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April 20, 2004

HAND-DELIVERED

Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application No. 17136
- Africare, Inc.

Dear Mr. Griffis:

This firm represents Africare, Inc. (the "Applicant") in connection with its application for variance relief associated with the development of an annex building to be located at 440 R Street, N.W. (Square 509, Lot 805). At the conclusion of the public hearing conducted on March 30, 2004, the D.C. Board of Zoning Adjustment (the "BZA") requested that the Applicant: (i) submit a proposed roof plan, (ii) respond to a party's concern about the noise of external mechanical equipment utilized at the subject property and (iii) examine the application of Monaco standards[1] to the facts of this application. On behalf of the Applicant, we submit herewith twenty (20) copies of the Applicant's post-hearing response.

1. Roof Plan. The Applicant envisions two structures on the proposed annex roof: a cooling tower approximately 11 feet high and an elevator shaft roof and access hatch (less than 2 feet above roof), both as depicted on Exhibit 1 attached hereto. The proposed roof structures comply with the setback and height requirements of

[1]Monaco v. D.C. Board of Zoning Adjustment, 407 A.2d 1091 (D.C. App. 1979). See, National Black Child Development Institute, Inc. v. D.C. Board of Zoning Adjustment, 483 A.2d 687, 690 (D.C. App. 1984) citing Monaco with approval.

BZA
Case No. 17136
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17136
EXHIBIT NO. 34

§§ 400.5-400.8 and 411.1-411.17 of the Zoning Regulations. Barry Kreiswirth, a party to this proceeding, raised the potential adverse impact occasioned by mechanical noise from the subject property, but, in fact, his complaint seemed to be mainly with the existing mechanical systems at the Morse School which will be discussed below. Given the fact that the backyard of Mr. Kreiswirth's property is located almost directly behind the Morse School building, the placement of mechanical systems on the roof of the proposed 40-foot annex building, which is a further 90 feet to the west of Mr. Krieswirth's property, is unlikely to have an adverse noise impact on the use or enjoyment of his property.

2. Compressor Units. As shown on Exhibit 2 attached hereto, the Applicant currently operates seven (7) external compressor units serving the HVAC system for the Morse School at the rear and east side of the existing building. Three of those units are located at the rear of subject property only a few feet from the public alley and across from the back yard of Mr. Kreiswirth's property at 427 Warner Street, N.W. The Applicant has no specific engineering proposal to make at this time, but proposes a condition in an order from the BZA granting the requested variances that would require the partial enclosure of, or installation of a sound baffle in front of or around, such compressors units so as to attenuate the noise emanating from such units without unreasonably degrading their operating efficiency.

3. Africare Program. In his testimony at the public hearing, Julius Coles, the Applicant's president, identified the specific program elements deemed essential to the continuation of Africare's operation at the subject property. Joseph Handwerger, the project architect, translated those program requirements into a building design, which was presented in the application. In support of its application the Applicant believes that it may be helpful for the BZA to see the calculation that underlies the building design. A summary of the space plan data is set forth in Exhibit 3 which demonstrates the gross floor area necessary to support each element of the Africare program in the proposed annex building relying on accepted industry standards for space use. What emerges from this analysis is the large component of non-program space required to support access, safety and restroom functions in a relatively small office building.

In addition, the Monaco decision enunciates a broader standard for variance relief in the case of public service and nonprofit organizations, which the Office of Planning completely ignores in

its report opposing the Applicant's requested variances. In Monaco, the Court of Appeals expressly approved the concept that a public service organization deserved special consideration when it "has inadequate facilities and applies for a variance to expand into an adjacent area in common ownership which has long been regarded as part of the same site...."[2] Indeed, a significant element in the decision in Monaco was the fact that the applicant had previously obtained a variance for the addition which lapsed for lack of financing. This circumstance was cited as forming a reasonable basis for the applicant reliance in good faith on eventual consent to the building's expansion. The analysis of the Court of Appeals in Monaco acknowledged that such factors address and satisfy both the first and second parts of the area variance test, i.e., the uniqueness of the situation of the property and the undue hardship occasioned by the strict application of the Zoning Regulations. The Applicant believes that the reasoning in Monaco fully supports its application for the requested variances. In the instant application, the Applicant has demonstrated an institutional need to develop more facilities to support its primary function and has proposed an annex which will afford the additional office space for 20-25 employees, meeting space for staff, educational and diplomatic functions and sufficient storage for files and artwork. The proposed addition forms a harmonious unit with the prominent existing building and the rear yard variance allows for a building configuration that retains openness within the site and presents a narrow profile to R Street, N.W. Moreover, the Applicant applied for and received a variance from the BZA to build essentially the same structure in 1999, but was unable financially to take advantage of the opportunity.

