



Advisory Neighborhood Commission 1C

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Chairman Carol J. Mitten
and Members of the D.C. Zoning Commission
441 4th Street, NW – Suite 210-South
Washington, DC 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 –
Hearing Scheduled: March 30, 2006

Dear Chairman Mitten and Commissioners:

Pursuant to 11 DCMR § 3012.5, Advisory Neighborhood Commission 1C (ANC 1C) hereby submits its report on the above-referenced application for approval of a consolidated planned unit development (PUD) and amendment to the Zoning Map of the District of Columbia in Square 2572, A & T Lots 815 and 816 (also known as Record Lot 35). Lot 815, zoned R-5-D, contains the existing Dorchester House apartment building, the address of which is 2480 16th Street, NW. Lot 816, contiguous and just to the east of Lot 815, is the site of a proposed building addition and is split-zoned. The western portion of Lot 816, fronting on the narrow 2400 block of 17th Street, NW, is zoned R-5-B, while the interior eastern portion of Lot 816 is zoned R-5-D.

The Applicant here, pursuant to 11 DCMR §§ 102 and 3010, and pursuant to chapter 24 of 11 DCMR, seeks from the Zoning Commission (Commission) a Zoning Map amendment that would up-zone the western portion of Lot 816 from R-5-B to R-5-D. Concurrently, it seeks approval of a PUD consisting among other things of an eight-story apartment house, 90 feet tall at its highest point and fronting on the 2400 block of 17th Street, NW, which is only 30 feet wide curb-to-curb. The proposed addition would contain 145-151 residential units in addition to the 394 units in the existing apartment building on 16th Street, NW. As set forth in greater detail below, ANC 1C opposes both the requested Map Amendment and PUD. Our report, to which we trust the Commission will attach “great weight” as required by law, is organized below according to the applicable provisions of subsection 3012.5 of the Zoning Regulations:

3012.5(a) – The Application under review is identified above.

3012.5(b) – The Application, as revised by the Applicant in mid-January, was considered at a public meeting of ANC 1C on Wednesday, March 15, 2006.

ZONING COMMISSION
District of Columbia
CASE NO. 04-36
EXHIBIT NO. 52

2006. The Application, as originally submitted by the Applicant, was considered at a public meeting of ANC 1C on Wednesday, August 3, 2005.

3012.5(c) – Proper notice of both the March 1, 2006 and August 3, 2005 meetings was given by ANC 1C in the form of publication in a community newspaper, transmittal of e-mail and Internet notice to approximately 1,700 neighborhood residents, stakeholders and other interested parties, posting of notice on the ANC 1C website (www.anc1c.org), and posting of notices on lampposts and on bulletin boards at various locations within the Commission area.

3012.5(d) – ANC 1C has eight Single Member Districts (SMDs). A quorum of five Commissioners is required for action. All eight sitting Commissioners were present and considered the revised application at the March 1, 2006 meeting. A quorum of six Commissioners was present at the August 3, 2005 meeting for consideration of the original application.

3012.5(e) – ANC 1C has approved two substantially similar resolutions addressing this Application – the first on August 3, 2005 and based on the Applicant's original filing, and the second on March 1, 2006 and based on the Applicant's January 13, 2006 revisions to its original plans. Both resolutions are attached to this report. The ANC's first three grounds for opposing both the requested Map Amendment and PUD are identical in both resolutions. The fourth point below, quoted from the March 1, 2006 resolution, is more slightly detailed than the corresponding element of the August 3, 2005 version:

"1) The height and density of the proposed project are inconsistent with the current zoning of the parcel on which the applicants seek to construct it, inconsistent with the underlying Comprehensive Plan designation for that parcel, and inappropriate for the area of the community in which it is sought;

"2) The inappropriate height and density of the proposed project will have adverse impacts on the surrounding area that are unacceptable and not capable of being mitigated;

"3) The proposed map amendment that would enable the height and density being sought by the application is wholly inappropriate for the narrow street on which the affected parcel is located; and

"4) The proposed public benefits associated with the project are inadequate given the size of the proposed project and the extent of the zoning relief being sought, and specifically the proposed affordable housing benefits are completely illusory."

This section of the ANC's report addresses the four issues and concerns noted above as they relate to the standards against which the application is to be judged.

The Proposed Map Amendment

The current R-5-B zoning – i.e., "moderate density," 11 DCMR § 105.1(a)(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 width 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 the other nearby streets in Reed-Cooke – Euclid and Champlain Streets, NW, and Ontario Road, NW – by and large also sharing those characteristics. See Gorove/Slade Associates, Inc., Revised Traffic Impact Study, March 9, 2006, at pp. 4-5.

In fact, except for a relative handful of R-5-D areas facing the major arterial of 16th Street, NW or portions of Columbia Road, NW near its intersections with other major thoroughfares such as 16th Street and Connecticut Avenue, NW, the predominant residential zoning not only in Reed-Cooke but in Adams Morgan as a whole is R-5-B. That zoning pattern is consistent with the 2002 DC Generalized Land Use Map (2002 Map), which places the vast majority of Reed-Cooke and the residential areas of Adams Morgan in the category of “moderate density.”

