

September 1, 2021

VIA IZIS

D.C. Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W.  
Suite 200S  
Washington, DC 20001

Re: Case No. 20508 – Application of 9 New York Avenue LLC (the “Applicant”) for a Special Exception for Square 671, Lot 14 (the “Property”)– Pre-Hearing Submission

Dear Members of the Board:

In advance of the September 22, 2021 public hearing on the above referenced application, the Applicant submits the following supplemental information.

I. Project Updates

As described in its initial filing, the Applicant was originally seeking special exception relief from the requirement under Subtitle C §1500.9 that enclosing walls of a penthouse be of equal, uniform height, in order to accommodate a penthouse stair of variable height. Based on questions raised at the July 7, 2021 meeting of the Planning, Zoning, and Economic Development Committee (the “PZE Committee”) of Advisory Neighborhood Commission 6C (“ANC 6C”), the Applicant revised its plans for the penthouse habitable space and withdraws its request for special exception relief from Subtitle C§1500.9. Specifically, the Applicant has repositioned the stairwell into the main penthouse enclosure, which removes the triangular stair area that was of non-uniform height, as shown on Sheets A-11-A-13 and A-15 of the updated plans attached as Exhibit A (the “Updated Plans”). In order to accommodate this stair area in the main penthouse footprint, the Applicant reduced the tenant amenity space in the penthouse by over 1/3 of the originally proposed square footage and reduced the size of the elevators. Furthermore, the Applicant will also use a custom stair and custom mechanical equipment in order to accommodate the repositioning of the stair.

The Applicant is maintaining its request pursuant to Subtitle C §909.2(a) for special exception relief from the loading requirements of Subtitle C §901.1 to allow a loading zone on N

Street. Since the time of the initial application, the Applicant has refined the details of its proposed loading scheme, as shown on Sheet A-03 of the Updated Plans. The Applicant has clarified the dimensions of the loading zone and the pathway from the loading zone to the proposed building. In response to comments from the PZE Committee, the Applicant has also shifted the location of the trees on N Street so as to avoid overlap with the loading zone.

Based on questions raised by PZE Committee, the Applicant considered two alternate loading scenarios, one scenario involving a curb cut on N Street and a curb cut on New York Avenue with pull through loading, as shown on sheet A-04 of the Updated Plans, and one scenario involving a curb cut on N Street with back in/pull forward loading, as shown on sheet A-05 of the Updated Plans. As noted on the Updated Plans, these scenarios are not feasible for the proposed project, due to the narrow width and triangular shape of the Property. The Property's shape significantly limits the area in which the elevator can be located in compliance with the required penthouse setbacks. The two alternate loading scenarios would necessitate relocation of the one of the stairs into the already constrained penthouse footprint, as shown on Sheets A-04 and A-05 of the Updated Plans, which would be a highly inefficient use of space. Additionally, back in/pull forward maneuvers and multiple curb cuts are disfavored by DDOT. Furthermore, the N Street driveway that would accompany the two alternative loading scenarios would not meet the DDOT public space guidelines. Given these complications, and based on the Applicant's coordination with DDOT, the Applicant is continuing to propose a loading zone on N Street, rather than either of the two alternative scenarios.

## II. Witnesses

Enclosed as Exhibit B is an outline of witness testimony as well as the resumes of proposed expert witnesses.

## III. Transportation Statement

Based on feedback from DDOT, the Applicant has updated its Transportation Statement (which was originally filed as Exhibit 28A of the record in this case) and the updated Transportation Statement is attached as Exhibit C.

## IV. Community and Agency Outreach

The Applicant presented the proposed project to ANC 6C's PZE Committee at its July 7, 2021 meeting and the proposed project was taken up by the full ANC at its July 14, 2021 meeting. The ANC supported the request for penthouse relief, but asked the Applicant to consider alternative loading schemes that could incorporate loading inside the building. As noted above, the Applicant undertook the requested analysis and determined that there was no feasible plan for interior loading and subsequently communicated as much to the PZE Committee. ANC 6C voted not to support the request for loading relief and ANC 6C was planning to meet with DDOT to discuss the feasibility of the above-noted alternative schemes. It is our understanding that DDOT does not support the two alternative loading scenarios described above, but does

support the Applicant's proposed loading scheme, with the loading management plan as described in the updated Transportation Statement. The Applicant has also been in contact with the Office of Planning with respect to the change in the requested relief, and with DDOT on the proposed loading scheme.

V. Conclusion

We look forward to presenting the project to the BZA at the September 22, 2021 public hearing. Please feel free to contact the undersigned with any questions or comments regarding the information provided in this supplemental submission.

Sincerely,

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/s/  
Christine Roddy

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/s/  
Jennifer Logan

Enclosures

## Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be sent by email to the following addresses on September 1, 2021.

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/s/  
Jennifer Logan