



Advisory Neighborhood Commission 5C

Government of the District of Columbia
P.O. Box 92352
Washington, DC 20090

February 20, 2020

Notice of Adverse Decision – BZA 20065

Location

MPD 5 D Headquarters
1805 Bladensburg Road NE
Washington, DC 20018

In a properly noticed public meeting and with a quorum, the commissioners of ANC-5C acted in the matter of the BZA Case 20065, Dilan Investments, where Advisory Neighborhood Commission 5C makes the following decision unfavorable to the applicants' request for a letter of support.

In BZA case 20065, aka 1818 Rhode Island Avenue NE, Dilan Investments , appeared before the full Commission of ANC-5C, seeking a letter of support for its request for a special exception to zoning regulations for a planned project at Square 4208 and Lot 0007 , seeing relief from required parking and bicycle space provisioning..

Having heard the applicants request and reasoning, the commissions of Advisory Neighborhood Commission 5C voted against offering a letter of support for this project, and incorporated by reference the Letter of Adverse Decision from single member district ANC-5C07 as support for this denial of support. The vote in the affirmative is to deny a letter of support to the applicant.

Respectfully, Advisory Neighborhood Commission 5C.

Gail Brevard, Commissioner ANC-5C01,
Affirmative

Lauren Rogers, Commissioner ANC-5C02,
Affirmative

Pierre Hines, Commissioner ANC-5C03,
Affirmative

Jacqueline Manning, Commission Chair ANC-5C04,
Affirmative

Darlene Oliver, Commissioner ANC-5C05,
Affirmative

Kirsten Williams, ANC-5C07, not present

Jeremiah Montague, Jr, Commission Vice-Chair ANC-5C07,
Affirmative

Board of Zoning Adjustment
District of Columbia
CASE NO.20065
EXHIBIT NO.53



Advisory Neighborhood Commission (ANC-5C07)

Single Member District Meeting

February 06, 2020 (as revised February 14, 2020)

Notice of Adverse Decision

Location

Woodridge Public Library
Main Meeting Room
1801 Hamlin Street NE
Washington, DC 20018

In the matter of **BZA Application 20065**, where the applicant, Dilan Investments, LLC is seeking Special Exception Relief of Subtitle C § 703.2, from minimum parking requirements, to raise the existing principal dwelling unit, and to construct a new 10-unit residential apartment in the MU-4 Zone at premises at 1818 Rhode Island Avenue NE, 20018, Square 4208, Lot 0007. The applicant seeks to build a four-story apartment with cellar having a footprint of 35 feet width, by 66.63-foot length. The lot sits in the former Subdivision of William Walsh, and now part of present day Greater Woodridge. The following report occurs as a matter of record.

The applicant's representative was present, Mr. Marty Sullivan of Sullivan-Barros. As noted with the June 6, 2019 Notice of Adverse Decision, stating that the project's construction will occur as a matter-of-right in the MU-4 zone, the applicant's representative second filings' presentation focused on the issue of the Special Exception Relief request. The second filing to the Board of Zoning Adjustment occurred January 24, 2020, representing a substantial change to the original 2019 filings in this matter. This second appearance before the SMD results from a continuance of the January 29, 2020 hearing, where the BZA requested additional information, and granted the ANC's request for postponement to bring the matter before the public.

In its presentation to the single member district 5C07, the applicant noted that there is no rear alley, but now revises the plans to provide the two parking spaces required at the rear of the redesigned building. The commissioner notes that, although there is a driveway at the east of the proposed project. There is the presumption that said driveway belongs to the property owner at 1816 Rhode Island Avenue NE. *Thus, it is questionable that the applicant possesses the necessary easement to reach the proposed rear parking spaces without agreement from the neighboring property owner. Further, there appears no nearby parking. Additionally, the applicant's revised plans reduces the number of units to eight from ten in its previous proposal.*

After hearing the presentation of the applicant's representative, there was discussion of the proposal, and the assembled held a vote on the matter.

After ending the presentation, Mr. Sullivan departed. Commissioner Montague, conducting the meeting, asked for those in favor of the application to indicate so. There were no votes supporting the project either audible or visible. The commissioner asked for a show of anyone abstaining. There was a single raised hand. Lastly, the commissioner then asked for those opposed to the application to indicate so. Hands rose of all assembled except the abstained, and living within the SMD, voting to oppose the

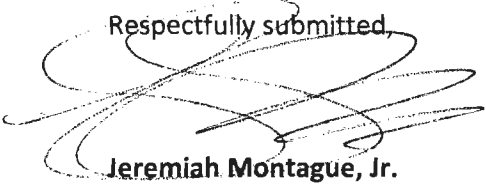
application (9). Three attendees lives within 100 feet of the applicant's property. Thus a favorable decision was denied on the applicant's request.

