

**EXHIBITS A THROUGH E**

**Attached to**

**Appellant Neighbors for Responsive Government's**

**Amended Request for Relief and Response to Prehearing  
Statements Filed by Respondent and Intervenor**

**BZA Case Nos. 19895 and 19877**

**January 6, 2019**

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**Pat Wittie**

**From:** Bradbery, Angela (SMD 3C06) <3C06@anc.dc.gov>  
**Sent:** Monday, December 17, 2018 7:04 PM  
**To:** Robert Witte; patwittie50@gmail.com; brianapowers50@gmail.com; Bruce Joseph; Susan Lutzker; Arnie Lutzker, Nancy MacWood; Boucher, Maureen (SMD 3C07)  
**Subject:** Fw: Our language

Angela Bradbery  
ANC3C06 Commissioner  
(202) 669-6517

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**From:** Falcicchio, John (EOM)  
**Sent:** Monday, December 17, 2018 6:55 PM  
**To:** Bradbery, Angela (SMD 3C06)  
**Cc:** Cheh, Mary (COUNCIL); Melder, Jay (EOM)  
**Subject:** Re: Our language

1. Reduce the size of the deck from 40'x 25' (1000 square feet) by 20% to 40' x 20' (800 square feet).

2. Create a noise buffer with trees and shrubs all around the deck. There will be a minimum of 20 feet of plantings, consisting of trees and shrubs, measured from the south side of the deck to the wall on the south, as well as six to eight feet of plantings, consisting of trees and shrubs, on the west side of the deck.

3. Limit the hours to 7 a.m. to 9:10 p.m. on which the deck (and playground) can be used in accordance with D.C. Code §22-1321 (4).

4. Prohibit gongs, horns, amplified or unreasonably loud music from any device outside of the shelter at all times. "Unreasonably loud" means sound that, if such noise is above 60 decibels, which is, at all times, the level established by the District of Columbia Parks & Recreation Permit Policies and Regulations.

5. Prohibit flood lights on the deck and playground south of west sides of the shelter.

Comment [AB1]: Does the city really envision the playground being used as late as 10 p.m.?

Comment [AB2]: We think 9 p.m. is more reasonable. Also please note that this is consistent with DC Parks & Recreation permit policies, which set a 9 p.m. cutoff if there is outdoor lighting.

See [https://dpr.dc.gov/sites/default/files/dc/sites/dpr/page\\_content/attachments/dpr%20Permit%20Handbook%20Final%20.pdf](https://dpr.dc.gov/sites/default/files/dc/sites/dpr/page_content/attachments/dpr%20Permit%20Handbook%20Final%20.pdf)

Comment [AB3]: Floodlights anywhere in the backyard area will affect nearby residences. We already are having problems with the parking garage lights being too bright. We suggest putting lights in the flooring instead.

1. Reduce the size of the deck from 40'x 25' (1000 square feet) by 20% to 40' x 20' (800 square feet).

2. Create a noise buffer with trees and shrubs all around the deck. There will be a minimum of 20 feet of plantings, consisting of trees and shrubs, measured from the south side of the deck to the wall on the south, as well as six to eight feet of plantings, consisting of trees and shrubs, on the west side of the deck.

3. Limit the hours to 7 a.m. to 9 p.m. on which the deck (and playground) can be used.

4. Prohibit amplified or unreasonably loud music from any device outside of the facility at all times. "Unreasonably loud" means sound that is above 60 decibels, which is the level established by the District of Columbia Parks & Recreation Permit Policies and Regulations.

5. Prohibit flood lights on the deck and playground.

Final final

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John J. Falcicchio  
[John.Falcicchio@dc.gov](mailto:John.Falcicchio@dc.gov)

Sent from my iPhone

On Dec 17, 2018, at 6:18 PM, Bradbery, Angela (SMD 3C06) <[3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)> wrote:

Yes. Please see attached.

Angela Bradbery  
ANC3C06 Commissioner  
(202) 669-6517

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**From:** Falcicchio, John (EOM)  
**Sent:** Monday, December 17, 2018 5:55:50 PM  
**To:** Cheh, Mary (COUNCIL)  
**Cc:** Bradbery, Angela (SMD 3C06); Melder, Jay (EOM)  
**Subject:** Re: Our language

I don't see an attachment. Is there something for us to review?

