

LAW OFFICES OF
KNOPF & BROWN
401 EAST JEFFERSON STREET
SUITE 206
ROCKVILLE, MARYLAND 20850
(301) 545-6100

FAX: (301) 545-6103
E-MAIL BROWN@KNOPF-BROWN.COM
WRITER'S DIRECT DIAL
(301) 545-6105

DAVID W. BROWN
SOLE PRACTITIONER

February 28, 2017

Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
441 4th Street NW Suite 200S
Washington, DC 20001

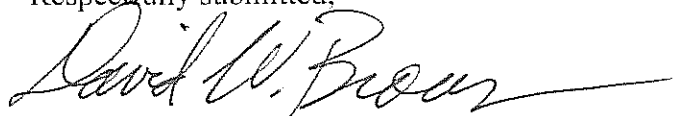
Re: ***Submission of Letters in Opposition***
BZA Case No. 19450 – Ward 3 Homeless Shelter Project
D.C. Department of General Services

Dear Director Bardin:

Attached please find letters of members of Neighbors for Responsive Government who oppose the captioned project. These letters include:

1. Letter from Bruce Joseph w/Exhibit A
2. Letter from Judith A. Kennedy
3. Letter from Mali Jimenez
4. Letter from Susan and Ken Weinstein
5. Letter from Julie Lazar
6. Letter from Brian Wilkinson
7. Statement of Alice L. Powers
8. Letter from Steven Lamm
9. Letter from Joanne Lamm
10. Letter from Arlene Holen
11. Statement of Susan Lutzker
12. Letter from Scott Jaeckel
13. Letter from Donna Sweeney
14. Letter from Linda Fisher

Respectfully submitted,



David W. Brown

/enclosures (opposition letters - 14)

Board of Zoning Adjustment
District of Columbia
CASE NO. 19450
EXHIBIT NO. 212

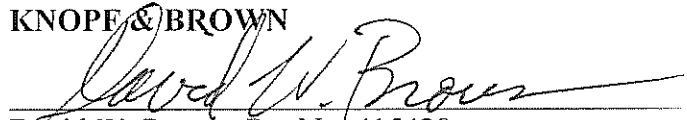
Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
February 28, 2017
Page 2

AFFIDAVIT OF SERVICE

The Neighbors for Responsive Government, by and through the undersigned counsel, this 28th day of February 2017, have served the foregoing letter to the BZA submitting opposition letters via email MMoldenhauer@washlaw.com, Meridith Moldenhauer, Esq., Griffin, Murphy, Moldenhauer & Wiggins, LLP, 1912 Sunderland Place, NW, Washington, DC 20036; and the DC Office of Planning, 1100 4th Street, SW, Suite 650 East, Washington, DC 20024; and via email to the local ANC, Advisory Neighborhood Commission 3C, Nancy MacWood, Planning and Zoning Committee Chairperson, nmacwood@gmail.com; via email to Angela Bradbery, Single Member District 3C06, 3C06@anc.dc.gov.

Respectfully submitted,

KNOPE & BROWN



David W. Brown, Bar No. 415429

401 E. Jefferson Street, Ste. 206

Rockville, MD 20850

Ph:301-545-6100 Email:brown@knopf-brown.com

February 28, 2017

Frederick Hill, Chairman
Board of Zoning Adjustment
441 4th St., NW, Suite 210S
Washington, D.C. 20001

February 27, 2017

Re: BZA Case 19450, Short-Term Homeless Shelter at 3320 Idaho Avenue NW
Letter in Opposition

Dear Chairman Hill:

I live on Woodley Road, N.W., between Idaho Avenue and 38th Street, less than 3 tenths of a mile from the proposed site of the City's proposed homeless shelter at 3320 Idaho Avenue. I have owned my house and have lived in it for more than 28 years. I write to express my strong opposition to the zoning variances and special exceptions sought by the City to shoehorn a six-story, 185-resident shelter that is dramatically out of scale with the neighborhood onto a site that is inappropriate for that use.

I am represented by Neighbors for Responsive Government (NRG) and join its submissions to the Board. I write separately to highlight three important points:

- The City should not be granted extraordinary zoning relief to solve problems that it created itself by ignoring well-established and democratic procedures in order to choose an irrational site for its proposed shelter;
- In addition to the self-inflicted zoning problems, a further result of the City's irrational site choice, is that the costs of this project have skyrocketed to absurd levels; the Board should not give its imprimatur to the City's waste of millions of dollars of taxpayer money; and
- The Board should give little or no weight to the letters in support of the project, the vast majority of which are form letters, solicited from and sent by individuals and groups located a half-mile or more from the proposed shelter, which say nothing relevant to the zoning issues before the Board. Part III, below, reviews those letters and shows that they add nothing to the legal issues that the Board must decide.

I. The Board Should Not Grant Zoning Relief To Solve Problems of the City's Own Making.

The City asks the Board to grant numerous variances and special exceptions to allow it to proceed with its shelter project. Every one of these requests flows from problems that the City itself created by identifying an inappropriate site for the

shelter. The identified lot, which already contains an active police station, refueling depot, and community garden, and is in zone RA-1, simply cannot reasonably accommodate the proposed shelter without fundamentally altering the character of the neighborhood.

The City argues that the limitations of the site are a reason to grant it zoning relief. That has it backwards. The City's problems flow directly from the City's selection of an absurd site. The City has brought these problems on itself. Granting zoning relief to solve these self-made problems is inappropriate and will only encourage more bad government. Moreover, it is my understanding that, as NRG has demonstrated, zoning law precludes the Board from granting zoning relief from self-inflicted problems.

The City did not have to choose this lot. Ward 3 is vast, and includes an enormous number of properties in locations that do not suffer from the limitations of 3320 Idaho Avenue, and that would more reasonably accommodate the proposed shelter. Unfortunately, however, the City does not know what might have been available, or, for that matter, what still is available, because it never looked for other sites in Ward 3.

As long time city planner Rob Klein has written (Ex. 199), an essential element in rational city planning is publicly transparent planning and site selection that includes open public input. An appropriate process requires a formal solicitation of proposals. D.C. Auditor Kathy Patterson made essentially the same point in her recent report condemning the terrible mismanagement by the City of the renovation of the Duke Ellington School.¹

Despite these well-established principles, once the Council decided to build a shelter in Ward 3 on land owned or acquired by the City, the City did not conduct any process to seek out appropriate sites for that shelter. It did not even issue a request for proposals or solicitation of offers for land that could house the shelter. Council Member Mary Cheh simply fielded suggestions from opponents of the original site at 2619 Wisconsin Avenue saying where they would like to see the shelter (essentially anywhere but 2619 Wisconsin Avenue), and picked one of those – despite the fact that the D.C. Department of General Services, the very party that is the applicant in this case, declared the site to be “unsuitable for our purposes,” when it was first proposed. April 29, 2016 Letter from C. Weaver, Director, DGS, to M. Cheh, Ward 3 Council Member. Nothing has changed. DGS's view when it was asked a neutral question, before it became an advocate, is compelling evidence of the inappropriateness of the site.

The extensive zoning relief that the City now seeks demonstrates just how inappropriate its site is. Because of the City's lack of process and poor site selection,

¹ See Report at <http://www.dcauditor.org/sites/default/files/DCA172016.pdf>, summary on page 1.

the shelter must: (i) be twice the height of that permitted in the zone; (ii) house more than 45 times as many residents than are permitted in the zone as of right, and more than 7 times as many residents as the regulations contemplate even with a special exception; (iii) share a lot with an active police station that is responsible for the security of one-third of the city, including large parts of downtown, Embassy Row, the National Cathedral, and all of Ward 3; (iv) lack a loading dock, creating additional likely adverse consequences; and (v) impose serious disruption on the police and the neighborhood due to the need to find parking for the police during construction.²

The City apparently is now also arguing that it needs to stick with this site because time is of the essence. Again, this is a self-made problem that deserves no weight. The City was aware of concerns about this site selection as soon as it made it, and certainly by June 20, 2016, when ANC3C objected to the total lack of process in the selection of the site and raised serious concerns about the site. However, instead of responding promptly to those objections and acting responsibly, the City obstinately refused any process to consider alternatives. It had plenty of time, but it wasted that time. Moreover, even though the City asserts that it needs to move quickly to close D.C. General, it has offered no evidence concerning how long it would take to undertake a rational site selection using proper procedures, no evidence concerning whether that process would take longer than building a new garage at 3320 Idaho Avenue, and no evidence concerning any adverse consequences of any delay that might be occasioned by making a decision the way a decision should have been made in the first place. And, as discussed in the Part II, below, the costs of proceeding at 3320 Idaho Avenue are so high that they likely dwarf the cost of following proper procedures to evaluate and select an appropriate site.

In short, the City only needs the zoning relief it seeks because it stubbornly failed to follow responsible practices and selected an irrational location for its proposed shelter. The Board should not grant zoning relief from these self-inflicted problems.

² We do not even yet know the full scope of the problems that will be imposed on this residential neighborhood by the City's selection of this inappropriate site, because the City's plans are woefully incomplete, and the plans keep changing. There are no plans or drawings for the massive proposed three-story parking garage (indeed, there were never any plans submitted for the parking garage, which is an integral part of the project); no sun study to show the effect of the proposed garage on the neighborhood or adjacent Community Garden; and no information concerning the City's plans for parking during construction, including its newly conceived plan to use Lot 848 and to destroy neighborhood recreational facilities. The failure of the City to provide detailed drawings and plans, and its fundamental changes within 21 days of the Board's hearing are clear violations of the Board's own rules and mandate rejection of the City's application. The Board should not allow the City to be above the law. It must follow the Board's rules; it has not.

