BZA Application No. 17022

Edmund Burke School

On Behalf of Neighbors United for Livable Streets

Brief Comments on Comprehensive Plan Issues

Not Cited in the Oral Testimony of Milton Shinberg

Milton Shinberg

2949 Upton Street, NW

Washington, DC 20008

Ward 3 Comprehensive Plan Issues

OP makes extensive use of Comprehensive Plan references as an integral part of its analysis. OP cites (pg 5) the standard in 1409.4 (d) that "conversion of existing housing stock (such as moderate-rent multi-family buildings near or in commercial areas) should be aggressively discouraged."

Burke razed residential buildings to make way for the new building, perhaps on the presumption that it would be approved, and to try to get rid of the conversion issue. That was a 6-unit apartment building and row houses. Based on this issue, after making the observation itself, OP is inconsistent arguing for approval.

Thus, this site qualifies for protection, and this proposal qualifies for aggressive discouragement. As OP looks to you to give weight to the Comprehensive Plan, so do we. That should mean disapproval.

OP 1409.1 (f), regarding the many institutional uses in Ward 3. "There are a large number of institutional uses in Ward 3…The compatibility of the uses must be maintained, expansion carefully controlled, changes to neighborhood related uses encouraged, and conversion to other non-conforming uses prevented."

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District of Columbia
CASE NO. 17022
EXHIBIT NO. 139

A carefully controlled expansion of Burke would be totally dependent on an extremely complex and, we think, unworkable and non-credible combination of enforcement, compliance and traffic management provisions. Therefore, we contend that this expansion could not be carefully controlled and would therefore not be consistent with the Comprehensive Plan.

Next, it is not a neighborhood-related use. A miniscule number of students come from the neighborhood and its mission includes the metropolitan area. Fewer than half live in the District. Encouragement of neighborhood uses is therefore not applicable.

Arguments in favor of the school rely on benefits to the city at large, not to its particular location in this neighborhood. It could be any number of places. Enlargement is clearly not a benefit to Upton Street.

The Comprehensive Plan, 1401.3 (b) says that regarding "Commercial Development: The defined commercial areas within Ward 3 are already established but do present limited opportunities for infill development. This commercial economic development must be tempered with the overall residential nature of the ward. **Commercial development should be strictly limited to areas currently zoned for commercial activity and not be allowed to extend into areas currently zoned as residential (bold added).**"

Other Comprehensive Plan Issues

709.2 The plan says that "The policies established in support of the streetscape objective are as follows: (b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort."

This design would increase them, specifically at the Upton Street discharge point for residents and students, and at all the more remote, call them "informal," drop-off locations in the many blocks around the school. These city

corners have been not designed for safe use in that way and are not supervised.

102.2 "Many city neighborhoods are historic or possess social, economic, and physical qualities that make them unique and desirable places in which to live. These qualities can also lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods desirable. These pressures and potential adverse impacts must be controlled to ensure that the character of our neighborhoods is preserved and enhanced."

Our neighborhood is subject to these pressures because of its proximity to Connecticut Avenue and the Metro. OP errs by not mentioning, much less emphasizing this comprehensive plan element.

Testimony of Milton Shinberg, 14 October 2003, before the Board of Zoning Adjustment regarding the Application of the Edmund Burke School

Neighbors United for Livable Streets before the Board of Zoning Adjustment

Building Issues

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Is there a loading requirement?

The applicant declared in its 23 September 2003 submission *[emphasis added]:*

*"As you can see **by eliminating**, pursuant to Section 2205.2 of the Zoning Regulations, those **areas that are devoted to parking and the like**, the proposed building is less than 30,000 square feet which is the threshold for requiring a loading dock for a school building."*

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2205.2 is specific

In computing the number of required loading berths,

that portion of the gross floor area or cellar floor area devoted to

any pump island canopy and kiosk adjacent to the pumps used exclusively as an attendant's shelter of a gasoline service station,

parking spaces, loading berths, service/delivery loading spaces, or loading platform area shall be excluded.

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***The applicant reports total gross square footage of* 34,276**

Are there any deductions in this scheme allowed under 2205.2?
In the area totaling 34,276, *are there:*

Parking spaces?: **no**

Loading berths?: **no**

Service/delivery loading spaces?: **no**

Loading platform areas?: **no**

The resulting countable gross square footage is **not reduced by deductions, and stands at 34,276**

Loading facilities are therefore required.

