

**Z.C. Case No. 08-07A**

**2255 Martin Luther King Jr. Avenue, S.E.**

**APPLICATION TO THE D.C. ZONING COMMISSION  
FOR A SECOND STAGE PUD  
AND MODIFICATIONS TO AN APPROVED PUD**

**PREHEARING STATEMENT OF THE APPLICANT**

**August 13, 2014**

**Submitted by:**

**HOLLAND & KNIGHT LLP  
800 17<sup>th</sup> Street, NW, Suite 1100  
Washington, DC 20006  
Kyrus L. Freeman, Esq.  
Jessica R. Bloomfield, Esq.**

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## **DEVELOPMENT TEAM**

### **Applicants**

Four Points, LLC  
1805 7th Street, NW - Suite 800  
Washington, DC 20001

### **Architect/Master Planner**

Grimm + Parker  
11720 Beltsville Drive, Suite 600  
Calverton, MD 20705

### **Civil Engineer**

Bowman Consulting  
3863 Centerview Drive - Suite 300  
Chantilly, VA 20151

### **Traffic Consultant**

Gorove/Slade Associates, Inc.  
1140 Connecticut Avenue, NW - Suite 600  
Washington, DC 20036

### **Land Use Counsel**

Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W., Suite 1100  
Washington, DC 20006

**LIST OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
A	Supplemental Architectural Plan Sheets
B	List of the Applicant's Witnesses and Estimated Time Required For Presentation of the Applicant's Case
C	Outline of Testimony of Stan Voudrie, Four Points, LLC
D	Outline of Testimony and Resume of Fernando Bonilla, AIA, Grimm + Parker
E	Outline of Testimony and Resume of Erwin N. Andres, Gorove/Slade Associates, Inc.
F	Outline of Testimony and Resume of Steven E. Sher, Holland & Knight, LLP
G	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
H	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property

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

The Applicants hereby certifies that this application, one original and ten copies of which were filed with the Zoning Commission on August 13, 2014 complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<b><u>Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page</u></b>
3013.1(a)	Information Requested by Zoning Commission and Office of Planning	Pgs. Herein
3013.1(b)	List of Witnesses	Exhibit B
3013.1(c)	Outline of Testimony of Applicant's Witnesses/Resumes	Exhibit C-F
	Stan Voudrie Four Points, LLC	Exhibit C
	Fernando Bonilla, AIA Grimm + Parker	Exhibit D
	Erwin N. Andres Gorove/Slade Associates, Inc.	Exhibit E
	Steven E. Sher Holland & Knight LLP	Exhibit F
3013.1(e)	Reduced Plan Sheets	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit G
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit B
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit H

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

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", with a long horizontal flourish extending to the right.

By: \_\_\_\_\_  
Kyrus L. Freeman

## II. INTRODUCTION

This Prehearing Statement of the Applicant (the "Prehearing Statement") and the attached documents are submitted on behalf of Four Points, LLC and Curtis Properties, Inc., as contract purchaser and owner, respectively (together, the "Applicant") for review and approval of a second-stage planned unit development ("PUD") and modifications to the approved PUD for property located at 2255 Martin Luther King Jr. Avenue, S.E. (Lot 839 and a portion of Lot 906 in Square 5785) (the "Subject Property"). Pursuant to Z.C. Order No. 08-07, which became final and effective on October 25, 2013, the Zoning Commission approved the first-stage PUD and related map amendment for certain lots within the overall PUD Site from the C-2-A District to the C-3-A District.

The Applicant originally filed its second-stage PUD Statement and supporting documents with the Zoning Commission on June 27, 2014 (the "Initial Second-Stage PUD Submission"). The Initial Second-Stage PUD Submission sets forth in detail the proposed development, project design, requested areas of flexibility, and a discussion of how the project meets the applicable second-stage review and approval requirements. As shown on the Architectural Plans and Elevations included with the Initial Second-Stage PUD Submission, the Applicant is seeking modifications to the Approved First-Stage Plans to develop the Subject Property with a slightly modified six-story, mixed-income residential building. The modified building will contain approximately 71 residential units, eighty percent of which will be devoted to households earning up to 60 percent of the area medium income ("AMI"). The proposed income mix includes eight units at 30 percent of the AMI, 26 units at 50 percent of the AMI, and 23 units at 60 percent of the AMI. The building will have an FAR of 2.85 and will be constructed to a maximum height of 65 feet at its highest point. The building does not include any roof structures that exceed four feet in height. The building will include 26 off-street parking spaces located in

a below grade garage, 37 bicycle parking spaces, and a 30-foot loading berth with a 100 square foot loading platform

### **III. ISSUES RAISED BY THE ZONING COMMISSION AND THE OFFICE OF PLANNING**

The Applicant originally filed its second-stage PUD Statement and supporting documents with the Zoning Commission on June 27, 2014 (the "Initial Second-Stage PUD Submission"). The Office of Planning, by report dated July 18, 2014 recommended that the Zoning Commission schedule a public hearing on the application. At the public meeting on July 28, 2014, the Zoning Commission voted to set down the application.

This Prehearing Submission supplements the Initial Second-Stage PUD Submission and provides the information requested by the Zoning Commission and the Office of Planning, as follows:

	<b>Zoning Commission Comment</b>	<b>Action</b>
1.	Provide more information regarding the live-work units.	As shown on Sheet 1 of the Supplemental Architectural Plan Sheets (the "Supplemental Plan Sheets") attached hereto as <u>Exhibit A</u> , the proposed live-work units are designed to accommodate both private living space and more public work space, with a movable partition in between the spaces. The workspace is located on the front side of the units and easily accessible from the street. Sleeping areas are located near the rear of the units. The live-work units have tall ceilings and a large amount of windows to make the space more inviting and to allow natural light into the bedroom through a clerestory. The kitchens are located behind the movable partition that provides privacy for residents. Only non-hazardous, low-impact work activities will be permitted in the live-work spaces, such as art-making (e.g. painting, crafts) and teaching/tutoring.