II. The Board Should Not Give its Imprimatur to the City's Proposed Massive Waste of Taxpayer Money.

The City has now admitted that, due to the limitations of the site, the cost of the proposed shelter project has ballooned to \$30 million. See Testimony of Patricia H. Wittie, Part E. That is before the inevitable cost overruns, and without adding any of the planned operating expenses – in other words, it is just the proposed cost of construction and site reparation.

That means that each of the 50 rooms in the shelter will cost the taxpayers of the District a whopping \$600,000. A simple thought experiment demonstrates just how bad a waste of taxpayer money the City is now asking the Board to approve. Assume the proposed property were not a shelter, but a planned six-story condominium being built by a private developer. There is no developer who could sell the units in the proposed building for close to \$600,000 each. No rational buyer would pay anything close to \$600,000 for a single room with no kitchen facilities and a shared bathroom. That is not even an “efficiency” apartment. The proposal would be a crazy investment for a developer and a horrible purchase for a potential buyer. It is an equally crazy investment for the City and an equally horrible purchase for the taxpayers of the District.

This is not merely an academic exercise. The primary reason that the City gave for not sticking with the site at 2619 Wisconsin Avenue was cost. Yet, an assessment sought by the Council estimated the value of that site to be \$2.5 million, coupled with a \$12.5 million construction cost. In other words, the cost to acquire and build at that site was about half of the cost of proceeding at the Idaho Avenue site.

Moreover, as NRG argues, the City must prove that there are no reasonable alternatives to the use of the selected site. Presumably, cost is one element of reasonableness. The ballooning cost of the Idaho Avenue site means that there are many more potential alternatives that would have been reasonable for the City to pick – sites that would not have created the zoning problems of the Idaho Avenue site.

III. The Form Letters Submitted by Residents Who Live Nowhere Near the Proposed Shelter and Do Not Address Zoning Issues Deserve No Weight.

Apparently, the institutions that support the proposed shelter believe the proceeding before the Board is to be decided by plebiscite. Those institutions have solicited form letters from people who do not live in the neighborhood of the proposed shelter, letters that say nothing relevant to zoning issues that are the Board. In many cases, letters have come from people who live nowhere near the affected neighborhood.

But this is not a plebiscite; it is a legal proceeding to determine whether the City's plans comply with zoning laws that are designed to protect neighborhoods from inappropriate development. Accordingly, these form letters should be given no weight.

I have reviewed the letters in the record that are identified as being "in support" of the City's request for zoning relief as of Sunday, February 26. I used Google Maps to ascertain the shortest walking distance between the police station at 3320 Idaho Avenue and the supporter's address. Note that the police station is at the center of the lot and the shelter will be at the south end of the lot, so writers to the north will actually be farther from the shelter than the distances provided by Google Maps. Writers to the north also will have the police station and parking lot between their property and the shelter.

In some cases, the letter writer did not give an address, in violation of the Board's Rules, Zoning Regs. U §§ 206.4(a); 206.5(a).³ Nevertheless, where possible, I have found the writer's address by searching the Internet and, where possible, confirming that address using the District's Property Quest website.

Exhibit A provides the detailed results of this analysis. The table is based on the Exhibit number of the letter. The document number from the IZIS website is provided in parentheses.

My analysis reveals that, of the 91 letters in support that have been filed (not counting the ones where a location could not be determined), fully 72 are from individuals or groups located a half mile walking distance or more from the shelter site. Virtually all of these are on the other side of at least one major artery from the shelter, such as Wisconsin Avenue or Massachusetts Avenue. With respect, those writers are not likely to be affected by the shelter.⁴ Moreover, of those 72 letters,

³ See, e.g., Ex. 39, Doc. 39 (Email from Daniel Mullery). Two letters from the Fair Budget Coalition do not give the organizations address, Exs. 130 & 136, Docs. 123 & 128, which is not surprising given that the Coalition is located at 1419 V Street, N.W., 3 full miles from the site. Notably, too, the Fair Budget Coalition letters do not even make a nod in the direction of addressing zoning issues. Similarly, the "Petition" from Temple Micah, Ex. 186, Doc. 175, contains names but no addresses in violation of the Rules. Accordingly, the petitioners have not been included in this analysis. Natasha Kir, Ex. 117, Doc. 110, provides no address, but says that she lives in the "Palisades," an area at least 2 miles away from the site, so I have counted her as two miles away. Others who did not provide addresses are identified on Exhibit A.

⁴ In some cases, the letter writer appears to exaggerate his or her proximity to the shelter. For example, Ledlie and Sarah Laughlin say that they live "near" the shelter site. Ex. 193, Doc. 182. Google Maps shows that their address, 4512 Davenport St., is 1.7 miles away. Meghan Draheim and David A. Harris both claim, in separate

48 are located a mile walk or more from the shelter, including letters from individuals as far away as 2.4 miles and an organization located 3.0 miles away. By way of comparison, the Maryland state line is 2.0 miles away from the site.

The vast majority of the letters are form letters, with little or no modification and apparently no independent thought. One writer even provided the Board with the email soliciting form letters that had been circulated. *See* Ex. 119, Doc. 112 (email from Jennifer Hamilton attaching solicitation). In that case, the form letter had been solicited by Rabbi Adam Rosenwasser, who himself lives a mile away from the shelter. *See* Ex. 108, Doc. 101.

This particular form, which was used by many of the supporters, says nothing relevant to the zoning issues before the Board. The letter's primary point is that homelessness is a serious problem. The letter then parrots the City's claim (with no independent basis or analysis) that the City needs to use this site to be able to close D.C. General.

I certainly agree that homelessness is a serious problem and that closing D.C. General is a laudable goal. But that appeal to emotion says nothing about the manifold problems with this particular site and nothing about the failure of the City to conduct a proper process to seek an alternate site (as the Zoning Regulations applicable to the requested special exception require). As discussed above, there are countless other, likely better sites that the City could have considered, but refused to look for. The writers' statements that only this site can help close D.C. General are patently false and are entitled to no more credence than the City's assertion on which they are based.⁵

Other letters similarly talk primarily about the importance of closing D.C. General and addressing homelessness. But again, that is not what is before the Board.

I sympathize and share the writers' desire to address homelessness. But, with respect, the statements submitted by those who will not directly be affected by the City's plans ring hollow and sound more like a request that the shelter be placed

letters, to be "a few short blocks" away, Exs. 159, 160, Docs. 151, 152. But Google Maps shows that their shared address, 3065 Porter St., is 7 tenths of a mile away, to the North of the the police station. Josh Beraha claims to live 2 blocks from the proposed shelter. Ex. 51, Doc. 51. Google Maps says his address, 3860 Rodman St., is a half-mile walk.

⁵ The letter also expresses the unsubstantiated opinion that the person does "not believe the design is incompatible with the neighborhood, nor will its operation adversely affect the surrounding community." Again, there is no basis or factual analysis. Moreover, a form solicited by someone who lives a mile from the shelter cannot have any basis for such opinions.

in someone else's neighborhood, no matter how badly the fit, no matter how inconsistent that location is with the neighborhood, and no matter how many zoning rules must be broken. Such letters deserve no weight.

That leaves the 15 writers who do live within 0.3 miles of the proposed shelter. What do they have to say?⁶

Virtually all live either on or across Wisconsin Avenue, a major artery that diminishes the likely effect of the shelter, or to the north of the police station lot, which is farther away from the shelter and less directly affected by the shelter than properties to the south.⁷ The majority use the same form as the others, and where they don't use the form, almost all of the remainder simply make broad conclusory statements of support for the shelter that do not address the zoning issues before the Board.⁸

In sum, for the reasons described above, the letters of support deserve little or no weight.

* * *

⁶ In addition, 4 writers live 0.4 miles away, which likely is far enough away that they will not be significantly affected by the shelter. Three of these four writers live across Wisconsin Avenue to the north of the police station lot. The fourth lives across Massachusetts Avenue, another major artery.

⁷ In several cases, even these writers appear to exaggerate their proximity to the shelter. For example, Helma Lanyi says she lives "2 blocks" from the shelter. Ex. 83, Doc. 76. Google Maps shows that her address, 3660 38th Street, is 3 tenths of a mile walk from the shelter. Rabbi Susan Landau claims to live "within 200 feet of the proposed shelter." Ex. 104, Doc. 97. Google Maps shows that her address, 3802 Porter St., is 2 tenths of a mile to the north of the police station.

⁸ One of these writers, Amanda Melder, appears to be married to Jay Melder, the Chief of Staff of the D.C. Department of Human Services, the agency charged with implementing the shelter program. Ex. 53, Doc. 53; *see* <https://registry.theknot.com/amanda-white-jay-melder-april-2012-dc/568352>; https://twitter.com/Amanda_Melder/status/708428299366699008. She is, of course, entitled to her own opinion, but it is troubling to see a close relative of a senior D.C. employee advocating a position in support of that employee's agency without disclosing the relationship. Mr. Melder reports directly to Laura Zeilinger, the Director of the Department. *See* https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/Senior_Level_Org_Chart_06-2015.pdf.

