



March 13, 2019

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

**Re: BZA Case No. 19960
Applicant's Prehearing Statement and Revised Plans**

Chairperson Hill and Honorable Members of the Board:

On behalf of the Applicant, MCF 1400 Montana, LLC and MCFI Limited Partnership (collectively 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 April 3, 2019.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

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

Meridith Moldenhauer

LEGAL\40289375\1

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

**APPLICATION OF
MCF 1400 MONTANA LLC &
MCFI LIMITED PARTNERSHIP**

BZA CASE NO. 19960

HEARING DATE: APRIL 3, 2019

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND RELIEF SOUGHT

This Prehearing Statement is submitted on behalf of MCF 1400 Montana LLC and MCFI Limited Partnership (collectively the "Applicant"), the owners of the property located at 1400 Montana Avenue NE (Square 4023, Lot 0001) (the "Property"), in support of its application for special exception relief pursuant to 11 DCMR Subtitle X § 901.2, Subtitle A § 207.2 for approval of a 35-foot adjustment of the boundary line allowing the bulk regulations of the MU-4 zone to extend to a portion of the Property zoned RA-1, Subtitle U § 421.1, to construct a new multi-family residential apartment building in the RA-1 Zone District, and Subtitle C § 714.3 to have a 24-foot wide gap in the screening of a surface parking lot.

II. PROCEDURAL BACKGROUND AND REVISED PLANS

As detailed in the initial application, the Applicant proposes to construct a 106-108 unit apartment building (the "Project") on the Property. Since filing, the Applicant has updated the architectural plans (the "Revised Plans") to include 108 units rather than 106 units. 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 include 108 units, with 21 units on the first floor and fourth floors, 28 units on the second and third floors, and 10 units at the penthouse level of the portion of the Project located in the MU-4 zone.
- In satisfaction of Subtitle C § 701.5, the Project will provide 35 zoning parking spaces. These 35 zoning parking spaces will consist of 32 parking spaces and one car-share space, totaling 33 surface parking spaces, as shown on page A07 of the attached Revised Plans.
- The penthouse area for the RA-1 portion of the Project has been updated to reflect more detail regarding the amenity space and outdoor space, including a terrace and pathways around and through the green roof areas.

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

Additionally, the Applicant submitted a traffic report and associated resume for the expert who prepared the traffic report at BZA Exhibit 34.

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 and an outline of his testimony are attached as **Exhibit B**.

In addition, the Applicant will add Maurice Walters, an expert in architecture, from Maurice Walters Architect, and Daniel Van Pelt, a traffic expert from Gorove Slade (his resume was submitted with the Traffic Report at BZA Ex. 34). Mr. Walters will testify as an expert regarding the architectural plans for the Project and Mr. Van Pelt will testify regarding the information contained in his Traffic Report. Both Mr. Walters and Mr. Van Pelt have been previously accepted as experts by the Board. The resume for Maurice Walters is attached at **Exhibit C**.

IV. COMMUNITY OUTREACH

Since filing their Application on January 15, 2019, the Applicant has reached out to the ANC5C06 Single Member District (“SMD”) Commissioner and ANC 5C Chairperson numerous times, by email, text, and telephone, requesting to be placed on the first available ANC meeting agenda in order to permit sufficient time to address any questions prior to the BZA hearing date.

The Applicant has scheduled a Community Meeting for March 14, 2018 and looks forward to updating the Board on the community outreach at the hearing. The Applicant continues to be open and willing to meet and attend any meeting requested by the ANC and looks forward to a continued dialogue with the community.

V. 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 April 3, 2019.

Respectfully submitted,
COZEN O’CONNOR



Meridith Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2019, 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
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The District's Department of Transportation
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Advisory Neighborhood Commission 5C
c/o Jacqueline Manning, Chairperson
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