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VIA IZIS

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

**Re: BZA Case No. 20974-B
Applicant's Prehearing Statement
Request for Modification With Hearing and Zoning Relief (Rear Yard)
503–517 H Street, NW (Lots 3, 30, 42–44, and 48 in Square 485)**

Dear Members of the Board:

On behalf of DC Chinatown Hotel Owner LLC (the "Applicant"), the owner of the property located at 503-517 H Street, NW, known as Lots 3, 30, 42-44, and 48 in Square 485 (collectively, the "Property"), we hereby submit this Prehearing Statement pursuant to Subtitle Y §§ 300.15 and 300.16 of the Zoning Regulations. This filing is made no later than 30 days prior to the public hearing scheduled for September 2, 2026.

As originally filed, the Applicant requested rear yard relief as an area variance pursuant to Subtitle X § 1000.1. **However, following the Zoning Commission's recent approval of amendments to Subtitle I § 205.5, the Applicant is now seeking the requested rear yard relief as a special exception.** A revised Form 135 Zoning Self-Certification reflecting this updated request is attached hereto as **Exhibit A**.

A. Background

As discussed in the Applicant's Statement in Support ([Ex. 2](#)), this application is seeking a modification to the plans approved pursuant to BZA Order No. [20974](#). Under that approval, the Board granted zoning relief to facilitate redevelopment of the D-4-R zoned Property with a new hotel building containing ground-floor retail use and lodging above (the "Project"). Specifically, the Board granted an area variance from the rear yard requirements of Subtitle I § 205.1 to permit a rear yard depth of 10 feet where 20 feet, 10 inches was required. The Board also granted special exception relief from the loading requirements of Subtitle C § 901.1. More recently, pursuant to

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BZA Order No. [20974-A](#), made final on June 30, 2026, the Board approved a two-year extension of the original approval.

As shown in the modified plans marked in the record as Ex. [6A1-6A2](#), the Applicant proposes to add one additional story to the approved building. The modification increases the building height from approximately 99.25 feet to 110 feet and expands the lodging program from approximately 85 guest rooms as approved to approximately 154 guest rooms (with a range of approximately 80 to 180 guest rooms depending on final room configurations and operations).

As originally filed, this application requested approval of a Modification With Hearing pursuant to Subtitle Y § 704.1 and renewed approval of the area variance from the rear yard requirements of Subtitle I § 205.1. The Project will continue to provide the 10-foot rear yard previously approved under BZA Order No. 20974, but the addition of one story increases the required rear yard depth from 20 feet, 10 inches to approximately 22 feet, 10 inches. As a result, the degree of noncompliance increases by approximately two feet. Justification for the requested area variance is set forth in detail in the Applicant's Statement in Support. ([Ex. 2](#), pp. 6-7.)

B. Z.C. Case No. 25-12 and Amended Text of Subtitle I § 205.5

After the Applicant filed this application on April 14, 2026, the Zoning Commission approved a series of text amendments in Z.C. Case No. [25-12](#) modifying and clarifying various provisions of the Zoning Regulations. On July 10, 2026, a Notice of Final Rulemaking for Z.C. Case No. 25-12 became effective. Among other changes, the text amendment revised Subtitle I § 205.5, which governs special exception relief from rear yard requirements in the Downtown (D) zones. The changes made to the provision are shown below:¹

205.5 *The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to **Subtitle X Chapter 9** and subject to the following conditions:*

- (a) — ~~No window to a residence use shall be located within forty feet (40 ft.) of another facing building;~~*
- (b) — ~~No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;~~*
- (c) — ~~A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and~~*
- (a) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.*

As a result of these amendments, the special exception criteria previously contained in Subtitle I § 205.5 were revised. Therefore, the Applicant is now seeking the requested rear yard relief as a special exception pursuant to Subtitle I § 205.5.

¹ See Public Record for Z.C. Case No. 25-12, Notice of Proposed Rulemaking at [Ex. 147](#), p. 47.

C. Compliance with Special Exception Standards for Rear Yard Relief

As reflected in the revised Form 135 Zoning Self-Certification (Ex. A), the Applicant requests that the requested rear yard relief be considered as a special exception. As discussed below, the Project satisfies the applicable special exception standards.

1. Standard of Review

Pursuant to D.C. Code § 6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception if it finds that the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property, subject to any specific conditions set forth in the regulations.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the application satisfies the specific requirements for the relief requested. In reviewing an application for special exception relief, "[t]he Board's discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation." *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

2. Justification

i. In Harmony with Purpose and Intent of the Zoning Regulations

The stated purpose of the D-4-R zone is, among other things, "to promote the development of high-density residential and mixed-use neighborhoods" in targeted areas of Downtown, including the Mount Vernon Triangle neighborhood and portions of the downtown core generally located between Massachusetts Avenue, NW, Judiciary Square, Thomas Circle, and New Jersey Avenue, NW. 11-I DCMR § 530.1. In addition, one of the overarching purposes of the Downtown zones is to protect historic buildings and places while permitting compatible new development. 11-I DCMR § 100.2.

The Project and the requested relief further these objectives. Lodging use is permitted as a matter of right in the D-4-R zone, and the Project otherwise complies with the applicable development standards, except for the rear yard requirement and the previously approved loading relief. The requested rear yard relief is necessary, in part, to accommodate floor plate depths and guest room layouts that are marketable and typical for a hotel use.

