

February 28, 2017

Attn. Frederick Hill, Chairman
Board of Zoning Adjustment
441 5th St., N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Application 19452

Dear Mr. Hill,

I am a long time resident of ANC 5B03, and implore the BZA to scrutinize the D.C. Department of General Services (DGS) application for special exceptions and variances for the property located at 17th and Rhode Island Ave., N.E. , and reject the application for special exceptions. The community of 5B03 encompasses parts of the neighborhoods of Brookland and Woodridge and is an integrated, progressive and diverse community with neighbors of all races, religions, interests, occupations and avocations. It is also one that has embraced a large number of shelters for Veterans, battered women, homeless families, and physically, cognitively and emotionally disabled. The proposed shelter, which this application addresses, is likewise welcomed in the community as long as it is compatible with the scale and mass of the neighborhood and does not require the requested special exceptions

This application should not be approved because the applicant fails to demonstrate that it is entitled to the requested special exceptions or variances.

Special Exceptions

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended); D.C. Official Code § 6-641.07(g)(2) (2001)), to grant special exceptions as provided in the Zoning Regulations. The applicant fails both the general test as well as the specific tests.

First, the requested special exception must “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” (11 DCMR § 3104.1.) Second, it must “not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map” (11 DCMR § 3104.1.) As to the first test, the proposed building will not be in harmony with the existing neighborhood.

The light and air available to neighboring properties of the adjacent properties will be unduly affected. The light and air at one existing property, a four story condominium, directly to the north of the proposed 70 foot tower will be drastically affected. The present shelter plan leaves only about 10 feet between the proposed

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shelter and the adjacent condominium property. The proposed tower with a scale, height and mass drastically exceeds the current zoning code. The two homes immediately north of the 4 story on the east side of 17th St. and the homes across 17th St., N.E. will be in the shade for a substantial portion of the day on a year round basis due to the height of the applicant's tower. This dramatic increase in the shade is a substantially adverse impact that requires denial of this application.

Several years ago a BZA applicant filed an application for the Mid City housing project further west on Rhode Island Ave., N.E. This is where the present Brookland Manor complex is located. The applicant initially had meetings with the community and proposed to the BZA that it be granted a special exception so that it could erect 10-story, 100 foot tall apartments fronting on Rhode Island Ave., N.E. At the BZA hearings there were at least one or two neighbors from the community who opposed the proposed height of those buildings. The height and mass of the building sitting on Rhode Island Ave. would overwhelm the community. My recollection is that the BZA limited the MID City buildings on Rhode Island Ave. to the zoning restriction of what I believe was 60 or 65 feet.

Most of the problems associated with this project stems from the lack of research that went into selecting the proper site. After the Mayor's initial choice was rejected the local councilman held meetings with Ward 5 persons and gave them a choice between 2 properties. Very few 5B03 neighbors were even aware that their community was being selected by residents of other areas of Ward 5. Due to the lack of interaction with local politicians, 5B03 was left out of the selection and design phase and only learned about the applicant's shelter plan in December. The Mayor had written to the councilman in May, 2016, asking him to delay selection of the 17th St. site until it could be surveyed. The full City Council voted on the revision to the Mayor's plan that included the new sites on May 16. The full City Council approved that plan on May 31. An important revision to that plan is that the Counsel's final bill stated that each shelter should be designed for "up to 50 families."

The poor location of this proposed building on a property one third the size required has created the need for the applicant to request special exceptions to the requirement for on site parking spaces and a loading dock. These are both critical issues which have been understated and not fully studied or discussed by the applicant. Given the current design plan there is no loading dock, platform or delivery space for a facility that is required under the current zoning. Deliveries of food and supplies for at least 165 people (140 residents and 25 full time daytime staff persons). The only access for deliveries is from a rear public alley that is about 15 feet wide. The applicants plan calls a "door" at the rear of the proposed building a "substandard-sized delivery berth". (Application of DCDGS, page 13). Due to the poor choice of a site applicant argues that those features are only needed for a shelter between 30,000 and 100,000. When the Mayor announced her original plan she stated that sites of 30,00 square feet were required to house shelters. Somehow the practical necessities of a large facility on an appropriate sized plot of land were lost in the political hoopla.

