



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



November 14, 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 continues to oppose the requested zoning relief for BZA Case No. 17521. Although the applicant has made significant progress in complying with the architectural standards of the H Street NE Design Guidelines, and has addressed many of the community's concerns about building's impact on neighboring residences, ANC 6A cannot support the project until 1) the Zoning Administrator issues a ruling on the issue of transferring non-residential FAR from the C-2-A zone to the C-2-C zone and 2) the developer presents final plans for the building's massing and design to ANC 6A.

ANC 6A believes that the remaining differences with the applicant can be resolved through good faith negotiations. However, until the time, ANC 6A requests that no zoning relief be granted.

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
Clifford Moy, Secretary DC Board of Zoning Adjustments
Travis Parker, Office of Planning
Rosevelt Cain, 6th and H Street NE Neighborhood Assoc. President



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Monte Edwards, Stanton Park Neighborhood Association

Bill Sisolak, ANC 6C, Zoning Comm. Chair

Anthony Rivera, ANC 6C-05

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

**ANC 6A's POSITION REGARDING THE HEIGHT AND MASSING FOR THE
PROPOSED BUILDING ON THE C-2-C ZONE**

ANC 6A opposes the application for BZA case #17521 on two grounds. First, the applicant is seeking to increase the floor area of the proposed building by more than 127,000 square feet without going through a PUD process. The lot in question is already the most densely zoned non-PUD lot on H Street NE, and additional density from the requested zoning relief will overwhelm the 2-3 story row houses on the same square. Second, ANC 6A believes that the BZA should use its power granted under Section 1325.3 of the H Street Overlay to protect the character of H Street and the surrounding community by enforcing the 8 story/80 foot limit found in the H Street Design Guidelines and Zoning Commission Order #381.

HOW TALL SHOULD THE BUILDING BE?

Section 1325.3 grants the BZA wide latitude to “impose requirements pertaining to design, appearance, signs, **massing**, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Neighborhood Commercial Overlay District (emphasis added)”. One of the purposes of the H Street NC Overlay District is to “Limit the maximum permitted **height** of new buildings so as to encourage a general compatibility in scale between new and older buildings (emphasis added).” (Section 1300.3c)

The H Street NE Design Guidelines requires large lot (Type 1) developments to be between 4 and 8 stories (p. 4). In addition, when the lot was upzoned to C-2-C/C-2-A in Zoning Commission Order #381 (attached to this statement), the Zoning Commission 1) limited the proposed development to a maximum height of 80 feet and 2) made the lot split zoned C-2-C/C-2-A to help buffer the surrounding rowhouses from the mass of an 80 foot building. Even if the proposed building is limited to 8 stories/80 feet, it will be by far the largest building on the H Street corridor east of 3rd Street, because all other properties are zoned C-2-A or C-2-B, which limits building height to 50 feet. It is clear that the intent of the original upzoning order and the design guidelines is to limit the height of the C-2-C portion of the building to 8 stories/80 feet to encourage a general compatibility in scale between new and older buildings. We urge the BZA to use its power granted in Section 1325.3 to enforce this 8 story/80 foot limit.

WHAT IS THE MATTER OF RIGHT MASSING FOR THE C-2-C PORTION OF THE BUILDING?

Because the applicant has chosen to preserve the existing office towers, they are limited to building 4.0 FAR without zoning relief. The office towers occupy 53% of the lot and have a FAR of 2.64. Thus, the applicant can only build an 8 story building on 17% of the lot which would allow an additional 1.36 FAR. The floor areas and FAR associated with the requested zoning relief are summarized in Table 1. The detailed calculations which support the argument can be found in the attached spreadsheet.

	Floor Area	Incremental Floor Area	FAR	Incremental FAR
Existing Office Towers			2.64	
Existing Office Towers + New 8 Story Building (70% lot occupancy)	255,721 sq ft		4.00	
Existing Office Towers + New 8 Story Building (80% lot occupancy)	306,871 sq ft	51,150 sq ft	4.80	0.80
Existing Office Towers + New 8 Story Building (91.2% lot occupancy)	364,158 sq ft	108,437 sq ft	5.70	1.70
Existing Office Towers + Proposed New Building	382,729 sq ft	127,008 sq ft	5.99	1.99

Table 1: Floor Area and FAR associated with zoning relief for proposed C-2-C zoned building.

