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April 12, 2016

Marnique Heath, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Application No. 19230 — 4424 Georgia Avenue NW (Square 2917, Lot 37)
Prehearing Statement of the Applicant

Chairperson Heath and Honorable Members of the Board:

On behalf of 4424 Georgia Ave, LLC, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on April 26, 2016.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP


By: Samantha Mazo

CC (via email): John-Paul Hayworth, SMD 4C07
Steve Mordfin, Office of Planning
Robyn Jackson, DDOT

Board of Zoning Adjustment
District of Columbia
CASE NO. 19230
EXHIBIT NO. 33

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
4424 GEORGIA AVE, LLC**

**BZA APPLICATION NO. 19230
HEARING DATE: APRIL 26, 2016**

PREHEARING STATEMENT OF THE APPLICANT

I. EXECUTIVE SUMMARY AND NATURE OF RELIEF SOUGHT

This Prehearing Statement is submitted on behalf of 4424 Georgia Ave, LLC (the “Applicant”), the contract purchaser and authorized agent for John B. Knotts and Richard H. Hiltner, the owners of the property known as 4424 Georgia Avenue NW (Square 2917, Lot 37) (the “Property”), in support of area variance relief from the parking (§ 2101.1) and rear yard (§ 774.1) requirements of the Zoning Regulations pursuant to 11 DCMR § 3103.2, to allow construction of a mixed-use building with approximately 580 square feet of ground-floor retail and seven residential units (the “Project”). The Project complies with the C-2-A Zone matter of right development standards except for parking and rear yard (the “Project”).

As will discussed in more detail below, the Applicant has conducted extensive community outreach by hosting two, separate on-site community meetings on February 25 and March 20 (collectively the “Community Meetings”) and inviting individuals with addresses within 200 feet of the Property identified on the list provided by the District’s Office of Tax and Revenue to both meetings. In addition, the Applicant has met with the ANC’s Single Member District, Commissioner John-Paul Hayworth on site, and he attended both Community Meetings. The Applicant also presented the Project at the full ANC 4C March 9 meeting. The Applicant will present the Application again at the ANC’s April 14th meeting, during which it is anticipated a vote will be taken. In addition to this outreach, the Applicant’s counsel has emailed, called and

tried to meet one-on-one numerous times with the adjacent property owner to the west along Allison Street, and other Applicant representatives have met with the adjacent property owner to the south on Georgia Avenue. Both adjacent properties are used commercially.

As a result of the Community Meetings and in response to the Applicant's discussions with staff in the Office of Planning ("OP") and the District's Department of Transportation ("DDOT"), the Applicant has made substantial changes to the plans since the initial filing. A complete summary of the revisions to the plans is discussion below, but in particular, at the request of the adjacent property owner along Allison Street during at the March 20 Community Meeting, the Applicant has pulled the rear portion of the building back five feet from the rear property line and added windows to the western elevation. Copies of these revised plans were filed with the Board on March 30, and are included in the record at Exhibit No. 30.

The Applicant also commissioned Gorove Slade, the well-respected transportation consulting firm, to conduct a parking occupancy study (the "Parking Study") to evaluate whether the surrounding street network has sufficient capacity to accommodate cars potentially generated by the Project. The Parking Study was filed with DDOT on April 11, and a copy is included herein. As will be discussed in more depth below, the Parking Study concluded that there was adequate on-street parking availability to accommodate the Project.

For the reasons stated below, the Project meets the burden of proof for the requested area variance relief because the Property is unusual and affected by exceptional situations, strict application of the Zoning Regulations would result in practical difficulties to the Applicant directly related to the Property's exceptional situations, and the requested relief will not result in a substantial detriment to the public good nor substantially impair the intent, purpose and integrity of the Zone Plan.

