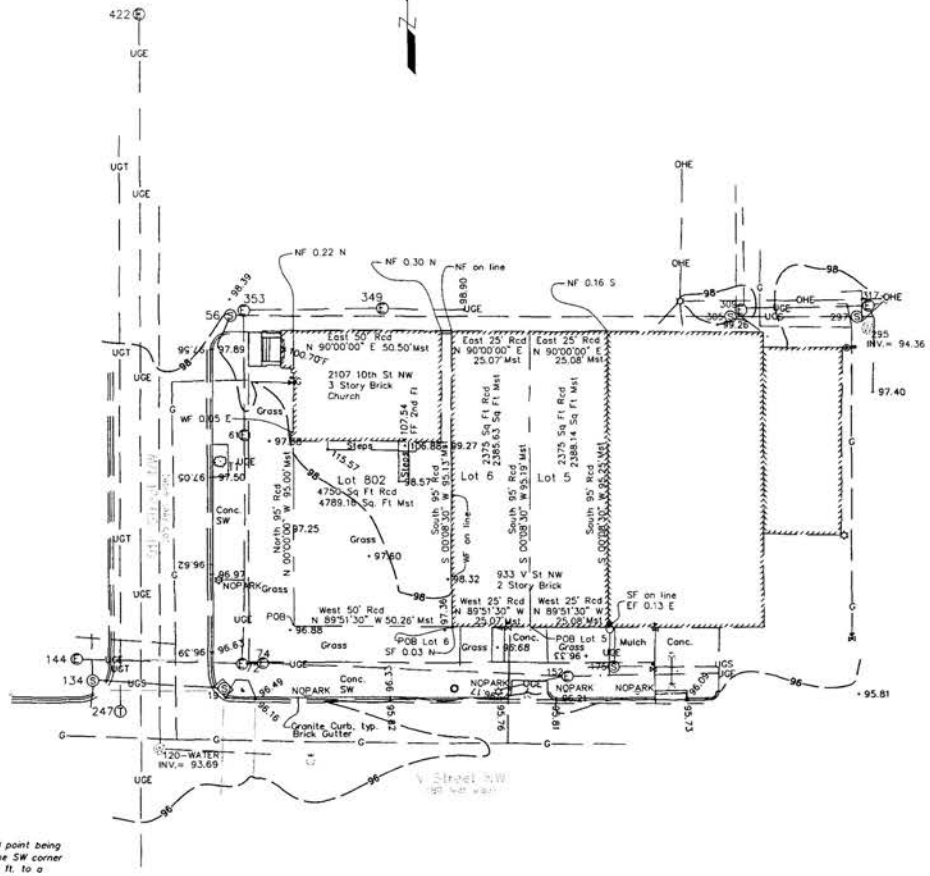
A11

LEGEND

- STORM MH
- TOP ASPHALT CURB
- MANHOLE ??
- ELEC. METER
- SIGN
- PHONE MH
- LIGHT POLE
- ELEC. MH
- BUILDING
- GAS VALVE
- SANITARY INVERT
- SANITARY MH
- TELEPHONE INVERT
- WATER INVERT
- ELECTRIC INVERT
- STORM INVERT
- WATER VALVE
- WATER METER
- WATER MH
- TREE
- PAVEMENT
- GROUND SHOT
- MULCH LINE
- CHISLED X
- RAIL RD SPIKE
- FLY STATION
- TRAVERSE
- BS.
- STORM INVERT
- HANDICAPPED RAMP
- UNDG. GAS
- UNDG. SEWER PIPE
- UNDG. WATER LINE
- FLOW LINE PAVMT
- FLOW LINE CONCRETE
- FLOW LINE
- WHITE LINE
- EDGE OF WALL
- TOP OF SLOPE
- UNDG. PHONE
- UNDG. ELEC.
- OVERHEAD ELEC.
- SIDEWALK
- EDGE OF CONC.
- CONC. STEP / STOOP
- EDGE OF CONC. STEP
- EDGE OF PAVEMENT
- CENTER LINE

