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Pittman LLP

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2300 N Street NW
Washington, DC 20037-1122

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

August 28, 2007

JOHN T. EPTING
202-663-8879
john.epting@pillsburylaw.com

VIA HAND DELIVERY

Ruthanne Miller, Chairperson
D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Room 210
Washington, DC 20001

**Re: Minshall Stewart Properties, LLC ("Appellant") –
Appeal No. 17667: Appeal of Determination by Zoning
Administrator Regarding Property Located At Lot 83 in Square 73
2175 K Street, NW and West End Place**

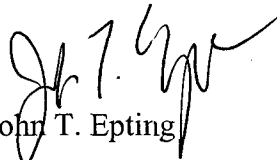
Dear Chairperson Miller and Members of the Board:

Enclosed please find the Appellant's Statement In Support of its appeal of the Zoning Administrator's determination regarding the above-referenced property (the "Appeal").

We are aware that certain parties to Application No. 17594 (the "Variance Case"), which is scheduled to be heard on November 22, 2007, have filed a request to intervene in this Appeal, and we have provided their counsel with a copy of this submission. In the event that this Appeal is denied and the Variance Case goes forward, we will provide those parties with the specific studies and plans they requested at the June 19, 2007 hearing.

Please feel free to contact us should you need any additional information. We look forward to presenting this appeal at the September 11, 2007 public hearing.

Sincerely yours,


John T. Epting


David M. Avitabile

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17667

EXHIBIT NO. 19

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2007, a copy of this letter and enclosure were served by hand or electronic mail to the following:

Travis Parker
Office of Planning
801 North Capitol Street, NE, 4th Floor
Washington, DC 20002

Matthew LeGrant
Acting Zoning Administrator
Dept. of Consumer & Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, DC 20002

Stephen N. Gell, Esq.
Counsel for Florence Harmon and Thomas Scholz
1101 30th Street, NW, Suite 500
Washington, DC 20007

Cornish F. Hitchcock, Esq.
Counsel for West End Place Condominium
5301 Wisconsin Avenue, N.W., Suite 350
Washington, D.C. 20015-2022

Advisory Neighborhood Commission 2A
West End Branch Library
1101 24th Street, NW
Washington, DC 20037



David M. Avitabile

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Appeal by Minshall Stewart Properties of Zoning Administrator's
Determination Regarding Lot 83 in Square 73

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STATEMENT IN SUPPORT OF THE APPEAL

SUMMARY

In connection with BZA Application No. 17594, the Applicant sought confirmation from the Zoning Administrator that the two structures located at Lot 83 in Square 73, which were approved and constructed as one building for purposes of zoning, continue to be one building. An affirmative finding would have obviated the need to go forward with the variance relief requested in Application No. 17594.¹ In a letter dated April 20, 2007 (Exhibit A), the Zoning Administrator determined that the office and residential structures located at Lot 83 in Square 73 (the "**Property**") are two buildings for purposes of zoning. The Z.A.'s determination was based on the following reasons: (1) although the two structures were permitted on one building permit, this is not controlling; (2) the two structures have no above-grade communication; and (3) either structure could be razed without affecting the other.

None of the reasons underlying the Z.A.'s determination have any basis in fact or law. Specifically:

- (1) The two structures were not just permitted as one building. They were explicitly approved by this Board as one building for purposes of zoning, received multiple building permits as one building, and were issued certificates of occupancy as one building.

¹ Section 1709.20 of the Zoning Regulations states:

If the height of a receiving building exceeds the height that the provisions of this title allow as a matter of right for a building located on an abutting lot, including a lot that is separated from the receiving lot by an alley, no part of the receiving building shall project above a plane at a forty-five degree (45°) angle from a line that is as follows: (a) Directly above the zone district boundary line between such abutting lot and the receiving lot; and (b) Above such boundary line by the distance of the matter-of-right height that this title allows for such abutting lot.

- (2) The two structures have multiple above-grade communications, including one that was explicitly discussed and approved by the BZA while the Zoning Administrator was in attendance. At the time of permitting and approval, the building's compliance with both the Zoning Regulations and the 1910 Height Act was evaluated based on the premise that this was a sufficient connection between the Office and Residential Components. The connection is essential to establishing the building's conformity with the Zoning Regulations and the Height Act.
- (3) The two structures cannot be separated. The Regulations require that each building be located on a separate record lot. If the two structures were separate, the resulting lots would violate the yard, court, and height provisions of the Zoning Regulations. Again, more importantly, the residential component would violate the Height Act.

For these reasons and in consideration of all of the facts relevant to the approval, construction, and operation of the properties we respectfully request that the Board reverse the determination of the Zoning Administrator and find that the office and residential structures located on Lot 83 in Square 73 are one building for purposes of zoning.

I. THE PROPERTIES WERE REVIEWED, APPROVED, AND PERMITTED AS ONE BUILDING

A. Introduction

The Property includes two uses—2175 K Street, NW (the “**Office Structure**”) and 1099 22nd Street, NW (the “**Residential Structure**”)—that are properly considered as one building as that term is defined by the Zoning Regulations. There are multiple indicia that prove the structures are one building for zoning purposes:

1. **Building Connection**: The Office and Residential Structures are connected in multiple locations, including at least one connection that qualified as a connection under the Zoning Regulations such that the Board of Zoning Adjustment determined it was one building for purposes of zoning in Application No. 13148 (order is attached as Exhibit B), and permitting officials approved the structures as one building for purposes of zoning (as evidenced by the issuance of the building permit (Exhibit F) and subsequent issuance of the certificates of occupancy (Exhibit G)). These connections are described in Section II.
2. **Building Height**: The building height is measured from the K Street frontage as detailed on the Zoning Computation Sheet attached as Exhibit D. Were the two structures separate buildings, the Residential Structure would exceed 90 feet as

measured from its frontage on either 22nd Street or L Street and violate the 1910 Height Act as well as the Zoning Regulations.

3. **Lot Control**: The structures were approved and constructed as one building on a single record lot. Were the two structures separate buildings, relief from building lot control would have been required.
4. **Yards**: As shown on Exhibit E, the structures share one rear yard, measured from the center of L Street, NW.
5. **Courts**: As shown on Exhibit E, the structures share one open court, located off 22nd Street, NW.
6. **Parking**: The structures share one parking garage, which is accessed from L Street and was approved by the BZA in its order governing Application No. 13148.
7. **Loading**: The structures share two loading areas; that is, direct access to both structures is available from each loading area. (The direct access from the rear loading area serves as a meaningful connection between the two structures.)
8. **Roof structures**: The building has two roof structures of unequal heights on the same roof for operational reasons, as explained by the BZA in its Order governing Application No. 13148. Were the two structures separate buildings, the building would not have needed relief for roof structures of unequal heights.
9. **Easements**: an elaborate easement agreement between the two structures indicates that certain building systems were intended to be shared by both the Residential and Office Structures.
10. **Covenants**: a covenant between the original developers and the District, dated Sept. 19, 1979, governed certain aspects of the site's development, including in particular the allocation of parking spaces.

The structures were considered one building by the original applicants, who applied to construct them as one building. More importantly, at the time of zoning and permitting approval, multiple District agencies—including the Board of Zoning Adjustment and the Office of the Zoning Administrator—evaluated and approved the structure as one building, and certificates of occupancy were issued for the office and residential uses within the single building.

B. Board of Zoning Adjustment

At the public hearing for Application No. 13148, the original developers of the Property testified that the proposed construction included “two separate structures; a residential component and an office component combined to constitute a single building” by means of an above-ground connection. BZA Public Hearing Tr., Jan. 23, 1980, at 83, 89 (all relevant portions of the transcript are attached as Exhibit C). The applicant’s architect described the building as a “single structure” based on the floor plan, connected “at the third floor.” Tr. 89. According to the architect, “the balcony in one of the units extends past the zoning line, which complies with the zoning requirements to join two structures. And so it is technically one building. Operationally it is two buildings.” Id.

Members of the BZA questioned the applicant’s architect on the nature and sufficiency of the connection. Specifically, the Zoning Commission representative on the Board asked whether there would be access between the two structures, and the applicant’s architect responded that “it is difficult to join access from apartments.” Tr. 89. The applicant’s architect later clarified that the floors do not line up except at the level where the connection takes place. Tr. 109-10. The Zoning Commission representative asked again, “so you technically comply with connecting the building” and the architect replied “That’s right.” Tr. 110. The Zoning Commission representative later confirmed that it was one building: “Okay. We’re allowing you to build one building. All we’re going to do is allow you to build one building on two different kinds of zoning and really two distinct uses, but still call it one building.” Tr. 116-17 (emphasis added).

Also during the hearing, the applicant’s architect testified that “there are many reasons to make it one building.” Tr. 118. When the Vice-Chair of the BZA asked whether the reason for constructing the project as one building was because of a “problem with your parking,” the

applicant's architect replied "You not only have a problem with the parking, but rear-yard, courts, building height, all sorts of issues that come into it. It's not just parking." Tr. 118. These potential problems continue exist today, and are detailed below in Section III.

Finally, the Order in Application No. 13148 (Exhibit B) makes it clear that both the applicants and the BZA clearly considered the structures as one building. But for that fact that the structures were one building, the developers would have needed to include a request for relief from building lot control, as noted above. And but for the fact that the structures were one building for purposes of zoning, the BZA would not have needed to allow the application to be amended to permit roof structures "on the same roof" with enclosing walls of unequal heights. Order No. 13148, May 19, 1980, at 1 (emphasis added); see Tr. 79-80.

C. Dept. of Economic Development/Business License and Permit Division (predecessor to Dept. of Consumer and Regulatory Affairs/BLRA)

Following the project's approval by the BZA, the developer filed an application for building permit, dated June 27, 1980, for one "Office/Residential" building. The primary Building Permit, dated July 27, 1981, was issued "To erect one new 11 story office/residential bldg as per appr. plans and plat." Further evidence that the permit was for one building is that it notes the building as zoned both "R-5-D and C-3-B" and to be occupied as "Office/Residential." The application for building permit and building permit are attached as Exhibit F.

Valid certificates of occupancy ("COs") were issued in 1982 for both office and residential uses and are attached as Exhibit G. The applications for the COs, which are also attached, again note the zoning as both "R-5-D and C-3-B." These COs are prima facie evidence that the building was constructed according to the approved plans and, therefore, according to the Zoning Regulations. Pursuant to 12A DCMR § 110.1.2, the appellant, as a new owner, received

a new certificate of occupancy for the office structure to reflect the change in ownership. This CO is attached as Exhibit H, and affirms the validity of the prior COs as evidence that the building was constructed according to the Zoning Regulations.

D. Office of the Zoning Administrator

As noted above, members of the Board explicitly considered the question as to whether the project was one building for zoning purposes, and confirmed: “We’re allowing you to build one building.” Tr. 116. The transcript also indicates that members of the Office of the Zoning Administrator were present for this discussion. During the building permit review process, the Office of the Zoning Administrator prepared a Zoning Computation Sheet that indicates the project was evaluated as one building (the **“Comp Sheet”**, attached as Exhibit D). Specifically, the Comp Sheet considers only one rear yard and one open court as well as shared loading and parking for the building. Further, the building’s lot occupancy and gross floor area are cumulatively considered. Most importantly, the Comp Sheet indicates that the structures were measured together for height as one building, with a measuring point from the Office Structure’s elevation (elev. 62.82), as indicated by the calculations at the bottom of the Comp Sheet.

