

Concerned Neighbors of Ward 1, and Ward 2

Representing T/Wallach/13th Street NW

**1315 T St NW
Washington DC 20009**

February 2, 2012

Meredith Moldenhour, Chairpeson
Board of Zoning Adjustment
441 4th Street NW Suite 210S
Washington, DC 20001

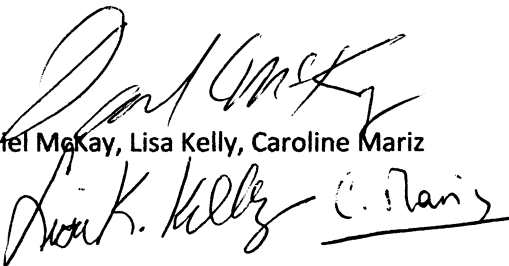
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Madam Chairperson,

We are writing on behalf of members of the community to express opposition to the proposed variances requested for Case 18306 at 1905-1917 14th Street. As evidenced by 85 petition signatures, we respectfully request weight and standing in this matter as we represent a large voice in the community most impacted by this project.

Members represented here are interested in the long term viability of their neighborhood, community and the well being of all of its members. Thank you in advance for your consideration and tireless effort to make The District of Columbia a great place to live and work.

Best Regards,


Daniel McKay, Lisa Kelly, Caroline Mariz

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18306
EXHIBIT NO. 46

Board of Zoning Adjustment
District of Columbia
CASE NO.18306
EXHIBIT NO.46

Recognizing that the main channel of communication from the community to the BZA is through the Area Neighborhood Commission (ANC) B1, we request that equal weight be given to the community most directly impacted by this development at 1905-1917 14th St, NW. A significant number of impacted residents opposing the variances and special exceptions have signed the attached petitions – currently there are 85 signatures. This group respectfully requests additional consideration and weight to their voice.

1. Justification for Additional Weight

ANC process to advise residents / solicit public comment has been non-transparent, impeding the affected community's input to this process:

- a.) ANC1B meeting announcement/meeting minutes not available for period from Oct 2011 to Jan2012.
- b.) No minutes or action items recorded from neighborhood meetings by the ANC.
- c.) Unannounced votes taken at U-Street Neighborhood Association Meeting, although the majority of the most impacted residents are represented by the Wallach Place Neighborhood Group.
- d.) In fairness, the ANC commissioner is a part time volunteer position, with responsibility for reviewing many multimillion dollar projects at one time making it difficult to be in a position to know the full scope of a specific project.

2. Multiple current neighborhood projects requiring investigation and attention challenge community volunteers

a.) Major Active Projects Requiring Community Action:

Three major projects at or near the 1905-1917 14th St. site requiring residents and the ANC's full attention outside the regular ANC business:

- i. Matchbox restaurant 300 Seats Operating Hours Planned until 2 Am Weekdays, 3 AM weekends,
- ii. Black and Orange 70 Seats. Operating Hours Planned until 5Am.
- iii. Movement of the US post office completely out of the neighborhood.

These projects also have raised concerns with parking, traffic, and alcohol hours and other community impacts.

b.) Other nearby Large Emerging Projects. Additionally there are many peripheral projects requiring attention along 14th Street including

- i. Reactivated JBG project for a large hotel on 13th and U streets.
- ii. Utopia Project at 14th and U Streets.

These reasons contribute to the need for a more comprehensive approach by the BZA and OP to manage the development of projects in the Arts Overlay while applying some common sense solutions.

3. **Applicant claims of “overwhelming support “are not credible.**

- a.) ¾ of the “Support Letters” come from residents who do not live in the immediate neighborhood and are not materially affected. Noise, trash, shadows will not impact these individuals.
- b.) Residents most impacted by the proposed development do not support the proposed variances as evidenced by the 85 submitted petition signatures.
- c.) While the ANC letter indicates “community support for the project” that does not accurately reflect the current position of the affected community. When the full plans of the proposed development were revealed it appears to be a design for a hotel, given the diminutive size of the units, calling into question the appropriateness of this project.
- d.) The ANC was never made aware of the full design and intent of the project.

ISSUES:

The request for the variances in BZA # 18306 has raised a number of concerns regarding the justification for the variances proposed by the Applicant.

This group, as represented by the 85 petition signatures would like the BZA Board to consider the following issues when making their decision on the proposed variances and the project as a whole:

Parking Variances:

The Applicant provided as a comparable case the office building BZA #18183 at 1513-1521 14th street NW. The exception granted for this non- residential office building is not comparable. The proper comparative case is the nearby residential building at 14th and S St, BZA #17850.

In the hearing of January 24th, Mr. Colbert, the Applicant’s architect, stated that the relief from the zoning requirements for parking is based on the financial impact of addressing the potential water issues at the site, and has quoted “an estimated cost of 2.2 million dollars is required to build compliant parking”. Mr. Cochran from the Office of Planning stated that the further south on 14th street you move the more difficult it is to mitigate the water problem.

Based on **BZA case #17850** for the property located at 14th and S St, NW the BZA required the Applicant to provide the required amount of parking, even though the water mitigation problems would have been more significant, due to its location further south, than the Applicant in this case. In addition to being required to comply with the zoning requirements for parking, the

Applicant in BZA#17850 also provided a number of green alternatives for the residents, similar to what is being proposed by the Applicant in this case.

The cost of complying with regulations is not a valid reason for being awarded a variance. For example, if I need to replace windows in my home I am required to comply with all the regulations that exist in DC that apply. I cannot get relief from following the regulations because it costs too much money to install the proper windows in a historic home. Why would the Applicant in this case be granted relief based on construction costs?

Why should this Applicant be granted special consideration for his request? If the Applicant is not capable of building a financially viable building on this site while complying with the zoning laws it would seem that maybe this is not the correct Applicant or correct design for the site.

The Applicant has also stated that the “parking is not required by the tenants and will go unused”. There is no evidence to support this assertion, except anecdotal evidence that some other properties they manage have unused spaces. After contacting the current buildings in the area that offer parking we found that not only are virtually all spaces occupied, but that there are significant waiting lists for spaces as they become available. In fact, 2010 census data shows that **58.3% of households in Ward 1 have vehicles**. This tracks perfectly with the reasonable zoning requirements that address required parking. Vehicles do not disappear because parking spaces are not constructed.

The Applicant also states that their “request for reduction is consistent with the other units in the area”. If the BZA reviews the area projects they will clearly show that the required amount of parking has been provided, along with additional offerings to help with mass transit use. That coupled with the overwhelmingly obvious need for additional parking negates the Applicants unsubstantiated assertions.

If the Applicant truly wants to make this a transit friendly building he will provide significant incentives to the tenants throughout the life of the building to encourage this, along with the “performance monitoring and measuring plan that includes benchmark goals with regard to TDM, and commitment to increase TDM efforts should applicant fail to reach goals” as per the DDOT suggestions. Unfortunately there is no mention of how this would be implemented and monitored.

