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February 13, 2006

Tony Sneed, Captain
Fire and Emergency Medical Services Department
441 4th Street, NW
Washington D.C. 20001

RE: 1270 – 1280 Talbert Street, S.E. (BZA Case No. 17360)

Dear Mr. Sneed,

This letter responds to your letter of February 10, 2006 in which you outlined three issues of clarification pertaining to the matter of reference above, in order to maintain your prior approval of this project, and foster further recommendation to Deputy Fire Chief Richard Fleming. As you know, this project seeks to construct, for purposes of the Zoning Regulations, a single building on a single lot of record containing twenty three (23) two-family flats with vehicular and pedestrian access to what may be deemed the front (side yard) and rear (side yard, for zoning purposes) of the proposed structure opposite the private access road, respectively.

Please find below each itemized issue and the respective responses to those issues, clarifications which we trust, or hope provide substantive grounds for further recommendation of approval, as obtained under the previous scheme presented for your review:

1. In the original application the architectural drawing indicated a breezeway between buildings 12 and 13. This would have allowed some access to the rear of all buildings. The current diagram does not show this breezeway, therefore eliminating rear access to these properties. The initial approval was based in part because of this breezeway. What changes have been made to compensate for this loss of the rear access?

The revised site lay-out or scheme is in response to a specific prohibition in the Zoning Regulations, which does not permit the replacement of two principal structures or building on one lot record (see §3202.3, 11 DCMR). Notwithstanding that the proposed breezeway contained a lattice structure connecting the two halves of the structure: it was the Office of Planning's view that the scheme constituted two principal buildings warranting a separate relief for the application. It is noteworthy that neither of the two schemes offered vehicular access to the rear (side yard) of the project, but that what the breezeway offered in pedestrian access to the rear of the proposed building is

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Board of Zoning Adjustment
District of Columbia
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substituted by impeded access to the front and rear of the proposed building, which are set back twenty feet (20 ft.) from respective lot lines. Further, to reiterate the position tabled in the meeting of Friday, February 10, 2006 with Lieutenant Murphy of your office, the proposed project is not adverse to a covenant or condition of approval prohibiting the construction of privacy fences which may impede unfettered pedestrian access to the rear of, and for depth of the proposed building.

Further the project proposes three strategically placed fire water hydrants located within specific linear distance located on the project site in excess of that required by the Fire Prevention Codes. Coupled with the limited width of the proposed building, we believe adequate access to the rear of the project is ensured, for purposes of the safety of the occupants of the building. You should further note that initial scheme comprised twenty-four (24) townhouse-like structures. The instant scheme comprises twenty-three (23), in deference to density reduction and assurance of adequate access to the rear of the proposed building. Finally, you will recall that you expressed a concern about the width of the private access road being twenty-five feet (25 ft.) in the previous scheme; in response the new proposed roadway width has been widened to twenty-six feet (26 ft.) in conformance with applicable section of the Fire Prevention Codes. To enumerate, the following changes have been made to mitigate the elimination of the breezeway:

(a). The proposed building has been set back twenty feet (20 ft.) from the property line abutting Talbert street, and the same distance from the rear of the property lot line.

(b) Three fire/water hydrants in excess of that required by code have been strategically placed along the depth of the private access road.

(c) The density of the proposed building has been reduced by one to ensure unfettered access to the rear of proposed project.

(d) The width of the private access road has been widened to twenty-six feet (26 ft.), in conformance with the applicable section of the Fire Prevention Codes.

(e) Applicant is amenable to a condition of approval prohibiting construction fences which may impede unfettered access to the rear of the building for it depth.

2. The original drawing indicates off street parking in front of buildings 11 thru 21 with no roadway access pass building 21. The current drawing, left at the office of the Fire Marshal, does not indicate parking (this is an elevation drawing). What is the unobstructed roadway width from building 11 thru 21? Is parking still going to be allowed in front of these buildings?

