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2006 SEP 26 PM 3:37

September 26, 2006

Chairman Geoffrey Griffis
DC Board of Zoning Adjustments
441 4th Street, NE, Suite 200 South
Washington, DC 20001

Re: 601-645 H Street Ventures
BZA Case No. 17521

Dear Mr. Griffis:

The Stanton Park Neighborhood Association (SPNA) represents the residents in the area bounded by Second Street, H Street, Tenth Street, and East Capitol in the Northeast sector of the District.

I enclose a Motion explaining why this application is incomplete, does not comply with the Zoning Regulations, and should be postponed from the presently scheduled October 10th hearing agenda and specially set to address the unique issues that are involved.

Also enclosed is a completed Form 140, seeking Party Status, and a Preliminary Statement of Position on the variance and special exception issues as SPNA now understands them.

Sincerely,

Monte Edwards, Co-Chair
SPNA Land Use Committee

Cc: Esther Bushman, Esq., General Counsel to the Office of Zoning
Bill Sisolak, ANC 6C, Zoning Comm. Chair
Anthony Rivera, ANC 6C-06
Drew Ronnenberg, ANC 6A, Economic Dev. & Zoning Comm. Chair
Randy Kenna, 6th and H Street NE Neighborhood Assoc. President
Gary Peterson, Capitol Hill Restoration Society, Zoning Comm. Chair
Norman Glasgow, Esq., 601-645 H Street Ventures

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17521
EXHIBIT NO. 30

Board of Zoning Adjustment
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**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

SEP 26 PM 3:38

Application of)
601-645 H Street)
Ventures LLC)

BZA Case No. 17521

**MOTION OF STANTON PARK NEIGHBORHOOD ASSOCIATION
TO SET THIS CASE SPECIALLY AND TO
POSTPONE THE CURRENTLY SCHEDULED HEARING**

The Stanton Park Neighborhood Association (SPNA) represents the residents in the area bounded by Second Street, H Street, Tenth Street, and East Capitol in the Northeast sector of the District.¹ SPNA demonstrates in this Motion that: (1) this case should be specially set for extra time because it is the first case to involve the H Street Design Guidelines and because it involves at least two special exceptions that involve H Street-specific considerations; and, (2) this application, in its present form, should be postponed from the presently scheduled October 10th hearing agenda because it is incomplete, and does not comply with the Zoning Regulations.

**THIS CASE INVOLVES UNIQUE AND COMPLEX ISSUES
THAT REQUIRE ADDITIONAL TIME TO ADDRESS**

Other Commercial Overlay Districts are in portions of the City that are within Historic Districts, and have Historic Preservation Design Guidelines that are applied by the Historic Preservation Review Board. H Street is not located in a Historic District, and thus, when the H Street Zoning Overlay was adopted in January of this year, it incorporated by reference (§1325.4) the H Street Design Guidelines. Those Design Guidelines consist of 10 pages that address issues such as "common architectural vocabulary", "consistency in proportion, material and intent" ... "without disrupting consistency and streetscape," not unlike the historic preservation guidelines. Additionally, the H Street Northeast Neighborhood Commercial Overlay District zoning regulations contain provisions concerning special exceptions that involve H Street-specific considerations, two of which are at issue in this application. This is the first time the H street Overlay zoning regulations or the Design Guidelines for H Street have been applied by the BZA, and SPNA respectfully requests that this case

¹ This project is within SPNA's membership area and SPNA has been actively involved in land use policies as they affect H Street, having proposed the initial draft that became the H Street Northeast Neighborhood Commercial Overlay District zoning regulations that are at issue in this proceeding.

be specially set to allow a thorough consideration and careful application of both the Overlay and those Guidelines, since this case will provide the precedent for application of the Overlay and those Guidelines to future projects on H Street. This is a mixed-use project, the majority of which is proposed to be residential. With residential design, we have to live with it for decades (most of the houses in the neighborhood are 90-120 years old) and so it needs to be attractive and fit into the architectural context of the neighborhood.

**THE CASE AS FILED CANNOT BE
EFFECTIVELY CONSIDERED AS PRESENTLY SCHEDULED**

The presently scheduled October 10th hearing should be postponed to allow the applicant to provide a more complete Application.² The Application fails to address §1325.4 of the H Street Overlay Zoning Regulations that requires:

Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan [emphasis added].

