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February 7, 2006

Geoffrey H. Griffis, Chair
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

SUPPLEMENT TO PREHEARING STATEMENT

Re: BZA Case No. 17360 – Special Exceptions and variances for 1265 Talbert Street, S.E. (Square 5807, Lot 962)

Dear Mr. Griffis:

In connection with BZA Case No. 17360, we wish to add the following information to the Prehearing Statement we submitted on January 31, 2006, regarding parking.

Parking

Previously we reported that we were able to provide 31 parking spaces. We also eliminated one of the flats (2 units). Since then, we have revised the parking layout to provide an additional 5 spaces for a total of 36. They are parallel parking spaces and therefore, may not be counted toward the required spaces. Nevertheless, they are a resource that will free up five additional spaces on the street.

Recommended Conditions

To further alleviate parking concerns, we will be willing to accept the following conditions on the BZA Order:

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17360
EXHIBIT NO. 32

Board of Zoning Adjustment
District of Columbia
CASE NO. 17360
EXHIBIT NO. 32

a. The condominium rules for our project will encourage residents and their guests, to the extent possible, to park on Talbert Street, rather than Dexter Terrace or Talbert Terrace, if there are insufficient spaces on the site.

b. The development team will work with the ANC and the neighborhood to bring about increased enforcement of the two-hour parking limitation on cars from outside Ward 8.

c. The neighbors will be supplied with copies of the professional parking study which will be useful in obtaining assistance from the Neighborhood Service Coordinator.

d. The development team will work with the ANC and the neighborhood to revise street parking signs to favor resident parking.

Landscaping

We wish to call the Board's attention to the fact that the development will be aesthetically enhanced by additional landscaping, including in the area that fronts on Talbert Street, as shown on plans submitted to the Board on February 2nd.

Outreach

As part of our effort to work with the community, we held two general meetings, participated in several telephone calls, and made wide distribution of a proposed agreement between the developer and the ANC. A copy of the agreement in the form of a letter to the Chair and Single member of ANC 8A is attached for your information. Also attached is a letter from us to the Chair dated February 7 protesting the ANC's refusal to put us on the February agenda and requesting reconsideration.

Respectfully submitted,

Stephen N. Gell, Esq.

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DRAFT

December 29, 2005
Revised, January 6, 2006

Mr. Anthony Mohammad
Chair, ANC 8A
PO Box 73878
Washington, DC 20056

Ms. Juanita W. Jefferson
Single member, ANC 8A05
1421 Morris Road, SE
Washington, DC 20020

Re: 1265 Talbert Street, S.E., BZA Case No. 17360 (Revised)

Dear Mr. Muhammad and Ms. Jefferson:

After two very productive meetings with neighbors of our project at Talbert street We decided to put into writing a set of responses that should address the most serious of the concerns expressed.

1. Traffic

   A. Our traffic report shows that the project will bring a minimum of additional traffic in the neighborhood. Comings and goings will be spread out over the rush hour as well as the whole day and will impose only a slight burden on neighborhood streets.

2. Fire and Police access

   A. The Fire Department and Police Department are looking carefully at our plans and will not let us build anything that is inadequate in terms of access.

B. At the request of the Fire Department we are providing a 26 foot wide road instead of the 25 feet required by regulations. In addition, we are providing an additional fire hydrant as requested.

3. Storm drainage

A. No building permit will be issued by DCRA until DOH approves a storm water management plan assuring adequate facilities to deal with runoff issues. DOH has reviewed the plans and signaled preliminary approval of the plan.

4. Parking

A. Despite the report of our traffic consultant, Osborne George, which shows adequate numbers of spaces for the anticipated cars, we recognize a potential problem. Although we exceed the parking spaces required by the Zoning Regulations, we have tried numerous ways to increase the parking availability on site with no success. We note that parking on Talbert Street is not as tight as on Talbert Terrace and Dexter Terrace since many of the homeowners on Talbert Street have driveways. Accordingly, we will be happy to state in the condominium rules that residents are directed to find extra parking on Talbert Street, rather than Dexter Terrace or Talbert Terrace.

