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BOARD OF ZONING ADJUSTMENT
District of Columbia

2010 APR 20 PM 4:21

April 20, 2010

CASE NO. 17337
EXHIBIT NO. 122

BY HAND

Meredith Moldenhauer, Chair
Board of Zoning Adjustment
441 Fourth Street NW Suite 210 S
Washington DC 20001

Kinley R. Bray

Attorney
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bray.kinley@arentfox.com

Reference Number
029598.00001

Re: BZA Case No. 17337, Response to Applicant's April 6, 2010 Filing

Dear Chairperson Moldenhauer and Members of the Board:

At the conclusion of the March 23, 2010 hearing on the above-referenced Application, the Board left open the record for several post-hearing submissions from the Applicant. The first of these post-hearing submissions was to be filed no later than April 6, 2010 and was to include three things: (1) a hard copy of the slide show presentation used by the Applicant's architects on rebuttal at the March 23, 2010 hearing, (2) a copy of the traffic counts used by the Applicant's traffic engineer at the March 23, 2010 hearing, and (3) a description of how the proposed building design relates to the existing development along the alley in Square 158 (the "April 6 Filings"). The Board further directed the Party in Opposition, Tabard Corporation, to file a response to the April 6 Filings no later than April 20, 2010. This letter shall serve as the Tabard's response to the April 6 Filings.

First of all, it is important to note that Items 1 and 3 above were filed by the Applicant in a single submission dated April 6, 2010. The Applicant has not submitted Item 2, the traffic counts referenced in Osborne George's testimony of March 23, 2010, into the record, as requested by the Board. Thus, the Party Opponent respectfully requests that the Applicant submit such information into the record as soon as possible, but in no case later than the date on which the next post-hearing submission is due to the Board (May 6, 2010), so that Tabard may appropriately respond to the new information that was, in our opinion, inappropriately submitted in rebuttal testimony by a witness not identified for rebuttal purposes prior to the March 23, 2010 hearing.

With respect to the substance of the Applicant's filing, the Tabard's experts in Architecture and Historic Preservation have prepared an additional study responding to the Applicant's assertions regarding the "alleyscape," which is attached. They conclude that the design of the proposed building along alley is not consistent with the scale of development existing in Square 158 and, furthermore, the design is inconsistent with the Historic Preservation Act, due to the significant extent of demolition proposed.

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As stated in our prior filings and in our testimony on the record, the proposed development does not meet the requirements for a special exception in the SP-1 zone district, and will cause real and immediate adverse impacts on the Tabard Inn and on the surrounding neighborhood. We urge you to deny the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kinley R. Bray', with a long horizontal line extending to the right.

Cc: Joel Lawson
Jennifer Steingasser
Arlova Jackson
ANC 2B
Jeremiah Cohen
Emily Eig
Robert Schwartz
Ellen McCarthy
George Keys, Esq.

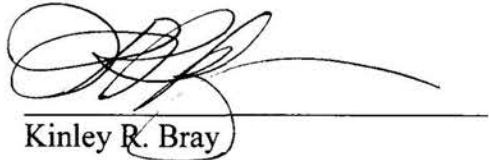
Arent Fox

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was on this April 20, 2010, mailed, first-class, postage pre-paid (and sent via e-mail where noted), to the following:

George R. Keys, Jr., Esq.
Jordan & Keys PLLC
1400 16th Street, N.W.
Suite 710
Washington D.C. 20036
Attorney for N Street Follies

Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

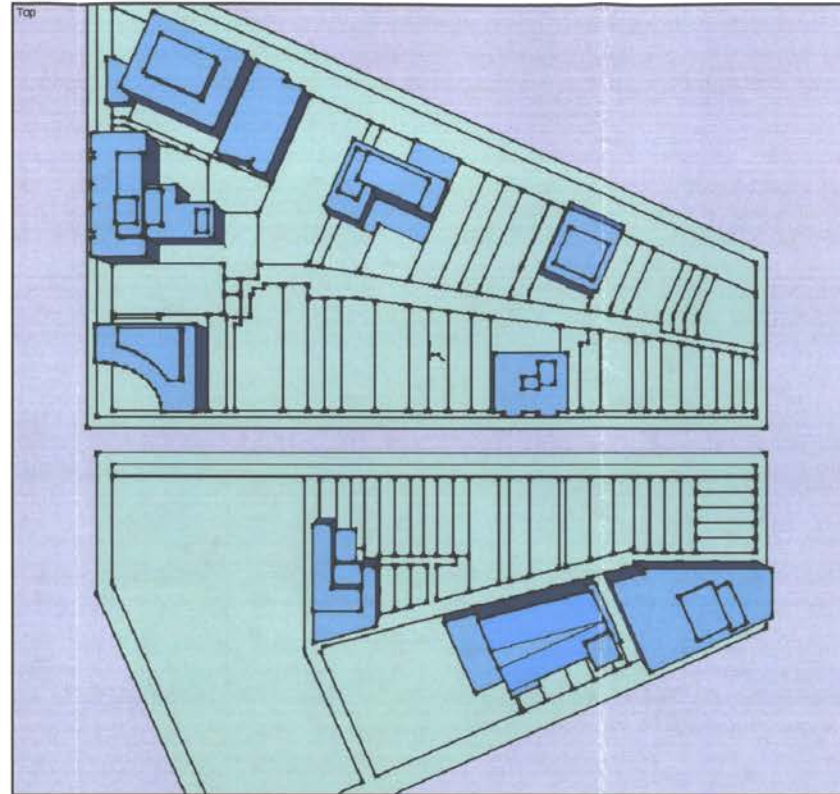


Kinley R. Bray



This is an overhead view of the Contributing buildings which make up the 1700 block of N St. NW in the Dupont Circle Historic District.

Gaps between Historic Buildings indicate lost Historic Resources. The orange areas indicate our best determination of the Applicant's proposed demolition.



Non-conforming structures in the Historic District.

