

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001

Appeal of Adams Morgan Neighbors for Action

BZA Appeal 19080

DCRA'S PRE-HEARING STATEMENT

Appellants allege that the Zoning Administrator (the “**ZA**”) erred in approving Building Permit B1410380, issued on June 5, 2015 (the “**Permit**”) to construct an eight story hotel (the “**Project**”) at 1770 Euclid Street, N.W. (the “**Property**”).

Respondent, the District of Columbia Department of Consumer and Regulatory Affairs (“**DCRA**”), asserts that the ZA properly reviewed and approved the Permit as in compliance with the Zoning Regulations.

Therefore, DCRA respectfully requests the Board of Zoning Adjustment (the “**Board**”) to affirm the ZA’s approval as correct and deny this Appeal.

FACTS

- The Zoning Commission approved a Planned Unit Development and Zoning Map amendment placing the Property to the RC/C-2-B zone district by Order No. 11-17, effective March 15, 2013 (the “**ZC PUD Order**”).¹
- The ZC PUD Order required the property owner (the “**Owner**”) to construct the Project consistent with the plans submitted to the Zoning Commission and entered in the record for Order No. 11-17 as Exhibit 195A (the “**PUD Plans**”) (title page is **Attachment A**).²

APPELLANT'S ALLEGATIONS

Appellants allege that the ZA erred in approving the Permit for the following reasons:

- 1) The Permit erroneously failed to provide the fifteen (15) foot rear yard required in the C-2-B zone district by Section 774.1; and

¹ BZA Appeal 19080, Exhibit 15A (Owner’s Pre-Hearing Statement: Tab A)

² ZC Order No. 11-17, Condition A1, at pages 25-26.

- 2) The Permit erroneously failed to provide the twenty-five (25) foot buffer from a Residence District that Section 1403.1(d) requires as a special exception criterion for uses otherwise prohibited in the C-2-B District within the Reed-Cooke Overlay (“RC”) Overlay District.

ARGUMENT

I. The Zoning Commission’s approved PUD Plans that the Owner must follow correspond to the plans approved by the Permit (the “Permit Plans”)

The Zoning Commission reviewed and approved the Project’s building dimensions and required the Owner to construct the Project according to the PUD Plans. The site plan included in the PUD Plans (**Attachment B**) depicts the same building envelope as shown in the site plan included in the Approved Plans (**Attachment C**).

II. The Project provides a twenty-five (25) foot rear yard, almost double that required by Section 774.1

- 1) Section 774.11 provides that

“In the case of [...] a corner lot abutting three (3) or more streets, the depth of the rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.”

- 2) The Project is bounded by the following three (3) streets (as well as by a public alley)
 - on the northwest by Columbia Road, NW;
 - on the north by Euclid Street, NW; and
 - on the east by Champlain Street, NW.

Therefore the Project qualifies for Section 774.11’s option to use half of the street right of way at the rear of the building to comply with rear yard requirements.

- 3) The definition of “street frontage” in Section 199.1 provides that:

“When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage.”

- 4) The Owner exercised this option and chose Columbia Road, N.W. as the front of the Project.
- 5) The Board has established that the location of a rear yard derives from the location of the “rear lot line” and the “Zoning Regulations contemplate that any [rear lot] line should be drawn perpendicularly from its starting point [which is the middle of the chosen street frontage].... The Board therefore concludes that a rear lot line must be directly opposite the

chosen street frontage. This means that even when a lot has more than four sides there can be only one possible location for a rear lot line.” BZA Appeal No. 18152, at 7.

- 6) By this methodology established by the Board, the Project’s rear lot line is determined by drawing a line perpendicular to the chosen street frontage in the middle of that chosen street frontage – in this case the Columbia Road, NW frontage. A line drawn by this methodology intersects the eastern property line of the Property where it is bounded by Champlain Street, NW.
- 7) Champlain Street, NW is therefore the rear lot line of the Project, and the Project’s rear yard therefore is derived from Champlain Street, NW.
- 8) Under Section 774.11’s provision for corner properties abutting three (3) or more streets, the Owner may therefore measure the rear yard as starting at the center line of Champlain Street, NW.
- 9) The street right of way of Champlain Street, NW is fifty (50) feet.
- 10) Therefore the twenty-five (25) feet of the Champlain Street, NW street right of way abutting the Property (from the center line to the Property) may be included in the calculation of the required rear yard.
- 11) As a result, the Project has a twenty-five (25) foot rear yard, almost double the fifteen (15) foot rear yard required by Section 774.1, and so complies with this requirement of the Zoning Regulations. Thus this allegation is meritless and should be dismissed by the Board.

