

***Advisory Neighborhood Commission 4B
Government of the District of Columbia
6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012***

**Recommendations:
Applications 18503 and 18505, Keystar Spring Place LLC
Board of Zoning Adjustment, March 26 Public Hearing**

The following recommendations are submitted to the Board of Zoning Adjustment (BZA) for consideration during its March 26, 2013 Public Hearing on Applications 18503 and 18505 from Keystar Spring Place LLC, as per DC law, including DC Code Section 1-309.10(d)(3)(A). We also ask for comment from the DC Department of Transportation and the Office of Planning, also as per DC law.

We reiterate our February 5, 2013 recommendations (attached).

In addition, attached are the comments of the Board of Directors of the Cedar Crossing Association. Cedar Crossing is a condominium community that backs up to the path that connects the to-be-built apartments to Cedar Street, NW. Cedar Crossing residents are among the most impacted by this project.

1. We agree with Cedar Crossings' concerns with respect to their property and liability issues. As the Cedar Crossing letter notes, the developers' promise to "facilitate the acquisition of all necessary easements" is vague and unenforceable. It is DDOT's obligation to facilitate negotiations to acquire easements to ensure ADA access and a transit-oriented project. Moreover, the developers have no leverage or enforcement powers to obtain an easement in this case.
2. We also agree with Cedar Crossing's position that the developer, not the taxpayers, should pay for the entire cost of ensuring that the project is the genuinely transit-oriented development that is the basis for the variance request. The developers, therefore, should assume all of the costs of constructing the ADA-accessible sidewalks that are needed to connect the project to Blair Road and all of the costs of constructing an ADA-accessible hiker/biker trail to connect Spring Place to Cedar Street.

Simply building in close proximity to a mass transit station or a bus line and relying on the city to do the rest is not adequate. Without these basic design elements, the buildings are safely accessible only via automobile. Giving a tenant a one-time Metro fare card or another item worth roughly \$60 does not obviate the developers' responsibility to provide safe access.

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 18503
EXHIBIT NO. 41

MAR 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 18503
EXHIBIT NO. 41

The developers state that they are providing a 4-foot-wide strip of land from their property along the front of their property to make a hiker/biker path that is 8-feet-wide. They recently agreed to add about one-half block of paving to connect the rest of Spring Place to Chestnut Street.

We note also that the developers will save a considerable amount of money by building 36 fewer parking spaces than required. The cost of these 36 spaces at \$20,000 per space (a conservative estimate, according to national data) totals \$720,000. The developers own estimate of the cost of constructing the bike path is \$200,000 - \$400,000 and the developers' own estimate of the cost of paving from the Spring Place/Chestnut Street intersection to Blair Road is \$20,000. Therefore, by the developers' own estimate, the maximum cost of providing a genuinely transit-oriented project is \$420,000. If the variance is granted and the developers required to build the sidewalks and the path, they would still save \$300,000 or more over the cost of meeting the zoning requirements.

3. We ask that the developer formally and in writing request that the Gables enter into an agreement to share parking spaces with Metro Village at an agreed-upon cost and we ask the developers to copy the Commission on the correspondence.

Adopted by a unanimous show-of-hands vote at a March 25, 2013 public meeting, notice of which was properly given and at which a quorum of nine members was present.



March 25, 2013

Cedar Crossing Board of Directors
343 Cedar Street NW
Washington DC 20012

ANC 4B
7106 Piney Branch Road NW
Washington, DC 20012

RE: Spring Place Development

Dear ANC 4B,

The Cedar Crossing Board of Directors is providing a recap of concerns as it relates to the Spring Place Development. First and foremost is the bike path/multi-use trail. It is the Board's understanding the developer will not commit to the construction of the bike path. This is of concern to the Association for several reasons:

- The developer is seeking tax abatement from the city. This in itself should be reason to construct the bike path due to the long term savings the developer will be receiving from the city (at the long term expense of other taxable businesses and residents).
- The Board does not believe tax abatement is warranted based on the increase percent of affordable housing or other reasons presented to the city without a quid pro quo. I.e. the bike path. In the long term, the community wants to feel good about development in Takoma; however, when there is little regard to the needs of the community this hinders development.
- There is current use of the dirt path by walkers – which will likely increase with the new development.
- It will likely be the desired path route to get to the Metro. Based on the developer studies, they are quite certain a good number (50%) of residents will not rely on automobiles and that at least 30% of the residents will utilize Metro. The Association believes the percent of Metro users will be higher than 30%.
- Given the unstable dirt path landscape, the Association is concerned of liability as the number of pedestrians increase. In this event, the Association may be forced to obtain a landscape property line survey to consider the building of a property fence to prohibit walkers from entering a dirt path that is not stable. In the end, the Association wants to minimize a litigious situation.
 - A property fence would derail the developer's value proposition of easy access to the Metro as it will no longer be a route for a Spring Place resident to take.
- The Association is eager to work with the developer, DDOT, the city and party attorneys to facilitate the fruition of the bike path. The developer's latest proffer, item #2, is a bit loose in language as it references terms such "facilitate the acquisition of all necessary easements". As the Association understands, the current language is left open for interpretation and the bike path could be overlooked and forgotten based on any party's lack of response or unable to resolve agreements.