SQUARES 158 AND 159 – OVERHEAD VIEW



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Schwartz & Peoples Architects

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Washington, DC 20009
202-232-5800

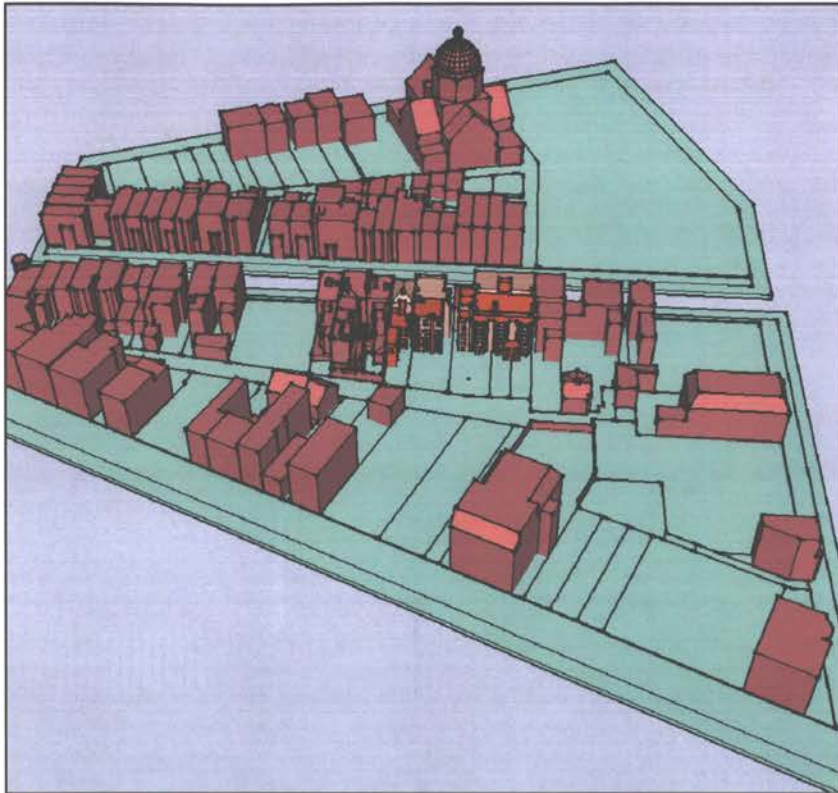
REI TRACERIES INC

1121 Fifth Street, NW
Washington, DC 20001
Phone : 202-393-1199
FAX : 202-393-1056

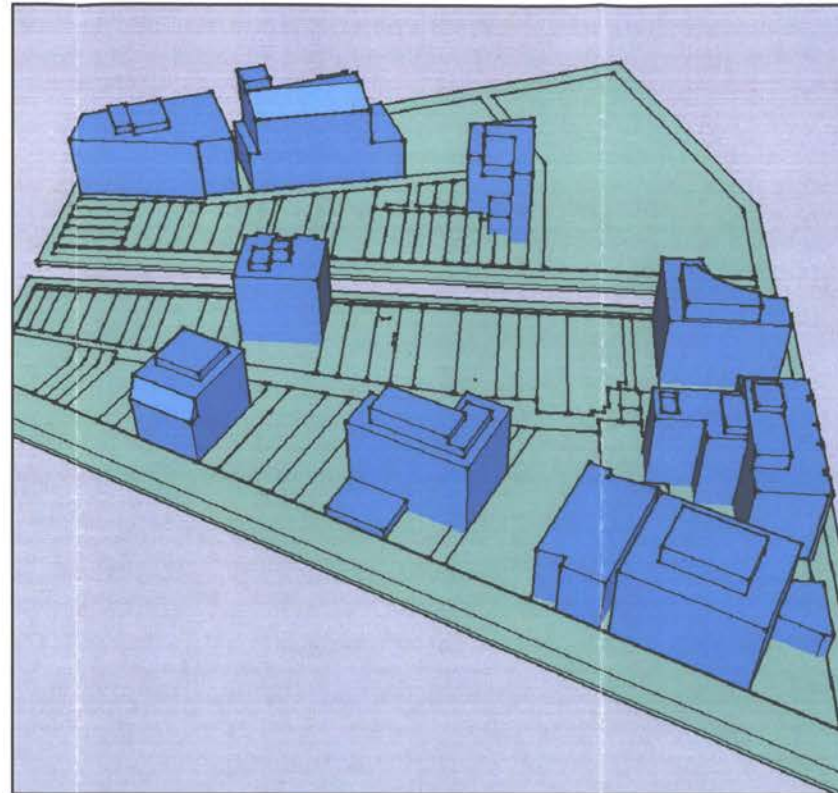
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TITLE: OPPOSITION TO
BZA APPLICATION 17337



Between what was the Roosevelt Mansion (now the Topaz) and Abraham Lincoln's Son's House (now the NAB), is preserved a continuous row of low-scale Historic Structures (1880-1900) with open rear yards. These rear yards consist of the Tabard Garden, the old Gralyn Garden, the old Woodbine Apartment House rear yard, the UAW garden, the Middle East Institute Garden and carriage house, and the NCA Garden and carriage house.



Non-conforming structures in the Historic District.

The N Street Follies Architects argue that "the addition is in general scale with the surrounding structures."

These buildings should not be used as a measure of compatibility for new construction in the historic neighborhood.

SQUARES 158 AND 159 – VIEW LOOKING SOUTH

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

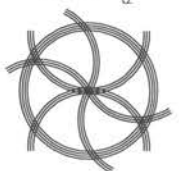
DATE: 4-14-10
4-19-10

TITLE: HISTORIC STUDIES

A2

SHEET2 OF 15

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Alleys in the mid to late 1800s were not designed for automobiles, rather for horse and buggy. Notice the multiple Historic Carriage Houses that not only relate to this history, but also help define the open rear yards and garden areas in the two Historic Squares.

The pictures to the right show the Iron Gate carriage house and several other historic carriage houses.



SQUARES 158 AND 159 – VIEW LOOKING WEST

PROJECT: TABARD INN
1735 N ST. NW
WASHINGTON DC 20036

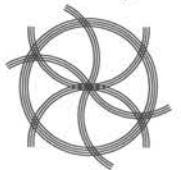
DATE: 4-14-10
4-19-10

TITLE: HISTORIC STUDIES

A3

SHEET 3 OF 15

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Notice the low-scale, low-density nature of the historic district, which is very much intact immediately North and South of N St. NW. The intent and purpose of the Dupont Circle Overlay, passed in 1993, was to protect the low scale, predominantly residential character of this neighborhood. 1501.4(e) of the overlay was written to preserve areas planned as open gardens and back yards and to protect light, air, and the privacy that they provide.



