

BEFORE THE ZONING COMMISSION OR BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA			
FORM 140 - PARTY STATUS REQUEST			
Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.			
PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE. (Please see reverse side for more information about this distinction.)			
Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:			
Name:	<u>Eric Eric Hoy</u>		
Address:	<u>1471 Harvard St., NW, WDC 20009</u>		
Phone No(s):	<u>202-905-3469</u>	E Mail:	<u>erichoy@aol.com</u>
I hereby request to appear and participate as a party in Case No.:		<u>18563</u>	
Signature:	<u></u>	Date:	<u>5/21/2013</u>
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.			
Name:	<u>n/a</u>		
Address:	<u></u>		
Phone No(s):	<u></u>	E Mail:	<u></u>
PARTY WITNESS INFORMATION: On a separate piece of paper, please provide the following witness information:			
1. A list of witnesses who will testify on the party's behalf; 2. A summary of the testimony of each witness (<i>Zoning Commission only</i>); 3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (<i>Zoning Commission only</i>); and 4. The total amount of time being requested to present your case (<i>Zoning Commission only</i>).			
PARTY STATUS CRITERIA: Please answer <u>all</u> of the following questions referencing why the above entity should be granted party status:			
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 Commission/Board?			
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)			
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)			
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 Commission/Board is approved or denied?			
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.			
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 persons in the general public.			
Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.			

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 18563
 EXHIBIT NO. 26

Form 140 – Party Status Request

Application / Case Number 18563 / Case Name MCSKA, LLC

Party – Eric Hoy / 1471 Harvard Street NW, Washington DC 20009 / 202-905-3469 / erichoy@aol.com

Party Witness Information

1. A list of witnesses who will testify on the party's behalf.
 - a. Eric Hoy
2. A summary of the testimony of each witness.
 - a. I believe that the applicant's request for a parking variance impairs the intent, purpose, and integrity of the zone plan, and cannot be granted without substantial detriment to the public good. With this Party Status Request I am providing detailed testimony.
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts.
 - a. None.
4. The total amount of time being requested to present your case.
 - a. I request 5 minutes to present my case, and also additional time if there is a need to cross-examine any witnesses.

Party Status Criteria

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 Commission/Board?
 - a. I am the next-door neighbor. I wish to make sure that we do not create more parking problems along the 1400 block of Harvard St NW and surrounding community. Also I want to make sure there are no parking/traffic problems in the alley behind the houses at 1469, 1471, 1473, 1475, 1477, 1479, 1481, and 1483 Harvard St NW.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, mortgagee)
 - a. I am the next-door neighbor.
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
 - a. I am the next-door neighbor. We share a common wall.
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 Commission/Board is approved or denied?
 - a. If the Board approves the zoning request, there will be additional pressures on a neighborhood where the parking is nearing capacity. All existing residents will be adversely affected if the Board approves the variance.
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
 - a. If eight apartments are created at 1469 Harvard St NW, there will be more temporary parking in the alley directly behind my property at 1471 Harvard St NW, as the apartment building residents use the alley as an impromptu loading zone, and since they will also have trouble finding on-street parking. My car is much more likely to be "blocked in", and I won't be able to find the car owner if they are upstairs in a large apartment building.
6. Explain how the person's interest will be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.
 - a. As the next-door neighbor, I will be less likely than anyone else to find on-street parking next to my home. But also, since I live at end of the alley (along with the applicant's building), I will suffer from temporary parking situations when apartment residents use the alley as a impromptu loading zone.

To: Whom It May Concern
From: Eric Hoy
Regarding: Application Number 18563 / Case MCSKA, LLC – Parking Zone Variance Request
Date: May 21, 2013

My name is Eric Hoy, and I live in a single-family row-house at 1471 Harvard St NW, with my wife and three children. We are adjacent to the house owned by the zoning variance applicant (MCSKA, LLC) at 1469 Harvard St NW. Our houses are in an R-5-B zoning district.

