

December 6, 2005

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

2005 DEC - 6 PM 12:10

D.C. OFFICE OF ZONING

RECEIVED

**Re: Prehearing Statement for Zoning Commission Case No. 05-25
(Consolidated PUD – H Street Community Development Corporation)**

Dear Members of the Zoning Commission:

We respectfully submit the following on behalf of H Street Community Development Corporation in support of the above-referenced application for a planned unit development:

1. One original and twenty copies of the prehearing statement in support of the application with exhibits.
2. One original and twenty copies of the architectural drawings and plans.
3. A check in the amount of \$8,967.75 for payment of the hearing fee.
4. Mailing labels for owners of the property within 200 feet of the PUD site.

We look forward to the Zoning Commission's favorable consideration of the application. Thank you for your considerate attention to this matter.

Sincerely,

HOLLAND & KNIGHT, LLP

Leila M. Jackson-Pattis

for Norman M. Glasgow, Jr.

~~RECEIVED~~
~~Office of Zoning~~

~~05-25~~
~~13~~

CC: Advisory Neighborhood Commission 5C (via U.S. Mail)
Ms. Ellen McCarthy, Office of Planning (via hand delivery)
Ms. Jennifer Steingasser, Office of Planning (via hand delivery)
Mr. Abdoulaye Bah, Dept. of Public Works,
Office of Policy & Planning (via hand delivery)
Mr. Kenneth Laden, Dept. of Transportation (via hand delivery)

**THE RHODE ISLAND AVENUE N.E.
RESIDENTIAL/RETAIL PUD**

**PREHEARING STATEMENT OF
H STREET COMMUNITY DEVELOPMENT CORPORATION
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT**

Z.C. CASE NO. 05-25

December 6, 2005

**HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000
Norman M. Glasgow, Jr., Esq.
Kyrus L. Freeman, Esq.
Steven E. Sher, Director of Zoning and
Land Use Services**

PREFACE

This Prehearing Statement and the attached documents (the "Prehearing Submission") are submitted by the H Street Community Development Corporation, the owner of the subject property (the "Applicant"), in support of its application to the Zoning Commission for the District of Columbia for the consolidated review and one-step approval of a Planned Unit Development ("PUD"). The Applicant is not seeking a Zoning Map Amendment in connection with this application.

The subject property is located on the east side of 4th Street, N.E., between Rhode Island Avenue, N.E. and Bryant Street, N.E., and consists of Lot 808 in Square 3629 (the "Subject Property"). The Subject Property is currently zoned C-3-A, which permits a maximum height of sixty-five feet (65 ft.) and a maximum floor area ratio ("FAR") of 4.0 for an apartment house or other residential use, and a maximum FAR of 2.5 for other permitted uses.

The Applicant is seeking PUD approval in order to construct a nine story apartment house with approximately 170 units. The project will have a total FAR of 4.5, with 173,355 gross square feet devoted to residential uses and 3,000 gross square feet devoted to ground floor neighborhood-serving retail uses. A minimum of twenty percent of the residential floor area, or 34,671 square feet, will be devoted to affordable housing. The project will include a total of 128 parking spaces.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on July 29, 2005 (the "PUD Submission"). That PUD Submission set forth in detail the proposed development, project design, requested areas of flexibility, and a discussion of how the project meets the requirements of the preliminary approval. This Prehearing Submission supplements the PUD Submission and responds to those issues raised by the Zoning Commission and the Office of Planning.

As set forth below, this Prehearing Submission, along with the original PUD Submission, meets the filing requirements for a PUD application under Chapters 24 and 30 of the District of Columbia Zoning Regulations.

DEVELOPMENT TEAM

Applicant/Owner: H Street Community Development Corporation
501 H Street, N.E.
Washington, D.C. 20002

Architect: Collins & Kronstadt, Leahy, Hogan, Collins,
Draper, LLP
1111 Spring Street, Suite 301
Silver Spring, MD 20910

Economic Benefits Consultant: Bolan Smart Associates Inc.
Suite 600
900 19th St, NW
Washington, DC 20036

Traffic Consultant: O.R. George & Associates, Inc.
10210 Greenbelt Road
Suite 310
Greenbelt, MD 20706-2218

Land Use Counsel: Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

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**CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS**

The Applicant hereby certifies that this application, one original and twenty copies of which were filed with the Zoning Commission on December 5, 2005, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Zoning Commission and Office of Planning	Pgs. 2-6
3013.1(b)	List of Witnesses	Exhibit D
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record:	
	William J. Barrow III H Street Community Development Corporation	Exhibit E
	Dave Draper Collins & Kronstadt, Leahy, Hogan, Collins, Draper, LLP	Exhibit F
	Eric Smart Bolan Smart Associates Inc.	Exhibit G
	Cullen Elias O.R. George & Associates	Exhibit H
	Steven E. Sher Urban Planner, Holland & Knight LLP	Exhibit I
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence	Exhibit J
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit K
3013.4	First Source Employment Agreement	Exhibit B
3013.4	Draft Memorandum of Understanding	Exhibit C
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit L