With virtually no argument to support a rezoning of Lot 816’s western portion, the Applicant simply makes the conclusory assertion that “[r]ezoning the site to the R-5-D District is consistent with the overarching goals and policies of the Comprehensive Plan.” Applicant’s Supplemental Pre-Hearing Statement, Jan. 13, 2006, at 1 [hereinafter Pre-Hearing Statement]. Similarly, it euphemistically refers to the “adjustments” it seeks as though the proposed Map Amendment involves only minor relief, and claims that these “adjustments . . . are consistent with other buildings in the area.” *Id.* at 9. In three significant respects, those assertions are contrary to the plain intent of the Comprehensive Plan as reflected in the 2002 Map, as well as the facts on the ground:

- First, the 2002 Map clearly shows a distinct treatment of the western portion of Square 2572 facing 17th Street as compared to the eastern portion facing 16th Street. As with most of the neighborhood, most of Lot 816 is designated a “moderate density” residential area, whereas Lot 815 is designated as “medium density” residential – the latter being an area in which multiple unit and mid-rise apartment buildings are the predominant use, as one would expect along 16th Street, NW, but which may also include some low and moderate density housing.
- Second, the current R-5-D zoning on the 16th Street, NW side of Square 2572 is already somewhat less restrictive than that contemplated by the 2002 Map. Whereas that eastern portion of the Square carries a “medium density” designation on the 2002 Map, the R-5-D zoning there is described in the Zoning Regulations as “medium-high density,” 11 DCMR § 105.1(a)(5)(D). For the western portion of the Square, facing narrow 17th Street, NW, the Applicant now seeks to jump over even medium density zoning and right into the R-5-D District, which is utterly inappropriate for the particular location and inconsistent with the rest of the neighborhood’s residential zoning and character.
- Third, with the exception of multi-unit buildings facing 16th Street, NW – which is a five-lane roadway – the existing buildings that face 17th Street, Kalorama Road, Euclid Street, and nearby Ontario Road, NW are predominantly small and moderate in scale, with heights and/or densities that are appropriate to the R-5-B District or that have

involved comparatively minor zoning relief. While a small number of building heights may exceed the R-5-B limit, the overall massing and scale of most of those buildings do not overwhelm their neighbors as this proposed project would. Even on the RC/C-2-B parcel just south of Lot 816, where a building known as the Citadel is likely to house a future Harris Teeter supermarket, no relief from the 40-foot height limit was sought by the developer of that property.

The Applicant briefly acknowledges these obvious inconsistencies with the 2002 Map, but attempts to dismiss them by arguing that the map “is intended to serve as a ‘general’ map and is not intended to serve as a parcel by parcel limitation on permitted development.” Pre-Hearing Statement at 24. It fails to recognize, however, the overarching point made clear by both the 2002 Map and actual conditions in the vicinity: *Residential land use in Reed-Cooke and Adams Morgan is, and should remain, with little exception, “moderate density” in nature unless a new development fronts on a major thoroughfare.*

In seven pages of their Supplemental Pre-Hearing Statement, pp. 20-27, the Applicant attempts to demonstrate how its proposed PUD “is consistent with and fosters the goals and policies stated in the elements of the Comprehensive Plan.” Only once in those seven pages of argumentation does the Applicant make reference to how the Map Amendment (as distinguished from the PUD itself) is consistent with the Comprehensive Plan. It does so, once again, in conclusory fashion, asserting – as though it were a fact – its own subjective opinion that the proposed project, including the Map Amendment, will “create a building that is appropriately placed among smaller multi-family housing, single family housing, the larger Dorchester House Apartments building and the Citadel building (and proposed grocery store).” Suffice it to say, the Adams Morgan community, as reflected in the unanimous 8-0 vote of ANC 1C and the opposition of the Reed-Cooke Neighborhood Association, does not share that view and finds the proposed Map Amendment, with or without the PUD, entirely inappropriate for this location.

The Proposed PUD

If the Map Amendment is rejected, as it should be, the Applicant’s remaining arguments in support of its PUD become superfluous and moot. However, in the interest of demonstrating that the PUD proposal itself cannot withstand the Commission’s scrutiny, the remainder of this section responds to the Applicant’s arguments that the project meets the requirements of chapter 24.

Governing Legal Standards – The overall goal of the PUD process is to permit a developer some flexibility and other incentives for a particularly high quality project, but only if “the project offers a commendable number or quality of public benefits and . . . protects and advances the public health, safety, welfare, and convenience.” 11 DCMR §§ 2400.1, 2400.2. The impact of the proposed project on the surrounding area and the operation of city services and facilities must be “either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project,” as well as “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.” *Id.*, §§ 2403.3, 2403.4. Most significantly for purposes of this Application, the Commission is required to “judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects.” *Id.*, § 2403.8. The project must be “acceptable in all proffered categories [of section 2403] and

superior in many.” *Id.*, § 2403.10. Only if the Applicant sustains the burden of proof in *all* these respects may the PUD application be granted. *Id.*, § 2403.2.

