

MINUTES OF ACTIONS TAKEN BY ANC 2B, JANUARY 13, 1988

Dupont Circle Advisory Neighborhood Commission 2B met at a public meeting on January 13, 1988 at St. Thomas' Church at 7:38 p.m. Commissioners present were Bass, Grandis, Maggi, Maxwell, Rieffel, Schwager and Schwartz.

1. Motion by Comm. Schwager, seconded by Comm. Schwartz, to approve the minutes as amended of ANC 2B's meeting on December 9, 1987. Motion adopted, 6 yeas, one abstention (Comm Maxwell).
2. Motion by Comm. Schwager, seconded by Comm. Schwartz, to approve the minutes as amended of ANC 2B's meeting on December 28, 1987. Motion adopted, 5 yeas, 2 abstentions (Comms. Bass and Rieffel).
3. Motion by Comm. Maggi, seconded by Comm. Schwager, to elect as ANC 2B officers for 1988: Chairperson, Comm. Schwager; Vice Chairperson, Comm. Grandis; Treasurer, Comm. Maxwell; and Secretary, Comm. Bass. Motion unanimously adopted.
4. Motion by Comm. Maggi, seconded by Comm. Maxwell, to appoint the following persons to positions: Media Relations Representative, Comm. Schwartz; Parliamentarian, Comm. Rieffel. Motion unanimously adopted.
5. Motion by Comm. Schwager, seconded by Comm. Rieffel, to appoint a committee of Comms. Grandis, Maggi, and Schwartz, and chaired by Comm. Schwartz, to meet with the Dupont Circle Citizens Assoc., Residential Action Coalition, Rodney Tenants Committee, and the Bay State Tenants Assoc. to formulate options for responding to the Zoning Commission's decision in Case No. 86-19 (Fourways, Inc.) granting a re-zoning of the property in question. Motion unanimously adopted.
6. Motion by Comm. Maggi, seconded by Comm. Maxwell, to recommend approval of the design for an addition to 2020 O St., N.W. as presented to the HPRB. Motion defeated, 2 yeas (Comms. Maggi and Maxwell), 5 noes.
7. Motion by Comm. Schwager, seconded by Comm. Schwartz, to oppose the design as presented to the HPRB for an addition to 2020 O St., N.W., and to urge the applicant to provide a new design with changes based on the recommendations of the Dupont Conservancy. Motion adopted, 6 yeas, 1 abstention (Comm. Maxwell).
8. Motion by Comm. Schwartz, seconded by Comm. Maggi, to approve the design for exterior stairs to the second floor entrance of 2021 Massachusetts Ave., N.W. (HPA No. 88-142) as presented to ANC 2B. Motion adopted, 4 yeas, 2 noes (Comms. Grandis and Schwager), 1 abstention (Comm. Rieffel).

9. Motion by Comm. Maggi, seconded by Comm. Schwartz, that ANC 2B opposes the new proposal by Boston Properties, Inc. in Zoning Commission case No. 87-18M/86-1C which proposes to alter a covenant on the two properties at issue, because 1) the proposal violates a covenant entered into the by City with Boston Properties (and such covenants should be inviolate), 2) it reduces the total residential stock previously agreed to for the the two lots at issue, and 3) it threatens public use of Rock Creek Park and other public areas bordering the park; ANC 2B also urges the applicant, in any case, to construct the residential portion on these lots prior to further commercial construction; and ANC 2B further offers strong support for the resolution of opposition in this case adopted by ANC 2A. Motion adopted unanimously. (Motion to amend by Comm. Rieffel, seconded by Comm. Schwartz, to add point #3 to the main motion, adopted, 5 yeas, 1 no (Comm. Maggi), 1 abstention (Comm. Bass).)

10. Motion by Comm. Maggi, seconded by Comm. Schwartz, to adopt the position paper presented by Comm. Maggi on Zoning Commission proposals relating to building permits and notification of ANCs (Case No. 87-2). Motion adopted, 6 yeas (Comm. Rieffel was absent for the vote).

11. Motion by Comm. Maggi, seconded by Comm. Schwager, to adopt a policy, as presented by Comm. Maggi, on awarding grants by ANC 2B. Motion adopted, 6 yeas (Comm. Rieffel was absent for the vote).

12. The Treasurer, Comm. Maxwell, reported that there was \$9,705.48 in ANC 2B's accounts of record as of 12/31/87.

The Commission adjourned at 10:18 p.m.

