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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

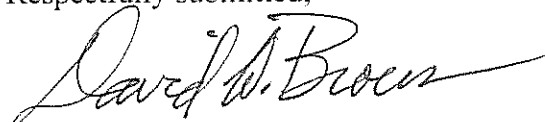
Re: *Submission of Revised Written Testimony*
BZA Case No. 19452 – Ward 5 Homeless Shelter Project
D.C. Department of General Services

Dear Director Bardin:

Attached please find two testimonies listed below that have had to be revised since filing with IZIS. Please make sure to provide these revised testimonies to all necessary parties prior to the hearing tomorrow.

1. Revised Testimony of Dina Mukhamedzhonova
2. Revised Testimony of Joseph Cassidy

Respectfully submitted,



David W. Brown

/enclosures (revised written testimony - 2)

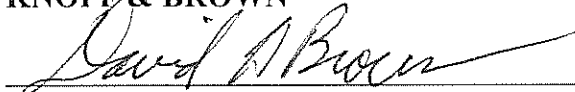
Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
February 6, 2017
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AFFIDAVIT OF SERVICE

The Citizens for Responsible Options, by and through the undersigned counsel, this 28th day of February 2017, served the foregoing letter to the BZA submitting two revised written testimonies via email MMoldenhauer@washlaw.com, Meridith Moldenhauer, Esq., Griffin, Murphy, Moldenhauer & Wiggins, LLP, 1912 Sunderland Place, NW, Washington, DC 20036; mailed first class postage prepaid to the local ANC, Advisory Neighborhood Commission 5B, 1920 Irving Street, NE, Washington, DC 20018, and the DC Office of Planning, 1100 4th Street, SW, Suite 650 East, Washington, DC 20024.

Respectfully submitted,

KNOPE & BROWN



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February 28, 2017

Revised Testimony of Dina Mukhamedzhanova

BZA Case Number 19452

Hi, I am Dina Mukhamedzhanova. I live with my husband David in a single-family home located at 2913 17th street, which is 70 feet from the proposed project property line and 85 feet from the proposed massive building.

I would like to bring two key issues about the zoning special exceptions to your attention:

1. Erroneous or inconsistent statements in the applicant's prehearing statement and supporting document that overexaggerate the case for approving the special exceptions.
2. My perspective on the impact of approving these exceptions on the neighborhood.

Erroneous or inconsistent statements in Applicants prehearing statement and supporting documents

1. The OP report, in section **ii**, in the section "No Substantial Detriment to the Public Good," states that ". . . when compared with a matter-of-right development of a fifty foot tall mixed use building constructed to the property line as permitted, the difference would be minor." First, the building to the north is only 45 feet high and the difference in height is 70 - 45 feet = 25 feet is not at all "minor," it is 56%! All properties on 17th street, including mine, will be affected by this shadow, but the condominiums most egregiously so because they will have absolutely no direct southern sun exposure due to this facility and will also lose open sky due to this encroachment.
2. Statement that "numerous larger apartment houses, ranging from 4 to 5 ½ stories in height are located in Property's immediate vicinity" is not correct. There are not a numerous amount of 4-5 story buildings nearby. There are two about a thousand feet to the southwest, and that's it for at least a half mile radius. As you drive along Rhode Island Ave in this section, the overwhelming proportion of buildings are 1 to 2-story businesses along the street. All the 4-5 story buildings that the architects cited (4 of them) are not located anywhere near two-story residential houses as the proposed shelter would be, and they are

proportional to the streetscape. None of them are higher than the permitted MU-4, as this shelter would be.

3. The applicant's statement "Due to this substantial separation of approximately 140 feet, the light and air available to those properties will not tend to be affected adversely" is simply wrong. The distance between the proposed building and the nearby houses is: 130 feet to the 2915 17th St. house structure, 85 feet to the 2913 17th St. house structure, 50 feet to 2911 17th St., 15 feet to 2909 17th St. (new condo), and 100 feet to the houses across the street. The sun study clearly shows that these houses will lose significant amounts of sunlight during the day, especially in winter months when sunlight is at a premium. Thus, this also fails the test of "No Substantial Detriment to the Public Good."
4. Applicant statement that "Accordingly, the program goals and objectives of the District of Columbia, including the Mayor's office and the D.C. Council, cannot be achieved by a facility of a smaller size" is misleading because it presumes that two shelters of half the size are somehow impossible. Also the current population of DC General is expected to be reduced due to shorter stays from 9 months (now) to 3 months (expected), and this too would allow program goals and objectives to be achieved with a smaller facility. Moreover DHS officials assured us during public meetings that the projected number of homeless people going thru DC General- type facilities will drop as the City successfully implements the approach to route homeless faster to permanent housing.

