

By IZIS

To: Mr. Frederick L. Hill
Chairperson
Board of Zoning Adjustment
441 4th St. NW
Washington DC 20001

From: Judah Milgram
4465 MacArthur Blvd NW Apt 101
Washington DC 20007
milgram@cgpp.com
301-257-7069

Re: BZA Application
Case #20380, Polygon Holdings LLC
Letter in Opposition

Date: 23 April 2021

Chairperson Hill,
Members of the Board,

The subject application by Polygon Holdings LLC for special exception proposes to redevelop the southern half of the building at 4457/4459 MacArthur Blvd NW. I urge you to reject this request.

Please refer to my comments to ANC 3D dated 24 December 2020. (attached). Since that date the Applicant has reduced the number of proposed units from nine to eight and made minor changes to the architectural drawings. These revisions, however, do not address my primary concerns.

The structure involved is not an adjoining pair of unrelated townhomes such as may be found elsewhere in the city, but a single freestanding building divided symmetrically in two single family residences.

Applicant proposes to rebuild the #4457 half of the building to add a third story and a penthouse, converting a single-family home into eight apartments. The proposed project will have an adverse impact on the use and enjoyment of the neighboring properties.

The project will intrude visually on the character, scale, and pattern of houses

along the street. The drawings submitted by the Applicant (Exhibit #33C) go out of their way to avoid showing the resulting structure in the context of the visuals of the street. Applicant has provided additional photographs of the subject and neighboring properties as Exhibit #33A. Conspicuously absent in this collection and in the photographs first submitted in Exhibit #5, is a human's-eye view that includes the entire 4457/4459 structure in context.

I have taken the liberty of providing such a photograph in (Fig. 1(a)). The current 4457/4459 structure matches the approximate roofline and scale of the other properties on the street.

In Fig. 1(b) I have rendered the proposed project onto this photograph based on Fig. 11 in Exhibit #33C and approximate photogrammetry. While I disclaim any professional expertise in architectural drawing, I believe the graphic provides a good idea of the size and scale of the project and in any event the Applicant has not seen fit to provide such a rendering himself. The project protrudes vertically in a very conspicuous manner that conflicts with the pattern and roofline of other properties on the street. By my reading of Fig. 11 in Exhibit #33C, the added third floor and penthouse on the #4457 side of the building will extend 16 ft above the current 4457/4459 roofline.

Regarding the large increase in height, there does not seem to have been any consideration given to its impact on natural light available to the adjacent properties. The additional 16 ft in height, in combination with the additional two feet in building width to the south requested by the applicant, will especially contribute to the impact on #4455.

Another objection relates to the traffic situation. Applicant will provide four parking spaces (of which two are for compact vehicles) but this will not absorb the impact of the additional dwelling units on parking and traffic. Applicant continues to claim (Exhibit 8, page 6) that the property is within walking distance of a number of grocery stores but this is simply false. The nearest grocery store, the Safeway on Wisconsin Ave, is over 1.5 miles and a 30-35 minute walk each way. (The small "Palisades Deli" in the next block to the north is a convenience store and sandwich shop with only limited groceries.) The point here is that residents of the new project will be incentivized to own cars. This in turn is significant because on this long block of MacArthur Blvd, the entire west side of is a tow-away zone for 2 1/2 hours each weekday morning (Fig. 2). Only east side street parking is practical for those not commuting to an early shift (and who are willing to risk getting towed if there are delays in getting out of the house.) And indeed it is usu-



(a) 4457/4459 MacArthur Blvd, current view, 2021-04-08



(b) 4457/4459 MacArthur Blvd, with approximate rendering of additional structure to be added by the proposed project. The 10-ft vertical scale at the current building centerline is based on the porch overhang–soffit offset in Fig. 11 in Exhibit #33C.

Figure 1: 4457/4459 MacArthur Blvd.

ally difficult to find on-the-street parking on the east side at the end of the day. An additional four cars will only add to this problem.

(Things have eased a bit during the current pandemic but this is presumably only temporary.)

Access to the four parking spaces provided by the Applicant will be via a driveway that is already the sole access to #4461 (automobile or pedestrian) and to parking for #4457, #4459 and #4465 MacArthur (the latter an apartment building with 36 units.) The driveway is used by pedestrians living at all of these properties. Additional traffic will only increase the likelihood of conflict, damage and injury.

