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EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

November 26, 2002

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VIA HAND DELIVERY
Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application 16836
The Washington Home

Dear Chairman Griffis and Members of the Board:

Enclosed for filing in the above-referenced case are the following three exhibits:

1. Letter from neighborhood resident, Sharon Flank
2. Written testimony of Mark Bravin with four attachments
3. A petition signed by 91 neighbors of The Washington Home

Very truly yours,

Jonathan P. Graham

Enclosure

BZA
Case No. 16836
Exhibit No. 112

Board of Zoning Adjustment
District of Columbia
CASE NO.16836
EXHIBIT NO.112

Exhibit A to Written Testimony of Mark N. Bravin
BZA Case No. 16836 – The Washington Home
(view from the front of 4019 37th St. NW)

Exhibit B to Written Testimony of Mark N. Bravin
BZA Case No. 16836 – The Washington Home
(view from 4019 37th St. NW, sheets mark current parking lot)

Exhibit C to Written Testimony of Mark N. Bravin
BZA Case No. 16836 – The Washington Home
(view from 4019 37th St. NW, sheets mark proposed parking lot)



Exhibit D to Written Testimony of Mark N. Bravin
BZA Case No. 16836 – The Washington Home
(simulated view from 4019 37th St. NW after proposed parking lot)



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3630 Upton St. NW
Washington, DC 20008
November 15, 2002

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
One Judiciary Square
441 Fourth St. NW
Washington, DC

RE: BZA Application No. 16836

Dear Mr. Griffis:

I have been a resident of Upton St., a block from the Washington Home, since 1994. I testified at the October 15th BZA hearing in opposition to their application, and I'd like to take this opportunity to clarify some points I raised at that time.

My little girls and I enjoy having the well-tended open space of the Washington Home in our neighborhood, and we play games on the grass and watch the bats over the gazebo. We consider them good neighbors. However, we have no desire to have a big ugly parking lot on our street instead of the trees we now enjoy. Nor would we want the additional traffic that more parking spaces would bring on our already extremely busy street.

At the initial hearings, I was concerned that no one had good parking data. No one could say who was parking in the lot, how many were employees who parked there all day and how many were visitors, and who was parking in the fire lanes or other illegal spaces. So I devoted a few days to collecting my own data. I counted only during the 11-2 period the Home considers to be the peak period. I counted for at least 30 minutes each time, and included a count of the neighborhood streets as well.

Washington Home employees have tags they put on their cars. Only 2/3 of the cars parked in the lot when I counted had employee tags.

Date	Employee Tags	Total Cars in Lot
4/9/02	63	116
4/12/02	77	111
4/30/02	74	115

At the hearings, I discovered that the Home had 75 spaces authorized. But when I counted the parking lot, I found 89-90 (depending on how you count one double-long space). A Home employee in the parking lot helpfully explained that extra spaces had been painted to accommodate more cars. This same employee noted that the Home's enforcement program consisted of putting a flyer on the car, and that no car had ever been ticketed or towed.

I also discovered that dozens of cars were parked in the Home's fire lanes. You might imagine that this should lead the BZA to approve construction of a much larger lot, to accommodate this overflow. In fact, however, I watched employees return from lunch and select fire lane spaces over empty legal spaces, perhaps because they were closer to the door. I also counted cars on weekends, when the parking lot is far emptier, and was surprised to find the fire lanes parked up when there were dozens of legal spaces empty. If my loved ones lived there, I'd be worried about ambulance access.

I counted the number of spaces open in the unrestricted areas on Upton and 37th Streets (only a couple) and in the two-hour spaces on Upton (dozens and dozens at all times during the day, since residents do not return until evening). None of the cars parked on the street had Home tags on them. At shift change time for the Post Office, I have observed many individuals in uniform getting into or out of the unrestricted street spaces.

BZA
Case No. 16836
Exhibit No. 3

As a neighbor armed with data, I believe that the Home should be encouraged to:

- Enforce their parking rules
- Install a keycard entry system
- Acknowledge to the BZA that they have extended their 75-car lot to a 90-space lot
- Explore other transport options for their staff and guests

Storm water is also of concern to us. We live a bit down the hill from the Home, and I should note that every year, at least four times a year, storm water leaps the curb and covers two feet of our lawn. We have had two episodes in which one of our cars has ended up with 3" of water in it. As a result, we view with alarm any plans to pave more of the Home's property.

Finally, should you approve any construction on the site, please be careful with the trees. We are always sad when we walk by and see the Austrian Embassy's unfortunate attempt to build around a large tree, which ended up killing it. An ill-planned expansion at the Home could end up denuding the hillside, affecting the neighborhood for decades to come.

