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GEORGE R KEYS JR +

+Also Admitted in Maryland

OF COUNSEL

HAROLD E. JORDAN

March 12, 2013

HAND-DELIVERED

Lloyd Jordan, Esq , Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W. - Room 210 South
Washington, D C 20001

Re BZA Application Nos 18503 and 18505 – Lots 0001 and 0804, Square 3186 and Lots 0052 and 0822, Square 3185

Dear Mr. Jordan.

This firm represents Keystar Spring Place LLC and Anabel Pestana (the “Applicant”), the owners of the above-referenced real property. The two applications were consolidated for public hearing held on February 26, 2013, and continued to March 26, 2013. During the course of the public hearing, the Board requested that the Applicant provide the following specific information to supplement the record and clarify issues for the Board

- (i) a roof structure analysis to show whether any relief would be necessary under § 411 of the Zoning Regulations;
- (ii) an effort to agree with DDOT, OP and ANC 4B upon conditions that the Applicant would satisfy in connection with the development of the project,
- (iii) demonstrate truck loading accessibility;
- (iv) strengthen Transportation Demand Management measures, and
- (v) a concise statement of exceptional physical conditions causing practical difficulties supporting the parking variances

Roof Structure Analysis

The Applicant included in its Supplementary Materials a color rendering of an elevation of the two buildings that was misleading in its depiction of actual roof structures. To correct the record, the Applicant hereby submits the attached Exhibit 1 which shows the rooftop plans for the two buildings. Building 1 has a single penthouse structure enclosing the elevator core which

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18503

EXHIBIT NO. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.18503
EXHIBIT NO.38

JORDAN & KEYS, PLLC

Lloyd Jordan, Esq , Chairman
District of Columbia Board of Zoning Adjustment
March 12, 2013
Page 2

is 9.25 feet in height above the level of the roof. The penthouse meets the applicable setback requirements of § 400.7.

Building 2 contains two elevator cores and has two penthouses (9.25 feet and 8.34 feet in height above the roof level, respectively) which complies with § 411.4. The two penthouses meet applicable setback requirements of § 400 7

Agreed-Upon Conditions

The Applicant has conducted productive discussions with DDOT and OP over the conditions requested by the two agencies, which has resulted in the conditions set forth in the list attached hereto as Exhibit 2. The Chairperson of ANC 4B was briefed by DDOT and will have the opportunity to consider the list of conditions at a regular ANC 4B meeting prior to the resumption of the public hearing on March 26, 2013.

Loading Accessibility

In order to demonstrate the ease of access to the loading facility, the Applicant has prepared new turning diagrams for 25-foot and 30-foot trucks maneuvering to reach the loading berth (Exhibit 3). The Applicant has altered the placement of the emergency generator and transformer pads to change the angle for a truck backing into the delivery space behind Building 1. The result is that a 25-foot truck can make a single maneuver to head out to Spring Place. A 30-foot truck will require one additional maneuver to accomplish the exit to Spring Place. The Applicant agreed with DDOT to limit loading access by non-professional operators to 25-foot trucks or smaller and all such deliveries will be supervised by property management staff.

A witness at the public hearing testified that from his experience a 30-foot truck would be impeded by a telephone pole from making a safe turn from Spring Place into the public alley and *vice versa*. The Applicant's plans already called for the removal of the utility pole and, moreover, Spring Place is being widened by an additional four feet. These facts entirely mitigate the witness's concerns, which the Applicant demonstrates in the turning diagram (Exhibit 3).

Enhanced TDM Measures

In addition to the conditions listed in Exhibit 2, the Applicant has agreed with DDOT to control loading, delivery and refuse collection activities in the public alley. The specific commitments of the plan are set forth in Exhibit 4.

