

**1600 NORTH CAPITOL STREET
WASHINGTON, DC
PLANNED UNIT DEVELOPMENT**

PREHEARING STATEMENT

OF THE APPLICANT

**TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND
ZONING MAP AMENDMENT**

May 22, 2006

**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**

**ZONING COMMISSION
District of Columbia**

CASE NO. 06-04

EXHIBIT NO. 20
ZONING COMMISSION
District of Columbia
CASE NO. 06-04
EXHIBIT NO. 20

PREFACE

This Prehearing Statement and the attached documents are submitted by Florida & Q Street, LLC (the "Applicant"), in support of its application to the Zoning Commission of the District of Columbia for the consolidated review and one-step approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment.

The property that is the subject of this application consists of Lot 48 in Square 3100 (the "Subject Property"). The Subject Property is located at the intersection of two major arterial streets at the corner of Florida Avenue, N.W. and North Capitol Street. More specifically, the property is located along the north side of Q Street and Florida Avenue, N.W. and the west side of North Capitol Street. The Subject Property is located 2200 feet from the recently opened New York Avenue Metro Station. The Subject Property is currently zoned C-2-A. The Applicant is seeking consolidated PUD approval and rezoning of the Subject Property to the C-2-B District.

The proposed PUD contemplates the construction of a mixed use development having a combined gross floor area of approximately 85,428 square feet, and two levels of underground parking ("1600 North Capitol Street" or the "Project"). Approximately 81,428 square feet will be residential providing between 65-85 dwelling units and a total of 4,970 square feet of floor area will be provided for retail use in the cellar. The Project will have an approximate FAR of 4.5 and a maximum building height of approximately 86 feet at the corner of North Capitol Street and Florida Avenue, with substantial setbacks at the sixty-five foot level on all street

fronts. The required parking under the Zoning Regulations is approximately 26 parking spaces. The Project will provide 84 parking spaces. Access to the parking garage and the loading dock area will be from Florida Avenue.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on February 2, 2006 (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 Comprehensive Plan. 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 and Owner/Developer: Florida & Q Street, LLC
4125 Fessenden Street, NW
Washington, DC 20016

Architect: Bonstra Haresign Architects
1710 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20009

Economic Benefits Consultant: Bolan Smart Associates
900 19th Street, N.W.
Suite 600
Washington, D.C. 20036

Traffic Consultant: O.R. George & Associates
10210 Greenbelt Road
Suite 310
Lanham, 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 May 22, 2006, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

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3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record	
	Joe Mamo Florida & Q Street, LLC	Exhibit G
	William Bonstra, AIA Bonstra Haresign Architects	Exhibit H
	Eric Smart Bolan Smart Associates	Exhibit I
	Osborne George O.R. George and Associates	Exhibit J
	Steven E. Sher Director of Zoning and Land Use Services, Holland & Knight LLP	Exhibit K
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 L
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3013.4	LSDBE Memorandum of Understanding	Exhibit E

3013.6(a)

List of Names and Addresses of All
Property Owners Within 200 Feet of
The Subject Property

Exhibit M

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
Kyrus L. Freeman

LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Elevations
B	Memorandum Regarding Traffic Impact Assessment
C	Representative Public Art Displays
D	First Source Employment Agreement
E	LSDBE Memorandum of Understanding
F	List of Witnesses and Estimated Time Required For Presentation of Applicant's case
G	Outline of Testimony of Joe Mamo
H	Outline of Testimony of William Bonstra
I	Outline of Testimony of Eric Smart
J	Outline of Testimony of Osborne George
K	Outline of Testimony of Steven E. Sher
L	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence
M	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 are submitted by Florida & Q Street, LLC (the "Applicant"), in support of its application to the Zoning Commission of the District of Columbia for the consolidated review and one-step approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment.

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The proposed PUD contemplates the construction of a mixed use development having a combined gross floor area of approximately 85,428 square feet, and two levels of underground parking ("1600 North Capitol Street" or the "Project"). Approximately 81,428 square feet will be residential providing between 65-85 dwelling units and a total of 4,970 square feet of floor will be provided for retail use in the cellar. The Project will have an approximate FAR of 4.5 and a maximum building height of approximately 86 feet at the corner of North Capitol Street and Florida Avenue, with

substantial setbacks at the sixty-five foot level on all street fronts. The required parking under the Zoning Regulations is approximately 26 parking spaces. The Project will provide 84 parking spaces. Access to the parking garage and the loading dock area will be from Florida Avenue.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on February 2, 2006 (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 Comprehensive Plan. 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. Architectural Plans and Elevations

As requested by the Zoning Commission, a revised set of architectural plans and elevations is attached hereto as Exhibit A. These plans are fully-dimensioned and present a clear depiction of the materials and colors proposed to be incorporated into the project. The proposed PUD reflects the careful consideration given by the Applicant and the architects to the unique location of the Subject Property and the surrounding uses and intensity of uses. The revised plans include more detail concerning the design of the

corner, the relationship of the proposed building to adjacent properties, and additional information concerning the proposed architectural embellishment.