TREE TABLE

?? 1" TREE



UTILITY TABLE

Note: All sewers are combined Storm/ Sanitary by

134 SEWER TOP= 96.50
INV.IN = 91.84 To 12IN.
INV.IN = 90.04 To 12IN.
INV.IN = 86.34 To 12IN.
INV.OUT= 84.27 To 10IN.

144 ELEC TOP=96.65

152 ELEC TOP=96.30
INV.OUT= 93.90

175 SEWER TOP= 96.46
INV.IN = 88.21 To 12IN.
INV.OUT= 88.07

19 SEWER TOP= 96.45
INV.OUT= 96.45 To FOT

247 TEL TOP=96.42
INV.OUT= 88.91

297 SEWER TOP= 97.53
INV.IN = 92.25 To 6IN.
INV.OUT= 90.84 To 6IN.

305 SEWER TOP=97.97
INV.IN = 90.24 To 12IN.
INV.OUT= 90.23 To 12IN.

309 ELEC TOP=97.89
INV.OUT= 95.89

317-ELEC TOP=97.79
INV.OUT= 93.89

349/ELEC TOP=98.59
INV.OUT= 94.89

353-ELEC TOP=98.10
INV.IN = 95.00
INV.OUT= 94.99

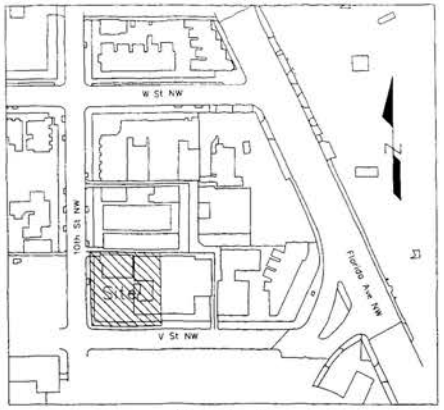
422 ELEC TOP=99.33
INV.OUT= 90.88

56 SEWER TOP=98.00

61 ELEC TOP=97.90
INV.OUT= 95.12

72-ELEC TOP=96.81
INV.OUT= 87.62

74-ELEC TOP=96.77
INV.OUT= 87.56



Vicinity Map
Not to Scale

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

To: (name of client), (name of lender, if known), (name of title insurance company, if known), (name of others as instructed by client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes items _____ of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that [Surveyor to complete certificate with the appropriate ONE of the following three phrases]

** the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.*

** the survey measurements were made in accordance with the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."*

** proper field procedures, instrumentation and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."*

Date: _____

(signed) _____ *(seal)*
License No.

Legal Description Lot 802: Begining at a point, said point being the SW corner to Square 358 as shown on this plat and being the SW corner of Lot 802. Thence North 95.00 ft. to a point, thence Eat 50.50 ft. to a point, thence South 0°8'30" West 95.13 ft. to a point, thence North 89°51'30" West 50.26 ft. to the point of beginning and containing 4789.16 sq ft as measured.

Legal Description Lot 6: Begining at a point, said point as shown on this plat being the SW corner of Lot 6, Thence North 0°8' 30" East 95.13 ft. a point, thence East 25.07 ft. to a point, thence South 0 °8' 30" West 95.19 ft. to a point, thence North 89°51' 30" West 25.07 ft. to the point of beginning and containing 2,385.63 square feet as measured..

Legal Description Lot 5: Begining at a point, said point as shown on this plat being the SW corner of Lot 5, Thence North 0°8' 30" East 95.19 ft. a point, thence East 25.08 ft. to a point, thence South 0 °8' 30" West 95.25 ft. to a point, thence North 89°51' 30" West 25.08 ft. to the point of beginning and containing 2,388.14 square feet as measured..

Notes:

1) The topographic data on this survey is the results of a field survey by this firm.
2) Contour elevations shown are referenced to DCDWP datum, meridian referenced to DCSO.
3) Boundary information shown hereon was obtained from official city records, and verified in the field insofar as possible. Property line dimensions from official records may not necessarily agree with actual measured dimensions. All property lines in the District of Columbia are subject to change by the Office of the Surveyor, D.C.
4) Visible Utilities have been shown.
5) Distances and Directions shown are noted as measured (Mst) and record (Rcd).
6) Property is identified as Flood Zone C – areas of minimal flooding as identified on FIRM Community Panel Number 110001 0020 B dated Nov. 15, 1985