E. Conclusion

Whether or not the Office and Residential Structures might be interpreted as one building by today’s standards, they were clearly considered to be one building at the time of review, approval and construction over twenty-five years ago. The collective understanding of the owners and District officials was that the two structures were constructed as one building for zoning purposes, as evidenced by the issuance of the building permits and especially the certificates of occupancy. The D.C. Court of Appeals has found that certificates of occupancy,

in particular, “enjoy[] a presumption of validity.” See Burka v. Aetna Life Insur. Co., 945 F. Supp. 313 (1996). The presence of certificates of occupancy for the Office and Residential Structures serves as prima facie evidence that the structures were validly interpreted as one building for purposes of zoning.

II. THE BUILDING FEATURES MULTIPLE CONNECTIONS BETWEEN THE OFFICE AND RESIDENTIAL STRUCTURES

The Zoning Administrator incorrectly states that the properties lack an “above-grade connection” and therefore cannot be considered as one building. The building includes multiple above-grade connections, including one that was explicitly considered to be sufficient as a connection between the Office and Residential Structures at the time of permitting and approval. Moreover, the building’s compliance with both the Zoning Regulations and the Height Act was evaluated based on the premise that the connection was sufficient and they were, accordingly, one building for purposes of zoning. The connection is essential to establishing the building’s conformity with the Zoning Regulations and the Height Act, as detailed below.

A. The Approved Building Connection

As described above, the building was designed with an above-grade connection that was explicitly acknowledged and approved by the Board of Zoning Adjustment during the original BZA public hearing for Application No. 13148 (the “**Approved Building Connection**”). Representatives of the Office of the Zoning Administrator were present for the hearing, and as discussed during that hearing, the floors of the office and residential portions of the building do not line up except at the third floor of the residential portion and second floor of the office portion. Further, as noted by the building’s original architect, “it is difficult to join access from apartments.” Tr. 89.

However, as indicated by the architect's testimony at the 1980 BZA hearing, the building explicitly included a connection that complied with the zoning requirements to join two structures. As described by the architect at the 1980 hearing, this connection is a balcony on the third floor that extends past the zoning line and therefore met the then-accepted definition of "connection." Tr. 89. Members of the BZA accepted the architect's testimony that this "technically compl[ied] with connecting the building" Tr. 110. Accordingly, the project was approved, permitted, and constructed with the Approved Building Connection, and this connection continues to exist today.

B. Alternate Building Connections

The building also includes a second area of communication between the two structures that is above-grade and functions as an alternate connection (the "**Alternate Building Connection**"). The Office and Residential Structures are connected through a set of fire doors off the rear loading dock (a shared loading dock available for use by both the residential and office components). Because the building is constructed on a lot that slopes downward approximately ten feet from north to south, this connection is located in a portion of the building that is clearly above the adjacent finished grade and therefore counted in the building's gross floor area. The Alternate Building Connection allows for physical passage between the two structures and enhances the communication and connection between them.

In addition, the building includes other areas of communication that, while not sufficient to establish the structures as one building under the Zoning Regulations, nevertheless provide supplemental evidence of the developers' original intent to construct a project that is technically and physically one building but operationally two buildings with multiple uses. The major area of communication between the Office and Residential Structures is the shared parking garage,

which is accessed from a single entrance off L Street. Other areas of communication include building systems that cross over the zoning line both at and below the roof level.

III. THE RESIDENTIAL STRUCTURE, AS A STANDALONE BUILDING, WOULD VIOLATE THE 1910 HEIGHT ACT

The present-day Zoning Administrator erroneously states that “either building could be razed without affecting the other.” (Exhibit A) This is patently false. The Residential and Office Structures were permitted as one building on a single record lot (Lot 83), and the Structures continue to exist on that single record lot. The building continues to share all of the features that led to their consideration as one building at the time of review and approval, including shared courts, yards, parking, loading and, most significantly, a shared measuring point along K Street. As a consequence, the existence of the structures as one building is essential to their compliance with the Zoning Regulations and, more importantly, the 1910 Height Act.

A. Effect of Division of the Building on Compliance with the Zoning Regulations

The Zoning Administrator’s position that the Residential and Office Structures “could be razed without affecting the other” presumes that they are separate buildings on separate lots that independently conform with the requirements of the Zoning Regulations. This position is unsupported by the public records underlying the building’s design and construction as well as the building itself. On the contrary, the Structures were designed and constructed on a single record lot as one building for purposes of zoning, and certain elements required under the Zoning Regulations are shared by the Office and Residential Structures, including measuring point, yards, courts, parking and loading. As a result, the division of the building into independent structures would adversely affect each building’s compliance with the Zoning Regulations, as follows:

- **Measuring Point:** As indicated on the Comp Sheet attached as Exhibit D and shown on the plan and section attached as Exhibit E, the structures share a measuring point on K Street, NW in front of the office structure, and the building measures 90 feet from that point.

Were the office structure to be razed or otherwise separated from the residential structure, the now-independent residential structure would need to be measured from a street on which it fronts—either 22nd Street or L Street. The Comp Sheet indicates that the elevation of the Residential Structure's front façade (elev. 56.54') to be over 6 feet below the elevation of the Office Structure's front façade (elev. 62.82').

Therefore, due to the downward slope of the site, an independent residential building would fail to conform with the 90 foot height limit in the R-5-E zone district, as shown on the section attached as Exhibit E. As discussed further below, an independent residential building would also exceed the limits of the 1910 Height Act.

- **Yards:** As shown on Exhibit E, the structures share one rear yard, measured from the center of L Street, NW. Separation of the two structures into independent buildings would eliminate the ability for the properties to take their rear yard from the centerline of L Street, and would leave both structures without rear yards.
- **Courts:** As shown on Exhibit E, the structures share one open court, located off 22nd Street, NW. Again, separation of the two structures into separate buildings would bifurcate the shared open court and create a new nonconforming court for the office structure. In addition, a new 30 foot-wide open court would be created at the rear of the office structure.
- **Parking:** The structures share one parking garage, which is accessed from L Street. Were the two structures separate, the office building would lack access to its parking garage on its own lot and would technically fail to comply with the parking requirement because it would provide the required number of spaces without any means to access them. In addition, the residential structure would lack the means to access the lower levels of its parking garage. See Tr. 85-86.
- **Loading:** The structures share two loading areas; that is, direct access to both structures is available from each loading area. (Again, direct access from the rear loading area to both the office and residential structures serves as a meaningful connection between the two structures.) While division of the structures into separate buildings would not affect the office loading, the open court off 22nd Street would be reduced in size and would no longer be able to provide the residential structure with its required 55-foot loading berth. The residential structure would therefore lack the required loading.

In addition, other features of the building provide evidence that the project was conceived and approved as one building and not independent structures. These include:

- **Lot Control**: The structures were constructed as one building on a single record lot which exists to this day. Had the original developers intended to create independent buildings, they would have either: (1) requested relief from building lot control in order to construct multiple buildings on a single record lot or (2) constructed each structure on a separate record lot.

Note that the subsequent creation of separate Assessment and Taxation Lots (“A&T lots”) 883 and 884 to govern ownership of the office structure is completely consistent with the underlying history of the Building as one building for zoning purposes, yet separate structures for operational purposes. The BZA has found that A&T lots serve no land control purpose but are merely ownership descriptions and do not affect the underlying record lot.²

- **Roof structures**: The building has two roof structures of unequal heights for operational reasons, as explained by the BZA in its order governing Application No. 13148 (Exhibit B). Were the two structures separate buildings, the building would not have needed relief for roof structures of unequal heights.

The design of the project as a single building was a key feature of the original development, as we know from the BZA transcript. See Tr. 118, 119-20. The original developers intended to create a single building on a single record lot specifically to take advantage of a shared measuring point on K Street, avoid the requirements of additional courts and yards, create adequate space for loading, and avoid the requirement to provide separate access points for office and residential parking. As detailed above, the division of the building into independent buildings on separate lots would create a series of unintended nonconformities under the Zoning Regulations. While these nonconformities would affect the ability of owners to make future changes to the structures, most of these nonconformities would not create any violation that triggers a specific enforcement action. The most important benefit of the one building design—its shared measuring point—is another matter, and it is to that we now turn.

² See Appeal No. 14621 of the Portsmouth Construction Corporation, dated July 8, 1987.

B. Effect of Division of the Building on Compliance with the 1910 Height Act

As described above, the division of the building would create nonconformities with the Zoning Regulations. More importantly, however, division of the building into two independent structures would render the Residential Structure noncompliant with the Height of Buildings Act of 1910 as well as the Zoning Regulations, and trigger an enforcement action to bring it into compliance.

Presently, the building's height is measured from the Office Structure's front façade on K Street (elev. 62.82'), as evidenced by the Zoning Computation Sheet attached as Exhibit D and shown on the plan attached as Exhibit E. Were the two structures separate and independent buildings, their height would be measured separately. The Office Structure would still be measured from the K Street frontage and comply with the requirements of the Height Act. The Residential Structure, however, could no longer use the K Street frontage for its measuring point, and would need to use the midpoint of its 22nd Street frontage as its measuring point. (The Residential Structure's height could also be measured from L Street, but the 22nd Street frontage permits greater height.) The Comp Sheet indicates that the Residential Structure's front façade (elev. 56.54') is over 6 feet below the Office Structure's front façade. Therefore, as shown on the section attached as Exhibit E, due to the slope of the Property, the Residential Structure would exceed 90 feet as measured from its frontage on 22nd Street and violate the 1910 Height Act as well as the Zoning Regulations. Accordingly, given the Zoning Administrator's ruling that the two structures are separate buildings, the District of Columbia is now obligated to pursue an enforcement action against the owners of the residential structure that could require the removal of a portion of the top floor of the building.

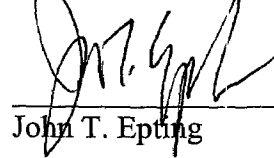
Simply put, if the Office and Residential Structures were reviewed as one building, interpreted as one building, approved as one building, constructed as one building, and received valid certificates of occupancy as one building, then they must be one building for purposes of zoning today.

- First, the project was specifically designed and approved with communication between the Office and Residential Structures that connects the two as one building on a single record lot in order to allow the Residential Structure to share a measuring point on K Street, NW as well as yards, courts, parking, and loading. The Zoning Administrator ignored overwhelming evidence that demonstrates the project was conceived and constructed as a single building with valid means of communication between the office and residential structures.
- Second, the project's design as a single building—including the connection between the two structures—was explicitly reviewed and approved by the BZA and prior Zoning Administrator specifically to allow the structures to share a measuring point, yards, courts, loading, and parking. The Zoning Administrator's ruling is completely contrary to the prior determinations that approved and permitted the original structures as one building to explicitly allow a shared measuring point from K Street and other benefits under the Zoning Regulations, and therefore clearly violates District law and policy that favors consistency in administrative decisions.
- Third, contrary to the Zoning Administrator's assertion, the two structures cannot be separated without creating a per se violation of the 1910 Height Act as well as a host of zoning nonconformities. If the Zoning Administrator's determination is left to stand, the residential structure must violate the 1910 Height Act because it no longer can be measured from the K Street elevation, and the District must pursue enforcement action that could require the removal of a portion of the top floor of the Residential Structure.