SQUARES 158 AND 159 – VIEW LOOKING NORTH

PROJECT: **TABARD INN**
1739 N St. NW
WASHINGTON DC 20036

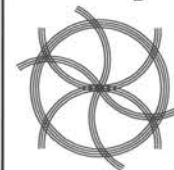
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4-19-10

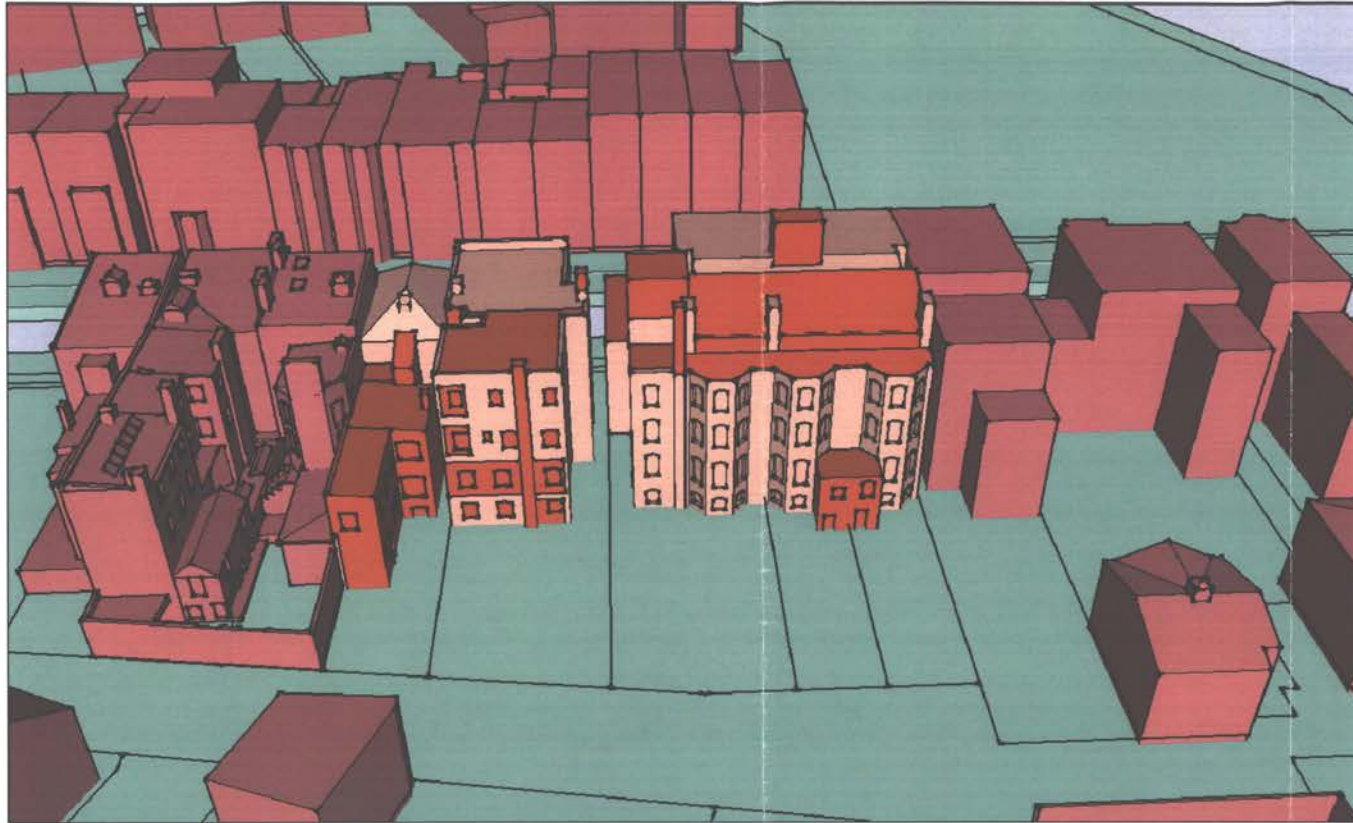
TITLE: HISTORIC STUDIES

A4

SHEET 4 OF 15

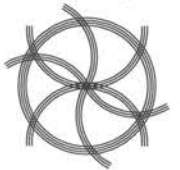
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There is an established pattern to the scale and rhythm of the historic projections, historic gardens, and carriage houses that back up onto the alley and which define the character of the more-than-century old historic district.

EXISTING HISTORIC BUILDINGS



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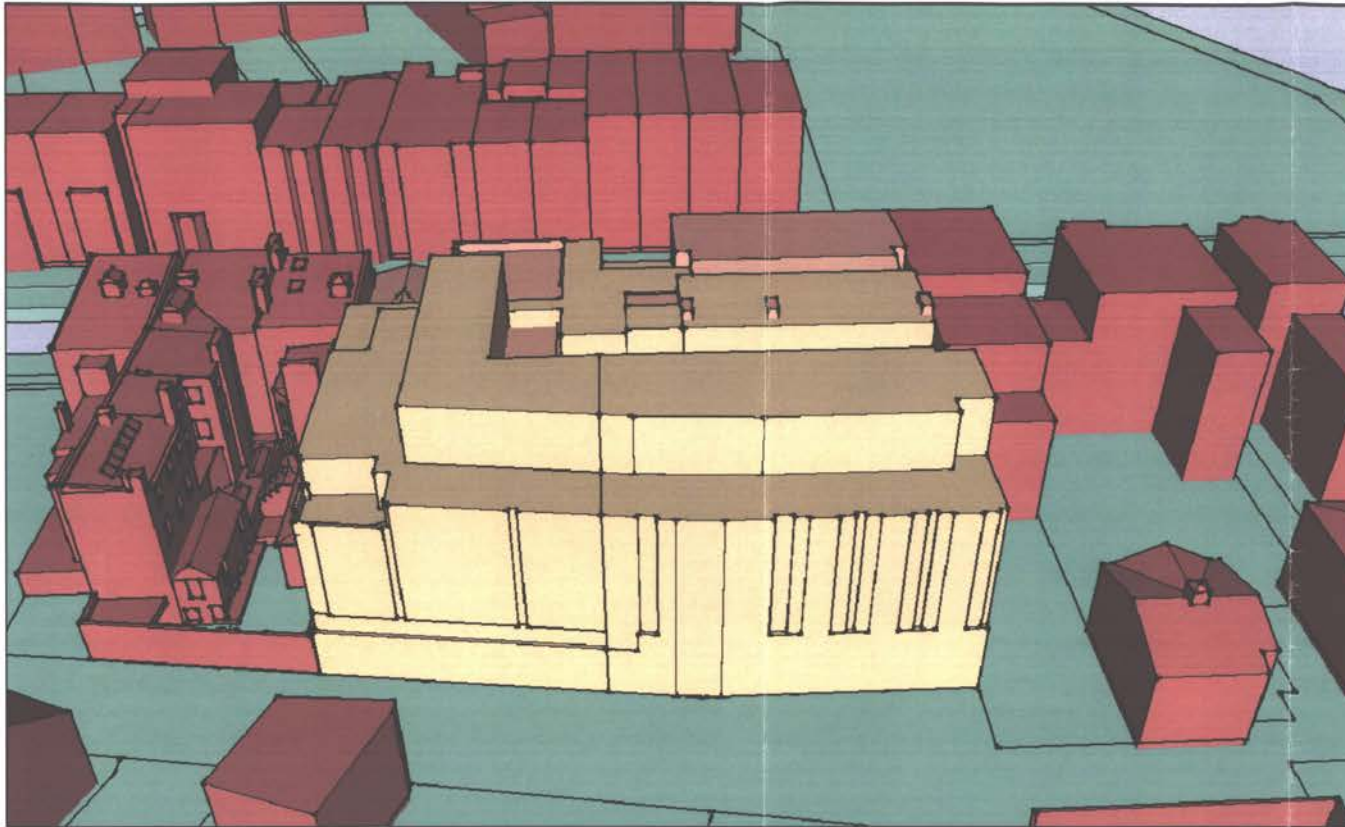
SHEET 5 OF 15

