

May 9, 2018

VIA IZIS AND HAND DELIVERY

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: **Board of Zoning Adjustment Case No. 19377 – The Boundary Companies and The Missionary Society of St. Paul the Apostle (collectively, the “Applicant”) – BZA Application for 3015 4th Street NE (Square 3648, Lots 1070 and 1071¹) (the “Property”) – Applicant’s Post Hearing Submission**

Dear Members of the Board:

Following the public hearing on April 25, 2018, on behalf of the Applicant, this letter is intended to respond to questions and requests for additional information from the Board of Zoning Adjustment (the “**Board**”) regarding the proposed development at the Property (the “**Project**”).

Site Configuration and Ownership

The Board requested a context map showing ownership and use of the Property and its immediate surroundings. Attached as Exhibit A are maps showing the Property as currently owned and utilized and as proposed to be owned and utilized, the property owned and used by the schools in the historic St. Paul’s College building (the “**Schools**”), and the property owned and used by the Chancellor’s Row townhouse community. The first page of Exhibit A shows the ownership and uses as they exist today, and the second shows the changes proposed by the Project.

¹ Applicant notes that Assessment and Taxation (“A&T”) Lot 1067 became A&T Lots 1070 and 1071. These lots are a portion of former Lot 915.

Due to the degree of discussion at the hearing regarding student access to the Schools, the third page of Exhibit A provides details regarding the current routes students likely walk through the Property and adjacent parcels to access the Schools. The fourth page of Exhibit A details the student access routes as anticipated after the Project is completed. Access, as shown here, improves for students, as the Project will provide additional walking routes for access to and from the Schools. Note that these additional student walking routes will be included within the pedestrian public easement provided by the according to Exhibit C, described more fully below. Finally, the last page of Exhibit A shows the broader site access context, including the proximity and routes to and from the nearest Metrorail station.

Updated Plans

Attached as Exhibit B are updated plans and diagrams (collectively, the “**Plans**”), which include multiple sheets responding to requests by the Board for additional information. Specifically:

- Final landscaping plans are included as Pages L.01 through L5.01 of the Plans. These pages provide further detailing regarding the landscaping and hardscaping included in the Project, particularly relating to details of the recreational and related equipment being installed as part of the Project;
- Site sections illustrating the final grading, the landscaping, and the distances between the Property and adjacent homes and structures are included on Page L6.01, L6.02, and L6.03 of the Plans. These pages the townhouse elevations submitted as Exhibit 85C in the record. We note that a page showing similar information for the new Paulist building was included as Page CR-15 of Exhibit 64A in the record; and
- An Inclusionary Zoning unit location plan is included on Page C-08A of the Plans.

In addition to the sheets referenced above, the Applicant has also included an updated revised civil plan set incorporating a slight southern shift in Lots 1 through 7. While exploring the easements requested by the Office of Planning (“**OP**”) and the District Department of Transportation (“**DDOT**”), the Applicant also continued examining an existing easement on the Property with the neighboring United States Conference of Catholic Bishops to the north (the “**Bishops Easement**”). While the Applicant has been in discussions with the neighbour to amend the Bishops Easement and hopes that those will continue, based on their letter in the case record at Exhibit 134, the Applicant understands a change to the Bishops Easement does not appear likely. The Applicant was able to slightly revise the site plan to accommodate the Bishops Easement as well as easements requested by DDOT and OP. The Plans in Exhibit B includes this slight shift.

By virtue of shifting Lots 1 through 7 approximately twelve (12) feet south to accommodate the Bishop Easement and the easements requested by DDOT and OP and in order to accommodate

evolution of the overall site plan, the figures associated with the Project's theoretical lots have also been similarly slightly updated. As before, while the Applicant continues to request lot occupancy and yard relief for individual lots, the Project's Floor Area Ratio ("FAR"), height, and other development standards remain in compliance with the Zoning Regulations. Sheet C-05A in the attached Plans shows the revised data for each theoretical lot. The private streets and alleys at the Project also remain unchanged in width.

Importantly, the buffers between the Project's houses and the new Paulist building and the Chancellor's Row community and the Schools remain unchanged. Additionally, the amount of green and open space proposed by the Project remains unchanged.

Access and Open Space Easements

OP and DDOT, as well as the Board, requested assurances that the pedestrian and vehicular access areas and the open space at the Property will be accessible to the public and maintained in perpetuity. Attached as Exhibit C is a draft "Easement and Covenant Agreement" (the "**Easement**"), along with exhibits, that the Applicant will record against the Property to ensure this public access and open space. As outlined in the Easement exhibits, the Applicant will provide (1) vehicular and pedestrian easements across the private streets and sidewalks at the Property, and (2) an easement for the open space at the Property. The document also includes a covenant to keep the open space free of permanent structures or buildings except those minor improvements relating to recreational use of the green space.

