

10.22.08

FAX : PARTY STATUS APPLICATION

CASE: 17831

ATTENTION: CLIFF MOY

FROM: PIXYLLIS KLEIN

202.413.4386

202.265.8788

RECEIVED
D.C. OFFICE OF ZONING
2008 OCT 22 PM 5:13

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17831

EXHIBIT NO. 29

FAX

(K0V188U 00/01/08)

RECEIVED
D.C. OFFICE OF ZONING

1783100

2008 OCT 22 PM 5:13

Notice: [Click Here for Application Form Instructions](#)Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Name:* Phyllis D. Klein

Address:* 1910 Treto Way, NW

City:* Washington

State:* DC

Zip:* 20009

Phone:* (202)265-8788

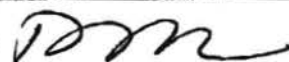
Fax:

Email:

kleinpd@gmail.com

I, hereby request to appear and participate as a party.

Signature:



Date:* 10/22/08



Proponent



Opponent



Yes



No

If yes, please enter the name and address of such legal counsel.

Name:

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

My property will be directly affected by the actions requested by the Board, since it is uniquely located on Treto Way, NW, which is the residential boundary line abutting the property that is the subject of this application. My property is a two-story, historic residence that fronts Treto Way and faces the western portion of the proposed development. My property's only ingress/egress to the street is via Treto Way and two other named alleys. Due to the height, massing, diminished air & light, reduction in loading, increased delivery traffic & moving vans, air & noise pollution, pedestrian & vehicular safety and access issues, my property will be affected environmentally, economically, and socially (see #4, below) Because the applicant has requested numerous variance requests in his application, I would like to register my concerns about and opposition to some of the variance requests. And, because granting of the curb cut variance (§ 1903.2) appears to be the only viable solution to the transportation issues associated with the project, I support the Board's approval of this particular request to provide access from 14th Street for the garage entry. Additionally, I understand that the developer may submit changes to the plans and his application until 14 days prior to the hearing date, I would like to reserve the right to review any changes to the original filing so that I may comment on any effects that the changes may have on my property.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

I, Phyllis D. Klein, am the owner of the property.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)*

My property is located on Treto Way, a thirty-foot, named, public alleyway, which is located on the western boundary of the property that is the subject of the application before the Board. (My property has no street frontage or access except via the alley system.) The distance between my property and the property that is the subject of the application before the Board is thirty feet.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

There are several environmental, economic and social impacts that are likely to affect my family, me, my property, and the other residential properties here if the action requested of the Board is approved or denied: 1.) The height and massing of the building creates a 'cavern effect' for the residential end of Treto Way and the southern part of the block; with my property, which faces onto the alleyway and the subject property, most affected. Light and air will be significantly diminished. Because dumpsters for adjacent properties are located on Treto Way, close to my front door, windows, and yard, the reduction in air circulation created by the proposed project's height (90 feet in the CR zone and 85 feet, with the penthouse, in the C-3-A zone) will have a direct impact on the environment and quality of life here. My living space & windows face eastward and therefore, the light that we now receive will be blocked by the 85 foot C-3-A portion and the 90 foot + CR portion of the building. 2.) Other environmental impacts of the 'cavern effect' and the increased loading demand created by 20,000 square feet of new retail and approximately 230 new apartments, include the exhaust from the increased delivery traffic that will be required to make a three point turn into the residential portion of Treto Way, to back up into the newly designated loading area. The current loading conditions are already

