

January 29, 2018



Meridith H. Moldenhauer
Alyssa L. Bigley

Direct Phone 202-747-0767
Direct Fax 202-683-9389
mmoldenhauer@cozen.com
abigley@cozen.com

VIA IZIS

Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street NW Suite 210S
Washington, DC 20001

**Re: BZA Application for 923-927 5th Street NW
Square 0516, Lots 0827, 0828, 0829, and 0833 – Application for Special Exception
and Variance Relief**

Dear Chairperson Hill and Members of the Board:

Please accept for filing the enclosed application of Kline Operations, LLC (the “Applicant”). The Applicant requests special exception relief pursuant to 11 DCMR § X-901.2 and Subtitle I § 205.5 (I § 205.1 rear yard setback) and Subtitle C §§ 1504.1 (C § 1502.1(c)(4) penthouse setback), and variance relief pursuant to 11 DCMR § X-1000.1 and Subtitle I § 207.1 (closed court dimension and area) and C § 909.2 (loading berths) to construct a hotel in the D-4-R Zone.

The application package includes the following materials:

1. BZA Form 120, Application for Variance/Special Exception
2. BZA Form 126, Fee Calculator
3. BZA Form 135, Self-Certification
4. Agent Authorization Letter
5. Certificate of Proficiency
6. Plat showing the existing structure on the Property
7. Zoning Map
8. Photographs of the Property
9. Baist Atlas Map
10. Statement of Existing and Intended Use
11. Statement of the Applicant
12. Architectural Plans
13. Summary of Witness Testimony
14. Statement of Community Outreach
15. List of names and mailing addresses of owners of all property within 200 feet of the boundaries of the Property

16. Certificate of Service upon the Office of Planning and the affected Advisory Neighborhood Commission

We believe that the application is complete and acceptable for filing, and request that the Board scheduled a public hearing for the application as soon as possible. If you have any questions please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', is written over a horizontal line.

Meridith H. Moldenhauer
Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036

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

**APPLICATION OF
KLINE OPERATIONS, LLC**

**923-927 5TH STREET NW
ANC 6E05**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, Kline Operations, LLC (the “Applicant”), the contract purchaser of the property located at 923-927 5th Street NW, (Square 0516; Lots 0827, 0828, 0829 and 0833) (the “Property”) in support of their application for special exception relief pursuant to 11 DCMR Subtitle X § 901.2 from Subtitle I § 205.5 (rear yard § I-205.1) and Subtitle C § 1504.1 (penthouse setback Subtitle C § 1502.1(c)(4)), as well as variance relief pursuant to 11 DCMR § X-1000.1 from Subtitle I § 207.1 (closed court width and area) and C § 909.1 (loading berths) to construct a new hotel in the D-4-R Zone District (“The Project”).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to 11 DCMR § X-901.2 and the variance relief pursuant to 11 DCMR § X-1000.1 of the Zoning Regulations (“Regulations”).

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is known as Lot 827, 828, 829, and 833 in Square 0516 within the Mount Vernon Triangle Historic District (the “Historic District”) and has a total land area of 6,639 square feet. A copy of the zoning map is attached at **Exhibit A**. To describe the Property in more detail, Lots 828 and 829 are narrow rectangular lots facing 5th Street NW between Eye and K Streets NW and correspond with the 925 5th Street NW address. Lot 827 also faces 5th Street and corresponds with 927 5th Street NW. Lot 833 is an L-shaped lot to the rear of the Property abutting the alley, Prather Court NW. The Property is currently

unimproved except for the façades (the “Façades”)¹ of the previously-razed former buildings on lots 827-829. See property photos at **Exhibit B**. The Applicant intends to retain part of the 927 5th Street front façade and filed an application with the Historic Preservation Review Board (“HPRB”) to review the project.

Square 0516 is bounded by K Street NW to the north, 4th Street NW to the east, 5th Street NW to the west, and Eye Street NW to the south. The combined lot width facing 5th Street NW is 60 feet. See Baist map at **Exhibit C**. The Property has 11.5-foot wide access at the rear of lot 0833 to Prather Court NW. Prather Court NW is approximately 20 feet wide where it meets the Property, and widens to 30 feet at its intersection with 4 ½ Street NW. The Property is surrounded by diverse mixed-use developments as well as residential and commercial properties in the vicinity. Many restaurants and retail properties are located along 5th and K Streets NW, and numerous large apartment buildings are found on Square 0516 and in the surrounding neighborhood. Several other large residential and mixed-use properties are under construction in the nearby area. In particular, the Property is located two block west of the MU-6-zoned mixed-use development, Capitol Crossing, currently under construction directly above Interstate-395.

