

## ADVISORY NEIGHBORHOOD COMMISSION 6E

ANC 6E01 Alexander M. Padro, Vice Chair, ANC 6E02 Kevin L. Chapple, Treasurer, ANC 6E03 Frank S. Wiggins, ANC 6E04 Rachelle P. Nigro, ANC 6E05 Marge Maceda, Chair, ANC 6E06 Antonio Barnes Secretary, ANC 6E07: Alfreda S. Judd  
PO Box 26182, Le Droit Park Station Washington, DC 20001

Ms. Marnique Heath  
Chairperson Board of Zoning Adjustment  
441 4th Street NW, Suite 210S Washington, DC 20001  
[bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)

March 6, 2016

RE: 1212-1214 4<sup>th</sup> St. NW (BZA Cast No. 19187)

Dear Chairperson Heath:

Regarding BZA Application No. 19187, Application of 1212-1214 4th Street, LLC Advisory Neighborhood Commission 6E conducted a public meeting on Tuesday, March 1, 2016 at the Northwest One Library, 155 L Street, NW, to consider the above application. At the Commission's meeting, duly noticed and with this case listed in the notice, with a quorum present (four out of seven Commissioners required to be in attendance to achieve a quorum), ANC 6E voted (5 in favor, 1 opposed, and no abstentions), to support the request for zoning relief at 1212-1214 4<sup>th</sup> specifically for Applicant requests variance relief pursuant to 11 DCMR §3103.2, from the requirements regarding lot area (§401.11) and lot occupancy (§403.2) to allow the Applicant to expand the existing residential buildings; and special exception relief pursuant to 11 DCMR §3104.1 for a change to a nonconforming use (§2003) to allow the conversion of an office use to a neighborhood retail or service establishment in an R-4 District at premises 1212-1218 4th Street NW and that said support be communicated in writing to the Board of Zoning Adjustment (BZA) of the District of Columbia.

In a separate motion ANC 6E voted to support (4 in favor, 2 opposed, and no abstentions) Exhibit A from the March 1<sup>st</sup>, 2015 addendum to the pre-hearing statement, the Letter of Provision and Proffers with two additional conditions from ANC 6E. These include:

1. Reduced Massing and Removal of the Penthouse.
2. Revised Façade on Ridge St. to resemble rowhome on Ridge St.
3. Neighborhood Servicing Retail Space.
4. Residential Parking Permit (RPP) Restriction which prohibits residents from obtaining residential parking permits by including restrictions in the condominium documents recorded against the property to include:
  - The Applicant/Condo Board shall include in its condominium documentation a provision that prohibits residents/owners from obtaining a Residential Parking Permit ("RPP") for the Property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of fine(s) against the condominium owner.
  - The Applicant/Condo Board shall obtain written authorization from each owner, either through a deed provision or another written document that allows the DMV to release to the Applicant any and all records of that tenant requesting or receiving an RPP for the Property.

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- The Applicant/Condo Board shall monitor resident/owner compliance with the RPP restriction by requesting from the DMV, every six months, any and all records of residents/owners tenants requesting or receiving RPPs for the Subject Property, and shall provide annually to the Condominium Board the results of its inquiries
  - The Applicant/Condo Board shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP for the building approved in this BZA Order.
5. Increased parking to approximately 29 spaces.
  6. Reduced Unit Count to 22 units.
  7. Excess Parking for the Immediate Community. The excess spaces would be offered to owners that live with a 200 ft. radius. The purchase price would be Market Price minus 15%. If the parking spaces are rented the spaces would be rented to those that live within a 200 foot radius at Market Price minus 15%.

In addition, ANC 6E voted affirmatively on two additional conditions for the BZA to consider:

- 1) Guarantee a minimum of 29 parking spaces built for the development.
- 2) Offer the right of first refusal to either purchase or rent any excess parking spaces to the residents that live within the 200 feet of the property.

The BZA's primary concern is that the Applicant's commitment to the immediate neighbors ("200-footers") must be clear, legally binding and enforceable. The ANC welcomes suggestions for additional language to make these commitments clear and enforceable from the BZA. The additional conditions stated above are a minimum of what the ANC feels (as suggested by many constituents of SMD Commissioner Rachelle Nigro) is required in order for the Applicant to follow through on their verbal promises. Another condition suggested, but on which the ANC did not explicitly take a vote was the ways and timing of how the Applicant will contact each of the 200-footer residents with offer to buy/rent excess parking spaces.

None of the above should be a burden for the Applicant since throughout the review process the Applicant represented this to be their full intention.

For the reasons listed above, Advisory Neighborhood Commission 6E recommends that the District of Columbia Board of Zoning Adjustment accord ANC 6E's recommendation the Great Weight provided for in the ANC statute and approve the application in question.

Sincerely,

A handwritten signature in black ink, appearing to read "Marge Maceda". The signature is fluid and cursive, with the first name "Marge" and last name "Maceda" clearly distinguishable.

Marge Maceda  
Chair, Advisory Neighborhood Commission 6E