



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



December 22, 2014

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18891 (1401 H Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on December 11, 2014, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for a variance from the lot occupancy requirements set forth at § 772, the off-street parking requirements (under certain conditions discussed below) set forth at § 2101.1, and for a special exception for new construction on a lot greater than 6,000 square feet in the H Street overlay under §1320.4, and to support the Applicant's request for a variance from the floor-to-area-ratio (FAR) requirements set forth at § 771 under the condition that the FAR does not exceed 5.2. The applicant seeks the requested relief to permit the construction of a multi-family residential building with ground floor retail in the C-3-A/HS-A Zone District.

The Commission supports granting the requested variances from the lot occupancy and off-street parking requirements because strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. The Commission recognizes that a variance from the lot occupancy requirements is appropriate in view of the unusual shape of the lot and the fact that the lot itself occupies a relatively small portion of the square in which it is located. The Commission supports granting of the off-street parking variance only on the condition that: 1) covenants be recorded in the land records for each unit prohibiting the owner or resident of the unit from obtaining a residential parking permit; 2) the bylaws for the building prohibit any owner or resident of a unit from obtaining a residential parking permit, require a regular review as to whether this bylaw provision has been violated, and provide an enforcement mechanism in the event that it has been violated; and 3) a covenant be recorded in the land records that provides that this by-law provision may not be amended or removed.

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



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The Commission supports granting the variance from the FAR requirements up to a limit of a 5.2 FAR. The request for a variance from the FAR requirements was of concern to the Commission. Presuming a grant of a variance from the lot-occupancy requirements, any “floor” of the structure already will be significantly larger than otherwise would be permitted by right. Accordingly, even an incremental increase in FAR over the permitted limit of 4.8 will result in a disproportionately large increase in the total square footage of the structure. With that said, the Commission believes that some upward departure from the by-right FAR of 4.8 can be justified in this case in view of the limited size of the lot relative to the square in which it is located, as well as the lot's unusual triangular shape. Having discussed this issue with the Commission, the developer in this case has agreed not to exceed a FAR of 5.2 and the Commission conditions its support for the requested FAR variance on this agreement. The BZA should be aware, however, that permitting a FAR in excess of 5.2 would be of grave concern to the Commission and would set an unfortunate precedent for future zoning relief requests in ANC6A.

Finally, the Commission supports granting the special exception permitting new construction on a lot greater than 6,000 square feet in the H Street overlay because, in the view of the Commission, it meets the enumerated criteria for such relief. Specifically, the Commission concludes that the project is consistent with the intent of the design requirements of § 1324 and the H Street, N.E. Strategic Development Plan, that the architectural design of the project enhances the urban design features of the immediate vicinity in which it is located, that vehicular access and egress promote safe and efficient pedestrian movement, that parking and traffic conditions associated with the operation of the project will not adversely affect adjacent or nearby residences, that noise associated with the operation of the project will not adversely affect adjacent or nearby residences, and that the size, type, scale, and location of signs will be compatible with the surrounding corridor and consistent with the design guidelines of the H Street, N.E. Strategic Development Plan.

Please be advised that Andrew Hysell, and the ANC 6A Chair and Vice-Chair are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A