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BZA Case #20256

July 8, 2020

Frederick Hill, Chairperson
D.C. Board of Zoning Adjustment
One Judiciary Square
441 4th Street N.W.
Second Floor
Washington, D.C. 20001

Dear Chairperson Hill:

The ANC 4C Commission, at a duly noticed public meeting, with a quorum of 8 present at its July 8, 2020, meeting, voted, with 8 Yeas, 0 Nays, and 0 Abstentions to support the applicant's request for a Special Exception for a 3-unit conversion of 3905 Kansas Avenue NW.

The ANC is also supportive of the applicant's request of a special exception to the requirement for parking onsite under Title 11, Subtitle C. 703.2 (*Special Exception from Minimum Parking Number Requirements*). The community was concerned about the safety issues that the curb cuts that were initially proposed would have presented to pedestrians as well as vehicles turning onto Kansas from Randolph as well as the loss in street parking space(s) that would have resulted from them. Since the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8, the property does not have access to an open public alley, and because the structure is well served by mass transit and bicycle facilities, the community supports this special exception. The ANC notes that it and the community are concerned that the unit size of these units might allow for the units to be further condominiumized in the future, thereby creating four units onsite in a way that avoids both the inclusive zoning requirements for four units and add an additional household without any on-site parking.

The applicant has worked closely with community members to update the architectural plans over the last several months, including a significant change in the plans for the building facade. The developer has updated the plans to maintain the existing brick facade and to build an extension that incorporates the same materials, primarily brick, as the existing structure. The developer's new plans also maintain the existing porch roof line as well as to incorporate dormer windows, thereby retaining these architectural elements to ensure visual connection to the historic row home typology present on much of the block. However, the ANC and community have not been able to confirm that these changes have been officially filed with BZA, Office of Planning, and DCRA, especially as initially-filed architectural drawings were highly deficient and overall, were inconsistent with submission standards typical of local and government review for approval and permitting process. Most recently, on July 2, 2020, the community noted to the developer that there was no first floor access to the rear yard for residents to access or maintain it. It is concerning to the ANC that community members are flagging such significant design issues at this stage. The ANC notes that it is providing this resolution contingent on a coordinated set of drawings being submitted to the BZA prior to the scheduled hearing next week.

The ANC and applicant have agreed upon the following items *if the ANC is to support his application*:

P.O. Box 60847
Washington, DC 20039

801 Shepherd Street, NW
Washington, DC 20011

Board of Zoning Adjustment
District of Columbia
CASE NO.20256
EXHIBIT NO.58

General:

- The applicant will provide a point of contact, phone and email, that neighbors can contact with any questions or concerns about the development.
- During building construction, the applicant has agreed not to block the public alley at any time; to perform construction only during permitted hours; to promptly fix any damage caused to neighbors' property by the construction crew, at the developer's expense.
- The applicant will provide notice in advance to impacted neighbors of any planned electrical or water shut offs.
- The applicant will complete pest abatement before any demolition work begins to mitigate any migration to nearby properties and will continue to perform abatement during construction.
- The applicant will perform any structural remediation as needed to adjacent structures due to demolition and construction activities of the redevelopment.
- The applicant will construct a screen or enclosure as well as include some landscaping on site to help mask the trash and recycling bins for the 3 units, as the trash/recycling pick-ups occur on Kansas Avenue (as there is no alley access). The applicant will also build a small ramp for residents to be able to pull these bins down to the street more easily so that they do not leave the cans on the sidewalk for longer periods of time.

Environmental:

- The applicant will test the pipes on the public and private side for lead. If lead lines are present, the applicant will replace those lines on the private side and work with DC Water on the public side.
- The applicant will install permeable pavers for any driveway/parking pad, walkway, or patio surface to be installed to help with water runoff and flooding.
- In particular, the community has requested that BZRA and DCRA ensure that the applicant's plans provide for adequate drainage from the increased impermeable surface that will result from the development, including that the primary roof structures (not the porch roof) will have adequate infrastructure installed to handle stormwater runoff, including connection to storm drains.
- The applicant will ensure that stormwater issues are adequately addressed on-site and do not create additional runoff for neighboring properties or for future occupants of the property itself.

Support to Adjacent Neighbors for Solar Panel System:

- The applicant has agreed to provide $8,000 in financial support for building a raised platform necessary for the adjacent neighbors at 3907 Kansas to raise their future solar panels off their roof. This requirement is further outlined in a separate agreement between the Commission, the applicant, and the adjacent neighbors at 3907 Kansas Avenue. If the neighbors do not use $5,000 of these funds for this purpose, those funds shall be contributed to the District's Housing Production Trust Fund.

Affordable Housing:

- While ANC 4C encourages developers in our Development Guidelines to make a donation of $5,000 per unit to the Housing Production Trust Fund, the applicant has agreed to donate $10,000 to the fund within 90 business days of the approval of the BZA application or within 10 business days of the issuance of the DCRA building permits, whichever occurs first . This lower amount is acceptable to the Commission **given the changes agreed upon above and per the additional respective costs associated with the developer's payment to raise the solar panel system on the adjacent neighbors' roof.**

The Commission recognizes that some of these conditions are not within the purview of the BZA to enforce. The Commission also stipulates that we have a right to request these conditions in order to support our community, address environmental concerns, and address affordable housing and displacement.

The Commission also voted with 8 Yeas, 0 Nays, and0 Abstentions to appoint the Commissioner for Single Member District 4C06, or any member of the Commission in their absence, to be authorized to communicate this resolution and represent ANC 4C before the BZA related to this matter.

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Charlotte Nugent
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Charlotte Nugent
Chairperson, ANC 4C

DocuSigned by:
Leah Anderson
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Leah Anderson
Vice Chair, ANC 4C

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