R O M P • N

Residents of Mt. Pleasant-North

3340 17th Street, NW, Washington, DC, 20010

May 10, 2001

Zoning Commission
Office Of Zoning
441 4th Street, NW, #210-South
Washington, DC 20001

RE: Request for Party Status in the case of 1708 Newton Street, NW (the "Casa Vista")
Application #16706, of Massoud Heidary

Dear Members of the Zoning Commission;

The Residents of Mt. Pleasant-North (ROMP-N) present this application for *party status*, pursuant to 11 DCMR 3106.2, for the above-referenced Board of Zoning Adjustment hearing to occur on May 29, 2001.

(a) **Applicant:** Stephen M. Mabley, 3340 17th Street, NW, Washington, DC 20010, is submitting this request on behalf of ROMP-N. ROMP-N is a group of about 50 members living in the Mount Pleasant neighborhood, north of Park Road, and who are united in maintaining and improving quality of life in the neighborhood. ROMP-N members are a special group of individuals who, by virtue of their proximity to the Casa Vista, would experience a far greater adverse impact than members of the general public from approval of the variance application.

(b) **Party Status Request:** ROMP-N requests permission to appear and participate as a party in the above-referenced hearing.

(c) **Position:** ROMP-N wishes to appear in opposition to the proposed variance.

(d) **Legal Counsel:** No legal counsel will be representing ROMP-N.

(e) **Witnesses:** Stephen Mabley will speak as a representative of ROMP-N members.
Craig Schumpert, 1715 Newton, will speak as a resident across street from the Casa Vista.
Kerri Culhane, Architectural Historian, 3314 Brown Street, will speak to issues of historic neighborhood preservation.

(f) **Reasons for Granting Party Status:** ROMP-N should be granted party status for the following reasons:

(1) The attached list of ROMP-N members shows that most live within a block of the Casa Vista and all live within 2 blocks. ROMP-N President, Stephen Mabley, lives 50 feet from the Casa Vista property. Addresses of members are noted in the attached member list.

(2) All ROMP-N members live in the immediate neighborhood. Half of ROMP-N members are owners of property in the neighborhood. Legal interest of many ROMP-N members is noted in the attached member list.

(3) Distances to the Casa Vista are noted in the attached member list. More than 20 members live within 100 feet of the property All but six live within 200 feet.

(4) Adverse impacts from approval of the proposed variance are diverse and substantial.

Trash Management. Experience demonstrates that the owners of Casa Vista are unable to effectively manage trash: (i) The dumpster enclosure doors open to block the sidewalk; (ii) Pickups are scheduled too infrequently to keep the dumpster from overflowing; (iii)

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District of Columbia
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EXHIBIT NO.19

The dumpster lids are never closed to keep rodents out; (iv) Trash is always present on the ground of the enclosure; and (v) Up until last month, the side yard of the property was a makeshift junk yard, strewn with large items such as furniture, refrigerators, and construction materials. Neighbors have complained incessantly both to the owners of the Casa Vista and to DCRA ever since the trash storage was moved from the basement of the building to an outside location just off of the sidewalk on the 17th Street side of the property. DCRA records indicate numerous fines for failure to adequately manage trash at this property. Granting a variance allowing commercial activity at the property would make this problem more severe.

Rat Infestation. Over the past two years poorly managed and inadequately contained refuse at Casa Vista has fed vast increases in the summer rat population in the neighborhood. The overflowing dumpster provides ample shelter and food and has became the reservoir of the rat population overrunning the neighborhood. The commercial development allowed by approval of the zoning variance request would increase the trash, and accordingly, the rat problem.

Traffic. Traffic on the neighborhood's narrow streets is already heavy for a residential street because 17th Street provides, for Bancroft Elementary School parents and busses, commuters and emergency vehicles, easy access via Piney Branch to other through streets (14th and 16th Streets, Arkansas Avenue, and Beach Drive). The added traffic from customers and delivery trucks, if the zoning variance is approved, would increase neighborhood traffic to intolerable levels.

Damage to Public Way Infrastructure. The narrow streets and tight corners adjacent to the Casa Vista already suffer from ongoing damage from the traffic and large vehicles passing through the neighborhood for deliveries (street widths are 22' for Monroe and 3 out of 4 streets leading into the corner of 17th & Newton. Newton west of 17th is 25'). Upturned or displaced sidewalk sewer covers commonly result from heavy trucks riding over curbs and these covers on tight corners. Just three months ago, a truck knocked over a lamppost due to inability to make the tight turn on the corner in front of the Casa Vista. The downed post was removed by the city, but has yet to be replaced. As a result, we lack some safety lighting at night on the corner of 17th and Newton.

Safety. The loss of lighting and open or upturned sidewalk sewer covers mentioned in the previous item are a serious hazard for members of the community. Increased commercial traffic will likely increase these hazards. There is a tendency for increased congestion to result in impatient driving and in some cases rash or harried driving. This ends up threatening the safety of cyclists, children and others negotiating the streets and intersections.

Noise and Vibration. Traffic produces noise and vibration. Vintage row houses in this neighborhood are set unusually close to the street (e.g. 3341 17th is 17 feet from the curb) and do not benefit from modern acoustical designs and materials. At 3340 17th Street the plates in kitchen cabinets vibrate and rattle with the deep base auto sound systems when some cars pass. Ground vibration from large delivery vehicles also can contribute to degradation and cracking of the plaster and brick structures of these historic homes. The development allowed if the zoning variance is granted would increase nuisance noise for residents and damaging vibration for their homes.