II. EXHIBITS

Exhibit A:	Summary of changes to the plans since initial submission
Exhibit B:	Photos showing property line
Exhibit C:	Record Plat
Exhibit D:	Revised Zoning Self-Certification Form
Exhibit E:	Parking Study
Exhibit F:	Information about February 25 and March 20 Community Meetings

III. UPDATED PLANS

As referenced above, since the Application was initially filed in January, the Applicant has made substantial and important changes to the building's plans as result of the community outreach and discussions with OP and DDOT. The plans were initially updated on March 2, 2016, and are included in the record at Exhibit 26. Next, on March 30, the Applicant filed a second set of updated plans in the record at Exhibit 30. A summary of how the plans have changed since the initial application is below:

- Reduced the building footprint by approximately 80 s.f.;
- Pulled the rear of the building 5' back from the rear property line (Project now providing a 5-foot rear yard and reducing the variance needed by 33%);
- Added windows to the rear of the building;
- Removed the exterior stairs from the second story;
- Reduced the projection of the stairs into the Allison Street BRL area;
- Incorporated storefront window fenestration for the retail space on Georgia Avenue;
- Provided ADA compliant access to the retail space;
- Relocated the proposed trash receptacle away from Georgia Avenue;
- Proposed lattice patterns on the brick facades; and
- Proposed illustrative landscaping for the green area along Allison Street.

An illustrative image depicting these changes is included here at Exhibit A. The changes to the plans have resulted in a reduction in residential living area of approximately 400 feet, as well as a reallocation of interior space to accommodate the staircase. As revised, especially with the

brick façade lattice pattern, updated improved fenestration and proposed landscaping, the Project will enhance the pedestrian environment and provide economic opportunity through an upgraded retail location on Georgia Avenue that will benefit the neighborhood.

IV. DESCRIPTION OF THE PROPERTY AND THE PROJECT

A: C-2-A Zone supports the Project.

The Property is a landlocked, corner lot at the intersection of Georgia Avenue and Allison Street NW. As shown in the excerpt of the zoning map included below, the Property is zoned C-2-A. The properties to the south along Georgia Avenue and on the portion of Allison Street between Georgia Avenue and the alley are similarly zoned C-2-A.



The C-2-A zone is a “Community Business Center District” zone that “is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core...” and “permit[s] development to medium proportions.” 11 DCMR §§ 720.2, 720.4. Matter of right uses permitted in the C-2-A Zone district include apartment houses, retail, catering, laundry, antique store, department store, restaurant and office uses amongst others. See 11 DCMR §§ 721.1- 721.8. Development standards in the C-2-A Zone permit maximum heights of 50 feet, densities of 2.5 FAR, 60% lot occupancy, 15-foot rear

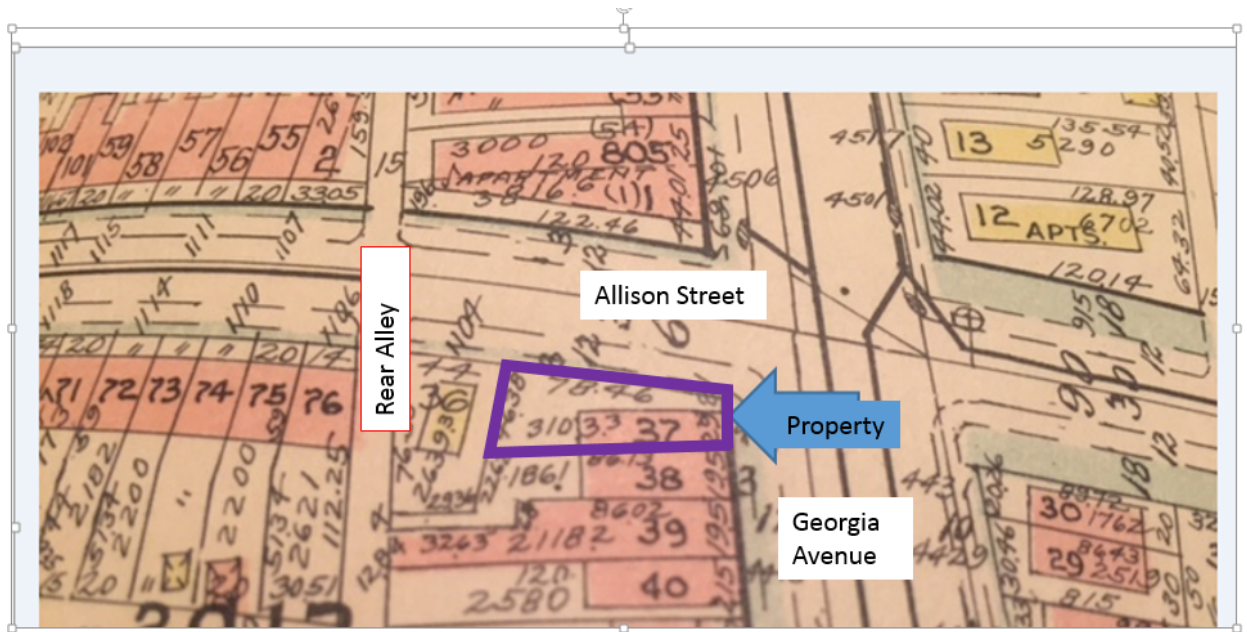
yards and limitations on side yards and courts where applicable. *See* 11 DCMR §§ 770, 771, 772, 774, 775 & 776.