For all of the foregoing reasons, together with the evidence presented at the public hearing and in the application and supplemental information, the Applicant urges the BZA to grant the requested relief in order to permit Africare to continue its vital local and international role and grow in its present location.

Respectfully submitted,

George R. Keys, Jr.

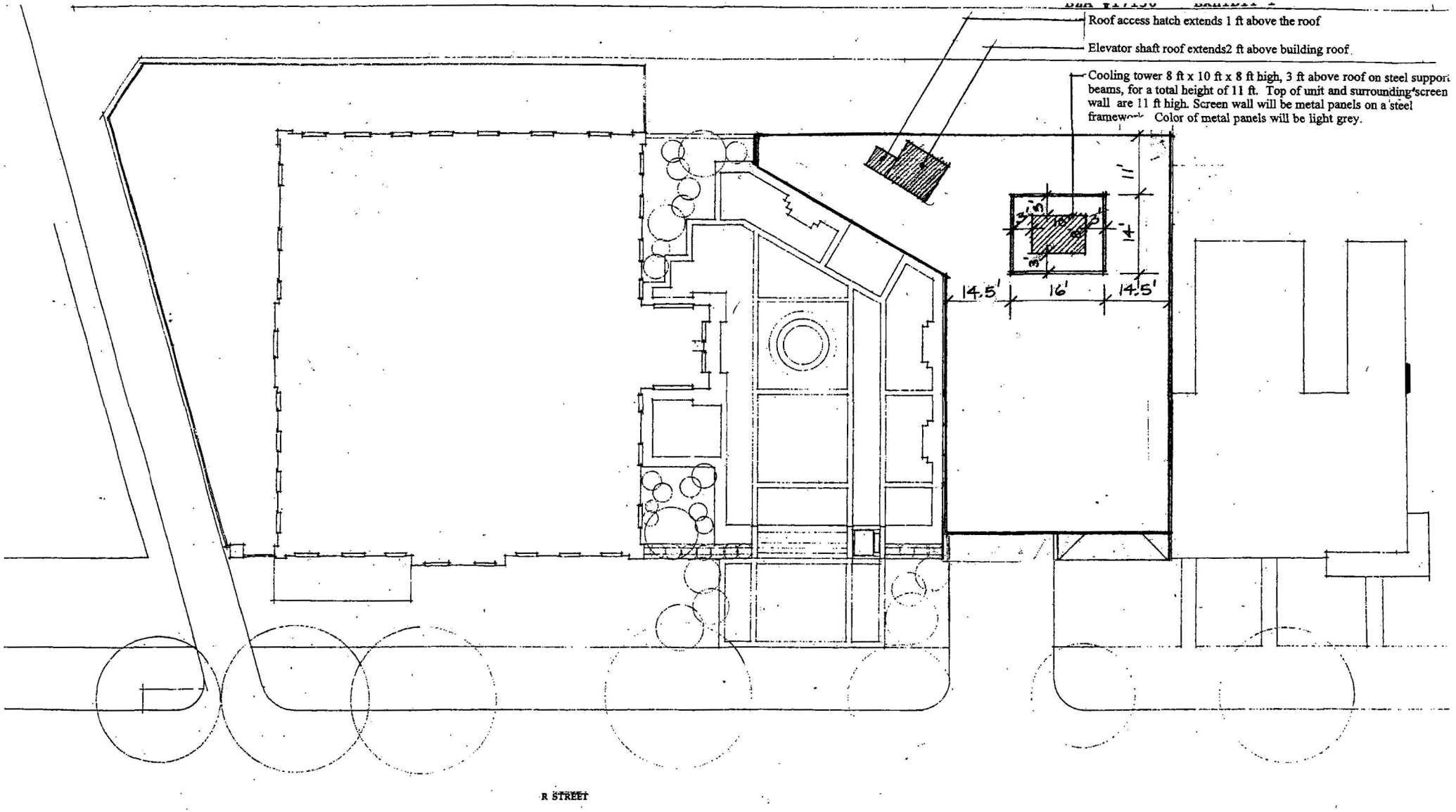
George R. Keys, Jr.
Counsel for the Applicant

