

November 26, 2018

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 19751 – 2619-2623 Wisconsin Avenue NW (the “Property”)
Applicant’s Supplemental Information**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant MED Developers, LLC (the “Applicant”), please find enclosed the supplemental information requested by the Board during the hearing on November 14, 2018. During the November 14th hearing, Commissioner Miller requested that the Applicant produce alternative architectural plans that include a garage with at least 17 vehicular parking spaces required by Subtitle C § 701.5. In response to the Board’s inquiry and comments from the community and ANC 3C, the Applicant’s architectural team studied the potential to comply with the parking requirement. During this evaluation, the Applicant has determined the viability of providing an underground parking garage. The new proposed project features a below-grade level with 19 parking spaces (the “Revised Plans”). See Revised Plans attached at **Tab A**, pg. 1. The below-grade parking level is accessed from a driveway off the 15-foot-wide alley that transitions to a covered ramp at the southeast corner of the Property. See **Tab A**, pg. 1-2. Under the Revised Plans, the Applicant would not need zoning relief from Subtitle C § 701.5 because the 19 vehicular parking spaces would exceed the minimum requirement of 17 spaces. As such, the Applicant has enclosed a revised Form 135 at **Tab B**.

In addition to the Revised Plans, please find enclosed the following supplemental information requested by the Board:

1. Autoturn diagrams for loading and parking garage in Revised Plans at **Tab C**
2. Autoturn diagrams for loading in previous proposed plans at **Tab D**
3. Perspective renderings of Applicant’s proposed memory care facility (the “Project”) at **Tab E**
4. Shadow study at **Tab F**
5. Applicant’s powerpoint presentation from November 14th hearing at **Tab G**

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The Revised Plans

The Revised Plans do not alter the footprint of the proposed building, nor do the Revised Plans require any additional zoning relief. Nonetheless, the Revised Plans modify the internal layout of the Project's floor plans as described herein.¹ The below-grade parking level will now include staff offices, a laundry room and beauty salon/spa, all of which were previously located on the cellar level. *See **Tab A***, pg. 2. The parking level also incorporates a shower room for staff and long-term bicycle storage. *See **Tab A***, pg. 2. There will be utility equipment rooms located in the garage level as well. *See **Tab A***, pg. 2.

The cellar level and rear garden area have been reorganized to account for the parking garage. In particular, the loading area/service yard has been moved to the northeast corner of the property adjacent to Edmunds Street NW in order to provide ramp access to the below-grade parking level. *See **Tab A***, pg. 3. Moving the loading area closer to Edmunds Street will minimize concerns raised by the one abutting residential property owner.

The Applicant's traffic expert has produced Autoturn diagrams to illustrate the proposed turning radius for the new loading area/service yard and the parking garage. *See **Tab C***. As reflected in the diagrams, a 30-foot truck can access the loading area from Davis Place NW. *See **Tab C***. The loading scheme in the Revised Plans allows for a more fluid loading approach in comparison to the previous Project design. *See **Tabs C, D***. The Revised Plans also have a sufficient turning radius for vehicular access to the parking level. *See **Tab C***.

The Revised Plans maintain the fitness center, dining area and commercial kitchen on the cellar level, although the location of each area has been moved to account for the new floorplan. *See **Tab A***, pg. 2. The trash room has also been rearranged so that it is adjacent to the loading area. *See **Tab A***, pg. 3. The northern stair is rotated and moved toward the center of the Project as well. *See **Tab A***, pg. 3.

The rear garden area, which is accessed from the cellar level, will be increased in size to approximately 1,500 square feet, and there will be a 45' x 14' planted buffer along the alley where the parking spaces were previously located. *See **Tab A***, pg. 2. Accordingly, the Revised Plans will mitigate concerns about privacy and alley usage by replacing external parking spaces with a 14-foot-wide planted buffer. In this regard, the Revised Plans provide for additional privacy for neighboring property owners to the east on 36th Place NW.

In sum, the Revised Plans provide off-street parking in excess of the Project's minimum requirement and, as such, will be sufficient to meet the needs of the proposed Project without substantially affecting the supply of on-street parking. As with the original proposed design, the Revised Plans will not have a negative impact on the surrounding transportation facilities, including on-street parking, traffic operations and usage of the abutting alley.

¹ The Revised Plans make minor modifications to the first, second, and third levels of the Project. As noted above, the northern stair has been moved to a more central location to account for the revised loading area, which is reflected on the first, second and third floor plans. *See **Tab A***, pgs. 4-6. A unit on the second and third levels has been shifted to account for the revised stair location. *See **Tab A***, pgs. 5-6.

Perspective Renderings and Sun Study

The Applicant has also enclosed perspective renderings of the Project in the context of the broader neighborhood and a sun study at **Tab E** and **Tab F**, respectively. As reflected in the perspective renderings, the Project is harmonious with both the higher density buildings along Wisconsin Avenue NW as well as the single-family homes to the east. See **Tab E**.

Further, the sun study reflects that the Project will have a minimal adverse effect on the light and air available to neighboring properties. See **Tab F**. At 8:00 a.m. and noon, the Project will not create any shadows on neighboring private properties because of the Property's corner lot location. As a result, any shadows created by the Project will be cast on either Wisconsin Avenue NW or Edmunds Street NW. See **Tab F**. There will be shadows from the Project during the afternoon hours in spring, autumn and winter, but the shadows will only minimally effect the rear yards of two properties with frontage on 36th Place NW. See **Tab F**. In this regard, there are existing structures to the rear of both these properties as well as a thick line of trees along the alley that already create shadows for these two properties. See **Tab G**, pg. 54.

Finally, it should be noted that the proposed Project has been designed so that it meets all of the physical development standards for a building in the R-1-B zone. Therefore, a by-right use at the Property could have the exact same building envelope as the proposed Project. It is well-settled that the Board must evaluate a sun study in comparison to a by-right structure at the subject property. See *Draude v. D.C. Bd. of Zoning Adjustment*, 527 A.2d 1242, 1253 (D.C. 1987); see also BZA Case Nos. 16536, 18886, 19230. The D.C. Court of Appeals reiterated this holding recently in *St. Mary's Episcopal Church v. D.C. Zoning Commission*, 174 A.3d 260, 272 (D.C. 2017). Here, the Project necessarily has the same impact on light and air as a by-right structure at the Property. It follows that the Project will not have an adverse effect on neighboring property in satisfaction of the special exception standard for the continuing care retirement community use.

Conclusion

In conclusion, we appreciate the Board's attention to this application, particularly during the lengthy hearing on November 14th. We look forward to the Board's limited scope continued hearing on December 19, 2018.

Sincerely,

COZEN O'CONNOR



BY: Meridith H. Moldenhauer


CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of November, 2018, a copy of the foregoing Applicant's Supplemental Information with attachments was served, via electronic mail, on the following:

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