DISTRICT OF COLUMBIA
WILLIAM H. SCOTT III
No. 901231
LICENSED
LAND SURVEYOR

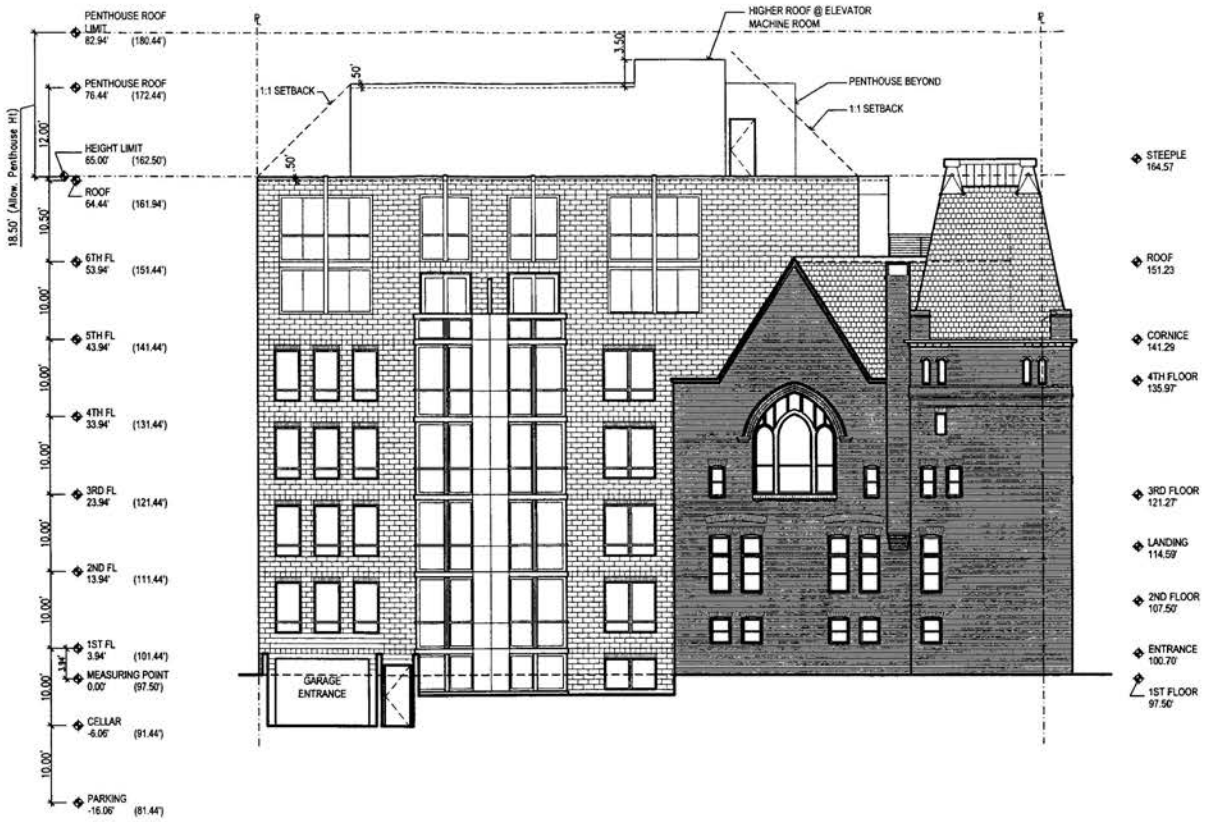
DATE	DESCRIPTION	BY
8-5-04	Additional Field Shots (curb west side 10th St)	WHS

WILES MENSCH CORPORATION
Planning, Engineering, Surveying & Landscape Architecture
11860 Sunrise Valley Drive Suite 200 Reston, Virginia 20191
(T) 703.391.7600 (F) 703.264.0595 www.wilesmensch.com

Broad Street Ventures, LLC
Topo, Utility, & Boundary Survey
10th & V Street, NW
Washington, DC

