

Sharon Schellin, Secretary
D.C. Zoning Commission
Office of Zoning
441 4th Street N.W. Suite 200-S
Washington, D.C. 20001

Dear Commission,

We are the affected single member district ANC's for the Redbrick Development. On October 12th, 2018 we were served a letter from the Office of Planning notifying us of a proposed text amendment in our single member district. Ex.A. In addition, that same day, the ANC received another letter from Redbrick LLC's counsel notifying us two property owners were seeking a map amendment. Ex.B. On Oct. 19th, 2018 we received a another letter dated October 17, 2018 from Redbrick LLC's counsel stating it was seeking set down of a map amendment for a October 22, 2018 public meeting. Ex.C. It appears both parties wish for their petitions to be granted a hearing, but as a rulemaking procedure, where the impacted community cannot seek party status, present evidence, cross-examine witnesses, or readily Appeal an adverse decision.

The proposals brought before the commission by the Office of Planning and Redbrick LLC represent a substantial increase from what is allowed by-right. The proposals seek to increase density by 25% and seeks to increase height by 30%. Ex.A.p3. In the original OP application that was served to the ANC OP did not request a map amendment. Ex.A.p1. The ANC did not learn of OP requesting a map amendment along with the text amendment until Redbrick LLC's October 17, 2018 letter, which was not received until October 19, 2018. In Redbrick LLC's October 17, 2018 letter their counsel specifies that OP submitted to the zoning commission its report recommending setdown of the map amendment on October 15, 2018. Ex.C.p.1. In the letter from Redbrick LLC dated October 17, 2018 Redbrick LLC seeks for the setdown of the map amendment to occur at the public meeting on October 22, 2018.

11-Z DCMR 304.5 states,

"[a]t least forty-five (45) days prior to filing a map amendment application under this chapter, the applicant shall serve a written notice of intent (NOI) to file the application on the affected ANC and on the owners of all property within two hundred feet (200 ft.) of the perimeter of the property in question. "

According to Redbrick LLC's motion for setdown, OP filed its report recommending setdown of a map amendment on October 15, 2018. Redbrick LLC itself filed the application for a map amendment on October 12, 2018. The public meeting is on October 22, 2018. The ANC did not receive notice of the application for a Map Amendment until October 12, 2018. That being the case, the zoning commission should not allow setdown to occur at the October 22, 2018 public meeting because neither OP

or Redbrick LLC provided a Notice of Intent to file a map amendment at any time, much less file an NOI 45 days before the filing of a map amendment pursuant to 11-Z DCMR 304.5. Moreover, neither Redbrick LLC nor OP made any attempts whatsoever to attend a "duly noticed meeting of the ANC" within the 45 day notice period pursuant to 11-Z DCMR 304.6 to discuss this matter. To be sure, the ANC did not even have time to hold a duly noticed meeting on the matter. DC Code 1-309.11.

The map and text amendments require significant departure from what is allowed by right. 30% increases in height and 25% increases in density are significant. The ANC would like time to review this complicated matter, take a formal stance on it, and also organize our constituents to appear at the public meeting, if only to understand the position of the zoning commission pursuant to 11-X DCMR 500.1.

Sincerely,

Mary J. Cuthbert
ANC 8C Chair



Greta J. Fuller
ANC 8A06