of the proposed development so much greater than the adjacent residences, the 'cavern effect' will likely cause exhaust to be trapped and noise to be amplified. 3.) With the current configuration at the intersection of Treto Way and Paloma Way, which requires a rear yard variance, the turning radius for delivery and safety vehicles will likely be restricted. This will impact the safety of the residents, workers, and visitors to the block. 4.) With the proposed, reduced loading area and increased delivery & moving vans, which will likely result in increased congestion, I am concerned about pedestrian safety as well, since Treto Way and the other public alleys are our sole access to the street. My family and I and others (residents, employees of nearby businesses and visitors) who rely on the alley access will likely find walking conditions more dangerous, due to the sheer volume of trucks and diminished visibility. 5.) The applicant seeks 100% variance from the rear yard requirement, even though the requirement is met in the C-3-A zone, which is closest to my residence. Currently, there is a mature tree-line that defines the boundary between the commercial and the residential zones along the alley at the western border of the C-3-A zone. Granting the applicant a 100% variance is not necessary, because there is no hardship in providing the rear yard here. The 18'8" rear yard that is shown on the filed plans helps to provide some relief from the new building closing in on my residence and allowing a bit more space between the commercial and residential zones. Because the plans already show compliance with the rear yard requirement, there is no need for a variance at the C-3-A zone. 6.) Because the interior block is unique with many and varied functions, including businesses and residences located there with no street frontage, a historic storage building that operates a high volume business, parking for residential buildings and businesses, many loading functions for buildings on the block, cut-through traffic from T and U Streets, and recreational areas; businesses and residences are in favor of the request to locate the parking garage entrance on 14th Street at an existing curb cut. Access to the interior block is limited to a 15 foot alley (Historic Waverly Alley, NW), which cannot safely accommodate increased traffic, therefore because the new commercial traffic alone creates problems for those living, working and visiting the block, adding the 148-car underground garage entry would make ingress/egress into the block unsafe and extremely difficult to maneuver. 7.) Because of the unique mix of residential and businesses here and the specific existing functions, the proposed development poses potential detriments. Historically, the block has been inhabited by working artists and many artists still work here today in re-adapted historic buildings. The Arts Overlay was intended to preserve and expand the art uses here. However, with the threats to the environment, safety, and the diminished light and air, the desirability to visitors and the functionality for arts use could be diminished and ultimately endangered. The Comprehensive Plan supports the preserving the cultural history of the block and the re- adaptive and arts uses, laid out in the ArtsOverlay. Therefore, making the block (its business, residential and arts functions) less desirable to visitors could have an economic impact as well.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

Other relevant matters: 1.) The other issue that is likely to impact me, my family and my property is the exhaust from the underground garage, which was previously shown on the plan to be located at Treto Way. However, the exhaust out-take has been removed in the version of the plans that were filed with the subject application request. 2.) Because the plans and BZA zoning variance requests have been amended and the official, posted placards list six variance requests, but a recent notice shows four, I'd like to reserve the right to comment on/approve/oppose any and/or all of the variance requests presented by the applicant.

6). Explain how the person's interests will be more significantly, distinctly, or uniquely affected in character and/or kind by the proposed zoning action than that of other persons in the general public.

Because of the close proximity of my home to the development that is subject of the proposed zoning action and the many potential detrimental effects that posed that directly affect me, my family, our quality of life, and the value of my home, my interest will be more significantly, distinctly and uniquely affected in character and/or kind than that of other person's in the general public.

RECEIVED
D.C. OFFICE OF ZONING
PARTY STATUS APPLICATION
RECEIVED
Notice: [Click Here for Application Form Instructions](#)2008 OCT 27 PM 2:12:20
Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Name:* Phyllis D. Klein

Address:* 1910 Treto Way, NW City:* Washington State:* DC Zip:* 20009

Phone:* (202)265-8788

Fax:

Email:

kleinpd@gmail.com

I, hereby request to appear and participate as a party.

Signature:

Date:* 10/22/08

Will you appear as a(n) ☐Proponent ☒Opponent ☐Will you appear through legal counsel ☐Yes ☒No ☐If yes, please enter the name and address of such legal counsel.
BOARD OF ZONING ADJUSTMENT

Name: District of Columbia

Address: CASE NO. 17831

City:

State:

Zip:

Phone:

Fax:

Email:

EXHIBIT NO. 29

Please answer the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

My property will be directly affected by the actions requested by the Board, since it is uniquely located on Treto Way, NW, which is the residential boundary line abutting the property that is the subject of this application. My property is a two-story, historic residence that fronts Treto Way and faces the western portion of the proposed development. My property's only ingress/egress to the street is via Treto Way and two other named alleys. Due to the height, massing, diminished air & light, reduction in loading, increased delivery traffic & moving vans, air & noise pollution, pedestrian & vehicular safety and access issues, my property will be affected environmentally, economically, and socially (see #4, below) Because the applicant has requested numerous variance requests in his application, I would like to register my concerns about and opposition to some of the variance requests. And, because granting of the curb cut variance (§ 1903.2) appears to be the only viable solution to the transportation issues associated with the project, I the support the Board's approval of this particular request to provide access from 14th Street for the garage entry. Additionally, I understand that the developer may submit changes to the plans and his application until 14 days prior to the hearing date, I would like to reserve the right to review any changes to the original filing so that I may comment on any effects that the changes may have on my property.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

I, Phyllis D. Klein, am the owner of the property.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)*

My property is located on Treto Way, a thirty-foot, named, public alleyway, which is located on the western boundary of the property that is the subject of the application before the Board. (My property has no street frontage or access except via the alley system.) The distance between my property and the property that is the subject of the application before the Board is thirty feet.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

