February 25, 2019

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

Re: BZA 19926 (209 M St. NE)

Dear Members of the Board,

On February 13, 2019, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present, this case came before ANC 6C. The commissioners voted 6-0 to support the application subject to one condition: that the special exception relief be limited to a five-year term.

The applicant requests zoning relief to permit live entertainment at an eating/drinking establishment in the PDR-1 zone. ANC 6C believes that under the current conditions at the site, the application satisfies the criteria set out at Subtitle U § 802.1 (b).

Specifically, the establishment appears to us unlikely to create an objectionable condition. The entrance will face west onto a plaza in front of the REI store. To the west lie the elevated Amtrak train tracks and embankment; to the north, across M St., lies 1200 3rd St. NE, currently used for industrial purposes by Central Armature. ANC 6C likewise believes that the application meets the standards required by subsections 802.1(b)(2) through (4).

However, the immediately surrounding area will undergo significant changes over the next few years as multiple PUD projects are constructed. Most obviously, under ZC Orders 16-09 and 16-09A, the Central Armature site will be developed into multiple new structures, including a building fronting on M St., immediately opposite the applicant’s property, containing over 165,000sf of residential units. See ZC Order 16-09 (discussing at various points the “Southern Residential Building” or “Southern Building”).

Likewise, under ZC Orders 14-19 and 14-19A, the 67,000sf lot on the northeast corner of 3rd & M Streets will be developed into a mixed-use project including over 408,000sf of residential units, most of it facing onto M St. or 3rd St.

As a result, although the proposed relief is not problematic under the conditions that currently exist at the 209 M St. site, those conditions will change drastically in the very near future. Because those changes will include significant amounts of residential use in close
proximity—much closer than the existing row houses on 3rd St., across from the rear of the applicant’s site—ANC 6C believes the use permission must be reconsidered once those changes have taken place. Unfortunately, the report from the Office of Planning fails even to mention these imminent and transformative changes, let alone to analyze how they may warrant additional limits on the relief sought.

Accordingly, consistent with the language of section 802.1(b)(5)(C), ANC 6C strictly conditions its support for the project on the relief being limited to a five-year term. In taking this position, we express no view on whether the special exception should be renewed thereafter; that discussion, and our future determination, should take place once the new conditions—and the sentiments of the new residents—can be better understood.

We note that in discussing this issue at the meeting of ANC 6C’s zoning committee, the applicant expressed agreement with the proposal to limit relief to a five-year term. That period is adequate to provide the applicant the ability to develop and grow its business and to experiment with different forms of live entertainment.

Finally, our vote authorized Commissioner Robb Dooling (6C06) to testify on this case before the Board.

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

Sincerely,

Karen Wirt
Chair, ANC 6C