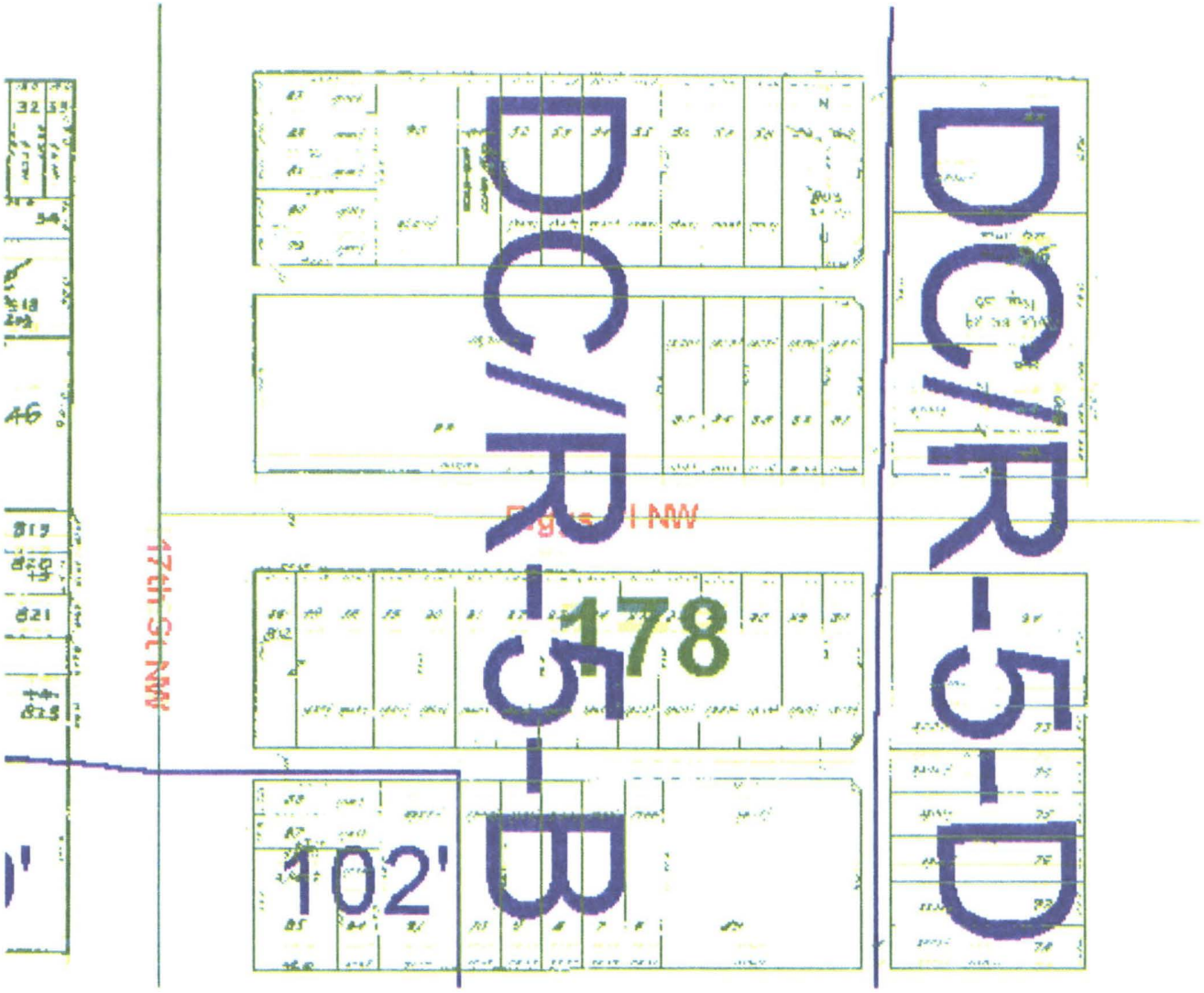


Application No. 16823 of Humberto Gonzalez

Previous Hearing Dates: January 29, March 19, June 4 and 18, and August 6, 2002.

