



Advisory Neighborhood Commission 1C

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Representing Adams Morgan

Commissioners:

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May 24, 2018

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Board of Zoning Adjustment (BZA)

A. Tianna Scozzaro (1C04)

441 4th Street, NW, Suite 200S

Ryan Strom (1C05)

Washington, D.C. 20001

Brendan Reardon (1C06)

RE: ANC 1C Resolution Regarding BZA Application
No. 19689

Wilson Reynolds (1C07)

Amanda Fox Perry (1C08)

Board of Zoning Adjustment:

At a duly-noticed special public forum held on Wednesday, May 23, 2018, with a quorum present, Advisory Neighborhood Commission 1C (ANC 1C) passed a resolution regarding BZA application No. 19689 by a vote of 6-0-0.

ANC 1C respectfully submits the attached resolution in opposition of BZA application No. 19689.

Sincerely,

Hector Huevo, Esq.
Chair, ANC 1C

ANC 1C Resolution Regarding BZA Application No. 19689

Advisory Neighborhood Commission 1C (“ANC 1C”) adopts the following resolution, and authorizes a Commissioner of ANC 1C to represent ANC1C before the Board of Zoning Adjustment (“BZA”) in connection with this matter:

WHEREAS, the Meridian International Center (“Meridian”) and the developer, MIC9 Owner LLC (“Applicant”), seek special exception approval from the BZA to redevelop a portion of the Meridian property with a 115-unit condominium building and a 9,266 square foot conference center at 2300 16th Street, as well as parking and loading areas;

WHEREAS, the Applicant seeks the following special exception approval:

- (1) Approval to modify a previously-approved private school plan pursuant to DCMR 11X-104.1; and
- (2) Approval to extend the bulk regulations of the RA-2 zone to a portion of the Property zoned RA-4 pursuant to DCMR 11A-207.2;

WHEREAS, special exception approval requires the Applicant to demonstrate that the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps (DCMR 11X-901.2(a));

WHEREAS, the special exception cannot tend to adversely affect the use of neighboring properties in accordance with Zoning Regulations and Zoning Maps (DCMR 11X-901.2(b));

WHEREAS, the Zoning Regulations for zone districts RA-2 and RA-4, in which the Project would be developed, provide that RA zones are intended to “promote stable residential areas” (DCMR 11F-100.3(c)), “allow limited non-residential uses that are compatible with adjoining residential uses” (DCMR 11F-100.3(e)); and “encourage compatibility between the location of new building or construction and the existing neighborhood” (DCMR 11F-100.3(f));

WHEREAS, a request for special exception approval must also meet the conditions specific to the relief requested (DCMR 11X-901.2(c));

WHEREAS, a request for a special exception should also be assessed for its consistency with the relevant provisions of the Comprehensive Plan, which states:

[T]he development review process provides one of the most effective means of carrying out Comprehensive Plan policies: Projects requiring review by...the [BZA]... may be tied to findings of consistency with the Comprehensive Plan, or at least to evaluations that consider relevant Comprehensive Plan policies. Development review also provides a means of evaluating the impacts of major projects on public services and the natural environment, and assessing the compatibility of proposed design with adjacent uses and neighborhood character. The latter assessment is particularly important in historic districts, where review by the Historic Preservation Review Board also may be required. DCMR 10A-2502.1.

WHEREAS, the special exceptions requested by the Applicant would have an adverse impact on the community;

WHEREAS, the Applicant has not satisfied its burden of establishing that the conditions required for special exception approval have been met, and therefore BZA Application No. 19689 should be denied.

I. Applicant’s Request for a Special Exception to Modify the Existing Private School Plan Pursuant to DCMR 11X-104.1 Should Be Denied Because the Proposed Project Will Become Objectionable to Adjoining and Neighboring Properties on the Basis of Noise, Traffic, Number of Students, and Other Conditions Pursuant to DCMR 11X-104.2

WHEREAS, to modify an existing private school plan, the Applicant must demonstrate that the school shall be located so that it is not likely to become objectionable to adjoining and neighboring properties because of noise, traffic, number of students, or otherwise objectionable conditions; DCMR 11X-104.2;

WHEREAS, Meridian International Center was first established as a private school in 1960 pursuant to BZA Order No. 5802;

