

# NEIGHBORS FOR RESPONSIVE GOVERNMENT

1233 20<sup>th</sup> Street NW, Suite 703  
Washington DC 20036

October 5, 2018

*Direct Electronic Correspondence to:  
Patwittie50@gmail.com*

## VIA IZIS

Frederick Hill, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW, Suite 210S  
Washington DC 20001

**RE: Appeal from Office of the Zoning Administrator  
Decision Dated 8/7/18 on Request for Modification of Plans  
Approved by the Board of Zoning Adjustment in BZA #19450  
3320 Idaho Ave., NW, Square 1818, Lot 849 (the "Property")**

Dear Chairperson Hill and Members of the Board:

Neighbors for Responsive Government ("NRG" or "Appellant"), a nonprofit citizens' organization created for civic purposes under the laws of the District of Columbia, submits the attached Form 125 and documents supporting an appeal from the referenced Decision of the Zoning Administrator concerning modifications to the plans for a short-term family housing facility to be located at 3320 Idaho Ave., NW, in the District.

NRG's mailing address is 1233 20<sup>th</sup> Street, NW, Suite 703, Washington DC 20036. Correspondence should be addressed to NRG's Treasurer, Patricia H. Wittie, [patwittie50@gmail.com](mailto:patwittie50@gmail.com), 202-494-4579, with a copy to NRG's Secretary, Arnold Lutzker, at [arnie@lutzker.com](mailto:arnie@lutzker.com), 202-408-7600. NRG's members include multiple individuals and families whose homes are: contiguous to the Property; located within a 200-foot radius of the Property; or located outside of the 200-foot radius but within 2-4 blocks of the Property. NRG's members are thus adversely affected by the changes that have been approved by the Zoning Administrator, as more fully explained in the attached Appeal Statement/Discussion of Issues.

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19895  
EXHIBIT NO.1

NRG was granted party status and participated as a party in BZA # 19450. Per a telephone conversation between NRG's Treasurer, Patricia H. Wittie, and Alexandra Cain of your office on October 1, 2018, it is our understanding that this is a new appeal rather than a continuation of BZA # 19450.

Fees. Pursuant to Subtitle Y §1600.1(a)(3), NRG is not required to pay a filing fee.

Name of Administrative Official. The decision that is the subject of this appeal was issued over the signature of Matthew LeGrant, the Zoning Administrator.

Decision Appealed From. A copy of the decision ("Decision"), which responded to Building Permit Application # B1805494, is included here as Exhibit A.

Square and Lot Number. The Property is located at Square 1818, Lot 849, with a street address of 3320 Idaho Ave., NW.

Owner of the Property. The owner of the property is the D.C. Department of General Services, 2000 14<sup>th</sup> Street, NW., 8<sup>th</sup> Floor, Washington DC 20009.

Timeliness. This appeal meets the jurisdictional requirement for timeliness pursuant to Subtitle Y §302.2.

- (a) NRG received its first notice of the Decision on August 8, 2018, via email from ANC 3C Representative Maureen Boucher.
- (b) This Appeal is filed within sixty (60) calendar days of August 8, 2018, and is timely.

Issues on Appeal. Please see the attached Discussion of Issues for a statement of the issues on appeal, identifying relevant subsections for each issue of the Zoning Regulations, as well as an explanation as to how NRG and its individual members are aggrieved.

Witnesses and Documents. A list of witnesses and documents that NRG may wish to offer in evidence, as known as the present time, is included as Exhibit B.

Although NRG appeared through counsel in BZA # 19450, it has elected to proceed here through the undersigned. Pursuant to the attached Resolution of the Officers and

Board of Zoning Appeals

October 5, 2018

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Directors of NRG (Exhibit C), both the undersigned and NRG's Secretary, Arnold P. Lutzker, have full authority to represent and bind NRG in this appeal.

Respectfully submitted,

**Neighbors for Responsive Government**



By: Patricia H. Wittie

Enclosures:

Form 125

Exhibits A, B, C

Appeal Statement/Discussion of Issues (with attachments)

**Certificate of Service**

This is to certify that a complete copy of the documents in this appeal was sent this 5<sup>th</sup> day of October 2018, via electronic mail, to the following:

Meredith Moldenhauer, Counsel and  
Authorized Representative of the Owner  
Cozen O'Connor  
1200 19<sup>th</sup> Street, NW  
Washington DC 20036  
[mmoldenhauer@cozen.com](mailto:mmoldenhauer@cozen.com)

Mr. Matthew LeGrant  
Zoning Administrator  
1100 4<sup>th</sup> Street, SW  
Washington, DC 20024  
[matthew.legrant@dc.gov](mailto:matthew.legrant@dc.gov)

Nancy MacWood, Chair  
Advisory Neighborhood Commission 3C  
3417 Woodley Road, NW  
Washington, DC 20016  
[nmacwood@gmail.com](mailto:nmacwood@gmail.com)

Maureen Boucher, SMD07  
Advisory Neighborhood Comm. 3C  
3843 Massachusetts Ave., NW  
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Angela Bradbury, SMD06  
Advisory Neighborhood Commission 3C  
3700 39<sup>th</sup> Street, NW  
Washington DC 20016  
[3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)



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Patricia H. Wittie

**EXHIBIT A**



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR

(last revised 6.23.17)



**REQUEST FOR MODIFICATION OF PLANS APPROVED BY THE BOARD OF ZONING ADJUSTMENT**

(Pursuant to Zoning Commission Order No. 08-06F, 11 DCMR A-304.10 through A-304.13)

Building Permit Application #: B1805494 (the "Application")

Property Address: 3320 Idaho Ave. NW (the "Property")

Square: 1818 Lot(s): 849

1. Provide the Order Number(s) (e.g., "BZA 12349") for the Board of Zoning Adjustment (the "BZA") that the property is subject to:

BZA Order No.: 19450

2. Do the building permit plans submitted differ in any way (e.g., use, building envelope, façade design, shape, or floorplans) from the plans authorized by the Order(s), including any conditions of the Order(s) and the approved plans?

- Yes. Provide a list of the proposed changes and illustrations comparing the portions of the "approved" plans that are proposed to be varied to the "proposed" plans. This should include highlighting changed features through graphic bubbling.
- No. Skip to the signature line (#7) below to complete the form.

3. Are all proposed changes identified in #2 above solely limited to minor internal floorplan or mechanical changes not involving any standards identified in subsections A-304.10(a)-(h)?

- Yes. Provide a written justification as to why the changes identified in #2 are limited to such minor internal floorplan or mechanical changes. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
- No. Continue to the next question.

4. Are any of the changes identified in #2 covered by flexibility specifically granted by a condition(s) of the Order(s)?

- Yes, all of the changes. Provide a written justification highlighting the terms of the flexibility granted in the Order and describe how the proposed modifications are allowable pursuant to the flexibility. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
- Yes, some of the changes. Provide a written justification that identifies which of the proposed modifications are allowable pursuant to the flexibility granted in the Order. Continue to the next question to address the remainder of the proposed modifications that are not allowable pursuant to the flexibility.
- No. Continue to the next question.

5. If the flexibility provided in the Order(s) does not cover some or all of the proposed modifications listed in the response to #2 above, or where no flexibility was provided in the Order(s), do the remaining proposed modifications qualify for the minor flexibility that the Zoning Administrator is authorized to grant under Section A-304.10?

- Yes. Provide a written request for ZA minor flexibility as required by Section A-304.10. Make sure that this request addresses each criteria provided in Section A-304.10, including the requirement that the proposed modifications are consistent with the intent of the BZA in approving the relevant Order. Continue to the next question.
- No. Skip to the signature line (#7) below to complete the form and then separately apply to the Zoning Commission for a modification pursuant to A-304.13.

6. In cases where a written request for ZA minor flexibility is submitted, all parties (including the affected ANC(s)) to the applicable BZA case listed in response to #1 must be served with a copy of the request for minor flexibility. Such a copy must include any supporting plan documents, as required by Section A-304.11. Enter the following information, including the email addresses (or mailing address if necessary) that the written request was sent to:

Date of service by Applicant: 7/23/18 (attach a certificate of service)

ANC 3C : Nancy Macwood, Chair

ANC(SMD) 3C06 : Angela Bradbury

Parties: Neighbors for Responsive Government

c/o David W. Brown, Esq.

401 E. Jefferson St. Ste. 206

Rockville, MD 20850

7. Signature



7/23/18

Property owner (signature)

Date

Meridith Moldenhauer, Cozen O'Connor; mmoldenhauer@cozen.com, 202-747-0770

Property owner or agent email address and phone number

*For DCRA internal use only (execute as appropriate).*

- The Zoning Administrator (ZA) has received a written request for minor modifications to approved plans related to the Order above which the Applicant attests was served on all necessary parties. The ZA has determined that the proposed modifications are consistent with Section A-304.10. Therefore, the ZA is hereby providing written notice of **APPROVAL**.

Pursuant to A-304.12, the ZA shall send written notification of any modifications approved pursuant to A-304.10 to all parties to the applicable case no later than 7 days after the date of approval.



8-7-18

Zoning Administrator signature

Date of approval

Date of Service: 8-7-2018

cc: All parties identified in #6 above

Attachments: Applicant's written request for ZA minor flexibility and supporting documents

- No written request for ZA minor flexibility is required.

\_\_\_\_\_  
OZA signature

\_\_\_\_\_  
Date of approval

- The ZA **DENIES** the request for minor modifications to approved plans as inconsistent with Section A-304.10.

\_\_\_\_\_  
OZA signature

\_\_\_\_\_  
Date of denial

## EXHIBIT B

### List of Potential Witnesses and Documentary Evidence

Neighbors for Responsive Government (“NRG”) provides this list of potential witnesses and documentary evidence as required by Subtitle Y §302.12. The list includes evidentiary information known as of this date, and NRG expressly reserves the right to supplement both its list of witnesses and its list of documentary evidence.

#### Witnesses

Brian Powers  
Susan Lutzker  
Patricia H. Wittie  
Tara Stanton

Arnold Lutzker  
Robert Wittie  
Yvonne Thayer  
Nora Stavropoulos

The foregoing witnesses will testify as to the adverse impact of the modifications approved by the Zoning Administrator on their properties and the neighborhood.

Angela Bradbury, ANC3C Representative

Ms. Bradbury will testify concerning ANC 3C Resolution No. 2016-031 and neighborhood concerns about noise and movement of the playground, as expressed to the ANC, as well as ANC efforts to obtain information from the City, including information concerning groundwater runoff.

When additional details concerning the City’s plans for water runoff become available, NRG intends to call one or more expert witnesses.

#### Documents

NRG intend to introduce the documents included in this Appeal as evidence at the hearing.



## **EXHIBIT C**

**NEIGHBORS FOR RESPONSIVE GOVERNMENT**

**UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS**

Pursuant to Article IV, Section 9 of the By-Laws of Neighbors For Responsive Government, a domestic non-profit corporation organized and existing for civic purposes under the laws of the District of Columbia (“NRG”), the undersigned, being all of the members of the NRG board of directors (the “Board”), hereby consent to the adoption of the following resolutions, with the same force and effect as if adopted at a meeting duly called and held for such purpose

**WHEREAS**, on August 7, 2018, the District of Columbia Zoning Administrator (the “Zoning Administrator”) approved a request (the “Request”) to modify plans relating to a proposed short-term family housing shelter for 50 families at 3320 Idaho Avenue, N.W. (the “Proposed Shelter”), which plans had previously been approved by the District of Columbia Board of Zoning Adjustment (“BZA”) in BZA Case No. 19450 (the “Approved Plans”); and

**WHEREAS**, NRG had opposed the Request and, on August 7, 2018, had submitted a letter supporting that opposition to the Zoning Administrator and believes that the Zoning Administrator’s approval of the Request was unauthorized and otherwise inappropriate; and

**WHEREAS**, the Board has determined that it is appropriate for NRG to appeal the Zoning Administrator’s approval of the Request, and the Board has reviewed a draft of such appeal that would be submitted to the BZA; and

**WHEREAS**, the Board has approved the filing of such appeal with the BZA;

**NOW, THEREFORE**, the following resolutions are adopted by the Board:

**RESOLVED**, that the filing of an appeal of the Zoning Administrator’s approval of the Request, substantially in the form reviewed by the members of the Board, is hereby approved; and

**FURTHER RESOLVED**, that Patricia H. Wittie and Arnold P. Lutzker are each individually fully authorized to represent and bind NRG in respect of such appeal, including without limitation, to file such documents with the BZA or otherwise and to take any and all actions with respect to such appeal, as she/he deems appropriate; and

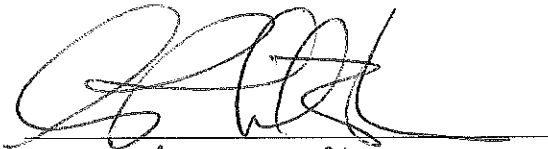
**FURTHER RESOLVED**, that any and all actions relating to such appeal or the earlier submissions to the Zoning Administrator in respect of the Request are hereby ratified and approved.

The undersigned further direct that this Unanimous Consent, which may be executed electronically and in counterparts, shall take immediate effect and shall be filed and retained in the minute book of the Board.

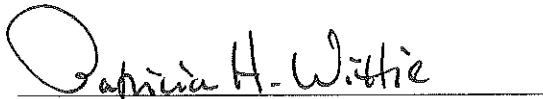
IN WITNESS WHEREOF, each of the undersigned has executed this Unanimous Consent as of October 4, 2018:



Name: Brian A. Powers  
Title: Director



Name: ARNOLD PLUTZECK  
Title: Director



Name: PATRICIA H. WITTIE  
Title: Director

# NEIGHBORS FOR RESPONSIVE GOVERNMENT

1233 20<sup>th</sup> Street, NW, Suite 703  
Washington DC 20036

## Appeal Statement/Discussion of Issues BZA Appeal Filed 10-5-2018

Neighbors for Responsive Government (“NRG”) appeals from the August 7, 2018 decision of the Zoning Administrator, granting approval to the Department of General Services (“DGS”) to make material alterations in the plans and specifications for a proposed short-term 50-family shelter (“Proposed Shelter”) to be located at 3320 Idaho Avenue, NW. The revisions approved by the Administrator are significant modifications that violate conditions imposed by the Board of Zoning Appeals (“Board”) in BZA # 19450, are not consistent with the intent of the Board, change material facts upon which the Board based its original approval of the application, and redesign and relocate architectural elements and open spaces from the final design approved by the Board. The approved changes exceed the authority of the Zoning Administrator pursuant to Subtitle A, §§ 304.10 and 304.11.<sup>1</sup>

NRG therefore respectfully requests that the Board overturn the Administrator’s decision and direct DGS to rescind its proposed modifications and return to the plans and specifications that were approved by the Board.<sup>2</sup>

### **Introduction: The Board’s Conclusions**

We begin by quoting from the Board’s Opinion and Order in BZA # 19450 (hereafter “Order in BZA # 19450”).

#### At page 36:

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<sup>1</sup> NRG notes that BZA # 19877 was filed on or about Sept. 10, 2018 as an appeal from the same decision of the Zoning Administrator, and asserting some of the same arguments discussed here. NRG incorporates the Appeal Statement from BZA # 19877 as a supplement to its own arguments and asks that it be included in the record herein.

