To Board of Zoning Adjustment
Application # 16726

from CIARNET - Ann WOOLHAM
BEVERLY BAKER

DATE 6/5/2001

The presentation of the designs of the building their roof configuration and open spaces at grade level requires the granting of variation to existing allowable spaces.

The presentation addresses the residential and commercial nature of the development, This discription however does not spell out the enviormental problems which would arise from the use to which the commercial buildings would be put.

A draft letter prepared by the Developers ~~attached~~ attached & sent to us requesting our signature. In that letter reference is made to the desire by unnamed party to provide an open cafe area at the intersection of 13th and U Street.

If this use is implemented the following are our concerns

- The possibility of rats and other rodents infestation
- The collection of garbage at night creating a nuisance to the the residents

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- Noise from cafe use, and the delivery of goods.
- Changes to the organic development of the area.

Although we see the benefits of development it should consider the traditional residential needs for peaceful and quiet occupancy of their homes. Nothing we have heard today speaks to these problems.

April 20, 2001

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

Re: BZA Application No. 16726, WMATA Site, Square 236

Dear Members of the Board:

This letter is to advise that we are familiar with the plans, and we support the request of the applicant for four variances and two special exceptions to permit the construction of an apartment building with ground floor retail at 13th and U Streets, N.W. in Square 236.

We are aware that the subject property is unique and affected by several exceptional situations and conditions, including its large size being 44,341 square feet, its unusual shape and its being included in three different zoning categories.

As a part of this case, variances have been requested from the provisions of required public space at grade level of Section 633 and the street frontage design requirements of Section 1903. Variance relief is necessary from these two provisions as applied to this project as they work at cross-purposes. One provision mandates open space at the grade level in close proximity to the main entrance and the other provision requires the building to be flush against the property line along U Street. It is impracticable for the applicant to be subject both of these provisions simultaneously and their implementation is contrary to the approval received from the Historic Preservation Review Board and the desire to provide an open café area at the intersection of 13th and U Streets, NW.

A variance from the court requirements of Section 638 is also necessary, as the applicant has worked with us and other abutting property owners to provide access to the rear of our properties for parking purposes. In pulling the building back from the northeast CR zoned portion of the property, courts have been created which are non-conforming. The courts provide additional open space than what was originally proposed and do not adversely impact and, in fact, are a benefit to the development and a benefit to our properties.

Variance relief is also required from the provisions of Section 635 for private residential recreation space. While the applicant provides significant private recreation space, it does not meet the requirements of the Regulations. In reviewing the plans for the proposed development, the applicant is providing a substantial amount of private residential recreation space at various levels of the

building, including the roof level. This amount of space appears more than adequate for the building, particularly, when consideration is given to the major open space recreational area located immediately north of the subject building. The design and location of recreation space within the proposed project and the existence of a major open space facility immediately proximate to the subject site create a set of circumstances where variance relief is appropriate.

Special exception relief has been requested pursuant to Section 2514.2 and we believe that the requirements of that provision have been met since the extension is limited to that portion of the lot in the more restrictive use district but not exceeding 35 feet; that the computations in Section 2514.1(d) have been met and that the extension shall have no adverse affect upon the present character and future development of the neighborhood. Granting the relief is, in fact, a benefit to the neighborhood as it provides for a commercial anchor at 13th and U Streets and, by virtue of the design supported by the community and approved by the Historic Preservation Review Board, the design, appearance, screening and location of the structures protect us and other adjacent and nearby property.

Lastly, special exception relief is required for the roof structures located on the proposed building. The placement and design of the roof structures is in accordance with the approval of the Historic Preservation Review Board and the linking and consolidation of the roof structures is impracticable and would detract from the design of the building. We believe that special exception relief for the number of roof structures and not being of equal height is, therefore, appropriate in this case.

I/We urge the prompt approval by the Board of this important project so that it may proceed forward to the benefit of the community and the District as a whole.

Very truly yours,