



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of: **Matthew LeGrant, Zoning Administrator**

made on **11/7/12** that states Redevelopment of Washington Harbour, including the construction of a new commercial (inn) building may be achieved as a matter of right, despite the non-conforming commercial FAR existing on the subject property.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
3050 K Street NW	1173	102	W-2 and W-3

Present use of Property: residential, retail, office

Proposed use of Property: residential, retail, office, inn

Name of Owner of Property: RP MRP Washington Harbour LLC

Address: 3050 K Street NW Washington DC 20007

Phone No(s): 202-719-9000

Fax No.:

E-Mail:

Name of Lessee:

Address:

Phone No(s):

Fax No.:

E-Mail:

Name of Appellant, if other than Owner: Washington Harbour Condominium Unit Owners' Association

Address: 3030 K Street NW Washington DC 20007

Phone No(s): 202-857-6053

Fax No.:

E-Mail:

marc.fleischaker@arentfox.com

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 1/4/13

Signature of Appellant*:

Waiver of Fee - Status of Appellant

☐ ANC ☐ DC Government Agency ☐ NCPC ☐ Citizens' Association/Association created for civic purposes that is not for profit

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

Name: Kinley R. Bray, Esq. Arent Fox LLP

Address: 1717 K Street NW, Washington DC 20036

Phone No(s): 202-715-8572

Fax No.:

202-857-6395

E-Mail:

kinley.bray@arentfox.com

* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

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

Board of Zoning Adjustment
District of Columbia

CASE NO.18522
EXHIBIT NO.3

WASHINGTON HARBOUR CONDOMINIUM UNIT OWNERS' ASSOCIATION
3030 K Street NW
Washington DC 20007

January 4, 2013

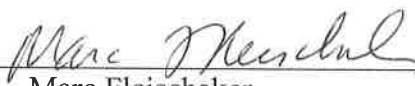
Lloyd Jordan, Chair
Board of Zoning Adjustment
441 Fourth Street, Suite 210S
Washington D.C. 20001

Re: Appeal of Washington Harbour Condominium Unit Owners' Association
3050 K Street NW

Dear Chairman Jordan:

This letter hereby authorizes Kinley R. Bray, Esq. and the law firm of Arent Fox LLP to file an appeal of the Determination Letter issued by Zoning Administrator Matthew LeGrant on November 7, 2012 regarding the redevelopment of Washington Harbour, known as 3050 K Street (Lot 102 in Square 1173). Ms. Bray and Arent Fox are authorized to act on our behalf and as our agent with respect to this matter.

Sincerely,

By 
Marc Fleischaker
President

**BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

STATEMENT IN SUPPORT OF AN APPEAL OF A DETERMINATION LETTER ISSUED BY MATTHEW LeGRANT, ZONING ADMINISTRATOR, ON NOVEMBER 7, 2011 AUTHORIZING THE CONSTRUCTION, AS A MATTER OF RIGHT, OF A NEW RESIDENTIAL OR HOTEL/INN STRUCTURE AS AN ADDITION TO AN EXISTING BUILDING THAT IS NONCONFORMING WITH RESPECT TO BOTH USE AND STRUCTURE, LOCATED ON SPLIT-ZONED PROPERTY IN THE W-2 AND W-3 ZONE DISTRICT AT PREMISES 3050 K STREET N.W. (LOT 102 IN SQUARE 1173) (THE "SUBJECT PROPERTY")

This Statement of Reasons is submitted on behalf of the Appellant, Washington Harbour Condominium Unit Owners' Association ("Appellant"), which represents the owners of a portion of the Subject Property.

Jurisdiction. The Board of Zoning Adjustment is authorized to hear this appeal pursuant to 11 DCMR § 3100.2.

Appellants. Appellants are the owners of the residential portion of the mixed-use development located on the Subject Property. Lot 102 in Square 1173 was developed in 1981 as a mixed-use office, retail, and residential community and is treated as a single building for purposes of zoning. RP MRP Washington Harbour, LLC is the owner of the office and retail portions of the Subject Property, and sought a determination from the Zoning Administrator, which Appellant hereby appeals, stating that further construction of residential and/or commercial structures on the Subject Property would be permitted as a matter of right. Further redevelopment of the Subject Property will have an immediate and direct impact on the owners of all condominium units on the Subject Property, including the Appellants. These impacts include diminution in property values and the potential for decreased security and increased noise and traffic congestion on the site.

The Subject Property. The Subject Property is located on the Georgetown Waterfront and is bounded on K Street to the north (with the Whitehurst Freeway directly above K Street), 30th Street N.W. to the east, the Potomac River to the south, and 31st Street on the west. The Subject Property is split-zoned, with approximately 68,005 square feet located in the W-2 Zone District, and 151,367 square feet of land located in the W-3 Zone District.

The Subject Property is divided into several tax and condominium lots, but is known of record as Lot 102 in Square 1173 and is developed with a mixed-use building that is treated as a single building for purposes of zoning. The initial development of the Subject Property was constructed as a matter of right in 1981 pursuant to the Zoning Computations provided by the developer and approved by the then-Zoning Administrator Joseph Bottner. See Exhibit A, attached. These Zoning Computations incorrectly "blend" the amount of commercial and residential floor area ratio available pursuant to each of the applicable zone districts applied to the Subject Property, resulting in an overall commercial density of approximately 2.61, and a commercial density on the W-2 portion of the Subject Property of 2.54, approximately 25% more

than commercial density than is permitted as a matter of right in that zone. As such, the entire development is non-conforming with respect to commercial floor area.

Nonetheless, the Zoning Administrator, in his November 7, 2012 determination letter, states that notwithstanding this non-conformity, RP MRP Washington Harbour, LLC may construct an addition to the building, which may include uses that are treated as commercial under the Zoning Regulations, as a matter of right. See Exhibit B, attached.

Exceptions to Administrative Decisions. The Appellant appeals from the determination of the Zoning Administrator, and submits that the November 7, 2012 determination letter was erroneous for the following reasons:

The Zoning Administrator's determination letter concludes that the building is non-conforming with respect to commercial FAR, and then goes on to analyze whether an addition may be made by considering the requirements for addition or enlargement to nonconforming structures devoted to a conforming use under 11 DCMR § 2001.3. But the Zoning Administrator's analysis is misplaced because that provision deals only with nonconforming structures that are devoted to conforming uses. Under Section 2001.3, additions or expansion of such nonconforming structures may be made when such expansion or alteration does not (a) exceed the maximum permitted lot occupancy in the zone district, (b) create any new nonconformities, or (c) expand or extend any existing nonconformity. 11 DCMR § 2001.3.

The Zoning Administrator's letter clearly states that the Zoning Computations approved in 1981 improperly calculated the maximum permitted non-residential FAR on the site, overstating by at least 25% the amount of floor area that would be permitted for commercial use. The Board of Zoning Adjustment, in Case 18247 (See Exhibit C) has unequivocally stated that a deviation from the maximum permitted floor area that may be devoted to a particular use requires a use variance because to approve such deviation alters the *uses* permitted on the site. Therefore, the existing building must be treated as nonconforming with respect to use—which requires an analysis under Section 2002 of the Zoning Regulations. Section 2002 applies to nonconforming uses within structures “whether the structure is conforming or nonconforming.”

11 DCMR § 2002.4 clearly states that a structure devoted to a nonconforming use may not be enlarged, except if the structure is to be devoted to a conforming use.

An inn, hotel, or any other commercial undertaking is not automatically considered a conforming use. Although inns are treated as residential for purposes of computing non-residential density in the W-2 Zone, the addition of non-guestroom areas in hotels and service or commercial spaces in an inn would indeed increase the already non-conforming commercial use on the Subject Property. The building plans reviewed by the Zoning Administrator depict amenity and service spaces on the first floor that are normally not permitted in an “inn” and are likely more appropriately treated as commercial adjuncts to a hotel.¹ See Exhibit D. The Zoning Administrator's determination does not evaluate what kinds of amenities or services will be provided on the first floor of the new building, nor does it indicate how the building will be

¹ The only meaningful distinction between a “hotel” and an “inn” under the current Zoning Regulations is the provision of dining facilities. See 11 DCMR § 199.1.

connected to the existing building. There is therefore no sufficient basis for the determination that the proposed addition will be devoted to a conforming use, or that the addition will not extend or expand any existing nonconformity on the Subject Property. The Zoning Administrator's determination that the proposed addition is permitted as a matter of right is plainly in error.

How Appellant will meet its burden of proof. The Appellant will prove its case relying on: (1) the plain language of the Zoning Regulations; (2) testimony of Appellant and other expert witnesses designated on the attached Witness List (or other witnesses designated by Appellant in advance of the hearing); documents itemized in the Exhibit List and attached hereto (and other such documents provided by Appellant in advance of the hearing); and (4) such additional evidence and testimony as deemed necessary by Appellant.

Conclusion. For the reasons stated herein, and for the reasons provided at the hearing on in this case, Appellant urges this Board to reverse the decision of the Zoning Administrator and vacate the November 7, 2012 determination letter regarding the Subject Property.