<sup>2</sup> This request for relief is subject to NRG’s appeal of BZA # 19450, which is pending at the D.C. Court of Appeals (*NRG v. DC BZA*, Case No. 17-AA-1031). Nothing in this new BZA appeal is intended to alter, amend, or abandon any of the objections raised in BZA # 19450 or at the Court of Appeals. Nothing herein should be construed to waive any of those objections.

Accordingly, it is **ORDERED** that the application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 237 – APPLICANT’S UPDATED PLANS.**  
(Emphasis in original.)

At page 37:

AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AN/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. (Emphasis in original.)

The Order from the Board is unambiguous. It directs that construction of this facility must be in accordance with the “approved plans at Exhibit 237,” i.e., “in accordance with the plans approved by the Board” as those plans might be amended or modified “by the Board of Zoning Adjustment.”

A copy of Exhibit 237 from BZA # 19450, showing the plans approved by the Board, is included here as Attachment 1. The Board has not been asked to approve, and has not approved, any amendments or modifications to those plans.

The modifications approved by the Administrator include numerous significant changes from the plans approved by the Board.<sup>3</sup> Due to DGS’s failure to provide fully dimensioned complete plans, either before the Board, or in its submissions to the Zoning Administrator, or in response to FOIA requests from ANC 3C, this itemization of changes is based on NRG’s best efforts to analyze the drawings that were attached to DGS’s Modification Request.<sup>4</sup>

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<sup>3</sup> The modifications approved by the Zoning Administrator are briefly explained in DGS’s July 23, 2018 Request for Modification submitted to the Administrator (Attachment 2 here), and illustrated in Exhibits C1 and C2 to DGS’ August 6, 2018 letter to the Zoning Administrator (Attachment 3 here).

<sup>4</sup> Indeed, despite repeated requests from NRG during the Board proceeding, and despite repeated requests from ANC 3C – including requests submitted pursuant to FOIA – DGS has never provided public information that would permit the kind of analysis needed to clarify dimensions, evaluate DGS’ own representations concerning what the plans purport to show, or provide members of the public, including NRG and its members, adequate information about this process. Instead, information has come one piece at a time, often without context and/or in an abbreviated or generic format. When neighbors or the ANC raise questions or seek clarity based on one piece of information, DGS releases another piece of information, arguing that this new information addresses the question; but then the new information turns out to be incomplete or imprecise, and the process repeats itself.

The changes include:

1. Addition of a new 40' x 25' (1000 square feet), 62-person patio/deck on the south side of the Proposed Shelter, in close proximity to the single-family homes that are adjacent to the shelter.
2. Reduction of the distance between the Proposed Shelter building and the newly constructed parking garage for the existing police station that is co-located on this site, from 29' to 17'-7".
3. Relocation of the Trash Area closer to the front of the Proposed Shelter building and apparently shrinking it.
4. Significantly shrinking (or eliminating) the Delivery Area for the Proposed Shelter.
5. Shrinking the proposed playground to the West of the Proposed Shelter by at least 1,110 square feet, or 30.8%.
6. Converting the south yard of the Proposed Shelter building, which was intended to be an unused buffer area because it is closest to neighboring single-family homes to the south of the Property, into a storm water retention area to receive run-off from the parking garage, which is expected to include oil and other automotive chemicals.
7. Reducing the size of the first floor, and, contrary to the representation by DGS in the Cover Letter to its Modification Request, reducing or eliminating program areas, including significantly reducing the size of the Dining Room.
8. Eliminating the basement, including a large planned storage area.
9. Removing the front entry area.
10. Enlarging the proposed driveway by 25%.
11. Moving the proposed walkway from the northeast side of the building to the southeast side and reducing its width from 25' to 10'6".
12. Reducing the Proposed Shelter's footprint.
13. Reducing the gross square footage of the Proposed Shelter and making certain changes to floors 2 through 6.
14. Revising the building elevations and facades.

The list, on its face, reveals that the changes sought by DGS are of significant magnitude. The requested changes violate clear and express conditions imposed by the Board. Thus, the requested changes are not within the jurisdiction of the Zoning Administrator and are contrary to the requirements of Subtitle A § 304.10(a). Instead, they must be reviewed and acted upon by the Board.

Moreover, the changes approved by the Zoning Administrator are far from the minor modifications that he could approve even if the Board had not imposed express

conditions to the contrary, as it did here. The requested changes would change material facts on which the Board based its original approval. See Subtitle Y § 703.4. Put another way, the requested changes are NOT “consistent with the intent of the Board,” which is, itself, a distinct condition of Zoning Administrator approval under § 304.11.

Subtitle Y § 703 governs the consideration of changes by the Board and imposes requirements on how the Board must handle requested changes. The Order issued by the Board in BZA # 19450, which is quoted above, makes clear that any modifications of the plans approved by the Board must be presented to the Board for action. It makes no sense to construe Subtitle A § 304.10 as a loophole that allows an applicant to avoid those mandated procedures for significant changes that would in any case require Board consideration either as “modifications of consequence” or “modifications of significance.” Due to the magnitude of the changes here and their direct effect on material facts relied upon by the Board and conditions imposed by the Board, NRG submits that the requested changes are “modifications of significance” as that term is used in Subtitle Y § 704, which require a full evidentiary hearing by the Board pursuant to that section.

**I. The Requested Changes Violate Conditions Imposed by the Board in BZA # 19450**

The Zoning Administrator has no authority to approve modifications that would “violate any condition of approval included in the Order.” Subtitle A § 304.10(a). The requested changes violate express conditions of the Order, including most generally, a requirement of compliance with the Applicant’s plans as set forth in BZA Exhibit 237 (Attachment 1 hereto). In the words of the Order, “the application is granted and, pursuant to subtitle Y § 604.10, *subject to the approved plans at exhibit 237 – applicant’s updated plans.*” Order at 36 (emphasis added). Subtitle Y § 604.10 is explicit: “An applicant shall be required to carry out the construction, renovation, or alteration *only in accordance with the plans approved by the Board, unless the Board orders otherwise.*” (Emphasis added.)

This requirement that the Board approve plan changes is itself an express condition of the Board’s Order:

An applicant shall carry out the construction, renovation or alteration only in accordance with the plans approved by the board as the same may be amended and/or modified from time to time *by the board of zoning adjustment.*

Order at 37 (emphasis added). The express language of the Board's Order makes clear that the Board's approval is conditioned on the specific approved plans at Exhibit 237, and ANY modifications to those plans must be approved by the Board itself.

The changes approved by the Zoning Administrator deviate significantly from the approved plans. Moreover, the Board has not "order[ed] otherwise" or approved any modifications. Thus, the Zoning Administrator's purported approval would "violate [an express] condition of approval included in the [Board's] Order." For this reason alone, those changes are not subject to approval by the Zoning Administrator pursuant to Subtitle A § 304.10.

In addition, specific changes sought by DGS and purportedly approved by the Zoning Administrator violate conditions imposed by the Board:

**A. The Addition of the South Patio**

DGS proposes to add a 25' x 40' patio to the south side of the Proposed Shelter. This proposed patio would come within 38 feet of the southern boundary of the Property, directly adjacent to single-family homes south of the Proposed Shelter.

At no time during the Board proceeding did DGS say that the shelter would include an outdoor patio. DGS's Cover Letter to the Zoning Administrator (Attachment 2 at 2) asserted, for the first time ever, that what had been described by DGS as a "planted side yard" to the south of the shelter actually was an area that "could also function as a gathering area," in effect arguing that the new side patio is simply a substitute for that. This assertion is manifestly false.

The record before the Board is devoid of anything even suggesting that the southern side yard would or could be used as an outdoor "gathering area" for residents of the Proposed Shelter. To the contrary, the drawings submitted to BZA described the southern yard as a "planted side yard" and showed the yard to be heavily planted. *See* Attachment 1 (Exhibit 237 at 7).

Indeed, DGS contended that there would be no adverse noise effects for the houses close to the southern boundary of the Property, because the south lawn – where this new patio is now to be located -- would serve as a buffer to prevent noise effects on the properties to the south of the shelter. *See* BZA # 19450, Exh. 244, ¶ 158, 174-76, 180 (DGS Proposed Findings of Fact) ("The Project will be self-contained ... with a sufficient buffer between the Project and abutting residential properties.")



The Board relied on these representations in reaching its conclusion that the shelter was not likely to generate adverse impacts due to noise, a conclusion that itself was a condition of the grant of the zoning relief sought by DGS. The Board expressly concluded that:

The emergency shelter use is not likely to generate any adverse impacts relating to noise or operations.... All operations will be *contained within the building with the exception of the small play area*, which will be *located on the western edge* of the property adjacent to an area of community gardens.

Order at 22 (emphasis added). Thus, DGS's proposed modifications would violate two conditions expressly imposed by the Order: the condition that all operations "will be contained within the building" and the condition that the only exterior operation will be the "small play area, which will be located on the western edge of the property." The noise buffering area promised by DGS and relied upon by the Board, is substantially reduced. For this reason, among others discussed below, any ruling on the requested modification to add the proposed south patio must be made by the Board.

#### **B. Other Requested Changes**

As discussed below, other proposed modifications to the plans sought by DGS and approved by the Zoning Administrator would change material facts on which the Board based its initial approval. The presence of the approved loading area and trash area, in the place and form of the original plans, and the approved 3,600 square foot playground were key to the Board's decision and are properly viewed as conditions of that decision. They may not be changed without Board action.

#### **II. The Requested Changes Are Significant Changes That Are Not Consistent with the Intent of the Board and Change Material Facts on which the Board Based its Initial Approval**

The Zoning Administrator may not approve proposed modifications that are not "consistent with the intent of the Board." Subtitle A § 304.10. Notably, DGS's Cover Letter accompanying its Modification Request does not even address this requirement.

Changes that alter facts that the Board found to be material in reaching its decision to grant an application are not "consistent with the intent of the Board." Indeed, they are not even eligible to be treated as "minor modifications" for approval by the Board itself. See Subtitle Y § 703.3. Several of the changes included in the Modification Request

would change facts upon which the Board relied in granting DGS relief in BZA # 19450. Accordingly, they require review and action by the Board.

#### **A. The Addition of the South Patio**

Part I describes the facts presented by DGS and relied upon by the Board in BZA # 19450 concerning the noise buffer that was to be provided by the south lawn. The proposed south patio would change these material facts and in a way that is contrary to the intent of the Board.

In fact, the outdoor play area the Board approved for the west side of the Proposed Shelter had earlier been moved *away from* the south side (close to adjacent houses) in direct response to the fact that the “ANC expressed concern that the request for special exception ‘raises issues of ... noise from a shelter playground.’” Order at 23; *see* Exhibit 170 at 3 (ANC Resolution). And one of the witnesses at the hearing in BZA # 19450, whose property abuts the Property, testified that noise from the existing police parking lot – including conversations and laughter -- “comes across the area between my house and that parking lot and kind of bounces and gets magnified.... It’s amazing how much of their voices I hear....” BZA # 19450, Transcript at 213-214. The decision to install a patio that can hold up to 62 adults and children to the south side of the Proposed Shelter reverses the effort to accommodate the objection ANC3C expressly raised in its formal Resolution, and that witnesses testified about.

#### **B. Elimination of the Defined Loading Area and Changes to the Trash Area**

One of the Zoning Administrator-approved changes involves the elimination of the planned driveway indentation identified as the “delivery” area. *See* Attachment 3 (Plans at SP-1). No replacement location is indicated on the modified plans. Thus, this change violates Subtitle A § 304.10(h), in that it would eliminate 100% of the approved number of loading spaces.

Moreover, the proposed changes to the Trash Area and Loading Area are significant. NRG expressed concerns about the lack of adequate delivery and trash facilities at the proposed shelter, including issues pertaining to rodents in the neighborhood that could be exacerbated by inadequate trash facilities. DDOT also stated that it requires “no backup maneuvers ... in the public realm.” BZA # 19450, Ex. 125 at 3. In granting DGS’s requested variance from the requirement for a loading dock, the Board found as a fact that “the driveway will have a designated area on the north side of the emergency shelter building for deliveries.” Order at 15 ¶ 52; *id.* ¶ 58. The Board relied on these

facts to conclude that the “designated loading area and trash storage area on the north side of the building, will be adequate to accommodate twice-daily food deliveries by van and trash collection.” Order at 22. The Board also relied on DDOT’s conclusion that the “proposed loading area is sufficient to accommodate the project.” *Id.* The significant changes approved by the Zoning Administrator alter the material facts on which the Board relied.

For these reasons, a decision on the requested modifications to the trash and delivery areas should be made by the Board.

### **C. Shrinking the Playground**

BZA’s Order expressly stated that the proposed outdoor play area would be 3,600 square feet and would be divided into two or three zones to provide recreation areas for children of different ages. Order, Finding of Fact ¶ 50. This is clearly significant because more than 100 children are expected to live at this shelter at any given time. DGS, in its proposed Findings of Fact, emphasized that the playground would be accessible only during a certain range of hours, thus limiting the potential for noise. BZA # 19450, Ex. 244, ¶ 180. The Zoning Administrator has now approved a shrinking of the playground to less than 2,500 square feet, a decrease of more than 30%. The drawings on which the Zoning Administrator relied do not show whether there will still be two or three zones, and DGS has not explained how this reduced size will affect the hours of use or how the area is large enough so that children living in the shelter are not encouraged to play in the driveway, which will be traversed on a continual basis by trash trucks, delivery trucks, and police vehicles, or in the street, or in the buffer zone that was promised as a means of mitigating noise for the neighbors.

This 30% reduction in the size of the playground changes a material fact relied upon by the Board and is likely to lead to adverse effects on the neighborhood. This is plainly a matter for the Board to rule upon.

### **D. Elimination of the Basement Storage Area**

The Zoning Administrator also approved elimination of the basement of the Proposed Shelter, which included a storage area of approximately 1,000 square feet. As the Board explained in its Order, this storage area would, among other things, be used for bicycle storage. Order at 16 ¶ 64. The Board expressly relied upon the existence of “short-term and long-term bicycle storage” to support its conclusion that staff would not need to use cars to drive to work at the shelter. *Id.* at 22. The Zoning Administrator did not address – nor did DGS in its Modification Request – the elimination or replacement of

the bicycle storage, and the new plans do not show space for staff bicycle storage. Like the others, this approved modification changes a fact relied upon by the Board in granting relief to DGS; any change in the storage area is a matter for the Board. The absence of this storage is likely to increase staff use of their own cars and thus parking issues in the neighborhood – which was and continues to be a serious concern expressed repeatedly by members of NRG and other neighbors in BZA # 19450.

### **III. The Requested Changes Include Redesign and Relocation of Architectural Elements and Open Spaces from the Final Designs Approved by the Board**

Changes that redesign or relocate architectural elements or open spaces are at least “modifications of consequence” under Board regulations. *See* Subtitle Y § 703.4.<sup>5</sup> These changes require application to the Board and Board approval. *See* Subtitle Y § 703.6.

Many of the changes approved by the Zoning Administrator significantly redesign or relocate architectural elements or open spaces, including among others: adding the side patio; reducing the size of the proposed playground; eliminating the basement; eliminating the entry area; reducing the distance between the Proposed Shelter and the parking garage; relocating and changing the size of the Trash Area; removing the indented Delivery Area and shrinking the space potentially available for deliveries; reducing the size of the first floor; moving the proposed walkway; and revising the building elevations and facades. These changes require Board approval.

