

TESTIMONY
Before
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Case No. 08-09

Expansion of 16th Street Heights Overlay District's Southern Boundary
From Colorado Avenue NW
To Decatur Street NW

(Monday, September 22, 2008)

I. Introduction

We, the below-listed residents of the community bordered by Colorado Avenue NW to the north, 16th Street NW to the west, 13th Street NW to the east and Decatur Street NW to the south, (hereinafter "the Community") strongly support the extension of the southern boundary of the 16th Street Heights Overlay District, (hereinafter "SSH Overlay District"),¹ from Colorado Avenue NW to Decatur Street NW.

While we recognize that overlays may be viewed as "stop-gap" measures, a comprehensive review of the District's Zoning Regulations as to the impact of "matter-of-right uses" on this Community has not been undertaken, to our knowledge, over the past thirty (30) years², while during this same period of time, there has been continuous

¹ Codified at Section 1551 of Title 11 of the District of Columbia Municipal Regulations (DCMR) as follows:

1551.2 The SSH Overlay District encompasses the geographic area in northwest Washington generally bounded by 16th Street and Rock Creek Park on the west, Military Road and Missouri Avenue on the north, and 14th Street on the east, and Colorado Avenue on the southeast. This overlay zone is applied to properties zone R-1-B in the following squares and portions of squares: 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799.

² The Community has chosen to use a thirty (30) year period for a number of reasons. This period captures the collective memory of many of the senior residents of the Community who have observed and challenged the institutionalization of the Community over the years. Over this thirty year period, many of the institutions (specifically, churches located in the Community) have seen a shift in their congregations from persons living in the vicinity of the churches to persons driving to these churches. Many have also apparently seen a decline in their congregations and some of these church buildings are also used by numerous congregations, with all day Sunday and more mid-week use, reflecting the demographic changes in the Washington Metropolitan Area. Thirty years also captures the significant change in the District of Columbia school system with the advent of charter schools.

The thirty-year period also captures the fact that regulations identifying matter-of-right uses in an R-1 district date as far back as 1958 with amendments over the years. It is also unclear whether at the time of the consideration of the SSH Overlay, which apparently became effective in 1994, there was any consideration as to whether it should have been extended further south. The thirty-year period also emphasizes the failure to undertake a review of the area subsequent to the effective date of the SSH

institutionalization of this R-1-B single family residentially-zoned Community, the pace of which has accelerated in recent years. This institutionalization conflicts with the General Provisions of the R-1 Residence District Use Regulations, adopted in 1938, applicable to R-1 Districts³, which provides as follows:

- 200.1 The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.
- 200.2 The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.

It is, therefore, imperative that the SSH Overlay District be expanded to help reduce the congestion, traffic, noise and trash generated by or as a result of the existing institutions, the unfair burden placed on residents to monitor the operation of these facilities, the negative health consequences as a result of the operation of these facilities, the sometimes daily verbal altercations between residents and persons who serve or utilize these institutions, and the general demise in the residents' quiet enjoyment of their homes and overall quality of life.

This document highlights why the SSH Overlay District should be extended, the changes which have occurred in this Community over the years, the frequency with which residents have had to address these institutional changes with limited success⁴, the resultant burdens placed on the Community, the absence of any review of the matter-of-right uses and zoning variances which have been granted over the years and their impact on this Community, and the continued failure of policymakers to affirmatively identify and prioritize relief to this Community, and to act in concert with the vision for this Community reflected in the Comprehensive Plan.

II. The Historic and Continued Institutionalization of this Community has negatively Impacted Residents' Quality of Life.

As indicated, the pace of the institutionalization of this residential Community has been unprecedented and is likely to continue for the reasons identified in sub-section C below. Accordingly, it is important, at the onset, to thoroughly describe the current institutionalization and its effects, allowing the Commission to fully grasp the impact of approximately thirty (30) years of unchecked institutionalization, the domino-effect of this institutionalization, and why institutions have been and will continue to be attracted to this Community.

Overlay to determine whether the Findings applicable to this Overlay had migrated south and became further concentrated in a community with a similar profile—large affordable residential structures.

³ Chapter 2 of Title 11 of the DCMR.

⁴ As indicated, it is not an exaggeration to say that the Community has been “worn down” from the repeated efforts to maintain its residential integrity.

