I. Introduction

1. Good Afternoon.

2. My name is Mary Beth O'Quinn and I am here to testify in BZA Case #**17085 - Appeal of Larry and Louise Smith and Mary Ann Snow,** pursuant to 11 DCMR §§ 3100 and 3101, And BZA Case #**17108 - Application of Folger Park North, LLC.**

3. I am a resident of the 200 block of C Street, SE.
4. By training I am an architect and urban planner, and currently I work as a certified planner for the Development Review Division of the M-NCPPC, Montgomery County.

II. Statement

1. Three areas of concern about this development directly connected to the health, safety, and well being of the public:
   a. SWM with grading, erosion and sediment control
   b. Pedestrian and vehicular safety
   c. Soil testing

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a. Storm Water Management

Facts:

- No SWM Plan filed
- No water flow analysis or sewer connection drawings
- No Erosion or sediment control plan approved

It appears as though the proposed design, as built, directs SW flow across the proposed rear parking pavement to the easement parcel adjoining the site on the west. This easement area, re-graded during construction, creates a new lowest effective elevation point to the rear of 320 2nd Street. Meanwhile, the elevation point of the proposed paved parking area appears, by field observation, appears to be two feet above the previous existing topographical condition, a significant change with notable effects on SWM.

The lack of information about the SWM and water flow conveyance associated with this project is significant. No approved plan has been produced, nor evidence of review by the appropriate review authority WASA. It is relevant that no grading (or rather, re-grading) is shown on any drawing for the easement area. It appears obvious that this additional land area beyond the property's boundary was considered essential by the developer in order to accommodate the SWM and water flow from these houses that are built to the lot line, with no side yard adjoining the easement area. Hence the necessary hydrostatic pipe placed underground within the easement to absorb the runoff.

To the detriment of the public, no information has been provided about the installed pipe and its operable connection to the public water system, as indicated in the Water Authority's comments. No professional civil engineering drawings are provided to demonstrate the input and outflow of stormwater via surface flow or the underground pipe or the prevention of erosion/subsidence to the public space. The public must be assured of the safe conveyance of water and sediment

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and erosion control that is crucial for this infill site adjoined by two public ROWs that are heavily used on a daily basis.

It should be noted as well that no Limits of Disturbance Plan has been submitted for a design whose construction has exceeded its parcel boundaries.

b. Pedestrian and Vehicular Safety

- Vehicular Safety for the alley (public ROW)
- Pedestrian Safety along the public alley and the public sidewalk (2 public ROWs)

The three homes constructed extend the entire parcel width between its east and west property lines. The exterior wall of the end unit on the east directly abuts the 15-foot public alley. The alley is heavily used by delivery, loading and garbage trucks. (In fact, garbage delivery for the 95 apartment units in the block occurs at least three times per week.) (Over 40 parking spaces exist within the block interior.)

Vehicular Safety

The design, as built, features a 7-foot deep "moat" defined by retaining walls and street facades that extends 48 feet across the property street frontage and reach to adjoin the public alley on the east. Little attention has been paid the design of this "moat" and its retaining wall that abuts and, by necessity, comprises the structural support for the travel lane, that is, the public alley. It is inconceivable that this wall, as designed and constructed, supplies an adequate measure of re-enforcement sufficient to resist forces generated by live loads and turning movements of vehicles such as garbage trucks. No barriers are indicated that would prevent a vehicle wheel from driving over the edge of the 7-foot drop off, perhaps falling into the "moat," or into the below-grade residential window located within 18 inches of the alley edge, via left turn ingress or right turn egress.

Additionally, no technical information, such as a sight distance study or a turning radius evaluation have been produced, nor have engineering drawings or specifications that demonstrate the subject wall's conformance to DPWT construction standards.

Pedestrian Safety

The plan shows inadequate consideration for safe pedestrian within the public ROWs, especially the sidewalk adjacent the property street frontage, with respect to the "moat" design. It appears, from field observation, that the grade elevations, as built, differ noticeably from the drawings, that is, finished floor levels of the basement are measured approximately 7 feet below street grade, where the drawings indicate 3-1/2 feet below grade. The built condition, with the 7-foot drop off creates significant potential hazard to public safety along the sidewalk from this condition that deviates from the approved drawings. The design does not provide for barrier fencing or setback as other Capitol Hill front yards. It appears that the possible mitigation of this condition may be accomplished by (a) either the "moat" retains the 7-foot drop in grade, requiring substantial re-enforced fencing to prevent falls, etc. (for which the design still does not offer public egress from the moat in the event of a fall); or, (b) the moat is filled in with structural fill, precluding pedestrian ingress and egress to the lower level residence from the street.

Safety Statement

The "moat" as built presents a safety hazard to the public because of:

- its location adjacent to two public ROWs,
- its location adjacent to the active uses of those ROWs,
- its dimensions and grading,
- its lack of materials specifications

c. Soils Testing

There are great concerns with the lack of soils testing for this site, as per the Department of Health comment. Specifically of interest is evidence of testing for hazardous materials, including PCBs.

III. Summary Statement

The significant faults that lie with the design of Folger Park North are apparent from as-built, conditions that may be observed in the field.

The outstanding issues of Stormwater Management, and Erosion and Sediment control may well be solved by the zoning ordinance requirement for a side yard with respect to area, underground structures, and connectivity. The provision of a side yard on the west would allow sufficient area for stormwater management within the subject site itself and could possibly provide a more direct connection to the public water system.

Likewise, the issues of vehicular and pedestrian safety point to a strikingly similar conclusion. The provision of a side yard along the public alley would allow sufficient area for the construction of an adequate support vehicular travel lane and allow adequate site distance and turning radius to ensure a safe environment for both pedestrians and vehicles.

The number of flaws associated with this proposal that requires multiple variances to the Zoning Ordinance, in effect, forces our attention back to the wisdom of the ordinance itself, which, allows, by right, two lots on this site, and will ensure adequate design for the health safety and welfare of the public.

Feb. 24, 2021