Respectfully submitted,

ARENT FOX LLP



Kinley R. Bray
1717 K Street NW
Washington DC 20036
(202) 857-6000
(202) 857-6395 FAX
kinley.bray@arentfox.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2013, a copy of the foregoing was mailed, first class, postage pre-paid, to the following:

RP MRP Washington Harbour, LLC
3050 K Street NW
Washington DC 20007

Allison Prince, Esq.
Goulston & Storrs
1999 Pennsylvania Ave NW, Suite 500
Washington DC 20006

Advisory Neighborhood Commission 2E
3265 S Street NW
Washington DC 20007

Bill Starrels, ANC 2E SMD05
1045 31st Street NW
Washington DC 20007



Kinley R. Bray

WITNESS LIST

- A. Marc Fleischaker, Esq.,
President, Washington Harbour Condominium Unit Owners' Association
- B. Stephanie Deoudes,
Condominium Manager
- B. Ellen McCarthy*,
Director of Planning and Land Use, Arent Fox LLP

* denotes expert

Appellant reserves the right to designate additional witnesses in advance of hearing.

EXHIBIT LIST

- A. Zoning Computation Sheets for Washington Harbour
- B. Zoning Determination Letter, November 7, 2012
- C. Board of Zoning Commission Order No. 18247
- D. Washington Harbour Residential/Inn Studies, October 25, 2012
- E. Biography of Ellen McCarthy, Director of Planning & Land Use, Arent Fox LLP

Appellant reserves the right to submit additional exhibits as necessary in advance of the hearing.

2A 80-326

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner GEORGETOWN HARBOUR ASSOC.		2. Location 3020 K ST., N.W		3. Square 1173
4. Lot 102	5. Zone W-2; W-3	6. Use of Building or Structure RETAIL / APARTMENTS AND OFFICE		7. New ☒ Addition to Alter existing
8. Type of Structure Conforming ☒ Nonconforming	9. Use of Structure Conforming ☒ Nonconforming	10. Width of Adjacent Streets, K ST - 70' 30TH ST - 60' Thomas Jefferson - 60'	11. Width of Adjacent Alleys NONE	
12. Width of Restriction Lines NONE		13. Application of Act of June 1, 1910 MAX Height of Bldg. - 90' Excess Height - NONE	14. Type of Lot Corner Through ☒ Triangular Alley Interior	
15. Number of Dw. Units 216		16. Lot Area Required - N/P Provided - 219,372.85	17. Lot Occupancy 75% Allowed - 164,523.00 Provided - 126,407 SF	18. Gross Floor Area Total 763,927.00
19. Cellar Area Total 329,046.00		20. Floor Area Comm. = 919,649.80 Res. = 1,198,071.6 Allowed - 1,198,071.6 Provided - 763,927.00		
21. Number of Residential Parking Spaces Required - 54 Provided - 389 ACCESSORY ONLY Open Area - NONE Within Bldg. ☒ GARAGE		22. Number of Commercial Parking Spaces Required - 267 (OFFICE - NONE RETAIL - 267) Provided - 267 Open Area - NONE Within Bldg. ☒ GARAGE		23. Number of Loading Berths Required - 7 Provided - 8 (12x45)
24. Height of Bldg. Curb, to first floor - 60/90' to high point of roof - 50.48/68.82' Grade, to first floor PH - 64.42/87.32' to ceiling top story - - to high point of roof - -		25. Number of Stories Allowed - N/L Provided - 8 Basement - NONE Cellar - 2 LL = 289 IL = 289		26. Required Rear Yard Depth - 12' - 32' Side Yard Width - NONE - NONE Open Court Width - 10' - 30' Closed Court Width - // - // Closed Court Area - // - //

REMARKS:

- Record lot 3-19-81
- Topo from highway (to be submitted)
- ORD approval (to be submitted) or 3/26/81
SAL 3/23/81

COMPLIES w/ REQ'T OF
2ND REG'S 3-30-81

CELLAR = 2.67'
FF = 6.00'
ROOF = 79.25'
PH = 96.08' (FAE 150009
tower et. 102.00')
V.H.W.

GRADE/CURB = 10.20
RETAIL (200,000) = 363

TOP OF ROOF -
W-3 = 67.25'
W-2 = 57.93'
TOP OF PH
W-3 = 85.75'
W-2 = 76.43'
POINT OF MEAS (412') K.S.

Mr Murphy (Wilkes & Artis 457-7800.
called 3-19-81
as to above
Ag Mr Barry Dunn - 337-9083



1. 3. 2. A.

2. EXCESS HEIGHT

3. COVENANTS

4. EXISTING-ANCE ACT

5. OLD REGULATION ACT

REMARKS

THIS BUILDING OR STRUCTURE DOES OR DOES NOT CONFORM TO ALL REQUIREMENTS OF THE ZONING REGULATIONS

(Zoning Engineer)

(Date)

APPROVED FOR COMPLIANCE WITH THE ZONING REGULATIONS

Bohrer
(Zoning Administrator)

(Date)

Thomas Jefferson St E1 + 10.2' Varies
mechanical el. 0'-0"
Garage ① el (-9.67') Varies West East
Garage ② el (-18.33') West, East
Garage ③ el (-26.43') West, East
Garage ④ el (-35.33') West, East
FF el + 5.00' = Retail - office
Grade el + 8.92' -
2 F el + 17.29' = Retail - office
3 F el + 27.25' = Apartment - office
3rd F res. 33 units
4th F res. 33 units
5th F res. 33 units
6th F res. 29 units
7th F res. 21 units
8th F res. 10 units
159 units

FILE NO.
ZA 82-259

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner WASHINGTON HARBOUR ASSOCIATES		2. Location 3020 K ST., NW		3. Square 1173
4. Lot: 102	5. Zone W-2 & W-3	6. Use of Building or Structure OFFICE, RETAIL AND APARTMENTS	7. Rev Addition to REVISION TO PERMIT 8288003 & 829306 (11-9-82) Alter existing	
8. Type of Structure Conforming ☒ Nonconforming	9. Use of Structure Conforming ☒ Nonconforming	10. Width of Adjacent Streets, K ST - 70' 30TH ST - 60' T. JEFFERSON - 60'	11. Width of Adjacent Alleys NONE	
12. Width of Restriction Lines NONE	13. Application of Act of June 1, 1910 MAX Height of Bldg. - 90' Excess Height - NONE	14. Type of Lot Corner Through ☒ Triangular Alley Interior	15. Number of Dwel Units 69	
16. Lot Area Required - N/P 219,372.85 $\pm$ Provided -	17. Lot Occupancy 79% Allowed - 104,529.63 $\pm$ Provided - 120,908.00 $\pm$	18. Gross Floor Area Total 691,505 $\pm$	19. Cellar Area Total 266,700 SF	20. Floor Area COMM - 432,152.25 $\pm$ RES - 1,206,429.10 $\pm$ Allowed - Provided - 691,505 $\pm$
21. Number of Residential Parking Spaces Required - 17 Provided - 17 Open Area - NONE		22. Number of Commercial Parking Spaces Required - 125 Provided - 125 & additional 35 $\pm$ accessory spaces Open Area - NONE Within Bldg. -		23. Number of Loading Berths Required - 6 Provided - 6
24. Height of Bldg. Allowed Curb, to first floor - 0.67' to high point of roof - 50.48' / 61.67' Grade, to first floor - 2.51' / 46.5' to ceiling top story - to high point of roof - 71.34'		25. Number of Stories Allowed - N/L Provided - 7 Basement - Cellar - 2		26. Rear Yard Depth - 12' - 52' Side Yard Width - NONE - NONE Open Court Width - 10' - 30' Closed Court Width - NONE - NONE Closed Court Area - NONE - NONE

REMARKS: PH - 89.84' CURB 12.0' (KST)
GRADE 8'-10"
FF 11'-4"
TF 11'-0"
ROOF SLAB 80'-2"
PH PARAPET 48'-8"
ROOF ELEV. 82'-8"
PH 98'-6"

NEW REVISION
7/29/83
height only
for Bldg
A.B

COMPLIES W/ REQUIREMENT
OF ZONING RECS.
12-22-82

Mr. Jim Berkow 337-9041

1. 3. 2. A.

2. EXCESS HEIGHT

3. COVENANTS

4. SHIPSTEAD-LUCE ACT

5. OLD SECRETARY ACT

REMARKS

THIS BUILDING OR STRUCTURE DOES OR DOES NOT CONFORM TO ALL REQUIREMENTS OF THE ZONING REGULATIONS

(Zoning Engineer)

12-22-82
(Date)

APPROVED FOR COMPLIANCE WITH THE ZONING REGULATIONS

(Zoning Administrator)

(Date)

OFFICE
RETAIL
RES

482,688 SF = NONE

91,467 SF = 1/750 = 122

117,350 SF = 1/4 = 17

691,505 SF

139 PARKING

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

November 7, 2012



By US Mail and Email PDF

Allison C. Prince
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006

Re: 3050 K St, NW (Lot 102, Sq 1173, aka "Washington Harbour") (the "Record Lot")

Dear Mrs. Prince:

The purpose of this letter is to confirm the matters discussed in our meeting on October 22, 2012 concerning the above-referenced Property. Specifically, among other items, the issues discussed were whether the proposed project on the "EE Parcel" of the Record Lot (the "Property") could be developed with a residential use as a matter-of-right and whether the proposed project on the Property otherwise complies with the District of Columbia Zoning Regulations. I have concluded that the proposed project complies with the Zoning Regulations as described below.