In its report, DDOT also requested the possibility of a future public access easement connecting the Project's main private street from the new northern curb cut with the segment of Regent Place located on Chancellor's Row (shown in red on Page 4 of DDOT's report, Exhibit 73 in the record) (the "**Connectivity Piece**"). This was the "springing easement" discussed at the hearing. However, currently, the Chancellor's Row Homeowners Association, which owns Regent Place, does not allow public access on Regent Place. Due to a number of issues created by the concept of a future easement area over the Connectivity Piece, the Applicant would instead be willing to provide a possible future public access easement over the area shown on Exhibit D to the Easement, attached to this letter. The Applicant is willing to have the public access easement covering the streets and sidewalks in the Easement "spring" into effect on such additional portion of its Property to provide the desired connectivity, if Chancellor's Row would trigger such action as described in the Easement. We note that the Connectivity Piece will always have a pedestrian easement and an open space easement governing the majority of its area into perpetuity as shown on the Exhibits B and C of the Easement.

The Applicant requests that any Order condition relating to the Easement provide that the recordation of such Easement is to occur by the later of: (i) the issuance of the first Certificate of Occupancy for the new Paulist Building, or (ii) the recordation of the deed of transfer of the last townhouse in the Project.

Tree Summary

The Board also requested additional information regarding the tree preservation plan at the Project. A summary addressing such questions relating to the tree preservation plan is included in the document attached as Exhibit D. The Applicant notes that a high level tree preservation plan is included as Page C-14 of Exhibit 64A and a tree inventory is included as Exhibit 64H in the record to augment the Project's tree-related information.

As shown on Exhibit D, there are currently seventy-six (76) trees at the Property. The Project is vested under the Urban Forestry Act of 2002, as it existed prior to 2016 amendments. Under such Act, a Special Tree is defined as any tree greater than fifty-five inches (55") in circumference. The Property currently includes thirty-two (32) Special Trees (as previously defined), eighteen (18) of which are to be preserved and fourteen (14) of which are to be removed. The Property includes an additional forty-four (44) trees that are smaller than Special Trees, nineteen (19) of which are to be preserved and twenty-five (25) of which are to be removed.

While the Project is not subject to the Urban Forestry Act as amended in 2016, which defines Special Trees as between forty-four inches (44") and one hundred inches (100") in circumference and Heritage Trees as those over one hundred inches (100") in circumference, the Applicant has provided data regarding the tree preservation plans in those terms. Under the definitions in the updated Urban Forestry Act, the Property contains forty (40) Special Trees, nineteen (19) of which are to be preserved and twenty-one (21) of which are to be removed. The Property also contains twelve (12) Heritage Trees, seven (7) of which are to be preserved and five (5) of which are to be removed.

The Project will remove thirty-nine (39) total trees, but will replace those trees with a total of one hundred seventeen (117) new trees (ie, a ratio of three (3) new trees for every one (1) tree removed). In total, the final Project will have one hundred fifty-four (154) trees, including the retained trees, and an overall tree canopy of at least 30% post-construction. The Applicant has worked closely with Casey Trees and has incorporated their feedback, illustrated by their support in the record at Exhibit 97 and at the hearing. The Applicant has agreed to the conditions outlined by Casey Trees; specifically, the Applicant will (1) replace trees to be removed at a 3:1 ratio throughout the site; (2) maintain the level of tree diversity at the site during replacement; (3)

provide a variety of large canopy trees and small understory trees in the replanting plan; and (4) implement proper tree protection measures for trees near construction.

Use of the Paulist Building

Finally, the Board requested information about the proposed use of the new Paulist building. The Applicant is proposing to use the building as a clerical residency for the Paulist Fathers and Seminarians, housing no more than fifteen (15) at a time. The building will include sleeping quarters and other clerical spaces such as a chapel and refectory for uses associated with the Paulist Fathers' mission.

Conclusion

The Applicant notes that it would like to incorporate additional feedback from the Board, agencies, or others that might result from the May 23rd hearing or thereafter, and therefore respectfully request that the Board allow for the filing of one cumulative set of final architectural diagrams and plans for the Project after such hearing.

Please feel free to contact Jeff at (202) 721-1132 or Meghan at (202) 721-1138 if you have any questions regarding the enclosed. We look forward to discussing these updates with the Board at the May 23, 2018 continued public hearing.

Sincerely,



Jeff Utz



Meghan Hottel-Cox

Enclosures

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document was delivered by first-class mail or hand delivery to the following addresses on May 9, 2018.

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