

VJ Kapur
Advisory Neighborhood Commissioner
Single-Member District 5C07
<https://anc5c07.com>



Letter in Opposition of PSC Application #411090; 4950 South Dakota Ave NE

Members of the Public Space Committee:

This letter is on behalf of myself and my constituency, and not ANC 5C. In the matter of PSC Application #411090:

- I oppose the installation of curb cuts to facilitate the construction of a new drive-through restaurant.
- I further oppose the waiver to allow surface parking within the Build Restriction Line along Delafield St NE.

The subject site is 1.75 miles (6 minutes projected drive-time) from the border of my Single-Member District, straight along South Dakota Ave NE, a high-volume principal arterial. My district is bounded by two such principal arterials, and I personally, along with a significant number of my constituents, reside on one. For these reasons, I am especially sensitive to policy considerations regarding these community roads.

Re: Curb Cuts

The proposal in this application is for two new curb cuts along South Dakota Ave. Per the DDOT report submitted into the Zoning Commission case record for the preceding map amendment case, ZC 22-19:

The site currently has access to an existing 16-foot rear public alley. All loading, trash pick-up, and vehicle parking should take place from the public alley or Delafield Street. DDOT will not support any new curb cuts or reuse of existing curb cuts to the property from South Dakota Avenue when the site redevelops;

In response, the applicant offers several justifications that do not respond to the fundamental concern:

- The applicant offers that the plans amount to a net reduction of curb cuts.** This is not responsive to the concern, as the baseline allowable number of curb cuts should be zero, not the present condition.
- The applicant offers that the alley is too narrow for two-way passenger traffic.** Two-way passenger traffic is not a conventional use for alleys in the District of Columbia, including for buildings more appropriate for the subject MU-7B zone.
- The applicant offers that the expected and business-necessary vehicle volumes would overwhelm Delafield.** This is because the expected and business-necessary vehicle volumes are too high, which is the fundamental concern I share with many other opponents of this plan.

- d. **The nature of this business requires direct inlet and outlet from South Dakota Ave to facilitate drive-through traffic volumes.** Again, this is an argument predicated on desiring to make viable a business that depends on an unsustainable and unsafe vehicle volume to operate and survive.

Inherent in these arguments are two additional presumptions:

- **The long-term sustainability of existing vehicle volumes on South Dakota Ave.** This is a faulty premise; it is fundamentally necessary to reduce vehicle volumes on South Dakota Ave to meet our traffic safety and ecological goals. Investments made on the expectation of these vehicle volumes stand in direct opposition to those goals, even before considering the specific conflicts created by the curb cuts.
- **High vehicle volume on South Dakota Ave is inherently acceptable if kept off "residential" streets like Delafield.** This too is a faulty premise. South Dakota Ave is home to many residents, including a sizable proportion of my constituents. Mixed-use zones along our arterials, such as the MU-7B and MU-3A zones around the subject site, are among the few places where new home construction (and therefore population growth) is allowable by current zoning regulations. As a result, problems kept off Delafield are not kept away from residents; they're simply shifted from one set of (current and future) residents to another.

Re: Parking in the Building Restriction Area

The proposal in this application maintains parking spaces within the Build Restriction Line (BRL) along Delafield St NE. Per the DDOT report submitted into the Zoning Commission case record for the preceding map amendment case, ZC 22-19:

It is noted that there is a 15-foot Building Restriction Line (BRL) along the Delafield Street NE frontage. The space between the property line and BRL is the building restriction area and is regulated like DDOT public space. The space within the building restriction area is intended to remain as green space and clear of structures and pavement. Vehicle storage in a surface parking lot is not permitted in the building restriction area;

In response, the applicant offers several justifications that again do not respond to the fundamental concern:

- a. **The applicant offers that residents are concerned about losing off-street parking.** The need to preserve public space for public use rather than private vehicle storage in reserved service to a private business should not be subject to input of this type.
- b. **The applicant offers that the present condition has existed for decades.** Historical encroachment of the public space in this manner does not justify future encroachment. Restoring public space is essential to creating a hospitable pedestrian environment in these historically neglected spaces, and is an important reason for the public space permitting process we are engaged in before the Public Space Committee.

- c. **The applicant offers that this would reduce the amount of off-street parking.** Reducing the amount of off-street parking is in line with policy imperatives to reduce vehicle miles and vehicle trips; preserving parking, in this case at public expense, would induce an unsustainable number of future trips, because the status quo is unsustainable.
- d. **The applicant offers that this parking would “balance” the needs of drive-through patrons and driving, seated patrons.** This presumes both the need for drive-through service and the future expectation of historical numbers of driving, seated patrons, when our goals should be to reduce the present numbers of both.

The above responses show a pattern of the applicant not confronting the inherent incompatibility of a drive-through business with the prevailing policy priorities the Committee should seek to pursue. As a result, **I respectfully ask that the Public Space Committee deny this application.**

Thank you in advance for your careful deliberation on this critical matter.

Very respectfully,

VJ Kapur
Advisory Neighborhood Commissioner
Single-Member District 5C07