The Applicant has discussed (in item F of Section II of the Application) only the signage guideline, which, in the context of this Application is not even relevant. A further example of noncompliance with the Guidelines is the question of materials: while required to be addressed by the Guidelines, but unaddressed in the application, the Applicant has stated that they have not yet determined the materials that will be used for the rear and sides of the building that will face the R-4 residences. The ANCs, community groups and neighbors cannot even attempt to proceed to hearing on October 10th without this kind of information.

An additional concern is that the notice of this case that appears on the BZA website and the notice that is available at the front desk of the Zoning Office describe a variance from the lot occupancy requirements, a special exception from the ground floor level ceiling height, and by virtue of its size, is subject to the provisions of the “H Street Northeast Neighborhood Commercial overlay District,” but does not give notice that the application is subject to the H Street Design Guidelines³. Further, the Application also involves a transfer or aggregation of FAR between the C-2-C portion and the C-2-A portion of the project, which should be treated as a special exception under § 2514.2, which has not been noticed.⁴

² Any objection that such delay might constitute a hardship for the applicant should take into account the fact that the plans that were provided to SPNA on September 12th are dated April 28, 2006.

³ The Applicant provided the BZA with a letter describing an amended notice on August 15 to also include a variance from the residential recreation space requirement and a special exception to permit a curb cut. The August 15 amendment was published in the September 8, 2006 DC Register.

⁴ The September 8th DC Register did not provide notice of the requirement that the applicant demonstrate compliance with the Design Guidelines (§1325.4) nor the requirements concerning aggregation and transfer of FAR (§2514.2). These are both special exception requirements.

Of the one variance and three special exceptions that have been noticed, two of the special exceptions (ground floor retail height and curb cut), involve H Street-specific Design Requirements under §§1324.12 & 1325.1(c). In addition to this Board's normal evaluation of special exception criteria, these two special exceptions will require evaluation of H Street-specific considerations, which are additional reasons for the need to set this case for extra time for the hearing.

Further complicating this application is the fact that as recently as the ANC 6C meeting on September 13th, the Applicant stated that the design was under revision, and would be the basis of negotiations with nearby neighbors. That redesign has not yet been made available in a public meeting, to the ANCs, or to community groups such as CHRS and SPNA. SPNA and these other interested entities cannot effectively participate in the presently scheduled October 10th hearing under these constraints.

CONCLUSION

Based on these considerations, SPNA recommends:

1. The Applicant be required to amend the application to reflect the proposal they plan to build and demonstrate that the proposed design is consistent with the Design Guidelines and the Zoning Regulations.
2. The currently scheduled hearing for October 10 be rescheduled to allow the amended application to be re-noticed and specially set to allow adequate time to consider the unique and complex issues that are involved in this proposal.
3. The amended application be provided to the ANCs, and to community groups (6th and H Street NE Neighborhood Association, CHRS and SPNA) to allow meaningful participation in the rescheduled hearing.

Respectfully submitted,

STANTON PARK
NEIGHBORHOOD ASSOCIATION

By: 

Monte Edwards, Co-Chair
SPNA Land Use Committee

September 26, 2006



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

Re: 601-645 H Street Ventures LLC
BZA Case No. 17521

**PRELIMINARY STATEMENT OF POSITION OF
STANTON PARK NEIGHBORHOOD ASSOCIATION**

The Stanton Park Neighborhood Association (SPNA) represents the residents in the area bounded by Second Street, H Street, Tenth Street, and East Capitol in the Northeast sector of the City. This project is within SPNA's membership area and SPNA has been actively involved in land use policies as they affect H Street, having proposed the initial draft that became the H Street Northeast Neighborhood Commercial Overlay District zoning regulations that are at issue in this proceeding.

The application for zoning relief is unusual in that the property consists of two zones, C-2-C, which fronts on the south side of the 600 block of H Street NE, and C-2-A which is just south of the C-2-C zone and is completely interior to the square (does not abut any street). The application as currently filed does not comply with the zoning regulations and will likely be amended. For the purpose of this Preliminary Statement, SPNA addresses the design based on the April 28, 2006 drawings, the May 10, 2006 initial filing with the Board of Zoning Adjustment (BZA), and the August 15, 2006 Amendment. SPNA offers the following preliminary comments concerning the following variances and special exceptions related to this application:

Variance from the Lot Occupancy Requirements. SPNA opposes any increase in lot occupancy, mass, height or density beyond what is allowed under the existing zoning classifications of this property. Except for the Senate Square project in the 200 block of H Street, the portion of this property that faces H Street has the highest zoning classification of any property on the H Street corridor: C-2-C. Abutting the east, north, and west sides of the property there are existing R-4 residences, and the northern portion of this property (located at the interior of the square) is zoned C-2-A, which provides a transition from the more dense C-2-C property to the R-4 residences. At one point, the application claims a lot occupancy of 60.2 percent for the C-2-A portion of the project, and at other points claims a lot occupancy of over 70%. The applicant should be required specify the total lot area and separately quantify lot coverage of the C-2-A portion and the C-2-C portion of the property to permit the parties and the BZA to verify the applicant's computations.