WHEREAS, the first order establishing Meridian as a private school anticipated that ... “the number of dances to be held at the subject property shall be limited to the number normally scheduled by colleges and universities”, and reserved the right of the BZA to modify that order “with respect to night activities if it finds after a trial period...that such activities are not consonant with the residential character of the neighborhood”; BZA Order No. 5802 at 3(a);

WHEREAS, the nature of the neighborhood is substantially different now from what it was at the time of BZA Order No. 5802, and the frequency and times of such events presently have a negative impact on the surrounding residents;

WHEREAS, Meridian currently uses its property for Meridian-specific events of varying sizes, duration, and location, including day and evening events; and also for private rental events, including weddings and corporate events;

WHEREAS, an existing Memorandum of Understanding (MOU) between Meridian and the surrounding neighbors memorialized agreements pertaining to (1) noise (specifically related to delivery and pick-up trucks, amplified music during evening events, arriving and departing guests, idling bus engines, shouting of valet parkers, and garbage trucks and other vehicles); (2) traffic and parking (specifically guest and employee parking, valet parking, vehicles operating proscribed spaces, and hazards to traffic); (3) limits on special events (specifically the number of events Meridian is permitted to hold, and the size of said events), and (4) consequences of violations;

WHEREAS, the existing MOU has not improved the problems caused by Meridian's events, as the following violations are routinely observed by neighboring residents:

- illegally parked and idling shuttle buses,
- double-parked catering trucks, rental equipment trucks, and other service vehicles which frequently block traffic on Belmont Street for unacceptable periods of time,
- illegally parked diplomatic vehicles on Crescent Street;
- amplified music and guest noise stemming from Meridian events, especially with regard to weddings and large outdoor events;

WHEREAS, in addition to violating the existing MOU, each of the conditions listed above are objectionable pursuant to DCMR 11X-104.2;

WHEREAS, throughout the process of attempting to negotiate a new MOU between neighbors and Meridian for the purposes of this development, violations of the existing MOU continued to occur, calling into question the likelihood of future improvement;

WHEREAS, given the ongoing violations of the MOU in place between Meridian and the neighbors, and the fact that the requirements for a private school are not presently being met, the addition of a 9,266 square foot conference center and 115-unit residential building will compound existing problems of noise, traffic, and parking, and will create an unbearable situation for the surrounding community;

WHEREAS, because the requirements of DCMR 11X-104.2 are not currently being met, the Applicant cannot satisfy the conditions required for approval of a modification to the existing plan.

a. This Project Will Have an Objectionable Impact on Adjoining and Nearby Property Due to Noise

WHEREAS, construction on this project will take up to three (3) years and will be carried out Monday through Friday from 7 am to 7 pm, and on Saturdays from 9 am to 3 pm for external work, and from 7 am to 7 pm for interior construction activities;

WHEREAS, construction related noise will have an objectionable impact on the neighboring properties, particularly those located near the entrance to Beekman Place, which is directly across from the entrance to the Project's Motor Court, through which all construction related traffic will enter and exit, including loud concrete trucks;

WHEREAS, the Project will have objectionable impacts on the neighboring properties, especially those located near the entrance of Beekman Place which will be particularly vulnerable to traffic noises in and around the Project's Motor Court, including the sounds associated with delivery trucks, garbage trucks, and moving trucks that will be servicing both the conference center and the residential building;

WHEREAS, the Project will have an objectionable impact on the neighboring properties, especially those located in Beekman Place, which will be particularly vulnerable to noises caused by the increase in pedestrian and vehicle traffic at the intersection of 16th Street and Belmont Road;

WHEREAS, the Project will have an objectionable impact on the neighboring properties, especially those located in Beekman Place, which will be particularly vulnerable to noises associated with the daily operations of the Motor Court, as all vehicular traffic will enter and exit the property by way of the Motor Court, including valet operations for Meridian events;

WHEREAS, the Project will have an objectionable impact on the neighboring properties, especially those located in Beekman Place, who will be particularly vulnerable to noises associated with the daily operations of the Motor Court stemming from the presence of Meridian's visitors, guests, and employees, as well as the presence of residents, many of whom will enter and exit the building through the Motor Court;

WHEREAS, the Project will continue to have an objectionable impact on all neighboring

properties due to the noises caused by Meridian's events and operations, particularly large outdoor events including weddings and the annual Meridian Ball;

