



COUNCIL OF THE DISTRICT OF COLUMBIA
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**BZA Case No. 17831 – 14th & U Streets, N.W.
(Georgetown Strategic Capital LLC)**

I am Phil Mendelson, an At-Large member of the Council of the District of Columbia. I am testifying in this case because the residents most affected by the project before you are my constituents. Some are folks I have known for years. More importantly, I am testifying because I believe the government's position is putting form over fairness – strict adherence to certain regulations with no regard to the adverse impact on the residents on the inside of this city square.

Introduction

I have taken the unusual step of personally testifying because I want to urge the BZA to strike the right balance between enabling new development and protecting existing neighborhoods. Ironically, the community and the developer agree on the most critical point in this case – the curb cut – but strict adherence (by the Office of Planning) to public policy seems to be getting in the way.

There are very few communities in the District like the one comprising the residents of Treto Way, Waverly Terrace, and Paloma Way. (The two others that come to mind are Blagden Alley in Shaw and Brown's Court on Capitol Hill.) This community within Square 205 is notable for several reasons: it is comprised of a network of historic alleys; it was historically, and continues to be, residential; and it provides living and working space for artists. It is important to consider that this Square is atypical. It is unlike the typical square with all the dwellings fronting on the public street, only to back up to alleys. For the residents of Treto Way, Waverly Terrace, and Paloma Way, the alley is their front door. The alley is their *only* means of access to their homes. They must walk down the alleys to go anywhere, which creates unavoidable pedestrian and vehicular conflicts.

Special Exception for Curb Cut

I strongly recommend that you grant the requested special exception from the prohibition of Section 1903.2 against a driveway that provides access to required parking from 14th Street in the ARTS Overlay District. If you deny this request for a special exception, the potential for pedestrian and vehicular conflicts will increase exponentially.

I am advocating for the curb cut because I find, as should you, that the alternative access to the parking garage through the alley would be too adverse to this enclave of residents who rely on this alley system for pedestrian access. The developers and the neighbors have worked out a compromise that recognizes the unusual circumstances present in this case.

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The reasons why alley access for the parking garage doesn't work are these:

1. Certain sections of the alley are not wide enough for large vehicles (including SUVs) to pass each other. This is true today – I've seen it. Cars stop; cars back up; cars maneuver to get around. Requiring for this project that ingress and egress is via the alleyways will add significant congestion to the alleys;
2. Residents who live in the alley are at significant risk from the pedestrian and vehicular conflicts that already exist. Exacerbating that by requiring traffic via the alleys to the parking garage will increase their risk substantially. There is an alternative – the 14th Street curb cut – but the residents of the alleys have no alternative, they must walk the alleys;
3. Congestion from adding the project's garage traffic to these alleys will impede the ability of emergency vehicles to access the alley dwellings in the case of fire or medical emergency – there's a significant public safety risk; and
4. the undersized loading areas (apparently permitted by Section 2200.5) will ensure that the loading for this building will spill over into the alley. Further congesting the alley area with garage traffic will exacerbate all of the problems just mentioned.

An important criterion for the BZA to consider in both special exception and variance cases is adverse impact. But rather than consider the adverse impact on the Square's residents, the alley residents, the Office of Planning and the DOT focus instead on the pedestrian/vehicular conflicts generated by a driveway (an existing curb cut) on 14th Street.

I want to emphasize the pedestrian/vehicular conflicts that would be exacerbated in the alleys. The important difference to me is this: when a pedestrian on the sidewalk encounters a driveway, there is an expectation that there may be a car. When a car in a driveway encounters a sidewalk, there is an expectation that there may be a pedestrian. There is no such expectation in a public right of way. People driving cars don't expect to see pedestrians in the street and they don't expect to see pedestrians in an alley. So which pedestrian/vehicular conflict is potentially more dangerous – the one on 14th Street or the one in the alley? Keep in mind, the people who live in these alleys have nowhere else to walk. Do you really think it is appropriate to make that even more dangerous than it already is?

Variances for Lot Occupancy

The other area of concern that I want to address is the so-called "bump out" at the rear of the building, where the building footprint projects out just south of the loading area. Consistent with the Office of Planning's recommendation, to set back that portion of the building on the lower floors, I agree with the community's position that the "bump out" is both a visual and practical encroachment in a very tight space. In light of the fact that the "bump out" is only possible with the variance for lot occupancy, the BZA has the power to take OP's suggestion beyond a recommendation and impose it as a condition of granting the variance.

I recommend that the set back should be at least as tall as the residential buildings in the immediate area. I suggest that three floors (rather than two) would be more effective.

Thank you for the opportunity to testify, and I would be pleased to answer any questions you might have.