



**BEFORE THE
BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Statement of Monte Edwards

Representing the

STANTON PARK NEIGHBORHOOD ASSOCIATION

Case No. 17521

December 5, 2006

My name is Monte Edwards. I serve as Co-Chair of the Land Use Committee of the Stanton Park Neighborhood Association (SPNA). SPNA is a civic association that works for improvement of the Stanton Park neighborhood by representing the interests of the community in the area bounded by East Capitol Street, 10th Street NE, H Street NE, and 2nd Street NE. My testimony today is in support of the settlement that was described at the November 21 hearing in this proceeding. Today's hearing, together with allowing the record of the proceeding to remain open until February for community review and comment concerning design details are important elements of that settlement. SPNA is encouraged by the progress that has been made since the November 21 hearing in implementing the provisions of that settlement and is optimistic about the expected continued progress that will be achieved in further improving the design of this project.

A significant aspect of this project is the fact that this is the first case to apply the H Street Design Guidelines, and thus will provide a template for further development of the H Street Corridor. An important part of the applicant's presentation is the analysis of the 58 Design Guidelines in terms of applicability and the manner in which compliance was achieved with 55 Guidelines or deviation from three was justified. The uniqueness of this property and its relation to its neighbors determined the need to deviate from those three Design Guideline, and SPNA would urge the BZA to clearly state that any deviation from the Guidelines in a future case cannot rely on this case for the proposition that compliance with all of the Guidelines is not required. Rather, this case stands for the proposition that any deviation in future cases must satisfy a substantial evidentiary burden to establish uniqueness and an overriding public interest in allowing such deviation. The three Guidelines for which deviation is justified in this case are:

1. The H Street Curb Cut for the Garage Entrance. §1303.2 of the zoning regulations concerning Neighborhood Commercial Overlay Districts would prohibit a curb cut on H Street and the H Street Design Guidelines state that "garage, security and service doors shall not face a street." The neighbors are concerned about using 6th or 7th Streets as access points to the garage, because of the traffic that would result in their neighborhood streets. Additionally, the applicant explained the need for an H Street garage entrance in ~~BOARD OF ZONING ADJUSTMENT~~ ~~District of Columbia~~ to the existing entrance on 7th

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Street. SPNA's support for this deviation is subject to that entrance being located near the center of the block (to break up this, the longest block in the H Street Corridor), including a traffic signal to control access (to prevent queuing of cars waiting to enter, to avoid traffic congestion and interference with the Trolley), and including a mid-block pedestrian cross walk (to make the area more pedestrian friendly and provide an element of traffic calming). SPNA has agreed to work with the community groups and the applicant in meeting with DDot to implement the cross walk and signal as necessary to make the H Street curb cut work and maintain a pedestrian-friendly, trolley-friendly H Street.

2. The 4-8 Story Design Guideline. The 9 story height of the portion of the building facing H Street is a deviation from the 4-8 story Design Guideline. In addition to the justification explained by the applicant, SPNA would note that this Guideline is also related to the applicant's request for a Special Exception pursuant to Section 2514.2 to permit the 35 foot incursion of over 5 stories into the C-2-A area. That request is appropriately limited to eight stories, rather than the nine stories that is being proposed for the C-2-C portion and was originally proposed for this portion. SPNA supports this incursion to the extent that it respects the 4-8 story Design Guideline. While there is an arguable conflict with this Guideline and the 90 foot height allowed in the C-2-C area (which is part of the reason SPNA agreed to the 9 stories along H Street), that is not the case in the C-2-A area, and the Guideline should control in applying Section 2514.2 which permits this "incursion", if approved by the BZA as a Special Exception. This 8 story height also will improve sight-lines from the back yards of the townhouses that surround this project on 6th, 7th and G Streets because the project will step down from 9 stories on H Street, to 8, to 5 and then to 4 stories at the alley.

3. The Side Setbacks. The provision of 10 foot side setbacks, rather than the Design Guideline of 0, recognizes the unique configuration of this property. The design guidelines didn't anticipate this lot configuration and it is appropriate to apply the 10 foot setbacks to the sides in the C-2-A portion (where the project abuts the rear of neighboring townhouses that face 6th and 7th Streets)) to be more compatible with the surrounding neighborhood. In addition to the side setbacks, the applicant has also designed significant step-downs from five to four stories on the portions of the project that face the rear of the townhouses on 6th, 7th, and G Streets. The applicant "lost" floor area by doing so, which is partially offset by the floor area gained in the 9th story of the portion of the building facing H Street described in item 2.

The November 21 settlement and currently ongoing efforts pursuant to that settlement will result in an improved design of the building that is more attractive and beneficial to the H Street Corridor, design elements that satisfy the interests of the neighbors, and preservation of the integrity of the H Street Design Guidelines for use in future development along the H Street Corridor.