The relief is also directly related to the Property's historic character. The Property is improved with contributing historic rowhouse structures that must be retained and incorporated into the Project consistent with Historic Preservation Review Board ("HPRB") review and approval. In order to preserve those historic resources, the new construction is located primarily to the rear of the Property and incorporates a cantilevered design that minimizes demolition of the existing historic buildings. The proposed building height of 110 feet is permitted as a matter-of-

right in the D-4-R zone, and HPRB has approved the proposed building design. *See* Subtitle I § 532.1; *see also* [Ex. 2A](#).

Accordingly, the requested rear yard relief supports a redevelopment of the Property in a manner that preserves historic resources and is in harmony with the purpose and intent of the D-4-R zone.

ii. Will Not Tend to Adversely Affect Use of Neighboring Property

The requested rear yard relief will not tend to adversely affect the use of neighboring property. As the Board previously recognized in approving the original variance, the rear of the Property is separated from neighboring properties by a 10-foot-wide public alley. In recommending approval of the original application, the Office of Planning (“OP”) found that the public alley, coupled with the building's ±15-foot separation from surrounding properties at the rear, “should still allow access to adequate light and air to the adjacent properties.” *See* Public Record for BZA Case No. 20974, OP Report at [Ex. 49 at p. 4](#). The modified design does not alter that relationship, nor does it reduce the rear yard below the 10-foot depth previously approved by the Board.

In addition, the Applicant's updated shadow studies demonstrate that any incremental shadow impacts associated with the additional story are negligible. *See* Ex. 6A1-6A2, Sheets A010.5 and A010.6. As discussed in the Statement in Support, the additional story does not create new or materially different impacts on surrounding properties. The greatest variation occurs only at midday during the winter solstice and results in minimal additional shadowing, while no meaningful changes are observed during the remainder of the year. *See* Ex. 2 at pp. 6-7.

iii. Compliance with Subtitle I § 205.5(a)

As discussed above, the recently amended version of Subtitle I § 205.5(a) authorizes the Board to waive applicable rear yard requirements as a special exception where “the building shall provide for adequate off-street service functions, including parking and loading areas and access points.” The Project satisfies this requirement.

First, no vehicle parking is required for the proposed hotel use in the D-4-R zone. *See* Subtitle I § 212.1.

Second, the Board evaluated the Project's loading facilities and access arrangements when it approved the original application. *See* BZA Order No. 20974 at p. 3 (giving “great weight to the appropriate reports and recommendations” in the record and finding that Applicant had met its burden of proof). The Applicant had worked closely with DDOT to develop a Transportation Demand Management (“TDM”) Plan and Loading Management Plan (“LMP”) designed to address the site's loading constraints and ensure adequate service operations. DDOT had no objection to the requested loading relief, subject to implementation of those measures. *See* Public Record for BZA Case No. 20974, DDOT Report at [Ex. 50 at pp. 2-4](#). Indeed, DDOT cited to the Applicant's analysis demonstrating that “vehicles 25-feet or small can navigate through the alley and into the loading berth” and, based on that analysis, supported the requested loading relief subject to

implementation of the LMP. *Id.* at p. 3. DDOT also noted that the Project could utilize the existing curbside loading space along H Street, NW, outside of bus-priority operating hours. *Id.*

A copy of the Applicant's transportation statement submitted in support of the original application, including the approved LMP and TDM Plan at pages 7-8 and 13-14, respectively, is attached hereto as **Exhibit B**. The Applicant is committed to implementing the LMP and the TDM Plan as approved for the life of the Project. The Applicant will also continue to coordinate with DDOT regarding the proposed modification and, if necessary, supplement the record prior to the public hearing.

D. Witnesses

The Applicant's Statement in Support indicated that either Peter Fillat or John Fetty may testify as the Project's architectural expert. As confirmation, Mr. Fillat will testify as an expert in architecture and urban design on behalf of the Applicant. Mr. Fillat's résumé is already included in the record at [Ex. 10](#). The Applicant is also proffering Rob Schiesel of Gorove Slade as its expert in traffic and transportation planning. Mr. Schiesel prepared the transportation statement filed in the original case, which is attached hereto as Ex. B. An outline of Mr. Schiesel's anticipated testimony and a copy of his résumé are attached hereto as **Exhibit C**.

For the Board's convenience, a complete list of the Applicant's witnesses who are expected to testify and be available for questions at the public hearing is provided below:

- **Stephan Rodiger**, on behalf of the Applicant;
- **Peter Fillat**, as an expert in architecture and urban design; and
- **Robert Schiesel**, as an expert in traffic and transportation planning.

E. Conclusion

For the reasons set forth above, and based on the materials already contained in the record, the Applicant respectfully requests that the Board approve the requested Modification With Hearing. The Applicant further submits that the requested rear yard relief satisfies the standards for special exception relief under Subtitle I § 205.5. The Applicant looks forward to presenting its case at the public hearing scheduled for September 2, 2026.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 
Kyrus L. Freeman

By: 
Christopher S. Cohen

cc: Certificate of Service
Exhibits

Certificate of Service

We hereby certify that on August 3, 2026, a copy of the foregoing Prehearing Submission filed in support of BZA Case No. 20974-B was served by electronic mail on the following at the addresses listed below.

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