Section 2440.4 of the Zoning Regulations further provides that “the PUD process 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.” The preceding discussion of the proposed Map Amendment demonstrates that these prohibited purposes and actions are precisely what the Applicant has in mind by concurrently proposing a rezoning of Lot 816 to enable construction of a PUD that, on a 30-foot wide street, would stand 90 feet tall at its highest point. But the proposed PUD fails all the foregoing tests of chapter 24 as well.

Adverse Impacts of the Proposed PUD – Many of the elements that the Applicant seems to assume are positive attributes of their project are in fact net negatives for this particular location and neighborhood, beginning first and foremost with the enormous and inappropriate scale of the proposed addition relative to most of its surroundings. 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 Apartments building itself – which, as noted above, 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 height of new buildings in Reed-Cooke has increasingly become an extreme sore point with many current residents. Most recently, rowhouse owners and the occupants of smaller multi-unit buildings in Reed-Cooke have complained of the “canyon effect” being created on these small streets by the requests of developers for additional height and density that seem to accompany almost every proposed new project. Long-time residents have had their sunlight blocked and their views obstructed or threatened by new and proposed projects that are even shorter and smaller than the PUD proposed here.

While some neighborhoods might welcome the addition of 150 new apartments, the Reed-Cooke section of Adams Morgan is already choking on the volume of new apartment development there. Virtually no street in Reed-Cooke has been spared the addition of a significant new residential development. The magnitude of what the Applicant wants here may seem difficult to fathom in the abstract, but becomes much clearer when compared to the sum of all development activity that has occurred in Reed-Cooke in recent years. Approximately 298 units have been added to the Reed-Cooke housing stock over the last five years as the result of variance and/or special exception relief granted to seven projects completed or under construction within approximately 1,000 feet of this proposed PUD. A pending BZA case could add 22 more. The Applicant here is seeking to add nearly half again as many units in a single project as all the preceding zoning applications combined!¹

With these new apartments will of course come new residents. Given the planned size of most of those apartments, many of them will have more than one occupant. And as night follows day, most of those occupants will bring with them at least one and in many cases more than one

¹ In addition to projects built with the help of zoning relief, two currently planned projects in the same area would add 97 additional units as a matter of right. Even taking these into account, the proposed PUD would add more than one-third as much again in a single project as all nine projects combined.

automobile. The Applicant cleverly attempts to make a virtue of this fact by arguing that their PUD will add approximately 187 parking spaces to the 120 currently on their surface lot. But they conveniently neglect to point out in their list of “benefits” that their planned garage ramps and loading berth will flank the northern and eastern sides of the Citadel building, where a planned Harris Teeter supermarket, currently under construction, will generate hundreds of vehicle shopping trips per day, not to mention – by the testimony of a Harris Teeter executive at the BZA hearing on that project – approximately 210 truck deliveries each week. Indeed, the PUD’s loading berth and upper level parking ramp on 17th Street will sit hard by the Harris Teeter’s two loading berths, which will both measure 41 feet deep in anticipation of receiving trucks as long as 40 feet.²

It does not take a traffic engineer to realize that a 40-foot truck will have to block the entire 30-foot roadway on 17th Street for a considerable period of time in order to maneuver backward into a 41-foot loading berth. Viewed against that future reality, the 307 parking spaces in the PUD’s two-level garage no longer appear to be much of a benefit. Rather, they look to ANC 1C and the Reed-Cooke community like an invitation to 187 new pollution-spewing, street-clogging, horn-blowing, traffic law-violating nuisances we don’t now have. We have a better idea to benefit the neighborhood: Kill this project and advise the Applicant to return with a matter of right building that is more appropriate to the neighborhood’s scale and its neighbors’ concerns.³

Inadequate and Illusory Benefits – In contrast to the serious adverse impacts and burdens on the community that would be created by approval of this PUD, the benefits cited by the Applicant are either of such minimal value or so illusory as to be not worth the costs. To a great degree, the Applicant has asked the ANC and the Zoning Commission to accept the following tautology: The project *itself* is the benefit and the amenity. The extraordinary zoning relief and flexibility granted by a PUD, however, requires more than just tautologies.

Most of the amenities and benefits cited by the Applicant’s Pre-Hearing Statement – good urban design and architecture, site planning, “effective and safe vehicular and pedestrian access” (which we challenge as a matter of fact), revenue for the District, first-source employment, local business opportunities, and the addition of a residential and pedestrian presence – are often associated with any intelligently designed project in the District, whether it requires zoning relief or not.

The environmental benefits contemplated by the Applicant’s proposal are interesting and may reflect good stewardship of its own property – but they are not benefits to the community.

² The PUD’s lower level parking ramp will be accessed via Kalorama Road, NW, adjacent to the planned garage entrance/exit for the Harris Teeter and the office space planned for the same project.

