



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Special Meeting Minutes

Wednesday, July 6th, 2016; 8:00 p.m.

The Dupont Circle Hotel, 1500 New Hampshire Avenue NW

Call to Order

The special July 2016 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Vice Chair Noah Smith at 9:02 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Amy Johnson (2B01), Daniel Warwick (2B02), Stephanie Maltz (2B03), Michael Upright (2B04), Abigail Nichols (2B05), Mike Silverstein (2B06), John Kupcinski (2B07), and Noah Smith (2B09).

Historic Preservation and Zoning Agenda

2147 P Street NW – Application for a Lot Occupancy Variance and Relief from the Rear Yard Setback Requirement (BZA #19309) (2B02)

Commissioner Warwick moved to submit a resolution to the Board of Zoning Adjustment asking the Board to grant ANC 2B great weight regarding the matter. Commissioner Nichols seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2B wishes to explain, for the record, why the ANC report on BZA #19309 was received after the July 5th deadline. The ANC 2B monthly meeting is held on the second Wednesday of the month, with this month's meeting being July 13th. Without a special meeting, ANC 2B would have held its vote on the case on June 8th, without having as much community outreach. In order to provide for the most community input, ANC 2B scheduled a special meeting for July 6th. With the holiday weekend and commissioner schedules, we were only able to ensure a quorum at this date. For these reasons, ANC 2B asks the Board to consider its recommendation with great weight even though it was submitted tardy.

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Upright seconded the motion, which was voted on and passed (VOTES: 5-0-3). The resolution reads as follows:

WHEREAS, the applicant at 2147-2149 P Street NW proposes to redevelop an existing tavern into a mixed-use residential and commercial building,

WHEREAS, the lot itself is 38 feet wide and 105 feet deep, and has been this way since a subdivision of the block available in the 1892 plat map,

WHEREAS, ANC 2B supports the idea of a mixed use building with neighborhood serving commercial space rather than the existing tavern use, as well as additional housing units within West Dupont,

WHEREAS, ANC 2B appreciates the applicant's proffer of restricting the commercial space from seeking a tavern or nightclub license from the Alcohol Beverage Control Board,

Community Outreach

WHEREAS, the applicant's statement of community outreach includes proactive outreach to ANC 2B Commissioner Daniel Warwick in December 2015, and while there was a short phone call between Commissioner Warwick and the applicant, the outreach was reactive to a request for information from Commissioner Warwick due to the website listing of 2147 P Street NW as an asset on Valor Development's website, which the applicant purchased in August of 2015,

WHEREAS, ANC 2B has worked with the applicant and neighbors since April 2016 to identify concerns and to hopefully reach a compromise beneficial to both existing neighbors and the applicant,

WHEREAS, unfortunately these discussions were unsuccessful,

WHEREAS, ANC 2B has received concerns, letters, and sentiment of opposition from neighbors including at the Georgetown Gate, Dupont West, Westpark Apartments, and historic landmark Walsh Stables,

WHEREAS, concerns of neighbors which have not yet been addressed include:

- The ability to construct a building which does not impact the Dupont West property line wall
- The ability to construct an elevator within the building based on Dupont West's experience with its water table
- The placement of mechanical equipment and ventilation shafts which do not cause greater noise and offensive odor impacts to neighbors
- Specific plans regarding the configuration of the residential and commercial space,

Continuing Historic Preservation Concerns

WHEREAS, ANC 2B believes the applicant's choice to seek Board of Zoning Adjustment approval for two variances before receiving Historic Preservation Review Board concept approval for size and massing is unfortunate,

WHEREAS, ANC 2B believes the project as proposed does not meet the three-part variance request test for either the rear yard setback or residential lot occupancy use requirement,

WHEREAS, as the chair of the Historic Preservation Review Board has often noted, no project is “by-right” in a historic district,

WHEREAS, ANC 2B believes the Historic Preservation Review Board may not approve a fifth story addition based on the historic surroundings including the Georgetown Gate and townhomes along 22nd Street NW abutting the property not exceeding four stories,

