



November 14, 2018

Meridith Moldenhauer

Direct Phone 202-747-0767
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: BZA Case No. 19862
Applicant's Prehearing Statement and Revised Plans**

Chairperson Hill and Honorable Members of the Board:

On behalf of the Applicant, Heights Holdings LLC (the "Applicant"), please find enclosed the Prehearing Statement, Revised Plans, and Expert Witness information for the above-referenced case. The application is scheduled to be heard before the Board of Zoning Adjustment on December 5, 2018.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

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

Meridith Moldenhauer

LEGAL\39088803\1

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

**APPLICATION OF
HEIGHTS HOLDINGS LLC**

**BZA CASE NO. 19862
HEARING DATE: DECEMBER 5, 2018**

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND RELIEF SOUGHT

This Prehearing Statement is submitted on behalf of Heights Holdings LLC (the "Applicant"), the owner of the property located at 3331 & 3333 11th Street NW and 1032 & 1034 Park Road NW, (Square 2841, Lots 95-96, 98-99) (the "Property") for special exception relief pursuant to 11 DCMR Subtitle X § 901.2, for parking relief under Subtitle C § 701.5, and rear yard relief under Subtitle G § 405.2.

II. PROCEDURAL BACKGROUND AND REVISED PLANS

Since filing, the Applicant has updated and clarified the architectural plans in response to comments raised by the community in the Community Meeting held on October 2, 2018 (the "Revised Plans"). The Revised Plans are attached here at Exhibit A. As the request for relief has not changed, the Applicant herein incorporates the arguments made in the initial application and maintains that the Project satisfies the standard for special exception relief. A summary of changes to the plans incorporated into the Revised Plans is as follows:

- The drawings have been updated to show a grey and red brick façade instead of the initially proposed glass/metal materials and the plans include descriptions of the exterior and different bricks to be used;
- The design of the windows has been updated to a scale more consistent with the surrounding buildings;
- In response to community comments, the plans for the north and west façades of the walls abutting RedRocks now show a mural design.
- Updates have been made to the entrance on 11th Street NW to reflect compliance with Public Space requirements.¹
- The Revised Plans contain added elevations from the south and east.

¹ It is anticipated that additional more complete designs will be filed in the record prior to the hearing.

Overall, the Revised Plans address comments received from the community, and present a thoughtfully-designed project meeting the requirements of the zone and the special exception standards.

III. UPDATES TO EXPERT WITNESS 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**.

IV. COMMUNITY OUTREACH

The Applicant conducted a Community Meeting to present the plans for the Project on October 2, 2018. After the Community Meeting, the ANC requested a postponement of the BZA hearing in order to have more time to consider the Project and to allow the Applicant to present at both the October and November ANC 1A meetings. At present, the vote is scheduled for the November 14th ANC Meeting.

After the Community Meeting, the Applicant revised the Plans to show the brick façade. The presentation of the Revised Plans at the October ANC meeting was met with positive feedback from the community and ANC members. The ANC raised questions about parking and asked the Applicant to review parking mitigation options. Accordingly, the Applicant now proposes the parking mitigation plan outlined in Section V. below.

The Applicant has also been active in meeting personally with neighborhood members and has obtained five letters of support (BZA Ex. 32-36). Importantly, the Applicant is working with the owner of Red Rocks, the corner restaurant that the Project surrounds.

V. PARKING MITIGATION PLANS

As stated in the Applicant's Statement, the Project qualifies for special exception relief pursuant to Subtitle C § 703.2(a) because providing on-site parking is not possible as the Property's alley access is limited to 3.75'. Further, DDOT's approval of a curb cut is highly unlikely because the Property is within sixty feet (60 ft.) of the intersection of 11th Street NW and Park Road NW, and there are street trees that cannot be removed.

As such, the Project requires special exception relief for four parking spaces. *See* Subtitle C § 701.5. It is noteworthy that at present, none of the four existing residential properties provide off-street parking, meaning there will be a net-zero parking space effect. Accordingly, while the Applicant is not required by DDOT to provide a Comprehensive Traffic Review report, in response to community statements, the Applicant proposes the following parking mitigation plan:

The Applicant will provide the following incentives to all new residents:

- The Applicant will give each new resident a Residential Welcome Package which will include information about the abundance of nearby alternative transportation options available, including, but not limited to, ride-sharing services, car-sharing services, Metro, and bike-sharing services such as Capital Bikeshare.
- As an added incentive for the initial new residents to not own cars, the Applicant is willing to provide prepaid Metro cards for the first new residents.
- There would be a Transportation Information Center Display installed in the lobby so that residents and their guests can see Metro train and bus information as well as current information about the availability and availability status of local car-sharing and bike-sharing options.
- The Project will also provide all required short term and long term bicycle parking, including the provision of a room for long-term bicycle storage in the cellar level. The Applicant will provide more than the minimum short term bicycle parking and, if feasible, the Applicant will provide more than the minimum long-term bicycle parking.

Also, the size of the Project does not trigger loading requirements. However, the Applicant will provide information to all new residents regarding loading procedures and permitting requirements. Residents will be directed to arrange for loading to take place in the alley, but will also receive information about obtaining temporary loading permits for instances when their loading needs cannot be accommodated in the alley.

As shown on the Revised Plans on sheet A-08, trash will be stored in a dedicated space at the cellar level the building. Trash pick-up will occur in the alley and therefore will not cause traffic issues on 11th Street NW or Park Road NW. In addition, as the Applicant will need to contract with a private trash removal company, the Applicant will make every effort to contract with a trash removal company that already services the alley to minimize additional traffic and noise.

VI. PROPOSED CONDITIONS

1. Interior partition locations, size, and location of units and stairs are preliminary and shown for illustrative purposes only. Final layouts, design and interior plans may vary to the extent that such variations do not require additional relief from the Zoning Regulations and such that the variations do not change the external configuration or appearance of the building.

2. Flexibility to vary the final selection of exterior materials within the color ranges of the material types and based on the availability at the time of construction, without reducing the quality of materials or intent of the original design.

3. Flexibility to make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings trim, and windows or that are otherwise necessary to obtain a final building permit to the extent that such changes do not require additional relief from the Zoning Regulations and such that the variations do not change the external configuration or appearance of the building.

VII. 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 application meets the requirements

for special exception relief. Accordingly, the Applicant respectfully requests that the Board approve the application on December 5, 2018.

Respectfully submitted,
COZEN O'CONNOR



Meridith Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2018, a copy of the foregoing Prehearing Statement and was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Stephen Mordfin
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.morfin@dc.gov

The District's Department of Transportation
c/o Kelsey Bridges
55 M Street SE, Suite 400
Washington, DC 20003
Kelsey.bridges@dc.gov

Advisory Neighborhood Commission 1A
c/o Kent Boese, Chairperson
1A08@anc.dc.gov
c/o Sharon Farmer, Single Member District Commissioner 1A07
1A07@anc.dc.gov



Meridith Moldenhauer