



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Amir Irani (1C01)

July 18, 2018

Hector Huevo (1C02)

Ted Guthrie (1C03)

Board of Zoning Adjustment (BZA)

A. Tianna Scozzaro (1C04)

441 4th Street, NW, Suite 200S

Washington, D.C. 20001

Wilson Reynolds (1C07)

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

Amanda Fox Perry (1C08)

Board of Zoning Adjustment:

At a duly-noticed special public forum held on Wednesday, July 11, 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

**Resolution of ANC 1C
Opposing BZA Application #19689 (the Meridian Project)
July 11, 2018**

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, ANC1C incorporates the prior resolution which was adopted on May 23, 2018, and is part of the BZA record, but withdraws the section of that resolution titled “This Project Will Have an Objectionable Impact on Surrounding Property Due to Traffic”, and adds the following provisions:

I. The Modified Design Does Not Adequately Address Traffic Concerns

WHEREAS, the Applicant’s decision to install an underground exit ramp for passenger vehicles is appreciated, as this will help address the traffic flow in the surrounding area, but does not contend with traffic volume;

WHEREAS, ANC 1C remains concerned about the inevitability of increased traffic volume that would result from this project;

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, 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 vehicles to navigate off of Belmont Street into the southbound lanes of 16th Street;

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, 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, there are no impact studies assessing response time by relevant emergency agencies and first responders (D.C. FEMS, MPD) which is troubling considering the inevitable increase in traffic volume and occupied housing in the immediate area;

ANC1C RESOLVES: To request that the BZA contend with the traffic volume and parking impacts that a project of this size and land use will impose on the surrounding community.

II. The MOUs Do Not Adequately Address the Project's Impacts

WHEREAS, ANC1C acknowledges the extensive amount of time that has been invested in the MOU process;

WHEREAS, ANC1C appreciates the BZA's request for additional information and detail regarding the enforcement mechanisms contained in the MOUs;

WHEREAS, ANC1C reiterates that the MOU provisions do not address the fundamental impacts raised in the prior ANC resolution, incorporated wholly and emphasized as follows:

- The Office of Planning (OP) improperly relied on the assertions made in the Applicant's Statement and the provisions of the MOUs in endorsing this project for BZA approval, instead of conducting its own studies;
- The BZA is required by law to consider the Comprehensive Plan, and this project violates many provisions of the Comprehensive Plan, including the Generalized Policy Map and the Future Land Use Map (FLUM);
- Meridian is not a private school within the definition of Webster's Unabridged Dictionary, upon which the D.C. Court of Appeals relies in the absence of definitions in the D.C. Code, and should not be allowed to expand its institutional operations in this residential district;
- The BZA is required by law to consider the Comprehensive Plan, and this project violates many provisions of the Comprehensive Plan, including the Generalized Policy Map and the Future Land Use Map (FLUM);

- The impacts of this project will be substantial and cannot be fully mitigated by the MOUs.

ANC1C RESOLVES: To request that the BZA acknowledge the MOUs as agreements that do not address the fundamental role of zoning and planning decisions to protect the surrounding community from project impacts.

III. The Office of Planning Has Not Properly Assessed The Project's Impacts

WHEREAS, the Office of Planning (OP) did not conduct any independent studies of the project's impacts and relied instead on the Applicant's statement and the MOUs between the developer and the neighbors;

WHEREAS, an MOU between the community and the Applicant does not relieve OP of its duty to assess the project's impacts, especially in light of the power imbalance between the community and the developer;

ANC1C RESOLVES: To request that the BZA tasks OP with conducting its own independent studies on the impacts this project will have on noise, emergency response, the environment, light and air, emissions, refuse, in addition to other basic land use planning impacts.

IV. Meridian Is Not A Private School and Is Not Entitled to Special Exception Relief

WHEREAS, D.C. Code does not provide a definition of "private school", and the D.C. Courts, in reviewing previous BZA orders pertaining to special exceptions for private schools, have relied on the definition provided by Webster's Unabridged Dictionary, which defines "private school" as:

"a school that is established, conducted, and primarily supported by a non-governmental entity",

And defines "school" as:

"an organization that provides instruction: such as
(a): an institution for the teaching of children:
(b): college, university
(c)(1): a group of scholars and teachers pursuing knowledge together that with similar groups constituted a medieval university
(2): one of the four faculties of a medieval university
(3): an institution for specialized higher education usu[ally] with a university
(3): [a] college [or] university..."

(4): an establishment offering specialized instruction [such as] a secretarial school [or] driving schools.

