

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**20-day Prehearing Submission of TM Jacob LLC  
ZC Case 18-13  
1530 First Street SW (Square 656, Lot 53)**

---

**I. INTRODUCTION AND EXECUTIVE SUMMARY**

This statement is submitted by TM Jacob LLC (the “Applicant”), the owner of property located at 1530 First Street SW (Square 656, Lot 53) (the “Property”). The Property is zoned CG-4, which requires Design Review approval by the Zoning Commission pursuant to Subtitle K §§ 512.1(e) and 512.2. This application seeks Design Review approval for an all-affordable, 101-unit, mixed-use building, and simultaneously requests variance relief from the loading requirements of Subtitle C § 901.1, and relief from the lot occupancy and court requirements of Subtitle K §§ 504.6 and 504.10, respectively (the “Project” or the “Application”). The Zoning Commission is authorized to approve such relief pursuant to Subtitle K § 512.7. This application is a companion case to Z.C. Case No. 17-13, which approved a sister-affordable project at 1550 First Street SW by an order published in the D.C. Register on June 7, 2018 ( the “1550 First Street” project).

The purpose of this Pre-Hearing Statement is to update the Applicant’s detailed “Statement in Support” filed at ZC Exhibit No. 2 (the “Initial Statement”) to reflect the minor adjustments<sup>1</sup> to the plans and a summary of community outreach. A copy of the updated plans (the “Updated Plans”) is attached here at **Exhibit “A”**.

**II. ADDITIONAL INFORMATION ABOUT THE APPLICANT AND UPDATED PLANS**

**A. The Applicant and Project Programming**

The Applicant is TM Jacob LLC, which is a joint venture between the United Planning Organization’s Community Development Corporation (“UPO CDC”) and subsidiary of the development company, T.M. Associates, Inc. (“TMA Inc.”). TMA Inc. was formed in 1999 and primarily focuses on developing apartments and residential buildings for low-income residents. TMA Inc. manages more than 10,000 units within over 230 properties nationwide.

UPO CDC is a non-profit 501(c)(3) organization that is affiliated with the United Planning Organization (“UPO”) and was incorporated in 1962 to plan, coordinate and implement human services programs for low-income residents of the District. For more than 50 years, UPO CDC has been at the forefront of the war on poverty and has planned, coordinated and offered a vast array of

---

<sup>1</sup> As discussed below, since the Application was first filed, the loading area has been slightly adjusted to provide the required 20’ service space instead of the 30’ loading berth initially proposed. This adjustment does not impact the relief, and a variance from the loading requirements of Subtitle C § 901.1 is still required.

programs and services for those in need.

The Applicant will utilize a combination of Low-Income Housing Tax Credits, equity, bank or tax-exempt bond debt, Department of Housing and Community Development loans, deferred developer fees, and net operating income to finance development of the Property.

As discussed in the Initial Statement, all of the units will be affordable: eighty percent of the dwelling units will be reserved for households with incomes not exceeding 50% of the area median income (“AMI”), and twenty percent of the units will be reserved for households with incomes not exceeding 30% AMI.

In conjunction with the Property’s management, UPO will provide wrap around services to the building’s residents. The residents of the units reserved for households with incomes not exceeding 30% AMI will be referred through the District’s Coordinated Entry System. These residents will be provided with Permanent Supportive Housing (“PSH”) services and will receive on-site case management services designed to help them attain self-sufficiency. Case management will be provided according to the Department of Human Services PSH standards. UPO will also conduct monthly home visits to ensure residents are following their specified plan and are living in a safe environment.

Anticipated on-site programs and services available the Project’s tenants could include the following:

- Mental health
- Addiction treatment
- Childcare
- Job readiness programs
- Job training
- Adult education
- Summer Food Program that provides lunches to children in the summer months who receive a free lunch at school
- Holiday parties/toy drives for children/Thanksgiving dinner
- End of school year (summer party) for children
- Informational speakers (crime prevention, saving, budgeting, etc.)
- Computer classes
- Financial education classes

## **B. The Updated Plans**

As shown on the Updated Plans, the Applicant continues to propose to redevelop the Property with approximately 101 affordable residential units, comprised of 1-bedroom, 2-bedroom, 3-bedroom, and 4-bedroom units with ground floor commercial uses from one or more preferred CG zone uses set out in Subtitle K § 509.2. As referenced above, eighty percent of the dwelling units will be reserved for households with incomes not exceeding 50% of AMI and 20% of the units will be reserved for households with incomes not exceeding 30% AMI.