Exceptional Conditions

A Board member raised a concern for a clear statement of physical conditions affecting

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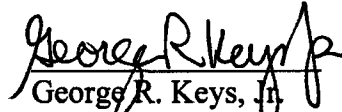
Lloyd Jordan, Esq., Chairman
District of Columbia Board of Zoning Adjustment
March 12, 2013
Page 3

the subject property. The Applicant has prepared Exhibit 5 to provide a graphic layering of the constraints of the site imposed by the existing infrastructure (WMATA and CSX rail tracks, DC WASA stormwater easement), DDOT requirements for the Metropolitan Branch Trail, building step-backs required by HPRB and preservation of mature trees at the rear of the Chestnut Street residences

Respectfully submitted,

Jordan & Keys, PLLC

By.


George R. Keys, Jr.
Counsel for the Applicant

Attachments: Exhibits 1-5

cc. Anna Chamberlin, DDOT
Karen Thomas, OP
Advisory Neighborhood Commission 4B



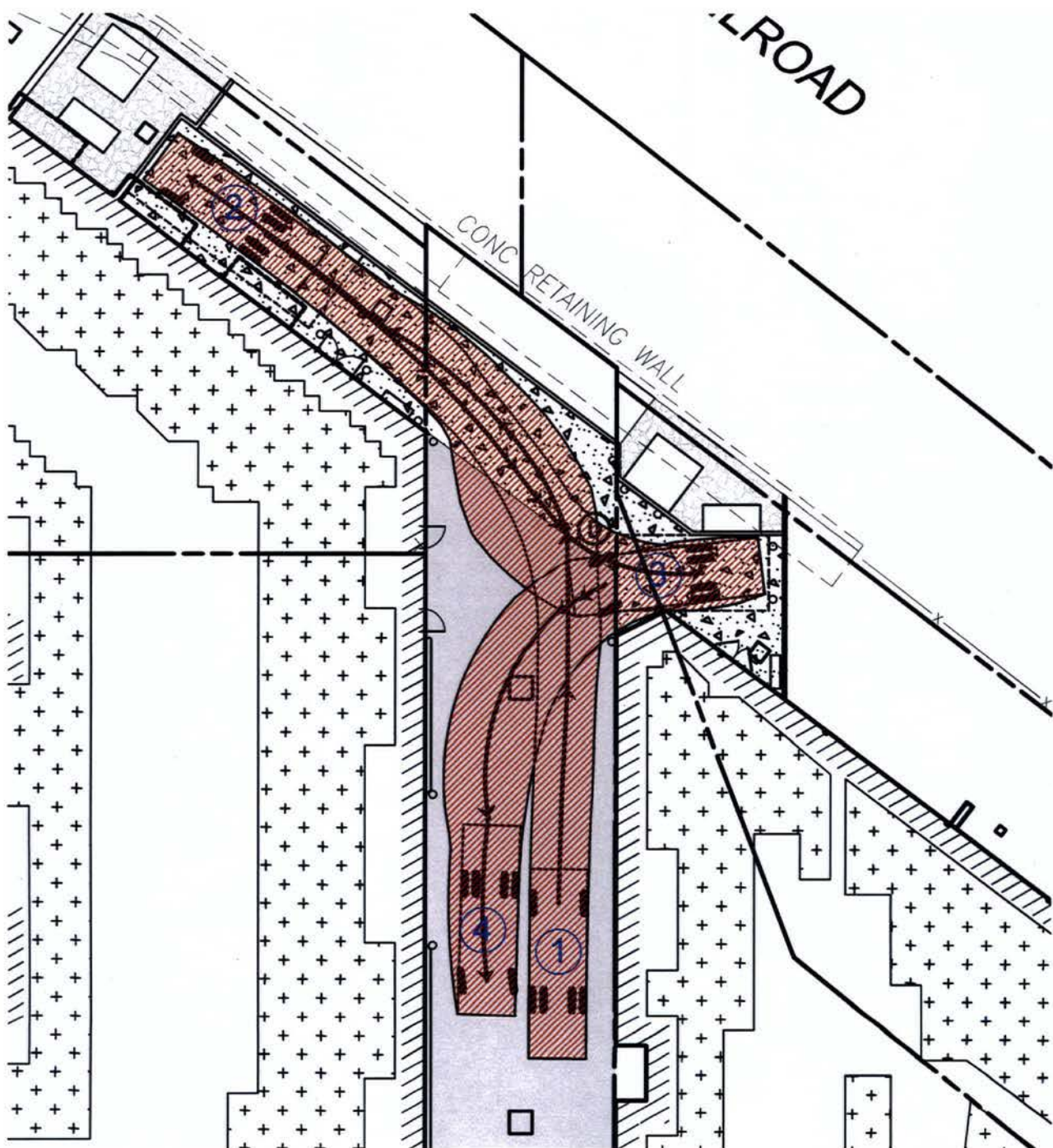
SOUTH ELEVATION



SOUTH PERSPECTIVE

Metro Village – Conditions

- 1 The Applicant shall extend its proposed multi-use trail for the entire length of Spring Place from Chestnut along its property to facilitate pedestrian access to its site. The segment from the Applicant's property to Chestnut shall be on the existing paved street and shall be demarcated by pavement markings (no bollards).**
- 2. The Applicant shall, in cooperation with DDOT, complete a full engineering design and seek to facilitate the acquisition of all necessary easements and agreements from the adjacent property owners to allow for the construction of a multi-use trail by the District of Columbia extending from the southern end of Spring Place to the sidewalks on the north side of Cedar Street.**
- 3. The Applicant shall install a "Do Not Block Intersection" sign per DDOT standards for the southbound approach of Blair Road at its intersection with Chestnut Street.**