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The Bridge: Why it's in the application

Essential to safety.

Critical element to solve the *self-imposed choice* of a split site.

Program integration.

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The Bridge: The school needs it, but at what cost to neighborhood?

Contributes to a commercial, even an industrial quality.

Clearly a part of the building's inappropriate persona on residential Upton Street.

Establishes a permanent drawbridge into a residential neighborhood from a "Connecticut Avenue building"

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Character of the proposed design

Institutional or Commercial?

More like an office building perched over an array of service functions.

Even more perimeter for service than typical office or retail use.

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The Drive-through

A drive-through facing a residential area is objectionable.

From Upton Street, all of this circulation is visible.

See straight through to Connecticut Avenue

These violations of residential character constitute objectionable conditions.

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A "Connecticut Avenue building?"

School would be sole building built for a non-residential use in the six blocks north of Porter Street.

A break in use,

and a break in character,

will negatively affect how residents experience this part of Washington

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A "Connecticut Avenue building?"

The site precludes one entrance. One for Connecticut Avenue,

One for the drive through,

Connected by a wrap-around facing Upton Street

Much more entrance faces Upton.

An impact on Upton from an unforgiving site.

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Dark Streets

Reduces Activation of the Connecticut Avenue and Upton Street during off-hours

(the "downtown syndrome")

The life of a residential neighborhood, on the avenue and the side street, depends on activity, livability, and character.

Deserted building most nights

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What would be lit?

All the service areas, for security.

The least residential character element, the drive-through, would broadcast its identify through evening and night times,

taking from the residential quality of life in the neighborhood.

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Car Access from Connecticut Avenue

The plan shows 2 access lanes splitting to 3

The entire plan,

for access to required parking,

for access to the drop-off area,

depends on it.

Does it work?

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Do the split and the garage ramp overlap?

Is the turn into the drive-through lane possible or convenient enough to be comfortable for parents?

Will widening the entrance be needed and conflict with the Metro airshaft?

We don't know. The applicant has not demonstrated that these will work, and they are unconvincing.

Each is critical to the scheme.

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Parking Provided

Tandem Spaces

The applicant acknowledges that tandem parking spaces don't qualify as required spaces.

Compact Car Spaces

They don't meet the standard of Section 2115.4 on contiguous spaces.

The school has not applied for relief from compact car standards in its self-certified application to have them qualify.

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Without tandem or compact spaces, 28 meet zoning.

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Parking Spaces Required

Provide parking for staff: 23 spaces

based on the schools stated increase of 35 staff, at 2 spaces per 3 staff

Provide parking for the largest assembly space: 15 spaces

1 space per 10 seats (applicant says 150 seats)

Total required: 38 spaces

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Total Provided	**28**
Total Required	**38**
DEFICIENCY	**13**

(more than 1/3 of total required)

If spaces lost at existing building, required per 1983 order, were satisfied here, total grows to 41 required, deficiency 15.

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Other quantity deficiencies

Parking for visitors

Parking for shuttle vans

Parking for school visiting busses

(DDOT wants them somewhere in the back)