**John Falcicchio**  
Chief of Staff  
Executive Office of Mayor Muriel Bowser  
[1350 Pennsylvania Avenue NW](https://www.dc.gov/locations/1350-Pennsylvania-Avenue-NW)  
[Washington, DC 20004](https://www.dc.gov/locations/washington-dc-20004)  
☎ : 202-727-6264  
Executive Assistant: Tonya Poindexter  
💻 : [john.falcicchio@dc.gov](mailto:john.falcicchio@dc.gov)  
🌐 : <http://mayor.dc.gov/>



On Dec 17, 2018, at 5:09 PM, Cheh, Mary (COUNCIL) <[MCheh@DCCOUNCIL.US](mailto:MCheh@DCCOUNCIL.US)> wrote:

John

Will this slightly revised version be acceptable? If so then I believe we have an agreement.

Mary

Sent from my iPhone

On Dec 17, 2018, at 11:17 AM, Bradbery, Angela (SMD 3C06) <[3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)> wrote:

Hi Mary. I think we're close. The residents had some questions and suggestions. Please see attached. Thanks so much.

Angela Bradbery  
ANC3C06 Commissioner  
(202) 669-6517

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**From:** Cheh, Mary (COUNCIL) <[MCheh@DCCOUNCIL.US](mailto:MCheh@DCCOUNCIL.US)>

**Sent:** Friday, December 14, 2018 8:28:23 PM

**To:** Bradbery, Angela (SMD 3C06)

**Subject:** Fwd: Our language

Angela

Here is the language the executive is willing to accept. Please see if the ANC and the community group plaintiffs are also willing to accept, and then the settlement will be reached and we can leave it to the lawyers to put things in the proper form under the proper procedures. Please let me know.

Thanks

Mary

Mary M. Cheh  
Councilmember, Ward 3

Sent from my iPad

Begin forwarded message:

**From:** "Falcicchio, John (EOM)" <[john.falcicchio@dc.gov](mailto:john.falcicchio@dc.gov)>  
**Date:** December 14, 2018 at 11:11:36 AM EST  
**To:** "Cheh, Mary (COUNCIL)" <[MCheh@DCCOUNCIL.US](mailto:MCheh@DCCOUNCIL.US)>  
**Cc:** "Melder, Jay (EOM)" <[jay.melder@dc.gov](mailto:jay.melder@dc.gov)>  
**Subject:** Our language

As requested

1. Reduce the size of the deck from 40' x 25' (1000 square feet) by 20% to 40' x 20' (800 square feet).
2. Create a noise buffer with trees and shrubs all around the deck.
3. Limit the hours to 7 a.m. to 10 p.m. on which the deck (and playground) can be used in accordance with D.C. Code §22-1321 (d).
4. Prohibit gongs, horns, amplified or unreasonably loud music from any device outside of the shelter, if such noise is above 60 decibels, at all times, the level established by the District of Columbia Parks & Recreation Permit Policies and Regulations.
5. Prohibit flood lights on the south or west sides of the shelter.


**John Falcicchio**

Chief of Staff

Executive Office of Mayor Muriel Bowser

[1350 Pennsylvania Avenue NW](#)

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 : 202-727-6264

Executive Assistant: Tonya Poindexter

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Single Member District Commissioners  
01-Lee Brian Reba; 02-Gwendolyn Bole; 03-Jessica Wasserman  
04- Beau Finley; 05- Emma Hersh; 06-Angela Bradbery  
07- Maureen Kinlan Boucher; 08-Vacant; 09-Nancy MacWood

P.O. Box 4966  
Washington, DC 20008  
Website <http://www.anc3c.org>  
Email [all@anc3c.org](mailto:all@anc3c.org)

**ANC3C Resolution 2018-042**

**Regarding a Settlement of an Appeal to the BZA Regarding the Addition of a 62-Person Capacity Outdoor Deck to the Ward 3 Short-Term Family Housing Facility at 3320 Idaho Avenue NW**

WHEREAS, the D.C. Department of General Services (DGS) applied on Jan. 3, 2017, to the Board of Zoning Adjustment (BZA) for a special exception and variances to build the Ward 3 Short-Term Family Housing facility at 3320 Idaho Ave. NW to help up to 50 families experiencing homelessness;

WHEREAS, the BZA on Aug. 30, 2017, approved the city's requested zoning relief "subject to the approved plans" submitted by the city;

WHEREAS, as outlined in Resolution 2018-35, ANC3C commissioners earlier this year learned of modifications the city had made to the housing facility design, including the addition of a 62-person capacity outdoor patio/deck;

