

**DC Board of Zoning Adjustment
441 4th Street, NW, Suite 200 S
Washington, DC 20001**

Adams Morgan Neighbors for Action
c/o Mrs. Cassandra Joseph
2201 Champlain Street, NW #103
Washington, DC 20009

October 6, 2015

BZA Case No. 19080, Appeal of the Building Permit #B1410380

HEARING CONCLUSION

Adams Morgan Neighbors for Action has presented evidence to BZA Commissioners that shows bi-polar decision making by DCRA in this case.

The DC Zoning Administrator has mistakenly allowed the Intervenor, Hotel Owner to use both the Euclid Street frontage and Columbia Road frontage for their zoning convenience to the detriment of Adams Morgan neighbors, seriously challenging the integrity of the plain language of the zoning code.

It is clear the Zoning Commission in their Order No. 11-17 allowed the Intervenor, Hotel Owner to choose Euclid Street as the front of the hotel building to set the measuring point for all critical zoning parameters, like height, bulk, lot occupancy, etc.

Now, two years on at the DCRA permitting stage, the DC Zoning Administrator has allowed the Intervenor, Hotel Owner to designate Columbia Road as the hotel street frontage for the purposes of granting rear-yard relief.

The zoning world doesn't allow it both ways. You can't in one sense say Euclid Street is the front of the building in terms of measuring zoning parameters, and then simultaneously say that Columbia Road is the front to make the determination that Champlain Street is the rear yard.

This is affirmed clearly in the zoning regulations under the definition of Building Height, *See DC Municipal Regulations Chapter 11, Section 199.1:*

Building, height of – in other than Residence Districts (R), the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district;

Except as provided in § 400.21, *if a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be determined by the width of the street selected as the front of the building.*

In this case, the height of the hotel building was chosen to be based upon the hotel building fronting on Euclid Street, NW. This location choice and measurement point is affirmed several times in Zoning Commission Order No. 11-17.

Then, and for obvious reasons, drawing a line straight back from Euclid Street shows the rear lot line to be the southern-most lot line, where the rear yard is supposed to be located.
Exhibits A & B.

The Zoning Administrator wants you to believe Champlain Street is the rear yard – a yard that is at a 90 degree angle from the front of the building on Euclid Street.

Mr. Legrant's decision regarding the rear yard – which is never put into a letter of determination – not only mocks the plain definitions of “front” & “rear” it seriously challenges the basic principles of DC's zoning code, yet it underlies the issuance of DCRA's building permit.

If the Intervenor, Hotel Owner wants to now say Columbia Road is the frontage of the hotel, then all of the critical zoning measurements must be re-calculated from the elevation point at Columbia Road, not from Euclid Street – as right now, any interpretation that says Columbia Road is the front of the hotel building is inconsistent with Zoning Commission Order No. 11-17.

And, as we have shown in *Exhibit E*, the zoning measuring point at Columbia Road elevation would be different, and lower, than the measurement point on Euclid Street.

For all of the above reasons, evidence, and plain language of the zoning code, we ask the Board of Zoning Commission to uphold our appeal in this case, and revoke Building Permit #B1410380, even if temporarily.

In the meanwhile, we would ask that the BZA request the Zoning Commission to hold a public hearing in order to clarify Zoning Commission Order No. 11-17, so that they can grant relief for the rear-yard as required, and in granting this relief the Zoning Commission can then examine ways to mitigate impacts to neighbors and put it in writing in return for this required relief.

In the alternative, the Zoning Commission can be asked by the BZA to hold a public hearing to discuss the heights, densities, and other zoning parameters as re-calculated from Columbia Road, NW, and re-issue a new order reflecting these new zoning calculations.

Additionally, we would ask for some time to submit a Post-Hearing submission based on the new information we received by cross-examination today so to list any final facts and conclusions of law.

And, finally, I would like to submit all of the evidence and filings we brought today into the record, including the Letter of Determination penned by Mr. Legrant in 2013 regarding increasing the height of the hotel over the maximum allowed 72 feet. *Attached Exhibit L.*

We look forward to a fair and impartial ruling on this matter.

