

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

	)	
Appeal of Dupont Circle Advisory Neighborhood	)	
Commission 2B, Dupont Circle Citizens Association, Rima	)	
Calderon, and William Sawicki, <i>et al.</i> , from issuance of	)	
Building Permit No. B1404913, for construction work at	)	
1731 New Hampshire Avenue NW	)	BZA Appeal No. 19114
	)	

PREHEARING STATEMENT OF APPELLANTS

This Prehearing Statement is submitted on behalf of Appellants Dupont Circle Advisory Neighborhood Commission 2B, Dupont Circle Citizens Association, Rima Calderon, and William Sawicki, et al. (collectively “Appellants”) in opposition to the issuance of Building Permit No. B1404913 (“Permit”) by the Department of Consumer and Regulatory Affairs of the District of Columbia (“DCRA”) for unlawful expansion of hotel commercial space by construction of rooftop structures on the Carlyle Hotel (the “Hotel”). For the reasons set forth in the Appellants’ Statement in Support of Appeal and modified or amended herein, the Permit authorizes changes to the roof of the Hotel that violate Title 11, Sections 350, 351, 400, and 411 of the District of Columbia Municipal Regulations (the “Regulations”) and should therefore be revoked. This Prehearing Statement supplements the factual assertions and legal arguments in the Statement in Support of Appeal.

The Hotel, located at 1731 New Hampshire Avenue NW (Square 0154, Lot 0829), is situated in an R-5-D residential district, sits adjacent to residential properties zoned R-5-D and R-5-B, and is subject to the Dupont Circle Overlay District. Appellants are 33 individual residents who own property within 200 feet of the Hotel (Exhibit 1), their elected Advisory Neighborhood Commission, and their neighborhood citizens association.

The Permit was issued to an agent acting on behalf of Cs Bond St. C Properties Llc, the Hotel's owner ("Owner"), on June 18, 2015. The Permit was issued as of right on the basis of, among other things, a determination letter issued to counsel for the Hotel's Owner by Zoning Administrator Matthew Le Grant on July 24, 2013 (the "Determination Letter"). A copy of this Determination Letter is attached as Exhibit 2.

The Permit authorized new rooftop construction comprised of new enclosed and covered structures totaling ±980 square feet and a new open-air roof deck (the "Work"). According to the approved plans associated with the Permit (the "Permit Drawings," Exhibit 3), the new covered structures will contain a bar, kitchen, coat check room, two restrooms, elevator, elevator lobby, and an egress stairwell.

The uses intended for the new structures and roof deck include a restaurant, bar, and special event space for restaurant and bar operations, cocktail receptions, weddings, private parties, corporate functions, and similar events. The Hotel has publicly announced its intention to apply for an expansion of its existing liquor license to support commercial use on the roof as a "summer garden."¹

DCRA erred in approving and issuing the Permit for the following reasons:

- 1. The Work constitutes an expansion of the Hotel's total area devoted to function rooms, exhibit space, and commercial adjuncts, which is prohibited by §§350.4(e) and 351.2(a) of the Regulations.**

As previously noted, the Determination Letter was the basis for the Zoning Office's approval of the issuance of the Permit. It concluded that the Work allowed by the Permit

¹ The District of Columbia Alcoholic Beverage Regulation Administration ("ABRA") defines and regulates Summer Gardens, which allow commercial establishments to sell, serve, and permit consumption of alcoholic beverages on private outdoor space.

would not result in a violation of §350.4(e) of the Regulations, which includes, among the uses permitted as a matter of right in an R-5-D district, a

“Hotel ... in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; *provided, that* the gross floor area of the hotel may not be increased and *the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased.*”

Similarly, §351.2(a) asserts that

“Commercial adjuncts as accessory uses to a hotel containing one hundred (100) or more rooms or suites shall be permitted in an R-5 District; provided:

- (a) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased...”

Mr. Le Grant formulated the Determination Letter based on his review of drawings submitted by the Hotel’s counsel (the “Determination Drawings,” Exhibit 4).² In summary, the Permit allows construction of new rooftop enclosed structures that will contain ±590 square feet of new commercial adjunct space, housing a kitchen and a bar, and a coat check room and two restrooms to support the kitchen and bar (see Page 4 of Exhibit 3). This is in direct violation of §§350.4(e) and 351.2(a) of the Regulations.

