Holland & Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

RECEIVED
2005 JUL 12 AM 8:12

July 12, 2005

CHRISTINE MOSELEY SHIKER
(202) 457-7167
christine.shiker @hklaw.com

VIA HAND DELIVERY
Rick Nero
Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application No. 17370 (**Modification**)
555 Massachusetts Avenue, NW/901 6th Street, NW
Square 484, Lot 27 (A&T Lots 836 and 837)

Dear Mr. Nero:

As we have discussed, enclosed please find an original and twenty copies of the following materials modifying the above-referenced Board of Zoning Adjustment application filed on May 20, 2005:

- A revised BZA Application Form;
- A revised completed certification form;
- A revised preliminarily statement outlining how the application meets the required burden of proof; and
- Two checks for the filing fees totaling $2,000.00 (special exception for $1,200 and an additional variance for $800).

As you are aware, the requested modification does not alter the relief requested which is to reduce the amount of required parking for the hotel use at the property. The modifications, instead, request the required relief through different provisions of the Zoning Regulations, as discussed with both the Office of Planning and the Acting Zoning Administrator.

BZA
Case No. 17370
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17370
EXHIBIT NO. 31

We look forward to the Board of Zoning Adjustment's consideration of this case on October 18, 2005. Before that time, we are prepared to answer any questions or provide such other additional information as you may require. Thank you for your attention to this application.

Sincerely,

Christine Moseley Shiker

Christine Moseley Shiker

Enclosures

cc: Jennifer Steingasser, Office of Planning (Via Hand; w/enclosure)
Ken Laden, District Department of Transportation (Via Hand; w/enclosure)

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No 17370 REVISED

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance – Use Variance Special Exception	Section No(s).
555 Massachusetts Avenue, NW/ 901 6th Street, NW	484	27 (A&T Lots 836, 837)	DD/C-2-C	Area Variances	2115.9 and 2115.18
				Special Exception	2108

Present use(s) of Property:	Hotel and Apartment House
Proposed use(s) of Property:	Hotel and Apartment House

Owner of Property	Square 484 Hotel L.L.C. and 484 OPCO, L.L.C.		
Address of Owner:	c/o The JBG Companies, 4445 Willard Avenue, Chevy Chase, MD 20815		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: Application of Square 484 Hotel L.L.C. and 484 OPCO, L.L.C., pursuant to § 3103.2 2 and 3104.1, for a special exception under subsection 2108 to reduce the amount of off-street parking spaces pursuant to 11 DCMR §§ 3103., required under subsection 2101.1, and variances from subsections 2115.9 and 2115.18 to allow for attendant assisted parking, applicable to an existing apartment building and hotel in the DD/C 2 C Districts at premise 555 Massachusetts Avenue, N.W. and 901 6th Street, N.W. (Square 484, A&T Lots 836 and 837, Record Lot 27).

Estimated construction cost	$0	**Advisory Neighborhood Commission Single-Member District(s)**	6C01
Date:		**Signature:**	Applicant*

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing to act on his/her behalf shall accompany the notice of application.*

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

BZA
Case No. 17370
Exhibit No. 31A

Name:	Norman M. Glasgow, Jr.				
Address:	Holland & Knight LLP Suite 100 2099 Pennsylvania Avenue, NW Washington DC 20006				
Phone No.:	202-419-2460	**Fax No.:**	202-955-5564	**E-Mail:**	norman.glasgowjr @hklaw.com

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

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted. ***Do not mail this form to the Board of Zoning Adjustment.***

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").

2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees (11 DCMR 3180).

4. ***REQUIRED information to be submitted when making an application submission, includes one (1) original and twenty (20) copies of the following (except for labels of which (1) original and (1) copy is required):***

   A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.

   B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11? X 17? In size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)

   C. A detailed statement of existing and intended use of such building or part of building.

   D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)

   E. Three color photograph views of appropriate size, not-to-exceed 8½ x 11?, showing pertinent features of the building and the property involved (front, rear and sides, if possible).

