

2400 14th Street, N.W.

**PREHEARING STATEMENT OF
LEVEL 2 DEVELOPMENT, LLC
IN SUPPORT OF AN APPLICATION
FOR CONSOLIDATED REVIEW OF A PLANNED UNIT DEVELOPMENT
ZONING CASE NO. 06-24**

2006 SEP 19 PM 3: 01

D.C. OFFICE OF ZONING

RECEIVED

September 19, 2006

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

**ZONING COMMISSION
District of Columbia**

ZONING COMMISSION
District of Columbia
CASE NO. 06-24
CASE NO. 06-24
EXHIBIT NO. 17
EXHIBIT NO. 17

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

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on September 19, 2006, and, in accordance with Section 3013.8, the application shall not be modified less than twenty days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning	Pgs. 5 - 8
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 8 Exhibit E
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 8 Exhibits F-J
3013.1(e)	Reduced plans	Exhibit A
3013.1(f)	List of maps, plans, or other documents readily available that will be offered into evidence	Pg. 8 Exhibit K
3013.1(g)	Estimated time required for presentation of Applicant's case	Pg. 9
3013.4	Memorandum of Understanding	Pg. 9
3013.4	First Source Employment Agreement	Pg. 9
3013.6(a)	Names and addresses of all property owners within 200 feet of the subject property	Pg. 9 Exhibit L
3013.10	Report by Traffic Consultant	Pg. 9

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Plans and Drawings	A (Submitted Separately)
Description of Boys and Girls Teen Center Programs And Proposed Budget	B
Description of Samaritan Inn Enriched Housing Communities	C
Description of LEED Principles	D
List of witnesses to testify on behalf of Applicant	E
Outline of testimony of David Franco, Level 2 Development, Inc.	F
Outline of testimony of Shalom Baranes, Shalmon Baranes Associates	G
Outline of testimony of Martin Wells, Wells & Associates, LLC	H
Outline of testimony of Eric Smart, Bolan Smart & Associates, Inc.	I
Outline of testimony of Steven E. Sher, Holland & Knight LLP	J
List of maps, plans, or other documents readily available	K
Names and addresses of owners of property within 200' of the subject property	L

TABLE OF CONTENTS

	<u>Page</u>
Certification of Compliance	i
List of Exhibits	ii
I. Introduction	4
A. Project Overview	4
B. Procedural Background	5
II. Supplemental Information on the Application	5
A. Issues Raised by the Office of Planning	5
1. Modifications to Building Design	5
2. Truck Movements	6
3. Tenant(s) for Below-Market Retail	7
4. Monetary Contributions to Neighborhood Organizations	7
5. Environmental Design / "Green" Building Practices	7
B. Issues Raised by the Zoning Commission	8
1. Value of Below-Market Retail	8
III. Additional Requirements of Section 3013 of the Zoning Regulations	8
A. List of Witnesses Prepared to Testify on Applicant's Behalf	8
B. Summary of Testimony of Witnesses or Reports and Area of Expertise	8
C. List of Maps, Plans, or Other Documents	8
D. Estimate of Time Required for Presentation of Applicant's Case	9
E. Agreements with the District of Columbia	9
F. Names and Addresses of Owners of Property Within 200 Feet of Subject Property	9
G. Report by Traffic Consultant	9
IV. Conclusion	10

I. INTRODUCTION

This prehearing statement is submitted on behalf of Level 2 Development, LLC, on behalf of L2CP 2400 Holdings, LLC, (the "Applicant") in support of its application for consolidated review and approval of a planned unit development at 2400 14th Street, N.W. (the "Application"). It addresses the comments and concerns raised by the Office of Planning and the Zoning Commission. This prehearing statement also includes items required under Section 3013 of the Zoning Regulations.

