Advisory Neighborhood Commission 1C

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June 14, 2004

Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW – Suite 210 South
Washington, DC 20001

Re: Application of Douglas Development Corp./Jemal's Wheel LLC
BZA Application No. 17175

Dear Chairman Griffis:

Pursuant to 11 DCMR 3115, Advisory Neighborhood Commission 1C respectfully submits the following report on the above-referenced application for various special exceptions and variances to permit the development of a 4-story apartment house in the RC/C-2-B District at premises 1701 Kalorama Road, NW (Square 2655, Lot 90), scheduled for hearing on June 29, 2004:

3115.1(a) – The application under review is identified above. Applicant requests two special exceptions (from the roof structure requirements under section 411, and to increase the building's height to 50 feet under section 1402), and four variances (from the lot occupancy requirements of section 772, the residential recreation space requirements of section 773.7, the side yard requirements of sections 775.5 and 2001.3, and the parking aisle width requirements of section 2117.5).

3115.1(b) – The application was considered at a public meeting ANC 1C on Wednesday, June 2, 2004.

3115.1(c) – Proper notice of the meeting was given by ANC 1C in the form of publication in a community newspaper, transmittal of e-mail and Internet notice to approximately 1,000 neighborhood residents and stakeholders, and posting of notices in individual single member districts (SMDs).

3115.1(d) – ANC 1C has eight SMDs. However, due to the recent resignation of one Commissioner, only seven are currently represented. A quorum of four Commissioners is therefore required for action. All seven sitting Commissioners were present at the June 2, 2004 meeting.

3115.1(e) – In general, ANC 1C supports the application as submitted, as more specifically indicated under **3115.1(f)** below. However, the Commission adopted two amendments to address specific concerns with the proposed project:

1) The Commission, by voice vote, approved an amendment making its support for the application contingent not only upon FCD Development working with ANC 1C to develop a construction staging, parking, and transportation plan that minimizes the impact of their work on the community, but also upon FCD Development "supporting inclusion in the BZA's Order of" such a requirement. The Commission respectfully calls the Board's attention to the Decision and Order in *Application of 2327 Champlain Street, LLC* (BZA Case No. 16931), in which ANC 1C requested that the Board grant the requested zoning relief "subject to the

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Subject to Zoning Adjustment
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incorporation in the Board's order of a construction plan designed to minimize inconvenience to other residents and businesses in the area to the extent practical." (Decision and Order, p. 9, para. 32). The Reed-Cooke Neighborhood Association (RCNA) made a similar request in the same case. (*Id.*, p. 12). In its Conclusions of Law and Orders, without mentioning again the ANC's recommendation and thus without according the requisite "great weight" to the ANC's request, the Board simply concluded that the condition requested by the RCNA was "not appropriate."

Regrettably, subsequent events have demonstrated just how necessary such a condition was. The project at issue in that case – located just down the block and in very close proximity to 1701 Kalorama Road – has been a source of continuing aggravation and inconvenience for residents and businesses alike. Streets have been closed off by the developer without adequate notice to the surrounding neighbors and allegedly without proper permits in some instances. Kalorama Road is itself undergoing a major reconstruction by DDOT between 16th and 18th Streets, and there are several other ongoing and/or approved projects in the immediate vicinity, including 1700 Kalorama Road, 2412 17th Street, and on the Meridian Institute's former parking lot on Crescent Place near its intersection with 17th Street. The streets in this Reed-Cooke section of the neighborhood are exceptionally narrow, with street parking and access even to one's own home or business often difficult to obtain. *ANC 1C believes it is imperative that any Order in regard to the proposed project at 1701 Kalorama Road, NW incorporate an enforceable requirement that the developer have a construction staging, parking, and transportation plan developed in conjunction with ANC 1C to minimize the additional impact that its work will have on the already over-stressed streets in Reed-Cooke.*