For all of the foregoing reasons, the Board should deny the application of the Department of General Services for variances and special exceptions.

Respectfully submitted,

s/ Bruce G. Joseph

Bruce G. Joseph
3814 Woodley Rd., N.W.
Washington, D.C.

Exhibit A to Bruce Joseph Letter

Location of Letters In Support:

Exhibit (Doc. No.)	Name	Address (all in N.W.)	Distance
36	Elizabeth Gaines (North)	3901 Langley Ct.	0.3
38	Adas Israel (Institution)	2850 Quebec St.	1.1
39	Daniel Mullery	No Address Given	
43	Meredith Robertson (North. Across Wisconsin Avenue)	3523 Quebec St	0.4
44	Temple Micah (Institution)	2829 Wisconsin Ave	0.6
47	Austin Hinkle (North)	3601 39 th St.	0.3
48	Andrew Paciorek (Address from Internet. Letter stated only street)	[3718] Windom Pl.	0.9
50	Kate Bowers (Address from Internet. Letter stated only street)	[3718] Windom Pl.	0.9
51	Josh Beraha	3860 Rodman St.	0.5
53	Amanda Melder (Across Wisconsin Avenue)	3333 Wisconsin Ave.	0.2
55	Emily Deady	4812 44 th St.	1.5
70	Maria Casarella (North. Across Wisconsin Avenue)	3524 Quebec St.	0.4
72	Jesse & Leah Corradi	3616 Connecticut Ave.	1.0
74	Heidi Holgate	3714 Warren St.	0.8
83 (76)	Helma Lanyi (North)	3660 38 th St.	0.3

90 (83)	Hilary Cairns & the Lesters (North. Across Wisconsin Ave.)	3610 Idaho Ave.	0.2
91 (84)	Chaz Rotenberg	3230 Woodland Dr.	1.1
92 (85)	Kate Gelatt	No address Given.	
94 (87)	Allison Randall (North. Across Wisconsin Avenue)	3514 Quebec St.	0.4
99 (92)	Eugenia Grohman (Across Wisconsin Avenue)	3315 Wisconsin Ave.	0.2
100 (93)	Sheila Ohlsson Walker (Across Wisconsin Avenue)	3601 Newark St.	0.2
101 (94)	Livia Bardin	4710 Connecticut Ave.	1.5
102 (95)	Maria & Lee Weber	3503 Lowell St.	0.5
103 (96)	Jean M. Johnson	3614 34 th St.	0.6
104 (97)	Rabbi Susan Landau (North)	3802 Porter St.	0.2
105 (98)	Amy Levin	5108 34 th St.	1.7
106 (99)	Renana Fox	3625 16 th St.	2.6
107 (100)	Dara Zyberman	3220 Connecticut Ave.	1.0
108 (101)	Rabbi Adam Rosenwasser	2734 Ordway St.	1.0
109 (102)	Maggie Cutrell	2728 Ordway S.	1.1
110 (103)	Msgr. Charles V. Antonicelli (Institution. Across Mass. Avenue)	3125 39 th St.	0.3
111 (104)	Jessica Lerner (North. Across Wisconsin Avenue)	3511 Idaho Ave.	0.2
112 (105)	Adam Miramon	2720 Ordway St.	1.1

113 (106)	Marilyn Dickey	2717 Ordway St.	1.1
114 (107)	Paul Didishem	3507 Rodman St.	0.5
116 (109)	Steven Seelig	3922 Ingomar St.	1.8
117 (110)	Natasha Kir (No street address given)	"Palisades"	2.0
119 (112)	Jennifer Hamilton	3034 Newark St.	0.7
120 (113)	Kelly Sweeney McShane	5011 34 th St.	1.7
121 (114)	Amanda Leiter	3020 Rodman St.	0.9
122 (115)	Sylvia Royce	2738 Ordway St.	1.0
123 (116)	Jay Vinton	3815 Legation St.	2.2
124 (117)	Laura Kumin and Kevin Mulshine	3620 Kanawha St.	2.0
125 (118)	Lois Herrmann	3302 Cleveland Ave.	0.8
126 (119)	Dorian Friedman	3827 Garfield St.	0.6
128 (121)	David Bickart	3042 Newark St.	0.7
130 (123)	Monica Kamen, Stephanie Sneed (Address from Internet. No Address Given. Fair Budget Coalition)	1419 V St.	3.0
135 (127)	Cynthia Folcarelli	3883 Conn. Ave.	1.0
136 (128)	William & Susan Roach (Address from Internet. No Address Given. Fair Budget Coalition)	1419 V. St.	3.0
137 (129)	Beth Peters	4003 Garrison St	1.6
138 (130)	Toni Bickart	3042 Newark St.	0.7
139 (131)	Alison Daifuku	4201 Cathedral Ave.	0.7

140 (132)	Zach Ferguson (Address from Internet. Letter stated only street)	[2712] Ordway St.	1.1
141 (133)	Riordan Frost	4547 Indian Rock Terr.	2.3
142 (134)	Rosalie Berk	5040 Sedgwick St.	1.8
143 (135)	Jane Stein	4100 Cathedral Ave.	0.5
144 (136)	Alex Gamesik (Wisconsin Avenue)	3210 Wisconsin Ave.	0.3
146 (138)	Rick Fischer (Across Wisconsin Avenue)	3606 Newark St.	0.2
147 (139)	Kendrick W. Sullivan	3311 Nebraska Ave.	1.1
148 (140)	Jane & Reeve Vanneman	3071 Ordway St.	0.6
149 (141)	Lance Kramer	2734 Ordway St.	1.0
150 (142)	Eileen & Anthony Essaye	4806 Albemarle St.	1.7
152 (144)	Jamie & Stuart Butler (Address from Internet. No Address Given)	[3611 Kanawha St.]	2.0
153 (145)	Nan Roman	3817 Legation St.	2.2
154 (146)	Kehan DeSousa	2731 Ordway St.	1.1
155 (147)	Barbara D. Tate	4215 Chesapeake St.	1.4
156 (148)	John Graham	3000 Connecticut Ave.	1.2
157 (149)	Pamela Ehrenberg (Address from Internet. No Address Given)	[2715 Ordway St.]	1.1
158 (150)	Dennis Yedwab	4000 Mass. Ave.	0.4
159 (151)	Meghan Draheim	3065 Porter St.	0.7
160 (152)	David A. Harris	3065 Porter St.	0.7

161 (153)	Meg Brennan	4620 Van Ness St.	1.3
162 (154)	Leah Weatherspoon (North)	3872 Porter St.	0.3
164 (156)	Claudia Townsend	3812 Yuma St.	0.9
165 (157)	Rev. Thomas A. Omholt (Institution)	4900 Connecticut Ave.	1.6
166 (158)	Sarah Karlin-Smith (On Wisconsin Avenue)	3210 Wisconsin Ave.	0.3
167 (159)	Robert J. Asselin, Jr.	3900 Watson Place	0.6
169 (161)	Rev. Dr. Charles A. Parker (Institution with three locations: 3401 Nebraska Ave., 1.0 mile; 5312 Connecticut Ave. 1.9 miles; 3655 Calvert St., 1.0 miles)		1.0-1.9
170 (162)	Marjorie Brimley	4538 Albemarle St.	1.6
177 (166)	Sarah & Matthew Canzoneri	3716 Garfield St.	0.7
178 (167)	Karen D. Alvarez	1442 Foxhall Rd.	2.3
179 (168)	Ann Nellis	3518 34 th St.	0.5
180 (169)	Rev. Molly Blythe Teichert (Institution)	1 Chevy Chase Cir.	2.4
183 (172)	Margaret Bauer (North. Across Wisconsin Avenue)	3519 Porter St.	0.3
184 (173)	Pamela O. Long	3100 Connecticut Ave.	1.2
185 (174)	Kathleen Jones	4612 Brandywine St	1.7
187 (176)	Kathleen Gallagher	4600 Asbury Pl.	1.9

188 (177)	John Osborne (Institution)	3400 Lowell St.	0.6
189 (178)	Rev. Kevin Gillespie, S. J. (Institution)	3513 N. St.	2.1
193 (182)	Ledlie & Sarah Laughlin	4512 Davenport St.	1.7
195 (184)	Garrett W. Stern	2728 Ordway St.	1.1
196 (185)	Dr. Lynn Bergfalk (Institution)	3920 Alton Pl.	1.0
201 (188)	Jessica Wasserman	2842 27th St.	1.3

Dear BZA Commissioners:

Concerning BZA case 19450, proposed Idaho Avenue shelter

I live at 3038 Newark Street and strongly oppose the precipitous DC Council decision to shoehorn a 6-story single room occupancy, short-term residency building into a lot with an active police station. The number and magnitude of the significant zoning variances and special exceptions the community and BZA are now confronting result from the Council selecting a site in secrecy and in haste, ostensibly to save money. By its actions the Council has disdained the value of zoning in guiding future development and violated every long-established norm of good governance: the prior notice and planning, environmental assessments, citizen participation, transparency and consensus building that obtain the best results for the intended beneficiaries, the community, and the city.

As a result, the BZA is now being asked to override multiple, longstanding zoning regulations.