RELIEF SOUGHT: Pursuant to 11 DCMR § 3103.2 for a variance from the use provisions to allow the expansion of an existing bed and breakfast from 6 sleeping rooms to 11 or more sleeping rooms, with group or social events under section 350 at premises 1720 16th Street, N.W.

ZONING: DCOD/R-5-D District
(Dupont Circle Overlay District)

SQUARE & LOT: Square 178, Lot 800

BZA
Case No. 16823
Exhibit No. 90

Board of Zoning Adjustment
District of Columbia
CASE NO.16823
EXHIBIT NO.90

OFFICE OF PLANNING:	**OP recommends CONDITIONAL APPROVAL of the application. Exhibit Nos. 22 and 50.**
ANC 2B:	**The ANC protests the application. Exhibit No. 49**

On June 4, 2002, the Board granted party status to:

- **Residential Action Coalition**
  Represented by Harriet B. Hubbard

- **Dupont Circle Citizens Association**
  Represented by James G. Hill

- **Residents of the 1600 Block of S Street**
  Anne Alvarez and Louis G. Santucci, 1612 S Street, NW
  P. Kenneth and Leslie Jadin, 1614 S Street, NW
  Barbara and Frazer Hilder, 1616 S Street, NW
  J. Adrian & Janessa R. Robinson, 1620 S Street, NW

- **Residents of the 1600 Block of Riggs Place**
  Margot Polivy, 1611 Riggs Place, NW
  Laurie Emrich, 1609 Riggs Place, NW
  Russell B. Stevenson, Jr., 1612 Riggs Place, NW
  Max and Vickie Bruff Salas, 1610 Riggs Place, NW

- **Advisory Neighborhood Commission 2B is automatically a party to the case. Vince Micone, Chairperson, is the ANC's representative.**

The Board determined that the order of cross-examination would be:

1. ANC 2B
2. Residential Action Coalition
3. Dupont Circle Citizens Association
4. S Street residents are to be represented by P. Kenneth and Leslie Jadin
5. Riggs Place residents are to be represented by Margot Polivy

The Project:

The site is referred to as The Toutorsky Mansion. The building is located in the 16th Street Historic District; however, it is not a designated historic landmark. The building is a rare surviving freestanding Victorian mansion which was constructed in 1892 for Supreme Court Justice Henry Brown, and later served as the home of Russian pianist Basil Toutorsky.

The Applicant has revised the project several times. On August 6, 2002, the concept presented to the Board was the latest revision, Exhibit No. 73. The Applicant proposed to establish a Bed and Breakfast (B & B) at the site for a maximum of ten single or double guest rooms. No more than four nonresident employees at one time would work at the B & B. Guests of the B & B would host up to 24 events annually; however, there would be no consecutive weekend events. A maximum of 110 guests would be able to attend single events. Limited on-site parking (two spaces) would be available. Additional parking would be provided at a nearby commercial parking garage. Parking for all events (caterers, employees, guests) would be provided off-site.

At the August 6th hearing, Shaughn West testified about the proposed operation of the bed and breakfast (B & B). Ms. West provided details about how the facility would operate on a daily basis and indicated that she has experience operating Swann House, a similar-type of B & B that is located within a short distance of the site.

The Applicant also presented the Board with a list of proposed conditions. The parties were given an opportunity to question the Applicant about all of the new information.

Staff members from the Office of Planning (OP) and the DC Historic Preservation Review Board (HPRB) presented testimony on the application. David McGettigan spoke on behalf of OP and recommended approval of the application. The HPRB staff representative, Stephen Callcott, an Architectural Historian, indicated that he did visit the site and made a preliminary assessment; however, the project was not formally before the HPRB staff and Board. All parties were given an opportunity to ask Mr. McGettian questions. **Additionally, except for Margot Polivy, all parties questioned Mr. Callcott.**

Issues:

The following issues arose, during the course of the hearing:

- The opposition indicated that the Applicant did not provide dimensioned plans as specified by the Board. Also, plans were not provided identifying the interior portions of the building to be demolished and retained.

