Reed-Cooke Neighborhood Association

Testimony before the Zoning Commission
in Opposition to
CASE NO. 04-36 (2480 16th Street, NW, Consolidated Approval of a PUD and Map Amendment – Dorchester House Associates, LLC and Kalorama West, LLC)

March 30, 2006

The Reed-Cooke Neighborhood Association (RCNA) represents residents of Adams Morgan living south of Columbia Road, north of Florida Avenue, west of 16th Street, and east of 18th Street. We are dedicated to the preservation of the residential character of our neighborhood. One of the primary challenges we continue to face as a neighborhood is the high level of development, and the ensuing pressures that come with it. Over the past two years, we have welcomed upwards of ten substantial new residential developments in our already dense neighborhood, nearly all of which were approved with numerous zoning variances and special exceptions, and most of which are in a two-block radius of the proposed Dorchester redevelopment fronting 17th Street, NW.

We are very excited at the prospects of redevelopment of this parking lot. While several parcels and buildings near this site are currently not being put their best use, the sounds of jackhammers and carpenters in the immediate vicinity are testament to the changing character of that block. It will soon be full of new homeowners, more pedestrians and increased energy. We welcome redevelopment of this site that fits with the changing landscape of this portion of the Reed-Cooke neighborhood.

However, on the merits, this project as proposed is simply beyond the capacity of our neighborhood to absorb the increased traffic and congestion. Attached, please find RCNA's February 14, 2006 resolution in opposition to this specific proposal. It is important to note that we do not oppose *any* use of this property, but are particularly concerned about *this* especially intensive use. While we would like to see this unsightly lot put to a better use, we have determined that it is simply inappropriate to put such a large, out-of-scale building on a narrow residential block, and therefore encourage the Commission to reject this application.

Height/Size:

In a nutshell, the applicant has sold this project as an extension of its current building, which fronts 16th Street. There is very little mention that the actual building will eventually have a 17th Street address, as it entirely fronts 17th Street, not 16th Street. 16th Street is a wide thoroughfare, and the existing Dorchester has large setbacks. The current proposal essentially seeks 16th Street height and density rules for a much narrower 17th Street, without the setbacks. It is simply inappropriate to place such a large building on such a narrow block. The height of this building would be the largest in the Reed-Cooke neighborhood, not including those that front 16th Street. In fact, it would be nearly double the size of the Euclid Mews, immediately adjacent to the property. It is the size of this building that has created the near unanimous opposition. If this building were done as a matter of right height, 50 feet, this commission would likely see a much different [illegible].

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Allowing such a large building would permanently mar the character and density of our neighborhood, and would then put pressure on adjoining properties to also go up as high. This is not a precedent this neighborhood wishes to see.

Reed-Cooke Overlay

While this specific lot is not covered by the Reed-Cooke Overly section of our city's zoning code, its intent and history are relevant, as many of the adjacent and other close-by parcels are included in its purview. The Overlay was established to safeguard our neighborhood from proposals, such as this one, that are inconsistent with its residential character and density. In previous years, our neighborhood had been the targeted location for many items that city residents felt they needed, but didn't want to live next to. While our neighborhood was -- and is -- diverse, committed to social justice and tenacious when it comes to preserving our quality of life, we unfortunately did not have the political power to protect us against the majority vote. Instead, we were forced to rely on the letter of the law, and therefore pushed for the Reed-Cooke Overlay. This visionary proposal was intended to protect the neighborhood from arbitrary majority votes of elected and non-elected bodies by giving local residents the power of law to affect local development plans. Our consideration of this development proposal is based on the underlying letter and spirit of the Overlay.

In fact, the Reed-Cooke Neighborhood Association was founded in 1988 from a predecessor organization of neighbors working together on Zoning Board Case 88-19. That case was ultimately decided in favor of maintaining the residential character of the neighborhood through the Reed-Cooke Overlay 11 DCMR Chapter 14. Zoning Commission Order No. 523-A was issued on February 11, 1991, with an effective date of April 26, 1991 as published in the D.C. Register.

Sections 118 of the Land Use Element Reed-Cooke Special Treatment Area read:

(a) The Reed Cooke area is designated as a special treatment area.
(b) The policies established for the Reed-Cooke special treatment area are as follows:
    (1) Protect current housing in the area, and provide for the development of new housing.
    (2) Maintain heights and densities at appropriate levels; and
    (3) Encourage small-scale business development that will not adversely affect the residential community.

This treatment area has been maintained in the Overlay District as it exists today. The Zoning Commission Order No. 523-A, which created the Overlay District, also stated on Page 2:

> "Consideration of this case has been long and has presented the Commission with the need to make a difficult choice. The amendment to the Land Use Element reflects the same difficulty. Existing residential, commercial, and industrial uses are juxtaposed in the area. All are thriving, at least sufficiently to deserve protection. These uses are not easily made compatible, and their proximity causes problems that detract for the reasonable enjoyment of the residential uses. The difficulties are compounded by narrow, crowded streets, and sharply-angled and dog-leg intersections."

