

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

Appeal of Advisory Neighborhood
Commission 3C and Woodley Park
Community Association

BZA Appeal No. 17538

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**STATEMENT OF APPELLANTS
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AND
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November 27, 2006

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17538

EXHIBIT NO. 17

Board of Zoning Adjustment
District of Columbia
CASE NO. 17538
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Appeal of Advisory Neighborhood
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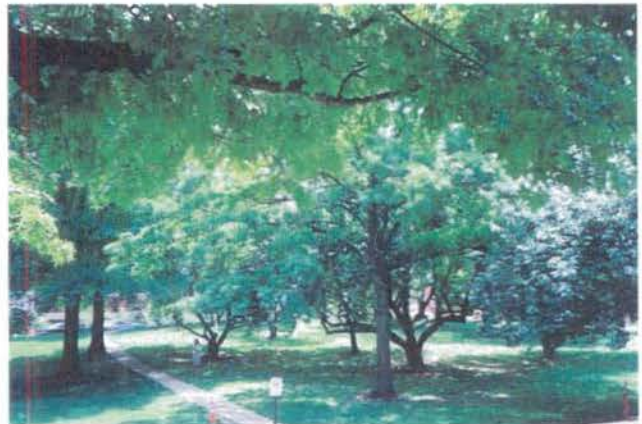
BZA Appeal No. 17538

STATEMENT OF THE APPELLANTS

Preliminary Statement

The largest hotel in the District of Columbia isn't Downtown or near the Convention Center or in the West End or Georgetown. The largest hotel in the city is the Marriott Wardman Park Hotel (the "Hotel") in the residential neighborhood and historic district called Woodley Park.

The Hotel, located at 2660 Woodley Road, has more than 1300 guestrooms and a gross floor area of more than 1.2 million square feet, and is comprised of four connected structures on a lot of more than 16 acres. The Hotel is of a scale — ten stories tall atop a hill that rises almost 30 feet above the level of the street — that is out of proportion to the neighboring historic buildings. However, its effect on the neighborhood has been mitigated by the multi-acre lawn that sits between the ten-story tower and Woodley Road, the street on which the Hotel fronts. Dotted with more than 50 trees, including many



mature cherry trees, the front lawn of the Hotel served for many years as a buffer between the Hotel, its bulk and its traffic and the residential neighborhood. For most of the year, in fact, the trees on the lawn largely blocked the neighborhood's view of the Hotel that rose behind them.



The District's zoning regulations also have protected the residential neighborhood from the Hotel. Special zoning provisions govern hotels, like this one, in residential zones and prevent such hotels from expanding, adding new buildings or undergoing major reconfigurations. More than once in the past, the owner of the Hotel has had its plans to expand or rearrange the Hotel thwarted by these protective rules. This time, however, the Zoning Administrator found the owner's plans permitted by these rules, a determination that appellants are now appealing to the Board.

Now the new owner of the Hotel, The JBG Companies, proposes a major redevelopment of the property. Because the project is to be carried out in four or more phases (and because the Office of Planning concluded that Large Tract Review of the project was not required), not all the details are clear. What is clear, however, is that the redevelopment will significantly change the Hotel grounds. A new garage building will be built underground, in the lawn between the Hotel and Woodley Road. JBG has announced that it plans to build a 90-foot condominium tower on the western part of the property. It has also said that it will demolish one of the existing Hotel buildings and will enclose or build up other parts of the Hotel.

It is the new garage building that is the subject of this appeal. Permits for this construction were issued in May 2006, and work began promptly thereafter. The spacious front lawn that was a buffer between the Hotel and the community is now the site of a huge hole, which will become a new garage for the Hotel.

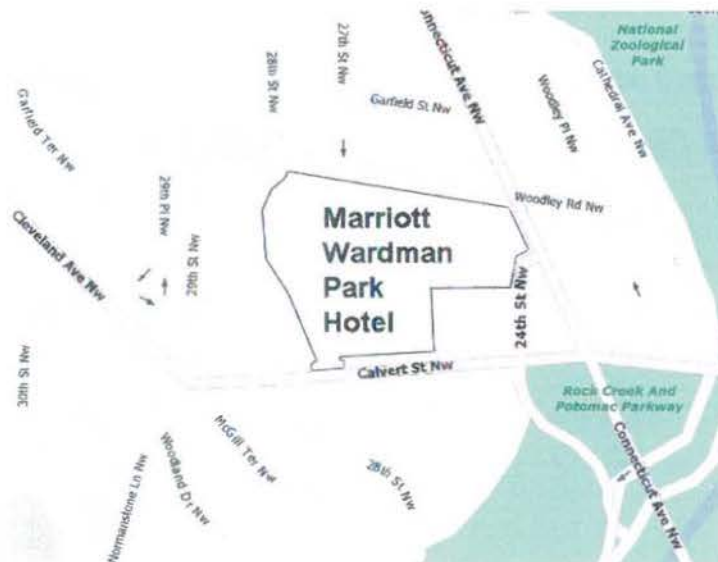


The construction of this garage in this location is a necessary step in JBG's plans to redevelop this property, a redevelopment that will significantly alter the use and appearance of the property and harm the surrounding historic neighborhood. The garage building construction was approved in a manner that violates several provisions of the

Zoning Regulations, however. First, the garage, an accessory building, is located neither in the “rear yard” of the property nor “within the main building,” as required by sections 2301 and 2500 of the Zoning Regulations. Second, the Hotel, as a hotel in a residential district, is subject to the special restrictions imposed by section 350.4(d), which prohibit the construction of new hotel buildings and the increase in the area of the hotel’s commercial aspects. These violations require that the Zoning Administrator’s approval of the applications must be overturned.

Factual Background

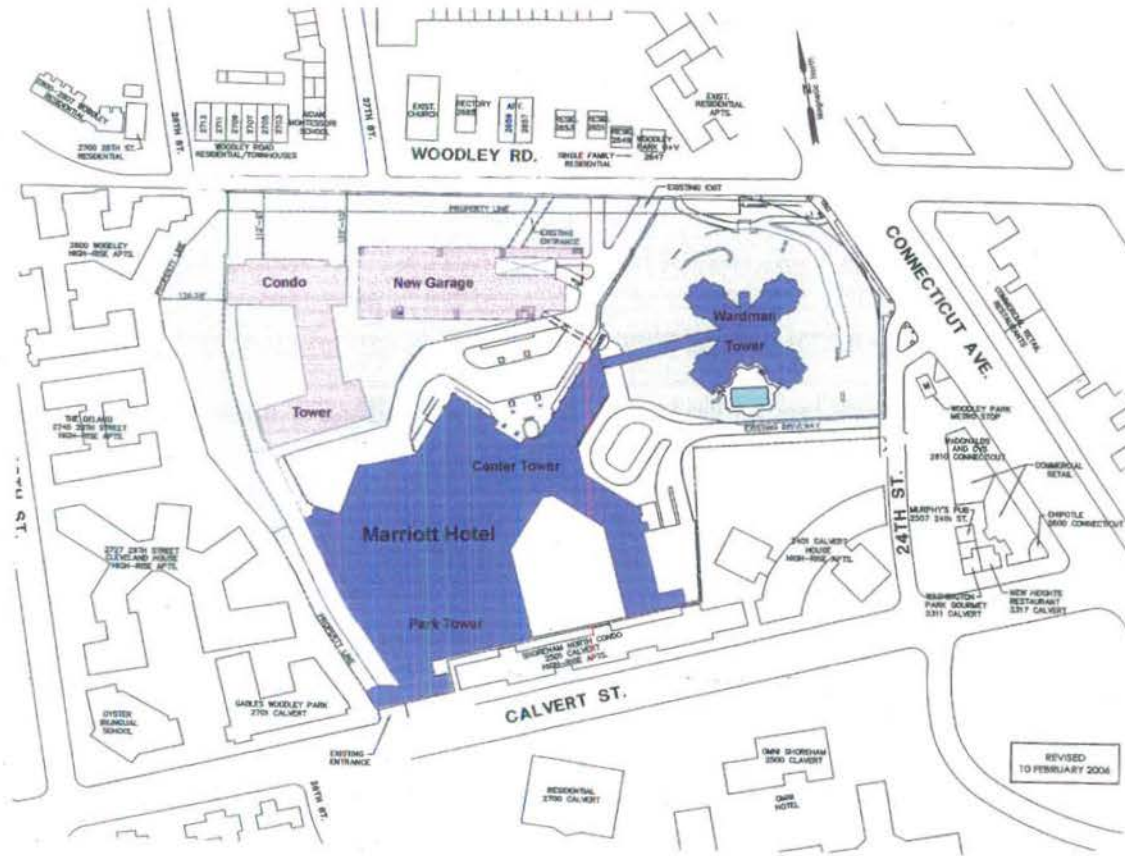
The property involved in this appeal is at 2660 Woodley Road, NW, Square 2132, Lot 32 (the “Property”) and is owned by JBG. In total, it is roughly 16.2 acres, bounded by Woodley Road on the north, Connecticut Avenue and 24th Street on the east, Calvert Street on the south, and various other properties on the west. Approximately 88 percent of the Property is zoned R-5-B, and the remainder is zoned R-5-D. The Hotel shares Square 2132 with several apartment buildings and a public elementary school.



At present, all the buildings on the Property are used as a hotel, the Marriott Wardman Park Hotel, and the Property has been used as a hotel for more than 85 years. The primary buildings on the Property are the landmark Wardman Tower (built in 1928), the Park Tower (1961), the Cotillion ballroom and garage (1964) and the Main Building (1978-80).

This garage building construction is part of a larger project to redevelop the Property. The owner has announced plans to build a nine-story condominium tower on the western part of the Property, in addition to the Hotel that already exists. In order to make this building the size JGB desires, it is planning to demolish part of the Hotel building that includes a garage and a ballroom. JGB needs to build a new garage to replace the parking that will be lost by this demolition, and it will relocate the ballroom to a newly enclosed area where an outdoor swimming pool is today.

This new garage building will be underground, but it will not be in the same location as the existing garage. Nor will the new garage be located under any existing structure. Rather, the new garage will be on a different part of the Property, a part that was previously undeveloped and that was a wooded field in the front yard of the Property. This diagram, based on one prepared by JBG, shows the Property and the planned construction.



The Parties and the Permits

Appellant ANC 3C is a District of Columbia Advisory Neighborhood Commission, established under provisions of section 1-207.38 of the DC Code. The Property is located within the established boundaries of ANC 3C. By Resolution Number 2006-026 adopted at a regular public meeting on June 20, 2006, the ANC formally expressed its disagreement with the decision of the Zoning Administrator under review and resolved to prosecute this appeal. Attachment I hereto. Under the provisions of Section 1-309.10 (d)(3)(A), the Zoning Administrator and this Board are required to give “great weight” to the “issues and concerns” expressed by ANC 3C.

Appellant Woodley Park Community Association (“WPCA”) is a citizens association, organized as a DC not-for-profit membership corporation. Its purpose is to maintain and advance the quality of the Woodley Park area. The Property is located in

the Woodley Park neighborhood. WPCA has more than 700 individual members, all residing in the immediate neighborhood of the Property, who will be directly affected by this construction.

In November 2005, JBG applied for a permit authorizing the construction of a new building. This building would include three underground levels of parking for the Hotel. In January 2006, it applied for a permit to do sheeting and shoring in connection with this construction. JBG self-certified compliance, and these applications were granted and requested permits (the "Permits") were issued: Permit No. 86798 on May 12, 2006, and Permit No. 67758 on May 26.¹

While these applications were pending, ANC 3C had discussions with the Zoning Administrator about the proposed project and raised a variety of issues concerning its permissibility under the Zoning Regulations. In response, the Zoning Administrator sent a memo to the Chair of ANC 3C on May 15, 2006. The memo states his determination that "the proposed changes and additions do not violate the zoning regulations and can proceed as a matter of right." It goes on to state that "the total gross square feet of the hotel as well as the total square feet for hotel function rooms, exhibit space and commercial adjuncts are not increased under the current proposal." The Zoning Administrator then added a "caveat": "I caveat this determination in that the calculations provided by JBG are preliminary and that the Office of Zoning Administrator staff will have to ensure that all submitted plans cumulatively comply with the zoning requirements." This letter is Attachment G hereto.

¹ The applications and the Permits are Attachments A through D.

I. The Zoning Regulations Do Not Permit the Construction of the New Garage Building.

The Zoning Administrator's decision that the Zoning Regulations permit the construction of this new building is incorrect. First, the Regulations prohibit constructing a parking garage in the front yard of a property. Second, the garage is prohibited in several respects by the special grandfathering zoning rules that apply to hotels in residential zones, which essentially froze these hotels as they were on May 16, 1980. Third, it was error for the Zoning Administrator to approve the Permits, as he admittedly did, without having the assurance "that all submitted plans cumulatively comply with the zoning requirements."

A. The Permits Should Not Have Been Issued Because the Parking Garage May Be Built Only in the Rear Yard of the Property or "Within the Main Building."

The Zoning Regulations limit where an accessory building, such as a hotel garage, may be built. Such a building may be only in the property's rear yard or "within the main building." The Regulations do not permit it in the front yard of a property. And yet that is precisely where this garage is being built.

