

PREHEARING SUBMISSION
FOR
THE JOHN AKRIDGE DEVELOPMENT COMPANY

5220 WISCONSIN AVENUE, N.W.
ZONING COMMISSION CASE No.06-31

NOVEMBER 13, 2006



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ZONING COMMISSION
District of Columbia

CASE NO. 06-31 ZONING COMMISSION
District of Columbia
EXHIBIT NO. 23 CASE NO.06-31
EXHIBIT NO.23

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CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this application, twenty copies of which were filed with the Zoning Commission on November 13, 2006, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, and that the application is complete.

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Commission	Prehearing Statement
3013.1(b)	List of Witnesses	Exhibit D
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record:	
	Representative from The John Akridge Development Company	Exhibit E
	Eric Colbert Eric Colbert & Associates	Exhibit E
	Osborne George/Iain Banks, O.R. George & Associates	Exhibit E
	Eric Smart, Bolan Smart Associates	Exhibit E
	Steven E. Sher, Urban Planner	Exhibit E
3013.1(d)	Additional Information	Submitted herewith
3013.1(e)	Reduced Plans	Submitted herewith and with PUD Submission
3013.1(f)	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence	Exhibit G

3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit D
3013.6(a)	List of Names and Addresses of All Owners of Property Within 200 Feet of The Subject Property	Exhibit H
3013.6(b)	List of Names and Addresses of Each Person having a Lease with the Owner for All or Part of Any Building Located on the Property Involved in the Application	Exhibit I

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: 
Christine Moseley Shiker

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Supplemental Architectural Plans and Drawings <i>(including only those drawings revised since the PUD Submission. A full set of final plans will be submitted prior to the public hearing.)</i>	Submitted Separately
Summary of Additional Details Regarding Affordable Housing Program	A
Proposed Construction Management Plan	B
Memorandum from O.R. George & Associates	C
List of Witnesses and Estimated Time Required For Presentation of Applicant's Case	D
Outlines of Testimony for Witnesses	E
Resumes of Expert Witnesses	F
List of Maps, Plan or Other Documents Readily Available Which Will Be Offered Into Evidence	G
List of Names and Addresses of All Owners of Property Within 200 Feet of the Subject Property	H
List of Names and Addresses of each Person having a Lease for the Property	I

I. **INTRODUCTION**

This Prehearing Statement and attached documents (the "Prehearing Submission") are submitted by The John Akridge Development Company, on behalf of 5220 Wisconsin, LLC (collectively, the "Applicant") in support of its request for consolidated review and approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment. The subject property is known as 5220 Wisconsin Avenue, NW, consisting of Lots 810, 811 and 812 in Square 1657 (the "Site"). The Site is located on the west side of Wisconsin Avenue between Harrison and Jenifer Streets, NW, in Ward 3. The Site abuts Metro's Western Bus Garage to the north and a PEPCO substation to the south and is within 300 feet of the southern entrance to the Friendship Heights Metrorail station. The Site is currently improved with a used car dealership and repair bay as well as a flower store. The Site consists of approximately 22,500 square feet of land area and is currently zoned R-5-B.

On June 19, 2006, the Applicant filed with the Zoning Commission its statement and exhibits in support of a request for approval of a PUD and related Zoning Map amendment, including architectural plans and drawings (the "PUD Submission"). That PUD Submission set forth in detail the proposed development and project design, public benefits and project amenities, and consistency of the PUD with the Comprehensive Plan and the Ward 3 Plan. The Zoning Commission set down this case for hearing at its September 11, 2006, meeting. This Prehearing

Submission supplements the PUD Submission and provides information in response to matters raised by the Zoning Commission and Office of Planning ("OP").

As set forth below, this Prehearing Submission, along with the original PUD Submission, meets the filing requirements for an application for a PUD and related Zoning Map Amendment under Chapter 24 and Chapter 30 of the District of Columbia Zoning Regulations. Accordingly, the Applicant requests the scheduling of a public hearing date for consideration of the PUD application.

II.