Thank you,

/s/n Cassandra Joseph, Co-Facilitator

(202) 930-2660, amneighbors@openmailbox.org

Adams Morgan Neighbors for Action

c/o Cassandra Joseph

2201 Champlain Street, NW #103,

Washington, DC 20009

Adams Morgan Neighbors for Action
BZA Case No. 19080

EXHIBIT(S)

~ L ~

**Legrant's Determination Letter
Regarding Height of the Hotel
Dated 2013**

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



RECEIVED
D.C. OFFICE OF ZONING
2014 SEP 30 PM 3:25

September 30, 2013

Norman M. Glasgow, Jr.
Holland & Knight LLP
Steven E. Sher
Director of Zoning and Land Use Services
800 17th Street, N.W. - Suite 1100
Washington, DC 20006

Re: Adams Morgan Hotel - 1780 Columbia Rd NW

Gentlemen:

This is to follow-up on our discussion on July 23, 2013, concerning the above-referenced property, also known as Lots 127, 872 and 875 in Square 2560. The property is located at the southwest corner of the intersection of Euclid and Champlain Streets, N.W.

The property is the subject of a planned unit development approved by the Zoning Commission through Order No. 11-17, dated February 25, 2013, effective March 15, 2013. The PUD was approved for a maximum density of 3.99 FAR with a height of approximately 72 feet.

We reviewed certain changes to the plans, to determine whether what you have proposed is consistent with the plans approved by the Commission and the flexibility afforded under the Regulations and the Orders. The plans as approved and the proposed plans are attached.

The revised plans show changes to the height of the building, the height of the penthouse and the roof design. In summary:

- The overall height of the building to the top of the roof increased from 72 feet to 73.44 feet, an increase of 2%. This change was required to allow a small increase on each floor of less than 3" necessary to accommodate ceiling heights required under the Building Code.
- The height to the top of the parapet remained unchanged at elevation 253', 1" (74', 7" above the measuring point).
- The height of the mechanical penthouse increased from 12' to 13', 1" above the roof.
- The height of the elevator overrun increased from 15' to 17', 8" above the roof.

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

ZONING COMMISSION
District of Columbia

CASE NO. 11-17

EXHIBIT NO. 247

District of Columbia
CASE NO. 11-17
EXHIBIT NO. 247

- The location and configuration of the roof structures shifted slightly. As was the case in the original plans, there are still two separate roof structures with walls of unequal height and in some locations, not meeting the 1:1 setback requirement. There are only two locations where the 1:1 setback is not met, at the corners of the court at the rear of the building. In all those areas, the setback now shown is greater than the setback shown on the original plans, while still not meeting the 1:1 requirement.

The redesign of the penthouse resulted from more refined knowledge of the kind of equipment to be located on the roof.

The conditions of Order No. 11-17 which are relevant to the proposed changes are as follows:

3. The roof of the Project shall be utilized consistent with the following conditions:
 - a. **Structures.** No permanent structures providing a roof over usable space are allowed. The only exceptions are: (i) the structures holding the building mechanicals; (ii) structures used for entry/exit; and (iii) bathrooms. Temporary structures are only allowed for events and must be removed within 48 hours following the event. No permanent bar is allowed. Any temporary bar must be removed by the end of any night on which it is used;
 - b. **Events.** Except as provided herein, no events are allowed that are open to the general public. The only allowable events are (i) family celebrations (for example weddings, birthdays, reunions, etc.); and (ii) private events in which the attendees have an independent nexus with the sponsor of the event beyond the fact that they will be attending the event (for example, a company hosting an event for its employees, an organization hosting a fundraiser, or a trade group hosting a conference, etc.). The Applicant will require the hotel operator to expressly prohibit promoted or sponsored events where advertising is made to the general public, where tickets are sold to the general public (except for a charity or other such fundraiser), or where unaffiliated people are granted entry. All events will be located in the central portion of the rooftop between the penthouse structures on the east and west sides of the rooftop;
 - c. **Noise.** Rooftop use must comply at all times with DC noise ordinances. Rooftop noise must not be audible from nearby residences. A glass/plexiglass sound barrier must be installed above the masonry walls in accordance with the best noise reduction standards in the industry. Amplified music is not allowed on the rooftop. Instrumental music is allowed only in connection with events; and
 - d. **Lighting.** Any lighting must be installed so as to minimize shining onto nearby residences. No neon lighting, strobe lighting, or search lights are permitted.

September 30, 2013

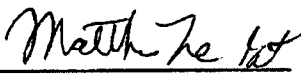
Page 3

4. The Applicant is granted flexibility with the design of the Project to provide multiple roof structures, of varying heights, not all of which meet the 1:1 setback requirement from the exterior walls of the building.

I conclude that all of the changes described above are minor modifications which are minimal deviations from the approved plans. All achieve the flexibility of design provided to the Zoning Administrator under the Regulations and specifically in the Commission's Order. None of the specific limitations set forth in Condition No. 3 will be affected by the proposed changes to the plans. The visual appearance of the height of the building is unchanged because the roof is still concealed from view below the top of the parapet and the height of the parapet above the measuring point is unchanged. The roof structure is slightly higher, but it is still below the maximum permitted under the Regulations and all of the setbacks which were less than 1:1 from the edge of the roof have been increased.