The Zoning Regulations define a "parking garage" as

"a building or other structure, or part of a building or structure, over nine hundred square feet (900 ft.²) in area, used for the parking of motor vehicles without repair or service facilities. The term parking garage may include a parking garage accessory to the principal use, but shall not include a mechanical parking garage."

11 DCMR § 199. The building authorized by the Permits is, therefore, a parking garage under the Zoning Regulations.

This parking garage is accessory to the principal use of the Property. This is, in fact, the way JBG characterized this building. In the BLRA Third-Party Plans Review

Correction List prepared by JBG's consultant, the basis given for concluding that the garage is "matter of right" is that it is "a matter-of-right accessory use." Attachment E at 3.

Moreover, this characterization is required by the Zoning Regulations, which define an accessory use as

"a use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use."

11 DCMR § 199. The principal use of this Property is a hotel use, and parking is certainly "a use customarily incidental and subordinate" to a hotel. That a garage is an accessory to a hotel is well established and recognized by the Board. See *Samuel Leeds*, Appeal No. 8713, Order at 3 (BZA April 13, 1966) ("The parking garage is an accessory to the hotel use").

The new building is a "parking garage" and an "accessory use." Section 2301.2, therefore, controls where it may lawfully be located. That rule provides that "a parking garage that is an accessory use may be located" in one of two places. First, it may be located as prescribed in section 2500. 11 DCMR § 2301.2(a). Second, it may be located "[w]ithin the main building." 11 DCMR § 2301.2(b). This garage is in neither location.

Section 2500.2 states simply and clearly, "An accessory building shall be located only in a rear yard."² As the Board has noted, "As an accessory building, the garage could not be located in the front yard." *Appeal No. 16646 of Daniel Serwer & James W. McBride*, Order at 4 n.2 (BZA March 28, 2001).

² There are two exceptions that do not apply here:

"(a) An accessory private garage may be located in a side yard pursuant to § 2300; and

"(b) A pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter of a gasoline service station may be located in any open area of a lot not within twenty-five feet (25 ft) of a Residence District unless separated therefrom by a street or alley."

The regulations define a “rear yard” as

“a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title.”

11 DCMR § 199. There may be many ways to look at the Property, but there is no way to see the multi-acre lawn in front of the Hotel on the Woodley Road side as being “between the rear line of a building or other structure and the rear lot line.” The Property has a Woodley Road address — 2660 Woodley Road — and a more than 750-foot frontage on that street. The main entrance to the Hotel — its front door — is on Woodley Road.³ There are three driveway entrances to the Hotel property from Woodley Road (and the Hotel’s owner sought permission from the Public Space Committee to add two more). The proposed garage site is the Property’s front yard, not its rear yard. And the Zoning Regulations say that it may not lawfully be built there.

The new garage does not meet the alternate requirement, that it be “within the main building.” 11 DCMR § 2301.2(b). The garage is being built under a previously undeveloped lawn with no above-ground connection to the rest of the Hotel. It is not part of the existing Hotel building — “When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building,” according to the Zoning Regulations.⁴ Moreover, JBG concedes in its both its permit application (Attachment A) and its Zoning Review Computation Sheet (Attachment F) that this garage is a “new building” and is an “addition to an existing building.” It can’t, therefore, be “within” an existing building.

³ The former owner of the Hotel confirmed that “the main entrance is from Woodley Road.” Applicant’s Proposed Findings of Facts, Conclusions of Law and Order, *2660 Woodley Road Joint Venture*, Application No. 16072, at 3 (Apr. 16, 1996) (Attachment L).

⁴ While there may be a connection via a small tunnel at the P2 garage level, that does not make the garage part of the other building: “The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.” 11 DCMR § 199.

The fact that the garage will be located underground does not change any of this analysis. Being underground does not make this any less a “parking garage” under the Zoning Regulations, subject to all the limitations those rules place on “parking garages.” A “parking garage” is “a building or other structure, or part of a building or structure” that is used in a particular way. 11 DCMR § 199. This proposed garage is a “building” — it is “a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel.” *Id.* Even if it were not a “building,” it would certainly be a “structure” — “anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground....” *Id.* Because it is a “parking garage,” it is subject to the locational constraints imposed by section 2301.2, notwithstanding the fact that it is underground.

Because the garage building authorized by the Permits is neither in the “rear yard” of the Property nor “within the main building” of the Hotel, its construction is not permitted by the Zoning Regulations.

B. The Construction of This New Garage Building Is Prohibited by Section 350.4 of the Zoning Regulations.

The Marriott Wardman Park Hotel is subject to a set of zoning restrictions that are not applicable to hotels generally in the District because it is located in a residential zone. Thus, section 350.4 of the Zoning Regulations provides:

“The following uses shall be permitted as a matter of right in an R-5 District:

“(d) Hotel, only in R-5-B, R-5-C, R-5-D, or R-5-E Districts, 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;”

11 DCMR § 350.4. This provision was adopted by the Zoning Commission in Order No. 314 to prevent the further encroachment and expansion of hotels in residential areas and to protect residential neighborhoods from the negative impacts of hotel operations.

Treatment of Hotels, Case No. 79-1, Order No. 314 (ZC May 8, 1980).

This rule provides that the only hotel buildings that are permitted in an R-5 zone are those that existed on May 18, 1980. And the rule places a variety of restrictions on these pre-existing buildings. The effect of this provision was to “grandfather” these hotels and essentially to “freeze” them in their existing states. As the Board found in a prior proceeding involving this very Hotel, “The Board is of the opinion that the Zoning Commission intended to protect existing hotel uses in residential districts *as they existed*.” *2660 Woodley Road Joint Venture*, Application No. 16072, Order at 12 (BZA May 1, 1996) (“*1996 Order*”) (emphasis added).

Consistently, going back for more than twenty years, previous owners of the Marriott Wardman Park Hotel have acknowledged that this is what section 350.4(d) does:

“[T]he Zoning Commission expressly declined to make hotels in residential zones nonconforming uses and this [sic] subject to the provisions of Article 71. Instead, existing hotels were ‘grandfathered’ pursuant to the provisions of Paragraph 3105.34.”

Statement of Applicant, *Application of the Washington Sheraton Corp.*, BZA Application No. 14072, at 5 (Jan. 11, 1984) (Attachment J hereto). Similarly,

“The Zoning Commission chose to ‘freeze’ existing hotels in their 1980 position, while still permitting them as a matter-of-right.”

[Hotel Owner's] Opposition to Motion To Dismiss, *2660 Woodley Road Joint Venture*, Application No. 16072, at 4 (Apr. 16, 1996) (“*Opposition*”) (Attachment K hereto). Similarly, “amendments to the Zoning Regulations completed by the Zoning Commission in May 1980, prohibit even minor additions to hotels in residential zones.” Applicant’s Proposed Findings of Fact, Conclusions of Law and Order, *2660 Woodley Road Joint Venture*, Application No. 16072, at 69 (Apr. 16, 1996) (Attachment L hereto).

In particular, in revising section 350.4, “the Commission intended to reserve vacant residential areas for residential developments.” *Opposition*, at 8 (emphasis in original). Thus, according to the former owner of the Hotel, two of the “major policies” of this rule were “[r]eserving vacant residential land for residential development -- no residential land since 1980 has been used for hotel development” and “[p]rotecting existing residential areas from further hotel development.” *Id.* at 9.

Section 350.4(d) imposes several constraints that are relevant to this case. First, the only hotels allowed in R-5 zones are those that existed as of May 16, 1980. Any other hotels are not permitted. Second, these existing hotels are grandfathered — they may continue to operate and may keep themselves in good condition and repair, but they are otherwise effectively frozen in their 1980 configurations. Third, the only construction that may be done on one of these grandfathered hotels is construction to “repair, renovate, remodel, or structurally alter” the existing building. And, finally, the areas within a hotel devoted to the “non-residential” aspects of a hotel — function rooms, exhibit space and commercial adjuncts — may not be increased.

The construction authorized by the Permits violates this section in several respects. First, while this rule protects existing hotel buildings, it does not permit the

construction of new hotel buildings in residential zones. Second, this construction is inconsistent with the “freeze” imposed on these hotels by Order No. 314. Third, this construction cannot be characterized as a “repair, renovation, remodeling, or structural alteration” of an “existing hotel,” and, therefore, is not permitted. Fourth, the construction will increase the area of the commercial adjuncts, exhibit space and function room of the Hotel, in violation of the regulation.

1. Section 350.4(d) Prohibits the Construction of New Hotel Buildings in R-5 Zones.

Nothing in section 350.4(d) allows the construction of a new hotel building in an R-5 District. And yet that is exactly what is being built.

It is section 350.4(d)(4) that permits hotels to exist at all in R-5 zones. But its permission is limited. The only hotel that is permitted is one that was “in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit.” If a hotel was not in existence on that date, then it is not permitted.

A “hotel” is “a building or part of a building” that is used in a certain way — “in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis” etc. 11 DCMR § 199. What section 350.4(d) permits, therefore, is “a building or part of a building” that was “in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit” and used in that way. Section 350.4(d) does not permit a new “building or part of a building” used that way in an R-5 zone, and neither does any other provision of the Zoning Regulations.

The new garage is a building separate and apart from the existing Hotel; it is not part of that building or an addition to it. Because this garage building was not “in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit,” its use as a hotel would violate section 350.4.

The new garage is unquestionably a new building. In fact, that is the way JBG characterized the project to the DC government when it applied for the Permits. The Application for Construction Permits on Private Property (Attachment A hereto) asks the applicant to describe the “Type of Proposed Work,” and it gives the applicant several choices to choose from, including “New Building,” “Addition” and “Alteration and Repair.” JBG gave the honest answer to the question and said that it was asking for permission to build a “New Building” — not to build an “Addition” and not to engage in “Alteration and Repair” of an existing building. This characterization is the same as the one on the Zoning Review Computation Sheet (Attachment F) — “New Building,” not “Addition to existing building.”

That this section protects existing building but does not authorize new ones makes perfect sense in the zoning regime. In dividing the city into different zones, the Zoning Commission determines how land may be used. See 11 DCMR § 100.4 (the Zoning Regulations control, among other things, the use of land in the District of Columbia). Land in R-5 zones may be used only in certain ways. The only land is those zones that may be used for a hotel is land that was being used for a hotel on May 16, 1980. Other land — land that was vacant or being put to a different use on May 16, 1980 — may not be used for a hotel. Because the Permits authorize construction of a hotel building on just

such land, land that was vacant and was not being used for a hotel on May 16, 1980, their issuance was in violation of the Zoning Regulations.

2. The Construction of a New Garage Building Is Inconsistent with the Overall Scheme of Section 350.4(d).

The authors of zoning or other land use regulations are faced with a recurring problem: They want to establish a set of rules for the future, but they find there are existing uses or structures that are inconsistent with those rules. While it plainly would be unfair to require the owners of these preexisting buildings to immediately conform to the new rules, planners may put constraints on what these owners are permitted to do in the future.

This is what section 350.4(d) does — it says that a preexisting hotel use is permitted as a matter of right, and it subjects these properties to strict limitations that were carefully tailored to the specific circumstances of a hotel in a residential zone. As shown above, as the Board has found and as previous owners of the Hotel concede, these limitations amount to a “freeze” of the Hotel as it existed in 1980, except, of course, for any repair, renovation, remodeling or structural alteration.

The garage authorized by the Permits would represent a complete meltdown of the freeze imposed by section 350.4(d). JBG is building a new 100,000-square-foot hotel building separate from its existing hotel. And the place where the new hotel building is being built is land that was previously vacant.

Through more than twenty years of litigation over proposals to modify this Hotel, its owners have recognized that section 350.4(d)(4) “grandfathered” the Hotel and “froze” it in its 1980 position — that is, until now. The only way the latest plans for this

Hotel can be approved is if the Board also disregards what section 350.4(d)(4) was intended to accomplish.

3. Construction of a New Garage Building Cannot Be Described as a “Repair, Renovation, Remodeling, or Structural Alteration” of an Existing Hotel and Is, Therefore, Not Permitted.

Section 350.4(d) authorizes only certain types of construction projects at a grandfathered hotel: “An existing hotel may be repaired, renovated, remodeled, or structurally altered.” Any other construction project is prohibited. The Board, in a prior proceeding concerning this same hotel, said that section 350.4(d) allows these hotels only “to upgrade, improve and modernize their facilities.” *1996 Order* at 12. Construction of a new garage, a completely new building, is not a repair, renovation, remodeling or structural alteration of the existing Hotel.

First, as discussed above, the Zoning Regulations define a “hotel” is “a building or part of a building” that is used in a certain way. 11 DCMR § 199. An “existing hotel” (the language in section 350.4(d)) is an “existing building or part of a building.” And when section 350.4(d) authorizes certain types of work on an “existing hotel,” that work must be done on an existing “building or part of a building.” Any such work that is not done on an “existing building or part of a building,” such as constructing a new building, is not permitted. As shown above, of course, JBG agrees that this is a new building, not an addition to or alteration and repair of an existing building. Because it is work on an existing building, it is not permitted by section 350.4(d).