ADDITIONAL INFORMATION REGARDING DESIGN OF THE PROJECT

A. Supplemental Architectural Plans and Drawings

The Supplemental Architectural Plans and Drawings (the "Plans") submitted herewith reflect several changes, enhancements and clarifications of the design of the project as well as responses to requests for more information from the Office of Planning and Zoning Commission.

The Plans include a series of enlarged, colorized elevations which indicate building material selections. Façade details and material choices have been refined and further articulated upon study of the potential interior layout of the building. The red brick material of the Wisconsin Avenue elevation is now repeated on the middle section of the north façade, which is adjacent to two sections of gray-green metal panels and glass.

These metal panels, used throughout much of the building's façade, complement the generous amounts of glazing provided for building occupants on the non-brick portions of the building and create an attractive contrast to the masonry

sections, balancing the exterior. Split-faced block anchors most of the lower sections of the building, and Exterior Insulating Finish System (EIFS) similar in tone to the block will form the outside of the mechanical penthouse, keeping in character with the design of the building.

The lower roof, above the third floor in the southwest corner of the building, will serve as a central focal point for building occupants with views overlooking the interior courtyard. This roof will include attractive green roof plantings and sections of trellis separating private roof decks for the homes below the roof. A representative rendering of this roof is included in the Plans.

The parking garage has been modified in order to have a more efficient layout with a separately accessed residential parking section. It also includes public, outdoor access to car-sharing spaces, more conveniently-located handicapped spaces, and increased maneuvering room for vehicles entering the retail portion of the garage. Bicycle racks for retail customers are now also proposed for the sidewalk area in front of the project.

On the first floor of the building, the corridors have changed to include ramping. The ramping accommodates the high clearance required for the truck bays beneath the first floor and allows for wheelchair accessibility. A guest suite is also now indicated next to the building common/club room.

The Office of Planning requested that the Applicant represent the effect of the proposed building on views from neighboring low-density residential streets to the south and west of the PUD Site. In response, the Plans include a series of

sightline studies and illustrations which show the profile of the proposed building juxtaposed over photographs taken along Harrison, 44th and Garrison Streets. The Plans also include a Wisconsin Avenue street elevation extending to adjacent blocks which illustrates the Project's building heights in context.

As noted by the Zoning Commission at the set down hearing, some of the windows on the north and south facades are deemed to be at-risk windows. These windows are permitted, with the recordation of a covenant, pursuant to Sections 106.6.2 and 704.8.4 of the DC Construction Codes Supplement 2003. In the event that either of the adjacent properties are developed, these windows may be blocked or removed with no impact on the unit layout or applicable codes relating to light and air.

B. Requested Zoning Flexibility

In the PUD Submission, the Applicant requested flexibility from specific provisions of the Zoning Regulations, including a request for flexibility from the residential recreation space requirements of Section 773. The Applicant notes that on November 6, 2006, the Zoning Commission took proposed action to repeal the residential recreation space requirements. If final action on that repeal is taken prior to a final decision in this case, the requested flexibility from Section 773 will no longer be necessary.

Based on the current regulations and the changes described above, the project now provides qualifying common residential recreation space in an amount of 4,591 square feet, which is approximately 4.6% of the gross floor area devoted to

residential use. The residential recreation space areas include a club/building common room and exercise room (2,079 square feet), a lobby (281 square feet), a common residential garden terrace on the second floor (1,353 square feet), and a common roof deck on the sixth floor (878 square feet). The provided residential recreation space is more than sufficient for this project, and a variety of types of spaces has been provided.

III. **ADDITIONAL INFORMATION REGARDING PUBLIC BENEFITS AND** **PROJECT AMENITIES**

In the PUD Submission, the Applicant set forth the details regarding its proposed public benefits and project amenities. This Prehearing Submission summarizes that information and includes additional information where necessary to further define and explain specific benefits and amenities.

A. On-Site Housing and Affordable Housing

In addition to providing new residential development in an ideal location, the Applicant will dedicate 12% of the bonus residential density (approximately 6,800 square feet of gross floor area, or approximately six to seven units) to on-site affordable units. The affordable units will be reserved for those District of Columbia residents making 80% or less of the Area Median Income for the metropolitan area. Additional details regarding this affordable housing program can be found in the summary attached as Exhibit A.