B. Overall Planning, Land Use and Zoning Considerations

The Commission raised some questions regarding the context of the development and how the Applicant's proposal fits with the zoning and land use patterns in the immediate neighborhood.

1. Context and Design

The Subject Property is prominently located at a major intersection along the eastern edge of the Florida Avenue commercial corridor and North Capitol Street. Moreover, the Subject Property is located approximately 2200 feet from the entrance to the New York Avenue Metrorail Station. North Capitol Street, which has a width of 130 feet, and Florida Avenue, which has a width of 80 feet, are major through streets and are serviced by six (6) Metrobus routes. The existing buildings that occupy the same square are composed of 2-story single and multi-family townhouse dwellings, and a 5-story multi-family apartment building fronting Florida Avenue at the west end of the square. Existing structures on the surrounding squares are composed of mixed-use, moderate density commercial buildings and moderate density single-family and multi-family dwellings.

Due to the Subject Property's prominent location at the eastern gateway of the Florida Avenue corridor, the Subject Property requires a building of substantial quality and significant character consistent with the prominence of this location and the context of the neighborhood. The

proposed design meets this challenge in several notable ways. Currently, the Subject Property is vacant, which creates a derelict appearance at this major intersection. The proposed project will provide a strong building form that will anchor this important intersection and improve its appearance. Particular attention has been paid to the design of the building massing to create both a strong overall form for this important intersection and smaller secondary massing with more intricate detail that will complement the residential scale of the neighborhood.

The building consists of a 6-story, L-shaped building, with a 7-story central “tower” at the intersection of the two streets. The maximum building height at the wings is roughly 65 feet with 15 foot and 10 foot setbacks at the sides and front respectively, and a building height of approximately 86 feet at the “tower”. Additionally, at the North Capitol wing, 35 foot bays are proposed to compliment the massing of the residential townhouse bays to the north.

For the entire length of the North Capitol Street façade, the building massing is treated with a clear residential vocabulary and includes a number of setbacks. A mansard roof with dormer windows at the 5th floor creates a strong roofline. The 6th floor is setback 10 feet from the main building face and 14 feet from the projecting bays to minimize the apparent height of the building from below. Additionally, to ease the transition between the proposed project and adjacent townhouses to the north, a 13.5 foot portion of

building is setback above the 3rd floor, creating a massing that is roughly in line with the adjacent townhouse roof at approximately 35 feet. Moreover, the project is designed such that its primary bulk is at the corner of North Capitol Street and Florida Avenue, away from the nearby residential community.

In addition, the building transitions from a maximum of 86 feet down to approximately 65 feet for the majority of the building then to fifty-five feet on the north and west exposures. This reduction in height will serve to minimize any potential adverse impacts resulting from the height on the adjacent residential community.

2. Surrounding Zoning and Land Use Patterns

The proposed project is consistent with the surrounding zoning and land uses. The Subject Property is currently zoned C-2-A, and is proposed to be rezoned to C-2-B pursuant to this application. The Generalized Land Use Map of the Comprehensive Plan designates the Subject Property as low density commercial, and the Policies Map designates it as a local neighborhood commercial center. According to the Policies Map, the Subject Property is located diagonally across the intersection from the Northeast No. 1 / Eckington Yards Special Treatment Area.

The square to the south east of the Subject Property is located in the North Capitol transferrable development rights receiving zone and thus could be developed to a maximum height of 130 feet and a density of 10.0 FAR,

assuming the acquisition of TDRs. Directly to the north and south of the Subject Property along North Capitol Street is a commercial area zoned C-2-A. To the northwest and northeast off of North Capitol Street are residential neighborhoods zoned R-4. East of the Subject Property, along the north side of Florida Avenue, the C-2-A District becomes C-M-2 with warehouse facilities, the XM Satellite Radio building and the Federal Express Distribution Center. The south side of Florida Avenue in this area is zoned C-3-C and there is an existing high-rise office building at 64 New York Avenue, N.W. This area east of the Subject Property is also within the Northeast No. 1 / Eckington Yards Special Treatment Area.

To the south of the Subject Property, the east side of North Capitol Street is zoned C-3-C with the parking lot for the large office building. The west side of North Capitol continues as a commercial area zoned C-2-A. The area west of the Subject Property along Florida Avenue is also zoned C-2-A. There are mainly 2-story row structures interspersed with a gas station on the south side of Florida Avenue and a 5 story multifamily building at the corner of Florida Avenue and Quincy Street. There is also a park located along this portion of Florida Avenue. There are several gas stations located on Florida Avenue both east and west of the Subject Property.

Among the major themes advanced under the Comprehensive Plan ("Plan") is the goal of respecting and improving the physical character of the District. The Applicant's proposal is consistent with this theme through the

development of an exceptional design that will significantly enhance the prominence of the North Capitol Street corridor and improve the appearance of the vicinity as a whole.

The Comprehensive Plan encourages making maximum use of the District's location at the center of the region's radial Metrorail and commuter rail systems. *See* 10 DCMR §109.1(b). The Project takes advantage of this asset by its location along major Metro bus routes and its proximity to the New York Avenue Metro Station which is connected by the Red Line to Union Station with local and regional train service. Moreover, consistent with the Comprehensive Plan's Urban Design element, the proposed PUD will enhance the quality of the area through superior design elements that respect the special character of this prominent commercial corridor.