Sincerely yours,

Sharon Flank

Cc: CCHE c/o Jon Graham

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BZA Case No. 16836

Application of The Washington Home

WRITTEN TESTIMONY OF
MARK N. BRAVIN

On October 15, 2002, the final day of hearings in this case, I along with about a dozen of my neighbors who live in close proximity to The Washington Home testified briefly in opposition to the pending application. My remarks are at pages 390-392 of the Hearing Transcript ("Tr."). I want to supplement my oral testimony, and in particular to respond to an argument made by counsel for The Washington Home, Mr. George Keys, in his closing remarks.

Mr. Keys noted that the applicable regulatory standard for the Special Exception requested by The Washington Home, as set forth in Section 3104.1 of the D.C. Code, provides ". . . that the Board needs to ensure that the special exception can be accommodated without adversely affecting the use of . . . adjoining property." Tr. at 409. He then went on to say:

> there has been no evidence presented on the record that any of these people has had the use of their property impacted. Now, they may consider that the loss of someone else's trees and the loss of view diminishes the economic value that they might expect on resale, but that doesn't amount to an impact on the use of their property.

Although Mr. Keys may be correct that there has not yet been any negative impact, that is because the proposal has not been approved. But if the proposal were approved, there would in fact be a direct, adverse effect on the use and enjoyment of my property.

BZA
Case No. 16836
Exhibit No. 4

My use and enjoyment, along with that of my family, of our home will be adversely affected if The Washington Home is permitted to expand their existing parking lot as it is proposing to do. My wife Sara and I, and our two children, live at the corner of 37th Street and Upton Street, directly across from The Washington Home. When we look out our front door, or out of the windows facing 37th Street from our living room, den and dining room on the first floor, or on the second floor from the windows in two of our bedrooms (and my study), we see an area that is very green. That park-like setting, about which there have been many references throughout the hearing, is one of the features of our home that we value highly. It was an important factor in our decision to purchase our home.

I submit as Exhibit A to my written testimony an unretouched digital photograph taken on October 26, 2002 at about 9:45 a.m. from the front window of our home, looking across 37th Street, at The Washington Home. This photograph demonstrates the park-like setting in which our home is presently situated

I submit as Exhibit B to my written testimony an unretouched digital photograph also taken on October 26, 2002 at about 9:45 a.m. from the second floor front window of our home, looking from my study across 37th Street, at The Washington Home. In the left center of the photograph, between two trees with reddish fall foliage, it is possible to make out two white sheets being held up by my wife, my son, and me. We are standing at the edge of the The Washington Home's parking lot, and we are holding the sheets to indicate where the current parking lot surface ends and green space begins. The photograph demonstrates

that the current lot is set back quite a long distance from 37th Street, and the cars in the lot are, for the most part, hidden by the trees.

I submit as Exhibit C to my written testimony an unretouched digital photograph also taken on October 26, 2002 at about 9:45 a.m. from the second floor front window of our home, looking from my study across 37th Street, at The Washington Home. In the center of the photograph, it is possible to see the two white sheets being held up by my wife, my son, and me. In this photograph, we are standing on the marked boundary of the proposed parking lot expansion, as indicated by stakes placed in the ground by representatives of The Washington Home. We are holding up the sheets to show how much of the green space between the current parking lot and 37th Street will be lost if the proposed expansion of the parking lot is approved and built.

Cars parked in the proposed lot, for the most part, would not be hidden by the trees but would, instead, dominate the view from my second floor study. I submit as Exhibit D to my written testimony a simulation to demonstrate how The Washington Home's proposed parking lot expansion would essentially destroy the park-like setting in which my home is located. Using Exhibit C as a starting point, a computer operator has inserted into the photograph images of cars placed, as accurately as possible, to depict how the new parking lot will appear from the front windows of my home. The result is a very reasonable approximation of the effect on the landscape of allowing the construction to proceed as proposed by The Washington Home.

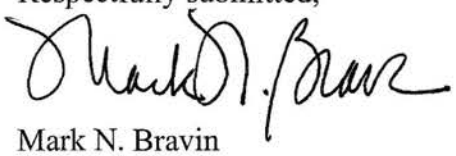
In the presentation to the Board by The Washington Home, there was testimony regarding the construction of a retainer wall, along the leading edge of the expanded parking lot parallel to 37th Street. I do not recall that The Washington Home was sufficiently specific regarding the height and nature of the wall, so we have not prepared a simulation that includes the wall. However, even a wall four feet tall, as was suggested by one witness at the hearing, would not hide the cars from view from my house. And in my opinion, the addition of a retaining wall would also severely damage the current setting, consisting of a wide green space and a barely visible parking lot hidden by the trees.