The Comprehensive Plan addresses parking requirements in a number of places, and it is gratifying to see that “DDOT adheres closely to practices shaped by the Comprehensive plan”. Unfortunately it is not following the sections that seem to apply. **Policy MC -- 1.18 and MC-1.19** address these issues. **Neither of these relate to allowing a developer to obtain a variance for parking requirements based on financial impact.** In fact, there is no mention of allowing variances to the zoning requirements, but instead it actually addresses the responsibilities of DDOT to improve public transportation options to help reduce the dependence on auto use. That coupled with the transit improvements they are also required to provide have not been achieved, and it appears that they will not be achieved any time soon. There is no foundation to assume that eliminating parking spaces results in improving parking and transit issues.

Together with these policies there is an additional **Action MC-1.1.D** that addresses off -street parking needs with the development of off-street parking facilities in the U St. and 14th St. commercial districts. None of this has been undertaken, and in fact any surface lots that did exist are now building sites for additional development.

Reducing traffic is also dependent on improving the streetscape plans as detailed in Action NNW-1.2.A for 14th Street between Thomas Circle and U Street. Again, no action has been taken to do this, clearly impacting the goal of traffic reduction and greening of the area. And again, elimination of parking spaces does not contribute to these goals.

Special Exceptions for height and open court requirements:

Additional questions were asked in regard to the open court variances at the hearing. While there may not be an impact on the light in the adjoining building on the south side, the unsymmetrical design of the south vs. north side is not consistent with keeping the building aesthetically pleasing and similar to all the other buildings in the area. The same recessed floor design should be applied on both sides of the building. Multiple residences along Wallach Place will be in shadow due to the height and mass of the building. **It is strongly recommended to maintain the zoning requirements for the height and mass.**

The Applicant has stated multiple times in community meetings that he has, “taken a haircut” or given up space from the project design, to meet the historic board and community requests. However, as the project is still over height the Applicant as a practical matter given up nothing. The current design still exceeds the height requirements and the penthouse requirements. The “loss of units cited” is not actually a loss but a design constraint for which the Applicant is quite able to meet. Again, **exceptions to the zoning laws should not be granted so the Applicant can increase his financial return.**

The small 2 story adjoining building on the north side will be the most impacted by this project, yet little has been done to address the concerns of the owners of that building, as they testified at the Hearing. To protect their interests it seems that the BZA believes that the Applicant will make sure to have some kind of legal agreement with them. Obviously this type of agreement, and negotiation, will require significant legal expenditure by the owners of a small business to protect their property and business from issues as the large building is being constructed by the Applicant. It seems that one of the responsibilities of the BZA is to enforce the zoning regulations that are designed to protect existing neighborhoods, buildings, the District, the infrastructure, and not to sacrifice long term residents and small business owners in the interests of developers.

Loading Variances:

During the hearing Mr. Turnbull asked a number of questions in regard to the loading dock area that left many people with doubts about the veracity of the claims regarding truck access. These questions have arisen multiple times in discussions with residents as there are already concerns

with damage to nearby buildings from the refuse trucks and other trucks delivering in the area. The Applicants mitigation strategies to limit suppliers to smaller trucks and to erect signage to prevent trucks from accessing the alley are overly simplistic and not practical.

A current lessee of the building, the US Postal Service only loads smaller 2 ton box trucks in the alley behind the proposed site of the Applicant often blocking the alley. The required 20 foot Deep 200 square foot dedicated delivery space required by zoning would alleviate these congestion and safety concerns. USPS loads the larger trucks over 30 feet in the front of the building on 14th Street due to difficulties in accessing and exiting the alley as well as safety concerns with blocking the alley. The remaining refuse delivery in the rear of the building must also have special consideration to be accommodated with trucks no larger than the DC Department of sanitation as these vehicles are already to the maximum size of the alley and regularly damage structures and homes. **For these reasons is strongly recommended to maintain the zoning requirements for loading with special consideration to maintain the service/delivery space at 20 feet deep.**

The Applicant has asked for relief from the zoning requirements to accommodate 55' trucks in the alley. They have stated that loading and unloading of such large vehicles in the front of the building will be prohibited, however, the current tenants of the building, the US Post office and a Carpet Retailer do load from the front of the building and this would be preferred by neighbors who use the alley for ingress and egress from our homes. We do not understand how they will accomplish this and would like to see a plan for managing this activity.

Adherence to the Comprehensive Plan and Additional significant community concerns:

As to the concern regarding the ultra-high density and unit size, the Applicant stated that there is a demand for these small units in the area, based on his observations. Unfortunately the data does not back this up. **The current household size in Ward 1, based on the 2010 US census data shows that the average is 2.15, and the average family size is 3.24** one of the higher concentrations in the District. Most new construction has been for studios, small one bedroom, and small two bedroom units.

Therefore, the need in the area is not for additional hotel room sized units but for reasonable sized units for families, or groups. The diminutive size of the proposed units, **10 feet X 23 feet**, will clearly result in transient living situations. There is no need to bring additional people to the neighborhood to fill this type of housing. The need actually exists, as the Comprehensive Plan and the Logan Circle Neighborhood Investment Plan states for "maintaining housing opportunities for working families and lower income residents by constructing affordable units."

Since the units in this building are too small to accommodate the demographic in the area this project is in direct conflict with the Comprehensive Plan (Policy MC-1.1.7), and the census data.

The nearby residential building at 14th and S St, BZA case #17850 is a reasonable comparative case for density. This building has a foot print of approximately 4 times the size with triple the square feet of the currently proposed project by the Applicant. BZA case #17850 indicates it will

have 130 units of varying size. Compare this to the 144 small hotel room size units proposed by the Applicant and it is clear that this is an ultra-high density project. Fortunately the comprehensive Plan states that this property is zoned for Mid-Density. Clearly this proposed building violates the requirements in the Comprehensive Plan for Moderate to Medium-Density housing, particularly along 14th Street.

Additionally the Comprehensive Plan cites construction-related street disruptions, burdens on small business, and traffic and parking pressures as issues that need to be taken into consideration in development. The BZA in conjunction with the OP and DDOT needs to review the overall simultaneous construction occurring in the neighboring area to determine the impact of additional development at this time.

An additional concern of many of the current residents is the **potential ability of the Applicant (or subsequent owner) to convert this property to a hotel, or short term rentals**. Clearly the size of the units and lack of parking infrastructure are designed to make this feasible. How will granting these variances and special exceptions help prevent this eventuality?

Another question has not been raised and relates to the unusual placement of the 4 apartment units that are designated in the layout on the ground floor. It appears that these units adjoin the loading dock area, where the Applicant stated that “this is the location for the trash collection and other loading activities”. This seems to be a clear indication that no matter how undesirable a space is the Applicant believes it can be a rentable unit, most probably designated for compliance to the affordable housing requirement.

