March 25, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 25 PM 5:01

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Board of Zoning Adjustment (BZA) Application 16836
The Washington Home

Dear Mr. Griffis:

We are residents who live within 200 feet of The Washington Home and therefore will be affected even more than the general public by an expansion the Home is proposing to make of its parking lot and of its building. The referenced application and the requested special exception, if granted, would have significant and serious direct negative effects on us as neighbors and as property owners.

As adversely affected parties, we ask for an opportunity, as a group, to state our opposition in the hearing on this matter now scheduled for April 2 and in any other proceedings pertaining to Application 16836. For this purpose, we have organized ourselves as "Citizens Concerned About the Home's Expansion." At the Advisory Neighborhood Commission meeting on this subject on March 24, 2002, we submitted petitions signed by 55 neighbors supporting our position.

We recognize that this request comes after the normal deadline, but ask that the Board accept it, with our apologies for its lateness. Though we are affected parties whose names are correctly listed in the Home's petition to the board, we did not, to the best of our knowledge, receive formal notice of the Board's proceedings. Further, the neighbors' decisions to seek to appear before the Board were made only this weekend, in light of the Home's failure to provide adequate answers to fundamental questions we raised in a series of meetings over the last week.

Thank you for your consideration of this request.

Sincerely,

Dina Curtis — 3685 Upton St — 3/24/02

Name DINA CURTIS Address Date

BZA
Case No. 16836
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16836
EXHIBIT NO.34

Name	Address	Date
WAYNE B. CURTIS	3685 Upton St	3/24/02
MARK BRAVIN	4019 37th St NW	3/24/02
SARA BRAVIN	4019 37th St NW	3/24/02
RICHARD DANZIG	3670 Upton St NW	3/24/02
ANDREA DANZIG	3670 Upton St. NW	3/24/02
JANE MACLEISH	3743 Upton St NW	3/24/02
Joseph Handwerger	3743 Upton St N.W	3/24/02
Mathé Albert	3681 Upton St NW	3/24/02

(4) The Home will ensure that the contractor will prevent access or egress by construction equipment from the site via 37th Street from 7:45 a.m. until 9:15 a.m. and from 2:30 p.m. until 3:30 p.m. in order to help ensure the safety of the children attending nearby schools.

(5) (i) Subject to pertinent laws and other provisions of this agreements, the Construction site plan will conform generally to the topographic survey dated December 4, 1984 as annotated by the Home's architects to show construction fencing, materials storage, construction personnel parking and placement of construction trailers;
(ii) the construction fence will be constructed of wood where it fronts 37th Street or Upton Street;
(iii) at the end of each workday, the construction site, at least outside the construction fence, will be clear of litter, construction materials, machinery and other unsightly objects. Under no condition will construction vehicles (including trailers) be parked on the street overnight.

(6) To facilitate the expression of neighborhood concerns during the construction period, the Home will review its construction contract provisions with the undersigned prior to finalizing contract conditions. Further, during the construction period, a representative of the undersigned will be permitted to participate in meetings and to review progress reports and construction contract compliance. It is anticipated that the Citizen's representative will convey to the Home any concerns of the community regarding the conduct of the construction and the Home will attempt to have the contractor address these concerns promptly.

f. The architectural particulars respecting the location and enclosure of mechanical equipment, the mass of the building north wing, and the patio walls at the north elevation of the proposed new building, as discussed in your letter to us a April 8, will be subject to review and further understanding to be reached between your architect

Based on the foregoing understandings the Citizens supported the application with the exception of the issue of the number of on-site parking spaces proposed. and Mr. John Blackburn.

32. A representative of the Sidwell Friends School testified at the public hearing in support of the application. The School has agreed in principle to the portion of the agreement between the applicant and the

concerned citizens regarding usage of the alley for construction vehicles during the construction stage to the greatest extent consistent with any limitations imposed by law, the property rights of others, safety consideration or practical limits imposed by the construction site operation. The School is opposed to the ANC's recommendation that the Board address this issue in its decision and include an arrangement for alley use in its final order for the following reasons:

a. The use of the alley during the construction period would involve vital questions of traffic safety for the School's students.

b. The resolution of the issue of alley use would require settlement of legal entitlements to such use.

c. The resolution of this issue is premature in that traffic and construction factors can not be effectively evaluated at this time. Further, the applicant and the School are engaged in discussions on boundary question which may effect alley usage.

33. Several members of "The Citizens Affected by the Washington Home's Construction" testified at the public hearing that the agreement noted by the ANC in Finding of Facts No. 31 was signed by their representatives and a representative of the applicant on the day of the public hearing May 8, 1985. Testimony indicated that the only outstanding issue which has not been satisfactorily resolved between the citizens and the applicant concerned the number of surface parking spaces proposed on the site.