As will be discussed below, the Project furthers the goals of the C-2-A Zone, because it is a “medium proportion” development that provides facilities for shopping and housing needs. Further, the Project will enhance the corridor by providing a mixed-use development that will encourage economic growth and housing through a Project that supports transit use and enhances the pedestrian environment.

B: The Property is Landlocked.

As explained in the initial submission, the Property is a landlocked corner lot with approximately 3,103 square feet of land area. The Property has no alley access and is improved with commercial buildings.¹ Below is a Baist Map image clearly identifying the Property’s boundary lines in purple. This image establishes that the Property is landlocked and has no access to the rear alley because it is bounded by Lot 36 (1104 Allison Street) to the west and Lot 38 (4422 Georgia Avenue) to the south. Both Lots 36 and 38, which are commercially used, have alley access: But the subject Property does not.

¹ The Applicant is aware that there is some confusion about whether the Property has alley access. This is due to the fact that the rear areas of Lots 37 (the Property), 36 and 38 all have the same, grey, cement-stamped paving, and the boundary lines of each property are not clearly delineated on the site. However, as shown on the Baist map excerpt below and **Exhibit B** attached, the Property is bounded on all sides by other properties, and, accordingly, has no access to the alley.



Also attached as **Exhibit B** and **Exhibit C**, respectively are a photo taken during the March 20 Community Meeting identifying the rear and south-side property line with a garden hose, and a record plat provided by the Office of the Surveyor.

The surrounding area is characterized by commercial and moderate-to-medium density residential properties along Georgia Avenue, and row dwellings on Allison Street the west of the alley. The immediately adjacent properties on Allison Street and Georgia Avenue are commercially used. The Property is well serviced by a number of transportation facilities and services, including the Georgia Avenue/Petworth Metro Station (approximately 0.6 miles away), five Metrobus lines (all within 0.3 miles), Capital Bikeshare (two stations within 0.3 miles or less), and carsharing services (seven within 0.5 miles).

V. DESCRIPTION OF THE PROJECT

As stated above, the Applicant proposes to construct a multi-story, mixed-use building with approximately 1,160 square feet of retail split between ground floor and cellar and seven residential units. The retail establishment will front on Georgia Avenue, and the residential units

will face Allison Street. The Project will be set back 15 feet from Allison Street because of an existing building restriction line in that area. As part of this Project, the Applicant has agreed to improve the landscaping along Allison Street to enhance the pedestrian environment. The Project is designed to both activate this intersection with a high quality commercial establishment and to provide a multi-unit apartment house that will harmonize with the existing apartment house uses to the north and east across Georgia Avenue.

As referenced in updated Self-Certification Form attached as **Exhibit D**,² the Project satisfies the C-2-A's height, Floor Area Ratio, lot occupancy and side yard requirements set out at 11 DCMR §§ 770.1, 771.2, 772.1 and 775.1, respectively. However, because the Property is landlocked, the Project cannot provide parking spaces, and due to the exceptional conditions affecting the Property, the required 15-foot rear yard cannot be provided. However, as discussed above, the Applicant has revised the plans to provide a 5-foot rear yard, reducing the required amount of rear yard relief by 1/3.

VI. THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

Pursuant to D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant area variances where it finds that the application meets the Court of Appeals' familiar three-prong standard. *See French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As described in the initial submission, supplemented in this Prehearing Statement, and as will be further demonstrated at the public hearing, this application satisfies all three prongs of the variance test.