At the hearing, Mr. Turnbull asked for more information regarding the Arts Overlay requirements for the retail space, specifically what type of tenants are being sought. The Applicant made it clear that they are looking for “soft goods retail, and they are not interested in another food and beverage establishment”. This is a positive development and we are gratified to have that on the record.

In Conclusion:

The applicant has not demonstrated practical difficulties if the zoning regulations were strictly applied and that the variances would not cause substantial detriment to the public good and would not substantially impair the intent purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Firstly Applicants variance requests are based on financial impacts which are not acceptable demonstration of practical difficulties. Secondly there are comparable projects within the same block which are following zoning regulations. Finally, based on substantial public opposition and deviation from the DC Comprehensive Plan for density and parking, the applicant has not substantiated the claim that there is not substantial detriment to the public good

We believe that the BZA has been provided with no justification for granting the requested zoning variances and special exceptions requested by the Applicant.

Attachments:

1. **Map Plot by address of residents opposed;** on record who (by petition) oppose the variances and those that have provided BZA letters of support. – Lisa Kelly, Caroline Mariz, Elwyn Ferris
2. **Map Plot of nearby comparable BZA projects and properties** recommended for the parking and density considerations.- Daniel McKay, Carolee Inskeep, Joan Sterling
3. **Parking and Building Issues at The Ellington;** demographic experience from concierge at The Ellington – Carolee Inskeep, Robin Shuster
4. **Critical Assessment of Reference Comparable case #18183** from DC OPM report Robin Shuster
5. **Opposition to Variance from Off Street Loading Requirements** – Lisa Kelly, Daniel McKay

Acknowledgements:

Practical support and guidance from Wallach Neighborhood Association, and ANC Ward 2.

ATTACHMENT 1

Map Plot by address of residents opposed; on record who (by petition) oppose the variances and those that have provided BZA letters of support. – Lisa Kelly, Caroline Mariz, Elwyn Ferris

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

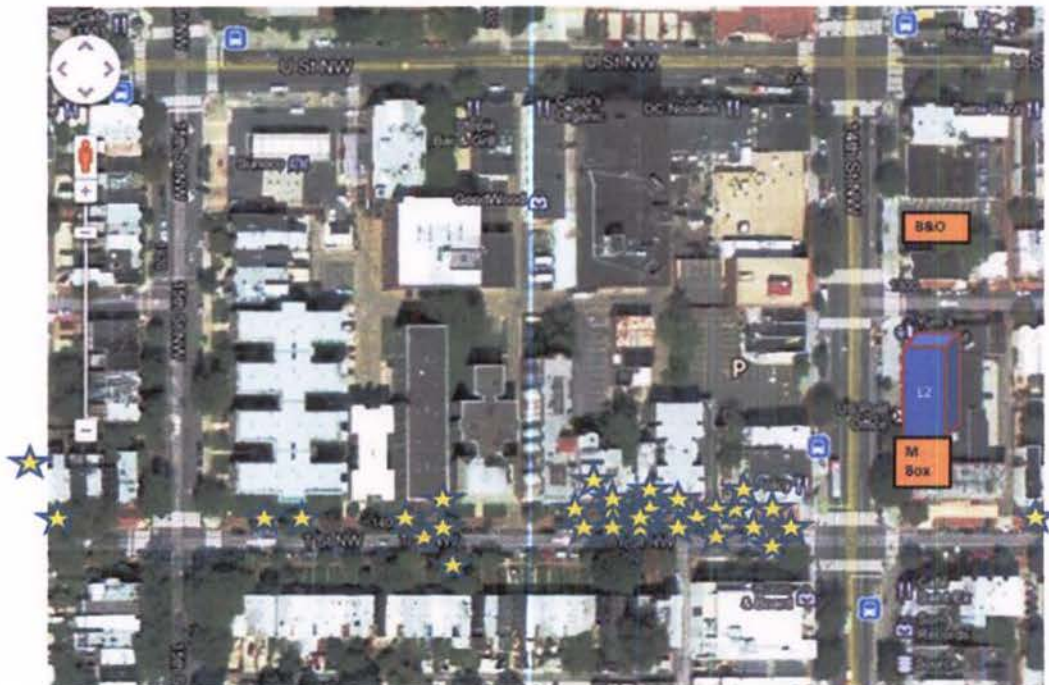


Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties



1 For Variances ★55 Opposed To Variances (Petition 1/24/2012) ★1233 S St.

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties



★30 Opposed To Variances (Petition after Jan 24 2012 hearing)

 Residents in support of variances

- 439 Elm Street NW, Washington DC 20001
- 1438 Florida Avenue, Washington DC 20009
- 2035 13 street NW, Washington DC 20009
- 1340 Wallach Place, Washington DC 20009

 or Residents opposing variances

- See petitions filed



Level2 Project

ATTACHMENT 2

Map Plot of nearby comparable BZA projects and properties recommended for the parking and density considerations.- Daniel McKay, Carolee Inskeep, Joan Sterling

Below is a map and excerpts from comparable BZA cases



Applicant Property and Comparables for Parking/Density:

ATTACHMENT 2 (cont)

Map Plot of nearby comparable BZA projects and properties

COMPARABLE BZA Case #: 17850 – 14th and S Streets: 130 units; 90 Parking

Below is an excerpt from the documents BZA case 17850:

“

The Applicant's Project

8. The Applicant proposed to construct a mixed-use development on the subject property that will incorporate the contributing building on the southern portion and new construction on the remainder of the parcel; the existing noncontributing buildings will be demolished.

The project will contain approximately **17,837 square feet of ground-floor retail space; residential space on the second through seventh floors containing approximately 130 dwelling units; and two levels of below-grade parking that will provide at least 90 parking spaces.** The Applicant indicated that the precise number of dwelling units and parking spaces had not yet been determined but will depend on the final layouts of the building and the garage.

9. The building will contain approximately **119,825 square feet of gross floor area**, and will be 75 feet tall. Its floor area ratio (“FAR”) will be 4.99, including approximately 0.74 FAR of retail space. While the C-3-A zone generally permits a maximum building height of 65 feet, with no limit on the number of stories, within the ARTS overlay district a building may be constructed to a maximum height of 75 feet. *See* 11 DCMR §§ 770.1, 1902.”