³ Ironically, the Applicant suggests that “[s]hifting the parking from a surface lot to an enclosed garage further reduces noise and odors.” We see it quite differently. While we have heard no complaints in the neighborhood about noise or odors from the surface lot, we believe the practical effect of the PUD’s attraction of 187 new cars to this congested area will be to shift the negative externalities of pollution, noise, and odors from the Applicant’s own property onto the surrounding community. Moreover, the Applicant has provided no plan for relocating the 120 cars that now use its surface lot during the construction phase of the PUD project. The Applicant’s own tenant, who by and large own those vehicles, will consequently be forced for a considerable period of time to seek street parking (or make other arrangements) in a neighborhood already famous for its lack of parking for residents and business patrons alike.

Indeed, except for the promised addition of a few trees along 17th Street, virtually all of these benefits will inure to the Applicant itself or to the residents of its building, but not to Reed-Cooke or Adams Morgan as a whole.

Given the discussion above regarding the Harris Teeter loading dock and the vehicular traffic associated with both that project and the PUD itself, we seriously question the Applicant's assertion that its building will "generate pedestrian traffic . . . and provide a safer environment." It is equally conceivable that when residents are not using their automobiles to enter or exit the PUD, they will largely avoid walking on 17th Street due to the anticipated truck traffic in and out of the Harris Teeter loading berths and associated loading zones. Indeed, the primary use of the new "substantial connection" the Applicant has created may be to give residents of the Proposed Addition a safe exit onto Kalorama Road or 16th Street in order to avoid those dangers, much as most residents in the vicinity of the Washington Hilton and Towers have long avoided walking on the west side of 19th Street to avoid the hotel's loading docks and garage ramps.

Having failed to generate any support whatsoever among Adams Morgan residents, organizations, or the ANC for their plans, the Applicant has resorted to claiming a "significant [but very unspecific] contribution to Washington Parks and People [WPP] . . . to be used for renovations and restoration of Meridian Hill Park, as part of the community amenities package." This is a peculiarly interesting item. WPP itself is located outside the Adams Morgan ANC's boundaries. To the best of the undersigned's recollection, at no time in the last five years has a representative of WPP ever appeared before ANC 1C to discuss a project within ANC 1C's boundaries or to participate in an ANC 1C activity. The funds proposed to be donated by the Applicant to WPP are intended to improve Meridian Hill Park, which, although a lovely spot, is a federally owned property, not a District of Columbia park. It is not located either in Reed-Cooke or in what is conventionally known as the Adams Morgan neighborhood. While the money may be put to good use in Meridian Hill, that park's condition is considerably better than that of any D.C. Department of Parks and Recreation (DPR) property in Adams Morgan. Had the Applicant been interested in assisting in Reed-Cooke's or Adams Morgan's recreational needs, it could have made "significant contributions" to the Friends of Marie Reed Learning Center for use at the severely under-maintained athletic field and recreational facilities there, or to Friends of Walter Pierce Park, which supports the largest DPR property closest to and used extensively by residents of Reed-Cooke.

Of similar interest is the Applicant's claim that it is engaged "in dialogue" with Jubilee Housing regarding a \$100,000 contribution to be used in the restoration of Jubilee's residential properties. Jubilee is a wonderful organization that is widely supported in the Adams Morgan community. However, it is unclear whether Jubilee has agreed to accept these funds. Perhaps that's because Jubilee is concerned that the price for acceptance would be a public endorsement for a project that it knows is widely unpopular in the neighborhood that has supported Jubilee long before the Applicant offered to shower its largesse on the organization.

The most significant claim the Applicant makes with regard to benefits and amenities is its proposed "affordable housing" plan. It contemplates making "approximately 30 units available to residents making up to 80% of the Washington Metropolitan Region Median Income. . . . The Applicant plans to locate the affordable housing units throughout the Existing Building and the Proposed Addition." Pre-Hearing Statement, at p. 12. For FY 2005, the Washington Metropolitan Region's median income, as determined by the Department of Housing and Urban

Development, was \$86,200, meaning that only 30 out of the approximately 550 units in the combined premises – just a small fraction more than 5% – will be priced for individuals making less than \$68,960 annually. The Applicant provides no indication of how many of those 30 will be located within the Proposed Addition, or in the new “substantial connection.” Of the 150 or so new units in the Proposed Addition, potentially as many as 95% or more might be market-rate. As more and more units in the Existing Building are vacated over time, an ever-increasing number of those too will become market-rate units given changes currently contemplated by the Council in the District’s rent control law.

All this assumes, of course, that units priced for tenants making 80% of the area median income are “affordable” in the commonly understood sense of that word on the streets of Washington. While the Applicant claims to be interested in seeking members of the DC workforce such as police officers and teachers to be their tenants, its stated intentions are belied by the realities of DC Government pay scales. A teacher’s starting salary in DCPS, for example, is less than \$39,000 with a bachelor’s degree, and less than \$43,000 with a master’s degree plus 30 hours toward a doctorate! The starting salary for a police officer is \$44,611. After 18 months of service, most DC officers earn a base salary of \$48,809. In point of fact, the District of Columbia’s (as opposed to the Washington region’s) HUD median income for FY 2005 was only \$55,750. A unit made available to someone making 80% of that – \$44,600 – might begin to approach our ANC’s view of “affordable housing.” By contrast, the Applicant’s affordable housing plans are quite meager in relation to the market rents it will earn from almost all of the 150 new units in the PUD and from an increasing proportion of the 394 units in the Existing Building over time.