B. Traffic Conditions and Mass Transit

The Property is well serviced by mass transit options. Walkscore.com indicates that the area is a “walker’s,” “biker’s,” and “rider’s” paradise and that daily errands do not require a car. The Gallery Place/Chinatown Metro station, serving the red, yellow, and green lines is approximately 0.3 miles away. Also, multiple Metrobus lines are within walking distance, including the P6, D4, 74, 80, 70, X2, and Circulator (Georgetown line), all within 0.2 miles of the Property. There are five Capital Bikeshare stations and seven ZipCar vehicles within 0.5 miles from the Property. Finally, Union Station is approximately 0.7 miles east of the Property, with access to the Metro Red Line subway, Amtrak trains, and the MARC commuter rail line.

¹ The Applicant does not have information regarding specifically when the Former Buildings were razed. The Property has no roof and only partial façades. It is clear, however, that buildings existed when the Historic District was formed in 2006, but have subsequently been razed.

C. The Project

The Applicant proposes to subdivide the four lots into one and to construct a new hotel building with approximately 153 keys on the Property, as shown on the Plans at **Exhibit D** (the “Plans”). The proposed hotel will be 100 feet in height (11 stories)² plus a penthouse. The Project will have a total Floor Area Ratio of 9.8. In accordance with Subtitle I § 900.1(b), the Applicant will utilize development credits to “construct non-residential gross floor area in excess of the maximum permitted non-residential density” for the zone. The maximum permitted non-residential density for the zone is 3.5. Subtitle I § 531.5. Consequently, the Applicant will obtain a credit certificate demonstrating proper acquisition of said credits to reach the proposed building FAR of 9.8.

The Applicant is requesting zoning relief because the Project would not meet the requirements for rear yard setback, penthouse setback, number of loading berths, and closed courts. Additional relief under the Regulations is not shown to be required, and the Applicant meets the standard for special exception and variance relief as outlined below.

1. Rear Yard

Special exception relief is required from Subtitle I § 205.1, which states that “a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).” The Property will be 100 feet in height. According to the corresponding calculation, 2.5 in. * 100 ft. = 20.83 feet of required rear yard. The Project will reach 100% lot occupancy and as such will not provide a rear yard. Therefore, special exception relief is required from this section.

² The Project complies with the height requirement of Subtitle I § 532.1, which states the maximum permitted height in the D-4-R Zone for a building on a street right of way less than 90 feet wide shall be “no taller than the width of the street right of way, plus 20 feet.” The Baist map at **Exhibit C** indicates that 5th Street NW is 80 feet in width. Therefore, pursuant to Subtitle I § 532.1 the Project may be constructed to a height of 100 feet. Additionally, Subtitle I § 532.4 states the “maximum permitted building height, not including the penthouse in the D-4-R zone, shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.” Because the historic buildings no longer exist on the Property, this restriction does not apply, and the Project may be built to a height of 100 feet in compliance with I § 532.1.

2. Penthouse Setback

Special exception relief is required from Subtitle C § 1502.1(c)(4), which states that penthouses shall be set back from the edge of the roof upon which they are located a distance equal to their height from the front, rear, and side building walls if the penthouse “is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height.” The Applicant proposes to construct a 20-foot high penthouse that will be set back 20 feet from the front and rear building walls, but which will not meet the setback requirement from the building’s side walls. See Plans at **Exhibit D**. The buildings adjacent to the Property on either side are contributing structures to the Historic District, and are lower in height than the proposed Project. Accordingly, special exception relief is necessary for the penthouse’s side wall setback.

3. Loading Berth

The Project requires zoning relief from Subtitle C § 901.1 for the loading berth requirements for lodging use. That subsection requires 2 loading berths and zero delivery spaces for a lodging use development with Gross Floor Area (“GFA”) between 50,000 and 100,000 square feet. The Project proposes a total GFA of 65,125 square feet, and will only provide one loading berth. As such, variance relief is necessary for loading berths.