B. Funding for Additional Affordable Housing Units

The Applicant will contribute \$500,000 to the Lisner-Louise-Dickson-Hurt Home (the "Lisner Home") in order to underwrite the housing costs of operating four

units of housing in its Community Residential Facility (the "CRF") for a period of fifteen years. This amenity provides housing to serve the indigent elderly, which is critical and virtually non-existent in this region of the District. This amenity is described in detail in the PUD Submission.

C. Enhancements to the Façade of the PEPCO Substation

Adjacent to the Site is a PEPCO substation with a bricked-over and damaged storefront façade. The Applicant will upgrade this storefront and streetscape and will maintain them for the period of time described below. The Applicant has been working closely with PEPCO to review and finalize PEPCO's support of the physical improvements to the substation and streetscape as well as the details related to the maintenance of those improvements and the updates to the community-oriented items in the display windows. Written confirmation of PEPCO's support will be provided prior to the hearing on this case.

The Applicant intends for a designated community organization to serve as the "Community Display Administrator" for the PEPCO substation. As soon as the organization is finally determined, that information will be provided to the Zoning Commission. The duties of the Community Display Administrator will include the following: (1) initial identification of appropriate organizations which will contribute items for display in the six substation display windows (such as educational, artistic, cultural, environmental, youth-oriented organizations); (2) on-going coordination of those identified organizations (or other organizations subsequently added) to ensure the periodic and regular updating of materials in the

display windows; and (3) identification of an equally-qualified appropriate organization to serve as Community Display Administrator in the event that the designated Community Display Administrator is no longer able to perform this function.

The owner(s) of the commercial retail portion ("Retail Owner") of the project will be required to provide for the maintenance and upkeep of the substation façade as well as associated public space improvements made as part of this PUD, which will be set forth as a condition in the PUD Covenant and in the condominium documents. The PUD Covenant will remain in place for the life of the project, setting forth the obligation for the Retail Owner to maintain these improvements until the earlier of the following: (1) fifteen years after the issuance of a certificate of occupancy; or (2) such time when PEPCO or a subsequent landowner of the substation property chooses to redevelop or otherwise substantially alter the substation at 5210 Wisconsin Avenue.

D. Environmental Features - LEED Certification

The Applicant will construct a LEED (Leadership in Energy and Environmental Design) certified project under the LEED-NC v2.2 guidelines. As such, the Applicant will register the project with the U.S. Green Building Council ("USGBC") and apply for certification. In order to achieve certification as proffered in this application, the Applicant commits to achieve a total of 26 credits.

Per USGBC protocol, a confirmation of certification will not be complete until approximately six to nine months after the building receives a certificate of

occupancy. Therefore, the Applicant agrees to post a bond, letter of credit, escrow account, or other similar security ("Security") prior to the issuance of a certificate of occupancy. The Security will be equal to 2% of total project construction costs, to be determined by the Applicant. At such time as the Applicant achieves certification from the USGBC, the Security would be released to the Applicant. In the event that the Applicant does not achieve certification for this project within two years of the date of the certificate of occupancy, the Security would be released to the District. This model is comparable to that currently proposed in draft legislation by the Council of the District of Columbia.

E. Improvements at Janney Elementary School

As described in the PUD Submission, the Applicant will donate \$100,000 to the Janney Elementary School Parent-Teacher Association ("PTA") (or the "School"), a local public elementary school with approximately 465 students located at 4130 Albemarle Street, NW. The School's School Improvement Team, comprised of parents and staff members, in conjunction with the PTA Executive Board, identified a group of specific projects which would be appropriate to be implemented by these funds. These projects are described in detail below. Furthermore, the Applicant will pay these funds to the School prior to the issuance of a certificate of occupancy for the PUD project. The Applicant has worked closely with, and will continue to coordinate with the School's principal, to ensure the completion of these projects.

1. Soccer Field Improvements

The School's soccer field receives heavy use during the school day and after hours by area soccer leagues and youth organizations. As a result, the field is in poor condition. A portion of the funds will pay for the installation of new sod as well as the re-crowning and grading of the field to promote effective drainage. The estimated cost is \$30,000. The PTA will set aside an additional \$10,000 from these funds for the ongoing maintenance of these improvements.