The Owner claims the proposed rooftop construction is for passive recreation purposes. Mr. Le Grant, through his Determination Letter and subsequent correspondence (Exhibit 5), states that passive recreation uses – which include the commercial service and consumption of food and beverages – are allowed on the roof. While passive recreation uses could be accommodated on the roof without the construction of new commercial

² Argument 2 below of this Statement includes a comparison analysis of the Determination Drawings and the Permit Drawings, which identifies the major discrepancies between the two sets of design drawings.

adjunct spaces, this is not the case based on the Permit Drawings. Specific sheets of the Permit Drawings (found in Exhibit 3) explicitly detail that the Work includes construction of new commercial adjunct space at the Hotel:

- Sheet CVR.3C:** Food Service plans are identified, listing six drawings for rooftop kitchen equipment.
- Sheet ID3.05:** The equipment and seating layout in the room elsewhere entitled “Support #2” clearly indicates this space will function as a bar. The equipment layout in the room elsewhere entitled “Support #1” clearly indicates this space will function as a kitchen. The arrangement of the furniture provides numerous dining areas.
- Sheet ID6.06:** Elevation details 3-5 show bar stools and a counter surrounding “Support #2” that clearly indicate this space will function as a bar.
- Sheet P6.01:** The rooftop work is clearly labeled “NEW ROOFTOP BAR / KITCHEN / RESTROOMS.”
- Sheet P6.02:** The rooftop work is clearly labeled “NEW ROOFTOP BAR / KITCHEN / RESTROOMS.”
- Sheet P6.02A:** The rooftop work is clearly labeled “BAR AREA 904.”
- Sheet P6.03:** The rooftop work is clearly labeled “NEW ROOFTOP BAR / KITCHEN / RESTROOMS.”
- Sheet P6.04:** The rooftop work is clearly labeled “NEW ROOFTOP BAR / KITCHEN / RESTROOMS.”
- Sheet P7.01:** References are made to “ROOFTOP BAR SUPPORT AREA,” “BAR,” and “KITCHEN.”

Recent Hotel construction completed under another permit (Building Permit No. B1504436) resulted in an increase in the Hotel’s total area devoted to function rooms, exhibit space, and commercial adjuncts. This work was challenged and subsequently ruled to be in violation of the Regulations.³ The Work represented in this Permit (No. B1404913)

³ On April 17, 2015, BZA Appeal No. 19027 was filed, which alleged, among other things, that renovations of the Carlyle Hotel constituted an expansion of interior commercial adjunct and function room spaces, which does not comply with the Regulations, and DCRA erred in their issuance of Building Permit No. B1504436 on March 19, 2015. On October 27, 2015, the BZA put forth a 3-0 vote in favor of Appeal No. 19027, ruling that DCRA erred in the issuance of the building permit.

associated with this Appeal (No. 19114) constitutes a further increase in commercial adjunct space, making it in violation of §§350.4(e) and 351.2(a) of the Regulations.

2. The Work includes new rooftop gross floor area for uses other than mechanical equipment, stairways, and elevator penthouses, which is prohibited by §411.1 of the Regulations.

§411.1 provides three categories of allowable uses for rooftop structures on buildings within residential districts as defined below:

“To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452; D.C. Official Code, §§ 6-601.01 to 6-601.09), on apartment building roofs, penthouses for (a) storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.”

The first category applies to roofs of all buildings. The remaining two categories apply specifically to roofs of apartment buildings. The three allowable categories of rooftop structures are:

- I. On all roofs: spaces for mechanical equipment, stairway, and elevator penthouses.
- II. On Apartment Building roofs:
 - a. Spaces incidental and accessory to communal rooftop recreation spaces.
 - b. Spaces for recreational uses accessory to communal rooftop recreation space.

In the Determination Letter, Mr. Le Grant stated that the Work constituted a “passive recreation area,” along with a penthouse structure that would house “restrooms, storage incidental to the roof deck and a second exit stair, ...a new elevator,” and “a lobby

for access to the roof deck.” Mr. Le Grant concluded that the Work was in full compliance with §411.