4. Closed Court

The Regulations at Subtitle I § 207.1 require the closed court width to be equal to 2.5 in. per foot of court height, and a minimum of 12 feet in width. This subsection also requires closed court area equal to twice the square of the required width of court dimensions, and a minimum of 250 square feet. The closed court along the northern property line (“North Court”) will be 89 feet in height (from second to 11th floor, see **Exhibit D** Sheet A015). Accordingly, the Regulations would require a width of 18.5 feet and an area of 684.5 square feet for the North Court. The court along the southern property line (“South Court”) will be 80 feet in height (from the third to 11th floor, see *Id.*). As such, the South Court requires a width of 16 2/3 feet and an area of 555.6 square feet. The proposed North and South Courts (collectively, “the

Courts”) are both 6’-2” wide and 322.9 and 204.7 square feet in area, respectively. Consequently, the Courts do not comply with the minimum width and area regulations, and variance relief is required.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. 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 Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (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.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The purposes of the D zones and the D-4-R zone specifically are to promote the development of high-density residential and mixed-use neighborhoods in the Mount Vernon Triangle neighborhood located between New York, New Jersey, and Massachusetts Avenues, N.W.; to provide for the orderly development and use of land and structures; and to provide incentives and flexible mechanisms for achieving the retail, residential, historic, and open spaces goals through the generation and use of density credits that can be traded within defined areas. Subtitle I §§ 100.1, 102.1(k), and 530.1. In addition, “the purpose of regulating

use categories in D zones is to allow for an appropriate mix of residential, office, lodging, retail, service, entertainment, cultural, and other uses.” Subtitle I § 300.1.

The Project will be in harmony with the purpose and intent of the Zoning Regulations and related maps because the D-4-R Zone specifically permits lodging as a matter-of-right use in the Zone. Subtitles I § 302.1, U § 515.1. The Project aligns with this intent, as the relief will allow the Applicant to construct a hotel in a busy and vibrant area of Mount Vernon Triangle. With the imminent opening of the Capitol Crossing development, as well as the Property’s proximity to Interstate-395 and Union Station, the proposed Project will serve the growing need for lodging in the vicinity. A project of the size proposed here is an appropriate use in the D-4-R Zone because the massing and design satisfies the development standards set out in Subtitle I § 600. The requested relief will permit an efficient design that will contribute lodging, retail, and/or eating and drinking establishments to the rapidly-growing Mount Vernon Triangle neighborhood.

B. The Proposed Relief will not Adversely Affect the Use of Neighboring Property

The use of neighboring property will not be adversely impacted by the special exception relief for rear yard and penthouse setback. Given the location of the Project and the rear alley, the request for rear yard relief will not adversely affect the use of neighboring property. The properties adjacent to the proposed Project are improved with retail and eating and drinking establishments that do not provide on-site parking. The rear yard relief will not impact the access of these adjacent owners and patrons to these establishments because the rear lot line abuts adjacent lots, and the rear yard relief will not impede any access thereto. Moreover, the Project will not impact any property’s access to Prather Court, particularly the large apartment buildings that face on K and Eye Streets NW. Instead, there is ample vehicular access to those properties from 4 ½ Street NW.

Penthouse setback relief will not affect the use of neighboring property because the proposed penthouse does not exceed the permitted matter of right height, and is comparable in massing and height to the existing penthouses on other large apartment buildings on the square. In addition, the proposed courts provide a level of setback and articulated relief from neighboring properties, particularly from the adjacent

properties that are lower in height than the Project. Consequently, the use of neighboring property will not be adversely impacted by the special exception relief for rear yard and penthouse setback.

C. The Project Satisfies the Special Exception Requirements for Rear Yard

The Board may waive the rear yard requirement as a special exception pursuant to Subtitle I § 205.5. The Project meets the conditions of that section as follows:

(a) No window to a residence use shall be located within forty feet (40 ft.) of another facing building;

The Property will not contain any residential units. It can be reasonably expected that windows from other facing buildings will be in close proximity in an area designated for high density.

(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;

The Property will not be used as an office. It can be reasonably expected that windows from other facing buildings will be in close proximity in an area designated for high density.

(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

The Applicant will provide adequate light to all guest rooms to the greatest degree possible. In addition, the hotel guest rooms will be designed such that drapes or window dressings will provide additional privacy if needed.

(d) The building shall provide for adequate off-street service functions, including parking and loading areas and access points.

