

	<p>ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK</i> <i>MASSACHUSETTS AVENUE HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i></p>
<p>Single Member District Commissioners 01-Lee Brian Reba; 02- Gwendolyn Bole; 03-David Valdez 04- Vacant; 05- Margaret Siegel; 06-Carl Roller 07- Victor Silveira; 08-Catherine May; 09-Nancy MacWood</p>	<p>P.O. Box 4966 Washington, DC 20008 Website http://www.anc3c.org Email all@anc3c.org</p>

ANC 3C Resolution No. 2015-029
Regarding Objection to DCRA Building Permit B1404954 for Summer
Garden Roof Deck and Mechanical Structures for Savoy Suites Hotel,
located at 2505 Wisconsin Avenue NW

Whereas, the owners of the Savoy Hotel (“Savoy”), located at 2505 Wisconsin Avenue (Square 0072 Lot 0045) (“Property”) applied for permits to erect a roof deck summer garden and additional structures on the roof of the hotel and to expand the existing use of the restaurant, lounge, and ground level summer garden; and

Whereas, DCRA granted those permits on May 7, 2015 without neighborhood notification and without opportunity for neighborhood review or input; and

Whereas, the property is located in ANC3C08 in a neighborhood zoned R-1-B and within the Naval Observatory Overlay; and

Whereas, the property was originally rezoned from R-1-B to R-5-D for the purpose of permitting constructing of the Savoy and was subsequently rezoned to its original R-1-B status; and

Whereas the proposed non-conforming construction and expanded commercial use of the property in an R-1-B neighborhood should not be permitted, if at all, without special exception or variance; and

Whereas, if the zoning for the property were R-5-D rather than R-1-B the owners would have to apply for a special exception or variance to expand the commercial use of the property; and

Whereas, the owners have filed ABRA application #090804 *(see attached Application) which indicates their intent to provide new rooftop and expanded indoor and outdoor ground level food and beverage service, alcohol service and entertainment until 1 am and thus greatly expand the commercial uses of the property; and

Whereas, in the owners discussions with the neighborhood, the owners have indicated their intent to have TV’s, live entertainment, amplified sound and expanded event capacity that will thereby further expand the commercial uses of the property; and

Whereas the intended changes would have a substantial impact on the peace, order and quiet of the surrounding residential neighborhood, including a significant impact on traffic and parking in the neighborhood, and create an increased trash burden; and

Whereas, the Massachusetts Avenue Heights Citizens Association (MAHCA) which represents all neighbors to the north, south and east of the property, joined by numerous individual neighbors, has filed an appeal with the Board of Zoning Adjustment challenging the issuance of the permits that would result in a substantial expansion of the commercial use of the property

in a residential neighborhood and has asked the Zoning Administrator to reconsider the permits in light of ABRA application for Class C liquor license and entertainment endorsement:

BE IT THEREFORE RESOLVED that ANC3C joins the appeal filed by the Massachusetts Avenue Heights Citizens Association *(see attached document), and

BE IT FURTHER RESOLVED that ANC3C strongly objects to the circumventing of regulatory processes and the issuance of the permits and requests the revocation of the permits; and

BE IT FURTHER RESOLVED that ANC3C requests that the property at 2505 Wisconsin Avenue, NW be required to follow the regulatory process of the District of Columbia, which would either preclude or require the application for a variance and/or special exception (which would be subject to ANC review and allow for neighborhood review and input) for the expansion of a commercial use in a residential neighborhood; and

BE IT FURTHER RESOLVED that the Chair of ANC3C, the Commissioner of ANC3C08 or their designee be authorized to represent the Commission on this issue.

Attested by



Carl Roller

Chair, on July 20, 2015

This resolution was approved by a voice vote, on July 20, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-090804
Licensee: CS Bond ST AB-S Holdings, LLC
Trade Name: The Savoy Suites Hotel
License Class: Retailer's Class "C" Hotel
Address: 2505 Wisconsin Ave., N.W.
Contact: Roderic Woodson, Esq.: 202-457-7138

WARD 3

ANC 3C

SMD 3C08

Notice is hereby given that this licensee has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUEST THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:

Request an additional Summer Garden with 136 seats and Entertainment Endorsement for the Summer Garden. Additionally, to expand the seating capacity inside the restaurant to 98, the bar/lounge to 58, and the Total Occupancy load to 153.

