



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

August 14, 2015

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: Appeal of Building Permit B1404913 - Rooftop Structure at 1731 New Hampshire Ave NW

Dear Chairperson Jordan:

At its regular meeting on August 12, 2015, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 7 of 8 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of 7-0-0:

Whereas the Carlyle Hotel at 1731 New Hampshire Ave is in a R-5 residential zone;

Whereas in 2013 the hotel applied for a permit to build a roof structure, which came before ANC 2B for historic preservation review that year;

Whereas ANC 2B supported the historic review because no structure would be visible from the street and hotel owners testified that the space would be used for “passive” activities for hotel guests, such as sun bathing or yoga.

Whereas the Zoning Administrator issued a letter on July 24, 2013 indicating that “passive recreational” use of the rooftop would not constitute additional commercial activities and would thus be allowable under current zoning regulations for hotels in residential zones;

Whereas ANC 2B sent a letter to the Zoning Administrator in November 2013 asking for clarification on the term of art “passive recreational area”;

Whereas ANC 2B received a response from the Zoning Administrator in March 2014 stating that “passive recreational area” includes purchasing and consuming beverages and prepared food items;

Whereas on June 18, 2015 the Department of Consumer and Regulatory Affairs issued building permit B1404913 for construction on the roof, including a bar and seating for 97 with a total capacity of 237 people;

Whereas the plans as approved do not constitute “passive recreational” activities and there are concerns by neighbors on the impacts of over 200 people congregating on the rooftop in close proximity to residential buildings;

Whereas ANC 2B believes that the Zoning Administrator erred in approving building permit B1404913 as a “matter of right” under the current zoning regulations and believes that a special exception to the regulations is required for the proposed construction;

Whereas ANC 2B promotes a community that is hospitable, vibrant, safe and allows for the peaceful enjoyment of residents and business alike; and

Whereas ANC 2B believes that open and honest dialogue between neighbors and the hotel can lead to a formal agreement on the most appropriate use of rooftop space.

Therefore, BE IT RESOLVED that ANC 2B does hereby APPEAL the issuance of building permit B1404913 on the grounds that the Zoning Administrator incorrectly applied the zoning regulations.

BE IT FURTHER RESOLVED that ANC 2B appropriates up to \$3,000 from its savings to expend on the costs of this appeal, including any attorney’s fees, but that costs above \$3,000 will be the responsibility of the neighbors and/or other community groups.

BE IT FURTHER RESOLVED that Commissioners Stephanie Maltz and Noah Smith are designated as the Commission’s representatives for this appeal and may delegate informal responsibilities to residents to assist with communications, meeting planning, and document formulation.

BE IT FURTHER RESOLVED that ANC 2B intends to quickly engage the hotel owners and neighbors in structured dialogue that may lead to formal agreements on the use of rooftop space by the hotel in a manner that is negligibly intrusive to the peaceful enjoyment of property by nearby residents and that such an agreement could support the withdrawal of this appeal.

If you have any questions, please do not hesitate to contact me at Noah.Smith@anc.dc.gov or 202-688-5416.

Sincerely,



Noah Smith
Chair

CC: bzasubmissions@dc.gov, richard.nero@dc.gov, sara.bardin@dc.gov,
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