III. Section 1403.1(d) does not apply to the Project because the hotel use is explicitly permitted in the RC/C-2-B Zone District by Section 1401.4

Section 1401.4 of the Zoning Regulations explicitly permits the Project’s hotel use in the RC Overlay District:

“Notwithstanding §1401.1 [list of prohibited uses in the RC Overlay District], the Zoning Commission may approve a planned unit development that permits a hotel use integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560”.

The Zoning Commission exercised this provision in approving the Project by the ZC PUD Order. Section 1403.1(d) does not apply, as it is a criterion that the Board must consider only when granting a special exception from a use requirement of the RC Overlay District. Since the Project was explicitly authorized under Section 1401.4 pursuant to the ZC PUD Order, the Project’s

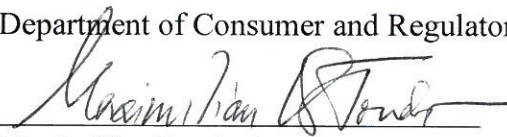
hotel use is a permitted use that does not require a special exception under Section 1403. Thus this allegation is meritless and should be dismissed by the Board.

CONCLUSION

For the reasons stated above, DCRA asserts that the allegations stated in the Appeal are without merit and that the Appeal fails to establish a valid reason to overrule the ZA's approval of the Permit. DCRA therefore respectfully requests that the Board affirm that the Zoning Administrator correctly applied the Zoning Regulations to evaluate and approve the Permit, and therefore that the Board deny this Appeal.

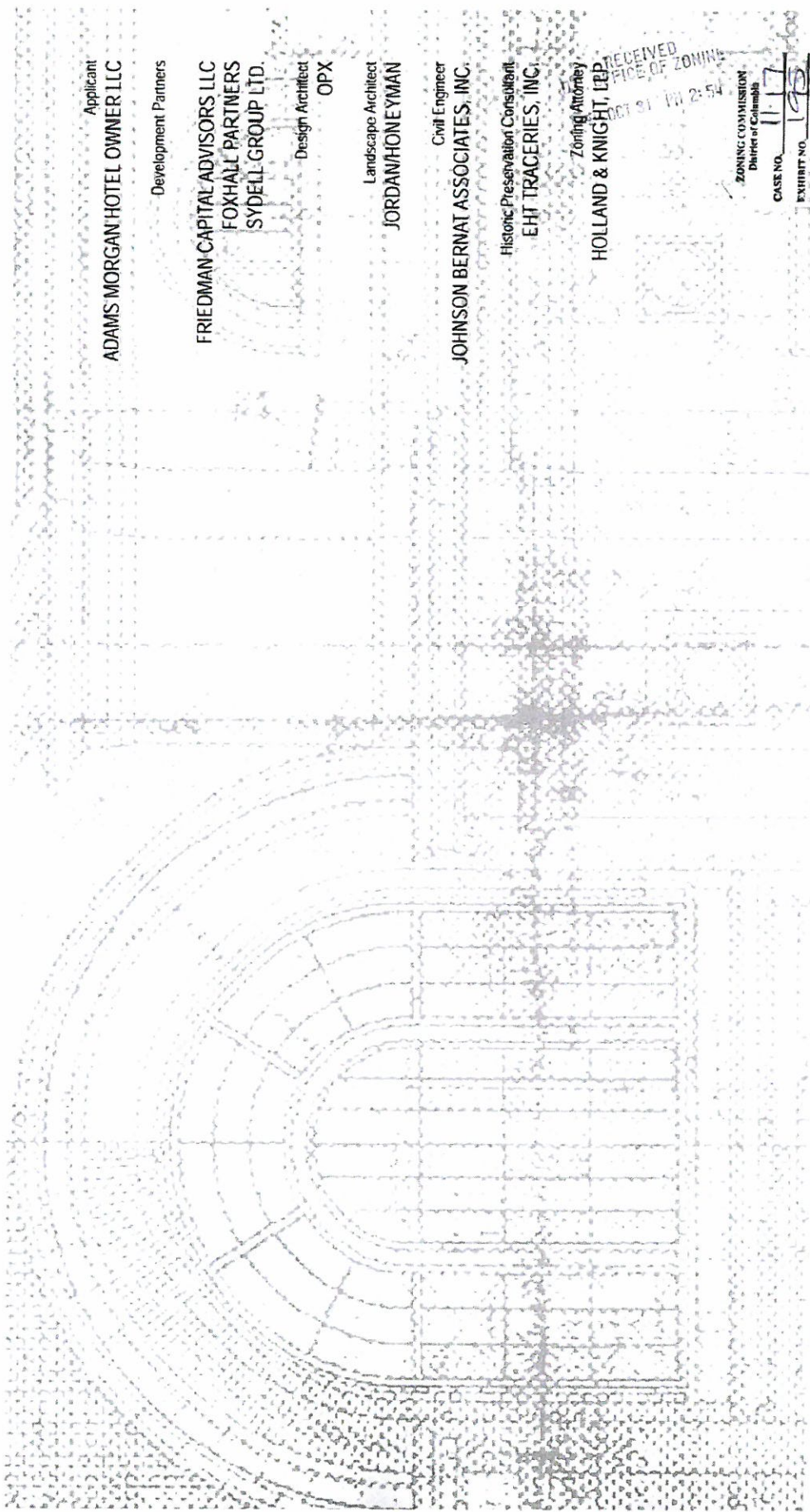
Respectfully submitted,
CHARLES THOMAS
General Counsel
Department of Consumer and Regulatory Affairs