DATE: 4-14-10

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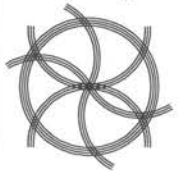
TITLE: HISTORIC STUDIES

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036



In a failure to break down the scale and density of the proposed Follies Hotel, the rear elevation still conveys the monumental image of the previous design. The lowered height of the northeast corner, the relocated penthouse, and removal of the atrium cover, still do not address the incompatibility with the historic rhythm and character of the historic district.

PROPOSED ADDITION



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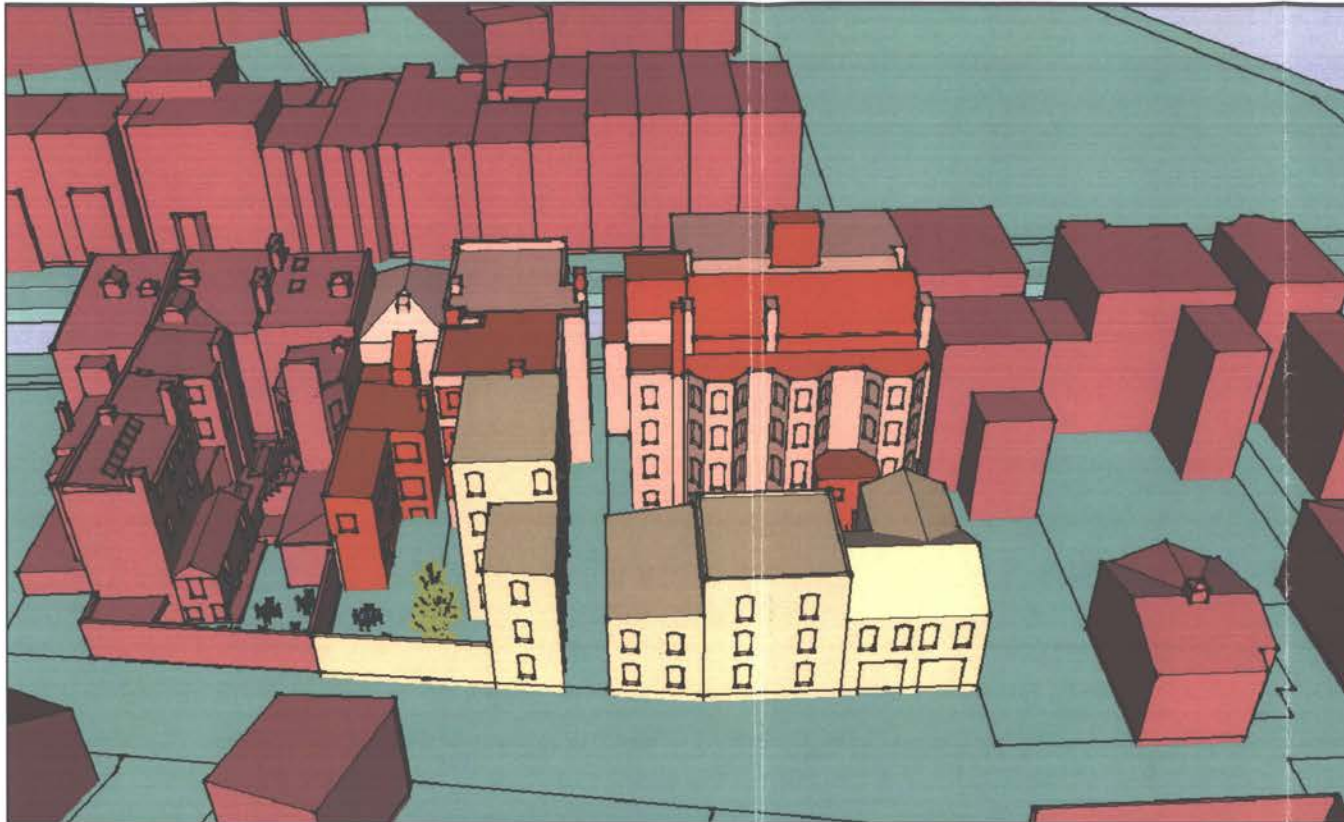
SHEET 6 OF 15

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4-19-10

TITLE: HISTORIC STUDIES

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036



Adaptive reuse of the historic properties might include restoration of the old GrayIn Hotel and Garden with a 4 and 3 story addition behind 1745 N St. NW, and restoration of the old Woodbine Apartment Building, with carriage house additions representing the spirit and history of the neighborhood.

This alternate design saves the historic passage between N St. and the alley, which, up until 1988 had been used by pedestrians for N St. access. Teddy Roosevelt used this passage to take his son to the Force School, which was demolished and is now Johns Hopkins SAIS. The Johns Hopkins SAIS campus backs up onto the subject properties.

ALTERNATE ADDITION AS PROPOSED BY TABARD

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

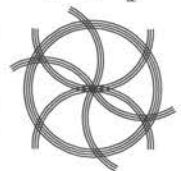
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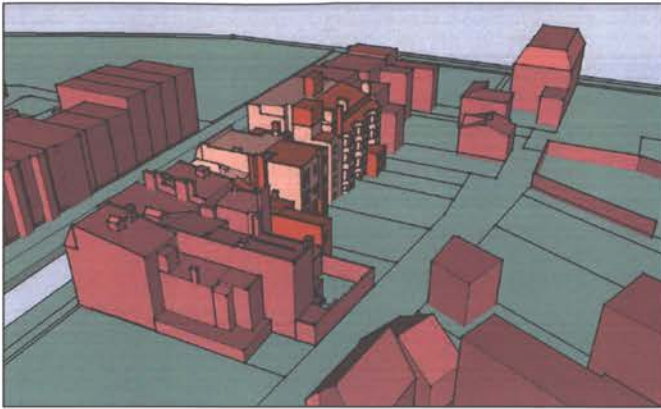
TITLE: HISTORIC STUDIES

