

July 23, 2026

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D.C. Board of Zoning Adjustment
c/o Michelle Pourciau, Chair
441 4th Street, NW, Suite 200S
Washington, D.C. 20010

Re: BZA Case 21496 - Applicant's Supplemental Statement

Dear Chair Pourciau:

On behalf of the Applicant Gallery CT, LLC (the “**Applicant**”), the following constitutes a supplemental statement in support of the subject application for a new 22-unit residential development (the “**Project**”) on the alley lot known as Lot 829 in Square 775 (the “**Property**”). In particular, the Applicant is filing updated architectural plans and formally adding special exception relief for the proposed 40-foot building height. The application is scheduled for a hearing date of September 30, 2026, providing ample time for the Board, Office of Planning and ANC 6C to review this filing.

I. Updated Architectural Plans

The Applicant is enclosing updated architectural plans (“**Updated Plans**”) for the Project. (**Exhibit A**). The Project remains substantially similar to the original application. The Updated Plans provide more detail on the Project, including site context, elevations and renderings, as compared to the plans filed with the original application.

II. Relief for Building Height

The Project will have a building height of 40 feet.¹ At the time of filing the application, the Zoning Commission had taken proposed action on a text amendment under ZC Case 25-06 (the “**Text Amendment**”). The Text Amendment proposed changes to regulations governing alley lots, including a new special exception for alley lots in the MU zones to be improved with a building up to 40 feet in height. As noted in the application, once the Text Amendment was finalized, the Applicant would update the application accordingly.

By Order effective on July 17, 2026, the Zoning Commission officially approved the Text Amendment. Accordingly, the Applicant is enclosing a revised self-certification form to formally

¹ The plans filed with the original application depict a building height of 39.5 feet. The burden of proof mistakenly references the building height as 38 feet (pg. 2).

add special exception relief for the proposed building height pursuant to Subtitle G § 5200.3. (**Exhibit B**). The following outlines how the application meets the special exception standard for the requested relief:

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The Property is a large alley lot that is appropriate for the additional height permitted by special exception. Many of the public comments on the Text Amendment supported increased height limits on alley lots in zones that allow multi-family residential uses to make the creation of additional housing more feasible. The Project's increased building height accomplishes this goal by creating two additional stories of housing near the transit- and amenity-rich H Street corridor. Further, the Project's 40-foot height is consistent with the maximum height of 35 feet permitted in the RF-1 zone to the north, and well below the 70-foot height limit permitted in the MU-5A zone to the south.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The Project abuts private property on its northern and western sides but otherwise is adjacent to the alley. Along the Property's northern lot line, the Project provides a larger-than-required setback of 10 feet, which will remain open and unused. The neighboring homes to the north all have rear yards, providing additional distance between the Project and the back of those homes. Along the western lot line, the Project has a 5-foot setback but otherwise abuts the large rear yards for 305 and 307 K Street NE, a large tree, and an accessory building for 913 3rd Street NE. To the east, the Project is buffered from residential uses by another alley structure that is used as an art gallery. To the south, the Property abuts a 30-foot-wide alley and the six-story "Axis" apartment building.² The buffers provided by the Project's setbacks, existing yards, and the alley itself ensure no adverse impacts of the proposed building height.

C. The Project Meets The Special Conditions for Building Height Relief

In addition to the general special exception standard, the Project meets the special conditions set forth under Subtitle G § 5200.3, as follows:

(a) The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to abutting or adjacent properties shall not be unduly affected;

As noted, the Project directly abuts private property on only its northern and western side. For the homes to the north, there is a 30-40 foot buffer created by the Project's 10-foot setback plus the rear yards of those homes. To the west, the Project is adjacent to the long rear yards of two of the homes, which means the

² The building at the corner of 3rd and I Street NE is a former office building that is being converted to a multi-family residential use that will be five stories in height.

structures will not be impacted. Finally, 913 3rd Street is located to the south of the Property, which means sunlight will not be impacted.

(2) The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and

The Project's additional height permitted by special exception will not impact the privacy of use and enjoyment for abutting properties. As a matter-of-right, the Project could be constructed to 25 feet in height, which is roughly consistent with the height of the neighboring homes to the north and west. Therefore, the Project's 40-foot height exceeds the height of these adjacent properties and would not create any greater impact to privacy than a new development with a matter-of-right height at the Property.

(3) The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that would substantially adversely affect the use or enjoyment of any abutting or adjacent property;

The Project is consistent with the built environment in Square 775. In particular, there are two large multi-family buildings that comprise over half the private land area in the square and are located just to the south of the Property.³ The Property is large enough that the Project can be positioned away from neighboring homes to the north and west, thereby ensuring the Project is consistent with the scale and pattern of those homes despite the added building height.

(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed building's height to abutting or adjacent buildings and views from public ways; and

The Updated Plans include photographs, elevations, sections and renderings to represent the relationship between the Project's height and nearby buildings and views from public ways.

(c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the nearby area.

The Applicant will work with the Board to incorporate any special treatment the Board may request.

³ As noted, the property at the corner of 3rd and I Street NE is in the process of being modernized and converted into a five-story residential building.

Accordingly, the Applicant has demonstrated compliance with the special exception standard for alley lot building height pursuant to Subtitle G § 5200.3. Thank you for your attention to this application and we look forward to presenting to the Board on September 30, 2026.

Sincerely,

COZEN O'CONNOR



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Certificate of Service

I hereby certify that on this 23rd day of July, 2026, a copy of this filing with attachments was served, via email, as follows:

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