- A. This Community is currently bordered by two (2) major institutions which over this thirty-year period were permitted to expand their operations and have significantly impacted the residents of this Community.
1. On the northern border of this Community is the Carter Barron Amphitheater & Park, located off Colorado Avenue NW, which depending on the popularity of the event being hosted, spills traffic out into the Community. Within this Park is the Fitzgerald Tennis Center, which annually hosts a major, world-class tennis tournament, attracting nationally top-seeded players and which completely transforms the community, requiring almost every block within a certain radius of the facility⁵ to be blocked by traffic horses⁶, and requiring residents and their guests to be allocated residential passes to be displayed in their vehicles allowing them to park in front of their homes. This facility was located in this Community approximately twenty (20) years ago without the Community's support.
 2. On the southern border of this Community is the Metro Northern Bus Garage at 14th & Decatur/Crittenden/Buchanan Streets, NW, a large commercial structure, which directly borders this R-1 District. This facility, which was originally a trolley turn-around, which housed fifty (50) buses, was expanded approximately thirty-years ago by absorbing surrounding streets, such as Decatur Street – a major east-west “through-street”. This facility, at one time, housed as many as 350 buses and provided no parking for the operators, who parked in the community. A parking garage was added some years later.

While the community fought the expansion of this facility, it remained “open/not fully enclosed” for years exposing residents, particularly those whose homes directly border the facility, to exhaust fumes from idling diesel engines. It should be noted that no other Metro bus facility in the District directly borders an R-1 residential community with the proximity of this Metro bus facility.

With the efforts of members of the community, this facility was enclosed some years ago as a result of the federal Environmental Protection Agency (EPA) determination regarding the carcinogenic effects of diesel fuel exhausts and particulate emissions which contribute to the incidence of asthma, which is significant in the District.

The expansion of this facility also resulted in three (3) other ill-conceived, unexpected or unintended negative consequences for residents of this Community:

⁵ Including the blocks from Colorado to Emerson Street within the area proposed to be included in the Overlay.

⁶ These traffic horses with signs attached indicating “Closed to through Traffic” are marginally effective in deterring persons who drive through the community or those who seek to park in the community. As a result, this year, the city moved to provide residents with the residential parking permits to be placed in their vehicles.

- Buses, needing to access 16th Street from the facility, routinely for years would drive through or park (to make up time) in this residential Community requiring residents to monitor and report these buses and to eventually request “No thru Bus” signs which continue to appear throughout the Community to discourage this behavior.
- The closing-down of major east/west through-streets to expand the Metro bus facility forced traffic onto the few remaining through-streets⁷ thereby compounding traffic on the same streets on which additional institutions are located or seek to locate.
- The commercial strip facing the Metro bus facility was transformed to serve the 350 operators and no longer was focused on serving the community, attracting in the process, some undesirable elements leading to crime, drug-trafficking, prostitution, open alcoholic beverage consumption (single sales), and trash from fast-food operations and night clubs.

B. The Community currently has the dubious distinction of having an institution located on almost every block.

On almost every block within this Community or immediately bordering every block in this Community is an institution, resulting in approximately fifty (50) institutions covering the gamut of matter-of-right uses and zoning variances granted over the years, including churches, temples, schools, embassies, group homes and private clubs. Please see Attachment A.⁸

For example, on 16th Street, from Colorado Avenue to Decatur Street, there are ten (10) institutions (including one residence which was used by an institution and was subsequently purchased by another institution and demolished), reflecting seven (7) residential properties converted to institutional use over this thirty-year period. East of this area extended over to 14th Street, there are another fifteen (15) institutions, including two (2) significant facilities, the Kingsbury School, a private school occupying several acres and West Elementary School and Playground Facility. Of these fifteen (15) institutions, eleven (11) of them were converted from residential properties during this thirty-year period.

⁷ As a result, between Colorado and Arkansas Avenues, only Gallatin and Emerson Streets provide direct access from 16th Street to Georgia Avenue.

⁸ In painting a picture of this Community, it is also important to note that there are also other pressures on the Community. Located to the south of this Community is a commercial strip, mentioned above, which has been neglected and which has had tremendous impacts on the Community, including repeated violence at one club, operation of an illegal public hall, and alcoholic beverage containers and other trash from other operations.

- C. Without the expansion of the SSH Overlay, the domino-effect of this institutionalization and institutions' attraction to this Community will continue without Community input.