A. Project Overview

The Proposed PUD Site is located on the west side of 14th Street, N.W., between Belmont and Chapin Streets, (the "Property") in the area commonly referred to as the U Street Corridor. Consisting of approximately 39,991 square feet of land area, the Property is currently improved with a strip shopping center with 17,743 square feet of retail space.¹ The Property and surrounding area are well served by public transportation, including Metrobus lines and the U Street-Cardozo Metrorail Station, which is located approximately five blocks southeast of the Property at U and 18th Streets.

The design of the PUD consists of a series of intersecting, simple, rectilinear volumes that step down the 14th Street frontage, negotiating the one and a half story drop across the site. These volumes, which vary in height and breadth, allow the overall composition to respond to both the larger scale of the 14th Street frontage and the more intimate apartment buildings to the west. The focal point of the composition is a delicate precast frame with residential balconies and bases, and stitches the various volumes together and works as an architectural "veil" on the building, adding depth and layering to the 14th Street façade. A second precast concrete and glass corner bay firmly anchors the building to its site at the corner of Chapin and 14th Street. The building's massing fronts on 14th Street, allowing ample setbacks on the western sides to the neighboring alley and structures.

At the ground level of the building, on the Belmont and 14th Street frontages, there will be a series of street-oriented retail spaces with tall ceilings. On the Chapin Street

¹ Of the available retail space, 11,767 square feet is leased and 5,976 square feet is vacant.

frontage, there will be street-oriented, walk-in residences. Retail and residential parking and service loading areas will have access from the two-way 20 foot public alley on the west side of the Property.

B. Procedural Background

The Application was filed with the Zoning Commission on May 17, 2006. On July 10, 2006, the Zoning Commission unanimously voted to schedule the Application for public hearing. With the submittal of this prehearing statement, the Applicant respectfully requests that the Application be scheduled for the next available hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Issues Raised By The Office Of Planning

In its report to the Zoning Commission, dated June 30, 2006, the Office of Planning suggested modifications to the building design, including the penthouse massing and building materials on the western façade. The Office of Planning also expressed concern about truck movements into and out of the alley behind the project and the orientation of the parking garage entrance. Additional information on the tenant(s) of the below-market retail space within the PUD, organizations that would receive monetary contributions from the Applicant, and the "green" elements of the project was also requested.

Following are the Applicant's responses to the issues raised by the Office of Planning:

1. **Modifications to Building Design.** The revised plans for the PUD are enclosed. The architectural changes are as follows:

- a. The height, volume, length and area of the mechanical penthouse were reduced. (Sheets A3-A7 and S3 and S4)

- b. The western façade of the building was modified. Further articulation of the mechanical penthouse was provided by using different exterior materials and varying heights, which creates a visually reduced scale of the western façade. (Sheets A4, A5 and A7) Also, the 9th floor massing at the northwest portion of the building was reduced, resulting in a reduction of the building height and an increase in setback from the property line from 16'-6" to 51'-0". (Sheets S3 and S4 and A3-A7) Finally, the western mechanical penthouse wall setback reinforces the visually reduced scale of the western building façade. (Sheets S3 and S4, A3-A4 and A7)
- c. Further development of the walk-in residences on Chapin Street is provided. The north façade creates a more intimate scale along Chapin Street. (Sheets L1, A2, A5 and A7-A8)
- d. The residential garage ramp was angled to encourage a more even trip distribution and easier maneuvering to and from north of the alley. (Sheets S3-S4, L1, A1-A2 and A4)
- e. The plans depict two "shared car" parking spaces in the loading area, one of which will be reserved for building management. (Sheets S4 and A2)

2. **Truck Movements.** The PUD can accommodate a 30' single unit truck approaching westbound on Belmont and turning north into the alley, and then exiting the loading area to 14th Street via Chapin. This movement requires the loss of one parking space at the northeast corner of Belmont and the alley. Also, one parking space at the southeast corner of the alley and Chapin must be removed. The loss of the parking spaces at Belmont and Chapin are fully mitigated by the creation of two parking spaces resulting from the closure of an existing curb cut on Belmont. Due to the nature of the project (i.e. the size of the units and scale of retail), a 55' tractor trailer is not likely to service the residents or retail tenants of the PUD.