² The Applicant updates the Self-Certification Form to reflect the reduced footprint of the building resulting from pulling the rear of the building 5-feet back from the rear property line.

A. The Property Is Unusual Because of Its Size, Shape, or Topography and Is Affected by an Exceptional Situation or Condition

As discussed in the initial submission, the Property is unusual and is affected by an exceptional situation and condition as a result of the confluence of the factors discussed below.

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the Property is a corner lot; (2) the Property is landlocked and does not have alley access; (3) the Property is irregularly shaped; (4) the Property has a 15-foot building restriction line along Allison Street; and (5) the ground floor commercial nature of abutting uses to the south on Georgia Avenue.

1. Corner Location

As previously noted, the Property is a corner lot fronting on Georgia Avenue and Allison Street NW. To the west, along Allison Street, the Property directly abuts 1104 Allison Street, which is used commercially. As discussed above, both the Property and the adjacent properties to the west and south are zoned C-2-A.

2. No rear alley access

As discussed above, and shown on the Baist and zoning maps included in the record at Exhibit 9A and 9C, the Property is landlocked and has no rear alley access. An alley exists to the west of 1104 Allison Street that provides vehicular access to that property as well as the property

to the south on Georgia Avenue: But the Property has no access to that alley because it is bounded to the west and south by the adjacent properties. Accordingly, no off-street parking is possible on the Property without a curb cut through the building restriction area along Allison Street that would require DDOT approval.

3. Irregularly Shaped Property

As shown on the Baist map and survey, the Property is irregularly shaped due to the diagonal southern-side lot line that creates a trapezoidal shape. Accordingly, the front property line on Georgia Avenue is approximately 16' – 6" shorter than the rear property line. This creates design inefficiencies for a proposed development on the Property, because the bulk of the building must be located towards the rear lot line where the lot is widest.

4. 15-Foot Building Restriction Line Along Allison Street

As shown on the record plat included here at **Exhibit C**, the Property has a 15-foot building restriction line along the Allison Street frontage. Accordingly, the entire mass of the building must be located to the south and west in order to accommodate the required building restriction area. The substantial building restriction area restricts the width of the Project to approximately 13' – 7 ½" in the front along Georgia Avenue and 31' - 4 ½" in rear. This creates a narrow, trapezoidal-shaped building footprint that must be accommodated on the site.

5. Ground floor Commercial Nature of the Properties to the South Along Georgia Avenue

The ground floor uses along this section of Georgia Avenue are commercial in nature. The Applicant intends to keep the commercial strip complete by providing approximately 580 s.f. of ground floor commercial uses on the Project's Georgia Avenue frontage. The commercial uses require a different entrance and egress by code, which impacts the design and efficiency of the proposed building.

In addition to the factors addressed in the original submission, also relevant is the Applicant's removal of the originally-proposed second-story exterior staircases at the request of DDOT and OP. Internalizing these stairways reduced the usable residential floor area by approximately 300 square feet, further limiting the ability of the Project to provide an efficient and workable layout within the developable envelope to which the building is restricted by the other factors referenced above.

B. Strict Application Would Result in a Practical Difficulty to the Owner

Due to the Property's exceptional conditions, strict application of the parking and rear yard requirements would result in practical difficulties for the Applicant.

1. Parking (§ 2101.1)

The Applicant is required to provide four parking spaces for the Project (1 space for each 2 dwelling units and none for the retail). 11 DCMR § 2101.1. Because the Property is landlocked, as demonstrated above and in **Exhibit B**, it is not possible to provide parking on site. Without rear alley access, a curb cut would be required to provide parking, but DDOT would not support a curb cut on Georgia Avenue because it would obstruct pedestrian circulation along this busy corridor. Likewise, DDOT would not support a curb cut on Allison Street because of the building restriction line along that frontage and the proximity to a north-south alley to the west of 1104 Allison Street. Accordingly, the Applicant faces a clear practical difficulty in providing the required parking that results directly from the exceptional conditions of the Property.

