ADVISORY NEIGHBORHOOD COMMISSION 2C
Shaw Terrell Community Center
First & Pierce Street, N.W.
Washington, D.C. 20002

May 8, 2003

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ZONING COMMISSION
D.C.

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: 1301-1309 9th Street, NW
Board of Zoning Adjustment Application No. 17012
Application of Jemal's Benjo LLC

Dear Members of the Board:

This letter is to advise that Advisory Neighborhood Commission 2C, at its regularly scheduled public meeting, held May 7, 2003, at which a quorum was present, unanimously voted (3-0) to support the Application for zoning relief made to the Board of Zoning Adjustment by Jemal's Benjo LLC (the "Applicant").

The property that is the subject of this application to the Board is a prominent one in the Shaw community, made even more so by the recent opening of the new convention center, and is a property that has suffered from years of neglect. The Applicant's proposal for mixed use redevelopment of the historic buildings on the site into retail, residential and office uses promises to enhance this important intersection and the greater Shaw community. The Applicant has received concept approval from the Historic Preservation Review Board and needs certain zoning relief to move forward with this important project. Specifically, the application involves variances from the height, building density, residential recreation space and rear yard provisions of the Zoning Regulations.

The Commission has determined that the application meets the test for variance relief under the Zoning Regulations. The site is unique with regard to the many historic buildings on the site, most in significant disrepair, with differing floor heights. It is also exceptional for its prominent corner location immediately opposite the new convention center and for its relatively small size for commercial and mixed use redevelopment involving such extensive historic preservation.

In addition to the exceptional nature of the property, the Commission notes the practical difficulty the Applicant is experiencing in restoring and renovating the historic buildings into the mixture of uses so welcome to the Community, especially the street level retail, office and residential uses. Owing to the varying and significant floor to

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ceiling heights of the existing building, the Applicant needs relief from the building height provisions in order to provide workable ceiling heights for the residential units on the fourth and fifth floors. The costs involved to undertake the extensive preservation of the buildings on this comparatively small commercial site become too great to support redevelopment without relief from the building density requirements. As for the rear yard requirement, the Historic Preservation Review Board has directed the applicant to step the new construction back from the facades of the historic buildings, between 32 and 64 feet along 9th Street, N.W. The project cannot provide these setbacks and the required rear yard and still provide a building with any workable floor plan. Finally, the Applicant has proposed to provide a significant amount of residential recreation space, all of it outdoors. The Applicant cannot provide additional recreation space on the site

Finally, the application can be granted without harm to the public good or to the zone plan. The building height is in keeping with the historic district and the neighborhood. The building density will allow this dilapidated row of buildings to be redeveloped into a superior new mixture of uses so important to the Commission and the Shaw community. The Commission is also satisfied that the project has been designed in such a manner as to minimize its massing and impact at the street level. The rear yard variance will allow for new construction along N Street opposite the convention center, thereby improving the street level experience. Finally, the Commission is satisfied by the amount of recreation space being provided for the residents of the building.

For all these reasons, Advisory Neighborhood Commission 2C supports the Applicant's requests for variance relief from Sections 770, 771, 773 and 774 of the Zoning Regulations, which will allow the Applicant to complete this rehabilitation project that is so important to the Shaw community. The Commission urges the approval by the Board of this vital project so that it may proceed forward to the benefit of the community.

Sincerely,

Leroy J. Thorpe, Jr.
Chairman, ANC 2C