In conclusion, the Board should overrule the Zoning Administrator's determination and find that the Office and Residential Structures located at 2175 K Street and 1099 22nd Street contain a valid connection and are therefore one building for purposes of zoning. The entire building located at Lot 83 in Square 73 is therefore a "receiving building" (as that term is used in Chapter 17 of the Zoning Regulations) on a single record lot. Accordingly, any expansion of the Office Structure located at 2175 K Street NW sought pursuant to the terms of Chapter 17 of the Regulations is not subject to the 45-degree setback described in Section 1709.20. The Office

Structure may therefore be expanded to the maximum height permitted by the 1910 Height Act, subject to all other conditions, regulations, and requirements of the Zoning Regulations.

Respectfully submitted,



John T. Epting



David M. Avitabile

Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13148, of Thaddeus A. Lindner et al., pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the use provisions of the R-5-D District (Sub-section 3105.3) to allow access to a parking garage serving an office building in a C-3-B District and a special exception under Sub-section 3308.2 to allow two roof structures on the same roof in an R-5-D and C-3-B Districts at the premises 1015 - 22nd Street, N.W. (Square 73, Lot 81 and alley proposed to be closed).

HEARING DATE: January 23, 1980
DECISION DATE: February 2, 1980

FINDINGS OF FACT:

1. The application was amended at the public hearing to include a special exception under Paragraph 3308.2 to permit roof structures with enclosing walls of unequal height.
2. The subject property is located on the east side of 22nd Street, N.W., between K and L Streets and is known as 1015 - 22nd Street, N.W. The K Street frontage is in a C-3-B District and the L Street frontage is in an R-5-D District.
3. The subject lot is approximately 33,113.26 square feet in land area. A service lane runs in front of the K Street frontage of the subject site.
4. The subject site is presently utilized as a parking lot.
5. The applicants propose to construct an office building, with office and/or retail uses on the first floor and first cellar, on that portion of the site presently zoned C-3-B. The R-5-D portion of the site will be developed as a condominium as part of the same project as the office building.
6. The applicants have applied for a closing of a portion of the public alley in Square 73, (S.O. No. 77-309) to effectuate the proposed development.

7. In connection with the alley closing application, the applicants have reached an agreement with the District of Columbia signing on behalf of the ANC-2A Commissioners regarding development of the subject site. A covenant has been executed by all parties which restricts development of the site and the number of parking spaces provided in a manner acceptable to the ANC-2A Commissioners. The number of residential parking spaces on the site is to be one for each dwelling unit or sixty-seven spaces and the number of commercial spaces is to be limited to the minimum number required, or fifty-six spaces.

8. The apartment and office uses of the project are designed to function as separate and distinct entities for purposes of security, convenience and energy conservation.

9. The applicant's architect testified that a separate elevator core is required for efficient servicing of the separate residential and office/retail functions of the proposed structure.

10. The architect testified that separate penthouses are required to enclose the lift mechanisms for each elevator core.

11. While it would be possible to connect each of these separate penthouses by a wall twenty feet in length so as to create a single roof structure in compliance with Section 3308.12, such a solution would involve additional design cost and complexity and detract from the use of the proposed roof garden areas of several of the apartment units.

12. The separate uses within the proposed structure have different floor to floor levels at the top floor.

13. The roof structure for the commercial portion of the project is of conventional design with height being dictated by the elevators. Applicants intend for this portion of the roof structure to be 18.5 feet in height.

14. Applicants propose that the roof structure for the residential portion of the structure be thirteen feet eight inches in height, or four feet ten inches lower than that for the commercial area.

15. The architect testified that the residential elevator core area is lower than the commercial area because the duplex units in the apartment structure do not require elevator service to the top floor.

16. The architect testified that the mechanical equipment to be located on the roof for the apartment building takes up far less space than that for the commercial portion because of the individual servicing of the apartment units for utilities.

17. The proposed height of the roof structure in the residential portion of the structure is suggested by the dimensions of the accessways to the roof gardens. Access to the roof garden areas from the apartments below requires an enclosed roof structure for each access stair.

18. The architect testified that standardization of the height of the roof structure in the residential portion of the project with that in the commercial portion would involve the addition of approximately five feet of unnecessary height or dead space to the residential elevator core. Additionally, approximately ten feet of unnecessary wall would have to be added to the covered walkways, which would have a negative aesthetic impact and increase shadows to the detriment of the proposed roof garden use.

19. The applicants' proposal for more than one roof structure and roof structures of unequal height will not substantially restrict the light and air or otherwise adversely affect the surrounding uses.

20. The site has a difference in elevation between its K Street and L Street frontages of approximately ten feet.

21. The grade change and inconvenience of ingress and egress from the service road at the K Street frontage makes access to the proposed parking garage from L Street most practical.

22. Single access to the parking garage from L Street is also necessary to allow for better security control of the building.

23. The architect testified that garage access from a point other than the lower grade point at L Street would impose needless design difficulties and a loss of rentable area.

24. The proposed access from L Street to the commercially zoned portion of the parking garage is not inconsistent with existing surrounding land uses and is more compatible with such uses than requiring access either from 22nd Street, K Street or the public alley at the rear of the site.

25. Advisory Neighborhood Commission - 2A made no recommendation on the application.

26. There was no opposition to the application.

27. At the public hearing the Board requested that an alternative roof structure plan be submitted for its consideration prior to the public meeting.

28. The applicants submitted an alternative roof structure plan approved by the Board at its February 6, 1980 public meeting and marked as Exhibit No. 25 of the record.

CONCLUSIONS OF LAW:

Based on the record and the findings of fact contained herein, the Board concludes that due to conditions relating to the building, the size of the building lot, architectural design and the type uses to which the site will be devoted, full compliance with Section 3308.2 of the Zoning Regulations, relating to the number of roof structures, would be unduly restrictive and unreasonable. Similarly, strict compliance with Section 3308.12 relating to uniformity of roof structure height would involve needless additional expense and have a negative aesthetic impact. The Board concludes that the applicants have basically satisfied the requirements of Sub-section 3308.2 and Paragraph 3308.12 of the Zoning Regulations and that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Maps.

As to the requested variance, the applicant must establish a hardship inherent in the property itself. The Board concludes that a combination of factors affecting the subject site, including its split zoning, frontage on a service lane, and frontages on both L and K Streets at a grade differential of ten feet, constitute an extraordinary or exceptional situation or condition affecting the subject site. Strict application of the Zoning Regulations proscribing access to the commercially zoned and utilized portion of the garage from the R-5-D District would impose peculiar practical design and security difficulties upon applicants. The requested relief will not adversely affect surrounding land uses. The Board concludes that the applicants have met the prerequisites for variance relief, and that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the ROOF STRUCTURE PLANS shall be as APPROVED by the Board and Marked as Exhibit No. 25 OF THE RECORD.

VOTE: 4-1 (Theodore F. Mariani, Charles R. Norris, Connie Fortune and Leonard L. McCants to GRANT; William F. McIntosh opposed as to the roof structures ONLY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS

ORIGINAL

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

* * * * *

Room 11-A, District Building
Wednesday, January 23, 1980

* * * * *

Whereupon, the Board of Zoning Adjustment convened
at 9:00 a.m., pursuant to notice.

PRESENT:

LEONARD L. MCCANTS, Chairman

WILLIAM P. MCINTOSH, Vice-Chairman

CHARLES R. NORRIS, Member

CONSTANCE FORTUNE, Member

AND:

STEVEN E. SHER, Executive Director

BERNARD MCMAHON, Secretary to the Board

JAMES H. FAHEY, Deputy Zoning Administrator,
Department of Housing and
Community Development

THEODORE MARIANI

JAMES BESS, Assistant to the ACTing Zoning
Administrator, Department of
Housing and Community Development

Baker, James & Burkes Reporting, Inc.

202 347-8865

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1 the lot -- you don't operate the lot on weekends, do you?

2 MR. KOUTSOS: No, sir. It's not a closed lot and
3 it happens on weekends. And I think two years ago when you
4 started parallel parking, it used to be the other way. I'm
5 not sure of the time in there, but I know it used to be the
6 other direction.

7 MR. PUGLISI: I'm not aware of -- excuse me.

8 MR. P. KOUTSOS: The stops are so close --

9 ACTING CHAIRMAN MCINTOSH: Would you give me your
10 name, please, sir?

11 MR. P. KOUTSOS: Peter Koutsos. The stops are so
12 close that even if you were to come parallel, the curbs --
13 your bumper sticks far enough past the wheels that you can
14 hit the wall that way, too.

15 ACTING CHAIRMAN MCINTOSH: Okay. Well, the Board
16 will take the case under consideration and we'll let you know.
17 The 6th of February is the date of the meeting.

18 Are there any other questions?

19 (No response.)

20 ACTING CHAIRMAN MCINTOSH: Thank you very much.

21 MR. MCMAHON: Application 13148 of Thaddeus A.
22 Lindner, et al., pursuant to paragraph 8207.11 and Sub-section
23 8207.2 of the Zoning Regulations, for a variance from the use

1 provisions of the R-5-D District (Sub-section 3105.3) to
2 allow access to a parking garage serving an office building
3 in a C-3-B District and a special exception under Sub-section
4 3308.2 to allow two roof structures on the same roof in an
5 R-5-D and C-3-B District at the premises 1015 22nd Street,
6 N.W. (Square 73, Lot 81 and alley proposed to be closed).

7 All persons testifying on this application, either
8 for or opposed, please stand, raise your right hand and be
9 sworn at the same time.

10 (Witnesses sworn en masse.)

11 MR. GLASGOW: Mr. Chairman, for the record, my
12 name is Norman M. Glasgow. Seated to my left from my office
13 is Norman M. Glasgow, Jr. And also present today, Hyland
14 McGarridy, from our office.

15 We are here seeking the relief of a special excep-
16 tion to allow more than one roof structure. We also, since
17 the filing of this application, have discovered with the plan
18 that we have developed that it is necessary to connect cer-
19 tain structures. And the architect will explain that. And
20 as a result of that, we have two different heights of the
21 roof structure. So we'd like to amend our application to
22 provide for one additional area of relief, mainly that the
23 roof structure on the office building will be at 18 feet, 6

1 inches and the roof structure for the residential portion of
2 the structure will be at two lower heights.

3 We also are seeking a variance from the use provi-
4 sions of the R-5-B District to allow access to the parking
5 garage serving the office building in the C-3-B zone. The
6 above stated BZA relief is necessary to permit the construc-
7 tion of an office and apartment building in the C-3-B Dis-
8 trict and R-5-D District, respectively, at the premises
9 1015 22nd Street.

10 We also have involved here a portion of a public
11 alley to be closed, and I'll discuss that in a little more
12 detail in just a moment.

13 Before proceeding, I'd like to make a brief intro-
14 ductory statement. An examination of the background and
15 history of the present action is in order to explain the
16 basis and nature of the relief requested. Applicants have
17 assembled the subject site and applied for closing of a por-
18 tion of the public alley in Square 73, designated SO No. 77-
19 309. The applicants propose to construct an office building
20 with offices and/or retail use on the first floor and back
21 portion of the site presently zoned C-3-B.

22 The R-5-D portion of the site will be developed as
23 a condominium-for-sale project as part of the same building

1 project. Now, we have attached, as our Exhibit A, and at
2 page 8, a copy of the zoning map, which shows the subject
3 site outlined in red, showing the split zoning that exists.