ATTACHMENT 2 (cont)

Map Plot of nearby comparable BZA projects and properties

COMPARABLE BZA Case #17831 – 14th and U Streets; 263 Units, 148 Parking

Below is an excerpt from the BZA case 17831:

“

You presented computations to me showing that even with the increased number of units, the number of parking spaces required by the Regulations would be provided, as follows:

- Under the new arrangement of units, sixty-four units would be on the portion of the site zoned ARTS/C-3-A. Parking for dwelling units in C-3-A is required at a minimum of one space for every two units; sixty four units would require thirty-two parking spaces.
- The new arrangement of units would provide 199 units on the portion of the site zoned CR. Parking for dwelling units in CR is required at a minimum of one space for every three units; 199 units would require sixty-six parking spaces.
- The residential units therefore require ninety-eight parking spaces.
- The existing historic buildings used for retail require no parking. The other retail space on the ground floor includes 11,130 square feet zoned C-3-A and 9,220 square feet zoned CR. Prorating the 3,000 square foot exemption for retail uses between the two zones and applying the respective rates under §2101.1, thirty-two spaces are required for the retail zoned C-3-A and ten spaces are required for the retail zoned CR, for a total of forty-two spaces.
- The total amount of parking required is therefore 140 parking spaces. The plan approved as part of the application show that 148 conforming zoning parking spaces are to be provided on two underground level, in excess of the minimum number required.

“

ATTACHMENT 2 (cont)

Map Plot of nearby comparable BZA projects and properties

Below is an excerpt from emails and research by Wallach Place Residents and the ANC1B02 Commissioner regarding the ELLINGTON:

COMPARABLE 13th and U Streets: Ellington 190 units; 176 Parking Fully Rented (150 by residents)

ANC1B02 - L2 Summary November:

From: **Alexandra Lewin-Zwerdling** <alexandralewin@gmail.com>

Date: Wed, Nov 2, 2011 at 10:03 PM

To: Alex Lewin <alexandralewin@gmail.com>

Cc: Wallach Neighborhood Association

Hi Everyone,

I tried to cull our comments and back and forth today so that we can make sure to coordinate next steps. Here is what I came up with. Let me know if you agree/disagree and perhaps some of us can agree to take on specific next steps. I'd also encourage everyone to go through each of the variances sought (in the ppt I sent around earlier) and add to the last of asks if/when necessary (if you didn't receive let me know and I'll send to you). David went through each variance fairly quickly so there may be additional issues that arise upon further review. I've also CCed a few people that couldn't make it to last night's meeting but may be interested in follow-up.

Best,
Alex

Level 2 Next Steps

1. Figure out history with Ellington and barring residents from getting residential parking permits - may be Glen Melcher who was involved (currently at atty with IRS)
2. Get a copy of Level 2's BZA application
3. Register as a party of interest in the zoning process and file a request with BZA to be heard at the Jan 24th hearing
4. Develop talking points - why are Wallach and T St different than other side streets with large condo developments?
5. Ask Level 2 about plans to work with Matchbox deliveries/trucks/alley. Meet with Matchbox and Level 2 together to resolve potential delivery/truck/alley issues.

Findings:

1) Ellington is fully rented

There are 190 apartment units in the Ellington, rented mostly by young, single professionals.

There are 176 parking spaces in the underground garage. Approximately 150 are rented to residents of the building.

A few spaces are rented to neighbors. The garage is consistently full: all but 6 spaces are currently rented (as of

today).

ATTACHMENT 2 (cont)

Map Plot of nearby comparable BZA projects and properties

Below is an excerpt from emails and research by Wallach Place Residents and the ANC1B02 Commissioner regarding the ELLINGTON(cont):

There are two levels of parking with different monthly rents (based on proximity of elevator). The G2 level has 98 spaces at \$185 per month and is completely full. The G1 level has 78 spaces at \$225, of which 72 are rented. Retail businesses (like Bank of America) rent approximately 14 garage spaces.

There are approximately 6 surface parking spots behind the building, that are available for rent, and they are fully rented out to the retail establishments in the building.

2) Ward 2 is requiring compliance with the legal requirement at Utopia across the street which has 250 units.

3) With over 400 units coming to our neighborhood, there will be people living in many of those units who will want to park on the street as a public amenity in the city and we know what a difficult thing parking is around here.

ATTACHMENT 3

Parking and Building Issues at The Ellington; demographic experience from concierge at The Ellington – Carolee Inskeep, Robin Shuster

Below is an excerpt from emails and research by Wallach Place Residents regarding the ELLINGTON:

From: Carolee Inskeep
Date: Wed, Nov 2, 2011

Neighbors,

Steve suggests that we find out how many parking spaces L2 is obligated to put in (before variances) and hold out for at least that number.

After speaking with the concierge at The Ellington, I have to agree. Based on her experience, she advised that we hold out for as many as possible, and she gave me some data about The Ellington's parking for comparison. I've included that below. Generally, The Ellington's garage is fully rented, and she's found that to be the case for other buildings she's managed.

She advised that we should keep in mind the size and frequency of trash trucks. These trucks usually run about 25 feet (can be more, or less), and for a building of the proposed size, will arrive daily about 7 a.m.

She cautioned that we should NOT let the developer argue that efficiency apartments will produce less trash & therefore be served by small trucks or low frequency: she finds that trash correlates to age/lifestyle. Therefore, young professionals who order online, eat take-out, subscribe to magazine, and use a lot of bottles will have more trash than other types of residences and may require more frequent pickups or a larger truck.

She said neighbors closed to the trash area will be subjected to regular morning noise, and they will have to enforce the "no pickups before 7 a.m." rule, especially if there is weekend trash pickup.

Regarding the rooftop garden area, she said we should push for something that will prevent the residents from using the rear portion of the roof (like a fence). She said residents will climb over and on things: for example, she has had to remove intoxicated residents from on top of The Ellington's mechanical penthouse. Planters will not keep them from using the rear of the roof.

She additionally warned that the developer might - down the road - state that he can't rent out the "non-restaurant" retail spaces and will try to convert them to food establishments. If that happens, we should expect additional delivery trucks and much more trash. She also noted that even if he rents to something like a furniture store, that type of establishment will not get its deliveries via UPS.

She wondered if MatchBox will keep its current loading location, and how does it plan to accept deliveries? How will that conflict with traffic flow to the proposed new building?

ATTACHMENT 3(cont.)

Parking and Building Issues at The Ellington; demographic experience from concierge at The Ellington

Finally, she said we should confirm that that emergency vehicles will be able to access the alley, especially since there will be a new building footprint.

Carolee Inskeep

ELLINGTON PARKING COMPARISON

There are 190 apartment units in the Ellington, rented mostly by young, single professionals.

There are 176 parking spaces in the underground garage. Approximately 150 are rented to residents of the building. A few spaces are rented to neighbors. The garage is consistently full: all but 6 spaces are currently rented (as of today).

There are two levels of parking with different monthly rents (based on proximity of elevator). The G2 level has 98 spaces at \$185 per month and is completely full. The G1 level has 78 spaces at \$225, of which 72 are rented. Retail businesses (like Bank of America) rent approximately 14 garage spaces.

