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GEORGE R. KEYS, JR. +
+Also Admitted in Maryland

December 28, 2009

OF COUNSEL

HAROLD E. JORDAN

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17964
EXHIBIT NO. 53

HAND-DELIVERED

Marc D. Loud, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: BZA Application No. 17964 - Application of Emory United Methodist Church

Dear Mr. Loud:

This firm represents Emory United Methodist Church (the "Applicant") in connection with its application for variance and special exception relief in order to construct a mixed use project at 6100-6120 Georgia Avenue, N.W. in the C-2-A Zone District. At the conclusion of the public hearing on December 15, 2009, the Board requested that the Applicant submit two items for the record in this case: (1) a rebuttal to the report of the District Department of Transportation, dated December 9, 2009 (the "DDOT Report"); and (2) photographs depicting the views from the high point of the Fort Stevens parapets to which the testimony of Tersh Boasberg and Benjamin Cooling repeatedly referred.

Rebuttal to DDOT Report

During the course of the public hearing on December 15, 2009, the Board noted filed as part of the record in the case, and the absence at the public hearing of any government witness able to respond to cross-examination regarding the DDOT Report. The Board instructed the Applicant to submit its response to the DDOT report on or before December 28, 2009.

The DDOT analysis relies upon proposed amendments to the regulations in Title 24 DCMR (Public Space), which have not yet become final. 55 DCR No. 42, at p. 0110975-010978 (October 17, 2008). The specific regulations cited on the second page of the DDOT report as the policy basis for the elimination of the Quackenbos Street curb-cut are not yet in effect. Current regulations would not prohibit a curb-cut on Quackenbos Street.

Even assuming that the proposed regulations were applicable to the Applicant's project, it is crucial for the Board to appreciate that the policy considerations behind the changes to Title 24 are concerns about the impact of additional curb-cuts on pedestrian safety and traffic flow on public

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streets. Through the public hearing testimony of Edward Papazian, P.E., the Applicant's traffic engineer, Quackenbos Street, N.W. in the vicinity of the project carried a very low volume of traffic, averaging at peak times at less than one car per minute. Similarly, Nkosi Ayize, the Executive Director of Emory Beacon of Light, testified at the public hearing as to the results of his recent observations of pedestrian movement along Quackenbos Street, which sustains the conclusion that there are few pedestrians using this street.

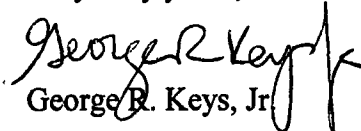
To the best of the Applicant's knowledge, DDOT performed no independent quantitative, analysis of the street traffic and pedestrian movement on Quackenbos Street, N.W.

The DDOT Report also objects to the 97 proposed parking spaces on the grounds that it is "overbuilt for the uses intended at the site." In fact, the parking required for each of the proposed uses (if the building was entirely new) is in excess of 112 parking spaces. The project benefits from the grand-fathered parking of the existing church building which reduces the amount of required parking.

Panoramic Photographs

The Applicant submits a panoramic photograph taken at the high elevation point of the Fort Steven parapets at a point opposite the northwest corner of the subject property, the location of which can be seen on the annotated aerial map attached as A0-1. The panorama begins just south of west and moves clockwise around a 360 degree sweep. In Enlarged View 1, the right-hand picture shows 12th Street NW looking almost due north. Enlarged View 2 shows the vista which the opposing witnesses claimed was so crucial to the historical perspective of Fort Stevens: the view (moving clockwise from north) is of the single family dwellings on 12th Street, N.W., the rear walls of the three-story condominium building on Rittenhouse Street, N.W., the yellow former parsonage of Emory United Methodist Church, the green storage building and the rear of the church building. As the Applicant's witnesses contended, there are no vistas or views from Fort Stevens of the 7th Street Turnpike (Georgia Avenue, N.W.) or the terrain to the northeast relevant to the July 1864 battlefield.

Very truly yours,


George R. Keys, Jr.

Attachments

cc: Karina Ricks, DDOT
Karen Thomas, OP
Hazel Broadnax
Sean Pichon, AIA



360 DEGREE PANARAMIC VIEW FROM HIGHEST AND CLOSEST POINT ADJACENT TO PROPERTY



ENLARGED VIEW 1



ENLARGED VIEW 2

THE BEACON CENTER

EXISTING CONTEXT PHOTOGRAPHS 3

A0-4A



13th St NW

NW

Quackenbos St NW

Rittenhouse St NW

13th St NW

13th St NW

Piney Branch Rd NW

LOCATION OF PANORAMA VIEW

SITE BOUNDARY

12th St NW

Georgia Ave NW

29

Georgia Ave NW