As updated, the Project includes approximately 98,348 sq. ft. of gross floor area (approximately 8.0 FAR).<sup>2</sup> Approximately 91,295 sq. ft. gross floor area will be devoted to affordable residential use, and approximately 7,053 sq. ft. of gross floor area will be devoted to ground floor commercial uses. The Applicant will provide 23 below-grade parking spaces, which will be accessible from the 16' wide alley network to the rear of the Property that leads out to Q Street SW and Half Street SW. The rear portion of the Property that abuts the alley exceeds 12 feet in width, which permits the proposed vehicular and loading access, but is generally narrow.

Since the Initial Application was filed, the Applicant has made the following three minor changes in response to discussions with District Department of Transportation (“DDOT”) staff. As discussed below, the changes shown in the Updated Plans do not increase the relief requested.

**1. Project provides one, 21’-6” service space and a loading platform at the rear of the building instead of one, 30’ loading berth**

While all loading will continue to be located at the rear of the building and accessed through the alley system, the Applicant is substituting a 21’-6” service space and 100 sq. ft. loading platform for the previously proposed 30’ loading berth. This service space is shown, on sheets A-19 and A-45 of the Updated Plans. Additionally, a 4’-8”-wide service corridor has been added to connect the loading area with the elevator lobby on the first floor. As discussed in the Comprehensive Transportation Review in the record at ZC Exhibit No. 18, (the “CTR”), the Updated Plans’ loading area will accommodate 23’-long trucks.<sup>3</sup> ZC Exhibit No. 18, p. 2. Further, as discussed below, the Applicant proposes loading management and transportation demand management plans for the Project.

This minor change results in an adjustment to the type (not amount) of loading relief necessary, because the Zoning Regulations require one 30’ loading berth, one 100 sq. ft. loading platform, and one 20’ service/delivery space for the Project. The Initial Statement explained that, at that time, the Applicant needed variance relief from the loading platform requirement and the 20’ service/delivery space requirement, because as previously proposed, the Project provided the 30’ loading berth, but not the other loading areas.

With the adjustment shown in the Updated Plans, Applicant now proposes to provide the 21’-6” service/delivery space and the 100 sq. ft. platform and requests relief solely from the 30’ loading berth requirement. The proposed change increases the efficiency and utilization of the loading area. As discussed in the CTR, the proposed 21’-6” service/delivery space “will ensure that the loading area is used efficiently for both the residential and retail land uses on the site.” ZC Exhibit No. 18, p. 1.

---

<sup>2</sup> Based on a floor by floor calculation.

<sup>3</sup> As stated in the CTR, a total of four loading trips are anticipated per day. Three of the loading deliveries will be for trash, mail and parcel delivery that will all be accommodated in less than 23’-long trucks. It is anticipated that one loading trip per day would be associated with a residential move-in or move out. ZC Exhibit No. 18, p. 2. A 23’-long truck is the “standard moving truck for a one to two-bedroom apartment”, which can be used for 82% of all units. Accordingly, the vast majority of anticipated loading trips could be accommodated in the proposed service space. ZC Exhibit No. 18, p. 14.

**2. Updated Plans provide additional information on the Long-Term Bike Parking Area**

DDOT requested that greater detail be provided for the long-term bike parking area. In response to that request, the Updated Plans show the detail measurements of the bike storage area that contains space for 36 bikes. These additional bike rack specifications are shown on sheet A-26.

**3. Updated Plans Satisfy the Buzzard Point SAP public space streetscape requirements**

DDOT also requested that the Project conform to the public space streetscape requirements of the Buzzard Point Vision Framework and Design Review Guide (“Buzzard Point SAP”). After a thorough review, the Applicant has relocated eight short-term bike spaces between sidewalk planters, as suggested by DDOT staff and shown on sheet A-19. The Applicant believes the Buzzard Point SAP requirements are satisfied.