I should add that the view from Jonathan Graham's home, just up 37th Street to the left (in these photographs), as well as that from the homes of Wayne and Dina Curtis, and Jonathan Zuck at the other corners of Upton and 37th Streets, will be substantially similar to what is depicted in Exhibit D. I believe their use and enjoyment of their homes similarly will be adversely affected, to a comparable extent, if The Washington Home's proposal is approved by the BZA. Further, as reflected in the testimony of Joe Handwerger, and as indicated by the photographs and drawing that he submitted to the Board at the hearing on October 15, the residents living along Upton Street across from the Home will suffer similar adverse effects to the use and enjoyment of their homes if The Washington Home's proposal is approved.

This evidence fills the void in the record referred to by Mr. Keys. My family and I ask the Board to deny The Washington Home's proposal. It will adversely affect the use and enjoyment of our home by destroying the park-like

setting in which we live. It will also have a negative effect on the neighborhood for all of the other reasons developed during the course of the hearing.

Respectfully submitted,



Mark N. Bravin
4019 37th St. NW
Washington, D.C. 20008

Dated: November 26, 2002

PETITION ON BEHALF OF NEIGHBORS CONCERNED
ABOUT THE EXPANSION OF THE WASHINGTON HOME
(D.C. Board of Zoning Adjustment Case No. 16836)

We, the undersigned, live in close proximity to The Washington Home. After extensive hearings before the BZA, and numerous attempts at dialog between representatives of our community and representatives of The Washington Home, we are strongly opposed to The Home's plan to expand its parking lot.

We support the concept of hospice, and in principle the idea of more hospice beds in the District of Columbia is a good one. If The Home were merely reconfiguring its interior space, we would not object. However, The Home's application seeks to enlarge its building and to expand its paved parking lot by another 98 authorized spaces. The Home proposes to cut down many trees and reduce the green space along 37th and Upton Streets. We are very concerned that the proposed substantial increase in the number of parking spaces in our neighborhood, if approved, will increase the amount of traffic on 37th Street and Upton Street. We are also concerned that the expansion of the parking lot will destroy the current park-like setting which was the product of extensive negotiations and compromise between the neighborhood and The Washington Home in 1985. These would be extremely unwelcome changes to the residential character of our neighborhood.

The Home openly admits that it has for many years been in violation of the BZA's 1985 Order, which restricted The Home's parking lot to 75 spaces, and that it has violated the agreement it negotiated with the community and on which the 1985 Order was based. The Home decided on its own, without seeking permission, to paint additional lines on its lot and to park up to 130 cars at one time. We are deeply offended by The Home's approach, which shows flagrant disregard for the restrictions placed upon it as a consequence of being located in a residential neighborhood.

We urge the BZA not to approve The Home's requested Special Exception to the applicable zoning regulations.

Name	Address	Date
Sharon Flank	3630 Upton St. NW	17 Nov 2002
R S Gould	3643 UPTON ST NW	17 NOV 2002
Nancy Gould	3643 Upton St. NW	11/17/02
Abby Pritchard	3638 Upton St. NW	11/17/02
Therese D. Pritchard	3638 Upton St, NW	11/17/02

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BZA
Case No. 16836
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Name	Address	Date
Robert James	3625 Upton St. NW	11/17/02
Ann Ramsey	3625 Upton St. NW	11/17/02
V. Mahmoud	3630 Upton St NW	11/17/02
	3610 Upton St NW	11/17/02
	3505 TILDEN ST	11/23/02

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Name	Address	Date
	3649 Upton St NW	14 Nov 02
Barbara Beebar	3505 Tilden St NW	11/14/02
Nina Curtis	3685 Upton St. NW	11/18/02
Wayne Curtis	3685 Upton St., NW	11/18/02
Margaret Siebel	3816 Albemarle St, NW	11/18/02

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Name	Address	Date
Andrew Mohr	4520 38th St NW	18 NOV 02
Charles R. Patton	3003 Van Ness St NW	18 Nov 02
Carol Woodard	3003 Van Ness St NW	Nov. 18, 2002
Beverly Rosenbaum	3734 Chesapeake St	11/18/2002
Dustin Quick	3505 Tilden	11-23-02

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Name	Address	Date
Julia Bravin	4019 37th St. N.W.	11/18/02
Isaac Bravin	4019 37th St NW	11/18/02
Kristina Davis	3673 Upton St, NW	11/18/02
Marian Fabricant	3669 Upton St NW	11/18/02
David Rowan	3669 upton St NW	11/18/02