2.	Study whether the elevator core can be shifted away from the front of the building, and explain how the elevator can rise to only three feet above the main roof.	The design team has studied the location of the elevator core, and relocating the elevator core would have a negative effect on the number of units and parking spaces provided. In addition, the elevator manufacturer requires 13' of space from the top floor to the hoist beam/elevator overrun. As shown on Sheet 2 of the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> , the Applicant is providing 1'-8" above the elevator overrun for the beam and elevator shaft roof and insulation. The building roof will be approximately 11'-8" above the top floor; therefore, the elevator will rise approximately 3' from the building roof (13'-0" + 1'-8" - 11'-8"). The wood-framed building will have roof trusses with a sloped top to allow drainage towards the back of the building. The roof truss will be approximately 3' tall at the front of the building and approximately 2' at the back of the building.
3.	Provide more information regarding the LEED equivalent system that will be used for the building, and translate the equivalent rating into its LEED rating (a LEED checklist would be helpful).	As shown on the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> , the building has been designed to meet rigorous energy and environmental design standards using the Green Communities rating system as a guide and performance metric. Green Communities is a nationally-recognized sustainability strategy designed specifically for affordable housing projects. As shown on the comparison chart included with the Supplemental Plan Sheets, the amount of sustainability features included in the project would be the equivalent of LEED Silver under the LEED certification standards.
4.	Explain why a larger green roof is not provided, particularly given the various funding resources that can be accessed.	As shown on the Roof Plan included with the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> , the roof has been designed to include space for condenser units and an area reserved for solar panels. However, a green roof is not proposed because the project is able to comply with Green Area Ratio requirements without adding green roof to the portion of the roof not required for AC condensers. As depicted in the roof plan, a large portion of the roof area is required to accommodate the condenser units

		for the building HVAC which leaves only a relatively small area for green roof or other purposes. The development team elected to reserve that available space on the roof for future solar panel installation believing this to be a more economically and environmentally beneficial use for the remaining roof area as the cost associated with increasing the structural capacity of the roof system in order to accommodate green roof was significant and there exists sufficient green area at the street level to mitigate the storm water run off.
5.	Provide an explanation of the safety features of the roof deck.	As shown on the Roof Plan included with the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> , the roof deck includes a number of safety features, including a planning buffer designed to keep people away from the edge of the roof, as well as an 42" high parapet and guardrail around the entire roof deck.
6.	Explain why the First Source Agreement will be signed prior to issuance of a Certificate of Occupancy for the building, rather than at the time that a building permit is issued.	The Applicant will execute the First Source Employment Agreement prior to the issuance of a building permit for this project.
7.	Provide renderings showing how the height of the proposed building relates to the height of the existing row houses on Chicago Street.	As requested, the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> include renderings showing how the height of the proposed building relates to the height of the existing row houses on Chicago Street.
8.	Study how the lighting can be downplayed at the intersection of Martin Luther King Jr. Avenue and Chicago Street so that it does not interfere with the adjacent row houses.	The building design will incorporate safety down lights on the ground floor façade of the building. In order to minimize glare and light overflow to adjacent properties, ground floor light fixtures will be located only at the main entrance, entries to the live-work units, and at the service area in the rear. In addition, Green Communities requires that all exterior light fixtures must be provided with daylight sensors and must be full cut-off fixtures that shield light pollution from the night sky.

	<b>Office of Planning Comment</b>	<b>Action</b>
1	Provide details of the proposed CBE and First Source Agreement.	As described above, the Applicant will execute a First Source Employment Agreement prior to the issuance of a building permit for this project.
2.	Provide details as to the non-provision of at least a LEED Silver building.	As described above, and as shown on the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> , the building has been designed to meet rigorous energy and environmental design standards using the Green Communities rating system as a guide and performance metric. Green Communities is a nationally-recognized sustainability strategy designed specifically for affordable housing projects. As shown on the comparison chart included with the Supplemental Plan Sheets, the amount of sustainability features included in the project would be the equivalent of LEED Silver under the LEED certification standards.
3.	Provide a Green Area Ratio ("GAR") checklist.	Pursuant to Section 3401.4(b)(1) of the Zoning Regulations, the building included in this application is not subject to the GAR regulations. However, the Supplemental Plan Sheets attached hereto as <u>Exhibit A</u> include a Green Communities checklist indicating the sustainability features of the project.

#### **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 B.

**b. Summary of Testimony of Witnesses or Reports and Area of Expertise**

In accordance with Sec. 3013.1(c) of the Zoning Regulations, the summaries of the testimony of those persons who may be called to testify at the public hearing are attached as Exhibits C through F.

**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.

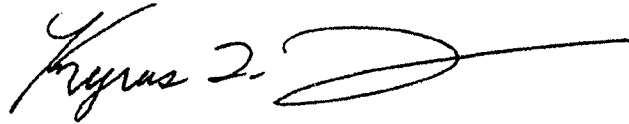
**e. Names and Addresses of Owners of Property Within 200 Feet of Property**

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 Subject Property is attached as Exhibit H.

## V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission approve the requested modifications to the First Stage Order and the second-stage PUD application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", followed by a long horizontal flourish.

HOLLAND & KNIGHT LLP  
Kyrus L. Freeman, Esq.  
Jessica R. Bloomfield, Esq.\*  
800 17<sup>th</sup> Street, NW, Suite 1100  
Washington, D.C. 20006  
(202) 862-5978

\*Admitted to practice in Pennsylvania. Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(8).