

**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

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