- 4. The Transportation Demand Management (TDM) strategies described in the Applicant's TIS shall be amended to require the proposed transit subsidies, car-share and bike share memberships be provided to all residents on an on-going basis rather than just the initial set of residents Applicant shall offer to each tenant household one of the following: 1) one annual car share membership, 2) one annual Capital Bikeshare membership, or 3) one \$60 Metro farecard.**
- 5. The Applicant shall provide a minimum of 75 secure long-term bicycle parking spaces (combined) to be located within the two buildings.**
- 6. A minimum of 3 inverted U-style bicycle racks to be installed at an entrance to each building.**
- 7. The Applicant shall redesign the loading area to accommodate loading movements for a 25-foot vehicle without the need for multiple turns and shall provide simplified maneuvering for a professionally operated 30-foot vehicle. At the intersection of the alley and Spring Place, the Applicant will provide additional safety measures, including a speed-bump adjacent the multi-use trail, convex safety mirrors and warning signage for both trail users and drivers.**
- 8. The Applicant shall create and implement a loading management instruction plan for tenants that addresses scheduling and safety concerns related to truck movements in public space. Applicant shall agree on truck lengths, as determined by DDOT, to be permitted in the loading alley with a maximum length of 30 feet. Trucks, not professionally operated, shall be limited to 25 feet.**
- 9. Applicant agrees to restrict issuance of Residential Parking Permits at this location in an agreement acceptable to OP and DDOT.**
- 10. Applicant shall provide annual reports to the ANC and DDOT concerning the transportation issues discussed above for a period of two years after the completion of the project's final phase.**
- 11 Applicant shall provide a surface car-share space so that tenants and the general public may access the car share vehicle**