WHEREAS, the Applicant must conduct evaluations of noise impacts and noise exposure, pursuant to DCMR 10A-620.13 (requiring such evaluations when large scale development is proposed), and they have failed to do so;

WHEREAS, new land uses that will generate excessive noise, such as those proposed by this Project, should be avoided if they will have an adverse impact on the adjacent housing, pursuant to DCMR 10A-620.8;

b. This Project Will Have an Objectionable Impact on Adjoining and Nearby Property Due to Traffic

WHEREAS, the development review process should ensure that impacts on [neighborhood traffic] are assessed and adequately mitigated; DCMR 10A-2502.5;

WHEREAS, the Applicant has failed to take steps to mitigate impact on traffic, and instead the proposed Project will exacerbate existing traffic problems in the immediately surrounding neighborhood, especially at the intersections of Belmont Street and 16th Street and Crescent Place and 16th Street;

WHEREAS, turning left onto Belmont Street from the northbound left lane of 16th Street is frequently challenging, especially during peak hours, due to the high volume of traffic in the southbound lanes of 16th Street, as well as traffic seeking to turn off of Belmont Street onto 16th Street;

WHEREAS, there are no traffic calming measures in place at the intersection of 16th and Belmont Street, and the measures that have been proposed by the Applicant will not be sufficient to accommodate the increase of vehicular traffic anticipated by the addition of the conference center and the 115-unit residential building;

WHEREAS, vehicles seeking to turn from Belmont Street onto 16th Street presently encounter delays and difficulty, especially during peak hours, as traffic in the southbound lanes of 16th Street often backs up between the stoplight at Florida Avenue and 16th Street and the stoplight at Crescent Place and 16th Street, making it difficult for cars to navigate off of Belmont Street into the southbound lanes of 16th Street;

WHEREAS, the condition described above make it especially challenging for vehicles to cut across the outer two lanes of southbound traffic in order to access the left southbound lane of 16th Street (enabling left turns from 16th Street onto Florida Avenue);

WHEREAS, the condition described above makes it essentially impossible for vehicles to turn left off of Belmont Street onto 16th Street northbound;

WHEREAS, traffic accidents are frequent at that intersection but are infrequently reported to D.C. Police, making it difficult to establish the severity of the situation for official purposes, such as assessing the need for a traffic light;

WHEREAS, shuttles used by Meridian during events frequently idle in the right southbound lane of 16th Street, creating dangerous conditions for those seeking to turn onto 16th Street from Belmont Street, as the shuttles impede visibility of southbound traffic;

WHEREAS, the proposed location of the Project's site of ingress and egress will compound these existing problems, as all traffic will enter and exit the site through a Motor Court located directly across from the entrance of Beekman Place;

WHEREAS, traffic exiting Beekman Place is authorized to do the following:

- (1) turn right out of the gate, which leads to the intersection of 16th Street and Belmont Street,
- (2) turn left out of the gate, allowing vehicles to:
 - a. take a right turn on to Crescent Place, where they can access an easier left hand turn onto 16th Street northbound due to the traffic light located at that intersection, or,
 - b. proceed straight down 17th Street and
 - i. navigate through the neighborhood using the intersections at Kalorama Road and 17th Street, or
 - ii. Euclid Road and 17th Street.

WHEREAS, all traffic exiting the new development should be required to turn right out of the Motor Court, providing them with the options set forth above in 2(a)-(b);

WHEREAS, as allowing those cars to make a left turn out of the Motor Court would create congestion and confusion in the 2-way portion of Belmont Street due to cars and trucks simultaneously leaving Beekman Place, cars and trucks turning onto Belmont Street from

the northbound or southbound lanes of 16th Street, and idling vehicles (i.e. ride share vehicles);

WHEREAS, any vehicular congestion within the Motor Court will create traffic on Belmont Street, as traffic waiting to enter will block the right lane;

WHEREAS, any vehicular congestion on Belmont Street will compound the challenges associated with turning onto Belmont Street from 16th Street, creating traffic backups on 16th Street;

WHEREAS, the Applicant must assess the transportation impacts of this development project using multi-modal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network; DCMR 10A-403.8;

c. This Project Will Have an Objectionable Impact on Adjoining and Nearby Property Due to Parking

WHEREAS, the development review process should ensure that impacts on [neighborhood parking] are assessed and adequately mitigated; DCMR 10A-2502.5;

