

Residential Action Coalition

1524 T St. NW 20009 (202) 265-5961

FOUNDED IN 1983

Re: BZA case 17337, N Street Follies

October 6, 2009

Board of Zoning Adjustment
Suite 210 South
Washington DC 20001

Chairman Loud and Members of the Board,

My name is Kathryn A. Eckles, owner and dweller at 1524 T St. NW since 1973. I am here as the chair of the Residential Action Coalition (RAC) to oppose the relief being sought in this case.

This proposed hotel goes against all the city's regulations for this Special Purpose area of Dupont Circle. The recently passed Comprehensive Plan mandates that infill development is architecturally compatible (policy NNW 1.1.1). These six distinguished row houses in the Historic District would suffer the destruction of parts of three of the buildings and the closing of the space between two of the row houses. Policy H-2.2.1 of the Plan states "discourage the conversion of viable, quality housing units to nonresidential uses such as offices and hotels. Ensure that zoning regulation provide sufficient protection to avoid the loss of housing in this manner." There were permanent residents in these row houses until they were evicted by the present owners who have chosen to leave the buildings tenantless and empty for over a decade. This block of N Street now has no residents left. With the surging demand for housing near downtown, this is the time your Board must recognize the regulations and policies of the City to help restore the balance of housing. These six buildings were built for permanent residents and should be restored for this use.

The application flies in the face of provisions in the Dupont Overlay which states that new development precludes "demolitions that would lead to an increase in height and floor area ratio inappropriate to the area" and also requires protection of open space in order "to preserve areas planned as open gardens and backyards, and protect the light, air and privacy that they provide." The garden behind 1745 N would be completely destroyed by a building covering it. This is completely out of keeping with the row house pattern of land use on the block. Furthermore the Tabard Inn, the adjacent eastern neighbor, would be severely harmed by shadows cast by the proposed high wall which would rob light from rooms, its outdoor restaurant and its green roofs, an sustainable environmental feature which were promoted by the city. With the diminution of western light it might not remain sustainable. (I was one of the group that so carefully crafted the Dupont Circle Overlay, a group equally divided between residents and business owners: preserving open space in our densely built up neighborhood was a prime goal.

In the SP zone the underlying matter of right use is residential: this was reinforced by the Zoning Commission in 1980 in the hotel case when it stopped the matter of right placement of hotels in SP. This block of N where two hotels occupy four buildings a surfeit of hotels has been reached. Policy LU-2.3.19 of the Land Use Element of the Comprehensive Plan states that the Special Exception process should not permit proliferation of non-residential transient use in any one neighborhood. The SP a on nearby streets has no housing, a situation that needs redress.

As to traffic considerations, there is no way that 98 cars could be accommodated without enormous

CASE NO. 17337-A

EXHIBIT NO. 95

Board of Zoning Adjustment
District of Columbia
CASE NO. 17337
EXHIBIT NO. 95

Residential Action Coalition

1524 T St. NW 20009 (202) 265-5961

FOUNDED IN 1983

February 8, 2006

Dear Board of Zoning Adjustment,

The Residential Action Coalition was founded in 1983 and incorporated in 1987. RAC was organized to help preserve the residential character of the Dupont Circle Area and has been actively involved in historic preservation and land use issues in the neighborhood.

RAC closely followed N Street Follies eviction campaign—commencing in 1989—to get rid of multiple tenants from the Woodbine Apartment House at 1755-53 N Street. I personally knew one of the tenants, Mr. Frank Genovese, a 70-year old retiree at the time, who was living on fixed income and who had been there for 28 years and who spent nearly \$20,000 in legal fees defending his rights as a tenant.

The purpose of the "hardship petition" filed by N Street Follies in 1993 was not to obtain a fair rate of return on the Woodbine Apartment building, but to evict the tenants in order to discontinue the housing use. (See the attached public record from the DC Rental Commission.) If a landlord seeks to discontinue a housing use, it must follow the proper statutory and regulatory scheme and offer the tenants an opportunity to purchase the property.

The Woodbine Apartment building at 1755 N Street was the last residential presence on the block and after it was discontinued as a housing use, N Street completely lost its residential component.

The Special Purpose District was created in 1958 to balance residential and professional uses in order to create a buffer-zone between downtown commercial uses and residential areas to the north. The BZA should reinforce this balance on the 1700 Block of N Street, which is an oasis, in and of itself. If city policy is to stabilize the Special Purpose Districts, then keeping the residential use of these buildings is essential. The only other residential building in the SP-1 zone is the Palladium at 1325 18th Street. There is no reason why N Street should not have residential.

The proposed special exception for a hotel by N Street Follies is not consistent with the general intent and purpose of the Zoning Regulations, especially given the fact that there is clear evidence that N Street Follies "hardship petition" was not filed in good faith and was intended solely to force the evictions of the tenants. Had the tenants been allowed to stay, N Street today would have a strong residential component. Furthermore, city coffers would have been enriched by their tax revenues and the historic buildings would not have fallen into disrepair.

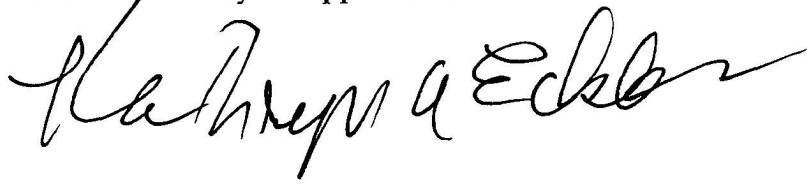
Sincerely,



Kay Eckles
Residential Action Coalition

conflict and congestion by this narrow one lane alley which already suffers from tie- ups due to the number cars already accommodated by surface parking. Dangerous conditions already exist: at the Pen Arts Building at 17th and N the 9 foot wide alley opening has resulted in the complete demolition of an adjacent brick wall by a service truck entering from 17th St. Because of the one- way traffic of N St. and the dead end alley, hotel patrons' cars would have to circle at least five blocks in order to enter the underground parking through the alley. These blocks near Dupont Circle at Massachusetts Ave. are among the most densely congested areas of the city all day long. If any car is using the one lane alley, double parking by a car waiting to enter would inevitably block a full lane of traffic on 17th St. Dangerous congestion would be particularly acute at rush hour. The unloading and loading of cars on narrow N St. would cause congestion as well.

Uphold the regulations and embrace this opportunity to recapture these marvelous row houses for residential use. Deny the application.

A handwritten signature in black ink, reading "Kathryn A. Eckles". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathryn A. Eckles