The Project will provide loading at the rear of the Property,³ and the D Zones do not require on-site vehicle parking (§ I-212.1). Accordingly, the Application satisfies the standard for special exception relief from Subtitle I § 205.5.

³ The Applicant requests loading relief because one compliant loading berth will be provided, and two loading berths are required for a development of this use and size. Subtitle C § 909.1. See Section VI. C. 2. below.

D. The Project Satisfies the Special Exception Requirements for Penthouse Setback

The Board may grant relief from the penthouse setback requirements via special exception pursuant to Subtitle C § 1504.1, and the Project meets the conditions of that section as follows:

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The strict application of the side wall setback requirements would be unduly restrictive on the construction of the penthouse. As depicted on the Plans at **Exhibit D** (Sheet A012), the penthouse is already partially setback from the side walls by 6'-2", the width of the closed court below. If the penthouse were set back the required 20 feet on each side, the resulting penthouse would be extremely narrow, approximately 7 foot wide. This design would not permit two internal staircases for ingress and egress required by the building code, nor allow for standard circulation and function.

- (b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The penthouse will be partially set back 6'-2" from the side lot lines, along the closed court below. This design will not appear to be an extension of the building wall, as articulated in the Plans at **Exhibit D**.

- (c) The relief requested would result in a roof structure that is visually less intrusive;*

Without the requested relief, the penthouse design would produce a roof structure that was uncharacteristically long and narrow, and would be more visually obstructive of the existing roofline on the square. As seen in the context images at **Exhibit E**, the surrounding area consists of large structures, all with penthouses. To construct a narrow doghouse design on this structure would be less appealing. The proposed penthouse mimics others on the square, particularly those on the rooves of the large apartment buildings to the east which are of similar massing to the proposed Project. Thus the proposed penthouse is visually less intrusive.

- (d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

Given the narrowness of the lot, the lower floor layouts and the stairwells create a challenge to comply with setback on the penthouse level. Furthermore, a 7-foot wide compliant penthouse would not permit the design to meet D.C. Construction Code pertaining to roof access and stairwell separation. The elevator shaft and both stairwells are located in the required setback area. Therefore, if the penthouse were to comply with required setback, no elevator access could be provided. Without elevator access, the penthouse would no longer be ADA compliant and the elevator shaft would still remain within the required setback area. The stair shafts are 10 feet wide and therefore could not be relocated to fit within a 7-foot wide compliant penthouse, regardless of their orientation. Therefore, a penthouse that meets the setback requirements would violate the Construction Code and would result in an unworkable design for lower floors.

(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

The Applicant has made every effort to create compliant mechanical and elevator housing.

(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

The Applicant has made every attempt to comply with the intent and purpose of this chapter, and would do so but for the reasons stated above. In addition, the light and air of adjacent properties will not be adversely affected by the penthouse because the Property is separated from buildings of similar height by a sufficient distance, and the existing buildings directly adjacent to the Property are lower in height.

In conclusion, as outlined above, the Applicant meets the special exception requirements for rear yard, penthouse setback, and loading berths.

VI. APPLICANT MEETS BURDEN FOR VARIANCE RELIEF

A. Nature of Variance Relief and Standard of Review

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

(1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;

- (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). Applicants for an area variance must demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting, “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

B. The Property is Affected by an Exceptional Situation or Condition

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin*, 579 A.2d at 1168. The Property is characterized by an exceptional situation and condition arising from a confluence of four factors: (1) the Property is an assemblage of four unique lots; (2) the shape of the lot is unique because the northern lot line jogs south and narrows the Property in the rear; (3) the Property has unique limited access to the alley; and (4) the Property is particularly narrow compared to the non-rowhome properties on the square;

As shown on the zoning map at **Exhibit A**, the Property is an assemblage of four lots. These four lots are the only unimproved lots on the Square. The remaining lots contain large apartment buildings,

rowhomes, retail outlets, eating and drinking establishments, and parking structures. The Property comprises one of the very few unimproved properties in the entire Historic District.

The shape of the assembled lots is unique. Three of the lots are narrow and long, and lot 0833 is an L-shaped lot adjacent to the others at the rear of the Property. Together, they form an irregularly-shaped Property where the northern property line jogs in to the south, narrowing the rear of the Property to 56'-8," whereas the frontage on 5th Street NW is 60 feet wide.

