

The Heights on Georgia Avenue

CASE NO. 08-26

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

December 19, 2008

ZONING COMMISSION
District of Columbia

CASE NO. 08-26

EXHIBIT NO. 16

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

DEVELOPMENT TEAM

Applicant/Owner: Georgia and Lamont Limited Partnership
4110 Kansas Avenue, NW
Washington, DC 20011

Architect of Record: Grimm & Parker Architects
11720 Beltsville Dr. Suite 600
Calverton, MD. 20705

Civil Engineer: AMT, LLC
10 G Street, NE Suite 430
Washington, DC 20002

Traffic Consultant: Symmetra Design
1152 15th Street, NW, Suite 935
Washington, DC 20005

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

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LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Elevations
B	List of Revisions Made to Architectural Plans and Elevations
C	Truck Circulation Plans
D	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
E	Outline of Testimony and Resumes of Adrian Washington, Juan Powell & Patrick Cooper - Neighborhood Development Company
F	Outline of Testimony and Resume of Fernando Lemos - Mi Casa Inc.
G	Outline of Testimony and Resume of Logan C. Schutz & Mel Thompson - Grimm & Parker Architects
H	Outline of Testimony and Resume of Randolph A. Petersen, P.E. - AMT, LLC
I	Outline of Testimony and Resume of Nicole White, P.E., PTOE - Symmetra Design
J	Outline of Testimony and Resume of Steven E. Sher - Holland & Knight LLP
K	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
L	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property

**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 19, 2008 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 C
3013.1(c)	Outline of Testimony of Applicant's Witnesses and Resumes	Exhibit B
	Adrian Washington/Juan Powell/Patrick Cooper Neighborhood Development Company	Exhibit D
	Fernando Lemos Mi Casa Inc.	Exhibit E
	Logan C. Schutz/Mel Thompson Grimm & Parker Architects	Exhibit F
	Randolph A. Petersen, P.E. AMT, LLC	Exhibit G
	Nicole White, P.E., PTOE Symmetra Design	Exhibit H
	Steven E. Sher Holland & Knight LLP	Exhibit I
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit J
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit C

3013.6(a)

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

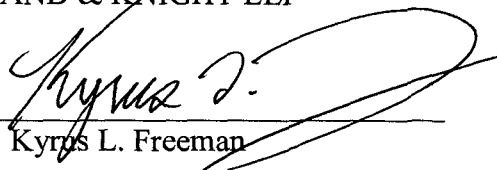
Exhibit K

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:


Kyros L. Freeman

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by Georgia and Lamont Limited Partnership (the "Applicant" or "GLLP"), as owner of Lots 98, 903, 904, 908 and 911 in Square 2892 (the "Subject Property"), in support of its application to the Zoning Commission of the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and a zoning map amendment to rezone the Subject Property from the R-4 and GA/C-2-A District to the GA/C-2-B District. As set-forth herein, this Prehearing Statement meets the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

As shown on the updated Architectural Plans and Elevations (the "Prehearing Plans") attached hereto as Exhibit A, the Subject Property, which includes a portion of a public alley to be closed, has a combined land area of approximately 19,191 square feet and is located at the southwest corner of Georgia Avenue and Lamont Street, N.W. Approximately 8,402 square feet of the Subject Property is located in the R-4 District, and the remaining 10,789 square feet is located in the GA/C-2-A District. Square 2892 is bounded by Lamont Street, N.W. to the north, Georgia Avenue to the east, Kenyon Street to the south, and Sherman Street to the west. The Subject Property is within walking distance of the Georgia Avenue Metrorail Station. As shown on the area photographs and existing conditions survey included in the Prehearing Plans, the Subject Property is currently improved with two asphalt parking lots and a number of low-rise commercial buildings which the Applicant proposes to raze in connection with redevelopment of the Subject Property.

The Applicant is seeking consolidated PUD approval to develop a multiple-family dwelling building with ground-floor retail on the Subject Property in accordance with the C-2-B PUD zoning requirements. The project will contain approximately 86,465 square feet of gross floor area, with an overall FAR of 4.51 and a maximum building height of approximately 80 feet. The project will include a total of 69 residential units, at least half of which will be affordable to households earning 60 – 80% of the area median income ("AMI"). The inclusion of at least 34 affordable housing units exceeds the number typically included in a residential PUD of this size and exceeds the number of affordable units that would be required under the Inclusionary Zoning regulations. The project also includes 29 off-street parking spaces located in a below-grade garage.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on October 3, 2008 (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 October 31, 2008, recommended that the Zoning Commission schedule a public hearing on the application, and that the Office of Planning would continue to work with the Applicant in reviewing the application prior to the public hearing. This Prehearing Submission supplements the PUD Submission and responds to those issues raised by the Zoning Commission.

