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1 February 2007

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 Fourth Street, NW, Suite 210 South
Washington, DC 20001

Re: Appeal of Woodley Park Community Association and Advisory Neighborhood
Commission 3C, BZA Case No. 17538 (Scheduled for decision on 6 February 2007)

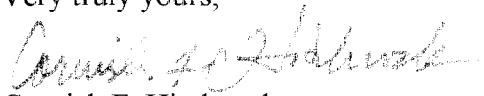
Dear Chairman Griffis and Members of the Board:

At the hearing on December 12, 2006 the Board held the record open to allow JBG to provide a citation to an order that its counsel had referred to during his argument. In submitting that ruling, JBG added a letter containing further argument. Appellants ask leave to provide this short response.

Appellants have shown that the new garage is not part of the main hotel building because the two structures are connected only below ground. Section 199.1 of the Zoning Regulations provides: "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." The Order to which JBG refers the Board reiterates this very point: "But if the portions of that single structure have no above ground 'communication', the structure cannot be a single building." Order at 2. JBG does not point the Board to anything in this Order that suggests that this rule is inapplicable when one of the portions is almost entirely underground, and there is nothing in the Order to that effect.

JBG then seems to argue that the garage is not a "building" under the Zoning Regulations because it is largely underground. The Regulations' definition of that term creates no such exception, and the Board should not create one by its order.

Very truly yours,


Cornish F. Hitchcock
Attorney for WPCA and ANC 3C

cc: Richard B. Nettler, Esq. (via e-mail)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17538
EXHIBIT NO. 27

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