### **IV. DGS Has for the First Time Revealed Significant Water Runoff Issues But the Zoning Administrator Ignored Them – Although They Are Likely to Be Harmful to the Neighborhood**

DGS did not address or discuss water runoff from the Proposed Shelter and the new parking garage at any time during the Board proceeding, nor did it attempt to show that water runoff from the development would not cause any adverse neighborhood effect. Its July 23 letter to the Zoning Administrator makes this passing reference:

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<sup>5</sup> Such changes may also constitute modifications of significance within the meaning of Subtitle Y § 704.

Side Yard. The Project proposed a southern side yard that could also function as a gathering area.<sup>6</sup> While the side yard distance remains the same as approved,<sup>7</sup> it will now be used as a bioretention area that cannot be disturbed....

Attachment 2 (July 23 Letter at 2).

This water runoff issue is a major concern to NRG and its members. As demonstrated by testimony of neighbors in BZA # 19450, the Macomb Street and Idaho Avenue properties nearest the site are already prone to water accumulation and flooding, and the construction and operation of the shelter is likely to seriously exacerbate this problem. Further, during the ANC3C Planning and Zoning Committee meeting in July 2018, DGS representatives acknowledged that the agency had considered directing the water runoff to the Community Garden but could not do so because of contamination from oil and other toxic automotive fluids. Indeed, storm water runoff from a large parking garage can be expected to contain numerous harmful automotive chemicals.

It further appears, and on information and belief, NRG asserts, that the reduction in the footprint of the Proposed Shelter, elimination of the front entry way, and elimination of the basement (among other things) were made in order to try to meet regulatory requirements for containing this runoff. It appears that DGS and its architects were forced to steal every square foot they could find for additional permeable surface area. Despite repeated attempts by ANC Commissioner Angela Bradbury, at NRG's request, to arrange a meeting between NRG representatives and representatives from DGS and DOEE to explain the stormwater management system that is proposed, no such meeting has occurred and the City has not been forthcoming. Indeed, a planned October 4, 2018 meeting between the City's Program Manager, DOEE, members of NRG, and other neighbors was cancelled. Information about this issue has simply been withheld from the public; DGS has not even responded to the ANC's FOIA requests.

In addition to the new parking garage, we note that the north end of this property contains a fuel depot for city vehicles. The immediate neighbors, including members of NRG, have serious concerns about the effectiveness of whatever undisclosed plans the City has for containing and cleaning this runoff. As several neighbors can attest, the entire area is littered with underground springs that make water management problematic and in some cases impossible. When toxins are added to the mix, the issues grow exponentially, and it may well be that an environmental impact statement

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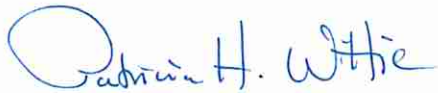
<sup>6</sup> As noted elsewhere, this statement about a gathering area is a post-hoc fabrication.

<sup>7</sup> This is also a post-hoc fabrication, as the distance from the new proposed patio reduces the distance from the Proposed Shelter to the nearest private property by nearly 50%.

is required under D.C. law. *See* D.C. Code § 8-109.3. This issue was never presented to or considered by the Board; but it clearly presents a serious possible adverse impact to the neighborhood.

#### CONCLUSION

The Zoning Administrator erred in his determination that each of these modifications constituted a “minor modification” such that he was permitted to approve them. For all of the foregoing reasons, the Board must consider each of these significant modifications and hold a hearing as required by Subtitle Y § 704.



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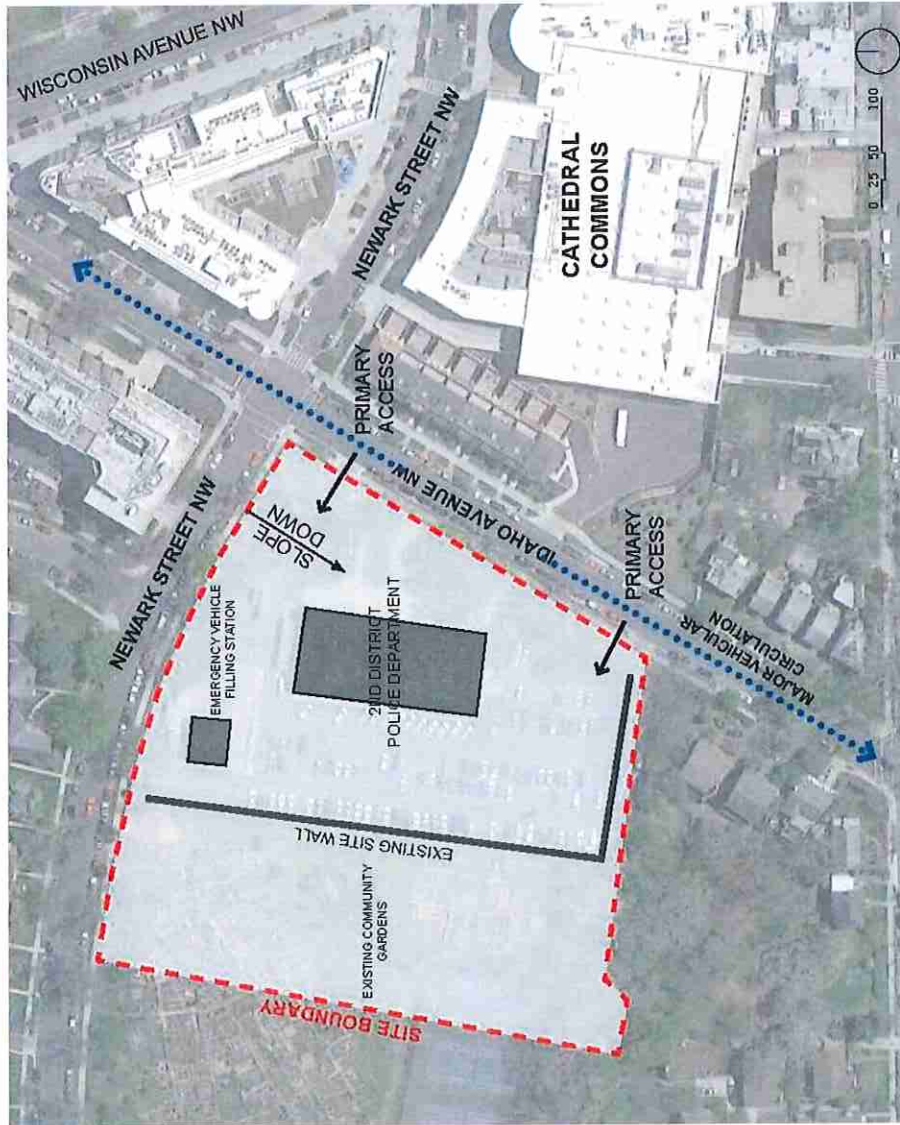
Patricia H. Wittie