HOW MASSIVE SHOULD THE BUILDING BE?

There are currently 57 rowhouses on the square which are estimated to house 171 people. A development which did not seek zoning relief would be expected to add an additional 149 units or 299 people to the square. The zoning relief sought by the applicant in connection with its proposal to develop approximately 240 units rather than 149, would add an incremental 91 units or 181 people to the square above what would be permitted without the zoning relief. This high level of use intensification beyond what is permitted without zoning relief will adversely affect the neighboring property in contradiction to the requirements for special exception in 1304.1 and 2514.2, and as such should not be granted. In addition, there is nothing extraordinary about size or shape of the lot that would permit the granting of a variance to the 80% lot occupancy requirements under Section 3103.

ANC 6A is willing to support a special exception to the lot occupancy requirements up to 80% if the increase in floor area is exactly offset by a reduction on floor area resulting from reducing the height of the building. In other words, ANC 6A is willing to let the applicant have some flexibility in deciding where building's mass should be located on the C-2-C portion of the lot, as long as the total floor area of the resulting building does not exceed the floor area of the building that can be constructed without zoning relief.

CONCLUSION

ANC 6A urges the BZA to enforce the 8 story/80 foot height limit as enumerated in the Design Guidelines of the H Street NE Neighborhood Commercial Zoning Overlay and the Zoning Commission Order #381. ANC 6A opposes the applicant's request for zoning relief to 1324.4 and 772.1 and the 2514.2; however, if the overall design can be resolved in a manner that gives full effect to the Design Guidelines and provides an appropriate opportunity for community review of the final design, ANC 6A would consider modifying its opposition.

Respectfully submitted,

ANC 6A

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

November 14th, 2006

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 381

CASE NO. 81-20

September 13, 1982

Pursuant to Notice, a public hearing of the District of Columbia Zoning Commission was held April 26 and June 7, 1982. At those hearing sessions the District of Columbia Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development (DHCD) to amend the D.C. Zoning Map. This hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application requests a change of zoning from R-4 and C-2-A to C-2-C for Lots 48, 63-73, 75-78, 92-96, 98-102, 142-144, 146, 147, 161-163, 166, 173, 174, 176, 800-804, 807, 808, 815, 816, 818, 821-823, 827-829, 831 and public alleys to be closed in Square 859 bounded by 6th, 7th and H Streets, N.E. The applicant proposes to construct a mixed-use development including residential, office, retail, and service commercial uses.
2. The subject site is located along the south side of H Street between 6th and 7th Streets, N.E. It is identified as Parcel 18 in the H Street Urban Renewal Area and comprises approximately 2.55 acres or 110,650 square feet.
3. The R-4 District permits matter-of-right development of residential uses, including detached, semi-detached and row single family dwellings and flats, with a minimum lot area of 1800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, a maximum height limit of three stories/forty feet and conversions to apartments with a minimum lot area of 900 square feet per dwelling unit.
4. The C-2-A District permits community business centers,

to a maximum floor area ratio (FAR) of 2.5 with a non-residential use limited to 1.5 FAR, a maximum height of fifty feet and a maximum lot occupancy of sixty percent for residential uses,

5. The C-2-C District permits community business uses to a maximum height of ninety feet, a maximum FAR of 6.0 with non-residential uses limited to 2.0 FAR, and a maximum lot occupancy of eighty percent for residential uses.
6. The site comprises a major portion of Square 859 and excludes the existing row houses along 6th, G and 7th Streets, which are zoned R-4. The subject site is zoned C-2-A with the exception of Lot 818 facing 7th Street which is zoned R-4, The site is presently improved with many vacant, boarded-up structures in various stages of disrepair, which are to be demolished for new development.
7. To the north of the subject site and across H Street is C-2-A and R-4 zoning. To the east of the subject site and across 7th Street is C-2-A and R-4 zoning. To the south of the subject site is R-4 zoning. To the west of the site and across 6th Street is C-2-A and R-4.
8. The predominant use to the southwest, south, and southeast of the subject site is residential. To the north of the subject site and to the east and west are many commercial uses along the H Street Corridor.
9. The applicant proposes to construct a mixed-use development including ninety-six dwelling units, 30,000 square feet of office space and 115,000 square feet of neighborhood shopping including a one-story bank building and clinic, a junior department store, a restaurant and general commercial space. The height of the development will not exceed eighty-feet and on-site and garage parking will be provided to accommodate 281 cars. The development as proposed will be controlled by the Urban Renewal Plan.
10. The development will have three towers on a common two story base. The two story base would consist of a lobby and elevator access plus commercial and community space including a clinic, community room and a major retail facility. It is proposed that the eastern tower would have residential apartments, and the western and middle towers would contain offices. At the northwestern corner of the site, a free standing two-story bank building with a drive-in teller is proposed. In addition to these uses surface parking for seventy-two cars and underground garage parking for 209 cars will also be provided. It is intended that

