Testimony to the Board of Zoning Adjustment
December 9, 2003
Application 17080 by Asian American LEAD for 1323 Girard Street, NW

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Good afternoon, members and staff members of the Board of Zoning Adjustment and neighbors at Asian American LEAD. We are Gary Imhoff and Dorothy Brizill, the next-door neighbors to this facility, and we have lived at our current address since 1982. We are not here to speak about the program, and we certainly do not question the dedication of the applicants to their program or their clients.

We have a few problems with this application, most of which already came to this Board's attention at the previous session on December 2.

First, the application was not properly placarded. Although there is a photograph submitted by the applicant showing the placard placed prominently on the front of the porch, the placard was actually posted on the front of the building, inside the porch. Only someone who walked into the yard and came onto the porch would be able to read it. We have a photograph that shows this placement. We did not raise this as a preliminary matter, because we did not believe it was necessary to postpone these hearings.

Second, the facility has been operating for a number of months under a Certificate of Occupancy that it applied for and received as a church, even though it is not a church and has no religious ties or aims. As the applicant admitted at the previous hearing, it made this deceptive application knowingly simply because it would be more convenient and speedier to apply as a church than to make a proper application as a community center.

Third, the facility says that it will "cater to approximately 160 residents, and at any given time, there are 50-60 persons on site." To clarify, we believe that this refers to residents of the community, broadly defined, who are nonresident clients of the facility. In any case, 1323 Girard Street, NW, was originally designed and built as a single-family house. This large number of people in the house for several hours of each day strains and may well exceed its capacity. The house does not have a fire escape, and the first-floor windows are barred. While this may be acceptable for a single-family house, we believe that it poses a fire danger for a facility that accommodates a large number of people.

Fourth, the facility does not have adequate parking. As was pointed out at the previous hearing, stacked parking for four or at most, if they are all subcompacts, five cars in a driveway is not adequate for this facility. At present, staffers and visitors sometimes squeeze out another parking space in the driveway by parking across the sidewalk. And they do use street parking.

Fifth, and finally, the immediate residential community is inundated with an inordinately large and burdensome number of institutional uses. We are submitting to the Board a partial list of some of these facilities today. We believe that the BZA's duty to protect the peace and quiet expected of a residential community means that the BZA should place a



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greater, not a lesser, emphasis on ensuring that additional institutions that wish to locate in this neighborhood should be unobtrusive, good neighbors.

We are here today as opponents of the application. We are not, however, asking the BZA to deny the application, but rather to place a few minimal, reasonable restrictions and requirements on granting it.

First, we believe that Asian-American LEAD should make an effort to provide parking spaces on its own. The proposal that it submitted in its letter dated December 5, which we received on December 6, for four parking spaces in the rear of the facility is a good first step. It should be noted that construction of these spaces is a major job, since it requires grading the back yard down several feet to the level of the alley. We do not believe that additional spaces at the Easter Seals facility is a workable accommodation, even though it superficially may seem to be, both because of the temporary nature of the agreement between Asian-American LEAD and Easter Seals -- month to month, terminating on April 31, 2004 -- and because Easter Seals has entered into several agreements regarding parking with several other institutions in the neighborhoods -- overcommitting its parking spaces many times. We are not committed to a particular number of spacing spaces, but if the Board settles on using the formula in Section 2101.1 the code that applies to arenas, armories, assembly halls, etc., then it should certainly not accept the applicant's contention that people can only sit in one room of the house, or that something in the other rooms of the house prevents people from sitting in them.

Second, we believe that the BZA should request the fire marshal to inspect the facility for its true occupancy capacity as it is currently configured. We have seen an artist's rendering of a huge and inappropriately designed fire escape at the rear of the building, but adequate fire escape routes do not exist at this time for an institutional facility. This is a safety issue.

Third, Asian American LEAD should commit to providing adult supervision of its clients at all times that they are on the property, not just at the times that it is conducting programs. A responsible adult should always be available to unlock and open the house when clients arrive early for programs, and should always remain until all clients have left the premises.

Fourth, we would request BZA to make a condition of the exception or variance, whichever it should grant, that no construction or modification of the exterior and no expansion of the building would occur that would adversely affect the residential character of the building of the neighborhood, and that no effort should be made to expand the existing square footage of the building so as to increase its capacity.

Fifth, and finally, we would ask BZA to review the exception or variance within two years, rather than within five years, to ensure that additional parking and a fire escape have been constructed and to determine that the facility has provided adequate adult supervision for its clients on its premises.