

September 14, 2018

Re: Opposition to Case Number 19751 (Application of MED Developers, LLC)

Dear Sir or Madam,

I am a resident of ANC 3C of long standing and a near neighbor (within 200 feet) of the proposed facility, and I write to urge you to deny the special exception request that will be heard on the ANC 3C calendar on Monday, September 17, under *MED Developers, LLC, BZA number 19751*.

The request at issue involves three lots, each zoned for a single family home, in the residential R-1-B zone. The developer seeks to demolish an existing home on one of the lots and then erect a three-plus story nonconforming building that would span the three lots. The purported purpose is for a memory care facility for 36 people, yet the proposed facility lacks the design elements necessary for such use and fails to provide adequate parking and reasonable street access for such a use. I ask you to reject the request because granting the special exception would cause substantial harm to the neighborhood, and the proposed building is incompatible with, and deleterious to, the residential neighborhood which the R-1-B zoning for the three lots is intended to preserve. I am also concerned that granting these special exceptions would create a worrisome precedent for our 3C residential neighborhoods.

The zoning code requires that in order to grant such a special exception for an R-1-B zone, "the use ... shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions." Subtitle U § 203.1(f). The proposed facility fails this requirement, as there are numerous problems with bringing this proposed facility into the neighborhood.

First, traffic. The proposed facility will create objectionable, indeed dangerous, traffic conditions in the neighborhood. The only vehicular access to the facility is through the alley connecting Davis and Edmonds streets. The proposal does not accurately characterize, or fairly consider, the nature of this alley or the impact of the facility on alley use and safety. The alley the proposal would use for primary access to the facility is a narrow residential alley—it measures only 13.9 feet in width (though the alley is sometimes described as 15 feet wide, I believe this overlooks narrowing obstructions such as telephone poles)--into which feed both residential garages and pedestrian gates for the houses on each side abutting the alley. The alley is often used by pedestrians including children going to and from school or the nearby Guy Mason playground and residents either engaged in alley activities (such as playing basketball or putting out garbage) or walking to and from the nearby commercial businesses on Wisconsin Avenue. In addition, the sidewalks at either end of the alley—on Davis and Edmonds Streets—also have considerable pedestrian traffic. Increasing traffic through this alley would not only be objectionable from a noise perspective—as the alley abuts the private backyards of the residences—but would create traffic dangers for the neighborhood residents.

The proposed use for the facility is memory care for 36 residents. Thus, in addition to staff vehicles, there will have to be considerable truck traffic to the facility: including trucks for food delivery, health care, emergencies, maintenance, repair, security, and the like. The residential alley is not built for truck traffic—it is narrow, with limited sight-lines, and many of the residential gates give directly upon the alley. It is NOT SAFE—not for residents walking out their back gates, not for children playing or walking to school or the playground, not for individuals going or returning from shopping on Wisconsin—to have trucks daily and repeatedly traveling through the alley. It is no exaggeration to say that the proposed facility will deprive residents of the safe enjoyment of their own back gates. It is simply indisputable that the vastly increased flow of traffic through the alley resulting from shift changes, ambulances, and deliveries to a narrow alley is going to result in a dramatic loss of quality of life for the nearby properties whose yards and parking back onto the alley.

On top of this, of course, is the noise and exhaust associated with such truck traffic. As noted, the alley abuts the private backyards of the neighboring residences. Indeed, for those residences on Wisconsin Avenue, the yards facing the alley is the only outdoor respite from traffic noise. The proposed facility will deprive the neighboring residences of the quiet enjoyment of their outdoor space.

Second, parking. The developer is seeking a special exception for parking, as it plans to provide only nine parking spots, one of which will be a handicapped spot, for the building and its many employees, visitors, and vendors for a facility intended for 36 residents. Subtitle U Section 203.1(f)(4) provides that “[t]he use and related facilities shall provide sufficient off-street parking spaces for employees, residents, and visitors” and Subtitle X Section 901.2(c) provides that the Board is authorized to grant special exceptions where they “[w]ill meet such special conditions as may be specified in this title.” Clearly, there is insufficient parking even for the 18 staff members the proposal acknowledges (and a memory care facility for 36 people will plainly require more staff than that), let alone visitors, vendors, and the others who will daily attend the facility. The predictable consequence will be parking on the surrounding residential streets which only allow RPP parking. Yet, parking in the neighborhood is already stressed and difficult as a result of the nearby apartment buildings and hotel. It cannot absorb all of these additional users without severely and objectionably impacting the neighborhood.

Third, the building itself. Three single family homes on these lots would have at least 16 feet between each house, and occupy a maximum of 40% of each lot. In sharp contrast, this large building will block the light from neighbors, allow building residents to look into the backyards and bedroom windows of houses more than a block away, and lead to increased rainwater drainage runoff to the surrounding properties and alley.

And, if this memory care facility fails, there will be an empty, large, nonconforming building with a stark layout unsuitable for many other uses. The city has expended enormous

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resources revitalizing the schools and libraries in ANC 3C to attract and retain families with children to the area. Placing new large nonconforming commercial buildings in residential neighborhoods flies in the face of this planning and will lead to erosion and fragmentation of these revitalized neighborhoods.

The District of Columbia Zoning Handbook provides in part that the purposes of the R-1-B zone are to: (1) Protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and (2) Stabilize the residential areas and promote a suitable environment for family life. The R-1-B zone is intended to provide areas predominantly developed with detached houses on moderately sized lots. Construction like the proposed memory care facility is directly contrary to the express intent of the R-1-B zoning designed to “protect quiet residential areas.” I urge you to oppose these special exception requests.

Respectfully submitted,

Christopher Sipes

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