Second, even if building a new building could somehow be considered work on an “existing hotel,” the work involved here is not one of the four permitted types — repair, renovation, remodeling or structural alteration.

Only one of these terms is defined in the Zoning Regulations.⁵ “Alterations, structural” means “any change in the permanent, physical members of a building or other structure, such as bearing walls or partitions, columns, joists, rafters, beams, or girders.” 11 DCMR § 199. This project involves no changes to the permanent, physical members of the Hotel. Clearly, building this new garage building is not a “structural alteration.”

As to the terms that are not defined, the Zoning Regulations instruct us to look to *Webster’s Unabridged Dictionary* for their meaning. 11 DCMR § 199.2(g).

The 1986 version of *Webster’s Third New International Dictionary*, that is available in the Zoning Commission office, defines the rest of these words as follows:

Repair — “1 a: to restore by replacing a part or by putting together what is torn or broken: FIX, MEND b: to restore to a sound or healthy state: RENEW, REVIVIFY.”

Renovate — “1 to restore to life, vigor, or activity: REVIVE, REGENERATE 2 to restore to a former state (as of freshness, soundness, purity, or newness of appearance: make over: RENEW.”

Remodel — “to model anew: RECONSTRUCT: syn[onym] see mend.”

All these words suggest a restoration, a return to a previous state or form, a fixing of a defect or a mending. None of them could be read to describe building a new structure on unoccupied land.

In order to be permitted by section 350.4(d), work must be done on an “existing hotel,” that is, an existing building. Creating a new building is not work on an “existing hotel.” In any event, building a new building is not any one of the types of work

⁵ In the original appeal filing, appellants said that none of these terms was defined in the Regulations. Appellants overlooked this definition because it appeared as “alterations, structural,” rather than “structural alteration.”

authorized by that section (repair, renovation, remodeling or structural alteration) and, therefore, is not permitted by the Zoning Regulations.

4. This Construction Increases the Total Area Within the Hotel Devoted to Function Rooms, Exhibit Space and Commercial Adjuncts and Is, Therefore, Not Permitted.

As shown above, this garage is not “within the existing hotel” — it is not part of the building that existed on May 18, 1980. That, in part, is why the garage may not be built. However, if the Board concludes that this new garage is somehow “within” the existing hotel building, its construction would still be prohibited because it runs afoul of another restriction in section 350.4(d)(4).

Section 350.4(d) prohibits the growth of the commercial aspects of a grandfathered hotel. It provides that “the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased.” The terms “function rooms, exhibit space, and commercial adjuncts” come from the Zoning Regulations’ definition of a “hotel,” which provides, “All areas within a hotel shall be

included in one (1) of the following categories:” commercial adjuncts, exhibit space, function rooms, guestroom areas and service areas, and then defines each of these terms.⁶

A garage does not fit within the definitions of any of these five categories. It apparently is JBG’s position that the garage is a service area (letter from Richard B. Nettler to Bill Crews at 1, dated Feb. 24, 2006, Attachment H hereto), but it is impossible to characterize a garage as an area “devoted to mechanical services and storage.” A garage cannot be a “commercial adjunct” because section 351.2 of the Zoning Regulations places restrictions on commercial adjuncts in hotels like this one that would make it impossible to function as a garage — that it have no direct entrance from the outside of the building, that the entrance to the adjunct not be visible from the sidewalk and that no sign indicating the existence of the adjunct be visible from outside the building.

But the Regulations require that “[a]ll areas within a hotel shall be included in one” of these categories. Therefore, the garage area must be allocated, based on usage or some other factor, among the five categories that together comprise a hotel. That

⁶ “(a) Commercial adjuncts - 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;

“(b) Exhibit space - floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events;

“(c) Function room - a room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets, and other group events;

“(d) Guestroom areas - floor area within a hotel devoted to guestrooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries, and other space directly supportive of guestrooms. The main lobby, front desk, and hotel administrative offices are also included in guestroom areas for purposes of pro-rating floor area between residential and nonresidential uses in applicable zones; and

“(e) Service areas - floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, and engineer’s office:), and similar uses. (36 DCR 7625)”

calculation must be done to determine whether the construction will increase “the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts.”

Applicants understand that the Zoning Administrator concluded that the area of the proposed garage is included in “the total area within the hotel,” but that he did not allocate any of the garage area between “function rooms, exhibit space, and commercial adjuncts” of the hotel, on the one hand, and guestroom and service areas, on the other. This was incorrect, as certainly some of the garage area would support those functions.

According to materials provided by JBG, the area of the new garage would appear to be 100,364 square feet. The existing hotel garage that JBG says it plans to demolish at a later stage in the project is 75,187 square feet, or more than 25,000 square feet smaller than the new garage. Even assuming that the same percentage of the new garage is allocated to “function rooms, exhibit space, and commercial adjuncts” as the existing garage, this would increase the area allocated to these categories because the new garage is one-third larger than the old garage. In addition, JBG has indicated that it plans to reduce the number of guestrooms in the hotel by more than 11%,⁷ which presumably would result in a smaller percentage of the new garage supporting the guestroom category and, therefore, a greater percentage supporting the commercial categories.

*

*

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In summary, the Permits authorize the construction of a garage that violates the Zoning Regulations in a number of respects:

⁷ JBG’s web site for the Hotel project says that the Hotel currently has 1334 rooms, which will be reduced to 1174 by 2008. <http://www.wardmanparknews.com/faq.php#Project%20Overview>.

- The garage is not being built, as required, in the rear yard of the Property or within the main building.
- The Permits authorize construction of a new hotel building, in violation of the prohibition of new hotel buildings in residential zones.
- Its construction violates the freeze imposed on hotels in residential zones.
- The work covered by the Permits is not any of the types of work permitted to be done on a hotel in a residential zone.
- The construction will increase the total area devoted to non-residential features of the Hotel.

Each of these violations is substantial and serious, and a finding of any one of them requires that the Permits be vacated.

II. It Was Error for the Zoning Administrator To Approve the Issuance of the Permits Without Ensuring That the Plans Complied with the Zoning Regulations.

On a May 15, 2006, contemporaneous with the issuance of the first of the Permits, the Zoning Administrator sent a memorandum to the Chair of ANC3C (Attachment G). The memo states that the Administrator's determination that "the proposed changes and additions do not violate the zoning regulations and can proceed as a matter of right." The Administrator then adds a "caveat" to his determination. He says that the calculations he reviewed and on which he based his determination were "preliminary" and that he would have to "ensure that all submitted plans cumulatively comply with the zoning requirements."

Of course, there is no such thing as a “preliminary” or “provisional” permit.
When the Permits issued, construction began, to the neighborhood’s detriment.

Given the complicated nature of this mixed-use, multi-structure project, special scrutiny was appropriate here. The Zoning Administrator should not let permits issue first and ensure compliance with the law later. Determinations of this sort should not be made on the basis of “preliminary” calculations.

It was error, in violation of section 350.4(d) and the Zoning Regulations generally, to issue the Permits without having the assurance “that all submitted plans cumulatively comply with the zoning requirements.”

Conclusion

For these reasons and those stated in their appeal, ANC 3C and WPCA respectfully ask that this appeal be granted and that the Permits at issue here be vacated.

Respectfully submitted,

Nancy F. MacWood, Chair
Advisory Neighborhood Commission 3C
2737 Devonshire Place, NW
Washington, D.C. 20008
(202) 232-2232

John M. Goodman, President
Woodley Park Community Association
2810 29th Street, NW
Washington, D.C. 20008
(202) 667-7630

Cornish F. Hitchcock
5301 Wisconsin Avenue, NW, Suite 350
Washington, D.C. 20015
(202) 364-1050
Attorney for Appellants

November 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of this pre-hearing submission were served by first-class mail, postage prepaid, this 27th day of November, 2006 upon Bill Crews, Office of the Zoning Administrator, 941 North Capitol Street, NE, Washington, DC 20002 and upon Richard B. Nettler, Robins Kaplan Miller & Ciresi, 1875 Eye Street, NW, Suite 300, Washington, DC 20006.

Cornelia F. Holmberg

A

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	R-5-B			By:
H.P.A. No:	S.L. No:		Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
 Tel 202-442-4589 Fax 202-442-4862

BLRA-35
(Rev. 2004)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
 (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE

By _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

FOR ALL APPLICANTS, MUST COMPLETE FORMS F-101 & F-102

1 Address of Proposed Work: 2660 Woodley Rd. NW		Suite No.	2 Lot 25	3 Square 2132	4. Application Date 11/17/2005
5 Owner of Building or Property WARDMAN Park Residential, LLC		6 Address (include Zip Code) 4445 Willard Ave. Chevy Chase, MD 20815			7 Phone 240-333-3600
8 Agent for Owner: (if applicable) KEVIN KEJLEMAN		9. Address (include Zip Code) 4445 Willard Ave. Chevy Chase, MD 20815			10. Phone 240-333-3755
11. Type of Proposed Work (check all applicable boxes)					
☒ New Building ☐ Addition ☐ Alteration and Repair ☐ Raze Building ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☒ Sign ☐ Projection ☐ Other (Specify) _____					
12. Description of Proposed Work EAST GARAGE: CONSTRUCTION OF THREE UNDERGROUND LEVELS OF PARKING TOTALING APPROXIMATELY 250 SPACES AND THE CREATION OF A GROUND PLAZA ABOVE THE PARKING STRUCTURE ON THE NORTH SIDE OF THE SITE. UPON COMPLETION, THE DISTURBED LAND RESULTING FROM CONSTRUCTION OF THE PARKING FACILITY WILL BE RECLAIMED.					
13 Existing Use(s) of Building or Property HOTEL CONFERENCE ROOM		14 Ex. No of Stories of Bldg 8	15 Ex No of Dwelling Units 1350	Official Use Only Miscellaneous FEB	
16 Proposed Use(s) of Building or Property NONE		17 Prop No of Stories of Bldg 8	18 Prop. No of Dwelling Units 1350	By:	Date:
19 Starting Date 1/2006	20 Completion Date of work 10/2006	21 Method of Removing Construction Debris ☐ Pick-up Truck ☒ Dumpster ☐ Other (specify) _____		22 Does the proposed work involve disturbing the earth or razing a building? ☒ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☒ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods INLET PROTECTION, SSF, SCS	25. Area of Offsite Drainage N/A	26. No. of Footings or Columns N/A	27 Size of Footings or Columns N/A	

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

OFFICIAL USE ONLY

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is a retaining wall. (Page 2)
 Complete Section E if the proposed work is a fence. (Page 3)
 Complete Section F if the proposed work is a shed/garage. (Page 3)
 Complete Section G if the proposed work is an awning. (Page 3)
 Complete Section H if the proposed work is a sign. (Page 3)

	R	P	H	A	
M					
P					
E					W U Yes U No
F					PLANS
S					U No U Sm U Lg

28. Architect's Name: <u>N/A</u>		29. D.C. Lic. No.:	30. Architect's Address: (include Zip Code)		31. Phone:
32. Engineer's Name: <u>✓</u>		33. D.C. Lic. No.:	34. Engineer's Address: (include Zip Code)		35. Phone
36. Building Contractor's Name: <u>N/A</u>		36A. D.C. Lic. No.	37. Contractor's Address		38. Phone:

39. Type of Construction ☐ Masonry ☒ Steel ☐ Wood ☐ Other ☒ Concrete		40. Fire Suppression: ☒ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other		41. Booster Pump ☒ New ☐ Existing ☐ None		42. Total Lot Area <u>21,570</u> sq. ft.		43. Breakdown of Lot Area (= 100 %) a. building <u>35</u> % b. paved area <u>25</u> % c. greenery <u>40</u> %			
44. Present Gross Floor Area of Bldg. <u>N/A</u> sq. ft.		45. Proposed Gross Floor Area of Bldg. <u>41,000</u> sq. ft.		46. Floors involved in this permit ☒ All ☐ Floors		47. Projection beyond building line? ☐ Yes, Answer q. 48-52 ☒ No. SKIP q. 48-52					
48. Number and type of projection:		49. Distance of projection:		50. Width of projection:		51. Width of building frontage <u> </u> ft.					
						52. Signature of Owner (projection only):					
53. Water or Sewer Excavation? ☒ Yes ☐ No		54. Driveway Construction? ☒ Yes ☐ No		55. Sheeting/Shoring Necessary? ☒ Yes ☐ No		56. Elevators Involved? ☒ Yes, answer q. 57 ☐ No		57. No and type of elevator <u>2</u>		58. Plans Certified by Engineer? ☒ Yes, cert. attached ☐ No	

59. Estimated Cost of Work		OFFICIAL USE ONLY							
(a) New/Add.: \$ <u>12,000,000.</u>		Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE	
(b) Alt/ Repair \$		\$		\$ <u>48,000</u>		\$ <u>2,000</u>		\$ <u>46,000</u>	
Total \$ <u>12,000,000.</u>		By:		Date:		By:		Date:	
60. Volume of New Bldg. or Addition <u>✓ 1,600,000</u> cubic ft.		By: <u>Adl</u>		Date: <u>5/12/06</u>		By: <u>Adl</u>		Date: <u>5/12/06</u>	

