LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

1620 L STREET, N.W., SUITE 900

WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410
www.gdllaw.com

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DeLORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DePUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
JOHN PATRICK BROWN, JR.
LEWIS F. MORSE
ROGER D. LUCHS
STEPHANIE A. BALDWIN
LYLE M. BLANCHARD
JOHN M. CATALANO
GREGORY T. DuMONT
ALFRED M. GOLDBERG
MONIC Y. HALSEY
DONALD F. HOLMES, JR.
M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. SABIO*
JAMES D. SADOWSKI

*ADMITTED IN VA ONLY

OF COUNSEL
MICHAEL T. CREHAN

November 9, 2004

BY MESSENGER

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Submission of Pre-Hearing Statement; BZA Application No. 17140; FSP-Arkansas, LLC; Square 2699; Lot 64; Alley Lot in Square surrounded by 14th Street, N.W., Arkansas Avenue, N.W., Varnum Street, N.W., 15th Street, N.W. and Webster Street, N.W.

Dear Ms. Kress:

Enclosed please find the original and twenty (20) copies of the above-referenced Pre-Hearing Statement for filing with the Board.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Stephanie A. Baldwin

246537v1
Enclosures

cc: Mr. Timothy Jones, Chair, Advisory Neighborhood Commission 4C (w/ encl.)
Mr. Stephen Mordfin, Office of Planning (w/encl.)
Mr. Louis Wassel, Chair, 16th Street Neighborhood Association (w/ encl.)
Mr. Tim McShea (w/ encl.)
Mr. Grant Montgomery (w/ encl.)
Mr. Steve Goley
John Patrick Brown, Jr., Esquire

BZA
Case No. 17240
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17240
EXHIBIT NO. 28

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of FSP-Arkansas, LLC

BZA Application No. 17192
Public Hearing: November 23, 2004
ANC 4C

APPLICANT'S PRE-HEARING STATEMENT

November 9, 2004

This Pre-Hearing Statement ("Statement") is submitted on behalf of FSP-Arkansas, LLC (the "Applicant"), by its attorneys, Greenstein DeLorme & Luchs, P.C., by John Patrick Brown, Jr., Esquire and Stephanie A. Baldwin, Esquire in support of an application for a special exception described below.

I. Summary of Application

With its application, the Applicant originally sought a special exception pursuant to the Zoning Regulations, 11 DCMR §§ 333 and 2507.6, for permission to construct a parking lot with thirty (30) parking spaces on an alley lot in an R-4 District. Since submitting its application, Applicant has reduced the size of the parking lot and the number of parking spaces on the parking lot to sixteen (16).

The Applicant has reached out to the community for comment and guidance on the project. Prior to meeting with Advisory Neighborhood Commission ("ANC") 4C, Applicant received guidance from the Sixteenth Street Neighborhood Association. Applicant appeared before ANC 4C on October 12, 2004. The ANC recommended receiving additional comments from the neighbors who lived within the affected Square. Applicant then held an additional

presentation at the Sixteenth Street Neighborhood Association meeting on October 19 after providing affected neighbors with written notice of the meeting and information about the project. Several ANC 4C Commissioners also attended this community meeting. As a result of these meetings and the comments received, Applicant revised its application. Applicant will return again to ANC 4C on November 9, 2004 and will hold an additional community meeting on November 15th in order to present to the community the revised plans.

II. Property Description; Existing Zoning; Proposed Development

The alley lot is located within the block bounded by 14th Street, N.W., Arkansas Avenue, N.W., Varnum Street, N.W., 15th Street, N.W. and Webster Street, N.W. (Square 2699, Lot 64) (the "Property"). The Property is a vacant lot which is unbuildable, except for the construction of single-family dwellings.[1] The Applicant, FSP-Arkansas, LLC, is the contract purchaser of the Property.

The Property is rectangular in shape with sixteen foot (16 ft.) public alleyways fronting each side. The public alleyways are entered from 15th Street, N.W., Webster Street, N.W. and 16th Street, N.W. The Property has a lot area of approximately 18,390 square feet and is zoned R-4. The Applicant proposes to construct a parking lot with sixteen (16) parking spaces (a reduction from the thirty (30) parking spaces requested in the initial application) on the eastern end of the Property (the "Parking Lot"). The western end of the Property (approximately two-thirds (2/3) of the Lot) will be landscaped as open green space (the "Green Space"). (See "Site Plan" attached here to as Exhibit A.) The Parking Lot and Green Space are developed in

[1] However, the alleyways are currently sixteen feet in width and unless the alleyways, including those with access to the surrounding roadway system, were increased to at least thirty feet in width, single family dwellings cannot be constructed as a matter of right.

conjunction with a newly converted condominium building located at 4306 Arkansas Avenue, N.W. (Square 2699; Lot 802) (the "Condominium Property"). The Property will be subject to a separate condominium regime which will govern the use and fund the maintenance of the Parking Lot and Green Space. The owners of parking spaces will be members of this separate condominium regime.

