

Park View United Neighborhood Coalition
623 Otis PI NW
Washington, DC 20010
November 17, 2015

Board of Zoning Adjustment (BZA)
Re: Hearing on Application Number 19099

Dear Board Members,

I am writing on behalf of the Park View United Neighborhood Coalition (Park View UNC), a non-profit civic association operating in the northern Park View and southern Petworth. The property at 3701 New Hampshire Avenue NW is within our membership boundaries and development of the parcel has a direct impact on our members, particularly those living immediately adjacent to the property on Rock Creek Church Road.

On Wednesday, November 4, 2015, during a regularly scheduled meeting, members of the Park View UNC voted to oppose the parking variance being sought by the developers, unless the building is excluded from the Residential Parking Permit (RPP) System or other long term parking mitigation is established. Our members feel that creating 21 new residential units and retail space while providing zero parking spaces will cause substantial detriment to the immediate community by placing additional strain on already limited street parking; and that the developer's proposed strategies are insufficient to provide long term mitigation or offset of the detriment to the public good. However, without raising the cost to the developer, the BZA could provide long term mitigation by ordering the developer to establish a covenant prohibiting building residents from participating in the RPP System using language similar to the order for Application Number 18847.

Our request is based on the following factors:

- Street parking on the blocks nearest the site is already strained by existing uses within the neighborhood and continuing "by right" development is already increasing demand for parking.
- The developers proposed mitigations are primarily short term solutions lasting 3 years.
- The plan to provide offsite parking for residents for 3 years, encourages car ownership among residents, but provides parking solutions for only a fraction of the life of those cars.
- Exclusion from the RPP system would impose little cost to the developers and, if they are successful in promoting the site's many other transportation options, will cause little inconvenience to the new residents, but it would provide insurance that granting the variance will not substantially impact on street parking near the site.

There is more stress on the availability of parking than indicated in the developer's transportation analysis and a variance without additional mitigation would cause harm to the public good. In recent years many of the rowhouses along Rock Creek Church Road, Warder and in the surrounding neighborhood have been converted into multifamily homes. For instance, two buildings on Rock Creek Road between Georgia Avenue and Warder Street are in the process of expanding and will soon increase population density on the block. Additionally there are four churches within a two blocks of the site. None of those churches, nor most of the businesses along Georgia or New Hampshire avenues, have off street parking. This increasing density, coupled with intermittent heavy use, means that the existing parking supply is increasingly utilized. The developer's analysis of parking utilization was limited to a Thursday morning and a Thursday evening, which are not peak times for the area churches and cannot factor in housing units that are in development but not yet occupied. Even so, they found peak utilization of roughly 500 on street spaces at 83%, with numerous street segments at or over capacity during peak usage. The developer argues that 21 residential units and retail customers will not substantially impact the availability of parking in the area, but they fail to account for the margin of error in taking only a single sample during peak time and variations in utilization based on driver error. In unlined residential parking it is not uncommon for spacing between cars to result in unusable spaces, where the cars are parked in such a way that they leave insufficient space for a car to park between them. Our members who live within a block of the site report difficulty finding parking and the data in the transportation analysis does not conflict with those reports.

The 21 housing units will be a part of the community for decades but, aside from the bicycle storage and message board, most of the mitigation efforts will last only a few years. The bike share, car share and metro incentives will last for only 3 years. The developer has also proposed supplying off site, off street parking that will also only last for 3 years. These mitigation factors will only be in effect for a small fraction of the building useful life, but the impact on parking could last generations. Furthermore, supplying off street parking for the first 3 years actually encourages car ownership for residents, but then leaves street parking as the most attractive option afterwards. Such a plan undermines the goal of encouraging these residents to utilize other forms of transportation.

An order prohibiting participation in the RPP system is the most cost effective option for long term parking mitigation at this site. If the developer's mitigation plan is successful then the new residents will not own cars and will not want RPP stickers. The streets around the site already participate in the RPP program so there is no need change any of the street parking. Furthermore this is a solution that has been proposed by other developers in the area. While seeking a variance for a property two blocks south at 3619 Georgia Ave, Application No. 18847, the developer proposed establishing a covenant to run with the land that would prevent renters or possible future condo association members from participating in the RPP system. Among the conditions in the BZA's order granting the variance were the following:

1. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") for the Property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination.
2. The Applicant shall obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant any and all records of that tenant requesting or receiving an RPP for the Property.
3. The Applicant shall monitor tenant compliance with the RPP lease restriction by requesting from the DMV, every six months, any and all records of residential tenants requesting or receiving RPPs for the Property, and shall provide annually to Advisory Neighborhood Commission 1A and the Park View United Neighborhood Coalition the results of its inquiries¹.
4. Prior to obtaining a certificate of occupancy for the approved building, the Applicant shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP for the building.
5. If the building is developed as a condominium, the Applicant shall include in the condominium bylaws, public offering statement, purchase agreement, and deeds a provision prohibiting unit owners from obtaining an RPP for the Property from the DMV, and shall also include a provision allowing the DMV to release to the Home Owners Association ("HOA") any and all records of those owners requesting or receiving an RPP for the Property. The bylaws shall include a provision that makes it a violation of the HOA rules and/or bylaws for a resident of the Property to obtain an RPP.

While the particular details for each property are different this long term mitigation technique offers similar benefits for the site at 3701 New Hampshire Ave. and we urge the board to consider a similar course of action in considering this application.

Our members welcome the continued development of residential buildings along Georgia Ave, but the greater density of households means an increase in both residents and visitors. In a city that constantly attracts residents from throughout the country, many visitors drive in from out of town to see residents. The increased density and visitor traffic create a vibrant community, but efforts must be taken to accommodate new and old residents and their guests.

Granting the requested variance for this particular parcel would cause significant harm to the residents of this neighborhood and the proposed mitigation is woefully inadequate to alleviate that harm, therefore the Park View UNC asks the BZA reject this variance request or require additional long term parking mitigation.

¹ While the Park View UNC appreciates being included in the Order, an annual report to ANC 4C would be sufficient. Our members are happy to work with our ANC commissioners to monitor and resolve any potential issues.

Thank you for your consideration.

Sincerely,

Chris Waldman *then Mad Hedge at UAC VP*

Chris Waldman

President, United Neighborhood Coalition