How does this apply to the case before the BZA today? On page 8, of Zoning Commission Order No. 523-A paragraph 2 reads: Rezone from C-M-2 to RC/C-2-B the following lots and squares: b. in square 2572, lot 36. Square 2572, lot 36 was specifically included in the Overlay, by design. This application refers to lot 35, immediately adjacent.

Again, while not specifically covered by the Overlay, the application must be viewed in the broader neighborhood context. The applicant's proposal runs contrary to both the letter and spirit of the Overlay.

Traffic, Parking and Pedestrian Safety:

It is no secret that Adams Morgan residents are starved for public on-street parking spaces for themselves, guests, contractors and other visitors. This property is located on a small business/residential street in the interior of the Reed-Cooke neighborhood. It is not located on a connector street, or a main arterial street. We are concerned that very little attention is being focused on the additional impact on parking spaces and traffic in the neighborhood. The issue here is not only on-street parking, but road capacity and congestion as well. Despite the numerous developments being approved with and without variances and special exceptions throughout our neighborhood, especially regarding the potential Harris Teeter supermarket right next door, there has yet to be a holistic study of the impacts on the entire neighborhood grid system. This Commission would only add to the congestion and scarcity of on-street parking by allowing this application to go forth.

The impacts on the neighborhood are tremendous, and that goes beyond the simple annoyance of sitting in traffic or looking for a parking spot. This proposed project is located mere blocks between two elementary schools and one-half block from a children's learning center. The additional congestion created by going above what is permitted as a matter of right would make it much more dangerous for all pedestrians, particularly children.

Ongoing Disputes with the Current Tenants:

We would be remiss if we did not acknowledge our deep concerns about the ongoing disputes, frustrations and other issues with the existing Dorchester tenants. We would encourage this Commission, and other agencies and regulatory bodies, to use whatever power they have to force the Dorchester management to first come to some type of agreement with the existing tenants before attempting such a major expansion. The current tenants, who are testifying separately, are rightly concerned about their future in the neighborhood. RCNA stands in solidarity with them.

Conclusion:

Our goal is to see this site used in a manner that is compatible with the surrounding neighborhood. We believe that what is permitted as a matter of right, along with the general purposes of the Reed-

Cooke Overlay District, still provide a clear statement of what is appropriate for this location. We strongly feel that with a little more effort, we can find a more appropriate development at this location that fits with the existing size, scale and character of the neighborhood.

Almost lost in this debate is that there is near unanimous opposition to this proposal, from the ANC, to the RCNA to the Dorchester tenants to the many neighbors. The bottom line is that this development does not meet the basic standards set out for a PUD, which allows developers to go beyond what is otherwise permitted in order to create something beneficial to the community. If that were really the case, the opposition would not be so overwhelming. That alone speaks volumes to the success of the applicant's outreach with regard to that basic PUD standard.

For all the above reasons, the RCNA respectfully encourages this Commission to reject application 04-36.

Respectfully submitted,

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Reed-Cooke Neighborhood Association
Resolution on the Dorchester expansion proposal
February 14, 2006

Whereas, Dorchester House Associates, LLC and Kalorama West, LLC ("applicant") have put forth a Planned Unit Development proposal for the "Dorchester addition";

Whereas, applicant has sought RCNA's approval, prior to the ANC vote and Zoning Board hearing, for the necessary rezoning they require in order to build PUD;

Whereas, applicant has made some modifications to its initial proposal in an attempt to address a few specific concerns of the RCNA;

Whereas, this current proposal would significantly alter the landscape of 17th Street;

Whereas, neither the "affordable" rental units, additional parking, nor donations to neighborhood organizations are justification enough to permit a building so out of scale with the existing neighborhood;

Be it Resolved, that:

1) RCNA commends and further encourages applicant to continue their outreach to the RCNA, Dorchester residents and other immediate neighbors and neighborhood organizations

2) There is an expectation that the applicant first build as a matter of right, particularly since this is a vacant parking lot with no existing structures;

3) The current proposal is simply too large and without adequate setbacks to fit the scale of the existing block;

4) RCNA supports exploring the feasibility of historic designation status for the Dorchester;

5) The amenities offered - should this proposal be approved over RCNA's objections - are inadequate;

6) RCNA will encourage the Dorchester to, before proceeding with this proposal, settle any and all ongoing major lawsuits and disputes with its tenants' association;

7) This resolution empowers the Board and/or its designee(s), including an official representative of the Dorchester's tenants, to negotiate with applicant in order to come up with a suitable compromise position, and that the Board is also empowered to approve that position without membership approval if the Zoning Board schedule necessitates such an action;

8) Any negotiations shall not trade public benefits for private benefits, and that the concerns of the entire neighborhood shall be addressed, including, but not limited, affordable housing, parking/traffic considerations, size and scale of the building; construction issues and light/shade impacts on immediate neighbors;

9) The RCNA President (or his/her designee) may testify before the Zoning Board - or any other agency/public forum re. this matter - in opposition or support - pending the final outcome of negotiations; and
10) The RCNA may attempt to receive "party status", and/or seek out pro bono legal counsel for representation on this matter.