



ANC 6B  
Capitol Hill / Southeast

May 18, 2021

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Mr. Frederick Hill, Chairperson  
Board of Zoning Adjustment  
District of Columbia Office of Zoning  
441 4th Street NW, Suite 200/210-S  
Washington, DC 20001

(Filed Via IZIS)

Re: BZA 20437: 1819 A Street SE; Special exceptions to construct a third story and a three-story rear addition, and to convert an existing two-story, detached, principal dwelling unit to a three-story, semi-detached, three-unit residential building (Square 1111, Lot 0096).

Dear Chairperson Hill,

As the authorized representative of ANC 6B in this case<sup>1</sup>, I submit this response to the Applicant's Post-hearing submission at Exhibit 41. We thank the Board and OZ staff for ensuring the ANC was given ample time to respond to the filing.

**ANC 6B supported the initial proposal and continues to urge the Board to approve this application with the revised plans in Exhibit 41C.** ANC 6B considered the first design in Exhibit 32C and, much like this board, did not find it to be attractive especially with the missing window. But in the end, using our understanding of the zoning regulations as well as countless precedents around our ANC, we recommended the Board approve the initial application. However, in this filing, we want to add clarity to some aspects of the April 14 public hearing and to plead for guidance from this Board on the following questions:

- 1) When exactly E-206.1 relief is needed and is the current policy working as intended?
- 2) Which portions of a project will be reviewed under the standards of E-5201.4 and E-5207 when triggered?
- 3) What are the standards of design review that this Board will use moving forward?

**1) When is E-206.1 relief needed?**

As presented in Exhibit 41A, the Zoning Administrator's interpretation of E-206.1 is that the 3-foot setback does not apply to cornices. But this is not codified and is simply a ZA precedent that apparently appears in a Tutorial Video on DCRA's website.

<sup>1</sup> ANC 6B's timely and properly filed ANC Report is at Exhibit 29, authorizing myself and Commissioner Denise Krepp to represent ANC 6B in this matter.

**Exhibit A** of this report is photos and metadata of 6 “Straight-up” rooftop additions in ANC 6B all approved after the vesting period in Zoning Case 14-11B, to ensure they’re all on the same legal playing field as this application. All of these designs were approved by the Zoning Administrator without E-206.1 relief. One of these even came through the BZA <sup>2</sup>and was approved at this board without a comment on the design of the straight-up rooftop addition. These examples clearly show that the ZA has been consistent in his interpretation and there is no relief required for straight-up additions. We ask here of the Zoning Commission member, is this the intent of the Zoning Commission? And if so, why has this intent not been made clear to the Board?

## **2) What aspects of the project will be evaluated under the standards of E-5201.4? E-5207?**

In this case, the applicant initially requested relief from E-206.1 whose special exception standards are pretty straightforward in E-5207. That request has been withdrawn. But the applicant is also requesting relief from E-205.4 whose special exception standards are in E-5201. E-5201.4 contains nearly identical language to E-5207.1 and specifically references a review of the “proposed addition”. From our understanding, it does not limit the design review authority referenced at the April 14 hearing to only the portion of the project requiring relief.

This is not a new question for this board. But it is a question without a clear answer. Our reading of E-5201.4 still gives the board design review authority for the entire addition since it requesting rear yard relief. Our ANC in the past has simply evaluated the portions of an application requiring relief from development standards or use permissions. Our ANC simply is not in a position to give meaningful advice, as we are directed to do by the Home Rule Act, when the board has not answered the fundamental question of what is subject to design review. In this case, we simply do not know if the Board has the authority and inclination to review entire projects whenever relief from one development standard is requested.

## **3) Design Review Standards**

At the April 14 hearing, two Board members insisted they can do design review, including possibly mandating a 3-foot setback from the front property line of the proposed addition. Our final ask is that if this board is going to expand their purview to design review, to work with OP and the Zoning Commission to set some standards of review. ANC 6B can do design review advice. We have a long and extensive history of meaningful design review and recommendations to HPRB and the Zoning Commission.

So in the context of this property, are we just looking at both sides of the entire block, as seemed to be the case at the previous hearing? Only the connected row of houses? Does it matter how large the block is? Does the integrity of the block matter? Can we look at a certain radius around the project? Does the zoning have to be the same? Should we evaluate materiality and if so under what standards? What about window size/placement/amount? Can we require ornamentation to ensure a rooftop addition keeps in style with the original building? What about color? Does it matter if the project meets development standards or not? The language in E-5201.4(c) and E5207.1(a), combined with lack of precedent and guidelines, is simply insufficient for a coherent design review policy. In this case, the applicant presented designs within a quarter-mile in Exhibit 41D built under a mix of rooftop addition

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<sup>2</sup> BZA Case 20128, 1421 D Street SE. Page 7 of Exhibit A

regulations including before E-206.1 was introduced. In our **Exhibit A**, we've included examples from our ANC built only under consistent and current zoning regulation. At the hearing, the Board asked only about the 1800 block of A Street SE which is a long block with varying ages of buildings and many alleyways. How do we handle this? These are rhetorical questions, obviously. But if the Board is going to go down the road of design review, then we request of the board some guidance.

And as an aside, if we're doing design review, simply stating that mansards are better than straight-up additions, as was done at the April 14 hearing, is insufficient. We have included in **Exhibit B** a sample of mansard additions around our ANC 6B. Some are good. Some are, generously, hideously ugly and out of proportion and could never pass any "character, scale, and pattern" test this Board could devise.

**Again, we urge the board to approve this case with the minor design revisions presented in Exhibit 41C.** But as our filing and the email from the ZA to the applicant in Exhibit 41A show, there is a consistent application by the ZA that the straight-up third-floor additions do not require E-206.1 relief. We would request the Zoning Commission member to take this back to the Zoning Commission to ensure the intent of the zoning regulations are being implemented properly. And again we beg this board to give guidance on when design review will occur, which portions of a project will be reviewed and when, and the standards that will be used to review a project. Neighbors, ANCs, community organizations, and the Office of Planning have a wealth of information that can help inform and guide your design review decisions. But without clarity on the existential questions of when, what, and how, none of us can provide the board with this experience and knowledge.

Thank you for your consideration of our response.

Sincerely,

*Corey Holman*

Authorized Representative for ANC 6B in BZA Case 20437  
Chair, ANC 6B Planning and Zoning Committee  
SMD Commissioner, 6B06

**Certificate of Service per Y-205.4**

This report was sent via email to the following parties to case 20437

Karen Thomas, Office of Planning, [karen.thomas@dc.gov](mailto:karen.thomas@dc.gov)

Martin Sullivan, Sullivan and Barros, Applicant's Representative, [msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

Sincerely,

*Corey Holman*

Authorized Representative for ANC 6B in BZA Case 20437  
Chair, ANC 6B Planning and Zoning Committee  
SMD Commissioner, 6B06