

January 26, 2021

Via Email

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Prehearing Submission -BZA Case No. 20380 – 4457 MacArthur Blvd., NW.

Dear Members of the Board:

In response to comments by the Office of Planning and DDOT, the Applicant has revised the plans and plat, as described more fully below. The Applicant is also including a landscaping plan, topo survey, penthouse addendum, determination from the ZA, photographs, and a map of surrounding uses.

1. Updated Plans:

- **Penthouse:** The Applicant has significantly reduced the size of the penthouse in accordance with C § 1503.2.¹ The penthouse walls were also revised to be uniform a height as required by C § 1500.9. As a result, the Applicant reduced the number of units, from 9 units to 8 units.
- **Porch:** The Office of Planning requested that the Applicant maintain the existing porch roof line and form, as well as the location of the existing entryway stairs. The Applicant is refurbishing the porch and maintaining the stairs. As a result, a proposed areaway at the front has been shifted to the side.
- **Landscaping:** Additional landscaping has been shown and provided along the eastern side (including planter boxes showing unit numbers). The existing trees are also shown.
- **Bike parking:** a short-term bicycle parking space is now shown at the front of the building. The plans also show a bike room with 4 long-term bicycle parking spaces, where 3 are required (see cellar layout, page 3 of the plans).
- **Site Plan:** Updated to better show the relationship between the adjacent property and the subject property, as well as the access to the rear.

2. Updated Self-Certification: The overall building height was reduced based on changes to the penthouse. The new building height is 35 feet and 6 inches. The side yard measurement is based on the overall building height (3 in./1 ft. of height), so the side

¹ C § 1503.2 states that penthouses shall not exceed one-third (1/3) of the total roof area upon which the penthouse sits in the following areas: (a) Zones or portions of zones where there is a limitation on the number of stories of three (3) or less. Note that there is a pending text amendment which would eliminate this restriction, ZC Case No. 14-13E.

yard requirement is also reduced, to 8 ft. and 10.5 in. (from 10 ft. originally). While the Applicant is still requesting side yard relief, the degree of relief decreased from 2 feet to only 10.5 inches, as the Applicant is maintaining the existing 8-foot side yard. The self-certification has been updated to reflect the updated height and side yard measurements. Also, as the unit count was reduced from 9 units to 8 units, the vehicle parking requirement was reduced from 2 spaces to 1 space. The Applicant is still providing 4 spaces.

3. Landscape Plan: As required by the Zoning Regulations, a landscaping plan has been included with this submission. We have also contacted Urban Forestry, as requested by DDOT.
4. Map of Surrounding Uses: A map of the surrounding area has been included to support statements from the “Applicant’s Statement” (Exhibit 8) describing the uses in the area.
5. Additional Photographs: As requested by the Office of Planning, additional photographs of the property and surrounding area have been included with this submission.
6. Parking Access: The Office of Planning asked the Applicant to confirm that the property met the access requirements of C § 711.3. As evidenced by an email determination from the Zoning Administrator on this specific topic, “an easement for vehicle access, of 10-foot or more in width, across a separate private property, qualifies as sufficient ‘access’ from an alley to required parking spaces on a subject property, pursuant to 11-C §711.3.” The right-of-way/easement is established in the deeds for 4459 MacArthur and 4465 MacArthur (these are public record and are recorded with the Office of the Surveyor). The subject property is the beneficiary of the easement and the easement is currently used to access an existing garage at the rear. The deed places no limitations on the easement. The easement is at least ten feet (10 ft.) wide. Accordingly, the property has sufficient access, is providing double the amount of parking than required by the zoning regulations, and no relief for parking is required.
7. Trash Pickup: As required by DDOT, trash pickup will occur at the rear. The Applicant discussed the trash plan and received a proposal from Tenleytown Trash. They confirmed that trash pickup can occur at the rear, via the easement.
8. U § 421.3: The Office of Planning asked for a more thorough explanation as to how the Application meets U § 421.3.² The proposed Project consists of an Addition to an existing Building. The Project complies with all development standards, except for that the Building will be 10.5 inches shy of the side yard requirement for the east side yard. The Applicant is not decreasing that overall side yard width and it is maintaining the existing eastern side yard. The Building shares a party wall with the building to the west,

² 421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

but all other surrounding buildings are significantly separated from the proposed Project. The Applicant is maintaining a large rear yard and there will be no windows along the shared property line to the west. The addition will provide the same light and air regardless of whether the building is used for 8 units or a single-family dwelling, as the addition is permitted by right but for the side yard on the east side. The request for relief from the side yard does not impact the relationship of the addition and the building to the west of the subject property. Moreover, the Applicant is largely maintaining the existing building footprint, which already extends beyond the neighboring property.

9. Inclusionary Zoning: The IZ generated from the habitable penthouse space will be met through a contribution to the Housing Production Trust Fund. Attached is a penthouse addendum showing that a total contribution of \$33,379.78 will be made in two installments of \$16,689.89 (one payment prior to obtaining the building permit and one prior to obtaining the C of O).

Respectfully submitted,

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Date: January 26, 2021

Alexandra Wilson

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Date: January 26, 2021

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2021, an electronic copy of this Prehearing Submission was served on the following on behalf of the Applicant, Polygon Holdings, LLC.

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