

David Holmes
Commissioner, Advisory Neighborhood Commission 6A03
On behalf of the ANC and the neighborhood

December 11, 2012

Advisory Neighborhood Commission 6A has adopted a motion at its November 8, 2012 meeting:

That it oppose before the BZA increased density at 901 D Street NE unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in the neighborhood; and that the future 913 D Street NE incorporate a dogleg. The motion passed unanimously, 6-0 with five required for a quorum.

Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls. Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

The standard for a variance requires that the BZA find an exceptional situation where the strict application of the Zoning Regulations result in "exceptional practical difficulties or exceptional and undue hardship" upon a property owner. Such hardship may result from physical characteristics which make the property unique or difficult to use. To approve an application for a variance, the BZA would also have to find that granting the request would not cause substantial detriment to the public good and not be inconsistent with the general intent and purpose of the Zoning Regulations. There are no exterior difficulties that require more than the by-right number. And, many of the design problems within the school itself come from seeking to maximize the number of units placed within the main building around the central support columns - that are required to be retained by the Historic Preservation Review Board.

Twenty three is the maximum number of units that can be built "by-right" on the school lot. The standards for a variance are tight, and they have not been met. The true reason for the variance request is the profitability of the developer - obviously of prime importance to them, but conferring no valid justification under city regulations. It is an argument I hear in many developer presentations before the BZA. (For example, "We bought a two-story, 1800 square foot lot building but now we need a variance to build four units or we'll lose money". Financial hardship is not a valid rationale to set aside the city regulations.)

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There are no practical difficulties and no exceptional and undue hardships in the Edmonds site. It is a flat rectangle with driveway access from both D and Ninth Streets. There is no physical impediment to the site. The internal columns that are to be preserved are not a serious hindrance to allocating space within the building. A good architect will be able to find ready solutions.

Why is density so much of a problem in this neighborhood? Within one block there are three many unit apartment buildings, all with no off-street parking. Across Maryland Avenue, there are two very large apartment buildings with limited parking. There are four medium size apartment buildings with no off-street parking within one block; the student intern and staff housing of the Council for Christian Colleges & Universities with limited off-street parking; the staff and visitors of the Specialty Hospital (the staff does not use its internal parking because of black mold); many eastern Ward 6 residents who park near 8th and D to catch the northbound busses; and the many residents who live in flats on Tenth and D Streets. Parking is saturated in the evening.

The situation is exacerbated by the well-attended church at Ninth and D which has only two parking spots and meets most nights. There is simply no room for additional cars. One of the curses of my time as Commissioner has been dealing with the physical confrontations, the keying, the calls for police enforcement of church- and local-parked cars parked illegally. I asked then-Commander, now Deputy Chief Diane Groomes to speak to the community and the churches about the intemperate reactions to parking stresses. To complicate an already volatile situation, the conversion of 901 will mean that the 9th and D church will lose the use of the credit union lot – a lot that has relieved some of the stress on Sunday morning and Wednesday evening.

In summary, 27 units should not be approved because there are neither practical difficulties nor exceptional and undue hardships that require the variance. Because of the careful and sympathetic presentations of CAS Riegler and Ditto Residential, the ANC and the neighborhood authorized a proposal of two, and only two, additional residential units in exchange for the purchase of a small Capitol Bikeshare station to be installed in the immediate vicinity and the payment of the public space fee for a period of five years of an on-street parking space for a ZipCar to be located adjacent to 901 D.

27 units is a step too far, especially since, I believe, that would have been a neighborhood consensus to approve the original request for 30 units if CAS Riegler had agreed to forgo Residential Permit Parking. No RPP would have been a solution to the principal problem caused by the extra density.

I do ask that the BZA grant a special exception to CAS Riegler for the new fee-simple residence on D Street to allow the construction of a three- or four-foot dogleg to allow light and air to 913 D Street, the existing adjoining eastern home.

November 30, 2012

Mr. Clifford Moy
Secretary to the Board of Zoning Adjustment
441 4th Street NW, Room 200
Washington, DC 20001

Dear Mr. Moy,

Advisory Neighborhood Commission 6A (ANC) has voted to oppose any additional density without mitigation measures. Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls. Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

The BZA should be aware that parking anywhere near the intersections of 9th and 10th and D Streets is fraught with tension and a long history of unpleasant confrontations.

There is nowhere near enough on-street parking for the existing residents. There are two large apartment buildings on the south side of Maryland Avenue (no off-street parking); a large apartment building on 10th next to D Street; the staff and visitors of the Specialty Hospital of Washington and the DaVita Dialysis Center on 8th Street; the student interns and staff of the Christian College Association on 8th, plus an over-saturation of rooming houses and multi-unit condos in the immediate area. These are all within one block or across the separating street, e.g. a large apartment building across Maryland Avenue on E Street.

There have, in my time as Commissioner, been fist-fights over parking spaces, keying of cars, and much intemperate language. The church directly across the street at 9th and D Streets fills the neighborhood with out-of-state cars (week and weekend, afternoon, evening and night) - a problem that will only get worse after the Credit Union leaves, construction begins, and the Credit Union parking lot closes. People park blocks away from their home in the late evening/night or park illegally close by because they do not feel safe walking any distance at night. The requested additional density will be a substantial problem.

Because of the careful and sympathetic presentations of CAS Riegler and Ditto Residential, the ANC and the neighborhood authorized a proposal of two, and only two, additional residential units in exchange for the purchase of a small Capitol Bikeshare station to be installed in the immediate vicinity and the payment of the public space fee for a period of five years of an on-street parking space for a ZipCar to be located adjacent to 901 D.

The ANC motion authorized the ANC Chair (myself) and the Vice Chair, Dr. Drew Ronneberg, (who also chairs the Economic Development and Zoning Committee of the ANC), to negotiate for a reduction in the on-street parking by the future residents of this condominium complex, and to raise the number from 23 if we felt there would be measures in place to accomplish this goal. The neighborhood, Dr. Ronneberg, and I agreed to reject an offer for parking limitations to be accomplished by condo sale and incorporation documents

which would have limited on-street parking to 19 additional RPP. This proposal seems to us excessively complicated, probably very difficult to enforce, with fines that weren't high enough to deter those who might seek to exceed the limits, and with the money from the fines a potential future problem.

The ANC adopted the following motion at its regularly scheduled and publicly announced[1] meeting of November 8, 2012, with six of the eight Commissioners in attendance. The vote was 6-0-0.

That the "ANC oppose before the BZA increased density at 901 D Street NE, unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in that neighborhood."

Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls.

Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

There are no reasonable grounds to grant a variance without the agreement of the ANC and the neighbors. The extra two units, from 23 to 25 seemed likely to decrease the size of a couple of two-bedroom units to one bedroom, and are a response to the mitigation measures proposed by the developers.

David Holmes and Drew Ronneberg are authorized to act on behalf of the Commission in this matter. I can be reached at 202.251.7079 and at holmes6a3 at gmail.com.

On behalf of the Commission

David Holmes
Chair, ANC 6A

[1] ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com list, the ANC6A email group (not run by the ANC), the NewHillEast email group, through print advertisements in the *Hill Rag*, and on our website, ANC6A.org.

Sent December 1 and receipt acknowledged by Richard Nero on December 3, 2012