

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

**BZA Application No. 20974-B  
DC Chinatown Hotel Owner LLC  
503-517 H Street, NW  
Square 485, Lots 3, 30, 42–44, and 48**

**Statement in Support of Modification With Hearing and  
Request for Area Variance**

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**I. INTRODUCTION**

This Statement is submitted on behalf of DC Chinatown Hotel Owner LLC (the “**Applicant**”), the owner of the property located at 503–517 H Street, NW and Lots 3, 30, 42–44, and 48 in Square 485 (collectively, the “**Property**”). Pursuant to Subtitle Y § 704.1 of the District of Columbia Zoning Regulations (11 DCMR), the Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or “**Board**”) approve a Modification With Hearing to permit certain design changes to the new hotel project approved by BZA Order No. 20974, a summary order that became effective May 9, 2024 (the “**Original Order**”).<sup>1</sup>

Pursuant to the Original Order, the Board granted an area variance pursuant to Subtitle X § 1000.1 from the rear yard requirement of Subtitle I § 205.1 to allow a rear yard depth of 10 feet, where 20 feet, 10 inches was required. The proposed modifications—specifically, the addition of one story—would increase the required rear yard depth by approximately two feet.<sup>2</sup> Although this increase is de minimis, the Applicant respectfully requests the Board’s approval of the same area variance so that the previously granted relief may be applied to the modified project.

Subtitle Y § 704.2(b) requires an applicant seeking a Modification With Hearing to describe “the nature of, reasons for, and grounds” for the requested relief. Subtitle Y § 300.8(e) similarly requires a detailed statement demonstrating compliance with the applicable review standards, including the variance standards set forth in Subtitle X § 1002.

This Statement is submitted to satisfy both requirements, yet focuses on the extent of the proposed modifications. Subtitle Y § 704.6 states that “[a] public hearing on a request for a modification with hearing shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.” Moreover, “[t]he scope of a hearing conducted pursuant to Subtitle Y § 704.1 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.” Subtitle Y § 704.7.

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<sup>1</sup> The Applicant has filed a request for a two-year time extension, docketed as BZA Case No. [20974-A](#).

<sup>2</sup> As approved, the Project (defined below) required a minimum rear yard depth of 20 feet, 10 inches, as measured from the centerline of the alley abutting the rear lot-line of the Property in accordance with Subtitle I § 205.3. As a result of the proposed modifications, the Project now requires a minimum rear yard dept of 22 feet, 10 inches.

Consistent with Subtitle Y §§ 300.15 and 300.16, the Applicant will submit additional materials to assist the Board’s review no later than thirty (30) days prior to the public hearing, including updates regarding outreach to Advisory Neighborhood Commission (“ANC”) 2C and other neighborhood stakeholders.

## **II. BACKGROUND**

### **A. Description of the Property and Surrounding Area**

The Property is located in the northwest quadrant of the District, fronting on H Street, NW, and is bounded by a ten-foot wide public alley to the north and private property to the east and west. Currently, the Property consists of Lots 3, 30, 42–44, and 48 in Square 485, but will be consolidated into a single record lot containing approximately 10,258 square feet. Existing improvements include seven existing three- and four-story 19th-century row buildings, all designated as contributing resources within the Downtown Historic District. *See* Public Record for BZA Case No. 20974, Ex. [12](#).

The Property is located in the D-4-R zone district, within the Chinatown Sub-Area of the Downtown zones, along a designated primary street segment, and within Credit Trade Area 3. *See* Public Record for BZA Case No. 20974, Ex. [11](#); *see also* Figures I §§ 601(a), 609, and 900.2. Centrally situated within Chinatown, the Property lies in a major cultural and entertainment district well served by Metrorail, bus service, and pedestrian and bicycle infrastructure.

### **B. Current Zoning and Applicable Development Standards**

As noted above, the Property is located in the D-4-R zone, which is intended to promote high-density residential and mixed-use development along Massachusetts Avenue, NW, including within the Mount Vernon Triangle area. 11-I DCMR § 530.1. Lodging uses are permitted as a matter of right in the D-4-R zone. 11-U DCMR § 510.1(o). Although D zones with an “R” suffix generally require residential use, that requirement does not apply to properties located within the D-4-R-zoned portion of Square 485, which includes the Property. 11-I DCMR § 531.3(b).

The Property is subject to the use regulations applicable to the Chinatown Sub-Area. *See* Subtitle I § 609. Because the Property has frontage on H Street, NW, a designated primary street, the Chinatown Sub-Area regulations require that the ground floor and primary street frontage be devoted to uses specified in Subtitle I § 601.2,<sup>3</sup> subject to limitations on financial service uses, to ensure active use along the designated primary street. *See* Subtitle I §§ 609.3–609.5.

