

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

3RD & H STREET, N.E.

**PUD
MODIFICATION
APPLICATION**

Z.C. Case No. 06-01B

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**PREHEARING STATEMENT OF THE
APPLICANT**

SEPTEMBER 24, 2009

Holland & Knight LLP

ZONING COMMISSION
District of Columbia

CASE NO

06-01B

EXHIBIT NO

14

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
CASE NO. 06-01B
EXHIBIT NO. 14
EXHIBIT NO. 14

DEVELOPMENT TEAM

Applicant and Owner/Developer	Steuart-H Street LLC Suite 1600 5454 Wisconsin Avenue Chevy Chase MD 20815
Architects	Torti Gallas and Partners, Inc 4 th Floor 1300 Spring Street Silver Spring, MD 20910
Civil Engineers	VIKA Suite 200 8180 Greensboro Drive McLean VA 22102
Landscape Architects	Lee and Associates 638 I Street, N W Washington D C 20001
Economic Benefits Consultant	Bolan Smart Associates Suite 600 900 19 th Street, N W Washington, D C 20036
Traffic Consultant	Wells & Associates, LLC Suite 600 1420 Spring Hill Road McLean, VA 22102
Land Use Counsel	Holland & Knight LLP Suite 100 2099 Pennsylvania Avenue, N W Washington D C 20006

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LIST OF EXHIBITS

Exhibit	Description
A	Executed DOES/LSDBE Agreements
B	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
C	Outline of Testimony and Biography of Guy Steuart – Steuart-H Street LLC
D	Outline of Testimony and Resume of Cheryl O'Neill & Sarah Alexander - Torti Gallas and Partners, Inc
E	Outline of Testimony and Resume of Steven E Sher - Holland & Knight LLP
F	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
G	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property
H	Transportation Impact Analysis prepared by Wells & Associates

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

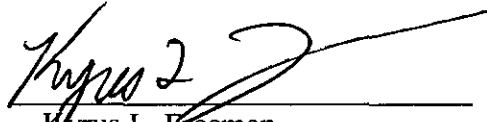
The Applicant hereby certifies that this application, one original and twenty copies of which were filed with the Zoning Commission on September 23, 2009 complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013 1(a)	Information Requested by Zoning Commission and Office of Planning	Pgs Herein
3013 1(b)	List of Witnesses	Exhibit B
3013 1(c)	Outline of Testimony of Applicant's Witnesses and Resumes	Exhibit C-E
	Guy Steuart Steuart-H Street LLC	Exhibit C
	Cheryl O'Neill & Sarah Alexander Torti Gallas and Partners, Inc	Exhibit D
	Steven E Sher Holland & Knight LLP	Exhibit E
3013 1(e)	Reduced Plans	N/A
3013 1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit F
3013 1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit B
3013 6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit G

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 
Kyrus L. Freeman

I INTRODUCTION

This Prehearing Statement and the attached documents are submitted by Steuart-H Street LLC (the "Applicant"), in support of its application for modification of an approved planned unit development in conformity with Chapter 24 of the District of Columbia Zoning Regulations (Title 11, DCMR). The subject property is located between 3rd, 4th, H and I Streets N E, Washington, D C, at Lot 54 in Square 776, and has a land area of 60,870 square feet. The property is zoned C-2-B and is located within the H Street, N E Neighborhood Commercial Overlay District.

Pursuant to Z C Order No 06 01 issued October 12, 2007, the Zoning Commission approved a planned unit development and related map amendment to rezone approximately 9,072 square feet of the Site from the C-2-A to the C-2-B District at the site to allow construction of a mixed-use development containing approximately 228 apartment units and approximately 46,579 square feet of retail and service uses, including a grocery store. The approved building would be built to a maximum height of ninety feet and would have a floor area ratio ("FAR") of 4.8, or approximately 287,930 square feet of gross floor area. The previously approved project was designed to include a total of approximately 399 parking spaces. Pursuant to Z C Case No 06-01A currently pending with the Zoning Commission, the Applicant is seeking a two year extension of the approved PUD only in the event that the Zoning Commission does not approve the requested modifications described herein.