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: *Laila M. Jackson Barnes*
for Kyrus L. Freeman

LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Drawings
B	First Source Employment Agreement
C	Draft Memorandum of Understanding
D	List of Witnesses
E	Outline of Testimony of William J. Barrow, III H Street Community Development Corporation
F	Outline of Testimony of Dave Draper Collins & Kronstadt, Leahy, Hogan, Collins, Draper, LLP
G	Outline of Testimony of Eric Smart Bolan Smart Associates Inc.
H	Outline of Testimony of Cullen Elias O.R. George & Associates
I	Outline of Testimony of Steve E. Sher Holland & Knight LLP
J	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence
K	Estimated Time Required For Presentation of Applicant's case
L	List of Names and Addresses of All Owners of Property Within 200 Feet of the Subject Property

I. INTRODUCTION

This Prehearing Statement and the attached documents (the "Prehearing Submission") are submitted by the H Street Community Development Corporation, the owner of the subject property (the "Applicant"), in support of its application to the Zoning Commission for the District of Columbia for the consolidated review and one-step approval of a Planned Unit Development ("PUD"). The Applicant is not seeking a Zoning Map Amendment in connection with this application.

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The Applicant is seeking PUD approval in order to construct a nine story apartment house, with approximately 170 units. The project will have a total FAR of 4.5, with 173,355 gross square feet devoted to residential uses and 3,000 gross square feet devoted to ground floor neighborhood-serving retail uses. A minimum of twenty percent of the residential floor area, or 34,671 square feet, will be devoted to affordable housing. The project will include a total of 128 parking spaces.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on July 29, 2005 (the "PUD Submission"). That PUD Submission set forth in detail the proposed development, project design, requested areas of flexibility, and a discussion of how the

project meets the requirements of the preliminary approval. This Prehearing Submission supplements the PUD Submission and responds to those issues raised by the Zoning Commission and the Office of Planning.

II. ISSUES/QUESTIONS RAISED BY THE ZONING COMMISSION

A. Potential Retail Tenants

The project includes 3,000 square feet of neighborhood-serving retail space. The Applicant anticipates that this space will be rented to professional service providers and retailers such as a computer store, fabric store, candy store, ice cream parlor, exercise studio, consignment shop, bookstore, or other compatible residential based neighborhood retail uses.

B. Clarification of Project Amenities

The Applicant proposes to offer local, small and disadvantaged business enterprises (LSDBE) the opportunity to rent space at below market rents. The Applicant is not proffering this as an amenity of the PUD project. However, the Applicant is entering a LSDBE Memorandum of Understanding with the District's Office of Local Business Development as a project amenity.

C. Fully-Dimensioned Architectural Plans and Elevations

As requested by the Commission, a complete set of fully-dimensioned architectural plans and elevations is attached hereto as Exhibit A. The Applicant is seeking flexibility from the court width requirements. Therefore, the Applicant has added a new sheet to the plans entitled, "Courtyard Location Plan" (Sheet #11), to reflect the dimensions of the five courtyards. These courtyards have been labeled A thru E with all lengths and widths defined. The enclosed plan indicates the height of the enclosing building and garden walls or fences at the perimeter of each courtyard as well as at raised

terraces within the courtyards. These heights are shown at all target points. Dimensions along the lines between the target points are circled.

In addition, the Roof Plan (Sheet #10) has been amended to show full dimensions. Additionally, Stair A on the roof has been reconfigured to meet the one-to-one setback requirement. The pressurization equipment for Stair A and Stair B has a maximum height and distance from the roof's edge of 12 feet.

D. Additional Flexibility – Roof Structure Requirements

Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. However, as shown on the Roof Plan, the Applicant proposes to provide two enclosures: one for Stair A and one for the elevator penthouse. The enclosure for Stair A is 10 feet wide and 20 feet in length. The elevator penthouse has a height of 18 feet, which is also the distance of its closest point to the roof's edge. Separating the roof structure into two elements, rather than making them part of one enclosure, helps to break up the massing on the roof and lowers the apparent height of the building. Finally, the multiple roof structures will not adversely impact the light and air of adjacent buildings since the elevator tower and the stair enclosure are located in a manner that minimizes their visibility.