**C. Proposed Loading Management Plan and Transportation Demand Management Plan**

The Project’s proposed loading management plan is “adequate and will not adversely affect the local roadway network” based on the expected low number of truck deliveries and the loading management plan provided at page 14 of the CTR and summarized below:

1. A loading manager will be designated by the building management. The manager will coordinate with residents to schedule deliveries and will be on duty during delivery hours. The loading manager will oversee both the rear loading area and any loading that would need to occur on First Street.
2. Trucks utilizing the loading area will be restricted to 23 feet in length. The few trucks longer than 23 feet will be required to load curbside utilizing the metered spaces on First Street.
3. Residents will be required to schedule move-in and move-outs with the loading manager through leasing regulations.
4. The loading manager will coordinate with trash pick-up to minimize the time trash trucks need to use the loading area. Trash services will need to be serviced by a private company that utilizes trash trucks able to be accommodated in the loading area provided on site.
5. All trucks accessing the site 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.

6. The loading manager will be responsible for disseminating DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT's truck routes. The loading manager will also post these documents in a prominent location.

Further, even though the Project will generate fewer than 25 trips per hour in the peak morning and afternoon hours, the Applicant has proposed the following transportation demand management ("TDM") elements (*see* CTR, p. 14)

1. The Applicant will identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader will work with residents to distribute and market various transportation alternatives and options.
2. The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials.
3. The Applicant will meet Zoning requirements by providing approximately 45 long-term bicycle parking spaces in the building garage.
4. Eight (8) short-term bicycle parking spaces will be provided along First Street, meeting zoning requirements.
5. All parking on site will be priced at market rates, at minimum, defined as the average cost for parking in a 0.25-mile radius from the site.
6. The Applicant will unbundle the cost of residential parking from the cost of lease or purchase of each unit.
7. The Applicant will provide each unit's incoming residents with an \$100 SmartTrip Card. A proactive marketing strategy will be provided to ensure residents are aware of this benefit.
8. The Applicant will provide a bicycle repair station to be located in the secure long-term bicycle storage room.
9. The Applicant will provide an on-site business center to residents with access to copier, fax, and internet services.
10. The Applicant will install a Transportation Information Center Display (electronic screen) within the residential lobbies containing information related to local transportation alternatives.

### **III. COMMUNITY COORDINATION**

The Applicant has conducted extensive outreach with the affected Advisory Neighborhood Commission 6D (the "ANC") over the course of a year. These meetings have greatly informed the

design of the Project in satisfying the design review criteria for the Capitol Gateway, and several planning goals, particularly those relating to the provision of affordable housing. First, the Applicant met with single-member district (“SMD”) representative Rhonda Hamilton in November 2017 to discuss the Project. Next the Applicant presented the Project before the full ANC on both May 7 and June 28, 2018, and in August met with residents of the neighborhood to provide them with an opportunity to share any concerns they may have about the Project. On September 10, 2018, the Applicant presented the case to the full ANC and did so again on October 15, 2018, at which time the Project received a vote of unanimous support. A resolution letter in support from the full ANC is forthcoming. In addition, the Project’s SMD has submitted her own letter in support of the Project, which is in the record at ZC Exhibit No. 19.

#### **IV. DESIGN REVIEW APPROVAL**

##### **A. Capitol Gateway Zones Design Review Requirements**

In addition to the reasons set forth in the Initial Statement, the Application also satisfies the “Purposes” of the Capital Gateway zones, which are:

*500.1 The purposes of the Capitol Gateway (CG) zones (CG-1 through CG-7) are to:*

*(a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;*

The Comprehensive Plan Future Land Use Map (the “FLUM”) identifies the Property for Medium Density Residential use, and the Generalized Policy Map (the “GPM”) designates this property as a Neighborhood Enhancement Area. The Lower Anacostia Waterfront/Near Southwest Area Element calls for new mixed use neighborhoods on vacant or underutilized waterfront sites with a substantial amount of new housing and commercial space that reaches household of all incomes, types, sizes, and needs (Policy AW-1.1.2: New Waterfront Neighborhoods).

The proposed mixed-use building featuring approximately 91,295 sq. ft. of gross floor area dedicated to residential use for households with incomes not exceeding 50% AMI, as well as approximately 7,053 sq. ft. of gross floor area devoted to commercial uses should achieve these goals. The building would measure 100 feet in height with a Floor Area Ratio (FAR) of 8.0 – a height and bulk permitted as a matter of right in the CG-4 zone.

