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October 14, 2020

Via IZIS

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

RE: BZA Application No. 20308 – CCRC Use at 4865 MacArthur Blvd., N.W.
Applicant’s Prehearing Submission

Dear Members of the Board:

On behalf of 4865 MacArthur Landlord, LLC (“Applicant”), we submit this supplemental information in support of the above-referenced case pursuant to Subtitle Y § 300.15 of the D.C. Zoning Regulations.

1. Modification of Plans with No Additional Zoning Relief Requested

The Applicant has redesigned the building to address programming needs for the grocery store use in the MU-4 portion of the site and to provide additional automobile parking. The proposed changes do not require any additional zoning relief; the sole relief requested is to establish a continuing care retirement community (“CCRC”) in the R-1-B District pursuant to Subtitle U-203.1(g). The revised architectural drawings are attached as Exhibit A. In an effort to improve the chances of securing a grocery store, the Applicant has designed the matter-of-right MU-4 wing so that the proposed grocery store can be accommodated at either the intersection of 48th Place and MacArthur Boulevard, NW, or as previously shown at the intersection of U Street, NW and MacArthur Boulevard, NW. This alternative location will complement the retail uses across 48th Place at MacArthur Boulevard and the Palisades Farmers’ Market that operates in 48th Place on Sunday mornings, when the street is temporarily closed from 9:00 a.m. to 1:00 p.m. The grocery store will also have more convenient access to on-site parking if this new location is ultimately chosen by a tenant.

The Applicant has increased the project’s automobile parking in a reconfigured below-grade garage and with a new surface lot in the side yard of the R-1-B wing of the building. In the previous design, the project provided approximately 54 parking spaces to serve the CCRC and grocery store, which met the zoning requirements for both the R-1-B and MU-4 portions of the site. The Applicant now proposes to provide 77 parking spaces, 62 of which will be located in a below-grade garage and satisfy the zoning requirement for both the grocery store and the CCRC. The remaining 15 spaces will be located on a surface lot accessed from a new curb cut

on V Street and would serve any excess demand generated by the grocery store and neighboring retail uses. As shown on the zoning tabulations included in Exhibit A, five spaces are required for the grocery store use (assuming a maximum of 6,400 square feet) and 57 spaces are required for the CCRC, based on a maximum of 44 units in the R-1-B wing and 126 units in the MU-4 portion of the building. As set forth in its initial statement of compliance with the burden of proof, the Applicant continues to pursue programming alternatives where the memory care component can be accommodated in either the R-1-B or MU-4 wing, which will affect the ultimate unit count in the building and maximum parking requirement. Parking spaces for CCRC residents and staff of both wings will be accommodated in the below-grade garage. The surface lot will accommodate parking for the grocery store patrons and neighborhood retail establishments. The community frequently used the former Safeway parking lot and has specifically requested the inclusion of these extra spaces for neighborhood businesses.

2. Updated Transportation Report Reflecting New Design

Attached as Exhibit B is the Applicant's updated transportation report that reflects the new parking configuration. The Applicant previously submitted its transportation report to the BZA on May 20, 2020 (see Exhibits 10 and 10A in BZA Case No. 20308), well in advance of the 30-day deadline under Subtitle Y § 314. A copy was also provided to the District's Department of Transportation ("DDOT"). Since that time, the Applicant has engaged in numerous discussions with DDOT and has provided DDOT with the updated report. Consistent with its original conclusion, the updated report concludes that the project does not meet the threshold of 25 or more peak hour trips to trigger a detailed capacity analysis under DDOT guidelines and will have a negligible impact on the area's transportation network. The parking and loading facilities likewise will meet the anticipated demand for the project and will not have a significant impact on the area's on-street parking availability.

3. Community Updates

The Applicant has been working extensively with the community in an effort to secure their support. Specifically, the Applicant has engaged in outreach to the Palisades Citizen's Association and Advisory Neighborhood Commission 3D. Both groups are undertaking votes to determine whether this application will be supported by them. These votes will be concluded before the proposed hearing date for the Board's consideration.

4. Conclusion

Based on the foregoing and the information previously submitted to the record, as well as testimony and evidence to presented at the hearing on November 4, the Applicant meets the standard for special exception relief to establish a CCRC in the R-1-B portion of the site.

Respectfully submitted,

The Brown Law Firm PLLC

By: 
Mary Carolyn Brown

cc: Anne Fothergill, DC Office of Planning

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing letter with exhibits was served on **October 14, 2020** via email to:

Advisory Neighborhood Commission 3D
PO Box 40846 Palisades Station
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Chuck Elkins, Chair, ANC 3D
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By: 
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