A7

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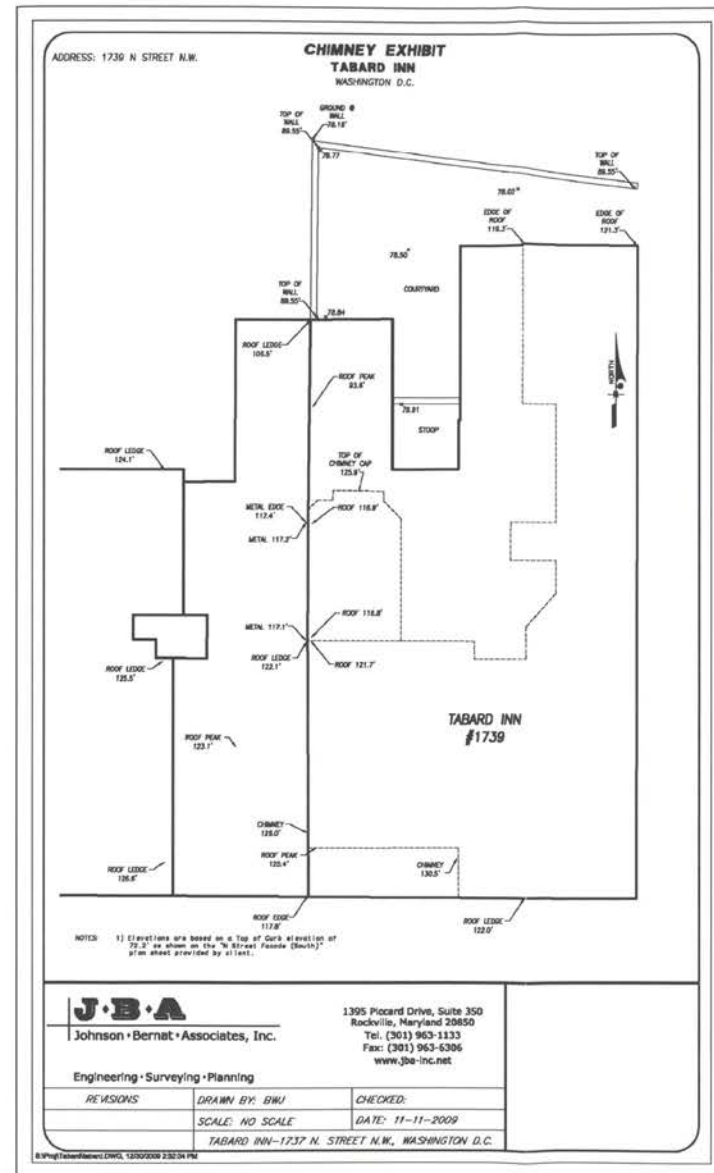
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The Tabard Garden (1924) and the GrayIn Garden (1930) complimented each other by affording the other sunlight at different times of the day. When Waddy Wood built 1743 N St in 1896 he respected the low-scale nature of the neighborhood by building the roof-line of the rear wing of his building below the roof line of 1741, which was built in 1888. Wood sacrificed additional square footage in order to avoid blocking light and air to the rear of 1741 and while doing so created a garden complimentary to the garden next door. These gardens enhanced the social atmosphere of N St. which helped create a vibrant social enclave during most of the 20th century.

EXISTING HISTORIC BUILDINGS



PROJECT: **TABARD INN**
1739 N ST. NW
WASHINGTON DC 20036

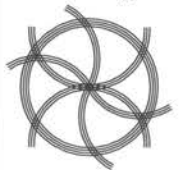
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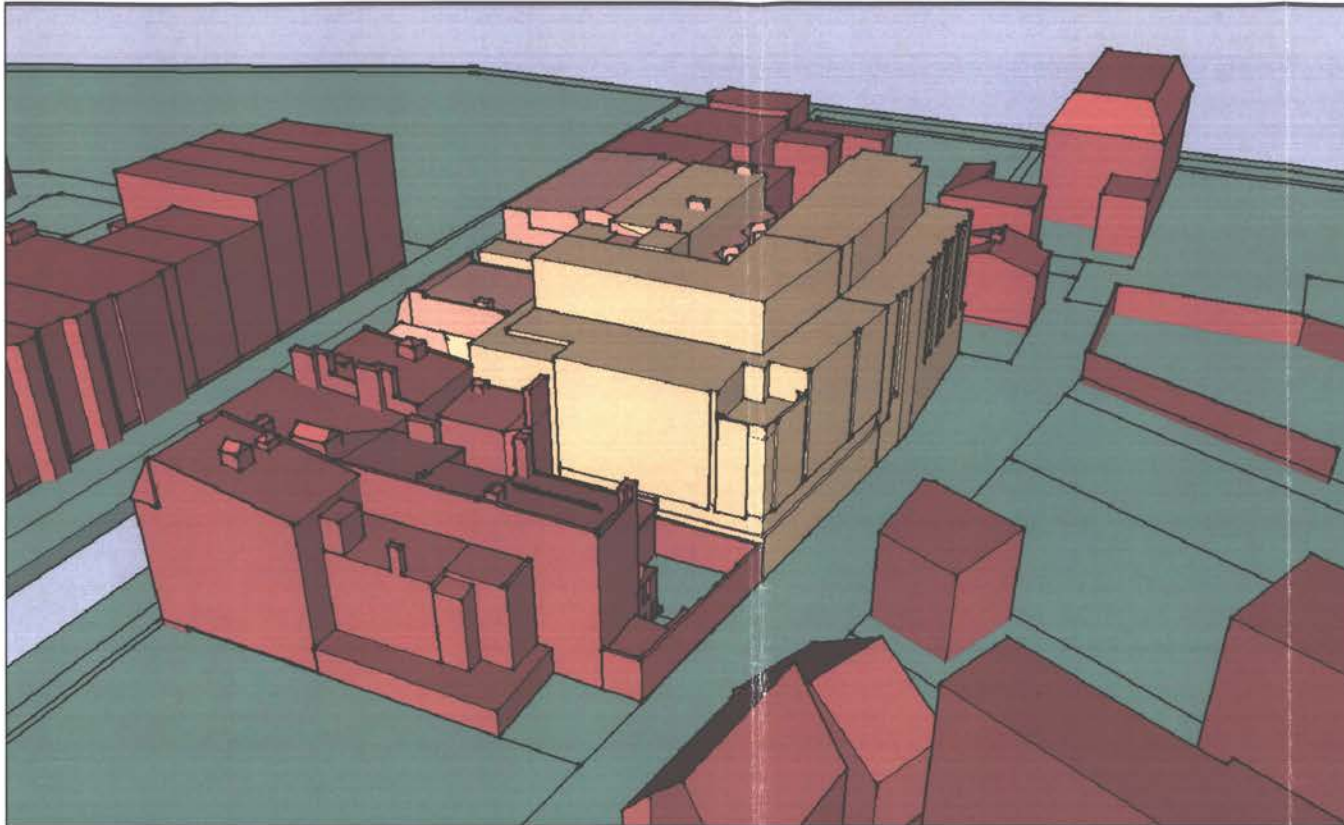
TITLE: HISTORIC STUDIES

A8

SHEET 8 OF 15

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It is our opinion that the NSF design concept muddles the understanding of the historic neighborhood, threatens the integrity of the Tabard building, destroys the Grayln Garden, and diminishes the Tabard Garden in the process.

