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TO: District of Columbia Board of Zoning Adjustment

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

RESPONSE TO BZA EXHIBIT (# unknown) IN SPECIAL EXCEPTION APPLICATION NO. 16556

As BZA exhibit (# unknown) was admitted to record during the closing minutes of the hearing late in the night of March 21, 2000, opposition parties' opposition to it's admission was given only cursory attention. The absence of meaningful consideration of objections to exhibit's(# unknown) entry into the record, including denial of any cross examination by opposition parties, has rendered the diagram useless for the purpose for which it is intended. Accordingly, we renew our objection to admittance of exhibit (# unknown) on the grounds that it lacks validity.

A large, 18"x36", drawing purporting to be a revision of the proposed parking plan at Ohev Sholom synagogue was displayed to the Board of Zoning Adjustment (Board) by applicant`s expert, Lewis Slade, almost as an aside, as the March 21st hearing wound to a close. Board member Sockwell characterized the drawing as Lewis Slade's response to Sockwell's request for a scale drawing of the proposed parking plan. Without affirmatively acknowledging that the drawing is his testimony, Mr. Slade represented that the diagram was drawn to the scale of one foot equals ten feet. Upon the objection of opposition parties that this was the first time they had seen the displayed drawing, Madeline Dobbins, applicant's counsel, indicated that the large drawing represented the drawing on 8½ x 11 inch paper submitted in evidence minutes earlier and served upon opposition as she spoke.

We have been unable to find the 8½ x 11 inch exhibit in the record. Thus, this response is prophylactic in the event the reference drawing should ultimately appear in the record.

The architectural firm, of Shalom Baranes Associates appear on the document as an

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origination source of a facsimile transmission. If it is assumed that Shalom Baranes Associate is the author of the proposed parking plan (BZA exhibit(# unknown)) then it was improperly admitted to evidence. Shalom Baranes Associate has not testified, or otherwise appeared, as a witness in the proceedings in the matter of application number 16556. Unless a document is self validated, it cannot be admitted to record without the opportunity for cross examination. Thus, the drawing labeled BZA exhibit (# unknown) has no evidentiary value.

Notwithstanding its evidentiary disability, BZA Exhibit(# unknown) is fatally flawed in several respects. Like its predecessor, this proposed parking plan is not certified by anyone to be accurate and drawn to scale. While it may have been originally drawn to the scale of 1" to 32', the document submitted as BZA Exhibit(# unknown) is not true to that scale. A possible explanation for the measurement deviation may be the reduction/distortion which occurs during the facsimile transmission process. Whatever the reason for the dimensional distortion, the drawing is not susceptible to accurate analysis by the Board because the measurements and representations cannot be verified.

The issue of precise measurements is absolutely essential to the Board's determination of whether or not the applicant meets its burden of proof with respect to the parking space requirements of chapter 21 of the zoning regulations. The number of parking spaces that can be legally configured at Ohev Sholom is the linchpin of whether or not the applicant is able to satisfy the dictate of 11 DCMR §206.3.

Assuming BZA Exhibit(# unknown) is accurate to whatever scale that was used, it represents that the parking lot at Ohev Sholom can accommodate 25 parking spaces when in fact it can accommodate only 13 legal parking spaces. Parking spaces shown as # 1 and 2 cannot legally exist because of the restriction of §2116.4 which prohibits location of parking spaces in the area between a building line and lot line abutting a street. Parking spaces shown as # 13 thru 25 cannot legally exist for several principal reasons. [1] The parking spaces cannot legally be configured as compact spaces because compact car spaces are permitted only in parking lots having 25 or more parking spaces. With two spaces shown as # 1 & 2 on BZA Exhibit(# unknown) having been eliminated in accordance with §2116.4, and at least two more parking spaces eliminated pursuant the physical

limitation described in the next sentence herein, the assertion of 25 parking spaces is a mathematical impossibility.

[2] If not configured as compact car spaces, the six parking spaces shown as 13 thru 18 cannot fit in the 96 ft. long space depicted on BZA Exhibit(# unknown). Thus, on a strictly physical basis, the six (6) compact car parking spaces shown as #13 thru #18 can accommodate only five (5) regular sized parking spaces; and the space containing the compact parking spaces depicted as 19 and 20 in actuality can accommodate one regular sized parking space . Similarly, the parking spaces depicted as 21 thru 25 must be compact car parking spaces in order to fit in the physical space shown on BZA Exhibit(# unknown) . As regular or compact car spaces, the parking spaces shown as #21 and #24 cannot legally exist. The spaces shown as #21 and #24 are partly under the elevated staircase and do not have the 6' x 6" clearance required by §2115.5.

[3] The parking spaces shown as # 13 thru 25 do not comply with the requirements of 11 DCMR §2117.4 and §2117.5(1999). Subsection 2117.4 provides that each required parking space shall be accessible at all times directly from improved street and alleys. Subsection 2117.5 provides when required parking spaces are arranged so as an aisle is required for accessability between two (2) or more rows of parking spaces. the aisle must be 20 feet wide. There is simply not the space on Ohev Sholom's parking lot to accommodate the dictates of applicable zoning regulations.