The table below summarizes the D-4-R zoning standards and use permissions governing development of the Property:

[table begins on next page]

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<sup>3</sup> Subtitle I § 601.2 identifies permitted ground-floor uses along designated streets, including retail uses; eating and drinking establishments; entertainment, assembly, and performing arts uses; arts, design, and creation uses; and service uses, including general and financial services.

Category / Standard	Permitted / Required	Citations
Permitted and Required Uses	Lodging permitted M-O-R; residential use not required for D-4-R portion of Sq. 485; ground floor and primary-street frontage devoted to § 601.2 uses, w/ limits on financial service uses	Sub. U § 510.1(o); Sub. I § 531.3(b); Sub. I §§ 601.2, 609.3–609.5
Density	Max. FAR is density achievable within height/bulk if all FAR is residential, if FAR above 3.5 is residential, or through use of Credits; lodging is non-residential; max. non-residential FAR is 3.5 without Credits	Sub. I §§ 200.1, 531.1, 531.5; Sub. I, Chs. 8–9
Height	Max. 110 ft. (based on width of H St.); Max. 90 ft. on portion of Property occupied by historic row homes	Sub. I §§ 532.1, 532.4
Penthouse Height	Max. 20 ft.; habitable space limited to one story + mezz.; additional story permitted solely for mechanical equipment	Sub. I § 532.5
Lot Occupancy	Max. 100%	Sub. I § 202.1
Rear Yard	2.5 in./ft. of building height (min. 12 ft.); no req. for first 25 ft.; for alley-abutting lots, may measure to centerline of the alley <i>*Variance relief granted for provided rear yard in the Original Order</i>	Sub. I §§ 205.1–205.3
Side Yard	Not req.; if provided, min. 4 ft.; not req. for contributing bldgs. in Historic District	Sub. I §§ 206.1, 206.3
Courts	Not req.; if provided, must meet min. width & area	Sub. I § 207.1
Green Area Ratio	Min. 0.20	Sub. I § 208.1
Vehicle Parking	None required	Sub. I § 212.1
Bicycle Parking	Lodging: 1 LT / 10,000 sf; 1 ST / 40,000 sf. Retail: 1 LT / 10,000 sf; 1 ST / 3,500 sf.; min. 2 ST spaces required for project + showers/lockers	Sub. C §§ 802.1, 802.3, 806
Loading	Lodging (50k–100k sf): 2 berths / 2 platforms Retail (5k–20k sf): 1 berth / 1 platform <i>*Special exception relief granted for provided loading in the Original Order</i>	Sub. C §§ 901.1, 901.8; 905.2, 905.4, 909.2; Sub. X § 901.2

### C. Approved Project and Zoning Relief (BZA Order No. 20974)

Pursuant to the Original Order and the approved plans, the Board approved redevelopment of the Property with a new hotel building consisting of ground-floor retail and lodging on the floors above (the “**Project**”). As approved, the Project contains approximately 70,299 square feet of gross floor area (“**GFA**”), of which approximately 53,221 square feet consists of new construction. See Public Record for BZA Case No. 20974, Ex. [113](#). The original approval permits a maximum density of approximately 6.85 FAR and a maximum height of 99.25 feet.

Under the Original Order, the Board granted an area variance from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle X § 1000.1 (20 feet, 10 inches required; 10 feet provided). The Board also granted a special exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909.2 and Subtitle X § 901.2 (two loading berths required; one provided). The original application also sought variance relief from the Sub-Area ground-floor use requirements in Subtitle I § 609.5(a) and (c), however the Applicant withdrew that request following the public hearing. See Public Record for BZA Case No. 20974, Ex. [112](#).

### **III. REQUEST AND REASONS FOR MODIFICATION WITH HEARING**

The proposed modifications to the Project exceed the scope of administrative deviations that may be approved by the Zoning Administrator pursuant to Subtitle A § 304.10<sup>4</sup> and likewise exceed the limited changes that may be considered by the Board as a “modification without hearing” under Subtitle Y § 703.7.<sup>5</sup> Accordingly, the Applicant requests that the Board review and approve the subject application as a Modification Without Hearing pursuant to Subtitle Y § 704.1 et seq.

As shown on the updated architectural plans and elevations submitted herewith (the “**Modified Plans**”), the Applicant proposes a number of design changes to the approved Project. The only zoning-related change is the addition of one story, increasing the building height from approximately 99.25 feet to 110 feet. Because 110 feet is the maximum height permitted as a matter of right in the D-4-R zone, no zoning relief is required to achieve the proposed height.