My Impact Perspective

A few years ago I lost my son Sean after 15 years of battling his severe diabetes. He was only 33. I lost my both parents just after that, I divorced, and lost my job. I was wreck. I moved to Brookland 1.5 years ago from urban noisy Adams Morgan because I wanted two things in my life: a quiet residential place and my garden. Gardening heals me.

We invested all our savings and borrowed tens of thousands of dollars to make our garden and landscape. My husband built for me a lovely room looking at the garden because my husband told me that the most important thing is to be healed and happy again.

With this action, the District is taking the quietness of my life and my garden from me. It will be never quiet because it cannot be quiet when you have 70 feet away an institution-like facility with 150 residents + 27 employees on such a tiny place.

Residents will depend on everyday necessary goods from toilet paper to food and clothing to be delivered to them. That will lead to non-stop loading operations. It will never be quiet because visitors are not allowed into the facility and there is no designated meeting area and the only place for them to hang out is 17th street just in front of my house.

In October-January we will not have sun until late afternoon because this building will be so tall. In Feb and March the sun will be reduced significantly. I can give a lot of care to plants but I can not give them sun. I need Sun too. When we invested money into our house we assumed that all the development around us would be done according to the Law. So we planned accordingly. The city is practically forcing me to sell my house and move away because I cannot maintain anymore the style of life I chose before that Project.

This site is only 12, 236 sq. ft versus the minimum of 30,000 sq ft that the City announced in their fact sheet. Thirty percent (30%) of the 12,236 sq. ft. is constrained by the Antenna and historical Building leaving with 9,000-10,000 sq ft. There will be about 90 children (60% of the anticipated 150 residents) in the building, with about 40 toddlers. How can the city claim that the facility will provide a safe playground on premises that can accommodate such a large number of children? Just visualize all those children, plus accompanying moms or caretakers, trying to play at a "14 feet x 13 feet" playground. This site cannot possibly fit the Program needs!

The Office of the Deputy Mayor for Health and Human Services explicitly outlined a type of facility to be built in each 8 Wards: "six short-term family housing facilities, one apartment-style transitional housing facility for families, and one shelter specifically for single women." In order to get a public support the City mislead public, me included, of promising short term, community-based and community-compatible housing and then convoluting it to an emergency shelter in order to get exceptions.

I urge you to reject the application for special exceptions presented by DGS.

February 27, 2017

Board of Zoning Adjustment
D.C. Office of Zoning
4th Street N.W.
Washington, D.C. 20001

Re: Testimony in opposition to Special Exceptions/Variances
Case # 14952

Dear Chairperson Hill, Ms. White and Mr. Hart:

As a homeowner and longtime resident of ANC SMD 5B03, I urge you to deny the special exceptions requested by the Department of General Services to construct and operate a temporary homeless shelter at 1700 Rhode Island Avenue N.E. (hereinafter, 1700 RIA).

The requested variances seek to increase occupancy by a factor of 37%, building height by 39% and the floor area ratio by more than 40%, while reducing the required open area by a factor of 28%. Such exceptions will create an architectural clash of enormous proportion with the surrounding 1920 bungalow-style homes, while forcing the predominantly elderly residents of the neighborhood to literally live in the shadow of this proposed colossus. Those same elderly residents will be subjected to further inestimable hardship by the inevitable traffic and parking morass that is certain to ensue from such a project. For the sake of the homeless families that will be jammed into this wholly inappropriate site, as well as the aggrieved senior citizen neighbors, please deny the city's requested special exceptions.

