

## **ANC1C Resolution – Support of DCRA R-4 Determinations for Lanier Heights Passed 5-0 - October 5, 2016**

Advisory Neighborhood Commission 1C (“ANC1C”) adopts the following resolution, votes to send it to the District Zoning Commission (“Zoning Commission”), the Mayor’s office, DCRA and the City Council. Further, ANC1C authorizes any Commissioner of ANC1C to represent ANC1C before the aforementioned parties in connection with this matter.

Whereas, in 2014, ANC1C and residents of Lanier Heights submitted an application to rezone Lanier Heights from R-5-B to R-4 (under ZR16, respectively, RA-2 to RF-1).

Whereas, the Zoning Commission provisionally designated Lanier Heights R-4 as of December 14, 2015, pending the finalization of the public hearing process (Case 15-09).

Whereas, in the course of deliberations over rezoning, and designation of properties that had submitted permits to DCRA prior to or on the set-down date of December 14, 2015, the Zoning Commission adopted a text amendment (§ 330.5) to require properties with pending permits to comply with R-4 if their permits were not substantially complete under the provisions of 3202.5.

Whereas, the 3202.5(a) provision explains what is meant by “substantially complete” and reads, in part: “the plans and other information required by § 3202.2 [building permit, scaled drawings, plat], which shall be sufficiently complete to permit processing without substantial change or deviation, and by any other plans and information that are required to permit complete review of the entire application under any applicable District of Columbia regulations.”

Whereas, the rationale for adoption of the § 330.5 text amendment was outlined in a July 8, 2016 Office of Planning document to the Zoning Commission, ZC 16-08 Public Health Report for a Proposed Text Amendment to Make Existing Apartment Buildings in Lanier Heights Conforming Uses.

Whereas, in 2016, DCRA systemically reviewed permits filed in Lanier Heights prior to December 14, 2015, which sought R-5-B designation, and determined that all such permits were not substantially complete to allow processing without substantial deviations or were otherwise suspended or revoked.

Therefore Be It Resolved, ANC1C supports the determinations made by DCRA that properties seeking R-5-B status were not substantially complete under the provisions of 3202.5. These properties include: 2910 18th Street NW; 2920 18th Street NW; 1835 Ontario Place NW; 1630 Argonne Place NW; 1828 Ontario Place NW; and 1766 Lanier Place NW.

Therefore, the above-referenced properties must apply under R-4 regulations (RF-1 for applications submitted as of 9/6/16).

Furthermore, ANC1C will prepare an ANC report for introduction into the BZA case record on any cases filed in response to DCRA’s R-4 determinations on these properties and ANC1C calls on the Board of Zoning Adjustment to affirm the decisions made by DCRA.