3/4G Chevy Chase
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March 26, 2004

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
One Judiciary Square #210S
441 Fourth Street, N.W.
Washington, D.C. 20004

Re: BZA Application No.17147, Broad Branch Market, 5608 Broad Branch Road, N.W. (Sq. 1997, Lot 78)

Dear Mr. Griffis:

At its regular, public meeting of March 22, 2004, by a vote of six to zero, with one abstention (a quorum being four), ANC 3/4G (the "Commission") approved and agreed to support the following two requests for relief submitted by Paul Tummonds, Esq., Shaw Pittman, LLP, attorney for Lewis Bloom, of Bloom Builders, Chevy, Chase, MD, contract purchasers of the Broad Branch Market property (the "Property"):

A. Use Variance Relief (11 DCMR Sec. 3103.2 and 2002.3) in order to reconfigure the Broad Branch Market structure;
B. Special Exception approval (11 DCMR Sec. 3104.1 and 205) in order to establish a child development center with a maximum of 60 children and 8 staff members on the property at any time.

The Commission did not approve or endorse the requested Area Variance Relief (11 DCMR Sec. 3103.2 and 404) (rear yard requirement) at this time, pending the developer's decision to attempt to redesign the project to eliminate the need for this request.

The reasons for the Commission's support of the foregoing requests for relief include the following:

1. The Property was a neighborhood general store for over 80 years until 2003 when it was boarded up (the previous operator failed and had its lease cancelled by the owners of the Property). Many neighborhood residents and local school children (attending Lafayette School across the street) have for

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many decades relied upon the store for a variety of food, beverage and snack needs. It has long been of great benefit to the neighborhood and the residents are anxious for it to return as a delightful and convenient nearby market and store for the whole family. The neighbors have filed an application to designate the Property as a historic structure (subsequently conditionally withdrawn) in order to preserve the Property as a neighborhood store.

2. The neighborhood strongly supports bringing the Property back to life as a local general market and a day care center. In fact, the neighbors mobilized last year to persuade the current owners to sell the Property solely for this purpose and not for any alternative uses. The application to designate the Property as a Historic Structure was filed by the neighbors in order to further that goal. The Property has been empty for a year now and is beginning to exhibit an unkempt appearance. The neighbors have been working closely with Mr. Bloom and his development team for over six months, along with a representative of the ANC (Vice Chair Jerry Levine, in whose SMD the Property is located) in order to achieve a design for the Property that redevelops it as an attractive and sustainable resource for the community.

3. The collaborative process described above has resulted in a favorable design that includes a community market on the first floor featuring gourmet food and wines, a small coffee bar and candy counter, and a branch of All Saints All Day Child Care development center on the second floor (proposal with All Saints is still pending as the prospective operator of the day care center).

4. The prospect of a new day care center on the second floor of the Property is particularly exciting to the neighborhood and to the Commission. It will bring a number of new, younger families into the neighborhood, many of whom will also be sending their children to Lafayette Elementary when they are ready for school. It is anticipated that the proposed new child development center will be operated by All Saints All Day Child Care, Inc., a well-respected neighborhood nonprofit organization. All Saints is an experienced operator of seven other child development centers in the metropolitan area. The child development center will include a maximum of 60 children on the Property at any one time and have a staff of 6 to 8 -- which will not result in crowded or unmanageable numbers of people on the Property. A protected, buffeted play area is also planned for the children on the Property, who will also have use of the nearby Lafayette Park playground.

5. The ANC has received only two objections to the redevelopment plan or to the items of relief requested by the redeveloper from the BZA from adjoining or other neighborhood homeowners or residents living in the vicinity of the Property: one from a nearby owner who is not opposed to the plan in its current state but who would oppose it if it included the razing of a house situated between his house and the Market; and another from a nearby owner who would prefer that the Property be sold for residential ownership use.

6. The results of a traffic and parking analysis performed by the redeveloper's traffic consultants were presented to the Commission's meeting of March 22. The study indicates no significant increase in traffic on neighborhood streets as a result of bringing the Market back or by adding the child development center. The report further indicates that the increase in temporary parking needs resulting from the use of both the Market and day care center can be accommodated by existing on-street parking (there are only three houses fronting on Broad Branch Road between McKinley and Northampton Streets). The staggered drop off hours in the morning for the day care center should alleviate any potential concerns that the child development center could substantially increase traffic at the same time as children are being dropped off for school at Lafayette Elementary in the morning. Likewise, the length of the hours for pick-up at the end of the day for the child development center will only conflict with pick-up times at Lafayette for about 30 minutes.

7. The redevelopment plan for the Property includes the addition of four new on-site parking spaces, a number that is expected to be provide sufficient parking facilities for child development center staff. As was the case for over 80 years of the Market's operations, customers of the Market itself will either walk to the Property from the neighborhood or park on neighborhood streets. It should be noted that the E4 and E6 buses stop near the Property and that these buses connect with the Friendship Heights metro stop and with the L2 bus on Connecticut Avenue.

8. The proposed redevelopment plan does not call for the use of an existing alley or the installation of any delivery platform. Adequate plans have been made for signage and lighting. Playground noise is not expected to be significant. Possible outdoor seating will be considered.

9. At the Commission's meeting of March 22, 2004, the redevelopment team for the Property also agreed to meet the following special conditions requested by the Commission in connection with this matter:

    - An existing, old cherry tree on the Property will be retained.
    - The back of the entire Property will be fenced in with a wood, six-foot high fence.
    - The day care center will afford a first-priority preference system in admission to existing or prospective neighborhood residents to the extent of a majority of the slots in the center's enrollment.
    - The redevelopment team will enter into a mutually-satisfactory construction agreement with the Commission.

10. The Commission believes the applicant has met the requirements for the granting of a use variance to operate the Market in an R-1-B zone. In this connection, we believe the longstanding use of the existing building on the

Property as a general store, the age of the structure, the significant cost of renovations that are necessary to bring the Market back into operation, and the filing (and subsequent withdrawal) of a historic landmark designation application for the Property all establish the necessary hardship obstacles that would otherwise prevent the applicant from making reasonable uses of the Property within the R-1-B matter-of-right uses. The group of neighbors working with Commissioner Levine and the various parties, including the seller, the developer, and their various attorneys and professionals, have been able to generate considerable support for this redevelopment proposal that will not only carry on the tradition of a beloved neighborhood landmark property, but also contribute a new day care center to the educational structure of our Chevy Chase community. The alternative to this proposal might well be complex and lengthy litigation, neighborhood dissatisfaction and concern, and a dilapidated building falling into further decay as a nuisance to the area.

11. The Commission further believes that the special exception should be granted for this Property in order to operate the proposed new day care center. This proposed use is in harmony with the general purpose and intent of the zoning regulations and complies with the provisions of Section 205 of the Zoning Regulations.

For all of the above reasons, ANC 3/4G strongly supports and endorses the applicant's above-cited two requests for relief from the BZA for this Property. If there is any additional information or materials needed or desired by the BZA from the ANC on this matter, please do not hesitate to contact Vice Chair Jerry Levine (202.775.4551 or jerry@sambergfdn.org) whom the ANC has designated as its representative to represent the Commission with respect to all proceedings relating to this matter.

Thank you for your consideration of this report and also for affording it "great weight" in your deliberations on this matter.

Sincerely,

Robert Gordon

Robert Gordon
Chair,
ANC 3/4G

cc: Mr. Lewis Bloom
Paul A. Tummonds, Esq.
Vice Chair Jerry Levine