One conspicuous fact that stands out in the history of this project are the numerous admissions made by principal city officials acknowledging the impropriety of the proposed shelter site. Those include:

1. Mayor Bowser's May 27, 2016 letter to Chairman Mendelson describing the site as "constrained;" See <https://dmhhs.dc.gov/sites/default/files/dc/sites/mayormb/publication/attachments/Letter%20from%20the%20Mayor%20re%20Short%20Term%20Family%20Housing%20Plan%205.27.2016.pdf>
2. City Administrator, Rashad Young's April 11, 2016 description of the former MPD Youth Division (hereinafter MPD YD) at 1700 RIA as "[n]ot large enough;" See http://mayor.dc.gov/sites/default/files/dc/sites/mayormb/page_content/attachments/Langdon_Park_Response_Letter_4-7-2016.pdf, and
3. Ward 5 Councilman McDuffie's Jan. 17, 2017 correspondence to Directors Gillis and Zeilinger conceding the unmanageable size of the project on such a small property. In his email to the Directors Councilman McDuffie wrote:

As you are aware, Ward 5 residents have continued to express concerns about the height of the proposed Ward 5 Shelter. While I understand the inherent challenges of getting all of the needed units and amenities on a small footprint, on behalf of the impacted neighbors, I ask that you expend every resource available to come up with a creative way of reducing the height of the building to something more manageable for its neighbors.

Now these same officials ask the BZA to approve a plan that each of them, to varying extent, has recognized as improper. On the contrary, the BZA should reject the city's requests for special exceptions in accordance with the recent letter by Thomas E. Luebke, FAIA, of the U.S. Commission of Fine Arts (CFA) citing the "challenges inherent to the site, . . . [and] the difficulty of designing a new building that can reasonably meet the specified program." Mr. Luebke states that the CFA "observed that the proposed massing is too tall for its context, appears bulky and overwhelms the historic Colonial Revival-style building" designed by Albert L. Harris. In conclusion, he notes that the CFA "anticipates the submission of a new concept design . . . that responds to its comments." See <https://www.cfa.gov/records-research/project-search/cfa-16feb17-8>.

By rejecting the city's requested special exceptions, the BZA will place itself in the company of many other distinguished and thoughtful city planners who authored the likes of the 2014 DC Department of Transportation's *RIA Streetscape Master Plan* and the 2011 Small Area Plan ("SAP"), *Rhode Island Avenue: Diamond of the District*. These plans articulate discrete prescriptions to make the Rhode Island Avenue corridor an attractive destination for future commercial and residential mixed-use growth and development. Notably, the Small Area Plan:

recommends that new licenses for storefront churches, check cashing services, addiction treatment facilities, half-way houses, and group residential facilities [be] extremely limited or prohibited.

SAP, page 4.

In tandem these two documents are visionary guideposts for the BZA in answering the question it is being asked to rule on today. The RIA Streetscape Master Plan cites, "[o]ne of the key assets of the corridor [is] its fabric of existing historic buildings (Master Plan, page 3) and recognizes the "opportunity for the preservation of the Police Youth Station" (SAP, page 14). Instead, the city proposes to demolish the latter third of this historic building in its quest to realize this hastily devised project. The CFA letter is also instructional here, when it observed:

When sites are selected quickly, initial feasibility studies may reveal that specific building programs need to be adjusted, requiring more flexibility in following guidelines as the designs for the new . . . multi-family housing projects are tested for real neighborhood sites.

On behalf of the nearly 300 SMD 5B03 residents who petitioned in opposition to this project as currently proposed, but are unable to be here today, I respectfully ask the BZA to acknowledge this widespread citizen opposition, and join the CFA, while following the prescient advice of the aforementioned city planners, and deny the city's request for special exceptions to the zoning regulations.

Thank you,

Joseph Cassidy
1921 Kearny St. NE
SMD 5B03

February 27, 2017

Dear Chairman Hill and Members of the Board,

I write to oppose most of the variances and special exceptions requested by the District of Columbia with regard to 1700 Rhode Island Avenue N.E. The BZA case number is 19452. My name is Sandra Campbell and I live at 3310 20th Street NE.

My primary opposition is to the proposed building's height, mass (lot occupancy and FAR) and lack of parking, although lack of a loading berth also concerns me. As proposed currently, this building will loom over nearby homes (currently single-family homes and a set of condominiums), it will not be adequately set back from its current, natural rear lot boundary (on the northern side), and the lack of parking will force elderly neighbors and women to park far from their homes, even when they are carrying groceries. Our streets are not currently safe enough for women, children, or the elderly to walk home a block or two after the fall of dark, especially while carrying things.

