



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

June 7, 2010

The Honorable Adrian Fenty
Mayor of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

RE: 2910 Garfield Street, NW

Dear Mayor Fenty,

We write today concerning the proposed subdivision of 2910 Garfield Street. We urge that no permits be issued for either razing the house or cutting down the trees on this site until the Department of Consumer and Regulatory Affairs reconsiders and reverses its subdivision decision or, in absence of such reconsideration, until the Board of Zoning Adjustment hears and decides the citizens' appeal of the subdivision decision.

We believe that there is a serious question whether this subdivision violates section 101.6 of the Zoning Regulations, which provides that "[w]here a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created." While the regulations do provide that the Zoning Administrator may permit "minor deviations" under certain circumstances, the 2% deviation of lot size allowed is not minor, and violates the spirit and letter of the law.

Deviations should not be considered minor based solely on the amount of space involved. In that regard, the proposed subdivision will have a significant and lasting negative impact on Woodley Park, yet the Zoning Administrator did not visit or view photographs of the site. Consider:

- The density of the proposed houses, 4908 and 5039 square feet, is totally out of scale with the existing houses. The average lot size of the existing houses is 7552 square feet.
- The clear-cutting of numerous trees certified by an arborist to be over 80 years old will destroy the existing beneficial tree canopy of shade and privacy for adjacent properties forever.
- The removal of these trees on this steeply wooded site has the potential for erosion and storm water problems and a negative effect on the root systems of adjacent trees.

We also note that no notice of this subdivision was given to ANC 3C. Subdivisions and new construction are rare in the District, and D.C. Official Code § 1-309.10(c) requires that an ANC be given notice of "requested or proposed zoning changes, variances, public improvements, licenses, or



permits affecting said Commission area.” We believe that this subdivision, with its construction of tall “McMansion-size homes” on two small lots and the removal of numerous mature trees affecting adjacent properties on a major artery of Woodley Park should have been reviewed by the ANC with input from their area residents. At their regularly scheduled meeting on May 17, 2010, ANC 3C adopted Resolution Number 2010-014 unanimously opposing the Zoning Administrator’s subdivision decision and joined the neighbors in an appeal.

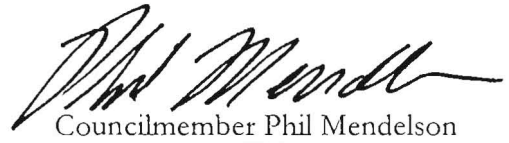
The status quo must be maintained until we sort out whether proper procedures and rules have been followed and to ensure that District government actions do not preclude proper resolution of this situation. We respectfully request that you ensure that no action is taken to prejudice the position of the community and the ANC concerning this property.

Regards,

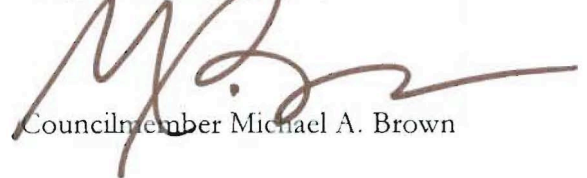

Councilmember Mary M. Cheh


Chairman Vincent C. Gray


Councilmember David Catania


Councilmember Phil Mendelson


Councilmember Kwame R. Brown


Councilmember Michael A. Brown

Cc: Muriel Bowser, Chair, Committee on Public Services and Consumer Affairs
Linda Argo, Director, Department of Consumer and Regulatory Affairs
Nick Majett, DCRA, Deputy Director for Communications and Customer Service
Matthew LeGrant, DCRA, Zoning Administrator
Neil Albert, City Administrator
Ann-Marie Bairstow, Chair, ANC 3C
William Kummings, ANC 3C02
John Goodman, Woodley Park Community Association
Richard DeKaser, 2914 Garfield Street NW
Margaret Ernst and Frederick Jenney, 2909 Garfield Terrace NW