



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

September 28, 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 behalf of ANC 6C, I write to provide our supplemental views on the application in light of developments since the September 22 hearing. In brief, ANC 6C continues to oppose the application as explained below. In particular, we rely on DDOT's earlier support for back-in, pull-forward loading on this same block at the property next door.

As noted in the recent filings from DDOT and the applicant (Exhibits 42 and 43/43A, respectively), DDOT and the parties held additional discussions by telephone on September 23. In addition, Ms. Roddy (counsel for the applicant) and I had a followup conversation on September 24. In each case, the discussions involved a full and frank exchange of views in a good-faith effort to come to agreement.

Unfortunately, ANC 6C cannot agree with the terms of the latest proposal, which adds only minor flourishes to the previous curbside loading plan instead of addressing its fundamental inadequacy.

In sum, we do not believe that the proposed conditions are sufficient to ensure that loading space will be available as needed. DDOT suggests that the property's loading manager "will use cones to reserve the loading zone." Unless the intent is to permanently block off the zone at all times, it is hard to see how this can achieve the intended result. The applicant's supplemental study does not indicate how many times per week, or at which hours, regular trash collection will occur, and it is difficult to believe that the loading manager will put out cones week in, week out for what will presumably be multiple collections per week at this 116-unit building.

Even if the loading manager were willing to so, there is no assurance that the curbside loading zone would not be occupied by vehicles parked overnight and left in place. And as we have explained previously, calling 311 to request ticketing (*see* Exhibit 42 at 2; Exhibit 43A at 5) is ineffectual and insufficient. In our extensive experience, such purely reactive measures do not and cannot ensure the availability of the needed loading space in a timely fashion, primarily

because a ticketed violator is still an obstruction necessitating double-parking of the delivery vehicle.

DDOT's rigid refusal to consider dedicated, onsite loading is both perplexing and disappointing. As noted at last week's hearing, the Hyatt Place hotel immediately to the east has exactly this type of back-in, pull-forward loading. More importantly, **DDOT itself explicitly supported that onsite loading configuration on the abutting lot.** In BZA 18344, DDOT's report¹ made the following recommendation:

DDOT strives to accommodate vehicle loading in a reasonable and safe manner while at the same time preserving traffic flow and safety. The completed filing shows loading for delivery and trash via N Street, NE. In addition, the filing shows that delivery/loading vehicles will be required to back in from N Street. DDOT prefers turn around movements in private space but understands that the small size of the site and its odd shape make turning around in private space overly burdensome. Given the very low vehicle and pedestrian volume on this segment of N Street, in conjunction with an infrequent delivery schedule, DDOT is in general agreement with the proposed loading scheme.

(Emphasis added.)

Given this significant precedent for the site next door, ANC 6C continues to believe that onsite loading for 7-9 New York Avenue is not only necessary, but also feasible and entirely consistent with DDOT's past practice.

For all of these reasons, ANC continues to oppose the application and respectfully urges the Board to deny the relief requested.

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

Sincerely,



Mark Eckenwiler
Vice-Chair, ANC 6C
(as authorized representative)

¹ BZA 18344, Exhibit 27 (available at <https://app.dcoz.dc.gov/Content/Search/Download.aspx?exhibitid=93183>).