While certainly greater latitude is in order for a rear elevation, the present monumental design doesn't have any relationship whatsoever with the scale, rhythm, or architectural charater of the townhouse elevations which define this block.

PROPOSED ADDITION

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

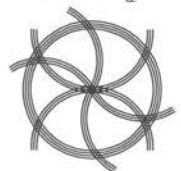
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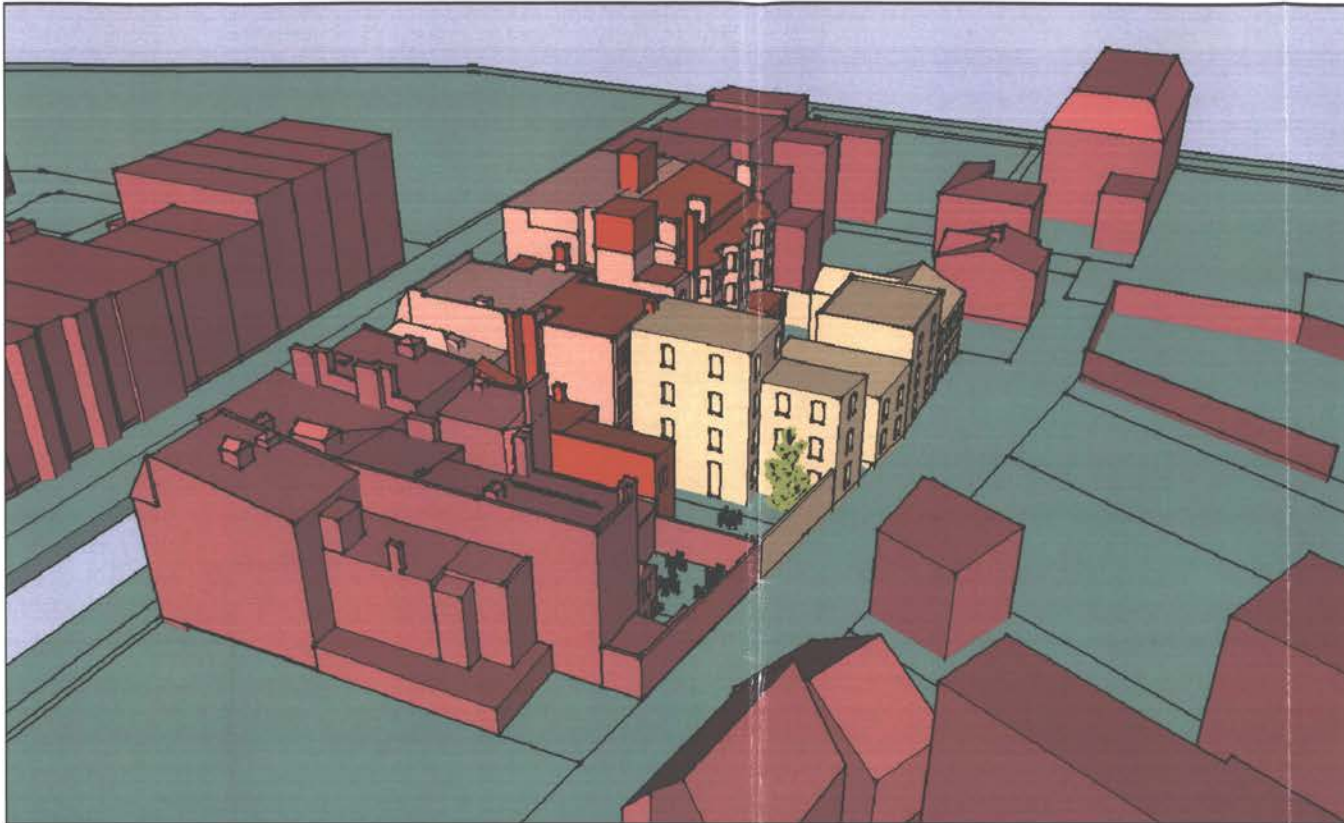
TITLE: HISTORIC STUDIES

A9

SHEET 9 OF 15

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For the past 80 years N St., front and rear, has been a quiet and charming oasis in the midst of downtown. While some interior modification may be necessary for modern use, this alternate proposal more sensitively incorporates the adaptive reuse of these historic structures into the Dupont Circle Historic District.

ALTERNATE ADDITION AS PROPOSED BY TABARD

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

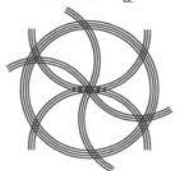
DATE: 4-14-10
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TITLE: HISTORIC STUDIES

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SHEET 10 OF 15

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22 years of ownership of these historic properties by a developer who considers the historic preservation laws to be "confiscatory" has led to a change of the "facts on the ground". The emptying out of the 20-unit Woodbine Apartment building, the boarding up of all the windows (creating a graveyard effect), and the destruction of the historic 3-level Grayln Garden and use as a parking lot without a special exception, has created a misplaced urgency among some that anything is better than nothing.

EXISTING HISTORIC BUILDINGS



Pictured above is the Middle East Institute and the NCA rear yards and carriage houses.

Strong Historic neighborhoods get through these types of challenges without capitulating to what is essentially and simply insensitive and non-contextual development.