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip Code)		63. Phone:	
64. Insurance Company		65. Policy or Cert. Number		66. Expiration Date	
67. Raze Method		68. Building Material		69. Raze Entire Building? ☐ Yes ☐ No	
70. Building Condemned? ☐ Yes ☐ No		70A. Building Vacant? ☐ Yes ☐ No		71. Public Space Vault? ☐ Yes ☐ No	
72. Disconnect Water and/or Sewer? ☐ Yes ☐ No		73. Size of Water Connection <u> </u> in.		74. Plumber's Name:	
75. D.C. Lic. No.		76. Length <u> </u> ft.		77. Width <u> </u> ft.	
78. Height <u> </u> ft.		79. Volume <u> </u> ft.		80. Party Wall? ☐ Yes ☐ No	
81. Asbestos in the Building? ☐ No ☐ Yes, location		82. Raze Contractor Signature		OFFICIAL USE ONLY	
83. Owner's Signature		FEE		By: Date:	
		\$			

84. Cost of Work \$		85. Material:		86. Height		87. Color		88. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *	
------------------------	--	---------------	--	------------	--	-----------	--	---	--

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

89. Signature of Adjoining Owner:		90. Phone: Home Work		OFFICIAL USE ONLY	
91. Address of Adjoining Owner:		92. Lot:		93. Square:	
				FEE By: Date:	
				\$	

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

94. Material and type:	95. Height ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
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* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY FEE	
100. Address of Adjoining Owner:	101. Lot	102. Square	\$ By: Date:

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number 1	104. Length: 330 ft.	105. Width 123 ft.	106. Area: 41,000 sq. ft.	107. Height 14 ft.	108. Volume 566,000 cu. ft.	109. Est. Cost of Work \$12,000,000.00	OFFICIAL USE ONLY FEE
110. Material of Roof Conc.	111. Material of Sides Conc.	112. Wall Thickness: ☒ External (18) inches ☐ Party () inches		113. Color NATURAL		\$ By: Date:	

(G) AWNING (COMPLETE ITEMS 114 THRU 119)

114. Number:	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line: _____ in. Beyond pt of attachm: _____ in.	118. Height of Lowest Part of awning (a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade	OFFICIAL USE ONLY FEE
119. Material of Frame	120. Material of Covering	121. Lettering on awning? ☐ Yes ☐ No	122. Fixed Posts? ☐ Yes ☐ No	123. Over Side- walk café? ☐ Yes ☐ No	\$ By: Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number:
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign
		137. Width ft	138. Length ft	139. Area of Sign sq. ft
		140. Wide of Business frontage ft		
141. C of O No for Bldg.	142. Sign Contractor: License No.		OFFICIAL USE ONLY	
143. Sign Contractor's Address:		144. Phone:	Sign FEE Elect. FEE Total FEE	
			\$ \$ \$	
			By: Date: By: Date: By: Date:	

(I) APPLICANT'S SIGNATURE

A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner _____ Address _____ Date _____

B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent James S. Shuts Address 3204-22nd St. N.E. Date 3/31/06

(D) APPROVALS (DO NOT WRITE ON THIS PAGE - OFFICIAL USE ONLY)

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: NOT SUBJECT Date: 4/25
- ☐ 2. Historic by: NOT SUBJECT Date: 4/25
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. Rental Accom. by: _____ Date: _____
- ☐ 10. Chinatown Distr. by: _____ Date: _____
- ☐ 11. Utility Clearance by: _____ Date: _____
- ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. DDOT - Consumer Engineer
Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
Cleared by: _____ Date: _____

Restrictions of the Permit:

TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: _____
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) ABRA by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: _____
- ☒ 3. Zoning by: Page - 0 Date: 4/7/06
Zoning Update by: _____ Date: _____
Zoning Overlay approval by: _____ Date: _____
- ☒ 4. DDOT - Permit and Records Division/Deposit #
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by: _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
Control No. _____ Date: _____
by: _____ Date: _____
☒ Erosion Control by: _____ Date: _____
☐ Storm Water Mgmt. by: _____ Date: _____
Plan No _____
- ☐ Air Quality by: _____ Date: _____
- ☐ Underground Storage by: _____ Date: _____
- ☒ 7. Mechanical Eng. Review by: _____ Date: _____
- ☒ 8. Plumbing Eng. Review by: _____ Date: _____
- ☒ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
☐ (b) Medical X-Ray Plan Rev. by: _____ Date: _____
- ☒ 11. Fire Protection Plan Review
by: _____ Date: _____
- ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date: _____
- ☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 14. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 15. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 16. Historic Pres. Div. by: _____ Date: _____
- ☐ 17. EISF: _____ Date: _____
- ☒ 18. Structural Eng. by: _____ Date: _____
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: _____ Date: _____

ZONING

Job No. _____ Date _____

Existing Use(s) P.O.D.

Proposed Use New Underground Garage

Job No. _____ BZA Case No. _____ PUD Order No. _____

- ☐ New Bldg
- ☐ P.O.D.
- ☐ File in room 2124

DDOT - PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

CONTRACT AGREEMENT

Name of Contractor/Owner WARDMAN PARK HOTEL, LLC Contractor's License No. _____Address of Contractor/ Owner 4445 WILLOW AVE. SUITE 400 CHEVY CHASE MD, 20815 Date: 3/28/06

ADDRESS OF PROPOSED WORK <u>2660 - WOODLEY RD., N.W.</u>		LOT: <u>32</u> SQUARE: <u>2132</u>
OWNER OF BUILDING OR BUSINESS: <u>WARDMAN PARK HOTEL, LLC</u>		PHONE No: <u>240-678-7383</u>
DESCRIPTION OF PROPOSED WORK: <u>BUILD UNDERGROUND PARKING GARAGE</u>		
CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	\$ <u>8,000,000.00</u>	
ELECTRICAL	\$ <u>750,000.00</u>	
MECHANICAL	\$ <u>750,000.00</u>	
PLUMBING	\$ <u>500,000.00</u>	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	\$ <u>500,000.00</u>	
DEMOLITION	\$ <u>— 0 —</u>	
MISC/OTHER (please specify)	\$ <u>— 0 —</u>	
TOTAL	\$ <u>12,000,000.00</u>	
The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulking, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square feet of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.		
The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.		
CONTRACTOR _____ Signature & print		Date: _____
OWNER OF BUILDING/BUSINESS <u>Karl Kukulmann</u> Signature & print		Date: <u>3/28/06</u>
Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge		

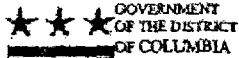
Please fill out this agreement form in accordance with D.C Construction Code Supplement 1999, Chapter 1 Section 112.1.

[illegible]

CALVERT
Copy of Plot w/ important.

B

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	<u>R-5-B</u>		~~7758~~	By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date: <u>6/7/06</u>	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
 Tel 202-442-4589 Fax 202-442-4862

BLRA-33
(Rev. 2/04)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
 (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

00

CLEARANCE TO FILE By _____ Date _____		ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION			
(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27					
1 Address of Proposed Work		Suite No.	2 Lot	3 Square	4. Application Date
<u>2660 WOODLEY RD., N.W.</u>			<u>32</u>	<u>2132</u>	<u>1/27/06</u>
5 Owner of Building or Property		6 Address (include Zip Code)		7 Phone	
<u>WARDMAN HOTEL LLC</u>		<u>4445 WILLARD AVE SW #400</u>		<u>240-333-3600</u>	
8 Agent for Owner: (if applicable)		9. Address (include Zip Code)		10. Phone	
<u>FRED SHELTON</u>		<u>3204-22ND ST, N.E.</u>		<u>202 529-2521</u>	
11. Type of Proposed Work (check all applicable boxes)					
☐ New Building ☐ Addition ☐ Alteration and Repair ☐ Raze Building ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☐ Sign ☐ Projection ☒ Other (Specify) <u>SHEETING & SHORING</u>					
12. Description of Proposed Work <u>INSTALL SHEETING & SHORING FOR PROPOSED UNDERGROUND PARKING GARAGE AS PER PLAT AND PLANS</u>					
13 Existing Use(s) of Building or Property		14 Ex. No of Stories of Bldg	15 Ex No of Dwelling Units	Official Use Only Miscellaneous FEE \$ <u>650</u>	
<u>HOTEL</u>		<u>8</u>	<u>12</u>	By: <u>12</u> Date: <u>5/23/06</u>	
16 Proposed Use(s) of Building or Property		17 Prop No of Stories of Bldg	18 Prop. No of Dwelling Units		
<u>HOTEL</u>		<u>8</u>			
19 Starting Date	20 Completion Date of work	21 Method of Removing Construction Debris		22 Does the proposed work involve disturbing the earth or razing a building?	
<u>A → A P</u>	<u>A → A P</u>	☒ Pick-up Truck ☐ Dumpster ☐ Other (specify)		☒ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft?	24. Soil Erosion Control Methods		25. Area of Offsite Drainage	26. No of Footings or Columns	27 Size of Footings or Columns
☒ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	<u>SEE NOTE</u>		<u>N/A</u> sq. ft.	<u>N/A</u>	<u>SEE PLAN</u>

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is a retaining wall. (Page 2)
 Complete Section D if the proposed work is a fence. (Page 2)
 Complete Section E if the proposed work is a shed/garage. (Page 3)
 Complete Section F if the proposed work is a sign. (Page 3)
 Complete Section G if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY				
	R	P	H	A
M				
P				
E				W 11 Yes 12 No
F				PLANS
S				13 No 14 Sm 15 Lg

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name: N/A		29. D.C. Lic. No.:	30. Architect's Address: (include Zip Code)		31. Phone:															
32. Engineer's Name: DAVID WEATHERS		33. D.C. Lic. No.: 10417	34. Engineer's Address: (include Zip Code) 2660 - Noonday Rd., N.W.		35. Phone: 240 333-3600															
36. Building Contractor's Name: TBA		36A. D.C. Lic. No.:	37. Contractor's Address		38. Phone:															
39. Type of Construction ☐ Masonry ☒ Steel ☐ Wood ☒ Other ☐ Concrete	40. Fire Suppression: ☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other		41. Booster Pump ☐ New ☐ Existing ☒ None	42. Total Lot Area N/A sq. ft.	43. Breakdown of Lot Area (= 100 %) a. building % b. paved area N/A % c. greenery %															
44. Present Gross Floor Area of Bldg. _____ sq. ft.	45. Proposed Gross Floor Area of Bldg. _____ sq. ft.	46. Floors involved in this permit ☐ All ☐ Floors 3 & 5		47. Projection beyond building line? ☐ Yes, Answer q. 48-52 ☒ No. SKIP q. 48-52																
48. Number and type of projection:		49. Distance of projection:	50. Width of projection:	51. Width of building frontage _____ ft. 52. Signature of Owner (projection only):																
53. Water or Sewer Excavation? ☐ Yes ☒ No	54. Driveway Construction? ☐ Yes ☒ No	55. Sheeting/Shoring Necessary? ☐ Yes ☒ No	56. Elevators Involved? ☐ Yes, answer q. 57 ☒ No	57. No and type of elevator	58. Plans Certified by Engineer? ☐ Yes, cert. attached ☒ No															
59. Estimated Cost of Work (a) New/Add: \$ _____ (b) Alt/Repair \$ _____ Total \$ _____		OFFICIAL USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Alter/Repair FEE</th> <th>New Const. FEE</th> <th>Filing Fee</th> <th colspan="2">TOTAL PERMIT FEE</th> </tr> <tr> <td>\$</td> <td>\$</td> <td>\$</td> <td colspan="2">\$</td> </tr> <tr> <td>By: _____ Date: _____</td> <td>By: _____ Date: _____</td> <td>By: _____ Date: _____</td> <td>By: _____ Date: _____</td> <td></td> </tr> </table>				Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE		\$	\$	\$	\$		By: _____ Date: _____	By: _____ Date: _____	By: _____ Date: _____	By: _____ Date: _____	
Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE																	
\$	\$	\$	\$																	
By: _____ Date: _____	By: _____ Date: _____	By: _____ Date: _____	By: _____ Date: _____																	
60. Volume of New Bldg. or Addition cubic ft.																				

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip Code)		63. Phone:							
64. Insurance Company		65. Policy or Cert. Number	66. Expiration Date	67. Raze Method							
68. Building Material	69. Raze Entire Building? ☐ Yes ☐ No	70. Building Condemned? ☐ Yes ☐ No	70A. Building Vacant? ☐ Yes ☐ No	71. Public Space Vault? ☐ Yes ☐ No	72. Disconnect Water and/or Sewer? ☐ Yes ☐ No						
73. Size of Water Connection _____ in.											
74. Plumber's Name:		75. D.C. Lic. No.	76. Length _____ ft.	77. Width _____ ft.	78. Height _____ ft.						
79. Volume _____ ft.		80. Party Wall? ☐ Yes ☐ No									
81. Asbestos in the Building? ☐ No ☐ Yes, location _____		82. Raze Contractor Signature		OFFICIAL USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>FEE</td> <td>By: _____</td> <td>Date: _____</td> </tr> <tr> <td>\$</td> <td></td> <td></td> </tr> </table>		FEE	By: _____	Date: _____	\$		
FEE	By: _____	Date: _____									
\$											
83. Owner's Signature											

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work \$	85. Material:	86. Height _____ ft.	87. Color	88. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *							
* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application											
89. Signature of Adjoining Owner:		90. Phone: Home _____ Work _____		OFFICIAL USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>FEE</td> <td>By: _____</td> <td>Date: _____</td> </tr> <tr> <td>\$</td> <td></td> <td></td> </tr> </table>		FEE	By: _____	Date: _____	\$		
FEE	By: _____	Date: _____									
\$											
91. Address of Adjoining Owner:		92. Lot	93. Square:								

(E) FENCE (COMPLETE ITEMS 94 THRU 102) The fence will not obstruct any accessible parking required by D.C. Zoning Regulations.