Mr. Le Grant relied on the Determination Drawings for the basis of his Determination Letter. However, the final design for the proposed work – as shown on the Permit Drawings issued nearly two years later (Exhibit 3) – included significant revisions to the design. The Determination Drawings added 1,440 square feet of new enclosed roof structures, with rooms designated Incidental Roof Deck Storage (684 s.f.), Lobby (334 s.f.), Stair #2 (216 s.f.), and Restrooms (206 s.f.). The Permit Drawings, however, add ±980 square feet of new enclosed roof structures, with rooms designated Kitchen/Support #1 (160 s.f.), Bar/Support #2 (150 s.f.), Coat Check (50 s.f.), Lobby (175 s.f.), Elevator (65 s.f.), Stair #2 (150 s.f.), and Restrooms (230 s.f.). [See Exhibit 6 for a comparison of these design drawings.] Therefore, the new enclosed structures shown on the Permit Drawings substantially differ from those shown on the Determination Drawings.

Specifically, the Work includes new structures for a stairway (150 s.f.) and elevator penthouse (65 s.f.). Although this part of the Work may meet the first category of allowable rooftop structures identified in §411.1, the balance of the new roof structures (765 s.f.) are not allowed.⁴ As a result, the Work does not comply with §411.1.

Appellants recognize that the Owner may argue proposed uses for the new rooftop structures comply with §411.1. A group affiliated with the Owner has proposed a similar rooftop expansion for a nearby hotel it owns in a similar residential district. Residents

⁴ The definition of “Hotel” included in §199.1 of the Regulations specifically states “The term “hotel” shall not be interpreted to include an apartment house...” Therefore, the categories related to communal recreation space do not apply to the Hotel and only relate to apartment buildings.

proximate to that hotel are pursuing a BZA Appeal of the DCRA-issued building permit.⁵

Attempting to reaffirm that the service of food and beverages qualifies as passive recreation, in its prehearing statement for that appeal, the owner of that hotel references correspondence issued by Mr. Le Grant in response to questions asked by the Advisory Neighborhood Commission on a prior BZA appeal affecting the Carlyle Hotel:⁶

“For example, in a determination letter finding that the proposed renovation of the Carlyle Suites rooftop was compliant with the Zoning Regulations, the Zoning Administrator used the term “passive recreation area.” (*See* Appeal No. 19027 of Rima Calderon and William Sawicki, *et al.*). ANC 2B, the affected ANC in that case, requested clarification on the definition of that term. On March 14, 2014, the Zoning Administrator provided the following response:

You asked about a clarification of the definition of “passive recreation area” in my July 24, 2013 determination letter regarding the Carlyle Suites hotel [attached]. Although that term is not defined in the zoning regulations, I have taken it to mean outdoor areas used for sitting, standing and lounging as opposed to an ‘active recreation area’ that would be designed for organized recreational activities such a football or soccer. In this circumstance the rooftop area referred to as an outdoor deck in which patrons and guests of the hotel will sit, read, sunbathe, and socialize. As I understand the hotel’s plans, they will also be to, as an accessory use of the hotel, purchase and consume beverages and prepared food items.

Although this may be a new use of the subject hotel’s rooftop, I have found this to be a common feature of other hotels in the District. As long as the rooftop area is not covered by a

⁵ The Owner of the Carlyle Hotel is also involved in the ownership and operation of the Savoy Hotel at 2505 Wisconsin Avenue NW. The owner of the Savoy Hotel has proposed a renovation and expansion similar to what is underway at the Carlyle Hotel. The Massachusetts Avenue Heights Citizens Association and other concerned residents proximate to the Savoy Hotel have filed BZA Appeal No. 19077, which alleges that the proposed rooftop expansion does not comply with the Regulations and DCRA erred in their issuance of the building permit.

⁶ On April 17, 2015, BZA Appeal No. 19027 was filed, which alleged, among other things, that renovations of the Carlyle Hotel constituted an expansion of interior commercial adjunct and function room spaces, which does not comply with the Regulations, and DCRA erred in their issuance of building permit no. B1504436 on March 19, 2015.

permanent rooftop structure, it would not be treated as an expansion of the hotel's floor area."

