



Government of the District of Columbia  
**Advisory Neighborhood  
Commission 6C**

September 21, 2021

Board of Zoning Adjustment  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: BZA 20508 (7-9 New York Ave. NE)

Dear Members of the Board,

On July 14, 2021, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present via videoconference, this case came before ANC 6C. The commissioners voted 6-0 to **oppose** the application for the reasons set forth below. The Commission's vote also authorized Commissioners Drew Courtney (6C06) and Mark Eckenwiler (6C04) to testify on the ANC's behalf.

**The proposed loading zone is inadequate and will not work as claimed**

The question before the Board is whether the proposed curbside loading zone will accommodate the demands of a 14-story, 116-unit apartment building. Notwithstanding the assurances from the applicant and DDOT, this plan will not work as a practical matter.

This is so for two reasons. First, the proposed loading zone would not be reserved for the exclusive use of this 116-unit building. As the applicant advised our planning and zoning committee, and as DDOT staff confirmed in a subsequent phone conversation, the curbside space would be available for **any** loading use for nearby properties. Given the heavy demands associated with a building of this size—move-in and move-out events, trash and recycling collection, and service/repair vehicles, among others—we consider it unacceptable for there to be no dedicated loading space.

Second, even putting aside the problem of **legal** competition for this curb space, there is the problem of loading zones being used for illegal parking by unauthorized vehicles. Our concern here is not mere conjecture; the designated loading zones in ANC 6C on side streets adjacent to H St. NE are continually occupied by private passenger vehicles. This problem persists despite long-running efforts on our part to improve the clarity of the signage and to engage DPW's Parking Enforcement Management Administration in enforcing more vigorously against violations.

Moreover, even if DPW's ticketing efforts at the applicant's proposed loading zone were more energetic, a citation alone would do nothing to clear the curb space and make it available for use. That would require prompt towing, an assurance that neither the applicant nor DDOT gives (nor could they).

Thus, the notional existence of a property loading manager and a scheduling requirement for tenant move-in and move-out are simply pleasant fictions. Under the proposed scheme, the loading manager would have no practical ability to ensure that the loading zone is **in fact** available at any given time or for any specified duration. The inevitable result will be double-parked trucks on N St. as a regular occurrence.

For these reasons alone, the Board should deny the application.

**The applicant has failed to adequately consider onsite loading options**

ANC 6C recognizes that this lot is unusually shaped and that head-in, head-out maneuvers are fundamentally infeasible. On this point, we fully agree with the applicant.

In our discussions with the applicant, we urged more serious consideration of two other onsite options: 1) pull-through access entering on N St. and exiting (right turn only) onto New York Avenue, and 2) back-in, pull-forward access from N St.

*Pull-through option*

As DDOT concedes, the necessary curb cuts already exist on both N St. and New York Avenue. *See Exhibit 34 (DDOT Report) at 4; see also Exhibit 30A (Updated Plans), sheet A-01, photo 3 (showing existing New York Avenue cut).*



**N St. frontage**

The applicant's pre-hearing statement purports to show that this option is infeasible. To begin with, we note that the basis for this claim is Exhibit 30A, sheet A-04, but the applicant's transportation expert does not even mention, let alone analyze, this alternative in his updated report (Exhibit 30C).

In addition, as discussed below, several of the objections cited in Exhibit 30A are make-weight, insignificant reasons.

*Back-in, pull-forward option*

The applicant also contends that a back-in, pull-forward<sup>1</sup> option from N St. is infeasible. Yet the expert report's diagram shows only two trivial objections: 1) conflict with an extended curb that does not exist and need not be constructed, and 2) a *de minimis* intrusion of the relocated elevator overrun into the required penthouse setback. *See* Exhibit 30C, appendix B, sheet A-05. ANC 6C's zoning committee has already signaled its receptivity to a request for such minor relief, and it is hard to see how the Board would deny such a minimal request.

In an apparent effort to bolster this gossamer list of concerns, the applicant's revised drawings depict a different configuration. *See* Exhibit 30A, sheet A-05. Among the factors allegedly rendering the back-in, pull-forward option infeasible are the loss of a bay projection and a reduction in the size of a single second-floor unit. As with the pull-through option discussed above (and shown on sheet A-04), these are minor adjustments to a building of this scale, not undue hardships, and merit little consideration.

Locating a curb cut on N St. at the property's eastern end would, as the applicant asserts, conflict with DDOT's Public Realm Design Manual, as this would create an uninterrupted series of driveways (owing to the hotel to the east) wider than 24'. However, ANC 6C notes that DDOT may waive or relax the Manual's requirements, and in past cases has done so. It is not, as the applicant implies, an inflexible mandate.

Specifically, in ZC 12-18 (Apollo/Whole Foods project at 600 H St. NE), DDOT objected initially to having the property's underground garage entrance immediately next to an alley, thus creating such a driveway span wider than 24'. At the hearing, DDOT softened its objections to "concern" (ZC Order 12-18 at 18), eventually approving the applicant's preferred but non-compliant design. (See photo below of the as-built condition approved by DDOT.)

\* \* \*

As we stated earlier, this is a concededly challenging site with a number of constraints. That said, the lack of a perfect solution does not justify settling for the applicant's fundamentally flawed proposal. Unlike the curbside zone, which will never meet the building's needs for purely practical reasons, onsite loading options hold significant promise for striking the right balance

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<sup>1</sup> The applicant misleadingly and incorrectly refers to this as "back-in, back-out loading" in its pre-hearing drawings. *See* Exhibit 30A, sheet A-05. The same holds true for its expert's report. *See* Exhibit 30C, appendix B, sheet A-05.

that adequately serves the planned building's needs while doing the least harm to the public interest.



**6<sup>th</sup> St. garage entrance and alley for 600 H St. NE**

For all of these reasons, we oppose the application in its present form and respectfully urge the Board to deny the relief requested.

Thank you for giving great weight to the views of ANC 6C.

Sincerely,

*Karen J. Wirt*

Karen Wirt  
Chair, ANC 6C