94. Material and type:	95. Height ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application			
98. Signature of Adjoining Owner:	99. Phone: Work _____ Home _____		100. Address of Adjoining Owner:
101. Lot		102. Square	103. Address of Adjoining Owner:

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number	104. Length ft.	105. Width ft.	106. Area sq. ft.	107. Height ft.	108. Volume cu. ft.	109. Est. Cost of Work \$	OFFICIAL USE ONLY FEE
110. Material of Roof	111. Material of Sides	112. Wall Thickness: ☐ External () inches ☐ Party () inches		113. Color		\$	By: _____ Date: _____

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in Beyond pt of attachment _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY FEE	
119. Material of Frame	120. Material of Covering	121. Lettering on awning? ☐ Yes ☐ No	122. Fixed Posts? ☐ Yes ☐ No	123. Over Side- walk café? ☐ Yes ☐ No	(a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade	
					\$	By: _____ Date: _____

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number: _____
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.
132. License No.				
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign
136. Color				
137. Width ft.		138. Length ft.	139. Area of Sign sq. ft.	140. Wide of Business frontage ft.
141. C of O No for Bldg.	142. Sign Contractor: License No. _____		OFFICIAL USE ONLY	
143. Sign Contractor's Address:		144. Phone:		Sign FEE \$
				Elcct. FEE \$
				Total FEE \$
				By: _____ Date: _____

(I) APPLICANT'S SIGNATURE

OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner _____ Address _____ Date _____

AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent *Fred Smith* Address *3204 22nd St. N.E.* Date *4/27/06*

(J) APPROVALS (DO NOT WRITE ON THIS PAGE, OFFICIAL USE ONLY)**A. PERMIT CONTROL**

- ☐ 1. Fine Arts by: _____ Date: _____
- ☒ 2. Historic by: NOT IN HPO JURISDICTION Date: 5/17/06
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. Rental Accom. by: _____ Date: _____
- ☐ 10. Chinatown Distr. by: _____ Date: _____
- ☐ 11. Utility Clearance by: _____ Date: _____
- ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. DDOT - Consumer Engineer
Cleared by: _____ Date: _____
- ☒ 4. ERA - Erosion Control
Cleared by: PAC Date: 2/17/06

Restrictions of the Permit:

*This portion of Lot 32
not in HPO jurisdiction. Wardman
Anney at corner (old Lot 824)
and arcade are protected by
historic preservation law.*

**TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639**

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: BL Date: 1/30/06
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) ABRA by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: _____
- ☐ 3. Zoning by: _____ Date: _____
Zoning Update by: _____ Date: 2/16/06
Zoning Overlay approval by: _____ Date: _____
- ☐ 4. DDOT - Permit and Records Division/Deposit \$
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by 500712 Date: 5-17-06
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: C. Taylor Date: 5-23-06
- ☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
Control No. 5-18-06 Date: 5/18/06
by C. Taylor
☒ Erosion Control by: _____ Date: _____
☒ Storm Water Mgmt. by: _____ Date: _____
Plan No. _____
- ☐ Air Quality by: _____ Date: _____
- ☐ Underground Storage by: _____ Date: _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☐ 8. Plumbing Eng. Review by: _____ Date: _____
- ☐ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
☐ (b) Medical X-Ray Plan Rev. by: _____ Date: _____
- ☐ 11. Fire Protection Plan Review
by: _____ Date: _____
- ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date: _____
- ☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 14. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 15. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 16. Historic Pres. Div. by: _____ Date: _____
- ☒ 17. EISF: BL Date: 5/18/06
- ☐ 18. Structural Eng. by: _____ Date: 5/23/06
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: M Date: 5/23/06

ZONING

C of O Number B118989 Date 12/31/79

Existing Use(s) Hotel 1st 8th floors

Proposed Use Shopping & Shopping

- ☐ New Bldg
- ☐ P.O.D.
- ☐ File in room 2124

DDOT - PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Job No. _____ BZA Case No. _____ PUD Order No. _____

Restrictions: _____

DATE 2-22-06

I hereby request that the plans filed in your office under the name of Wardman Hotel, LLC
EAST GARAGE to (erect) (alter) the following structure,
Sheeting & Shoring Lot 832 Square 2132
premises: 0 2660 Woodley Road NW Washington, DC be processed as provided
in Section 107.12.1.1 of the D.C. Construction Codes Supplement of 1999, as amended, upon certification of the plans
by David Weatherer, who, to the best of my knowledge, is a professional
engineer, practicing in the field of structural engineering, and validly registered in the District of Columbia.

Date 2/22/06

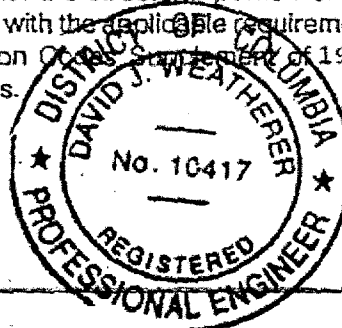
Signature [Signature] (Owner)

STRUCTURAL CERTIFICATION

I, David Weatherer, certify that I am a Professional Engineer practicing in the field of structural
engineering and duly registered in accordance with the provisions of Public Law 789 of the 81st Congress, approved
September 19, 1950, and that such registration is in full force and effect and has not been suspended or revoked,
and I do further certify that to the best of my knowledge and belief the structural portion of the attached plans
pertaining to the above inscribed structure complies in every respect with the applicable requirements of BOCA Basic
National Building Code/1996, as amended by the DC Construction Codes Supplement of 1999, with particular
reference to strength, stresses, loads, stability and type of materials.

Signature [Signature]
Registered Professional Engineer

Reg. No. 10417



ACKNOWLEDGEMENT

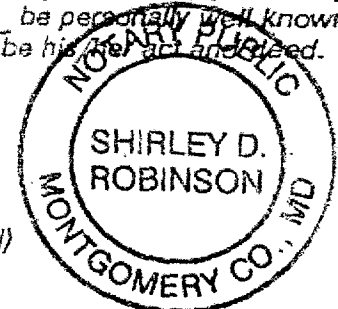
I, Shirley Robinson, a Notary Public in and for Montgomery County do hereby
certify that David Weatherer the person(s) who signed the foregoing certificate, personally
appeared before me in said Silver Spring, MD, the said David Weatherer be personally well known
to me as the person who signed the said certificate, and acknowledged the same to be his act and deed.

Given under my hand and seal this 22nd day of February, 2006.

Notary Public [Signature]

My Commission Expires Sept. 1, 2009

(Seal)



My Commission Expires Sept. 1, 2009

TO: THE DIRECTOR, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, WASH., D.C.

Application has been made to (erect) (alter) the above mentioned structure. Plans have been filed in accordance
with the procedure outlined in your instructions, and a directive as to whether these plans described above should
be processed without a structural check as provided in Section 107.12.1.1 of the D.C. Construction Codes Supplement
of 1999 is requested.

NOTED AND APPROVED FOR THE DIRECTOR,
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

[Signature]
Structural Engineer

SEE REVERSE SIDE FOR INSTRUCTIONS

C

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100

Washington D.C. 20002

Tel:(202) 442-4470

Fax:(202) 442-4862

B

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. 86798

DATE: 5/12/2006

ADDRESS OF PROJECT: 2660 WOODLEY RD NW		SS: S SQ: 2132 WARD: 4	SK: 1 ZONE: C-1	LOT: 25
DESCRIPTION OF WORK: NEW BUILDING ,CONSTRUCT NEW UNDERGROUND PARKING GARAGE AS PER PLAT AND PLANS.				
PERMIT TYPE: NEW BUILDING	PLANS (Y/N) Y	EXISTING USE: BUSINESS	PROPOSED USE: Business	
PERMISSION IS HEREBY GRANTED TO OWNER: WARDMAN PARK RESIDENTIAL LLC			PERMIT FEE: \$46,000.00	
AGENT NAME: WOODBIDGE TWO , LLC 703-204-9600				
CONDITIONS / RESTRICTIONS: ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT BUILDING CODES ; ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT ZONING REGULATIONS ;				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:				
DIRECTOR: Dr. Patrick Canavan, Psy. D.		PERMIT CLERK:		EXPIRATION DATE: 5/12/2007

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.

NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202)442-4641 941 NORTH CAPITOL ST NE WASHINGTON DC 20002.

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

Department of Consumer and Regulatory Affairs

Remittance Source Document

Building and Land Regulation Administration
941 North Capitol Street N.E. Room 210
Washington D.C. 20002
Tel: (202) 442-4470

[Handwritten signature]

Report Date: 5/12/2006 14:55

Q-Matic #: 00

Trn Date: 5/12/2006

PERMIT TYP NEW BUILDING

PERMIT NO 86798

Owner: WARDMAN PARK

DBA Address: 2660 WOODLEY RD NW

Store# 0001 D.C. GOVERNMENT
Reg# 0 05/12/06 at 14:55:00 11
Receipt# 263059 Amount \$46,000.00
EB23001211 OTHER BUS. LIC. PERMIT

S

Total Amount Due: \$46,000.00

**PAYMENT MUST BE MADE IN FULL
REMITTANCE SOURCE DOCUMENT**

5/12/2006 14:55
WARDMAN PARK

DCRA

AP #: 86798

000125925000000005200

000125925000000005200

District of Columbia Government

200



Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration - Permit Service Center

November 23, 2005

Building Permit Application Filing Fee Receipt

Engineering Coordinator: Aziz Yacob (Eng. Coord.)

Project identification

Tracking Number:

585 AA 6

Project Location:

2660 WOODLEY RD NW - EAST GARAGE

Special requirements

- ☐ Historic ☐ Other:
☐ Fine Arts
☐ BZA

Payment

Make payment to D.C. Treasurer

Filing Fee: \$2,000.00

Filing fee paid: ☒ _____

Amount paid: \$2,000.00

Applicant/Agent

WOODBIDGE TWO, LLC 703-204-9600

Receipt Number: 220854

Credit BLRA Account # 3012

DCRA strives to complete building permit application reviews in 30 days or less. You can find the status of your application using the property address or tracking number at the DCRA Website:

www.dcr.dc.gov/services/permits/ldjob.asp

Your tracking number is: 585 AA 6

Approved applications not retrieved and paid for within 120 days of customer notification will be cancelled, after which the customer must re-apply for a building permit.

**LOURENCO
CONSULTANTS**

5016 Connecticut Avenue, NW
Washington, DC 20008

(202) 966-0042
(202) 966-1534 FAX
AL@Lourenconsult.com

THIRD-PARTY PLANS REVIEW CERTIFICATION
UNDER THE DISTRICT OF COLUMBIA
BUILDING AND LAND REGULATION ADMINISTRATION
THIRD-PARTY PLANS REVIEW PROGRAM

Project Address: 2660 Woodley Road, NW

Project Name: Marriott Wardman Park Hotel –
Underground East Garage

Project File No.: TBD

I, Armando Lourenco, P.E., officer-in-charge of the third-party plans review activities of Lourenco Consultants, Inc. (LCI), hereby certify and attest under oath that:

a) The application and the plans submitted by the JBG Companies (Applicant) for a building permit for the construction of the underground East Garage of the existing Marriott Wardman Park Hotel, at the site in reference, to be filed with BLRA, have been reviewed by LCI, under my direct supervision, for conformance with the applicable requirements of the 2003 District of Columbia Construction Codes and current Zoning Regulations.

b) LCI's review included the following seven (7) disciplines:

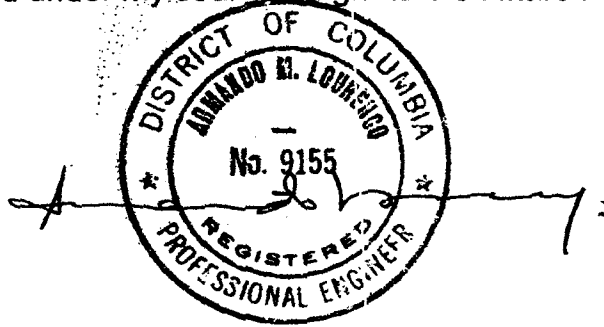
Mechanical
Plumbing
Electrical
Fire Protection
Structural/Architectural
Elevators and
Zoning.