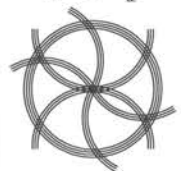
PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

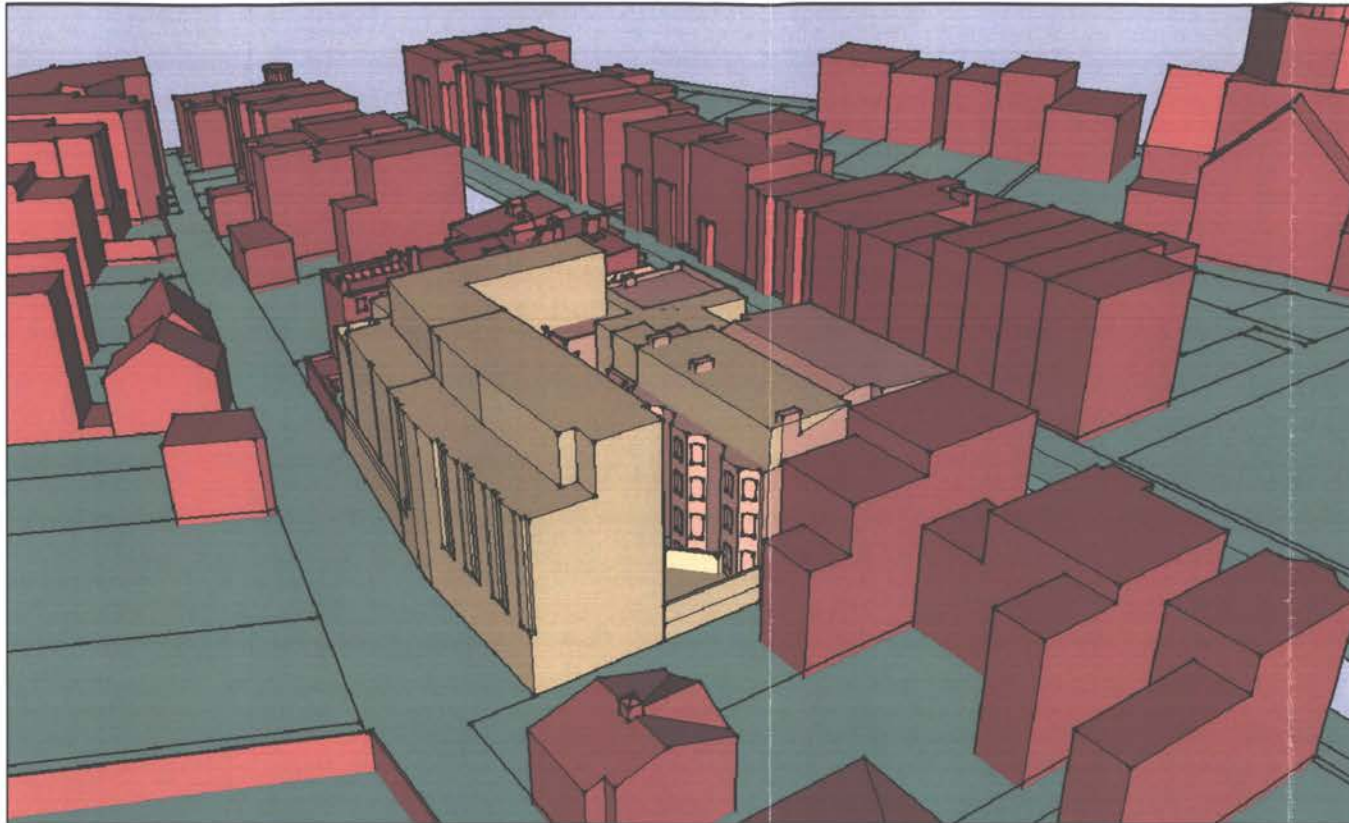
DATE: 4-14-10
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TITLE: HISTORIC STUDIES

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SHEET 11 OF 15

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The Architects argue that the open court contained by the new addition breaks up the massing of the building. Clearly this "breaking up of the massing" only benefits occupants of the building and actually places an excessive amount of massing (approx. 4.57 FAR) immediately next door to the Tabard. It effectively creates a "curtain wall" for anyone standing in the alley.

PROPOSED ADDITION

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

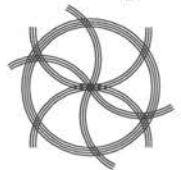
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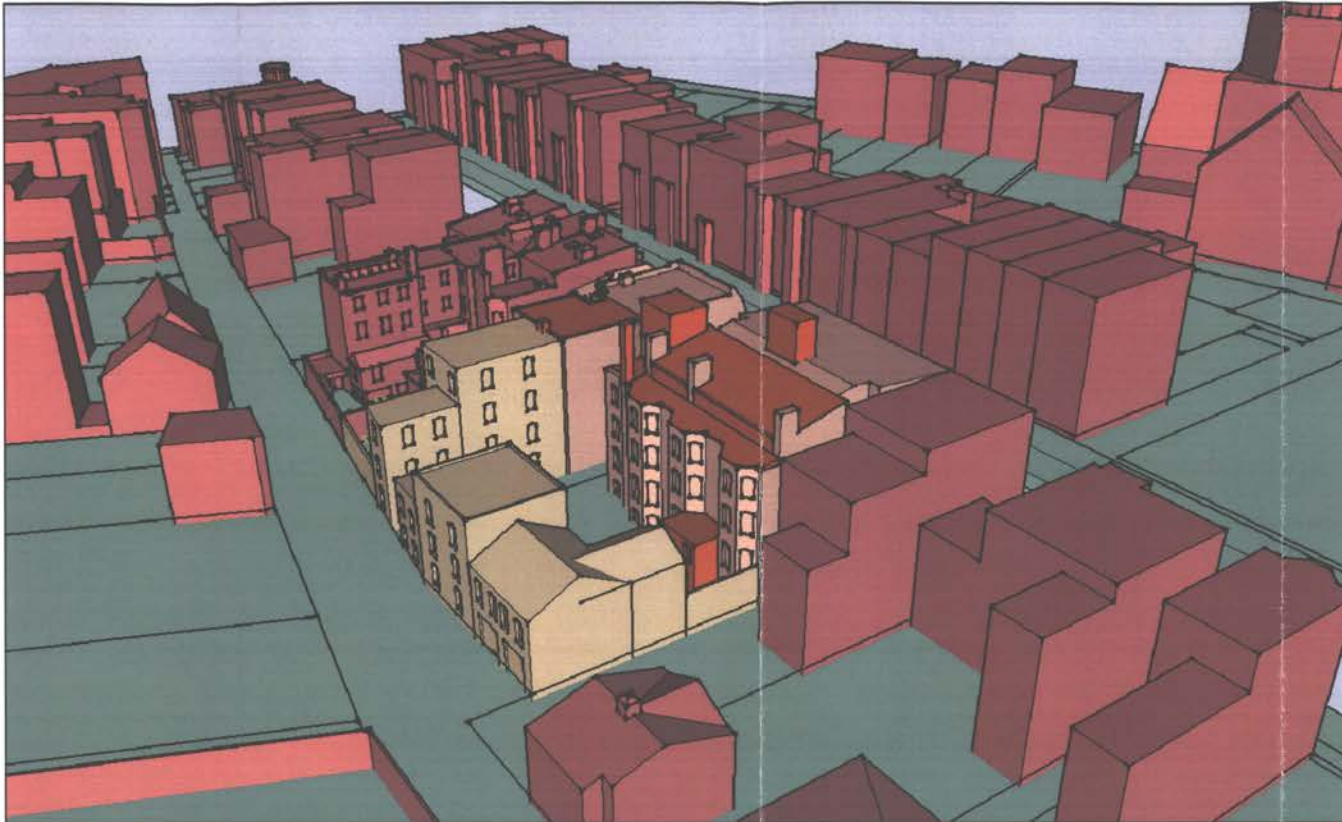
TITLE: HISTORIC STUDIES

