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Submitted via IZIS

Marnique Heath, Chairperson
Board of Zoning Adjustment
441 4th St, NW, Suite 210S
Washington, DC 20001

RE: BZA #19187. Rescission of Party Status Request and Expression of Support for the Application and Architectural plans.

Members of the Board,

I write to inform you that I hereby rescind my party status request in this BZA case. Further, I want to express my support for the application and for the architectural plans proposed in it.

I rescind my party status request and support the project because the Applicant agreed to additional conditions which solidify the Project's benefits to the immediate community. These additional conditions, combined with those the Applicant already agreed to in order to secure ANC approval will benefit the neighborhood by preventing deterioration of street parking availability. **Appendix A** shows a combined list of conditions and I urge that the Board include all of them into the final BZA order, should the Board rule favorably in this case.

Our neighborhood is particularly affected by lack of parking because many squares are fully or partially landlocked. Thus, street parking is the only option. While we are close to the Metro, many households have children and thus owning at least one car is a necessity - try going to two birthday parties and other kid events on one weekend day when metro/bus is on a reduced schedule - it is not viable. The new ZRR will make this situation even worse since it will require even fewer off-street spaces. Thus, this project represents a unique opportunity for the neighborhood to acquire an amenity that not only will prevent the spillage of new cars into the limited street parking, but may actually absorb some cars from the street.

I am in support of the architectural plans. The proposed building is rather attractive - certainly more so than what is there currently. The applicant addressed the neighbor's concerns about "maxing out the height", by foregoing the option to do a cellar level, where incidentally window wells and cellar areaways would have intruded into public space. Neighborhood retail sounds positive. Lastly, the impact of 22 units is not likely to be perceived by the neighbors. While internally the building is subdivided into smaller units, this density is not noticeable from the outside. To the extent this contributes to some extra foot traffic on the street - this is a plus - due to an uptick in crime we had over the last year on 4th St.

For all the above reasons, I request that the Board approves the application.

Respectfully,

Sergei Mikhailov

Appendix A - Combined Minimum Set of Conditions that the Applicant has Agreed to and that Should be in the BZA Order so that the Mutual Agreement between the Applicant and the Neighbors is Enforceable.

Conditions 1, 2 and 3 are new and are a result of recent negotiations with the Applicant. For others, I cite the relevant submission by the Applicant where they agreed to the condition.

- 1) 1212-1218 4th Street, LLC agrees to provide a minimum of twenty-seven (27) parking spaces as part of the redevelopment of the Properties.
- 2) 1212-1218 4th Street, LLC agrees to limit the number of spaces available to the residents leasing or owning the dwelling units on the Properties to one parking space per dwelling unit or not to exceed twenty-two (22) parking spaces being utilized by residents of the Property.
- 3) 1212-1218 4th Street, LLC agrees to make the parking spaces available to all property owners within two hundred feet (200 ft.) (hereinafter referred to as “200 Footers”) as follows: Six (6) months after the issuance of a Certificate of Occupancy for the Properties or six (6) months after seventy-five percent (75%) of the dwelling units for the Properties have been sold or leased, whichever date is later, notice shall be given to the 200 Footers stating that said 200 Footers shall have thirty (30) days from the date of the notice to send a letter of intent to purchase or lease the remaining parking spaces available after parking spaces have been offered to the residents owning or leasing unit at the Properties. The parking spaces shall be available to the 200 Footers for purchase or lease on a first-come, first-server basis.
- 4) “... our Client has devised a formula for determining the purchase price of each excess space: Market Price - 15%. If Excess Spaces are rented, our Client proposes to rent the Excess Spaces to those that live within a 200-foot radius of the Property at Market Price - 15%.” *Exhibit 27 of BZA Case - Addendum to Prehearing Statement, Exhibit A, Point #7 “Excess Parking for the Immediate Community”* Conditions #1 and #2 guarantee that a minimum of 5 excess parking spaces will be created.

Voluntary Exclusion from RPP Eligibility

- 5) The Applicant/Condo Board shall include in its condominium documentation a provision that prohibits residents/owners from obtaining a Residential Parking Permit (“RPP”) for the Property from the D.C. Department of Motor Vehicles (“DMV”), under penalty of fines(s) against the condominium unit owner. *Exhibit 27 of BZA Case - Addendum to Prehearing Statement, page 2, Condition #1.*

- 6) The Applicant/Condo Board shall obtain written authorization from each owner, either through a deed provision or another written document that allows the DMV to release to the Applicant/Condo Board any and all records of that resident/owner requesting or receiving an RPP for the Property. *Exhibit 27 of BZA Case - Addendum to Prehearing Statement, page 2, Condition #2.*
- 7) The Applicant/Condo Board shall monitor resident/owner compliance with the RPP lease restriction by requesting from the DMV, every six months, any and all records of residents/owners requesting or receiving RPPs for the Subject Property, and shall provide annually to the Condominium Board the results of its inquiries. *Exhibit 27 of BZA Case - Addendum to Prehearing Statement, page 3, Condition #3.*
- 8) The Applicant/Condo Board shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any owner of the property from obtaining an RPP for the building approved in this BZA Order. *Exhibit 27 of BZA Case - Addendum to Prehearing Statement, page 3, Condition #4.*