The off street parking scheme in front of buildings 11 through 21 will remain the same. The Zoning regulations requires a minimum twenty-three (23) parking spaces for the number of dwelling units proposed, as set fourth in §2101.1. You may well be aware

that the single most important concern of the residents and community groups about this project is its speculated impact on street parking, a problem proceeding this project, and one not likely to be exacerbated by it, according to transportation reports. Nonetheless, the proposed project, in providing in excess of the required parking, has strived to be sensitive to this very real community problem; hence the parking layout has been designed to mitigate any impact and has mimicked prevailing conditions in the surrounding neighborhood. For example, and in direct response to your question, the unobstructed width of the proposed roadway from building 11 through 21, not including the parking area, is consistently twenty feet (20 ft.), a width in excess of prevailing conditions in and around every road way surrounding the proposed project site. A copy of the traffic Impact assessment is attached for your perusal. Note photographic evidence of pages 13 and 14 of the report, which depicts the width of the public access roads at the intersections of Talbert Terrace and Bowen Road, Talbert Road at Talbert Terrace, and Talbert Street at Mount View Place looking North when cars are parked on opposite sides of the streets: the unobstructed widths are sixteen feet (16 ft.), eighteen feet (18 ft.), fourteen feet (14 ft.), respectively. The proposed project, in providing twenty feet (20 ft.) of unobstructed roadway, not including the parking area, is not inconsistent with prevailing conditions in surrounding neighborhoods. Further the project is constrained to this scheme by the collective impact of topographical condition and shape of site, roadway width requirements and community desire for limited parking impact on surrounding street parking.

3. The original proposal indicated that the buildings were to be built of masonry and aluminum siding. Has this changed? What styles of roofs are proposed? Flat roof or pitched roof?

All buildings in the project will be constructed of reinforced concrete at the lower proportions, brick on all fronts and vinyl sidings. The roofs will be pitched roofs, but more importantly, all buildings will be constructed in accordance with all applicable requirements of the Building Codes (IBC 2000 & D.C Building Codes Supplements, DCMR Title 12). All Buildings will be outfitted with hard wired smoke detectors/alarms at required locations and they are fully sprinklered.

In conclusion, as you know this project is before the Board Of Zoning Adjustment for a special exception under §410 of the District of Columbia Zoning Regulations and that it should be of interest that §410.15, a subsection to §410, requires “vehicular access to all or part of the group” of a proposed building in the scheme under which this project seeks relief. In whole §410.15 read as follows:

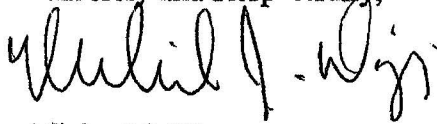
“Vehicular access to all or part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety”

Vehicular access is provided to a significant part of the project through a private access roadway and adequate pedestrian access is ensured to the rear of the project. A private access road, which abuts subject property, provides vehicular access for adjoining properties located perpendicular to subject property, to Morris Road: hence no

overriding interest of public convenience and safety requiring vehicular access to the rear of property of application exists, or at least the Board has yet to be given the opportunity to exercise its discretion to deem one necessary.

I trust that your questions are adequately addressed herein and thank you in advance of your favorable consideration.

Sincerely and Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Diggs". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Diggs".

Michael J. Diggs

D.C. FIRE & EMERGENCY MEDICAL SERVICES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

TO: *M. Diggs H. Jamir* FROM: *T. Sneed*
COMPANY: DATE: *2/10/06*
FAX NUMBER: *703-580-1239* TOTAL NO. OF PAGES INCLUDING COVER: *2*
PHONE NUMBER: SENDER'S REFERENCE/FAX NUMBER:
202 727-3238
RE: *Talbert St /ten.* YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

*Please see that Mr. Diggs gets this.
The fax number he provided was non-
working*

FIRE PREVENTION DIVISION OFFICE OF THE FIRE MARSHAL
441 - 4TH STREET, N.W. SUITE 370 202 727-1614

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



February 10, 2006

Michael Diggs
Ace Designs & Construction
3686 King St # 113
Alexandria, VA 22302

Dear Mr. Diggs:

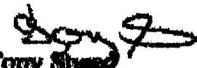
I have reviewed your drawings and changes made for Special Exemption 1270 A-D thru 1280 A-D Talbert St S.E. I have the following concerns:

- 1) In the original application the architectural drawing indicated a breezeway between buildings 12 and 13. This would have allowed some access to the rear of all the proposed buildings. The current diagram does not show this breezeway, therefore eliminating rear access to these properties. The initial approval was based in part because of this breezeway. What changes have been made to compensate for this loss of rear access?
- 2) The original drawing indicates off street parking in front of buildings 11 thru 21 with no roadway access past building 21. The current drawing, left at the Office of the Fire Marshal, does not indicate parking (this is an elevation drawing). What is the unobstructed roadway width from building 11 thru 21? Is parking still going to be allowed in front of these buildings?

The original proposal indicated that the buildings were to be built of masonry and aluminum siding. Has this changed? What style of roofs are proposed? Flat roof or pitched roof?

I am looking forward to your reply so that I may make my recommendation to DFC Richard Fleming.

Sincerely,


Tony Shedd
Captain
DCFEMS