the residential tower at the corner of H and 7th Streets will have six stories above the two story base. It will be eighty feet high and contain ninety-six residential units including forty-eight efficiencies and forty-eight one-bedroom units. The proposed housing will be market rate.

11. The H Street Urban Renewal Plan for the Special Community Street from 2nd Street to 15th Street N.E. provides for a maximum Floor Area Ratio of 2.0, a maximum building height of ninety feet and lot occupancy of seventy-five percent. The objective of this designation is to create an active multi-use, pedestrian-oriented strip linking together concentrations of community services, shopping facilities and housing. The subject site is the last large redevelopment parcel suitable for mixed use development of sufficient size to form a significant activity center for the Special Community Street.
12. The Department of Housing and Community Development has designated the SUCA Development Corporation as the sponsors for the proposed mixed use development on this site. SUCA is a locally organized development corporation made up of businessmen from the H Street corridor.
13. The development permitted under the Urban Renewal Plan and proposed to be constructed by the applicant could not be accomplished under the existing C-2-A and R-4 zoning, because the permitted height is not great enough.
14. The proposed development is consistent with the Urban Renewal Plan and is a major component of the implementation of that plan.
15. The eighty foot height is essential to the design and feasibility of the development. Without that height on the northern portion of the site, the project with the mix of uses as proposed would not proceed, the implementation of the plan would be delayed and the District's efforts to provide increased commercial and residential development in the H Street corridor would be hampered.
16. The Office of Planning and Development (OPD) by memorandum dated April 16, 1982 and by testimony presented at the public hearing recommended approval of the map change from C-2-A to C-2-C as requested by the Department of Housing and Community Development. The OPD stated that the

proposed development was "designed to ameliorate the shopping and housing needs in the surrounding community."

17. The Department of Environmental Services (DES) reported through the Office of Planning and Development that the proposed map change of the subject property will have a minimum impact on the water and sewer systems, However, since Square 859 is located in a combined sewer area, DES recommended that the storm water management measurements be included in the design of the proposed development. That recommendation can be accomplished by coordination between the applicant and DES.
18. The Department of Transportation (DCDOT) by memorandum dated April 23, 1982, reported that no measurable adverse impact will be imposed by this development on the surrounding street system. The DOT did recommend that a provision for a minimum of one parking space per dwelling unit be made in the proposed development, and that the H Street Urban Renewal Plan be amended to allow curb cuts on H Street to prevent additional traffic from being forced onto the more narrow residential streets in future developments. Those recommendations can be accomplished by coordination between the applicant and DCDOT.
19. Advisory Neighborhood Commission 2C did not submit a written report in this case.
20. Charles Richardson, representing the Economic Development Committee of ANC 2C opposed the proposal due to a lack of information.
21. Stanley B. Barry, Executive Director of the H Street Project Area Committee testified that the H Street PAC is in support of the proposed map change.
22. Seven citizens witnesses testified in support of the application. The reasons for their support were the upgrading of shopping facilities, additional housing, potential benefits to the present and future businesses in the area, and convenience to the surrounding community.
23. Six citizen witnesses testified in opposition to the application. The reasons for their opposition were related to their view that the height and the bulk of the proposed development would be excessive in comparison with the surrounding area

and that the proposed development would create significant traffic and parking problems in the area.

