



BEFORE THE ZONING COMMISSION AND  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



**FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT**

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

**IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:**

|                                       |                                                                                       |            |                |
|---------------------------------------|---------------------------------------------------------------------------------------|------------|----------------|
| Case No.:                             | 19099                                                                                 | Case Name: | RP 3701 NW LLC |
| Address or Square/Lot(s) of Property: | (Square 3030, Lot 805)                                                                |            |                |
| Relief Requested:                     | Variances from the lot occupancy requirements and the off-street parking requirements |            |                |

**ANC MEETING INFORMATION**

|                             |   |   |   |   |   |   |   |   |                           |     |                                     |    |                          |
|-----------------------------|---|---|---|---|---|---|---|---|---------------------------|-----|-------------------------------------|----|--------------------------|
| Date of ANC Public Meeting: | 0 | 9 | / | 0 | 9 | / | 1 | 5 | Was proper notice given?: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
|-----------------------------|---|---|---|---|---|---|---|---|---------------------------|-----|-------------------------------------|----|--------------------------|

Description of how notice was given: ANC1A Web site, Area listservs, Twitter

|                                              |   |                                           |    |
|----------------------------------------------|---|-------------------------------------------|----|
| Number of members that constitutes a quorum: | 7 | Number of members present at the meeting: | 12 |
|----------------------------------------------|---|-------------------------------------------|----|

**MATERIAL SUBSTANCE**

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

Please refer to attached resolution.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Recommend approval provided that loading area be moved to New Hampshire Avenue, dumpsters be located within new structure, and incentives to minimize demand for parking (see attached resolution for more detailed list and report).

**AUTHORIZATION**

|                                                                            |   |   |                                                               |         |
|----------------------------------------------------------------------------|---|---|---------------------------------------------------------------|---------|
| ANC                                                                        | 1 | A | Recorded vote on the motion to adopt the report (i.e. 4-1-1): | 8-3-1   |
| Name of the person authorized by the ANC to present the report:            |   |   | Kent Boese                                                    |         |
| Name of the Chairperson or Vice-Chairperson authorized to sign the report: |   |   | Kent Boese                                                    |         |
| Signature of Chairperson/<br>Vice-Chairperson:                             |   |   | Date:                                                         | 9/10/15 |

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO  
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19099  
EXHIBIT NO. 25



## ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Marvin L. Johnson  
SMD 1A04 – Matthew Goldschmidt  
SMD 1A07 – Darwain Frost  
SMD 1A10 – Rashida Brown

SMD 1A02 – Josue Salmeron  
SMD 1A05 – Thu Nguyen  
SMD 1A08 – Kent C. Boese  
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Tom Gordon  
SMD 1A06 – Patrick W. Flynn  
SMD 1A09 – Bobby Holmes  
SMD 1A12 – Margaret Hundley

Commissioner Kent C. Boese

### **RESOLUTION IN SUPPORT OF BZA CASE #19099 – APPLICATION OF RP 3701 NW LLC (SQUARE 3030, LOT 805)**

**WHEREAS;** An application by RP 3701 NW LLC has been filed seeking variances from parking and lot requirements to allow the construction of a new mixed-use building with 21 residential units and ground floor retail in the GA/C-3-A District at premises 3701 New Hampshire Avenue N.W. (Square 3030, Lot 805);

**WHEREAS;** The application is a simple zoning variance application, and not part of a Planned Unit Development;

**WHEREAS;** The property is located in Ward 4, but adjacent to Ward 1 and ANC1A, resulting in ANC1A afforded “great weight” from the Board of Zoning Adjustment; and,

**WHEREAS;** ANC1A is exercising its “great weight” due to the property’s close proximity to residential properties located in Ward 1 and the impact of development on these residents.

**BE IT RESOLVED THAT:** ANC1A supports the applicant’s relief from lot occupancy requirements under § 772.1. The construction of the new five-story mixed use building will cover no more – and possibly less – of the lot than the current structures on the property. Therefore, the Commission is of the opinion that there will be no negative impact upon the community due to granting the lot occupancy relief being sought.

**BE IT FURTHER RESOLVED THAT:** ANC1A supports relief from the off-street parking requirements under § 2101.1. The subject property is on a triangular parcel, with no alley access, adjacent to an underground subway tunnel, and across the street from the Georgia Avenue-Petworth Metro station. Due to these conditions, the Commission is of the opinion that 1) the property is affected by an exceptional condition, 2) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and 3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan provided that:

- The applicant remove the curb cut/loading zone on the north side of Rock Creek Church Road and design the structure in such a manner that deliveries supporting commercial occupancy occur on New Hampshire Avenue, possibly with a dedicated loading zone. New Hampshire Avenue is wider and more commercial in character, whereas Rock Creek Church Road is a narrower, one way street that supports a WMATA bus route. Delivery vehicles in the past have disrupted both residential traffic and WMATA bus service;

- Tenant trash dumpsters be stored within the building rather than outside the structure. The building has no alley access and previous businesses operating at the property do not have a history of well-maintained dumpsters. Providing interior trash dumpster storage will encourage better maintenance and improve the quality of life for abutting residents and pedestrians; and,
- There be a dedicated rat abatement program implemented before and during construction. Mismanagement of restaurant trash in the past has, in part, contributed to a healthy rat infestation in the immediate area. Construction in an urban environment, by definition, is disruptive. All practical efforts must be employed to abate the rat population and minimize displacement of rats that may burrow in the surrounding residential properties.

**BE IT FURTHER RESOLVED THAT:** ANC1A recognizes community concerns and advocacy related to the development with regards to the Chuck Brown mural, impact on the affordability of housing in the community, parking, and the types of retail establishments that may locate within the structure. In as much as these issues relate to zoning, The Commission is of the opinion that:

- Creating 21 residential units – whether at market rate or some level of affordability – on a property that has never included residential uses during its entire history as a developed property does help on a small scale with overall neighborhood affordability and minimizes to some small extent the development stress currently occurring within our single family rowhouse neighborhoods;
- The developer work with the community in good faith to find a new location for the Chuck Brown mural and recreate it if possible. We also recognize that the image is based on a photograph by Darrow Montgomery and his intellectual property, therefore we request that the photographer be part of this process and approve of any reproduction of a mural based on his photograph; and,
- The developer look for transportation solutions for residents who may own a car, take Metro, or bike – including securing available parking spaces in surrounding buildings, providing Metro SmarTrip cards, and/or Capital Bikeshare memberships.

**AND BE IT FINALLY RESOLVED THAT:** the Chair of Advisory Neighborhood Commission 1A, or any member of the Executive Committee in his absence, shall be authorized to communicate this resolution to the members of the Board of Zoning Adjustment.

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Certification:

After providing sufficient notice for and with a quorum of 12 present at its September 9, 2015, meeting, Advisory Neighborhood Commission 1A voted, with 8 Yeas, 3 Nos and 1 Abstentions, to adopt the above resolution.



Kent C. Boese  
Chairperson, ANC 1A



Rashida Brown  
Secretary, ANC 1A

Advisory Neighborhood Commission 1A  
3400 11th Street NW #200  
Washington, DC 20010