4 In connection with the alley closing, the applicant
5 has worked out an agreement with ANC 2A Commission regarding
6 development of the site. The covenant has been executed by
7 all parties which restricts development of the site and the
8 number of parking spaces provided in a manner acceptable to
9 the ANC 2A commissioners. And we have attached as Exhibit B
10 a copy of that covenant, which embraces the agreement, and,
11 also, that part, and that appears at page 9 through page 16,
12 which shows the portion of the public alley to be closed.
13 And then following that at page 17, we have the resolution
14 of the neighborhood commissioners, which shows that by a
15 vote of 4/nothing, they have approved the type of parking
16 arrangement there. And if you will notice, they have in their
17 resolution agreed to support the application with respect to
18 the parking access to the garage from L Street.

19 Next, I'd like to point out that we are providing
20 one parking space for each dwelling unit. There are 67 units
21 in the building. We will be providing 67 spaces for those
22 units. And the commercial spaces; we're providing the minimum
23 under the regulations, which was the agreement with the ANC

1 and that is 56 spaces.

2 The plans before you, the Board, implement the
3 above agreement and provide for a mixed-use development that
4 will be an asset not only to the neighborhood, but, we submit,
5 to the entire city. This Board has jurisdiction to grant
6 the relief we have requested pursuant to Section 3308.2 and
7 8207.2, and to grant the special exception relief requested
8 pursuant to Section 8207.11 and to grant for the requested
9 variance.

10 Now for points in support of our application, I'd
11 like to submit that we have filed with you at page 19 as
12 Exhibit C the Zoning Administrator's memorandum of the relief
13 that we have requested here today.

14 We also, at page 20, have attached a copy of the
15 surveyor's plat showing the outline of the property. As
16 Exhibit E, page 21, a portion of the based atlas showing the
17 subject site. As Exhibit F and attached at page 22 is an
18 outline of the statement of the applicant. And Exhibit G
19 at page 23 is the outline of the statement of the architect;
20 both of those persons will be called as witnesses subsequently.

21 Now, the basic reason for the request for two new
22 structures is because there are essentially -- as you may see
23 from an inspection of the plan that will be described more

1 fully in detail -- two separate structures; a residential
2 component and an office component combined to constitute a
3 single building. The garage level is connected below ground;
4 there is a connection above ground at the fourth floor, as
5 will be explained by the architect, so it constitutes a single
6 building. For security and operation reasons, there's a
7 separate lobby that serves the residential component and a
8 separate lobby serving the commercial component.

9 This necessitates the erection of separate roof
10 structures. And, also, due to the length of the building, it
11 is necessary that we have two stairways in the residential
12 component. The architect will discuss this in more detail,
13 so I won't do more than just to generally describe it here
14 and wait for him to testify as to the details.

15 Next, with respect to the matter of unequal roof
16 structures, you will see that this building has a very desir-
17 able and innovative design. The architect has sought in
18 this in-town location to create roof garden areas for the
19 tenants of the upper floor of the building. And the upper
20 floors are two levels of condominium units, so that you have
21 two levels below.

22 To develop that type design, there has to be a
23 second means of heat rest under the building code. That will

1 be discussed, and that requires that at each point where the
2 tenants come up to their individual roof-garden areas, they
3 have to have a stair tower, and that has to be connected
4 with the roof structure, so that you get to the second
5 required egress, being the enclosed stairs.

6 MR. MARIANI: You have to go through that again,
7 Mr. Glasgow.

8 MR. GLASGOW: The architect is going to have to
9 explain it in more detail, but if you have two levels of
10 floors, like in the great project of Sumner or in Columbia
11 Plaza, there --

12 MR. MARIANI: There's an interior stair in each
13 building.

14 MR. GLASGOW: That's right; in the units. And when
15 you connect two floor levels, then you have to have a second
16 means of egress. That second means of egress is on the roof
17 level, into a corridor, into the second stairway so you can
18 come down that.

19 MR. MARIANI: I still don't follow you.

20 MR. GLASGOW: All right. You have the first door
21 to --

22 ACTING CHAIRMAN MCINTOSH: Mr. Glasgow, why don't
23 we let the architect do that.

1 MR. GLASGOW: I think so. Yes.

2 Now, we have attempted to reduce the height of the
3 roof structure simply to accommodate that egress corridor,
4 so that the lower elements in the roof structure are at a
5 height of 8 feet and the stairs tower that is beyond is
6 actually different in higher elevation.

7 All of this is below the required height limit.

8 With respect to the variance for access to the
9 garage, we point out that there is a combination of four
10 factors and they are set forth at page 5 of our plans.
11 We submit that the hardship that arises is due to a combina-
12 tion of those conditions. And they are, first, that there
13 is split zoning, with the C-3-B fronting on K Street and the
14 R-5-D fronting on L Street. We would also point out that
15 K Street frontage has a service lane in front of the pro-
16 perty, which is an impairment to the access there, and the
17 garage entrance immediately next door.

18 Third, the site extends from street frontage on
19 K Street to L Street. And there's a difference in elevation
20 of approximately 10 feet between those two points. The above
21 conditions require an entry to the garage to be at the low
22 point from L Street to avoid major design problems. And here
23 again, the architect will discuss that and the space and

1 impact requirements there.

2 We also point out that as evidenced by the exami-
3 nation of the surveyor's plat, the subject site has an
4 unusual shape. Finally, we submit that the evidence will
5 establish that the strict application of the Zoning Regula-
6 tions in this case would impose a practical difficulty upon
7 the applicant. The single access to the parking garage from
8 L Street is necessary to allow for better security control
9 of the building; the difficulty in providing access from K
10 Street has been previously mentioned. And because of the
11 differential in grade, the architect will testify as to
12 the design problems encountered.

13 And we submit, finally, that the requested relief
14 can be granted without detriment to the public good and
15 without impairing the intended purposes of the Zoning Regula-
16 tions. And we point out that the logical and orderly place
17 for providing the access to the garage is from L Street.

18 That covers my introductory remarks. Unless there
19 is some question, I'm prepared to call our architect witness.

20 Would you identify yourself, giving your name and
21 title?

22 MR. MCMAHON: Yes. I am Robert McMahon. I'm an
23 associate in the firm of Smith, Sagretti and Temper, and I'm

1 the Project Director for this particular project.

2 MR. GLASGOW: Mr. McMahon, would you proceed in
3 your own way to generally describe the areas of relief needed
4 and the basis for such requests for relief.

5 MR. MCMAHON: The special exception for two roof
6 structures basically derives from the fact that we have two
7 separate building types within one building; and apartment
8 house and an office building. They have their own separate
9 needs and uses. Because of the length of the site, which is
10 over 300 feet, these cores could not be put closely together.
11 So they had to be separated to serve each of their own func-
12 tions.

13 Therefore, as each core comes through the roof and
14 demands a penthouse for elevator equipment and for mechanical
15 equipment, they were separated by some distance, necessitating
16 the two roof structures. If we were to join these two roof
17 structures, it would cause some additional expense and would
18 also detract from the use of the roof in the apartment build-
19 ing. And that use, as previous described, will be roof
20 terraces with tenants on the upper floor.

21 MR. GLASGOW: Have you brought a copy of the draw-
22 ings here to briefly show and explain that to the Board?

23 MR. MCMAHON: These copies, these drawings I have

1 before me are an earlier drawing. I don't know whether they
2 are as advanced as the drawings before the Board. But I
3 could try to do that here.

4 MR. GLASGOW: Why don't we take one set and I'll
5 hold it up so that you can describe that.

6 MR. MCMAHON: As you can see on the sheets, page 4,
7 this building covers the entire site from L Street on this
8 side; this is 22nd Street and this is K. The zoning line --
9 this is the portion of the alley to be closed, which we'll
10 discuss later. The zoning line comes down the alley, across
11 the back of the lot and splits the property about at this
12 column line here. To the right is the office building
13 structure with its own elevator, stair floor, and as we
14 get up to the roof, we see the mechanical equipment which
15 is normal throughout this building.

16 On this side about at the column line "j" we have
17 our elevator, one set of stairs and associated with it on
18 the roof you'll see the mechanical penthouse. Are there
19 any questions on that?

20 MR. MARIANI: How large is the office building in
21 terms of the area of each floor?

22 MR. MCMAHON: It's about 100,000 gross on each
23 floor of the building, so it's about 12,000.

1 MR. MARIANI: It's going through the roof. Are
2 you using a central core with just scissored stairs?

3 MR. MCMAHON: Yes, it's a conventional Class A
4 scissored stair on the office building. There are two stairs
5 in the apartment house; 2 means of egress. Because of dead-
6 end corridors, you have separate stairwells and to answer
7 your question regarding the roof, when the roof is occupied
8 as a roof terrace we'll need two means of egress on that roof.
9 So we will extend both stairs to the roof to allow egress
10 on it.

11 MR. MARIANI: In other words, the building permit
12 has been (Inaudible) for one building.

13 MR. MCMAHON: Yes, this is a single building. The
14 building is a single structure, as you can see from this
15 floor plan. It is connected at the third floor, which I'm
16 not certain you see. The balcony in one of the units
17 extends past the zoning line, which complies with the zoning
18 requirements to join two structures. And so it is technically
19 one building. Operationally, it's two buildings.

20 MR. MARIANI: Then there won't be access between
21 the structures.

22 MR. MCMAHON: It's difficult to join access from
23 apartments. This is the roof plan and here is where we begin

1 to show the unusual configuration of the penthouse. For
2 the office structure, we have a penthouse which is normal for
3 office buildings. This will be at 18 foot, 6 and it encom-
4 passes the cooling tower, the stair which has to come up,
5 the elevator machinery and the other mechanical equipment
6 which is in the area.

7 Because of one other aspect of the design, which
8 is the skip-floor elevators used in duplex apartments for
9 the upper 8 floors, we are allowed, because of the equipment,
10 to keep the elevator machine room very level. The override
11 on the elevator is absorbed in the upper floor. This pent-
12 house then only needs to be about 12 feet. The mechanical
13 equipment associated with it needs to have about 12 feet,
14 also. But the innerconnection of all the corridors to the
15 stairs -- one public stair being here -- needs to be reached
16 from the roof. One public stair being here would mean that
17 all of that connection need only be 8 feet or slightly
18 greater than 8 feet.

19 MR. MARIANI: Now, this is what I want you to
20 explain to me because the requirements of the building code
21 insist that you allow people -- the top two floors of the
22 building are essential a stack unit. One unit occupies two
23 floors with an interior of some kind.

1 copies are the same thing.

2 MR. GLASGOW: We did not. We submitted one set.

3 MR. SHER: Okay. Well, then, you can have this
4 one back.

5 MR. GLASGOW: Thank you.

6 MR. MCMAHON: Is there any question on the parking?

7 ACTING CHAIRMAN MCINTOSH: Well, I have one for
8 you. And that is -- before we get into the other portion --
9 from Mr. Glasgow's introductory remarks, it almost sounded
10 as if you had a commercial building on the corner; without
11 the residential property, that you would never be able to
12 get a parking garage in that commercial building.

13 MR. MCMAHON: It would be difficult. I can explain.

14 ACTING CHAIRMAN MCINTOSH: I expect it's your
15 explanation then of why you're doing it this way.

16 MR. MCMAHON: Yes. That's why we had a single
17 entrance off of "L" for the office building. We have studied
18 many schemes for ramps and whatnot.

19 ACTING CHAIRMAN MCINTOSH: Could you have come in
20 off the alley?

21 MR. MCMAHON: The alley I'll go into later.

22 ACTING CHAIRMAN MCINTOSH: As long as you're going
23 to cover it, you can take it up in your own personal order.

1 MR. MCMAHON: But this is the L Street entrance.
2 You can see that this is "K". 22nd is running this way.
3 It falls about 10 feet.

