Daniel Meijer
929 Gist Avenue
Silver Spring Maryland 20910

June 7, 2002

Mr. Geoffrey H. Griffis
Chairman, Board of Zoning Adjustment
441 4th Street, N.W., Room 210
Washington D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 JUN -7 PM 1:37

RE: BZA Application No. 16878

Dear Chairman Griffis & Board Members,

The applicant's late-filed "Prehearing Statement" has caused me to have concerns about the project in addition to those I expressed in my May 27 letter (copy enclosed). As explained below, it has become clear to me that the proposal does not meet the requirements of Section 217 of the Zoning Code, as discussed below:

1. Section 217.1 (b) requires the building to have 10,000 square feet. The coincidence that the applicant states that the building has almost exactly the required amount led me to investigate this further. As detailed in my analysis (attached), I conclude that the building only has 7813 square feet, not the 10,002 as represented. For this reason alone, the Special Exception must be denied.

2. In its late-filed Statement, the applicant changed its position as to parking requirements. In its original application, the applicant relied on satisfying Section 2107 of the zoning regulations. Now, it claims that it does not need to meet that Section because it has obtained a waiver from parking requirements. It is evident the applicant sought a parking waiver after submitting an application for this special exception, because the application did not and could not meet the requirements of Section 2107.

3. Pursuant to Section 217.3, the Board must make a finding that "the amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood." The waiver that the applicant obtained does not excuse the Board from making that required finding. All it does is limit the Board's ability to solve any parking problems by requiring *additional* off-street parking. There are other solutions available as suggested in my May 27th letter to the Board.

4. There is simply no way the Board could find that parking is presently adequate. The applicant claims to have 9-10 off-street parking spaces. It admits to having 19 full time staff members (presumably arriving and departing each day) and 15-25 guests arriving and departing several times a month. There are also occasional interns. The applicant hopes that many of these staff and visitors will take metro and cabs to come to work or the meetings. Even if there were only a minor error in its assumptions about the use of public transportation by visitors, that would in turn have an adverse traffic & parking impact on the surrounding community.

BZA
Case No. 16878
Exhibit No. 26

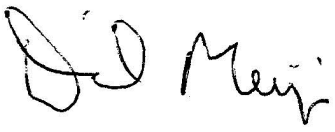
Board of Zoning Adjustment
District of Columbia
CASE NO.16878
EXHIBIT NO.26

5. As I previously noted, there is very limited on-street parking. Moreover, there has been insufficient on-street parking *since 1974*, when the DC Government (addressing an earlier proposal for use of this property) noted: "The on-street parking, however, would present a serious problem. Nearby streets are narrow and currently fully occupied with parked cars."

In view of these significant problems with this proposal, it will be impossible for the Board to make a finding that the parking is adequate. It will also be impossible for the Board to find that the use will cause no adverse impacts on the community *as proposed.* For these reasons, among others, the proposal must be denied as failing to meet the requirements of Section 217.

The only feasible way that this project could avoid creating an adverse impact on the neighborhood is if the proposed Metropolitan Branch Trail were in place. As planned, it would provide direct access from the Takoma metro station to the site. That direct access should create a sufficient inducement for the applicant's staff and visitors to take the metro. Thus, I urge the Board to deny the application. If the Board is inclined to approve it, the Board should do so only with a condition that the applicant, its staff, Directors, officers, and agents agree to support the original proposed "eastern route" of Metropolitan Branch Trail that would provide direct access to the metro from the site.

Sincerely,



Daniel Meijer

Attachment: Analysis of Property's Square Footage

(RE: BZA case # 16878)

The house does not have 10,000 square feet. Instead it has 7,813 square feet, based on the following analysis:

Current DC tax records on this property reflect a "Building square footage" of "7,525" (copy attached). That is the actual square footage. In order to reach the magic number of 10,000 square feet, the applicant includes a "basement" of 2,189 square ft (their exhibit 4).

