

Andrew Ellenbogen
Sarah Ellenbogen
1758 Church St., NW
Washington DC, 20036

VIA E-MAIL

December 10, 2015

Chair Marnique Heath
Board of Zoning Adjustment
1100 4th Street, SW, Suite 200S
Washington, DC 20024
bzsubmissions@dc.gov

Re: Opposition to BZA Case No. 19133

Dear Chair Heath and Members of the Board:

We write to oppose the variance sought by J. River 1772 Church Street, LLC and St. Thomas' Episcopal Parish in BZA Case Number 19133.

We live at 1758 Church Street, within 200 feet of the proposed project. We have followed and studied this project very closely since February 2014, when St. Thomas and developer CAS Riegler released their initial plans. We have attended numerous meetings of HPRB, ANC 2B, the Dupont Circle Citizens Association and the Dupont Circle Conservancy. We have also attended community meetings involving the church, developer and neighbors. Finally we have met personally with church leaders, CAS Riegler principals, ANC commissioners and HPO staff.

We oppose the application because, separate from the project's many other flaws, we believe the applicant fails to meet the requirements for this variance. We address just some of the application's weaknesses below.

Element Two

The applicant fails to prove in any compelling fashion that the variance would in fact actually impose a practical difficulty. More than anything, they merely assert their desired conclusion

(“it would simply not be feasible to accommodate all of the practical functions that must be on the ground floor of the new residential structure”).¹

Where substantive arguments are attempted, they omit inconvenient, but relevant factors. For example, the application recites a litany of residential project components that cannot be altered - the building core, lobby, mailboxes, trash area, stairs, etc. But even after all of these supposed unalterables, there is still ample space to move, resize or reshape the residential units on the first floor, and this is simply omitted from the discussion.

Elsewhere, the applicant essentially asserts that they are boxed in by the requirements of historic preservation. It is unclear why compliance with one set of applicable laws (historic preservation) should excuse compliance with another set of laws (zoning). The fact that both zoning and historic preservation laws apply to this site cannot be a surprise to anyone.

It simply strains credulity to suggest that in a project of this size, it is impractical to find a configuration that satisfies both zoning and historic preservation while also meeting the functional needs of the buildings. The true motivation here seems to be to maximize profit-generating residential space. And as far as we have been advised, facilitating profit is not a valid rationale for a zoning variance.

Element Three

Finally, the variance will exacerbate the project’s detrimental impact on the neighborhood. As we understand them, lot occupancy limits are designed in part to provide buffer spaces among neighbors and buildings that are otherwise densely packed into small areas. Here, even a conforming project would impose tremendous (many would say excessive) mass on a small, traditionally low-scale interior street. Allowing the variance will only exacerbate this problem. Furthermore, even a conforming project would impose substantial additional traffic and traffic hazards upon an already overcrowded alleyway and its intersection with 18th Street. Again, allowing the variance will exacerbate the problem. In short, this project will impose substantial new crowding, traffic, and safety hazards, while diminishing light, air and privacy. What’s needed to make this project “fit” is a little more breathing space. The zoning requirements provide for exactly that, and that’s exactly what would be lost if the the variance were granted.

Sincerely,

/s/ Andrew and Sarah Ellenbogen

¹ We do not discount the efficacy of this strategy; our two year-old applies it to great effect (“But why should you have the ice cream?” “Because I want it!”). Negotiations with toddlers notwithstanding, such a strategy is insufficient here.