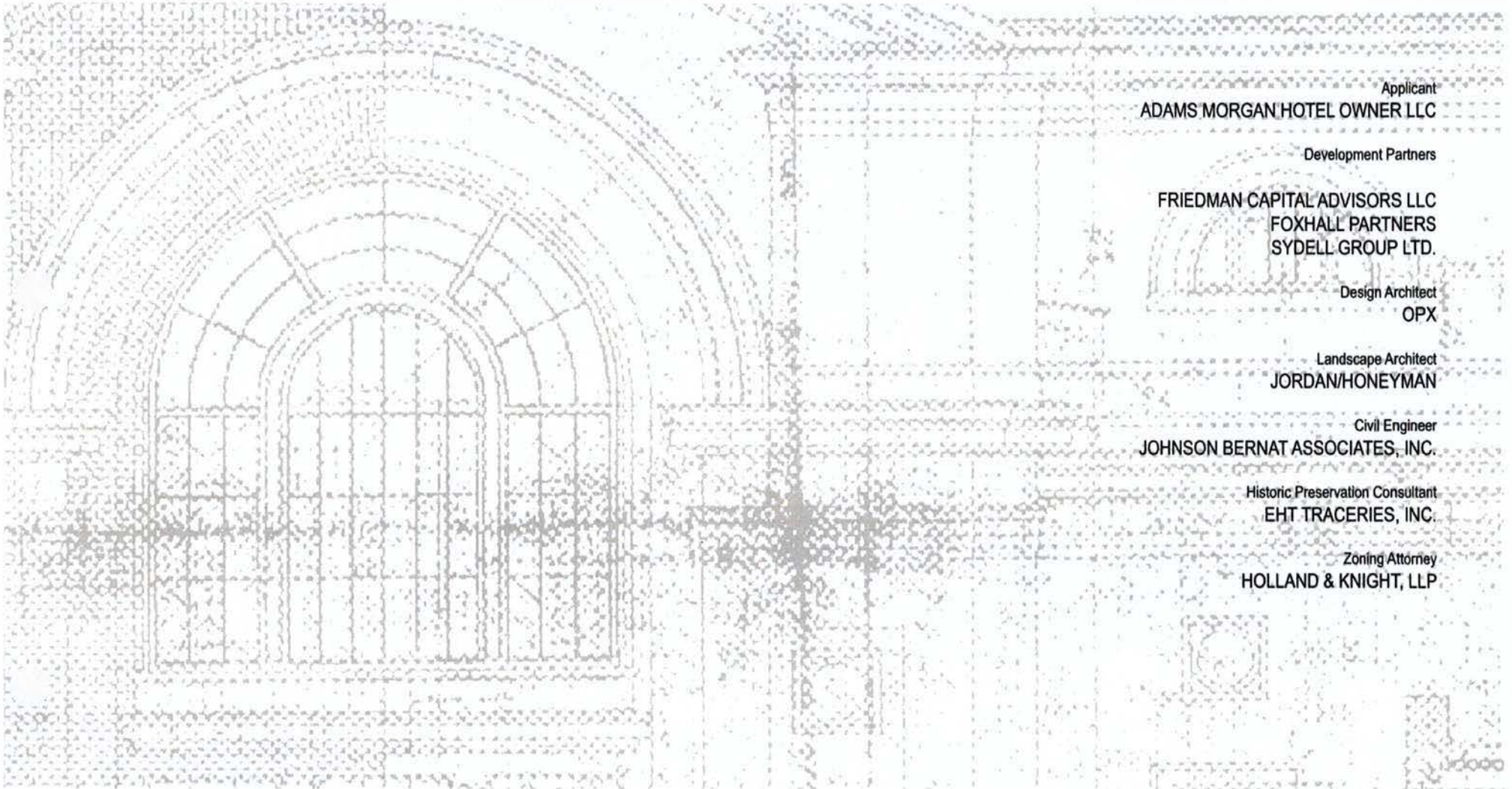
Accordingly, I conclude that construction as you have proposed above would be consistent with the overall PUD approval. The change in the height to the top of the roof is within the 2% flexibility afforded to the Zoning Administrator under §2409.6, and, thus, approve the request for the above noted changes. I am copying the Secretary of the Zoning Commission as a report of my decision regarding this modification as per Section 2409.8.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment - Plan Set dated 6-25-13

cc: Sharon Schellin



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.