The Parking Lot will be approximately six thousand one hundred five square feet (6,105 sq. ft.) in area or roughly one-third (1/3) of the Property. Each of the spaces in the Parking Lot shall be the required size: nine feet (9 ft.) in width and nineteen feet (19 ft.) in length. All parking spaces will be equipped with a wheel stop. There will be two (2) rows of eight (8) parking spaces each. A drive aisle will separate the two rows and will be twenty feet (20 ft.) in width. The Parking Lot will have an entry way on both the northern and southern sides of the Parking Lot. Ingress and egress to the Parking Lot from the local roadway system will be through the alleyways connecting to 15th Street, Webster Street and 16th Street. The Parking Lot will be screened from the surrounding residential properties by a continuous evergreen hedge that is forty-two inches (42 inch.) in height, as well as by deciduous trees. The lighting used to illuminate the Parking Lot will be arranged so that all direct rays of lighting are confined to the paved areas of the Parking Lot. (See "Lighting Plan" attached here to as Exhibit B.) The Parking Lot shall be paved and maintained with an all weather impervious surface. The striping of the parking spaces, the pavement of the Parking Lot, the lighting and the hedges will be maintained by the condominium association for the Property, in accordance with the Zoning Regulations.

A trash container will also be located adjacent to the Parking Lot near the southeast corner of the lot, between the Parking Lot and the alleyway. The trash container will serve the

Condominium Property. It will be placed on a six foot by seven foot (6 x 7 sq. ft.) concrete pad and enclosed by a board-on-board fence which will be four feet (4 ft.) in height. The trash container is a two cubic yards (2 yd.^{3}) in size and is approximately three and one-half feet (3 ½ ft.) in height. (See "Site Plan", Exhibit A.)

Applicant has offered an easement to the District of Columbia Department of Public Works for the expansion of the width of the alleyways surrounding the Property, from sixteen feet (16 ft.) to eighteen feet (18 ft.) to better accommodate traffic and emergency vehicles.

The Green Space will be approximately twelve thousand two hundred eighty-five square feet (12,285 sq. ft.) in area or approximately two-thirds (2/3) of the Property. The Green Space will be open and grassed. It will be available to residents of the neighborhood on an as available basis and at their own risk. The Green Space will be maintained by the condominium association of the Property.

III. Satisfaction of Burden of Proof for Zoning Relief Sought

Applicant has met its burden of proof for the requested special exception pursuant to Section 333 and Section 3104 of the Zoning Regulations. Specifically, the Application submitted by FSP-Arkansas will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception to be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps... ." In addition, the Application will comply with the requirements of Section 333 of the Zoning Regulations. This section requires, in part, that the proposed use "shall not be likely to become objectionable because of noise, traffic, number of employees" (§ 333.3), that "[t]he alley upon

which the use is to be located shall be readily negotiable by any trucking necessary for the proposed operation" (§ 333.4), and that "[t]he hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located." (§ 333.5)

The proposed Parking Lot is not likely to become objectionable to the neighborhood because of noise or traffic and will be in harmony with the general purposes and intent of the Zoning Regulations and Zoning Map. Redevelopment of the Property will replace a neglected and vacant alley lot, overrun with weeds and debris, with a landscaped Parking Lot in a neighborhood where street parking spaces are in great demand. Moreover, the redevelopment of the lot will include the Green Space which will be a positive attribute of the development of the Condominium Property and a contribution to the entire neighborhood. The use and users of the Parking Lot will be strictly residential and therefore consistent with the existing residents and properties surrounding the Property. The light fixtures installed on the Parking Lot will be positioned and angled so that light is only cast downwards, and not into the windows of neighboring properties. The lighting will enhance the safety of the Property and the interior of the square at night, which is currently a haven for loitering, illegal automobile repairs and drug dealing. As well, the use of the Property as a Parking Lot and the activity it will generate, along with consistent up-keep and care of the Green Space, will improve the character of the alley lot and contribute to a revitalization of the alleyway from which all neighbors will benefit. For these reasons, the Parking Lot and Green Space will be in harmony with the intent of the Zoning Regulations and not adversely affect the use of neighboring properties, because of noise, traffic or other disturbances.