Inconsistency with Intent of Zoning Regulations and Comprehensive Plan – The preceding discussion of affordable housing should also be examined in the context of the Commission’s current proposal to add an Inclusionary Zoning (IZ) chapter to the Zoning Regulations. In an effort to explore with the Applicant whether a more robust affordable housing plan might garner more ANC support for the PUD, the Applicant was asked to consider the possibility of applying the proposed IZ regulations to this project. The response was telling: the Applicant essentially argued that using the proposed IZ regulations on this project would be economically infeasible, and it therefore would not consider that approach. Although the proposed IZ regulations are not yet a part of title 11, ANC 1C believes the Commission may appropriately evaluate the Applicant’s response to that question as it considers not only whether the proffered affordable housing benefit is significant but whether the PUD application itself represents an attempt to circumvent what developers in the District have long anticipated: the adoption of an IZ requirement in return for bonus density that heretofore has come too freely and easily in many cases.

The discussion of the proposed Map Amendment above also addresses some of the ways in which the proposed PUD is inconsistent with the 2002 Map and therefore the Comprehensive Plan. Nonetheless, the Applicant spends considerable energy and several pages arguing how its proposal complies with the Comprehensive Plan. One response to its assemblage of quotes from the current DCMR Title 10 can be found on the Office of Planning’s own website, which discusses the current and soon-to-be-completed effort to revise the Comprehensive Plan:

“The District’s Comp Plan was originally adopted in 1984, so it is based on data that is over 20 years old. Although it has been amended several

times in the past 20 years, the changes were minor. It does not address many of the key issues the city is now facing. The 'future' – as envisioned by our 1984 Comprehensive Plan – is already history. In 2003, a Citizens' Task Force, appointed by the Mayor and City Council, completed an assessment of the Comp Plan. As a result of the assessment, OP and the Task Force recommended that the Comp Plan be thoroughly revised, not just amended. *The Task Force found that the existing plan was outdated, difficult to read and understand, lacked maps and graphs, and did not provide the direction needed to address the tough issues facing our city today.*” (Emphasis added.)

In light of that conclusion by OP and the Task Force, it is difficult to take seriously the assortment of bits and pieces from the current Comp Plan that the Applicant lifts from Title 10, often out of context, as a justification for supporting this PUD proposal. However, in the interest of addressing this element of the PUD regulations, we have appended to this report a similar assortment of quotes from the Comp Plan that demonstrate this application is inconsistent with it.

Applicant Has Failed to Sustain Their Burden of Proof – The Applicant has failed in every major respect to meet its burden of demonstrating that its proposal qualifies for the zoning flexibility of a PUD:

- The project does not offer “a commendable number or quality of public benefits,” 11 DCMR § 2400.1.
- Not only does the project fail to “protect[] and advance[] the public health, safety, welfare, and convenience,” 11 DCMR § 2400.2, but it presents actual dangers to the public, primarily stemming from the environmental impacts of the automobile traffic it will generate and the location of its pedestrian entrance and garage ramps next to the loading berths and garage ramp of the adjacent Harris Teeter/Citadel project.
- The adverse impacts of the proposed project are severe, unacceptable, and not capable of being mitigated, 11 DCMR § 2403.3.
- The project and its impacts are inconsistent with the Comp Plan as well as with the scale, nature, and quantity of previously approved projects in the vicinity, and in particular with the previously approved Harris Teeter variances and building permits, 11 DCMR § 2403.4.
- The PUD and Map Amendment here appear to be part of an effort to circumvent the limitations of the Comp Plan’s 2002 Generalized Land Use Map, as well as the Commission’s own proposed IZ regulations, 11 DCMR § 2440.4
- The potential adverse effects of this project far outweigh the minimal value of the project amenities and public benefits purportedly being offered here, particularly when considered in relation to the enormous development incentives being sought, 11 DCMR § 2403.8.
- The project is not “acceptable in all proffered categories [of section 2403], and is certainly not “superior in many” – if, indeed, it is superior in any at all, 11 DCMR § 2403.10.