ALTA/ASCM Land Title Survey
JOB NO. 210-04-S
Sq 358 Lots 802, 5, 6

1" = 20'	DATE: 7-27-04	SHEET 1 of 1



BZA SUBMISSION

FEBRUARY 2005

NORTH ELEVATION

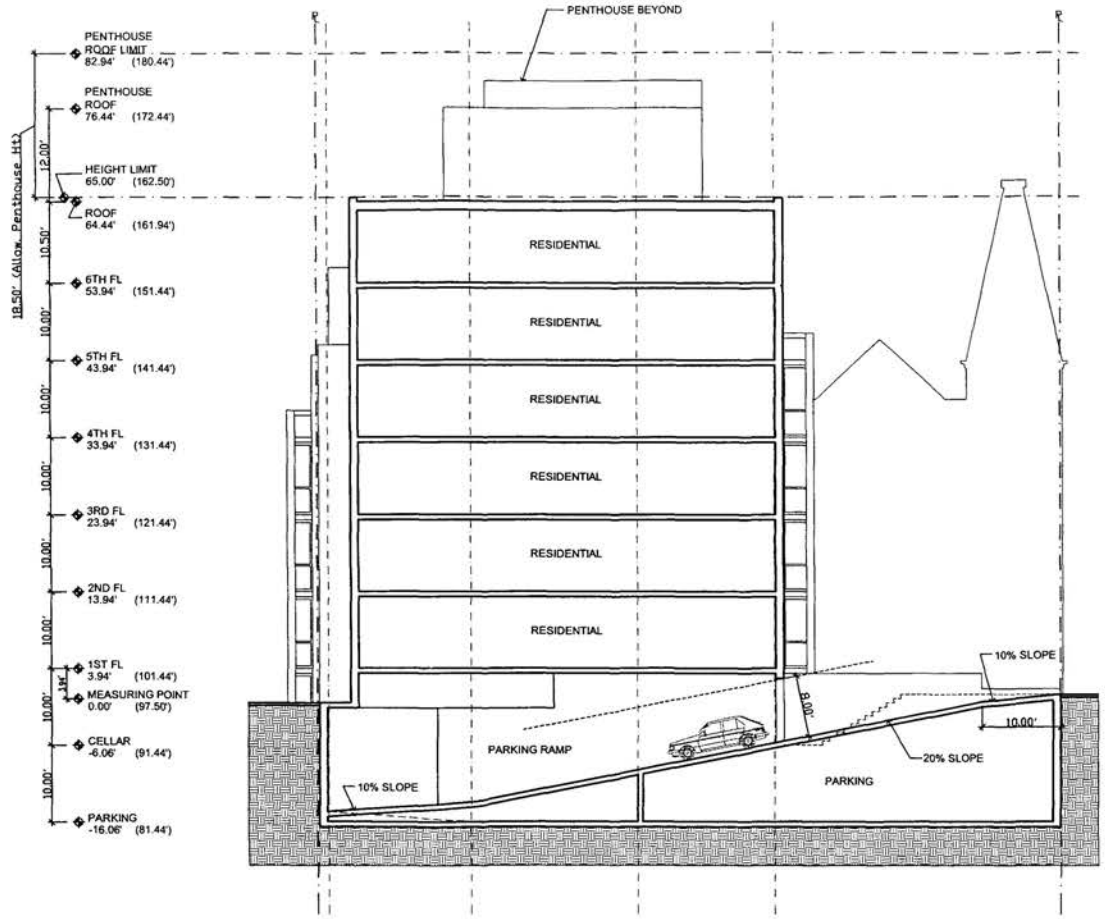
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A12



BZA SUBMISSION

FEBRUARY 2005

SECTION A

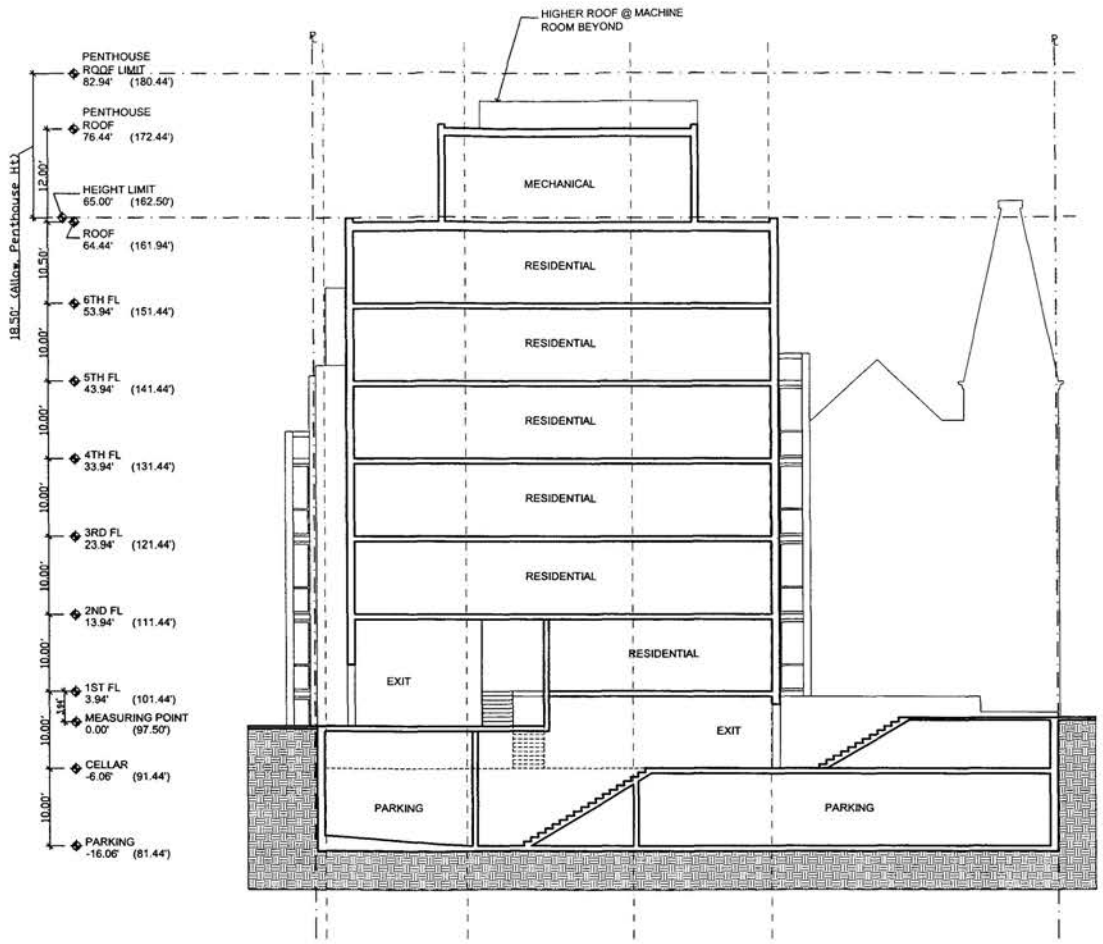
SCALE: 1' = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A13