**ATTACHMENT 1**  
**TO APPEAL STATEMENT OF**  
**NEIGHBORS FOR RESPONSIVE**  
**GOVERNMENT**





LOCATION: 3320 IDAHO AVE NW  
 SQUARE: 1818  
 LOT: 849  
 ZONE: RA-1  
 SITE AREA: 200,965 SQFT





01\_SITE FROM COMMUNITY GARDENS



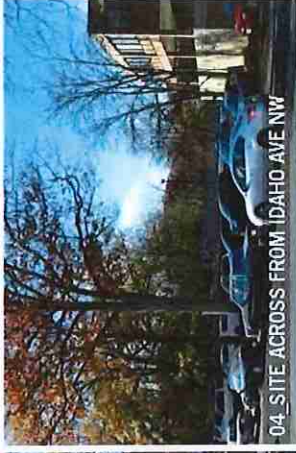
03\_2D MUNICIPAL POLICE DEPARTMENT



05\_SITE ACROSS DOWN IDAHO AVE NW



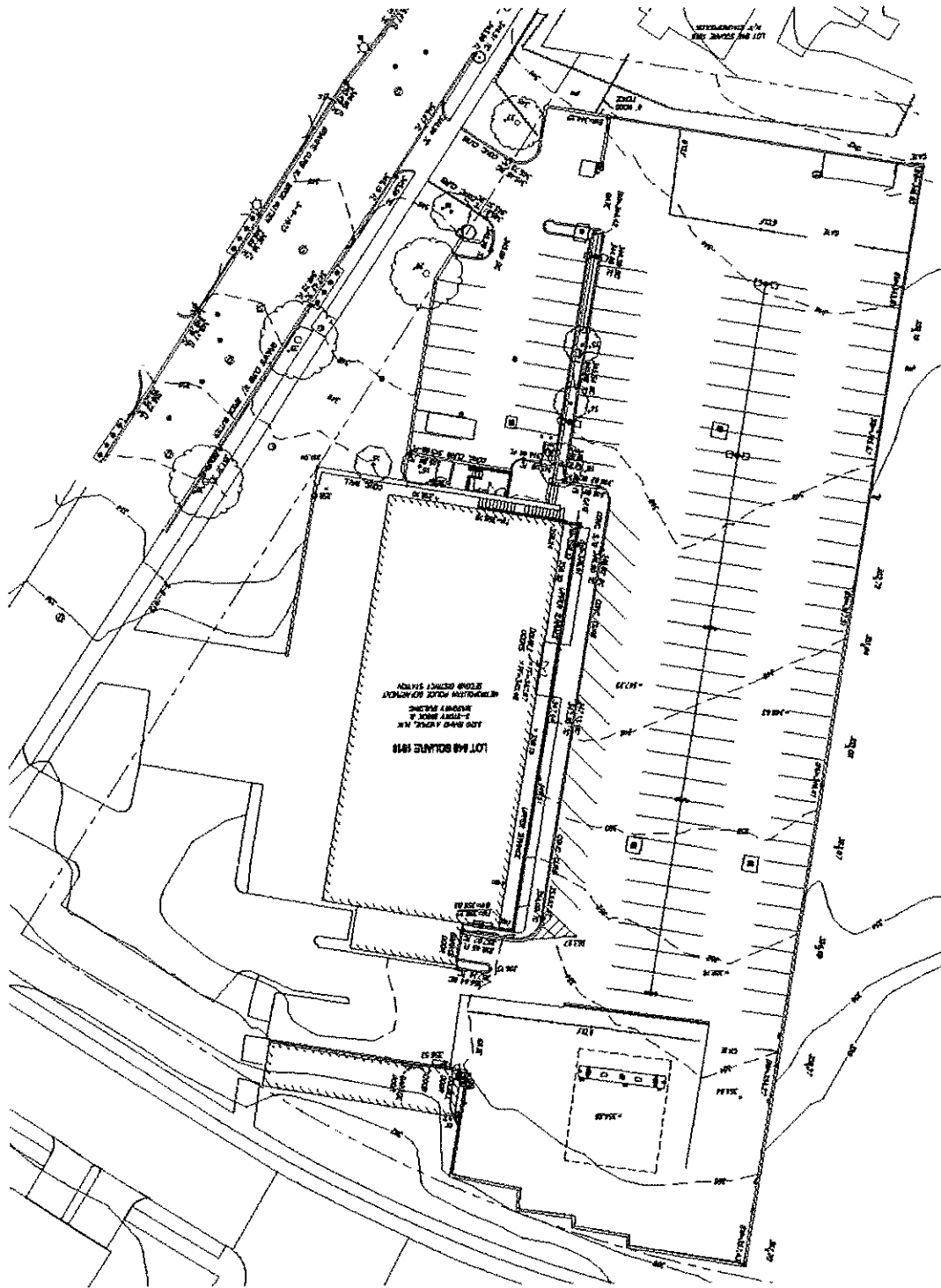
02\_SOUTH DOWN IDAHO AVE NW



04\_SITE ACROSS FROM IDAHO AVE NW



06\_NEIGHBORING BUILDINGS

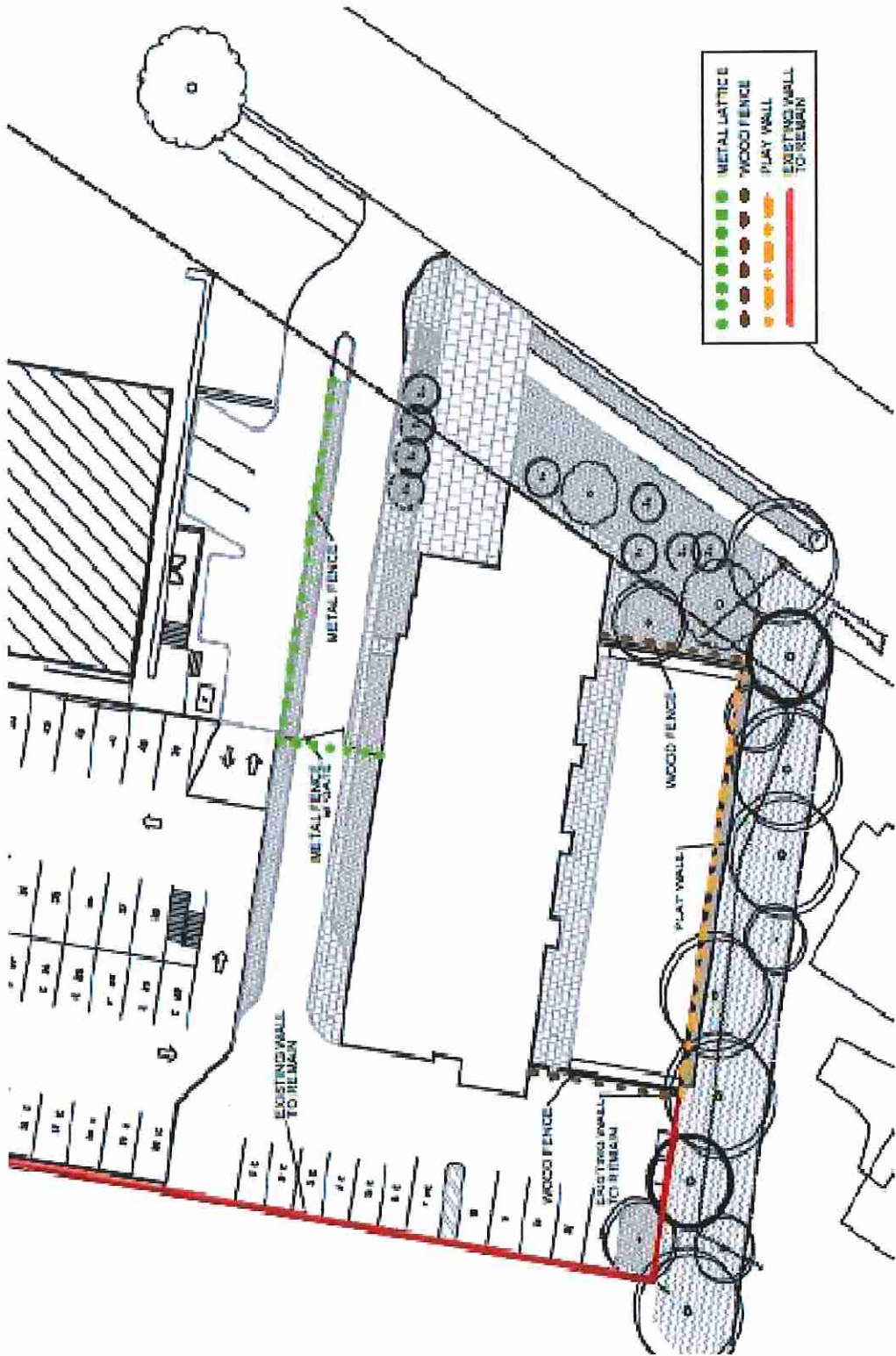


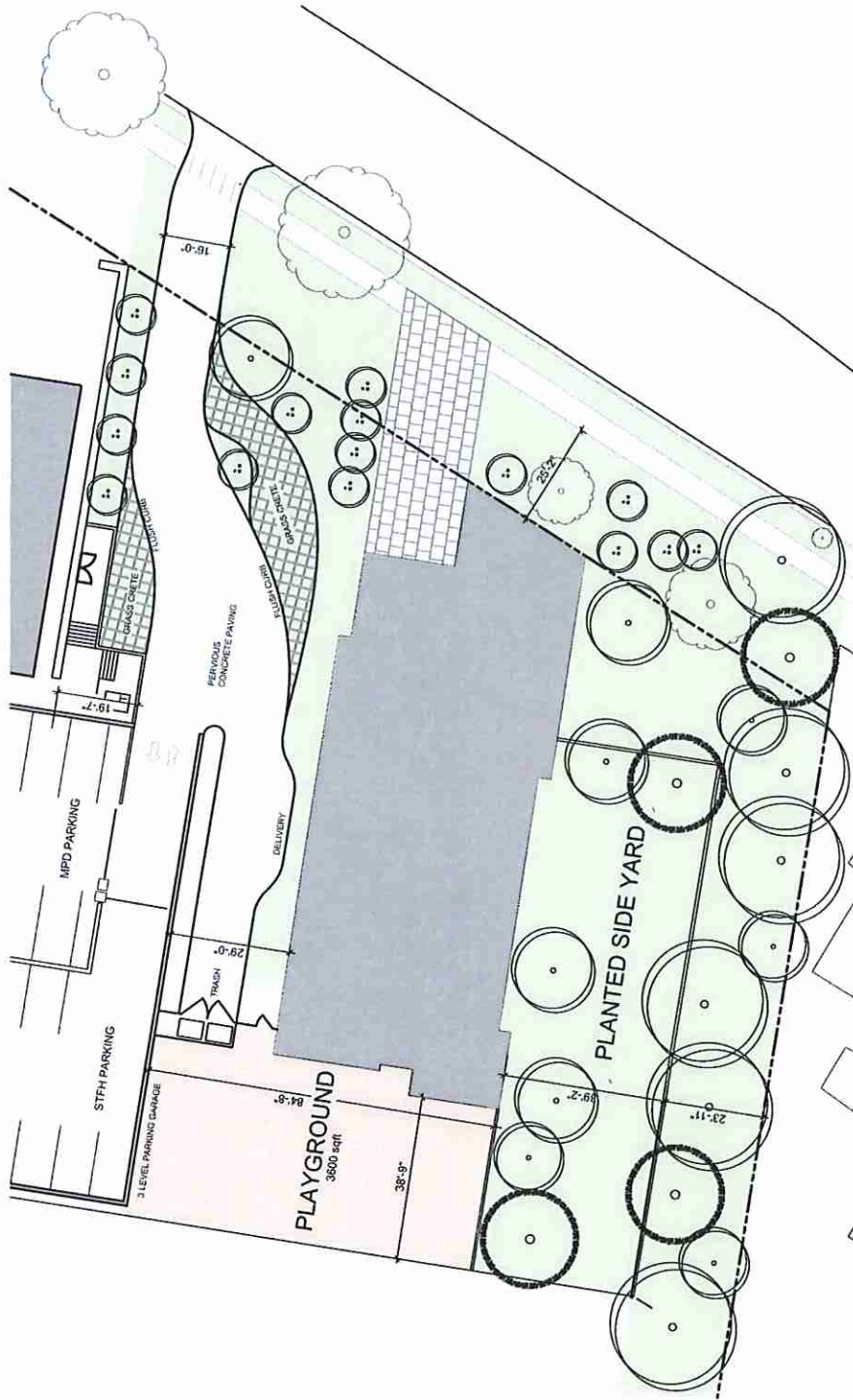


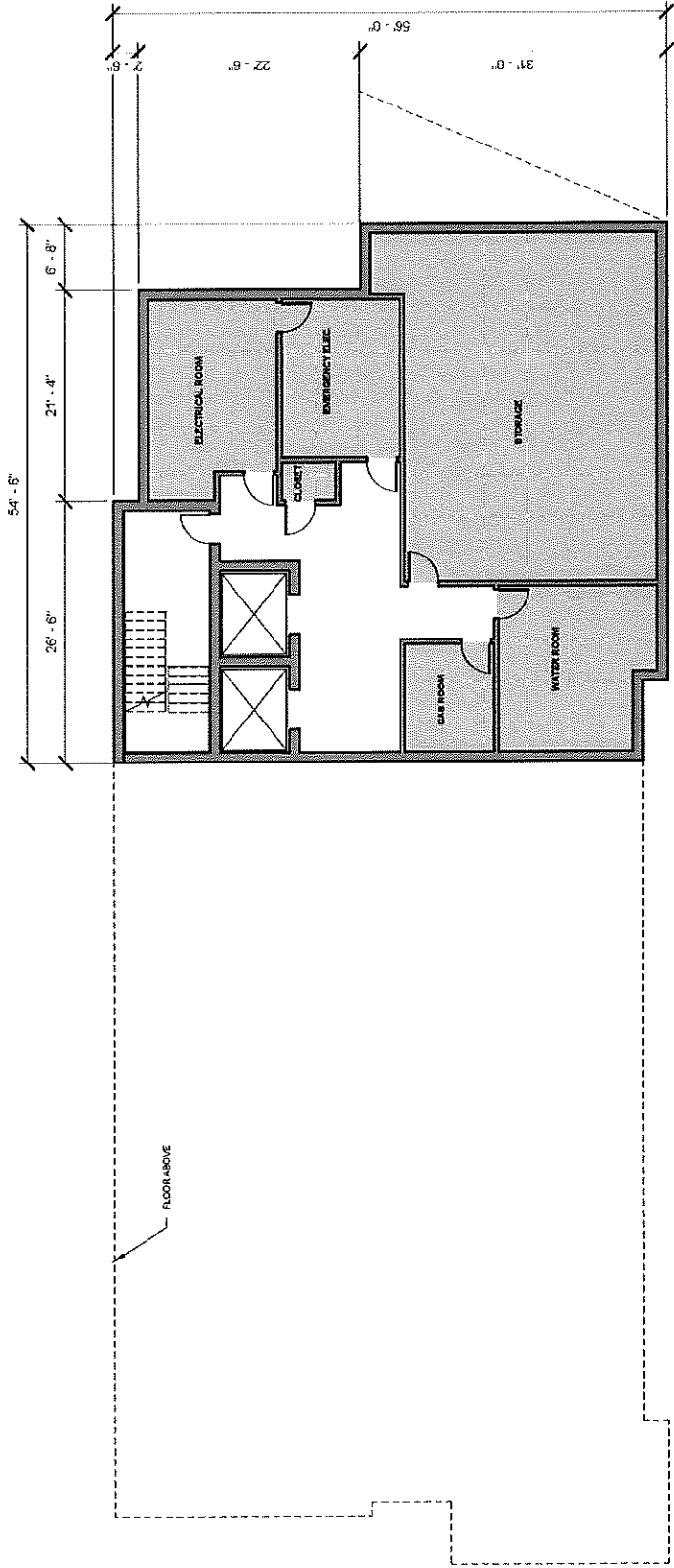
EXISTING SITE

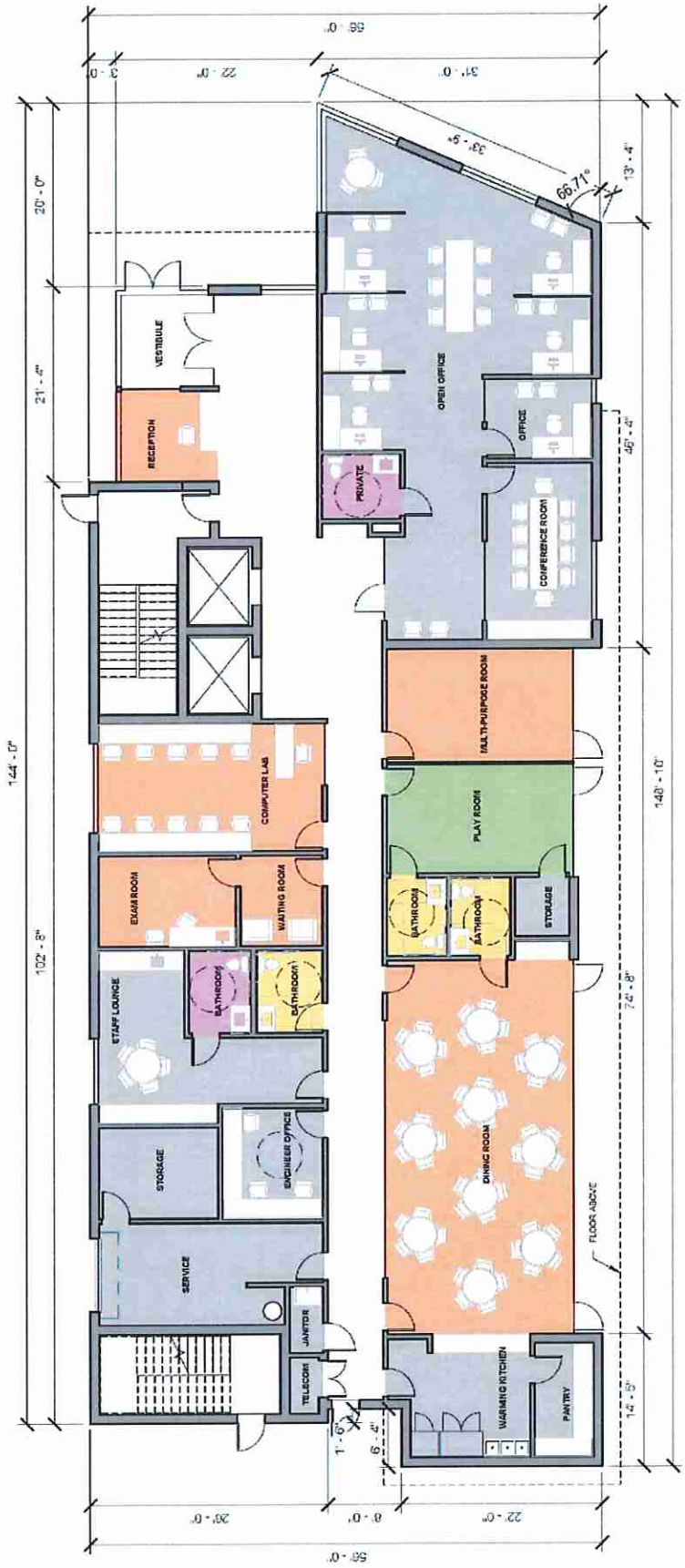


PROPOSED SITE