The commissioner stated that he would prepare a report of the decision for the full-commission ANC-5C's consideration, and the zoning commission of the Adverse Decision by the SMD.

The Recommendation

Having decided 9-0-1 in the negative, it is hereby the recommendation of ANC-5C07, in the matter of BZA Application 20065, 1818 Rhode Island Avenue NE, 20018, Dilan Investments, as revised, the denial and rejection of said application. The vote occurred on February 5, 2019 near 7:15 pm.

Respectfully submitted,



Jeremiah Montague, Jr.
Commissioner ANC-5C07
2914 25th Street NE
Washington, DC 20018-2510
(202) 670-8543
5C07@anc.dc.gov

The proceeding

On February 5, 2020, at a duly called and properly noticed meeting held at the Woodridge Public Library, before assembled constituents of ANC-5C07, Mr. Marty Sullivan, Sullivan & Barros, LLP (msullivan@sullivanbarros.com, 202-503-3581), representing Dilan Investments LLC, presented their case for the revised January 24, 2020 filing. He fielded questions from the assembled and responded.

During the discussions, Mr. Sullivan, initiated his presentation noting that the relief sought was for one parking space. He characterized the project replacing a single family home in a MU-4 zone, commercial zone. Circulating a few sets of drawings, noting the changes in the number of bicycle installations occurring on the interior and exterior Mr. Sullivan noted that the plan is to raze the existing home and build an apartment building, needing one parking space to execute the plan.

He stated was that the applicants plan is to put a parking space in the rear, but access to the parking space is less than 8 feet wide. Further, he noted the bicycle parking, requires providing three, long term, two horizontal, and one vertical spaces. The applicant indicated they cannot accommodate the two horizontal thus will instead incorporate 3 verticals within, and an additional three outside in a locker (i.e., 2x's required).

Mr. Sullivan stated that they was no relief related to the building sought. That was the extent of the presentation.

The commissioner notes that the applicant's representative also did not characterize proposed request as the result of a particular difficulty or arising from hardship. He notes that the plan meets the requirements for the zoning, except for the two parking spaces required. In a prior presentation, the applicant represented, as does the drawings provided show, the building would extending to the property line on its east and west. It would extend to the property line at its front facing Rhode Island Avenue NE. Plans call for, when completed, the selling of units as market rate rentals. Unlike earlier, there was no mention of provide any single IZ units.

Constituents raised questions regarding, the following;

- 1). Where the property line fell to the east bordering 1816 Rhode Island Avenue,

In response, Mr. Sullivan noted that there was a 4.5 foot easement at each side of the existing dwelling [east and west]. The easement to the west falls perhaps somewhere within or near the driveway but was not exactly sure where.

The commissioner noted that given the survey widths of 1816, 1818, and 1820 Rhode Island Avenue, being 34.5 feet, 34.5 feet, and 52.5 feet, reported by DC-AtlasPlus real property map, and as measured by the commissioner as from west to east from the property line of the Shell Gas Station; as, depicted in the following tables.

1820 Rhode Island Avenue NE	
Description	Width
Property line east:	0' – 0"
West to Stairway west side	35' – 8"

1820 Rhode Island Avenue NE	
Description	Width
West to Stairway east side	39' – 9"
West to property line at 1818 Rhode Island Avenue NE	55' – 1"

1818 Rhode Island Avenue NE	
Description	Width
Property line east: West of 1820 Rhode Island Ave NE	0' – 0"
West to Stairway west side	14' – 6"
West to Stairway east side	18' – 6"
West to driveway east edge at retaining wall	30' – 5"
Presumed Property Line; east side 1818 Rhode Is Ave	34' – 6"
West to driveway west edge at retaining wall west	37' – 6"

1816 Rhode Island Avenue NE	
Description	Width
Presumed Property Line; west of 1818 Rhode Is Ave	0' – "
West to driveway west edge at retaining wall west	3' – 0"
Drive Way West of 1818 Rhode Island Ave NE	0' – 0"
West to Stairway west side	12' – 7"
West to Stairway east side	16' – 9"
West to Property line with 1814 Hamlin Street NE retaining wall	32' – 1"
Total Width 1816 Rhode Island Avenue	35' – 1"

- 2). who owned the driveway between the two properties,

In response, Mr. Sullivan noted that there was a 4.5 foot easement at each side of the existing dwelling [east and west]. The easement is presumed and driveway access by some agreement. He also mentioned that existing retaining walls, those at Rhode Island Avenue would be retained.