3012.5(f) – *For the reasons stated above, ANC 1C opposes and recommends disapproval of both the requested Map Amendment and PUD. A copy of two substantially similar ANC 1C resolutions – the first dated August 3, 2005 and based on the Applicant’s original filing, and the second dated March 1, 2006 and based on the Applicant’s January 13, 2006 revisions – are attached to this ANC report.*

3012.5(g) – Commissioner Lynn Taylor offered the attached March 1, 2006 resolution. It was seconded by Commissioner Wilson Reynolds, discussed by the ANC, and approved by a roll call vote of 8-0, as follows:

AYE Roth, Canty, Weaver, Moretti, Miscuk, King, Reynolds, Taylor

Then-Commissioner Josh Gibson⁴ offered the attached August 3, 2005 resolution. It was seconded by Commissioner Taylor, discussed by the ANC, and approved by a roll call vote of 5-0-1, as follows:

AYE Roth, Canty, Miscuk, Gibson, Taylor
ABSTAIN King

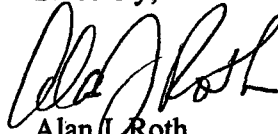
3012.5(h) – The following Commissioners are authorized to present this report:

- ANC 1C Chairperson Alan Roth; or, in his absence,
- Commissioner Lynn Taylor, Chairperson of the ANC's PZT Committee; or, in her absence,
- Commissioner Wilson Reynolds, a member of the PZT Committee and in whose Single Member District 1C07 the proposed project is located.

3012.5(i) – The signature of ANC 1C's Chairperson is provided below.

Thank you for your consideration of our views, which we trust will receive the "great weight" required by the Advisory Neighborhood Commission Act, D.C. Official Code § 1-309.10(d) (2001), and section 3012.6 of the Zoning Regulations. Please feel free to contact me at 347-3030 (W) or 667-7812 (H) if you have any questions about this report.

Sincerely,



Alan I. Roth
Chairperson

⁴ Commissioner Gibson, representing Single Member District 1C07, resigned from ANC 1C in September 2005 as the result of a move outside the boundaries of his SMD. He was replaced by Commissioner Wilson Reynolds in a special election held on December 7, 2005.

**WARD ONE COMPREHENSIVE PLAN PROVISIONS (DCMR, Title 10)
INCONSISTENT WITH PROPOSED PUD AND MAP AMENDMENT**

1204 WARD ONE HOUSING

1204.5 Affordable housing remains a serious problem for large numbers of low- and moderate-income households. "Affordable" housing is traditionally defined as housing that costs no more than thirty percent (30%) of total household income.

1205 WARD ONE OBJECTIVES FOR HOUSING

1205.1 The objectives for housing are as follows:

....

- (b) To provide for the housing needs of low- and moderate-income households, improve the ward's and District's low-rent housing program, encourage home ownership, and reduce the overall cost of housing for low- and moderate-income households in the ward;
- (c) To provide for the housing needs of elderly householders and reduce the overall cost of housing for elderly householders in the ward;
- (d) To encourage District government employees to live in Ward 1;
- (e) To encourage metropolitan police officers to live in Ward 1 and to take their cruisers home with them; . . .

1206 WARD 1 POLICIES IN SUPPORT OF HOUSING OBJECTIVES

1206.1 The policies in support of housing objectives are as follows:

- (a) To encourage the private sector to provide new housing to meet the needs of present and future Ward 1 residents at locations consistent with the ward's land-use policies and objectives, . . .
- (b) To review and recommend suitable regulatory, zoning, tax, and financing incentives under appropriate controls to meet housing production goals, particularly for low- and moderate-income and elderly households;

....

- (e) To establish, as a matter of major governmental priority, the production of housing for low- and moderate-income households in Ward 1 . . .

1207 WARD 1 ACTIONS TO IMPLEMENT HOUSING OBJECTIVES

1207.1 The actions to implement housing objectives are as follows:

....

- (c) To increase the supply of low- and moderate-income residential units to address severe overcrowding and displacement, especially in Adams Morgan, Mount Pleasant, and in the Shaw School and 14th Street Urban Renewal Areas . . .

....

- (j) To maintain the ethnic, racial, economic, and family diversity in the ward by doing the following:

....

- (2) Encouraging housing and business development opportunities that are designed to retain community diversity, especially in the Adams Morgan, Mount Pleasant, Columbia Heights, and Cardozo areas.

1208 WARD 1 ENVIRONMENTAL PROTECTION

1208.5 Strict adherence to air quality emission controls is necessary to meet established air quality standards. . . . Traffic congestion should be reduced to limit the concentration of carbon monoxide.

1210 WARD 1 POLICIES IN SUPPORT OF ENVIRONMENTAL PROTECTION OBJECTIVES

1210.1 The policies in support of environmental protection objectives are as follows:

- (a) To promote land use patterns and transportation services that decrease reliance on automobiles for commuting and routine trips to reduce air pollution . . .

1211 WARD 1 ACTIONS TO IMPLEMENT ENVIRONMENTAL PROTECTION OBJECTIVES

1211.1 The actions to implement environmental protection objectives are as follows:

....

- (e) To decrease the heavy dependence on automobiles and the resultant air pollution problems in the ward and in the District by doing the following:

....

- (3) Discouraging commuter automobile traffic and encouraging mass transit to reduce commuter dependence on streets in the ward. . .

1213 WARD 1 OBJECTIVES FOR TRANSPORTATION

1213.1 The objectives for transportation as as follows:

....