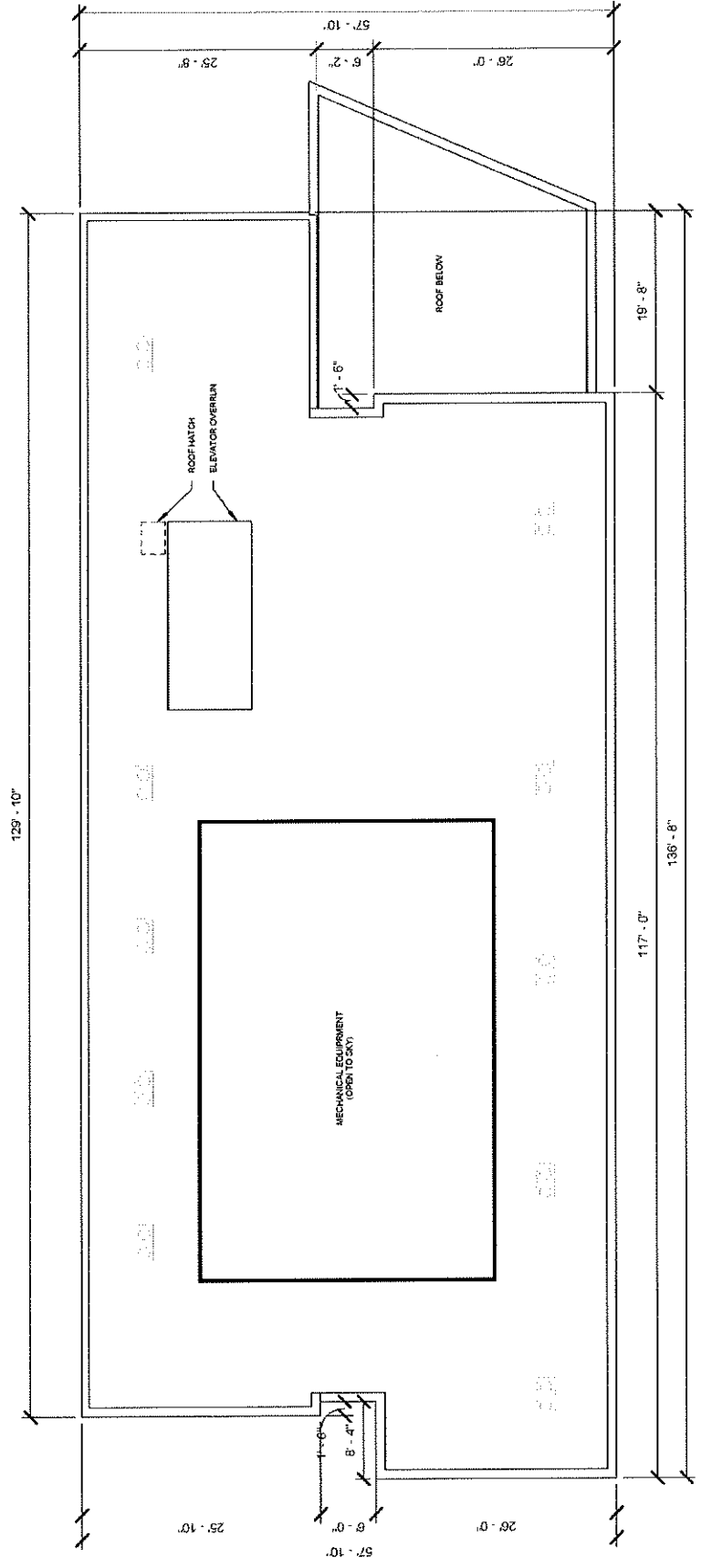


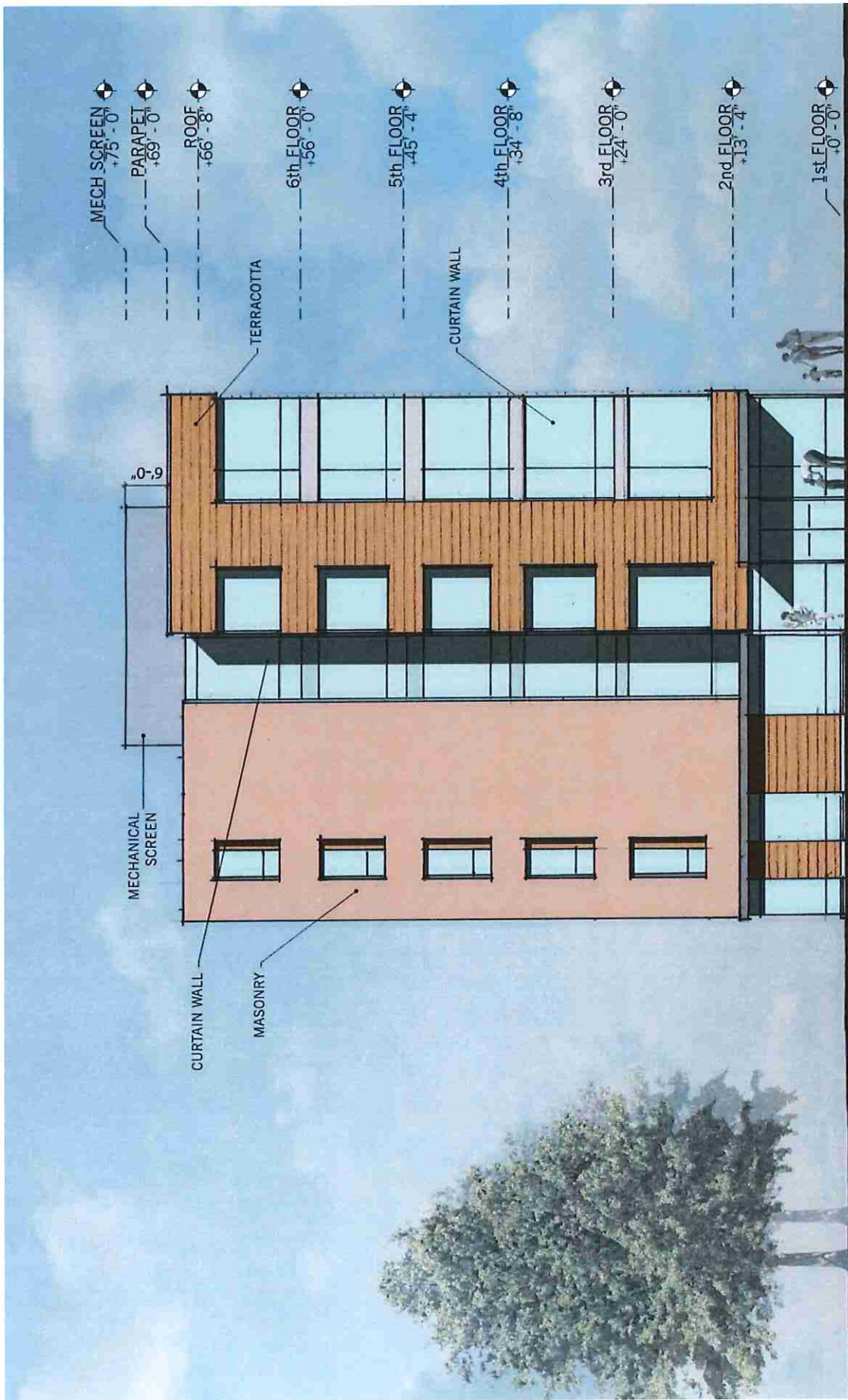


- COMMON SPACES
- ADMIN SPACES
- PLAY SPACES
- RESIDENT UNITS
- FAMILY BATHROOMS
- PRIVATE BATHROOMS



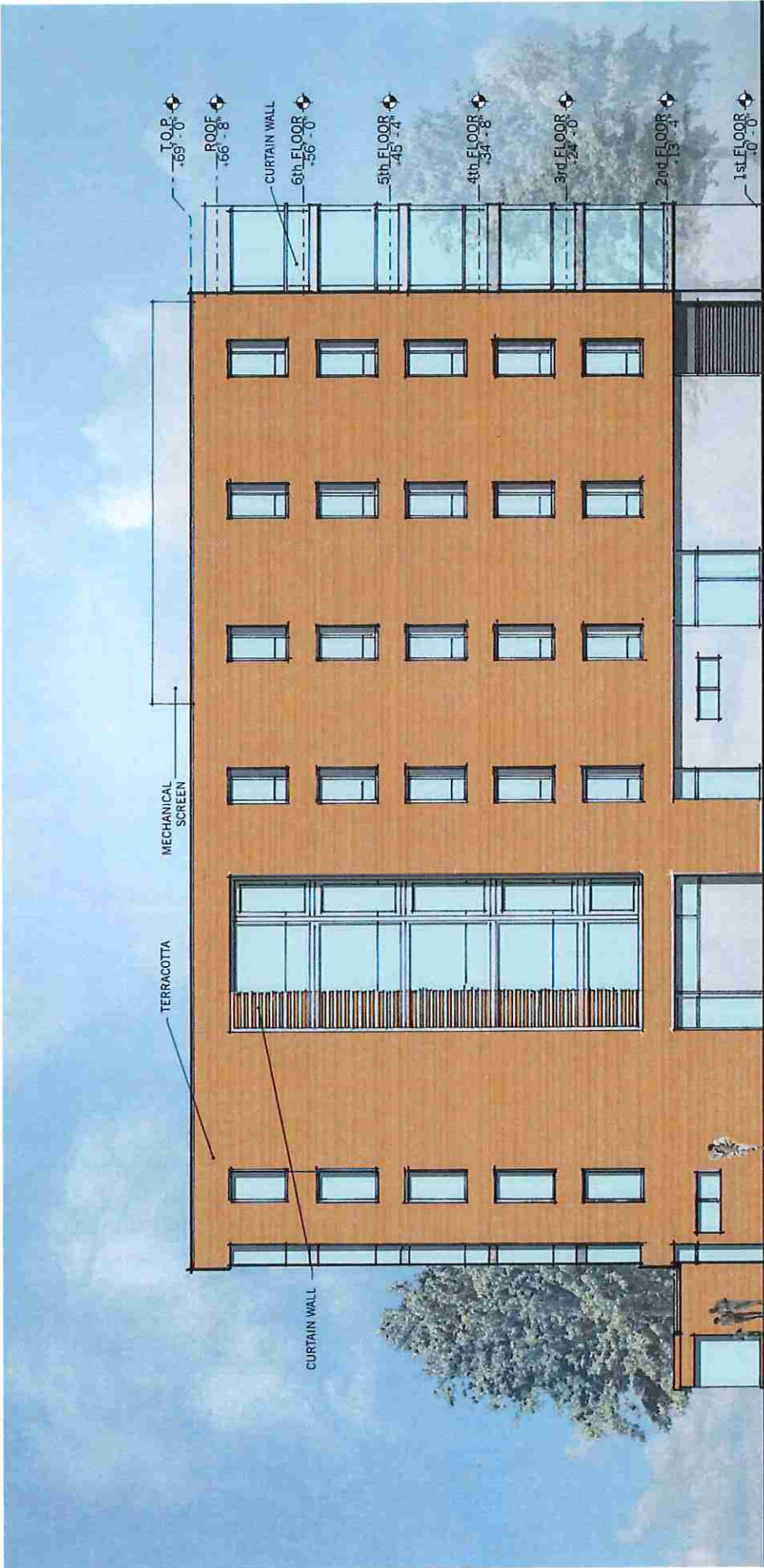


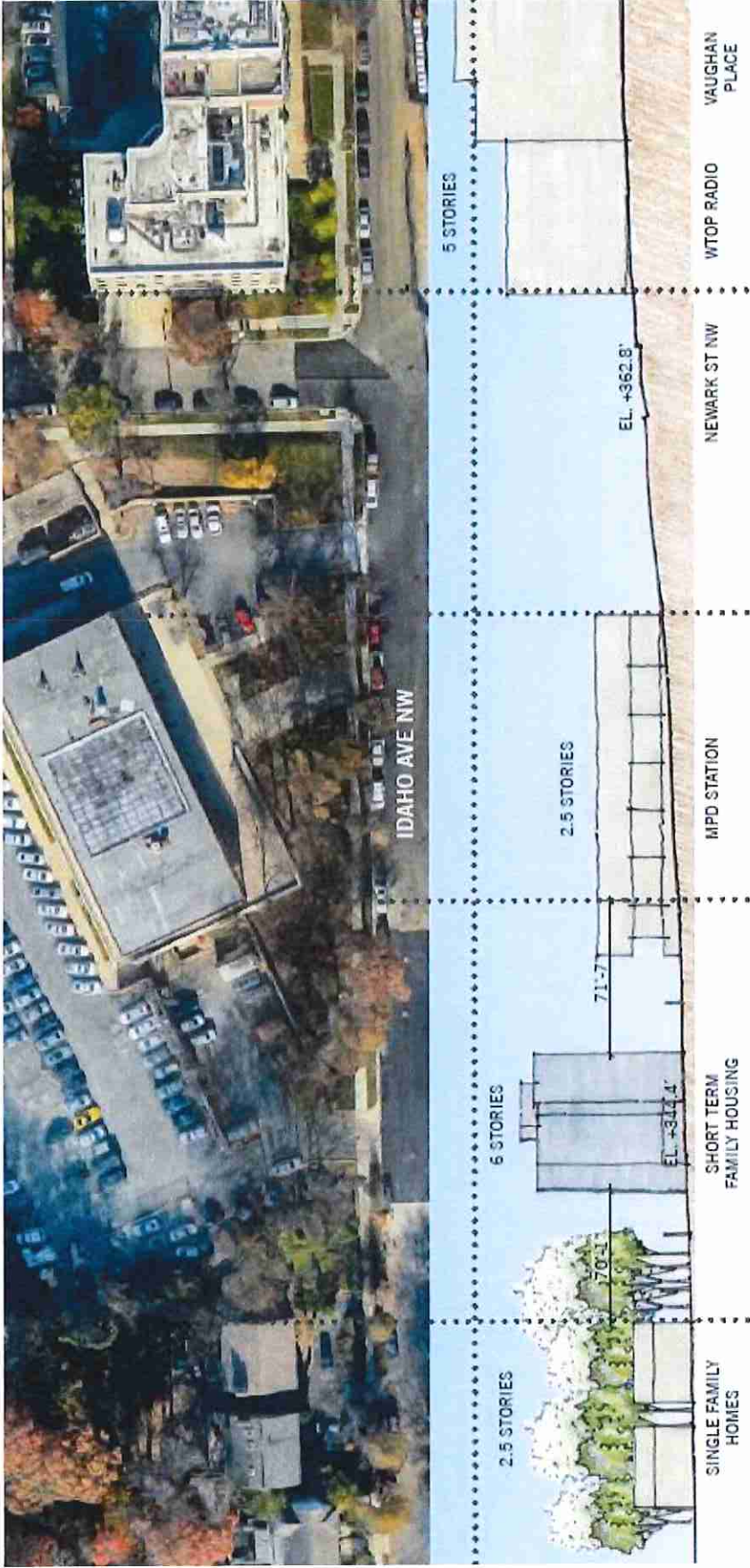


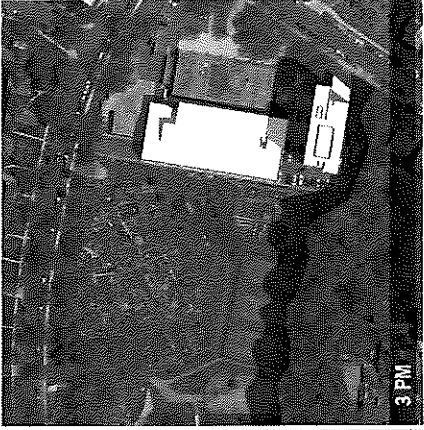




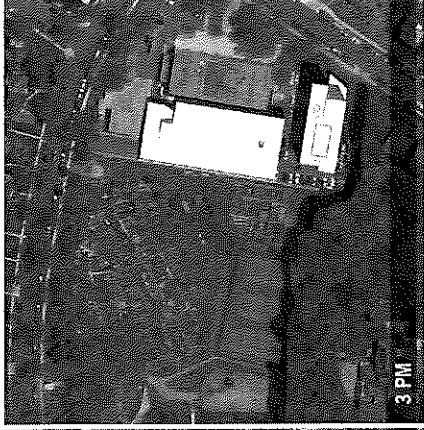




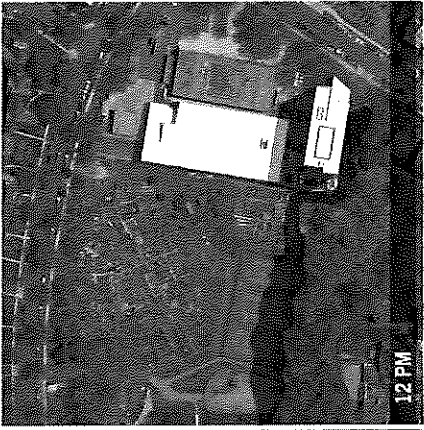




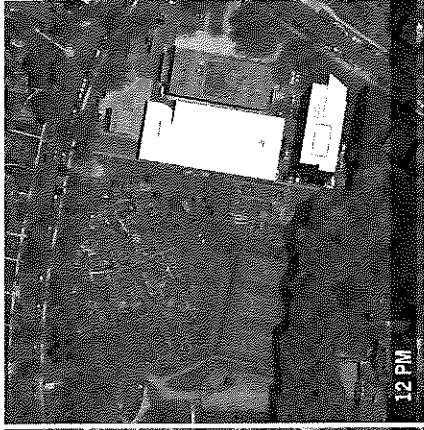
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3 PM



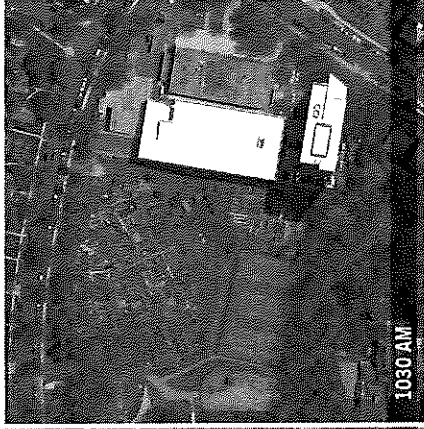
12 PM



12 PM



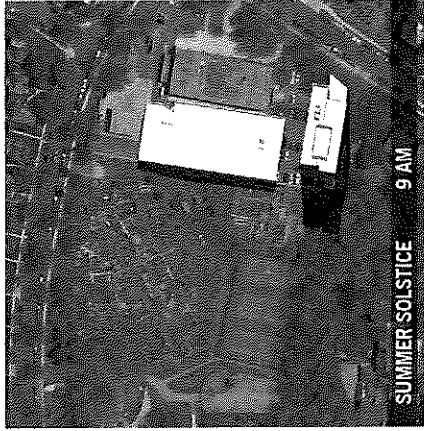
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1030 AM