Submitted by:

Dennis Bass
Dennis Bass, Secretary

3/9/88
Date

ANC 2B GRANT POLICY

1. Application. Grant requests must be made on grant application forms approved by the Commission.
2. Funding limit. Grants shall be limited to \$1,000 for an applicant per fiscal year.
3. Budget period. Funds available for a grant are those funds which have been budgeted for grants in the period in which the grant is being voted on by the Commission. Budgets will be based on six-month cycles.
4. Consideration of grants. All grant applications will be considered by the Commission at the first meeting of each quarter. To be considered, an application must be received before the end of the immediately preceding quarter.
5. Itemizing expenditures. Applicants are encouraged to itemize proposed expenditures with grant funds as specifically as possible. If the Commission approves less than the total applied for in the application, it may earmark funds approved for specific items listed in the application or for specific categories of expenditures.
6. Partial funding. If a grant is not approved in full, additional funds may be approved only after the applicant has submitted a new grant application, or resubmitted the original grant application.
7. Criteria for evaluating grants. In deciding whether to approve a grant, the Commission may consider the following criteria, as well as any others the Commission considers appropriate:
 - (a) whether the grant funds would be used primarily to aid residents or organizations in the Dupont Circle ANC's geographic area;
 - (b) whether funding is available to the applicant from other sources;
 - (c) whether the applicant has sought funding from private sources;

PROPOSED AMENDMENTS TO ZONING REGULATIONS

The Zoning Commission is considering four amendments to zoning regulations, as discussed below.

1. The first proposal is to amend 11 DCMR 3202.5 so that the right to construct a building would not vest until a permit to construct the building has been validly issued and the permit holder "has completed a substantial degree of construction under the permit" and in good faith reliance thereon. Current regulations provide that a right vests upon filing of an applicatin with plans.

Pro: ANC 3-C strongly supports this proposal. It would prevent a developer from obtaining vesting before the government and the community had an opportunity to review and comment or oppose the proposal. This rule is necessary for projects which are controversial. It is the rule in the majority of jurisdictions in the country, including MARYland (and is referred to as the Maryland or majority rule). It has worked well throughout the country and will not result in the problems that developers fear (a loss of financing due to uncertainty or a flee to the suburbs by developers).

Con: Developers oppose the plan because banks will be reluctant to lend before vesting occurs. It will also hurt the District by taking away an advantage to development which the District currently has over the Maryland suburbs. The Office of Planning opposes the bill because the phrase "substantial degree of compliance" is imprecise and will lead to litigation against the District. The Maryland rule was developed through litigation, not regulations.

Alternative: The Zoning Commission implied that it would consider as an alternative the adoption of the proposal without the second clause requiring substantial degree of construction, to meet the concerns of the Office of Planning.

Recommendation: That the ANC recommend that the Aoning Commission adopt the proposed amendment or, in the alternative, adopt the first clause of the amendent so that rights vest only after a construction permit has been validly issued.

2. The second proposal is to amend the regulations only to the extent of requiring an applicant to provide a fee with plans when filing an application. The description of the plans which must be filed is also more detailed.

Pro: There was little discussion of this proposal. None specifically in favor. It is basically a continuation of the status quo as far as vesting rights are concerned and therefore would be supported by developers for the reasons set forth above for opposing the first proposal.

Con: ANC 3-A opposes the proposal as continuing the current rule on vesting. As noted above the current rule on vesting does not adequately meet the government's or community's needs.

Recommendation: That the ANC oppose the second proposal.

3. The third proposal would require an applicant for a construction permit to give notice of the filing of the application to the ANC in which the proposed structure would be located "if the area, height, bulk, or other characteristics of the proposed structure are significant."

Pro: ANC 3-C supports this proposal. It would alert ANC's to important projects. Current notification is not helpful because: (1) permit lists are so long important projects are lost among routine ones, and (2) the lists of permit applications do not adequately describe the proposed construction.

Con: The Office of Planning expressed concern about the proposal because of the vague language and because it was duplicative since ANC's already receive notice of building permit applications. The Zoning Commission asked the developers for suggestions on documents which could be provided to ANC's other than the complete construction plans, which are too bulky and detailed.

Recommendation: That the ANC urge the Zoning Commission to adopt the third proposal.

4. The fourth proposal would establish procedures for the District to grant a reservation of a vested right to construct a building before the filing of an application for the permit to construct.

Con: There was little discussion of the fourth proposal. ANC 3-C and the Office of Planning opposed the proposal but did not explain their reasons.

Recommendation: That the ANC take no position regarding the fourth proposal.