The Buzzard Point SAP’s Design Principles call for:

- Bold architecture;
- Resilient urbanism and materials;
- First floors that shape memorable places;
- Responsive massing and transitions between larger new buildings and existing streets lined with row houses; and
- Outdoor spaces for life.

The Applicant has designed the Project with these goals in mind and has selected enduring materials that promote a high-quality streetscape. The Applicant has also paid specific attention to the transitions between the proposed building and the existing structures to the north.

*(b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses;*

The Applicant is proposing the inclusion of approximately 7,053 sq. ft. of ground floor neighborhood-serving retail that could be leased to a commercial use including a retail, general service, financial service, or an eating and drinking establishment.

*(c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;*

The Property is a vacant structure that used to be improved with a private school. The proposed development would not result in the discontinuation of an existing industrial use.

*(d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;*

The property is located at near the intersection of First and Q Streets, SW and does not directly abut the Anacostia riverfront. The proposed building should not negatively impact views or public access to the waterfront.

## **B. General Design Review Requirements**

In addition to the requirements of Subtitle K § 512.3, the Zoning Commission must also find that the Project is consistent with the general design review standards set for in Subtitle X of the Zoning Regulations. For the reasons set forth in detail in the Initial Statement, the Application is consistent with Subtitle X § 604.5 because the Project is not inconsistent with the Comprehensive Plan, and the Project complies with the urban design standards of Subtitle X § 604.7.

Below, the Applicant will summarily detail how the Application satisfies the Special Exception requirements regarding Zoning Commission review, consistent with Subtitle X § 604.6.

### **1. The Proposed Design Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps**

There is a two-pronged test to justify the request for special exception relief. An applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. As made clear in the above discussions and in the Initial Statement, the Project is consistent with the Zoning Regulations, the Zoning Map applicable to the Property, the Comprehensive Plan and the Buzzard Point SAP.

Further, the Project is consistent with the purpose and intent of the Zoning Regulations and related maps. The purpose of the Capitol Gateway zones are to assure development of the area with a mixture of residential and commercial uses. *See* Subtitle K § 500.1. The CG-4 zone specifically is intended to “permit medium- to high-density mixed use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; encourage provision of active pedestrian-oriented streets with active ground floor uses, particularly along specified primary streets; and promote pedestrian safety by separating pedestrian and vehicular circulation patterns.” *See* Subtitle K § 504.1.

**2. The Proposed Building Will Not Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Map**

The Project is in keeping with the scale of density, bulk and height of the zone and surrounding buildings (including the adjacent, approved 1550 First Street project) and fits appropriately into that context. It extends the community-serving use of 1550 First Street, which will complement the mix of uses in Buzzard Point and provide additional affordable housing in the neighborhood. The Applicant has thoughtfully designed its building to minimize any impacts on adjacent properties, and it has developed loading management and TDM plans that are adequate to ensure that the Project will not adversely affect the local roadway network. While construction is not within the Zoning Commission’s review, any construction on the site will comply with the District’s regulations regarding dust and construction debris.

The Project proposes an aesthetically-pleasing, mixed-use building with ground floor commercial space, as intended in the Zoning Regulations and as recommended by the Comprehensive Plan’s maps and Citywide and Area Elements. The proposed use of the Property will provide additional affordable housing and retail, resulting in an enlivened streetscape that will provide a higher quality of life of District residents. Pedestrian enjoyment along First Street SW will be enhanced through proposed improvements to the public space, and pedestrian safety is preserved, as no curb cuts are proposed.

**C. Variance Relief for Loading**

The Updated Plans continue to require an area variance from the loading requirements of Subtitle C § 901.1, which require one 30’ loading berth, one 100 sq. ft. loading platform, and one 20’ service/delivery space for the Project. As stated above, the Applicant is satisfying the requirements for the one 20’ service/delivery space and 100 sq. ft. loading platform on site. However, due to site constraints, the Applicant seeks relief from the 30’ loading berth requirement.