- The Board ascertained that the Applicant had not provided documentation to substantiate, which interior features of the building would be preserved to Mr. Callcott. Mr. Callcott indicted that photographs, plans and a narrative are required by HPRB of the portions of the building to remain.

  [The Board asked that the Applicant revisit the proposed condition concerning how the interior features of the building would be retained and preserved, Exhibit 75.]

- The community residents were concerned that the on-site traffic and parking activities could spillover onto the surrounding streets, if it is not properly coordinated and controlled. The site has a two-car parking garage. The Applicant's vehicle would occupy one of the two spaces. The second parking space, therefore, is to be used by guests, caterers, employees, etc.

  The Applicant indicated that parking arrangements have been made with Atlantic Valet, a nearby parking garage, to provide parking for guests and other visitors to the site. The Board requested that the Applicant prepare a revised Transportation Management Plan and provide it to the city for review. The transportation plan should include an illustrative site plan to demonstrate how parking and traffic are to be handled.

- The Applicant is renovating the interior of the Toutorsky Mansion. The community residents are concerned that interior work underway may be destroying important building features. The residents were also concerned that there is no agreement in place for the long-term preservation of the building's interior. The Board received testimony that the Applicant has not yet officially provided verification of the building's interior.

  The Applicant and the Architectural Historian testified that in order for the site to be eligible to receive a tax credit under historic preservation guidelines, the building's interior renovation work must meet standards established by the US Department of Interior.[1] Mr. Callcott testified that the building's interiors are among the finest in the city from its period and are remarkably intact and should have very little difficulty meeting the vigorous federal standards.

- The community residents requested that the Applicant work with Advisory Neighborhood Commission 2B and the Dupont Circle Conversancy to preserve the building.

Submissions:

The Board requested the following:

1. A copy of the written parking agreement between the Applicant and Atlantic Valet. **[The document was timely filed. See Exhibit No. 81, Attachment A.]**

2. A revised Transportation Management Plan. The Plan is to be submitted to the DC Department of Transportation (DDOT) for review. The Office of Planning and DDOT are to coordinate this activity. **[The document was timely filed. See Exhibit No. 81.]**

[1] **Mr. Callcott indicated that the federal tax credit program offers five-years of legal protection and financial incentive for the Applicant to renovate the building in a manner which preserves original and significant spaces, features and finishes.**

3. A report from DDOT assessing the revised Transportation Management Plan. **[The report was timely filed. See Exhibit No. 83.]**

4. The Historic Preservation Review office is to advise the Board whether sufficient documentation has been received from the Applicant documenting the interior portions of the building that are to be preserved. [This information must be made available in the city's public records.] **The HPRB response was not in the file on Thursday, October 24, 2002. However, see Exhibit 84.]**

5. The Applicant is to provide plans identifying which portions of the building's interior are to be demolished, if any. **[The document was timely filed. See Exhibit No. 84.]**

6. The Applicant is to refine the proposed conditions, particularly the conditions associated with how the interior of the building would be retained and preserved and how parking and traffic are to be handled at the site. **This document was untimely filed. See Exhibit No. 85.]**

Time line:

September 10, 2002	The Applicant's submission to **d.**
October 1, 2002	Response from **d.**
October 8, 2002	The Applicant's submission of the other materials requested.
October 22, 2002	Responses from all parties on the materials Supplemental report from OP Staff Report from HPRB
October 29, 2002	Continuation of the Public Hearing

Continuation of the Public Hearing

When the hearing resumes, the Applicant will present the requested information. It is also anticipated that the Board will receive **updated** information from the relevant District government agencies, followed by the ANC's presentation. Finally, the Board has allotted **65 minutes** for the opposition to present their case.

Board Members Participating: Geoffrey H. Griffis, Anne Mohnkern Renshaw, David A. Zaidain, Curtis L. Etherly, Jr. and Carol J. Mitten.