



ADVISORY NEIGHBORHOOD COMMISSION 3E

**TENLEYTOWN AMERICAN UNIVERSITY PARK
FRIENDSHIP HEIGHTS**

c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

August 25, 2010

Public Space Committee
1100 4th Street, SW
2nd Floor
Washington, DC 20024

Dear Committee Members:

I write regarding the application for a curb cut to accommodate a driveway at 4796 Western Avenue, Bethesda, Maryland. While the vast majority of the property at issue is in Maryland, the curb itself is subject to jurisdiction of the District of Columbia.

The District Department of Transportation (DDOT) did not provide a copy of the application prior to our most recently scheduled ANC meeting. Our next scheduled meeting will be after the hearing on the matter. As a consequence, our ANC has not and cannot take an official position on the application. I write though in my capacity as the Commissioner for the Single Member District (SMD) relevant to the property.

The owner, Steve McKinney owns and intends to live in a house in Washington, DC and is a business owner in the District. The property in question was inherited from his mother. Because the lot was very large, he petitioned Montgomery County to subdivide it to allow another home to be built on a significant unused portion. Permission to do so was granted and a house is being built on the subdivided lot. As part of the subdivision process, Mr. McKinney ceded the exiting driveway to the owner of the subdivided lot. That left him with no access from Western Avenue to the existing home, hence the application for a new curb cut.

I understand that the District discourages new curb cuts, but believe this is a case in which an exception should be made. Upon my initial review of the application, I wondered if access to the lot could be achieved through the alley at the back. I visited the site and learned that would not be practical at any time or even possible in much of the winter. The alley is really an overgrown dirt track and not practical for routine access to the property.

Another option for Mr. McKinney would be to purchase an easement from the owner of the subdivided lot and access his property through the existing curb cut. It is not clear to me what would be accomplished through such an approach. The same number of cars would cross the curb creating the same issues for traffic and pedestrians. Also, while it would not be better from a traffic or pedestrian perspective, it would place Mr. McKinney in a severely compromised negotiating position vis-à-vis the owner of the subdivided lot.

I understand that one goal of the District is to avoid increased creation of impervious surfaces and that granting new curb cuts is discouraged because new curb cuts result new parking pads. In this case, whether there is a new curb cut or not, there will have to be a new parking pad as there is not on full access to on street parking on Western Avenue and access to the property through the alley is not practicable.

Under the circumstances, given the subdivision of the lot, a new curb cut is both necessary and reasonable. Moreover, given that the impetus of the request is the subdivision of the lot, the District need not fear creating a precedent by granting this curb cut that will lead to others for many similarly situated persons. Furthermore, the District should encourage the kind of subdivision that took place here. We all have an interest in bringing population closer to our central cities as a way of conserving energy and creating more vibrant communities. A new home just across Western Avenue from the District will inevitably benefit the District as residents of such a home are likely often to be patrons of District businesses.

I urge the Public Space Committee to approve the requested curb cut here.

Sincerely,



Matthew Frumin, ANC 3E02