The Property has a very limited 11.5 feet of linear access to the alley. See Baist Map at **Exhibit C**. The Property abuts the alley at the rear, southwest corner on lot 0833. Adjacent lots 0834 and 0811 are flagpole shaped and take up the remaining alley frontage and available access to Prather Court NW.

Finally, the Property is unique because it is narrower than all other non-rowhome lots on the square. The Property is 60 feet wide facing 5th Street NW and approximately 56 feet wide at the rear. Compared to the non-single structure lots on the square it has the narrowest width. The remaining analogous lots are all greater than 80 feet wide and most are greater than 100 feet wide. Therefore, the Property is uniquely narrow for the proposed use on the square.

C. Strict Application of the Zoning Regulations Would Result in Practical Difficulty

1. Closed Court

Strict application of the Regulations with respect to closed court dimensions would result in a practical difficulty to the Applicant. The Courts are being provided to articulate the façades of the proposed structure and to provide massing relief from the adjacent properties. They also permit the setback from the property lines required by the Building Code to allow fenestration. If the Applicant were required to provide the minimum width and area, however, this would result in an extremely narrow building (24.8 feet wide at floors 3-11) and an impractical design with a single-loading corridor. Therefore, the closed court requirements would impose a practical difficulty on the Applicant.

2. Loading Berth

If the Applicant were required to comply with the zoning requirements for loading berths, the Applicant would face a practical difficulty. The only vehicle access to the Property is from the southeast

corner of the Property at existing lot 0833. See zoning map at **Exhibit A**. That portion of lot 0833 is the only means of vehicular entry to the Property because it abuts Prather Court NW, the alley bisecting the Square. The width of the Property at that access point is only 11.5 feet wide. The Applicant proposes to construct one loading berth at the rear of the ground floor, see **Exhibit D** (Sheet A009). Given the access constraints from the alley, the hotel operator of the Property will institute a loading management system which will coordinate access to the loading berth and platform.

According to Subtitle C § 909.5, the Board may impose conditions as to “screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.” The Applicant will work to incorporate any such proposed conditions and meet the Board’s requirements as pertains to loading berths and access to the loading area.

As such, the practical difficulties the Applicant faces in complying with the court and loading berth requirements directly relate to the unique confluence of factors impacting the Property.

D. No Substantial Detriment to the Public Good or Impairment of the Zone Plan

There will be neither substantial detriment to the public good nor substantial impairment of the intent, purpose, and integrity of the zone plan by approving the requested relief for closed courts and loading berths. The Project design includes courts to benefit the adjacent properties because they move the massing of the Project away from the lot lines. Also, the Project is particularly designed to blend into the existing neighborhood. If the court requirements were imposed, the resulting narrow structure would not mirror other large developments in the neighborhood and would create a structure that would be out of place with the rest of the D-4-R Zone. As stated above, the hotel operator will implement a loading plan that will manage traffic in and out of the alley, thus preventing any negative impact on the surrounding properties regarding traffic and alley access. Moreover, the Project will undergo review by HPRB and the Applicant will work with them to incorporate features that will benefit the Historic District and the greater public.

The relief requested does not impair the Zone Plan because it permits the Applicant to construct a thoughtfully designed project for lodging use in one of the busiest areas of the Historic District. It also furthers the goals of the Downtown Zones to promote infill of unimproved properties and activate the streetscapes. The Applicant has made every effort to design a project in compliance with Subtitle I § 601, particularly the design requirements imposed on the Property due to its location on a “designated primary street segment” of the Downtown Zones.

For all these reasons, the Applicant meets the requirements for variance relief in this case.

VI. COMMUNITY OUTREACH

Pursuant to Advisory Neighborhood Commission (ANC) 6E’s procedures and guidelines, the Applicant will contact ANC 6E shortly after the application is filed. The Applicant will present to ANC 6E and the zoning subcommittee at the next available public meetings.

VII. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception and variance relief under the Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully Submitted,

COZEN O’CONNOR



Meridith H. Moldenhauer
Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036

CERTIFICATE OF SERVICE

I certify that on January 29, 2017, a copy of this Application was served via email on the Office of Planning and Advisory Neighborhood Commission 6E, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
planning@dc.gov

Advisory Neighborhood Commission 5E
Alex Marriot, SMD 6E05 and Chair
6E05@anc.dc.gov
Alexander Padro, Chair of Zoning Subcommittee
6E01@anc.dc.gov

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', is written over a horizontal line.

Meridith H. Moldenhauer
Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036