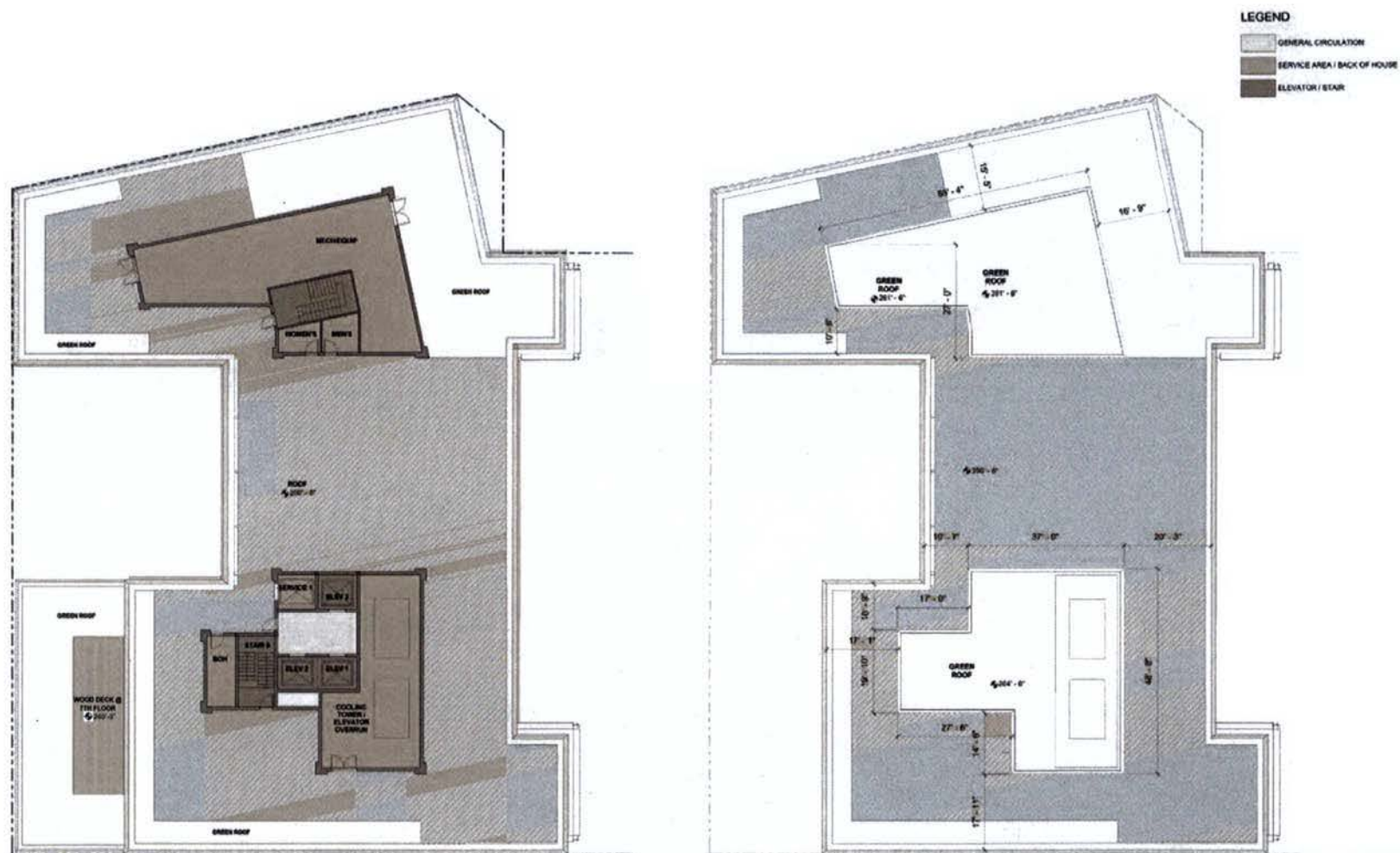
Zoning Attorney
HOLLAND & KNIGHT, LLP

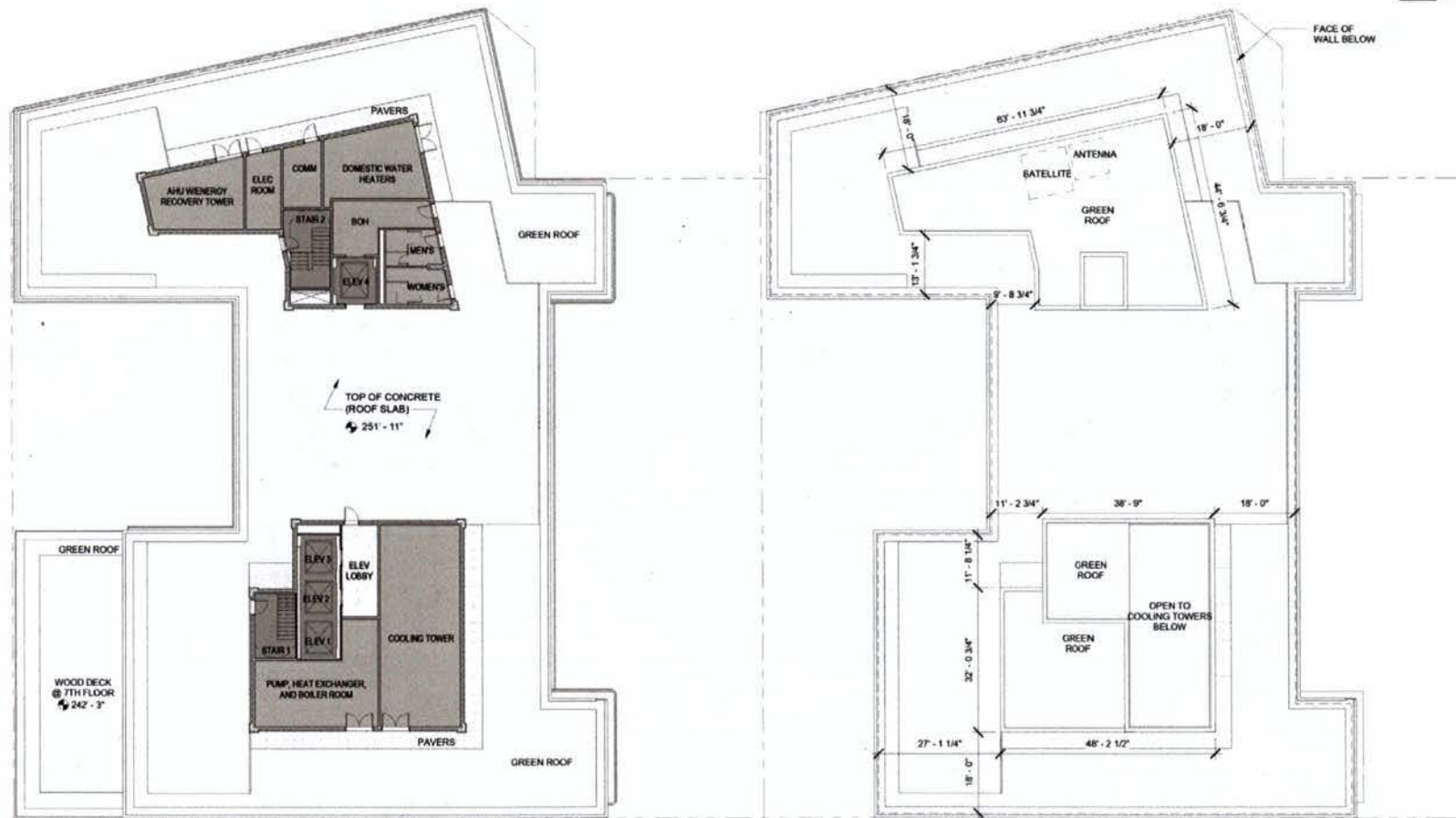
1780 COLUMBIA ROAD, NW
Washington, DC 20009
(Square 2560, Lots 872, 875, & 127)

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
BUILDING AND PENTHOUSE HEIGHT COMPARISON

JUNE 26, 2013
OPX

NOTE: THE INTERIOR LAYOUTS SHOWN ON THE BUILDING ARE SCHEMATIC. CHANGES TO THE LAYOUTS, NOT AFFECTING THE EXTERIOR ENVELOPE OR SQUARE FOOTAGE DISTRIBUTION, MAY OCCUR.