LOURENCOCONSULTANTS

- c) The documents referred in item a) of this certification, as marked with facsimile(s) of LCI's "Reviewed and Certified" stamp(s) specifying the review discipline(s) that are relevant for each sheet, were checked for conformance with the relevant codes and regulations and, in my professional opinion, are deemed to be compliant.

In reliance thereof, the corrected permit plans are recommended for "Approval."

Certified under my seal and signature on March 15, 2006.



Armando Lourenco, P.E.
Professional-in-charge

Project Address: 2660 Woodley Road, NW

Project Name: Marriott Wardman Park Hotel - Underground East Garage

Project File No.: TBD

DISCLAIMER

The scope of Lourenco Consultants's third-party plans review certification is strictly limited to the code and/or regulatory compliance plans review performed by Lourenco Consultants (LCI) on behalf of DCRA, an activity that was established under the Building and Land Regulation Administration Third-Party Plans Review Program. LCI's review of the permit plans for this project should not be construed as a due diligence review of the engineering design of any of the systems depicted on the plans, which were reviewed only

for compliance with the minimum requirements of the codes and regulations enforced by BLRA. LCI's third-party plans review certification is not to be construed as certification of any portion of the design of the project, or as certification of compliance with ADA, FHAA, OSHA or any other federal law or regulation, and does not relieve the registered designer(s) of record and other parties of their responsibilities for the design or construction of the project.

TO: THE DIRECTOR, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, WASH., D.C.

DATE 2-29-06

I hereby request the plans filed in your office under the name of Wardman Hotel, L.L.C
To (erect) (alter) the following structure,

Building Permit, East Garage Lot 832 Square 2132

premises: 2660 Woodley Road, NW ^{Washington} DC be processed as provided in Section 107.12.1.1 of the D.C construction Codes Supplement of 1999, as amended, upon certification of the plans by William C. Reiter, who, to the best of my knowledge, is a professional engineer, practicing in the field of structural engineering, and validly registered in the District of Columbia.

Date 2/29/06 Signature Patricia (Owner)
Wardman Hotel, L.L.C
By: Wardman Investor, L.L.C, its Managing Member
By: JB611 company manager, its Managing member

STRUCTURAL CERTIFICATION

I, William C. Reiter, certify that I am a professional engineer practicing in the field of structural engineering and duly registered in accordance with the provisions of Public Law 789 of the 81st Congress, and approved September 19, 1950, and that such registration is in full force and effect and has not been suspended or revoked, and I do further certify that to the best of my knowledge and belief the structural portion of the attached plans pertaining to the above inscribed structure complies in every respect with the applicable requirements of BOCA Basic National Codes/1996, as amended by the D.C Construction Codes Supplement of 1999, with particular reference to strength, stresses, loads, stability and type of materials. ²⁰⁰³ IBC 2000

Signature William C. Reiter
Registered Professional Engineer

Reg. No. PE 10357

ACKNOWLEDGEMENT

I, Marlene A. Tarlocki, a notary public in and for Chester County, PA
do hereby certify that William C. Reiter the person(s) who signed the foregoing
certificate, personally appeared before me in said _____

the said _____ be personally well known to me as the person who signed the
certificate, and acknowledged the same to be his/her act and deed.

Given under my hand and seal this 16th day of February, 2006

Notary Public Marlene A. Tarlocki

My Commission Expires Jan. 3, 2009

COMMONWEALTH OF PENNSYLVANIA

(Seal)

Notarial Seal

TO: THE DIRECTOR, Department of Consumer and Regulatory Affairs, Wash., D.C.
Application has been made to (erect) (alter) the above-mentioned structure. Plans have been filed in accordance with the procedure outlined in your instructions, and a directive as to whether these plans described above should be processed without a structural check as provided in Section 107.12.1.1 of the D.C Construction Codes Supplement of 1999 as requested.

NOTED AND APPROVED FOR THE DIRECTOR
Department of Consumer and Regulatory Affairs

Structural Engineer

LOURENCO CONSULTANTS

3/3/06

D

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street N.E. Room 2100
Washington D.C. 20002

B

Tel: (202) 442-4470

Fax: (202) 442-4862

Building Permit

**THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS**

PERMIT NO. 67758

DATE: 5/26/2006

ADDRESS OF PROJECT: 2660 WOODLEY RD NW		S S L:	SQ: 2132	SX:	LOT: 0032
			WARD:	3 ZONE R-5-B	
DESCRIPTION OF WORK: install sheeting and shoring for proposed underground parking garage as per plat and plans					
PERMIT TYPE: SHEETING AND SHORING	PLANS (Y/N): Y	EXISTING USE: RESIDENTIAL-HOTEL		PROPOSED USE: Residential-Hotel	
PERMISSION IS HEREBY GRANTED TO OWNER: wardman hotel llc				PERMIT FEE: \$650.00	
AGENT NAME: JAMES SHELTON 202-529-2521					
CONDITIONS / RESTRICTIONS: ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT BUILDING CODES ; ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT ZONING REGULATIONS ; this portion of lot 32 not hpo jurisdiction. Wardman annex of corner (old lot 824) and arcade are protected by historic preservation law.					
TO REPORT WASTE FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:					
DIRECTOR: Dr. Patrick Canavan, Psy. D.		PERMIT CLERK: 		EXPIRATION DATE: 5/26/2007	

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.
NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202) 442-4641 941 NORTH CAPITOL ST NE-
WASHINGTON DC 20002

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

COPY

Department of Consumer and Regulatory Affairs

Remittance Source Document

Building and Land Regulation Administration
941 North Capitol Street N.E. Room 210
Washington D.C. 20002
Tel: (202) 442-4470

Report Date: 5/23/2006 15:15

Q-Matic #: 102 Trn Date: 5/23/2006 PERMIT TYP SHEETING AND SHOR PERMIT NO 87281

Owner: WARDMAN HOTE

DBA Address: 2660 WOODLEY RD NW

\$650.00

Total Amount Due: \$650.00

PAYMENT MUST BE MADE IN FULL
REMITTANCE SOURCE DOCUMENT

5/23/2006 15:15
WARDMAN HOTE

A/P #: 87281

000125925000000005200

***000125925000000005200**

E

BLRA THIRD-PARTY PLANS REVIEW CORRECTION LIST

BLRA Job No. TBD	Project Address 2660 Woodley Rd., NW	1st Reviewer Lourenco	1st Review Date 12/19/05	Re-reviewer Lourenco	2nd Re-Review Date 3/14/06
☐ First Review ☒ 2nd Re-Review		Project Name Marriott Wardman Park East Garage			
Review Discipline ☒ Mechanical ☐ Electrical ☐ Fire Protection ☐ Plumbing ☐ Structural ☐ Elevator ☒ Zoning					

LCI# 04101411

Comment No.	Comment	Status	Sheet/Reference
0	NO OUTSTANDING ZONING COMMENTS	ZONING APPROVAL RECOMMENDED	
1	Provide copy of the building permit application (copy of the four pages of the <u>completed</u> application) plus any appended intake forms (e.g., BLRA Environmental Intake Form, EHA Supplemental Environmental Questionnaire), as applicable.	Deferred to resolution of Structural Comment #2	Additional information
2	Provide file job number assigned by BLRA to this project.	Deferred to permit issuance	Additional information
3	An official plat of the record lot, issued by the D.C. Surveyor, with the dimensioned footprint of the building and set backs on the lot, shall be required before final approval. Provide one (1) original and two (2) copies to LCI for review and certification.	Resolved NOTE: Upon certification, LCI will forward the plats to the owner's permit expediter, to be submitted with the permit application and the certified plans to BLRA, for permit issuance.	Addendum to application

Comment No.	Comment	Status	Sheet/Reference
4	Provide Zoning Data for the project, including but not limited to: Zoning District (a.k.a. zone); building footprint above grade (area of lot occupancy); building height (taller part of structure above grade); gross floor area (floor area of covered structures above grade); cellar area; name of property owner; lot area; lot width; street address number; widths of public rights-of-way bordering the property; off-street parking space requirements for overall site.	Resolved	Additional information
5	"Car Tabulation" uses nomenclature that appears to be in conflict with terms defined and usually utilized in the context of the D.C. Zoning Regulations. "Standard" parking spaces are defined in D.C. as being 19' x 9'. Parking spaces that are less than 19' long or less than 9' wide are classified as "Compact" spaces if at least 16' x 8'. "Valet" parking spaces are typically spaces that are not directly accessible from a drive aisle. Revise tabulation so as to avoid confusion with these terms.	Resolved	A1.1 11 DCMR §199.1, §2115.1, §2115.3 Clarification
6	Indicate whether the parking spaces in this structure are intended to fulfill parking requirements (i.e., spaces required under the Zoning Regulations, currently or in the future) or are simply additional non-required spaces, or both.	Resolved NOTE: Non-required spaces, under 11DCMR.	Clarification
7	If some (or all) of the new parking spaces are (or will be) required by the Zoning Regulations, indicate how many will be required and how many will be in addition to the required spaces.	Resolved NOTE: Existing 638 spaces fulfill requirement for a 1,334-room hotel in R-5-B, with 60 space credit for Historic Landmark Wardman Tower.	Additional information
8	If some of the new parking spaces are required, at least 60% of those shall be "Standard" size (19' x 9'). Identify the Standard spaces provided. If none of the spaces are required, disregard this comment.	Resolved NOTE: N/A.	11 DCMR §2115.1

Comment No.	Comment	Status	Sheet/Reference
9	Show outline of parking spaces, clearly identifying the adjoining access drive aisle. Provide dimensions of access aisle width and typical parking space dimensions (Standard at 19x9 or Compact at 16x6). NOTE: The "90° Striping Detail" appears to show parking spaces labeled "Standard" that are only 16'-6" long.	Resolved NOTE: 239 of the 284 car spaces are 9 ft wide; garage fits 19 ft long spaces, with a 20 ft drive lane, for all spaces. Striping is left shorter than the space, on purpose, to encourage parkers to pull forward.	A1.2 11 DCMR §2115.1, §2115.3
10	Indicate whether the proposed parking structure is being built as a "matter-of-right" principal use, as a "matter-of-right" accessory use, or under special approval by BZA or the Zoning Commission.	Resolved NOTE: As a matter-of-right accessory use.	Clarification
11	Zoning review was made based on the assumptions summarized in the appended draft Computation Sheet. Review draft Computation Sheet and confirm that the assumptions correlate accurately with the intent of the design. Confirm data marked with one question mark (?). Provide missing data marked with double question mark (??).	Resolved	Attached Zoning Comp Sheet Clarification

DISCLAIMER

The scope of Lourenco Consultants's third-party plans review certification is strictly limited to the code and/or regulatory compliance plans review performed by Lourenco Consultants (LC) on behalf of DCRA, an activity that was established under the Building and Land Regulation Administration Third-Party Plans Review Program. LC's review of the permit plans for this project should not be construed as a due diligence review of the engineering design of any of the systems depicted on the plans, which were reviewed only for

compliance with the minimum requirements of the codes and regulations enforced by BLRA. LC's third-party plans review certification is not to be construed as certification of any portion of the design of the project or as certification of compliance with ADA, FHAA, OSHA or any other federal law or regulation, and does not relieve the registered designer(s) of record and other parties of their responsibilities for the design or construction of the project.