Variance from the Residential Recreation Space Requirements. As pointed out above, this is the second most densely zoned property on the H Street corridor, and SPNA opposes any variance that would increase the density by reducing the residential recreation space requirement, and urges that to the maximum extent, the residential recreation space consist of outdoor, ground level recreation space. As a split-zoned project, the residential recreation space requirements are different for C-2-C (15%)

and for the C-2-A (20%). The application indicates that the design does not meet the recreation space requirement, but does not separately quantify the gross residential floor area in the C-2-C and C-2-A portions of the project. The applicant should be required to provide that information.

Special Exception from the Ground Floor Ceiling Height Requirement. SPNA opposes reducing the ground floor retail ceiling height. The H Street overlay specifies a 14 foot ground floor ceiling height. By seeking a lower ceiling height, it would likely limit the type of retail that could use the space. Further the two existing office buildings at the corners of the property (6th & H and 7th & H) have 12.5 foot ceilings, and providing the full 14 foot for this new building would provide interest to the retail streetscape of this block.

Special Exception for H Street Curb Cut. SPNA opposes the driveway/garage entrance on H St. In addition to generally prohibiting curb cuts in Neighborhood Commercial Overlay Districts (§1303.2), the H-Street-specific special exception factors enumerated in §1325.1, specifies that:

(c) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;

A driveway/garage entrance on H Street on a project of this scale completely violates these principles. Further, a Trolley is planned for H Street, and the possible (likely) backup of cars waiting to get into an H Street garage entrance would be disruptive of the Trolley operation. There is an existing underground garage entrance on 7th Street, that serves the existing office building at the corner of 7th and H, and the applicant has indicated that this underground garage will communicate with the new underground garage. Both underground garages can use the existing garage entrance and no curb cut on H Street is required.

FAR and Density. SPNA opposes any transfers or aggregation of FAR or density. The C-2-A property, with a proposed height of 5 floors and a lot coverage of 70% would result in an FAR of 3.5, well in excess of the 2.5 FAR permitted under C-2A zoning. Because this C-2-A portion of the property provide the transition to the abutting R-4 residences, no transfer or aggregation that would increase the mass or density of this C-2-A portion should be permitted.

Respectfully submitted,

STANTON PARK
NEIGHBORHOOD ASSOCIATION

By: 
Monte Edwards, Co-Chair
SPNA Land Use Committee

September 26, 2006

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last

2006 SEP 26 PM 3:38

Middle I.

Monte Edwards, Co-Chair Land Use Comm. Stanton Park Neighborhood Assoc

ADDRESS: Street

Apt. # (if any)

City

State

Zip Code

330 E Street NE

Washington

DC

20002

Phone No.

Fax No.

E-Mail

(202) 543-3504

monte.edwards@verizon.net

I hereby request to appear and participate as a party.

Signature

Date

Monte Edwards

9/26/2006

Will you appear as a(n)

☐

Proponent

☒

Opponent

Will you appear through legal counsel

☐

Yes

☒

No

If yes, please enter the name and address of such legal counsel.

NAME: Last

First

Middle I.

ADDRESS: Street

Ste. # (if any)

City

State

Zip Code

Phone No.

Fax No.

E-Mail

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

The Stanton Park Neighborhood Association (SPNA) membership area encompasses 2nd Street, H Street, 16th Street and East Capitol in the Northeast sector of the District. SPNA's members are impacted by development in this area.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

SPNA advocates land use and development policies that enhance the quality of life in the SPNA neighborhood.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

The proposed development is within the SPNA membership area.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

Development of this property should be consistent with the zoning requirements and sound land use policy. This development will affect property values, aesthetics and the day-to-day quality of life of SPNA members.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

This is the first case involving the H Street Design Guidelines and the decision in this case will provide the template or precedent for future development along H Street.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

SPNA has been actively involved in land use policies that affect H Street, having proposed the initial draft that became the H Street Northeast Neighborhood Commercial Overlay District zoning regulations that are at issue in this proceeding.