BZA SUBMISSION

FEBRUARY 2005

SECTION B

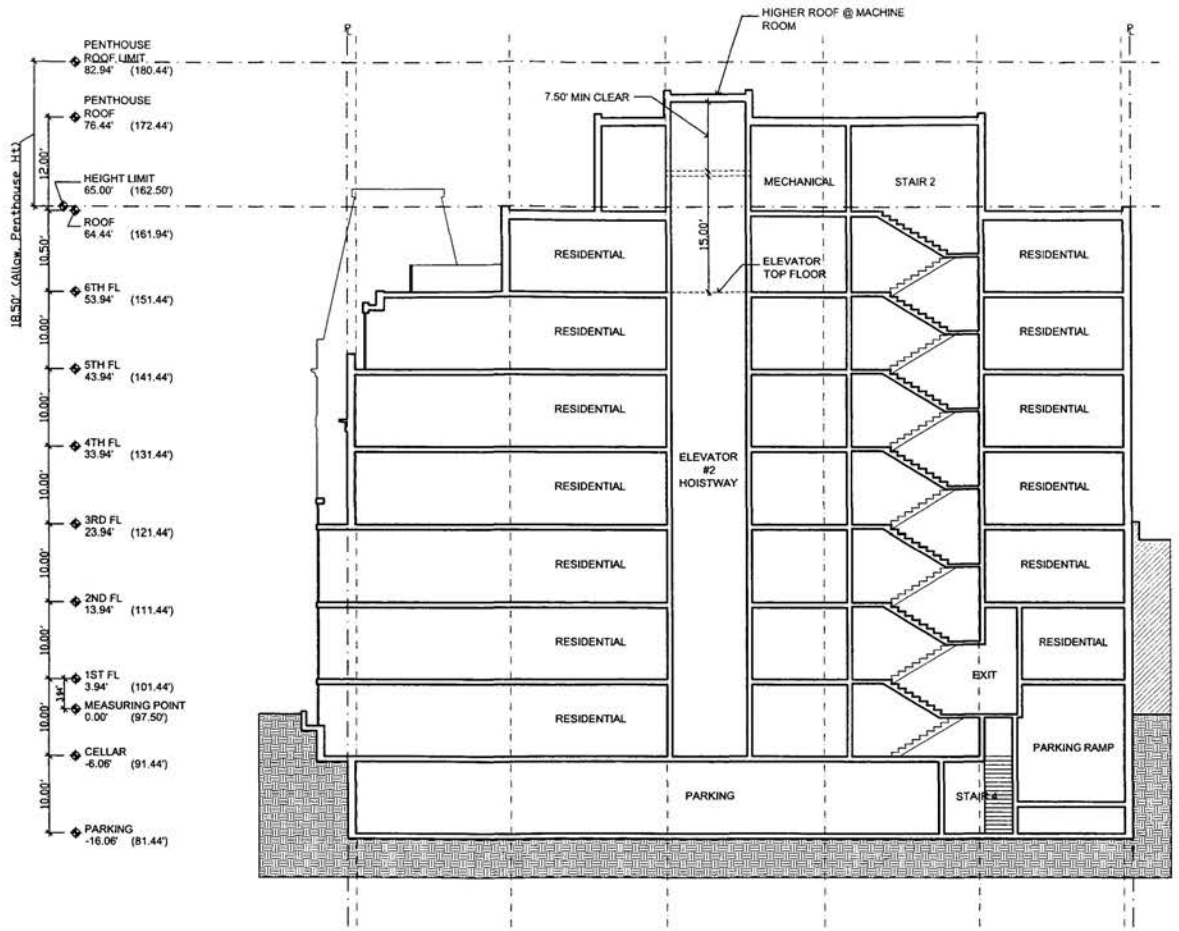
SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects PC