There are several environmental, economic and social impacts that are likely to affect my family, me, my property, and the other residential properties here if the action requested of the Board is approved or denied: 1.) The height and massing of the building creates a 'cavern effect' for the residential end of Treto Way and the southern part of the block; with my property, which faces onto the alleyway and the subject property, most affected. Light and air will be significantly diminished. Because dumpsters for adjacent properties are located on Treto Way, close to my front door, windows, and yard, the reduction in air circulation created by the proposed project's height (90 feet in the CR zone and 85 feet, with the penthouse, in the C-3-A zone) will have a direct impact on the environment and quality of life here. My living space & windows face eastward and therefore, the light that we now receive will be blocked by the 85 foot C-3-A portion and the 90 foot + CR portion of the building. 2.) Other environmental impacts of the 'cavern effect' and the increased loading demand created by 20,000 square feet of new retail and approximately 230 new apartments, include the exhaust from the increased delivery traffic that will be required to make a three point turn into the residential portion of Treto Way, to back up into the newly designated loading area. The current loading conditions are already insufficient to accommodate the existing businesses, and delivery trucks now must take up the public space, creating current safety issues due to the blockage of public space. Environmental issues are already a problem from idling trucks near residences. The proposal before you drastically reduces the air circulation to the residences, reduces the loading area, increases the delivery demand, and requires trucks to pull into the residential zone and back up to their loading bays. Increased noise from the trucks and their back-up alert signals; and the increased exhaust in the 'cavern' will create both air and noise pollution. With the height

of the proposed development so much greater than the adjacent residences, the 'cavern effect' will likely cause exhaust to be trapped and noise to be amplified. 3.) With the current configuration at the intersection of Treto Way and Paloma Way, which requires a rear yard variance, the turning radius for delivery and safety vehicles will likely be restricted. This will impact the safety of the residents, workers, and visitors to the block. 4.) With the proposed, reduced loading area and increased delivery & moving vans, which will likely result in increased congestion, I am concerned about pedestrian safety as well, since Treto Way and the other public alleys are our sole access to the street. My family and I and others (residents, employees of nearby businesses and visitors) who rely on the alley access will likely find walking conditions more dangerous, due to the sheer volume of trucks and diminished visibility. 5.) The applicant seeks 100% variance from the rear yard requirement, even though the requirement is met in the C-3-A zone, which is closest to my residence. Currently, there is a mature tree-line that defines the boundary between the commercial and the residential zones along the alley at the western border of the C-3-A zone. Granting the applicant a 100% variance is not necessary, because there is no hardship in providing the rear yard here. The 18'8" rear yard that is shown on the filed plans helps to provide some relief from the new building closing in on my residence and allowing a bit more space between the commercial and residential zones. Because the plans already show compliance with the rear yard requirement, there is no need for a variance at the C-3-A zone. 6.) Because the interior block is unique with many and varied functions, including businesses and residences located there with no street frontage, a historic storage building that operates a high volume business, parking for residential buildings and businesses, many loading functions for buildings on the block, cut-through traffic from T and U Streets, and recreational areas; businesses and residences are in favor of the request to locate the parking garage entrance on 14th Street at an existing curb cut. Access to the interior block is limited to a 15 foot alley (Historic Waverly Alley, NW), which cannot safely accommodate increased traffic, therefore because the new commercial traffic alone creates problems for those living, working and visiting the block, adding the 148-car underground garage entry would make ingress/egress into the block unsafe and extremely difficult to maneuver. 7.) Because of the unique mix of residential and businesses here and the specific existing functions, the proposed development poses potential detriments. Historically, the block has been inhabited by working artists and many artists still work here today in re-adapted historic buildings. The Arts Overlay was intended to preserve and expand the art uses here. However, with the threats to the environment, safety, and the diminished light and air, the desirability to visitors and the functionality for arts use could be diminished and ultimately endangered. The Comprehensive Plan supports the preserving the cultural history of the block and the re-adaptive and arts uses, laid out in the ArtsOverlay. Therefore, making the block (its business, residential and arts functions) less desirable to visitors could have an economic impact as well.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

Other relevant matters: 1.) The other issue that is likely to impact me, my family and my property is the exhaust from the underground garage, which was previously shown on the plan to be located at Treto Way. However, the exhaust out-take has been removed in the version of the plans that were filed with the subject application request. 2.) Because the plans and BZA zoning variance requests have been amended and the official, posted placards list six variance requests, but a recent notice shows four, I'd like to reserve the right to comment on/approve/oppose any and/or all of the variance requests presented by the applicant.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

Because of the close proximity of my home to the development that is subject of the proposed zoning action and the many potential detrimental effects that posed that directly affect me, my family, our quality of life, and the value of my home, my interest will be more significantly, distinctively and uniquely affected in character and/or kind than that of other person's in the general public.