24. Relative to the issues of neighborhood compatibility, density and bulk, the Commission finds that this parcel, the largest of the eight Special Community Street sites as set forth in the H Street Urban Renewal Plan, has the greatest potential for major commercial and residential development and for revitalizing the H Street corridor. The City Council and the National Capital Planning Commission set the legislative policy for development in this area by adoption of the Urban Renewal Plan. The Commission, through the prudent application of the zoning regulations is charged with the implementation of that plan and the task of integrating this much needed development into the fabric of the existing community. The Commission finds that the plan objectives can be achieved and a greater degree of neighborhood protection assured by rezoning to C-2-C only the area closest to H Street. This rezoning pattern would require the placement of the taller building elements within the higher zoned H Street commercial corridor and would leave the lower length and density C-2-A zoning within the interior of the square.
25. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The National Capital Planning Commission reported that the proposed action of the Zoning Commission to approve C-2-C for a portion of the subject site would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-C as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-C as set forth herein will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning

Regulations and Map of the District of
Columbia.

- 3, Rezoning to C-2-C as set forth herein will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-C as set forth herein is consistent with the H Street Urban Renewal Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following Action:

Change from R-4 and C-2-A to C-2-C all that property in Square 859, located at and bounded by 6th, 7th, G, and H Streets, N.E., lying north of a line starting at the western right-of-way line of 7th Street at a point that is 132.08 feet south of the right-of-way of H Street; proceeding west 132.08 feet from and parallel to the southern right-of-way line of H Street to a point that is 101.6 feet from 6th Street; proceeding north 101.6 feet from and parallel to the eastern right-of-way line of 6th Street to the centerline of the public alley adjacent to and north of Lot 826; proceeding west along the centerline of the public alley adjacent to and north of Lot 826 to the centerline of the public alley at the rear of Lots 56-58; proceeding north along the centerline of the public alley at the rear of Lots 56-58 to a point 75 feet south of the southern right-of-way line of H Street; and proceeding west 75 feet from and parallel to the southern right-of-way line of H Street to the eastern right-of-way line of 6th Street.

Vote of the Commission at the public meeting held August 9, 1982 as proposed action: 3-0 (Lindsley Williams, George M. White, and Walter B. Lewis, to approve C-2-C - John G. Parsons and Maybelle Bennett, not voting not having participated in the case).

Vote of the Commission at the public meeting of September 13, 1982 as final action: 3-0 (Lindsley Williams and Walter B. Lewis, to adopt as amended, and George M. White, to adopt by absentee vote - Maybelle T. Bennett and John G. Parsons, not voting not having participated in the case).

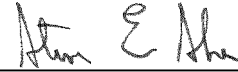
In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of