The commissioner noted that given the survey widths of 1816, 1818, and 1820 Rhode Island Avenue, being 34.5 feet, 34.5 feet, and 52.5 feet, the property line falls in the middle of the driveway. Thus, if the applicant were to build to the property line, there would be the loss of the driveway for 1816 Rhode Island Avenue. This would deny access to the rear parking. There is no mention of the property owner at 1816 Rhode Island Avenue agreeing to such a change.

- 3) The elevation of the two adjacent residents in relation to the street grade, compared to the proposed apartment building,

In response, Mr. Sullivan noted that building design was consistent with that allowed by the MU-4. The design lowers the cellar to equal the elevation of Rhode Island Avenue and the remaining four floors rising above.

Constituents expressed greater concerns regarding the difference in elevation/grade of the existing properties contrasted with the proposed and potential damage to them.

The commissioner noted the existing dwellings are first floors are roughly 1 ½ stories above the elevation of Rhode Island Avenue NE. Each has a partially exposed basement. The building at 1816 Rhode Island Avenue is a 1 ½ story. The proposed apartment building will still tower above the two adjacent single family dwellings. Thus, he suggests that some new east-west regaining walls are necessary to avoid harm to the adjacent dwellings, if the project were to go forward.

- 4) The potential for damages to adjacent properties resulting from excavation at either side of the proposed apartment building,

In response, Mr. Sullivan noted that he was not an engineer and could not speak to it. He would take the question back to his client and have an answer at the full commission meeting.

The commissioner suggests that some new east-west regaining walls are necessary to avoid harm to the adjacent dwellings, if the project were to go forward.

- 5) There was a question regarding trash removal;

In response, Mr. Sullivan noted trash removal would be by private company. While there is a drive way, a large truck could not use it. Thus, trash would need be brought to the street, picked up and receptacles returned to the rear of the building afterward. The applicant responded stating that there would be receptacles placed at the front of the building. Formerly, the applicant believed that there would be as many as 10.

Constituents raised concerns regarding trash removal. However, constituents pointed out that a minimum of two per unit were necessary. This predicated upon having a single for trash, and another for recyclables per unit. Asked if there were plans to contain the trash receptacles within the cellar, the owner said no. The commissioner reiterated that meant, trash receptacles within the public space. Thus, the commissioner noted that the trash receptacles could not remain in public space any longer than necessary.

Constituents expressed concerns that although the applicant proposed providing bike racks and storage for them, as asserted in the prior presentation, they believed that the premise that all tenants not having cars was unrealistic. They expressed great concern given the scarcity of on street parking. The neighbor adjacent reiterated his difficulty of parking his single automobile on Rhode Island Avenue NE giving the restrictions. Further, he felt greatly inconvenienced having to park two or three blocks away. To him the project simply would exacerbate the issue. This was to say nothing of the parking situation and disruption when the nearby nightclub, "SIP" is operating.

Constituents expressed concerns regarding bringing another apartment building given the large vacant structure at the western corner of the block.

After a review of the plans, and revelation that there remains no rear alley access, there is a greater concern of rear fire egress.

Further the assembled continue to hold, as does ANC-5C07 and ANC-5C that granting the request will cause substantial detriment to the public good and to adjacent properties. The concerns regarding trash collection and storage warrant an alternative solution. The adjacent residence's are at an elevation predating the 1907-1910 grading of the area for extending Rhode Island Avenue eastward to the city boundary in the 1920's. Consequently, if the project proceeds, the project will create an awkward streetscape. It is unclear what impact of the planned streetscape project for Rhode Island Avenue NE will have upon this project.

While there is a characterization that the proposed project occurs as good development, the result may create uncomfortable difficulties for co-existence. There will be a substantial impact upon the quality of life. Foremost, there exists no possibility for a side. The applicant proposes a structure set back in a manner, creates a bathtub effect. The design may unnecessarily compromising first responders, as well as, tenant, public and property safety.

Thus, this proposal stands to comprise substantially, adjacent properties and public safety if allowed. It will alter substantially the character of the immediate neighborhood to its detriment, raising hopes for speculative opportunities for repeating such across the community.

Since the most nearby houses on the same side of the street, date to 1922, the SMD holds that the proposed structure is substantially inconsistent with the general intent and purpose of the Zoning Regulations.

This is replacement and "in-fill", distinct from and uncharacteristic of the adjacent Single Family Units, predating the zoning to MU-4. The will result may be an inhospitable residence if allowed, particularly at the cellar level. The near proximity would compromise privacy, and create an awkwardly situated structure inconsistent with those along the street.

Having no further discussions or inquiries from the assembled, the applicants' representative departed, and the subsequent voting occurred.