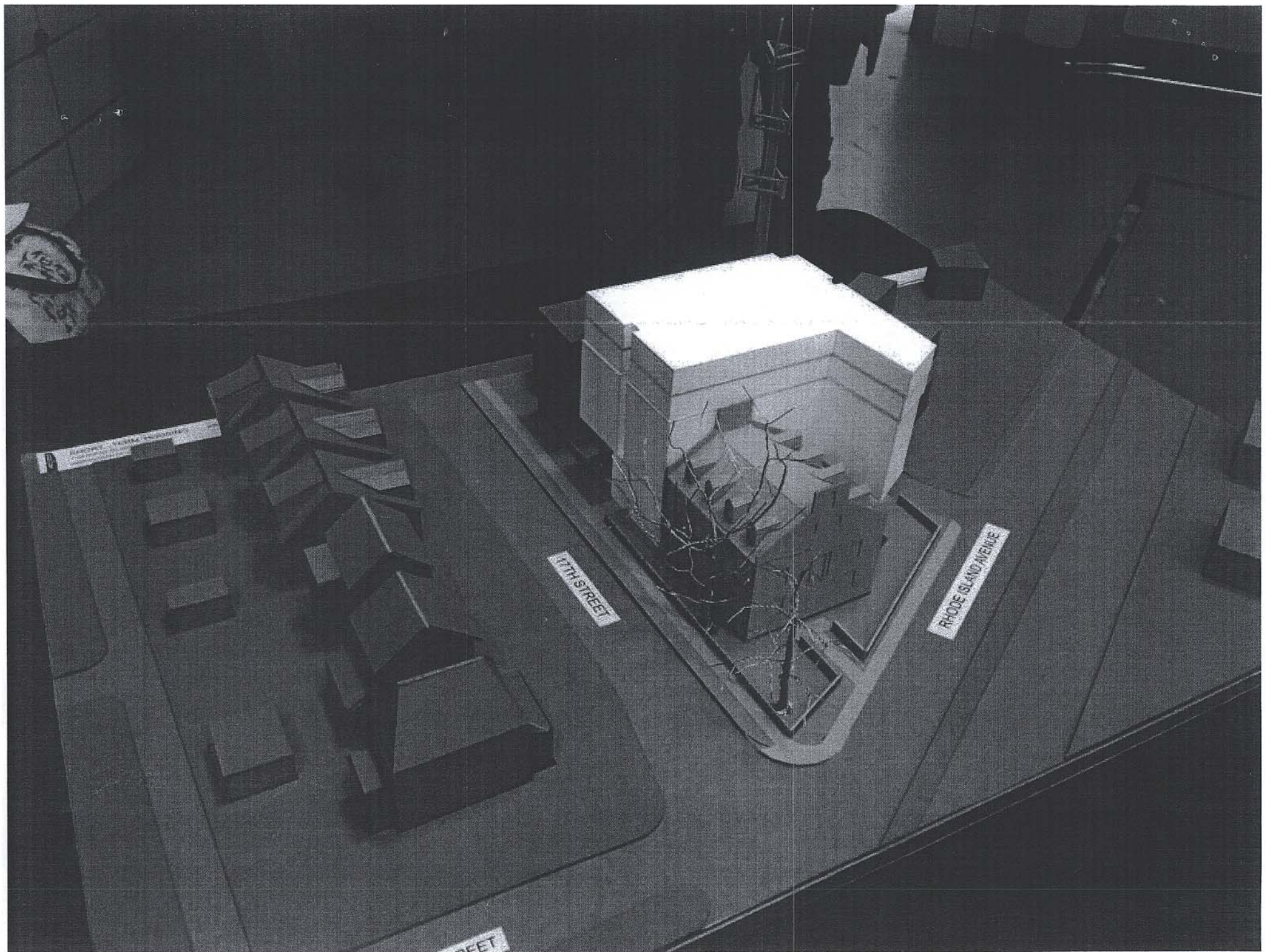
The applicant's current design plan has 2 or 3 parking spaces instead of the required 22 according to applicants filing. (See Application, page 12). The parking "study" measured out several hundred feet from the shelter in reaching their conclusions that there are available parking spaces. At the community meetings city officials conceded that persons with court orders, presumably relatives and parents, can visit the children in residence there. In addition, there will inevitably be numerous city or agency personnel visiting their clients at the shelter. Since daycare and other critical services will be located offsite it can be expected that the city will provide shuttles or buses to transport the children to daycare or their offsite schools.

Another aspect of the applicant's plan is the complete lack of any details detailing where the drop off and pick location will be. The applicant speculates that there would be "only three (3) drop offs and pickups per day and that they are "likely to occur at the front of the shelter on 17th St." (Application page 13, footnote 9). Facts matter; this is a shelter application for 140 residents where 35 staff persons who will be working on a daily basis. It is a foregone conclusion that there will be many trips to or from the proposed site by residents, social service personnel, legal representatives, maintenance personnel, etc. many of whom will utilize Uber type transport. Given that Rhode Island Ave. has a morning rush hour restriction and relatively high speed limit the only feasible location will be 17th St., a relatively narrow street. If one car stops to drop or pick up passengers it is very likely that traffic will not be able to move freely. This impediment to the flow of traffic will impact on the neighborhood.

The design of the building has a height and scale that is not compatible with the neighborhood on both the present homes in the area, and also upon the surrounding area. There simply is no building of its size and scale in the area. The building plan is devoid of any features or aesthetics that make it compatible to the small scale commercial and residential buildings. The applicant's mockups and artists' depiction of this proposed building are, in a word, shockingly poor. The applicant has not carried its burden with respect to demonstrating that the building shall not substantially visually intrude upon the character, scale and pattern of the properties in the area. The proposed building will cause a high level of visual intrusion as viewed from any street from many blocks away. The Commission of Fine Arts found many flaws in the applicant's project, of which the mass and height were merely two.

The applicant presents a false dilemma by stating that if this can't be built to accommodate 46 families, then the former D.C. Hospital complex could not close without presenting any evidence of that. There is no competent evidence to justify its rationale that this shelter site has to have 46 families its states that "operational economies of scale for a program" or its assertion that without 46 units would the city could not reach the goal of "280 D.C. General Shelter replacement units". This number of the families residing at D.C. General is significantly higher than the family population at the D.C, Hospital site than typically cited by the news media.¹ The applicant has no idea what the population number will be in 2019 when the facility is projected to be

¹ Washington Post, 5/11/16 cites 250 families living at DCG, WTOP.com 10/24/16,





17TH STREET

RHODE ISLAND AVENUE

STREET

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