The 219,372 square foot Record Lot is split-zoned such that it is located in both the W-2 and W-3 Zone Districts. An approximately 68,005 square foot portion of the Record Lot is located in the W-2 Zone District and an approximately 151,367 square foot portion of the Record Lot is located in the W-3 Zone District. Based on the Zoning Computation Sheets, attached heretoe as Exhibit A, the Record Lot contains a building of approximately 691,505 square feet of gross building area (for a total building FAR on the Record Lot of approximately 3.15), of which approximately 173,060 square feet is estimated to be located on the W-2-zoned portion of the Record Lot and approximately 518,445 square feet is estimated to be located on the W-3-zoned portion of the Record Lot (the "Building").¹ The Building is comprised of several components consisting of residential, retail, and office uses which together are treated as one building for zoning purposes.

It is my understanding that the Property is being considered for the construction of an approximately 70,500 square foot structure comprised approximately 88 residential units or an

¹ I note that the Zoning Computation Sheets do not provide separate calculations for the square footage in each of the two zones that comprise the Record Lot. Such estimates were calculated by the project architect and are shown on page 9 of Exhibit B.

1100 4th Street, SW 3rd Floor Washington, D.C. 20024
Phone: (202) 442-4576 Fax: (202) 442-4871



inn of approximately 120 units (the "Project"). Information on the Record Lot, the Building, and the Project is shown on Exhibit B.

Use and Floor Area Ratio ("FAR")

Multi-family uses and inns are permitted as residential uses (for FAR purposes) in the W-2 Zone District as a matter-of-right. The W-2 Zone District permits a maximum FAR of 4.0 to be constructed, consisting of 2.0 FAR of commercial and 2.0 FAR of residential uses.

At the time of the approval of the building permit(s) for the Building, the then-Zoning Administrator apparently blended the maximum permitted FAR in the two zones in calculating the allowable square footage for the entirety of the site. Such approach would not be permissible at the present time under the current interpretation of the Zoning Regulations.

The Building is non-conforming as to the commercial FAR for the W-2-zoned portion of the Record Lot since its commercial FAR exceeds 2.0 FAR, at approximately 173,060 square feet (or 2.544 FAR for the W-2-zoned portion of the Record Lot). The proposed Project contains approximately 70,500 square feet of multi-family or inn use on the Property. Such amount equates to approximately 1.04 FAR (on the W-2-zoned portion of the Record Lot). After the Project, the total FAR on the W-2-zoned portion of the Record Lot would be approximately 3.58 FAR comprised of the existing approximately 2.54 FAR of commercial use and the new approximately 1.04 FAR of residential FAR.

Since the Project conforms to the lot occupancy limit (as discussed below), and does extend the commercial FAR nonconformity, and since the use and structure requirements of the Project conform to the W-2 Zone, the Project's additional proposed residential FAR complies with the Zoning Regulations.

Height

The maximum building height in the W-2 Zone District is 60 feet. Therefore, the Project may be constructed to 60 feet. The proposed Project's height of 60 feet complies with the Zoning Regulations.

Lot occupancy

The maximum lot occupancy for the W-2 and W-3 Zone Districts is 75%. The Project's lot occupancy will be approximately 62%, as shown on page 3 of Exhibit B. Since the maximum lot occupancy for both Zone Districts is the same, the lot occupancy is calculated utilizing the entirety of the lot area of the Record Lot as the denominator. The Project's proposed lot occupancy complies with the Zoning Regulations.

Inclusionary Zoning ("IZ")

Since the Property is located in the W-2 Zone District and the Georgetown Historic District, and since the Project will not expand the gross floor area of the Building by 50% or more, IZ will not apply to the Project under Sections 2602.1(c)(iii) and 2602.3(e).

Rear and Side Yards

For residential buildings (including inns), the W-2 Zone District requires a rear yard with a minimum depth of three (3) inches per foot of building height measured from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve (12) feet. When the residential use begins above grade, the minimum depth of the rear yard is measured from the vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof. Such rear yard would be required at and above the residential plane. At 60 feet, the Project would require a rear yard of fifteen (15) feet. Per the Zoning Computation Sheets, the Building provides a rear yard of approximately 52 feet, presumably between the Building and the Potomac River. Such rear yard is not changing as a result of the Project. Therefore, the proposed rear yard complies with the Zoning Regulations.

A side yard is not required in the W-2 Zone District. Here, no side yards have been created on the Record Lot and none are required.

Courts

For residential buildings (not including inns), the W-2 Zone District requires open courts to have a minimum width of four (4) inches per foot of height and no less than ten (10) feet. Inns (and hotels) are required to provide courts of three (3) inches of width per foot of height and no less than ten (10) feet. Therefore, the court shown as "Open Court #1" on page 3 of Exhibit B would require a court of approximately 23 feet, six (6) inches. Since "Open Court #1" is an irregular court, the diameter of the largest circle able to be drawn within such court space may be used to satisfy the court width requirements. Here, a court is required to be a minimum width of 23 feet, six (6) inches. Therefore, the proposed rear yard complies with the Zoning Regulations. Note that an inn would require a court width of approximately seventeen (17) feet, eight (8) inches.

Parking & Loading

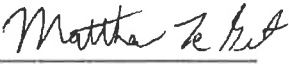
In the W-2 Zone District, one (1) parking space is required for each three (3) dwelling units and one (1) parking space is required for each two (2) rooms usable for sleeping (plus one (1) space for each 150 square feet of floor area in the largest function room or exhibit space). A project including 88 residential units would require 29 additional parking spaces and a project including 120 inn rooms would require 60 additional parking spaces. The Zoning Computation Sheets show seventeen (17) residential parking spaces required and provided on the Record Lot, and 125 commercial parking spaces required and provided on the Record Lot. The Zoning Computation Sheets note that a significant amount of additional accessory spaces exists on the Property. Per page 3 of the plans attached as Exhibit B, the Project proposes to furnish 29 parking spaces if the Project provides 88 residential units, and 60 parking spaces if the Project provides 120 inn rooms. Provided that these additional spaces comply with the required parking space size and aisle width dimension requirements of Chapter 21, the proposed parking complies with the Zoning Regulations.

In the W-2 Zone District, one (1) 55 foot loading berth, one (1) twenty (20) foot loading space, and one (1) 200 square foot loading platform are required for a multi-family building of 50 or more residential units, and one (1) 30 foot loading berth, one (1) twenty (20) foot loading space, and one (1) 100 square foot loading platform are required for an inn with 30 to 200 rooms. The Project proposes to include an additional loading berth (of 55 feet of depth if the Project is a residential building, or 30 feet of depth if the Project is an inn), a twenty (20) foot deep loading space, and loading platform (of 200 square feet if the Project is a residential building, or 100 square feet if the Project is an inn). Therefore, the proposed loading complies with the Zoning Regulations.

Roof structures

The Project proposes a new penthouse of twelve (12) feet, in compliance with the maximum penthouse height permitted under the Zoning Regulations. Further, such penthouse will be set back from the exterior walls of the building a distance greater than the height of such penthouse. Page 3 of Exhibit B depicts the roof plan for the Project. The proposed roof structure will include the elevator override for the proposed new structure. Therefore, the proposed roof plan complies with the Zoning Regulations.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: A – Comp Sheet
B – Plan Set

File: Det Let re 30350 K ST NW to Prince 11-7-12

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18247 of Big City Development LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under § 771.2, a variance from the rear yard requirements under § 774.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the loading requirements under § 2201.1, to allow the development of a new restaurant in the HS/C-2-A District at premises 1309 and 1311 H Street, N.E. (Square 1027, Lots 88 and 89)

HEARING DATE: September 20, 2011
DECISION DATE: September 20, 2011

DECISION AND ORDER

Self-Certification

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

Notice

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A, and to owners of property within 200 feet of the site.

The Application

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving elements that are necessary to establish the case pursuant to § 3103.2 for: (a) a variance to exceed the 1.0 floor area ratio (“FAR”) limit on non-residential floor area that is allowed under §§ 931.3 and 1331.2 (the “non-residential FAR variance”); (b) a variance from the rear yard requirements under § 774.1; (c) a variance from the off-street parking requirements under § 2101.1; and (d) a variance from the loading requirements under § 2201.1, to allow the development of a new restaurant in the HS/C-2-A zone.