A number of questions raised by the Community include: why the unprecedented institutionalization of this Community; why the increased rate of institutionalization in recent years; and at what point will this become a residential Community in name only? It has been important to explore these questions in order to address the forces which have driven this increased institutionalization and assess the impact without the expansion of the SSH Overlay. We believe this institutionalization has happened and continues to occur for the following reasons:

- The pace of institutionalization results from the attractive matter-of-right zoning policies which have not been reviewed in thirty years as to its destabilizing effect on this Community;
- This Community's access to three (3) major traffic arteries: 16th, 14th & 13th Streets as well as Rock Creek Parkway is attractive to these institutions;
- The large residential structures located in this Community remain attractive to and accessible to institutions whether the housing market peaks or ebbs. Succinctly put, the size and price are attractive to these institutions⁹; and
- There is a significant domino-effect which occurs where the conversion of one large residence to an institution encourages the conversion of other properties in the vicinity of the conversion. Persons who would have purchased large residential properties in the community for use as residences are less likely to pay the market price given the impact of the neighboring institution on the residential quality of life. This is a recipe for continued unchecked institutionalization.

- D. The negative effects of institutionalization of this Community and on residential quality of life are significant, far-reaching and not fully assessed.

The impact of this institutionalization has been dramatic, and poorly identified and quantified. As indicated, currently wedged into almost every block in this Community or directly bordering this Community, are 19 churches and temples, many in use by multiple congregations so that Saturdays and Sundays are a traffic nightmare for many residents; 5 schools, so that from Monday to Friday the Community is inundated with school buses and traffic from parents and guardians picking up children and racing to meet opening and pick-up times; and approximately 26 miscellaneous non-profit facilities; including embassies, group homes, drug treatment and mental health facilities,

⁹ One residential property located at Farragut & Piney Branch Streets was recently marketed as appropriate for a school or church, and it is rumored that it has been purchased by a school.

family counseling centers, private clubs, homeless and juvenile placement/facility, senior center, etc.; with the attendant vehicular traffic, noise, congestion, trash, etc.

There are, however, some secondary yet major quality of life impacts, which are often not considered by policymakers and which are transferred to the residents to either monitor or address, leading residents to feel “overwhelmed or burned-out” or to be “numbed into apathy”:

1. Where zoning variances have been granted, the government does not monitor compliance with stipulations placed on these grants, or changes in operations, demographics or traffic which warrant changes in the stipulations; this becomes the responsibility of the residents;
2. Where zoning variances have been granted, the government does not monitor changes in ownership and compliance with the variance stipulations; this becomes another responsibility of the residents;
3. Consideration is not given to the impact of illegal activity at nights, which occurs around these institutional properties when they are not in use, such as prostitution and drug use; this becomes another responsibility of the residents;
4. Consideration is not given to the often “disconnected perspective” of some of the employees or owners of these institutions as to the preservation and upkeep of the Community. A number of these institutions often do not actively monitor negative activities in the Community on or next to their properties even where it is easily observed. For example, graffiti will remain on their properties and their garbage collections are allowed to pile-up. The overall concerns and commitment to the Community and being a “good neighbor” which would be exhibited by a resident-buyer who has invested substantially in the Community is missing, which leads to a spiraling down of the aesthetics of the Community;
5. Consideration is not given to the effect of separate private garbage collection services, delivery services, school buses, environmental services, etc. using trucks or vehicles, often diesel fueled, which Monday through Saturday traverse the Community providing services to many of these 50 facilities and often observed idling in the Community; this also becomes another duty to be taken on by the residents;
6. Full consideration is not given to the impact of the addition of traffic from these institutions to the already increased traffic, which has occurred over the years, along the three (3) major commuter arteries dividing this Community: 16th 14th & 13th streets. For example, major traffic tie-ups or accidents along these arteries are relieved by commuters and buses traveling through the Community. As indicated, above, the east-west streets, reduced in number as a result of the Metro facility, are routinely used as extensions of the commuter routes, including

significant heavy-duty truck¹⁰ and school bus traffic. In addition, Piney Branch Road, which at times lies within 6 to 8 feet of residents' bedrooms and in most places lacks a sidewalk, lacks a tie-in to the city's sewer system and has no traffic lights, has become an alternative to traveling along 16th Street to avoid that street's traffic. This has caused serious noise and vibrations to the houses located along this road and has resulted in increased pressure on residents to seek speed humps/bumps to reduce speeding traffic, and to add signs to dissuade trucks, etc.; these are yet additional responsibilities transferred to residents;

7. Consideration is not given to the use of the streets alongside these institutions for commuter parking when the institution is not in use, resulting in Monday-Friday early morning traffic, rushing through the Community to access these coveted spaces. This has added to increasing pressure on residents to seek residential parking stickers—yet another responsibility transferred to residents; and
8. Consideration is not given to the impact of the *laissez faire* policy of government agencies allowing parking beyond the pedestrian crosswalks by persons attending some of these institutions and the lack of clear delineations of the last legal parking spaces, the impacts on the residents of the Community and the number of near-accidents resulting from this type of congestion; this is yet one more burden to be taken on by the residents.

