



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



October 2, 2006

Chairman Geoffrey Griffis
DC Board of Zoning Adjustments
441 4th Street, NE, Suite 200 South
Washington, DC 20001

Re: 601-645 H Street Ventures
BZA Case No. 17521

Dear Mr. Griffis:

Advisory Neighborhood Commission 6A is seeking party status for BZA case #17521 because the Board's decision on this application will create the precedent for rulings on large lot redevelopment in the eastern portion of H Street within ANC 6A. ANC 6A is very interested in insuring that new development on H Street complies with the intent of the H Street NE Strategic Plan and the Design Guidelines referenced in §1325.4 of the H Street NE Neighborhood Commercial Overlay District.

Enclosed is a combined Motion for Postponement of the October 10th Hearing and Motion to Specially Set the Hearing to allow more time to address the unique and complicated issues in this case. ANC 6A believes that the revised application filed on September 26th 2006 is incomplete because it does not include enough information to determine compliance with the Design Guidelines. Furthermore, ANC 6C and ANC 6A have not had the opportunity to consider the revised plans at their regularly scheduled meetings.

Sincerely,

/*signed*/

Terres (Drew) Ronneberg
Chair of ANC 6A's Economic
Development and Zoning
Committee and appointed
representative for BZA Case
#17251

Cc: Esther Bushman, Esq., General Counsel to the Office of Zoning



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Clifford Moy, Secretary DC Board of Zoning Adjustments
Travis Parker, Office of Planning
Bill Sisolak, ANC 6C, Zoning Comm. Chair
Anthony Rivera, ANC 6C-06
Randy Kenna, 6th and H Street NE Neighborhood Assoc. President
Monte Edwards, Stanton Park Neighborhood Association
Gary Peterson, Capitol Hill Restoration Society, Zoning Comm. Chair
Norman Glasgow, Esq., 601-645 H Street Ventures

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of)
601-645 H Street)
Ventures LLC)

BZA Case No. 17521

**MOTION OF ADVISORY NEIGHBORHOOD COMMISSION 6A
TO SET THIS CASE SPECIALLY AND TO
POSTPONE THE CURRENTLY SCHEDULED HEARING**

ANC 6A is seeking party status in BZA Case #17521¹, because it will set the precedent for how the BZA interprets the Design Guidelines referenced in §1325.4 for large lot redevelopments in the eastern portion H Street NE that resides in ANC 6A.^{2,3}

ANC 6A is asking for a postponement of the hearing because the revised application filed on September 26, 2006 is incomplete and ANC 6C and ANC 6A have not had the opportunity to consider the revised plans at their regularly scheduled meetings. In addition, it is currently impossible to evaluate compliance with many of the Design Guidelines because the application does not provide detailed information about the materials used to construct the building. Furthermore, a thorough consideration of this application will require additional time at the hearing, because this is the first case where the BZA will determine whether a structure complies with Design Guidelines referenced in the H Street NE Neighborhood Commercial Overlay District.

Because of the complex nature of the case and fact that the application is incomplete, ANC 6A is requesting that: (1) this case be postponed by at least 1 month from the presently scheduled October 10th hearing agenda to provide the applicant more time to demonstrate compliance with the Design Guidelines and provide the community more time to review the revised plans, and (2) extra time be set aside for this case at the hearing so that the BZA can fully address arguments related to the design guidelines and the §2514.2 special exception for the split-zoned lot, as well as the other, more common variance and special exceptions that are at issue.

¹ ANC 6A's Request for Party Status was filed on September 26, 2006. The subject property is located in ANC 6C, which is the ANC adjacent to ANC 6A.

² The H Street Design Guidelines also apply for any development or renovation along the H Street Corridor that requires a Special Exception or Variance (§1325.1 and §1325.4)

³ Approximately half of the H Street Corridor that is covered by the H Street NE Neighborhood Overlay is located in ANC 6A and half is located in ANC 6C

THE REVISED APPLICATION IS SUBSTANTIALLY DIFFERENT THAN THE PRELIMINARY APPLICATION

The request for zoning relief is substantially greater in the revised application and the new plans are substantially different from the initial plans that were filed on May 10, 2006. These amendments were filed only 14 days before the hearing, and as a result, have not been reviewed by ANC 6C.

In addition to the relief requested in the May 10th application, the revised application requests a variance from residential recreation space requirements under Section 773; a special exception for a curb cut on H Street under Section 1303.2 and a special exception for a 35 foot extension of the height and FAR permitted in a lesser restrictive district into a more restrictive district under Section 2514.2.

In the revised plans, the 9 story mass of the front building has been extended 35 feet into the C-2-A zone.⁴ This redesign has not yet been presented in a public meeting, to the ANCs, or to community groups such as Capitol Hill Restoration Society (CHRS) or Station Park Neighborhood Association (SPNA). The next scheduled public meeting for ANC 6C is Wednesday October 11th and the next scheduled public meeting for ANC 6A is Thursday October 12th. Because these meetings will occur after the October 10th BZA hearing, ANC 6C and 6A will not be able to consider the revised application.