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PAGE 7

Columbia, this order is final and effective on
SEP 24 1982



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

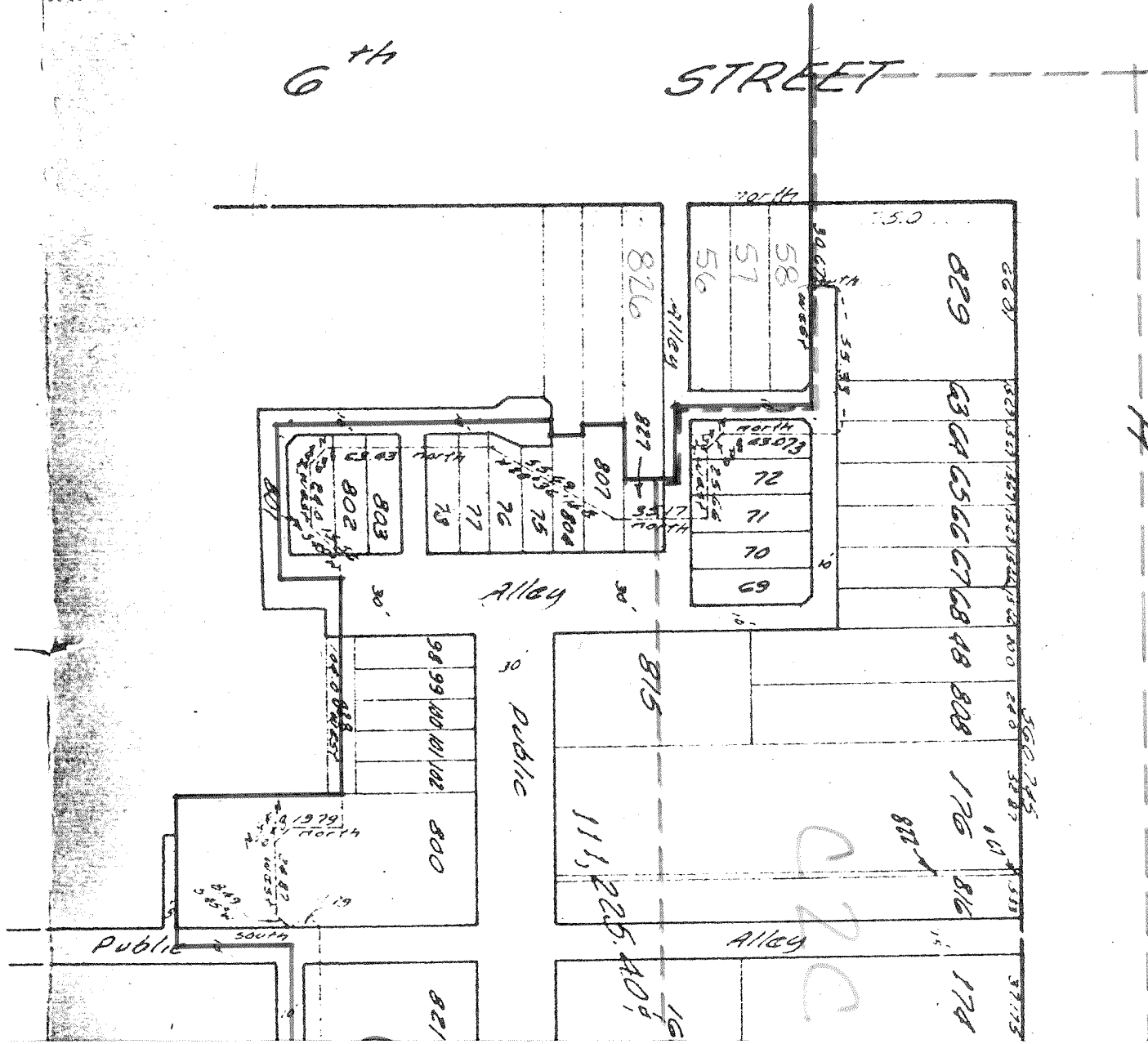
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FOR YOUR
INFORMATION

FOR YOUR
INFORMATION

6th

STREET



BZA Case #17521 Calculations for ANC 6A's Position on Height and Massing

For C-2-C zone

(Matter of right means the Floor Area when no variances or special exceptions are granted)

Floor Areas/FAR % Lot Occupancy

Land Area

63937.00

Total Footprints

Maximum Matter of Right Buildable Area (70% from section 1324.4)	44755.90	70.00%
Maximum Buildable Area for 80% lot occupancy (if granted special exception to Section 1324.4)	51149.60	80.00%
Proposed Footprint based on 91.2% lot occupancy (variance to Section 771.XX)	58310.54	91.20%

Footprint of Existing Office Building

Footprint of existing Office Towers	33888.00	53.00%
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Footprint of New Building

Maximum Matter of Right Buildable Area (70% from section 1324.4)	10867.90	17.00%
Maximum Buildable Area for 80% lot occupancy (if granted special exception to Section 1324.4)	17261.60	27.00%
Proposed Footprint based on 91.2% lot occupancy (variance to Section 771.XX)	24422.54	38.20%

Floor Area of Existing Office Building

Total Floor Area of Existing Office Towers	168778.00
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Allowable Floor Area Calculations for New Construction

Allowable Number of Floors (8 From Design Guidelines referenced in Section 1325.1a)	8.00
Maximum Matter of Right Floor Area (70% from section 1324.4)	86943.20
Maximum Floor Area for 80% lot occupancy (if granted special exception to Section 1324.4)	138092.80
Floor Area for 91.2% lot occupancy (variance to Section 771.XX)	195380.35
Floor Area for 91.2% lot occupancy (variance to Section 771.XX) & Section 2514.2 special exception (assume 2500 sq. foot per floor)	202880.35
Proposed Floor Area for 91.2% lot occupancy (variance to Section 771.XX) & Section 2514.2 special exception (assume 2500 sq. foot per floor), 9 story building	213951.00

