



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Dupont Circle Advisory Neighborhood Commission 2B**

June 25, 2012

Catherine Buell, Chairman  
Historic Preservation Review Board  
Office of Planning  
801 North Capitol Street, NE Suite 4000  
Washington, DC 20002  
[historic.preservation@dc.gov](mailto:historic.preservation@dc.gov)

Re: ANC “great weight” before the HPRB; Third Church of Christ, Scientist (900 16th Street NW)

Dear Ms. Buell:

I write to you as the Chair of ANC 2B (Dupont Circle), at the request of the Commission. As you know, Commissioner Victor Wexler and I testified on behalf of the ANC before the the Board at your May HPRB Meeting. We testified to the ANC’s support for the proposed project at 900 16th Street NW, the Third Church of Christ, Scientist. Commissioner Mike Silverstein testified, as well, as a former Chair of the ANC.

We are very concerned about the lack of “great weight” being accorded to ANCs before the HPRB. The staff report on this project, which was released only a few days before the hearing itself, did not even mention the ANC’s position.

As you may know, the staff of other regulatory boards — including the Alcoholic Beverage Control (ABC) Board, the Board of Zoning and Adjustment (BZA), and the Public Space Committee of the Department of Transportation (DDOT) — make a point of including the relevant ANC position in their reports. The resulting final ABC, BZA, and DDOT Public Space decisions also describe the ANC position and explain whether the board is following the ANC or going another direction.

From our perspective, this is the bare minimum required to respect the “great weight” of ANCs: reporting the ANC’s position in the final record and explaining in sufficient detail whether the board agrees or disagrees. However, the HPRB and HPO do not do this, in stark contrast to the other regulatory boards before which we testify on a regular basis.

As part of my testimony at the May HPRB hearing, I expressed some of these concerns, as did Commissioners Wexler and Silverstein. Board members noted that the ANC position is shared with Board members in your briefing packets before a decision is made. This is insufficient to respect “great weight.” As you know, the Board’s final action is normally to accept the staff report, or to accept it with amendments. Because the ANC position is never discussed in the staff report, this means that the final record of decision for the Board never includes the ANC’s position. We might as well have not provided any opinion at all. This does a disservice to the neighborhoods and to the time and effort ANCs spend considering Historic Preservation issues. It is also a violation of the “great weight” standard.

To rectify this failure, the Board should require that staff reports include a statement of the ANC's position and a clear explanation of why the staff recommendation differs from the ANC, if it does differ.

The Board could also better respect the "great weight" of ANCs as a practical matter by having the staff report released earlier in the process. Currently, staff reports are made public only one week prior to a Board hearing. This means that no ANC can ever respond coherently to a staff report, because of our own public notice requirements. Instead, the staff report should be released on the first of the month. This would allow ANCs to carefully consider the staff report and respond directly to the report's findings and terminology. We would be able to articulate our comments in a way that the Board would find more helpful.

The Board could also better facilitate "great weight" in another practical way. As you may know, all of the other boards that I mentioned above — DDOT Public Space, ABRA, and BZA — send proactive notice of each application to the ANC, either through e-mail, regular mail, or both. ABRA provides notices 45 days in advance, as does DDOT. BZA usually shares application materials several months prior to a scheduled hearing. The HPRB, on the other hand, does not do this. Instead, ANCs must wait until HPRB releases its monthly agenda, and scramble to ask for extensions of time if an unexpected project is on the agenda. Or, ANCs have to hope that applicants themselves bring proposals to the ANC's attention. This does not give most ANCs sufficient time to discuss relevant agenda items. The HPO should adopt the procedures of all of the other regulatory agencies and provide proactive notice to ANCs of new applications at least a month in advance.

Finally, we have another concern that is more specific to the 900 16th Street NW project. We learned from the architect's presentation at the May HPRB hearing that the Hay Adams Hotel is well over the height of the proposed plans of Third Church. However, the HPO staff report did not even mention the Hay Adams, which is one block south and closer to the White House — despite referencing more than a dozen other nearby buildings, some of which are more than two blocks away. We feel this was misleading to the Board.

The Board is not well served by staff reports that are silent on ANC positions and omit relevant information about nearby buildings.

ON BEHALF OF THE COMMISSION.

Sincerely,

Will Stephens, Chair

cc:

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