Enclosures

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[2] Id., at 1099.

cc: Karen Thomas, Office of Planning
Advisory Neighborhood Commission 2C
Barry Kreiswirth
Julius Coles, President, Africare, Inc.



HANDWERGER, AIA, ARCHITECT
WASHINGTON, D.C.

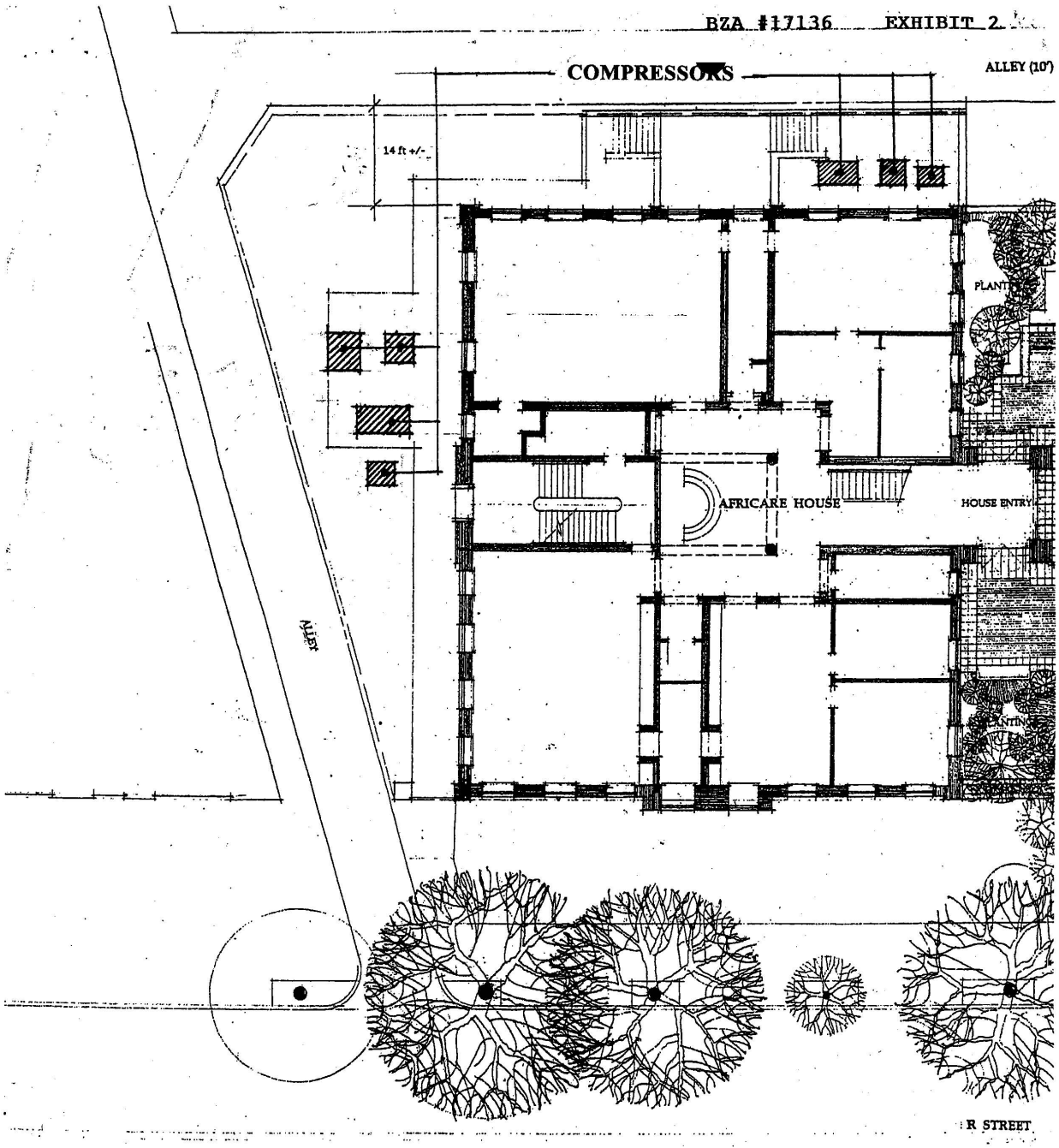
AFRICARE HOUSE ANNEX

440 R STREET, N.W.
WASHINGTON, D.C.

ROOF PLAN

0 5 10 20 30 40ft

BZA #17136 EXHIBIT 2



EXISTING COMPRESSORS

SEPH HANDWERGER, AIA, ARCHITECT
WASHINGTON, D.C.

AFRICARE HOUSE
440 R STREET, N.W.
WASHINGTON, D.C. 20001

JOSEPH HANDWERGER ARCHITECT

Africare Annex Program

Ground Floor

Lecture, Conference Room *15 sq ft / seat x 100 seats = 1500 sq ft
(space shown on drawing: 1,470 sq ft)

Podium and aisles 252 sq ft

Catering/Warming Kitchen: 200 sq ft

Simultaneous translation booths 2 @ 40 sq ft each = 80 sq ft

Storage. Audio-visual equipment: 110 sq ft (tables, chairs, etc for conference room stored in sub-basement)

Coatroom/Janitor 220 sq ft

Total Program Space: 2,400 sq ft

Service Area: 1,700 sq ft.
Stair 1 220
Stair 2 160
Elevator Lobby, vestibule, corridor 640
Elevator 80
Toiilets 480
Mechanical 120
Total 1,700 sq ft

Total Space Required: 4,100 sq ft

Total Floor Area: 4,157 sq ft

Unassigned Space: 4,157 = 57 sq ft

3743 UPTON STREET NW, WASHINGTON DC 20016 202/686-5858

2 Office Floors

Conference Room seating 25 25 @ *15 sq ft / seat= 375 sq ft

Meeting Room seating 12: 12 @ *15 sq ft / seat = 180 sq ft