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov



The Non-Residential FAR Variance

The Applicant proposes to rehabilitate and expand two existing buildings on the property and create a single three-story restaurant use, resulting in non-residential FAR of 2.67. Since the Zoning Regulations allow a maximum non-residential FAR of only 1.00, variance relief is required. The threshold question before the Board is whether the non-residential FAR variance is a “use” variance or an “area” variance.¹ For the reasons which follow, the Board finds that the non-residential FAR variance is a “use” variance.

Classification as “Area” or “Use” Variance

The Zoning Regulations do not define the term “area” variance or “use” variance. As noted by one commentator, “[t]he distinction between “area” and “use” variances, and the imposition of separate requirements for the granting of each type, are inventions of the courts.” *3 Anderson’s Am. Law. Zoning* § 20:6 (4th ed.). In the District of Columbia, the dichotomy between “area” variances and “use” variances was recognized in the *Palmer* case. *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535 (D.C. 1972). *Palmer* explained that an area variance relates to restrictions such as side yard, rear yard, frontage, setback or minimum lot requirements, whereas a use variance “seeks a use *ordinarily* prohibited in the particular district.” (emphasis supplied.) *Palmer* also established the statutory requisite of “practical difficulties” to a showing for area variances and the statutory requisite of “undue hardship” – a higher burden -- to a showing for use variances. *Id.* at 541.

The Applicant asserted that its request for non-residential FAR in excess of the amount permitted should be analyzed as an area variance. However, this Board has twice held that an application of this kind seeks use variance relief.

In *Application No. 16827 of The Stuart Building, LLC* (2002) the Board stated:

Applicant's request for a variance from the floor area ratio provisions of § 531 entails a use variance, because the maximum permitted FAR in the DCOD/SP-1 District is 4.0, of which only 2.5 may be used for nonresidential purposes as a matter of right. The FAR of the subject property is 2.57, and would increase to 3.2 with the planned addition. Thus the Applicant does not seek an area variance to increase the 4.0 FAR permitted as a matter of right for residential use of the property. Rather, the Applicant seeks to use the entire building, with a planned expansion, for nonresidential use. That is, the Applicant seeks a use variance so that the subject property may be devoted to nonresidential office uses in excess of the 2.5 FAR permitted as a matter of right in the SP-1 District.

Similarly, in *Application No. 18111 of the Kingdom of Sweden by National Property Board Sweden, SFV (Statens Fastighetsverk)* (2010), the Board “determined that the variance relief being sought ... from the non-residential floor area ratio limitations is a use variance, not an area variance.” While the Board may have misapplied the area variance test in the cases cited by the

¹ There is no dispute that the other variances (rear yard, parking, and loading) are “area” variances.

Applicant, the result was likely inadvertent since there is nothing in the orders to suggest that the Board intended to reverse its past precedent. And the Board declines to do so here. Therefore, the Board will analyze the Applicant's request for an increase in non-residential density as a use variance.

ANC

The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a timely report indicating that at a duly noticed public meeting at which a quorum was present, the ANC voted to support the application. (Exhibit 25.)

Government Reports

The Office of Planning ("OP") submitted a timely report indicating that it supported the application. (Exhibit 26.)

The Burden of Proof

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty in complying with the rear yard, parking, and loading requirements of the Zoning Regulations, and an undue hardship in complying with the non-residential FAR limits in the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Waiver of Findings of Fact and Conclusions of Law

No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 24-C, Plans, be **GRANTED**.

VOTE: **4-0-1** (Nicole C. Sorg, Jeffrey L. Hinkle, Lloyd J. Jordan, and Konrad W. Schlater to Approve; Meridith H. Moldenhauer not participating, not voting.)

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

A majority of the Board members approved the issuance of this order.

BZA APPLICATION NO. 18247
PAGE NO. 4

ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

FINAL DATE OF ORDER: NOV 29 2011

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 18247

As Director of the Office of Zoning, I hereby certify and attest that on NOV 29 2011, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Kyrus L. Freeman, Esq.
Holland & Knight, LLC
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

Otis L. Lonon, Jr.
Big City Development, LLC
2107 Parkside Drive
Bowie, Maryland 20721-4227

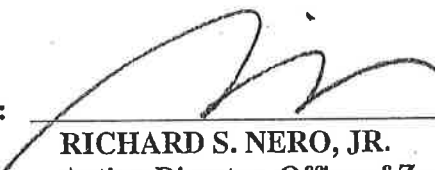
Chairperson
Advisory Neighborhood Commission 6A
Box 75115
Washington, D.C. 20013

Single Member District Commissioner 6A06
Advisory Neighborhood Commission 6A
1364 Emerald Street, N.E.
Washington, D.C. 20002

Tommy Wells, Councilmember
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 408
Washington, D.C. 20004

Melinda Bolling, Esq.
General Counsel
Office of General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024

ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

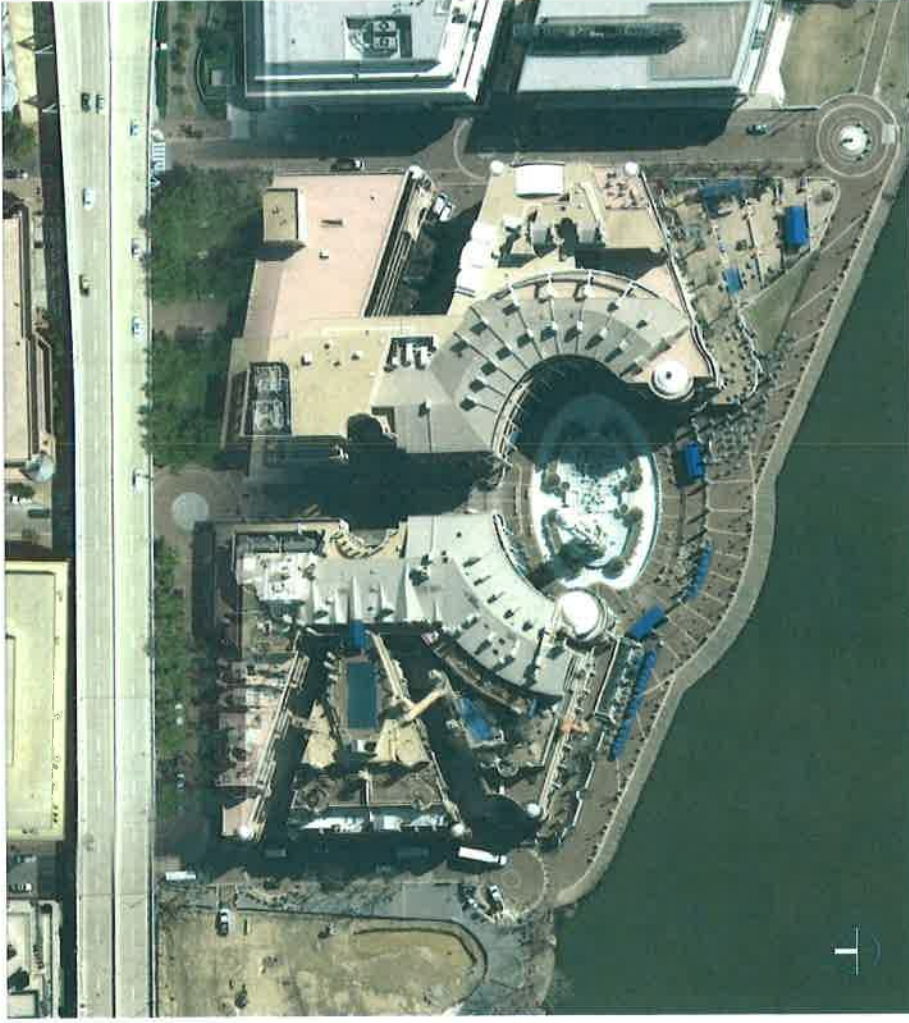
WASHINGTON HARBOUR - RESIDENTIAL / INN STUDIES



