



Government of the District of Columbia
Advisory Neighborhood
Commission 6C

September 29, 2022

Anthony J. Hood
Chair
Zoning Commission
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: ZC 21-26 (301 Florida Ave. NE)

Dear Chairman Hood:

We write to provide ANC 6C's additional comments on this application.

ANC 6C appreciates the Zoning Commission's interest in seeing the parties come to agreement on the unresolved issue of lease terms concerning residential parking permits (RPP). However, upon consideration of the issues, no member of ANC 6C asked to have this matter come before us again at our September meetings because we could conceive of no workable compromise position. (For the record, we note that counsel for the applicant timely offered to appear before us.) Accordingly, ANC 6C's position has not changed, either in our overall support for this project or in the conditions we proposed in our previous letter (Exhibit 28) and testimony at the July hearing.

We understand that project funding turns on the position of DHCD, which adamantly insists that the proposed lease terms might violate the Human Rights Act and Fair Housing Act. The less said about this preposterous (and thinly argued) legal claim, the better.¹ We also fully anticipate that the ZC will approve the application in accordance with DHCD's position.

At the same time, we note that **DHCD's stated objection extends only to lease language providing for lease termination** in the event a tenant seeks RPP permits. The applicant previously offered to "incorporate a provision in each residential lease notifying the tenant that the building is not qualified for a residential parking permit and that the tenants acknowledges that they are not eligible to apply for a residential parking permit" (Exhibit 27A2, slide 54) and

¹ We note that DHCD attaches significance to the idea (exhibit 31, p. 3) that context and historical background go toward determining discriminatory intent, apparently ignorant of the fact that ANC 6C has requested—and the ZC has approved—essentially identical terms for previous PUDs that did not involve all-affordable housing.

we do not read DHCD's letter to prohibit such language. However, the applicant's latest proffer (Exhibit 32B) contains no such condition.

On a separate issue, ANC 6C notes that the applicant's proffer (Exhibit 32B C.1.f) to provide "a free SmarTrip card" as an alternative to a free Capital Bikeshare membership—ANC 6C's proposed transportation mitigation benefit—does not indicate what stored value, if any, the proposed SmarTrip card would have.

Finally, we believe that the applicant's proffer concerning commercial tenant trash collection (Exhibit 32B D.1) comports with the ANC's earlier request and therefore support this language.

* * *

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

Sincerely,



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