TESTIMONY OF SIMI BATRA

before

the Board of Zoning Adjustment

May 21, 2002

Re: Case #16815, Application of Adams Alley, LLC

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BZA
Case No. 16815
Exhibit No. 55

Board of Zoning Adjustment
District of Columbia
CASE NO.16815
EXHIBIT NO.55

Simi Batra
1710 Euclid Street, NW
Washington, DC 20009

TESTIMONY OF SIMI BATRA
RE: Case #16815, Application of Adams Alley, LLC

My name is Simi Batra and I reside at 1710 Euclid Street, NW, Washington, DC, 20009, barely 150 feet from this proposed development.

I would first like to thank the Board for hearing my testimony today, and to the applicants for being accessible and collegial, both personally and via their attorneys. The testimony below relates to the application of Adams Alley, LLC for the building more commonly known as the "Colortone" site, application #16815.

I would also like to note that of all the people and organizations testifying and sending in letters of support, only two actually have access to the alley surrounding the Colortone building: myself and Ruth Eisenberg. And we both oppose this project. It should be noted that another individual who testified as a member of the RCNA moved to Maryland several months ago and no longer has a stake in this issue and no longer resides in the neighborhood.

In essence, I am testifying as to whether I approve or disapprove of the applicant's request for four zoning variances. Although this process does not offer me the opportunity to suggest changes that would cause me to support the project, I nevertheless have noted several suggestions that would indeed ensure my steadfast support of the project. While I believe appropriate redevelopment of the Colortone building can take place in a responsible manner, one more consistent with the surrounding houses and neighborhood, I must register my strong disapproval of this application. I therefore respectfully request that the BZA deny this application and that the applicant "return to the drawing board" to modify the plans.

This parcel is a unique one. It was carved out of what would –and probably should – have been the backyards of several buildings on Ontario Road. For whatever reason, unlike nearly all buildings and houses in our neighborhood, this row of low-rise apartment buildings on Ontario Road (and the opposite row of similar buildings on 17th Street) was built without backyards. Instead of backyards, these rows of buildings instead have the Colortone building sitting barely 20 feet from their back windows. Colortone is the rare, tightly alley-locked property in the midst of a residential block. In fact, neither the applicant nor staff at the Office of Planning were able to come up with analogous examples of similar developments approved by the BZA after the enactment of the city's zoning regulations. I am contending that this is not by defect, but by design. The zoning regulations, as written, prohibit the building as designed. That is why applicants are here today. Their primary argument to the community has been that this is the *only* option for this property, and that it is currently a nuisance that needs to be abated. I wish to remind applicants that they have owned and maintained this "nuisance" for nearly two years now and are now responsible for it. I find it highly troubling that developer can let a building become

both a nuisance and physical eyesore, and then claim his proposed development is the only solution, and that the community should therefore support the proposed variances and exceptions. That argument, in my opinion, does not hold water. Had he abated the nuisance, painted the building and cleaned up the area around his building, it is unlikely his message would have been as compelling.

Applicant is essentially seeking 4 variances from the City's zoning regulations: Floor area ratio requirements, lot occupancy requirements, creating multi-unit residences on an alley lot, and off-street parking requirements. As the Board is aware, this area of the city is covered by an additional, special chapter of the zoning regulations entitled the Reed-Cooke Overlay. The overlay creates an additional hurdle for developers seeking to build in the neighborhood. Despite the applicant's assertion, it is not a tool to make development easier or to reduce their burden. In essence, the Reed-Cooke overlay forces developers to pay special heed to the character, density and urban environment in our section of Adams Morgan. Applicants have essentially boiled down the overlay into a provision that would facilitate the process for obtaining zoning variances so long as a developer adds residential units to an existing commercial space in our neighborhood. In my opinion, this is a misreading of the overlay.

