

**DISTRICT OF COLUMBIA ZONING COMMISSION
CASE NO. 11-03**

**In the Matter of the Southwest Waterfront
Redevelopment
Hoffman-Streuver Waterfront, L.L.C.
Application to the D.C. Zoning Commission for a
Planned Unit Development and Related Map
Amendment**

**Statement of Party Opponent: LESLIE RANDOLPH
(Sixth Street
Homeowners)**

I. Opening Statement:

I want to thank the Commission for recognizing my party status and that of the other Sixth Street homeowners.

Although we are individual party opponents, we have called ourselves the “Sixth Street Homeowners” so that you may readily distinguish us from the Tiber Island Cooperative Homes (“Tiber Coop”) which is another party in this action.

We oppose Parcel 11 of the PUD which is the site of the St. Augustine’s Church property (the “Church”). The Church and the 6th Street homes are both zoned R-3. We maintain that the Developer is being opportunistic by tacking on Parcel 11, as an afterthought to the Planned Unit Development (“PUD”). As more thoroughly discussed in this document, we believe the Developer and the Church are seeking to gain increased value by trying to rezone Parcel 11 as R-5-B through the process of this PUD, rather than use

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“matter of right” development which would have required the developer to seek a variance for the Church’s current zoning status, which is R-3 residential. We ask the Zoning Commission to apply the balancing test under the PUD. We maintain that in comparison to other parties and witnesses that we will be significantly adversely impacted because we are uniquely situated and significantly adversely impacted PUD.

I reside at 462 M. Street. The Sixth Street homes have M. Street addresses because their front doors are accessed from an internal courtyard entry that is located on M. Street. The significant rooms in our homes, living rooms, family rooms and master bedrooms all face west towards the river. Our property lines are within 40 to 50 feet of Parcel 11. We homeowners have been paying taxes to the city, beautifully maintained our property, and been supportive neighbors to the Church. The proposed rezoning of Parcel 11 from R-3 to R-5-B will adversely impact the architectural integrity of our whole community not just our individual homes, particularly regarding overwhelming our scale, looming over a proposed narrowed street, such that it will destroy elements of the design that specifically included a significant view corridor, open spaces, waterfront unobstructed views from even as low as our second floors of monuments, big sky vistas and sunsets, and general sunlight. The Condominium will appear “choked off” by the entirety of the PUD. Lets also not forget, the matter of right development high density development is already scheduled to be built directly opposite other Tiber Condominium homes on M. Street.

Moreover, the partial closure or narrowing of 6th Street, the reversal of its direction, and the proposed requirement that we enter through a traffic circle will negatively impact upon our use and enjoyment, including dropping off elderly persons, belongings, and critically potentially slowing police and fire access. Finally, it appears that a Metro stop may also be proposed for the corner of 6th and M. Street, bringing even more noise and trash to our area.

As it stands now the developer receives over 3.0 million square feet, this tacked on proposal greatly negatively impacts us. Some balancing and fairness are required.

II. Preface

We “Sixth Street Homeowners” reside in townhomes located at 456 M. Street, S.W., 458 M. Street, S.W., 462 M. Street, S.W., and 468 M. Street, S.W., are located on the west facing side of Square 502 in a structure that is numbered 182 on the zoning map. Our homes are part of the Tiber Island Condominium (“Tiber Island Condo”). Square 502 encompasses what Holland and Knight refer to as the Tiber Island Complex. All Tiber Island Condo homes, which are located on the perimeter of Square 502 are zoned R-3. Square 502, also encompasses the apartment towers and internal townhomes known as the Tiber Island Cooperative Homes (“Tiber Island Coop”). The cooperative and the condominium are two separate legal entities with separate property lines.

The Sixth Street homes are entered from an internal courtyard for which the entrance is on M. Street. S.W.. All the family rooms, living rooms and master

bedrooms, have window walls, and sliding glass doors, that face directly west directly across from Parcel 11.

Contrary to Holland & Knight's testimony, the Office of Planning documents indicate that the majority of the square footage of Parcel 11, which comprises the St. Augustine's Church land, located on Square 473 is zoned R-3. Pursuant to Zoning Commission Case No. 95-15, which relates to the Southwest Comprehensive Zoning Plan, the Zoning Commission issued Zoning Commission Order No. 807 (10/19/98), that expressly states that Lot 0083 of Square 473, 600 M. Street, is zoned R-3. The computerized Zoning Map (as of July 20, 2011) which reflects Z.C. Order No. 807, clearly identifies the environs of St. Augustine's Church as situated within R-3.

The Comprehensive Plan designation of this area as a land use change area for "high quality environments that include exceptional site and architectural design and that rezoning should be comp neighborhoods." Comprehensive Plan, Section 223.12. The high density residential dwelling proposed for Parcel 11 is inconsistent with this objective. As now we discuss this substantially increased density will significantly negatively impact the architectural integrity of the Tiber Island Condos and even more specifically the Sixth Street homes. The negative impact of this vastly increased density is exacerbated by a wholly unjustified proposal that the developer be permitted to exceed the maximum lot occupancy even permitted for a R-5-B zone.

III. Adverse Impact of the Proposed Development

As indicated above, we maintain the developer is attempting to bootstrap onto the Church in an opportunistic manner such that both parties significantly profit to the detriment of our property.