   F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and self-stick labels of the names and mailing addresses of the owners of the properties**. (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capital Street, N.E., 1st Floor, Washington, D.C. 20002.)

   G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.

   H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provided a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7602.

Form 135 – Side 1
(Revised 03/15/02)

Case No. 17370 (REVISED)

ZONING SELF CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s) Single Member District(s)
555 Massachusetts Avenue, NW/ 901 6th Street, NW	484	27 (A&T Lots 836, 837)	DD/C-2-C	6C01

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐	§3103.2 – Use Variance	X	§3103.2 – Area Variance	X	§3104.1 – Special Exception
Pursuant to Subsections			2115.9, 2115.18		2108	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:
(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or difference zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature		Owner's Name (Please Print)	R. Stewart Bartley
Agent's Signature		Agent's Name (Please Print)	ROBERT D. GREENBERG
Date		D.C. Bar No.	or Architect Registration No. C2678

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation

BZA
Case No. 17330
Exhibit No. 31-B

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 2001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)		N/A	N/A		NONE
Lot Width (ft. to the tenth)	N/A	N/A	N/A	N/A	NONE
Lot Occupancy (building area/lot area)	80%	N/A	80%	80%	NONE
Floor Area Ratio (FAR) (ft. to the tenth)	Hotel 3.5	N/A	Hotel 3.5	Hotel 3.5	NONE
Parking Spaces (number)	Hotel 117 spaces	Hotel 117 spaces	N/A	Hotel 75 spaces	29 spaces by Special Exception (25%); 13 spaces by Attendant Assisted Parking
Loading Berths (number and size in ft.)					NONE
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	NONE
Rear Yard (ft. to the tenth)	More than 15 feet	15 feet	N/A	More than 15 feet	NONE
Side Yard (ft. to the tenth)	NONE	NONE	N/A	NONE	NONE
Court, Open (width by depth in ft.)	33.86 feet	43.38 feet	N/A	33.86 feet	Relief granted by BZA in Case No. 16733
Court Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	NONE
Height (ft. to the tenth)	130 feet	N/A	130 feet	130 feet	NONE

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

***Revised* Application of Square 484 Hotel L.L.C. and 484 OPCO, L.L.C.**
555 Massachusetts Avenue, NW/901 6th Street, NW

***REVISED* PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

The Applicant is seeking special exception and variance relief from the Board of Zoning Adjustment to reduce the parking requirement by twenty-five percent (Section 2108) and provide attendant assisted parking (Sections 2115.9 and 2115.18) for the hotel portion of the development on Record Lot 27 in Square 484 (the "Subject Property"). This combination of relief will reduce the required hotel parking from 117 to 88 parking spaces and to increase the parking available to the residential apartment portion of the development from 100 to 142 spaces. There will be a minimum of 13 spaces available in the hotel portion of the structure in an attendant assisted configuration.

The Applicant will establish through its Statement of the Applicant to be filed no fewer than fourteen days prior to the hearing on the subject application, as well as at the public hearing, that the subject application meets the burden of proof for the granting of the requested special exception and variances. A preliminary summary of how the application meets the required burden of proof follows.

Special Exception for a Reduction of Parking Spaces (Section 2108)

Section 2108.1 of the Zoning Regulations permits the Board to reduce the amount of parking spaces required for non-residential uses under Section 2101.1 in accordance with Section 3104 of the Zoning Regulations. For this constructed project, the Applicant has determined that the number of required parking spaces is not in fact needed for the efficient operation of the hotel use. Accordingly, the Applicant requests a special exception to reduce the required parking by twenty-five percent.

The criteria are satisfied as follows:

(1) *The amount of required parking spaces shall not be reduced by more than twenty-five percent.*

The hotel portion of the development include 228 sleeping rooms and the largest exhibit/function space is 500 square feet of gross floor area. Accordingly, the

BZA
Case No.
Exhibit No. 31-C

hotel use requires 117 parking spaces. The Applicant requests that the parking requirement be reduced 88 parking spaces, which is a twenty-five percent reduction.