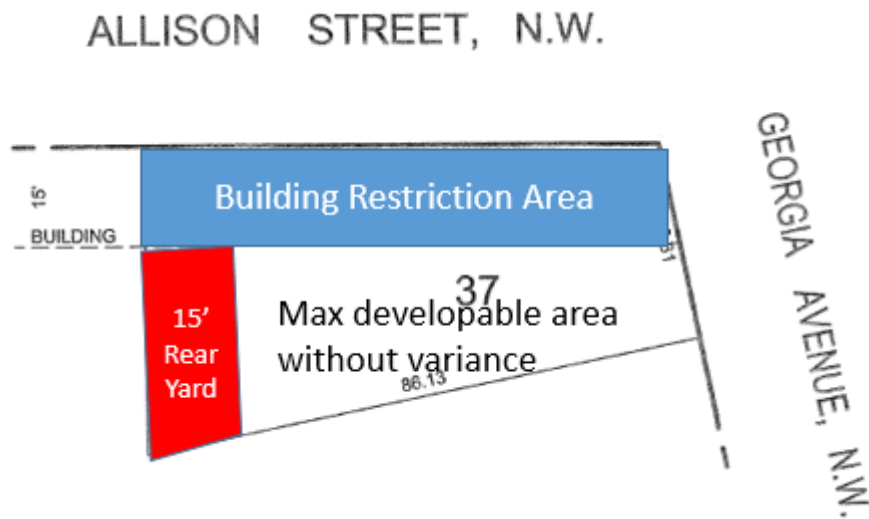
2. Rear Yard (§ 774.1)

The Project is required to have a 15-foot rear yard. 11 DCMR § 774.1. However, several unique features of the Property make it practically difficult to fully meet this requirement. That said, at the request of the adjacent neighbor on Allison Street, the Applicant has been able to reduce

the footprint of the building to allow for a 5-foot rear yard; lowering the amount of relief needed from 100% to 66%.

First, the Property's trapezoidal shape, with the narrowest area in the front along Georgia Avenue and the widest area in the rear, results in the bulk of the proposed building being located towards the rear, where the Property is widest. Requiring that this area instead be devoted to a rear yard is unnecessarily burdensome because it would result in an extremely inefficient building layout. Indeed, requiring a compliant rear yard would reduce the developable footprint by 465 s.f., resulting in a total loss of approximately 2600 s.f. of residential living space throughout this building. This equates to a 33% reduction in the size of the building, and the potential loss of at least three units (43% of the residential units). Such a requirement results in a practical difficulty to the Applicant, especially in light of the substantial amount of the Property's land area that is within the Building Restriction Zone.

To that end, the 15-foot building restriction line along Allison Street limits the building's maximum width to a little over 13' – 7 ½" in the front and 31' - 4 ½" in the rear. This, in effect, removes approximately 1,193 square feet from the Property's buildable area, limiting the maximum building footprint to only 1,860 square feet, (which the Applicant has agreed to further reduce to 1780 s.f. at the request of the adjacent neighbor). Requiring a 15-foot rear yard on top of the substantial, non-developable building restriction area would place an unnecessary burden on the Applicant, as shown below.



Further, as stated above, the revised plans internalized the previously proposed exterior staircases, which further limited the space available for residential units. Specifically, locating the stairs inside eliminated an additional approximately 300 square feet of floor area that could have been used for residential units, on top of the floor area that is already restricted by the Property's unusual shape and the building restriction line. Requiring a compliant rear yard would only exacerbate that condition.

Lastly, the Applicant proposes to continue the tradition of ground-floor commercial uses along this segment of Georgia Avenue, but this means providing separate entrances for the commercial and residential uses. If the rear yard requirement were enforced in this case, it would not be feasible to maintain separate residential and retail entrances, thereby threatening the Applicant's ability to include the retail component of the Project. Viable and upgraded retail, such as the retail that could be part of this Project, would benefit the neighborhood and enhance the pedestrian realm. However, if the rear yard variance is not permitted, it is highly likely the Applicant would need to eliminate the retail component. Such a result would be unnecessarily burdensome.

For all these reasons, complying with the full rear yard requirement poses a practical difficulty for the Applicant that results directly from the Property's exceptional conditions discussed above. As stated above, the Applicant has reduced the building's size to provide a 5-foot rear yard, thereby reducing the amount of rear yard relief necessary by 33%.

