

March 4, 2018

From: Concerned neighbors (See signature list below)

To: Board of Zoning Adjustment (BZA)

Re: **Comments in Opposition to BZA Case Number 19705.** The BZA should deny all relief requested by Madison.

## I. Overview

The majority of individuals that live in the surrounding buildings and homes to the proposed Madison project, oppose the massive scale of the current proposal. This is reflected in the numerous letters drafted by concerned neighborhoods and submitted to the BZA opposing the Madison project as proposed.

We have five requests which we respectfully ask the BZA to consider and address:

1. **All of the relief Madison is requesting should be denied in order to reduce the mass and scale of the project.**
2. **The project should be stepped down, or reduced in height as the elevation decreases from W to V Streets, NW. Additionally, the project should include additional setbacks and step downs on both the west and east side of the project to conform with the Arts 3 zone and historic perspective of the area.**
3. **All common areas for the proposed project, including all roof decks and the proposed outdoor space above the historic garage should be moved to the south alley side of the project to avoid impacts on the largest amount of residents in the neighborhood.**
4. **The proposed number of parking spots for the building is ok, ONLY if Madison reduces the scale of the project.**
5. **Parking for the proposed project should include a one way entrance accessible from both 15<sup>th</sup> Streets, NW and W Street, NW and a one way exit closer to V Street, NW.**

Title 11, Subtitle K § 813.2, authorizes the BZA to impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the zone district. Thus the law enables the BZA to impose requirements on Madison to ensure the project conforms to our concerns outlined above.

Many of the individuals that have signed this letter are unable to attend the BZA meeting on March 7<sup>th</sup> because of work conflicts. As neighbors, who will be permanently impacted by the project, we ask that you give strong consideration to our concerns and not interpret our lack of attendance or inability to attend the BZA hearing on March 7<sup>th</sup> as a lack of concern about this project. Below is additional information about each of the five requests outlined above. We ask the BZA to address these 5 issues at the hearing on March 7<sup>th</sup>.

## II. The mass and scale of the project is inconsistent with the Arts 3 zoning requirements and historic perspective of the area

We ask that the project be limited to six floors total or 65 feet, to reduce density concerns in the neighborhood (urban density, traffic, construction impacts, and light impacts on neighboring properties). Reducing the scale of the building will enable the project to fit within the intent of the Arts 3 zone which encourage pedestrian scale buildings and an attractive combination of new and old buildings.

Title 11, Subtitle K, Section 803.3 requires two conditions to be met to exceed the 65 foot height limitation for projects that include inclusionary zoning (IZ) units. Buildings that include the appropriate number of IZ units can be built up to 75 feet provided two requirements are met: the penthouse can NOT exceed 83.5 feet **AND** NO PART of the building shall project above the plane drawn at a forty-five degree angle. Specifically, section 803.3 states:

“803.3. In the underlying ARTS-3 zone, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.);

### **PROVIDED:**

- (a) No penthouse permitted by this title shall exceed a height of eighty-three and one-half feet (83.5 ft.) above the measuring point used for the building; **AND**
- (b) If a lot abuts either a R, RF, or RA zone or an alley that serves as the zone district boundary line of an adjacent R, RF, or RA zone, **no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property**

line that abuts the R, RF, or RA zone or the alley.”

A plain application of the law to the Madison project would mean as proposed, the project should be limited to 75 feet total since the project does not meet BOTH the height and 45 degree angle requirements. Thus granting relief to Madison on these requirements is at the direct expense of the intent of the regulations. Granting relief to 803.3(a) AND/OR 803.3(b) enables Madison to build a building above 75 feet. Thus not granting any of the requested relief will require Madison to revise the project to ensure the building conforms to the law, the intent of the regulations, and will reduce the scale of the project (a key community concern).

**III. The project should be stepped down, or reduced in height as the elevation decreases from W to V Streets, NW. Additionally, the project should include additional setbacks and step downs on both the west and east side of the project to conform to the Arts 3 zone and historic perspective of the area.**

The roof the project will be highly visible from both the south and north sides of the project. As proposed the roof is flat and monolithic which does not conform to the intent of the Arts 3 zoning intent and requirements. The flat, monolithic roof does not fit into the aesthetics of the neighborhood. We ask that the building include multiple step-downs as the building elevation decreases from W street to V streets, NW.