II. ISSUES/CONCERNS RAISED BY THE ZONING COMMISSION

At its public meeting of November 10, 2008, the Zoning Commission voted to schedule a public hearing for the application, but expressed two primary areas of concern. First, the Zoning Commission indicated that the Architectural Plans and Elevations

dated October 3, 2008 needed more detail and consideration regarding: (i) the design and treatment of the building's elevations; (ii) the design of the trellis located on the roof at the corner of the building; (iii) the design and layout of the roof plan, including the location of the stair towers and inclusion of a "cool roof"; and (iv) the treatment and views of the residential amenity courtyard. Second, the Zoning Commission requested clarification regarding access to the site and a truck circulation plan.

A. Revisions the PUD Plans

As shown on the Prehearing Plans attached hereto as Exhibit A, the Applicant has taken a number of steps to address the comments raised by the Zoning Commission and to refine the plans to include a greater level of detail. A detailed list of revisions made to the plans is attached hereto as Exhibit B.

B. Access and Truck Circulation Plan

The Zoning Commission requested additional information regarding access to the site and truck circulation on the site. An updated *Site Access and Circulation* plans is included as Sheet A-0.4 of the Prehearing Plans, and truck circulation exhibits are attached hereto as Exhibit C. Sheet A-0.4 clearly identifies the pedestrian access points, sidewalks, loading berths, and loading docks. As shown, residents will access the residential portion of the development from Lamont Street, and retail patrons can access the proposed retail area from either Lamont Street or Georgia Avenue. Vehicles will access the parking garage from Lamont Street utilizing the 20-foot wide ingress/egress easement located at the rear of the proposed building. Moreover, as shown on the truck circulation sheets attached hereto as Exhibit C, delivery trucks and trash trucks will access the loading berth by entering the existing public alley from Kenyon Street, traveling north, and then backing into the loading berth. Trucks will then leave the

loading berth front first and turn either east or west onto Lamont Street. The Applicant's traffic consultant has reviewed these movements with DDOT, and DDOT has found them to be acceptable.

With respect to traffic impacts of the project, a Traffic Impact Study was prepared for the proposed development and included with the original PUD Submission. The Traffic Impact Study has also been submitted to DDOT. The analysis concluded that the traffic generated by the proposed development will have no adverse impact with respect to traffic and transportation.

III. ADDITIONAL AREA OF ZONING FLEXIBILITY

A. Flexibility Regarding Design on Loading Berth (Section 2203.3)

Pursuant to Section 2203.3 of the Zoning Regulations, all loading berths are required to be designed such that no vehicle or part thereof projects over any lot line or building line. As shown on the Prehearing Plans, in order to provide better access to the loading facility, the Applicant has redesigned the loading berth such that it no longer runs north to south, but is now at a slight angle. This layout is improved from an operational and transportation management perspective since it allows for easier maneuvering into the loading berth and provides adequate spacing for circulation during loading operations. In addition, the loading berth has been designed such that vehicles will not project over any lot line. However, when a 30 foot truck is utilizing the berth, a small portion of the truck will project beyond the building line and into the easement area, the underlying fee of which will remain owned by the Applicant. The Applicant has developed this layout in consultation with DDOT, and understands that DDOT will be submitting a favorable report indicating that the proposed loading layout has no adverse impacts on transportation or access in the square.

IV. 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 D.

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 E through J.

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 sixty (60) minutes.

E. Agreements with the District of Columbia

The Applicant is in the process of negotiating a First Source Agreement with the Department of Employment Services. A copy of the executed First Source Agreement will be submitted no less than 20 days prior to the public hearing on this 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. Reports by Traffic Consultant

In accordance with Section 3013.10 of the Zoning Regulations, the report prepared by Symmetra Design was submitted as part of the initial PUD Submission filed on October 3, 2008.

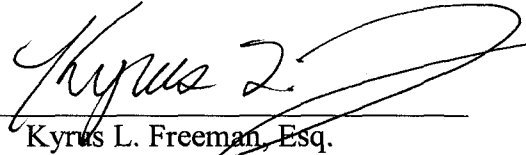
V. CONCLUSION

For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the PUD application and Zoning Map amendment.

Respectfully submitted:

HOLLAND & KNIGHT LLP

By: _____

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", is written over a horizontal line.

Kyrus L. Freeman, Esq.

Steven E. Sher

2099 Pennsylvania Ave., N.W.

Suite 100

Washington, D.C. 20006

(202) 955-3000