This project is a bad idea for our community and especially for the immediate neighbors. I urge you to reject this application.

Sincerely,

Judah Milgram

Attachment: Letter to ANC 3D, 24 Dec. 2020



Figure 2: MacArthur Blvd NW across the street from #4457, facing south (inbound). The west side of the entire block is a toway zone during the morning rush hour.

Attachment follows.

To: Commissioners, ANC 3D
From: Judah Milgram
4465 MacArthur Blvd NW Apt 101
Washington DC 20007
milgram@cgpp.com
Re: Development plans for 4457–59 MacArthur Blvd NW
Date: 24 December 2020

Ladies and Gentlemen,

In advance of the ANC 3D meeting scheduled for January 6, 2021, I offer my comments on the development proposed for the building at 4457–59 MacArthur Blvd NW. This project will affect the neighborhood adversely and I urge the ANC to oppose its approval.

Dating at least to the early 1900s, the building is one of the few remaining structures from this era on this southern stretch of MacArthur Blvd. and speaks to the history of the neighborhood. It is divided into two single-family units with continuous porch and front overhang. Applicant proposes an extensive rebuild of the southern (#4457) half of the building, through removal of the attic on that side, the addition of two floors, a new three-story extension, and expansion of the structure into the current side yard to the south. The result is to be subdivided into nine residential units. The case documents for the zoning application are at

https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20380

First, may I address the matter of the sign that went up in front of the #4457 side of the building over the summer announcing the coming of “Section 8 and Student Accommodation [*sic*]” (Fig. 1). Without knowing all the facts, it did appear crudely designed to persuade the owner of the building’s other (#4459) unit to sell by suggesting to her and competing buyers that people of particular traits are moving into the neighborhood. This would make it “blockbusting,” illegal in the District (Ref. 1, attached here as Attachment A).

I bring this up because it points to a lack of respect for the neighborhood and gives us a taste of the behavior we may expect during the execution of the project and sale or rental of the proposed units. Actions may not speak louder than words, but they do speak first.

The application documents do not address the structural modifications required



Figure 1: Sign in front of southern (#4457) unit, summer, 2020. The Agent’s sign on the left is posted in front of the northern unit, #4459. Photo taken early Sept. 2020.

to support an additional two floors or the utilities infrastructure needed for the ninefold increase in living units. With no such planning evident, we can have no confidence that the conversion will succeed without major modifications to the structure, electrical system, water lines etc. — in other words, this may be less a “renovation/addition” (as the project is characterized in Ref. 2) than a near-total tear-down/rebuild project.

The possibility of structural impact on the northern half of the building is not acknowledged in the application.

The drawings [2] show four parking spaces, of which two are sized for compact cars. This is inadequate for nine units, will result in more parking pressure on an already crowded public street and will encourage unauthorized parking on the neighboring properties. During the week in this neighborhood, the west side of MacArthur Blvd. is problematic for overnight parking because it becomes a tow-away zone at 7:00 AM. Finding on-street parking on the east side of MacArthur

Blvd. at the end of the day is already an uncertain exercise. (Currently things are made easier by the pandemic and the holidays.)

Not mentioned in the application, but the parking spaces will evidently be accessed by a single-lane driveway that already serves the other unit of the building (#4459), a 36-unit apartment building (#4465), and a detached house (#4461). Driveway users include pedestrians. The addition of eight residential units will add unwelcome traffic to the driveway.

The application contains errors, for example:

- Applicant's Statement, [3, page 6]: There are *no* grocery stores in walking distance of the property. The last one, a Safeway near V St. NW, closed permanently more than a year ago. This will encourage car ownership among the new residents, adding to the parking and traffic pressure.
- Applicant's Statement [3] speaks only of a third story addition, but the architectural drawings show both a third and a fourth floor. The existing attic will apparently be removed as well.
- Applicant's Statement claims

the additional two feet of building width will not unduly compromise the light and air available to the neighboring properties [3, page 4]

This misdirects from the additional *16 feet* to be added to the current structure's height [2, page 4] with significant impact on the light available to the properties to the north, south and east, as well as to the northern (#4459) half of the building.