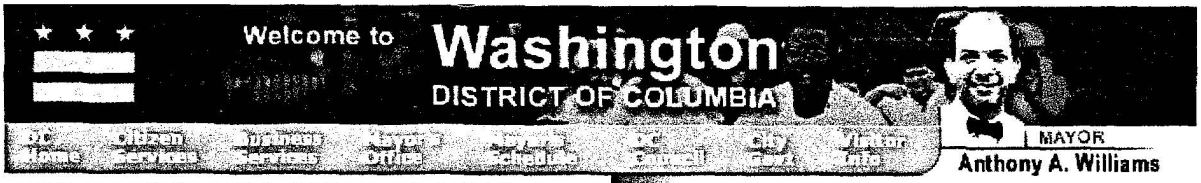
However, a basement is defined by Section 199.9 of the DC zoning regulations as "that portion of a story partly below grade, the ceiling of which is four feet (4') or more above the adjacent finished grade." When this is less than 4 feet, it is considered a "cellar" (Section 199.9). DC zoning regulations specifically state that "the term 'gross floor area' shall not include cellars...".

An analysis of a topographic survey of the property shows that the basement ceiling is less than 4 feet high above the surrounding grade.* Therefore, it may not be considered a "basement", rather it is a "cellar" and thus its square footage cannot be counted as part of the property.

Whether or not the 7,525 sq. ft. DC tax record assessment includes the 2,189 sq. ft. "basement", the application still falls short of the required 10,000 square foot minimum requirement.

* BZA case file #11709 contains a detailed topographic survey map of the property before you today. It reflects that the Cady Lee House has a "1st floor elevation = 300.6", while the land surrounding this house varies from 295.8 to 297.7, mostly in the 297 range. A copy of this portion of the map is attached, a full size copy will be submitted to the docket. The map dates from 1974, so one may assume these numbers represent feet (as opposed to meters).

A typical floor + sub-floor and supporting joists totals 12 inches (1 ft.). Subtract that from the topographic survey map stated "1st floor elevation = 300.6" yields a basement unfinished ceiling height of 299.6. The difference between the basement ceiling height and surrounding land thus ranges from 3.8 to 1.9 feet (less than 4 ft.). This may also be observed from the applicants submitted photograph of the house (photo in exhibit 5 of this case). Note the DC City trash can standing against the back of the house. Such a can is between 44 to 45" high. It appears to be higher than the top of the front porch side deck. The photo also shows a back porch that has 5 steps to ground level attached to it. Assuming a typical step height of 7 inches x 5 steps = 35"



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Property Detail

Address: 7064 EASTERN AV NW

SSL: 3351 0808

Record Details

Neighborhood:	Takoma	**Sub-Neighborhood:**	
Use Code:	12 - Residential-Detached-Single-Fa		
Tax Type:	TX - Taxable	**Tax Class:**	01 - Residential
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	Davis, Estelle	**Assessor Phone No.:**	442-6675
Building Square Footage:	7,525	**Ward:**	4
Land Area:	23,779	**Triennial Group:**	3