2) The Commission, by a roll call vote of 4-3, approved an amendment making its support for the application contingent upon FCD Development redistributing the affordable units in the proposed building by placing four units on the ground floor and three elsewhere in the building. The developer's plans, as presented to the ANC, called for five such units to be placed on the ground floor, with two on the second floor. These affordable units are proposed by the developer in conjunction with its request for a special exception under section 1402.1 of the Reed-Cooke Overlay to enable it to increase the height and density of the building. During debate, the Commissioners supporting this amendment expressed concern that concentrating the affordable units so heavily on the ground floor would create a kind of "ghettoization" of those units' occupants in the least desirable area of the building. *ANC 1C recommends that in return for the additional height and square footage requested by the applicant, the affordable units be redistributed so that not more than four of those units are located on the ground floor.*

3115.1(f) – Subject to the two conditions discussed above in **3115.1(e),** ANC 1C recommends approval of the application, as indicated in the attached resolution.

3115.1(g) – The attached resolution, as amended, was approved by voice vote.

3115.1(h) – Any or all of the following Commissioners are authorized to present this report:

- ANC 1C Chairperson Alan Roth;
- ANC 1C Vice Chairperson Josh Gibson, in whose SMD (1C07) the property is located;
- Commissioner Andrea Broaddus, who chairs the ANC's Planning, Zoning, and Transportation Committee.

3115.1(i) – The signature of ANC 1C's Chairperson is provided below.

Please feel free to contact me at 347-3030 (W) or 667-7812 (H) if you have any additional questions.

Thank you for your consideration of our views.

Sincerely,

Alan J. Roth
Chairperson

Enclosure

cc: Norman M. Glasgow, Jr., Esquire
Holland & Knight, LLP

Mr. John Moore
Office of Planning

ADVISORY NEIGHBORHOOD COMMISSION 1C

RESOLUTION SUPPORTING BZA CASE 17175

WHEREAS, developer FCD Development and property owner Douglas Development have submitted application 17175 to the Board of Zoning Adjustment (BZA) seeking approval for a project located at 1701 Kalorama Road, NW (Square 2566, Lot 90); and

WHEREAS, FCD Development is seeking the following variances and special exceptions:

- A special exception from the roof structure requirements (411)
- A special exception to increase the building's height to fifty feet (1402.1)
- A variance from the lot occupancy requirements (772.1)
- A variance from the residential recreational space requirements (773.7)
- A variance from the side yard requirements (775.5 and 2001.3)
- A variance from the parking aisle width requirements (2117.5); and

NOW, THEREFORE, BE IT RESOLVED; that Advisory Neighborhood Commission 1C supports this application, including all of the variances and special exceptions listed above; and

FURTHER RESOLVED, that this support is contingent on FCD Development supporting the inclusion in the BZA's Order of and working with ANC 1C to develop a construction staging, parking, and transportation plan that minimizes the impact of their work on the community; and

FURTHER RESOLVED, that this support is contingent on FCD Development redistributing the affordable units to place four on the ground floor and three elsewhere; and

FURTHER RESOLVED, that this support is contingent on FCD Development participating (along with other affected developers) in meetings convened by ANC 1C to determine how best to allocate the affordable units mandated by the Reed Cooke Overlay (discussion points to include resident preference in distribution of units, ways to avoid flipping of properties while allowing residents to capture some equity when the property is sold, and potential partnerships with government and other organizations in distributing and monitoring the units.)

Offered by: **Commissioner Gibson**
Seconded by: **Commissioner Apostolides**
Vote: **Approved by voice vote (7 Commissioners present)**
Date: **June 2, 2004**

Amendment: **Insert an additional Resolved clause as follows:**
"FURTHER RESOLVED, that this support is contingent on FCD (cont'd)

Development redistributing the affordable units to place four on the ground floor and three elsewhere;

Offered by: **Commissioner Broaddus**
Seconded by: **Commissioner Apostolides**
Vote: **Approved by roll call vote, 4-3**
AYE **Apostolides, Weaver, Moretti, Broaddus**
NAY **Roth, Miscuk, Gibson**

Amendment: **Insert "supporting the inclusion in the BZA's Order of and" after "FCD Development" in second Resolved clause, pertaining to construction staging, parking, and transportation plan.**

Offered by: **Commissioner Roth**
Seconded by: **Commissioner Weaver**
Vote: **Approved by voice vote (7 Commissioners present)**