Seventeenth street currently has one new, unfinished condominium complex adjacent to the subject property which was built matter-of-right (in accordance with MU-4 zoning) and in accordance with the stated policy of the Small Area Plan to increase housing density along Rhode Island Avenue. All of the rest of the homes on 17th street are 1920s vintage one-and-a-half story bungalows on both sides up to Hamlin Street, and are largely inhabited by residents over 50 years of age.

Some of the current residents along 17th street have a long history of paying income and property taxes, and contributing to their communities as church leaders (Reverend Wilkes), Howard University professors (Mattie Tabron), Freedom Riders (Cordelia Freeman), and Iraq War Nurse Corps veterans (Afiong Aka). If the bulk of the special exceptions and variances sought by the applicant are granted in this project, these individuals will be severely impacted by a tall and massive building sited on a small, encumbered lot, that provides inadequate parking, even while it should, as a home to many young families, attract many visitors, some of whom will need to park cars.

As both my husband and I have previously argued before your commission, both orally and in writing, with respect to Mid-City Financial's seeking height variances to increase building height in the redevelopment of Brookland Manor (Case No. 14-18), the Diamond of the District Small Area Plan specifies that the city's design review process should ensure that all new construction and renovation projects should "mass and scale new construction to 'fit in' or architecturally reference existing neighborhood scale." (*Diamond of the District* p. 32) The requested variances in height, FAR and lot occupancy clearly cannot be construed to reference existing neighborhood scale in any way, unless the immediate neighborhood is ignored.

I note that although the Comprehensive Plan explicitly encourages medium- to high-density mixed use development "around the Rhode Island Avenue Metro station" in UNE-2.5.1, it specifically addresses the corridor stretching to the east of that area separately in UNE-2.5.4. In UNE-2.5.4, policy is delineated as follows:

"Strengthen the Rhode Island Avenue corridor from 13th to 24th Street NE as a pedestrian-oriented mixed use district that better meets the needs of the residents in the Brentwood, Brookland, Woodridge, and South Central neighborhoods. Infill

development that combines ground floor retail and upper-story office and/or housing should be encouraged.”

Elsewhere, in the document entitled “Rhode Island Avenue: Diamond of the District” which the City Council adopted as a Small Area Plan in April of 2011, city planners recognize the negative impact that a concentration of store-front churches, check-cashing facilities, group homes and other social service institutions, have historically had on this corridor in the statement, “A large part of why some crimes happen on the Avenue now is the perception that “no one is watching” or that “no one is home.” (p. 21, p. 5.) This is because safety is provided primarily by the presence of others drawn to a lively, walkable corridor only by its many businesses and eateries, and core institutions such as the post office, library, and bank. Currently, Rhode Island Avenue north and east of the Metro station is home to many institutions that serve people who truly deserve social services: people struggling with addiction, with parole regulations, with homelessness after military service for their country, with poverty, with the need for food donations. These are noble and important causes, and we embrace them. But urban planners usually deem it unwise to highly concentrate such social service centers on corridors earmarked to become “pedestrian-oriented” especially when, together with storefront churches and a surfeit of automobile-oriented repair facilities, they unintentionally act to discourage a wide array of pedestrians. I urge you to read the policy directives of the Small Area Plan for Rhode Island Avenue in light of this.

The chief source of problems for the Ward Five case is the nature of the site that was inexplicably selected from among a broad array of city-owned plots in the ward: this site is, on the one hand, small and severely constrained by the vacant but historic police station and a cellular tower, and on the other surrounded by relatively low-density housing with a high percentage of senior residents. I concur with the many professionals who have expressed reservations and raised warning flags about this site: the CFA experts note that there appears to be a “mismatch between the size of the program and the constraints of this small site”. Variances and special exceptions do not and cannot address the essential mismatch—only a reduction in size can or a different site selection can.

I do not believe that city officials have carefully examined every plot of city-owned properties as potential sites for this project. Rather, it appears that councilmembers and their advisors proceeded in a rushed and hasty fashion, reacting to their initial rejection of Mayor Bowser’s team’s selection for Ward Five, and thus relied merely upon the list supplied by our neighbors in the Langdon Park community. But that list, which appears among the pre-hearing statements and which includes 1700 Rhode Island Avenue, is in no way a comprehensive or exhaustive list of city-owned properties in this ward, which appear to number over 300. Moreover, in other wards, the city has planned to buy land and extant buildings. I do not find it plausible that only 1700 Rhode Island Avenue, which was never close to meeting the 30,000 square foot lot requirement (even if the historic building were to be razed), was the only eligible site in the whole ward for this.