III. The Matter-of-Right Uses and the resulting Institutionalization of this Community Conflicts with the Comprehensive Plan for this Community.

Matter-of-right zoning, as applied to this Community, has “destabilized” this Community and has conflicted with the goal of the Community’s R-1 designation, which is to “protect quiet residential areas”. This has also conflicted with the Comprehensive Plan of the National Capital and specifically, the Comprehensive Plan’s Rock Creek East Area Element (which includes the 16th Street Heights community). Excerpts from the Comprehensive Plan describe Rock Creek East as “an attractive residential community containing many stable low and moderate density neighborhoods....The major planning objective throughout the community is to conserve these traits as the housing stock matures....Looking to the future, [these] neighborhoods share the goal of keeping Rock Creek East a stable, healthy, and attractive community. Residents seek to retain the residential character, appearance, and historical continuity of their neighborhoods.”

Residents of Rock Creek East have also voiced to the Office of Planning their concerns regarding institutionalization, as reflected in the Comprehensive Plan at page 22-10:

Residents of Rock Creek East have expressed concerns about the growth of particular land uses, including group homes, churches, and

¹⁰ Over the past thirty years, large trucks have been permitted onto 16th Street, and streets such as Emerson and Gallatin have served as connectors between the three major arteries. This has caused serious vibrations of the residential structures.

related facilities such as day care centers and social service centers. The Planning Area's inventory of large homes, many located on major transit lines, has made it an attractive choice for social service providers and community based residential facilities. Issues relating to safety, parking, and neighborhood character have been raised, particularly in areas where group homes are clustered. Residents seek a stronger role in decisions on the siting and management of such facilities...

The land use profile of this Community requires recognition of the importance of a compromise between human services and private institutions and a vision for the growth and development of this Community as a residential community. The expansion of the SSH Overlay is an effort to provide an additional regulatory control that leads to a more definitive review of the effects of institutionalization on this Community and to provide a voice for the Community, which bears the considerable impacts.

IV. The Findings which Support the Adoption of the SSH Overlay District Apply in this Community and Support the Expansion of the SSH Overlay.

The sheer number and size of the institutions currently located in this Community, as discussed and indicated in Attachment A to this document, supports the finding in Section 1551.4(a) below¹¹ of the SSH Overlay that the "the neighborhood accommodates

¹¹ 1551.1 The Sixteenth Street Heights (SSH) Overlay District is established to help accomplish several goals and policies of the Comprehensive Plan, especially, those land use objectives relating to housing supply, neighborhood quality and character and policies relating to human services and private institutions, as applied to the 16th Street Heights Neighborhood.

1551.3 The purposes of the SSH Overlay District are to:

- (a) Promote the conservation, enhancement and stability of this low-density, single-family neighborhood for housing and neighborhood-related uses;
- (b) Control the further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the SSH/R-1-B District in order to preserve neighborhood quality; and
- (c) Allow the neighborhood to continue to provide a range of health and social service facilities as well as private institutions that provide cultural religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.

1551.4 The provisions of the SSH overlay district shall be applied to the 16th Street Heights neighborhood based on the following key findings:

a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and preserve a predominantly single-family residential character”.

In summary, the extension of the SSH Overlay District will promote the conservation, enhancement and stability of this low-density, single-family neighborhood, as stated in Section 1551.3(a) of the SSH Overlay provisions, and will reduce the continuation of the following identified, existing negative “institutionalization-impacts”:

- Negative land use impact -- non-conformity with predominant residential character;
- Traffic impact -- street congestion, on street parking; and speeding, and
- Environmental impact -- increased air pollution (commuter traffic, institutional staff traffic, building service traffic, etc.) water run-off (paved green space area, additional curb, gutter and sidewalk) noise, engine idling.

As indicated, these negative impacts form a critical mass that has significantly diminished neighborhood quality of life.

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- (a) Over a period of years, approximately one in every ten (10) houses in the neighborhood has been converted to a nonresidential use, a much higher ratio than has been identified for any other R-1-zoned neighborhood in the District of Columbia; the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and preserve a predominantly single-family residential character;

Respectfully submitted,

**COALITION OF RESIDENTS COMMITTED TO MAINTAINING THE
RESIDENTIAL INTEGRITY OF THE COMMUNITY**

2big2much.org

Cheryl Benton	1407 Delafield St. NW	202-291-2940
Denise Champion	1403 Emerson St. NW	202-829-6422
Patricia Cooper	4822 Piney Branch Rd. NW.	202-726-7251
Kia Johnson	1406 Emerson St. NW	202-291-5584
Laurence Jones	1403 Emerson St. NW	202-829-6422
Audrey Nwanzee	1308 Emerson St. NW	202-545-0200
Anthony Sloan	1406 Emerson St. NW	202-291-5584
Doreen Thompson	1510 Emerson St. NW	202-723-8711
Esther Williams Yarborough	1409 Delafield St. NW	202-291-4722