Background

The applicant would like to convert an existing building with two apartments into a structure with eight units, but with zero parking spaces. All future condominium residents would then seek on-street parking.

Under 11 DCMR § 2101.1, an apartment building in an R-5-B district must provide parking spaces for “1 for each 2 dwelling units”. Mainly because the alley access into the backyard is 5’-9.5” wide, the applicant seeks a parking variance under 11 DCMR § 3103.2:

"[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Opposition to Proposed Parking Variance

I am opposed to the parking zoning variance request for three reasons:

1. If the applicant had 9-foot access via the alley instead of 5’-9.5” access, he could only provide two regular sized parking spaces in his land, which under city regulations would allow for the construction of four units – not eight! Thus the proposed variance would *impair the intent, purpose and integrity of the zone plan*.
2. Parking on the 1400 block of Harvard St NW is already near or at capacity, and the proposal would displace the cars of current residents. Many neighborhood residents are opposed to the project, due to the existing lack of parking. Thus the proposed variance cannot be granted *without substantial detriment to the public good*.
3. There have been nine other condo conversions on the 1400 Harvard St NW block in the past 5-7 years; none of them have needed a parking variance. Allowing a parking variance for this location, at this time, would *impair the intent, purpose and integrity of the zone plan*.

Regarding the Existing Backyard at 1469 Harvard Street NW

The property’s backyard can currently fit one medium-sized car, although it is not a legal spot, since the alley access is only 5’-9.5” wide. This logistical difficulty has existed already for over ninety years.

If the back-addition is removed from 1469 Harvard Street (which is being proposed with this renovation), a second car would fit into the backyard – although again the alley access is not wide enough.

There’s a maximum of two parking spots that are possible in the backyard of 1469 Harvard St NW. Under the rules of 11 DCMR § 2101.1, with one parking space needed for every two apartments, this building renovation should only have four apartments. Yet, the developer is asking for a parking variance that would allow them to build eight total apartments, not four apartments. To allow such an extreme variance would be *impairing the intent, purpose, and integrity of the zone plan*.

Regarding the current parking situation on the 1400 block of Harvard St NW

The north side of the block is reserved for Zone 1 residents six days a week, 7:00am – 8:30pm (except on Tuesdays, for street cleaning). On the south side, two-hour parking is allowed for anyone, except during morning & afternoon rush hour when no parking is allowed, and except on Tuesdays when the north side of the street has street cleaning.

The north side of the 1400 block of Harvard St NW accommodates somewhere between 37 and 40 cars, depending on how they are positioned. I took videos of the parking on the north side of the 1400 block of Harvard St NW on Wednesday, May 15. Here's what I found:

Time	Time of Day (during rush hour, no parking is available on south side of street)	Cars Parked on North Side of 1400 Harvard St	Car Spaces Available on North Side
7:15am	Morning rush hour	33	5
9:00am	Morning rush hour	35	4
11:05am	Daytime / outside of rush hour	31	6
2:20pm	Daytime / outside of rush hour	29	10
4:02pm	Evening rush hour	35	4
5:10pm	Evening rush hour	36	2
6:15pm	Evening rush hour	36	4
7:30pm	Evening / outside of rush hour	39	1
8:35pm	No parking restrictions	37	3
10:00pm	No parking restrictions	38	2

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Existing residents are concerned that this proposed variance will increase their parking troubles. Current residents with cars would be displaced, especially during the evening rush hour and later into the evening. Thus there is *substantial detriment to the public good* if we allow eight units to be built.

These parking videos have been posted at https://www.youtube.com/channel/UC1tTfLJ_UuIg5HtNXw-a0qQ (on Youtube under channel "Eric Hoy").

Regarding Other Recent Condo Conversions on the 1400 Block of Harvard St NW

The 1400 block of Harvard St NW is close to the Columbia Heights Metro Station, and there have been nine condo conversions in the last 5-7 years. On the north side of street, single family homes have been converted to apartments at 1461 (5 units), 1459 (6 units), 1451 (8 units), and 1449 Harvard (6 units). On the south side, apartment conversions have been created at 1442 (7 units), 1448 (in progress, 6 units), 1464 (14 units), 1466 (5 units), and 1480 Harvard (4 units). None of these previous condo conversions sought a parking zoning variance.

