



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

September 15, 2009

Mr. Marc Loud, Chairman
Board of Zoning Adjustment for the District of Columbia
441 4th St. N.W. Suite 210S
Washington, D.C. 20001

Re: BZA Case No. 17337 N Street Follies LP. Application for Special Exception to convert five buildings, 1743-1755 N St. into 96 guest room boutique hotel

Dear Chairman Loud:

At its regular meeting on September 9, 2009, the Dupont Advisory Neighborhood Commission (ANC 2B or Commission) considered the above referenced matter. With a quorum of all nine commissioners present, the Commission unanimously (9-0) adopted the following resolution:

Whereas, "N Street Follies" has submitted a revised version of its 2005 application for a special exception to convert five buildings at 1743-1755 N Street, N.W. into a boutique hotel of more than 90 guest rooms, and

Whereas, the current design represents a great improvement and a significant reduction in massing from the previously submitted design and maintains the historical appearance of the N Street façade, and

Whereas, the current design fails to appreciate the articulation requirements for the historical district of the rear alley façade as suggested by the Dupont Circle Conservancy, and far exceeds the DDOT recommendation for 31 parking spaces in a bottle necked alley,

Whereas, the revised design may result in a plan that meets the requirements of the historical district in the rear of the proposed hotel consistent with the requirements of the Dupont Circle Overlay in Chapter 1501.4(e) and,

Whereas, DDOT recommended in its report dated February 28, 2006 that no more than 31 parking spaces be approved for this property, ANC 2B requests that the BZA instruct the applicant to revise its parking garage plan to more closely reflect the recommendation of DDOT,

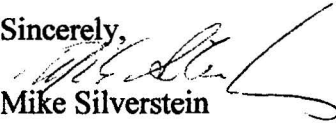
Be it resolved that ANC 2B OBJECTS TO THIS APPLICATION (BZA Application No. 17337) and requests that the BZA instruct the applicant to revise its design, as provided

in Section 512.4, to ensure that the height, bulk and design of the hotel is in harmony with existing uses and structures on neighboring property, giving great weight to the provisions of Chapter 1501.4 (e).

The ANC's representative in this matter is Commissioner Victor Wexler who may be reached at victorwexler@dupontcircleanc.net or by telephone at (202) 745-0054 for further information.

ON BEHALF OF THE COMMISSION.

Sincerely,


Mike Silverstein
Chairman

CC: ANC 2B Commissioners Mike Silverstein and Victor Wexler, Dupont Conservancy President Rick Busch and George R. Keys (Jordan & Keys, PLLC), Sherry Schellin, BZA

Addressed to: Ruthanne Miller, Chair, BZA 441 4th St N.W. Suite 210S.

cc: Rick Busch and Jordan R. Keys, 1400 16th St. N.W. Suite 710, Washington, D.C. 20036 (hard copy)

TESTIMONY OF MIKE SILVERSTEIN, CHAIRMAN, DUPONT CIRCLE ANC 2B BEFORE THE BOARD OF ZONING ADJUSTMENT, TUESDAY, OCTOBER 6, 2009 REGARDING N STREET FOLLIES PROJECT.

Mr Chairman, members of the Board. Good morning. My name is Mike Silverstein, I am chairman of the Dupont Circle Advisory Neighborhood Commission, 2B, and I live at 1301 20th Street, NW....on the corner of 20th and N....barely two blocks from the properties we are discussing this morning.

It is King Solomon who teaches us that to everything there is a season, and a time for every purpose under the heaven....among them, a time to love and a time to hate, a time of war, and a time of peace.

There has been much hatred back and forth over plans for the N Street properties, and there has been a twenty years war since Morton Bender purchased these properties under the name N Street Follies back in 1988. Now has come the time to end that Twenty Years War, a time for peace.

The proposal as set forth by N Street Follies represents a major step forward in addressing the concerns of the neighborhood, and for the first time, we can now see the outlines of a settlement. This is good and great news.

But there are two areas where we believe the proposal must be revised. We refer to these in our letter to Chairman Loud, and in our unanimous resolution, urging two changes before allowing the project to move forward.

First, let's look at the law. These properties and their neighbors are all contributing structures in the Dupont Circle Historic District. They are part of the Dupont Circle Overlay. I refer you to Chapter 1501.4 of the DC Municipal Regulations...Miscellaneous....which refers specifically

to Dupont Circle. This defines the purpose of the Dupont Circle Overlay District....

1501.4(a) Purpose of the Dupont Circle Overlay District is to require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone.

And there is 1501.4 (e) and this is most important: Preserve areas planned as open gardens, and backyards and protect the light, air, and privacy that they provide.

While we are not arguing that the gardens behind the N Street Follies buildings be protected, we do point out that this provision applies to the neighboring properties - as well as to the properties in the application. So the rear area of the Follies property must permit adequate light and air for the historic rear garden of the Tabard Inn. If we are going to allow them to build to the property line - we simply cannot legally overlook the impact of a four to five story wall directly next to that historic garden: How this would affect the light, air, and negatively impact on the Tabard Inn. There MUST be consideration of some sort of additional setback or more gradual increase in height.

The Follies properties are zoned SP-1. SP-1 zone permits 100% lot occupancy only for hotel or inn. No other use would permit that. This is a legal loophole. In view of this, it seems only reasonable that the board - in granting this - takes special note of the adverse impact this would have - and require that the applicant scale back his plans for that space directly next to the garden so that he does not harm to his neighbor.

The Follies representatives came before our ANC last month and cited light and shadow tests taken on a date not far from the equinox that they said showed no adverse affect on the Tabard Inn garden between the hours of 11am and 1pm. That's pretty close to high noon - and

those results speak pretty much for themselves...and against the applicant.

There is a second issue: parking. The fact that they have asked for so much of an increase in parking, begs the question why.....in light of the fact that their hotel neighbors have just a handful of parking spaces.... nearly all the guests come by cab or mass transit....is this is an end run around the Dupont Circle overlay restriction of 65 feet for this zone. Is this really a PUD in hotel's clothing? This does give them flexibility to come back at some later date and seek to change to a mixed use hotel/office building.

Mr Chairman, we agree with DDOT and your staff report that the request for 98 parking spaces far exceeds what the alley behind the property can handle, because the entrance to that alley at 17th Street is a natural bottleneck that is wide enough for only one car. But we don't see anything magical about the number 31, other than it's the existing number of spaces. We are not wedded to the number 31. If a final compromise allows for a few more, and results in a greater setback on what is to be built adjacent to the garden of the Tabard Inn, we will support that to get this project done.

Mr Chairman, this is a time for peace. The war has dragged on far too long. We are all much older than we were when it started....and I hope we are wiser...because none of us is getting younger. We all want to live to see these buildings brought back to life after twenty years. We want to see them restored to their exceptional beauty and protected and cared for. But the law requires we do no harm to the neighboring historic structures.

The outlines of a final, workable compromise are now evident: the proposal, as presented....but with some sort of height setback in the rear next to the Tabard Inn garden, and with fewer parking spaces....though possibly more than 31....but nowhere near 98.

Mr Cohen, Mr Bender and I have recently celebrated the New Year of the biblical calendar. Let it be - at long last - a year of peace. I ask you to help broker that peace. If I may close these remarks with a

quote from the New Testament, Blessed be the peacemakers, for they shall be called the children of God.

Mike Silverstein, Chairman, Dupont Circle ANC 2B Commissioner, ANC 2B06