Owner and Sales Information

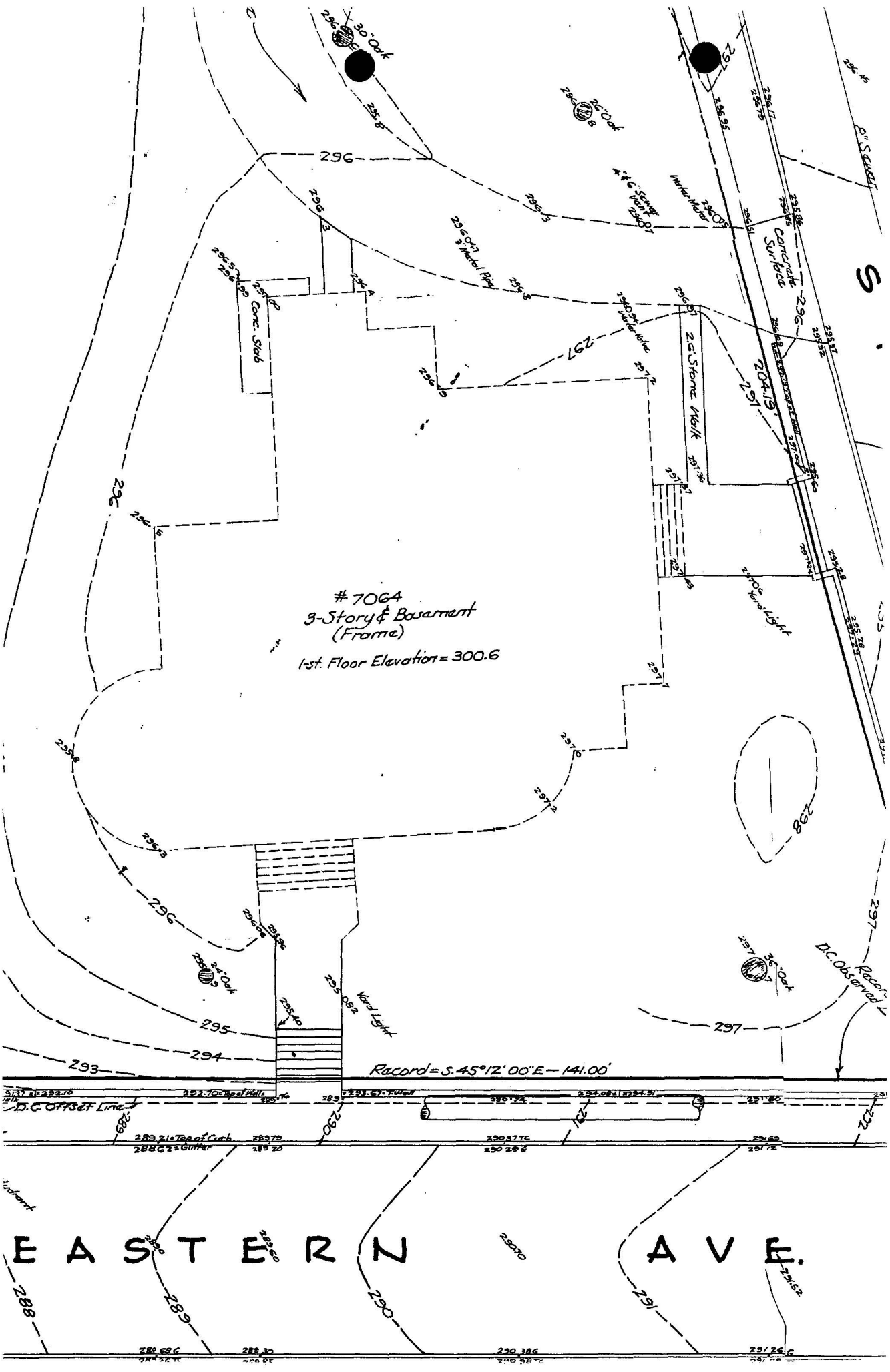
Owner Name:	HAROLD R PHIPPS
Mailing Address:	7210 HOLLY AV; TAKOMA PARK, MD 20912
Sale Price:	$432,000
Sale Date:	09/05/2000
Instrument No.:	79069

Tax Year 2003 Preliminary Assessment Roll

	Old Value	Proposed New Value (2003)
Land:	$89,885	$90,784
Improvements:	$146,200	$147,662
Total Value:	$236,085	$238,446

** If you believe you should be receiving tax relief through the Homestead deduction program and if you are domiciled in the District and this property is your principal place of residence, you can access the link below, complete the form, and return it per the instructions. For additional information regarding the Homestead program, call (202)727-4TAX. Click here to download the Homestead Deduction and Senior Citizen Tax Relief application *

View Tax Info | View Features


#7064
3-Story & Basement
(Frame)
1-st. Floor Elevation = 300.6
Record = S. 45°12'00"E — 141.00'
D.C. Offset Line
EASTERN AVE.
Concrete Surface
2 c. Stone Walk
Yard Light
Conc. Slab
30" Oak
36" Oak
24" Oak
D.C. Observed
204.13'

TOPOGRAPHIC SURVEY
SQUARE 3351 LOT - 808
WASHINGTON, D.C.

FOR EDMUND DREYFUSS & ASSOC.

