STATEMENT OF ROBERT DIAMOND, SEPTEMBER 21, 2004

CHAIRMAN GRIFFIS AND MEMBERS OF THE BOARD. MY NAME IS ROBERT DIAMOND. MY W IFE AND I HAVE LIVED AT 6251 29TH St., SINCE 1971. OUR REAR GARDEN ABUTS KNOLLWOOD'S PROPERTY. I AM A FORMER COMMISSSIONER OF ANC 3G REPRESENTING THE DISTRICT WHICH INCLUDES KNOLLWOOD. I SERVED FROM 1991 TO 1995, WITH THE LAST 2 YEARS AS CHAIRPERSON. FOR THE PAST YEAR I HAVE BEEN ONE OF THE LEADERS OF THE GROUP KNOWN AS KNOLLWOOD NEIGHBORS.

I REGRET BEING HERE TODAY TO OPPOSE THE APPLICATION IN A CONTESTED PROCEEDING. UNTIL FRIDAY MORNING, I THOUGHT THROUGH MEDIATION THAT WE HAD REACHED A COMPREHENSIVE SETTLEMENT AGREEMENT WITH KNOLLWOOD. THEN KNOLLWOOD RENEGED ON MANY KEY POINTS THAT HAD PREVIOUSLY BEEN SETTLED. MOST IMPORTANTLY, IT RENEGED ON ITS PRIOR COMMITMENT TO EXTEND THE EXISTING 25-YEAR BUILDING MORATORIUM FROM 2016 ANOTHER 35 YEARS TO 2051. I WOULD LIKE TO THANK MR. BUCHOLZ AND THE ANC AS WELL AS COUNCIL MEMBERS FENTY AND CATANIA FOR SUPPORTING OUR MEDIATION PROCESS AND FOR OPPOSING THE APPLICATION UNTIL A MEDIATED SETTLEMENT IS ACHIEVED. OUR NEXT WITNESS, JOHN WIMBERLY , WILL DESCRIBE IN DETAIL WHAT HAPPENED IN THE MEDIATION AND WHY IT BROKE DOWN.

I'M HERE TO ASK YOU APPROVE CONDITION 12 IN THE ANC'S REPORT. THAT CONDITION STATES THAT THE 25-YEAR MORATORIUM ON NEW CONSTRUCTION

BZA
Case No. 17055
Exhibit No. 132
Board of Zoning Adjustment
District of Columbia
CASE NO. 17055
EXHIBIT NO. 132

ESTABLISHED BY BZA ORDER 15358 OF JANUARY 31, 1991 SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS A LEGALLY ENFORCEABLE MEANS TO RESTRICT FURTHER DEVELOPMENT OF THE SITE FOR A SPECIFIED PERIOD OF TIME IS DEVISED.

THE 1991ORDER APPROVED KNOLLWOOD'S APPLICATION FOR A SPECIAL EXCEPTION TO BUILD A 40,000 SQUARE FOOT FORTY-UNIT ASSISTED LIVING ADDITION ON THE CONDITION THAT NO FURTHER CONSTRUCTION SHOULD BE PERMITTED AT THE SITE FOR A PERIOD OF 25 YEARS.

THE 1991 DECISION AND ORDER WAS THE THIRD OCCASION SINCE 1959 THAT THE BZA HAS GRANTED KNOLLWOOD A SPECIAL EXCEPTION. EACH TIME IT PLACED CONDITIONS ON KNOLLWOOD'S DEVELOPMENT OF THE SITE.

IN 1959, WHEN KNOLLWOOD AND OBTAINED A SPECIAL EXCEPTION TO BUILD A RETIREMENT HOME, THE CONDITION WAS THAT THE NATURAL WOODLAND BUFFERING THE STRUCTURE FROM THE NEIGHBORHOOD BE PRESERVED.

IN 1967, WHEN KNOLLWOOD WAS GRANTED AN EXCEPTION TO INCREASE OCCUPANCY ABOVE THE AMOUNT ALLOWED IN THE ZONING REGULATIONS, THE CONDITION WAS THAT NO CHANGE BE MADE TO THE EXISTING STRUCTURE.

