



Government of the District of Columbia
**Advisory Neighborhood
Commission 6C**

December 10, 2024

Fred Hill, Chairman
Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: BZA 20280A (622 I St. NE)

Dear Chairman Hill,

Advisory Neighborhood Commission 6C writes to respond to Exhibit 31 (OP Supplemental Report). In view of the pending motion to strike portions of the applicant's filings, ANC 6C will respond to the applicant's arguments in a separate submission.

OP's Reliance on *Monaco v. BZA* is Misplaced

Monaco v. DC Board of Zoning Adjustment, 407 A.2d 1091 (D.C. 1979), involved a unique set of circumstances. In 1960, the federal government condemned Republican National Committee property in order to construct a new Library of Congress building, the Madison Library. *Id.* at 1095. Because of the RNC's "close relationship with Congress, they wished to relocate on the perimeter of the Capitol." *Id.* They located an acceptable property in a nearby R-4 zone. *Id.*

The RNC then applied to the Zoning Commission to rezone a portion of the new site from R-4 to SP; the latter zone, unlike R-4, would have permitted construction and use of an office building. *Id.* After discussions among the Architect of the Capitol, the RNC, and the Zoning Commission, the RNC agreed to instead seek a series of variances, which would allow for height restrictions. *Id.* The RNC also signed a covenant limiting building height on the site to 40 feet. *Id.*

From 1961 to 1966, the RNC sought and obtained multiple variances for their three-part project, which consisted of the Capitol Hill Club and an office building to be built in two stages. *Id.* The Club and first stage of the office building were timely constructed, but financial difficulties caused the second stage of the office building to be postponed and the variance for it then lapsed. *Id.* at 1095-96. Several years later, the RNC applied for and received a renewed variance for a "slightly modified" version of the second-stage office building. *Id.* at 1096.

On appeal, the Court of Appeals upheld the new variance, finding that this extraordinary confluence of circumstances justified the relief. Specifically, the court found that the RNC detrimentally relied on “actions of the zoning authorities in locating at their present site, in partially completing their facilities, and in forming a covenant ... which will greatly reduce the value of their present investment if [the RNC] should move to another site.” *Id.* at 1101.

None of these elements exists in BZA 20280A. First, the present case involves nothing like the situation in *Monaco*: federal eminent domain for Congressional use forcing a major political party to relocate its headquarters. Second, unlike in *Monaco*, the applicant here has not even begun construction, as opposed to the substantial work already performed in *Monaco* on the Club and first-stage office building. And no height-restricting covenant or other special circumstance, like those in *Monaco*, exists here.

OP nevertheless argues that *Monaco* applies because the applicant has presumably made “further investments.” Exhibit 31 at 2. This argument fails for two reasons. First, the possibility that the applicant has spent money on permit set drawings etc. falls far short of the reliance—extensive completed construction—described in *Monaco*. Second and more importantly, as OP concedes, *id.*, **the record in this case contains zero evidence of any such expenditures.**

OP also suggests that the applicant relied to its detriment on the Board’s prior approval. Here as well, the argument fails. In *Monaco*, the Board had already granted a variance for the entire project, including the second office-building stage: “These actions by the zoning authorities provided implicit assurance that the project could be completed.” 407 A.2d at 1097. In this case, by contrast, the applicant never received all the relief required for the full project. And that failure was not the doing of “the zoning authorities” because the applicant in BZA 20280 self-certified—see [Exhibit 100A](#)—instead of relying on the Zoning Administrator.

In short, this application presents none of the crucial factors at issue in *Monaco*, and the rather sparse zoning history (and total lack of justified detrimental reliance) here does not qualify as an exceptional condition or hardship justifying a variance. OP’s reliance on *Monaco* is misplaced and the Board should deny the application.

Sincerely,



Mark Eckenwiler
Chair, ANC 6C
(as authorized representative)

cc: Toye Bello
Matthew Jesick, OP
(all by email)