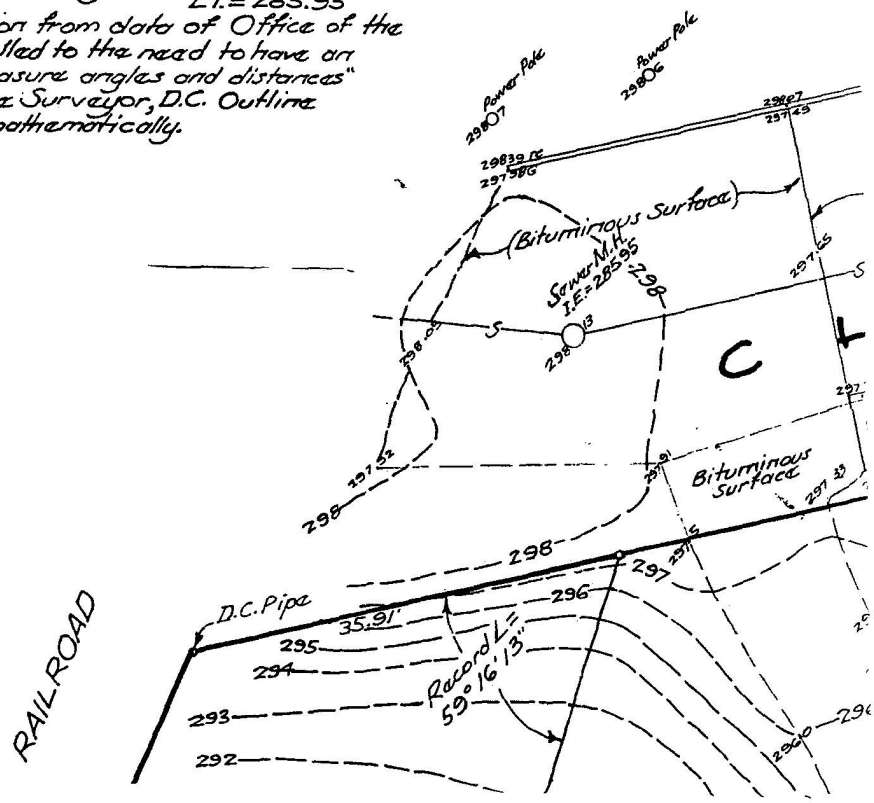
SCALE: 1" = 10' FEB. 1974

JOHN J. ALLEN ASSOCIATES
CIVIL ENGINEERS-LAND PLANNERS-SURVEYORS
4801 MONTGOMERY LANE BETHESDA, MD.
656-9550

NOTE:

1. Elevations shown hereon refer to datum of D.C. Sanitary Engineering Department. Bench Mark used was invert of sewer manhole in Chestnut Street at southerly end, El. = 285.95

2. Property line information from data of Office of the Surveyor, D.C. Attention is called to the need to have an Official outline survey to "measure angles and distances" performed by the Office of the Surveyor, D.C. Outline information does not close mathematically.



D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

TO: Board of Zoning Adjustment

Department, Agency, Office: Housing and Community Development

FROM: Lorenzo W. Jacobs, Jr.
Acting Director

Date: 20 AUG 1974

SUBJECT: BZA Application No. 11709

RECEIVED
AUG 20 1974

Review Authorization

The Office of Housing and Community Development has reviewed plans for construction of two three-story garden apartment buildings in Square 3351 at Eastern Avenue and Chestnut Street, N. W. We submit the following position pursuant to Section 3105.42 of the Zoning Regulations.

The Site

The proposed location is bounded on the north by Chestnut Street; on the east by Eastern Avenue; on the south by existing similar garden apartments; and on the west by the present B & O railroad tracks and the planned Metro subway line. It is in the Takoma Park section of Washington. The site is currently occupied by a single family house, the Lucinda Cady House, which is a Category II Landmark in the process of being nominated to the National Register of Historic Places.

Housing Implications

The proposed twenty-four dwelling units will be for rental. One building will be twelve units of one bedroom apartments; the other will be twelve units of two bedroom apartments.

This office, in the past has encouraged homeownership development over rental and noted destabilizing trends in certain parts of the city toward an overbuilding of apartment rental units.

The current owner-occupancy level in the District is 28% of the housing stock, down 2% from 1960. The number of owner-occupied units in 1970 was 74,000.