Additionally, the Applicant will expand the current width of the alleyways adjacent to the Property (which are sixteen feet in width) by providing an additional two feet to the width, so that the alleyways will better accommodate trucks and emergency vehicles. Finally, the Parking Lot will serve residents of the neighborhood and will likely see most of its activity in the morning and early evening when residents leave for and return from work, in the same manner as the other residents of the Square. This is a pattern of use which is not likely to cause objectionable conditions or otherwise disturb neighboring property.

IV. Witnesses

The following witnesses will testify in support of the Application:

1. Mr. Timothy McShea, Applicant.
2. Mr. Steve Goley, Applicant's Engineer.

V. Exhibits

Applicant offers the following Exhibits:

1. Exhibit A: Site Plan
2. Exhibit B: Lighting Plan

VI. Conclusion

For the reasons set forth above, FSP-Arkansas, LLC, by and through counsel, submits that the Application has satisfied (and will satisfy) all applicable zoning requirements and the requisite burdens of proof and, therefore, should be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

By: _____
Stephanie A. Baldwin

1620 L Street, N.W., Suite 900
Washington, D.C. 20036
Telephone: (202) 452-1400

Attorneys for Applicant

246239v1

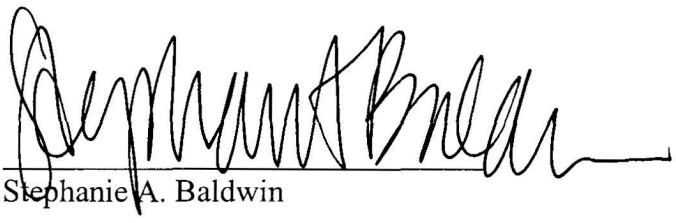
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Statement of the Applicant was mailed, first-class, postage prepaid, this 9th day of November 2004 to:

Advisory Neighborhood Commission 4C
c/o Mr. Timothy Jones, Chair
737 Rock Creek Church Rd., NW
Washington, DC 20010

Mr. Stephen Mordfin
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002

16th Street Neighborhood Association
c/o Mr. Louis Wassel, Chair
P.O. Box 76084
Washington, D.C., 20011-6084



Stephanie A. Baldwin

Exhibit A

Site Plan

I:\04222\dwg\CP_11_00.dwg, 11x17, 11/9/2004 9:24:14 AM, goleyst, COPYRIGHT @2004 MACRIS, HENDRICKS & GLASCOCK, P.A.

16' PUBLIC ALLEY

16' PUBLIC ALLEY

16' PUBLIC ALLEY

Outside Track and Overhang of Garbage Truck or Emergency Vehicle – Area to Remain Clear

Open Green Space

42" High Plantings in mulch bed (Typical)

1.5" Dia. Shade Tree (Typical)

6'L Concrete Wheelstop (Typ.)

Asphalt Paving

Pole Mounted Parking Lot Light (Typical)

19' Typical

9' Typical

2CY

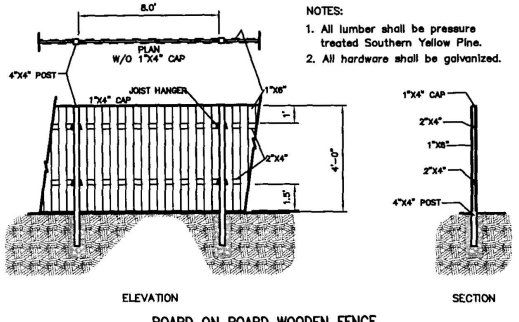
Garbage Truck or Emergency Vehicle

Trash Container on 6' x 7' Conc Pad with Gated Enclosure See Detail

PLAN DATUM

4306 Arkansas Avenue Condominium

ARKANSAS AVE



NOTES:
1. All lumber shall be pressure treated Southern Yellow Pine.
2. All hardware shall be galvanized.

BOARD ON BOARD WOODEN FENCE
TRASH ENCLOSURE TYPICAL DETAIL
SCALE: NTS

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

PREPARED FOR
FOUNTAIN SQUARE PROPERTIES, LLC
11921 FREEDOM DRIVE, STE. 950
RESTON, VA 20190
PHONE: 301-907-7800
ATTN.: MR. GRANT MONTGOMERY

PARKING LOT PLAN

LOT 64 SQUARE 2699

THE #4306 ARKANSAS AVENUE CONDOMINIUM

4306 ARKANSAS AVENUE, N.W.

WARD 4 – DISTRICT OF COLUMBIA – WASHINGTON, D.C.