WHEREAS, ANC 2B additionally believes the Historic Preservation Review Board may not approve a fifth story addition based on the February 2016 decision of the Historic Preservation Review Board at 1508-1512 21 Street NW, a site which also features historic townhomes within Square 67, where the applicant initially, with Historic Preservation Office staff support, requested a fifth story addition while the Historic Preservation Review Board rejected the fifth story,

WHEREAS, if the Historic Preservation Review Board rejects the fifth story, the applicant’s central core may remove the elevator and reconfigure the design to not cause an argued “practical difficulty” where the applicant has pushed the massing of the addition 27 feet from the front façade,

No Practical Difficulty Exists

WHEREAS, ANC 2B believes meeting the guidelines of the Historic Preservation Review Board within a historic district is not a practical difficulty or exceptional condition, it is a known requirement of developing within a historic district,

WHEREAS, the lot occupancy of the existing structure is based on the 2005 illegal conversion of the rear patio to an extended enclosed first floor without zoning, permitting, or historic approval,

WHEREAS, the illegal addition eleven years ago cut down a 100-year-old linden tree and caused a pine tree to fall due to root exposure and the project as proposed would eliminate the only existing magnolia tree within the rear un-built area bounded by the Walsh Stables, Dupont West, P Street NW, and 22nd Street NW,

WHEREAS, ANC 2B urges the Board of Zoning Adjustment to regard the applicant’s current lot occupancy and rear yard without the illegal addition rather than an addition to a non-conforming rear yard,

There is a Detriment to the Public Good

WHEREAS, ANC 2B believes that there is a detriment to the public good based on the project as proposed, which diminishes light and air quality to residents of the Georgetown Gate, Dupont West, and historic landmark Walsh Stables,

WHEREAS, ANC 2B believes that there is a detriment to the public good based on the fact that the height and lot occupancy of the project as proposed will crowd out the view from P Street NW of the historic landmark Walsh Stables, the most ornate and well preserved carriage house within the District of Columbia, and a listing on the National Register of Historic Places,

WHEREAS, ANC 2B is concerned with the impact to the public good of a developer which, by devising large three and four bedroom units, is able to ignore inclusionary zoning requirements while providing 36 bedrooms, and does not provide affordable housing within their development, and

WHEREAS, while ANC 2B concedes that there may be a “practical difficulty” due to the lack of alley behind the property, this practical difficulty is an argument for a greater rear yard setback than is typical due to the lack of open public space abutting the property rear, as well as the associated additional impacts of trash removal and circulation within the property.

Opposition to Variances

THEREFORE, BE IT RESOLVED that, for all of the reasons stated above, while ANC 2B respects the applicant’s right to pursue zoning relief before historic preservation review, ANC 2B believes that this review is premature and urges the Board of Zoning Adjustment to not decide on zoning relief before concept approval of the project as proposed at the Historic Preservation Review Board.

BE IT FURTHER RESOLVED that if the applicant does not receive concept approval from the Historic Preservation Review Board, ANC 2B urges the applicant to construct a by-right project which fits historic preservation guidelines or to schedule a new hearing with the Board of Zoning Adjustment with updated proposed plans.

BE IT FURTHER RESOLVED that ANC 2B opposes the project as proposed and urges the Board of Zoning Adjustment to reject both variance requests.

BE IT FURTHER RESOLVED that ANC 2B considers historic preservation and zoning questions separately due to the existence of different boards to review these issues and urges the Board of Zoning Adjustment to include, as part of its rejection of both variance requests, that meeting the requirements of historic preservation is not a practical difficulty or exceptional condition.

Commissioner Smith moved to submit a resolution to the Board of Zoning Adjustment requesting a continuance of the Board’s hearing on the matter in order to negotiate a compromise

with the applicant. Commissioner Nichols seconded the motion, which was voted on and passed (VOTES: 6-0-2). The resolution reads as follows:

ANC 2B requests a continuance of the Board of Zoning Adjustment hearing on BZA #19309 until after September 14th of 2016 in order for the Commission to negotiate an agreement with the applicant and the surrounding neighbors regarding the application before the September ANC 2B meeting.

ANC 2B also submits the attached resolution regarding the application, which shall represent the views of the Commission unless a subsequent resolution is submitted to the Board of Zoning Adjustment.

Adjournment

Commissioner Smith adjourned the meeting at 9:57 pm.