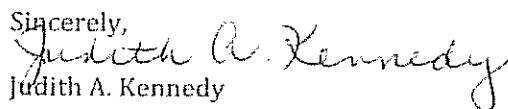
1. Zoning regulations permit an emergency shelter for up to 5 residents as a matter of right and up to 25 residents as a special exception meeting certain conditions. WITH 186 RESIDENTS PLUS 10 FULL TIME STAFF THE PROPOSED BUILDING INCLUDES 40 TIMES THE NUMBER OF RESIDENTS AS PERMITTED BY RIGHT AND MORE THAN 7 TIMES THE NUMBER PERMITTED BY THE SPECIAL EXCEPTION.

2. Zoning regulations permit a building of 3 stories and 40 feet, and the proposed site is adjacent to zoning designated to protect quiet residential areas consisting primarily of detached single-family homes. THE PROPOSED BUILDING IS DOUBLE THE SIZE OF THE PERMITTED BUILDING, AT 6 STORIES AND 72 FEET HIGH.

3. A loading dock or service delivery area is required of buildings of the proposed size. NONE HAS BEEN PROPOSED EVEN THOUGH PLANS CALL FOR DELIVERY OF 600 MEALS EACH DAY AND FREQUENT MOVES IN AND OUT OF THIS SHORT TERM RESIDENCY BUILDING.

The proposed building is incompatible with the police station already on the site and disruptive of settled land use regulations. The building is planned for short term stays for 50 families of 186 residents in cramped, dormitory style rooms without kitchen facilities or day care, and most with shared bathrooms, but is already estimated to cost at least \$30 million, or \$600,000 per family. While the Council acted in haste, the BZA, the city, the intended beneficiaries and the community do not have to repent for their actions. Surely we can do better.

For all the reasons set forth above, I urge the BZA to reject the requests for the multiple variances and special exceptions.

Sincerely,

Judith A. Kennedy

February 25th, 2017

To Whom It May Concern,

This letter is in regards to the new emergency homeless shelter that is planned to be built on Idaho Ave., NW. I am a condominium owner at McLean Gardens and wanted to write you to express my disagreement with the location of this shelter, but I wanted to write from the perspective of someone who has worked with the homeless population in DC for approximately 10 years. I am a licensed social worker and have worked in eviction prevention, emergency rental assistance, with homeless Veterans and with homeless youth and young families. I understand the array of services in DC very well and believe that this location is abysmal in that it will not offer the families there any access to the services they will need.

- First, families need healthcare. All homeless families have Medicaid. Where are the clinics or healthcare facilities located around here where they will receive care?
- Second, they need to be visiting apartments; this location is remote and is not close to any neighborhoods or units where homeless families could possibly afford to live under the Rapid Re-housing Program. I know that this has become the preferred method to house homeless families but where in Ward 3 are there apartments whose rents are low enough to house homeless families? There aren't any, which means that families will have to take multiple buses to make appointments to visit units. Who is going to pay for this transportation?
- Third, schools: because these families will have school-aged children, this plan will cause further instability to these children who are already dealing with the trauma of poverty. You are taking them out of environments and neighborhoods that they know, and placing them in a neighborhood where the median income is in the hundreds of thousands of dollars. This is going to cause further confusion and instability for them, which will negatively affect their development and school performance. Then, once they get housed, they will have to re-adjust to yet another neighborhood (with a lower-performing school) once again.

I believe that a better approach to this whole system would be to survey the families at DC General and those working with Virginia Williams and ask them what areas they would feel ok being moved to. Look at schools and look at healthcare facilities and choose a site based on proximity to these and other services. This whole project seems like a rushed attempt to provide a service to a population that will feel like they are being dumped in a part of the city that is so far removed from anything they know. It's not going to work and it's going to make the neighbors here feel resentful of this government. DC needs to put money towards affordable housing (vouchers, subsidies, etc), not towards building more emergency shelters. People and families need stability, not a shiny new building they can call home for a few months before they are moved again.

Respectfully,

Mali Jimenez

39th St NW

Susan & Ken Weinstein
2905 28th Street, NW
Washington DC 20016

Dear Members of the DC Zoning Board

Patricia.cochran@dc.gov
Jenna.cevasco@dc.gov
dcoz@dc.gov
bza.submissions@dc.gov

Re: Opposition to Application No. 19450
Temporary Shelter for Transiently Homeless Families
3320 Idaho Avenue, NW [Site of DC Police station]
Washington, DC 20016-3738

We strongly oppose the request for zoning variances for the Homeless Shelter proposed for 3320 Idaho Avenue, NW. While we realize that there is a critical need for housing for the homeless and an urgent need to close the facility at St. Elizabeth's, it doesn't justify the bad planning, high costs and decimation of a stable DC neighborhood in exchange. It is incumbent on the DC government officials who allowed the situation to become a crisis to handle a new plan responsibly, thoughtfully and fairly for all parties affected, the residential community, the homeless and the business community.

We don't live in the immediate vicinity of the shelter, but we do live in the neighborhood and use the area on a daily basis. Traffic, schools and community facilities will be adversely affected to an unnecessary degree.

When the Wisconsin Avenue site was originally selected for a Ward 3 shelter, the ridiculously high costs of this housing caused the Council to disapprove of the Mayor's plan and replace it with their own plan. This was done hurriedly and without due diligence, with the site selected because it is a parcel of land owned by the City. That's one criterion, but the others are equally poorly conceived.

The City selected this site without a serious, careful and methodical search for better a alternative and has forced this selection on the neighborhood without meaningful public input.

The proposed shelter is significantly too large and is totally out of scale with this long established neighborhood. It is far too densely populated for this long established residential community. It is on police station grounds a totally inappropriate residential location for anyone for many reasons. There are many places in the city, and in Ward 3, where a building of this size and density would fit much more naturally.

The cost now has skyrocketed to almost \$30 million with the addition of new parking and reconstruction of the tennis courts. Is that not the same issue that made Wisconsin Avenue site inappropriate? The City said it was picking this site to save costs, but because of the problems caused by the many limitations of this site, the City is now spending much more than it would spend anywhere else. Assuming that the projection of \$30 million is accurate (which is unlikely), it means that the City is spending \$600,000 per unit, for cramped rooms that have no kitchens or private bathrooms. Better, more respectful and humane housing could be purchased for significantly less.

We urge you to deny the application for the many zoning variances requested. The fact that so many variances are needed is an indication that this is poorly planned for this currently well planned neighborhood.

Thank you for your consideration.

Sincerely,

Susan & Ken Weinstein

We authorize our counsel David Brown to file this statement to the BZA on our behalf.

February 27, 2017

To the Board of Zoning Adjustment:

Re: Application #19450

I am opposed to the District's plan to build a seven story building on the police station's property. I hope very much that the zoning board will see how incompatible the plan is to the neighborhood and that it could cause a great deal of damage to a stable and safe area. The developers of Cathedral Commons did a very nice job with tapering building heights down from Wisconsin Avenue toward Idaho Avenue. The townhouses that are located there and the entrance to the loading dock are in harmony with the single family residential houses on that street. Allowing the city to build such a massive building there completely destroys the appearance and character of the neighborhood. I have several concerns about this in addition to how the height and size damages the neighborhood.

- One investor who purchased a house on Idaho Ave. with a plan to renovate and sell it on has decided that because of the impending construction of the homeless shelter, it is no longer worthwhile to invest the money to improve the house. So the house will remain in its current run-down state. My fear is that this will start a domino effect with one run-down, derelict house leading to another and so on.
- If there is even a perception among people that there are homeless people panhandling or loitering around Cathedral Commons, I'm afraid that the stores and restaurants will lose business and ultimately the whole development will suffer. Because of the high rents in the District, so many businesses struggle and there are many empty retail spaces all over (the former Curves location on Idaho has been vacant for about three years). It would be such a loss to the neighborhood if the new businesses in Cathedral Commons fail and we end up with a deserted area. The community should be supporting these businesses, not hampering their efforts to succeed.
- The police station itself is run-down, especially when compared side by side to the new construction around it. A few months ago an article was written about the downright dangerous conditions in the building. If this is any indication of how the District maintains their property, in a very short time the homeless shelter will also be in terrible condition and even more detrimental to the neighborhood.

Many people have also expressed concerns over parking and overcrowded public transportation. Those are all also very valid concerns and along with the points I've made above, I'm afraid that this ill-conceived homeless shelter will severely damage a nice, stable neighborhood, both for residents and businesses.

I also doubt that this location of the homeless shelter best serves its future residents. The

overcrowded public transportation and schools are certainly a problem. Living right next to a police station is also likely to be disruptive and uncomfortable with traffic and sirens from emergency vehicles and additional traffic from vehicles using the filling station. I imagine that most of the residents will not be from nearby neighborhoods, meaning that they will be far removed from friends and relatives and their own communities. Homelessness must be incredibly stressful already and being at an inconvenient distance from supportive communities and having to rely on overcrowded public transit to visit must make it even more so. There must be a better location for this shelter both from the perspective of the residents and their possible neighbors.

I have also become more and more concerned about the increasing expense of this ill-conceived shelter. The costs are mounting as the plans become more elaborate and ridiculous (destroying the gardens and tennis courts). Spending so much more of our taxpayer money than necessary does not serve the common good. I'm sure that there are more practical and cost effective solutions.

Julie Lazar
3801 39th St. NW #B80

To Bureau of Zoning Adjustment:

As a home owner located on Idaho Ave NW within a 200 ft radius of the Emergency Shelter being proposed at 3320 Idaho Ave NW, I want to share my concern related to the significant zoning relief being requested. Outlined below are several reasons why I feel the zoning exceptions outlined **WILL** have an adverse impact on the surrounding neighborhood, especially for the residents located in a 200 foot radius of the proposed structure.

