1420 N Street, N.W.
Washington, D. C. 20005

January 19, 2000

Board of Zoning Adjustment
Suite 210
441 - 4th Street, N.W.
Washington, D. C. 20001

Re: Application No. 16536

Dear Members of the Board:

As a resident of this neighborhood for over 20 years and as an owner of a condominium apartment in the building which will be most directly impacted by the proposed development, I have a number of concerns about this application.

1. **Objection to Hearing: Lack of Notice**

The Rules of Procedure provide, in 11 DCMR 3317(b), that notice be mailed to all property owners within 200 feet of the parcel subject to the application. The application noted that both Towne Terrace East (1420 N Street, N.W.) and Towne Terrace West (1440 N Street, N.W.) were within the prescribed distance. Yet, the Applicant failed to provide proper names and addresses for those owners. Instead, notice was sent to the property managers of both condominium buildings and to the Boards of Directors. Neither entity has any legal duty to inform the owners. Indeed, in projects as large as these (each has approximately 150 units), it may be unnecessarily expensive for them to provide such notice.

In the case of Towne Terrace East, approximately half of the units are owned by non-resident owners. Therefore, it is unlikely that those owners would have received notice by seeing the signs posted on the property.

Similarly, other community meetings have not provided notice to condominium owners. In fact, the meeting of the ANC 2F Community Development Committee was not attended by anyone residing in the immediate vicinity of the proposed development. At the ANC 2F meeting at which the proposal was presented, only a few neighborhood residents were present and some of those were informed of the project for the first time that evening. This lack of community information and participation is now compounded by the lack of notice of the hearing scheduled for today.

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Therefore, the hearing should be postponed in order that proper notice may be sent to all owners at Towne Terrace East and Towne Terrace West.

2. **Objection to Application: Lack of Hardship**

In their presentation of the project to the community, the developers have been very forthright in stating the nature of their "hardship": building merely a 10-story building provides them with less profit and they would receive from an additional two stories. Obviously. However, the property's owner, National City Christian Church, is not restricted to this 12-story apartment building as its only means to profitably develop this site. It has previously received permission to develop an office building on this site which did not require such a variance.

Moreover, while the application studiously highlights the unusual shape of the parcel and the landmark designation which make the parcel unique, it ignores the fact that the National City Christian Church built what is known as the Beasley Addition after the zoning laws went into effect and with the knowledge that they intended to develop the parking lot in the future. That building voluntarily restricted the area available for further development. They should not benefit from that decision through the granting of an additional two stories in height to compensate them for their decision to build the Beasley Addition.

Contrary to the representations of counsel for the applicant that it is virtually impossible to conform to the residential recreation space requirements, numerous other original construction projects in this neighborhood have proceeded without seeking such a variance. The Spencer Condominium (on O Street between 15th and 16th Streets) is a 3-1/2 story residential apartment building for which no variances were sought. A residential apartment building at 15th and O Streets, N.W., which will occupy a lot similar in size to that involved in this application is proceeding without application for a variance. Another residential apartment building under construction at 16th and Q Streets, N.W., is under construction and I believe that no variances were involved in that project either. Finally, a luxury condominium project on the southeast quadrant of Logan Circle is proceeding without variances. Obviously, profitable development can take place in compliance with the zoning regulations.

The fact that an alternative development plan exists (i.e., an SP-2 office building) is especially important when you consider the massive visual impact that a 12-story building will have on the neighborhood. It will massively loom over <u>all</u> of the surrounding buildings. It will limit the enjoyment of the rooftop facilities on the adjacent parcels including the Seville (directly across N Street from the subject parcel) as well as Towne Terrace East and Towne Terrace West. It may serve as an unfortunate precedent as development pressures mount in this area. And, most importantly, it violates an essential component of SP-2 zoning -- that structures within the zone

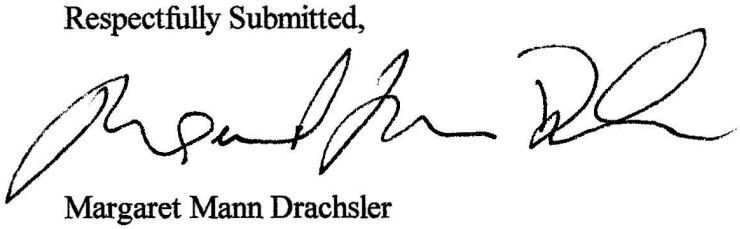
conform to the scale of the area.

3. Conclusion

First of all, the hearing should be postponed or suspended pending issuance of proper notice to all property owners which will be affected by the proposed development as the zoning regulations require.

Secondly, the Board of Zoning Adjustment should deny the application for a variance on the ground that the applicant has failed to demonstrate the necessary hardship which would entitle it to relief.

Respectfully Submitted,



Margaret Mann Drachsler