MRP REALTY

October 25, 2012

shalom baranes associates architects



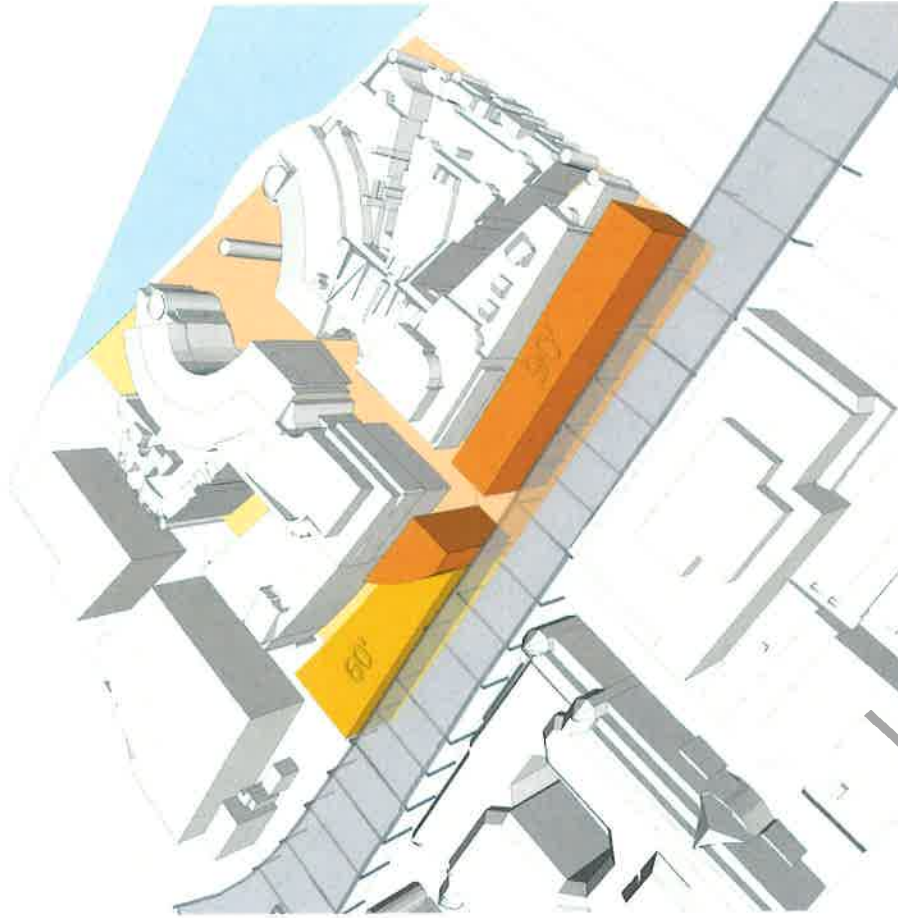
WASHINGTON HARBOUR RESIDENTIAL / INN

WASHINGTON DC October 25, 2012

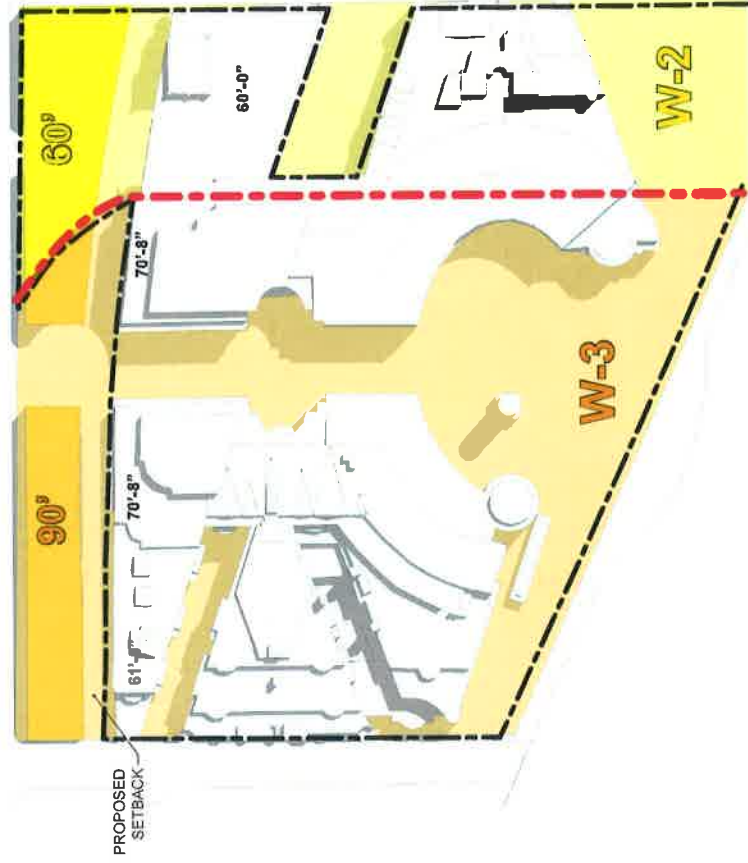
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AERIAL VIEW 02

shalom baranes associates architects



NOTE: ALL SPOT ELEVATIONS RELATIVE TO MP: +12'-0"