C. No Substantial Detriment to the Public Good and No Substantial Impairment to the Intent, Purpose, and Integrity of the Zone Plan.

The requested variances will not cause substantial detriment to the public good or substantial impairment of the intent, purpose, or integrity of the Zone Plan. As discussed above, the C-2-A Zone permits exactly this type of development because it is "medium" in proportion and provides facilities for shopping, housing, and mixed uses, in furtherance of the Zone's goals set out at 11 DCMR §§ 720.2, 720.4. In addition, the proposed apartment house and retail uses are permitted as a matter of right, as are the Project's height, density and lot occupancy. See 11 DCMR §§ 721.1- 721.8 (identifying the C-2-A Zone's matter of right uses) and 11 DCMR §§ 770, 771, 772, 775 & 776 (identifying the C-2-A Zone's development standards).

In terms of the parking relief, as discussed in depth in the Parking Study included as **Exhibit E**, the requested parking relief will not result in substantial detriment to the public good or substantial impairment of the zone plan because the Parking Study concludes:

- The observed supply of on-street parking options will adequately serve the project, particularly the site's central location from local streets in the Petworth neighborhood.
- The site's adequate access to transit, as well as improving bicycle and pedestrian facilities and other new development in the area results in a safe and effective environment for non-auto transportation access to the site.

Importantly, the Parking Study concluded that the road network to the west of Georgia Avenue, including the section of Allison Street along the Property's frontage, has a maximum of 71% parking occupancy in the nighttime peak hours the traffic consultant was directed to study by DDOT. *See* Parking Study, pg. 11. Indeed, the segment of Allison Street from Georgia Avenue to the east to Iowa Avenue to the west had 50-70% parking occupancy during the peak period. *See* Parking Study, pg. 14, Figure 9. Therefore, there was sufficient parking capacity to accommodate the Project

Further, based on proximity to transit, under the new parking requirements adopted under ZR-16, only one space would be required for the Project. Even that one space could not be provided due to the landlocked nature of the Property, but the District's projected reduction in parking needs for this area supports the Applicant's position that granting the parking relief in this case will not cause substantial impairment or detriment.

However, even though the Parking Study concludes that there is sufficient on-street parking capacity to accommodate the Project, at the request of the neighbors who attended the Community Meetings, the Applicant will agree to the following Transportation Demand Management ("TDM") efforts to further mitigate any potential detriment to the public good or possible impact on parking in the neighborhood:

- The residents of the building will not be eligible for RPP;
- The Applicant will investigate the costs associated with installing a real time TransitScreen;
- The Applicant will speak with DDOT about whether the intersection of Georgia Avenue and Allison Street would be an appropriate location for a Capital Bikeshare station;
- Construction will be staged and designed to have limited parking and other negative impacts on the surrounding neighbors and structures; and
- Deliveries to the residential units and retail space will be scheduled and located so as not to interfere or restrict parking on Allison Street.

As to the requested rear yard relief, as stated above, at the request of the owner of the adjacent property on Allison Street, the Applicant is now providing a 5-foot rear yard and has reduced the footprint of the building to accommodate their request. This will result in a separation of approximately 11 feet between the rear of the proposed building and the side wall of the adjacent building. Also, the Applicant will be adding windows to the west elevation to improve the proposed view from Allison Street.

In addition, the Property is surrounded by ample open space along both Allison Street and Georgia Avenue. Again, the required building restriction line results in 1,193 square feet of open green space on the Property that will be landscaped as a result of this Project. Also, the property line is set back an additional 15 feet from Allison Street, resulting in a total setback of 30 feet from the street. Likewise, the Property is set back approximately 15 feet from Georgia Avenue due to wide sidewalk along this frontage. With the substantial open space surrounding the Property, the lack of a rear yard will cause no substantial detriment to the public good and no substantial impact on the intent, purpose and integrity of the zone plan. This finding is further supported by the Applicant's recent reduction of the footprint to provide a five-foot rear yard and the addition of windows to the west façade.

VII. COMMUNITY OUTREACH

As summarized above, the Applicant has conducted substantial community outreach to raise awareness of this Application. A summary of the dates of the meetings is below, and information regarding the Community Meetings, including the flyers, address list and sign-in sheets, are attached as **Exhibit F**.

