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#218
Washington DC 20037-1638

September 13, 2021
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Pdf via email to: bzasubmissions@dc.gov

Re: Prehearing Submission - BZA Case No. 20500 – 2519-2525 Pennsylvania Avenue, NW
Letter in Opposition

Dear Chairman Hill and Members of the Board:

We are residents of the Westbridge Condominium at 2555 Pennsylvania Avenue NW. Our building is adjacent to the Mullett Rowhouses. Our unit is on the east side of the building, at ground level, and immediately faces the alley separating the rowhouses from the Westbridge. We enjoy a walled patio, landscaped with trees and other plants, as do many of our neighbors on the ground floor of our building. We write to bring neighborhood objections to your attention in connection with the special zoning exceptions that the developer seeks.

We support rehabilitation of these decrepit properties. We do, however, harbor serious concerns about the privacy intrusions of the four-story “carriage house” proposed for the alley. There is, we respectfully submit, no meaningful justification for exceptions to the rear yard requirements.

1. The Rear Façades of the Mullett Rowhouses Do Not Merit Historic Protection.

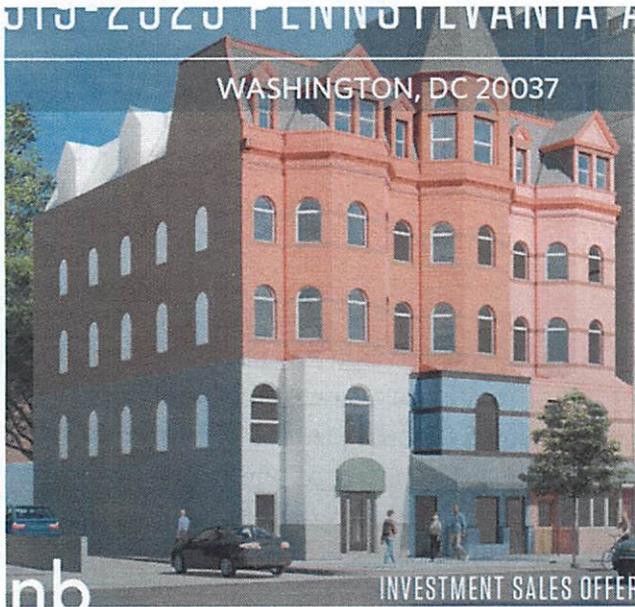
To our understanding, the HPRB traditionally seeks to preserve the *fronts* of historic buildings. In this case, the HPRB has given additional, and undue, weight to preservation of several features of the *rear* façades.

In the 1994 application to add the Mullett Rowhouses to the National Register of Historic Places, no significance was attached to the *rear* façades. The 15-page application describes the historic importance of the buildings with emphasis on the fronts.¹ The brief mention of the *rear* is merely descriptive:

¹ <https://npgallery.nps.gov/pdfhost/docs/NRHP/Text/94001149.pdf>. The 1994 application originally described the buildings’ importance as both architectural and connected to a significant historical figure – Mr. Mullett. The

The rears of the buildings are three stories tall. They have shallow, polygonal bays which rise from grade to the third story roof. The end walls of the projecting bays incorporate chimneys. At the first floor, each bay contains a window in the chimney wall. Some windows on the rear elevations have been infilled with plywood or brick. Fire escapes and ductwork have been mounted to the facades.

Early in the design process for the project, the developer proposed an addition directly at the rear of the existing buildings. We fully support this design.



An HPRB staff member, however, objected to this proposal. The developer has explained that a single HPRB staff member nixed this reasonable approach:

“As you will [see]Tim Denee [sic] would not support the addition. This is what guided the direction of the carriage house.”²

The developer then shifted the proposal to construct a separate four-story structure, termed a “carriage house.” “Carriage house” is a misnomer as, to our knowledge, no carriage house in the city ever consisted of four stories. Adding the element of the carriage house requires the special exception to extend the new, separate four-story building to the rear property line.

approval by the National Park Service specifically rejected protection on the criterion of Mr. Mullett’s historical significance.

² Email communication, Patrick Bloomfield to Ann Franke, 5/2/2021.

Explaining the rejection of the initial design, the HPRB staff member inflated the significance of the rear. With grand rhetoric, the staff member extolled “the character-defining hemi-hexagonal brick walls and chimneys.” The original 1994 landmark application and approval, however, merely described these features. These features were not then, nor are they now, “character-defining” so as to justify special zoning exceptions.

In our view, the HPRB staff unilaterally rewrote history. Construction of the proposed “carriage house” would, moreover, allow only a very few people to appreciate the supposedly important chimneys and walls. The beneficiaries would be limited to residents of the three units in the “carriage house” and a few others who might have a glancing view through the ten-foot wide court space on the second floor.

2. A Critical Four-Foot Elevation Inaccuracy Existed in the Plans Reviewed by the ANC and HPRB. The Developer Delayed until August 25, 2021 in Submitting Accurate Drawings.