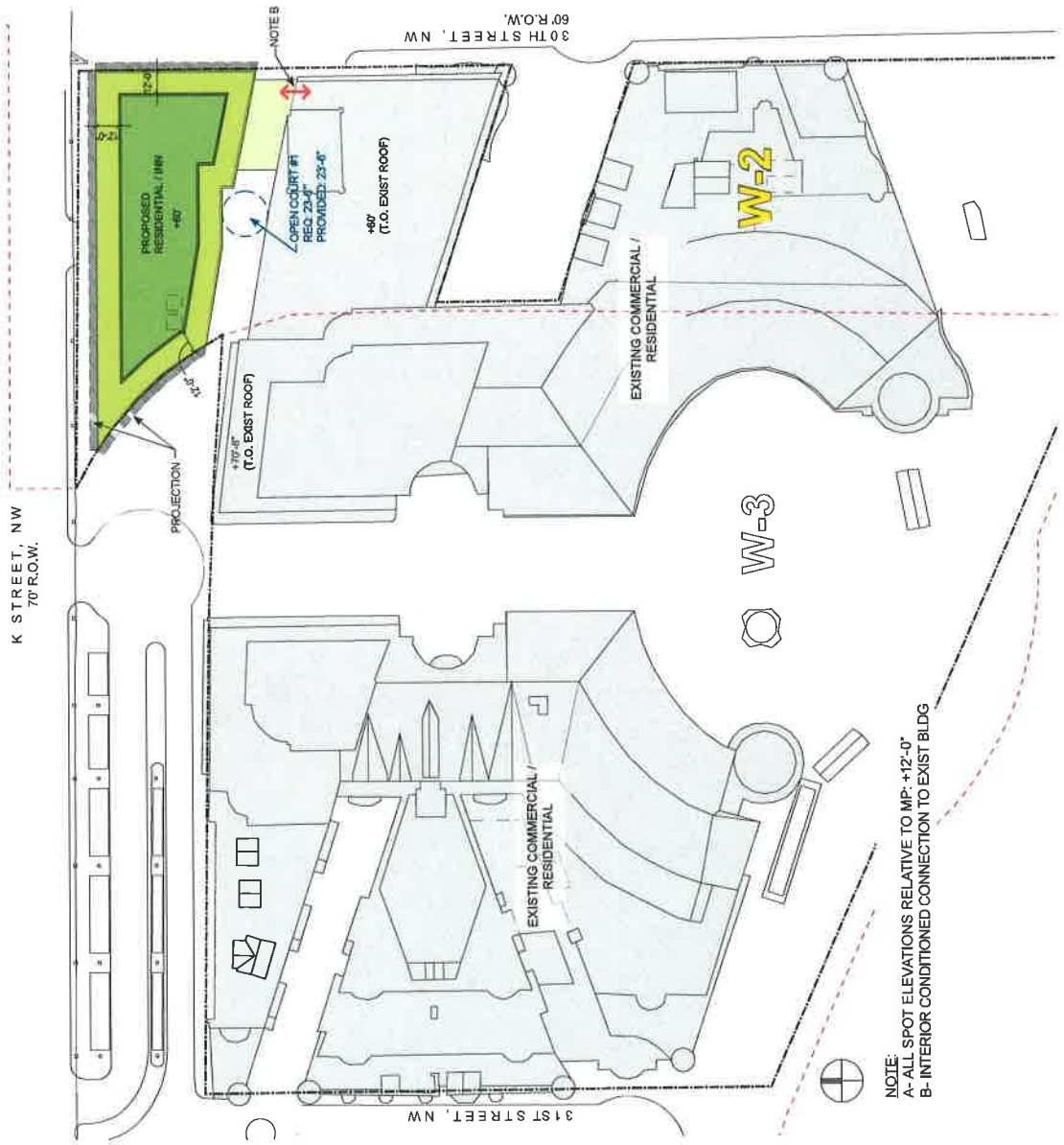


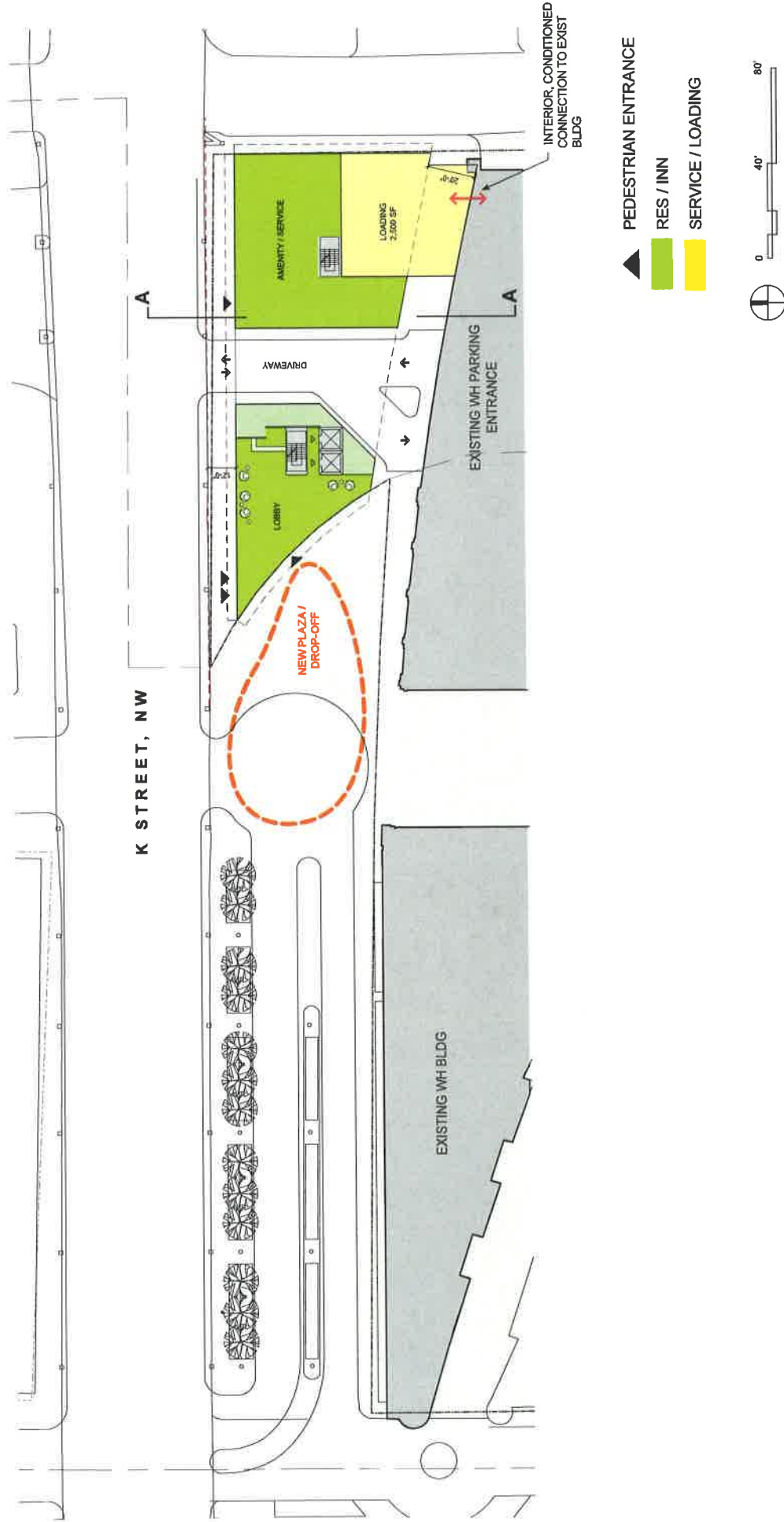
ZONING TABULATIONS - DRAFT **WASHINGTON HARBOUR RESIDENTIAL / INN**

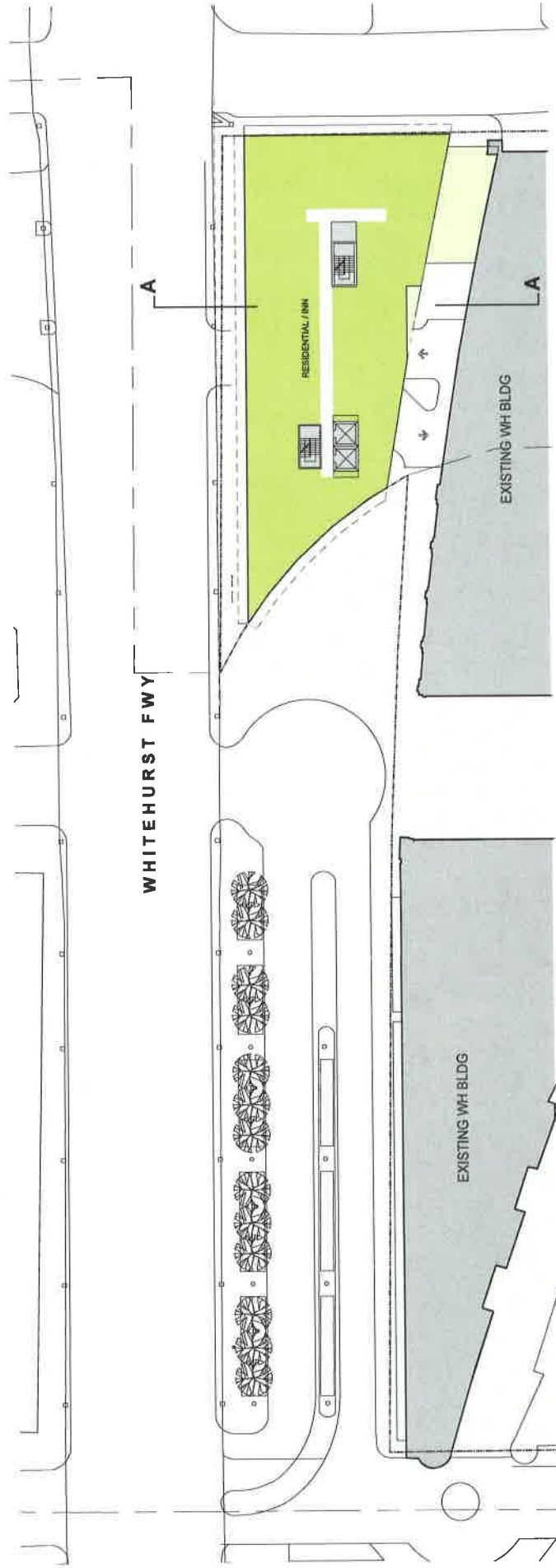
SQUARE 1173
 LOT: 102
 ZONE: W-2 & W-3
 SITE AREA - LOT 102 (SF): 216,372 (PER ZONING COMP SHEET DEC 1982)
 EAST BUILDING (SF): 891,300 (PER ZONING COMP SHEET DEC 1982)
 NUMBER OF BUILDINGS ON LOT: 1

ZONING REGULATIONS	ALLOWED / REQ	PROVIDED EXIST	PROVIDED PROPOSED
HEIGHT (MAX) ¹	80'	80'	80'
FAR (ENTIRE SITE) ²			
Residential	387,377	117,350	70,250
Commercial	182,844	174,155	0
LOT OCCUPANCY % ⁴	75%	58%	62%
REAR YARD ⁵ , ⁶			
Req. 37' ft. 12' min	12'	12'	0
SIDE YARD (not required, but 8' ft min if provided)	NONE REQ	NONE PROV	NONE PROV
COURT OPEN	SEE DIAGRAM	SEE DIAGRAM	SEE DIAGRAM
Req. 47' ft. 10' min			
Int. 37' ft. 10' min			
Other: 2.57 ft. 8' min			
COURT CLOSED	NONE REQ	NONE PROV	NONE PROV
Req. 47' ft. 15' min. Area 2 x 44' of req. w. 350 sq ft min			
Int. 37' ft. 15' min. Area 2 x 44' of req. w. 350 sq ft min			
Other: 2.57 ft. Area 2 x 44' of req. w. 250 sq ft min			
ROOF STRUCTURES			
Number	EXIST	EXIST	1
Subarea	1:1	1:1	1:1
Area	.37 FAR	.37 FAR	.37 FAR
PARKING ⁷			
Residential	46	17	29
Commercial	80	122	60
Existing Mix			
Residential / Inn			
	4 berths	4 berths	1 berth
	2 spaces	2 spaces	1 space
	4 platforms	4 platforms	1 platform
	1 berth		
	1 space		
	1 platform		

NOTES:
¹ - See §202.3
² - The Measuring Point for the proposed building height is elevation +12' based on current computation sheet from original building, dated 12/22/1982
³ - Int. considered Residential Use for the purposes of this section. See §603.4
⁴ - Proposed lot occupancy exclusively on the W-2 portion of the lot is 62%, portion of existing building on W-2 owner (plus proposed addition)
⁵ - Int. considered Residential Use for the purposes of this section. See §603.4
⁶ - Width of side rear yard dedication per Zoning Comp Sheet.
⁷ - Parking requirements:
 Req. 1 per 3 units
 Int. 1 per 2 rms & 1 per 150 sq ft of function or exhibit area
 Req. 1 per 250 sq ft in excess of 3,000 sq ft
 Office: 1 per 1,000 sq ft in excess of 2,000 sq ft
⁸ - Loading requirements:
 Req. 1 @ 20' x 30' x 6' platform @ 200 sq ft
 Int. 1 @ 20' x 30' x 6' platform @ 100 sq ft for 200 sq ft
 Req. 1 @ 20' x 30' x 6' platform @ 100 sq ft for 200 sq ft
 Office: 1 @ 20' x 30' x 6' platform @ 100 sq ft for 200 sq ft
 Office: 1 @ 20' x 30' x 6' platform @ 100 sq ft for 200 sq ft