WHEREAS, Meridian International Center does not fit within this definition, as it is a non-profit center for international leadership and diplomacy, and its core mission is “facilitate[ing] cultural exchanges, promot[ing] international understanding, and address[ing] shared challenges”, and does not offer specialized instruction;

WHEREAS, many of the events at Meridian do not relate to its institutional use; its facilities are available for rent by the public for non-Meridian related events, including weddings, for which Meridian has won several awards for “best wedding venue” in D.C.;

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, no efforts have been made to assess Meridian’s conformance with the previous BZA orders granting special exception relief for Meridian’s use as a private school, which should be required before any further expansion is granted;

WHEREAS, previous BZA orders granting special exception relief for private school expansion in residential areas include provisions requiring strict hours for outdoor use and noise, limiting the facility’s use to school-related events, and barring the rental of facilities to the general public (*see* BZA No. 19599 and BZA No. 18850);

WHEREAS, the Applicant’s Post-Hearing Submission states, “Meridian has received a limited number of complaints over the last decade regarding its operations, which stands in contrast to the level of goodwill and understanding generated by its educational and cultural activities”;

WHEREAS, it is the ANC’s understanding that the complaints, however registered, have been numerous and persistent, and moreover, as Meridian’s operations are not specific to this site or the historic mansions, they should not be prioritized over the residents;

ANC1C RESOLVES: To ask the BZA to determine that the proposed project does not comply with the requirements for a modification of a private school plan, as it is not a private school, and that granting the Applicant’s request for special exception relief will result in unacceptable undue impacts on the community.

V. The Comprehensive Plan is the Law and BZA Must Follow the Plan

WHEREAS, the Comprehensive Plan is the pre-eminent planning document that guides all land use decisions and planning in the District of Columbia and sets goals for land use policy to achieve the shared values of all residents;

WHEREAS, the Comprehensive Plan is law and the Board of Zoning Adjustment (BZA) must follow the Plan, and decisions cannot be inconsistent with the Plan;

WHEREAS, the development review process should be used to ensure that impacts on neighborhood stability, traffic, parking and environmental quality are assessed and adequately mitigated; 10A DCMR 2502.5;

WHEREAS, the District Elements should be considered in the approval of planned unit developments, variances, campus plans, **special exceptions**, large tract reviews, and other projects requiring review; 10A DCMR 2502.9; (emphasis supplied);

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

Policy IM-1.3.3: Consultation of Comprehensive Plan in Zoning Decisions

Require the Board of Zoning Adjustment, the Zoning Commission, the Zoning Administrator, and other District agencies or decision-making bodies regulating land use to look to the District Elements of the Comprehensive Plan and its accompanying Maps. Decisions on requests for rezoning shall be guided by the Future Land Use Map read in conjunction with the text of the Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. 10A DCMR 2504.5;

a. This Project Does Not Comply with the Generalized Policy Map

WHEREAS, the Generalized Policy Map, which categorizes how parts of the city may change between 2005 and 2025, should be used to guide land use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps;

WHEREAS, the Generalized Policy Map identifies the project site as being within a Neighborhood Conservation Area, which is defined by the Comprehensive Plan as:

“[t]he Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. **Maintenance of existing land uses and community character** is anticipated over the next 20 years. Where change occurs, it will be **modest in scale** and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated...223.4

The guiding philosophy in Neighborhood Conservation Areas is to **conserve and enhance established neighborhoods**. Limited development and redevelopment opportunities do exist within

these areas but **they are small in scale**. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map. 223.5” (emphasis supplied)

WHEREAS, the proposed development is neither modest nor enhancing in character and does not comply with the Comprehensive Plan or the Generalized Policy Map;

b. This Project Does Not Comply with the Future Land Use Map

WHEREAS, the Future Land Use Map is part of the Comprehensive Plan and carries the same legal weight as the Plan document itself, and reflects future density for residential and commercial areas;

WHEREAS, the Future Land Use Map for this area designates the site of the proposed project for Moderate Density Residential, which is defined as:

“... the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. 225.4”

WHEREAS, the Land Use Element of the Comprehensive Plan integrates the policies of all other District elements and it should be given greater weight than the other elements; 10A DCMR 2504.6;

WHEREAS, the importance of zoning as a tool for implementing the Comprehensive Plan, particularly the Future Land Use Map, is discussed in several places in the Comprehensive Plan. The Home Rule Charter requires that zoning “shall not be inconsistent” with the Comprehensive Plan; 10A DCMR 2504;

ANC1C RESOLVES: To ask the BZA to find that the proposed project, which would stand at 8 stories plus a penthouse, as well as a conference center and a motor court, is not appropriate at this site per the land use policies and maps of the Comprehensive Plan;

FURTHERMORE, ANC 1C RESOLVES: To request that the BZA refer this matter to the Zoning Commission to amend the Zone Map to bring this parcel in line with the Comprehensive Plan maps as required by:

Policy IM-1.3.2: Zone Map Consistency

Consistent with the Home Rule Charter, ensure that the Zone Map is not inconsistent with the Comprehensive Plan Future Land Use Map. Make appropriate revisions to the Zone Map to improve its alignment with the Future Land Use Map and to eliminate clear inconsistencies; 10A DCMR 2504.4.

VI. Conclusion

WHEREAS, this application lacks appropriate project impact analysis and appropriate rezoning, which is required to bring the Zone Map into compliance with the Future Land Use Map and the Comprehensive Plan;

WHEREAS, allowing this project to proceed in its current form, without impact analysis and rezoning, would weaken the concept of thorough and deliberate municipal planning, and would result in undue hardship and injury to the surrounding community;

ANC1C RESOLVES: to ask the BZA to uplift the intent and purpose of DC's key planning principles and reject Application #19689; and

FURTHERMORE, ANC1C RESOLVES: to request great weight consideration and responses to all concerns and issues raised herein, and in the prior resolution.