Under D.C. Code § 6-641.07(g)(3) and Subtitle X § 1000.1, the Board (and by extension, the Zoning Commission) is authorized to grant an area variance where it finds that:

- (1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) The owner would encounter practical difficulties if the Zoning Regulations were strictly applied; and
- (3) The variance would not cause substantial detriment to the public good and would



not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

*See French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). Applicants for an area variance must demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting, “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

As discussed in the Initial Statement, updated below, and to be discussed at the public hearing, all three prongs of the area variance test are met in this application.

### **1. Exceptional Condition or Situation**

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin*, 579 A.2d at 1168. The Property is characterized by an exceptional situation and condition arising from a confluence of the following factors: the location of the rear public alley on a relatively narrow lot; the minimal amount of street frontage; and from the specific design review criteria.<sup>4</sup>

The Property is uniquely constrained both along the alley and the First Street frontage. As to the alley, the unique condition of the public alley is that it does not run along the entire rear of the Property, but only for a length of 12’10” as shown on sheets A-19 and A-45. This condition does not occur anywhere else on the Square.

As to the First Street frontage, the Applicant’s lot is relatively narrow (approximately 75 feet), and is tree lined, providing limited street frontage along First Street SW to accommodate a curb cut. In addition, the adjacent property to the north contains an approximately 18’-wide curb cut along the property line. The DDOT Design and Engineering Manual provides guidance that the minimum acceptable distance between the edge line of a driveway and the edge line of an adjacent driveway is 24 feet, as measured along the roadway curb between the near edge lines of the driveway. Additional distances must be provided for circumstances when trees are located between

---

<sup>4</sup> The Zoning Commission found this same circumstances to be an exceptional condition or situation for the 1550 First Street project, as stated in ZC Order 17-13, pg. 18: “The Commission finds that the exceptional condition arises from the specific design review criteria for the Property that discourages access to parking and loading facilities directly from the street. The design review requirements of Subtitles K and X: (i) encourage development of the Property with a mixture of residential and commercial uses; (ii) encourage minimizing conflicts between vehicles and pedestrians; (iii) encourage pedestrian activity along the adjacent street frontages; (iv) and discourage direct driveway or garage access to the street.”

the driveways, as would be the case in this instance.<sup>5</sup> Given these facts, the Applicant's lot is uniquely constrained for curb cut access.

In addition, the design review requirements of Subtitles K and X: (i) encourage developments of the Property with a mixture of residential and commercial uses; (ii) encourage minimizing conflicts between vehicles and pedestrians; (iii) encourage pedestrian activity along the adjacent street frontages; and (iv) discourage direct driveway or garage access to the street.

## **2. Resulting Practical Difficulty**

The strict application of the Zoning Regulations would result in a practical difficulty to the Applicant in providing a compliant 30' loading berth.

As a general matter, the Property's narrow First Street frontage combined with the existing location of the adjacent curb cut results in a situation where a new curb cut from First Street would not be supported by DDOT. Indeed, to satisfy all the loading requirements, the Applicant would need to provide access for delivery vehicles along First Street SW by reconfiguring the building design to accommodate adequate space for the internal truck turns associated with a 30' berth and loading platform. However, such a design would significantly constrain the Applicant's ability to provide ground floor commercial use and minimize conflicts between vehicles and pedestrians as specified in Subtitle K § 512.3. In addition, even if the area could be reconfigured without fundamentally impairing the Project's programming (which it could not), a new curb cut along First Street SW would be necessary. Such a curb cut is specifically discouraged by Subtitle X § 604.7(a)(2) and DDOT best practices. Even if that were not the case (which it is), the location of any proposed curb cut would be severely limited by the narrow First Street frontage, the existence of the curb-cut on the adjacent property to north and DDOT's guidelines that mandate a 24' minimum distance between curb cuts on adjacent properties. For these reasons, the Applicant understands that a new curb cut would not be supported by DDOT. However, even if that were not the case, loading in this location would not meet the specific design review requirements specified in Subtitles K and X of the Zoning Regulations, because the loading facilities would require an additional 22 to 24 feet of street frontage devoted to a loading entryway and additional interior space devoted to loading.