MHG
Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

Proj. Mgr.	Designer
SVG	ABJ
Date	Scale
11-08-04	1"=20'
Project No.	Sheet
04-222	1 of 1

Exhibit B

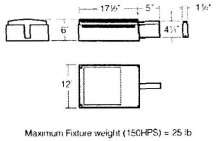
Lighting Plan

KIM LIGHTING

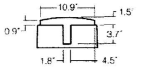
Entablature®

Specifications

SET Model
70 to 175 watt
Medium Base Lamps



Maximum Fixture weight (150HPS) = 25 lb



Entablature Dimensions

See page 7 for standard Entab configurations and specifications.

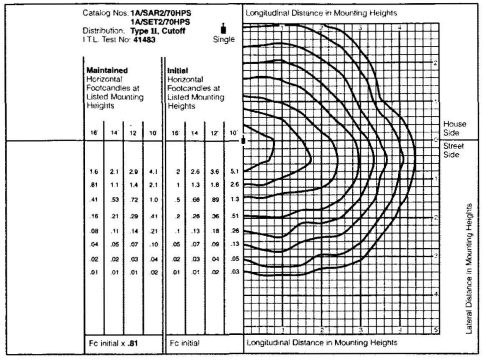
Hubbell Lighting, Inc.

© 2004 KIM LIGHTING INC. • P.O. BOX 60080, CITY OF INDUSTRY, CA 91716-0

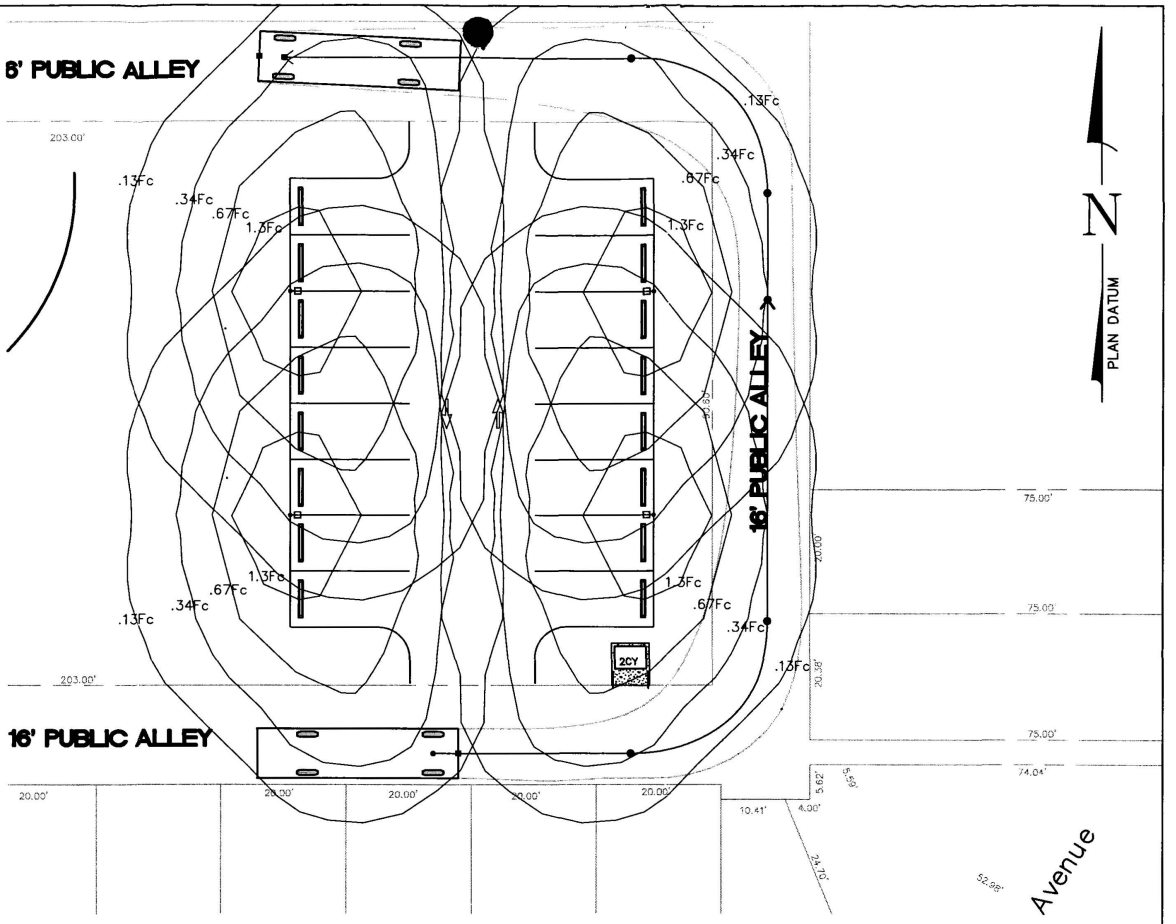
SAR2 SET2

70 Watt
High Pressure Sodium
E17, Clear, Medium Base
6300 Initial Horizontal Lumens
5670 Mean Horizontal Lumens
ANSI Code S62/LG-70