I thus oppose the degree of variances and most of the special exceptions sought by the city—this constrained site should not be saddled with a nearly 70 foot tall building. That would look bizarre.

I also oppose the variances and special exceptions because they deviate from the Comprehensive Plan’s general spirit and its specific directives regarding the Upper Northeast and Rhode Island Avenue. For if both the city’s zoning code and the Small Area Plans for any

given area (both the work of expert opinion) are rendered meaningless by the granting of such extreme variances and these special exceptions which are predicated upon other special exceptions, then what guidance does a potential property owner have in choosing what to buy, or what to build? Surely Faraz Khan and Reza Damani would not have constructed their small condo building had they known it would be in perpetual shadow because the unusual requirements of the Mayor's Homeward Bound program for building temporary emergency shelters (limited to ten units per floor) would intersect with the constrained nature of 1700 Rhode Island Avenue (12,330 sq. ft lot with both a historic building and cellular tower on site) to render their building sunlight-free for many months of the year when southern exposure is crucial even to human health. Youthful Shon Mapp sold her house at 1715 Hamlin ostensibly to avoid any harm related to this development. But not all of our neighbors on 17th were in a position to do this, being older, or primarily Spanish speakers, or not having finished construction, or trusting of the elected representatives.

I do not oppose the city using this site to house more than 25 people in a smaller shelter at the site in question. I would not myself site any further social service institutions on the 13th to 24th streets area of Rhode Island Avenue N.E. (given the plethora of such institutions there currently, and the city's plan to transform that section into a walkable corridor and Arts District), but I do not oppose the special exception that the city seeks in that regard.

I do strongly oppose the height, setback, and parking variances--these would harm my 17th Street NE neighbors if allowed, and overwhelm the historic building. Residents have repeatedly asked city officials to consider a smaller shelter for this unusually constrained site, situated as it is on Rhode Island Avenue and 17th--a street filled with bungalows. Residents were repeatedly told "No." But the small and impacted site that city officials chose actually compels them to either do exactly that or else to break not only zoning norms but also Comprehensive and Small Area Plan directives, and in the process to harm good citizens who have themselves--as taxpayers and as builders--played by the rules, and built within the confines of zoning and in accordance with the Comprehensive Plan.

Repeatedly, officials from varying agencies, including the Mayor's office and the CFA, have expressed consternation at the mismatch between this site and the proposed building program. Residents and officials alike have requested a smaller building that required fewer variances/special exceptions, or a different site. All new development on Rhode Island Avenue should, according to the Small Area Plan directives for this section of Rhode Island Avenue, be congruent in "mass and scale" with existing buildings. This proposed building is plainly not that.

It is too tall, it looks bulky and awkward, it swallows up the historic police station, it condemns nearby neighbors to a lack of sunlight and a loss of parking—it is just too small a site! We urged city officials to make their program for this hastily-chosen site smaller but they refused.

You alone can force them. Force the hand of the city back to the drawing board, please! Make city officials transform this proposal into one that not only prioritizes programmatic goals, but also the well-being of its neighbors.

Thank you.

Sincerely,

Dr. Sandra Campbell

Testimony of Delores Silvey-Wilkes
BZA Case Number 19452

My name is Delores Silvey-Wilkes and I live at 2916 17th St NE directly across the street from the proposed temporary housing facility. My family purchased this property in 1951 and it has been my family home for the last 65 years. My neighborhood has been a beacon of light and security. This small community has witnessed many changes over the years including the loss of many nearby community services like super markets, dry cleaners, drug stores, banks and police facility. The police presence was not a problem but added to a feeling of safety in the community. We considered the police our neighbors .

As many of us have grown older and are enjoying our retirement we now understand our lives are going to be turned upside down and our tranquil community will be disrupted. Many of us will lose our wonderful early morning sunshine, the small neighborhood of about 20 or so people will be increased by 150 to 200 people. The noise level and street traffic will increase dramatically.

I am especially concerned because I am blind and I am easily disconcerted by noise and confusion.

I respectfully request that you deny the city's request because it will do great harm to our community.