THE CURRENT APPLICATION VIOLATES OR INADEQUATELY ADDRESSES COMPLIANCE WITH THE DESIGN GUIDELINES IN ITS CURRENT FORM

The October 10th hearing for this case should be postponed to allow the applicant to provide more information to the BZA so that compliance with the H Street NE Design Guidelines can be evaluated. The Application fails to address §1325.4 of the H Street Overlay Zoning Regulations that requires:

Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the *H Street N.E. Strategic Development Plan* [emphasis added].

In the revised application, the applicant claims that architectural guidelines are “directed primarily at building renovations.” However, on page 2 of the Design Guidelines, it states that they are intended to “provide assistance in redeveloping, rehabilitating or developing new properties on the Corridor [emphasis added].” Because the applicant has not attempted to address compliance with the design guidelines when compliance is clearly required, the application is incomplete. Furthermore,

⁴ Although amounting to a substantially revised application from what was filed on May 10th, the applicant has filed its revised application as a Pre-Hearing Submission.

the application violates many of the design guidelines in the H Street Design Guidelines document. For example, the guidelines specify that the height of Type 1 buildings be 4 to 8 stories, while the application proposes 9 stories. In addition, the guidelines specify that the building have a well-defined architectural bottom, middle and top, while renderings of the building only shows a well-defined bottom and middle. Other parts of the guidelines address the need for well defined cornices or parapets, the use of certain materials and windows and how these components should interact. The application does not give enough information about the building's materials and architectural elements to determine if they comply with the guidelines.⁵

**THIS CASE WILL CREATE PRECEDENTS FOR COMPLICATED ISSUES
WHICH REQUIRE ADDITIONAL TIME AT THE HEARING TO ADDRESS**

Although the majority of the buildings on H Street NE were built before 1940, the H Street NE corridor is not located in a Historic District. In order to insure that new construction and renovations of existing structures fit into the architectural vocabulary and historic fabric of H Street, ANC 6A and ANC 6C jointly recommended to the Zoning Commission in 2003 that design guidelines be part of the H Street NE Neighborhood Commercial Overlay District. The Zoning Commission adopted the H Street NE Overlay in January 2006 and required that any structure seeking a special exception under the H Street NE Overlay conform to the H Street Design Guidelines referenced in §1325.4. The H Street Design Guidelines are 10 pages of specific standards which include development standards (i.e. setbacks and number of stories) as well as architectural standards. Developments must comply with the Design Guidelines as well as the Design Requirements contained in §1324.

As this is the first time that BZA will apply design standards as a part of an overlay district, additional time should be granted at the hearing to thoroughly address these issues. The precedents set in this case will affect the redevelopment of projects requiring special exceptions on H Street NE including but not limited to the following large lot developments: the south side of the 200 and 300 blocks of H Street NE, the Murray's grocery and H Street Storage sites on the north side of the 600 block of H Street NE, the H Street Connection site on the south side of 800 block of H Street NE and the Autozone site on the south side of the 1200 block of H Street NE.

⁵ The Pre-Hearing Submission does contain a section entitled "Design Analysis of H Street Project Relative to H Street Overlay District Regulations and the H St. NE Strategic Development Plan." that provides a tabular representation that claims which of the §1324 Design Requirements are not applicable and provides a cursory statement of compliance for others. As noted above, it does not address the substantive provisions of the H Street Design Guidelines.

In addition, this case is complicated by the fact that it is a split-zoned lot with a request for a § 2514.2 special exception. Except for Senate Square, this is the most densely zoned parcel on H Street (C-2-C, permitting up to 90 ft of height on the portion that faces H Street). The rear of the property (the interior of the square) is zoned C-2-A, which should afford a transition to the R-4 residences that abut this project on three side (the townhouses that face 6th, G, and 7th Streets).

ANC 6A believes that the applicant's original plans exceeded the FAR allowance for the C-2-A portion of the lot and that the revised plans only bring this portion of the structure into compliance with zoning regulations. Because the applicant was compelled by zoning regulations to significantly reduce the FAR for the C-2-A portion of original plans, the applicant should not be allowed to use this FAR reduction to justify the request for a § 2514.2 special exception in the revised plans.

CONCLUSION

Based on these considerations, ANC 6A recommends:

1. The currently scheduled October 10th BZA hearing be postponed for at least a month to allow the amended application to be re-noticed. This postponement will also allow the ANCs to fully consider the revised application.
2. The BZA schedule additional time for the hearing because of the unique and precedent setting issues in this case. This case will be the first instance where the BZA has considered design guidelines as a part of an overlay district and it also involves complex issues related to split-zoned lots.

Respectfully submitted,

ANC 6A

By: __/*signed*/_____
Terres (Drew) Ronneberg,
Chair of ANC 6A Economic Development
and Zoning Committee and appointed
representative for BZA Case #17251

September 30, 2006