IN 1990, KNOLLWOOD APPLIED FOR A SPECIAL EXCEPTION TO EXPAND THE EXISTING STRUCTURE BY BUILDING A 40-UNIT 40,000 SF ASSISTED LIVING FACILITY. THERE WAS NEIGHBORHOOD OPPOSITION, BUT A COMPROMISE WAS WORKED OUT BY THE ADVISORY NEIGHBORHOOD COMMISSION.

THE COMMISSIONER FROM THIS DISTRICT PROPOSED THAT THE ANC WOULD SUPPORT THE APPLICATION WITH A CONDITION OF NO FURTHER DEVELOPMENT; THIS WAS AMENDED TO STATED PERIOD OF 25 YEARS. THE MINUTES OF THE MEETING STATE THAT ONE OF COMMISSIONERS ASKED THE MANY NEIGHBORS PRESENT IF THEY APPROVED THE APPLICATION FOR A SPECIAL EXCEPTION WITH THE 25-YEAR BUILDING MORATORIUM. A SHOW OF HANDS SHOWED APPROVAL. KNOLLWOOD' ATTORNEY, STANLEY JACOBS WAS THERE AND DID NOT OBJECT TO THE 25 - YEAR MORATORIUM. (EXHIBIT "A")

AT THE BZA HEARING , ONE NEIGHBOR, SPEAKING ON BEHALF OF 31 OTHER NEIGHBORS SAID THEY PREFERRED THERE BE NO FURTHER CONSTRUCTION ON THE PROPERTY, BUT THAT , IN THE ALTERNATIVE, THEY WOULD SUPPORT THE 25-YEAR MORATORIUM ON BUILDING RECOMMENDED BY THE ANC. (PP. 181-183.; P. 191)

KNOLLWOOD'S ATTORNEY STANLEY JACOBS KNOLLWOOD ALSO TESTIFIED IN FAVOR OF THE COMPROMISE. [P.. 215] HE CLARIFIED WORDING IN THE ANC REPORT TO MAKE IT CLEAR THAT IT DID NOT MEAN THAT AN EXCEPTION WAS RECOMMENDED FOR 25 YEARS, MEANING THAT THE BUILDING WOULD HAVE TO COME DOWN IN 25 YEARS, BUT RATHER IT MEANT THAT THERE WOULD BE NO FURTHER DEVELOPMENT FOR A 25-YEAR PERIOD.

IN ITS DECISION AND ORDER. THE BZA APPROVED THE APPLICATION SUBJECT TO THE CONDITION THAT THE KNOLLWOOD SHALL NOT MAKE ANY MAJOR STRUCTURAL ADDITIONS FOR A PERIOD OF 25 YEARS.

LAST YEAR, ONLY 12 YEARS INTO THE 25 YEAR PERIOD, KNOLLWOOD FILED A NEW APPLICATION WHICH IT HAS SUBSEQUENTLY AMENDED.

THE APPLICATION CALLS FOR A LARGE ADDITION WEDGED INTO THE NARROWEST CORNER OF THE PROPERTY CLOSEST TO STEPHENSON LANE AND 29TH ST. OF THE FOURTEEN SITES KHOLLWOOD CONSIDERED, THIS LOCATION HAS THE GREATEST ADVERSE IMPACT ON THE LARGEST NUMBER OF HOMEOWNERS. THE ADDITION INCLUDES 22 NEW LUXURY TWO- AND THREE- BEDROOM APARTMENTS. IN ADDITION, KNOLLWOOD HAS PROPOSED A NEW PARKING LOT ACROSS FROM TENNYSON ST. WITH AN ENTRANCE AND EXIT AT 29TH PL AND TENNYSON ST., A DANGEROUS LOCATION WHERE MANY SMALL CHILDREN LIVE.