Date: 10/2/15


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Attachment A

Title sheet to the PUD Plans (ZC Order No. 11-17, Exhibit 195A)



Applicant
ADAMS MORGAN HOTEL OWNER LLC

Development Partners

FRIEDMAN CAPITAL ADVISORS LLC
FOXHALL PARTNERS
SYDELL GROUP LTD.

Design Architect
OPX

Landscape Architect
JORDAN/HONEYMAN

Civil Engineer
JOHNSON BERNAT ASSOCIATES, INC.

Historic Preservation Consultant
EHT TRACERIES, INC.

Zoning Attorney
HOLLAND & KNIGHT, LLP

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ZONING COMMISSION
District of Columbia
CASE NO. 11-17
EXHIBIT NO. 15

1780 COLUMBIA ROAD, NW
Washington, DC 20009
(Square 2560, Lots 872, 875, & 127)

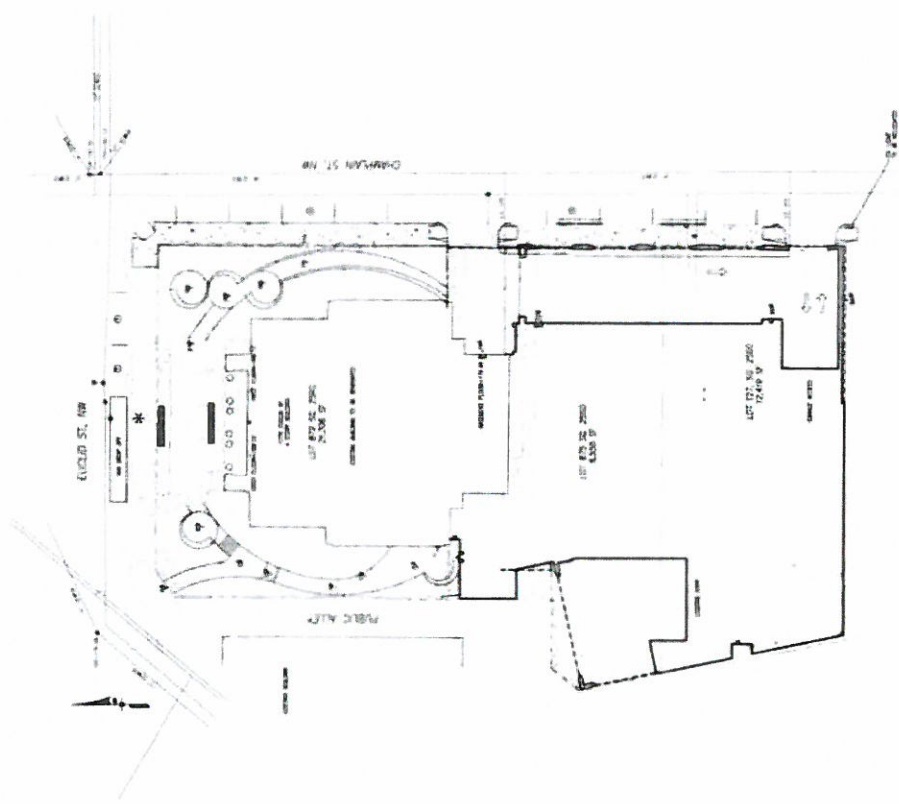
ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009

REVISED SUBMISSION CASE 11-17

District of Columbia
OCTOBER 29 2012
OFFICE OF ZONING
EXHIBIT NO. 15A1

Attachment B

Site plan (pages 21 and 27) in the PUD Plans (ZC Order No. 11-17, Exhibit 195A)



