

November 1, 2006

Mr. William Crews, Zoning Administrator
Office of the Zoning Administrator
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street
Washington, DC 20002

Re: 601-645 H St., NE (“601-646 H St. Ventures Project”)
Correction to letter dated Oct. 24, 2006

Dear Mr. Crews:

ANC 6A, the 6th and H NE Neighborhood Association, the Capitol Hill Restoration Society (CHRS) and Stanton Park Neighborhood Association (SPNA) are writing to correct a minor error in the October 24th letter from ANC 6A, CHRS and SPNA to the Zoning Administrator about the transfer of non-residential use between zones on a split-zone lot. In that letter, it was incorrectly stated that Section 2514.1 regulated the transfer of use and bulk from a less restrictive zone to a more restrictive zone, when in fact, Section 2514.1 regulates the transfer of use and bulk from a more restrictive zone to a less restrictive zone.

In BZA case #17521, the applicant is seeking to transfer use from a more restrictive zone to a less restrictive zone and thus Section 2514.1 is relevant to this case. However, Section 2514.1 only permits, as a matter of right, the limited transfer of use and bulk from a more restrictive zone to a less restrictive zone for split-zoned lots under a single ownership before May 12th, 1958. Because no building on the lot was constructed prior to 1958, Section 2514.1 does not apply in this case.

Conclusion

For the reasons outlined in this letter and our letter dated October 24th, the applicant cannot transfer use from a more restrictive zone to a less restrictive zone in a split-zoned lot. As a result, the applicant must seek a variance from the non-residential FAR limits in Section 771.2 and also see a variance from Section 2002 to expand a non-conforming use. ANC 6A, the 6th and H NE Neighborhood Association the Capitol Hill Restoration Society and SPNA request that you rule accordingly.

Respectfully submitted:

ANC 6A:

Stanton Park Neighborhood Association:

By _____/**signed**/
Joseph Fengler, Chair
ANC 6A

By _____/**signed**/
Monte Edwards, Chair Stanton Park
Neighborhood Association Land Use
Committee

6th and H NE Neighborhood Association:

Capitol Hill Restoration Society:

By____/**signed**/_____
Rosevelt Cain, Jr., President
6th and H NE Neighborhood
Association

By____/**signed**/_____
Gary M. Peterson, Chair
Capitol Hill Restoration
Society Zoning Committee

Cc: Travis Parker, Office of Planning
Norman Glasgow, Esq., 601-645 H Street Ventures
Matthew LeGrant, Deputy Zoning Administrator