

WPCA Special Meeting Minutes
St. Thomas Apostle Church: Woodley Road, N.W.
Recorded by David MacDonald

- I **Call to Order:** President John Goodman called the meeting to order at 7:42 p.m. on July 6, 2006 and welcomed WPCA members to the meeting.

- II **Agenda Items**
 - A. **Establishment of a Quorum:** Secretary David MacDonald confirmed the presence of a quorum of 12 members of the Woodley Park Community Association.
 - B. **JBG Development Activities and Appeal of Zoning Decision:** Vice President Wes Bizzell explained why the Executive Committee was asking the community to consider approving a WPCA appeal of the decision by the Zoning Administrator to grant a permit for JBG to build an underground parking garage on the Wardman Park Marriott property. The window for appealing this decision will expire on July 14. Advisory Neighborhood Commission 3C voted 6-0 to appeal that decision and to authorize talks with a zoning attorney about such an appeal. A final decision on whether the ANC would appeal would depend on the opinion of the zoning attorney.

The Public Space Committee of DDOT had planned to hold a hearing on the JBG application for curb cuts on June 22, 2006. Because ANC 3C was not given enough time to review certain DDOT documents in advance of the June 22 meeting, the ANC had requested successfully that the curb cuts hearing be postponed until July 27, 2006. Bizzell said the Public Space Committee meetings would be open to the public.

He said the Zoning Administrator had approved two sets of permits, one for enclosing the loading dock and one for building the underground parking garage. The purpose of the Special Meeting was to decide whether to join in the appeal of the permit to build the parking garage. Goodman explained that in the DCRA, the Zoning Administrator reviews all applications for permits to see if they are in accordance with the regulations. He ruled that the parking garage permit was in accordance. We have the option to appeal. If we do, it goes to a quasi-judicial branch of the city government. An appeal to the Board of Zoning Appeals (BZA) was not like arguing a case in court, not like going before a judge. The decision of the BZA can be appealed to a court but the court is likely to find that the BZA knows its own regulations. In general, it is an uphill battle to appeal. Goodman did not think, as a practical matter, we would want to appeal if ANC 3C decided not to go ahead with an appeal. The Executive Committee was asking the WPCA members to authorize it to appeal if the ANC went ahead with an appeal.

Bizzell noted that there were a lot of moving parts and DC government bodies involved. The BZA would be concerned with the appeal of the garage zoning

issue, the curb cuts came under DDOT's jurisdiction, and there was the question of whether the property should have gone through a Large Tract Review under the Office of Planning. There were decision makers for each of these issues.

A lengthy discussion of the various aspects of the issue followed, with members asking many questions and making several suggestions. Goodman noted that at the recent ANC meeting, JBG said the number of proposed condominium units had been reduced from 160 to 120, but the biggest units would be 4,500 square feet. Asked how much the appeal would cost, Goodman said it was hard to estimate the cost. The Executive Committee would seek Association volunteers to help with such appeal-related tasks as writing briefs. An effort would be made to negotiate a favorable arrangement with the zoning lawyer. There were funds available in the Treasury that would be drawn on. An effort would be made to raise contributions from WPCA members and others. The question of whether to appeal was then put the vote. The result was 32-1 in favor of the resolution (see text below) authorizing an appeal of the decision of the Zoning Administrator. Nour Jurgenson cast the dissenting vote.

- C. **Appeal for Volunteers:** Goodman issued an appeal for volunteers to help with the appeal and for volunteers to work on the JBG Committee with Bizzell. There was work to be done so he asked members to dig in, get their hands dirty and do things. He asked for members to write articles and come up with ideas for the Acorn that would be coming out in the fall. He called for help with the new website, such as in the area of web design. He asked for help, from people interested in urban planning, with drawing up a WPCA position on the current effort by the Office of Planning to write a new Comprehensive Plan for DC. The 1,000-page Plan might go this year to the Mayor and Council for approval, or it might be rolled over to next year for a new Mayor and new Council to handle. Goodman also asked for volunteers to help with raising funds for the appeal. Treasurer Jesus Soriano told members we have a solid financial situation, with \$34,000 in the bank. If we did go ahead with the appeal, it would be fair to cap our expenditure from these funds to \$10,000, 30 percent of our funds. If we go ahead with the appeal we will really need help and creative ideas to raise extra funds.
- D. **Adjournment:** Goodman adjourned the meeting at 8:47 p.m.

Attendance: Total 35, including Executive Committee members John Goodman, Wes Bizzell, David MacDonald, Jesus Soriano, Bill Kummings, Elba Morales, Nour Jurgenson, Barbara Ioanes.

Appeal Resolution Text:

**RESOLUTIONS
OF THE
WOODLEY PARK COMMUNITY ASSOCIATION
AUTHORIZING
AN APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR**

WHEREAS, The JBG Companies has announced plans to extensively redevelop the property that now contains the Marriott Wardman Park Hotel, located at 2660 Woodley Road, N.W.; and

WHEREAS, these plans include enclosure and relocation of a loading dock, construction of an underground garage for more than 250 vehicles, demolition of existing hotel buildings and garage space, construction of a nine-story condominium tower and underground garage, and the possible conversion of hotel rooms into residential units; and

WHEREAS, this property is located in residential zones and is, therefore, subject to special restrictions under 11 DCMR § 350.4(d) of the zoning regulations, which “grandfathers” certain hotels located in residential zones and operates to “freeze” those hotels as of May 16, 1980; and

WHEREAS, the Woodley Park Community Association (WPCA) has concluded that the changes proposed by The JBG Companies are not permitted by the zoning regulations; and

WHEREAS, the Zoning Administrator has advised that he has concluded that the zoning regulations permit the construction of the loading dock and the underground garage; and

WHEREAS, based upon this conclusion by the Zoning Administrator, certain construction permits have been issued by DCRA; and

WHEREAS, on June 19, 2006, ANC 3C, by a 6-0 vote, passed a resolution stating its disagreement with the Zoning Administrator’s decision and resolving to appeal the permits issued based on it to the Board of Zoning Adjustment; therefore,

BE IT RESOLVED that WPCA disagrees with the legal conclusions of the Zoning Administrator that the proposed changes are consistent with the zoning regulations; and

BE IT FURTHER RESOLVED that WPCA authorizes the appeal the issuance of permits for construction on this property to the Board of Zoning Adjustment and any or all of the permits that have been issued, are pending or may be issued as a result of the zoning decision, and that it may take whatever action may be necessary or appropriate to ensure that work does not proceed pending the appeal; and

BE IT FURTHER RESOLVED that the Officers and the Executive Committee are instructed to develop and implement plans and methods to obtain funds, including seeking contributions from Association members, to defray the costs of the appeal; and

BE IT FURTHER RESOLVED that the Officers and the Executive Committee may take whatever steps they deem appropriate to carry out these Resolutions, including retaining a land use attorney to assist them in pursuing this appeal.

Dated: July 6, 2006