[See page 10 of Property Owner's Prehearing Statement, Exhibit 7. See Exhibit 5 for a complete copy of the referenced correspondence from Mr. Le Grant.]

Mr. Le Grant's definition of passive recreation appears to rely on his experience with hotels in the District that have rooftop uses. A search into these other hotels, however, contradicts Mr. Le Grant's assertions. Exhibit 8 shows 61 other hotels in northwest DC that are either similar in size to the Hotel or in neighborhoods that might be considered similar to the Hotel's neighborhood (somewhat transitional; i.e., not entirely residential). Of the 61 identified hotels, only 11 have accessible rooftop uses, and none of these 11 hotels resides in a residential district. While 19 of the 61 hotels are in residential ("R") districts, none of them currently has a rooftop accessible to guests or the general public.⁷

In summary, Mr. Le Grant's original determination that the Work complies with the Regulations may have been reasonable based on the Determination Drawings. None of the spaces shown on the Determination Drawings appears to be commercial in nature:

Incidental Roof Deck Storage, Lobby, Stair #2, and Restrooms. Yet the Permit allows new commercial adjunct spaces to be built on the roof.⁸ The Permit Drawings show spaces clearly designed as (and labeled) "Kitchen" and "Bar," with accessory commercial uses of "Coat Check" and restrooms. The Work allows the construction of new, additional

⁷ Three of the 19 hotels in residential districts recently have received building permits for the construction of rooftop facilities. Two of the three hotels – the Carlyle Hotel and the Savoy Hotel – are the subject of BZA Appeals challenging the approved permits for construction of rooftop facilities.

⁸ §199.1 defines commercial adjunct as "retail and service establishments customarily incidental and subordinate to hotel use, such as *restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or news stand, and other similar uses.*"

commercial adjunct spaces and is therefore in violation of §§350.4(e) and 351.2(a) of the Regulations.

Further, Mr. Le Grant erred in permitting the definition of passive recreation to include the service of food and beverages based on his experience with hotels in districts with zoning designations that differ from that of the Hotel. Since Mr. Le Grant's definition of passive recreation is based on a set of facts that do not apply to the Carlyle Hotel, the Work does not comply with §411.1. Further, he suggests that the existence or non-existence of a "permanent rooftop structure" would determine if the use is an expansion of the commercial space. In this case, the proposed Work *is* a permanent rooftop structure.

3. The Hotel does not qualify for an increase of allowable floor area ratio as defined in §§400.7 and 411.7 of the Regulations, and the Work constitutes an increase in the gross floor area of the Hotel, which is prohibited by §350.4(e) of the Regulations.

§350.4(e) of the Regulations includes among the uses permitted as a matter of right in an R-5-D district, a

"Hotel ... in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; *provided, that the gross floor area of the hotel may not be increased* and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered[.]"

In the Determination Letter, Mr. Le Grant concludes that the Work will "all fit within the allowances of §350.4." Argument 1 of this Statement documents that the Work constitutes an increase in the gross floor area of the Hotel, which is prohibited by §350.4(e) of the Regulations.

Although §§400.7 and §411.7 of the Regulations permit “an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37),” §411.7 clearly states that this increase is “[s]olely for the uses designated in this section.” As set forth in Argument 2 of this Statement, a majority of the proposed space (765 s.f.) in the new rooftop structures falls outside a category of allowable rooftop uses defined in §411.1. Consequently, this space – and the corresponding new rooftop structures – do not qualify for an increase of allowable floor area ratio, placing the Work in violation of §350.4(e).

Even if the uses of the proposed rooftop structures were allowed by §411.1 and the Hotel qualified for the floor area ratio credit, §411.7 in this instance would be in conflict with §350.4(e). This Regulation clearly states that “the gross floor area of the hotel *may not be* increased.” This is an unambiguous statement. It does not specify that “the gross floor area of the hotel may not be increased, except as allowed elsewhere in the Regulations.”

Typically, when a Regulation is at odds with another, the more restrictive of the two Regulations is applied. In this instance (assuming, arguendo, the uses of the proposed enclosed rooftop structures were allowed by §411.1), §350.4(e) – which prohibits *any* hotel expansion within a residential R-5-D district – would overrule the floor area ratio credit allowed by §§400.7 and 411.7. As the Permit would allow ±980 square feet of new enclosed structures to be built on the roof, it is in direct violation of §350.4(e) of the Regulations.