4 MR. GLASGOW: Would you like the elevation numbers
5 for the record?

6 ACTING CHAIRMAN MCINTOSH: Yeah, what's the different
7 elevation?

8 MR. GLASGOW: 62.10 inches on the K Street.

9 MR. MCMAHON: So you can see this is the garage
10 elevation with the first parking level here. It's very
11 nearly on L Street. It makes the ramps much easier from this
12 section. You can get into the parking levels of the office
13 building from here and here. We're at rock at this level and
14 the rock does rise up.

15 MR. MARIANI: What's that high story at the office
16 building?

17 MR. MCMAHON: You mean here?

18 MR. MARIANI: No, the other one.

19 MR. MCMAHON: This one? This is a commercial
20 retailing.

21 MR. MARIANI: You have commercial space below
22 grade.

23 MR. MCMAHON: Yes.

1 MR. MARIANI: And then you've got several stories
2 of office space from that.

3 MR. MCMAHON: This is the first floor and then
4 there are eight similar.

5 MR. MARIANI: And then the parking level then is
6 nearly --

7 MR. MCMAHON: The parking level is this along here.

8 MR. MARIANI: And then you go down in that -- so
9 you have essentially two full levels of parking under the
10 apartment house.

11 MR. MCMAHON: Basically. There is a portion --

12 MR. MARIANI: And two full levels of parking under
13 the office building.

14 MR. MCMAHON: Right.

15 MR. MARIANI: But they are not in the same position.
16 One is substantially one full group level below the other.

17 MR. MCMAHON: The second level of parking under the --

18 MR. MARIANI: Winds up with the first level of the
19 office building. And that's how you get to the ramp. You
20 go through the parking garage of the apartment building to
21 get to the outside.

22 MR. MCMAHON: This is the entrance to all parking
23 of the building. There's a ramp that goes down this way.

1 You can drive right into the --

2 MR. MARIANI: The apartment house building is going
3 to be a condominium?

4 MR. MCMAHON: That's correct.

5 MR. MARIANI: The office building will be owned
6 and leased out, I presume, by the developer. What assurance
7 does he have that he will get permanent easement through the
8 condominium apartment house to get in and out of his parking
9 garage?

10 MR. GLASGOW: It's provided in the condominium
11 documents.

12 MR. MARIANI: The condominium documents. Is that
13 a covenant or something?

14 MR. GLASGOW: Yes, sir.

15 MR. MARIANI: And you always have access in and out.

16 MR. GLASGOW: That's correct. There also is in that
17 covenant the right of the tenants in the condominium building
18 when the commercial garage is not in use and they have guests
19 and so forth, they can have the use of the commercial parking
20 space.

21 MR. MARIANI: Now the floors of the residential
22 building do not line up with the floors of the commercial
23 building.

1 MR. MCMAHON: That is correct. Except at this
2 level where they do connect these nearly at the same level.
3 I think we've corrected them so that they do. And that's
4 where the connection of the building takes place.

5 MR. MARIANI: So you technically comply with
6 connecting the building.

7 MR. MCMAHON: That's right.

8 MR. MARIANI: How many floors of residents do you
9 have?

10 MR. MCMAHON: 11.

11 MR. MARIANI: 11 floors and 90 feet. Wow! That's
12 less than 9 feet. That's --

13 MR. MCMAHON: 8-1/4.

14 MR. MARIANI: 8 and a quarter. That's an 8-foot
15 ceiling with an 8-inch slab; paint right on the concrete
16 slab. Are all of the -- you say it's 11 floors?

17 MR. MCMAHON: Yes, sir.

18 MR. MARIANI: Does the ground floor have units on
19 it or is it --

20 MR. MCMAHON: The ground floor does have a few
21 units.

22 MR. MARIANI: Single-level units.

23 MR. MCMAHON: Yes, single-level.

1 MR. MARIANI: The level and everything else is
2 skip-stop with duplex units?

3 MR. MCMAHON: Yes, sir. We have three floors with
4 single-level units; first, second and third. And from the
5 fourth -- and its fifth floor are combined; sixth, seventh,
6 eighth, ninth, tenth and eleventh.

7 MR. NORRIS: How many parking spaces are you plan-
8 ning altogether?

9 MR. MCMAHON: There will be 56 in the commercial
10 and --

11 MR. GLASGOW: 68.

12 MR. NORRIS: 68. Now, once you get --

13 MR. MCMAHON: You meant for the whole project?

14 MR. NORRIS: Yeah. Let me ask you; once you get
15 on the parking level, are they all tied together or are they
16 mixed? Is the parking integrated between the apartment build-
17 ing and the --

18 MR. MCMAHON: No, separate.

19 MR. NORRIS: I see.

20 MR. MCMAHON: The system for separating them I'm
21 not absolutely familiar with. Others will have to address
22 that. But there has been talk of a system to electronically
23 separate the two.

1 ACTING CHAIRMAN MCINTOSH: How are you going to
2 separate the two -- the visitors to the -- if people come
3 to the office building as visitors and so forth, and they
4 see a large parking garage and why wouldn't they just park
5 if there was a space vacant?

6 MR. MCMAHON: I'm not familiar with how that works.
7 I know this --

8 MR. GLASGOW: Mr. Lindner will answer that.

9 MS. FORTUNE: You enter from L Street. How do you
10 exit?

11 MR. MCMAHON: L Street, also. It is advantageous
12 and necessary to have a single entrance to this garage for
13 security control.

14 MS. FORTUNE: All right. You come in -- your en-
15 trance is on L Street. Say I'm going to the commercial build-
16 ing; I drive in and I go down and I park my car. Is there
17 an elevator? How would I get to the office building?

18 MR. MCMAHON: The elevator service is extended to
19 all parking garages. There is a separate elevator floor
20 that comes down to the parking at both levels for the apart-
21 ment building. And it's key operated with security and other
22 devices which we have to work out. But it will be secure.
23 You cannot enter the apartment building if you don't have a

1 park key. And likewise, the office building has a corridor
2 which visitors can enter and it's for them to come up and
3 visit the level of the residence.

4 MS. FORTUNE: Without a key.

5 MR. MCMAHON: Without a key. So it's a mix of uses
6 which we're trying to combine into one.

7 MR. MARIANI: Let me get back to the exterior of
8 the building for a minute. Was it a conscious effort to
9 make the buildings look so different. You certainly want to
10 identify one as an office building and one as a residential
11 building.

12 MR. MCMAHON: We also wanted to separate this
13 particular lot on "K". It's the last commercial piece of
14 ground at the west end of K Street. And it sort of ties
15 down and identifies the commercial side of K Street. We
16 wanted to make a statement of that. The apartment building
17 is within a very high density residential zone, but it does
18 have these townhouses across the street. We attempted to
19 borrow from their architecture.

20 MR. MARIANI: I think I know what you were doing,
21 but it really is very abrupt where the two buildings join.
22 I don't think this Board has anything to do with the esthetics
23 of the building. But it's kind of a shocker when you see the

1 two things coming together like that. I don't know. I just
2 wonder if there could have been a way to make that transition
3 a little bit softer. I think I can appreciate everything
4 else you're doing.

5 MR. MCMAHON: In plan it looks -- the elevations
6 are three on the plat. In the plan the building does come
7 back at an angle and there is an entry court.

8 MR. MARIANI: Okay. So where is the residential --

9 MR. MCMAHON: This is the residential lobby and
10 these are the residential elevators. This all is public lobby
11 space to the apartment building. This is the entrance lobby
12 to the office building and this is the lobby of the office
13 building right here.

14 MR. MARIANI: Where is the break at; just at the
15 side of the --

16 MR. MCMAHON: At this point right here. The build-
17 ing profile follows this line. This building profile gen-
18 erally follows this line. So this is an inviting place and
19 a place of common entrance. It's, again, one that's separate.

20 MR. MARIANI: Well, I think I appreciate what
21 you've done. I believe that relief will certainly help that
22 transition.

23 MR. MCMAHON: Yes, we thought it would, too.

1 MR. MARIANI: I guess the only thing that I'm a
2 little bit concerned about is when you look at the elevation,
3 right where they join, it's just sort of hanging together.
4 Can you show me that again? Now I understand the break-back
5 is pointed in the split elevation drawing.

6 MR. MCMAHON: The elevation drawing is -- this is
7 the one I'm talking about.

8 MR. MARIANI: Is that in the records?

9 MR. MCMAHON: No, it is not.

10 MR. GLASGOW: It's an identical copy.

11 MR. MCMAHON: It's a xerox reproduction.

12 Again, this is the area that we're talking about
13 here. This plane is sloping back and this plane is flat.
14 And as they come together they form a joint. It is recessed
15 off the street.

16 MR. MARIANI: You've got one coming back here and
17 then the other coming across like this. Then the other side
18 comes back out again. So it's like a reverse of your bays.
19 I mean, I understand that.

20 MR. MCMAHON: That's correct. And it forms this
21 public gathering space in front.

22 MR. MARIANI: I guess what I'm really concerned
23 about is that there isn't some clear definition that shows --

1 in other words, you've got a series of windows coming across
2 which are at different elevations than the windows coming the
3 other way and you really did quite a job there between -- see
4 what I'm talking about?

5 MR. MCMAHON: Yes. These are -- some of these are
6 windows on balconies which have quite a bit of depth. We're
7 hoping to show a great deal of (inaudible) in the buildings.
8 And in the apartment building itself and, also, in the office
9 building, these are all -- those windows are set back with --

10 MR. MARIANI: These still don't seem to go all in
11 the same direction. You've got different floors running
12 horizontally here and you've got, obviously, different floor
13 elevations running horizontally here. And they are really
14 coming together pretty hard. If there was some way to get
15 in that space where they come together more of a transition --
16 a larger opaque area or something that would allow that tran-
17 sition to occur -- visually that's jarring as hell when you
18 see those windows just running up against those other windows.
19 And they're out of sync with each other.

20 And I think that what we're trying to do is say,
21 "Okay. We're allowing you to build one building. All we're
22 going to do is allow you to build one building on two dif-
23 ferent kinds of zonings and really two distinct uses, but

1 still call it one building." But visually something's missing
2 right there where they come together. And I would appreciate
3 I don't think it's absolutely required, but I would certainly
4 appreciate it if you would take a look at restudying that
5 elevation to see if there's a happier way to get those
6 elevations to come together.

7 I think I can appreciate that you're trying to
8 work with the K Street commercial envelope, and I think I
9 can appreciate what you're trying to do with bay windows
10 and matching it with that nice row of residences across the
11 street, but this building is brick; that building is precase;
12 this one's got strip windows; that's got other windows.

13 MR. MCMAHON: We have a rendering.

14 MR. MARIANI: Where do they come together? Well,
15 I don't think the rendering's going to help me much, because
16 that is quite a technical problem you've got there and I
17 don't think you've got it resolved. And I suppose I feel
18 the same way about that as I do that roof top thing. We've
19 got a pretty nifty solution everywhere else, but I think
20 in those two areas you've still got a weak spot. And I would
21 appreciate it if you would take a look at it and see if you
22 can show the Board something that would make it a little bit
23 easier on the eyes.

1 ACTING CHAIRMAN MCINTOSH: Is the only reason that
2 you're making this one building to solve the parking problem?

3 MR. MCMAHON: No, sir. There are many reasons to
4 make it one building. And one is that all the land is avail-
5 able now; it is split-zoned.

