BEFORE THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR FOR THE DISTRICT OF COLUMBIA, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS SUBDIVISION OF LOT 108 ON SQUARE 192

In re)	
)	Case No.20453
Appeal of Dupont East Civic)	
Action Association))	
)	
)	
In re)	
)	
Appeal of Michael D. Hays)	Case No. 20452
)	
)	

APPELLANT DUPONT EAST CIVIC ACTION ASSOCIATION'S SUPPLEMENTAL STATEMENT IN SUPPORT OF APPEAL

This Supplemental Statement is filed on behalf of Appellant Dupont East Civic Action Association (DECAA):

- A. DECAA incorporates by reference the Supplement to the Expert Report of James Curtis McCrery filed with the Board on April 21, 202 by Appellant Michael Hays.
- B. Attached is the Supplement to the January 2021 Expert Report of Ravi Ricker
- C. DECAA submits the below Supplemental Exhibits in support of its Appeal and states further that it may rely on any of the images found at the below link: Source National Archives, Record Group 351, Reel 655, images 56-132.
 https://catalog.archives.gov/id/125057890. The Masons' 1911 permit dossier

begins with image 54 (application for permit) to image 132 in the above link.

Board of Zoning Adjustment
District of Columbia
CASE NO.20453
EXHIBIT NO.29

SUPPLEMENTAL EXHIBITS

- 1. 1911 Application for Permit to Build Permit No. 1527
- 2. 1911 Building Permit No. 1527
- 3. "A Guidebook to the House of the Temple" (published by the Masons in 2015)
- 4. Closeup Photo of Masonic Temple Pyramidal Roof
- 5. From the Masons' website Masons Laying the Cornerstone and the Pyramidal Roof
- 6. Screenshot from the Masons' website John Russell Pope and the Stepped Pyramidal Roof
- 7. Aerial Photo of 16th St

dward V. Hanlon

Respectfully submitted,

Edward V. Hanlon 1523 Swann Street NW

Washington, DC 20009

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this SUPPLEMENTAL STATEMENT IN SUPPORT OF APPEAL, the Supplemental Report of Ravi Ricker dated April 21, 2021 and the attached exhibits via email to:

Hugh J. Green, Assistant General Counsel, OGC Department of Consumer and Regulatory Affairs 1100 4th St SW, 5th Floor, Washington, DC 20024 hugh.green@dc.gov

Daniel Warwick Chairperson ANC 2B 2146 Florida Ave, NW Washington, DC 20008 2B@anc.dc.gov

Moshe Pasternak Commissioner ANC SMD 2B04 1630 R Street, NW

Washington, DC 20009 2B04@anc.dc.gov

John Fanning Chairperson ANC 2F 1307 12th Street, NW #505 Washington, DC 20005 2F@anc.dc.gov

Alan V. Rusin, Esq.
Goulston & Storrs, PC
400 Atlantic Ave.
Boston, MA 02110
arusin@goulstonstorrs.com
Counsel for Lessee Perseus TDC

Andrew Zimmitti, Esq.
Manatt, Phelps & Phillips, LLP
1050 Connecticut Ave., NW Suite 600
Washington, D.C. 20036 202 585-6505
azimmitti@manatt.com
Counsel for The Scottish Rite Temple

Christine Roddy
Goulston & Storrs, PC
1999 K St NW Ste 500,
Washington, DC 20006
CRoddy@goulstonstorrs.com

I certify that on this date I served a copy of this SUPPLEMENTAL STATEMENT IN SUPPORT OF APPEAL, the Supplemental Report of Ravi Ricker dated April 21, 2021 and the attached exhibits via first class mail postage prepaid to::

Date: April 21, 2021

The Supreme Council of the Scottish Rite Temple 1733 16th Street, NW Washington DC 20009 Property Owner

Edward V. Hanlon 1523 Swann Street NW Washington, DC 20009



Wrap architecture, inc. 2511 W. Moffat #104 Chicago, IL 60647 Phone: 773.862.9329

Fax: 773.862.9328

[†] ZONING CODE REVIEW – Amendment-1	
---	--

April 21, 2021

Project: Nick DelleDonne, President

Dupont East Civic Action Association, (DECAA)

Masonic Temple Project Zoning Appeal 1733 16th St. NW. Washington DC

Dear Nick DelleDonne,

Please find the following as an amendment to the report initially issued on 01-18-21 entitled Zoning Code Review.

We have reviewed the newly identified archived Application for Permit to Build - Permit Number 1527, dated July 10th, 1911, and the New Buildings Form 608-2M-7-1-10 dated September 22, 1911, as they relate to your Masonic Temple Project Zoning Appeal. The Temple, located at 1733 16th Street, N.W., Washington, D.C., is an historic building that is a designated District of Columbia Landmark and a contributing building within the Sixteenth Street Historic District.

It is clear that both of these documents fully support and leave no doubt of the understanding that the Masonic Temple when built in 1911 was identified as 137' – 5 ¾" in height with the height being clearly identified as from the level of the sidewalk to the highest part of the roof, at the building front (the building front is identified on line 10 as being 217.5' which is confirmed by the Stamped Survey dated 04-21-2011 and reinforced by the subdivision plat dated September 18, 2013, as the 16th Street façade).

Upon the addition of this information, I will reiterate the conclusion of the report with regard to the building height. The building at 137'-5 ¾" high is existing non-conforming, and that by rotating the building's front facade on the site from the West to the North, the condition is made worse by the necessary inclusion of the 7'-6" wide by estimated 15' deep North areaway.

As the Code reads:

11-A-101.6 Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created.

The additional height of the building renders it non-conforming with regard to the rear yard requirements.

The Confirmed Height	137'-5 3/4" (existing non-conforming)
Areaway Depth	+1 <u>5</u> '
Resulting Non-conformity.	 152-5 ³ ⁄ ₄ "

Rear Yard Calculation:

 $(152.47' \times 4" = 609" = 50'-9" \text{ min. yard})$ – The Proposed Rear Yard Does Not Comply.

Further, this should put to rest any claim regarding the Height Act at the time the building was constructed, limiting the building height by categorizing the Temple Roof as an 'embellishment' and therefore discounting it. The documents are clear that at the time of construction the full height of the building was taken to the top of the Temple Roof. Further, the proposed revision of the building front, in order to reduce the existing rear yard to the east, would negate any grandfathered condition that may or may not have been established at the time and require assessment of the newly created resulting condition with regards to conformity with current code.

Please feel free to contact me if you have any questions.

Ravi Ricker, AlA

Wrap Architecture