F

ZONING REVIEW COMPUTATION SHEET (DRAFT 2)

JURISDICTION: District of Columbia		TYPE: Residential Use													
4101411		Rev. 1 Copyright © 2001 by LOURENCO CONSULTANTS													
1. OWNER (?) WARDMAN HOTEL, LLC		2. LOCATION/ADDRESS 2660 WOODLEY ROAD, NW													
		3. SQUARE	2132												
		4. LOT	32												
5. ZONE R-5-B (R-5-D)	6. USE(s) OF BUILDING / STRUCTURE ☐ E.T.R. UNDERGROUND PARKING GARAGE		7. SCOPE OF WORK ☒ New Building ☐ Addition to existing building ☐ Alteration of existing building												
5A. OVERLAY DISTRICT															
8. EXISTG. STRUCTURE ☐ Conforming ☒ N.A. ☐ Non-Conforming		10. WIDTH OF ADJACENT STREETS ☐ N.A. <table style="width: 100%;"> <tr> <td>a. 90 ft on Street: WOODLEY ROAD, NW</td> <td>☐ Front</td> <td>☒ Ht.</td> </tr> <tr> <td>b. 130 ft on Street: CONNECTICUT AVE., NW</td> <td>☐ Front</td> <td>☐ Ht.</td> </tr> <tr> <td>c. 120 ft on Street: CALVERT STREET, NW</td> <td>☒ Front</td> <td>☐ Ht.</td> </tr> <tr> <td>d. VARIES ft on Street: 24TH STREET, NW</td> <td>☐ Front</td> <td>☐ Ht.</td> </tr> </table>		a. 90 ft on Street: WOODLEY ROAD, NW	☐ Front	☒ Ht.	b. 130 ft on Street: CONNECTICUT AVE., NW	☐ Front	☐ Ht.	c. 120 ft on Street: CALVERT STREET, NW	☒ Front	☐ Ht.	d. VARIES ft on Street: 24TH STREET, NW	☐ Front	☐ Ht.
a. 90 ft on Street: WOODLEY ROAD, NW	☐ Front	☒ Ht.													
b. 130 ft on Street: CONNECTICUT AVE., NW	☐ Front	☐ Ht.													
c. 120 ft on Street: CALVERT STREET, NW	☒ Front	☐ Ht.													
d. VARIES ft on Street: 24TH STREET, NW	☐ Front	☐ Ht.													
9. EXISTING USE ☐ Conforming ☒ N.A. ☐ Non-Conforming		11. WIDTH OF ADJACENT ALLEYS a. _____ ft b. _____ ft c. _____ ft ☒ N.A.													
12. RESTRICTION LINES SETBACK ☒ N.A. a. _____ ft (on _____) b. _____ ft (on _____) c. _____ ft (on _____) d. _____ ft (on _____)		13. HEIGHT ACT OF 1910 Height of bldg. ETR ft (a) Excess height N/A ft													
		14. LOT TYPE ☒ Corner ☐ Through ☐ Triangular ☐ Alley ☐ Interior ☒ Abuts 3 Streets													
		15. NUMBER OF DWELLING UNITS ☐ N.A. Proposed ETR (b) Existing ETR													
16. LOT AREA Required None SF Provided 702,294 SF (c)		17. LOT OCCUPANCY ☒ E.T.R. Allowed (d) 60 / 75 % Proposed (d) (??) %													
		18. TOTAL GFA (Gross Floor Area) (e) 1,203,974 + (??) SF													
		19. TOTAL CELLAR AREA (f) (??) SF													
		20. FAR (Floor-to-Area Ratio) Allowed (g) 1.5 / 3.5 Proposed (g) 1.714 (??)													
16A. LOT WIDTH Required None ft Provided E.T.R. ft ☒ E.T.R.		21. PARKING SPACES ☐ N.A. ☒ E.T.R. Required (h) 0 Standard N/A Provided (h) 284 Standard (h) 239													
		21A. PRKG. LOCATION ☐ Separate lot ☒ Same lot Outdoors (h) 2 Indoors (h) 284													
		22. LOADING BERTHS / SERVICE DELIVERY ☐ N.A. ☐ E.T.R. Required 4@55'/1@20' 2@30' (i) Outdoors 2 @ 30' x 12' 1 @ 20' x 12' Provided 6@55'/1@20' 2@30' Indoors 6 @ 55' x 12'													
24. HEIGHT OF BUILDING Allowed (j) 90 ft Proposed ETR (a) ft ☒ E.T.R. Existing N/A ft		25. NUMBER OF STORIES Allowed No Limit Proposed 11 Existing 11													
24A. HEIGHT Curb to 1st Floor N/A ft Curb to roof high point (a) ETR ft Grade to 1st Floor N/A ft Grade to top story ceiling N/A ft Grade to roof high point N/A ft		25A. NUMBER OF LEVELS OF Basement 0 ☐ N.A. Cellar (e) 3 ☐ N.A.													
		26A. COURTS Open Court Width: Required ETR ft Provided ETR ft Closed Court Area: Required ETR SF Provided ETR SF													
27. BZA Case Nr. N/A PUD Case Nr. N/A		23. CAMPUS PLAN ☐ Yes ☒ No ☐ See Remarks													
		29. LANDMARK EXEMPTION ☐ Yes ☒ No ☐ See Remarks													
		30. TDR's ☒ No ☐ Yes _____ SF ☐ In ☐ Out ☐ See Remark b													
		☒ SEE REMARKS ON REVERSE													

REMARKS:

- (a) BUILDING HEIGHT IN THE LOT IS EXISTING TO REMAIN. THE HEIGHT OF THE BUILDING WILL NOT CHANGE WITHIN THE SCOPE OF THIS PERMIT.
- (b) THE NUMBER OF SLEEPING ROOMS IS EXISTING TO REMAIN. THE NUMBER OF HOTEL ROOMS WILL NOT CHANGE WITHIN THE SCOPE OF THIS PERMIT. THESE DATA ARE INDEPENDENT OF THE SCOPE OF THIS PERMIT.
- (c) BASED ON DATA FROM THE RECORDS OF THE D.C. SURVEYOR'S OFFICE FOR SQUARE 2132 LOT 32.
- (d) ALLOWABLE LOT OCCUPANCY IS 60% ON ZONE R-5-B AND 75% ON ZONE R-5-D. ALLOWABLE AGGREGATE WEIGHED AVERAGE LOT OCCUPANCY IS 61.76% [= (0.6 x 619,723 + 0.75 x 82,571) / 702,294]
PROPOSED LOT OCCUPANCY IS BASED ON 283,300 SF OF GBA ON THE MAIN LOBBY LEVEL PLUS ADDED ROOFED AREA OF THIS GARAGE PROJECT, ON A 702,294 SF LOT.
- (e) PROPOSED GFA OF (?) 1,203,974 SF (+ ADDED ROOFED AREA OF THIS GARAGE PROJECT), BASED ON THE SUM OF THE PARTIAL FLOOR-BY-FLOOR GFAS OF EACH LEVEL, INCLUDING SEBVEN LEVELS OF PARTIAL CELLAR/PARTIAL BASEMENT AND ELEVEN LEVELS ENTIRELY ABOVE GRADE.
- (f) PROPOSED CELLAR AREA INCLUDES SPACES IN THE PARTIAL CELLARS OF SEVEN LEVELS OF THE EXISTING STRUCTURE PLUS THE AREA OF THE NEW GARAGE BELOW GRADE.
- (g) ALLOWED FAR IS BASED ON 619,723 SF OF LOT AREA IN ZONE R-5-B, @ 1.8 FAR AND 82,571 SF OF LOT AREA IN ZONE R-5-D, @ 3.5 FAR.
PROPOSED FAR OF 1.714 IS THE AGGREGATE FAR BASED ON A TOTAL OF 1,203,974 SF OF GFA ON A 702,294 SF LOT.
- (h) PARKING SPACES ARE ONLY THOSE OF THE NEW GARAGE STRUCTURE, NOT COUNTING OTHER SPACES THAT ARE EXISTING TO REMAIN AND WILL NOT CHANGE WITHIN THE SCOPE OF THIS PERMIT. TWO VAN ACCESSIBLE SPACES WILL BE PROVIDED ON SURFACE, NEAR THE ENTRANCE TO THE HOTEL. ALL NEW 286 PARKING SPACES ARE NON-REQUIRED SPACES.
- (i) BASED ON LOADING FACILITIES FOR A HOTEL WITH MORE THAN 200 ROOMS (1 @ 30' + 1 @ 55' + 1 @ 20' + 1 @ 100 SF + 1 @ 200 SF) AND 157,000 SF OF FUNCTION ROOMS AND EXHIBIT SPACE (1 @ 30' + 3 @ 55' + 1 @ 100 SF + 3 @ 200 SF).
PROVIDED LOADING FACILITIES INDICATED INCLUDE ONLY THOSE PROVIDED WITHIN LOADING DOCK C EXPANDED UNDER A SEPARATE BUILDING PERMIT. THESE DATA ARE INDEPENDENT OF THE SCOPE OF THIS PERMIT.
- (j) ALLOWABLE HEIGHT OF 90 FT IN R-5-D DISTRICT. ALLOWABLE HEIGHT OF UP TO 90 FT IN R-5-B DISTRICT IF BUILDING IS SET BACK FROM LOT LINES A DISTANCE EQUAL TO ITS HEIGHT ABOVE GRADE. THESE DATA ARE INDEPENDENT OF THE SCOPE OF THIS PERMIT.
- (k) REAR YARD REQUIREMENT BASED ON HEIGHT OF REAR WALL (APPROX. 90 FT) @ 4 INCH PER FOOT. PROPOSED REAR YARD IS ETR AND BASED ON LOT ABUTTING THREE STREETS, IN R-5-B/R-5-D DISTRICTS, AND HALF WIDTH OF REAR STREET (90 FT WIDE WOODLEY ROAD) [§404.2]. THESE DATA ARE INDEPENDENT OF THE SCOPE OF THIS PERMIT.

G

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



Memo to: Nancy MacWood, Chair, Advisory Neighborhood Commission 3C
Deborah Lindeman, Advisory Neighborhood Commissioner, SMD 3C02

From: Bill Crews, Zoning Administrator *Bill Crews*

Date: May 15, 2006

Re: Wardman Park JBG Hotel – Condo Development Project

You have requested an interpretation by the Zoning Administrator on whether the proposal by the JBG Companies (JBG) to modify the layout of the Marriott Wardman Park Hotel through demolition and construction of various parts of the hotel and construction of a new underground parking structure, along with an condominium addition to the building is allowed as a matter of right under the Zoning Regulations of the District of Columbia.

I have reviewed the information provided by JBG on current and proposed area measurements for total hotel gross square footage and total hotel square footage devoted to function rooms, exhibit space and commercial adjuncts. I have also considered the issues you have raised in various email correspondence with me.

After careful review and with a caveat described later, I have determined that the proposed changes and additions do not violate the zoning regulations and can proceed as a matter of right. The total gross square feet of the hotel as well as the total square feet for hotel function rooms, exhibit space and commercial adjuncts are not increased under the current proposal. I caveat this determination in that the calculations provided by JBG are preliminary and that the Office of the Zoning Administrator staff will have to ensure that all submitted plans cumulatively comply with the zoning requirements. And any certificates of occupancy will be issued only after careful inspection to ensure final compliance with the zoning regulations.

I have also reviewed the parking space requirements and proposed changes and can confirm that required parking spaces are provided.

It is also my interpretation that the condominium addition will be separate from the hotel although part of the same building. This complies with the zoning regulations in that mixed use buildings are allowed.

Should you have any questions or desire further explanation, I will be happy to meet with you. Please call me at 202.442.4576 to discuss and schedule an appointment.

H

MEMORANDUM

TO: Bill Crews
Zoning Administrator

CC: Ilan Scharfstein
Matt Valentini

FROM: Richard B. Nettler

DATE: February 24, 2006

RE: Enclosure of Loading Dock, Marriott Wardman Park Hotel, 2660 Woodley Road N.W.
Our File No. 092218.0014

Thank you once again for taking the time to meet with members of our development team yesterday and for giving us the opportunity to introduce you to the project.

As we discussed, the Zoning Regulations do not preclude the enclosure of an existing loading dock on the eastern end of the Marriott Wardman to take the place of the loading dock now on the western end of the site, as requested in permit application number 584AA6. Section 350.4(d), which permits hotels in existence prior to May 16, 1980 in the R-5 zone districts to continue operating as a matter of right, only prohibits increases in those portions of the gross floor area of the hotel devoted to function rooms, exhibit space, and commercial adjuncts. The provision clearly states that the hotel may be renovated, remodeled, or structurally altered and does not prohibit either the relocation or expansion of service uses like parking facilities and loading docks. The provision reads as follows:

The following uses are permitted as a matter of right in an R-5 District:

* * *

Hotel, only in R-5-B, R-5-C, R-5-D, or R-5-E Districts, 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;

The enclosure of the loading dock does not result in a net gain of gross floor area of the hotel, nor does it increase the floor area devoted to function rooms, exhibit space, or commercial adjuncts. As such, the permit for the enclosure of the loading dock should be issued. We would appreciate your assistance in ensuring that this is done in an expeditious manner.

With regard to the function area space permits being sought, i.e. the relocation of the ballroom, we will provide you with additional information both on the existing and proposed hotel function space by separate memo. This information will confirm the fact that there will be no net gain in floor area devoted to function rooms, exhibit space, or commercial adjuncts.

We thank you for your attention to this matter and look forward to working with you and your staff throughout the duration of the larger permitting process for this project.

I

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07-Sheila Hogan; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 TEL 202/232-2232 • FAX 202/232-0667 Email anc3cmail@gmail.com Listserv http://groups.yahoo.com/group/anc3cgroup Website http://www.anc3c.org

Resolution No. 2006-026

Regarding Zoning Issues at the Marriot Wardman Park Hotel

WHEREAS The JBG Company has announced its plans to extensively redevelop the property that now contains the Marriott Wardman Park Hotel, located at 2660 Woodley Road NW, in Lot 32, Square 2132; and

WHEREAS these plans include enclosure and relocation of a loading dock, construction of an underground garage for more than 250 cars, demolition of existing hotel buildings and garage space, construction of a nine-story condominium tower and underground parking garage and the possible conversion of hotel rooms into residential units; and

WHEREAS this property, which is located in an R-5-B and R-5-D zone, is subject to special rules under 11 DCMR 350.4(d) of the zoning regulations which operate to freeze expansion of hotels located in residential zones as of May 16, 1980; and

WHEREAS the Board of Zoning Adjustment ("BZA") previously has denied the construction of an enclosed loading dock and underground parking garage at this site, BZA Application #16072, as a violation of Section 350.4(d); and

WHEREAS ANC 3C has examined the zoning cases, zoning definitions and regulations that pertain to this issue; and

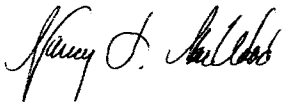
WHEREAS the Zoning Administrator has advised ANC3C that he has concluded that the loading dock and the underground garage are permitted and do not require regulatory approval; and

WHEREAS, based upon this conclusion by the Zoning Administrator, certain construction permits have been issued by DCRA:

THEREFORE, BE IT RESOLVED that ANC3C disagrees with the legal conclusions of the Zoning Administrator that the developer may proceed as a matter of right, and concludes that the effects of those conclusions will be detrimental to District residents who reside in residential zones with hotels, and specifically to the residents of Woodley Park, and

BE IT FURTHER RESOLVED that ANC3C shall appeal the issuance of permits for construction on this property to the Board of Zoning Adjustment and any or all of the permits that have been issued, are pending and/or may be issued as a result of the zoning decision, and shall take whatever legal action is necessary to ensure that work does not proceed pending the appeal, and

BE IT FURTHER RESOLVED that ANC 3C authorizes the Chair and the Commissioner for ANC3C02 or their designee(s) to represent the Commission on this matter.

