

**O STREET ROADSIDE, LLC
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**

December 27, 2007

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ZONING COMMISSION
District of Columbia

CASE NO. 07-26
EXHIBIT NO. 22

DEVELOPMENT TEAM

Developer:	O Street Roadside, LLC c/o Roadside Development 1730 Rhode Island Ave., NW Suite 512 Washington, DC 20036
Architect:	Shalom Baranes Associates 3299 K Street, NW Suite 400 Washington, DC 20007
Civil Engineers:	Bohler Engineering, P.C. 22630 Davis Drive Suite 200 Sterling, VA 20164
Traffic Consultant:	Vanasse Hangen Brustlin, Inc. 8300 Boone Boulevard Suite 700 Vienna, Virginia 22182
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 Witnesses and Outlines of Witness Testimony
C	Resumes of Witnesses
D	List Of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
E	List Of Names And Addresses Of All Property Owners Within 200 Feet Of The Subject Property
F	First Source Employment Agreement
G	Certificate Evidencing Intent to Enter Into Memorandum of Understanding
H	Traffic Impact Study

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

The Applicants hereby certify that this application, one original and twenty copies of which were filed with the Zoning Commission on December 27, 2007, 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. 3to 6 Herein
3013.1(b)	List of Witnesses	Exhibit B
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record	Exhibit B
3013.1(d)	Traffic Impact Study	Exhibit H
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 D
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit B
3013.4	First Source Employment Agreement	Exhibit F
3013.4	Certificate Evidencing Intent to Enter Into Memorandum of Understanding	Exhibit G
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit E

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,

By:


Kyrus L. Freeman

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by O Street Roadside, LLC, as owner of Lots 829 and 830 in Square 398, (referred to herein as the "Applicant"), in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and related map amendment from the C-2-A District to the CR or C-3-C District.

As shown on the updated Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the property that is the subject of this application is located at 1400 7th Street, N.W. and consists of Lots 829 and 830 in Square 398 (the "Subject Property"). The Subject Property has a combined land area of approximately 149,600 square feet of land area and is currently zoned C-2-A. Square 398 is bounded by P Street, N.W. on the north, 7th Street, N.W. on the east, O Street, N.W. on the south, and 9th Street, N.W. on the west. The Subject Property is bisected by the former 8th Street, N.W. right-of-way, which was legally closed in 1977. The Subject Property is currently improved with a grocery store, the landmark O Street Market, which has suffered a roof collapse, and a large surface parking lot.

The PUD and map amendment will enable the Applicant to rehabilitate the historic O Street Market at 7th and O Streets, N.W., and construct a major new mixed-use development consisting of housing, senior and affordable housing, a potential hotel, a grocery store and other retail uses. The Applicant also intends to visually re-establish and re-use the former 8th Street right-of-way as an area providing ingress and egress and retail kiosks. The refurbished O Street market, which will be put back to use as a modern

grocery store, will form the architectural centerpiece of the proposed design and will be complimented by additional buildings to the north and west.

Upon completion, the development will contain approximately 770,780 square feet of gross floor area, with an overall floor area ratio ("FAR") of 5.15 and a maximum building height of 90 feet, both of which are within the CR and C-3-C PUD guidelines in sections 2401.1 and 2405.2 of the Zoning Regulations.

As set forth below, this Prehearing Statement, along with the original PUD Submission, meets the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

II. SUMMARY OF THE PUD APPLICATION

A. PUD Submission

The Applicant filed its application for a PUD, with supporting materials and architectural plans and elevations, with the Zoning Commission on September 17, 2007. Those materials set forth in detail the proposed development scheme, project design, public benefits and project amenities, and also a discussion of how the proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

The Applicant also submitted a letter, dated December 5, 2007, with revised plans indicating that the project's height has been reduced to an overall maximum height of 90 feet with various setbacks and step downs. The overall FAR of the project was reduced to 5.15, which is significantly less than the 8.0 FAR permitted under the PUD guidelines. Consistent with the original plans, the project height continues to step down along 9th

Street to ensure a compatible juxtaposition with the smaller scale buildings to the west, located in the C-2-A District. The plans also included photo-renderings of the 9th Street elevation illustrating the transition from the west elevation of the PUD to the 30 to 40-foot height structures across 9th Street.

This Prehearing Statement supplements the application and its accompanying materials, which are hereby incorporated by reference as if set forth fully herein.

B. Summary of PUD

The proposed development project contemplates the rehabilitation of the historic O Street Market at 7th and O Streets, N.W. and construction of a major new mixed-use development consisting of housing, senior and affordable housing, hotel, a grocery store and other retail uses. The new development will contain approximately 770,70 square feet of gross floor area, of which 545,775 square feet will be devoted to residential uses, 115,115 square feet will be devoted to hotel with residential uses, and 69,000 square feet will be devoted to retail uses. The project also includes 580 off-street parking spaces.

III. ISSUES RAISED BY THE ZONING COMMISSION

At its public meetings of October 15, 2007 and November 19, 2007, the Zoning Commission requested that the Applicant submit additional information demonstrating how the project fits into the neighborhood, provide more detailed massing, and reduce the overall height of the project. The revised Plans submitted on December 5, 2007, and those attached hereto as Exhibit A, fully respond to the issues raised by the Zoning Commission. As commented on by the Zoning Commission at the public meeting of December 10, 2007, it is our understanding that the Zoning Commission concurred with this assessment.

IV. ADDITIONAL REQUIREMENTS OF § 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

B.

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 Exhibit B.

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 D.

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 60 minutes, subject to the decision of the presiding officer at the public hearing.

E. Agreements with the District of Columbia

The Applicant has executed a First Source Employment Agreement as well as a Certificate Evidencing Intent to Enter Into A Memorandum of Understanding with the District's Office of Local Business Development. A copy of the First Source Employment Agreement is attached hereto as Exhibit F and a copy of the Certificate

Evidencing Intent to Enter Into A Memorandum of Understanding is attached hereto as Exhibit G.

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 E.

G. Report by Traffic Consultant

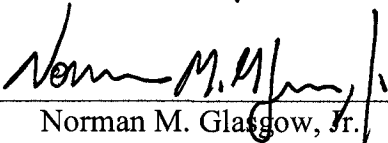
In accordance with Section 3013.10 of the Zoning Regulations, a Traffic Impact Study prepared by Vanasse Hangen Brustlin, Inc. is attached hereto as Exhibit H.

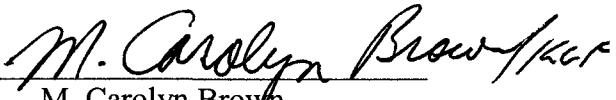
V. CONCLUSION

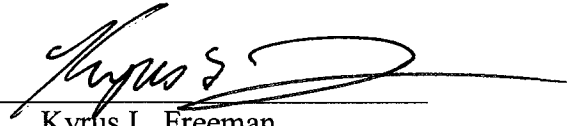
For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the PUD application and Zoning Map amendment.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Norman M. Glasgow, Jr.


M. Carolyn Brown


Kyrus L. Freeman