Allowable FAR Calculations

FAR of Existing Office Towers	2.64
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BZA Case #17521 Calculations for ANC 6A's Position on Height and Massing

Maximum Matter of Right FAR for new building (70% from section 1324.4)	1.36
Total Maximum Matter of Right FAR for existing + new building (70% lot occupancy)	4.00
Maximum FAR for new building for 80% lot occupancy (if granted special exception to Section 1324.4)	2.16
Total Maximum FAR for existing building + new building (80% lot occupancy)	4.80
Maximum FAR for new building for 91.2% lot occupancy (if granted variance to Section 771.XX)	3.06
Total Maximum FAR for existing building + new building (91.2% lot occupancy)	5.70
Proposed FAR for new building for 91.2% lot occupancy and 2514.2 special exception (assume 2500 sq. foot per floor)	3.17
Total FAR for existing building + new building (91.2% lot occupancy+ Section 2514.2 special exception)	5.81

Incremental Floor Area Calculations

Additional Floor Area for 80% lot occupancy	51149.60
Additional Floor Area for 91.2% lot occupancy	108437.15
Additional Floor Area for 91.2% lot occupancy + 2514.2 special exception	115937.15
Additional Floor Area for 91.2% lot occupancy + 2514.2 special exception for 9 stories to matter of right 8 stories	127007.80

For C-2-A

Land Area	45464.00
Matter of Right Floor Area	113660.00
Matter of Right FAR	2.50
Proposed Floor Area (all residential use)	108238.00
Proposed FAR (all residential use)	2.38
Unused Matter of Right Floor Area	5422.00
Unused Matter of Right FAR	0.12

BZA Case #17521 Calculations for ANC 6A's Position on Height and Massing

Total of C-2-C and C-2-A

Total Land Area	109401.00
Allowable Floor Area Calculations	
Allowable Number of Floors (8 From Design Guidelines referenced in Section 1325.1a)	8.00
Total Matter of Right Floor Area (70% from section 1324.4)	369381.20
Total Maximum Floor Area for 80% lot occupancy (if granted special exception to Section 1324.4)	420530.80
Total Proposed Floor Area for 91.2% lot occupancy (variance to Section 771.XX)	477818.35
Total Proposed Floor Area for 91.2% lot occupancy (variance to Section 771.XX) & Section 2514.2 special exception (assume 2500 sq. foot per floor)	485318.35
Total Proposed Floor Area for 91.2% lot occupancy (variance to Section 771.XX) & Section 2514.2 special exception (assume 2500 sq. foot per floor) 9 story building	490967.00
Total Floor Area for 6.0 FAR on C-2-C and 2.5 FAR on -C-2-A	497282.00
Difference between total proposed floor area and floor area allowed by 772.1	6315.00

Units and People on Square

Matter of Right Residential Floor Area (without demolition of Office Towers and Residential in Top 6 Floors of New C-2-C Building)	178867.40
Proposed Total Residential Floor Area	287509.00
Average Square Footage of Unit	1197.95
Number of Existing Rowhouses on Square	57
Estimate of Number of People per Rowhouse	3
Estimate of Number of Current Residents on Square	171
Estimate of Number of Units in a Matter of Right Development (Assuming 6 floors of residential in C-2-C portion of building)	149
Estimate of Number of People per Unit in Proposed Development	2
Estimate of Number of People in Matter of Right Development	299

BZA Case #17521 Calculations for ANC 6A's Position on Height and Massing

Number of Units in Proposed Development	240
Estimate of Number of People in Proposed Development	480
Estimate of Number of People who Currently Reside on the Square	171
Estimate of Total Number of People On Square in Matter of Right Development	470
Estimate of Total Number of People On Square in Proposed Development	651
% Increase in number of people on Square in Matter of Right Development	275%
% Increase in number of people on Square in Proposed Development	381%
Increment of number of people between Matter of Right Development and Proposed Development	(same as currently 171 on square)
% of Increase in number of People Between Matter of Right Development and Proposed Development	36%