Accordingly, the loading access must be from the narrow alley system. The limited area of property frontage on the alley requires that the building be designed in such a way that the loading access be exclusively confined to the southeast portion of the Property. Consequently, the proposed 21'-6"-wide loading space at the rear of the Project is oriented north-south to accommodate loading movements that would result in front-in and front-out access, as per DDOT best practices.<sup>6</sup> Due to the unique situation with the narrow alley access, requiring the inclusion of a 30' loading berth in addition to the already proposed 20' service space and loading platform would result in a practical difficulty. In addition, the proposed ground floor retail, which is encouraged by the Comprehensive Plan and Buzzard Point SAP, as well as the ground floor lobby further, coupled with the need to provide a drive aisle for vehicular traffic does not leave sufficient space to locate an additional 30' long loading berth on the ground floor level. Consequently, the 30' berth cannot be provided in the

---

<sup>5</sup> DDOT Design and Engineering Manual, 2017, pgs. 31-12 and 31-13.

<sup>6</sup> DDOT Design and Engineering Manual, 2017, pg. 31-8.

below-grade garage, and compliance with the zoning regulations would result in practical difficulties for the Applicant.

### **3. No Harm to Public Good or Zone Plan**

Granting the relief for loading will not cause a substantial detriment to the public good, or substantially impair the intent, purpose or integrity of the zone plan. The proposed 21'-6" loading space and platform will adequately serve the loading needs of the proposed residential and commercial uses. The two uses will share the loading facilities with no detriment to the public good or zone plan because at most four loading deliveries are anticipated per day, and the vast majority of loading can be accommodated in the proposed service space. Further, approving the loading/service space in its proposed location will ensure that most, if not all, loading is in the rear of the building, well buffered from the existing residential homes along First Street.

The intent of the loading regulations is to provide adequate facilities for certain uses, and the Applicant has worked with DDOT to ensure that the loading needs of the Project are satisfied despite the challenges associated with the narrow lot dimensions and resulting constrained alley access. Further, the proposed loading management plan is adequate, and the evidence in the record establishes that the requested loading relief will not adversely impact the local roadway network.

## **V. RESPONSE TO PARTY STATUS IN OPPOSITION FILING**

On September 6, 2018, a revised party status request from property owners located at 1533 First Street SW, 1539 First Street SW, and 1541 First Street SW (the "Opposition") was submitted into the record (the "Party Status Request"). *See* ZC Exhibit No. 9. The Opposition's initial request for advance party status hearing was withdrawn, and the Commission will take up that request as a preliminary matter before the November 15, 2018 hearing. The Applicant opposes the request for party status for the reasons stated at ZC Exhibit No. 11.

The Opposition's objection to Project are specious at best and refer to incorrect facts including, but not limited to "ingress/egress of a 67-car garage". *See* ZC Exhibit No. 9 (the Project's garage proposes 23 parking spaces, consistent with the Zoning Regulations for all-affordable buildings proximately located to Metro). The bulk of the Opposition's concerns seem to be centered on baseless assertions of "air quality" impacts from "idling" "large diesel trucks." *Id.*

In making these statements, the Opposition appears to ignore the fact that the Project will provide a compliant service space in the rear of the building (not on First Street SW as they allege), and that the service space will accommodate the vast majority of all anticipated deliveries to the Project. Indeed, the anticipated number of trucks that would potentially be too large for the rear service space would be limited to move-ins and move-outs for units larger than 2 bedrooms. Further, the Applicant is proposing a robust loading management plan that will further reduce the impacts of the requested loading relief on the surrounding property owners. Accordingly, "air quality" impacts related to truck idling (if any) would be limited and fleeting at best. Finally, the Applicant will work with the relevant District agencies to reduce and monitor any other air quality impacts of the Project in compliance with District law.

## **VI. LIST OF WITNESSES**

The following witnesses are expected to provide testimony at the Commission's public hearing on the application and outline of testimony and resumes are attached at **Exhibit "B"**:

1. Neil Mutreja, on behalf of the Applicant, T.M. Associates, Inc.;
2. Dana M. Jones, United Planning Organization;
3. Jeff Goins, Architect for the Project, PGN Architects;
4. Erwin Andres, Gorove/Slade Associates, Inc; and
5. Stephen Varga, Land Use Services Director, Cozen O'Connor.

## **VII. CONCLUSION**

For the reasons set forth in the Initial Statement, set forth above and provided at the public hearing, the Project meets the applicable standards for design review, including the variance relief for loading and other relief from the courts and lot occupancy for residential use under the Regulations. Accordingly, the Applicant respectfully requests that the Zoning Commission grant the application.