WE ARE HERE TODAY TO ASK YOU, NOT TO CREATE A NEW MORATORIUM, BUT TO UPHOLD THE BZA'S DECISION AND ORDER OF 1991. IF YOU REWARD KNOLLWOOD'S MISUSE OF THE MEDIATION PROCESS TO GET WHAT THEY WANT WHILE THE NEIGHBORS GET NOTHING IN RETURN, WHAT NEIGHBORHOOD GROUP WILL EVER ATTEMPT TO MEDIATE OR RESOLVE DIFFERENCE OUTSIDE THE CONFINES OF THE BZA PROCESS?

YOUR DOCKET WILL BE FILLED WITH FIERCELY CONTESTED CASES.

MINUTES
PUBLIC MEETING
SEPTEMBER 10, 1990

Absent: Roth
MINUTES – AUG 6: Approved 5-0 (with corrections and changes)

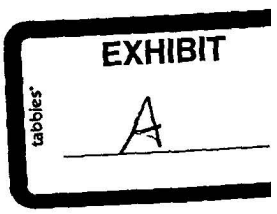
CANDIDATES FOR ANC COMMISSIONER: The Chair announced that the following will be running for ANC seats in November. 3601: Byron Greyson (incumbent); 3602: Lelia Zenner Moore (incumbent), Robert Diamond; 3603: Ann Renshaw, Kathleen Rasher; 3604: Allen Beach (incumbent); 3605: James Connolly, Leonard Jacobs, Harty Wrin; 3606: Jeffrey Norman, Mary Kay Johnson, James Henry Watson; 3607: Marilyn Holmes (incumbent).

NEW CONNECTICUT AVENUE BUSINESS: "Pumpernickels" will open in the near future at the location previously occupied by the Moveable Feast caterers. Jim and Debby Doherty, owners, were present and introduced themselves. The delicatessen carryout plans to have eat-in space eventually.

WARD THREE PLAN: The Chair announced that the Office of Planning has finally issued its Ward 3 Plan which the ANC and Citizens Association have helped to formulate. It will be the subject of more public hearings and will be on the City Council agenda in the coming months.

KNOLLWOOD VARIANCE: The Chair stated the reason for the variance application by the Distaff Hall Foundation to build a 40 unit addition and the mandate under Home Rule charter which gives the ANC the right to file comments and recommendations which will be given "great legal weight" by the BZA in making its final decision. The ANC must file its position statement in writing 7 days before the hearing – scheduled for September 19, so the ANC must take and vote on its position tonight. The Chair added that many months of discussion have led up to tonight's meeting. Mr Schoenecker, an U.S.A.F. employee asked that he be excused for this part of the meeting so that no question of conflict of interest would be perceived.

Gen Benedict, referring to the model on display, pointed out the location of the wellness center addition, the swimming pool and mechanical room. He stated that landscaping will be worked out to the neighbors satisfaction and stated that traffic and water runoff concerns will be addressed by the city.



further expansion but the needs of Distaff Hall have changed and the proposed addition is needed and will be both tastefully constructed and landscaped on the considerable amount of land available.

Marie O'Neill, President of the Residents Association, a 5 year resident of Knollwood and an area resident since WWII, read a statement on behalf of the residents regarding the type of care which will be available is now desired and needed. She stated that traffic should not increase dramatically - that the residents of the proposed addition as well as present Knollwood residents do not have relatives nearby that visit regularly
(Statement will be attached to minutes for the record.)

Mrs. Walker read a statement attested to by signatures of 27 neighbors in agreement. The statement was in opposition to the proposed development. (The statement will be attached to the minutes for the record.)
Mrs. Walker stated that in the last months the neighbors could not make an informed decision for or against the plans because they were continually being changed Mr Walker would like an agreement to protect the neighborhood from future requests from Knollwood because of demographic and other changes. Mr Zimmerman, another neighbor concurred.