WHEREAS, the city's zoning administrator deemed the addition of the deck not to be a significant change that required BZA review;

WHEREAS, the ANC3C commissioners who represent the neighborhood where the housing facility is to be built were concerned about the possibility of the deck to disturb neighbors and believed that the deck should have been reviewed by the BZA;

WHEREAS, on Oct. 15, 2018, ANC3C supported an appeal of the zoning administrator's decision to the BZA (Resolution 2018-35);

WHEREAS, ANC 3C desires for this matter to be resolved quickly and amicably, in a way that takes into account the needs of the facility's future residents as well as the concerns of residents living near the facility;

WHEREAS, commissioners for ANC3C districts 06 and 07, as well as the ANC chair, have worked with neighbors and the city to identify conditions that would permit the patio/deck but ensure that the interests of the neighborhood and facility residents are addressed;

THEREFORE BE IT RESOLVED THAT ANC3C:

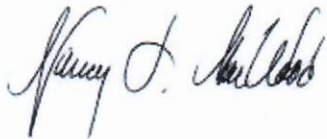


Supports the attached conditions that the city has agreed to place on an outdoor patio deck;

Recognizes that an agreement by all parties to the conditions will settle the ANC's pending BZA appeal (Case 19877);

Asks the BZA to accept the settlement and make it part of a revised order to case 19450, and once the BZA does so, ANC3C will withdraw the appeal.

Attested by



Nancy J. MacWood  
Chair, on December 17, 2018

*This resolution was approved by a voice vote on December 17, 2018 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

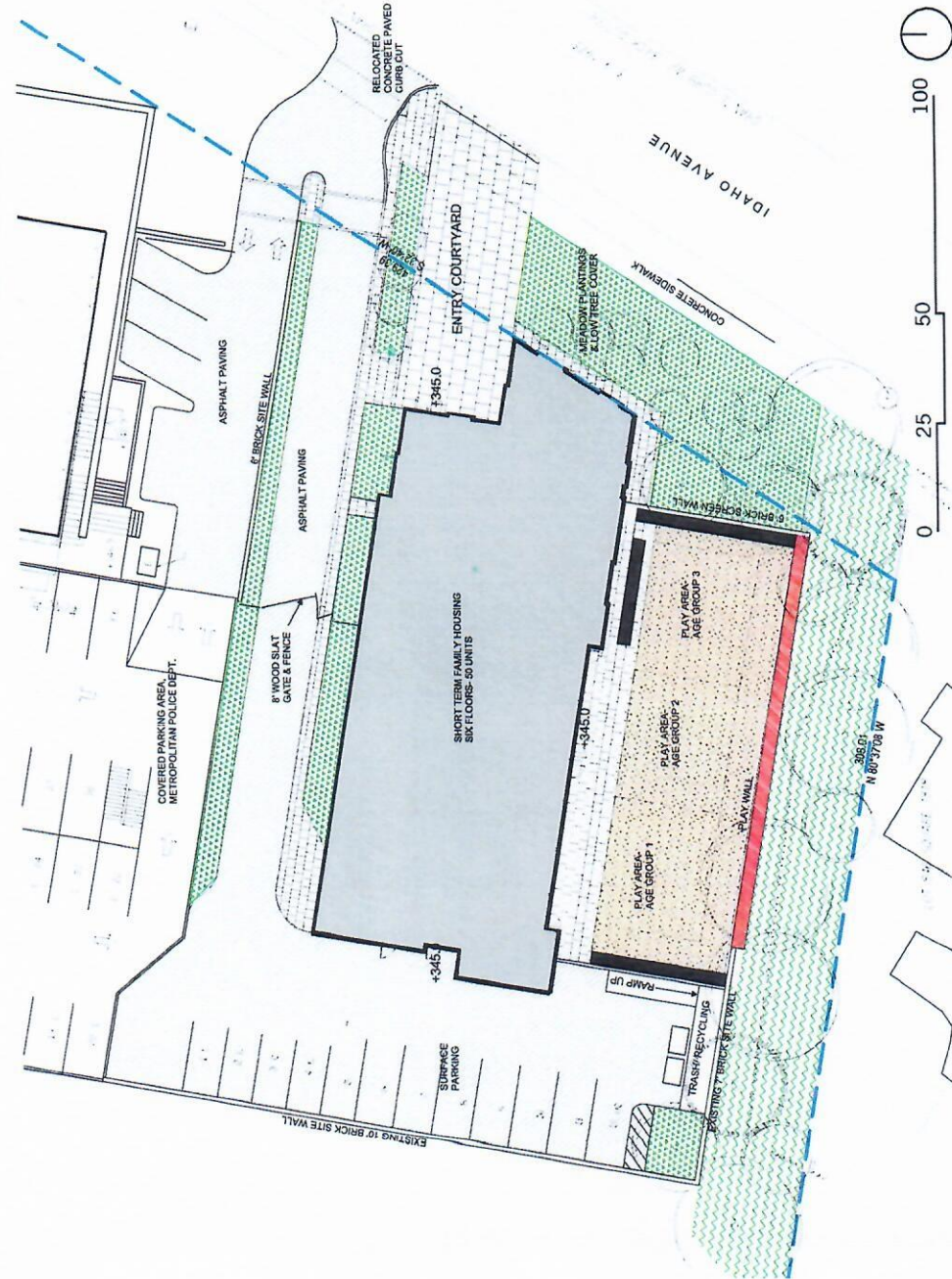
**Conditions for ANC3C Resolution 2018-042  
Regarding a Settlement of an Appeal to the BZA Regarding the Addition of a  
62-Person Capacity Outdoor Deck to the Ward 3 Short-Term Family Housing  
Facility at 3320 Idaho Avenue NW**