Attested by  Chair, on June 20, 2006

Nancy J. MacWood

This resolution was approved by ANC 3C by a vote of 6-0 on June 19, 2006 at a public meeting at which a quorum of 6 of 9 commissioners was present.

J

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the Washington
Sheraton Corporation

BZA Application No. 14072
Public Hearing: January 25, 1984
ANC 3C

STATEMENT OF APPLICANT

I.
Nature of Relief Sought

This is an application pursuant to Paragraph 8207.11 of Zoning Regulations, for a variance to permit an increase in the gross floor area of an existing hotel (Paragraph 3105.34) for the enclosure of an existing outdoor pool and terrace in an R-5-D and and R-5-C District at premises 2660 Woodley Road, N.W. (Square 2132, Lot 32). The property is known as the Sheraton Washington Hotel.

II.
Board's Jurisdiction

This Board has jurisdiction to grant the requested variance relief pursuant to Section 8207.11 of the Zoning Regulations.

III.
Background of the Case

As the Board is aware, the existence of the Sheraton Washington Hotel at this location dates from the 1920's. In April-May of 1978, the Sheraton Corporation, parent corporation of applicant herein, commenced the demolition of substantial portions of the old Washington Sheraton Hotel and erected the present structure in its place. Construction was completed in approximately 1980 of a facility containing a total of 1,366 suites. The pool and deck area which is the subject of this application

1984 JAN 11 PM 4:41
ZONING BOARD
DISTRICT OF COLUMBIA

for the proposed enclosure giving the percentages devoted to pool and deck area; exercise room and sauna; niche areas, stairs and space taken up with planter boxes; and open area for tables and chairs.

Exhibit I: Set of plans for the proposed enclosure.

Exhibit J: Photographs of the area proposed to be enclosed.

Exhibit K: Photographs of the model of the subject area.

Exhibit L: Outline of the statement of Paul O'Neil, Vice President, the Sheraton Corporation.

Exhibit M: Outline of the statement of Richard Giegengack, Skidmore, Owings & Merrill, Architects.

Exhibit N: Statement of Robert Morris, P.E.

Exhibit O: Copy of the Zoning Commission Order No. 314, Case No. 79-1, May 9, 1980.

Exhibit P: Previous orders of the Board in which similar relief has been granted. *[Only, Applic. No. 13937, of The FCH Co.]*

Exhibit Q: Photographs of rendered plans.

V.

Compliance with the Requirements of Section 8207.11

The District of Columbia Court of Appeals in the action of Palmer v. District of Columbia Board of Zoning Adjustment, 287 A.2d 535 (D.C. 1972) stated that in "area" variance cases, the standard of proof is "practical difficulties" which are unduly burdensome. The requested variance from the prohibition against enlarging the amount of gross floor area is an "area" variance. The applicant has a valid right to use of the subject property as a hotel pursuant to the outstanding Certificate of Occupancy. Further, at the time the Zoning Regulations were amended in May

residential zones nonconforming uses and this subject to the provisions of Article 71. Instead, existing hotels were "grandfathered" pursuant to the provisions of Paragraph 3105.34. Accordingly, since use of the subject property as a hotel is expressly permitted, the requested variance is an area variance. (See BZA Order No. 13937 attached hereto as Exhibit P in which the Board held that a variance from the provisions of Paragraph 3105.34 is an area variance.)

A. The Subject Site Is Unique and Affected By Extraordinary Or Exceptional Situations or Conditions.

The extraordinary or exceptional situation or condition affecting the subject site stems from the peculiar shape and unusual size of the lot, the location of the existing building, the fact that the building was constructed for a specific use, and the recent changes in the Zoning Regulations.

As shown on the Surveyor's plat attached hereto as Exhibit G, the subject lot has an unusual shape and size, has four street frontages and is split-zoned. The property is also unique in that the gross floor area proposed to be "added" is already existing space which lacks only an enclosure. Further, the location of the existing pool area is such that the proposed enclosure will not be visible from any street frontage.

The property is presently improved with a ten story hotel and the pool and deck. The existence of a structure on the site was found to be a basis for variance relief in the case of Clerics of St. Viator v. District of Columbia Board of Zoning Adjustment, 320 A.2d 291, 294 (1974) where the Court noted that existing structures are as important as topography in creating "other extraordinary or exceptional situation or conditioning of a

K

DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

In Re:

2660 Woodley Road Joint Venture

Application No. 16072

OPPOSITION TO MOTION TO DISMISS

2660 Woodley Road Joint Venture, the owners of the Sheraton Washington Hotel (hereinafter collectively referred to as "Hotel"), applicant in the above-captioned case, opposes the Motion to Dismiss, orally presented to the Board of Zoning Adjustment ("BZA") by the Woodley Park Community Association ("WPCA"). WPCA contends that the subject application should be dismissed by the BZA because the application was improperly noticed as an area variance, when it should have been noticed as a use variance, and that the doctrine of res judicata applies to the case since the same application was decided by this Board in 1984. Because the WPCA's position is clearly erroneous and contrary to existing law, its Motion should be denied.

Factual Background

The Sheraton-Washington Hotel, or its predecessors, have existed on the subject site since 1918. The original hotel and all of the existing structures on the site were built in accordance with zoning as a matter-of-right at the time of their respective construction. Until 1980, hotels were permitted in the R-5-B and R-5-D Zones, the Zones within which the subject site is located, as a matter-of-right. In 1980, in Case No. 79-1, the Zoning Commission modified the Zoning Regulations to prohibit new hotels from locating in the R-5 Zones (Zoning Commission Order No. 314). The Commission specifically determined, however, that existing hotels would be deemed to be

uses. Hotel rooms, function rooms, meeting rooms, exhibit space, other commercial adjuncts, and parking structures are permitted as matter-of-right uses on the subject site. The 1980 Amendment does not prohibit those uses, it only prohibits "expansion" of those uses. In common English, if a "use" is not prohibited, a use variance is not required. A use variance would be required, for example, for an automobile repair shop or a department store on the property because those uses are not permitted in the R-5 Zones. The Sheraton-Washington Hotel is permitted on this property.

Expansion of permitted uses, beyond the area restrictions contained in the Zoning Regulations, are area variances. The Zoning Commission chose the following wording in the 1980 Amendment:

"Hotel, only in the R-5-B, R-5-C, R-5-D, or R-5-E Districts, in existence as of May 16, 1980, with a valid certificate of occupancy or valid application for 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." (Emphasis added).

The Zoning Commission chose to "freeze" existing hotels in their 1980 position, while still permitting them as a matter-of-right. Clearly, if the 1980 Amendment had allowed existing hotels as a permitted use, but restricted the gross floor area of those hotels to a quantifiable standard, 3.0 FAR for example, or function rooms to a number, say 10,000 square feet or exhibit space to a number, 50,000 square feet for example, any request to increase an existing hotel in excess of those standards would be

Districts." (Finding of Fact No. 12, BZA Application No. 13434).

The BZA in the 3700 Massachusetts Avenue case, specifically concluded, after having the issue raised by ANC 3C, that "the use of a restaurant as an adjunct is a permitted use. The requested variance is therefore an area variance."

A copy of the BZA's order in Application No. 13434 is attached hereto as Exhibit A.

C. This Application is Consistent with Zoning Commission Order No. 314

It is especially important to point out that the origins of Case No. 79-1 were not related to existing hotels in residential zones. The case was initiated by ANC 2A, which was concerned with the conversion of existing apartment buildings in residential districts into hotels because such conversions were detracting from the city's already tight housing supply (see, Page 2, Order No. 314). The Zoning Order specifically identified the goals of the revised Regulations to include protecting existing residential areas from further hotel development and to prevent further loss of existing housing stock in Residential Zones. Further, the Commission intended to reserve vacant residential areas for residential developments (see, Pages 12-13, Order No. 314, emphasis added). Thus, the Commission determined that existing hotels would be allowed to continue, recognizing the substantial investment in place already committed for existing hotels. It is clear, from a full reading of Zoning Commission Order No. 314, that existing hotels were to be permitted uses in the residential zones and expansion of them would require area variance relief.

WPCA alleges that granting the subject application will defeat the policies established by the Zoning Commission in Order No. 314. Ms. Ellen McCarthy even went so far as to say that approval of the subject application would be a "direct violation of a specific directive of the Zoning Commission" and that such a result would be "unconscionable" (Tr. March 6, 1996 at 290-291). However, when the Board sifts through the hyperbole, it will see that application does not violate any of the goals of Order No. 314.

Three major policies were established by Order 314. They include:

(a) Preventing conversion of existing apartment buildings to hotels -- since 1980, no apartment buildings have been converted to hotels;

(b) Reserving vacant residential land for residential development -- no residential land since 1980 has been used for hotel development;

(c) Protecting existing residential areas from further hotel development -- only two hotels have achieved variances from this policy restriction.

Thus, two of the three major policies of Zoning Commission Order No. 314 have been completely effective for the past 16 years. The third major policy has rarely been deviated from, except when the BZA has recognized the need to grant a variance based on the circumstances and facts of particular variance applications.

WPCA argues that granting the subject application will negate Order No. 314 because only "four" properties are affected

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**APPLICANT'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

Application No. 16072 of the 2660 Woodley Road Joint Venture (John Hancock Mutual Life Insurance Company), as amended, pursuant to 11 DCMR 3107.2 for a variance from Paragraph 350.4(d) to permit the increase in the gross floor area and an increase in the amount of gross floor area devoted to meeting room space in the existing hotel structure in the R-5-B and R-5-D Zone District at the premises 2660 Woodley Road, N.W. (Square 2132, Lot 32).

HEARING DATES: February 28, 1996; March 6, 1996

DECISION DATE: May 1, 1996

ORDER

PROCEDURAL MATTERS:

The application was initially scheduled for the public hearing on December 20, 1995. At the request of the Applicant in order to permit the Applicant to continue discussions with neighboring residents, the ANC and the Woodley Park Community Association, the Board agreed to postpone the matter until February 28, 1996 and continued the hearing on March 6, 1996.

Landmark in 1978; (ii) the Park Tower, which was built in 1961; (iii) the main building, which was designed and built in 1978-1980; and (iv) the Cotillion garage and ballroom addition, which was built in 1964.

3. The physical topography of the property is dominated by a large sloping hill leading up from Woodley Road to the main hotel entrances with a steep topographic drop at the south side of the property to Calvert Street and a steep topographic drop from the eastern portion of the building to 24th Street. The grade change from the curb at Woodley Road to the current convention entrance of the Hotel is 27.5 feet, almost three stories. The grade change from the curb at Calvert Street to the same convention entrance is 82 feet, approximately 8 stories. The change in grade from the same entrance to the curb on 24th Street is 49 feet, approximately five stories.

4. The existing structures occupy approximately 54% of the subject lot. The irregularly shaped property is bordered by four public streets with a 769 foot frontage on Woodley Road, 250 foot frontage on Connecticut Avenue, 190 foot frontage on 24th Street and 133 foot frontage on Calvert Street, N.W. There are two existing access roads from public streets to the Hotel, the main entrance from Woodley Road and a secondary entrance from 24th Street, N.W. as well as a direct entrance into a parking garage from Calvert Street, N.W.

5. The site is located in the Ward 3 neighborhood of Woodley Park, an area developed by the renowned Washington developer Harry Wardman, who also developed the subject property for hotel use in 1918. Institutional, commercial and residential

exceptional conditions inherent in the property which create a practical difficulty for the Applicant if the Zoning Regulations are applied strictly. The Board further concludes that, given the relatively small amount of space to be utilized as usable hotel space and the mitigation efforts of the plan, granting this variance will have no negative impact on the surrounding community.

The Board further concludes that while amendments to the Zoning Regulations completed by the Zoning Commission in May 1980, prohibit even minor additions to hotels in residential zones, these amendments do not preclude the Applicant from seeking relief through a variance from the Zoning Regulations. The Board concludes that the Applicant has met its burden of proof according to the relevant standards of Section 3107.

The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

(1) Construction in accordance with the plans contained in Exhibit ____ of the record.

(2) The Applicant shall implement the Transportation Management Plan marked as Exhibit ____ of the record.

(3) The Applicant shall implement the Operations Plan marked as Exhibit ____ of the record.