The Western facing façade of the building will also be highly visible from both the north and south sides of the project. Because 14<sup>th</sup> street decreases in elevation, gazing at the project from the south looking north, individuals will clearly see the roof line western façade. In order to preserve the historic intent of the block, we ask that the project include additional set backs on the western side to better preserve the historic nature of the various historic buildings associated with the project and to prevent a monolithic façade on the western side of the building.

We request that relief not be granted for the 45 degree angle requirement and that Madison revise the project to conform to the requirements in Title 11, Subtitle K, Section 803.3(b). Additionally, we do not believe Madison has acted in good faith in taking the measurements for the building to comply with the height and 45 degree angle height requirements as outlined in Title 11, Subtitle K, Section 803.3. Because Madison apparently has the discretion to choose where to take the measurements for the zoning requirements in Title 11, Subtitle K, Section 803.3, Madison has capitalized on taking the measurements at locations that enable Madison to maximize units at the expense of the intent of the Arts 3 requirements and the neighborhood.

**IIII. All common areas for the proposed project, including all roof decks and the proposed outdoor space above the historic garage should be moved to the south alley side of the project to avoid impacts on the largest amount of residents in the neighborhood.**

The buildings on the western side of the project towards V Street are not residential buildings. Moving common spaces to this side of the building will limit potential noise and privacy issues for individuals that live across the street from the project on either W street or 14<sup>th</sup> streets.

**V. The proposed number of parking spots for the building is ok, ONLY if Madison reduces the scale of the project.**

Parking in the neighborhood is challenging and limited. Madison's proposal to include 65-70 parking spots is ok if the project is reduced to six floors total. If the project is not reduced in scale, the proposed 65-70 parking spots must be doubled.

**VI. Parking for the proposed project should include a one way entrance accessible from both 15<sup>th</sup> Streets, NW and W Street, NW and a one way exit closer to V Street, NW.**

We do not support a parking garage entrance for the project on W Street. DDOT and the Office of Planning do not support the garage location on W street. If the parking entrance is moved to the alley, where we think it is best suited, this will create significant challenges for Madison’s desire to create pedestrian spaces in the alley. Further, we believe that vehicular access and egress from the same garage door in a 15 foot alley creates significant conflicts for the project. Madison proposes to develop the alley so retail spaces can be accessible from the alley way. However, including both pedestrian walking areas and including only one garage door will create significant conflict between pedestrians walking in the alley and cars driving in the alley. This can be resolved by creating one garage door for entrance from either 15<sup>th</sup> streets or W streets and an exit closer to V street.

**VII. Madison has not acted in good faith in communicating the project to the community**

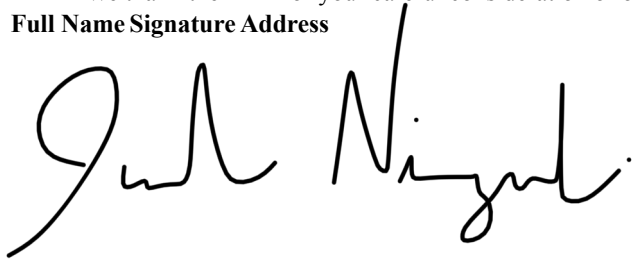
Madison has not acted in good faith in meeting with the community or communicating details about the project. Madison has stated they are only requesting “two feet” of relief from the height of the project. Madison claims the historic preservation review board has no concerns with the project. Madison claims they have done outreach to the community. The reality is this:

- Madison misrepresented to the community the relief they are requesting and failed to answer how the project scale would be reduced if relief was not granted.
- The historic preservation review board staff is not the actual board and staff communications should not be interpreted as support for the project by the historic preservation review board.
- Madison failed to consider any of the community request which focus on reducing the scale of the project.

**VIII. Conclusion**

We thank the BZA for your careful consideration of our comments.

**Full Name Signature Address**

A handwritten signature in black ink, appearing to read "Joseph Nicynski". The signature is written in a cursive style with a large initial "J" and a prominent vertical stroke for the "N".

Joseph Nicynski  
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