PROPOSED BUILDING FOOTPRINT
 EXISTING BUILDING FOOTPRINT
 EXISTING DRIVE DRIVE
 EXISTING DRIVE DRIVE
 EXISTING DRIVE DRIVE

* MEASURED FROM THE LEVEL OF THE CURB OPPOSITE THE MIDDLE OF THE FRONT OF THE BUILDING
 ELEVATION: 128.51

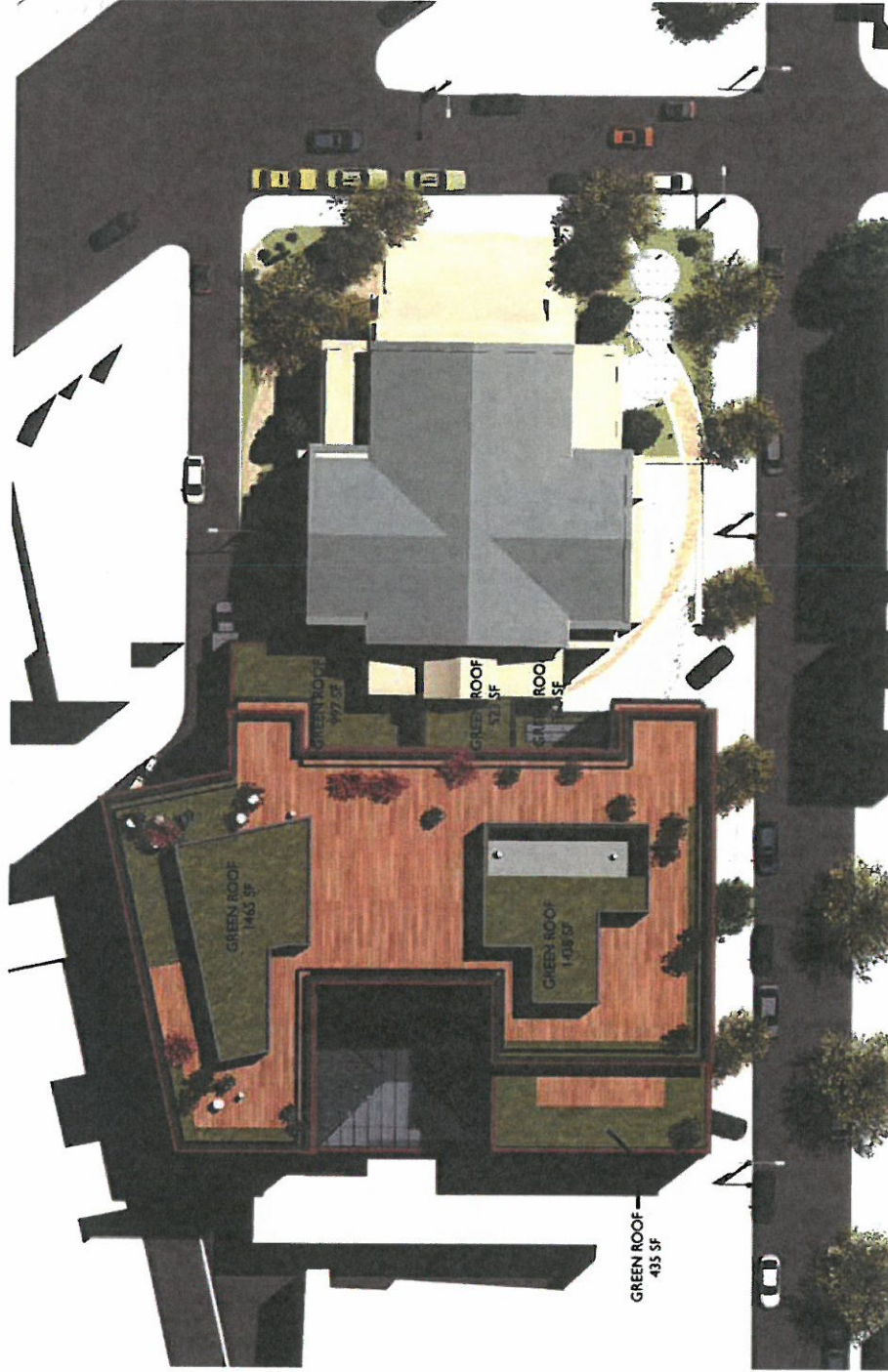
LEGEND

PROPOSED SITE AND GRADING PLAN

ADAMS MORGAN HISTORIC HOTEL
 1780 COLUMBIA ROAD, NW
 WASHINGTON, DC 20009

OCTOBER 29, 2012





· SITE PLAN - ILLUSTRATING GREEN ROOFS

All green roofs are extensive, see sheet 32 for plant descriptions

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009

OCTOBER 28, 2012 27



Attachment C

Site plan in the Permit Plans

DISTRICT OF COLUMBIA GOVERNMENT OFFICE OF THE SURVEYOR

Washington, D.C., February 14, 2014

Plat for Building Permit of: SQUARE 2560 LOTS 872, 875, 127

Scale: 1 inch = 40 feet Recorded on Microfilm (LOT 872)