The additional story would also increase the Project’s floor area ratio (“**FAR**”) from approximately 6.85 (70,299 square feet of GFA) to approximately 7.18 (73,614 square feet of GFA), requiring approximately 0.19 FAR in additional credits above the 3.5 FAR permitted by right for non-residential use in the D-4-R zone. *See* Subtitle I § 531.5.

Additional refinements reflected in the Modified Plans include adjustments to the upper levels of the building, including increased setbacks along the east, west, and south elevations to reduce perceived massing at the street level. *See* Modified Plans at **Sheets** . The upper floors now incorporate guest rooms, outdoor terraces, and landscaped elements, and the exterior material palette has been refined through targeted alternative treatments. *See* Modified Plans at **Sheets** .

Overall, the design refinements enhance the Project’s visual quality while remaining consistent with the overall massing, uses, and intent of the Board’s approval. The Historic Preservation Review Board (“**HPRB**”) approved the revised concept at its March 26, 2026 public meeting.

As documented in the Historic Preservation Office (“**HPO**”) staff report issued for that meeting, the Modified Plans are compatible with the surrounding historic context. In recommending approval, HPO staff noted that “the new 10th floor has been designed in consultation with HPO to retain the previous composition and to incorporate setbacks on the south, east, and west elevations. While resulting in more visibility than the previously approved 9-story concept, the top two floors remain secondary to the primary 8-story mass and appear as a penthouse.” The HPO staff report further states that “[w]rapping the darker brick to the full depth

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<sup>4</sup> Subtitle A § 304.10 authorizes the Zoning Administrator to approve limited modifications to Board-approved plans, but expressly prohibits, among other things, increases in the number of stories, increases in gross floor area beyond 2% where such increase is the direct result of structural or building code requirements, or any expansion of previously granted zoning relief.

<sup>5</sup> Subtitle Y § 703.7 defines a “modification without hearing” as a modification whose impacts may be understood without witness testimony, including changes to conditions in a final order or redesigns or relocations of architectural elements approved by the Board, with the determination resting in the Board’s discretion.

of the east and west side elevations is an improvement to the building’s proportions.” HPO staff also noted that a preservation plan for the remaining historic buildings has been developed in consultation with HPO, as previously requested by the HPRB.

A copy of the HPO staff report, together with the HPRB agenda and actions from the March 26, 2026 meeting, is attached as Exhibit A.

#### **IV. RENEWED REQUEST FOR VARIANCE RELIEF**

##### **A. Relief Requested**

As discussed above, the Board previously granted an area variance from the applicable rear yard requirement in the Original Order. In support of that relief, the Applicant identified a combination of site-specific conditions that rendered strict compliance with the rear yard requirement practically difficult. *See* Public Record for BZA Case No. 20974 at Ex. [40](#), pp. 12–15. Those conditions are inherent to the Property and remain unchanged.

The Applicant continues to require an area variance from the rear yard requirement under Subtitle I § 205.1 to permit the Project as reflected in the Modified Plans; however, the degree of relief has increased only slightly. As originally approved, the Project had a maximum building height of approximately 99.25 feet, which required a rear yard depth of approximately 20 feet, 10 inches. Under the Modified Plans, the maximum building height increases to 110 feet, resulting in a corresponding rear yard requirement of approximately 22 feet, 10 inches—a de minimis increase of approximately two feet, attributable solely to the additional story. Therefore, the Applicant seeks additional rear yard relief of two feet.

##### **B. Burden of Proof**

Under D.C. Code § 6-641.07(g)(3) and 11-X DCMR § 1000.1, the Board is authorized to grant an area variance where it finds that three conditions exist:

- 1. the property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation;*
- 2. the owner would encounter practical difficulties if the zoning regulations were strictly applied; and*
- 3. the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

*See French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)). *See also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, the subject application meets the three-prong variance test.

### C. Justification

In the Original Order, the Board granted the requested rear yard variance, finding that, based upon the record before it, the Applicant had met the burden of proof “and variance relief can be granted because...

- There exists an exceptional or extraordinary situation or condition at the property;
- The exceptional condition creates a practical difficulty in the case of an area variance...in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.”

*See* BZA Order No. 20974 at p. 3.

These circumstances remain unchanged with respect to the application. The exceptional conditions supporting the requested variance remain unchanged and arise from a confluence of factors related to the Property’s historic and urban context. As detailed above, the Project site fronts H Street and is improved with contributing historic rowhome structures that must be retained and incorporated into the Project consistent with HPRB review and approval. As approved by the Board and reflected in the Modified Plans, the Project preserves the primary street-facing façades and stoops of the historic buildings, with all new construction located to the rear of the Property and partially above. The above-grade portion is achieved through a structural cantilever that avoids substantial demolition. This preservation-driven massing approach inherently constrains rear yard compliance.