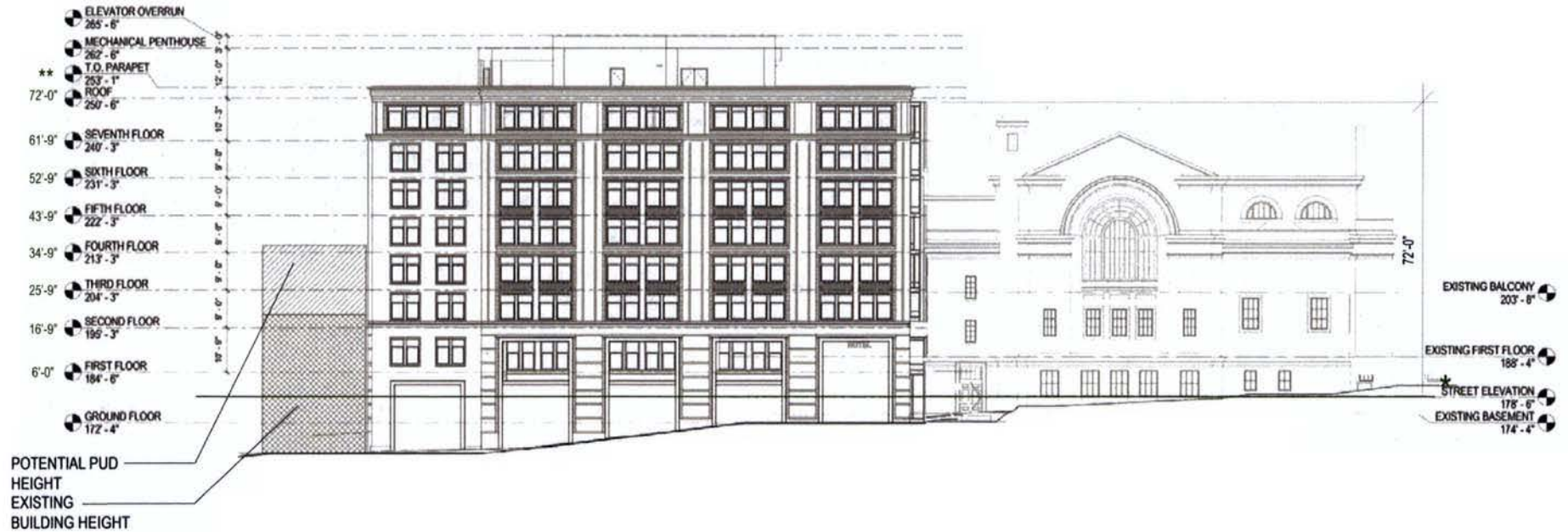
NOTE: THE INTERIOR LAYOUTS SHOWN ON THE BUILDING ARE SCHEMATIC. CHANGES TO THE LAYOUTS, NOT AFFECTING THE EXTERIOR ENVELOPE OR SQUARE FOOTAGE DISTRIBUTION, MAY OCCUR.

FLOOR PLAN - ROOF PROPOSED REVISION

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
DRAFT OF UPDATES JUNE 26, 2013