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Ample Parking

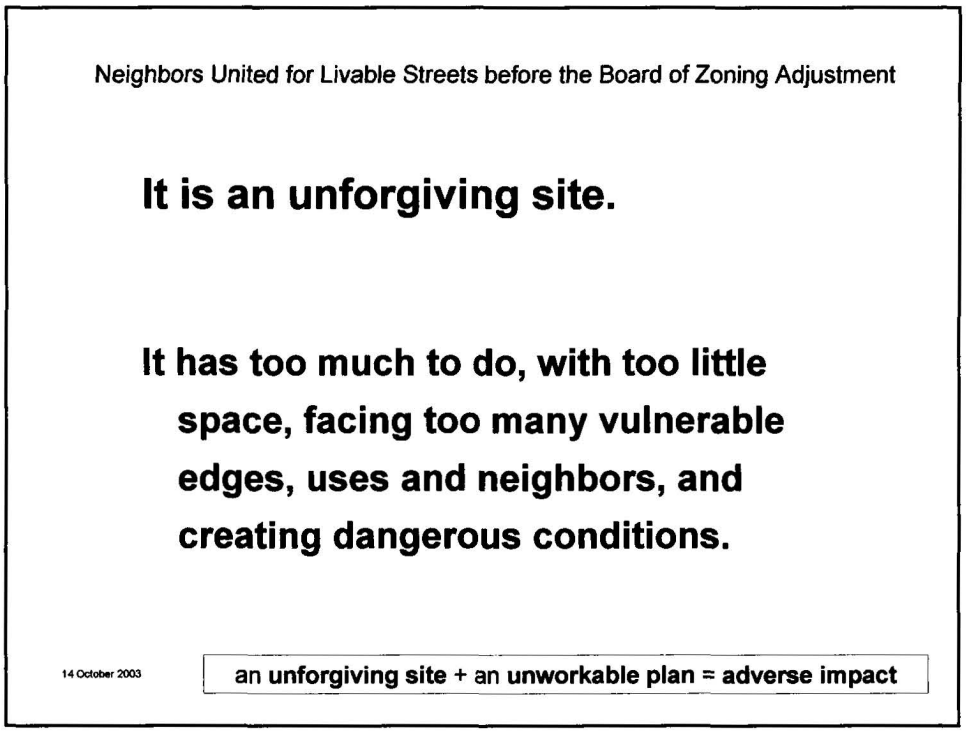
206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

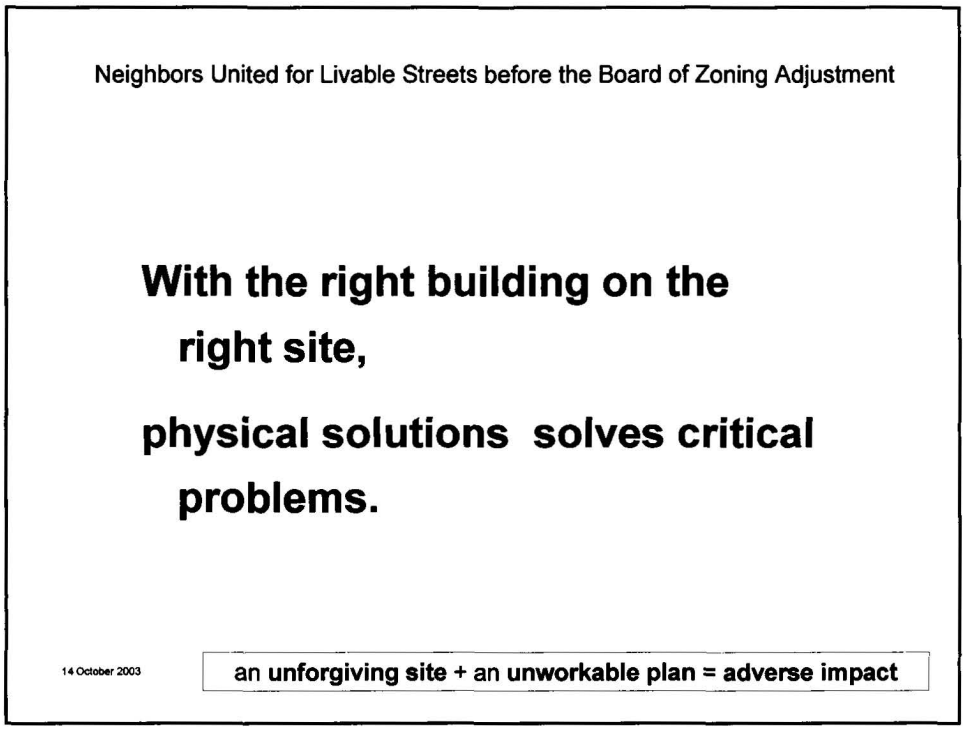
Is the minimum appropriate here? Substantially more is needed to avoid unacceptable impact on the neighborhood.

The Board is entitled by regulation to insist on more than the minimum number of spaces, and the context here argues strongly for that.

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It is an unforgiving site.
It has too much to do, with too little space, facing too many vulnerable edges, uses and neighbors, and creating dangerous conditions.
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With the right building on the right site,
physical solutions solves critical problems.
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With the wrong building on the wrong site,

adverse impacts spread in all directions, tearing the residential fabric.

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With the wrong building on the wrong site,

solutions depend far too much on long-term behavior

and credibility.

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