2. Security Lighting Improvements

Vandalism and other inappropriate uses of school grounds after-hours are a current concern at the School. In particular, teachers who often do not leave until after-dark during winter months have expressed unease about the lack of lighting in the parking lot and other areas around the School. Increased, strategically located security lighting would benefit the entire community, including American University students, who often walk through School grounds at night. An estimated \$10,000 of the funds will pay for consultation with a security and safety expert and the purchase and installation of appropriate lighting.

3. Repairs/Enhancements to Demountable (Temporary Classroom)

The "demountable" is a temporary overflow classroom structure which sits on top of the School's playground area. The demountable is raised off the ground by a structure of supporting elements which creates a hazardous area for students. In particular, balls often roll underneath and get stuck under the structure. The demountable also lacks any type of awning or covered entrance area to protect

students and teachers from inclement weather. A portion of the funds will pay for the construction of a “skirt” at the bottom of the demountable to address the unsafe conditions as well as the creation of a covering at the entrance. The cost for these improvements is estimated to be \$10,000.

4. Play Equipment for Pre-Kindergarten Students

The School has no play equipment designed specifically for those students enrolled in the pre-kindergarten program. Separate play equipment for these children would provide unique developmental and learning opportunities as well as a safer climbing experience. A portion of the funds will cover the purchase and installation of new equipment as well as additional safety surface tiles for the ground. The cost for these improvements is estimated to be \$15,000.

5. Use of Remaining Funds for Technology Improvements

The four items listed above total an estimated \$75,000. While the School has obtained estimates from contractors and vendors for these projects, it is possible that any project may ultimately cost more or less than the estimated amount. Funds will be appropriated to ensure that all four projects are implemented.

After the funding of those four projects, the PTA will use any remaining funds resulting from this contribution (estimated at \$25,000) for the purchase of classroom computers. The School’s technology plan calls for the replacement of one computer per classroom per year (each room has three computers for shared use among the students). With twenty-one homeroom classrooms, these remaining funds could pay for approximately one computer per classroom.

F. IONA Senior Services

The Applicant will contribute \$30,000 to expand the services of the IONA Bus, which takes seniors (predominantly from the Friendship Heights and Tenleytown neighborhoods) to grocery stores, pharmacies, department stores and restaurants as well as to lunch programs and exercise classes. This amenity will provide support for a 20% increase (i.e. an additional 15 to 20 hours of operation per week), including evening trips to artistic and cultural events. Funds would cover an added driver, bus operations and insurance costs. This amenity is described in detail in the PUD Submission.

G. Streetscape and Sidewalks

As discussed in the PUD Submission, the Project will provide pre-cast concrete unit pavers instead of standard DC sidewalk material as well as planters, benches, bicycle racks and other elements on the 150 feet of Wisconsin Avenue street frontage as well as in front of the approximately 100 feet in front of the PEPCO substation. The Applicant will go through the required permit process with the District Department of Transportation ("DDOT") Public Space Division ("Public Space") to review and obtain final approval for these proposed streetscape upgrades.

H. Transportation Features

The PUD Submission sets forth numerous transportation features for this area, including, among others, inclusion of car-sharing programs at the project, visitor spaces, retail parking validation program, and prohibition of residents for participation in the Residential Parking Permit program. In the event additional

features are included, the Applicant will provide that information prior to the hearing for this case.

I. Retail Space

The project will provide approximately 13,200 square feet of ground floor retail space, which will be actively marketed to neighborhood-serving retailers or retailers that draw the majority of patrons from the project and the surrounding area. This retail presence – along with the streetscape upgrades discussed above – will reactivate the streetscape and continue the retail activity through this block.

J. Building Massing and Facade Design

The Project will create a “transitional” or “buffer” zone between higher density areas along Wisconsin Avenue and lower density residential areas that are removed from Wisconsin Avenue. This project benefit is discussed in detail in the PUD Submission.

K. Construction Management Plan

The Applicant proposes the construction management plan attached as Exhibit B. Additional elements, including those listed in the PUD Submission, may be included in this plan. To the extent that modifications are made to the proposed construction management plan, the Applicant will submit an updated plan prior to the hearing on this case.