** - PARAPET HEIGHT @ PUD - 253'-1"



EAST ELEVATION
PUD SUBMISSION

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
OCTOBER 29, 2012

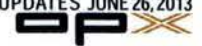


** - PROPOSED PARAPET SAME AS PUD SUBMISSION - 253'-1"

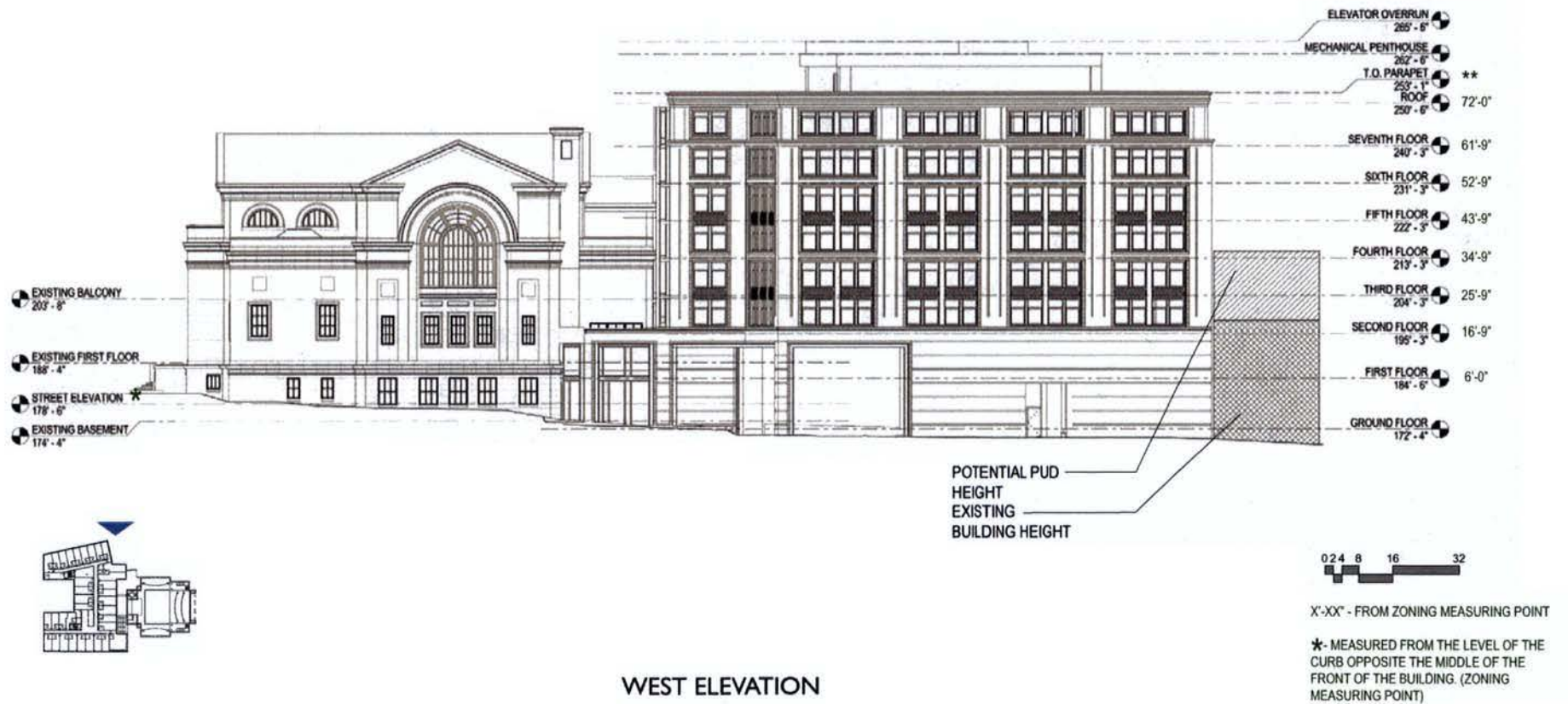


EAST ELEVATION
PROPOSED REVISION

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
DRAFT OF UPDATES JUNE 26, 2013



** - PARAPET HEIGHT @ PUD - 253'-1"



WEST ELEVATION
PUD SUBMISSION

ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
OCTOBER 29, 2012



** - PROPOSED PARAPET SAME AS PUD SUBMISSION - 253'-1"

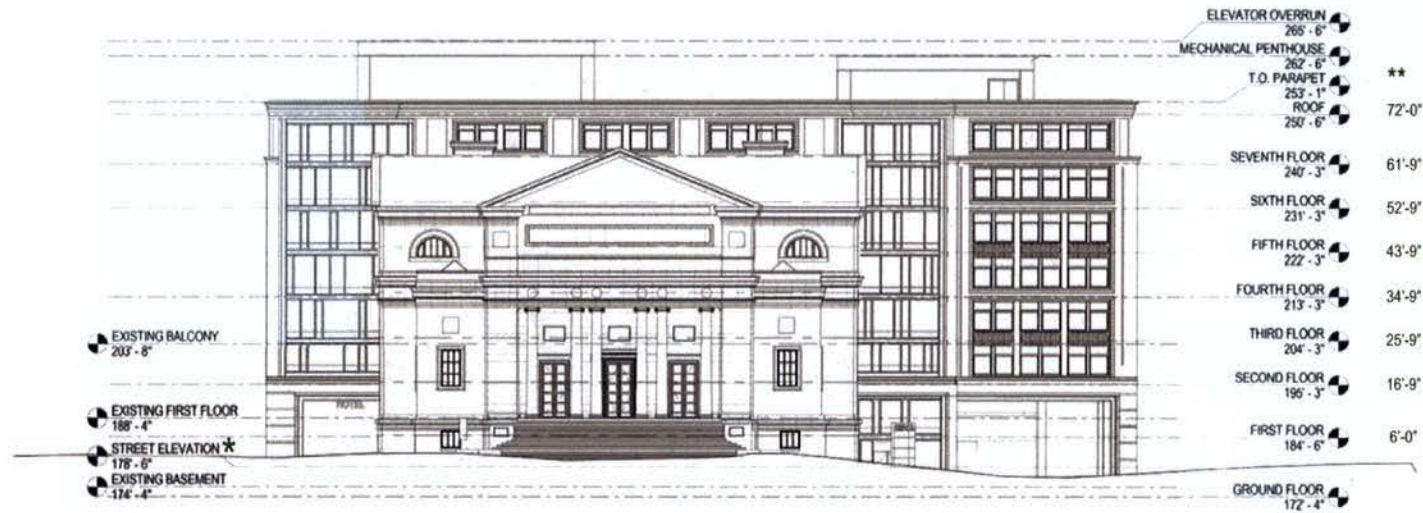


WEST ELEVATION PROPOSED REVISION

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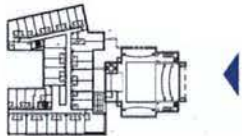


** - PARAPET HEIGHT @ PUD - 253'-1"



X'-XX" - FROM ZONING MEASURING POINT

* - MEASURED FROM THE LEVEL OF THE CURB OPPOSITE THE MIDDLE OF THE FRONT OF THE BUILDING. (ZONING MEASURING POINT)