As the Board previously found, the Property’s urban context further contributes to the practical difficulty. The rear of the site abuts a narrow, ten-foot-wide public alley, which provides separation at the rear but constrains compliance with the rear yard requirement while maintaining a viable lodging program. As originally designed and reviewed by the Board, strict rear yard compliance would have resulted in the loss of approximately 13% of the Project’s gross floor area and a material reduction or adverse impact on a significant number of lodging units (~31 units).<sup>6</sup> With the increased rear yard requirement triggered by the additional story, those impacts would be equal or greater, compounding the practical difficulty without advancing the purposes of the rear yard regulation or the intent of the D-4-R zone.

The Project will continue to provide a ten-foot rear yard measured to the alley centerline, consistent with Subtitle I § 205.3. The approximately two-foot increase in the required rear yard is de minimis and does not alter the analysis under the first two prongs of the variance test. The underlying historic and physical constraints remain unchanged. Accordingly, the increased rear yard requirement does not undermine the basis on which the area variance was previously granted.

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<sup>6</sup> To illustrate the resulting practical difficulty, the applicant explained that typical residential or lodging buildings require double-loaded corridor floor plate depths exceeding 60 feet. Here, rear yard compliance would limit upper-level floor plates to approximately 36 feet, producing shallow, inefficient units with reduced natural light and diminished functionality.

The requested rear yard variance will not result in substantial detriment to the public good or impair the intent, purpose, or integrity of the District’s zone plan. The reduced rear yard depth will not create adverse impacts, as the rear of the Property fronts a 10-foot-wide public alley. The Board previously evaluated the non-compliant rear yard for the Project in the original case, and the present variance request can be attributed to the same site constraints. The only change is the addition of one story, which increases the required rear yard depth by approximately two feet.

The Applicant’s updated shadow studies demonstrate that any incremental shadow impacts from the additional story—which is permitted as a matter of right—are negligible. *See* Modified Plans, Sun Shading Diagrams at Sheets A010.5 and A010.6 (comparing shadow impacts between the previously approved design and the proposed modifications, with differences shown in blue). The greatest variation occurs at midday during the winter solstice. Even under that limiting scenario, the additional shadows are minimal and do not create new or materially different impacts on surrounding properties. Accordingly, full rear yard compliance in this context would not meaningfully advance the purposes of the rear yard requirement applicable to the D-4-R zone, as set forth in Subtitle I § 205.1 *et seq.*

With the exception of the rear yard requirement addressed in this Statement, and the previously granted loading relief (via special exception), which is still needed, the Project continues to comply with all applicable height, bulk, and setback requirements. In these circumstances, the requested variance relief does not undermine the public good or the integrity of the zone plan and fully satisfies the third prong of the variance test.

#### **V. COORDINATION WITH DISTRICT AGENCIES**

As noted above, the Applicant presented the Modified Plans to HPRB, which granted concept approval. *See* Exhibit A. The Applicant will continue to coordinate with the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”) as needed during the processing of this application and will address any feedback through a supplemental filing prior to, or at, the public hearing.

#### **VI. ANC ENGAGEMENT AND COMMUNITY OUTREACH**

The Property is located within the boundaries of ANC 2C and Single-Member District (“SMD”) 2C01. As required by Subtitle Y § 300.8(l), the Applicant has apprised ANC 2C of this application and the proposed modifications. The Applicant anticipates presenting the application at an upcoming regularly scheduled ANC meeting and will continue to coordinate with ANC 2C as this application proceeds.

#### **VII. WITNESSES TO TESTIFY AT PUBLIC HEARING**

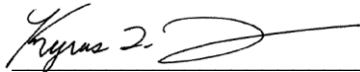
The Applicant anticipates presenting testimony at the public hearing from Stephan Rodiger, Managing Partner of Rift Valley Capital, on behalf of the Applicant, and from Peter Fillat of Fillat+ Architecture. Outlines of testimony for Mr. Rodiger and Mr. Fillat, the Project’s architect, are submitted herewith. Copies of Mr. Fillat’s and Mr. Fetty’s résumés are also provided, as the Applicant is proffering them as experts in architecture and urban design.

**VIII. CONCLUSION**

For the reasons set forth above, the Applicant has demonstrated that the requested Modification With Hearing and area variance satisfy the applicable criteria. The proposed building refinements have been reviewed by HPO staff, approved by the HPRB, and remain consistent with the Board's original approval. Moreover, the requested relief associated with the increased rear yard requirement continues to meet the standards for an area variance. Accordingly, the Applicant respectfully requests that the Board approve the application.

Respectfully submitted,

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