The concern is not related to the purpose or future residents of the shelter. I understand the need and importance of shutting down DC General and relocating these families to smaller, safer, and more dignified temporary shelters. However, there are many places that the District could have chosen to place this shelter that would not create the zoning and neighborhood issues created by this location. I also recognize that the issues relevant to BZA are whether this proposal is consistent with the Zoning Regulations.

Therefore, the concerns in this letter are specific to the impact of the structure on this immediate neighborhood if these zoning relief requests were approved. **My goal by providing this list of concerns is to state my opposition to the city's application, and to have the Board of Zoning Adjustment reject these requests for zoning relief.** This would allow either another more appropriate site to be selected with greater transparency and input from the residents in Ward 3, or the Idaho site scaled back in accordance with the current zoning laws.

1. Height and Number of Stories

The residents that will be most impacted by this shelter (within a 200 ft radius) are primarily in 2-3 story single family homes. These homes are already packed closely together, which means that protecting and maintain privacy is a priority for residents. In addition, the police station is also no more than three stories, and fits in aesthetically to the neighborhood because of this height restriction. Although there are several other large mixed-use buildings around the larger vicinity, they are on a main road across from retail, and not directly next to or across from significantly smaller single family homes.

The ANC3C Members have already put forth a resolution to the BZA expressing their concern and lack of support for a structure of this height. In addition, it became known in the most recent ANC meeting that the Commission on Fine Arts also has expressed concern and opposition to the height.

By adding a massive structure that towers over the homes by 3-4 stories, it will further invade the privacy of the home owners, and cause concerns for safety and privacy. Many of the residents are single women or families with young children, and it is concerning to have a large structure with windows peering down into your home. Additionally, this six-story structure will block natural light from reaching our homes and landscaping, and negatively impact quality of life through living in the shadow of a building that towers over our homes.

For security reasons, residents have been told that the shelter will be lit around the entire perimeter. Having a 72 ft. building constantly lit up at night will cause significant light pollution for the homes next door under this tall structure. Light will be shining in the windows from above, and will be constant in the evenings.

As an owner of a home built in the 1950's, I have concerns about what this type of significant construction (shelter, parking garage, etc.) will do to the foundation and structural integrity of my home because of the close proximity. When the developer put in a new loading dock recently next to the Giant, the same concerns were raised, and inspections and guarantees were provided on several of the homes in the area. **The Director and Project Manager for DGS acknowledged serious concerns about storm water below the structure, and home owners in the immediate area have been provided no assurances from the city should something unforeseen happen because of this massive construction.**

The case is being made by the city that each new shelter in every Ward should be equal in size and number of units. However, this viewpoint should consider that all site conditions are not the same or equal. This property on Idaho was not the first selection originally chosen (it was originally off Wisconsin Ave), and presents numerous issues as outlined in this letter. It should be considered then that Wards that have a shelter being built on a lot that doesn't already have a primary structure (ie police station) could and should be larger to accommodate more units to compensate for smaller sites that will have multiple structures on them (Idaho). This is a far more reasonable solution compared to forcing multiple changes to zoning regulations on the permanent residents of this neighborhood.

2. Number of Primary Structures on One Lot (Co-Location with a Police Station)

In addition to the lot size not being a suitable fit because of the constraints already outlined in the application, the fact that it would co-locate with one of the District's most prominent and active police stations is another concern.

There should be worry about having up to 112 children living next to a police station with 157 vehicles coming and going throughout the day and evening. Not only could this pose a security risk for young children on the grounds because of the already heavy amount of activity and traffic, but also impact the officer's ability to do their job and leave the station quickly (and in large numbers) if the situation required it. This is even more of a concern since there will only be one entrance/exit to the lot which will be shared by police, shelter residents, and shelter staff.

The police station also contains a refueling station that will not be relocated in the proposed plans. This means there could be up to 186 people (60% children) living on the same lot intended to be the equivalent of a gas station for law enforcement. This also does not seem to be a safe option for the families or the officers.

3. Loading Dock

For a shelter of this size (and housing up to 186 individuals), loading dock access is required. The fact that exceptions must be made because the dock does not fit or work with the constraints of the lot, topography, police station, and community garden shows this site does not make sense for a residence of this size.

The city is also making assumptions that the families residing here short term will not have many possessions (personal property), and that all food delivered will be by smaller vans. However, no assurances are being granted to the permanent residences on Idaho that larger trucks for possessions or food will not be used, which could take up the already limited parking spaces or block the ability to access the road or our homes.

The home owners on Idaho Ave were recently forced to accept a loading dock built on the street in close proximity to homes, which creates noise at all hours of the day and at times negatively impacts traffic flow. The increase in even smaller vans on Idaho that will regularly provide food/moving service to the residents of the shelter will add to the noise and traffic flow on what should be, and was zoned to be, a quiet and residential street.

4. Parking

With the recent construction and addition of the Giant Grocery store, mixed-use facilities, and restaurants near Cathedral Commons over the past several years, this stretch of Idaho, Macomb, and Newark is already extremely limited for parking. On evenings and weekends, it is difficult for residents to find parking near their homes, which presents a safety concern for families with small children. In addition, the Mclean Gardens community (720 units) is also limited on parking, and many of those residents must park on Idaho Ave, which also cuts down on the number of spots for permanent home owners.

Late in the process, the city FINALLY acknowledged that parking was an issue, and is now recommending a 3rd story be added to the police parking garage so a zoning waiver exception for minimum parking does not need to be presented to the BZA. However, for this happen, several things will need to occur:

- The city will need to spend an **estimated \$7.5 million** to construct this new garage level. This is a cost that was not initially considered when the shelter site was first selected.
- The city will need to provide at least 8-months of temporary parking for approximately 60 police officer vehicles. One of the main options on the table would involve receiving a special exception to build a road through the community garden next to a children's playground, and paving over the community tennis courts. **The estimated cost just for restoration will be \$1.8 million, and does not include the actual cost to construct the road and paving.** These were also costs not initially considered when the shelter site was first selected. **Please note that the ANC3C opposed this variance request in their recently passed resolution.**

In the city's latest proposal, the road would be built directly next to the playground where many small children play leading to the paved tennis courts. These are valuable amenities that many families

counted on when purchasing their homes in this area. When this shelter was originally announced, the city committed that the community gardens would not be impacted. As residents, aren't we owed a level of consistency in the city's responses? Shouldn't we have a say when valuable amenities that are important to us are being taken away with no ability to have a voice?

Should the tennis court option not work, the city is then proposing taking 60 spots away from residents during the construction. The city obviously acknowledges the fact that parking is an issue, or they wouldn't be trying to extend the parking garage. However, this solution will only further expand the problem. The proposal does not seem to consider that this area already suffers from significant parking shortages and cannot tolerate the removal of 60 spaces from the public.

For one, McLean Gardens alone has over 700 individual residences, with a severe lack of parking. This is then layered with outside visitors to the Giant, new residences, and restaurants. At what point is the city trying to cram too many vehicles in this one neighborhood? If the city now sees parking is an issue, how are either of these good options?

Another consideration is where the construction crews will park for the almost two-year project. This includes not only their large and dangerous construction material and equipment, but their personal vehicles. No plan has been shared or discussed with any impacted residents to date.

Finally, the application tries to make the case that there are ample public transit options nearby, which is not entirely true. Although there are bus lines on Wisconsin Ave, the closest metro stop is a 20 minute walk, requiring the pedestrian to traverse up and down hilly back streets. Therefore, most shelter residents will likely take the bus, and the permanent residents have received no commitment from WMATA or the city on increased bus routes or larger waiting areas to serve the new influx of people on already busy routes.

Cost

At the ANC3 meeting on February 21st, the Project Manager for DGS publicly acknowledged this project has become "expensive". His estimated cost breakdown for this project is as follows:

Shelter cost: \$18.7 million

Parking Garage: \$7.5 million

Restoration to community garden and tennis courts: \$1.8 million

Cost to build the temporary road and pave the tennis courts: unknown

TOTAL Project cost: \$28 million (or more)

Based on these estimates, this would be a \$9.3 million increase in cost over the past two months to accommodate the challenges needed for this site location!

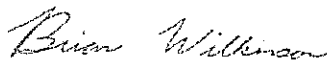
This was not the original shelter location selected. However, it was changed to Idaho Ave because the city owned the land. This was supposed to SAVE the taxpayers money. Now, this \$28 million project is

being labeled by DGS as "EXPENSIVE", and every day the costs seem to increase. As a taxpayer in Ward 3, I have serious concerns about the cost overruns and apparent "blank check" mentality the city is taking to make this location work. By finding a site that better meets the needs of this structure, this \$9.3 million could be saved and put to better use funding the vital services the shelter requires.

Request

Over the course of the past few months, it seems the only focus by the city is to push through their agenda on this shelter as quickly as possible at any cost. The current shelter building proposed would have an adverse impact on the immediate neighborhood, and potentially come at the expense of safety and wellbeing of the residents and law enforcement. This neighborhood has already endured rapid change in the past several years, bearing the burden of a loading dock, Giant, and mixed-use construction projects. We feel this small community on Idaho Ave is already being pushed to capacity. Therefore, it seems reasonable and fair for the city to be required to adhere to the original zoning standards created for this lot, or evaluate other sites within Ward 3 that would better accommodate the needs of the shelter, and be a less expensive solution for taxpayers.