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Name	Address	Date
[signature]	3673 Upton St.	11/19/02
W R McKenna	3665 Upton St	11/19/02
[signature]	3653 Upton St NW	11/20/02
Gabriel Devlin	3649 Upton St NW	11/20/02
Mariana Salinas	3649 Upton St. NW	11/20/02

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Name	Address	Date
Aminta Knight	3611 Upton St. N.W.	11/18/02
Jaime Sotomayor	3677 Upton St. N.W.	11/20/02
Sallie Biddle	3631 Upton St. N.W.	11/20/2002
William G Kase	3619 Upton St. NW	11/22/02
[illegible]	3619 Upton St NW	11/22/02

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Name	Address	Date
~~Nov 20~~	3718 Veazey St	Nov 25, 2002
Joseph Tandwerger	3743 Upton St	Nov 20, '02
Jane Mackenzie	3743 Upton St	Nov. 20, 02
MAX STIER	3727 Veazey St.	11/20/02
[illegible]	3726 Veazey St NW	11/25/02

1-WA/1895727.1

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Name	Address	Date
Neal L Pressant	3665 Upton St NW	11/23/02
Martha Knopf	3661 Upton NW	11/23/02
Robert Devlin	3649 Upton N.W.	11/23/02
Paula Derichoff	4020 Reno Rd	11/23/02
Chuck Sudlow	4020 Reno Rd	11/23/02

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Name	Address	Date
N. Rick	3652 Warren St	11-23-02
S. Amter	3625 Tilden ST	11/23/02
[signature]	3625 Tilden ST	11/23/02
Mariah Amter	3625 Tildenst	11/23/02
Olivia Amter	3625 Tilden St	11/23/02

PETITION ON BEHALF OF NEIGHBORS CONCERNED
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Name	Address	Date
Ivor Pritchard	3638 Upton St. NW	11/23/02
Willard Mitchell	3921 Idaho Ave NW	11/23/02
Jane P. Pakis	3601 Tilden St NW	11/23/02
Richard Watkins	3530 Tilden St NW	11/23/02
Ellen Levin	3605 Tilden St	11/23/02

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Name	Address	Date
Marshall Leach	3510 Quebec St NW	11/13/02
Nancy Montgomery	4000 Cathedral Ave NW	11/22/02
Nancy S. Pigman	3515 Quebec St. N.W.	11/24/02
Richard Pet	3515 Quebec St NW	11/24/02
Clare Sposito	3513 Quebec ST NW	11/24/02
Claire Lucas	3504 Potomac, NW	11/24/02

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Name	Address	Date
[signature]	3500 Quebec St NW	11/23/02
[signature]	3521 Quebec St NW	11/24/02
[signature]	3533 Quebec St, NW	11/24/02
[signature]	3548 Quebec St NW	11/24/02
[signature]	3520 Quebec St NW	24 Nov 02
[signature]	3503 Quebec St, NW	11/25/02
[signature]	3615 Idaho Av NW	11/25/02

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Name	Address	Date
[signature]	3514 Quebec St, N.W.	Nov. 24, 2002
Patricia Randall	3514 Quebec St. NW	11/24/02
Amy Shannon	3520 Quebec St, NW	11/24/02
MARTIN SHUTWAY	3552 Quebec St. NW	11/24/02
Megan V Davis	4115 Wisconsin Ave NW	11/24/02
Elizabeth Begier	4115 WISCONSIN AVE NW	11/24/02
[signature]	3658 Winfield Pl NW	11/24/02

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Name	Address	Date
Susan Schnall	3517 Tilden St NW	11/24/02
Miriam Sch.	3517 Tilden St NW	11/24/02
[illegible]	3505 Tilden St NW	11/24/02
[illegible]	3643 Tilden St NW	11/25/02

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Name	Address	Date
Susan T Rossides	3666 Upton St NW	11-23-02
Sara Brain	4019 37th St, NW	11/23/02
Mark Brain	4019 37th St. NW	11/23/02
Richard Denzler	3670 Upton St NW	11/25/02
Andrea Denzler	3670 Upton St. N.W.	11/25/02

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Name	Address	Date
Susan M Campbell	3711 Upton St NW	11/22/02
[illegible]	3731 Veazey St	11/25/02
[illegible]	3731 Veazey St. NW	11/25/02
[illegible]	3641 Veazey St NW	11/25/02
Mary Virginia Longstreth	3718 Veazey St. N.W.	11/25/02

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Name	Address	Date
Steve Dettendorf	3512 Springland Lane	11/26/02

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Vincent Renard	4116 37th St. N.W Wash, D.C. 20008	11/26/02