4. The Work provides new gross floor area for commercial adjunct space that will be visible from sidewalks, which is prohibited by §351.2(c) of the Regulations.

§351.2(c) of the Regulations states, “No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.” As revealed in Exhibit 9, the roof structure that

houses the additional commercial adjunct spaces (Kitchen/Support #1, Bar/Support #2, Coat Check, and Restrooms) will be visible from sidewalks on (at least) New Hampshire Avenue NW, R Street NW, and Riggs Place NW. The Work is therefore in violation of §351.2(c) of the Regulations.

5. The Work includes two separate penthouse enclosures on the Hotel's roof, which is prohibited by §411.3 of the Regulations.

§411.3 requires that all “penthouses and mechanical equipment shall be placed in one (1) [rooftop] enclosure.” The Permit allows construction of a new rooftop enclosure that, combined with an existing rooftop enclosure, authorizes the existence of two independent roof enclosures on the Hotel. Sheets A2.02, A2.03, A2.04, and ID3.05 (Exhibit 3) document these distinct rooftop structures, which are approximately seventy (70) feet apart and spanned by a painted steel beam resting atop three painted steel columns.

The presence of two rooftop enclosures is in violation of §411.3 of the Regulations.

6. The Work increases and intensifies the Hotel's commercial uses, thereby eroding (and not enhancing) the residential character of the area as required by the Dupont Circle Overlay District defined in §1501.4(c) of the Regulations.

This Statement and Appellants' overall argument are about more than a technical dispute related to numbers and definitions. A hotel represents an intrusive use in a residential district. It is for this reason that the District's Regulations ban new hotels in R-5-D districts and impose restrictions on hotels grandfathered on May 16, 1980.

§350.4(e) attempts to strike a balance between the commercial rights of hotel owners and the rights of people who live nearby. Hotel owners are allowed to make

changes to their buildings but are not allowed to increase the total space allocated to commercial activity. Neighbors are assumed to have become accustomed to existing levels of commercial activity but are protected from increases in such activity. The approval of Building Permit No. B1404913, which authorizes changes that increase the gross floor area of the Hotel and the space allocated to commercial activity within the Hotel, undermines the balance §350.4(e) seeks to achieve.

The Permit allows construction of Work that will legally accommodate an additional 234 people on the Hotel roof (as noted on Sheet CVR.2C of the Permit Drawings in Exhibit 3) and allow them to be served food and beverages. Neighbors' concerns about the impact of further increase in the Hotel's commercial activity have already been legitimized. Since the Hotel's recent bar and restaurant expansion, illegal (and dangerous) parking in front of the Hotel has significantly increased, and the Hotel's waste management system has been overwhelmed. [See Documentation of Commercial Operations Issues, Exhibit 10.] These and other operational problems will multiply once the Hotel begins to serve the additional 234 rooftop patrons allowed by the Work.

Although expanded commercial activity is barred from residential districts where existing hotels have been grandfathered, it is additionally problematic when it occurs in the Dupont Circle Overlay District, "a unique resource that must be preserved and enhanced," according to §1501.1. One of the important purposes of this Overlay District, as set forth in §1501.4(c), is to "Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development[.]"

The Hotel is flanked by residential buildings on all sides and similar-height, residential buildings immediately to the east, north, and south. Some properties in these adjacent buildings are as close as 35 feet to the edge of Applicant's rooftop Work. The eight-story residential property to the east contains upper-floor residences that have bedroom windows and exterior balconies with direct sightlines of the roof of the Hotel.

The Work will add the equivalent of two stories of height (18'-6") over a portion of the roof. While the Applicant has complied with the front setback requirements (such that the rooftop Work is not visible from New Hampshire Avenue in front of the Hotel), the rooftop Work by default will be located closer to the adjacent properties to the east. As a result, the Work will permanently impair the light and view corridors enjoyed by residents of these adjacent properties.

The Light and Shadow Study presented as Exhibit 11 documents the loss of light that will be experienced by the upper-floor units and their balconies in the residential property immediately to the east of the Hotel. Exhibit 11 also includes images that convey the loss of view corridor from adjacent residential properties once the Work is completed.

