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Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
One Judiciary Square, N.W.
Washington, DC 20001

BZA 17047 Pg. 1
2003 SEP 19 PM 3:45

Re: BZA Case No. 17047 – 33 Patterson Street, N.E.
Response to Applicant's Parking Management Plan

Dear Mr. Griffis:

In our opinion, the Parking Management Plan submitted by the Applicant in the subject case lacks specificity, comprehensiveness, and justification. It raises more questions than it answers. Specifically:

DAYTIME PARKING

1. Applicant states that "the Applicant also proposes to offer its facilities to patrons already in the area beginning at 4:00 PM … including the typical Friday 'Happy Hours.'" This self-serving statement implies that the 4:00 PM start will not impact the parking since only people already in the area will take advantage of it. There is no foundation for the assertion and applicant fails to state what actions it proposes to take to assure that the Happy Hour will not attract many new cars to the area during the day when parking is at a premium. Does Applicant propose not to advertise the Happy Hour broadly? Will Applicant refuse admission to people who come by car? Applicant's eagerness to make assurances in direct conflict with its business goals gives substance to neighbors' fears of a serious impact on the limited parking resources in the area during weekdays.

2. Applicant proposes to use the facilities for wedding receptions, corporate events, charity, and fundraisers "almost exclusively during daytime hours on Saturday and Sunday." Since Applicant does not foresee significant use of the facilities for these purposes during the weekday, we would recommend a condition limiting such events to weekends and national holidays.

3. Applicant proposes to use the facilities for "community outreach program events and activities." Presumably these events would not occur when the night club is operating, but rather during the day when parking is at a premium. It may be

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3. Applicant proposes to use the facilities for "community outreach program events and activities." Presumably these events would not occur when the night club is operating, but rather during the day when parking is at a premium. It may be intended that such events would only be for the immediate neighborhood and will not involve many automobiles. Further assurances are called for.

4. Applicant proposes to designate a portion of the street as a taxi stand. This will take parking spaces away from the public during the busy daytime hours unless the taxi stand is limited to hours after 6:30 PM.

NIGHTTIME EVENTS

5. Applicant states that "a significant portion" of the patrons will utilize public transportation, taxis, and shuttle buses. Applicant has not provided expected occupancy numbers for weekends and otherwise, as requested by the Board. Moreover, Applicant does not provide a breakdown for arrivals by public and private transportation.

6. Applicant has recommended a condition that it not be allowed to operate unless it has sufficient leases for off-street parking. We regard this as a positive recommendation and urge the Board to adopt it. However, monitoring provisions are inadequate and appear to be designed to frustrate any real enforcement. Applicant unnecessarily excludes neighboring property owners from periodic notification. Rather, it plans to send leases and updates to the ANC (which has already expressed its support for the night club), the Police Department (which would have no use for or interest in copies of leases, much less a wish to deal with requests for copies), and the Office of Planning ((which is not charged with (and is ill-equipped to perform) an enforcement role)). It may be sufficient to tie the leases to a certificate of occupancy, renewable at the termination of the leases on file. To assure appropriate monitoring, Applicant should be required to send a copy of those submissions to the nearby neighbors. Unless the grant of a variance is tied to a C of O with appropriate monitoring, neighboring property owners will be forced to file periodic Freedom of Information Act requests to determine whether the leases are in place. This unnecessarily ties up the bureaucracy.

7. Applicant's promises to provide parking leases showing 100 spaces within 1,000 feet. Given their testimony and subsequent submissions showing 1700 spaces within 500 feet, we believe the relevant area should be 500 feet. No evidence has been presented showing that patrons will be willing to walk a fifth of a mile to park in a parking facility rather than take up available spaces on the street.

8. Applicant alludes to security personnel and their training but does not specify how many will be on the job on particular days. Presumably, more personnel will be needed on Friday and Saturday nights than at other times.

Yours very truly,

Stephen N. Gell