A. We maintain that the proposed zoning of R-5-B will permit a scale and massing adversely impacts the design of the Tiber Island Condominium and uniquely adversely impacts our homes and use and enjoyment of them:

1) the PUD documents contain a flawed assumption to “undo” the 1960s Southwest Redevelopment. That assumption is flawed because under the PUD criteria architectural design and open spaces are a significant balancing criteria which communities throughout Southwest reflect. As per their own testimony acknowledging verdant areas on private property. Properties located in Segment D of the PUD, notably Tiber Island, have won significant awards [Exhibit “A”] and acclaim in the AIA book of important DC architecture.

2) the original Tiber Island Design brochure [Exhibit “A”] embraced and noted the significant use of space, the proximity to open space, particularly the waterfront views from the 6th street homes and incorporated those characteristics into the Tiber Island Condo design. Moreover, the Sixth Street homes were marketed for being waterfront homes and having waterfront vistas. [Exhibit “A”].

3) Parcel 11 is detrimental to the 6th Street townhomes because under that Tiber design which noted “open space.” The proposed distance to the Condominium on Parcel 11 of approximately 50 feet is adverse to the

original design concept of Tiber Island Condo Townhomes. Tiber Island Condo will appear “choked off.”

Notably the Developer has told us that the scale of their building will not adversely impact us, but their own architect testified that even four story buildings can pose problems with shadows and loss of light..

The proximity is damaging to the architectural integrity of Tiber Island Condominiums because the closest structures to the perimeter of other Tiber Condominium .

4) The Tiber island design criteria also specifically addressed that the 6th Street townhomes have waterfront views.

Those views encompass seeing the following monuments at night in the leafless months:

Washington monument, Jefferson Monument, Arlington Cemetery Lee Mansion, Airforce Memorial, and Crystal City and Roslyn Skylines. Notably a monetary value is assessed to waterfront homes as indicated by the developer’s intent to sell the Parcel 11 condominiums with views for upwards of \$500/square foot. [Exhibit “A”].

5) I maintain that the property should remain as originally zoned R-3, and the PUD should be modified to remove Parcel 11 from the PUD. The PUD meets the PUD requirements without Parcel 11. Parcel 11 is both geographically and qualitatively different from the remainder of the PUD properties, which are waterfront properties that do not directly abut any residentially zoned neighborhoods. Unlike, parcels with a W-1

zoning which permit a density, Parcel 11 is a zoned R-3 low density residential.

6) The 6th Street homes are adversely impacted by the significant increase in traffic noted in the DDOT report. We are now being adversely impacted by being required to access our townhomes from a traffic circle where we can expect to stand behind buses, taxis and cars disembarking visitors to the waterfront.

B. Loss of use and enjoyment and diminished value

H&K will probably produce a valuation expert, but common sense tells us that if they plan to build a condominium on Parcel 11 that will have the waterfront views our homes now have, priced at \$500/square foot – that is the valuation of our view. They simply want to transfer that value of our waterviews to their property.

C. We are uniquely impacted by the traffic aspects of the proposal, including the plan to partially close or narrow our street and the change of direction of our street.

Due to our proximity of 50 feet, the expected significant traffic, we maintain that DDOT should not defer mitigation be allowed to be determined in Stage 2 of the PUD. The DDOT report expressly notes inadequacies in the developer's traffic study regarding the volume of traffic and the impact of the proposed traffic circle.

We also note that the DDOT report seems deficient regarding expected usage of the Waterfront station. Waterfront station is closer to the PUD than L'Enfant

Plaza. Metro usage has increased on the Green line more than on the Orange or Blue that transits through L'Enfant Plaza

C. Community Outreach has favored neighbors who are less significantly and uniquely impacted than the Tiber Island Condominium as a whole and the 6th Street homeowners.

1. Like Arena Stage that integrity of our design, which includes view corridor, is threatened, but compared to Arena stage, but we actually live here.

The Arena Stage witness acknowledged that the developer's met with its architect Bing Thom, and that the developer has especially taken into consideration Arena's view corridor despite that Arena does not own the land across the street. We were told that we don't own the land across the street and have no right to a view corridor and that it was irrelevant. This smacks of unfairness since we are residents in comparison to a theatre.

2. Regarding Harbourquare, we are much more directly impacted by the PUD than the majority of their residents. I doubt Harboursquare is even located within 200 feet of the PUD, but the developer reduced the height of the Pier 4 homes in consideration of their "view corridor."

3. Regarding Tiber Coop, we wholly support our neighbors' efforts and appreciate all assistance they have provided. The Tiber Coop "great lawn" which abuts the proposed Waterfront Park will preserve much

of the river facing view corridor for the Coop. They maintain the park is to benefit the community, but notably it benefits the condominium they propose to build on Parcel 11.

IV. Proposed Modifications to the Parcel 11

We ask that in order to preserve the full architectural integrity and use and enjoyment of our of our homes that the Commission deny the developer the right to rezone Parcel 11 at all.

In the alternative, we ask that the Commission “modify” the PUD PUD (Section 2403.1) to rezone Parcel 11 to R-5-A with attendant .

Finally, if R-5-B is allowed the city should modify the PUD tik address the adverse impact upon the Sixth Street Homeowners’ structures.

CONCLUSION

We urge the ZC to preserve: 1) architecture; 2) best elements of the former urban design which are award winning; and 3) to preserve open and green spaces.