

April 17, 2015

ELECTRONIC DELIVERY

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, NW, Suite 210-South
Washington, D.C. 20001

Re: Case No. 18977: Post Hearing Submission

Dear Chairperson Jordan and Members of the Board:

The Board asked the Applicant in the above-referenced case to submit proposed conditions of approval, noting its concern that an effective loading plan be implemented on Prospect Street upon BZA approval. As the Board knows, the Applicant is working with DDOT, CAG and the ANC to develop a comprehensive solution to loading on Prospect: one that would address not only the loading needs of the instant project but also address the existing loading practices that take place on Prospect Street. DDOT testified at the hearing that the existing 55-foot, street-side loading space on Prospect Street is sufficient to address the loading needs of a non-Intensive Use (as that term is defined below) on the Property; however, the parties want to establish an inclusive approach to loading on Prospect and doing this will take additional time and analysis during the public space permitting process. DDOT has noted that it will not address this issue until that time (see Exhibit 25A, "DDOT anticipates being generally supportive of the zoning action sought, but would reserve full review on design details until the public space permitting stage of the process").

DDOT bifurcates the loading issue between the zoning process and the public space permitting process. For better or for worse, it sees the zoning process as appropriate for determining loading demand for the project and the public space permitting process as the appropriate time for determining the mechanisms to address the loading demand (Exhibit 25A, "DDOT is generally satisfied that a loading variance is warranted. However, it is necessary to define loading demand and the specific linear curbside space needed to accommodate necessary loading. The BZA process should begin to address this, though it will not determine the details of the amount of curb space provided or the location of the space on the street.") As such, the Board is in a position of approving the loading relief based upon compliance with the variance standards without specific information on the loading space that will be established.

Board of Zoning Adjustment
District of Columbia

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CASE NO. 18977
EXHIBIT NO. 43

Accordingly, the Applicant submits the proposed conditions as assurance that effective loading will be provided for the Property:

- 1) The Applicant must designate a loading coordinator responsible for ongoing monitoring of the Project's loading activities.
- 2) Subject to approval by DDOT during the public space process, and in consultation with the Advisory Neighborhood Commission and the Citizens Association of Georgetown, the Applicant must design and install a loading zone and corresponding street configuration along Prospect Street prior to issuance of a certificate of occupancy.
- 3) No restaurant, as that term is defined in the Zoning Regulations, grocery store, or tavern use (individually, referred to as "Intensive Use") shall be permitted on the Property for a period of three years after the effective date of this Order. After the three year period, in order to establish an Intensive Use, the applicant must submit a report to DDOT that analyzes the impacts of the loading operations of the Intensive Use and proposed mitigation of such impacts. The Applicant must incorporate those mitigation measures DDOT deems appropriate into its loading management plan prior to issuance of a certificate of occupancy for the Intensive Use.
- 4) The Applicant will include a trash room on the ground floor of the Project, which will remain reserved for the storage of trash generated by tenants of the Project, and must not be converted to any other use or operation.
- 5) The Applicant will designate an additional 300 square feet of enclosed space in the Project to be used for trash storage in the event that the ground floor trash room is not sufficient to store the trash generated by tenants of the Project. The additional trash storage space must remain available for the life of the Project.
- 6) In the event any portion of the Project is leased to or operated by any restaurant, bar, or any other type of eating or drinking establishment, the Applicant will require any operator of such eating or drinking establishment to construct and operate a refrigerated trash system for the management of wet refuse generated by such eating or drinking establishment.
- 7) No trash will be stored outdoors in the required rear yard of the project.
- 8) The Applicant must install at least eight internal long-term bicycle parking spaces.
- 9) The Applicant must install at least ten short-term bicycle parking spaces within the public space surrounding the Property, subject to DDOT's approval during the public space process.

Finally, the Board asked the Applicant to address the issues raised by Caroline Davidson in Exhibit 35. The Applicant notes that it has reached out to Ms. Davidson numerous times over the course of the year and it most recently met with her representative on-site last week. The concerns raised in Ms. Davidson's letter do not pertain to the loading relief being sought. In fact, her concerns were specifically addressed in detail during the four public hearings held before the Old Georgetown Board. OGB specifically addressed the massing, setbacks, and design of the project (see Exhibit 9). Her final concern tangentially relates to the requested loading relief in that she is concerned that the location of the curb cut will affect access to her property. This, however, supports street-side loading rather than on-site loading. On-site loading would utilize the noted curbcut and only increase her concerns about access. Nevertheless, the Applicant will maintain an open dialogue with Ms. Davidson and her representative as it moves forward with this project.

The Applicant appreciates the Board's consideration of this application and understands the Board's concerns. It believes, and DDOT confirms, that the short term loading needs of the project can be addressed by the existing loading space on Prospect Street while a comprehensive approach to the streetscape is finalized. The Applicant believes that condition no. 2 provides the Board assurance that it will continue to work with DDOT, the ANC and CAG in determining an appropriate and effective loading plan for Prospect Street.

Sincerely,



John T. Epting



Christine A. Roddy

Certificate of Service

I certify that a copy of the foregoing document was served by first class mail, electronic mail or hand delivery to the following addresses on April 17, 2015:

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