REFERENCE SHEET C1.03



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METRO VILLAGE APARTMENTS

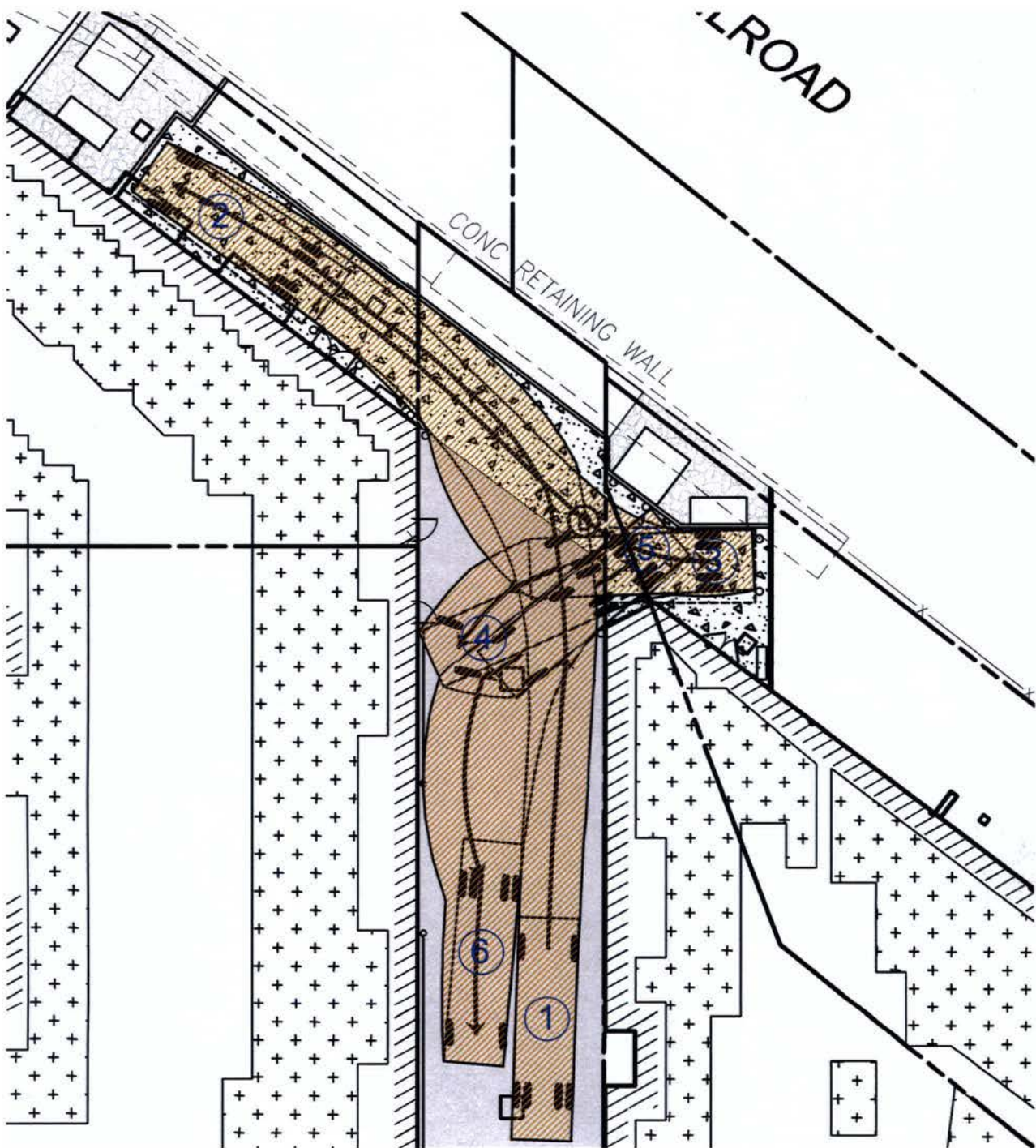
7051/7053 SPRING PLACE, NW
WASHINGTON, DC 20012

C-SK-001

**25-FOOT TRUCK TURNING
MOVEMENT AT LOADING DOCK**

SCALE : 1" = 20'