1. Reduce the size of the deck from 40'x 25' (1000 square feet) by 20% to 40' x 20' (800 square feet).
2. Create a noise buffer with trees and shrubs all around the deck. There will be a minimum of 20 feet of plantings, consisting of trees and shrubs, measured from the south side of the deck to the wall on the south, as well as six to eight feet of plantings, consisting of trees and shrubs, on the west side of the deck.
3. Limit the hours to 7 a.m. to 9 p.m. on which the deck and playground can be used.
4. Prohibit amplified or unreasonably loud music from any device outside of the facility at all times. "Unreasonably loud" means sound that is above 60 decibels, which is the level established by the District of Columbia Parks & Recreation Permit Policies and Regulations.
5. Prohibit flood lights on the deck and playground.



# WARD 3 SHORT TERM FAMILY HOUSING

3320 IDAHO AVE NW, WASHINGTON, DC



#### SURFACE PARKING LANDSCAPE REGULATIONS:

##### TITLE 11 CHAP 21: LANDSCAPE REQUIREMENTS:

2111.1 Surface parking areas with ten (10) or more parking spaces shall conform to the landscaping, tree canopy cover, screening, and lighting requirements as set forth in this section:

- (a) A minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs;
- (b) The landscaping shall be maintained in a healthy, growing condition; Dead or dying landscaping shall be replaced;
- (c) All end islands of parking rows longer than nine (9) parking spaces, and all otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped;
- (d) Landscaping around the perimeter of the parking area may count toward the area requirement of this subsection up to a distance of six feet (6 ft.) from the pavement;
- (e) All newly planted trees shall have a minimum diameter of one-half inches (2.5 in.); all new trees shall be planted and retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree; and
- (f) Trees shall be planted a minimum of four feet (4 ft.) from protective barrier, such as curbs or wheel stops with no horizontal dimension less than four feet (4ft.) and a minimum depth of three feet (3 ft.).

#### ZONING CASES 08-06 CHAP. 15: LANDSCAPING SCREE

- 1500.1 A surface parking area shall have screening around its entire perimeter subject to the standards of 1510.9 and 1510.10, when the parking is either:
  - (a) Within a zone other than a PDR zone; or
  - (b) In a PDR zone and abutting property in a zone in Subtitle (Residential House).
- 1500.2 The screening required by 1510.8 shall be either:
  - (a) A solid brick or stone wall at least twelve inches (12 in.) and forty-two inches (42 in.) high; or
  - (b) Evergreen hedges or evergreen growing trees that are thick planted and maintained, and that are at least forty-two in (42 in.) in height when planted
- 1500.3 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that can directly onto a street. No individual gap exceed twenty-four feet (24 ft.) in width.
- 1500.4 Any lighting used to illuminate a parking area or its accessory building shall be arranged so that all direct light rays are confined to the surface of the parking area.

Not For Construction  
 All drawings, plans, details for concept only and require full exploration before construction plan can be completed. Design, Specs, Field Conditions and Engineering require verification and subject to change. All interior partition locations shown, including number, size and location of units, stairs and elevators are preliminary and shown for illustrative purposes only. Final layout will vary.



LANDSCAPE PLAN **L1.0**

JANUARY 4, 2017