In conclusion, I am asking the BZA to reject the requests for zoning relief put forth by the city.



Brian Wilkinson
3315 Idaho Ave. NW
Washington DC, 20016

To: BZA

Re: Ward 3 Homeless Shelter Project: 3220 Idaho Ave.: Case No. 19450

Statement of Alice L. Powers

Subject: The Idaho Shelter: the lessons of Duke Ellington Fiasco

I oppose the requested variances and special exceptions that must be approved to build the family homeless shelter at 3223 Idaho Avenue NW.

I strongly urge the BZA to consider the Duke Ellington High School renovation project which was hastily conceived without proper vetting for the best location for the school. The link below is to an article which also provides a link to a highly critical auditor's report.

(http://dcist.com/2016/05/duke_ellington_high_modernization.php)

Here are a few highlights from the auditor's report:

Ellington was renovated with scant discussion about the best location for a performing arts high school. The renovation was managed by DGS and has had a cost overrun of more than \$100 million and many years. If the final cost is more than \$170 million and the school educates only 500 students (many from outside of DC) the price per student is \$350,000.

The project, although not complete, was audited by DC Auditor Kathy Patterson (former Ward 3 Councilmember and predecessor to Mary Cheh) and she slams DGS and DCPS for many of the same issues that are on the table with the shelter.

Here are highlights from her report (the bold type is mine)

DGS and DCPS failed to provide timely information to policy makers so they could make informed decisions on the location and desired level of investment for a new performing arts school.

DCPS, DGS, and the Mayor were not transparent when considering alternate sites for Duke Ellington -- sites that might have cost less and/or better served the needs of the student population.

The Mayor should direct DCPS and DGS to conduct all substantial discussions and negotiations involving site selection, educational specifications and architectural designs in a **fully transparent manner so**

that District taxpayers and community residents may know why decisions are made and who made them.

The Mayor should require DGS to reform its method of procurement for school modernization to bring budget, community, community discussion, design, and construction into alignment . . . **The Council should require substantially completed designs** based on final education specifications before accepting construction contracts for school modernization.

DGS should ensure that their policy and procedures manual is in alignment with recognized best practices in capital construction.

One of the ironies of the Duke Ellington Audit Report was that it was issued just days before the City rashly passed the Shelter law showing that there was no learning curve on the part of the City on the need for transparency in site selection.

However, this sad commentary is not just a lesson on how not to handle construction projects, it also directly impacts the City's request for a special exception to house 185 persons in the Idaho shelter.

Under Zone RA-1, emergency shelters are permitted as of right for only four residents (that is residents not units). The City allows a special exception for a shelter housing between 5 and 25 residents if among other things the City can show that the facility will not have an adverse impact on the neighborhood because of traffic and noise.

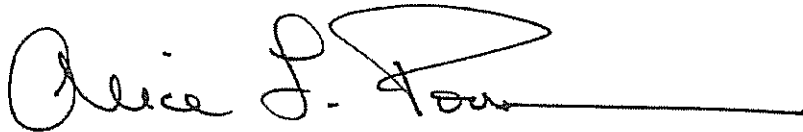
The regulations allow for an emergency shelters in RA-1 zones that exceed 25 occupants ONLY if the City can prove that there is not a smaller facility or facilities that can satisfy the programmatic needs of the City And That there are no reasonable alternatives to the selected site. Nowhere has they city even claimed that is satisfies this requirement. It is crystal clear that the City failed to ever engage in a bona fide site selection process by comparing alternate sites or engaging in a rigorous review process as urged by ANC 3C in its June resolution. This requires the denial of the request for a Special Exception to exceed the number of emergency shelter residents permitted as of right by a factor of more than 45 times.

Transparency and due diligence is not just a matter of good governance, it is a necessity to avoid the sort of debacle that occurred in the construction of the Duke Ellington school. I respectfully request that the BZA deny the requested special exception to house 185 persons at this emergency shelter on Idaho Street because of the inability of the City to show that there are not reasonable alternative sites for the shelter in Ward 3.. Costs are already spiraling out of control even before the project ever begins. Sending the City

back to the drawing board is not a vote to kill the concept of a Ward 3 homeless Family shelter. Rather, it is a yellow caution flag to go up about selecting a site for a project of this magnitude only after a vigorous search for the best site for the City and for the homeless families we are trying to help.

Respectfully,

Alice L. Powers
3212 38th Street NW
Washington, DC 20016

A handwritten signature in black ink that reads "Alice L. Powers". The signature is written in a cursive style with a large, stylized initial "A" and a long horizontal line extending to the right.

To the District of Columbia Board of Zoning Adjustment

Re: In Opposition to Application no. 19450 Temporary Homeless Shelter for Transiently Homeless Families 3320 Idaho Avenue NW [Site of DC Police Station] Washington DC 20016-3738

We strongly oppose the District of Columbia's plans to erect a homeless shelter, to be co-located upon property occupied by the Second District, Metropolitan Police Department, located at 3320 Idaho Ave, NW, 20016. Under the current plan, a six story building, designed to house as many as 50 families, 200+ individuals, would be constructed in the current parking lot of the police station.

The Proposed Shelter Would Threaten Neighborhood and DC Security

The Second District station MPD, has the largest service area of any station in the city, comprising the entire western half of the District, including the Massachusetts Avenue ("Embassy Row") corridor, including the residence of the Vice President, the National Mall, and the White House. The construction and eventual operations of such a structure would negatively affect the day to day operations of the Second District Station, which is charged with protecting some of the most important sites in the District.

https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/map_24x24_2D_2014_0.pdf

We can presume that police officials who have been quoted on the issue have done their best to be forthcoming. However, those of us who have worked in government know that civil servants who cross their political bosses don't last long in their jobs. It seems obvious that police operations would be impaired by a shelter located on the 2nd District property and police officers who have spoken off the record agree. *As far as is known, there is no other example in the entire nation of a homeless shelter colocated with a police station.*

The Proposed Shelter's Costs Are Exorbitant

The District's plan for the shelter has not received any semblance of analysis or due process. The District's Director of General Services deemed the proposed site as "unsuitable" during the site selection process. Disregarding this assessment, the City Council and the Mayor proceeded with plans for construction.

The Advisory Neighborhood Commission voted unanimously on June 20, 2016 to object to lack of notice and to examine essential issues that needed to be addressed, including costs and alternative sites, prior to changing the use of city property from police services to provision of homeless services.

The Neighbors for Responsive Government brought a lawsuit against the city asserting that the shelter decision was contrary to law because it changed the use of city property without the required ANC input. The city continues to ignore the views of the community.

Current estimates of costs of the project are about \$30 million, or \$600,000 per family. That would provide cramped quarters with no private bathrooms or kitchen facilities. Luxury housing is available in DC at lower cost. *The project is amazingly expensive, by any standard a profligate use of public funds.*

An early cost estimate of \$20 million ballooned in a circuitous process that has characterized the shelter plans. The District, after hearing concerns about parking for both the proposed shelter and the 2nd District Station, hurriedly added multi-story parking deck, nearly doubling the cost of this parking structure, from \$5.5 million dollars to an estimated \$9.5 million.

The community has raised a number of reasonable questions about the shelter, including the alleged need for a building of the proposed size (6 story, accommodating 50 families), and why there could not be a few additional, but smaller shelters constructed. The answer was there was a finite amount of funding, and the money was not available. Then, suddenly, an additional 4 million dollars appeared to enlarge the parking area. This raises grave concerns for us and many of our neighbors over the funding and oversight of this project. *Tax dollars should not be squandered on a poorly conceived and planned project, by a local government that has a long and dubious history of mismanagement, poor planning, and follow-through of major projects.*

The Proposed Shelter Would Not Meet the Needs of Homeless Families

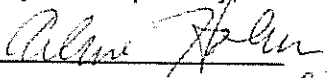
Importantly and sadly, the planned shelter would not meet the needs of homeless young families: no daycare would be provided on site for small children; no kitchens nor private bathrooms, kids would have to walk down a public hallway to get to the restroom; and public transportation to the site is sporadic. Thus homeless families would be ill-served.

The City Has Not Justified Its Requests for Zoning Variances

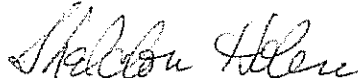
The City has asked for zoning variances and exceptions for a shelter building that would far exceed the height and density of what is currently permitted.

We ask the Board to reject the variances and exceptions sought for this project, for its negative impact upon the operations of the MPD 2nd District, for its blatant misuse of public funds, and because it would ill serve the homeless people who would live there.

Sincerely and respectfully,


02/27/2017

Arlene Holen


02/27/2017

Sheldon Holen

2928 Macomb St., NW
Washington DC 20008

We authorize counsel David Brown to file this statement to the BZA on our behalf.

THE JAECKELS
3420 36th Street, NW
Washington, DC 20016

February 24, 2017

Bureau of Zoning Adjustment

RE: Opposition to Application 19450

Dear Sir/Madam,

I am writing in opposition to Application 19450. I live several blocks from the proposed building with my wife and 3 young children (all ages 5 or younger). I purchased my home in late 2015. I am very concerned about the effects of this proposed building on the neighborhood.