ATTACHMENT A

**LIST OF
INSTITUTIONS LOCATED IN OR DIRECTLY
BORDERING AFFECTED COMMUNITY**

Name	Type	Address	Phone Contact
<hr/> NORTH-SOUTH STREETS:			
<hr/> 16TH STREET			
1. Carter Barron Park	Sports/recreation		
2. Sixth Presbyterian Church	Church	5413 16 th St	723-5377
3. Buddhist Congregational Church	Church	5401 16 th Street	829-2423
4. Liberian Embassy	Embassy	5201 16 th Street	723-0437
5. Embassy of the Dem. Republic of Congo	Embassy	5100 16 th Street	
6. Christ Lutheran Church	Church	5101 16 th Street	829-6727
7. Buddhist Viarta	Temple	500 16 th Street	
8. Dominican Convent/ Mormon Church purchase		4900 16 th Street	
9. Parkmont School	School	4842 16 th Street	726-0740
10. Maryknoll Fathers		4834 16 th Street	
11. Church of Christ	Church	4801 16 th Street	882-6168
12. Capital Seventh Day Spanish Church	Church	4800 16 th Street	829-3039
13. 19 th Street Baptist	Church	4606 16 th Street	829-2773

Church

PINEY BRANCH RD				
14. Recent Sale	Marketed as Suitable for a church or school	4920 Piney Branch Rd.		
14TH STREET				
15. Jehovah Witness	Church	5113 14 th Street		723-7666
16. Mt. Zion Baptist Church	Church	5101 14 th Street		726-9767
17. Kingsbury School	School	5000 14 th Street		232-5878
18. Your Enrichment Center	After School	4913 14 th Street		
19. Bed & Breakfast		4900 14 th Street		
20. Metrobus Northern Garage	Major bus facility	4729 14 th Street		
IOWA AVENUE				
21. Tabitha House	Group Home	44---Iowa Avenue		
13TH STREET				
22. Marantha Gospel Hall	Church	4910 13 th Street		
23. Triangle Park DC Rec				
24. People's Congregational	Church	4704 13 th Street		829-5511
EAST -WEST STREETS				
DECATUR ST.				
25. Ukraine Embassy Bldg.	Embassy	1601 Decatur		
26. Bethea Welch VFW Post	Club	1409 Decatur		722-1472
27. Andromeda Mental Health	Treatment	1400 Decatur		291-4707
DELAFIELD PL.				
28. Century Club	Private Club	1500 Delafield		723-0232
EMERSON ST				
29. St. Paul AME	Church	1433 Emerson		882-7088
FARRAGUT ST.				
30. West Elementary School	School	1335 Farragut		576-6226
31. Minister's Residence	Church-related	1328 Farragut		
32. Macedonia Church	Church	1320 Farragut		723-5015

of God

GALLATIN ST.			
33. Ideal School	School	1501 Gallatin	726-0313
34. I am Temple	Church		726-0313
35. St. Luke's Baptist	Church	1415-1417 Gallatin	726-5940
HAMILTON ST.			
36. Samaritan Ministries	Homeless ministry	1516 Hamilton	722-2280
37. Hamilton Playground	Recreation facility	1340 Hamilton	576-6855
INGRAHAM ST.			
38. 1 ST Superet Baptist	Church	1420 Ingraham	291-8658
39. Greater New St. Paul Baptist Church	Church	1300 Ingraham	726-3343
KENNEDY ST			
40. Washington Tennis Center	Trains and Sponsors major tennis event	1600 Kennedy	291-9888
41. International Guest House	Bed & Breakfast	1441 Kennedy	726-5808
DIAGNOL STREETS			
COLORADO AVE			
42. Star of Bethlehem Church	Church	5331 Colorado	882-0404
42. Living Daily with the Scriptures	Family counseling	5331 Colorado	291-9704/882-0404
43. Center for Student Mission		5331 Colorado	829-7016
44. Liberian Embassy House	Embassy	5303 Colorado	
45. Carter Barron Amphitheatre	Amphitheater		
BLAGDEN AVE			
46. Zion Baptist Church	Church	4850 Blagden	722-4940
47. Japanese Cultural Center			
48. Geneva Johnson Senior Center	Senior Center	48--- Blagden	