Neighboring residential properties will be affected by the noise and cigarette smoke generated by the 234 rooftop occupants and the loss of privacy resulting from having direct sightlines between their properties and the Hotel roof. Similarly, Hotel guests on the roof will have direct views into neighbors' living quarters and private outdoor spaces.

Because the light, air, view corridors, privacy, and quiet enjoyment of neighbors' property in adjacent residential buildings will be negatively impacted by this Work, the residential character will be eroded. As the Work allowed by Permit No. B1404913 does

not enhance the historic and historically-residential character of the neighborhood, it violates §1501.4(c) of the Regulations.

7. **Appellants' main arguments are based on the Zoning Regulations. However, Appellants' argument is furthered by the District's historic preservation laws. During the review process for the issuance of the Permit, the District of Columbia Historic Preservation Officer ("HPO") granted departmental approval in direct conflict with direction given by the District of Columbia Historic Preservation Review Board ("HPRB").**

Gretchen Pfaehler, chair of HPRB, during the Owner's hearing before HPRB on December 5, 2013, regarding the exterior design of the Work, stated the following.⁹

Owner's design "amounts to adding another story." [02:09:50]

"Penthouses are meant to be punctuated elements, not an additional story to a building." [01:57:40]

"The degree of what's being asked of us is beyond what I can support. A large volume of space" is being added. [02:08:30]

"It's too tall. It's too much. It's too much volume. It's too much mass... There are a variety of view sheds to be considered within an historic district... There could be a far lesser solution." [02:10:20]

"This is a lot to ask for, and I feel like it detracts from the character of the building and the district in doing so." [02:11:30]

Ultimately, HPRB passed a motion in favor of the Owner's design for the Work in accordance with HPO's Staff Report, with the additional directive to the Owner that:

"the aspects [of Owner's exterior design] that affect the volume, mass, the perception of height, and the relationship to the existing structure be reexamined with staff." [02:17:30]

⁹ Refer to the video record of the hearing, which is available on the HPRB official website, at <http://view.earthchannel.com/PlayerController.aspx?PGD=dczoning&elID=241>. The citations after each quote indicate the time stamp within the video where the quote can be found.

While the Permit Drawings indicate Owner’s design for the exterior Work has been slightly revised since the HPRB hearing, the height and mass of the rooftop Work and its relationship with the existing structure remain materially the same as before. [See HPRB Drawings, Exhibit 12.] Appellants therefore maintain that HPO should not have granted approval on behalf of HPRB during their review of the Permit and request that said approval – and the Permit – be revoked.

Conclusion

For the foregoing reasons, and for the reasons set forth in the Statement in Support of Appeal, Appellants ask that the Board of Zoning Adjustment revoke Building Permit No. B1404913.

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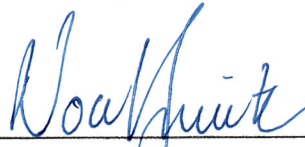
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November 10, 2015

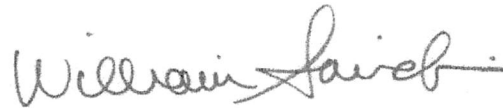
Respectfully Submitted,



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A handwritten signature in cursive script, reading "Robin Diener". The signature is written in dark ink and has a fluid, elegant style with a long horizontal flourish extending to the right.

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EXHIBITS TO APPELLANTS' PREHEARING STATEMENT

Exhibit 1	List of Appellants
Exhibit 2	Determination Letter
Exhibit 3	Permit Drawings
Exhibit 4	Determination Drawings
Exhibit 5	Mr. Le Grant Email Correspondence RE: Passive Recreation
Exhibit 6	Comparison of Determination Drawings and Permit Drawings
Exhibit 7	Property Owner's Prehearing Statement (BZA Appeal No. 19077)
Exhibit 8	Survey of Local Hotels With and Without Rooftop Facilities
Exhibit 9	Visibility of Commercial Adjunct Spaces from Sidewalks
Exhibit 10	Documentation of Commercial Operations Issues
Exhibit 11	Light and Shadow Study; View Corridor
Exhibit 12	HPRB Drawings