



**COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004**

October 29, 2008

Ms. Ruthanne G. Miller, Chair
Board of Zoning Adjustment
441 4th Floor, Suite 220S
Washington DC 20001

RE: BZA Case #17831
1400-1418 U Street & 1913-1944 14th Street, NW
Ward 2 / Greater U Street Historic District

Dear Ms. Miller and Members of the Board:

I am writing to express my concerns regarding above referenced case, which has come before you for several variance requests. For a year now, along with my most affected constituents and the SMD ANC Commissioner, I have been following this project through its many iterations and gauged its impact on the surrounding residential and business community. I've been particularly impressed by the spirit of cooperation between the community and the developer to try to solve the many issues that a proposal of this scale presents. Over the course of the year, affected longtime residents and business owners have offered the developer and the city agencies charged with project review (HPRB, DDOT and DCOP) valuable insights into the unique dynamics and conditions that exist on the block. My constituents have been proactive in attempting to shape the project's design to guarantee that the functionality of the block is preserved and to ensure that the new development does not adversely affect neighboring properties or pose detrimental effects to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area. And, in response to the community's advice, the developer has responded with some adaptations to his plans. There have been a few junctures where my help has been needed to affect changes. And, while I recognize and appreciate the complexity of this project and the attempts by the developer to assuage our concerns, the project still requires a few additional, basic changes to limit the adverse impact on the surrounding community and to ensure the success of the new mixed-use development. These changes can be most effectively addressed by your variance review and action.

The new development will share the interior block of historic alleyways. Along the alleyways are historic buildings, some of which are situated within the alley system. Some of the buildings are readapted as homes and businesses. There are many residential buildings and businesses on the block as well as a historic storage center, which is still in use.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17831
EXHIBIT NO. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 17831
EXHIBIT NO. 39

There are several issues I would like to address:

1. Rear Yard: §774

The proposed building is situated on a corner "lot," with 168 ft. frontage on U Street and 526 ft. frontage on 14th Street. Currently, rear yards exist at the all of the parcels that make up this site. However, the new project will eliminate the rear yard in the CR portion of the project.

The first application named 14th Street as the front of the project, necessitating the rear yard along Treto Way. The variance request was for 100 percent, even though the plan for the C-3-A portion of the site already satisfied the set back requirement with the 18'8" landscaped strip along Treto Way, NW as shown on the submitted plans. Currently, there is a mature tree-line along Treto Way, where it meets the C-3-A portion of the site, which defines the boundary between the commercial and residential zone. This 18'18" strip of tree-planted area shown on the plan will, in essence, replace the existing tree-line, which will be removed during construction. The 18'8" landscaped strip with trees will the recreate the screening effect for the residential Treto Way (where there are semi-attached alley residences that face onto the project, and the rear of 1413 T Street Condominiums).

In the scenario created in the first BZA application, the CR portion required a rear yard variance because part of the building comes to the property line. Also, the historic townhouse on U Street required a technical variance. However, after the community took issue with the request for 100% rear yard variance – recognizing the need at the historic townhouse, but questioning the need for the remainder of the CR area (to allow ample area for turning trucks and moving vans) and the C-3-A portion (since the C-3-A portion had already satisfied the requirement), the applicant changed the 'front' of the building to U Street, changing the rear yard from Treto Way to the southern portion of the site.

Despite the applicant's switch of the 'front' of the building, the 18'8" landscaped strip should be a mandatory part of the plan. And, the issue of a setback for adequate turning and loading access also remains.

2. Loading: §201.1

The applicant first applied for a variance to the Loading Requirements. However, despite the fact that there are no changes to the plan (aside from the addition of a green roof and terraces), in the revised application the applicant no longer asks for the variance, stating that the requirements to not apply because the property is historic.

This rationale is questionable because only a modest portion of the property is historically significant (and the rear yard for the historic buildings will be built over per the plan, eliminating the parking/loading area that presently exists). The great massing of the building is new construction and therefore adequate loading should be required.