34. The concerns expressed by the citizens regarding the proposed on-site parking spaces are as following:

a. The large expanse of asphalt-paved area required to provide the proposed number of parking spaces would be unsightly to nearby residents and would adversely affect the residential character and park like setting of the neighborhood.

b. Visitors to the site may choose to park on the street because street parking spaces are located closer to the entrance than some of the parking spaces provided on site.

c. The illumination caused by the lighting on the lot and headlights of vehicles using the lot after dark will reflect into nearby residences.

d. The safety of children attending nearby schools

will be adversely affected by the traffic generated on the lot because school dismissal and shift change at the facility occur at approximately the same time. In addition the provision of such a large, unattended parking threat to some of the children who cross the lot to walk home and will have to traverse an unattended lot where they could be exposed to undesirables who could hide in or between parked cars.

e. The landscaping, as proposed, will not effectively screen the parking lot until it reaches maturity.

35. The neighbors in opposition suggested that the number of parking spaces on site should be limited to seventy-five spaces, the proposed reduction in spaces to occur on the eastern portion of the lot closest to residences. The opposition also recommended that a double row of trees should be planted to further screen the paved area from nearby residences.

36. The record was left open after the public hearing for the applicant to submit revised plans showing the type location and size at the time of plantings for all landscaping on the site; the type, location and height of the proposed lighting for the parking area; a section of the parking area; and convenants between the Washington Home and adjoining property owners re: alley easements.

37. At its public meeting of June 5, 1985, the Board reviewed the post-hearing submissions and responses thereto. The Board was of the opinion that the applicant had met its burden of proof. However, the Board found that the proposed number of parking spaces was excessive and in order to ameliorate any adverse impacts on nearby residents, the Board granted the application and revised the proposed parking layout by limiting the number of parking spaces to seventy-five by eliminating nine parking spaces along the main driveway and an additional nine parking spaces along the service driveway.

38. On July 31, 1985, prior to the issuance of a final order, the applicant filed a motion to modify the parking layout approved by the Board at its public meeting of June 5, 1985. The modification proposed a total reduction of eighteen parking spaces in keeping with the Board's decision. However, the parking spaces proposed to be eliminated were located in the northeastern portion of the main parking area. The reasons for the requested modification were as follows:

1. Retention of the nine on-site parking spaces to the east of the main entrance would better

serve the parking requirements of visitors to the facility, many of whom are elderly.

2. Elimination of eighteen on-site parking spaces along the northeastern portion of the parking area and replacing them with additional landscaping would provide a further setback of the parking area from 37th and Upton Streets while providing for more screening and retention of existing trees.

39. The parties to the application, including the Advisory Neighborhood Commission, the citizens affected by the Home's Construction, and the Sidwell Friends School consented to the proposed modification as evidenced by attachment 1 to Exhibit No. 39 of the record.

40. At its public meeting of September 4, 1985, the Board waived its Rules to consider the request prior to the issuance of a final order and granted the request for modification of plans siubject to the condition that the lauout of parking spaces shall be in accordance with Exhibit No. 40 of the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception in order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.414 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There are no other properties containing a community based residential facility for five or more persons in the same square nor within 1,000 feet of the subject property. The proposed facility will meet all applicable Code and Licensing requirements. The applicant will provide adequate, appropriately located and screened off-street parking. As hereinafter conditioned, the facility will not have an adverse impact on the neighborhood because of noise, traffic, operation or number of facilities in the area.

The Board concludes that it has accorded the ANC the "great weight" to which it is entitled as evidenced in the conditions imposed by this order. The Board further concludes that, as hereinafter conditioned, the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The number of on-site parking spaces shall be limited to seventy-five.

2. The layout of the parking spaces shall be in accordance with the revised site plan marked as Exhibit No. 40 of the record.

3. The parking areas shall comply with all the provisions of Article 74 of the Zoning Regulations.

VOTE: 4-0 Public Meeting of June 5, 1985: (Charles R. Norris, Carrie L. Thornhill, and William F. McIntosh to grant; John G. Parsons to grant by proxy; Douglas J. Patton not present, not voting) SUBJECT to the following CONDITIONS:

Public Meeting of September 4, 1985:

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to WAIVE the Rules to consider request for MODIFICATION; John G. Parsons and Douglas J. Patton not present, not voting).

(William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant modification; John G. Parsons to grant modification by proxy; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 12 MAR 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14283order/DON18