4 MARCH 2013



REFERENCE SHEET C1.03



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METRO VILLAGE APARTMENTS

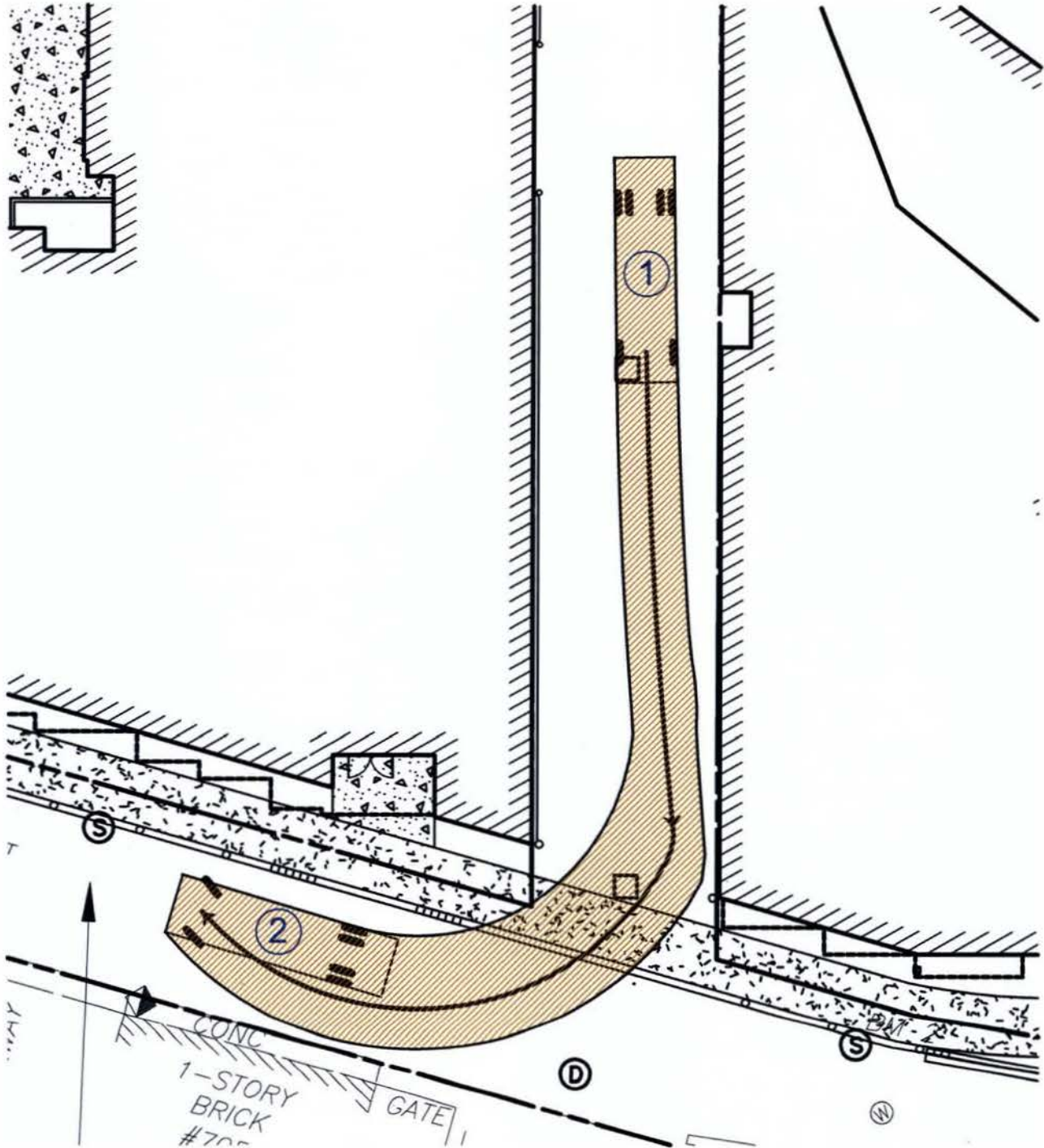
7051/7053 SPRING PLACE, NW
WASHINGTON, DC 20012

C-SK-002

30-FOOT TRUCK TURNING
MOVEMENT AT LOADING DOCK

SCALE: 1" = 20'