The current loading area is operating at capacity and requires delivery vehicles and trash trucks to park and/or idle in the public space. The addition of approximately 20,000 sq. ft. of

new retail and 230 apartments will increase the demand for loading, yet the plan reduces the loading area. The design of the loading area requires trucks to pull down into the residential end of Treto Way, NW and back up into the loading bays. The noise and exhaust from this scenario would have a detrimental effect on the residences at the southern end of Treto Way, NW. Furthermore, because of the 'canyon effect' from the height of the new development, the sounds and back up signals from the delivery vehicles and trash trucks will resonate throughout the adjoining residential neighborhood. Likewise, the 'canyon effect' will prevent exhaust from dissipating, trapping the exhaust at the residential end of the alley.

A redesign for adequate loading areas and access without constant truck traffic pulling down near the residences and backing up to the loading bays is needed so that the community is not adversely affected. Providing area so that trucks, moving vans and trash collection vehicles can turn into the loading area without constant backing up is suggested and one way to achieve this is to set the CR portion of the building back from the alley to allow ample turning radius.

3. Use of an existing curb-cut on 14th Street, NW: §1903.2

Constructing a garage entrance for a 148-car underground garage at the rear of the proposed development requires ingress/egress to/from the 15' wide historic Waverly alley and traversing two additional alleyways, which are already operating at capacity for existing businesses and residences. Customers, employees and residents must walk and drive through these alleys to access the businesses, loading areas, entrances, parking lots, homes, recreational areas and trash receptacles. Adding the 148-car garage and additional delivery demand at the rear would severely affect the neighboring residential and business properties and cause hazards to the safety, convenience and welfare of persons living working and visiting the area.

The alternative proposal to bring 148 cars through the 15' access alley to enter a through a garage door at the intersection of Paloma and Treto Way would create a detriment to the adjacent residential buildings. The convergence of commercial and residential traffic would cause blockage of the public space; the raising and lowering of the garage door would create noise; the idling of cars to enter would create air pollution; and one through the garage doors, the cars must wind in front of the residences on the uncovered ramp before descending the into the garage creating additional noise and emissions at the residential end of Treto Way, NW. The effects of this alternative would be a detriment to the community.

An independent traffic study by Grove/Slade Associates supports the 14th Street curb-cut for the entrance to the 148-car underground garage. MPD also supports the 14th Street curb cut. MPD also supports the 14th Street, NW curb cut. It is worth noting the continued use of the already existing curb cut on 14th Street by the project is supported by the developer, neighbors, the ANC, and myself.

In closing, thorough examination of the plans, careful consideration of the actual conditions on the block, and prudent analysis bring me to the following assessment of the remaining issues presented by this proposal. Therefore, I would recommend that:

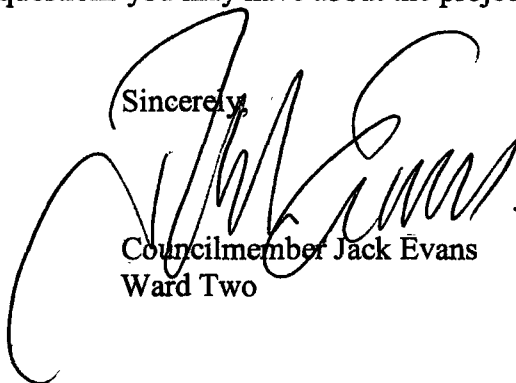
1) The landscape buffer at the C-3-A portion of Treto Way, NW as shown on the plan be required as part of the final approval (this buffer would have been required as a rear yard setback under the original filing with 14th Street as the front of the building);

2) The loading requirement should still be applied since the majority of the proposed project is new construction and the plan eliminates the existing rear yard behind the historic portion of the CR zone; and adequate turning area and loading access provided to avoid disturbance at the residential end of Treto Way.

3) The existing curb-cut on 14th Street be used as the garage entry for residential/customer/employee parking because the alternative, alley access plan would be a detriment to the public good.

I greatly appreciate the Board's thoughtful consideration and resolution of these matters, and would be happy to answer any questions you may have about the project's impact on my constituents in Ward Two.

Sincerely,

A large, stylized handwritten signature in black ink, likely belonging to Councilmember Jack Evans. The signature is fluid and cursive, with a prominent loop at the end.

Councilmember Jack Evans
Ward Two

cc: Neil O. Albert, DMPED
Jennifer Steingasser, Associate Director Development Review, DCOP
Ramon Estrada, Chair ANC2B
Norman M. Glasgow, Jr., Attorney