There are approximately 6 surface parking spots behind the building, that are available for rent, and they are fully rented out to the retail establishments in the building. Motorcycles & mopeds can rent space near the bike racks for a low fee, and those spaces are rented out.

I forgot to ask if there are currently ZipCar spaces behind The Ellington, but there were 2 when I lived there.

Residents are not allowed to have zoned street parking stickers.

The concierge felt that, in general, the young people she's had as residents (in The Ellington and other buildings) hang onto their cars as a means to get out of town on weekends and holidays, and many are "just passing through DC for a year or two" (working for a congressman or in college), and therefore don't give up their vehicle for that short amount of time.

She seemed to think the developer is just trying to get out of paying for the required parking spots.

From Alexandra's last email, that looks like L2 is obligated to put in 82, for residents and retail, and they desire 34. Even at 82 spaces, that means half of the units will not have access to a parking space, and that's still a lot of pressure on our neighborhood.

It seems to me that should L2 put in the required amount, they will be able to rent all spaces to their residents, retail establishments, and neighbors. I bet there are a couple of households on our block that would find it convenient to rent a compact space there, even at \$200 per month.

ATTACHMENT 4

Critical Assessment of Reference Comparable case #18183

Below is an excerpt from research by Wallach Place Residents regarding the OFFICE OF PLANNING REPORT COMPARABLE CRITIQUE: 18306 at 1905-1917 14th St. ,vs. 18183

The Office of Planning compared 18306 with 18183 which was approved by BZA for a parking variance. however, there are significant differences between the two buildings that call in question the comparison. All quotes are from the March 8 Steingasser Memorandum.

1. The buildings have completely different uses: "The majority of the proposed building 18183 would be occupied by office use which is primarily a daytime use. The study provides that there are typically- onsite parking spaces available along 14th and 15th Street during daytime hours."

2. 18183 is located in the middle of a long commercial block with a lot of metered parking. It is likely that the majority of the office workers will commute by public transport. Level 2 is at a residential intersection of a small half block of 14th. Even if the residents commute to work by public transportation, many of them will use cars for weekend errands and will need a place to park them. We see this already with current residents of the block and neighborhood who commute to work by public transport but park their cars on the street for evening and weekend usage. Parking on Wallach Place is already extremely difficult in the evenings and increasingly so during the daytime.

3 The developable areas are constrained in one case and open in the other. The "developable area (of 18183) is constrained by an existing historic structure on the site, which would be retained and restored as a part of the proposal. The structure, which has no underground parking, covers about half the lot and leaves only the northern portion of the site open to the ground."

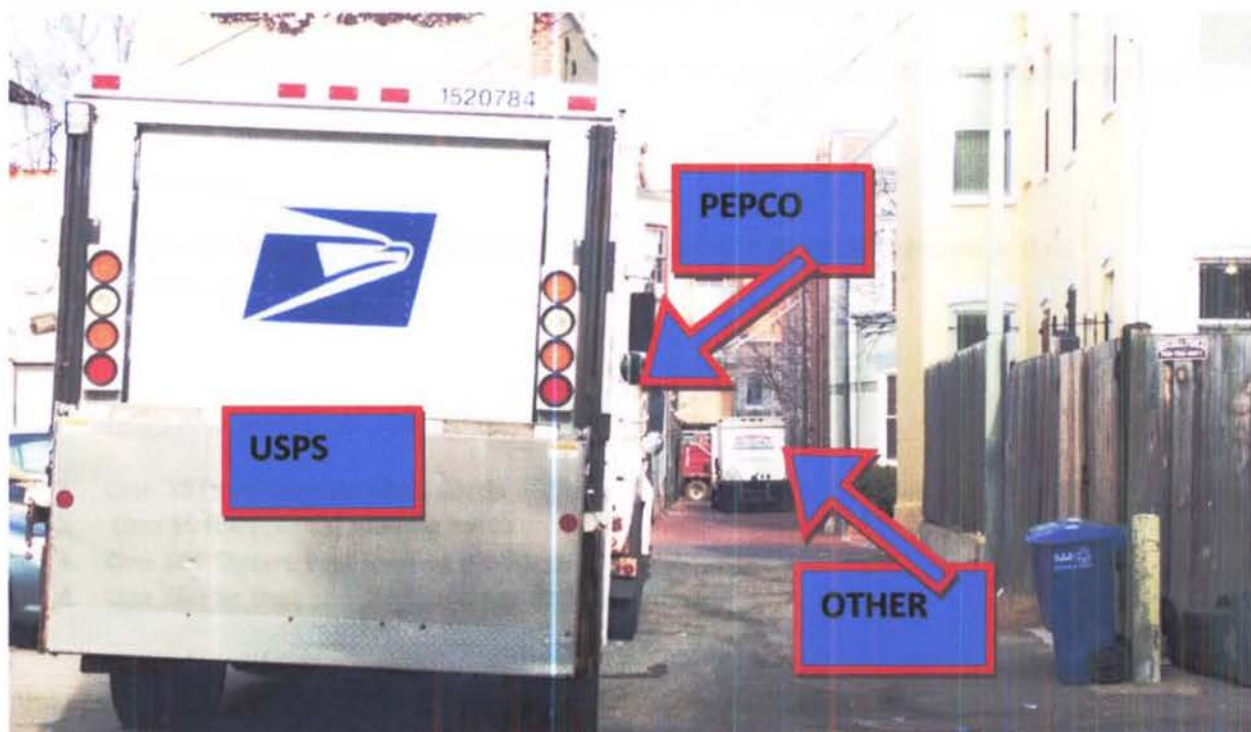
This is quite different from the Level 2 site, all of which will be open to the ground after the existing structures are demolished. Both properties have a shallow water table. But 18183 has to contend with a small open lot that limited excavation and potential parking.

4.. 18183project was uncontroversial. Neither the ANC nor any other residents protested.

ATTACHMENT 5

Below is summary of research by Wallach Place and T Street Residents regarding Opposition to Variance from Off Street Loading Requirements – L. Kelly, D. McKay

Applicant should be required to follow zoning and create one 200 Sq foot and 20 foot deep delivery space per zoning requirements.



USPS, PEPCO, and other Delivery Trucks Shown Blocking Alley . Jan 2012

2-ton USPS Truck, Pepco, and other Delivery trucks Blocking the Alley for Emergency Vehicles and resident parking points to need to enforce zoning requirement for One 200 Sq foot and 20foot deep delivery space.

