

Statement of Daniel Chao, ANC 6B07 Commissioner
Board of Zoning and Adjustment Hearing, BZA Case #18964
March 31st 2015; 9:30am

Good morning. My name is Daniel Chao, and I am the ANC Commissioner for Single Member District 6B07 located on Capitol Hill East, in which the applicant's project is located.

Today I am here to speak on my experience as the single member district commissioner working with the applicant and neighbors on BZA case #18964, and how we got here today without a resolution between the parties. I am not representing the ANC 6B position, which I voted against because I felt it did not give my constituents enough leverage entering negotiations with the applicant. However my belief that the applicant did not meet ANC 6B's motion and has not conducted proper outreach to immediate neighbors of 1220 Potomac SE is consistent with ANC 6B's position.

Because DC Office of Zoning sent the notification memo to my predecessor's address in mid January, I was not informed of this case until February 25th. Upon notification by our 6B Chair, I immediately reached out to the applicant. Our 6B07 resident member and I met with the applicant's representatives Mr. Bello and Mr. Ali the next day, where we reviewed the architect plan and discussed community outreach. Our resident member and I urged them to conduct outreach immediately and we were told that the applicant, Mr. Ragimov, was out of the country and they will deliver a letter to the immediate neighbors as soon as possible.

On Tuesday, March 3rd, at the 7pm ANC Planning and Zoning Committee Hearing, neighbors saw the architect's plan for the very first time since no outreach had occurred. It became apparent during that Committee hearing that a meeting was long overdue between the neighbors and the applicant to discuss numerous lingering issues in addition to curb cuts and parking. When I spoke to the applicant after the hearing, I posed the fact that his project was considered by ANC 6B last June and the ANC specifically told HP that there were insufficient notification with neighbors. He pleaded ignorance and seemed surprised about the criticism from neighbors and asked for advice on how to proceed.

On Thursday, March 5th, the day of our last big snow storm, over a week after I initially sat down with the applicant's representatives, and 8 months after the applicant's initial appearance in front of ANC 6B, the applicant's staff finally began outreach by posting flyers, circulating a "community survey", which did not include specific information about the size of the project, and placing a comment box on the property for neighbors to deposit their completed survey by that Sunday, March 8th. Neighbors would have just 3 nights to comment.

The neighbors and I would subsequently learn that the applicant had successfully navigated an HP case in front of ANC 6A, soliciting neighbors' support in 2012, in addition to being financially associated with several properties in the District. The applicant, could not possibly have been surprised by vocal objections and concerns raised by 1220 Potomac's immediate neighbors since he is very familiar with the permitting process and cannot be ignorant to proper neighbor outreach.

On behalf of ANC6B, I scheduled a meeting between the applicants and neighbors, on Saturday, March 14th, and hoped that we would be able to hit the reset button. The neighbors and I requested the applicant to work with us, give us a few more weeks and delay this BZA hearing so that we can engage in meaningful dialogue, work out our differences and appear in front of the BZA to present a settlement agreement. The applicant declined.

The applicant did not arrive at the meeting with any ideas or suggestions to satisfy ANC 6B's motion on RPP and TDM. We reviewed 3 pages of proposals I provided, covering the issues of parking, construction management and safety, the foot print of his project, to name a few. He commented positively on two suggestions and ultimately in his testimony submitted to BZA, he included just one. For 90 minutes, the applicant heard numerous concerns but made no hard commitments to address them.

Furthermore, the applicant would not commit to circling back to neighbors or commissioners by a certain date and said it would be possible that he would not re-engage until after the March 31st BZA hearing, fully understanding that he would not meet the ANC's motion if he did so. The applicant's liaison to the neighbors, Ms. Denise Daniel, conveyed to the neighbors she would continue to take concerns of neighbors to the applicant.

On Tuesday, March 17, the applicant submitted his written statement to ANC6B concluding he met the ANC's motion without further consultation with any neighbor or commissioner. While many in our position would have been discouraged enough to cease communication with the applicant, we were not deterred. Per suggestion of other ANC commissioners, I emailed revised proposals incorporating ideas generated from our prior meeting to the applicant and he then responded in writing that he would not re-engage before today's BZA hearing.

To date, this applicant has been explicitly told four times by the ANC to step up and conduct proper neighborhood outreach and has not met anyone's expectation. Regretfully he has decided to burden the BZA to mediate numerous outstanding issues that could have been resolved if he took a serious and open approach to engaging with us. The neighbors of the project no longer trust that they can negotiate in good faith moving forward since the applicant rejected their plea of hitting the reset button. We had hoped to be here today in front of the Board with a success story, where despite initial concerns and working within a very short time frame, two sides came together and resolved our differences. But our existing situation is quite different, due to the applicant's behavior.

On the issue of parking, we respectfully request that the BZA record a covenant against the Property prohibiting any resident from obtaining an RPP for the life of the project, and allow law enforcement to enforce this prohibition, including authority to fine violators. We also request that the applicant include a disclaimer in all unit purchase contract agreements requiring the potential buyer to initial that they have read and understand the restrictions. In case of rental, we ask that the applicant inform the property management company in writing of the restriction in RPP and require renters to initial a document indicating that they read and understand the restrictions.

Given that many unresolved issues remain, including the very unique shape of this through lot and proposed project's mass, I respectfully request that the BZA give careful consideration to not only the issue of RPP and TDM, but also request that both the Office of Zoning and Historic Preservation Office re-evaluate the applicant's plans. It is my understanding when zoning initially approved the rear setback from I Street SE, they considered strictly what the existing law allowed for and did not take into account the extremely unusual shape of the through lot. With Historic Preservation Office, we respectfully request any assistance in encouraging HP to continue studying the building's mass, and scope of the project and whether it truly blends into this block within the Capitol Hill Historic District.