If we allow the proposed parking variance, and especially to allow eight units under the assumption that four parking spots are needed, we are *impairing the intent, purpose, and integrity of the zone plan*.

Regarding Additional Transportation Options

The 1400 block of Harvard Street is close to bus lines, bike-sharing, car-sharing, and the Columbia Heights Metro Station. The applicant has suggested that future residents are more likely to use these resources instead of cars, but no studies accompany this wishful thinking. The existing zoning rules for this area require parking spaces for "1 for each 2 dwelling units," and this ratio takes into account the transportation alternatives that are available.

Looking at the nine other condo conversions on this block, no other parking variances were requested – even though all of those projects were also near alternate transportation alternatives.

Regarding Smart Cars

The applicant has suggested allowing four Smart Cars onto the property, since they would fit onto the available land and also through the 5'-9.5" wide alley access. However, the allowable space is very tight. Future residents may be tempted to use compact cars, which are larger than Smart Cars and would not fit four Smart Car spaces – and then we will have residents who are blocked when attempting to enter / leave by car.

Have we allowed any other projects to fill their parking requirements exclusively by Smart Cars? We should stick to the regulation outlined in § 2115.

Regarding the 1469 Harvard Rear Carriage House – Use Variance and Parking Variance in 2009

The only example of a parking variance that has been granted within several blocks of 1469 Harvard St NW has been the 1469 Rear Carriage, which is directly behind the applicant's property.

The primary consideration for the Rear Carriage House was a Use Variance, to allow the dilapidated building to be renovated into a downstairs artist studio (with a garage parking space) and an upstairs residence (without parking). Generally residences are not allowed in alleys; thus the need for the Use Variance. The Parking Variance that was granted was a secondary consideration – technically the two apartments had separate uses, and thus the parking requirements were calculated separately. The artist studio had parking; the residence needed 0.5 spaces (which rounds up to 1.0 space).

The parking variance that was requested for the Rear Carriage House was needed only because the building was mixed use. Zoning rules require 0.5 parking spaces for the artist studio, plus 0.5 parking spaces for the residence – a total of one parking space if there was a singular use. But the parking requirements had to be calculated separately given the mixed use – and rounding each 0.5 parking space up to 1.0, two spaces were needed, and only one parking space was available.

The application was presented to the ANC 1a on May 13, 2009, and due to neighborhood concerns the ANC voted equally for and against the project. The applicant withdrew his application to work with the community to explain the project. Several weeks later, on June 10, 2009, the project was re-considered at the ANC meeting. There were no community objections and the variances were approved unanimously by the ANC. Subsequently the variances were also unanimously approved by the Board of Zoning.

The project at 1469 Harvard St (front) differs from the 1469 Harvard St (Rear Carriage) project in these respects:

Aspect	1469 Harvard St (Front) <i>Current Applicant</i>	1469 Harvard St (Rear Carriage) <i>2009 Applicant</i>
Requested Variance Type	Parking Variance	The primary consideration was the Use Variance, to allow a residence in an alley. The secondary consideration was the Parking Variance.
Proposed Amount of Relief	4.0 parking spots, for 8 units	0.5 parking spots, for 1 unit. The artist studio had a parking space, but that parking requirement was counted separately.
Community Response	ANC vote was 5-4 in favor of the project, but community opposition remains.	ANC first had a tie vote; applicant then postponed the Zoning hearing and provided further explanations to neighbors, to collect their support. One month later the ANC voted unanimously for the variances, with no community opposition. No objections were raised at the BOZ meeting.

Thank You

Many thanks for reading and considering this information. I am available at 202-905-3469 or at erichoy@aol.com if you have any questions.

 Eric Hoy