4 MARCH 2013



REFERENCE SHEET C1.03



A. MORTON THOMAS AND ASSOCIATES, INC.
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METRO VILLAGE APARTMENTS

7051/7053 SPRING PLACE, NW
WASHINGTON, DC 20012

C-SK-003

30-FOOT TRUCK TURNING FROM
BULL PLACE TO SPRING PLACE

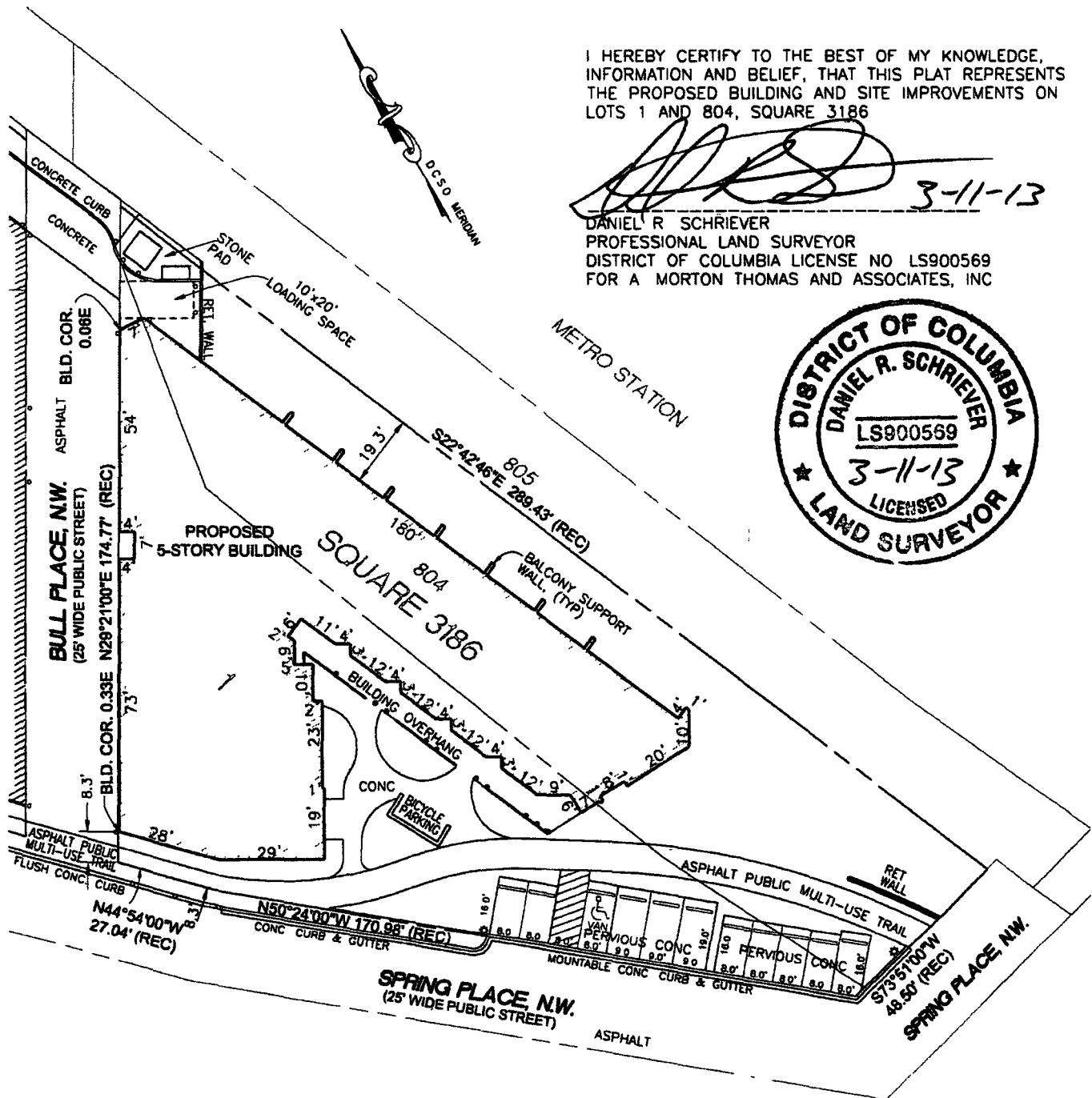
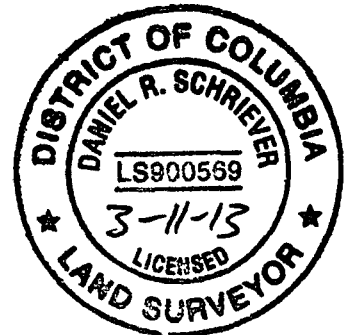
SCALE: 1" = 20'