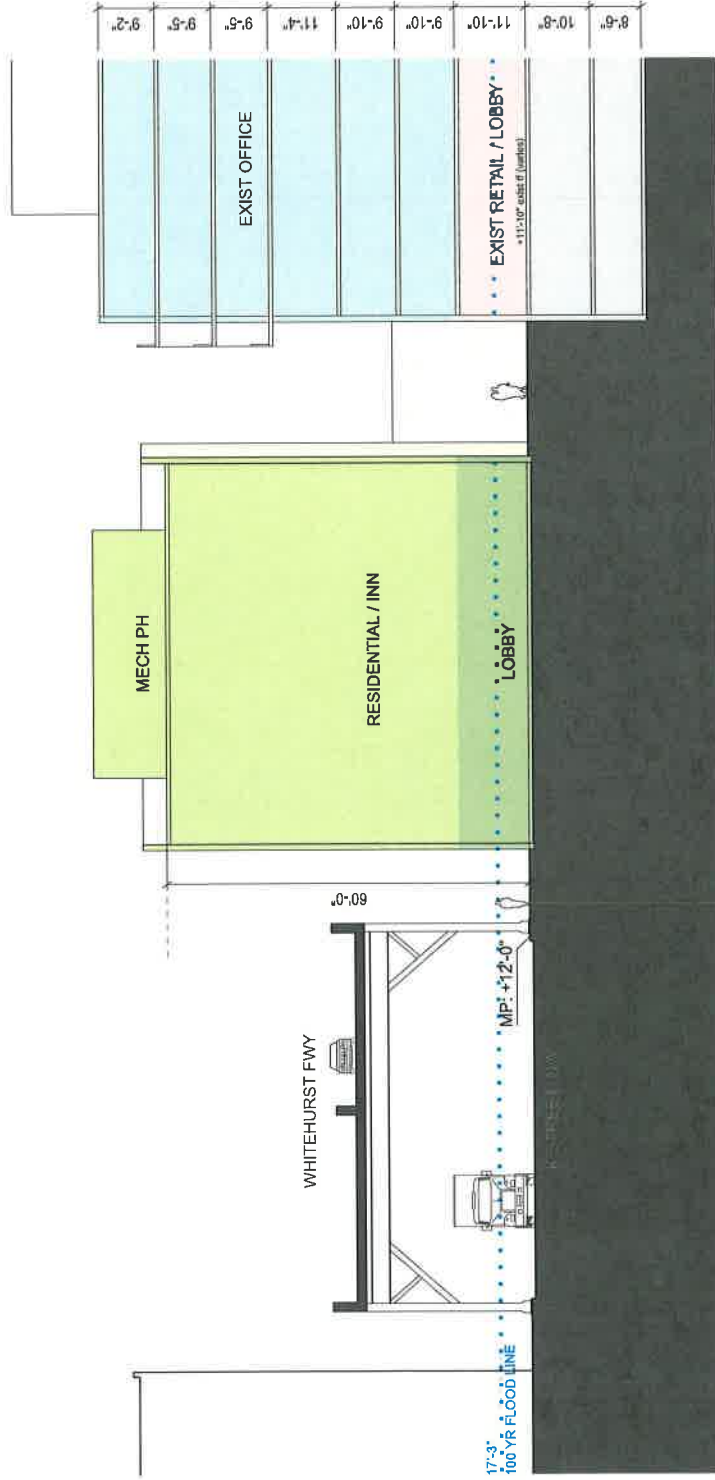
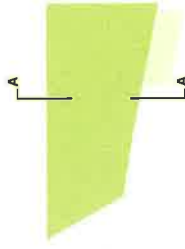


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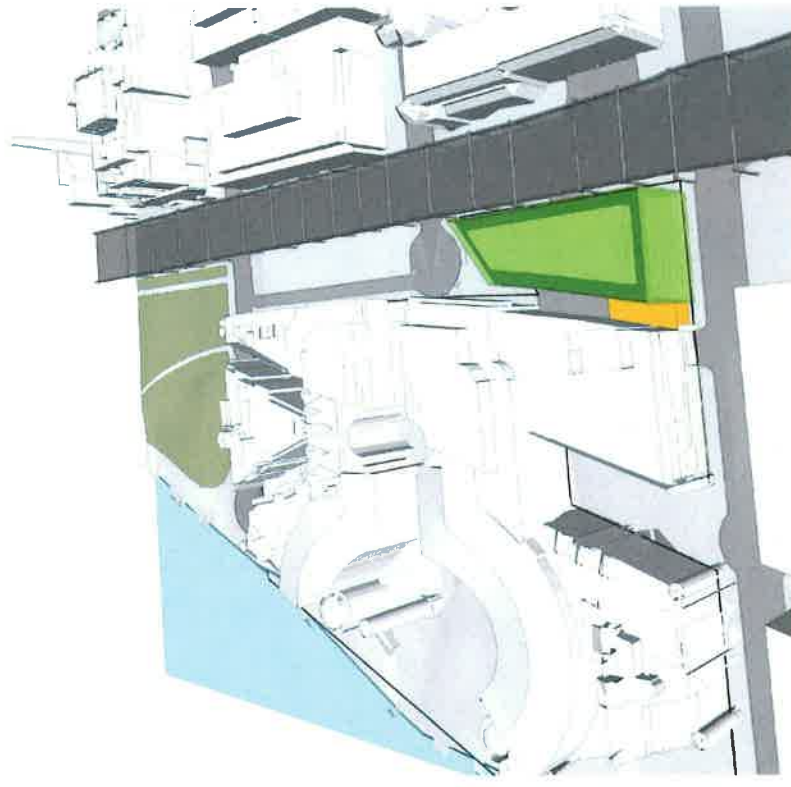
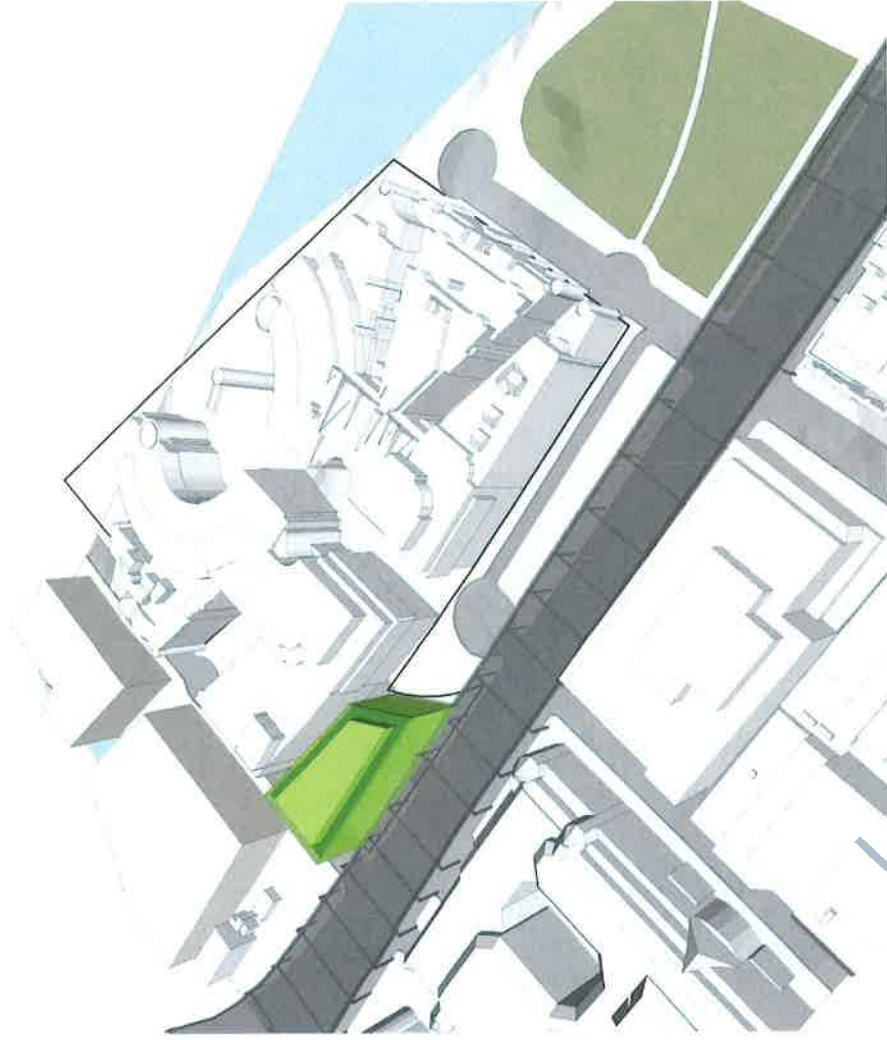
TYP FLOOR PLAN 06