6 ACTING CHAIRMAN MCINTOSH: You could have built a
7 separate building on the commercial lot and a separate build-
8 ing on the residential lot.

9 MR. MCMAHON: We could have.

10 ACTING CHAIRMAN MCINTOSH: But you'd have a problem
11 with your parking.

12 MR. MCMAHON: You have not only a problem with the
13 parking, but rear-yard courts, building heighth, all sorts of
14 issues that come into it. It's not just parking.

15 ACTING CHAIRMAN MCINTOSE: Anything else?

16 MR. GLASGOW: I have another witness. Do you have
17 any questions of the architect, Mr. Chairman?

18 ACTING CHAIRMAN MCINTOSH: No, sir.

19 MR. GLASGOW: Mr. Lindner, would you step forward,
20 please?

21 Mr. Lindner, for the record, please give your name
22 and your connection with this application, sir.

23 MR. LINDNER: My name is Thaddeus Lindner and I

*zoning
probs.*

1 represent the owners of the real estate.

2 MR. GLASGOW: Would you proceed in your own way
3 to give the testimony that I have previously described that
4 you would present your way?

5 CHAIRMAN MCCANTS: Well, first of all, you said you
6 represent the owners of the real estate. In what capacity,
7 sir?

8 MR. LINDNER: I am an owner of the property.

9 CHAIRMAN MCCANTS: And you represent the other
10 owners as well?

11 MR. LINDNER: That's correct, sir.

12 CHAIRMAN MCCANTS: All right.

13 MR. LINDNER: My associates and I have owned pro-
14 perty in the District of Columbia for many years in other
15 locations, as well as this one. We've owned the subject site
16 area -- we began assembling the subject site area in 1969 and
17 it has been a very difficult assemblage; and we've always
18 tried to do something that would be of -- I think in terms
19 of an addition to the city that the city would be proud of.

20 We finally reached in point in 1977 where we had
21 the entire site under control. And, at that time, we approached
22 the Municipal Planning Officer for some direction on how we
23 should approach it. And it seemed logical in many respects

1 that, although this is an extremely unique site -- physically
2 and geographically it's a unique site. And physically it is
3 a unique site in the sense that it is a difficult site. We
4 wanted to try to join both uses, the C-3-B zoning as well
5 as the R-5-D in a new building that would serve the function
6 of the building. But, obviously, we had to keep in mind all
7 of the costs of the development of the building; to try to
8 approach the site by building a separate building on each
9 site would have, in fact -- as has already been brought out --
10 inhibited, in many respects, the design of the building.
11 It would have inhibited the function of the parking. We would
12 have ended up with -- as has been indicated -- 56 parking
13 spaces at one building, which would have gone through very
14 valuable retail space or office space and would probably have
15 required even another level of garage, which would have been
16 extremely expensive.

17 And the same thing would probably have been true,
18 to some extent, in the residential area. So, over a period
19 of time in discussing it, even with the ANC, we broached the
20 subject of building a combined building and eventually
21 solicited and elicited their response; if they would support
22 such a building if it seemed to be in the best interest of
23 all parties. Now, as has already been brought up, the site is

BOARD OF ZONING ADJUSTMENT

2175 K Street, NW

One Building Condition



HEIGHT MEASURING POINT FOR BOTH
RESIDENTIAL AND COMMERCIAL STRUCTURES

K STREET

Page:

1



BOARD OF ZONING ADJUSTMENT

2175 K Street, NW

Two Buildings Condition

L STREET

- NO MORE REAR YARD AS MEASURED FROM L STREET
- NO REAR YARD FOR EITHER BUILDING

NEW HEIGHT
MEASURING POINT
FOR RESIDENTIAL
BUILDING

22ND
STREET

WIDTH OF
RESIDENTIAL OPEN
COURT

39'-42"

WIDTH OF OFFICE
OPEN COURT

17'-0"

PUBLIC ALLEY

WIDTH OF SECOND
OFFICE OPEN COURT

30'-0"

HEIGHT MEASURING POINT
FOR OFFICE STRUCTURE ONLY

K STREET

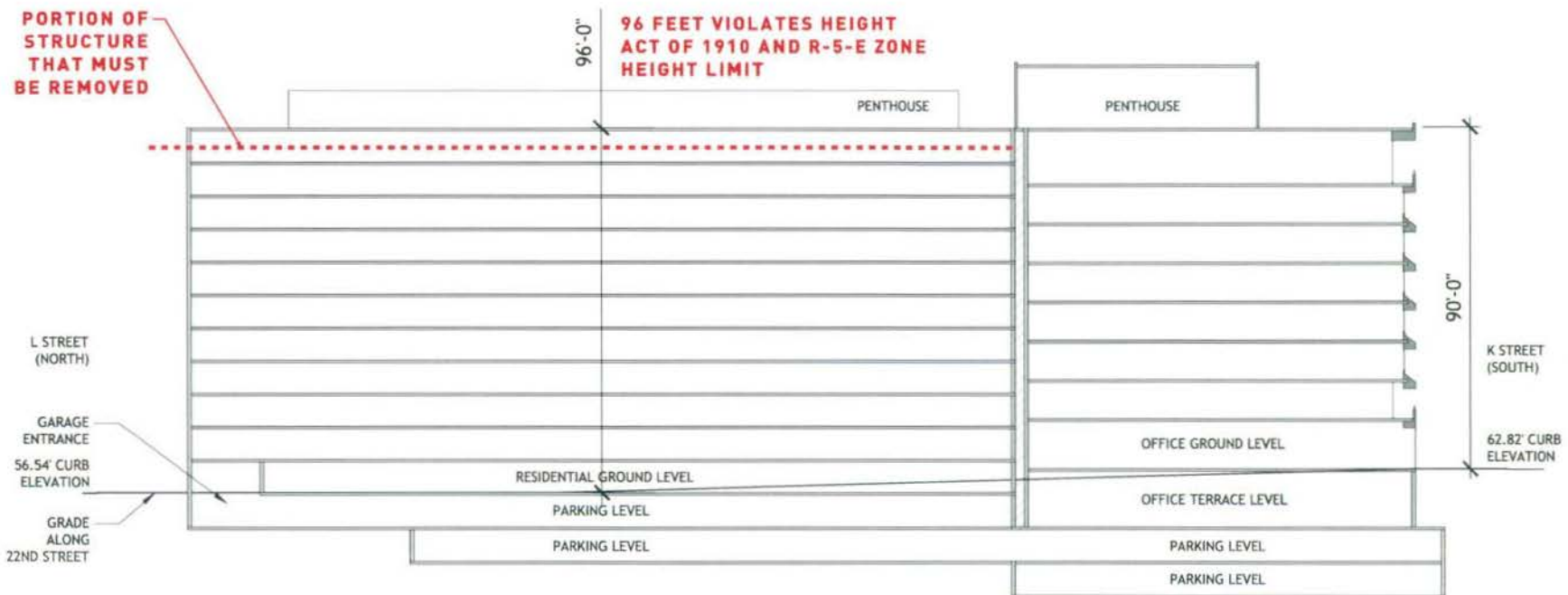
Page:

2



BOARD OF ZONING ADJUSTMENT 2175 K Street, NW

Building Section (Orientation Rotated for Page Layout)



GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF ECONOMIC DEVELOPMENT

B. R. SMITH BUSINESS LICENSE AND PERMIT DIVISION

DATE: 6-22-80

005/6877
June 22 1980 BY APPROVAL
CDD/DEP/311

APPLICATION FOR PERMIT TO CONSTRUCT
(New Building or Addition to an existing Bldg.)
(WRITE WITH TYPEWRITER INK)
Also if any Repairs or Alterations to existing Buildings are proposed

Address of proposed work 1001 22nd Street Lot No. 83
Name of owner K22 Associates Address 1120 19th St. DC Sq. No. 73

All use(s) of Building Office/Residential Material of building masonry/concrete
No. of Stories under Zoning Reg. 11 residential Cost of Construction \$ 10,000,000
(Of proposed construction) 8 office 8 residential
No. of stories for purpose of exits and fireproofing 9 office No. of Bldgs. one
(Of proposed construction)

Total No. of rooms in Bldg. n/a No. of dwelling units 67 No. of bricks 235,000
Concrete 15,000 (Cu. yds.) Cubic contents of proposed work 2,014,865 w.ft.

Name of builder Omni Construction Co. Address 4340 East-West Hwy Tel. No. 652-9385
(Print) (See Instruction)

Does this work require a Registered Architect or Professional Engineer? yes
Name of ARCHITECT Smith Segreti Tepper Address 1211 Conn. Ave. #609, DC
Tel. No. 785-8122 D. C. Registration No. A-1208

Name of Professional Engineer KCE Structural Engineers Tel. No. 833-8624
Address 1220 19th St., NW, DC D. C. Registration No. 5978

Have dimensions of all buildings and yards been properly indicated on Surveyor's plat? yes
Will any part of the building be used for commercial purposes? yes
Will there be any projections beyond the building line? yes

If so, check below:
Main steps no Areas yes
Porches no Marquises no
Bay Windows yes Vaults yes
Show Windows no Area Steps no

SUBMIT SEPARATE APPLICATION FOR PROJECTIONS, (Over)
Size of lot: Width 127.75' Depth 323.83' (varies)
Wall bearings no Skeleton concrete

Soil value assumed? 80,000 psf
Live load floor capacity? 100 psf office Live load roof capacity? 30 psf

Are there any condemnation proceedings against the building? no
Height of building, through center line of building, from front sidewalk to highest point of roof at centerline of building 90' Height of terrace above sidewalk n/a

Height of first floor above sidewalk 0 Has a certificate of parking been filed? no
Give MATERIAL AND THICKNESS of external walls: Foundation to 1st floor 12" conc.
1st to 2nd 8th/11th 2000x3000 glass, 3000x1000 precast & 4000x2000 masonry

Give MATERIAL AND THICKNESS of party walls: Foundation to 1st floor none
1st to 2nd 4th to 5th 3rd to 4th

Will the roof be pitch, mansard, or flat? flat Roof covering 'IRMA' system
Will the front wall project beyond the front walls of other bldgs. in block? no

Will building be wired for electricity? yes How will bldg. be heated elec. self contained
Number and type of elevators 5/geared Have elevator plans been filed? no

Is there a sidewalk, curb or improved roadway in front of proposed building? yes
Has curb grade been obtained from the Engineer of Streets? no Alley grades? no

Automobile parking spaces to be provided in bldg.? yes Outside on lot? no
The owner or his agent in affixing his signature hereto expressly agrees to comply with all specifications and conditions of this application and all Codes and Regulations of the District of Columbia.

Penalties are Provided for Misrepresentation
Read Instructions and Information on Reverse Side of this Application
Answer All Questions on Both Sides of this Application

Elevator layout in general approved
subject to the further approval of IF OWNER EXECUTES -
Installation as required by District
of Columbia Elevator Regulations dated
Nov. 3, 1977

Signature of owner(s) _____ Tel. _____
IF AGENT EXECUTES Smith Segreti Tepper
Chief Elevator Inspector Name of authorized agent Architects & Planners Tel. 785-8122
(Print)

Date 6-22-81 Address of authorized agent 1211 Connecticut Ave., NW, DC
APPROVED G. WILLIAMS Execution by Agent K22 Associates
78-550 By [Signature]
JUL 24 1981

To the DIRECTOR OF INSPECTION for the following approvals:

ENVIRONMENTAL SERVICES PLUMBING MECHANICAL AND REFRIGERATION ELECTRICAL SMOKE & BOILER APPROVED FOR PERMIT

APPROVED: [Signature] APPROVED: [Signature] APPROVED: [Signature] APPROVED: [Signature] APPROVED: [Signature]
Engineer Engineer Engineer Engineer Engineer
Date 9-10-80 JUN 17 1981 Date 6-27-80 Date Date Date
6/7/81

APPROVED FOR PERMIT
JUL 23 1981
N.T.