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SHEET 12 OF 15

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The six individual historic townhouses combined into three addresses (1745, 1749, and 1755) do not necessarily lend themselves to a "large hotel". Adaptive reuse rather lends itself to the revival of the GrayIn and GrayIn Garden to become a 30 room boutique hotel, and revival of the Woodbine Apartment Building to become a 30 unit apartment or ancillary extended-stay residential building.

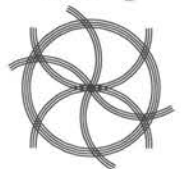
ALTERNATE ADDITION AS PROPOSED BY TABARD

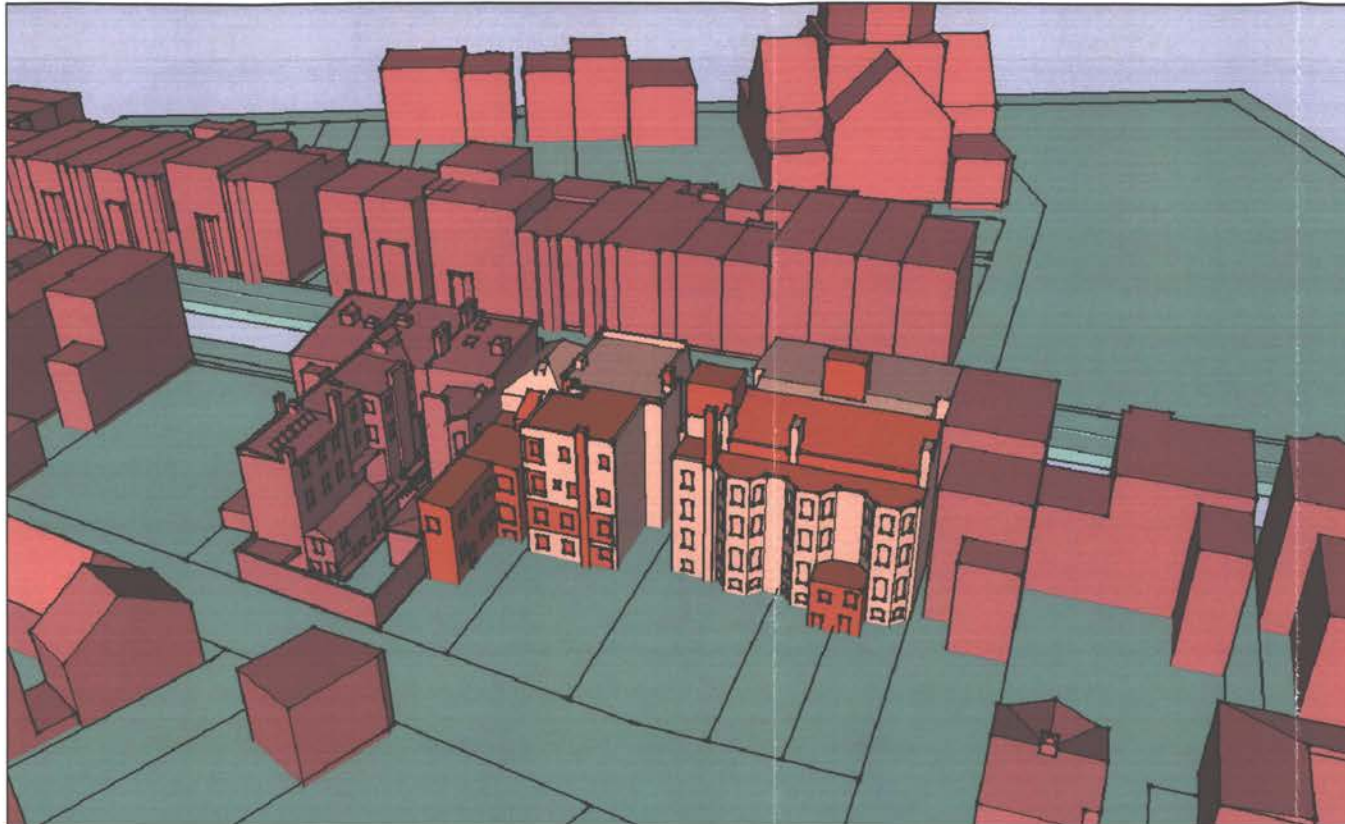
PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

DATE: 4-14-10
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TITLE: HISTORIC STUDIES

A13
SHEET 13 OF 15

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The entire property as well as the adjacent parcels is located within the DC/SP1 zone. The Dupont Circle Overlay was created to ensure that new development was consistent with the scale and character of historic buildings in the area.

EXISTING HISTORIC BUILDINGS WITH DEMOLITION

PROJECT: **TABARD INN**
1739 N ST. NW
WASHINGTON DC 20036

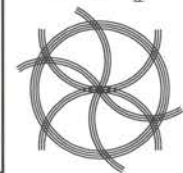
DATE: 4-14-10
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TITLE: HISTORIC STUDIES

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The conceptual design raises preservation issues with regard to demolition. Demolition under the Preservation Act includes the removal or destruction of a substantial portion of the structural components of the building, such as structural walls, floor assemblies, and roofs (305.1.b), or the removal or destruction of all or a substantial portion of the roof along with all or substantially all of one or more exterior walls (305.1.c).

As such, the project is not consistent with the purposes of the Preservation Act unless so determined after review by the Mayor's Agent. We are skeptical that an alternative plan couldn't be developed that either shifts elements that are driving the demolition into the new construction, or that these elements be more sensitively incorporated into the existing structures as has been accomplished in the other buildings on this block and throughout the Dupont Circle Historic District.

EXTENTS OF HISTORIC DEMOLITION

PROJECT: TABARD INN
1739 N ST. NW
WASHINGTON DC 20036

DATE: 4-14-10
4-19-10

TITLE: HISTORIC STUDIES

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