Other concerns:

- Parking – The RPP program will be difficult to enforce after residents move in. Current use of street parking by Gables residents exists on Spring Street. The current cars parking there now will only be displaced.
 - The proposed 39 parking spaces are still low. Though provisions are being offered and seem sound and generous, the Association has concern of the additional street parking by the Gables residents and new residents for Spring Place.
- Site Access and Loading – The developer has stated deliveries will be made by 30-foot trucks or smaller. How and who can validate this? Which contractors for trash, etc., has the developer been working with to validate the proper size truck? Children, pedestrians and cyclist in the neighborhood are at risk if proper measures are not confirmed.

Thank you for your support. Please reach out to any Board member should you need additional information or have questions.

Best Regards,

Rolando Murillo

Cedar Crossing Board of Directors

Rolando Murillo, President

Brittany Foye, Resident Director, Vice President

Vonda Smith, Treasurer

Ryan Alan Biedlingmaier, Consensus Director, Secretary

Valentine Davies, Commercial Unit Representative

**Adopted Resolution
Advisory Neighborhood Commission 4B
Special Public Meeting, February 5, 2013**

The following recommendations are being submitted to the Board of Zoning Adjustment (BZA) and to the DC Department of Transportation (DDOT) for their consideration and comment as per DC law with respect to Advisory Neighborhood Commissions.

Advisory Neighborhood Commission 4B supports Applications 18503 and 18505 from Keystar Spring Place LLC, with some conditions and concerns. These conditions will help ensure that granting the variance will not cause substantial detriment to the public safety and the public good.

Keystar is asking for a variance from the off-street parking requirements and loading berth and loading platform requirements for apartment buildings in Spring Place, NW and Bull Place, NW (Square 3186, Lots 1 and 804 and Square 3185, Lots 52 and 822).

We understand that this project is intended to primarily attract tenants who do not own cars. Therefore, reducing the number of provided parking spaces could make sense. Fewer cars mean less traffic on the heavily congested Blair Road.

However, we are concerned that should these projections be inaccurate, tenants, who will have very limited on-site parking, will overburden area streets. Chestnut Street residents, for example, report difficulty parking under existing conditions, and adjacent portions of Dahlia Street have a similar problem.

We also understand that residents of the adjacent Gables Apartments currently do not receive residential parking permits.

We therefore ask that the BZA do what it can to prevent the issuance of Residential Parking Permits at this location.

The developer bases the variance requests on his project's walkable, bikeable, mass-transit friendly location and amenities. However, we have serious concerns about pedestrian and bicycle access to the street and to the Takoma Metro Station.

Currently, Chestnut Street provides the only pedestrian access to Spring Place, but Chestnut is not ADA accessible, with only partial sidewalks. Pedestrians, including those in wheelchairs, must use the street. A bike and pedestrian path connecting Spring Place to Cedar Street was part of the 2002 Takoma Central District Plan, but has not yet been built or designed. DDOT has delayed, in some cases for more than a decade, other promised Takoma-area safety improvements. These new residents need to have safe access to their homes from day one.

We therefore ask that the developer construct, at his own cost, the pedestrian/bike path from Spring Place to Cedar Street and a sidewalk connecting Spring Place to Chestnut Street and Blair Road. This is similar to what other developers have done elsewhere in the city.

Currently, it is difficult and sometimes dangerous for cars to make left turns from Chestnut onto Blair Road. We ask that the BZA and DDOT evaluate a “right-turn only” restriction on cars exiting Chestnut, particularly during rush hours. Also, better signage, including more stop signs, and striping, need to be provided.

In keeping with the developer’s commitment for an environment-friendly building, we thank him for his commitment to provide at least 100 bike parking spaces and also ask that dedicated parking spaces be provided for Zip Car(s) and electric car(s), with appropriate outlets.

We also ask that BZA require that the developer send ANC 4B, as well as DDOT, a copy of its annual Traffic Count so that ANC 4B can monitor the conditions and make recommendations for mitigation, if necessary.

With respect to the loading berth and loading platform requirements, we defer to DDOT’s recommendations to protect public safety.

We authorize ANC 4B01 Commissioner and ANC 4B Chair Sara Green to represent these recommendations to the Board of Zoning Adjustment and to the DC Department of Transportation.