Library and language lab: 960 sq ft (Library and language lab in Africare House that were converted to staff workstations was 800 sq ft. 960 sq ft accommodates previous function plus 160 sq ft of expansion.)

Lunch Room: 400 sq ft

Reception / Secretary 1/Fl: 2 @ 80 sq ft each = 160

6 Private Offices @ 150 sq ft each (**10 x 15) = 900 sq ft

20 Staff Workstations @ 48 sq ft each (**6x8) = 960 sq ft

2 Visitors Offices, 1/Fl, @100 sq ft each (10 x 10) = 200 sq ft

2 Reproduction/supplies Areas @ 64 sq ft (8 x 8) = 128 sq ft

Total Program Space: 4,263 sq ft + 30% for circulation, files, informal seating = 5,542 sq ft

Service Area each floor: 1,420 sq ft x 2 floors = 2,840 sq ft
Stair 1 220
Stair 2 160
Elevator lobby, corridor 440
Elevator 80
toilets 400
Mechanical/Janitor 120
Total Service Area 1,420 sq ft

Total Space Required: 5,542 + 2840 = 8,382 sq ft

Total Floor Area each floor: 4,157 sq ft

Total Floor Area 2 floors: 8,314 sq ft

Space Deficit: 68 sq ft

Note: 26 new offices/workstations in the new annex accommodates 20 additional staff plus 6 staff personnel from Africare House to relieve present overcrowding.

Sub-basement Level

Service Area: 2 stairs, elevator and machine room, corridor, maintainance/supplies 1,144 sq ft

Exercise Room w/lockers, toilets and showers: 375 sq ft

Storage: files, art, and furniture for lecture, conference functions 2,666 sq ft

Total Space sub-basement level: 4,185 sq ft

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* Time Saver Standards for Interior Design and Space Planning

** Architectural Graphic Standards