70W HPS LIGHT PHOTOMETRIC PATTERN ON 10' POLE



KIM LIGHTING

Reset Form

KSS

Side Arm Mounted Applications: **AR, CCA, CCSA, EKG, ET, MX21A, VLA, 5X**
Post Top Mounted Applications: **CCP, CCSP, MX21P, VLP, 5AT, 5SQ**

Square Steel Non-Tapered Pole

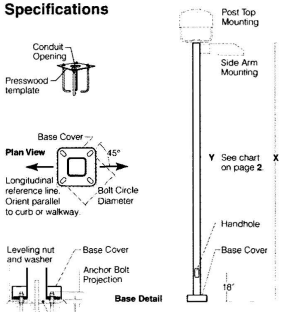
revision 8/17/99 • kss.pdf

Type:
Job:
Catalog number:

Approvals:

Date:
Page: 1 of 4

Specifications



Pole Construction: One piece non-tapered square shaft of low carbon steel (ASTM-A500, Grade B, 46,000 PSI min. yield) with one flush-welded vertical seam. Shaft is welded to a flat steel anchor base (ASTM-36, 36,000 PSI min. yield).

Base Cover: Base has a two piece cast aluminum full cover of 319 alloy, secured by stainless steel screws.

Pole Cap: A flush-sided cast aluminum pole cap is provided for side arm mounted luminaires.

Handhole: 18" up from base, with a gasketed cover and ground lug. 2" x 4" handhole provided on poles up to 16'. Reinforced 3" x 6" handhole provided on poles 20 and taller.

Anchor Bolts: Four fully galvanized anchor bolts provided (ASTM-36, 36,000 PSI min. yield), complete with eight galvanized nuts, eight galvanized flat washers, and a presswood template.

Strength: Poles will withstand wind loads as listed in chart (see page 2) when luminaires are mounted per fixture installation instructions.

Finish: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness. 5 stage steel pretreatment to include phosphoric acid etch, followed by iron phosphate bath and chromate sealer for corrosion resistance. Standard colors are Black (**BL-P**), Dark Bronze (**DB-P**), Light Gray (**LG-P**), Platinum Silver (**PS-P**), and White (**WH-P**). Custom colors are available.

CAUTION: Do not install poles without luminaires or strength guarantee is voided. Any unauthorized accessories secured to pole shall void strength guarantee.

Maintenance: A regularly scheduled maintenance program must be established to insure the protective paint coating is intact, corrosion or structural damage has not occurred, and anchor bolt nuts are tight. Failure to do so could lead to eventual pole collapse and serious personal injury.

© 1999 KIM LIGHTING INC. • P.O. BOX 60080, CITY OF INDUSTRY, CA 91716-0080 • TEL: 626/968-5866 • FAX: 626/369-2695

5605999213

POLE LIGHT DETAILS
SCALE: NTS

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

PREPARED FOR
FOUNTAIN SQUARE PROPERTIES, LLC
11921 FREEDOM DRIVE, STE. 950
RESTON, VA 20190
PHONE: 301-907-7800
ATTN.: MR. GRANT MONTGOMERY

LIGHTING PLAN
LOT 64 SQUARE 2699
THE #4306 ARKANSAS AVENUE CONDOMINIUM
4306 ARKANSAS AVENUE, N.W.
WARD 4 - DISTRICT OF COLUMBIA - WASHINGTON, D.C.

MHG
Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone: 301.670.0840
Fax: 301.948.0693
www.mhgpa.com

Proj. Mgr.	Designer
SVG	ABJ
Date	Scale
11-08-04	1"=20'
Project No.	Sheet
04-222	1 of 1

I:\04222\dwg\PD 11 00.dwg, 11x17 Lighting, 11/8/2004 9:23:25 AM, adobe PDF, COPYRIGHT @2004 MACRIS HENDRICKS & GLASCOCK, P.A.