A14



BZA SUBMISSION

FEBRUARY 2005

SECTION C

SCALE: 1" = 1/16"

10TH & V STREET CONDOMINIUM

WASHINGTON, DC

Bonstra Architects pc

A15

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., January 18, 2005

Plat for Building Permit of SQUARE 358 LOTS 5,6,7 & 8

Scale: 1 inch = 20 feet Recorded in Book B Page 61

Receipt No. 16827

Furnished to: WALTER SMITH

Surveyor, D.C.

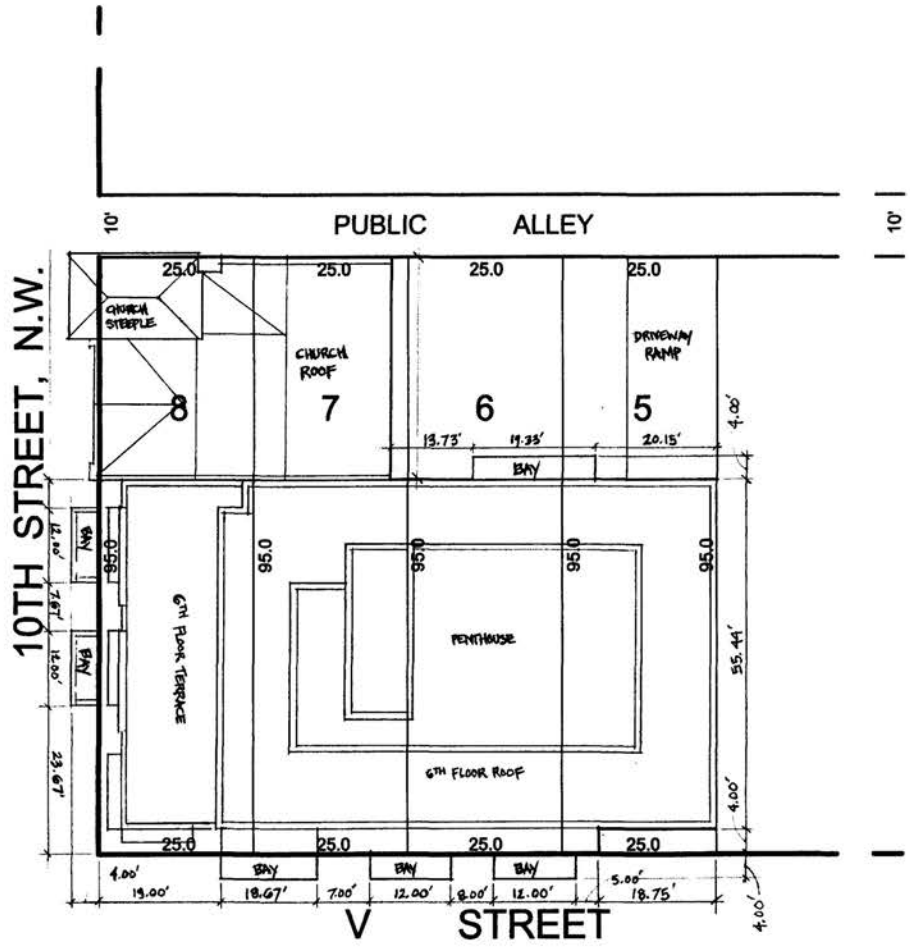
By: L.M.A.

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: 1/18/05

(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-16827(2005)