

**BOARD OF ZONING ADJUSTMENT
441 Fourth Street, NW, Suite 211-S
Washington, DC 20001**

**Testimony of Frank Staroba
Neighbor
June 3, 2014**

Case No. 18738 – 4527 MacArthur Boulevard, NW

Chairman Jordan and members of the Board,

I am Frank Staroba from 4503 MacArthur, a neighbor of Mr. Bemis and his representative. We strongly oppose this proposed change in land use for four major reasons. I will close with a possible compromise.

1. Bad faith of the developer. There is a history of seven actions by Mr. Kashani that demonstrate how he has misrepresented his intentions. Among them two stand out. First is his betrayal of the oral agreement with Michel Chevalier to keep 4527 a single family home , an agreement that led Mr. Chevalier to accept his offer which was \$75,000 lower than a competing bid from a developer who said he would raze the building. We realize this has no legal standing in a real property sale, but it exposes where the developer is really coming from, profit at the expense of neighborhood character.

Second is his rejection of the compromise we offered of two to four units instead of five. He rejected it immediately as financially unfeasible, ignoring the suggestions of professional architect Ronald Steinert AIA, who is a neighbor. In fact, Mr. Ajalli jokingly threatened to leave the house untouched and turn it into a student boarding house with multiple cars, presumably parked on the street.

These actions demonstrate no real concern for the good of the neighborhood. They show Mr. Kashani as interested only in profit. His thinking appears to be that if the BZA has approved 4 units at 4529, why not push for 5 right next door.

2. Severe negative impact on adjoining neighbor 4519. I won't repeat the details of what Mr. Bemis has passionately stated. Enough to summarize them: the proposed building is so big that it will overwhelm his property, damage its curb appeal and resale value, invade his privacy, increase noise, clog alley traffic and impede trash collection.

3. Architectural design totally out of character with the blockface of MacArthur.

This is what puts the proposal totally at odds with the Comprehensive Plan which aims to preserve the character of neighborhoods. The first block of MacArthur between Foxhall and Q is a neighborhood in itself, dominated by buildings that look like individual residences from the street.

A total of 58 residences – single family homes, semidetached houses and townhouses – face the street on both sides of MacArthur. Mixed with them are a single commercial zone and grandfathered apartments. This mix strikes a balance that characterizes our neighborhood. It is welcoming and has a historical ambiance that makes it very appealing to seniors, young families, grad students and other renters.

The proposed apartment would look like no other building on the block because it would reorient three front entrances to the side of the lot. The design squeezes three townhouses and two basement apartments onto a lot too narrow to make the front of the building face the boulevard. So three front entrances must be on the side of the building with a setback of only 8 feet, creating a gangway to the entrances that is further narrowed by the front steps and plantings along the lot line.

Moreover, the façade facing MacArthur has a single entrance to a basement apartment by way of a tunnel excavated in the hill side. The design is totally foreign to the neighborhood and the result of the owner insisting on five units.

4. Neglect of the Comprehensive plan by OP and DDOT. Both these agencies have approached this application as a minor concern. Both have ignored the cumulative impact on the first block of MacArthur.

Mr. Sam Zimbabwe of DDOT said to me that their minimum standard to measure the traffic impact of a development is an additional 25 trips per peak hour. As a result, a development as small as 4527 routinely receives an approval based on “no adverse impact,” a finding that ignores the cumulative effect of two developments side by side. There is no money in this year’s budget for a proper traffic study that would give us a clearer picture of the traffic impact. Hence the rush to judgment in favor of the developer.

On street parking is another important concern. Here is a quote from Bradley Nordheimer, Principal of the Nordheimer Company and manager of the apartments at 4540. “My company is very concerned about the impact of proposal 18738 for on-street parking in our neighborhood. We have 37 parking spaces for 62 apartments. That means that at least half our residents need to park on the street. Spaces are already hard to find.” Apparently unaware of this reality, DDOT produced an automatic approval.

The Office of Planning also seems to have ignored the intent of the Comprehensive Plan to protect the character of single family neighborhoods. In the OP’s analysis their Location and Site Description cites the BZA approval of 4 units at 4529, as if it were a positive precedent.

Neither agency is paying attention to the city-wide impact of developers pushing to change R-5-A zones to higher density. The two cases preceding ours on today's agenda reflect that push in another neighborhood. Similar cases have arisen in Ward Five. We see this trend as the beginning of a domino effect that will wipe out small neighborhood character and homogenize the city.

5. A possible compromise. An option we have proposed before and are willing to consider again is a new design of two to four units with all front entrances facing MacArthur and adequate planning for parking and handling trash.

So we are willing to consider a new design of less density. Otherwise, if the developer refuses to consider this option and if he continues in his recalcitrance to engage substantively with us, we reject his proposal as it stands and urge the board to do the same.

Respectfully,

Frank Staroba