E. Design of Garage Door

The Commission requested additional information about the proposed design of the garage doors. The Applicant proposes that the garages doors have ventilating perforations since the required ventilation is appreciably enhanced by ventilation provisions in this area. Also, visibility of the garage doors is minimized because they are well removed from and below the level of the street. Neither the garage doors or ramp to the garage doors will be utilized as a service area.

III. ISSUES/QUESTIONS RAISED BY THE OFFICE OF PLANNING

A. Green Design Features

The Office of Planning recommended that the Applicant pursue Leadership in Energy and Environmental Design ("LEED") certification for the building or apply "green design" elements to the proposed structure. Although the Applicant is not in a position to pursue LEED certification for the building, the project includes a number of "green design" elements, including the following:

1. Approximately 5,000 square feet of "green" roofscape as shown on the roof plan, including perimeter travel surfaces for maintenance and appropriate storm water management, sediment and erosion control practices to meet provisions of the Chesapeake Bay Best Management Practices.
2. Provisions for bicycle storage within the garage.
3. The use of thermally efficient double glassed and thermally broken windows and storefronts. The use of insulated, weather tight exterior exit and service doors. Full thick batt insulation in exterior brick faced cavity walls with 3" minimum rigid roof insulation and an insulated upper garage ceiling to protect conditioned first floor space.
4. Use of "Energy Star" appliances. The building design also includes a high-efficiency gas fired common, incremental hot water vessel for each dwelling unit which supplies both domestic hot water and hot water to air handler coils for heating with thermal comfort levels conforming to ASHRAE 55-1992.
5. Use of organic, locally produced and post-consumer recyclables such as concrete and brick masonry whose ingredients are from natural sources such as sand, gravel, lime and clay. Use of non-toxic low emitting paints, sealants, composite wood products, carpet and resilient flooring related to healthy building standards.
6. Planting of additional street trees (Silver Lindens) within the public open space along 4th Street with lirioppe ground cover at 4ft x 6ft tree bases coupled with extensive court yard landscaping to reduce heat island at grade and roof levels thru the use of green roof areas.
7. The provision of 90% daylight and views from interior spaces, exterior lighting which reduces light pollution, and ozone protection through the

elimination of HCFC's and halons from HVAC and fire suppression systems.

8. Use of recycling containers within the trash room for paper, glass and plastic containers.

B. Provision of Flex Car Spaces

The Office of Planning recommended that the Applicant provide at least two flex car spaces on-site as an option for residents of the building and the immediate neighborhood. The Applicant has determined that the provision of flex cars is a worthwhile program to further pursue for residents of the proposed development once the project is completed. For security and liability concerns, the Applicant proposes limiting the use of any flex cars to residents of the project.

Based upon preliminary research, the Applicant is interested in enrolling in the Zipcar program. This program requires yearly membership from residents and may require monthly financial support from the owners. Zipcar's Guarantee Revenue Vehicle Program would place a vehicle at the site, and can limit the vehicles to residents as a security measure. The Applicant will conduct further studies to determine if there is market within the proposed building to support the program.

C. First Source Employment Agreement and Local, Small, and Disadvantaged Business Enterprises (LSDBE) Memorandum of Understanding

A fully executed First Source Employment Agreement is attached hereto as Exhibit B. The Applicant is in the process of finalizing a LSDBE Memorandum of Understanding. A form of the Memorandum of Understanding the Applicant anticipates executing is attached hereto as Exhibit C. The Applicant will submit the fully-executed Memorandum of Understanding prior to the public hearing on this Application.

D. Affordability of Units

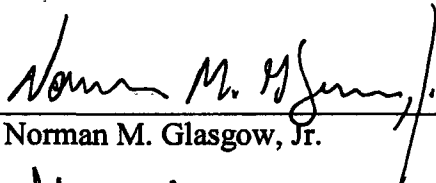
As discussed in the Applicant's application statement, a minimum of twenty percent of the residential floor area, or 34,671 square feet, will be devoted to affordable housing. This minimum affordable component will be equally divided among the junior one bedroom, one bedroom, and two bedroom units and integrated throughout the development. Eligible tenants will be families and individuals whose annual incomes are at least 60%, but no more than 80% of the area median income. The Applicant's affordable housing program will ensure that work force housing units are available for residents.

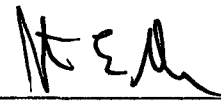
**IV.
CONCLUSION**

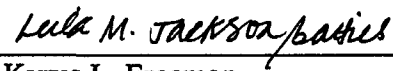
For the foregoing reasons, the Applicants respectfully request that the Zoning Commission approve the PUD application.

Respectfully submitted:

HOLLAND & KNIGHT LLP

By: 
Norman M. Glasgow, Jr.

By: 
Steven E. Sher, Director of Land
Use and Zoning Services

By: 
Kyrus L. Freeman

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