- (c) To reduce the ward's dependence on the private passenger automobile in order to improve air quality and reduce congestion; . . .
- (d) To maintain and provide an efficient, effective transportation system in Ward 1, maximize accessibility and the movement of people and goods, and provide safe and convenient pedestrian and bicycle circulation within the ward's neighborhoods.

1214 WARD 1 POLICIES IN SUPPORT OF TRANSPORTATION OBJECTIVES

1214.1 The policies in support of transportation objectives are as follows:

- (d) To promote the increased use of mass transit in Ward 1 and the District.

1215 WARD 1 ACTIONS TO IMPLEMENT TRANSPORTATION OBJECTIVES

1215.1 The actions to implement transportation objectives are as follows:

. . . .

- (i) To provide a balanced transportation network, including safe pedestrian travel areas and bicycle paths where possible, in order to accommodate the various travel interests of Ward 1 residents by doing the following:

. . . .

- (2) Studying ways to make pedestrian travel more desirable and less hazardous in Ward 1.

1219 WARD 1 ACTIONS TO IMPLEMENT PUBLIC FACILITIES OBJECTIVES

1219.1 The actions to implement public facilities objectives are as follows:

- (a) To improve maintenance of public facilities throughout the ward by doing the following:
 - (1) Securing regular and effective maintenance and safety at the following public areas and facilities:

. . . .

(G) Cooke School Grounds;

(H) Unity Park;

(I) 18th Street and Columbia Road;

. . . .

(Q) Kalorama Park;

(R) Walter C. Pierce Park. . . .⁵

(2) Redesigning and completely renovating Unity Park. . . .

....

(d) To improve Ward 1 recreation and park facilities, some of which are understaffed and inadequately equipped, by doing the following:

....

(2) Completing Phase II of the Walter C. Pierce Park, providing a small field house and staff, and illustrating park boundaries on the map;

(3) Providing improvements in Kalorama Park in such a way as to not adversely affect the adjacent residential community. . . .

1229 WARD 1 OBJECTIVES FOR LAND USE

1229.1 The objectives for land use are as follows:

(a) To conserve the essentially satisfactory quality of Ward 1's stable residential neighborhoods . . . [and] to protect residential neighborhoods from disruptive uses. . .

(f) To concentrate planning and development attention on metrorail station areas (Shaw-Howard University, U Street Corridor, Columbia Heights, and Georgia Avenue/New Hampshire Avenue) that offer opportunities for redevelopment and new growth, thus promoting increased ridership for the transit system and enhancing Ward 1's and the District's economic development efforts.

1230 WARD 1 POLICIES IN SUPPORT OF LAND USE OBJECTIVES

1230.1 The policies in support of land use objectives are as follows:

....

(c) To protect Ward 1's residential neighborhoods from generating excessive traffic, noise, litter, and other damaging environmental impacts

....

(f) To promote the establishment and growth of residential and mixed-use commercial centers at appropriate locations to reduce automobile congestion, improve air quality, increase jobs, reduce reliance on the automobile, and ensure neighborhood stability. .

..

⁵ Note that among this Comp Plan list of parks and other recreational facilities and open spaces in Ward 1 in general and Adams Morgan in particular, Meridian Hill Park, a property of the United States Department of the Interior, is nowhere mentioned.

1231 WARD 1 ACTIONS TO IMPLEMENT LAND USE OBJECTIVES

1231.1 The actions to implement land use objectives are as follows:

....

- (c) To recognize that there is an insufficient supply of vacant land in suitable locations to accommodate large-scale economic development projects by doing the following:

....

- (2) Encouraging small scale and rehabilitation projects in existing buildings or on small infill parcels in Ward 1. . . .

- (d) To protect the character of residentially zoned row house neighborhoods by limiting the density of development and preventing intensification of use through the subdivision of structures by doing the following:

....

- (4) Amending the R4 and R5 zoning regulations to prevent intensive unit subdivision of rowhouses or rezone predominantly rowhouse areas to lower unit subdivision density where currently zoned for intensive unit subdivision; and
 - (5) Sponsoring these zoning changes for rowhouse areas in Adams Morgan [and specified other areas].

....

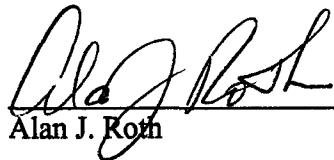
- (m) To encourage appropriate height, bulk, and density so that new developments are designed to be harmonious with their surroundings by changes in the Zoning Regulations as necessary to make new developments compatible with existing buildings in areas where rehabilitation or moderate density development goals are primary neighborhood goals, such as . . . Adams Morgan [and specified other neighborhoods].