WHEREAS, the Applicant has failed to take steps to mitigate impact on parking, and instead the proposed Project will exacerbate existing parking problems in the immediately surrounding neighborhood;

WHEREAS, the immediately surrounding community will lose approximately thirty (30) parking spots during the construction process on Belmont Street and Crescent Place and another forty (40) in the current Meridian International parking lot;

WHEREAS, the Applicant proposes the permanent removal of three (3) parking spots on Belmont Street;

d. This Project Will Have an Objectionable Impact on Adjoining and Nearby Property Because of Number of Students and Other Objectionable Conditions Created by the Conference Center and the 115-Unit Residential Building

WHEREAS, the Applicant states, “the Project is not anticipated to generate objectionable, negative impacts on surrounding properties due to the number of students,

employees, and visitors to [the Meridian facilities]”, because they are asking BZA to look only at the impacts of the 9,266 foot conference center and its parking garage;

WHEREAS, the addition of a 115-unit residential building and 72-space parking lot must also be assessed under the requirements of DCMR 11X-104.2, as they will share the Motor Court – a key common element – with the conference center;

WHEREAS, it will be impossible in nearly all circumstances to differentiate between those impacts caused by Meridian operations and those caused by the residential operations; and therefore the entirety of this project must satisfy the special exception conditions set forth in DCMR 11X-104.1;

II. Applicant’s Request for a Special Exception to Extend Bulk Restrictions Should Be Denied Because the Extension Would Have an Adverse Effect on the Present Character and Future Development of the Neighborhood

WHEREAS, special exception approval may be granted to extend the use, height, and bulk regulations of a less restrictive zone to a portion of a lot in a more restrictive zone if the Applicant demonstrates, *inter alia*, that the extension will not have an adverse effect on the character and future development of the neighborhood; pursuant to DCMR 11A-207.2(c);

WHEREAS, the primary mass of the proposed 115-unit residential building, which would be made possible by approval of the special exception request, will have an adverse impact on the character of the neighborhood, as the mass, height, and scale do not fit with the surrounding neighborhood context;

WHEREAS, the Project’s proposed scale, massing, and height exceed that of the adjacent residential and historic buildings (the Envoy, 1661 Crescent Place, Beekman Place, Meridian Crescent, the 17th Street rowhouses, White-Meyer House, and Meridian House) and would therefore have an adverse effect on the character of the neighborhood;

WHEREAS, the Project’s mass and density correlate directly with concerns about traffic, parking, noise, both during and after construction, as well as other quality-of-life concerns relating to the 115-unit residential building, and would therefore have an adverse effect on the character and development of the neighborhood;

WHEREAS, BZA may impose requirements pertaining to design, appearance, screening, location of structure, lighting, or other requirements as it deems necessary to protect adjacent or nearby property; DCMR 11A-207.2(e); and if BZA chooses to exercise that

discretion we encourage substantial and meaningful changes to the design and size of this building to mitigate the impacts on parking, traffic, noise, and other quality of life concerns.

III. Applicant’s Request for All Special Exceptions Should be Denied Because the Project Does Not Satisfy the Zoning Requirements or Zoning Maps

WHEREAS, pursuant to DCMR 11X-901.2, the request for a special exception must be in harmony with the Zoning Regulations; and must not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

WHEREAS, the provisions of the RA zones are intended to “promote stable residential areas” DCMR 11F-100.3(c), “allow limited non-residential uses that are compatible with adjoining residential uses” DCMR 11F-100.3(e);”encourage compatibility between the location of new building or construction and the existing neighborhood” DCMR 11F-100.3(f);

WHEREAS, for the reasons stated in sections I.(a)-(d), the proposed modifications in this case are not in harmony with the Zoning Regulations, as they would not be compatible with adjoining residential uses, nor would they encourage compatibility between the new buildings and the existing neighborhood, and therefore would not satisfy these requirements, for the reasons stated above;

WHEREAS, granting the request would cause substantial detriment to the public good, by degrading the environment of the adjacent homes, and would be inconsistent with the general intent and purpose of the Zoning Regulations.