First, I oppose the request to allow dual use of the property. This property houses a critical police station with significant responsibilities to our city and my neighborhood. One of the reasons I selected this neighborhood is safety, low crime rates and proximity to the police station. I think it is unwise to place any other major facility on this property.

Second, I oppose the size and height of the proposed facility. The proposed building will tower over the neighboring houses and the block. This is grossly unfair to those individuals who live in close proximity to the site and it is not in keeping with the character of the neighborhood. I can only imagine the uproar if I proposed building a six story house on my current lot, or if one of the Idaho Avenue neighbors proposed a six story addition. If a six story building on my lot or an Idaho Avenue lot is such a bad idea then why is it acceptable to squeeze an even bigger building on top of a police station? The cause of assisting the homeless is noble but a just cause does not justify a transgression of zoning rules with a significantly negative impact on the neighbors.

Third, I believe the city has done little work planning this shelter. Traffic and parking along Idaho Avenue are already difficult and contested. Most evenings there are multiple cars parked on the grass in front of the police station. I do not think the city has a workable plan for accommodating the parking and traffic during construction. I think this congestion will hinder police operations and be a major disruption for the neighborhood.

Last, I worry about the effects on my neighborhood. As I mentioned before, I am particularly sensitive to crime due to my three little children. I would have never bought my current house if I had been told a six story homeless shelter was being squeezed into the space next to the police station. I am not against homeless shelters but I am against poorly thought out and planned buildings which have a negative effect on the surrounding community. When I look at the crime statistics on the Metropolitan Police Department website for the 1500 foot radius around the new Ward 2 shelter, the numbers are very troubling. Total crime in the roughly year before the shelter opened was 724 incidents compared with 1041 in the year after opening, a 44% increase. I attended the January 31 presentation by the city at the local ANC meeting. At that point the city claimed to have not looked at crime statistics for their shelters. This seems incredible to me. I assume it is the "ostrich approach" of burying one's head in the sand to avoid uncomfortable facts. This type of behavior is indicative of what kind of neighbor the city will be and how it will treat the neighbors and local community.

Thank you very much for your time and consideration. I appreciate your service to our city.

Sincerely,

Scott Jaeckel

February 24, 2017

STATEMENT OF SUSAN J. LUTZKER

RE: BZA Case 19450, Short-Term Homeless Shelter at 3320 Idaho Avenue NW

My name is Susan Lutzker and, with my husband Arnold Lutzker,¹ I have lived for almost 40 years at 3215 Idaho Avenue, one block from the Second District Police Station. We raised our three children in this house, and now our local grandchildren are at our house frequently. As Arnold Lutzker has detailed in his letter, we have been an active part of the community all this time, including as co-chairs of the John Eaton Home and School Association.

For more than 20 years – before starting a private law practice with my husband - I worked as a lawyer at the National Trust for Historic Preservation, specializing in the financing of complex neighborhood revitalization projects. The starting point was always respect for the existing fabric of a neighborhood and sensitivity to what factors make it liveable.

With this background, I am deeply troubled by the entire series of events that has surrounded the City's hasty selection of the Idaho Avenue site for a shelter and the manner in which it has inexcusably rushed it through the planning process. In my opinion, this flawed project history is unfair to the neighbors, to the residents of the proposed shelter and to D.C. taxpayers. I would like to focus, for purposes of this letter, on a few points:

- First, the lack of a master plan for the site and the City's repeated changes in direction as to parking and other matters have made responsible reactions to the proposal challenging and a moving target. The fact that the designs we have seen do not include the parking structure is indicative of the ad hoc, sloppy nature of the planning process and the speed with which this site was selected and is being rushed through the planning and zoning process. Nevertheless, from the plans we have seen, the shelter building is horribly out of scale with the low-level police station and the single family residences and townhomes directly adjacent and across the street. It does not take a design professional to see that it overwhelms the police station even before

¹ Arnold Lutzker has submitted a witness statement in this proceeding. See

the parking structure, which will also tower over the police station, is considered. The City's contextual drawings are carefully chosen to feature Vaughan Place and not the more immediate low-rise neighborhood that will be adversely impacted by this project.

- I attended the February 16 meeting of the Commission of Fine Arts at which the commissioners politely but clearly denied concept approval and sent the City back to the drawing board to come up with a master plan, expressing concern about deficiencies such as the height of the proposed structure, the absence of plans for the parking structure and the lack of discussion of how the two very different functions of operating police station and homeless shelter would interrelate..
- I am very troubled by the various temporary parking solutions that the City has advanced. In particular, the presence of an access road next to or near the Newark Street Playground is completely ill-conceived, with the likelihood of endangering the safety of children in the neighborhood. My grandchildren are often at our house and regularly walk by the police station and down Newark Street to play at this playground. The prospect of police cars needing to cut across the community garden and exit from a temporary lot – often at high speed to meet emergencies – is horrifying. The traffic situation in the neighborhood, with speeding police cars on Idaho Avenue, is already bad enough without adding an avoidable hazard to the mix.

I urge the Board of Zoning Appeals to reject the City's application for special exception and variance relief in this case.

Susan J. Lutzker

LETTER OF OPPOSITION TO HOMELESS SHELTER ON IDAHO AVENUE NW

From: Donna Sweeney, homeowner 3304 Idaho Avenue NW, Washington DC 20016

Date: February 24, 2017

Re: **Application 19450**

To Whom It May Concern:

This letter is to express my **strong opposition** to the homeless shelter proposed for construction on Idaho Avenue NW, two houses up the street from my home at 3304 Idaho Avenue. I am opposed to the building of the shelter (even if it is adjusted from seven to three stories) because of the increased number of pedestrians and cars that would inevitably add to an already overcrowded street that has suffered one major zoning violation exception already with the Giant and loading dock. I appreciate your consideration of my views and 10 plus years of taxpaying history on this street.

I purchased my home at 3304 Idaho in 2005 when the street was fairly quiet with no expanded Giant, townhouses or loading dock. As a single woman then, I felt having a police station nearby provided extra safety. I also liked the park-like setting of the neighborhood – the very tall 100 year old trees that lined the street across from the police station.

My family has had to endure **one major zoning exception already with the construction of the GIANT loading dock within 200 feet of my home**. Our street had to endure months of construction, noise and disruption, including a rat and sewage problem that had not existed previously. With the addition of this six-story shelter building and the proposed police parking garage, we'll have to go through the same disruptive process again, no doubt with the same rat and sewage problems as before. And when completed, it will further degrade the single-family environment created by the RA-1 zoning regulation.

Idaho Avenue is already overcrowded with trucks and pedestrians and not safe for kids. I have two young children (ages 7 and 9) and since moving back have been **very concerned about their safety with large trucks, in addition to the police and emergency vehicles traversing the street. A pedestrian was recently struck in front of our house**. I can attest to a dramatic change for the worse in the traffic, and it is harder to simply back out of my driveway, particularly in morning and evening rush hour times. Our part of the street does not need any more trucks or traffic, and that's what would happen if 200 people move in and food delivery vans, school buses, trash trucks, maintenance trucks, and staff cars are on our street each day.

Idaho Avenue already suffers a very bad parking situation. The police often park their own personal cars right in front of our house and along our street. I know that the proposed parking structure is supposed to address that; however it does not negate the reality of a constant parking mess on our street with police as well as people visiting restaurants and shops and the Giant.

With homeless shelter staff and police shift changes throughout the day, there will inevitably be backups on the street.

I am also concerned with pictures of the proposed building, which show it will block air and light views we currently enjoy from our backyard. I am concerned that people in that building will be able to look out windows into our backyard while my children are playing, and I am concerned about privacy and safety. I also think the building is not aesthetically pleasing or a good match for our residential street. I bought my house because it was in a protected residential area and I never would have purchased a home next to a loading dock or a large institutional structure.

To conclude, I feel the City has simply not done due diligence on the detriment of this homeless shelter site to local residents who actually LIVE ON THE STREET. DC officials never knocked on our doors or tried to engage us to talk about the proposed site until it was too late for meaningful input.

My husband and I care about the homeless situation in the District and support homeless shelters throughout the City; however, we strongly feel this particular street is the wrong site and that building such a shelter here is grossly unfair to homeowners already suffering results of overdevelopment.

Thank you for considering my views.


-Donna Sweeney

TO: BOARD OF ZONING APPEALS

SUBJECT: IDAHO AVENUE HOMELESS SHELTER

CASE # 19450

SIR/MADAM:

I am Joanne Lamm, a 27 year resident at 3201 Idaho Avenue, NW. I find increasing concerns about the location of a homeless shelter on the current space occupied by the Second District Police Station. What had once been seen as a relatively contained space on a vacant lot on Wisconsin Avenue has now become a six-story behemoth with a three-story garage. What had once been proposed as housing 38 families will now house upward of 50 families, plus.

The current proposal is untenable. The proposal will clearly change the character of the neighborhood, not by the inclusion of the homeless, which is NOT my concern, but by its sheer size and magnitude. If the City Council is so determined to put the homeless shelter on that land, then let them find an alternative site for the Police department. To cram this facility into such a space, raising the limits of the allowable height is ridiculous and not in keeping with well established standards. To have homeless families have to live in a space so constrained and limited does no favors. To have homeless families have to live with shared bathrooms and without food preparation areas does not allow them basic dignity.