- In particular, residents of #4465 will find their view impeded by an architecturally out-of-place, 40 foot wall looming over the #4459 unit.
- Expanding the structure two feet into the 8 ft. side yard represents a 25% loss of width with adverse impact on rainwater runoff and overall green space.
- Despite claims in Applicant's Statement [3, page 5], Applicant is *not* maintaining the existing façade. The asymmetric addition of third and fourth floors to southern half the building will be intrusively evident from just about every angle. The front door is moved to the right corner of the building, and the front porch and overhang are gone entirely from Applicant's half of the structure, destroying the building's look even further [2].

- The northern (#4459) half of the building is characterized by Applicant as “the building to the west” [3] and as “adjacent prop” [2], discouraging the reader from recognizing it as part of *the same building*. With no drawings of the complete building, the reader gets no indication of how wildly asymmetric the concept really is.

- Applicant states:

The Applicant has provided plans, drawings, elevations, and section drawings sufficient to represent the relationship between the proposed Addition to adjacent buildings and views from public ways. [3, page 5]

To the contrary, it is striking, the degree to which the architectural drawings [2] go out of their way *not* to depict the complete building in its setting following the project. The photographs submitted with the application [4] also seem to be selected so as not to provide a good view of current building as a whole. Applicant claims

The proposed Addition, together with the original Building, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street. [3, page 5]

However, an actual rendering of the complete result — had it been provided — would have clarified that it will stick out like a sore thumb.

This project is not a good idea for our community and especially not for the immediate neighbors. I hope you will join me in opposing it.

Sincerely,

Judah Milgram

References

- [1] District of Columbia Office of Human Rights. Fair housing law in the district. Flyer at <https://ohr.dc.gov>. Downloaded December, 2020.
- [2] 4457 MacArthur. Exhibit 6 submitted to District of Columbia Board of Zoning Adjustment, Case No. 20380. Architectural drawings and elevation plans.

- [3] Applicant's Statement of Polygon Holdings LLC. Exhibit 8 submitted to District of Columbia Board of Zoning Adjustment, Case No. 20380. Narrative statement.
- [4] Untitled. Exhibit 5 submitted to District of Columbia Board of Zoning Adjustment, Case No. 20380. Color photographs.

Attachment A— DC OHR Policy Addresses Blockbusting

Fair Housing Law in the District

- Know Your Rights in the District of Columbia -



DC Human Rights Act

In accordance with the District of Columbia Human Rights Act of 1977, as amended, the District of Columbia and housing providers cannot discriminate on the basis of (actual or perceived):

- Race
- Color
- Sex (including pregnancy)
- National Origin
- Religion
- Age
- Marital Status
- Personal Appearance
- Sexual Orientation
- Gender Identity or Expression
- Familial Status
- Family Responsibilities
- Matriculation
- Political Affiliation
- Disability
- Source of Income
- Victim of an Intra-Family Offense
- Place of Residence or Business

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above categories is also prohibited by the Act.

It is unlawful for any person to practice discrimination in the rental or sale of housing accommodations and commercial space in the District of Columbia on the basis of the above categories.

Similar prohibitions apply to “blockbusting,” “steering,” and financing.

Examples of Illegal Discrimination

In the District, it is illegal to:

- Refuse housing to someone because of one of the traits;
- Make housing unavailable to any person because of their traits;
- Advertise a preference or dislike for a group because of their traits;
- Falsely tell someone housing is unavailable because of their traits;
- Establish different terms or conditions because of their traits;
- Provide different housing, units or services (such as repairs) because of particular traits;
- Urge someone to move to a specific area because of their traits;
- Persuade owners to sell because people of a particular traits are moving into the neighborhood;
- Refuse to make a loan because of a person’s traits;
- Provide inaccurate or different information depending on the traits; or
- Retaliate against someone for filing a complaint or acting as a witness.

Filing a Complaint of a Violation

To file a complaint about a violation of these laws with the Office of Human Rights, visit:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

Questions can also be answered by phone at (202) 727-4559.



ohr.dc.gov phone: (202) 727-4559 fax: (202) 727-9589 441 4th Street NW, Suite 570N, Washington, DC 20010