The Applicant seeks approval of a modification as its preferred plan to the approved PUD. The requested modification would eliminate the top two stories of the building and, as reconfigured, the maximum building height would be reduced from 90 feet in height to 75 feet. As a result, the number of residential units in the proposed

project would be reduced from 228 to 212, and the total gross floor area would decrease from 287,930 square feet (4.8 FAR) to approximately 250,160 square feet (approximately 4.2 FAR). Finally, the number of off-street parking spaces would be reduced from 399 to 270 to reflect the reduction in residential units in the building and the elimination of one level of the underground garage. In all other respects, the modified project will be substantially consistent with the conditions set forth in Zoning Commission Order No. 06-01. The gross floor area of the grocery store in the proposed alternative would be approximately 41,000 square feet, which is consistent with what is shown on the approved plans.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on August 31, 2009 (the "PUD Submission"). The PUD Submission set forth in detail the proposed development, project design, requested areas of zoning and design flexibility, and a discussion of how the project meets the PUD review and approval requirements. The Applicant notes that the Office of Planning report, dated September 4, 2009, recommended that the Zoning Commission schedule a public hearing on the application. This Prehearing Submission supplements the PUD Submission and responds to the issue raised by the Zoning Commission.

II ISSUES/CONCERNS RAISED BY THE ZONING COMMISSION

At its public meeting of September 14, 2009, the Zoning Commission voted to schedule a public hearing for the application. The only question raised by the Zoning Commission at that point was whether the Zoning Commission could legally approve alternative proposals affecting the same site. After further consideration, the Applicant

has determined that it only needs the previously requested PUD extension in the event that the Zoning Commission does not approve the PUD modification requested herein. Thus, we believe there is no outstanding issue on this matter. Moreover, the Applicant hereby withdraws its request for approval of alternative plans. The Applicant is now solely seeking approval of the modified proposal as shown on the architectural plans and elevations filed on August 31, 2009. Therefore, only in the event that the Zoning Commission does not approve the modification requested pursuant to this application, will the Applicant renew its request that the Zoning Commission approve the two-year extension sought pursuant to case 06-01A for the original PUD.

III ADDITIONAL REQUIREMENTS OF SEC 3013 OF THE ZONING REGULATIONS

A List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec 3013 1(b) of the Zoning Regulations, a list of witnesses prepared to testify at the public hearing on behalf of the Applicant is attached as Exhibit B.

B Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec 3013 1(c) of the Zoning Regulations, the resumes and summaries of the testimony of those persons who may be called to testify at the public hearing are attached as Exhibits B through E.

C List of Maps, Plans or Other Documents Readily Available

In accordance with Sec 3013 1(f) of the Zoning Regulations, the following maps, plans, or other documents that are readily available to the general public may be offered into evidence at the public hearing.

- 1 Exhibits Herein
- 2 Zoning Regulations and Map of the District of Columbia
- 3 Future Land Use Map of the District of Columbia
- 4 District of Columbia Comprehensive Plan ("Comprehensive Plan")
- 5 Metrobus and Metrorail Route Maps and related WMATA and other
public transportation materials
- 6 Orders of the D C Zoning Commission and Board of Zoning Adjustment
- 7 Orders and Reports of District and Federal Agencies
- 8 Publicly Available Information from District of Columbia

D Estimate of Time Required for Presentation of Applicant's Case

In accordance with Sec 3013 1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is thirty (30) minutes

E Agreements with the District of Columbia

The Applicant executed a First Source Employment Agreement with the Department of Employment Services and a LSDBE Memorandum of Understanding with the Department of Small and Local Business Development as part of Z C Case No 06-01 Copies of these documents were submitted in the record of Z C Case No 06-01, and a copy of each agreement is attached hereto as Exhibit A The Applicant intends to fulfill its commitments as identified in the agreements submitted and approved as part of in Z C Case No 06-01

F Names and Addresses of Owners of Property Within 200 Feet of Property

In accordance with Section 3013 6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the PUD Site is attached as Exhibit G

G Reports by Traffic Consultant

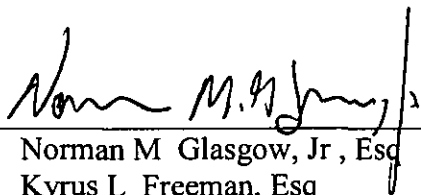
In accordance with Section 3013 10 of the Zoning Regulations, the report prepared by Wells & Associates is attached hereto as Exhibit H

IV CONCLUSION

For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the application to modify the PUD

Respectfully submitted

HOLLAND & KNIGHT LLP

By 
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