The plans reviewed by the HPRB and ANC2A were inaccurate, as they failed to take into account a four-foot elevation gain across the narrow back alley. For the past six months, this error has been repeatedly brought to the developer’s attention. Yet the plans were not corrected until August 25th. The error has a non-trivial impact on the height of the “carriage house,” and the community deserves an opportunity to consider *accurate* information.³

3. The Project Will Adversely Affect Use of Neighboring Property.

Given that the applicant has not even accurately described the surrounding area, one cannot credit its assertion that neighboring properties will suffer no adverse effect. We, among others, will have a looming building encroaching on our privacy, light, and air.

A. The Applicant Incorrectly Describes the Surrounding Area. The applicant inaccurately describes the neighboring properties. The prehearing statement, Exhibit 37A, indicates:

B. Surrounding Area. To the north of the Subject Property is a ten-foot alley. Across the alley is the rear yard of a large condo building (1112 25TH STREET NW), which fronts on 25th Street, NW. To the south of the Subject Property is a Pennsylvania Avenue. To the east of the Subject Property is an alley measuring 20.54 feet in width. To the west of the Subject Property is 2517 Pennsylvania Avenue, NW, which is also part of the Mullett Rowhouses Historic Landmark. (Pp. 2-3)

³ ANC2A scheduled only 15 minutes for community comment and discussion on this matter at its meeting on May 19, 2021. It convened no standing or special committee to address the project in detail and, at the May 19th meeting, dismissed concerns, among others, that the developer’s drawings as submitted were inaccurate.

The corrected information is:

B. Surrounding Area. To the north of the Subject Property is a ten-foot alley. Across the alley is the rear yard of a large **modest eight-unit** condo building (1112 25TH STREET NW), which fronts on 25th Street, NW. To the south of the Subject Property is a [sic] Pennsylvania Avenue. To the **east-west** of the Subject Property is an alley measuring 20.54 feet in width. To the **west east** of the Subject Property is 2517 Pennsylvania Avenue, NW, which is also part of the Mullett Rowhouses Historic Landmark.

Beyond these errors, the description entirely omits two important, large buildings in the immediate area. The Westbridge Condominium, with over 150 units, is across the west alley, at 2555 Pennsylvania Avenue NW. As noted above, it has residential patios abutting the alley. To the east of the three Mullett Rowhouses is the renovated Luzon Building, a large condominium at 2501 Pennsylvania Avenue NW. (Mr. Mullett reportedly committed suicide in the Luzon Building in 1890.)

Omission of these buildings may have been inadvertent, or it may have been designed to buttress the applicant's incorrect assertion that "The neighboring properties include a mix of commercial and of low- to moderate-density residential uses." (Exhibit 37A, page 5) The applicant itself has submitted 337 names of owners of properties within 200 feet of the proposed project. (Exhibit 7) This does not appear to be "low- to moderate-density" residential use.

One can seek to minimize the impact of this project with vocabulary such as "carriage house," "alley," and "low-density." Numerous residential units, including our own, face the alley. This project would impact many people.

B. The Project Will Adversely Affect Use of Neighboring Properties.

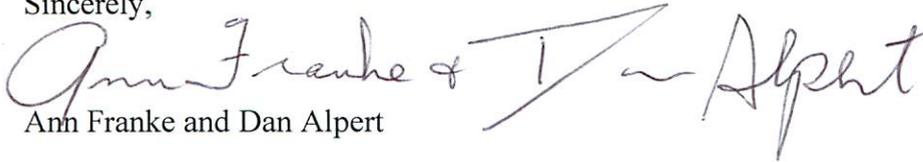
Moving the additional units back from the existing structures – not justified by the historical record – requires a rear yard special exception. The special exception should not be granted if the project will adversely affect the use of neighboring properties.

At four stories tall, the carriage house encroaches on neighbors' privacy, as well as light and air. The Westbridge patios closest to Pennsylvania Avenue will have the new residential units towering over them. Perhaps even more significantly, the absence of a rear yard will position the carriage house only ten feet (the width of the alley) from the condominiums at 1112 25th Street NW. Earlier renovation of the Luzon Building at 2501 Pennsylvania Avenue NW had a deleterious impact on surrounding properties, given both its height and the closure of an alley. Note, too, that construction of the carriage house would block all remaining mid-day sunlight to many residents of 1112 25th Street NW.

Adding directly to the rear of the existing structures would eliminate these problems and leave the rear yard intact. Alternatively, if the carriage house were reduced to a maximum of two stories - like all other carriage houses, eliminating the rear yard would have less negative impact.

For the foregoing reasons, we object to approval of the applicant's requested relief.

Sincerely,

Handwritten signature of Ann Franke and Dan Alpert in cursive script.

Ann Franke and Dan Alpert

cc: Mr. Martin Sullivan, msullivan@sullivanbarros.com
Board Members, Westbridge Condominium Association
Many concerned neighbors