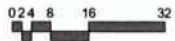
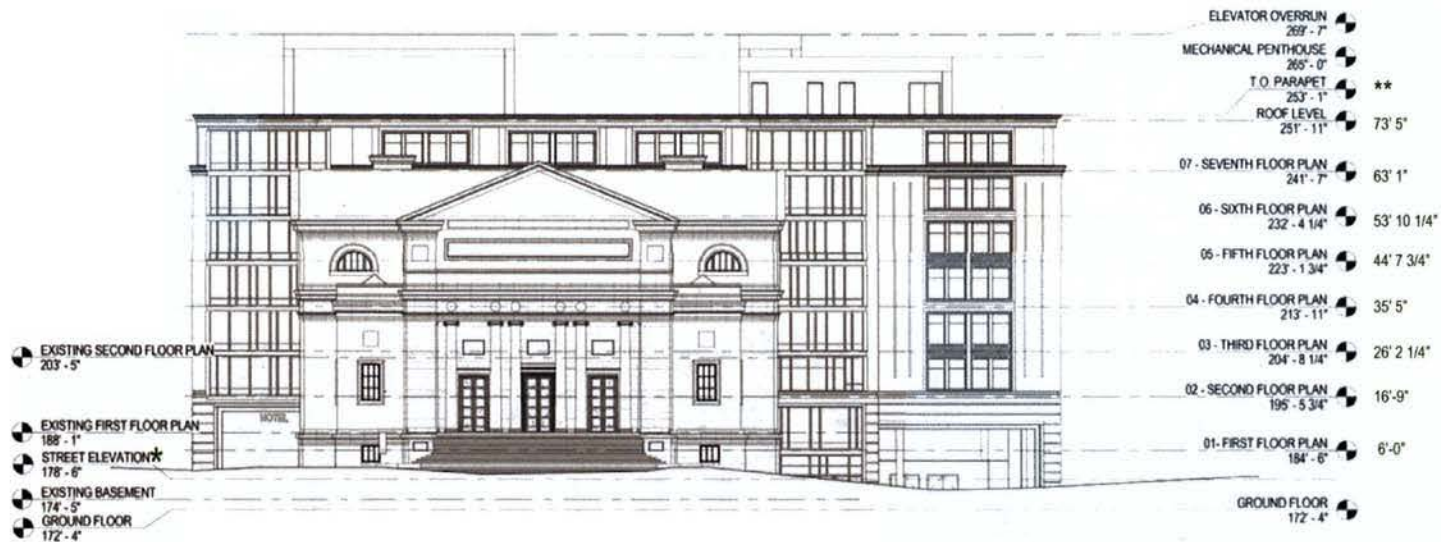


ADAMS MORGAN HISTORIC HOTEL
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WASHINGTON, DC 20009
OCTOBER 29, 2012



NORTH ELEVATION
PUD SUBMISSION

** - PROPOSED PARAPET SAME AS PUD SUBMISSION - 253'-1"

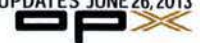


X'-XX" - FROM ZONING MEASURING POINT

* - MEASURED FROM THE LEVEL OF THE CURB OPPOSITE THE MIDDLE OF THE FRONT OF THE BUILDING. (ZONING MEASURING POINT)

NORTH ELEVATION
PROPOSED REVISION

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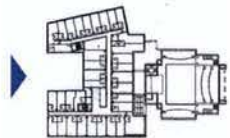


** - PARAPET HEIGHT @ PUD - 253'-1"



X'-XX" - FROM ZONING MEASURING POINT

* - MEASURED FROM THE LEVEL OF THE CURB OPPOSITE THE MIDDLE OF THE FRONT OF THE BUILDING. (ZONING MEASURING POINT)



ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
OCTOBER 29, 2012



SOUTH ELEVATION
PUD SUBMISSION

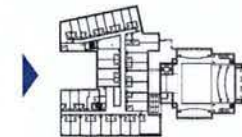
**- PROPOSED PARAPET SAME AS PUD SUBMISSION - 253'-1"



X'-XX" - FROM ZONING MEASURING POINT

* - MEASURED FROM THE LEVEL OF THE CURB OPPOSITE THE MIDDLE OF THE FRONT OF THE BUILDING. (ZONING MEASURING POINT)

SOUTH ELEVATION
PROPOSED REVISION



ADAMS MORGAN HISTORIC HOTEL
1780 COLUMBIA ROAD, NW
WASHINGTON, DC 20009
DRAFT OF UPDATES JUNE 26, 2013

