



Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013



February 26, 2013

Chairman Anthony Hood
D.C. Zoning Commission
441 Fourth Street NW, Suite 210S
Washington, DC 20001

Re: 1350 Maryland Avenue NE (Order No. 10-19)

Dear Chairman Hood and Members of the Commission:

Advisory Neighborhood Commission 6A strongly supports the proposed minor modification of the Zoning Regulations. We support this request because it eliminates the need for unnecessary duplicative design review of the new residential building at 1350 Maryland Avenue NE (the “Property”).

In 2010, this ANC requested the Office of Planning (“OP”) to initiate a case to expand the H Street Overlay. Thereafter, OP filed a report that served as the petition in this case. In a written report to the Commission, this ANC requested that some of the properties, including 1350 Maryland Avenue NE, be rezoned to less-dense zones. On February 7, 2011, the Commission took proposed action to include the Property in the H Street Overlay as well as rezone it from C-3-A to C-2-A.

Following proposed action, the contract purchaser (now developer) of the Property contacted this ANC. The developer was proposing an all-residential building, but the proposed building could not be constructed if the Property were rezoned to C-2-A. Subsequently, this ANC agreed to support retaining the existing underlying C-3-A zone while still including it in the H Street Overlay. In exchange, the developer entered into a binding agreement with this ANC that required design review by the ANC and required the developer to record a covenant on the Property limiting the FAR to 3.5.

The contract purchaser (now developer) complied with all of its obligations in the agreement and provided this ANC with numerous opportunities for design review. The developer engaged this ANC in multiple public meetings to discuss the building’s design. As a result, the building underwent extensive public review, and the developer made many changes to the building design to accommodate this ANC’s requests. In addition, the building’s design fully complies with the design requirements of the H Street Overlay.

Because this ANC treated the Property differently than any other in the expanded H Street Overlay, it never intended that the building would be subject to additional design

review. The covenant and the agreement between the developer and the ANC obviated the need for additional design review under a special exception request. When the ANC requested that the Property retain its C-3-A zoning, it should have also requested a minor text amendment exempting the Property from the special exception requirement. Unfortunately, no such amendment was proposed, and the Commission took final action to include the Property in the H Street Overlay without a special exception exemption. This ANC now supports a minor modification to Order No. 10-19 to include a minor text amendment exempting the Property from the special exception requirement in the H Street Overlay.

This ANC strongly supports the developer's building and would like to see it completed as soon as possible. This building is well-designed, will bring 84 new residential units to the neighborhood, and will include 9 affordable units. In this case, BZA design review will not serve any purpose other than to delay this highly desired project.

Sincerely,

A handwritten signature in black ink that reads "David Holmes". The signature is written in a cursive, flowing style.

David Holmes, Chair