Mrs Moore, Comr for the area in which Knollwood is located proposed what she felt was a workable compromise. The motion stated that the ANC would support this additional exception and only this exception with specific conditions. Mrs Holmes suggested a specific time period be stated instead of the word perpetuity Ms Rowse suggested 50 years Mr Grayson's amendment stated a period of 25 years which was approved 3-1-1.
Ms Rowse made an amendment to include 'g' from Mrs Walker's statement and be included as part of #6. This amendment passed 5-0. Mrs Holmes asked if the neighbors would support the exception with the stated conditions A show of hands showed approval Mrs Rowse moved an amenment to remove #1 from the conditions but this amendment failed 1-4.
The motion as amended was approved 5-0 and will be sent in writing to the BZA tomorrow (The letter to the BZA will be attached to the minutes for the record.)

Neighbors present indicated they were still interested in working towards a mutually agreeable agreement with Knollwood. Mr Beach said that enforcing covenants is a matter for the courts not the city government It can be expensive as it cost $30,000 for neighbors to get a covenant enforced on Conn Ave.

The Chair moved that the ANC remove its previous opposition to the Bill for Industrial Bonds and now takes no position being neither for nor against.

3G Chevy Chase
Advisory Neighborhood Commission 3G
MAILING ADDRESS: P.O. Box 6252 Northwest Station Washington, DC 20015

CHEVY CHASE OFFICE
5601 Connecticut Ave. NW
Washington, DC 20015
(202) 363-5803

Board of Zoning Adjustment
The District Building
1350 Pennsylvania Ave, N.W.
Washington, D.C. 20004

September 10, 1990

Re: Application No. 15358:

(1) For a Variance to allow an addition to an existing structure located at 6200 Oregon Avenue, N.W., Lot 3 in Square 2339, Zoned R1A.

(2) For a Special Exception to allow an addition to an existing Community Based Residential Facility.

Dear Members of the Board:

At a regularly scheduled and advertised public meeting held on Monday evening, September 10, 1990, the Chevy Chase Advisory Neighborhood Commission (ANC 3G) voted 5-0 (a quorum consists of four members present) to support the application by the Army Distaff Foundation with conditions. One member excused himself from the room and did not vote because of possible conflict of interest.

In 1959, the Army Distaff Foundation was granted a special exception by the Board of Zoning Adjustment to build its existing structure subject to certain conditions. One of these conditions was that they would never expand their facility beyond the current footprint. Another was that the natural woodlands between the structure and the existing neighborhood would be preserved.

During the past thirty years, the needs of the elderly and thereby the facilities serving them have greatly changed. In order to meet the needs of the current and future residents, the Army Distaff Foundation now wants a further exception so that an addition, an Assisted Living Facility can be built.

ANC 3G would support this proposed additional exception, and only this exception, for a period of 25 years provided the following conditions are met:

(1) No part of the new construction shall extend beyond the existing building facing towards Stephenson Lane.

(2) The new addition shall be well screened by the planting of trees and shrubberies agreeable to the neighbors most affected.

(3) The current driveway exiting on Nebraska Avenue will not be widened and will not be opened to two-way traffic.

(4) The question of drainage shall be addressed well beforehand in order to prevent the natural swale at the bottom of the property washing out the roads. (This is a serious problem in this area as witnessed by the condition of Oregon Ave. between Unicorn Lane and Beech Street.)

(5) It shall be written into any and all contracts, sub-contracts and any other agreements entered into in conjunction with this construction that no radios or other loud noise will be allowed prior to 7:00 A.M. All construction activity will be confined to legal hours.

(6) The Army Distaff Foundation will maintain all of its grounds throughout the construction period and AFTER construction has been completed, to the satisfaction of its neighbors. Care shall be taken to prevent construction debris from being scattered in the neighborhood - i.e. all dump trucks shall be covered, surrounding streets shall be swept and washed, as necessary, to insure the safety of traffic and pedestrians.

(7) All vehicles belonging to the contractors and their assigns shall be confined to parking within the boundaries of the Knollwood property.

Sincerely,

Allen Beach
Chairman, ANC 3G

cc:
Maj. Gen. Calvert Benedict/Army Distaff Foundation, Inc.
Councilmember Jim Nathanson