Variance from the off-street loading requirements –

The Applicant summarized the zoning requirements in the request for variance:

" retail or service establishment in the C-3-A District with 5000 to 20000 square feet of gross and cellar floor area is required to provide loading berth at 30 feet deep and loading platform measuring 100 square feet In addition an apartment house or multiple dwelling with 50 or more dwelling units is

ATTACHMENT 5(cont)

Summary of research by Wallach Place and T Street Residents regarding

Opposition to Variance from Off Street Loading Requirements

required to provide loading berth at 55 feet deep loading platform measuring 200 square feet and service/delivery space at 20 feet deep

The project includes 144 residential units and 6147 square feet of retail and service use

and is thus required to provide loading berth at 30 feet deep loading berth at 55 feet deep

loading platform at 100 square feet loading platform at 200 square feet and service/delivery space at 20 feet deep"

Applicants proposal:

"Plan contains loading berths at 30 feet deep loading platform at 300 square feet and no service/delivery space"

Laymen's Interpretation: The zoning requires:

1. One 30 foot (truck)loading Berth
2. One 55 foot (truck) loading berth
3. One 100 Square foot loading platform
4. One 200 Sq foot and 20 foot deep delivery space

And L2 proposes no delivery space, NO 55 foot berth, a larger loading platform

and an additional 30 foot berth.

Applicant has not met burden of practical difficulties-

. It is possible for the applicant to reduce the building footprint

Applicant has not met burden of no harm to public good.

The loading delivery space requirement is necessary to insure proper traffic flow and safety vehicle access through the alley

ATTACHMENT 5(cont)

**Summary of research by Wallach Place and T Street Residents regarding
Opposition to Variance from Off Street Loading Requirements**

Delivery Space is needed to allow for trucks to be out of the alley.



USPS, PEPCO, and other Delivery Trucks Shown Blocking Alley . Jan 2012



Drivers cannot pass to get to/from residential parking.

Emergency Vehicles Cannot Pass



PARKING VARIANCE - COMPARABLES



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Applicant Property and Comparables for Parking/Density:

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

COMPARABLE BZA Case #: 17850 – 14th and S Streets: 130 units; 90 Parking

The Applicant's Project

8. The Applicant proposed to construct a mixed-use development on the subject property that will incorporate the contributing building on the southern portion and new construction on the remainder of the parcel; the existing noncontributing buildings will be demolished.

The project will contain approximately **17,837 square feet of ground-floor retail space; residential space on the second through seventh floors containing approximately 130 dwelling units; and two levels of below-grade parking that will provide at least 90 parking spaces.** The Applicant indicated that the precise number of dwelling units and parking spaces had not yet been determined but will depend on the final layouts of the building and the garage.

9. The building will contain approximately **119,825 square feet of gross floor area**, and will be 75 feet tall. Its floor area ratio ("FAR") will be 4.99, including approximately 0.74 FAR of retail space. While the C-3-A zone generally permits a maximum building height of 65 feet, with no limit on the number of stories, within the ARTS overlay district a building may be constructed to a maximum height of 75 feet. *See* 11 DCMR §§ 770.1, 1902.1.

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

COMPARABLE BZA Case #17831 – 14th and U Streets; 263 Units, 148 Parking

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finally refined. The plans will comply in all other respects with the plans approved by the Board. Since the plans and the Applicant's statement indicate that the number of units might change, the relief requested of the Board had nothing to do with the number of units and the Board imposed no condition relating to the number of units, it is my conclusion that plans which show 263 units and are otherwise the same as the plans approved by the Board would be consistent with and in compliance with the Board's Order.

You presented computations to me showing that even with the increased number of units, the number of parking spaces required by the Regulations would be provided, as follows:

- **Under the new arrangement of units, sixty-four units would be on the portion of the site zoned ARTS/C-3-A. Parking for dwelling units in C-3-A is required at a minimum of one space for every two units; sixty four units would require thirty-two parking spaces.**
- **The new arrangement of units would provide 199 units on the portion of the site zoned CR. Parking for dwelling units in CR is required at a minimum of one space for every three units; 199 units would require sixty-six parking spaces.**
- **The residential units therefore require ninety-eight parking spaces.**
- **The existing historic buildings used for retail require no parking. The other retail space on the ground floor includes 11,130 square feet zoned C-3-A and 9,220 square feet zoned CR. Prorating the 3,000 square foot exemption for retail uses between the two zones and applying the respective rates under §2101.1, thirty-two spaces are required for the retail zoned C-3-A and ten spaces are required for the retail zoned CR, for a total of forty-two spaces.**
- **The total amount of parking required is therefore 140 parking spaces. The plan approved as part of the application show that 148 conforming zoning parking spaces are to be provided on two underground level: , in excess of the minimum number required.**

COMPARABLE 13th and U Streets: Ellington 190 units; 176 Parking Fully Rented (150 by residents)

ANC1B L2 Minutes November:

From: Alexandra Lewin-Zwerdling <alexandralewin@gmail.com>
Date: Wed, Nov 2, 2011 at 10:03 PM
To: Alex Lewin <alexandralewin@gmail.com>
Cc: Carolee Inskip <caroleeri@aol.com>, "Walter, Sheryl (NSD)" <Sheryl.Walter@usdoj.gov>, Craig.brownstein@edelman.com, k_reisman@yahoo.com, lmcadoo@klproperties.com, carmankl@yahoo.com, danielmckayusa@gmail.com, neeljr@gmail.com, Ramon.estrada@dupontcircleanc.net, Christopher.siddall@gmail.com, Leif_hockstad@yahoo.com, Robin.shuster@verizon.net, stewartbunn@gmail.com, kvilov@gmail.com, Lisakell2001@yahoo.com, smooney@wileyrein.com, twollyhats@comcast.net, bgreenberg@interaction.org, Sheryl_walter@ksg02.harvard.edu, Alex Zwerdling <aezwerdling@gmail.com>, "Reisman, Kasey" <Kasey.Reisman@americancapital.com>, "justinrood@gmail.com" <justinrood@gmail.com>, "zoltonite@hotmail.com" <zoltonite@hotmail.com>, "margaretegreene@gmail.com" <margaretegreene@gmail.com>, "sbunn@bartlett.com" <sbunn@bartlett.com>, "guyleo@earthlink.net" <guyleo@earthlink.net>, "wittels@msn.com" <wittels@msn.com>, "ashapiro@npr.org" <ashapiro@npr.org>, "ajinwdc@yahoo.com" <ajinwdc@yahoo.com>, "sgoldfrank@omm.com" <sgoldfrank@omm.com>, "marv@americasfuture.org" <marv@americasfuture.org>, "kcarman@air.org" <kcarman@air.org>, "deverskj@aol.com" <deverskj@aol.com>, "lizfowler@hotmail.com" <lizfowler@hotmail.com>, "kmcadoo@klproperties.com" <kmcadoo@klproperties.com>, "Paromero1@aol.com" <Paromero1@aol.com>

Hi Everyone,

I tried to cull our comments and back and forth today so that we can make sure to coordinate next steps. Here is what I came up with. Let me know if you agree/disagree and perhaps some of us can agree to take on specific next steps. I'd also encourage everyone to go through each of the variances sought (in the ppt I sent around earlier) and add to the last of asks if/when necessary (if you didn't receive let me know and I'll send to you). David went through each variance fairly quickly so there may be additional issues that arise upon further review. I've also CCed a few people that couldn't make it to last night's meeting but may be interested in follow-up.