IV. Applicant’s Request for Special Exceptions Should Be Denied Because the Project Fails to Comply with Relevant Provisions of the Comprehensive Plan

WHEREAS, this Project should be assessed in accordance with the relevant portions of the Comprehensive Plan, including the Framework Chapter which sets forth guiding principles for creating successful neighborhoods:

The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the

neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced. DCMR 10A-218.1;

WHEREAS, this Project is not in compliance with certain key policies set forth by the Comprehensive Plan, including but not limited to provisions relating to Historic Preservation, Land Use, Urban Design, Housing, and Transportation;

WHEREAS, the White-Meyer House and the Meridian House properties are jewels designed by renowned architect John Russell Pope, who designed the Jefferson Memorial, the National Gallery of Art (West Building), and the National Archives;

WHEREAS, the White-Meyer House and Meridian House buildings are listed on the National Register of Historic Places and are listed at the “National level” of significance, and accordingly deserve the highest level of protection;

WHEREAS, this Project capitalizes on economic value at the expense of the preservation of these historic landmarks, in violation of DCMR 10A-911.7, as the proposed 115-unit residential building towers over and hides the White Meyer House and Meridian House, overwhelming rather than enhancing them;

WHEREAS, this Project violates the Comprehensive Plan’s provision requiring developments to balance goals of increasing housing supply with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment;

WHEREAS, the Comprehensive Plan requires that when private school and other institutional uses are permitted in residential neighborhoods, as is the case here, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life;

WHEREAS, the Comprehensive Plan further states that such institutions and neighborhoods must work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion, DCMR 10A-311.7;

WHEREAS, private schools, and other institutional uses that occupy large sites within residential areas must be planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities;

WHEREAS, the zoning regulations should ensure that the expansion of these uses is not permitted if the quality of life in adjacent residential areas is significantly adversely affected;

WHEREAS, Meridian's operations have not been sensitive to neighborhood issues and have impaired the quality of life of residents in the immediately surrounding area, and that although efforts have been made to address issues relating to traffic, parking, and hours, those issues persist;

WHEREAS, institutional uses that do not conform to the underlying zoning must be controlled and monitored to ensure their long-term compatibility; DCMR 10A-311.9;

WHEREAS, in the event such uses are sold or cease to operate as institutions, conformance with existing zoning and continued compatibility with the neighborhood must be encouraged; DCMR 10A-311.9;

WHEREAS, many of the private events at Meridian do not relate to its use as a private school and should be assessed;

WHEREAS, the developments in the Mid-City area of Washington, D.C., including this one, should undertake neighborhood greening and planting projects throughout the [area], particularly...along sidewalk planting strips,

WHEREAS, this project would result in the destruction of numerous sidewalk trees during the construction process; and will threaten, if not destroy, the mature trees on the raised berm on 16th Street, which will sit directly in front of the portion of the 115-unit residential building that will face 16th Street;

WHEREAS, the integrity of neighborhood open space must be improved, protected, and respected, and buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas; DCMR 10A-910.18;

WHEREAS, infill development [must be] compatible in scale with its surroundings and consistent with environmental protection and public safety objectives; DCMR 10A-307.2;

WHEREAS, this Project will tower over the surrounding properties, and will result in the loss of greenery, sunlight, and considerable airspace that adds to the character of the surrounding neighborhood.

V. Applicant Has Not Met its Burden To Prove that the Special Exceptions Will Not Have an Undue Adverse Impact on the Neighboring Properties, as Required by DCMR 11X-901.3, and the Application Should Therefore Be Denied

WHEREAS, Meridian's operation as a private school is currently objectionable to adjoining and neighboring property because of noise, traffic, number of students, and otherwise objectionable conditions, pursuant to DCMR 11X-104.2, and BZA should therefore deny this request for an additional modification to construct a 9,266 square foot conference center and parking garage;

WHEREAS, the Applicant's request for a special exception to extend bulk restriction should be denied because the extension would have an adverse effect on the present character and future development of the neighborhood;

WHEREAS, each of the Applicant's requests for a special exception are not in harmony with the Zoning Regulations and would have an adverse impact on the community, and should therefore be denied;

WHEREAS, each of the Applicant's requests for a special exception are not in compliance with the provisions of the Comprehensive Plan, and should therefore be denied;

THEREFORE, the Applicant has not met their burden to prove that the special exceptions being requested will have no undue adverse impact on the neighboring property, as required by DCMR 11X-901.2, and

ANC 1C opposes this application because the impact of this Project on the surrounding neighborhood is adverse, significant and irreversible, and asks BZA to deny Application No. 19689.