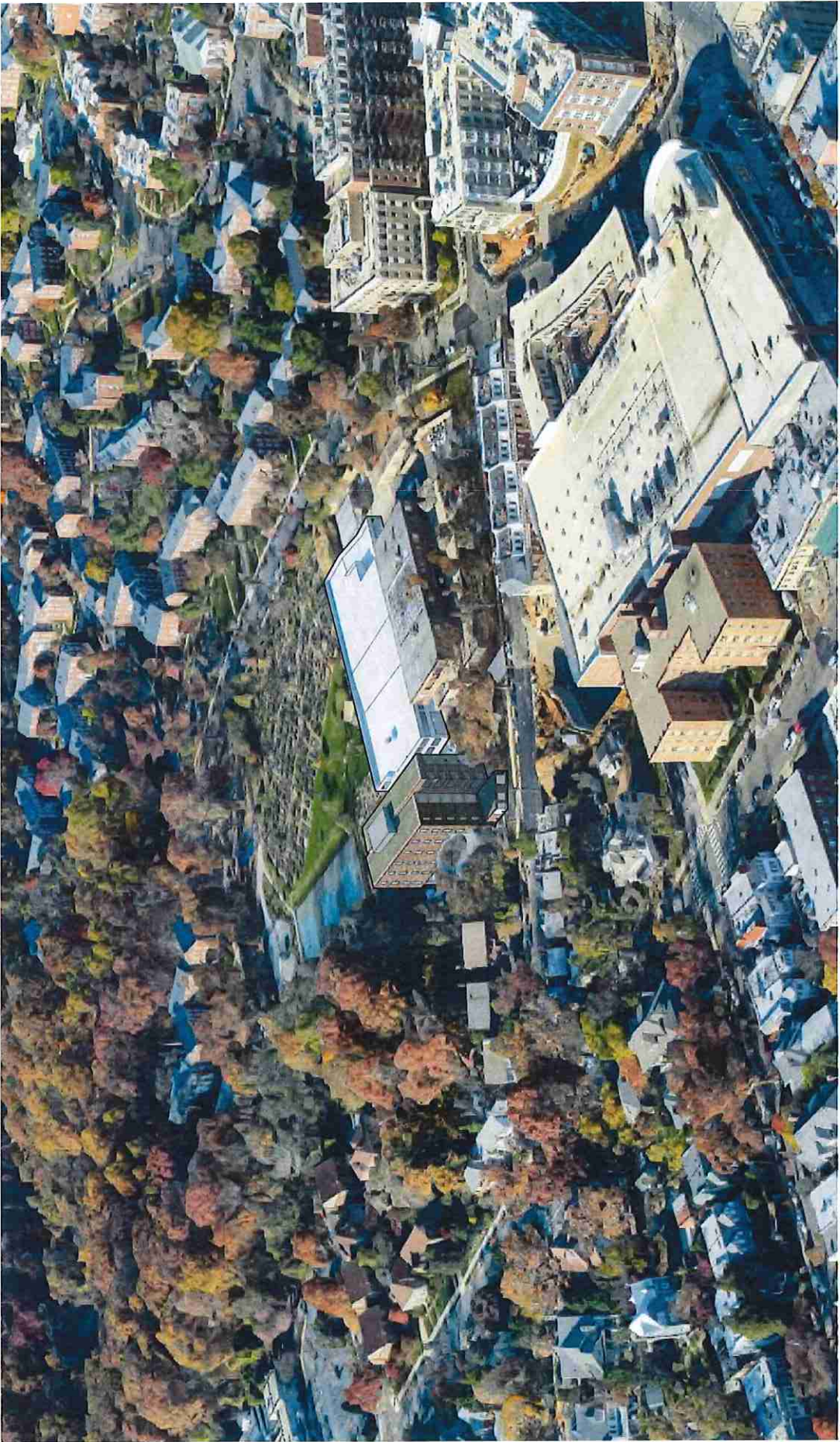


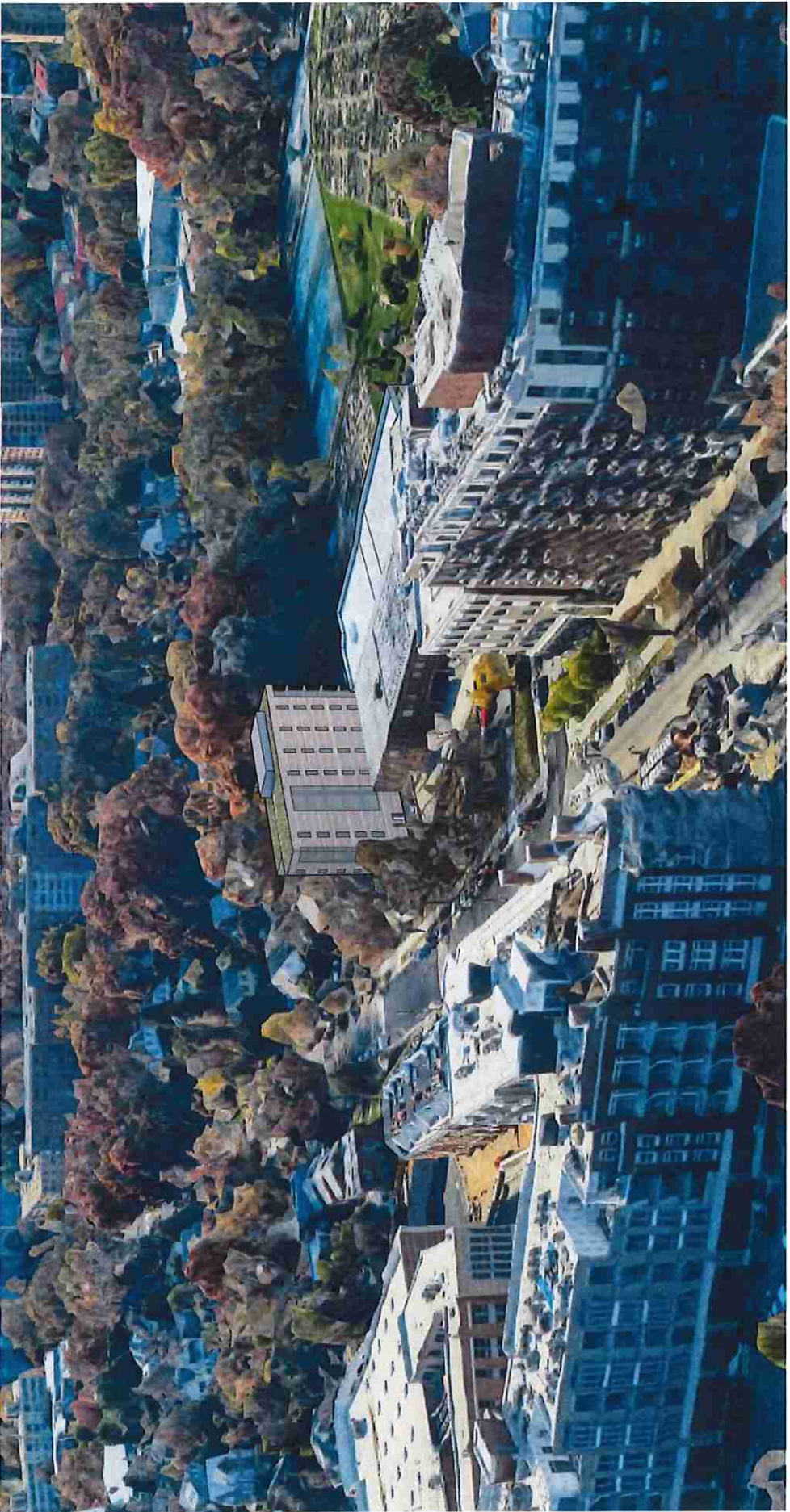
SPRING / FALL EQUINOX 9 AM

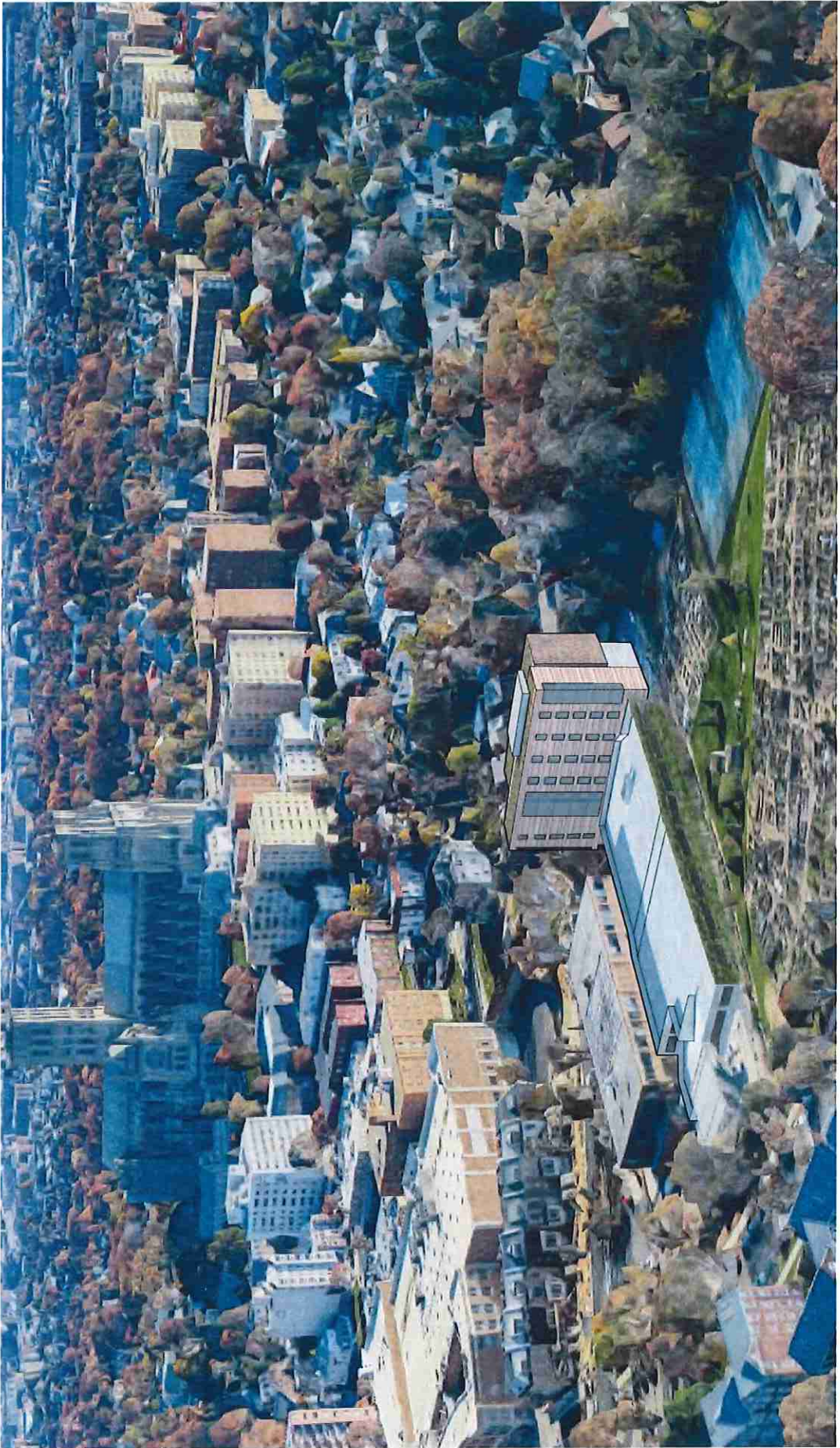


SUMMER SOLSTICE 9 AM









**ATTACHMENT 2**  
**TO APPEAL STATEMENT OF**  
**NEIGHBORS FOR RESPONSIVE**  
**GOVERNMENT**



July 23, 2018

**Meridith H. Moldenhauer**

Direct Phone 202-747-0763  
Direct Fax 202-683-9389  
mmoldenhauer@cozen.com

***Sent via Electronic Mail***

Department of Consumer and Regulatory Affairs  
Office of the Zoning Administrator  
1100 4<sup>th</sup> Street, SW  
Washington, DC 20024  
matthew.legrant@dc.gov

**RE: Request for Zoning Administrator Modifications to Plans Approved by the Board of Zoning Adjustment in BZA Case No. 19450 – 3320 Idaho Avenue NW**

Dear Mr. LeGrant:

On behalf of the Department of General Services (“DGS”), the owner of the subject property, please find enclosed a Request for Zoning Administrator Modification of Plans approved by the Board of Zoning Adjustment (the “BZA”) concerning property located at 3320 Idaho Avenue NW (the “Property”).<sup>1</sup> This written request is filed pursuant to the Zoning Administrator’s authority to permit modifications of approved plans under Subtitle A § 304.10 of the Zoning Regulations.

On August 30, 2017, the BZA entered an Order in BZA Case No. 19450 (the “Order”) granting DGS zoning relief to construct a six-story, 50-unit emergency shelter at the Property (the “Project”).<sup>2</sup> A copy of the plans approved by the BZA (the “Approved Plans”) is attached at **Tab A**; a copy of the Order is attached at **Tab B**. Accordingly, DGS applied for Building Permit No. B1805494 to construct the Project, which is currently under review by DCRA.<sup>3</sup> Additionally, Building Permit No B1801443 was issued on February 1, 2018 to construct a matter-of-right, three-story, 236-space parking structure on the Property (the “Parking Garage”), which was not

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<sup>1</sup> This firm is authorized to represent DGS in this matter pursuant to the attached documentation.

<sup>2</sup> As specified in the Order, relief was granted for a special exception under the RA-use requirements of Subtitle U § 420.1(f) and variances from the number of primary structure requirements of Subtitle C § 302.2, the loading requirements of Subtitle C § 901.1, and the height and number of stories requirements of Subtitle F § 303.1; and pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 203.1(j) to allow accessory parking on Lot 848 in Square 1818.

<sup>3</sup> Please note that the party in opposition to the BZA case, the Neighbors for Responsive Government, has appealed the BZA’s approval of the Project to the D.C. Court of Appeals at Case No. 17-AA-1031. Oral argument on the case occurred on March 29, 2018, and the case is “Ready to be Decided” by the Court. DGS is processing the building permits during the pendency of the appeal, as is permitted.

LEGAL\37320208\2

the subject of the BZA application. Construction on the Parking Garage is now complete, and a Conditional Certificate of Occupancy was issued on June 29, 2018.

As part of the Project design process, DGS submitted materials to the District Department of Transportation's Public Space Committee ("PSC") as well as the federal Commission of Fine Arts ("CFA"). After receiving feedback, comments and approval by the CFA, and in response to certain changes necessitated by the Parking Structure, DGS has made minor changes to the Approved Plans. A package illustrating and describing the differences between the revised plans (the "Revised Plans") and the Approved Plans is attached at **Tab C**.

### **I. Description of Changes Reflected in the Revised Plan package at Tab C**

A summary of the changes from the Approved Plans to the Revised Plans is as follows:

- **Removal of Front Entry Area:** An originally designed one-story entry area has been removed. This adjustment results in reducing the first floor footprint and overall gross square footage, and setting the building back further from the sidewalk along Idaho Avenue. (See Revised Plans SP-1 Note 2, FP-1 Note 1).
- **Project footprint:** The footprint of the Project has been reduced from 7,176 s.f. to 6,383 s.f. (See Revised Plans SP-1, Note 11).
- **Height:** The height of the Project has been reduced by one inch from 69' to 68'11". (See Revised Plans SP-1, Note 9).
- **Gross square footage:** The gross square footage of the Project has been reduced from 45,295 s.f. to 41,894 s.f. (See Revised Plans SP-1, Note 10).
- **Project Basement:** An originally designed half-basement has been removed from the Project. Mechanical uses originally proposed for the basement have been relocated to the first floor. (See Revised Plans FP-1, Note 5).
- **Distance to Parking Garage:** With final construction of the Parking Garage, the distance between the Parking Garage and the Project has been reduced from 29'-0" to 17'-7". (See Revised Plans SP-1, Note 5).
- **Trash Area Relocated:** In conjunction with the change in the distance to the Parking Garage, the trash area has been shifted forward to facilitate trash truck access. (See Revised Plans SP-1, Note 5).
- **Play Area:** The play area in the rear of the Project has been reduced in size from 3,600 s.f. to 2,490 s.f. The play area will continue to include playground equipment as explained in the BZA proceedings. (See Revised Plans SP-1, Note 7).
- **Side yard:** The Project proposed a southern side yard that could also function as a gathering area. While the side yard distance remains the same as approved, it will now be used as a bioretention area that cannot be disturbed. In order to continue to provide an outside

gathering space, the Revised Plans now propose a patio/deck over the rear of the side yard/ bioretention area. The decking will be approximately 1'-in height. (See Revised Plans SP-1, Notes 3 & 4).

