

April 5, 2019

**Meridith H. Moldenhauer**

Direct Phone 202-747-0763

Direct Fax 202-683-9389

mmoldenhauer@cozen.com

**VIA IZIS**

Anthony Hood, Chairperson  
D.C. Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20001

**RE: ZC Case No. 19-01  
Applicant's Prehearing Statement**

Chairperson Hood and Honorable Members of the Commission:

The following constitutes the prehearing statement of Applicant Wesley Hawaii LLC (the "Applicant") regarding the subject application. On March 25, 2019, the Zoning Commission (the "Commission") voted to set down the application for a public hearing. In accordance with Subtitle Z § 401 of Zoning Regulations, this submission provides additional information and responds to issues raised by the Commission during the set down meeting. The Applicant respectfully requests that the Commission schedule a public hearing on this application.

**I. Additional Information Requested by Commission**

During the set down meeting, the Commission requested limited additional information in connection with the application. In regard to Inclusionary Zoning ("IZ"), the Commission sought an explanation as to the location and "clustering" of the designated IZ units near the proposed building's loading area and elevator bay. (Ex. 2D4, Sheet A6.02). The Applicant is reviewing the location of the IZ units and will provide the Commission with an updated IZ unit plan prior to a public hearing.

The Commission also discussed the Applicant's requested flexibility for vertical clearance of the loading area. The Commission questioned how loading access could be provided with a 6-foot clearance. However, the Applicant proposes a loading clearance of 10.5 feet, not 6 feet. (Ex. 2, pgs. 12-13; Ex. 2D3, Sheet A3.01). The Applicant requested flexibility of 3.5 feet from the required 14-foot loading clearance under Subtitle C § 905.2. Even with the lower vertical clearance, the Applicant has confirmed, through its traffic expert, that a standard, 26-foot Uhaul truck could still access the proposed loading area. (Ex. 2, pg. 13). Given that the proposed building is all-residential, the building will not need to accommodate larger trucks.

LEGAL\40619590\1

Additionally, the Applicant will continue to work with OP in regard to any requests for follow-up information in OP's set down report. As required, the Applicant will supplement the case record by the 20-day filing deadline set forth under Subtitle Z § 401.5.

## **II. Pre-hearing Filing Requirements**

The Applicant hereby certifies that this statement complies with the requirements of Subtitle Z § 401, as follows:

|            |   |  |
|------------|---|--|
| Z-401.1(a) | Information Requested by the Commission;<br>Updated Materials Reflecting Changes<br>by Commission | Prehearing Statement   |
| Z-401.1(b) | Applicant's Witnesses   | To be submitted no<br>later than 20 days<br>prior to the hearing |
| Z-401.1(c) | Summary of Witness Testimony with<br>Expert Witness Resumes                                       | To be submitted no<br>later than 20 days<br>prior to the hearing |
| Z-401.1(d) | Additional Information, Reports or<br>Other Materials from the Applicant                          | Prehearing Statement   |
| Z-401.1(e) | Reduced plans no larger than 11x17  | Application<br>(Ex. 2D1-D6)                                      |
| Z-401.1(f) | List of maps, plans or other documents<br>that will be offered into evidence                      | Application<br>(Ex. 2F, 2G, 2I)                                  |
| Z-401.1(g) | Estimate of time for Applicant's presentation   | 45 Minutes   |
| Z-401.3(a) | Names and addresses of owners of property<br>within 200 feet                                      | Application<br>(Ex. 2C)  |
| Z-401.3(b) | Names and addresses of each person having<br>a lease with the owner                               | Enclosed, <b><u>Exhibit A</u></b>                                |
| Z-401.7    | Comprehensive Transportation Review   | To be submitted no<br>later than 30 days<br>prior to the hearing |
| Z-1601.1   | Hearing Fee   | Enclosed   |

### III. Conclusion

Based on the information herein and in the case record, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

Sincerely,  
COZEN O'CONNOR



Meridith Moldenhauer



Eric J. DeBear

### Certificate of Service

I HEREBY CERTIFY that on this 5th day of April, 2019, a copy of this Prehearing Statement was served, via email, on the following:

District of Columbia Office of Planning  
c/o Jonathan Kirschenbaum  
1100 4<sup>th</sup> Street SW, Suite 650E  
Washington, DC 20024  
[Jonathan.Kirschenbaum@dc.gov](mailto:Jonathan.Kirschenbaum@dc.gov)

Advisory Neighborhood Commission 5A  
c/o Commissioner Ronnie Edwards and  
Commissioner Sandra Washington  
[5A05@anc.dc.gov](mailto:5A05@anc.dc.gov)  
[5A07@anc.dc.gov](mailto:5A07@anc.dc.gov)

Advisory Neighborhood Commission 4D  
c/o Commissioner Krystal Branton  
[4D05@anc.dc.gov](mailto:4D05@anc.dc.gov)



Meridith Moldenhauer