3. **Tenants for Below-Market Retail.** Level 2 will reserve 1,000 square feet of the retail space for LSDBE businesses with qualified business plans approved by the developer. The tenant(s) will be required to enter an agreement with DOES, Columbia Heights Development Corporation or a similar organization with an employment program for District residents.

4. **Monetary Contributions to Neighborhood Organizations.** As part of the amenities and benefits package offered in connection with the Application, the Applicant will make monetary contributions to assist the following neighborhood programs and initiatives:

Teen Center at the Boys & Girl Club of Greater Washington. The Applicant will contribute \$17,500.00 toward the development of a new teen center at the Boys and Girls Club #10. A description of the programs and proposed budget is attached as Exhibit B.

Samaritan Inns. The Applicant will contribute \$5,000.00 toward the Samaritan Inn's Service Enriched Housing Communities, which offers long-term affordable housing solutions for persons recovering from addiction and homelessness. A description of the program is attached as Exhibit C.

Southern Columbia Heights Neighborhood Association. The Applicant will contribute \$2500.00 to the Southern Columbia Heights Neighborhood Association. \$2400.00 will be used to send two children from the Faircliff development to the Birch Creek Summer Camp in Utah. The balance will go towards community enrollment and outreach in the form of fliers and mailings.

5. **Environmental Design / "Green" Building Practices.** A description of the Leadership in Energy and Environmental Design (LEED) principles that will be incorporated into the PUD design, as set forth in the U.S. Green Building Council's Green Building Rating System for New Construction and Major Renovations Version 2.2, is attached as Exhibit D.

B. Issues Raised By The Zoning Commission

At its meeting of July 10, 2006, the Zoning Commission voted unanimously to schedule the Application for public hearing. Many of the questions and concerns raised by the Zoning Commission were the same as those raised by the Office of Planning and addressed above. The Zoning Commission also requested calculations for the value of the below-market retail. The Applicant's response is set forth below.

1. **Value of Below-Market Retail.** The tenant(s) qualified LSDBE business will be able to lease 1,000 square feet of retail space at \$30.00 per square foot, or 60% of the estimated market-rate rent, which is currently \$50 per square foot. The reduced leased will be granted for an aggregate value of \$100,000.00, or a net present value of \$78,813.00, based on an interest rate of 8.5%. The tenant qualifying and selection process will be managed by the Development Corporation of Columbia Heights.

**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 E.

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

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who will be called to testify at the public hearing are attached as Exhibits F through J.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that will be offered into evidence at the public hearing is attached as Exhibit K.

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 1.0 hour, subject to the decision of the presiding officer at the public hearing.

E. Agreements with the District of Columbia

The Applicant is committed to make a bona fide effort to utilize local, small or disadvantaged business enterprises certified by the District of Columbia Local Business Commission in order to achieve, at a minimum, the goal of thirty-five percent participation in the contracted development costs in connection with the development of the PUD. The Applicant will also enter into a First Source Agreement with the Department of Employment Services ensuring cooperation with the Department for employee recruitment for jobs created by the PUD, with the objective that fifty-one percent of the employees hired in connection with the development of the project are District of Columbia residents. Draft versions of the foregoing agreements will be submitted to the Zoning Commission not less than twenty (20) days prior to the date of the public hearing on the Application.

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 L.

G. Report by Transportation Consultant

In accordance with Section 3013.10 of the Zoning Regulations, a copy of the report prepared by Wells & Associates, traffic consultants, in connection with the Application will be submitted to the Department of Transportation not less than twenty (20) days prior to the public hearing on the Application.

IV. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of Level 2 Development, LLC in order to provide additional information in support of the PUD application for 2400 14th Street, N.W. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's approval of the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:


Norman M. Glasgow, Jr.

By:


Leila M. Jackson Batties

By:


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

2099 Pennsylvania Ave., N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

4015418_v3