

BZA CASE 18980

LETTER IN SUPPORT OF DEVELOPMENT AT 1636 ARGONNE PL NW

In the appeal of building permits issued by DCRA for 1636 Argonne Place NW, Concerned Citizens of Argonne Place, led by ANC1C Commissioner Alan Gambrell (Appellant), have focused attention on a great number of important topics related to the conversion of single family town homes into multi-unit condominiums.

Exhibits #21 through #22-S, filed by the Appellant on May 5, 2015, just two weeks before the scheduled BZA hearing date, total nearly 200 pages of plans, photos, measurements, emails and assorted paperwork related to 1636 Argonne Place.

In his capacity as a member of ANC1C, Commissioner Gambrell has stated publicly, on several occasions, that his opposition to the conversion of single family town homes into multi-dwelling units is not an expression of anti-development sentiment or “nimbyism”: rather, it is simply his strong conviction that residential developments should strictly conform to existing building codes and zoning regulations.

While we take Commissioner Gambrell at his word and agree with him that residential construction must follow existing rules, we know that there is a degree of justifiable flexibility in the interpretation of these rules by DCRA that is realistically unavoidable.

The current zoning regulations for the District of Columbia, set down in 1958 and periodically revised in piecemeal fashion in the decades since, have for many years caused confusion over the proper interpretation of some of these rules.

Recent efforts (Case 08-06A) by the Office of Planning, the Office of Zoning and the Zoning Commission to review the full set of zoning regulations are commendable. However, the very existence of the Board of Zoning Adjustment underscores the reality that no set of rules can cover all future contingencies in a large, diverse and growing urban environment like our city.

The Appellant’s stated intent is to establish a precedent with BZA 18980 that will limit the discretion of DCRA when issuing permits for the redevelopment of single family town homes into multi-unit dwellings. Appellant suggests the review of all such future projects by the BZA as a substitute for this diminution of DCRA authority.

This approach is inadvisable for several reasons. Small developers might be deterred from projects previously considered matter-of-right if they are reclassified as BZA cases. Home owners who wish to sell to small developers may lose their opportunity to make those sales. Small scale town home redevelopments delayed or cancelled will limit additional residential density in established neighborhoods at a time when the city is still experiencing rapid population growth and a high demand for such projects.

Meanwhile, larger development companies will surely attempt to pursue some of these smaller scale projects through the BZA, further increasing case loads and extending timelines for the completion of small scale residential projects.

1636 ARGONNE PLACE NW

Here are some facts about the property currently under redevelopment at 1636 Argonne Place NW, located in the Lanier Heights neighborhood of Adams Morgan, that Appellant hopes will become a precedent-setting BZA case.

1636 Argonne Place NW [R-5-B Zone]

- Developer purchased this property in early 2014.
- Developer obtained permits for interior demolition in April 2014.
- Developer obtained permits for 4-unit condo in September 2014.
- Appellant contacted DCRA and a Stop-Work Order was issued on 12/3/2014.
- DCRA ruled on 12/12/2014 that FAR was 2.07 and thus noncompliant.
- This ruling was reversed by DCRA one week later.
- Developer obtained revised permits for 4-unit condo in January 2015.
- Appellant filed BZA 18980 on 2/17/2015.
- Developer obtained supplemental permits in April 2015.

Appellant's original complaint was that the maximum FAR of 1.8 was exceeded. While exceeding the FAR by 2% or less is an accepted practice, we calculated the FAR in this case as exceeding the maximum by 15%. Although that is more than the 2% norm, it is not terribly excessive for a redevelopment of this size and scope, and we were not surprised when DCRA quickly reversed their decision.

Since the reversal of that decision by DCRA, Appellant has amassed documents and filed exhibits totaling nearly 200 pages concerning the project at 1636 Argonne Place. Although we lack the expertise to evaluate this material in a timely manner, we trust the BZA will have the time and resources to do so.

Meanwhile, seven single family town homes in Lanier Heights which are planned or already under construction as multi-unit condo redevelopments are now stalled while awaiting the outcome of BZA 18980.

1630 Argonne Place NW - permit issued, work begun, now waiting

1632 Argonne Place NW - permit issued, work begun, now waiting

1634 Argonne Place NW - permit issued, now waiting

1828 Ontario Place NW - permit issued, SWO posted

1835 Ontario Place NW - permit issued

2910 18th Street NW - permit issued, SWO posted

2920 18th Street NW - permit issued, SWO posted

SUMMARY

Appellant believes case 18980 should result in a general reduction of DCRA authority to issue permits for small scale residential redevelopment projects absent BZA review.

We believe establishing such a precedent at this time is unwarranted, since the current Zoning Regulations Review (Case 08-06A) may very soon redefine and clarify so many areas of past and present uncertainty, particularly those regarding parking minimums.

Appellant believes that a ratio of at least one parking space for every two dwelling units must be strictly maintained by DCRA and that any reduction of parking minimums should be allowed only through the BZA process.

We believe DCRA should continue to exercise flexibility and discretion on small scale town home conversions, especially in denser residential zones like Lanier Heights, where strict enforcement of this ratio in some parts of this R-5-B neighborhood could prohibit a third or fourth dwelling unit in a redeveloped town home.

Appellant believes that DCRA and BZA should adopt the strictest, least generous interpretation of zoning rules as a new standard, rather than the more generous interpretations that have been common in recent decades.

We believe that DCRA should continue using the most generous formulas available, for example, in determining Gross Floor Area, Floor Area Ratio, and grade measurements for distinguishing cellars and basements.

Finally, whatever precedents may be set as a result of 18980, or whatever new rules and regulations may be forthcoming in the future, we believe the developers of 1636 Argonne Place NW, as well as the developers of the other small scale conversions previously mentioned herein and currently underway on Argonne Place, Ontario Place and 18th Street NW, should be allowed to complete their current projects in a timely manner under their existing or revised permits.

Sincerely,

Ronald Baker

Ronald Baker
Lanier Heights home owner
1620 Argonne Place NW

Submitted May 8, 2015
on behalf of the members of
NEIGHBORS AGAINST DOWNZONING
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