The proposed development would add housing to the stock in a very tight market area with a vacancy rate of less than 1%. It further provides small units in keeping with the District population trends

toward a growth in one and two-person households. Single person households in the District increased by 27% to more than 84,000 between 1960-1970. This constitutes almost one-third of all households in the District.

The rest of the square bordering Eastern Avenue is characterized by similar garden apartments, two of which were built by the applicant. These apartments are well maintained and blend nicely with their surroundings. These apartment buildings contain approximately 106 units.

Traffic and Parking Implications

Parking off-street is provided in the plan on a one-to-one basis. Some additional on-street parking may be generated by two car households.

The additional traffic to be generated will be minimal. The on-street parking, however, would present a serious problem. Nearby streets are narrow and currently fully occupied with parked cars.

Site and Building Design

The proposed siting of the buildings appears awkward, particularly in relation to a surface parking lot in the center which would separate the two buildings.

We are unable to determine from the plans provided the following:

1. The distance of building "A" to the elevated Metro tracks abutting the property.

2. The relationship of the parking lot to the apartment building on the adjoining property.

3. Additional plantings or screening beyond the five trees shown on the plan.

4. The location of trash bins and receptacles.

The elevation of the Metro at this particular site would appear to run very close to the second story windows and balconies of building "A". The noise generated by the Metro will undoubtedly adversely affect the liveability and, possibly, the rentability of the one bedroom apartments in building "A". Some screening and noise buffer would seem essential to protect building "A" from adverse Metro impact.

Daniel Meijer
929 Gist Avenue
Silver Spring Maryland 20910

May 27, 2002

Mr. Geoffrey H. Griffis
Chairman, Board of Zoning Adjustment
441 4th Street, N.W., Room 210
Washington D.C. 20001

RE: BZA Application No. 16878

Dear Chairman Griffis & Board Members,

The proposed zoning "Special Exception" (BZA case # 16878) will have a severe negative impact on local traffic and parking. The use is effectively the conversion of a single-family home to 100% office uses in an R-5-A residential area. The applicant claims nine on-site "parking spaces". If these existed, they would be insufficient for the actual proposed use. The nonprofit organization that is to occupy this dwelling currently lists on its web site eighteen staff members, four consultants and "the ongoing support of interns and fellows" (exhibit 1). This doesn't even begin to include visitors, especially since the company's web site states that the company offers "free parking for visitors" (exhibit 2).

However, there does not appear to be any actual on-site "parking spaces"; only a back yard circular driveway that is accessible by a very narrow one-way street (see photo). A narrow driveway may be adequate for single-family residence parking, but vastly insufficient & impractical for the proposed office use.

Neither are there adequate off-site parking spaces, a vastly inferior kind of parking for this proposed use. The only off-site parking spaces are a few spaces directly in front of the house (available only during non-rush hours). The rest of the frontage of the property consists of a "no parking" zone (due to a fire hydrant). Beyond that point there is only very limited residential permit street parking, used by the residents of adjacent apartment complexes. There is no parking allowed on the opposite side of this street.

The application attempts unsuccessfully to mitigate some of the traffic and parking problems by claiming that the "Metro-rail station is accessed through a walkway at the southeastern corner of the Property." (Statement of Reasons, p.1). The applicant's "plat" map indicates to a "pass through walkway to metro parking lot." (their exhibit # 3, copy attached). This appears to be an attempt, pursuant to section 2107, to demonstrate a "direct connection to a Metrorail station" to "reduce or eliminate the amount of required parking spaces for nonresidential buildings." However, this representation does not appear to be accurate, as there is no route as claimed. There are only other people's properties and an implied route through these properties, which is ultimately blocked by a fence (see photo).

There is a way, however, that these representations could actually be implemented. The land upon which the claimed walkway is located is adjacent to the original proposed route of the Metropolitan Branch Trail (MBT). This portion of the trail can directly link the Takoma metro station from the back of this property (see map). This proposed trail route would provide a legally sanctioned perpetual access to the metro and thus addresses the deficiencies in the application's traffic and parking impacts to the neighborhood.

For the above reasons, I am requesting that the Board condition this Special Exception upon the approval and implementation of this specific portion of the Metropolitan Branch Trail (MBT) - from the back of the Cady house lot (directly) to the Takoma Metro station.

Sincerely,

Daniel Meijer