4 MARCH 2013

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE,
INFORMATION AND BELIEF, THAT THIS PLAT REPRESENTS
THE PROPOSED BUILDING AND SITE IMPROVEMENTS ON
LOTS 1 AND 804, SQUARE 3186

[Signature] 3-11-13

DANIEL R. SCHRIEVER
PROFESSIONAL LAND SURVEYOR
DISTRICT OF COLUMBIA LICENSE NO LS900569
FOR A MORTON THOMAS AND ASSOCIATES, INC



PLAT OF PROPOSED SITE IMPROVEMENTS

METRO VILLAGE APARTMENTS

LOTS 1 AND 804 SQUARE 3186

DISTRICT OF COLUMBIA

SCALE: 1"=40' DATE: MARCH 11, 2013

AMT JOB #112-588.001

AMT

A MORTON THOMAS AND ASSOCIATES, INC
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METRO VILLAGE

Management Plan for Loading and Delivery

03-12-13

The following outlines the procedures that will be enforced by management for loading, deliveries and refuse collection at Metro Village. Loading, deliveries and refuse collection will be scheduled with management in advance and limited to normal business hours or other times agreed to by management when maintenance personnel are available.

1. Move-in and move-out procedures:

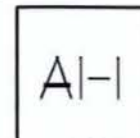
- A. **Location:** The loading berth is located at the rear of building #2 - 7053 Spring Place.
- B. **Access:** Access to the loading berth is from Spring Place via the public alley. Moving Vans will be required to use a front approach to the loading berth and to back up and turn around for a frontal exit to Spring Place. – See attached diagram.
- C. **Type of Moving Van permitted:** Moving vans with professional licensed drivers will be limited to 30 Ft in length. Vans with non-professional drivers (such as U-haul) will be limited to 25 Ft in length.

2. Delivery procedures.

- A. **Location:** The Delivery Space is located at the rear of building #1 - 7051 Spring Place.
- B. **Access:** Access to the Delivery Space is from Spring Place via the public alley. Delivery Trucks will be required to use a front approach to the Delivery Space and to back up and turn around for a frontal exit to Spring Place. – See attached diagram.
- C. **Type of Delivery Trucks permitted:** Trucks will be limited to 20 Ft in length.

3. Refuse Collection procedures.

- A. **Location:** Refuse collection will be from the loading areas located at the rear of 7051 and 7053 Spring Place.
- B. **Access:** Access to the refuse collection area is from Spring Place via the public alley. Refuse trucks will be required to use a front approach to the loading berth at 7053 Spring Place and then to back up to the Delivery Space at 7051 Spring Place for pick up and use a frontal exit to Spring Place. – See attached diagram.
- C. **Type of Refuse Trucks permitted:** Refuse Trucks will be limited to 30 Ft in length.



SITE LIMITATIONS & EASEMENTS



SITE LIMITATIONS & EASEMENTS

METRO VILLAGE APARTMENTS

- **25' wide DC Water Line Easement**
- **CSX Zone of Influence limitations on subgrade structure**
- **WMATA retaining wall easement**
- **Unusual triangular / wedge shaped and sloped site**
- **Additional 12' side-yard setback provided (25' total) to preserve existing trees, per community request.**
- **4' street dedication to widen street to accommodate multi-use bike trail**
- **8' easement across the property to accommodate multi-use bike trail**
- **High water table: groundwater encountered at 4' depth**
- **Atypical soils: Subsurface excavation of loose fill considered "not feasible" in project geotechnical analysis**
- **Budget Constraint: Affordable Housing is not economically feasible were subsurface structured parking required**