



June 29, 2018

**Meridith H. Moldenhauer**

Direct Phone 202-747-0763  
Direct Fax 202-683-9389  
mmoldenhauer@cozen.com

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

**RE: Birchington, LLC – Modification of Significance (BZA Case #19169C)  
Applicant’s Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of the Applicant, Birchington, LLC (the “Applicant”), please find enclosed the Prehearing Statement for the above-referenced case. The application is scheduled to be heard before the Board of Zoning Adjustment on July 25, 2018.

Thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

COZEN O’CONNOR

By: Meridith Moldenhauer

## Certificate of Service

I hereby certify that on this 29th day of June, 2018, a copy of this prehearing statement with exhibits was served, via email, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[Stephen.cochran@dc.gov](mailto:Stephen.cochran@dc.gov)

District Department of Transportation  
55 M Street SE, Suite 400  
c/o Jonathan Rogers  
Washington, DC 20003  
[Anna.chamberlin@dc.gov](mailto:Anna.chamberlin@dc.gov)  
[jonathan.rodgers2@dc.gov](mailto:jonathan.rodgers2@dc.gov)

Advisory Neighborhood Commission 6E  
c/o Alexander Padro, Chairperson  
[6E05@anc.dc.gov](mailto:6E05@anc.dc.gov)

Advisory Neighborhood Commission 6E07  
c/o Kevin Rogers, Chairperson/SMD Commissioner  
[6E07@anc.dc.gov](mailto:6E07@anc.dc.gov)



By: Meredith Moldenhauer

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

**APPLICATION OF  
BIRCHINGTON, LLC**

**BZA CASE #19169C  
HEARING DATE: JULY 25, 2018**

**APPLICANT'S PREHEARING STATEMENT**

**I. SUMMARY OF RELIEF SOUGHT**

This Prehearing Statement is submitted on behalf of Birchington, LLC (the "Applicant"), the owner of the property located at 303-317 K Street NW, (Square 526, Lots 20-21, 804-805, 824-825, and 829) (the "Property") in support of its application for a Modification of Significance to Order No. 19169 (the "Order" or the "2016 Approval") pursuant to 11 DCMR Subtitle Y § 704 of the 2016 Zoning Regulations ("ZR-16"). The 2016 Approval approved relief associated with a hotel/residential project of substantially similar size and design under the 1958 Zoning Regulations.<sup>1</sup>

The Applicant is now proposing an all-hotel project (the "Hotel"), which necessitates minor, additional loading relief under ZR-16. Accordingly, the Applicant has requested this Modification of Significance to allow for special exception relief pursuant to Subtitle C § 909.2 from the requirement for two, additional on-site 30'-loading berths<sup>2</sup> and Subtitle C § 909.3 from the requirement for 12% maximum slope for driveways. These areas of relief have been identified in the Revised Self-Certification Form at BZA Exhibit No. 8.

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<sup>1</sup> Specifically, in the 2016 Approval, the Board granted 100% relief from the rear yard requirement, a 76-parking space reduction for the hotel use and relief from the required 30'-loading berth and 100' loading space requirement. Charts detailing the relief granted in the 2016 Approval and identifying the additional relief requested in the subject application are in the record at BZA Exhibit No. 17.

<sup>2</sup> Pursuant to Subtitle C § 901.1, three 30'-loading berths are required under ZR-16 for the Hotel. However, relief from one 30'-loading berth was previously granted in the 2016 Approval. Accordingly, the Applicant now only requires relief for the two additional 30'-loading berths.

## II. UPDATED PLANS

In response to a request by District Department of Transportation (“DDOT”) staff, the Applicant has made minor updates to the prior plans in the record at BZA Exhibit No. 11-12. A complete set of the updated plans is attached here at Exhibit A.<sup>3</sup> A summary of updates is as follows:

- Sheet A-08 Revised (site plan) and Sheet A-09 Revised (ground floor plan):
  - The proposed driveway grade of 13.9% is identified.
- Sheet A-13 Revised (Garage Plan – G1):
  - Two 20’ delivery/service spaces are shown along the northern portion of the garage.
  - Direct access from Service Space #2 to the trash room is identified.
  - The bike storage area has been repositioned to a location directly adjacent to the elevator and stair core.

## III. LOADING MANAGEMENT PLAN

DDOT also asked the Applicant to review and update the Loading Management Plan approved in the 2016 Approval. The Applicant has done so and proposes to implement the following Loading Management Plan as a condition of approval in the subject case:<sup>4</sup>

1. A loading coordinator will be on duty during delivery hours, and vendors will be required to coordinate and schedule deliveries.
2. Trucks accessing the on-street loading space will be limited to a maximum of 30 feet in length.
3. Any loading conducted using a truck greater than 20 feet in length must be scheduled with the loading coordinator.

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<sup>3</sup> As shown on the updated plans, the proposed project continues to be a 14-story hotel, with 247 rooms, 42 below-grade parking spaces and a total building size of approximately 111,430 s.f. gross square footage.

<sup>4</sup> Item No. 8 of the current proposed Loading Management Plan implements the BZA’s Condition No. 3 to the 2016 Approval, which was “The Applicant shall amend the Loading Management Plan to require any delivery using a truck 20 feet in length or shorter to use the on-site delivery space.”

4. Deliveries will be scheduled such that the on-street loading capacity is not exceeded and so as not to conflict with potential valet operations. In the event that an unscheduled delivery vehicle arrives while the loading space is full, that driver will be directed to return at a later time when the loading space will be available so as to not impede traffic along 4th Street.
5. Deliveries from 30' trucks or 20'-service vehicles will be prohibited from being delivered directly from K Street and instead will be required to use the loading area on 4th Street.
6. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.
7. The loading area operation will be limited to daytime hours of operation, with signage indicating these hours posted prominently at the loading space with notification also given to tenants. The use of the on-street space for loading will be coordinated with valet operations so as to determine the most optimal times for loading.
8. Any delivery using a truck 20 feet in length or shorter will be required to utilize the on-site delivery space.

#### **IV. UPDATES TO EXPERT LIST**

The Applicant will add Stephen Varga, an expert in planning and land use, to testify on their behalf at the hearing. Mr. Varga has previously been accepted as an expert in land use by the Board, and his resume is attached as **Exhibit B**.

#### **V. COMMUNITY OUTREACH**

The Applicant presented the application to the Development and Zoning Committee of Advisory Neighborhood Commission 6E (the "ANC") on May 31, 2018. That Committee supported the Application and recommended that the full ANC do the same.

The Applicant presented to the full ANC on June 5, 2018. During the presentation, one neighbor raised the issue of rat abatement, and the Applicant said that he would work to increase rat abatement during construction. Also, he indicated that the Hotel was designed with an internal trash room, which is identified on the plans. At the end of the presentation, the ANC voted

unanimously to support the subject application. The ANC 6E report in support of the Application is filed in the record at BZA Exhibit No. 31.

**VI. CONCLUSION**

For the reasons stated above, enumerated in the Applicant's prior filings, as well as to be discussed at the Board's hearing, the Applicant submits that the modification of significance request meets the requirements for special exception relief. Accordingly, the Applicant respectfully requests that the Board approve the modification of significance at the public hearing of July 25, 2018.

Respectfully submitted,  
COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'MM', is written over a light blue horizontal line.

By: Meredith Moldenhauer