

POST-HEARING SUBMISSION OF BENOIT BROOKES**On Behalf of the****Dorchester House Tenants Association****D.C. Zoning Commission****April 27, 2006****Case 04-34 Dorchester House Apartments Expansion**

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D.C. OFFICE OF ZONING

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The Dorchester House Expansion Proposal should be denied for the following reasons:

1. The Dorchester owner's proposal violates the Height Act of 1910. Without Congressional legislation to waive this statute, the D.C. Zoning Commission, under the D.C. Home Rule Charter, lacks authority to grant the necessary relief required by the Applicants to complete this project and add an "addition" to the existing building.
2. The Applicant requires an amendment to the D.C. Zoning map, which, which should be denied. The proposal, in essence would encroach upon the "lesser" dense 17th street side of the project with prohibited size, mass, and density of 16th Street side of the expansion.. The 17th Street side residents are protected, by zoning regulations, from the more densely populated 16th side of the lot. These restrictions were in place when the original Dorchester builders constructed the mail building—16th Street side—long before John Hoskinson acquired any interest in the property—subverting the tenants right to purchase the property. Had the tenant purchased the property—they have elected to maintain the parking lot and the building grounds in the most aesthetic and environmentally pleasing manner for both the tenant residents at the Dorchester and their neighbors who also oppose the project because of its density and size.
3. The project also requires waivers to the setback and yard requirements for the 17th street side of the building expansion, which should be denied. Both the yard and set back zoning requirements were promulgated to protect the 17th Street side residents and property owners from encroachment by the more dense 16th Street side of the Dorchester House expansion.
4. The Dorchester expansion also requires a zoning map amendment which should be denied. As required by the Planned Urban Development (PUD) the project must meets PUD Evaluation Standards (11 DCMR 2403) which, in essence, provide public benefits—"superior features"—(2403.6) that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site as a matter of right. This proposal fails this requirement. The projects amenities and public benefits—vague \$100,000 contribution the Jubilee Housing program and a discounted present value offer to the DC parks of \$138,797—is minimal to the potential adverse effects of the specific proposal (2403.8).
5. The Dorchester owners proposal to provide 145 new residential rental units to the D.C. rental housing stock, and, make available 30 of those units as affordable if illusory and fails this requirement. The rents for those units, projected as of 2005, were

**ZONING COMMISSION
District of Columbia**

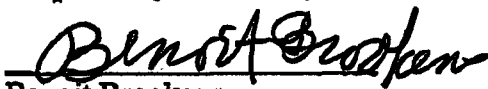
CASE NO. 04-36
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 24
 CASE NO. 04-36
 EXHIBIT NO. 124

follows are not consistent with the order the D.C. Department of Consumer and Regulatory Affairs in Tenant Petition T/P 3788 Benoit Brookes et. al. v. Dorchester House Associate to reduce all buildings rent ceilings:

Number of Bedrooms	Efficiency	1 Bedroom	2 Bedroom
Rent (before utility allowance)	\$1,088	\$1,233	\$1,508

6. Finally, the landlords identification of the apartment affected by the construction 114, 116, 214, 216, 314, and 316, and its failure to meet with the Dorchester Tenants Association at the building site reflects the Applicant's lack of candor in obtaining community involvement—particularly those most affected by the project, the current Dorchester Residents. Even that meeting was on March 22, 2006 with weak excuse as to why he did not contact the last known elected tenant association officers—or in the alternative, provide a building-wide flyer (after the Zoning Commission's Hearing on the development.)

For these reasons, this Proposal should be denied
Respectfully submitted,

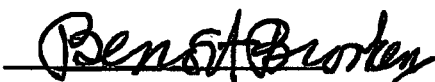

Benoit Brookes

Dorchester Tenants Association
P.O. Box 2551
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Certificate of Service

I certify that the foregoing Post nearing submission was mailed to the following by deposit in the U.S. mail this 27th day of April:

The Applicant Dorchester House Associates;
Intervenor
Reed-Cooke Civic Association
ANC 1



**Dorchester House Tenants Association
2480 16th Street, NW. Apt. 933
Washington, DC 20009-6711
Eleanor Johnson, President**

Chairman Carol J. Mitten
And Members of the D.C. Zoning Commission
441 4th Street, NW – Suite 210-South
Washington, D.C. 20001

Re: Z.C. Case No. 04-36

**Application for Approval of a Consolidated PUD and Zoning Map Amendment – Dorchester House Associates, LLC and Kalorama West, LLC – Square 2572, Lots 815 and 816
Party in Opposition Post Hearing Summary, April 27, 2006**

Dear Chairman and Commissioners:

The height and density of the proposed project are inconsistent with the preservation of the existing building and with the current zoning of the parcel on which the Applicant seeks to construct the addition. It is also inconsistent with the underlying Comprehensive Plan designation for the parking-lot parcel.

For example: the 2400 block of 16th street is one of the most densely populated blocks in Adams-Morgan and the city. The 2002 Census data report that approximately 2,170 persons live in the 2 and a half block area surrounding the proposed development site.

"The height, bulk and density necessary to achieve the addition of some 150 apartment units on this narrow, 30-foot street are entirely out of proportion to everything in its vicinity with the exception of the existing Dorchester Apartment Building itself – which fronts on 16th Street, NW and is set well back off 17th Street, NW by the surface parking lot that serves its residents. And the existing building occupies less than half of the combined Lots 815 and 816, providing a sense of lesser density and bulk for its neighbors to the west."

The Proposed Map Amendment

"The Current R-5-B zoning – i.e., "moderate density", 11 DCMR 105.19a)(5)(B) – is entirely appropriate for the western portion of Lot 816 given its location on a narrow street, adjacent to other narrow streets, in the Reed-Cooke section of Adams Morgan. The Applicant's own transportation expert acknowledges that 17th Street, NW "is a 30-foot roadway with parking on both sides of the street," operating in both directions. Likewise, Kalorama Road, NW just to the south of the project site here is, according to the Applicant's expert, also a "neighborhood roadway with a 30-foot pavement that serves traffic in both directions with parking on both sides of the street." Indeed 30-foot roadways operating in both directions with parking on both sides of the street are typical of the Reed-Cooke section of Adams Morgan, with other nearby streets in

sharing those characteristics. See Gorove/Slade Associates, Inc., Revised Traffic Impact Study, March 9, 2006, at pp.4 -5."

The Applicant testified that the Planned Unit Development (PUD) would have an adverse economic, environmental and social impact on Dorchester House Residents. The Affordable Housing component proposed by the Applicant is inadequate and does not meet the standards of the PUD. The height, bulk density and the lack of Affordable Housing usurp the intent of the PUD and the Reed-Cooke Overlay, which the property abuts.

DCMR Title 11, Chapter 24, Section 2400.4 states that a PUD shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan. Ergo Z.C. Case No. 04-36 should be denied.

Significantly for purposes of this Application the proposed project amenities and public benefits offered do not mitigate the harm created if this Application is approved.

We would urge that the Applicant engage in genuine dialogue with the Dorchester House community and create a true Affordable Housing prototype for PUD applications.

Yours Truly,

A handwritten signature in black ink, appearing to read "E. Johnson", with a long, sweeping horizontal line extending to the right.

Eleanor Johnson
President of the Dorchester House Tenants Association

D.C. & my Commission
Benot Broken
(202) 636-1695