B. In addition, we believe that a significant part of the anticipated problem can be alleviated if we work with the ANC and the neighborhood to bring about increased enforcement of the two-hour parking limitation on cars from outside Ward 8. To that end, we will make available to the neighbors our professional parking study and participate in the meetings with the Neighborhood Service Coordinator to assure that this problem is given maximum attention.

5. Number and size of houses

A. Some neighbors complained about the density of the project. As we explained previously, the number of units is dictated by the cost of producing the house, the likely selling price, and a reasonable profit. Banks will not finance unless the numbers work out. However, we were able to eliminate one house with two units. The total number of houses will be 23, comprising 46 units.

B. There was some question about the number of stories. The houses are 3 stories plus the basement. The basement is considered a "cellar" and not counted officially as a story if the ceiling is less than 4 feet above grade, as here.

C. Each unit will contain three bedrooms and two and a half baths in 1,584 square feet of space. These are a reasonable size for any location in the city. Moreover, there are several developments in the neighborhood with similar size houses.

D. The houses will be brick and look somewhat like the Georgetown model that neighbors were shown at the first meeting.

E. We will provide enhanced landscaping, including in the area that fronts on Talbert Street. With additional landscaping and plantings, the houses will fit handsomely into the surrounding neighborhood.

6. Amenities

A. The project will have a positive impact on the neighborhood since it will improve a weed-tree lot that is commonly used for drug-dealing and eluding police, as well as other acts harmful to the safety, peace, and calm of the neighborhood.

B. This project will bring more middle income, upwardly mobile folks into the neighborhood. No doubt, many residents will have children in the public schools and will actively participate in school affairs as concerned parents. In addition, residents are likely to have disposable income which should help to stimulate the growth of neighborhood shopping and restaurant facilities.

7. Special Amenities

A. As noted above, we have reduced the density by eliminating one house containing two units.

B. In response to some of the concerns we heard from neighbors, we are willing to provide two housing units at cost. If the ANC desires, they will be set aside for Metropolitan Police Department enforcement personnel. Alternatively, we will donate the profit from the sale of two houses to a worthy community activity run by a non-profit community organization chosen by the ANC.

C. As a good will gesture, we are also willing to offer a $5,000 contribution to a specific community activity run by a non-profit community organization chosen by the ANC.

We look forward to working with the ANC and the immediate neighbors to make this project a success. We will be happy to answer any questions you might have.

Sincerely yours,



Stephen N. Gell

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February 6, 2006

Anthony Muhammad, Chairman
ANC 8A
P.O. Box 73878
Washington, DC
Sent by email to
Anthonymuhammad@yahoo.com

Re: BZA Case No. 17360 – Variance for 1265 Talbert Street, S.E.

Dear Mr. Muhammad:

On January 30 I called you and was advised me that the Talbert Street project would not be on the agenda for the ANC meeting on February 7. I asked you to reconsider and, as yet, have not been told of your decision.

You will recall that on November 1, 2005, we appeared before the Advisory Neighborhood Commission. At that time the ANC expressed its concerns about the project but voted to support our request to the BZA for a postponement of the hearing on the grounds that we had not sufficiently discussed the proposals with the neighborhood. There was a mutual expectation that at the end of that process, we would be able to present our proposal to the ANC with the changes worked out.

Since that time we have had two comprehensive meetings with the neighbors on November 22 and December 30, 2005. We have worked with the neighbors on obtaining parking signage and increased enforcement programs from the Neighborhood Traffic Coordinator of DDOT. We sent you a proposed agreement for changes and amenities. Our presentation would also have included an announcement that we have found space for additional parking on site which would increase the parking spaces by 20 per cent.

We again request to be put on the agenda of the ANC 8A meeting on Tuesday night.

Yours very truly,

Stephen N. Gell

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