- **Feb. 10**: Applicant mails out the flyer for the first, on-site community meeting to the addresses within 200 feet of the property identified on the list provided by OTR,

which includes approximately 60 addresses. The scheduling of that Community Meeting is announced at the full ANC 4C meeting by Commissioner Hayworth.³

- Feb. 19: The Applicant conducts on-site meeting with Commissioner Hayworth to discuss project.
- Feb. 25: The Applicant conducts first on-site Community Meeting. That meeting is attended by Commissioner Hayworth and at least eight neighbors, including two representatives of the property to the west along Allison Street, 1104 Georgia Avenue. The discussion at the meeting pertained mostly to neighbor's concerns about parking in the neighborhood, as well as interest in providing successful retail as part of the Project. Certain design changes were requested, including adding storefront window fenestration to the retail area, making the retail access ADA accessible and adding interest to the brick facades by incorporating lattice patterns.
- March 1: The Applicant filed revised plans to the BZA showing those changes, and incorporated into the record at Exhibit 26.⁴
- March 9: The Applicant presents the Project to the full ANC 4C meeting. No vote was taken. After the presentation, the Applicant met with interested neighbors in the hall outside the meeting room to discuss the Project. At that time, the Applicant agreed to postpone the BZA hearing to continue discussions with the community and to host another on-site Community Meeting.
- March 10: The Applicant filed a request to continue the hearing to April 26 with the BZA.
- March 11: The Applicant mails out the flyer for the second, on-site community meeting to the same addresses that received the first flyer.
- March 20: The Applicant conducts the second, on-site Community Meeting. That meeting was attended by ANC Commissioners Hayworth and Uqdah and at least eight neighbors. In addition, two representatives of 1104 Georgia Avenue attended. At this meeting, neighbors again raised questions about parking, and Commissioner Hayworth asked if the Applicant would agree to restrict RPP, install a TransitScreen and talk to DDOT about a Capital Bikeshare location. The representative of 1104 Georgia Avenue asked if the Applicant would reduce the size of the rear of the building to 10 feet, so a 5-foot rear yard could be provided. Some neighbors who had attended the February 25 Community Meeting acknowledged the improvements to the design.

³ At Commissioner Hayworth's request, the Applicant also encouraged Commissioner Hayworth to post the flyers for both Community Meetings on the neighborhood listserves.

⁴ Copies of the referenced filings to the BZA were also emailed to OP, DDOT, Commissioner Hayworth and the representative of 1104 Allison Street, the adjacent property to the west.

- March 30: The Applicant filed revised plans with the BZA showing the requested changes. Those plans were incorporated into the record at Exhibit 30.

The Applicant will present the Application at the April 14 full ANC 4C meeting, at which it is anticipated that a vote will be taken.

During this same period, the Applicant has had open dialogue with OP and DDOT regarding design and parking aspects of the Project. As documented above, the Applicant has conducted substantial community outreach efforts. Through these actions, the Applicant has been able to inform the neighboring community about the Project, explain the requested relief and obtain neighbor insights. The Applicant has revised the plans in accordance with the comments and direction provided by the neighbors during the Community Meetings.

VIII. WITNESSES

The following witnesses could appear on behalf of the Applicant:

1. Steven DuPont – Project Architect
2. Erwin Andres, Principal Gorove Slade – Project traffic consultant
3. Vijay Gudeseya, on behalf of the Applicant
4. John B. Knotts and Richard H. Hiltner, current owners on behalf of the Applicant
5. Any other witnesses needed.

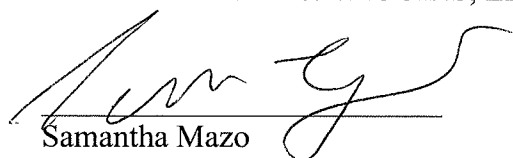
IX. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior submissions, we hereby submit that the Application meets the requirements for the relief requested.

We look forward to presenting our case to the Board on April 26, 2016.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

A handwritten signature in black ink, appearing to read 'S. Mazo', is written over a horizontal line.

Samantha Mazo
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