- **Front Setback**: The distance between the sidewalk and Project has changed from 25'2" to 38'3". This change is a result of the elimination of the front entry area. (See Revised Plans SP-1, Note 8).
- **Driveway**: The 16'-wide conceptually-designed driveway is now proposed to be 20' in width as required by code to accommodate two-way traffic. (See Revised Plans SP-1, Note 6).
- **Walkway**: The walkway, originally located at northeast side of the Project and measuring 25' in width, has been relocated to the southeast of the Project and will be 10'6" in width. As adjusted, the walkway will be able to utilize the existing curb cut as a pathway, thereby avoiding the removal of a mature tree. The curb cut will be repurposed for pedestrian-access only and will not be used for vehicles. (See Revised Plans SP-1, Note 1).
- **Minor Changes to the First Floor Layout**: As illustrated on FP-1 of the Revised Plans, there have been minor changes to the First Floor Layout resulting from the removal of the basement and entry area. These changes have not resulted in the reduction or elimination of programming space, and the Project will continue to function as approved. Rather, these changes reflect a right-sizing of office space and added efficiencies for mechanical and other necessary space to support the Project's needs.
- **Minor Changes to the Layouts of Floors 2 to 6**: FP-2 of the Revised Plans illustrates a minor adjustment to the front study rooms to accommodate storage. Other than those changes, the Floors 2 to 6 layouts remain consistent with what was approved. Trash will be collected on each floor, and a proposed trash chute will not be installed.
- **Minor Refinements to the Building Elevations/ Facades**: Sheets R-1 & R-2 and EL-1 – EL-4 of the Revised Plans provide a comparison showing the minor changes to the Project's façade/elevation design. Those changes are minor in nature, and reflect the elimination of the front entry area. The updated elevations also illustrate adjustments to fenestration and brick banding and design incorporated at the request of the CFA. As adjusted, the elevations are consistent in materials, coloring and overall aesthetics with the elevations/facades approved by the BZA.

## II. Proposed Modifications Comply with Subtitle A § 304.10

The Zoning Administrator can approve modifications to plans previously approved by the BZA if the modifications satisfy the requirements of Subtitle A § 304.10 of the Zoning Regulations. Here, the Revised Plans comply with the requirements of Subtitle A § 304.10 as follows:

*(a) The modifications do not violate any condition of approval included in the Order;*

The proposed modifications in the Revised Plans do not violate any condition of the Order.

*(b) The modification will not increase, expand, or extend any area of relief granted by the Order;*

The Order grants special exception relief for an emergency shelter use (Subtitle U § 420.1(f)) and accessory, temporary parking (Subtitle U § 203.1(j)), as well as area variance relief for number of primary structures on a lot (Subtitle C § 302.2), loading (Subtitle C § 901.1), height and number of stories (Subtitle F § 303.1). As noted above, the Revised Plans *decrease* the total building height by one inch. The remaining changes in the Revised Plans will not increase, expand, or extend any other areas of relief.

*(c) The modification will not create any need for new relief;*

The Revised Plans will not require new relief from the BZA. The Revised Plans reduce the Project's footprint, height and overall gross square footage.

*(d) The modification will not change a principal use from that approved in the Order;*

The Revised Plans will not change the Property's approved use as a 50-unit emergency shelter.

*(e) The modification will not increase the number of stories;*

The Revised Plans will not add a story to the Project.

*(f) The modification will not increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height or penthouse height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;*

The Revised Plans will decrease the footprint of the Project, and correspondingly, the lot occupancy. The building height is proposed to be reduced by one inch from 69' to 68'11", and the gross square footage is proposed to be reduced from approximately 45,295 s.f. to approximately 41,894 s.f. The Project does not have a penthouse, and required, unenclosed, mechanical equipment screening is proposed.

*(g) The modification will not increase by more than two percent (2%) the number of dwelling units, hotel rooms, or institutional rooms within the approved square footage;*

The Revised Plans will not increase or change the number of units at the Property.

*(h) The modification will not increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans.*

The Revised Plans will not alter the number of parking or loading spaces at the Property. The approved, 23 parking spaces for the Project are provided in the Parking Garage.



As such, the subject modification request is consistent with the Zoning Administrator's authority established in Subtitle A § 304.10. Further, the notice requirements of Subtitle A § 304.11 are satisfied as shown in the attached Certificate of Service.

Accordingly, the Zoning Administrator is authorized to approve this request.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR



By: Meredith H. Moldenhauer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2018, a copy of the foregoing Request for Zoning Administrator Modification of Plans Approved by BZA was sent, via electronic mail, to the following:

Advisory Neighborhood Commission 3C  
c/o Angela Bradbery SMD06  
[3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)

Advisory Neighborhood Commission 3C  
c/o Chair Nancy MacWood  
[nmacwood@gmail.com](mailto:nmacwood@gmail.com)

Neighbors for Responsive Government  
c/o David Brown, Esq.  
401 E. Jefferson Street, Suite 206  
Rockville, MD 20850  
[brown@knopf-brown.com](mailto:brown@knopf-brown.com)



Meridith H. Moldenhauer

**ATTACHMENT 3**  
**TO APPEAL STATEMENT OF**  
**NEIGHBORS FOR RESPONSIVE**  
**GOVERNMENT**

# EXHIBIT C

(Illustrative revised plans showing differences  
from approved plans)



# WARD 3 SHORT TERM FAMILY HOUSING

3320 IDAHO AVE NW, WASHINGTON, DC

## REVISED PLANS



---

June 16, 2018



# WARD 3 SHORT TERM FAMILY HOUSING

3320 IDAHO AVE NW, WASHINGTON, DC

## Ward 3 Zoning Analysis

	BZA Submission	Current Design	Delta
Number of Stories	6	6	None
Height (measured from 1st Floor to Top of Parapet)	69'-0"	68'-11"	1" decrease
Structures on Site	2	2	None
Loading	No loading dock provided	No loading dock provided	None
Parking	23 spaces in adjacent garage	23 spaces in adjacent garage	None
Gross Square Footage	45,294.63 gsf	41,893.85 gsf	-3,400.78 gsf or 7.5% decrease
1st Floor GSF (Footprint)	7,175.98 gsf	6,382.85 gsf	-793.13 gsf or 11% decrease
Typical Floor GSF	7,047.37 gsf	7,082.2 gsf	+34.83 gsf or 0.5% increase



## WARD 3 ZONING ANALYSIS

July 16, 2018



# WARD 3 SHORT TERM FAMILY HOUSING

3320 IDAHO AVE NW, WASHINGTON, DC



**LEGEND:**

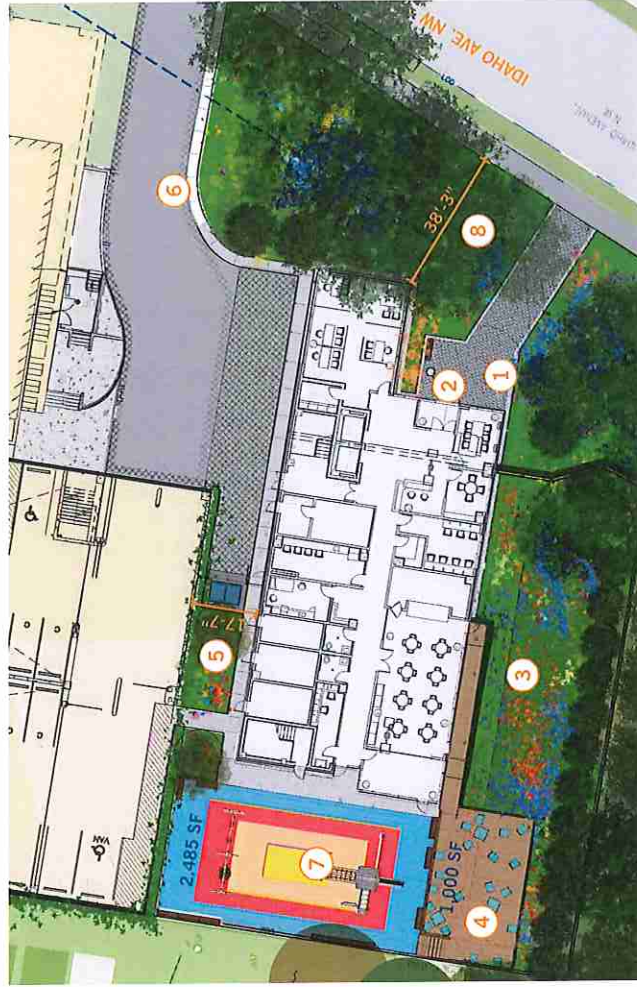
- 1. PLANTED AREAS
- 2. PERMEABLE PAVING
- 3. WOOD TRELLIS SCREEN
- 4. PLAY AREA
- 5. BIORETENTION
- 6. ELEVATED TIMBER DECK
- 7. LOUNGE FURNITURE
- 8. GARBAGE CONTAINER ENCLOSURE - WOOD TRELLIS
- 9. EXISTING TREES



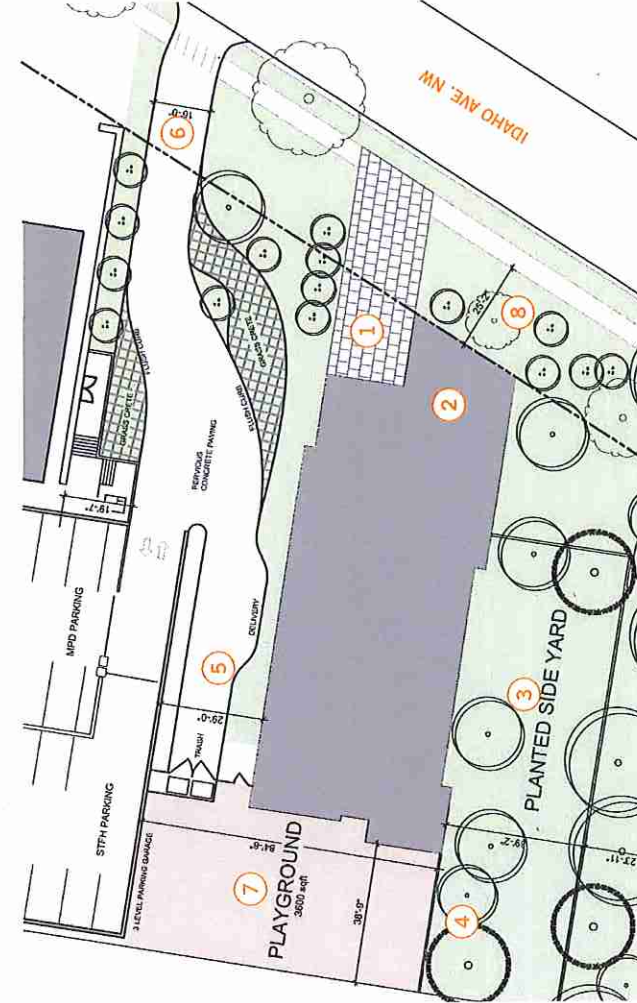
REVISED PLAN

July 16, 2018

L-1



CURRENT DESIGN

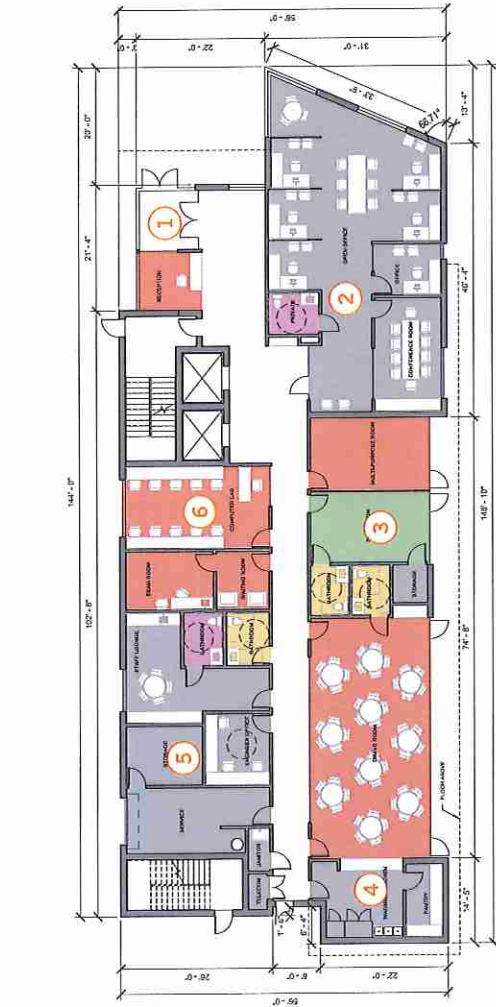


BZA SUBMISSION

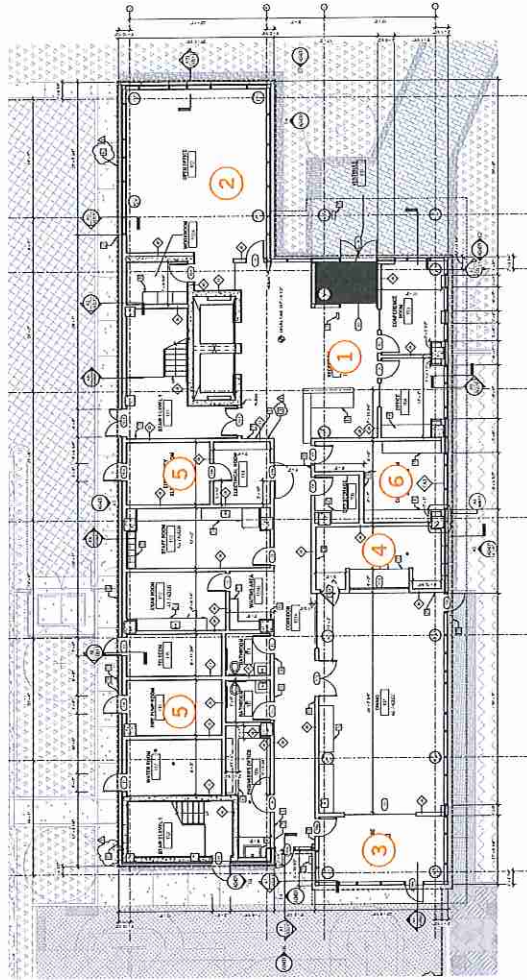
**SITE PLAN KEY NOTES**

- 1 | Front walk moved south to avoid the removal of existing mature tree.
- 2 | One story massing removed to shrink footprint.
- 3 | Side yard changed to bioretention area to satisfy storm water management requirements, will not be accessible.
- 4 | Deck added over rear portion of bioretention.
- 5 | Space between Garage and Housing smaller due to a larger Garage to accommodate MPD requirements. Trash moved east to facilitate trash truck access.
- 6 | Drive way increased from 16'-0" to 20'-0" to satisfy minimum width required by code for 2-way drive.
- 7 | Play area size changed, will continue to include play equipment.
- 8 | Building distance from sidewalk has increased.
- 9 | Height of Building - 69'-11" (-1" decrease)
- 10 | Gross Square Footage - 41,893.85 GSF (-3,400.78 GSF or 7.5% decrease)
- 11 | Footprint - 6,382.85 GSF (-793.13 GSF or 11% decrease)