 Recorded in A & T Book Page 1914 (LOT 875)
 Recorded in Book 181 Page 91 (LOT 127)

Receipt No. 14-02700

Furnished to: CHRIS FLACK

[Signature]
 Surveyor, D.C.

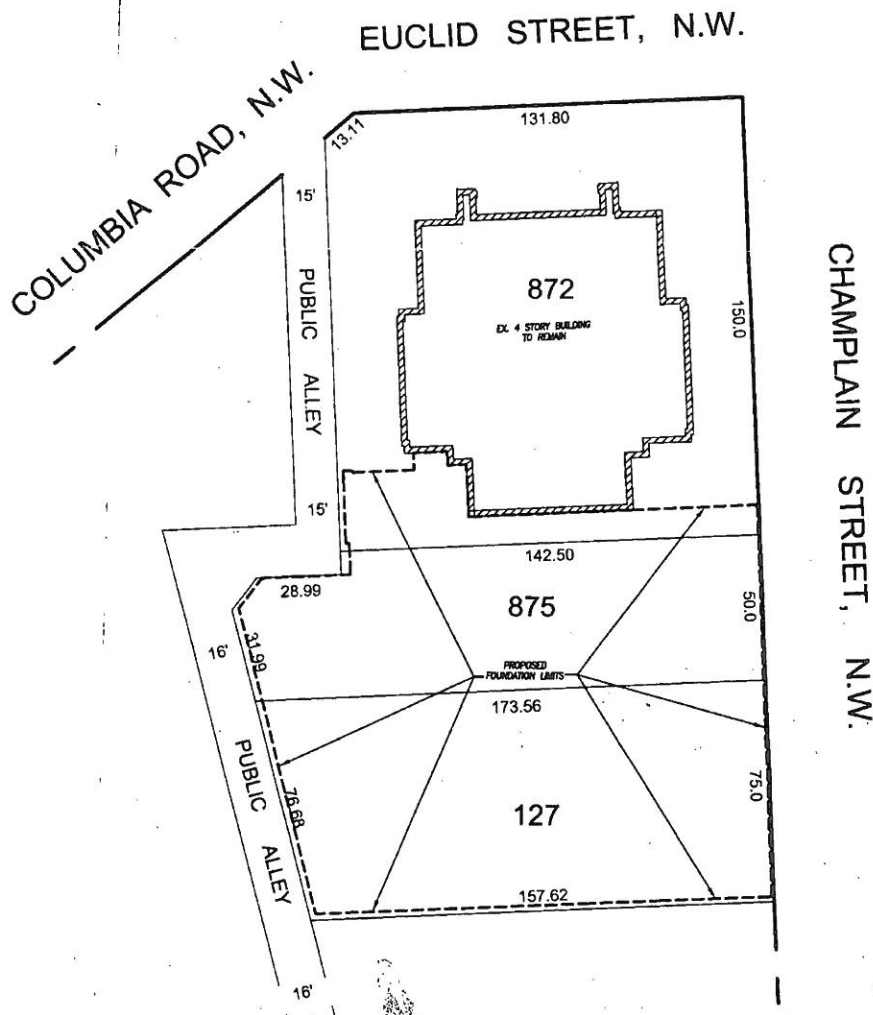
By: L.E.S.

I hereby certify that all existing improvements shown thereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining Lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified that all Lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

Date: 2/3/14

[Signature]
 (Signature of owner or his authorized agent)

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



CERTIFICATE OF SERVICE

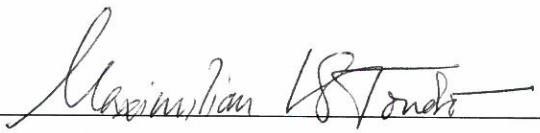
I hereby certify that on this 2nd day of October 2015, a copy of the foregoing Pre-Hearing Statement was served via electronic mail to:

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