Floor Area Ratio:

Applicants are requesting a FAR variance because they claim they cannot use the lower levels for housing. This is not true. There is no reason why applicants cannot use the lower levels for housing, as they claim in their application. In fact, the most beneficial component of urban renewal and revitalizing blighted neighborhoods is ground-level housing and ground-level activity. Ground-level activity has the effect of brightening up dark areas, reducing crime and bringing in residents who will take a personal interest in their immediate surroundings. In my view, crime is much less likely to take place in front of a window where household activities take place. In the case of Colortone, it is the ground level that is most in need of immediate attention, but which will be virtually ignored if this application is improved. Thus, we the neighbors will have the worst of both worlds: blight and solid walls at the ground level, with the increased traffic that a new development brings. In fact, the proposed building is designed so that a crime could occur literally under the porch of an apartment, with the new tenant being blissfully unaware. I contend that this is purely an economic argument, and that the applicants feel they wouldn't profit as much from ground level housing in an alley setting. Maybe this is true, but it is not justification for this variance, and I encourage the Board to deny it.

Lot Occupancy Requirements:

If there were ever the rarest of cases where the Board disapproved a variance under this section, this application is that case. The maximum 60% lot occupancy regulation applies to this property more than any other in Adams Morgan. Their own pictures attached as Exhibit D of their application clearly demonstrate the narrowness and canyon-like look that their development will create. Requiring the applicant to set the building back directly off the very narrow alley would allow for landscaping, walkways and just some simple breathing room, in addition to allowing sunlight to filter through. This will also allow for some greenery and a respite from a

monotonous sheet of asphalt. A setback would also better meet the requirements of the overlay and would lessen the effect of turning the interior of this alley into a heat-generating island.

Applicant will argue that they have no choice but to build on the existing structure. I strongly reject that assertion. This building cost barely $400,000 and has no historical, aesthetic, character or other benefits whatsoever. If their application did include a provision for setting back two of the outlying walls to include greenery and walkways, I would be the number one supporter. Instead, they seek to turn the middle of a dense residential block into a heat-generating sheet of asphalt with no greenery whatsoever. The block-like aspect of the development coupled with narrowness of the alley would make it nearly impossible to pass safely. These problems can be alleviated by simply requiring a normal setback and standard lot occupancy. I strongly urge the Board to reject this variance.

Multi-unit alley residences:

Applicants have stated that the property was included in the overlay to show the neighborhood's preference for residential uses at that site over other uses. I am contending that this building was brought into the overlay for the other reasons, including the height limitations and various other provisions in the overlay. The overlay is not intended to be a justification for all variances and exceptions!

The city's statutes and regulations prohibiting multi-unit residences in an alley lot were designed for this building in mind. This building is not the exception to that rule, but is the underlying rationale for that rule! I can't think of a less practical place to put residences than the Colortone building. The applicant's all-or-nothing approach also does little to temper the problem (the applicant stated from day one that he would not consider setting the building back by removing a few walls). If there were a setback, a multi-unit building would have less of an impact, and I would be fully supportive. Without setbacks, this building is highly in appropriate for multi-unit residences, and the BZA should not grant this variance. I therefore urge the Board the reject this variance as proposed.

Traffic and parking:

The applicants contracted with a traffic engineer to study the impacts of the proposed development on parking and traffic patterns. To no one's surprise, the engineer said that there would be no impact on either driving patterns or parking. The study, however, failed to measure traffic and parking at its worst: Friday and Saturday nights. In fact, the engineer – during cross – was unable to comment on how much traffic would be too much for the neighborhood. How can he possible testify that this development would have a negligible impact on traffic, when he doesn't know the current status and "carrying capacity" of the narrow neighborhood roads? I can attest from personal knowledge that the narrow roads of our neighborhood are already bumper-to-bumper, and allowing twenty-four more cars would only worsen the situation.

In addition to traffic flow on local roads, the applicants have completely ignored how human, car, baby stroller, pet and bike traffic will flow in the alley all at once. It is important to remember that this building is 100% alley-locked and the *only* way in and out is via the alley. In

addition, this is one of the densest (if not the most so) neighborhoods in the city that has one of the highest uses of mass transit in Washington, D.C. Allowing twenty-four parking spaces is wholly inappropriate for the alley in question, and likely for the neighborhood. However, the application did not address either point directly and should be rejected for that reason alone.

