

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B



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Via facsimile and mail

December 6, 2006

Ms. Carol J. Mitten, Chairman
District of Columbia Zoning Commission
One Judiciary Square
441 4th Street NW
Washington, DC 20001

Re: No. 02-51A: 1616 Rhode Island Avenue NW / Planned Unit Development

Dear Chairman Mitten:

At its regular meeting on November 8, 2006, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B") or ("Commission") considered the above-referenced application resubmitted to the Zoning Commission on May 31, 2006, styled as a request for approval of a modification to an approved Planned Unit Development ("PUD") to develop an office building on the proposed site. With six of nine Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a vote of 6-0:

ANC 2B opposes the proposed modification of the PUD at 1616 Rhode Island Avenue NW. The proposed modification fails to satisfy the Zoning Regulations and the Comprehensive Plan in the following respects:

1. The proposed high density office development at 110 feet and 8.5 FAR is not in accord with the intent of the Dupont Circle Overlay District, which was adopted in January 1992 to:
 - a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone;
 - b) Enhance the residential character of the area by ... controlling the scale, location, and density of commercial and residential development; and
 - c) Ensure compatibility of development with the Comprehensive Plan.
2. The property at issue was considered to be a buffer between the high density commercial use downtown and the residential area of Dupont Circle.

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3. Given the intensity of other office and hotel development in the neighborhood, approval of this PUD will unnecessarily compromise the plan for Dupont Circle and specifically this SP-2 Zone. The proposed use of this site for high-density offices will increase the density of the underlying SP buffer zone and further shift it out of the realm of "mixed use" and toward full commercial use.
4. The ANC notes that the project represents a loss of neighborhood-serving amenities and decreased pedestrian street traffic on evenings and weekends (including potential resulting adverse effects on public safety) that would result from the requested change from hotel to office use.
5. The ANC further notes the increased traffic and parking problems resulting from the proposed conversion from hotel to office use, because office workers are more likely to drive automobiles than hotel guests, who are more likely to travel by taxi or Metro.
6. Approval of this PUD application would violate the clear instructions of the Zoning Commission at its December 1, 2005, meeting, i.e., for the developer to file a first stage application. This proposal is practically a clone of the previous one. It requests the same FAR (8.5, albeit one less story), the same use (office building), and the same height. Worse, it is a larger structure, taking up practically 100% of the site.
7. This proposed development violates even the generous permitted dimensions of the previously approved project. It is proposed at 8.5 FAR, while the Zoning Commission clearly limited this phase of the development to 7.9 FAR.
8. The amenities package is woefully inadequate, considering the negative impact of the building on the community and the inconsistency of the application with the Comprehensive Plan and the Overlay Zone.
 - a. The community expressed the need for daytime and evening use of the site to provide light and activity in the area. This was seen as an environmental advantage and a safety necessity. Given the desolate nature of Rhode Island Avenue from Connecticut Avenue to 14th Street or from M Street north, the site could have provided light and activity for residents walking in the evening from Metro but none was considered.
 - b. The community desired to have substantial funds provided to Stead Park, which is in the neighborhood and which likely will be used by residents of the student housing on the site as well as other neighborhood residents.
 - c. The applicant decided to count as amenities undertakings that had also been used to justify the previous build out. These included \$150,000 to the Ross Elementary School, \$10,000 to the Dupont Circle Community Resource Center; \$25,000 to Stead Park; \$25,000 to Historic Dupont Circle Main Streets; the mentoring program for Ross Elementary, and \$25,000 to Scott

Circle. This is double counting and does not represent a fair allocation of benefits.

- d. Claimed amenities such as superior architecture were not sufficiently shown, nor did they manifestly represent a cost to the project or a benefit to the neighborhood.
 - e. Setbacks at the 6th floor, and others, were not elements that redounded to the benefit of the community but rather to the PUD partner, the University of California.
 - f. Bicycle spaces inside the building are welcome but serve the building's tenants, not the community.
 - g. The green building package, likewise, is likely to result in significant cost benefits to the owners and may benefit the District as a whole, but does not represent any measurable benefit to the neighborhood.
9. The applicant should recommend a package of benefits relating to the site and its impact on the neighborhood, such as streetscape improvements near Rhode Island Avenue and M Street and Rhode Island and Massachusetts Avenue in the amount of \$3,000,000.
10. Alternatively, we recommend a fund be established in perpetuity, to be managed by a disinterested third party, which will be sufficient to yield approximately \$250,000 per year to fund appropriate neighborhood projects, as determined by Advisory Neighborhood Commission 2B.
11. The applicant should provide ground floor retail through rent subsidies or other means for a minimum of 10 years. After that period, the then owner of the property should be obligated to continue the retail unless it can show that continued subsidies would be necessary to maintain the retail uses.

The Commission has retained Stephen N. Gell, Esq. to represent the Commission on this matter. Commissioner Mark Bjorge (ANC 2B05) is the Single Member District Commissioner who is handling this matter for the Commission. Mr. Gell is authorized to file a supplemental written report on the Commission's behalf that will contain 1) a list of witnesses who will testify on behalf of the Commission; 2) a summary of the testimony of each witness; 3) an indication of

which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; 4) the total amount of time being requested to present the Commission's case, and 5) and to take such other actions as may be required for proper representation.

ON BEHALF OF THE COMMISSION,

Sincerely,

A handwritten signature in black ink, appearing to read "Darren A. Bowie". The signature is fluid and cursive, with the first name "Darren" and last name "Bowie" clearly distinguishable.

Darren A. Bowie
Chairman

cc: Phil Feola, Esq.
Pillsbury Winthrop Shaw Pittman
2300 N Street NW
Washington, DC 20037
Counsel for Applicant