



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

202-332-2630 • www.anc1c.org

2009 MAR 20 AM 10:19
D.C. OFFICE OF ZONING

Commissioners:

March 17, 2009

Chairperson

Bryan Weaver (1C03)

D.C. Board of Zoning Adjustment

441 4th Street, NW – Suite 200/210 South

Washington, DC 20001

Vice Chairperson

Mindy Moretti (1C04)

Secretary

Kathie Boettrich (1C08)

RE: BZA Order 17431

Treasurer

J. Michael Logsdon (1C05)

Dear Members of the Board:

BID Representative

Nancy Shia (1C06)

I am writing to reconfirm opposition by ANC 1C to proposed modifications to the premises of 2329 and 2335 Champlain St., NW in the above referenced case.

Stacey Moye (1C01)

Chris Otten (1C02)

Wilson Reynolds (1C07)

On December 3, 2008, with a quorum present, Advisory Neighborhood Commission 1C unanimously voted to re-confirm opposition to the proposed modifications, and request the case be reopened.

Again, at the March 4 meeting, with a quorum present, ANC 1C voted to oppose the raze of the property of 2335 Champlain St.

The changes requested, including the raze of 2335 are conditions that require the reconsideration of all facets of this project, as these requests are past the statutory deadline for modifications as outlined in DCMRA Section 3119.3.

Copies of both ANC 1C actions are included with this correspondence.

Thank you for your consideration of the request.

Sincerely,

M. Mindy Moretti

ANC1C Vice Chair

Anc1c04@yahoo.com

202/588-7332

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

17431

EXHIBIT NO.

62

Board of Zoning Adjustment
District of Columbia
CASE NO. 17431
EXHIBIT NO. 62



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Stacey Moye (1C01)

Chris Otten (1C02)

Wilson Reynolds (1C07)

**Resolution in opposition to proposed minor modifications to premises
at 2329 & 2335 Champlain St. N.W., BZA Case 17431;
and request to reopen said case**

Whereas, on May 6, 2006, the Board of Zoning Adjustment did grant
adaptive reuse of the above named premises, and

Whereas, the recently proposed changes are in violation of 11 DCMR
Section 3119.3, whereby modification to approved changes in the BZA
Order faced a deadline of November 28, 2006, now past, and

Whereas, the applicants have allowed two years to pass yet the
building remains unused, with no significant change from November,
2006, and

Whereas, ANC 1C now supports balancing new construction with
limitations of one parking space for every two units of construction,
and no storm water management facilities, and

Whereas, the proposed new modifications: Provide no affordable housing; Provide storm
water management facilities; Provide one parking space for every new unit of residence; and
Provide excessive space devoted to 'Penthouse' construction.

Now, therefore be it Resolved, ANC 1C calls upon the Board of Zoning Adjustments to reopen
case #174131, and

Further resolved, ANC 1C will exercise its standing, and

Further resolved, ANC 1C calls upon the developer of 2329 & 2355 Champlain St. N.W. to
enter into negotiations for a Voluntary Agreement to provide affordable housing, reduced
parking, included bicycle parking, and a penthouse structure in conformity with DCMR 11,
and

Further resolved that ANC 1C stand in opposition to the proposed minor modifications
proposed on October 31, 2008.



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Commissioners:

March 4, 2009

Chairperson

Bryan Weaver (1C03)

Lennox Douglas

D.C. Dept. of Consumer and Regulatory Affairs

Vice Chairperson

Mindy Moretti (1C04)

941 North Capitol Street, NE

Room 2000

Secretary

Kathie Boëttrich (1C08)

Washington, D.C. 20001

Treasurer

J. Michael Logsdon (1C05)

Mr. Douglas,

BID Representative

Nancy Shia (1C06)

On Wednesday, March 4 the Adams Morgan Advisory Neighborhood Commission (ANC1C) voted unanimously to oppose a raze permit for 2335 Champlain Street, NW.

Stacey Moye (1C01)

Chris Otten (1C02)

Wilson Reynolds (1C07)

In addition to objections to the raze permit for the historical neighborhood aspects of the building, ANC1C argues all that our "great weight" with regard to the development at 2335 & 2339 Champlain Street has always included keeping 2335 intact.

At the February 1, 2006 ANC1C meeting, with a quorum present, ANC1C voted 7 to 1 to support a special exception for a project that includes 2335 Champlain. At ANC1C's March 1, 2006 the commission voted unanimously to support three variances for the proposed project that includes 2335 Champlain.

Our "great weight" was based on plans that always included keeping 2335 Champlain as part of the project. It is our belief that because the plans have changed and the developer plans to raze the 2335 building, they should be required to seek the great weight of the ANC again for the previously approved special exception and zoning variances, which as this time should put any raze permits on hold.

Also, in December 2008, ANC1C unanimously voted to oppose BZA Case #17431 (resolution enclosed) which were proposed "minor" modifications to development plans for 2335/2339 Champlain and requested that the BZA reopen its case, which we believe would make the raze permit null and void at this time.

In addition, as ANC6A has recently argued, a raze is not a matter-of-right in face of the opposition of

(more)

the opposition of the ANC. By statute great weight must be given to the formally expressed opinion of the local ANC presented in the form of a letter conveying an adopted motion in opposition to the raze.

Following is an excerpt from a May 31, 2001 letter from the DC Corporation Counsel to David J. Bardin, Chair of Advisory Neighborhood Commission 3F:

As to the argument that no great weight applies to the ANCs' recommendations regarding raze permits, JPDS cites no supporting authority. In fact, the plain language of section 13(d) applies the great weight requirement to section 13(c) and does not limit that applicability to paragraph (c)(1). After review of the arguments and the law, I conclude that notice to ANCs of construction and demolition permits under paragraph (c)(3) is treated identically to notices under paragraph (c)(1), and that such notice includes a 30-day notice period and entitlement to great weight for recommendations made by ANCs. Since the ANC is entitled to notice of the application for a raze permit and its recommendation is entitled to great weight under District law, DCRA may not impliedly amend the ANC Notice Law either by a regulation, or an interpretation of a regulation, that abrogates the right to notice and great weight by vesting the right to raze at the over the counter permit stage.

In answer to your specific questions, I conclude that DCRA was required to give notice to the ANC of the JPDS raze permit application, the ANC is entitled to make a recommendation on the application, and that recommendation is required to be given great weight by DCRA. I do not conclude, however, that the over the counter permit in this case is null and void. I conclude, instead, that the over the counter permit does not vest any right to raze the property; therefore, the ANC may make a recommendation regarding the application, and that recommendation, if timely made, must be given great weight prior to the issuance of the second raze operations permit.

The last sentence makes plain the ANC status.

Thank you for your time, consideration and for, as requested, denying the raze permit for 2335 Champlain Street, NW.

If you have any questions at all, please do not hesitate to contact me or Commissioner Wilson Reynolds.

Sincerely,

Bryan Weaver
ANC1C Chair
202/422-2162
weaveranc@aol.com