The developer contends that his plan is based on maintaining a 2-way traffic pattern (and has assured neighbors that this will remain the case), while the City has proposed making the entire alley one-way. I agree with the applicant on this point. But it is impossible to comment on a plan which is still in its nascent stages. In essence, the applicant has failed to demonstrate how traffic will flow, and the city has yet to make a proposal. It is therefore premature to comment, and developers should postpone their application until the traffic/parking details are worked out. From my perspective, it would be IMPOSSIBLE to have a one-way street. My two parking spots must be accessed from different directions. Therefore, making the alley one-way would make it impossible to access one parking spot, which would have an immediate, devastating impact on my property and property value.

One potential solution to too much traffic in the alley would be to allow only a negligible number of parking spaces. That would better fit with the mass-transit oriented nature of the neighborhood and would vastly increase the safety of children walking to and from the Sitar Center.

Compromise

Neighborhood discussions regarding this application have typically boiled down to 1) what would you like to see there if not this proposal, or 2) how could the proposal be modified. With regard to this forum, it may not be entirely appropriate to answer either of these questions. But for the sake of the developer and the Board, I feel it is necessary. There are other options which might be more appropriate for this location.

- The building as it exists currently could be used by the Sitar Center or other similar organization without the need for variances.
- Currently, it is used by a neighborhood business for storage
- Other local businesses, such as City Bikes and the Washington City Paper, have similar storage needs
- Reducing the number of units would be a compromise between the regulations' single-family requirement versus the current application for twelve units.
- This location is an ideal one where the 60% lot occupancy rule should apply. I would strongly support any application that had appropriate setbacks, with landscaping. That would give the development more of the appropriate streetscape feel, as opposed to a huge block placed in the middle of the alley. The issue is not whether people want to live inside (that is the applicant's business gamble), but rather the effect on the neighborhood.
- Parking. The Board should consider taking a new approach to parking. Instead of mandating parking spaces, require zero! While this approach might be considered blasphemous in many areas of the city (including this one), it would have the effect or substantially reducing traffic in the alley. In terms of the next logical question, "Would

on-street parking get worse?" The answer is obviously "no!" There is no more on-street parking. It would have no impact.

- Cost. It is clear that one of the key determinants of the Board is giving the applicant a reasonable chance of making a return on his investment. It is undisputed that the applicant bought his property for a song. Did nobody else notice that this building was on sale for barely $400,000? Hardly. The less than $400,000 he paid for this property in no way contemplated its use for multi-unit residential. If they succeed today, this building will likely be worth several fold more before they even get up out of their seats! Houses in our neighborhood, even with the crime and drug corner at 17th and Euclid, are going upwards of $600-700K! My point is that it would not cause any hardship whatsoever on the applicant to conform to the 60% lot occupancy rule. It would be a fair trade.

If the Variances Are Approved

I strongly urge the Board to reject the four variances as proposed. However, should the Board act otherwise, I strongly encourage the Board to reject the City's assertion that the alley be made one-way, and, in addition, to require the applicant to improve the alley. I do not equate "improve" with "pave," and encourage the Board to require greenery and a respite from the asphalt at ground level. In addition, there is ONE TREE in the alley. If it must be cut, please require its replacement. Shade trees offer tremendous benefits for both the built and natural environment - not the least of which would be breaking the monotony of asphalt in that alley

Conclusion

In essence, the applicants would have the BZA infer upon the subject property all the benefits of a building situated on a main road, but only give it the obligations required of an existing alley building. That is one of the reasons the building cost $400,000; it was not envisioned for multi-unit residences. The developer cannot have it both ways. This is either an alley building or it is not. If he would like to be treated as if he were on a regular street, then sidewalks, landscaping, streetlights, setbacks, etc. should be required. However, if he would like to be treated as if he were in an alley, then he should reduce the number of residences and parking spaces to better conform with the city's zoning regulations (which allow single family dwellings in an alley).

The application, as proposed, should be rejected on the above grounds. I strongly urge applicant to devise another plan with setbacks, or fewer units and cars, and I give my word that I will return to the BZA as a strong supporter.

Bailey, Beverley (DCOZ)

From: Simi Batra [Simi.Batra@tpl.org]
Sent: Friday, May 31, 2002 6:45 PM
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Subject: colortone testimony



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I was pulled out of town unexpectedly until late last night. Here is my testimony.

Thanks and have a nice weekend!

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