

December 3, 2018



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VIA IZIS

Zoning Commission of the District of Columbia
441 4th Street NW Suite 200S
Washington, DC 20001

**Re: Z.C. Case No. 18-13, 1530 First Street SW (Sq. 656, Lot 53) (the “Property”)
Applicant’s Post-Hearing Submission**

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of TM Jacob, LLC, (the “Applicant”), please find enclosed the Applicant’s Post-Hearing Submission in response to comments from the Zoning Commission (the “Commission”) at its November 15, 2018, public hearing.

Adjusted Loading Design and Flexibility Request

As noted by the Commission, the “truck-turn” diagrams shown in Z.C. Exhibit No. 21A2 identified a small area where the 20’-service vehicle crossed over the adjacent property line to access the Project’s loading area.

At the Commission’s direction, the Applicant has outreached to the adjacent property owner to see if it would be possible to secure the access needed. While those discussions are on-going and will hopefully be resolved successfully, there is no final agreement in place at this time.

Accordingly, out of an abundance of caution, the Applicant provides potential alternate ground floor layouts that would allow proper truck access (the “Adjusted Loading Design.”) Copies of these plans, are attached at **Exhibit A**.

The Adjusted Loading Design plans retain the loading in the rear of the building and accessed from the alley, but pushes the interior service loading area towards the west. This results in minor, interior changes to the ground floor layout and a reduction in square footage of three, second floor residential units. The Adjusted Loading Design would not have any impact on the materials or exterior of the building, and would allow the Project to retain the same number of units and approximately the same-sized retail space.

However, while feasible, the Adjusted Loading Design is less ideal for the Applicant than the Final Plans, which provides larger second floor units and more space in the residential lobby.

Accordingly, the Applicant is continuing to pursue negotiations for limited access that would allow DDOT to find that trucks could successfully access the ground floor design shown in the Final Plans.

To that end, to allow the Applicant to construct the Final Plans, if the proper access needs can be accommodated to DDOT's satisfaction, the Applicant asks that the following flexibility language be added:

“Should DDOT conclude that the Final Plans (Ex. ___) in conjunction with necessary neighbor support provide sufficient maneuverability to accommodate 20'-service vehicles in the Project's loading area, the Applicant may modify the Adjusted Loading Design and return to the Final Plans (Ex. ___) as the final approved plans and proceed for DCRA building permits.”

Updated Transportation Management and Loading Plan

Further, at the Commission's direction, attached at **Exhibit B** is a Supplemental Statement from Gorove/Slade incorporating the additional Transportation Demand Management (“TDM”) and Loading Management Plan measures identified in the District Department of Transportation (“DDOT”) November 1, 2018 report (ZC Case Exhibit 22). The Applicant agrees to implement the TDM Plan and Loading Management Plan as proposed, or as approved by the Commission.

Supplemental Information Regarding DOEE Outreach

The Applicant and Design Team met with DOEE on November 13, 2018 to discuss the options and possibility of providing solar energy to the project. During this meeting, three specific programs were discussed in detail. The programs discussed were the PACE Program, Sustainable Energy Utility Program and Leasing Program from third party Solar Companies.

Subsequently, DOEE connected the Applicant to DC Sustainable Energy Utility (“DCSEU”), which is currently preparing an analysis of the energy savings (potentially including solar) available to the Project. This analysis typically takes 4-6 weeks. Once the analysis is complete, DCSEU will work with the Applicant to best determine a process forward based on the energy model.

Simultaneously, the Applicant has reached out to several solar companies and has set up meetings to determine the feasibility of the use of solar energy for 1530 First Street. Once an analysis is performed by various contractors, the models will be shared with DCSEU to incorporate in their energy model analysis. If deemed possible, a process will be identified to include solar for the 1530 First Street Project.

In light of the fact that the Applicant is willing to make best efforts to accommodate rooftop solar, the Applicant requests that the following additional flexibility language be added:

“To add solar panels to the roof, provided they comply with all applicable zoning regulations and building code requirements, and do not diminish the size of or interfere with the green roof shown on the plans.”

ANC Outreach

Prior to the November 15, 2018 public hearing, the Applicant and ANC 6D entered into a “Memorandum of Agreement” that is in the record at Z.C. Exhibit No. 31 (the “Memorandum of Agreement”). At the November 15, 2018 public hearing, ANC Commissioner Roger Moffat testified that the ANC supports the Application and that the Memorandum of Agreement addressed three out of the four ANC concerns identified in its ANC Report at Z.C. Exhibit No. 30. Commissioner Moffat explained that the “only item left out of the [Memorandum of] Agreement is item 2 – Parking Plan.” Z.C. Exhibit No. 36.

Since the public hearing, the Applicant has continued work with ANC 6D to resolve this last issue. Through that coordination, the Applicant will now request the Project to be excluded from DDOT’s Residential Parking Permit (“RPP”) program. Such action will constitute the Applicant’s parking plan requested by the ANC.

It is anticipated that the ANC will take a vote on December 10th, and submit its letter into the Zoning Commission record.

Final Plans

In its November 8, 2018 report, the Office of Planning (“OP”) identified certain inconsistencies within the project details and asked for the Applicant to provide an update. Z.C. Exhibit No. 29. One of those inconsistencies was the lot area, which, as referenced at the hearing, initially reflected the D.C. Plat and then was updated to reflect the District’s Tax Record and the Civil Engineer’s survey calculations.

In response to OP’s request, the Applicant provided images of the updated plans using the Civil Engineer’s survey information for the lot area in its hearing power point presentation, which was filed in the record at Z.C. Exhibit Nos. 33A1-33A3.

Following the hearing, the Applicant’s civil engineer provided a finalized survey, which updated the lot area to 13,266 square feet. Accordingly, attached here at **Exhibit C**, are a copy of the plans with the finalized lot area. Those plans are referenced herein as the “Final Plans.”

Conclusion

In conclusion, based on the evidence in the record, including the attached supplemental materials, the Applicant satisfies the requirements for the Design Review and associated relief requested. Thank you for your attention to this matter, and we look forward to the Commission’s consideration of the Application at its December 17, 2018 public meeting.

Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact us.

Sincerely,
COZEN O'CONNOR

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

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Certificate of Service

I hereby certify that on this 3rd day of December, 2018, a copy of this Post-Hearing Submission was served, via email, as follows:

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