Parking. Due to the population density and narrow one-way streets with one-side parking only, parking is at a premium in the neighborhood. Most residents of this area must routinely park two or more blocks from their address. Granting of a variance would take away parking space to create a loading zone, and would add customers seeking additional parking spaces in this already overcrowded situation.

Litter. Litter is rampant on Mt. Pleasant Street due to the commercial activity there. The residents in the neighborhood do not want to bring to our block new sources of litter from commercial activity and increased foot traffic in addition to the existing problem of overflowing trash bins at the Casa Vista.

Affordable Housing. The Casa Vista apartments are affordable housing for families with limited incomes, particularly Latin American immigrants. Affordable housing is becoming increasingly difficult to find in Mt. Pleasant and around the District. ROMP-N supports Mayor Anthony Williams' initiatives and goals to increase the availability of moderate and low income housing rental opportunities. Acceptance of the proposal would reduce the number low-cost housing units in the Casa Vista. Mr. Heidary, in a meeting with ROMP-N members, actually stated that a primary intent of converting some space to commercial use was to move out some of the current tenants.

Design and Quality of Improvements. The owner has undertaken a number of modifications to the property in recent months: A white metal façade was attached to the stockade fence of the trash enclosure; new front doors were installed; new rear exit was installed; and a new earth retaining wall was constructed with 4x4 pressure treated lumber. These "improvements" all used low-cost materials of questionable durability, bypassed proper permitting and review procedures, and ignored historical design standards. Granting of a variance from zone requirements would lead to further inappropriate modification of the property.

Zoning Plan. Zoning regulations were developed to protect neighborhood integrity and quality of life. DC Law defines the criteria by which a variance from R-4 zoning requirements may be granted. None of these criteria are met in the subject variance request: "...exceptional narrowness, shallowness or shape of a specific property, ...exceptional topographical conditions, ...extraordinary or exceptional situation or condition", where strict application of zoning regulations would result in "peculiar or exceptional practical difficulties or exceptional and undue hardship...; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the zone plan..."

The Casa Vista is typical and there certainly is no exceptional hardship in the historic and ongoing use as an apartment building. The only thing extraordinary feature of the apartment building is that it is of a higher density than is allowable under the R-4 zone, and that the property was grandfathered as a non-conforming use. The Casa Vista does not conform to R-4's lot size, parking, and row house structure requirements. Allowing yet another intensification of use under variance proposal would increase the degree of non-conformance with R-4 provisions and decrease use continuity in this predominantly residential area.

Furthermore, the proposed relief from zoning restrictions would indeed cause substantial detriment to the public good, particularly that of the residents of the neighborhood, and these points have been summarized previously. The nature of the Zoning Plan is to focus business and commercial activity on Mt. Pleasant Street, and to retain the historical nature of residential neighborhoods. The proposed relief would indeed impair the intent, purpose, *and* integrity of the zone plan.

(5) ROMP-N members, due to their proximity to the Casa Vista, are expected to experience extraordinary and undue hardship, if the variance request is accepted. Most of our group lives within one block's distance and all of us live within two blocks. The surroundings of one's home are part of the "home environment". The Casa Vista is a part of our home environment that we experience daily, which makes us unique from the general public of the District.

Stephen M. Mabley
ROMP-N President
3340 17th Street, NW
Washington, DC 20010

Brian Peterkin-Vertanesian
ROMP-N Secretary
3338 17th Street, NW
Washington, DC 20010

Enclosed: List of ROMP-N Members

Residents of ROMP-N

Ft. to Casa Vista	Owns/ Rents	First Name	Last Name	Num.	Street
230		Joely	Macheel	3322	17th
230		Rafael	Nendel-Flores	3322	17th
235		Larry	Perry	3323	17th
190		Marie	Dullea	3326	17th
190		John	Printice	3326	17th
130	O	Betsy	Henry	3332	17th
110		Rick	Nunno	3334	17th
90	O	Kate	Conover	3336	17th
90	O	Rob	Schurgin	3336	17th
110		John	Dobrin	3337	17th
70	R	Brian	Peterkin	3338	17th
70	R	Dzovig	Vertanesian	3338	17th
95		Fred	Olsen	3339	17th
50	R	Gregory	Gardiner	3340	17th
50	O	Nancy	Ingraham	3340	17th
50	O	Steve	Mabley	3340	17th
50	R	Duane	Statten	3340	17th
70	O	Daniel	Ingber	3341	17th
70	O	Michelle	Ingber	3341	17th
	O	Jim	Dickerson	3418	17th
	O	Grace	Dickerson	3418	17th
	O	Doug	Disrud	3445	17th
	O	Marise	Pailla	3337	17th
		Kerri	Culhane	3314	Brown
140		Jeff	Moulds	1667	Monroe
	R	Gwen	Davidow	1800	Newton
		David	Ylvisaker	1655	Newton
27		Gerry	Fitzgerald	1656	Newton
65		Camilo	Arbelaez	1659	Newton
32		Lydia	Pelliccia	1715	Newton
32	O	Craig	Schumpert	1715	Newton
32		Donovan	Cunningham	1719	Newton
42	O	Warren	Baise	1723	Newton
67	O	John	Fitgerald	1729	Newton
25	O	Julie	Byrne	1656	Newton
500		Alexsandra	Stewart	1628	Oak
420	O	Barbara	Burst	3439	Oakwood
150		Dominique	Kostelac		Oakwood
150		Rachel	Kostelac		Oakwood
500		Maggie	Ernst	3443	Oakwood