Re: Letter in Oppositio Application #16924 at 1701 Kalorar Road NW - 1

December 3, 2002

Mr. Geoffrey Griffis
Board of Zoning Adjustment
441 4th Street, NW; Suite 210-S
Washington, DC 20001

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Dear Mr. Griffis:

I am writing to oppose the request for a height variance to 57 feet (plus roof structure) on the above development, known as Jemal's Wheel at 1701 Kalorama Road. I have been a resident in the Reed-Cooke neighborhood since 1985, for the last four years an owner of a cooperative unit in the area. My unit lies approximately 230 feet from 1701 Kalorama, and windows in four rooms of my home directly face 1701.

I do support the development of this property in some way, whether commercial or residential, and believe it will contribute to the neighborhood. My reasons for opposing the height variance are based in the regulations set out by the Reed-Cooke Overlay, and my concerns rise out of the concerns that are addressed by the Overlay District's General Provisions. The specific regulations that guide my opposition are as follows:

- Purpose (a) of the Overlay regulations cites as one of the Treatment Area's three objectives to "Maintain heights and densities at appropriate levels."
- In defining "appropriate", the Overlay regulates the maximum height for buildings in the area at 40 feet (plus the permissible roof structure).
- The regulations provide that the Board may approve a special exception for 50 feet (plus roof structure) only "...subject to determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units...of a total gross floor area equal to fifty percent (50%) of the additional floor area made possible by the exception."
- Approving any height above 50 feet (plus roof structure) requires an area variance, which mandates that the applicant must meet a three-prong-test proving that the property is unique in some way, that because of that uniqueness "...the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of the property," and that the variance can be granted without substantial detriment to the public good and the zone plan.
- Purpose (c) of the Overlay District is "To protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts."

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Exhibit No. 47

I have chosen to live in this neighborhood and walk through it daily for so long because I love the mixed character of the community. The residents come from all walks of life, many ethnic, racial and national backgrounds, and a wide range of incomes – which sadly is rare in downtown neighborhoods. The area has a mix of commercial and residential (some rental, some owned) and office buildings, with a school and community center at

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its core. The neighborhood vista holds interest because of its great variety. It was my understanding when I purchased in the neighborhood that the Reed-Cooke Overlay regulations are in place to help maintain that character while encouraging healthy residential and business development. The height restrictions are part of what define healthy; in other words, lower heights keep new residential or commercial developments from creating "damaging traffic, parking, environmental, social and aesthetic impacts" for adjacent and nearby residences.

I have been to several presentations concerning the 1701 Kalorama project, and attended and spoke at the ANC meeting where it was considered. Although the applicant seems to be well meaning, and is well represented by his legal counsel, I have yet to hear from either of them an explanation that meets the test for a variance or a special exception to increase the height above 40 feet. The bottom line, as I hear it, is the reason they want to go above 40 feet is to make more profit than they would if they did not. Even that is in question, since the applicant's formal submission to the Board mentions that the building could produce as much at its current height as a commercial property as it would as a residential property at 65 feet. My understanding is that Mr. Jemal had the opportunity for a commercial tenant within the past year. Why then does he need to raise the height of the building? Indeed, I would strongly support the development of local businesses that might employ local residents.

Mr. Jemal seeks to turn this into a residential building, yet to be determined whether it will be rental or condo. But the neighborhood is now facing at least 11 redevelopments of this type, many of them building "appropriately" within right to 40 feet. At present, this area is congested with cars, and parking is at a premium. We can already anticipate damaging traffic, congestion and infrastructure difficulties from the buildings that are developing within right. (Indeed, Mr. Jemal has leased the building across the street from 1701, The Citadel at 1631 Kalorama, to an auction house that may bring in hundreds of people at a time, with only 125 parking spaces available in the building- but that is within his right.)

Quite simply, if the height of the 1701 building is raised, it will further increase the number of people living in the building and, thus, the density of the neighborhood. It may also set a precedent for other buildings in the Overlay to receive such variance or exception approvals. The traffic and parking on very narrow streets, some of them one-way, will become intolerable. (As it is, Euclid, one block north, already is often extremely congested.) It will be difficult for emergency vehicles to get through. Although parking will be provided for some residents within the building, there will be no provisions for their visitors. As a resident within one-half block of this development, I am well aware that many people in the area frequently have visitors, and that it is often near to impossible now for them to find parking. The area also receives spillover from Adams Morgan parking; as it is, 1701 Kalorama currently is opened for weekend parking from Adams Morgan. Where will those cars go when this is developed?

Moreover, and perhaps more important, the rare mixed character of this side of the Adams Morgan neighborhood will change, especially the income and ethnic mix, as lower-income residents are forced to move out as more "high-rise" developments come in. While some may consider this inevitable, it can be addressed, as the Reed-Cooke Overlay tried to do in its requirement for 50% of the additional floor area made possible

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by a special exception to be dedicated to low- and moderate-income dwellers. Currently, only under pressure from the neighborhood and Councilmember Graham, Mr. Jemal has increased his allotment for this purpose from two units (in his original 65 foot proposal) to four units in the current 57-foot edition. Even if the variance and exception were approved, that clearly is not enough. Why do we have the Reed-Cooke Overlay restrictions if we do not hold to them?

The primary argument I have heard the applicant make about the "uniqueness" and "practical difficulty" tests has to do with how the severe slope of the ground floor "requires" them to build higher so as to have enough units in the building to make it financially viable to develop. We have seen no numbers that prove this. And we have no sense what financially viable means in this context - does it mean the project will not turn a profit at all, or enough profit? How is it that so many lower buildings are being converted to residential and seem to be doing just fine? When questioned at the ANC meeting about this, Mr. Jemal simply stated that if he couldn't build to 57 feet, then it would go commercial. Well, that would be fine, and would be within the Reed-Cooke regulations. Let's see what the applicant can make financially viable within the regulations before granting a variance that has insufficient grounds for approval.

It is telling that the ANC vote in support of this project was 4-2, with only six members of a nine-member ANC present. That means that the vote in support represented less than a majority of the ANC. Moreover, the single-member ANC representative for the ANC district in which 1701 Kalorama sits opposed it. Several of the ANC members who supported it cited odd reasons. For example, one member declared that although almost everyone in the room opposed the development, we didn't all oppose it for the same reason; therefore, he would support it. Where is the logic in that? Perhaps, instead, it means there are *many* reasons to oppose the variance. (At the ANC meeting, there were 30-40 people present, nearly everyone spoke, all but one or two people opposed the development requiring the variance.) Another ANC member who voted in support said he was quite concerned about the impact of all these developments, that he thought what we really needed was a new comprehensive plan for the area and a planner for Ward 1 who could look at all these developments in tandem; absent that, he voted in support. A reasonable person might have interpreted his rationale as a very good reason to oppose the variance.

I appreciate the opportunity to offer my ideas on this matter. I strongly urge you to oppose the development of 1701 Kalorama at its proposed 57-foot height, and encourage you to hold to the Reed-Cooke Overlay District zoning regulations that were developed with and for the community.

Sincerely,

Janet M. Topolsky

Janet M. Topolsky
1661 Crescent Place NW, #402
Washington DC 20009

THE ASPEN INSTITUTE

One Dupont Circle, NW Suite 700 Washington, DC 20036
PH 202.736.5800 FX 202-293-0525

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To: Mr. Geoffrey Griffis

Company: Board of Zoning Adjustment

Fax: 727-6072

From: Janet Topolsky

Date: 12/4/02

Pages to follow: 3 (4 total)

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