LI-2-3
5/1/58DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF LICENSES AND INSPECTIONS
ZONING DIVISION

80-453

FILE NO.....

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner K-22 ASSOCIATES		2. Location 1001-22ND ST. N.W		3. Square 73
4. Lot 83	5. Zone R-5-D / C-3-C	6. Use of Building or Structure OFFICE BLDG / APT. HOUSE	7. New ☒ Addition to Alter existing ☐	
8. Type of Structure Conforming B2A Nonconforming	9. Use of Structure Conforming ☒ Nonconforming	10. Width of Adjacent Streets L ST = 90' K ST = 147.67' 22ND ST = 90'	11. Width of Adjacent Alleys 4' 5' 30'	
12. Width of Restriction Lines NONE	13. Application of Act of June 1, 1910 Height of Bldg. 167.67 Excess Height NONE	14. Type of Lot Corner ☐ Through ☒ Triangular ☐ Alley ☐ Interior ☐	15. Number of Dwelling Units 67	
16. Lot Area Required N/P Provided 33,813.26	17. Lot Occupancy C Allowed 100% = 33,113.26 Provided 75% RES = 13,815.5 RES = 425.2 COMM. NON-RES = 109,557.84	18. Gross Floor Area Total 203,898.41 Total COMM = 94,340.5 Total RES = 109,557.84 TOTAL = 203,898.41	19. Cellar Area Total	20. Floor Area 6.0 RES = 110 6.0 COMM = 95.50 Allowed 95.50 RES. 109.50 Provided 94.34 COMM. 94.34 TOTAL = 203,898.41
21. Number of Residential Parking Spaces Required 17 Provided 67 Open Area	22. Number of Commercial Parking Spaces Required 56 Provided 56 Open Area 56 Within Bldg. 67	23. Number of Loading Bays Required 2 Provided 2 1 @ 12' x 45' 1 @ 18' x 20'		
24. Height of Bldg. Allowed 90' Curb, to first floor 56.28 to high point of roof 90' Grade, to first floor - to ceiling top story - to high point of roof -	25. Number of Stories Allowed N/P Provided 11- RES Office 8- OFFICE Cellar -	26. Yard and Court Requirements Rear Yard Depth 25.14 Required 45 Provided 45 Side Yard Width NONE Required NONE Provided NONE Open Court Width 10' Required 39.42 Closed Court Width - Closed Court Area -		

REMARKS:

CORRECTIONS. (Consider, Alley Construction)

~~(1) LEADING BEGINS TO COMPLY WITH REQUIREMENT OF ZONING REGULATIONS~~ **JAN 2 1 1981**

~~(2) MONITOR WHEEL GUARDS TO BE PROVIDED~~

~~(3) PARKING SPACES (TWO OF SPACES)~~

~~AND ALLEY CLOSING~~

~~5 TOPO APP. 7-16-80~~

~~REGULATIONS ON ALLEY~~

~~BLIND BURN CENTER OF ALLEY~~

STRUCTURE APPROVALS REFER TO EXIST

A* 131.48 (18.5' OFFICE, AND 13.67' FOR RES,

52.82 FF OFFICE 62.82

62.82 FF RES 56.54

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



April 20, 2007

John Epting
David Avitabile
Pillsbury Winthrop Shaw Pittman
2300 N St NW
Washington, DC 20037.1122

Re: 2175 K St NW & West End Place

Gentlemen:

You have asked me for a determination of whether the structures referred to above constitute one building or two for the purposes of the applicability of section 1709.20 of the Zoning Regulations of the District of Columbia.

After careful consideration of our discussions and your memorandum of April 18, 2007, as well as three site visits, it is my determination that these are two buildings.

While the two buildings were permitted on one building permit, this is not controlling.

I believe the controlling aspect is the definition of building which requires an above grade connection for structures to be considered one building. These two buildings have no above grade communication. The alleged communication you showed me is below grade and below the main floor of both buildings contrary to your representation. In addition either building could be razed without affecting the other.

Section 1709.20 was adopted after these buildings were built. I believe it is exactly this situation that the Zoning Commission was addressing in adopting Section 1709.20. Section 101 of the Zoning Regulations require me to consider the provisions of the regulations to be the minimum requirements and mandate a strict interpretation of the regulations.

I will be happy to discuss this determination with you after my return to the office on April 30.

Best regards,

A handwritten signature in dark ink, appearing to read "Bill Crews", is written over a horizontal line.

Bill Crews
Zoning Administrator

Washington, D.C., June 28, 1982

David Evans - Gen. Partner

Permission is hereby granted to 22ND & K St. Office Building Limited Partnershipto use the 2-8 floor(s) of the building located on lot S1 Square 73known as premises 1001 22ND ST. N.W. for the followingpurpose(s): Office Building.

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership, of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE

FEE \$ 308.00

C/3/C 1 R/5/D

Chief, Permit Branch

By

Permit Clerk

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT OF DIST OF COL.

OFFICE COPY

GOVERNMENT
DEPARTMENT OF LICENSING
OFFICE

DISTRICT OF COLUMBIA
NATIONAL AND INSPECTIONS
AND PERMITS

APPLICATION FOR CERTIFICATE OF OCCUPANCY—COMMERCIAL

(WRITE WITH TYPEWRITER OR INK)

Do NOT use this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

THIS OCCUPANCY ENCOMPASSES

83,600

SQUARE FEET

FEE \$28.00 Eng. Initials

Date 3-11-82

To THE DIRECTOR OF INSPECTION:

I, the undersigned, request the issuance of a Certificate of Occupancy for the use of the premises described below, and agree to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business 22nd and "K" St. Office Building Limited Partnership

Trade Name of Business 22nd and "K" St. Office Building Limited Partnership

Description of Premises for which Certificate is Requested

Address 1001 22nd St. N.W. Lot 81 Square 73

Name and address of owner of building c/o The Evans Co. 8283 Greenbush Dr. McLean, Va. 22102

To the best of your knowledge is the building now being condemned? No

Material of building Concrete & Brick No. of Stories High 8 Basement? 3

Proposed use Office Building

Which Floor(s) will be occupied for above use 2-8

Previous use Parking lot

If previous use was residential, how many living unit are being abandoned? N/A

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION

PENALTIES ARE PROVIDED FOR MISREPRESENTATION.

TO BE FILLED IN BY CLERK

IF OWNER OF BUSINESS SIGNS:

Signature of Owner (in ink)

Home Address

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:

Name of Agent Robert H. Shorb, Jr.

Address of Agent 1001 22nd St. N.W. Tel. No. 887-5629

Name of Owner(s) of Business 22nd & "K" St. Office Building Partnership

Signature of Agent (in ink)

APPROVED FOR ISSUANCE OF PERMIT

DATE JUN 28 1982

APPROVED FOR ISSUANCE OF PERMIT

DATE JUN 28 1982

APPROVED FOR ISSUANCE OF PERMIT

DATE JUN 28 1982

APPROVED FOR ISSUANCE OF PERMIT

DATE JUN 28 1982

APPROVED FOR ISSUANCE OF PERMIT

DATE JUN 28 1982

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved and Certificate issued until all inspections have been made and approved.

22nd St. Office Building

Accepted for filing under

22nd St. Office Building

22nd St. Office Building

Permit No. B109729

Issued

SECRETARY

TREASURER

PRESIDENT

VICE-PRESIDENT

Form LH-P-601
(Rev. 9/78)

CERTIFICATE OF OCCUPANCY

No. **B130045**Washington, D.C., 10/15/82, 19Permission is hereby granted to 22nd & I. ST. APARMENTS INCto use the 1 thru 11 floor(s) of the building located on Lot^s 81 Square 73known as premises 1099 22nd ST. NW for the followingpurpose(s): APARTMENT BUILDING 67 UNITS

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE C3B & R5IFEE \$ 420.88

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT. OF DIST. OF COL.

OFFICE COPY

By B. Clark Chief, Permit Branch
Permit Clerk

SCANNED 8.03.96

LHA-102A
Formerly 10A-102
Rev. 4/16/89

GOVERNMENT OF
DISTRICT OF COLUMBIA
DEPARTMENT OF LICENSES
AND INSPECTIONS
BUSINESS LICENSING DIVISION

DISTRICT OF COLUMBIA

DIVISIONS AND INSPECTIONS
BUSINESS LICENSING DIVISION

THIS OCCUPANCY ENCOMPASSES
144-143 SQUARE FEET
FEE \$20.88 Reg. Initials

APPLICATION FOR CERTIFICATE OF OCCUPANCY—RESIDENTIAL
(WRITE WITH TYPEWRITER OR INK)

USE this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

To the DIRECTOR OF INSPECTION:

Date APRIL 12, 1982

APPROVED
The applicant(s) requests the issuance of a Certificate of Occupancy for the use of the premises described below, and agrees to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business 22ND & L ST. APARTMENTS, INC.
(See instruction on reverse side) (PRINT) (FIRST) (MIDDLE) (LAST)

Description of Premises for which Certificate is Requested

Address 1099 22ND ST, N.W. Lot 81 Square 73
(of building to be occupied) M-215AN, V-2202

Name and address of owner of building 910 THE EVANS CO., 5203 GREENSBORO DR

To the best of your knowledge is the building now being condemned? NO

Material of building CONCRETE AND BRICK of Stories High 11 Basement? 2

Proposed use APARTMENT BUILDING (67 UNITS)

Which Floor(s) will be occupied for above use APARTMENTS FLOOR 1 THRU 11

Previous use PARKING LOT Will applicant reside on the premises?

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION
PENALTIES ARE PROVIDED FOR MISREPRESENTATION

To Be Filled in by Clerk

Use District C-3-B-R-5-D

Height District 4/12/82

Area District C

Transcript of No. 80-45371

E. D. No. 13148

B. Z. A. No. 13148

Bldg. Permit No. Now Conf

Previous use Now Conf

No. 10 Conf

More or Less Units 10 Conf

Name of Clerk 10 Conf

IF OWNER OF BUSINESS SIGNS:

Signature of Owner

(in ink)

Home Address

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:

Name of Agent ANDREW S. DOYLE FOR OMNI CORP.

Address of Agent 1099 22ND ST N.W. Tel. No. 887-5629

Name of Owner(s) of Business 22ND AND L ST APTS, INC.

Signature of Agent

(in ink)

APPROVED

RESERVED FOR APPROVALS

F.S. Grange Date 4/15/82

Bldg. L.C. Rangel Date 4/15/82

Plbg. L.C. Rangel Date 4/15/82

Elec. L. Robinson Date 4/15/82

APPROVED FOR ISSUANCE OF PERMIT

Signature Date 4/15/82

1-90798

SCANNED 4.03.96

SCANNED

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved and Certificate issued until all inspections have been made and inspection agencies have certified compliance.