It defies common sense that Police operations will not be greatly affected by this situation. As a neighbor, I have witnessed the police preparation needed for mass demonstrations and public events. In spite of the reassurances of the Police Officials, it must be remembered that they must present themselves as being supportive of such a proposal. Privately, several police officers have spoken of their concerns about the project. Needless to say, they cannot come forth or risk losing their jobs.

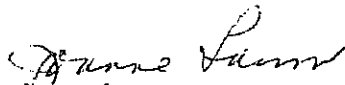
It should also be known that it is this Second District Police station that provides first line protection for the embassies and the White House. It is disgraceful to put such responsibilities at risk.

It is only now that the planners of the proposed shelter have noted that the project during construction will take out the community gardens and playground. The community gardens have been the pride of the neighborhood since the 1940's; the playground is an important adjunct to the area. My own daughter enjoyed it.

Once destroyed, what assurances do we have that these spaces will ever be returned to the community? The current City Council had clearly demonstrated a lack of interest and even disdain for residents of our community. Who is to say how they will appropriate the land of the gardens and playground in the future?

We have asked, and never been given, any alternative recommendations for Homeless shelter sites within our ward. While we were told the shelters had to be located on city owned property, we have now learned that other wards' homeless shelters have been on lands bought and developed by the city. Shame on the Council for such attempted deceit! In my view, is a fool's errand to think of the Idaho Avenue site as being appropriate for the Shelter.

Thank you for your consideration,


Joanne Lamm
3201 Idaho Avenue NW
Washington DC 20016
joanne.lamm@gmail.com

To: Board of Zoning Appeals
Washington, DC

Date: February 25, 2017

From: Steven H. Lamm, MD
3201 Idaho Avenue, NW
Washington, DC 20016-3702

Re: In Opposition to – Application No. **19450**
Temporary Shelter for Transiently Homeless Families
3320 Idaho Avenue, NW [Site of DC Police station]
Washington, DC 20016-3738

Greetings,

I write to you in opposition to the proposed siting of temporary shelter for transiently homeless families at the site of the DC Police Department (Station 2) at 3320 Idaho Avenue, NW Washington, DC 20016-3738.

My objections lay in three areas –

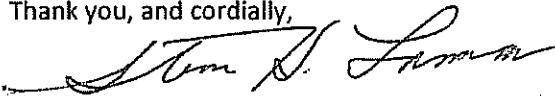
1. Failure of the DC government to properly choose the site, involve the community, and be responsive to the community's elected representatives – ANC3C.
 2. Proposed building of inappropriate and excessive size and cost for the community inside the perimeter of the police department site.
 3. Building inadequately designed to fulfill its intended purpose.
1. Failure of the DC government to properly choose the site, involve the community, and be responsive to the community's elected representatives – ANC3C.
 - a. The community was provided 1 working day of the DC City Council [May 27, 2016] between the time the initial plans were presented to the community (Thursday May 26, 7:00-9:00 PM) and the day after Memorial Day when the DC Council voted on the proposal [Tuesday May 31, 10 AM).
 - b. No search made and publicly released showing the alternative sites considered and the judgments as to their use. The only document in the public record was the determination by the DC Department of General Services April 29, 2016 finding this site "unsuitable."
 - c. No evidence that "great weight" was given to the June 21, 2016 letter from ANC3C.
 - d. No response to Feb 2017 request from ANC3C asking to meet to discuss alternative design options at this site.
 - e. Each public meeting revealed a modified design, responsive to some of the comments, obliterating prior concerns, and presenting an incomplete "Rube Goldberg" proposal.
2. Proposed building of inappropriate size and excessive cost for the community inside the perimeter of the police department.
 - a. The first time the community was shown a projection from the north indicating the size and height of the proposed building was at the public meeting with the ANC3C on Tuesday February 21, 7:00-9:30 PM. This demonstrated that the building is way out of proportion to

the buildings around – twice the height of the residences south of the proposed shelter and four stories taller than the police station north of the proposed shelter – a situation sufficient by itself for the proposal to be rejected.

- b. The overall current cost of the project is \$ 30M for the purpose of having a 50-unit shelter. That works out to \$600,000 for each unit consisting of a bedroom and a shared bath with no kitchen. Studio and one-bedroom apartments with private bath and kitchen are on the market for \$200,000-300,000..
 - c. We have been informed that the need for the shelter for homeless families will be satisfied within 10 years as a result of the total program that the DC government has established for the homeless, including affordable housing. It is not clear to what end the building could be re-purposed. If, in the future, it is to be used for non-homeless families, or for office space, or for other work space, an allocation of less than 1/2 parking space per unit seems unreasonable. It sounds as if the district will be left with a white elephant of a building.
 - d. The police station will soon be 50 years old and will need to be renovated as the needs – services and technology – of policing changes. The current use of the space for police parking allows the retention of the property for the future use of the police department. The building of the homeless shelter structure on the site will prevent the future modernization of the police department – that’s what the land banking of the property is for. It would be ridiculous to throw away this investment in our policing future.
3. Building inadequately designed to fulfill its intended purpose – the temporary dignified housing of transiently homeless families in DC.
- a. The current design of the living units does not foster the cohesion of families. At a minimum, each unit should have a private bathroom or a two-party shared bathroom and facility for eating. It is unreasonable to ask a family to have children go through the hallway to get to the bathroom unsupervised.
 - b. There are no childcare facilities. We are informed that the families will take public transportation to take their children to and pick up their children from their current childcare facility, independently of where they live. This is preposterous. It asks a parent to spend the day transporting their child rather than seeking longer term affordable housing and employment.
 - c. The major skill learned in pre-school is how to form groups and maintain friendships. This cannot be accomplished with students moving in and out of the groups after short periods of time.

This should give you a sense of the reasons I am in opposition to the current proposal. I would be happy to work with the city in reviewing alternative potential sites to assess whether there are better options. While some of them have disappeared (Polish embassy building; Union Hall at Wisconsin and Calvert), others may well appear. I would not be surprised if there are hotels or apartment buildings whose finances have not worked out and that might fulfill the needs for such a shelter.

Thank you, and cordially,



Steven H. Lamm, MD

(Department of Pediatrics Georgetown University School of Medicine)

February 26, 2017

Dear Members of the Board of Zoning Adjustment:

I live at 3225 Idaho Avenue, NW and I write in opposition to the proposed siting of the temporary homeless shelter at the Second District Police Station because of its excessive physical size and the large number of people it will accommodate, and the continuing escalating costs. It is clear that the city is determined to build this building in a place and in a way that does not fit the neighborhood, or meet the zoning requirement without doing the necessary assessment of other available sites. What is not clear is why, against all the facts, the city has decided this site is the best and most cost appropriate site for a building of this size. I am equally distressed that in the rush to make a decision, the city has not performed all the analysis to justify its actions. I urge you to reject any and all the variances that are necessary to for this proposed structure to be built.

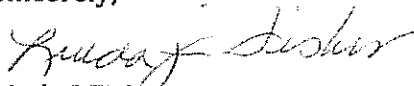
1. The proposed building is too big. The size of the building, now proposed at 6 stories and 72 feet, means that it will tower over all others, infringe on and overshadow the properties that abut it and radically change the nature of the surrounding neighborhood. Moreover, there is absolutely no need to have the building that tall.
2. The number of people that will be served is too many for the site. The DC government decided with little or no data, and against the wishes of the neighboring homeowners, that the building in Ward 3 had to serve a large number of people, and with no consideration or analysis as to whether this site could accommodate such a size.
3. Given the number of residents the building is currently designed to house, I question whether the city has given adequate thought and analysis to the cost of appropriately staffing and maintaining the building. The conditions at DC General are terrible and need to be addressed. No one wants a redo of the conditions at that site. It is tragic how terribly families were treated there. But the commitment to new and better homeless shelters, a city-wide problem, needs a more thoughtful response than just cramming shelters that are too large for proposed sites. We do not need to create several, but equally dysfunctional homeless shelters because too little consideration and analysis has been done. This is not good for the effected families nor is it good for the surrounding neighborhood. In the rush to site the shelters, there has been no assurances that the staffing needs will be met, that the

upkeep of the building will be funded and that the shelters will be well -run. All constituencies both those living in as well as those living around the shelters, need those assurances.

4. We are all concerned about the police operations, as are the police. We all know that it is impossible for the police, employees of the DC government to speak freely on this issue. But, placing 50 families and at least 150 people coming and going from their property can and will infringe on their ability to conduct routine operations safely.
5. The cost analysis shows a constantly increasing cost of the shelter and the related parking garage. The current projected cost of \$30 million has escalated from the original estimate and calls into question whether this site, is in fact the best most cost-effective alternative. New cost analysis needs to be done on other sites to fulfill the requirements of DC law that to get variances it must be shown that there are no more suitable sites.

I am not oppose to having a homeless shelter in my neighborhood. I am opposed to this current proposal. As a member of the community, I oppose it because of the size and occupancy expectations exceeds the capacity of the site, it interferes with the enjoyment of the property owners near the site and unnecessarily places burdens the neighborhood. I am also opposed to the very dismissive manner that the residents have been treated each time their concerns have been raised. Given the tremendous increase in costs created by the constantly growing size of both the shelter itself (originally the neighborhood was told it would be much smaller), the parking structure that needs to be added to accommodate the size, the government must consider either finding a site better suited to this size of a structure.

Sincerely,



Linda J Fisher
3225 Idaho Avenue NW
Washington DC, 20016