ALEXANDER M. PADRO
COMMISSIONER ANC 2C01

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March 11, 2002

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4TH STREET NW STE 201S
WASHINGTON DC 20001

BZA
Case No. 16838
Exhibit No. 27

Dear Board of Zoning Adjustment Members:

BZA Case No. 16838 is a request for zoning relief under 11 DCMR §3103.2 from land area requirements for apartment units and maximum lot occupancy under 11 DCMR §401.3 and §403.2. The subject property, 1717-1719 5th Street, NW, Square 508N, Lots 801 and 808, owned by GOAL LLC, 4706 14th Street, NW, Washington, DC 20011, is zoned R4. The property is located in my Single Member District, ANC 2C01. On Lot 801 is a late 19th century two-story row house that has stood vacant and boarded up for approximately 20 years. Lot 808 has been empty for a comparable amount of time. This area has harbored drug activity for approximately 20 years, operating out of both occupied and abandoned buildings, like 1719 5th Street, NW. At one vacant house adjacent to the property, at 1721 5th Street, NW, this activity was occurring as recently as last year.

The developer, who is a property owner elsewhere in the community and should be congratulated for maintaining affordable rents on those properties, seeks to develop three market rate condominium units where zoning will only allow two units. Because of the unusual characteristics of the lot, and existing zoning impediments, no developer has dared invest in bringing quality housing to the site until now.

At the monthly public meeting of Advisory Neighborhood Commission 2C held on Wednesday, March 6, 2002, at United House of Prayer, 601 M Street, NW, from 6:30 to 8:00 PM, which was duly noticed and with a quorum present, following a presentation by the applicants and due deliberation, the commission voted to support the applicant's request for zoning variances to permit the development of 1717-1719 5th Street, NW, as detailed in the application. The vote was two in favor, one opposed, and one abstention, with Commissioners Goring and Padro voting in favor, Commissioner Thorpe voting against, and Commissioner Brooks abstaining. Commissioners Holbrook-Jones and Thomas were not present at the meeting.

The commission noted the difficulty of developing the lots in question profitably and selling them at the most reasonable prices possible, and the applicant's commitment to maintaining their other properties in the neighborhood as affordable rentals, subsidizing the rental properties with the condominiums.

1519 8TH STREET, NW, WASHINGTON, DC 20001-3205 • 202-518-3794 • FAX: 202-518-0078
E-MAIL: PADROANC2C@AOL.COM • WEBSITE: HTTP://MEMBERS.AOL.COM/PADROANC2C

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In addition, at the monthly ANC 2C01 Community Forum, a meeting of residents of my Single Member District, held on Wednesday, January 30, 2002, at 7:00 PM at the Watha T. Daniel/Shaw Branch of the District of Columbia Public Library, 1701 8th Street, NW, the applicant presented the project at 1717-1791 5th Street, NW, and answered questions from those in attendance, which included neighbors to the subject property. After a thorough discussion of the zoning relief requested and potential impacts, those in attendance raised no objections to the application. Indeed, compared to other developments in the area, which will pose significant parking problems, this development was viewed as being a win-win for the community: the conversion of a neighborhood eyesore into attractive new housing, without negative impacts.

I also personally contacted nearly two dozen residents of the 400 and 500 blocks of Rhode Island Avenue, NW, and S Street, NW, as well as the 1700 and 1800 blocks of 5th and 6th Streets, NW, in February of this year to determine whether there were any objections to the proposed zoning change for the project and whether there were any conditions that could be addressed in a BZA order to assuage specific concerns raised. I determined that there were no objections raised to the increase in the number of units proposed for the subject property, and no concerns that should be dealt with in the BZA's order.

In reviewing the Office of Planning's report on the case, I note that the development at 1717-1719 5th Street, NW supports a number of elements of the Ward 2 section of the Comprehensive Plan, including development of additional housing in the area, especially housing in close proximity to public transportation (in this instance, both METRO rail and bus), and neighborhood stabilization. To quote the OP report, "The granting of the area variance would be consistent with all three of these Comprehensive Plan objectives: it would add housing; that housing would be within three blocks of the Shaw Metro station; it would help to stabilize the neighborhood by taking both a vacant shell and a vacant lot and convert them into units for home-ownership."

The report also enumerates the numerous challenges faced by developers interested in this parcel, a principal reason why this property remained vacant and boarded up for so long. Indeed, many developers have looked at this parcel in the past several years and decided they could not redevelop it profitably. It is unquestionably one of the most difficult to develop parcels in my ANC Single Member District and perhaps in the entire commission area. The report goes on to conclude that both variances requested can be granted without any substantial detriment to the public good, and that indeed, important public benefits would accrue from granting said variances and allowing this development to proceed as planned. It downplays the effect that not granting the variance that would permit construction of a third unit, however, which is in fact integral to the overall project. To not grant that variance would result in the two units being marketed at a much higher price, which would preclude their sale to persons of all but the highest income levels, or could result in their sale at a loss to the developer, which could discourage other developers working to return vacant and abandoned properties in the neighborhood to productive use.

The Office of Planning's report clearly explains almost all of the reasons why the two variances should be granted. The only concerns expressed in the OP report, that of the alleged impact on "the intent, purpose and integrity of the zone plan" by granting the variance from the lot area/dwelling units requirements of Section 401.3, are of a nature as not to be of concern to community residents. The law provides for exceptions and exemptions, and that is how this application should be viewed, not as a precedent to allow every owner of a two-story row house to request an exemption to build a third story, but to permit the development of a difficult to develop parcel to occur where the benefits to the community far outweigh the zoning considerations.

It should be noted that a survey of the historic structures in the neighborhood is currently being conducted under a grant from the Historic Preservation Division to the Historical Society of Washington, DC, with the objective of adding the area to the Shaw Historic District or possibly establishing a new historic district. At that point, permits for demolitions, additions and new construction in the area will come under the jurisdiction of the Historic Preservation Review Board, making non-compliant construction in this densely built part of Shaw exceedingly difficult.

But a three-story building is indeed appropriate in this part of Shaw. As a historian and architectural historian specializing in the neighborhood, I can attest to the fact that two- and three-story row houses comprise the bulk of the neighborhoods historic housing stock and commercial structures. The construction proposed for 1717-1719 5th Street, NW, is consistent with the development pattern established in the decades following the Civil War, when this part of the city developed,

and to which period the majority of extant structures date. The design of the structures is also consistent with styles prevalent at the time and the types of additions that have been erected in the subsequent century. Many of these buildings, originally constructed as single-family homes were subsequently subdivided in\to apartments, especially after the US Supreme Court declared restrictive covenants in the District of Columbia unconstitutional in 1947.

In summary, I urge the Board of Zoning adjustment to grant both of the variances requested in the application and thereby allow the development of 1717-1719 5th Street, NW to move forward as proposed.

Thank you for taking community concerns and input into consideration in your deliberations regarding this application.

Sincerely,

Alexander M. Padro
Commissioner, ANC 2C01

AMP: ml