Best,
Alex

Level 2 Next Steps

1. Figure out history with Ellington and barring residents from getting residential parking permits - may be Glen Melcher who was involved (currently at atty with IRS)
2. Get a copy of Level 2's BZA application
3. Register as a party of interest in the zoning process and file a request with BZA to be heard at the Jan 24th hearing
4. Develop talking points - why are Wallach and T St different than other side streets with large

condo developments?

5. Ask Level 2 about plans to work with Matchbox deliveries/trucks/alley. Meet with Matchbox and Level 2 together to resolve potential delivery/truck/alley issues.

Findings:

1) Ellington is fully rented

There are 190 apartment units in the Ellington, rented mostly by young, single professionals.

There are 176 parking spaces in the underground garage. Approximately 150 are rented to residents of the building. A few spaces are rented to neighbors. The garage is consistently full: all but 6 spaces are currently rented (as of today).

There are two levels of parking with different monthly rents (based on proximity of elevator). The G2 level has 98 spaces at \$185 per month and is completely full. The G1 level has 78 spaces at \$225, of which 72 are rented. Retail businesses (like Bank of America) rent approximately 14 garage spaces.

There are approximately 6 surface parking spots behind the building, that are available for rent, and they are fully rented out to the retail establishments in the building.

2) Ward 2 is requiring compliance with the legal requirement at Utopia across the street which has 250 units.

3) With over 400 units coming to our neighborhood, there will be people living in many of those units who will want to park on the street as a public amenity in the city and we know what a difficult thing parking is around here.

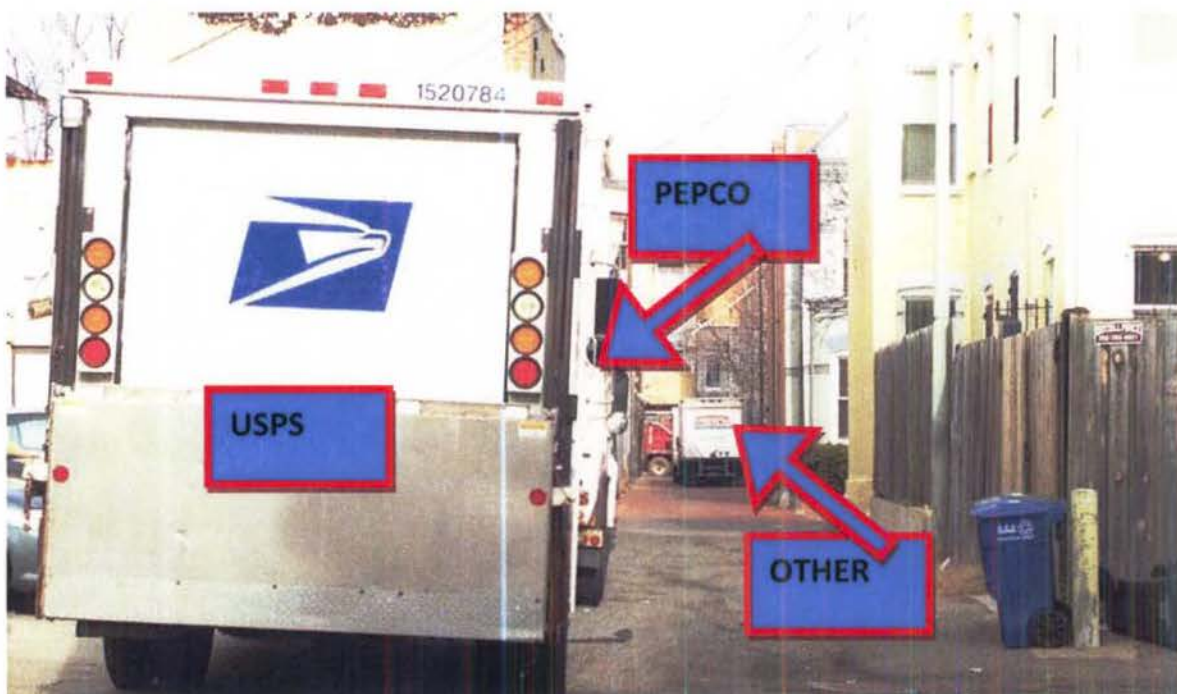
Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

Case Number : 18306 1919 14th Street, LLC, on behalf of 14th Street Properties

Opposition to Variance from the off-street loading requirements

Applicant should be required to follow zoning and create one 200 Sq foot and 20 foot deep delivery space per zoning requirements.

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USPS, PEPCO, and other Delivery Trucks Shown Blocking Alley . Jan 2012

2-ton USPS Truck, Pepco, and other Delivery trucks Blocking the Alley for Emergency Vehicles and resident parking points to need to enforce zoning requirement for One 200 Sq foot and 20foot deep delivery space.

Variance from the off-street loading requirements –

“ retail or service establishment in the C-3-A District with 5000 to 20000 square feet of gross and cellar floor area is required to provide loading berth at 30 feet deep and loading platform measuring 100 square feet In addition an apartment house or multiple dwelling with 50 or more dwelling units is required to provide loading berth at 55 feet deep loading platform measuring 200 square feet and service/delivery space at 20 feet deep

The project includes 144 residential units and 6147 square feet of retail and service use and is thus required to provide loading berth at 30 feet deep loading berth at 55 feet deep loading platform at 100 square feet loading platform at 200 square feet and service/delivery space at 20 feet deep" "Plan contains loading berths at 30 feet deep loading platform at 300 square feet and no service/delivery space"

Laymen's Terms: The zoning requires:

1. One 30 foot (truck)loading Berth
2. One 55 foot (truck) loading berth
3. One 100 Square foot loading platform
4. One 200 Sq foot and 20foot deep delivery space

And L2 proposes NO delivery space, NO 55 foot berth, a larger loading platform

and an additional 30 foot berth.

Have NOT met burden of practical difficulties-

The practical difficulty again is that the plan must change. The building design is oversized for the site, therefore there is no space to meet zoning requirements. It is possible for the applicant to reduce the building footprint and meet the requirement, but there has been no effort to do this.



USPS, PEPCO, and other Delivery Trucks Shown Blocking Alley . Jan 2012



Drivers cannot pass to get to/from residential parking.



Emergency Vehicles Cannot Pass

Delivery Space is needed to allow for trucks to be out of the alley.

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Residential Development Aplenty for 14th Street

December 6, 2011

by *Shilpi Paul*



Construction on 14th Street NW

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Back in mid-October, we wrote a post that looked at the many residential developments on tap for H Street NE. In light of recent [news](#) that The District on 14th Street will be a rental project rather than the originally-intended condos, UrbanTurf decided to similarly outline the slew of residential development that is on tap for the corridor of 14th Street that runs from above Florida Avenue to just south of Rhode Island Avenue.