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing and attached ANC resolutions were served by first-class mail, postage prepaid, this 21st day of March, 2006, on the following:

Phil Feola, Esquire
Paul Tummonds, Esquire
Pillsbury Winthrop Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

Joel Lawson
D.C. Office of Planning
801 North Capitol Street, NE
Washington, DC 20002



Alan J. Roth

**ADVISORY NEIGHBORHOOD COMMISSION 1C
RESOLUTION OPPOSING PROPOSED
DORCHESTER PLANNED UNIT DEVELOPMENT**

WHEREAS, Dorchester House Associates, LLC and Kalorama West, LLC have applied to the Zoning Commission in Case No. 04-36 for approval of a Planned Unit Development (PUD) and map amendment to permit the construction of a new apartment building in the 2400 block of 17th Street, NW (Square 2572, Lots 815 and 816), within the boundaries of Advisory Neighborhood Commission 1C (ANC1C), and

WHEREAS Case No. 04-36 has been set down by the Zoning Commission for a hearing expected to occur March 30, 2006,

WHEREAS, ANC1C through its planning, Zoning and Transportation (PZT) Committee has conducted several meetings over the course of the last 2 years at which representatives of the developers, members of the community, residents of the existing Dorchester House Apartments and ANC Commissioners discussed the PUD application and proposed map amendment in detail, and

WHEREAS, the PZT Committee voted at its July 20, 2005 meeting to recommend that the full ANC oppose the PUD application and proposed map amendment, and

WHEREAS on August 3, 2005 ANC1C voted to oppose the PUD application and proposed map amendment and passed a resolution as such, and

WHEREAS on February 15, 2006 the PZT Committee reconsidered the issue with representatives of the developers, members of the community, residents of the existing Dorchester House Apartments and ANC Commissioners and recommended that the full ANC again oppose the PUD application and proposed map amendment,

NOW, THEREFORE, BE IT RESOLVED, that ANC1C adopts the recommendation of the PZT Committee and will oppose the PUD application and proposed map amendment before the Zoning Commission on the following grounds:

1. The height and density of the proposed project are inconsistent with the current zoning of the parcel on which the applicants seek to construct it, inconsistent with the underlying Comprehensive Plan designation for that parcel, and inappropriate for the area of the community in which it is sought;
2. The inappropriate height and density of the proposed project will have adverse impacts on the surrounding area that are unacceptable and not capable of being mitigated;
3. The proposed map amendment that would enable the height and density being sought by the application is wholly inappropriate for the narrow street on which the affected parcel is located;

4. The proposed public benefits associated with the project are inadequate given the size of the proposed project and the extent of the zoning relief being sought, and specifically, the proposed affordable housing benefits are completely illusory; and .

BE IT FURTHER RESOLVED, that the Chairperson of ANC1C or his designee shall communicate the ANC's position to the Zoning Commission and is authorized to present the ANC's views at any Zoning Commission hearing on the application.

Offered by: Commissioner Taylor

Seconded by: Commissioner Reynolds

Vote: Approved by roll call vote, 8-0

AYE Roth, Canty, Weaver, Moretti, Miscuk, King, Reynolds, Taylor

Date: March 1, 2006

**ADVISORY NEIGHBORHOOD COMMISSION 1C
RESOLUTION OPPOSING PROPOSED
DORCHESTER PLANNED UNIT DEVELOPMENT**

WHEREAS, Dorchester House Associates, LLC and Kalorama West, LLC have applied to the Zoning Commission in Case No. 04-36 for approval of a proposed Planned Unit Development (PUD) and map amendment to permit the construction of a new apartment building in the 2400 block of 17th Street, NW (Square 2572, Lots 815 and 816), within the boundaries of Advisory Neighborhood Commission 1C, and

WHEREAS, Case No. 04-36 has been set down by the Zoning Commission for a hearing expected to occur in September or October of 2005,

WHEREAS, ANC 1C through its Planning, Zoning and Transportation (PZT) Committee has conducted several meetings over the course of the last 18 months at which representatives of the developers, members of the community, residents of the existing Dorchester House Apartments, and ANC Commissioners discussed the PUD application and proposed map amendment in detail, and

WHEREAS, the PZT Committee voted at its July 20, 2005 meeting to recommend that the full ANC oppose the PUD application and proposed map amendment,

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C adopts the recommendation of its PZT Committee and will oppose the PUD application and proposed map amendment before the Zoning Commission on the following grounds:

- 1) The height and density of the proposed project are inconsistent with the current zoning of the parcel on which the applicants seek to construct it, inconsistent with the underlying Comprehensive Plan designation for that parcel, and inappropriate for the area of the community in which it is sought;
- 2) The inappropriate height and density of the proposed project will have adverse impacts on the surrounding area that are unacceptable and not capable of being mitigated;
- 3) The proposed map amendment that would enable the height and density being sought by the application is wholly inappropriate for the narrow street on which the affected parcel is located; and
- 4) The proposed public benefits associated with the project are illusory and inadequate given the size of the proposed project and the extent of the zoning relief being sought; and

BE IT FURTHER RESOLVED, that the Chairperson of ANC 1C or his designee shall communicate the ANC's position to the Zoning Commission and is authorized to present the ANC's views at any Zoning Commission hearing on the application.

Offered by: Commissioner Gibson
Seconded by: Commissioner Taylor
Vote: Approved by roll call vote, 5-0-1
 AYE Roth, Canty, Miscuk, Gibson, Taylor
 ABSTAIN King
Date: August 3, 2005