**BZA SUBMISSION**



**CURRENT DESIGN**

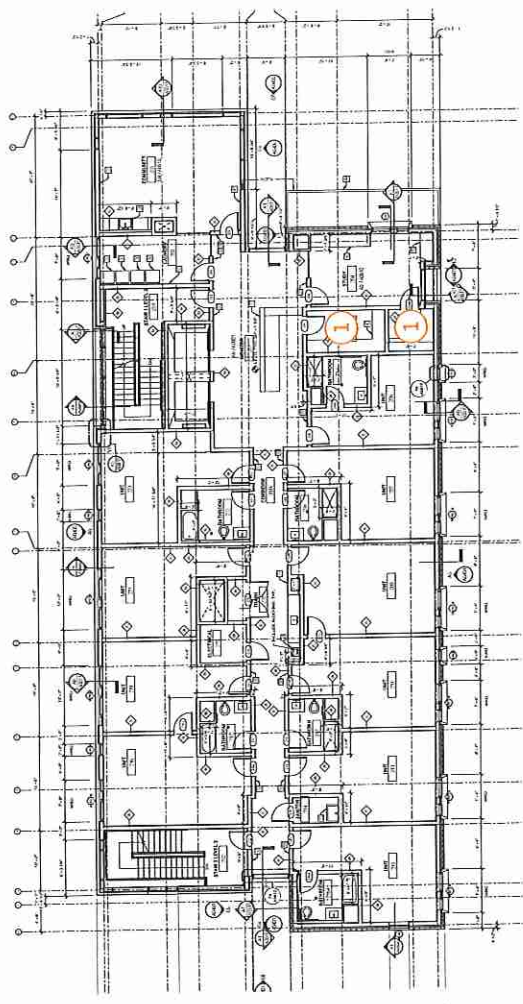
**FLOOR PLAN KEY NOTES**

- 1 | Entrance moved to middle of building due to walk way change to avoid removing existing mature tree.
- 2 | One story office space made smaller and moved to north.
- 3 | Play room and Multi-Purpose room combined and moved to west to be closer to outdoor play space.
- 4 | Pantry moved east to accommodate relocation of Play room/Multi-Purpose and be closer to service corridor.
- 5 | Utility spaces moved from Basement to First Floor to accommodate removal of Basement.
- 6 | Computer Lab moved south for better views of green space and to accommodate relocated Electrical Room. The Electrical Room new location is optimal as it is adjacent to the transformer to the north.

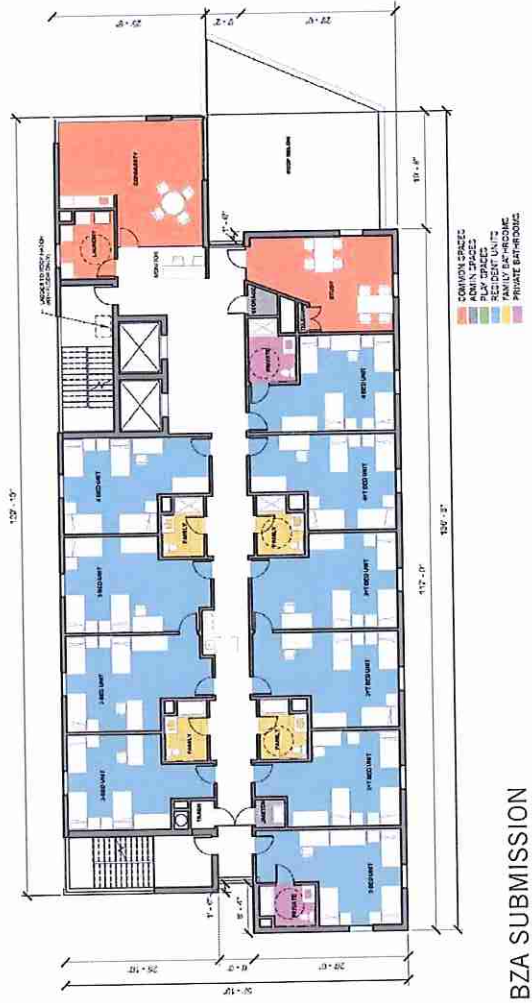


# WARD 3 SHORT TERM FAMILY HOUSING

3320 IDAHO AVE NW, WASHINGTON, DC



CURRENT DESIGN



BZA SUBMISSION

## FLOOR PLAN KEY NOTES

- 1 | Storage rooms added.



## FP-2 TWO-SIX FLOOR PLAN COMPARISON

July 16, 2018



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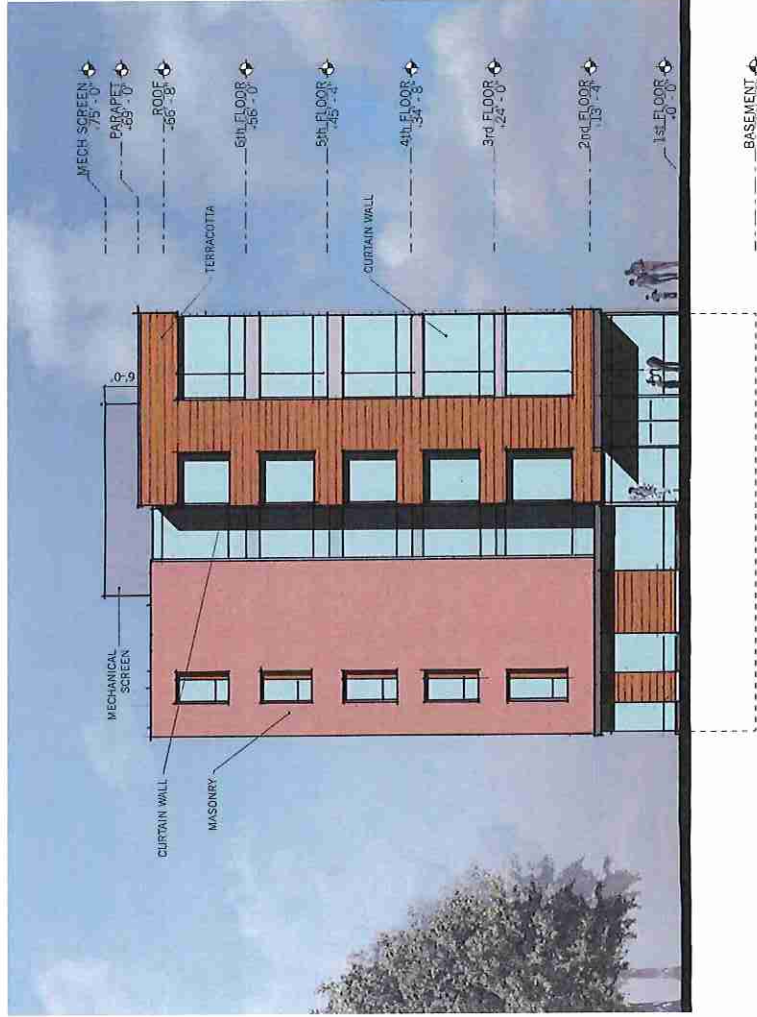


## R-2      NORTHEAST RENDERING COMPARISON

July 16, 2018

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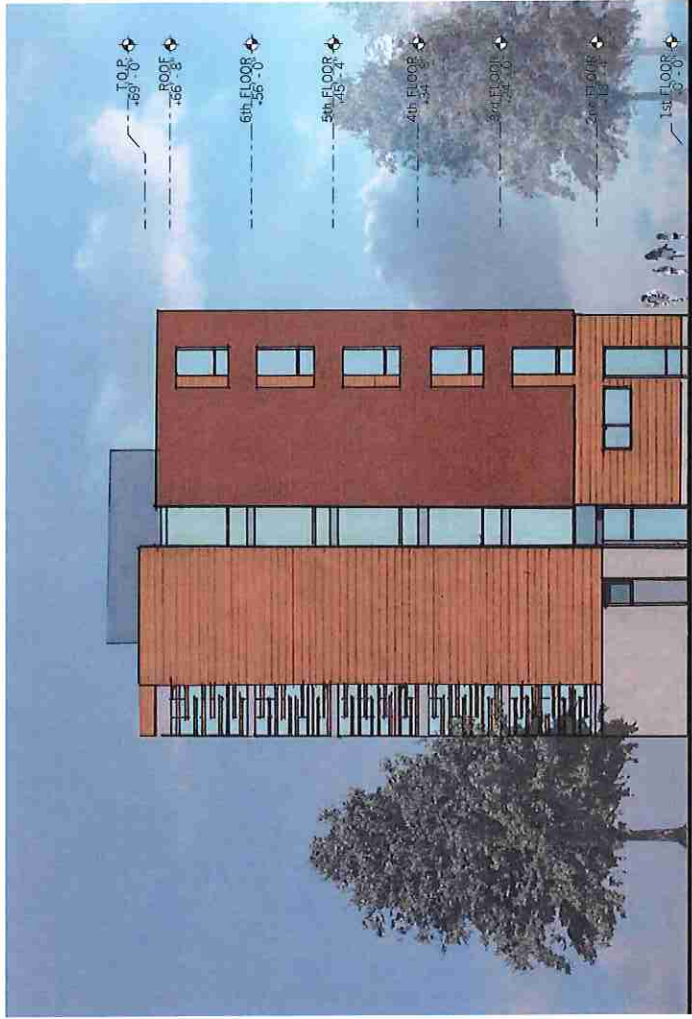


CURRENT DESIGN



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CURRENT DESIGN



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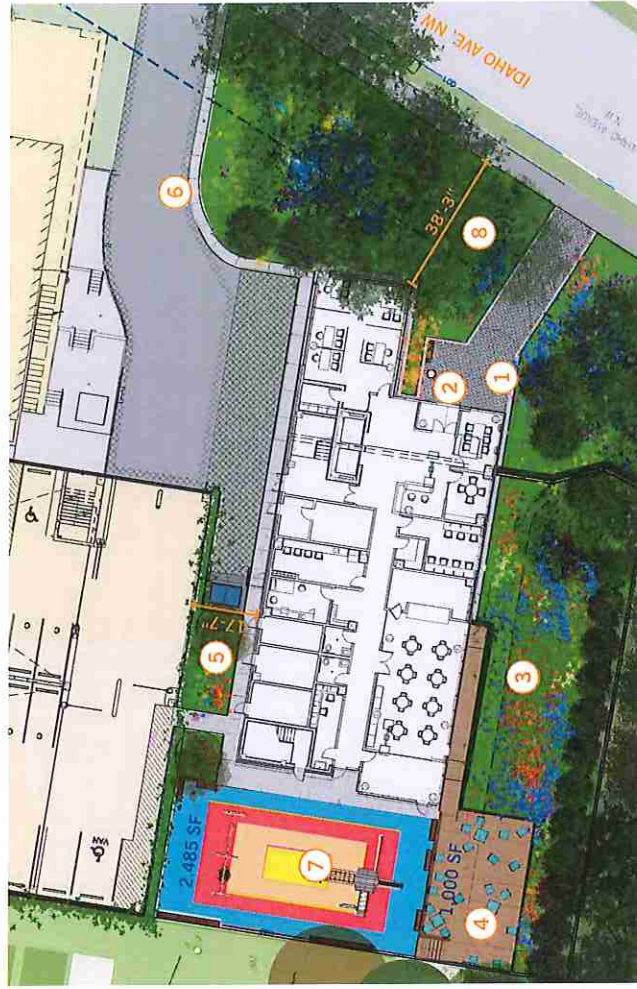
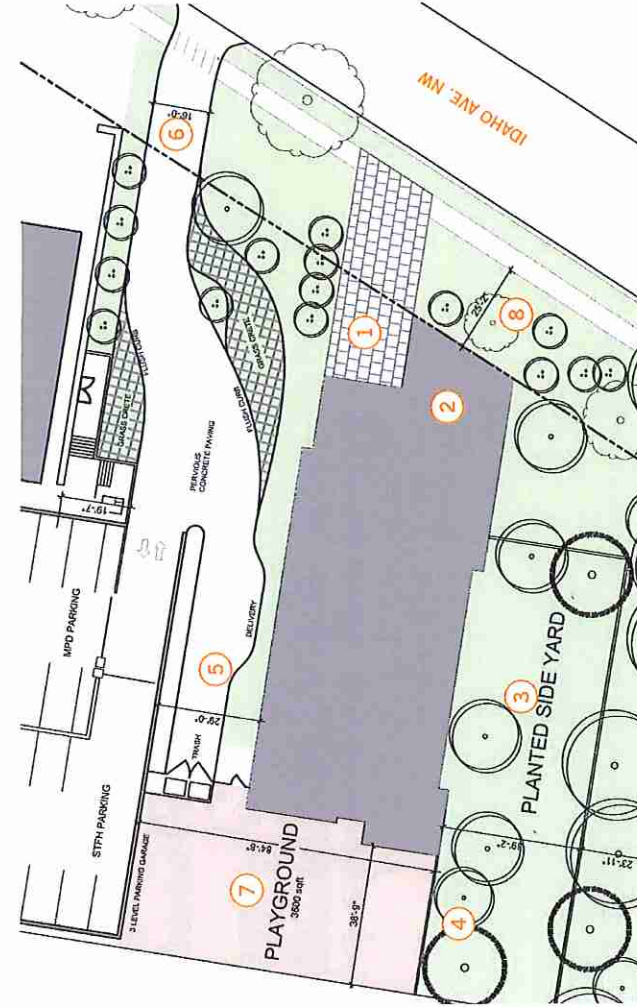


## EL-4 NORTH ELEVATION ELEVATION

July 16, 2018



# EXHIBIT 2



## BZA SUBMISSION

### SITE PLAN KEY NOTES

- 1 | Front walk moved south to avoid the removal of existing mature tree.
- 2 | One story massing removed to shrink footprint.
- 3 | Side yard changed to bioretention area to satisfy storm water management requirements, will not be accessible.
- 4 | Deck added over rear portion of bioretention.
- 5 | Space between Garage and Housing smaller due to a larger Garage to accommodate MPD requirements. Trash moved east to facilitate trash truck access.
- 6 | Drive way increased from 16'-0" to 20'-0" to satisfy minimum width required by code for 2-way drive.
- 7 | Play area size changed, will continue to include play equipment.
- 8 | Building distance from sidewalk has increased.
- 9 | Height of Building - 69'-11" (-1" decrease)
- 10 | Gross Square Footage - 41,893.85 GSF (-3,400.78 GSF or 7.5% decrease)
- 11 | Footprint - 6,382.85 GSF (-793.13 GSF or 11% decrease)

## CURRENT DESIGN