(2) *The Board shall give consideration to the following*:

(a) *Nature and Location of the structure*

The project is located on Massachusetts Avenue, NW, in the heart of the Mount Vernon Triangle area. The hotel is primarily used by convention center attendees, and those guests most often arrive by taxi cab.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structures at one time*

The hotel is primarily used by convention center attendees, and many guests most often arrive by taxi cab. In addition, it is within walking distance to the Gallery Place Metrorail station. The Applicant's traffic consultant will establish at the hearing that the proposed number of parking spaces will be sufficient for the hotel use.

(c) *Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood*

The Applicant will present expert testimony to establish that the amount of traffic generated can be adequately accommodated.

(d) *Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use*

This hotel is primarily used by convention center attendees, and many guests most often arrive by taxi cab. In addition, it is in walking distance to the Gallery Place Metrorail station.

(e) *Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area*

The hotel is in walking distance to the Gallery Place Metrorail station. In addition, numerous Metrobus routes run along Massachusetts Avenue and K Street near the site.

Finally, this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring properties.

Variances from Attended Assisted Parking Requirements (Section 2101)

In order to obtain approval of the requested variances, the Applicant must show that: 1) the subject property is unique or is affected by an extraordinary or exceptional condition; 2) strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty to the Applicant; and 3) 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. The Applicant intends to meet its burden as follows:

(1) Exceptional Condition or Situation:

The Applicant will demonstrate, and the Board has previously held in Board of Zoning Adjustment Case No. 16733, that the Subject Property has several unique conditions which give rise to an exceptional situation. The Subject Property has a unique shape with Massachusetts Avenue cutting diagonally through the front of the property and alley easements impacting the rear of the Subject Property. Furthermore, the development on the Subject Property is one of the first completed developments in the Mount Vernon Triangle area and as such has been a test case for the needs of developments in this area.

(2) Resulting Practical Difficulty:

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. Even with the special exception discussed above, the hotel operator will have more parking than it needs to efficiently operate the hotel. Conversely, the residential portion of the development has additional need for parking than what is currently provided, which is in excess of that required by the Zoning Regulations.

(3) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the application can be approved without harm to the public good and without detriment to the integrity of the zone plan. The Applicant will show that all of the parking currently provided for the hotel portion of the development is not necessary for the efficient operation of the hotel and that the parking can be better used by being allocated to the residential use. In addition, the hotel employs twenty-four hour valet parking which will ensure that the attendant assisted parking is always available. Furthermore, the only portion of the development employing attendant assisted parking will be the hotel use; the

residential use will provide parking in excess of the requirements. Finally, the present request for variance relief does not modify or alter the Board's earlier approval in Application No. 16733.

3025419_v2

D.C. [illegible]
2005 [illegible] -1 AM 10: 12

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

484 OPCO, LLC
OPERATING ACCOUNT
4445 WILLARD AVENUE SUITE 310
CHEVY CHASE, MD 20815
240-333-3600

THE JBG COMPANIES

BB&T

15-154
540

DATE	CHECK NO.	AMOUNT
June 27, 2005	4200577	$********800.00

Pay: **********Eight hundred dollars and no cents

2 SIGNATURES IF OVER $5,000

PAY TO THE ORDER OF DC Treasurer

AUTHORIZED SIGNATURE

SAFEGUARD SECURE

BZA 17370

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

484 OPCO, LLC
OPERATING ACCOUNT
4445 WILLARD AVENUE SUITE 310
CHEVY CHASE, MD 20815
240-333-3600

THE JBG COMPANIES

BB&T

15-154
540

DATE	CHECK NO.	AMOUNT
June 14, 2005	4200551	$******1,200.00

Pay: **********One thousand two hundred dollars and no cents

2 SIGNATURES IF OVER $5,000

PAY TO THE ORDER OF DC Treasurer

AUTHORIZED SIGNATURE

SAFEGUARD SECURE

BZA 17370

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

BZA
Case No. 17370
Exhibit No. 31-D