As discussed above, the project has been designed to enhance the physical character of the area and complement the materials, height, scale and massing of the moderate density commercial area along Florida Avenue and North Capitol Street and the moderate density residential community to the west and north. High density development with 130' heights is permitted in close proximity to the Subject Property and the architectural design of the project provides an appropriate transition. Moreover, the project's height steps down significantly – from 86 feet to approximately 65 feet and then to 55 feet to better fit with the nearby residential community. In this regard,

the project's massing and scale are sensitive to the established patterns of development in the area.

The project is also consistent with the Comprehensive Plan's land use element since the development provides mixed use development within a local neighborhood commercial center that will foster the continued growth of the District's economy and employment base while providing additional residential stock for its citizens. Further, as set forth in the legislative history of the Comprehensive Plan where the commercial categories are listed it is stated as follows:

FAR means the range of permitted commercial floor area ratio under matter-right-zoning; numbers listed do not include maximum permitted residential floor area ratio, nor do they include the additional commercial floor area ratio permitted under planned unit development guidelines of the Zoning Regulations.

Report on Bill 8-2 p.14, October 3, 1989

The Subject Property, which is only 2200 feet from the New York Avenue Metro Station, is a perfect example of where the maximization of residential FAR on a commercially designated Subject Property should occur. The commercial FAR is far less than 1.0 while the residential FAR is proposed to be increased.

III. ISSUES/QUESTIONS RAISED BY THE OFFICE OF PLANNING

A. Green Roof

Sheets A-3.9 and A-3.10 of the Architectural Plans and Elevations attached hereto as Exhibit A clearly identify the parameters of the proposed green roof.

B. Residential Recreation Space

As requested by the Office of Planning, Sheet 3.9 of the Architectural Plans and Elevations attached hereto as Exhibit A clearly identify the qualifying and non-qualifying residential recreation space.

C. Court Width

The Applicant also requests relief from the court width regulations. The width of the closed court along the northern property line is 15.2 feet. Pursuant to the Zoning Regulations, the width of the court must be 4 inches for every foot of height. The height of the court is 64 feet and therefore the required width is 21 feet. This, the Applicant seeks flexibility from the court width requirement.

The Applicant is attempting to provide more open space at the rear of the property to allow for additional buffer to the nearby residences, and therefore would like to provide this court space. However, the Applicant cannot increase the width of the court by the additional six feet to meet the requirement. The Applicant set back the court as much as possible, but the 58 foot wide proposed building is much less than what is generally designed

for a "double-loaded" residential building, which is typically between 70 and 75 feet. Thus, in order to meet the required court width, the width of the building would have to be further reduced which would render the proposed wing unusable for a residential layout.

D. Traffic Impact Assessment

The Applicant has retained O.R. George & Associates, Inc. to review the proposed project. As indicated in the Memorandum attached hereto as Exhibit B, the Traffic Impact Assessment address each of the issues that are of relevance to the review process, including access related issues, trip generation and distribution considerations, and level of service considerations.

E. Public Benefits and Project Amenities

In addition to the public benefits and project amenities set-forth in the Applicant's original PUD Submission, the Applicant is also in the process of meeting with community organizations to develop a community amenities package. Thus far, the Applicant has agreed upon a preliminary package with the Harry Thomas Community Service Center, and the Applicant is continuing to meet with additional organizations to finalize the community amenities package. The Applicant will submit a description of the proposed community amenities package once it is finalized.

F. Public Art Display

The Applicant is committed to commissioning a high-quality public art display, such as an abstract metal sculpture or a water element, that will be

located at the entry plaza of the proposed building. Although the Applicant has not selected a particular artist or design at this point, photographs of public art displays used in other projects which are similar to what will be placed on the plaza are attached hereto as Exhibit C. The Applicant is setting aside an allowance of \$75,000.00 for the public art display, and is in the process of working with consultants to determine the actual display. Once a display has been commissioned, if the Zoning Commission requires, the Applicant will submit a final proposal to the Zoning Commission for approval of the public art display component of this project.

G. First Source Employment Agreement

The Applicant has executed and submitted to the Department of Employment Services ("DOES") a First Source Employment Agreement in order to ensure cooperation with DOES for employee recruitment for jobs created by the PUD with the objective that fifty-one percent (51%) of the employees hired in connection with the development of the project are District of Columbia residents. A copy of the executed agreement the Applicant intends to submit to DOES is attached hereto as Exhibit D.

H. LSDBE Memorandum of Understanding

The Applicant has executed and submitted to the Office of Local Business Development ("OLBD") a Memorandum of Understanding committing to make a bona-fide effort to utilize local, small, or disadvantaged business enterprises certified by the District of Columbia Local Business Opportunity Commission in order to achieve, at a minimum, the goal of

thirty-five percent (35%) participation in the contracted development costs in connection with the development of the project. A copy of the executed Memorandum the Applicant intends to submit to the OLBD is attached hereto as Exhibit E.

**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.
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By: Kyrus L. Freeman
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