

To: Board of Zoning Appeals
Re: Case Number 18563 / MCSKA, LLC – Parking Variance Request
From: Eric Hoy, Party
Date: June 20, 2013

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18563
EXHIBIT NO. 36

This matter came before the BZA for a hearing on June 4, 2013. At that time I appeared in opposition to the variance request and was granted party status.

Approximately 83 neighbors signed a petition opposing the variance, and 11 of them submitted written statements in opposition. At the June 4 hearing, six people testified that the variance, exempting MCSKA from providing 4 parking spaces for an 8-unit development, would be detrimental to the community.

The Board deferred decision until June 25, 2013, and encouraged the applicant and opposition to search for a compromise position. The Board also invited the parties to submit an additional filing, by June 21, if there was any change in the situation. Although we have not been able to agree on a compromise, both sides have changed their positions since the hearing. This supplemental filing addresses those changes.

Our Position

After the hearing and considerable consultation with my neighbors, we (the opposition) determined that we would not oppose the applicant proceeding **with a 4-unit building**, without provision for parking (i.e., a parking variance for 2 spaces). Although the applicant does not have access to the rear of the property to park cars, there is sufficient space for 2 cars if access were available. This means that 2 parking spaces might be possible in the future, if the applicant could get an easement to permit access, and so we would be willing to agree to such a compromise.

I talked to many neighbors about this proposed compromise. The following people – all of whom provided written comments in advance of the June 4 BOZ meeting – support allowing the construction of a four-unit building:

- Eric Hoy and Libbie Buchele, 1471 Harvard St NW
- Patricia Chick and Peter Chick, 1483 Harvard St NW
- Barbara Sheehy and Jonathan Renaut, 1461 Harvard St NW, Apt. 2
- David Van Leeuwen and Megan Van Leeuwen, 1453 Harvard St NW
- Jeffrey Gaston and Linda Gaston, 1444 Harvard St, NW
- Louise Goines and Richard Goines, 1479 Harvard St, NW
- Charles Davis and Dana Hubbard, 1477 Harvard St, NW
- Stacy Swartwood and Benedict Tisa, 1436 Harvard St, NW

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We do not support the construction of a building with more than four units, unless the applicant can provide the off-street parking required by the zoning regulations.

Regarding Ongoing Easement Discussions

I met with Carmel Greer, the architect for the project, on June 18, 2013, to discuss our proposed compromise. At that time she told me that the applicant had modified his request for a variance from 8 units/4 parking spaces to 6 units/3 parking spaces and that she had so notified the BZA. She also told me that she and the owner (Paul McCaffrey) are in discussion with the owner of the 1469 Harvard Street Rear Carriage House (Norm Veenstra) about an easement, so that future residents can cross his property to park their cars. She indicated that the parties are close to finalizing those discussions, perhaps even before the June 25, 2013 date for a BOZ Decision.

Ms. Greer said that if MCSKA is successful in negotiating such an easement, Mr. McCaffrey's intention is to remove the back sitting porch, plus approximately 10 feet of the building – which would enable the creation of three parking spots. This represents a change from the proposals we have seen so far for the building. In that case, they would not need a parking variance, and the application in this matter would be moot. (Parenthetically, I note that there are no architectural drawings that show 3 parking spaces for regular-sized cars; current drawings only show 2 parking spaces.)

I don't know how likely it is that the parties to the easement negotiations would be able to finalize everything by June 25, but certainly Ms. Greer represented that she expected the negotiations to be completed -- whether with a final agreement on an easement or with a breakdown in negotiations -- in the very near future. If in fact these negotiations are nearly completed, then it seems to us that it would be in everyone's interest for the Board to defer its decision in this matter until those negotiations are completed. Then if an easement is negotiated, and three parking spaces are created for a six-unit building, the parking variance request could be withdrawn. This would be the preferred solution for everyone.

Regarding Resident Parking Permits

At the June 4 hearing the Board asked Ms. Greer whether MCSKA would be willing to agree that residents of the development not be eligible for Residential Parking Permits and she indicated that it would. We do not support restricting the future condo owners at 1469 Harvard St NW from obtaining Zone 1 Residential Parking Permits, because we do not believe that such a restriction would mitigate the negative impact on the community from the proposed development, for a number of reasons.

First, there are a number of spaces in the immediate area that have no resident parking restrictions -- 9 in the 2900 block of 15th street and 3 in the 2800 block of 15th street. Since there are few restrictions on these spaces, they tend to be extremely desirable -- but would be fully available to residents of the proposed condo without an RPP.

Second, most of the RPP restrictions are in effect only during the day on weekdays. They effectively end at 6:30 pm. (On the north side of Harvard Street the RPP restrictions extend until 8:30 pm on weekdays.) Residents without RPPs could take any of a majority of spaces after 6:30 pm. This means that residents with an RPP who return home after a hard day at work in a distant suburb that compels them to commute by car are going to be driving around looking for a parking space -- a task made that much harder if this variance were granted. A neighbor and I went out to survey parking conditions in the 1400 block of Harvard Street at 9:30 on Friday evening on June 7, 2013. The street was almost completely parked up, and approximately half the cars parked on the south side (where restrictions were lifted as of 6:30) did not have Zone 1 RPPs. A number had registrations designated "No RPP". And those cars were free to stay where they were until Monday morning.

Third, residents of the proposed condos could get visitor parking passes and use them to park anywhere, with or without an RPP. This would negate any benefit to the community from a restrictive covenant. And if you think this sounds far-fetched, there was one car parked on the south side of Harvard Street on June 7th that had a "No RPP" registration but also a visitor pass. *A photo is attached.* Also on June 7, we found 6 cars on our block with out-of-state license plates, but with DC Visitor Parking Passes under the windshield.



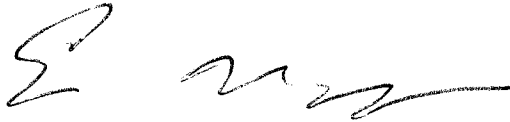
It may be that the BZA has successfully used restrictions on the availability of RPP in other cases to mitigate the detriment to the community from granting a parking variance, but in this case we do not believe it would be effective and we urge the Board to not rely on it.

Regarding an Easement from My Property

At the June 4, 2013 hearing I said that I would do everything I reasonably could to work with the developer, including considering providing an easement if needed. Since the hearing I have reviewed the measurements of my back yard, and still I do not believe we have the space to provide an easement and still meet our own needs. That said, I am still willing to work with the developers of the project at 1469 Harvard St NW in any way I can.

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