**2400 14th Street**

The construction is moving full-steam ahead at 2400 14th Street NW ([map](#)), which will eventually be a 225-unit residential building with ground-floor retail, and two levels of underground parking. The nine-story development will have a rooftop pool, green roof, and floor-to-ceiling windows in many of the units. Delivery is estimated for mid-2013.



Rendering for apartments at 2221 14th St. Courtesy of R2L.

2221 14th Street

[Douglas Development](#) is planning a six-story, 30-unit apartment building at 2221 14th Street NW ([map](#)). It is not

known when the building will likely deliver, but the rendering gives an indication of what the building will look like — a glass and brick facade, balconies and bay windows for the units. The project will sit on the southeast corner of 14th Street and Florida Avenue NW.



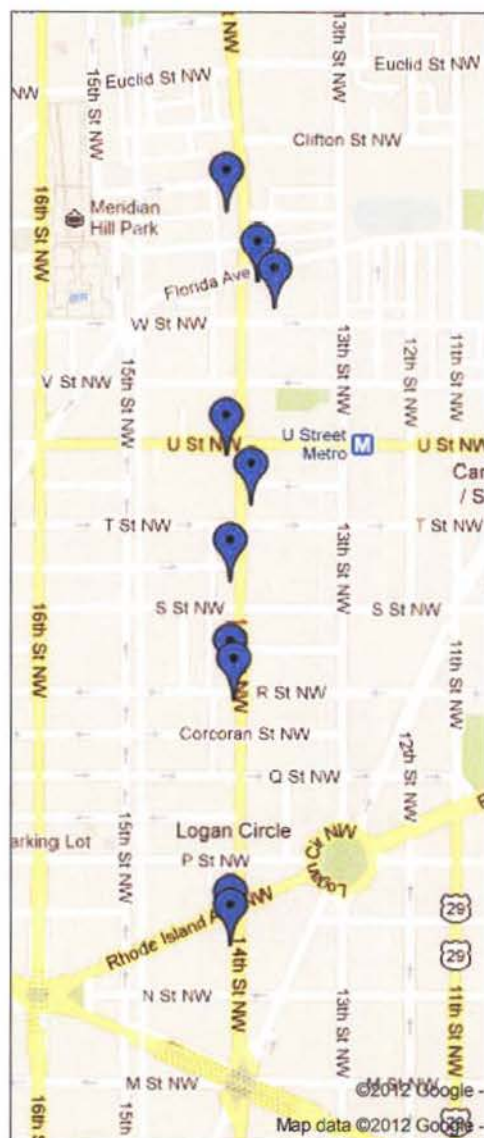
14W

Perseus Realty and the Jefferson Apartment Group are currently building a 231-unit mixed-use development at the corner of 14th and W Streets NW ([map](#)). The 300,000 square-foot project will have a new 44,000 square-foot YMCA facility, and 10,000 square feet of ground-level retail space. Units will average a little over 800 square feet, and monthly rents will range from roughly \$2,300 to \$2,600. Of the 231 apartments, 19 will be set aside as affordable for tenants earning 60 percent or less of area median income. Delivery is expected in the fall of 2012.



14th and U

The JBG Companies has almost become a household name in this area given how busy it has been on 14th Street and in the U Street Corridor of late. One of their biggest developments on the southwest corner of 14th and U ([map](#)) should be starting construction soon. The mixed-use project will replace a variety of fast food establishments and will include a 267-unit apartment building with 30,000 square feet of street-level retail.



Click a marker to see which project it represents.



1905-1917 14th Street

Level 2 Development is planning a seven-story, 144-unit apartment building with ground-floor retail at 1905-1917 14th Street NW ([map](#)), which includes the current site of the T Street Post Office. Architect Eric Colbert & Associates' original plan for the building was denied design approval by the HPRB this summer, so not much is known about when the project will deliver.



The District

- The District, a 125-unit apartment building developed by The JBG Companies and Grosvenor, broke ground at the corner of 14th and S Streets NW ([map](#)) in 2010. The majority of the units (85%) at the project will be studios and one-bedrooms and the remainder will be two-bedrooms. The building will feature street level retail along 14th Street, and have an indoor gym, as well as a roof deck with seating areas, a kitchen, bar, and sundeck. Originally planned as condos, it is expected to deliver next fall.



Northern Exchange

Northern Exchange is a 36-unit project at 1401 R Street NW ([map](#)), located in the building which was formerly the Chesapeake and Potomac (C&P) Telephone Company. The project will be comprised of studios, one and two bedrooms. Developer [PN Hoffman](#) is retaining original details from the building's former life, and the units will have exposed brick, high ceilings, and lofted bedrooms. There will be a 1,000 square-foot retail space on the ground floor, and the project is slated for delivery late next year.



The Aston

The Aston, a 31-unit condo development with 18 parking spaces and 3,000 square feet of ground-floor retail, is currently under construction for the southwest corner of 14th and R Streets NW ([map](#)). Designed by Bonstra|Haresign, prices will start in the \$300's and go up to \$1.1 million. Delivery is planned for the fall of 2012.

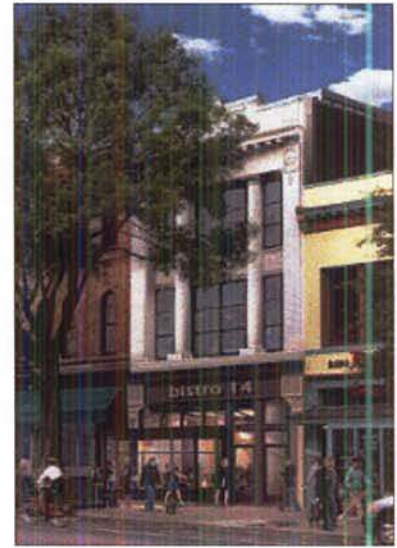


The Irwin

The Irwin is a six-story, 55-unit apartment building planned for 1328 14th Street NW ([map](#)). The project, designed by architecture firm Torti Gallas, would have mainly studios and one-bedrooms, ranging in size from 500 to 600 square feet. Plans also call for a large internal courtyard, a common roof terrace, a fitness center, bicycle storage and parking for about a quarter of the units. The design of the project has been subject to a number of revisions, so the final design will be different from the rendering above. No delivery date has been set for the project, which would also have 4,100 square feet of retail space on the ground floor.

1324 14th Street

CAS Riegler is developing a boutique condo on the upper floors of 1324 14th Street NW ([map](#)). The project, which will consist of five residential units on top of a ground-level retail space, will have two-bedrooms averaging around 1,000 square feet (two will come with a parking space). Construction is expected to start around the beginning of next year.



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