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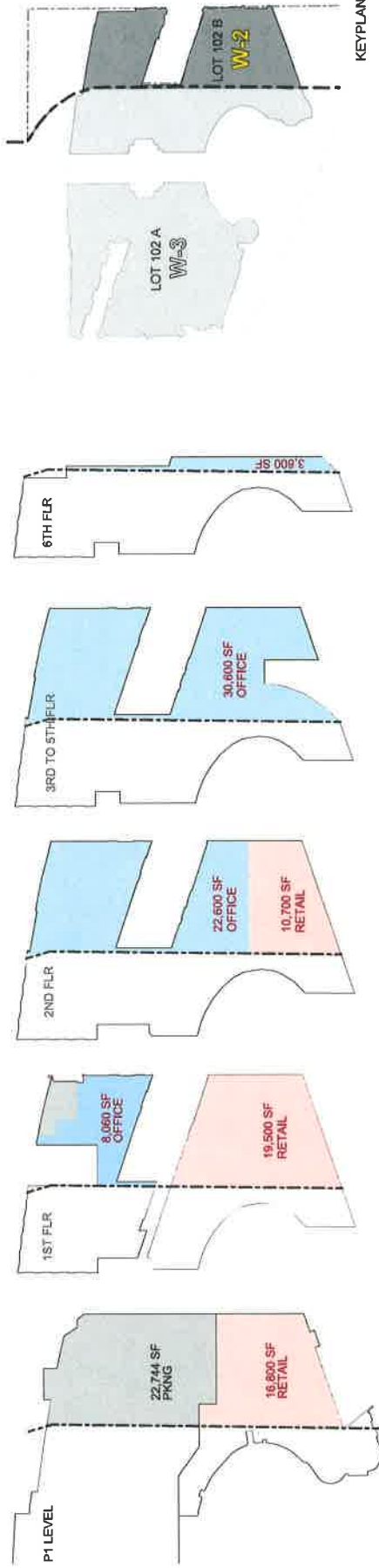
SITE AREA		
LOT 102 / SQ 1173 Area	219,372	
LOT X (TO BE PURCHASED)	25,400	
EXISTING IMPROVEMENTS (W H BLDG)	691,505	

AREA SUMMARY					
EXISTING CONDITIONS - LOT 102 / SQ 1173					
LOT 102 / SQ 1173	LOT 102 A	W3	SITE AREA (APPROX)	USE	FAR ALLOWABLE AREA
				RES 1	151,367
				COMM 5	756,833
				RES 2	136,011
				COMM 2	136,011
TOTAL SITE AREA					219,372
TOTAL ALLOWABLE FAR					1,180,221
TOTAL EXIST FAR					691,505

117,350	287,377	117,350
401,095	TOTAL ALLOWABLE RES	TOTAL EXIST RES
0	892,844	574,155
173,060	TOTAL ALLOWABLE COMM	TOTAL EXIST COMM
691,505		

NOTES

- Existing WH Bldg data per Goulston & Storrs Memo dated May 11, 2010.



WASHINGTON HARBOUR RESIDENTIAL / INN



Ellen M. McCarthy*

Director of Planning and Land Use
Washington, DC
202-857-6455
mccarthy.ellen@arentfox.com

Practice Teams Real Estate

Areas of Focus Zoning Land Use Historic Preservation

Practice Areas

Ellen McCarthy is the director of planning and land use for the firm. She has more than 35 years of experience in the planning field, with a focus on zoning, neighborhood planning, and historic preservation. Ellen feels that her past work in both the public and private sectors has provided insight into the needs of each side, and allows her to assist clients in designing projects and entitlement requests from the outset to increase the likelihood of efficient approvals, with minimal need for redesign, lengthy hearings and community conflict. She advises clients in all aspects of zoning and development review before the DC Zoning Commission, the Historic Preservation Review Board and the Board of Zoning Adjustment, including planned unit developments, re-zonings, variances, and special exceptions. She also assists clients with processes such as street and alley closings, antennas, roof structure reviews, downtown development district compliance and transfers of development rights, as well as federal land use, preservation, and environmental reviews.

*Ellen is not a member of the legal profession.

Previous Work

Previously, Ellen was the director of planning and land use for a large US law firm. Prior to that, she served as the director of the District of Columbia Office of Planning, where she managed a 65-person team in providing a wide range of services for District of Columbia citizens. Her projects included completing the preparation and obtaining unanimous city council adoption of the first new Comprehensive Plan in 20 years, the re-engineering of the development review function, and the crafting of a strategy to revitalize dilapidated affordable housing projects into lively, mixed-use, mixed-income neighborhoods while retaining existing low-income residents. She also directed the integration of the Historic Preservation Office into the Office of Planning from the permitting department, revamping its financial accountability system, and oversaw planning efforts for the Anacostia Transit Station Area, Northeast Gateway, Shaw/Convention Center Area, NoMA, and Georgia Avenue, along with completion of new zoning for the Anacostia waterfront district, Mt. Vernon Triangle, H Street, and numerous large development projects.

Professional Activities

Ellen has been involved in several civic and professional organizations. She currently serves on the board of directors of Cultural Tourism DC, an umbrella organization of more than 200 arts and cultural organizations as well as many embassies. She also serves on the Zoning Revision Task Force, advising the Office of Planning on its ongoing total overhaul of the DC Zoning Regulations, and is co-facilitator of the Working Group on the Built Environment for the Mayor's City-Wide Sustainability Initiative. She is a member of the Local Advisory Council of the Washington office of the Local Initiatives Support Corporation (LISC). In addition, she co-chairs the Task Force on Public Policy and Regulatory Reform for the Washington effort of the



Urban Land Institute's Terwilliger Workforce Housing Initiative. Ellen served on the boards of directors of the Washington Area Community Investment Fund (low-income housing finance organization) the Housing Council of Catholic Charities of the Archdiocese of Washington, DC, the DC Preservation League, and the Washington Architectural Foundation, as well as the Board of Trustees of the Committee of 100 on the Federal City, and she was active in the Citizens Planning Coalition. She was elected president of the National Capital Area Chapter, American Planning Association, and co-chair of the Coalition for a Living Downtown. She also currently serves on the Steering Committee of Ward 3 Vision, a local organization organized to advocate for smart growth in upper northwest, DC.

Publications/Presentations/Recognitions

- "Revitalizing Downtown DC," *Real Estate Review*. Winter, 2009
- "Center Cities," *Land Use in Transition*, co-written with Richard H. Bradley and Gayle L. Berens
- "The Management and Organization of Ridesharing Programs," *Transportation Research Board Special Report*, co-written with Richard Bradley, 1985
- "The Role of Transit in Creating Livable Metropolitan Communities," *National Academy Press*, 1997
- "Integration of Paratransit with Conventional Transit Systems," *Information Bulletin*, The Urban Consortium, Public Technology, Inc.
- "Institutional Framework for Integrated Transportation Planning," *Information Bulletin*, The Urban Consortium, Public Technology, Inc.
- "Transportation Planning and Impact Forecasting Tools," *Information Bulletin*, The Urban Consortium, Public Technology, Inc.
- *Manual for Planning and Implementing Priority Treatments for High-Occupancy Vehicles*, co-written with Gary Hebert, Urban Consortium, Public Technology, Inc.

For the American Public Transit Association:

- "An Analysis of the US Department of Transportation's National Transportation Policy," 1975

For the World Congress on Transport Research for Social and Economic Progress:

- "A New Role of Transportation System Managers: Public Entrepreneurs," Proceedings, World Congress on Transport Research for Social and Economic Progress, 1980
- ULI Conference on Anchor Institutions as Catalysts for Urban Reinvestment – "Win-Win Approaches to University Development: a George Washington University Case Study"
- ULI District Council
 - Presenter – Urban Marketplace Conference
 - Organizer – Session on Economic Development for Land Use Leadership Institute

- Society for College and University Planning – “A Case Study of the George Washington University Campus Plan Process”
- DC Building Industry Association
 - “Repositioning Older Assets – Cost Effective Approaches to Adding Value”
 - “Development Activity East of the River”
 - “Trends in Retail”
- Bisnow – Moderator on panel on real estate issues
- Lectured for Classes at GU Law School, GU, GWU Real Estate Program, U MD Real Estate Program
- Cincinnati Town Hall Meeting – Presentation on the DC Comprehensive Plan Process
- National Building Museum – presentations for various programs including a forum on planning commissions and a session on Comprehensive Planning in the US
- Numerous presentations to smaller groups including the League of Women Voters, various community organizations, Leadership Washington, a private equity fund and others.

Ellen has been recognized with an Entrepreneurial American Leadership Award by the Partners for Livable Communities, a national organization which promotes healthy, vibrant cities and towns; an Outstanding Performance Award from the US Department of Transportation; a Chapter Service Award from the National Capital Area Chapter of the American Planning Association; and was awarded a Fannie Mae Housing Fellowship to attend the John F. Kennedy School Program for Senior Executives in State and Local Government at Harvard University.

Education

Harvard University, Department of City and Regional Planning, MCP, 1974
 University of Maryland, BA (Phi Beta Kappa, *with high honors*), 1972

Life Beyond the Law

Ellen is an active volunteer in community efforts, and enjoys biking with her husband, reading, gardening, and knitting. She especially enjoys visiting her two children at college.