CURRENT HOURS OF OPERATION

Sunday through Saturday 24 hours

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION OF PREMISES

Sunday 10 am – 12 am, Monday through Saturday 8 am – 1 am

HOURS OF OPERATION OF SUMMER GARDEN

Sunday 7 am – 12 am, Monday through Saturday 7 am – 1 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday 10 am – 12 am, Monday through Saturday 8 am – 1 am

HOURS OF ENTERTAINMENT FOR SUMMER GARDEN

Sunday 6 pm – 12:30 am, Monday 6 pm – 1:30 am

HARKINS CUNNINGHAM LLP

Attorneys at Law

1700 K Street, N.W.
Suite 400
Washington, D.C. 20006-3804

Telephone 202.973.7600
Facsimile 202.973.7610

Mr. Lloyd Jordan, Chairperson
DC Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW Ste 200S
Washington, DC 20001
Attention: Mr. Stephen Varga

July 6, 2015

Re: Building Permit B1404954 – 2505 Wisconsin Avenue NW

Dear Mr. Jordan,

Attached please find an appeal from the issuance of the above-referenced Building Permit which I am filing on behalf of the Massachusetts Avenue Heights Citizens Association ("MAHCA") and several individual aggrieved residents of the MAHCA neighborhood.

I have been authorized by the attached letters to represent each of the individual parties. MAHCA is a not-for-profit civic association and, by my signature to this letter and to Form 125, I attest that I have been authorized to appear on behalf of MAHCA as a representative and agent with the power to bind MAHCA in this appeal by emails (attached) from 2 members of the 4 member Executive Committee of the Association and by my own vote as President and member of the Executive Committee. The fourth member was not available to vote.

MAHCA and certain neighbors have been negotiating with the owners of the property that received the permit at issue. We are filing today to avoid any question that our appeal is timely. We hope, however, that a hearing on this manner can be avoided and that we will be able soon to withdraw the appeal because a settlement has been reached.

Very truly yours,


Paul A. Cunningham



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of: Interim Director, DCRA: Melinda Bo

Name of administrative officer and title.

made on May 7, 2015 that states granted Building Permit

Date of decision

No. B1404954 for a project at
2505 Wisconsin Ave

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
<u>2505 Wisconsin Ave NW</u>	<u>0072</u>	<u>0045</u>	<u>R-1-B</u>
			<u>no overlay</u>

Present use of Property: Hotel

Proposed use of Property: Hotel with expanded structures and use

Name of Owner of Property: Cs Bond St. S Properties LLC

Address: 2120 L Street NW Ste 315 Washington, DC 20037-1527

Phone No(s): 202-391-0700 Fax No.: 888-211-3261 E-Mail: mwb@foxhallpartners.com

Name of Lessee:

Address:

Phone No(s):

Fax No.:

E-Mail:

Name of Appellant, if other than Owner: See Attachment #1

Address:

Phone No(s):

Fax No.:

E-Mail:

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: July 6, 2015

Signature of Appellant*: Paul R. Cunningham

Waiver of Fee - Status of Appellant

☐ ANC

☐ DC Government Agency

☐ NCPC

☒ Citizens' Association/Association created for civic purposes that is not for profit

To be notified of hearing and decision (Appellant or Authorized Agent*):

Name: Paul A. Cunningham, Harkins Cunningham LLP

Address: Suite 400 1700 K Street NW, Washington, DC 20007

Phone No(s): 202 973 7601

Fax No.: 202 973 7610

E-Mail: paul@harkins-cunningham.com

* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862



15-000-293

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 05/07/2015

PERMIT NO. B1404954

Expiration Date: 05/07/2016

Address of Project: 2505 WISCONSIN AVE NW	Zone:	Ward: 2	Square: 0072	Suffix:	Lot: 0858
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Description Of Work:

HOTEL WITH 154 ROOMS ON THE 1ST THRU 8TH FLOORS INCLUDING AUTOMOBILE PARKING ON THE G1 THRU G3 LEVELS BELOW GRADE. RENOVATION OF EXISTING VACANT ROOF TO INCLUDE PASSIVE RECREATION AREA WITH 136 SEATS AND 5 STAFF. AN EXISTING RESTAURANT WITH 64 SEATS AND 150 OCCUPANTS 1ST FLOOR. AN EXISTING SUMMER GARDEN WITH 54 SEATS AND OPTIONAL STANDING ROOM FOR 150 PERSONS.

Permission Is Hereby Granted To:

Cs Bond St S Properties Llc

Owner Address:

2120 L ST NW STE 315
WASHINGTON, DC 20037-1527

PERMIT FEE:

\$12,333.75

Permit Type: Alteration and Repair	Existing Use: Transient Lodging (hotel, motel, etc.)	Proposed Use: Transient Lodging (hotel, motel, etc.)			Plans: No
Agent Name: Cris Flack	Agent Address: 20018	Existing Dwell Units: 0	Proposed Dwell Units: 0	No. of Stories: 8	Floor(s) Involved: All

Conditions/ Restrictions:

RENOVATION OF EXISTING VACANT ROOF TO INCLUDE A PASSIVE RECREATION AREA WITH 136 SEATS AND 5 STAFF. AN EXISTING RESTAURANT WITH 64 SEATS AND 150 OCCUPANTS 1ST FLOOR. AN EXISTING SUMMER GARDEN WITH 54 SEATS AND OPTIONAL STANDING ROOM FOR 150 PERSONS. THE ROOF DECK IS NOT AN EXTENSION OF THE RESTAURANT USE.

This Permit Expires If no Construction Is Started Within 1 Year or If the Inspection Is Over 1 Year.

All Construction Done According To The Current Building Codes And Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

Lead Paint Abatement

Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddoe.dc.gov>, Lead and Healthy Housing.

Interim Director:
Melinda Bolling

Melinda Bolling

Permit Clerk
Patrice Derridott

Patrice Derridott

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639
FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557
TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.

ATTACHMENT B

Exceptions To The Administrative Decision

1. Under the Zoning Regulations of the District of Columbia ("Zoning Regulations"), as illustrated on the Attached Extract of the District of Columbia Zoning Map, the existing structure and use at 2505 Wisconsin Avenue (the "Property") are non-conforming: the Property is located in a District zoned R-1-B and is subject to the Naval Observatory Precinct (NO) Overlay. The Decision (Building Permit B1404954 (ATTACHMENT B1) is unlawful because it purports to authorize one or more change in or expansion of the existing structure or use which is prohibited by the Zoning Regulations, if not absolutely, then, at a minimum without the granting of a variance or special exception, and the owners of the Property have neither sought nor received such a variance or exception. See, e.g., DCRM sections 11-201, 11-401, 11-1531, and 11-2001-4.

2. The Decision is arbitrary, and capricious, and unlawful, because it mischaracterizes the use to which Property Owners intend to put the roof for which renovation was permitted. On information and belief, the renovated roof will be used to offer food, beverage, entertainment and Special Events services, not "passive recreation."

3. The Decision is arbitrary, capricious, and an unlawful because it was reviewed and granted as if the Property were located in Ward 2, Square 0072, Lot 0858 (in a District zoned R-5-E) when it is located in Ward 3, Square 1935, Lot 0045 (in a District zoned R-1-B and subject to the NO Overlay).

Methods of Proof.

We intend to prove the merits of our appeal by submission of documentary evidence and legal argument. Should a hearing be required, and the opportunity for witness testimony provided, we shall offer testimony on the nature of the current non-conforming structures and uses of the Property and the Property owners' plans to change and expand both.