Accepted for filing under
Provisional 4-12-82
F-2202

10 Conf

Permit No. B 130045

Issued

PRESIDENT DANIEL W. EVANS
VICE-PRESIDENT SERGIUS GAMBAL
SECRETARY THADDEUS LAMONIER
TREASURER SERGIUS GAMBAL

Washington, D.C., June 25, , 19 82

Permission is hereby granted to 22nd & K ST. OFFICE BUILDING LIMITED PARTNERSHIP
to use the park. lot, 1st bldg. floor(s) of the building located on Lot 81 Square 73
accessory parking garage-2nd & 3rd
known as premises 1001 22nd ST. NW for the following
purpose(s): Office Bldg. & Accessory Parking Garage Floors 2-8 covered by application
covered by application for C & D # B129729

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated,
ONLY for the premises, or part thereof, and for the purpose(s), indicated
above, and IS NOT TRANSFERABLE to another person or premises under ANY
conditions. ANY CHANGE in the type of business, ownership of business, or
part of premises used therefor, will render this Certificate VOID and a NEW
Certificate must be obtained

ZONE

FEE \$ 148.96

R3B & R5D

Chief, Permit Branch

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT OF DIST. OF COL.

By

Permit Clerk

OFFICE COPY

GOVERNMENT OF
DISTRICT OF COLUMBIA
DEPARTMENT OF LICENSES
AND INSPECTIONS
OFFICE OF
PERMITS

OF COLUMBIA
AND INSPECTIONS
PERMITS

APPLICATION FOR CERTIFICATE OF OCCUPANCY—COMMERCIAL
(WRITE WITH TYPEWRITER OR INK)

Do not use this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

THIS OCCUPANCY ENCOMPASSES

35,490 SQUARE FEET

FEE 148.96 Eng. Initials

Date APR 12 1982

To the DIRECTOR OF INSPECTION:

I, the applicant(s) request the issuance of a Certificate of Occupancy for the use of the premises described below, and agree to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application. (see top of page)

Full Name of Owner(s) of Business 2240 + "K" St. Office Building Limited Partnership (PRINT) (FIRST) (MIDDLE) (LAST)

Trade Name of Business 2240 + "K" St. Office Building Limited Partnership (PRINT) (This trade name must be identical with that shown in application for business license)

Description of Premises for which Certificate is Requested

Address 1001 22nd St. N.W. 81 Square 73 (if building to be occupied)

Name and address of owner of building The Evans Co. 8283 Greensboro Madison, Va. 22132

To the best of your knowledge is the building now being condemned? No

Material of building Concrete + Brick No. of Stories High 8 Basement 3

Proposed use Office building + accessory parking garage (Floors 2 through 8 covered by application for certificate of occupancy # B 129729)

Which Floor(s) will be occupied for above use Office building - partial 1st floor + partial

Previous use Parking Lot 1st basement; accessory parking garage - 2nd + 3rd

If previous use was residential, how many living unit are being abandoned? N.A.

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION

PENALTIES ARE PROVIDED FOR MISREPRESENTATION.

To Be Filled in by Clerk

Use District C-3-B-1-R-5-D

Height District 4/12/82

Area District

Transcript of No.

E. D. No.

B. Z. A. No. 13148

Bldg. Permit No.

Previous use New Const.

No.

Name of Clerk

IF OWNER OF BUSINESS SIGNS:

Signature of Owner

(in ink)

Home Address Tel. No.

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:

Name of Agent Robert H. Stark, Jr. for Construction, Inc.

Address of Agent 1001 22nd St. N.W. Tel. No. 887-5629

Name of Owner(s) of Business 2240 + "K" St. Office Building Limited Partnership (as shown above)

Signature of Agent Robert H. Stark, Jr. (in ink)

APPROVED: [Signature] RESERVED FOR APPROVALS

F.S. [Signature] Date 5-3-82

Bldg. [Signature] Date 6-3-82

Plbg. [Signature] Date 6-3-82

Elec. [Signature] Date 5-11-82

APPROVED FOR ISSUANCE OF PERMIT

[Signature] Date 6-25-82

[Signature] Date

[Signature] Date

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved and Certificate issued until all inspections have been passed and inspection agency certifies compliance.

Accepted for Filing [Signature] APR 12 1982

106601

Permit No. B130046

Issued

SECRETARY

TREASURER

PRESIDENT

VICE-PRESIDENT

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.

CO 149927

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

DATE : 8/27/2007

ADDRESS :	FLOOR(S):	PRCLID : 0073 (square)	-0000-	0883 (lot)
1001 22ND ST NW	PT. OF BASE & 1ST, ALL OF 2ND THRU 8TH	WARD : 2	ZONE : C3C	

PRCLID : 0073 (square)	-0000-	0884 (lot)
WARD : 2	ZONE : C3C	

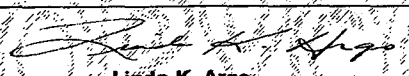
PERMISSION IS HEREBY GRANTED TO :	TRADING AS:
CORPORATION : 2175 K STREET OWNER LLC ID No.: L31462	

APPROVED USES:	PREVIOUS USES:
OFFICE BUILDING	OFFICE BUILDING

TYPE:	BZA NO:	OCCUPIED SQ. FOOTAGE:	OCCUP. LOAD:	EXPIRATION DATE:
CHANGE OF OWNERSHIP		89,772		NONE

DESCRIPTION OF USE:	FEE :
OFFICE BUILDING	\$429.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premise at the above address or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

Interim Director	PERMIT CLERK:
 Linda K. Argo	 PAMELA THORNTON

Form ED-P-451 **BUILDING PERMIT**
Date **7-27-81** (Type) **NEW BLDG** PERMIT NO. **B285862**
Address of work **1001 22nd ST. NW** Lot **83** Square **73**

Permission is hereby granted to **K22 ASSOICATES** (Owner) to **FILING FEE** \$
TOTAL PERMIT FEE \$

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.
Authorized work and conditions of performance thereof: **NO. DATE**
FEE PAYABLE \$14,215.95

TO ERRECT ONE NEW 11 STORY OFFICE/ RESIDENTIAL BLDG AS PER APPL. PLANS AND PLAT. MASONRY/ CONCRETE APER APPL.

P
E
R
M
I
T

(To be filled in if applicable)

Builder— **OMNI CONSTRUCTION CO**

Width of Bldgs. Length

Zone **R-5-D & C-3-B**

Height of terrace above grade

Address of owner

Deposit No.

Amount \$

DEPT. OF ECONOMIC DEVELOPMENT, GOVT. OF DIST. OF COL

Value \$ **10,000,000.00** of Bldgs.

No. of Stories

Height

To be occupied as **OFFICE/RESIDENTIAL**

Projections:

1215

Chief, Permit Branch

By *[Signature]*

Permit Clerk

OFFICE COPY

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF ECONOMIC DEVELOPMENT

DATE: 06-28-80 BUSINESS LICENSE AND PERMIT SECTION

APPLICATION FOR PERMIT TO CONSTRUCT
(New Building or Addition to an existing Bldg.)
(WRITE WITH TYPEWRITER OR INK)

005/6897
JUL 2 1981
APPROVAL
PERMIT SECTION

Address of proposed work 1001 22nd Street Lot No. 83
Name of owner K22 Associates Address 1120 19th St. DC Sq. No. 73
(Print) (See Instruction)

All use(s) of Building Office/Residential Material of building masonry/concrete
No. of Stories under Zoning Reg. 11 residential Cost of Construction \$ 10,000,000
(Of proposed construction) 8 office
No. of stories for purpose of exits and fireproofing 8 residential
(Of proposed construction) 9 office No. of Bldgs. one
Total No. of rooms in Bldg. n/a No. of dwelling units 67 No. of bricks 235,000
Concrete 15,000 (Cu. yds.) Cubic contents of proposed work 2,014,865 w.ft.
Name of builder Omni Construction Co. Address 4340 East-West Hwy Tel. No. 652-9385
(Print) (See Instruction)

Does this work require a Registered Architect or Professional Engineer? yes
Name of ARCHITECT Smith Segreti Tepper Address 1211 Conn. Ave. #602, DC
Tel. No. 785-8122 D. C. Registration No. A-1208
Name of Professional Engineer KCE Structural Engineers Tel. No. 833-8624

Address 1220 19th St., NW, DC D. C. Registration No. 5978
Have dimensions of all buildings and yards been properly indicated on Surveyor's plat? yes
Will any part of the building be used for commercial purposes? yes
Will there be any projections beyond the building line? yes

If so, check below:
Main steps no Areas yes
Porches no Marquises no
Bay Windows yes Vaults yes
Show Windows no Area Steps no
SUBMIT SEPARATE APPLICATION FOR PROJECTIONS, (Over)
Size of lot: Width 127.75' Depth 323.83' (varies)
Wall bearings no Skeleton concrete
Soil value assumed? 80,000 psf

To be Filled in by Permit Clerk
Use District R-5-D/C3-A
Height District 6-87-80
Area District
Name of Clerk
Date of Filing Fee 6-27
Filing Fee \$ 1500.00
Permit Fee \$ 15,715.75

Live load floor capacity? 100 psf office Live load roof capacity? 30 psf
Are there any condemnation proceedings against the building? no
Height of building through center line of building, from front sidewalk to highest point of roof at centerline of building 90' Height of terrace above sidewalk n/a
Height of first floor above sidewalk 0 Has a certificate of parking been filed? no
Give MATERIAL AND THICKNESS of external walls: Foundation to 1st floor 12" conc.
1st to 2nd 8th/11th brick/glass 3rd to 4th precast & masonry
Give MATERIAL AND THICKNESS of party walls: Foundation to 1st floor none
1st to 2nd 2nd to 3rd 3rd to 4th 4th to 5th
Will the roof be pitch, mansard, or flat? flat Roof covering IRMA system
Will the front wall project beyond the front walls of other bldgs. in block? no
Will building be wired for electricity? yes How will bldg. be heated elec. self contained
Number and type of elevators 5 geared Have elevator plans been filed? no
Is there a sidewalk, curb or improved roadway in front of proposed building? yes
Has curb grade been obtained from the Engineer of Streets? no Alley grades? no
Automobile parking spaces to be provided in bldg.? yes Outside on lot? no
The owner or his agent in affixing his signature hereto expressly agrees to comply with all specifications and conditions of this application and all Codes and Regulations of the District of Columbia.

Penalties are Provided for Misrepresentation
Read Instructions and Information on Reverse Side of this Application
Answer All Questions on Both Sides of this Application

Elevator layout in general approved
subject to the further approval of
Installation as required by District
of Columbia Elevator Regulations dated
Nov. 3, 1977

IF OWNER EXECUTES—
Signature of owner(s) _____ Tel. _____

IF AGENT EXECUTES—
Name of authorized agent Architects & Planners Tel. 785-8122
(Print)

APPROVED
G. WILLIAMS
78-550
JUL 24 1981
Execution by Agent { By K22 Associates
(Signature of Authorized Agent)

ENVIRONMENTAL SERVICES PLUMBING		MECHANICAL AND REFRIGERATION HFC-WHY APPROVED: W. H. [Signature] JUN 17 1981 Date	ELECTRICAL APPROVED: [Signature] Date 6/27/80	SMOKE & BOILER APPROVED: [Signature] Date	APPROVED FOR PERMIT [Signature] JUL 23 1981 Date
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2A-80-453
COMPLIES WITH REQUIREMENTS OF ZONING REGULATIONS
JUL 7 1981
JUL 23 1981
N.T.

Permit No. B225862
Issued
As soon as plan & Application received
7/16/81 7:00 PM