



February 6, 2019

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

**RE: BZA Application for Coloma River Capital (#19897)
Lots 822 and 817, Square 3389 – Prehearing Statement for Special Exception Relief**

Chairperson Hill and Honorable Members of the Board:

On behalf of Coloma River Capital (the “Applicant”), please find enclosed the Applicant’s Prehearing Statement and Exhibits, including revised architectural plans (the “Revised Plans”).

The Project has changed since originally filed. Specifically, relief from the off-street parking requirements of Subtitle C § 701.5 is no longer requested as confirmed in the revised self-certification Form 135 at **Exhibit A**. The Applicant continues to seek special exception relief pursuant to 11 DCMR Subtitle X § 901.2 for closed court relief under Subtitle G § 202.1, and rear yard relief under Subtitle G § 405.2.

The Applicant presented to the full ANC 4B on November 26, 2018, but no vote was taken at that time. The Applicant is scheduled to appear before the full ANC 4B again on February 25, 2019.

Thank you for your attention to this matter. We look forward to presenting this application to the Board at the hearing scheduled for February 27, 2019.

Sincerely,

COZEN O’CONNOR

By: Meridith Moldenhauer

Certificate of Service

I hereby certify that on this 6th day of February, 2019, a copy of this Prehearing statement with attachments was served, via email, as follows:

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Meridith H. Moldenhauer

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

**APPLICATION OF
COLOMA RIVER CAPITAL**

**BZA CASE NO. 19897
HEARING DATE: FEBRUARY 27, 2019**

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND RELIEF SOUGHT

This Prehearing Statement is submitted on behalf of Coloma River Capital (the "Applicant"), the owner of the property located at 71 Kennedy Street NW & 5505 1st Street NW (Square 3389, Lots 822 and 817) (collectively the "Property") in support of its application for special exception relief from the closed court requirements under Subtitle G § 202.1, and the rear yard requirements under Subtitle G § 405.2, to construct a four-story, 44-unit mixed-use building with approximately 3,923 sq ft. of ground floor commercial use, a cellar level, below-grade parking, and compliant penthouse on the Property (the "Project").

Since filing the application, the Applicant has revised the Project, and consequently the Applicant no longer seeks relief from the parking requirements.

II. REVISED PLANS AND REDUCED RELIEF

On October 23, 2018, the Applicant met with the District Department of Transportation ("DDOT") to discuss the Project. In consideration of DDOT's input, the Applicant redesigned the Project in satisfaction of DDOT design guidelines and public space requirements as shown in the revised architectural plans at Exhibit B (the "Revised Plans"). The Revised Plans propose 44 dwelling units (a decrease of two units from the original application) and substantial changes to the ground floor and below-grade parking in response to community feedback at the November

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26, 2018 ANC meeting. At that meeting, the Applicant presented a design featuring zero parking spaces due to challenges identified by DDOT regarding site access and the unlikely ability to obtain approval for a curb cut. However, this design was not supported by the community, and so the Applicant revised the Project to provide parking spaces in excess of the number originally proposed.

As shown on the Revised Plans, the curb cut and below-grade garage entry originally proposed along First Street NW have been relocated to the public alley as shown on sheet A-203. See **Exhibit B**. The Applicant proposes to work with DDOT to grade and pave the existing, unimproved alley in order to establish a curb cut along Kennedy Street NW.¹ The resulting 15-foot wide useable public alley will provide access to the below-grade garage as described, and will extend along the eastern side of the Property and tie-in to the existing public alley network to the northeast of the Property.

In conformance with DDOT sight distance requirements², the edge of the garage entry on the public alley is located approximately 31' from the corner of the Project along Kennedy Street NW. By providing auto access to the Project through the public alley, the integrity of the curb and public space along First Street NW is maintained, and the safety of pedestrians is ensured.

The Revised Plans also feature a two-level, below-grade parking garage containing 22 parking spaces which is an increase of 12 spaces over the 10-space below-grade parking garage originally proposed. As a result of the redesign, the amount of proposed retail space has been reduced to approximately 3,923 sq ft.

¹ A permit to grade and improve the alley must be issued by DDOT. The existing grade of the unimproved alley from the curb of Kennedy Street NW to the rear of the Property is approximately 13 feet over a run of approximately 70 feet. The Applicant will work with DDOT to obtain the needed permit(s).

² "Sight distance for safely exiting driveways and parking garages must be a minimum of 15 feet from the edge line of the driveway on a 45-degree angle from the property line or building line at the garage exit, as applicable, to the back edge line of the sidewalk." (DDOT Design and Engineering Manual, pg. 31-9)

As the number of parking spaces on-site are increased and the proposed retail square footage is decreased, the Applicant no longer requires relief from the parking requirements of Subtitle C § 701.5.³ Similarly, because the Project has less than 5,000 sq ft. of retail space and fewer than 50 dwelling units, the loading requirements of Subtitle C § 901.1 are not triggered.⁴ Consequently, the Revised Plans do not propose a loading berth along the public alley.

Overall, the Revised Plans present a thoughtfully-designed Project that provides dwelling units, including Inclusionary Zoning units, to a burgeoning neighborhood and complements surrounding public spaces while respecting neighboring properties. The application is now limited to relief from the closed court and rear yard requirements. As the request for zoning relief has been reduced, the Applicant herein incorporates the arguments made in the initial application and maintains that the Project satisfies the standard for special exception relief from the closed court and rear yard requirements of the MU-4 zone.

The Applicant has engaged in positive discussions with DDOT on public space improvements and acknowledges that the Project as proposed will need to secure approval from the Public Space Committee.⁵ Further, the Applicant is aware that approval from the Board of Zoning Adjustment (“Board”) does not constitute conformance with public space requirements, and therefore requests that the Board grant flexibility so that the design may be modified as necessary to satisfy public space considerations that may arise during the public space review process.

³ Parking requirement is calculated as follows: 44 units – 4 = 40; 40/3 = 13 residential spaces; 3,923 sq ft. – 3,000 = 923 x 1.33 / 1000 = 1 commercial space; total = 14 required spaces. Also, 18 long-term bicycle spaces are provided on the P1 level which is in excess of the requirement of 15 bicycle spaces (44/3 = 15 bicycle spaces).

⁴ DDOT has reviewed and confirmed that no loading is required by zoning for the Project.

⁵ The Applicant is aware of the scope of public space considerations that will be reviewed and looks forward to working with DDOT to satisfy the requirements. The filing deadline for the April 25, 2019 Public Space Committee meeting is March 21, 2019.

III. UPDATES TO EXPERT WITNESS LIST

The Applicant adds Stephen Varga, an expert in planning and land use, to testify on its behalf. Mr. Varga has previously been accepted as an expert in planning and land use by the Board, and his resume and outline of testimony regarding the Project's compliance with the zoning regulations and furtherance of the development goals of the District is attached as **Exhibit C**.

IV. COMMUNITY OUTREACH

The Applicant presented to the full ANC 4B on November 26, 2018, but no vote was taken at that time. The Applicant is scheduled to appear before the full ANC 4B again on February 25, 2019.

V. CONCLUSION

For the reasons stated above, and enumerated in the Applicant's prior filings, as well as to be discussed at the Board's hearing, the Applicant submits that the application meets the requirements for special exception relief. Accordingly, the Applicant respectfully requests that the Board approve the application on February 27, 2019.

Respectfully submitted,
COZEN O'CONNOR



Meridith H. Moldenhauer