Mindful of the fact that it is a means of evacuating the building and a play space for very young children, prudence, if not the fire regulations, would require that, regardless of the size parking space configured, there be room for a walkway to ingress and egress the passageway at the east end side of the passageway on the south end of Ohev Sholom,

We note that even absent provision for a loading area as required for this building in accordance with §2200.1, the physical space available at Ohev Sholom can accommodate maximum of 13 legally configured parking spaces. Without providing for the 3 parking spaces which must be provided under §2116.3 as required of all churches, or designating the appropriate number of reserved handicapped spaces required under the relevant U.S. and District of Columbia statutes, the required parking spaces are simply not available at either synagogues.

Although it may appear to the casual observer that the proposed parking plan marked BZA

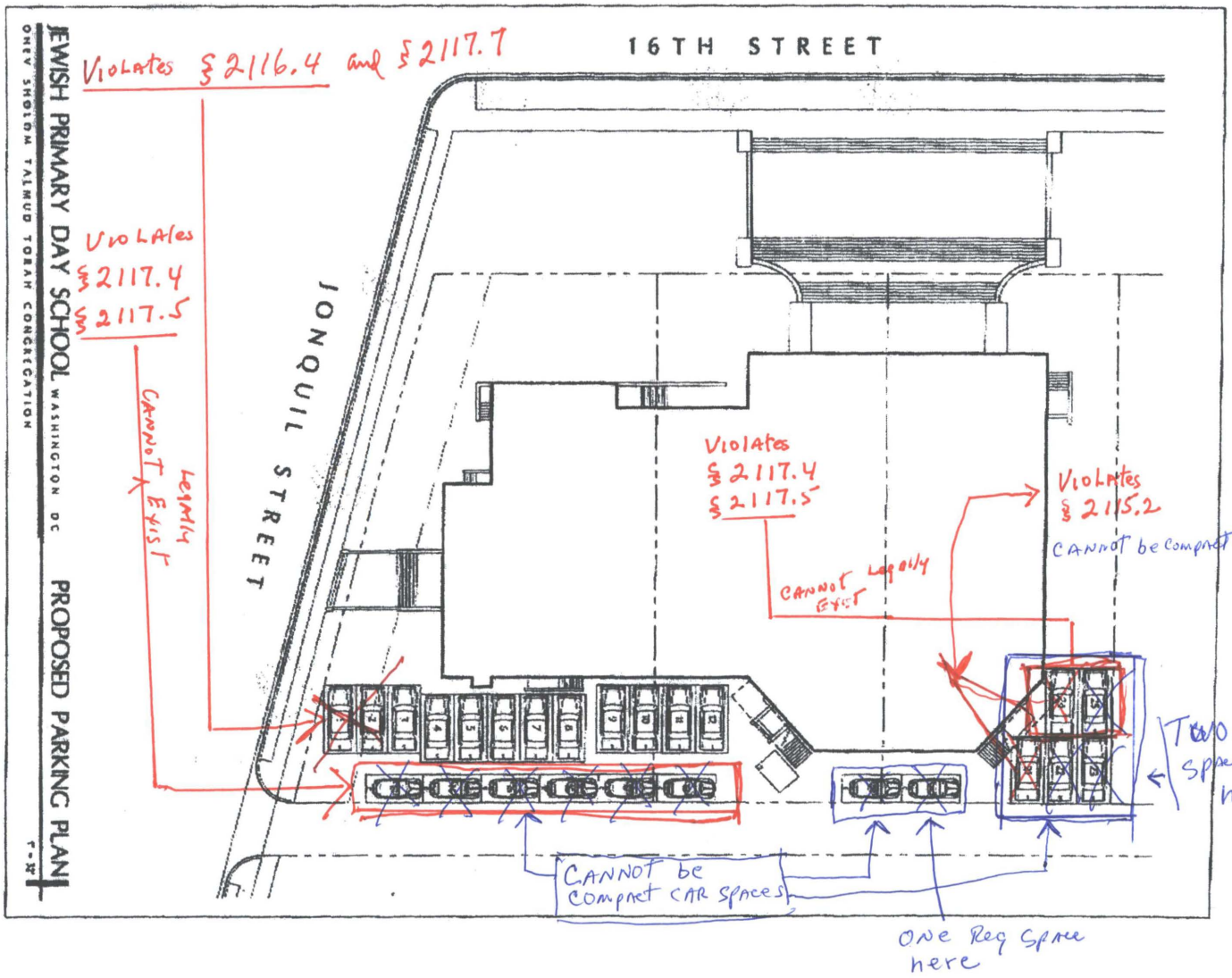
Exhibit(# unknown) is a viable plan, upon close and careful analysis it is abundantly clear that, as depicted, it falls considerably short of satisfying the requirements of chapter 21 of the zoning regulations.

The attached graphic offers a visual reference to the analysis described above.

Respectfully submitted this 31st day of March 2000.

Harold Bardonille

Agent For Opposing Parties



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