IV.
TRAFFIC, PARKING AND LOADING INFORMATION

A. Levels of Service for Traffic Review

Attached as Exhibit C is the memorandum from O.R. George & Associates in response to the Zoning Commission's request for clarification as to the levels of service at the intersections in the general vicinity of the project. As set forth therein, the traffic consultant has reviewed all applicable data and concludes that the levels of service at the intersections analyzed were accurately stated in the report and that these levels of service are acceptable.

B. Parking Ratio

The project proposes a residential parking ratio of 1.2 spaces per residential unit, which equals between 66 and 84 spaces based on a range of between 55 and 70 units. This parking ratio is appropriate for this project, given the character of the project's location and the planned marketing strategy for the project. The Applicant anticipates that the majority of the residential units will be purchased by relatively high-income "empty nesters." Typically, condominium buyers in this demographic seek to downsize their living space from more than 2,500 square feet to less than half that square footage. Many of these purchasers presently live in homes with two or three car garages and have lived for at least 30 years with two or more vehicles.

Based on the Applicant's marketing research, these purchasers will demand at least one parking space associated with their unit, with additional spaces being requested for two bedroom and larger units. Close Metro access will be a strong

selling point for this project. However, few households with two or more cars would be willing to alter their lifestyles to own no cars.

While a limited number of households in the project will own more than one vehicle, some owners of smaller units will choose not to own a vehicle given the project's proximity to mass transit, walkable neighborhood services, secure bicycle storage and two car-sharing vehicles in the building. Furthermore, a large percentage of unit owners will own a vehicle which stays in the garage for the majority of the week and is only used for longer-distance travel on the weekends. Thus, when one takes into account the previous driving habits of those who will live in the building, the project will lead to a net decrease in vehicle ownership and use.

In comparison, the previously approved and under construction 5401 Western Avenue project (Zoning Commission Order No. 02-17), which is within approximately 250 feet of the Metro, included a minimum parking ratio of 1.1 spaces per unit. Additionally, Lion's Gate, an approximately 140-unit project under construction roughly one and one-half blocks from the Bethesda Metro Station, proposes a parking ratio between 1.9 and 2.0 per unit. Other recent high-end multifamily residential projects on sites located further from Metro access generally contain parking ratios between 1.5 and 2.0 spaces per unit as well.

Through the Applicant's community engagement process, it became evident that a common concern among residents in the neighborhood is the risk of new residents overcrowding the parking spaces along residential streets. In conjunction with several other proposed elements, the inclusion of a ratio of 1.2 spaces per unit

is critical in addressing this concern as it will adequately accommodate the parking demands of the building occupants in the building's below-grade garage.

C. Loading

As requested by the Office of Planning, the Applicant commits to prohibit trucks over thirty feet in length from accessing the loading facilities provided at the project. This restriction will be included as part of the order approving this PUD application.

**V.
AREAS OF FLEXIBILITY**

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary to respond to issues that cannot be anticipated at this time. This request for flexibility was set forth in the PUD Submission, but has been further refined in this Prehearing Submission to include the following:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
2. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;
3. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;

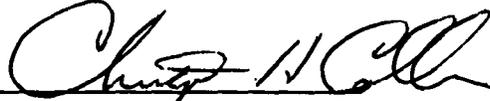
4. To install awnings over some or all of the retail spaces and to install signage for retail users, based upon retail leasing after construction of the project;
5. To modify the entrances from Wisconsin Avenue provided to the retail spaces based on the final configuration of the retail spaces.
6. To vary the range of residential units between 55 and 70 total apartment units, with a parking ratio to be at least 1.2 spaces per unit based on the final count of apartment units;
7. To relocate or eliminate windows, balconies, balcony railings and privacy screens as necessary based upon the final unit count and layout; and
8. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total number of parking spaces provided complies with the PUD approval.

VI. CONCLUSION

This Prehearing Submission along with the original PUD Submission meet the filing requirements for an application for consolidated review and approval of a PUD and a related amendment to the Zoning Map under Chapter 24 of the District of Columbia Zoning Regulations and under Chapter 30 of the of the District of Columbia Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission approve the applications.

Respectfully submitted,

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