

1401 New York Avenue, N.E.

**PREHEARING STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
MODIFICATION TO AN APPROVED PUD
AND RELATED MAP AMENDMENT**

February 27, 2015

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LIST OF EXHIBITS

Exhibit	Description
A	Revised Architectural Plans and Elevations (attached separately)
B	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
C	Outline of Testimony of Paul Millstein of Jemal's Hecht's, LLC
D	Outline of Testimony and resume of Kevin Sperry of Antunovich Associates Architects
E	Outline of Testimony and resume of Erwin Andres of Gorove/Slade
F	Outline of Testimony and resume of Steven E. Sher of Holland & Knight LLP
G	List of Names and Addresses of All Property Owners Within 200 Feet of the Property

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

The Applicant hereby certifies that this application, one original and ten copies of which were filed with the Zoning Commission on December 22, 2014, 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 B
3013.1(c)	Outline of Testimony of Applicant's Witnesses and Resumes	Exhibits C-F
	Paul Millstein Douglas Development Corporation Jemal's Hecht's, LLC	Exhibit C
	Kevin Sperry Antunovich Associates Architects	Exhibit D
	Erwin 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	Pgs. Herein
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 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

By: Norman Glasgow, Jr.
Norman Glasgow, Jr.

INTRODUCTION

This Prehearing Statement and the attached documents are submitted by Jemal's Hecht's, LLC (the "Applicant"), in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for a modification to an approved Planned Unit Development ("PUD") located on the western 345.93 feet of Square 4037 (the "Approved PUD Site"), and a related zoning map amendment from the C-M-3 District to the C-3-C District for a small portion of Square 4037 adjacent to the Approved PUD Site.

In Zoning Commission Order No. 14-01, dated July 17, 2014, and effective on August 8, 2014, the Zoning Commission approved a PUD and related map amendment for the Approved PUD Site from the C-M-2 District to the C-3-C District. The Approved PUD Site includes approximately 119,037.97 square feet (2.73 acres) of land area. The approved project includes approximately 559,245 square feet of gross floor area (4.7 floor area ratio ("FAR")), which includes the adaptive reuse of the historic Hecht's Company Warehouse building, the construction of a two-story addition atop the four-story wing on the eastern side of the warehouse building, and a one-story addition atop the main portion of the warehouse building. The first and second floors of the approved project contain retail and service uses, comprised of approximately 196,343.8 square feet of gross floor area, plus approximately 5,590 square feet of additional retail space in the cellar level. Floors three through seven contain approximately 362,901.3 square feet of gross floor area devoted to residential and residential amenity spaces, comprised of approximately 338 dwelling units.

The Applicant seeks Zoning Commission approval to modify the architectural plans approved in Z.C. Order No. 14-01. Specifically, as shown on the Revised Architectural Plans and Elevations ("Revised Plans), attached hereto as Exhibit B, the Applicant requests approval to construct a second building on the Approved PUD Site, and to extend the southern portion of the

Approved PUD Site eastward by approximately 16 feet, 5.5 inches, for a length of approximately 108 feet, 6 inches (*see* Sheet 5 of the Revised Plans). The additional land area plus the Approved PUD Site is hereinafter referred to as the “Revised PUD Site.” The proposed modification to the PUD will add approximately 1,785.7 square feet of land area to the Approved PUD Site, or an increase of 1.02 percent. The proposed new building will contain approximately 8,074 square feet of gross floor area, which is an addition of 1.4 percent of the gross floor area of the approved overall PUD.

The new building is located in an area of the Approved PUD Site that was originally approved for use as a circular driveway for vehicular pick-up and drop-off for building residents, visitors, and employees. The approved driveway was approximately 169 feet long and 24 feet wide, with ingress and egress from Hecht Avenue to the east. The Applicant proposes to modify the driveway configuration as part of this application to provide space for the building addition with a one-way drive aisle with ingress from Hecht Avenue and egress onto Okie Street.

The Applicant originally filed its PUD modification application and supporting documents with the Commission on December 22, 2014 (the “Initial PUD Submission”). The Initial PUD Submission sets forth in detail the proposed modified development, project design, requested areas of zoning and design flexibility, and a discussion of how the project meets the applicable review and approval requirements.

By report dated January 30, 2015, the Office of Planning recommended that the Commission schedule a public hearing on the application. At the public meeting on February 9, 2015, the Commission unanimously voted to set down the application for a public hearing. This Prehearing Submission supplements the Initial PUD Submission and includes the information requested by the Office of Planning and the Zoning Commission.

ISSUES/CONCERNS RAISED BY THE COMMISSION AND THE OFFICE OF PLANNING

At its public meeting of February 9, 2015, the Commission voted to schedule a public hearing for the application. During the Commission's deliberations, the Commissioners requested additional information regarding various components of the project's program and design. The Office of Planning indicated it would work with the Applicant to address any concerns raised by the Commission and other agencies during the review process.

As shown on the Revised Architectural Plans and Elevations ("Revised Plans") attached hereto as Exhibit A, the Applicant has made a number of changes to address the concerns raised by the Commission and the Office of Planning. A chart indicating how the revised building program and design responds to the specific comments follows:

	Commission Comment	Action
1.	Explain how the loading will work on a day-to-day basis.	Loading is proposed to occur curbside on the west side of the proposed building along the east side of the driveway. Loading activities will take place during off-peak hours to minimize conflicts with peak circulation of the other on-site uses. The driveway will provide 24 feet of pavement width, which will allow for adequate space for vehicles to maneuver around any truck that may be parked for curbside loading.
2.	Explain the use of cinder block at the base of the building.	Ground faced masonry is used to express a high end reading of the industrial gritty nature of the Hecht Warehouse District. This material is used as the base building enclosure in conjunction with the perforated metal panel system. Portions of the base building are exposed at the first and second floors to enhance the dual material interplay and also allows the building to achieve the desired vertical spans in an efficient exterior wall assembly.
3.	Consider revising the design of the building to be more festive/fun from all sides; avoid large blank walls.	The Applicant enhanced the facades to include perforated metal panel screens over portions of the glazing at the north, west and south facades. This activates and accentuates the perforated metal panels

		by allowing light to filter through the openings during daylight and nighttime hours. This design is intended to respect the residents at the Hecht Warehouse while the east façade has a larger quantity of clear glazing facing the retail at the Hecht Garage. The Applicant will also provide a reflective surface behind the perforated panels, possibly a foil faced insulation, when applied to the masonry. The intent is to provide a shimmering/glowing effect during the day.
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	Office of Planning Comment	Action
1.	Provide information on whether the project complies with the open space requirements of section 2517.3.	Since submitting the original PUD modification application, the Applicant revised the design and program of the new building, such that the new building is no longer attached to the warehouse structure by a trellis and is no longer considered an “addition” to the warehouse structure. As a result of this change, the Applicant seeks to locate two principal buildings on the single subdivided lot, as permitted by section 2517. Section 2517.3 requires that “open space in front of the entrance shall be provided that is equivalent to the required rear yard in the zone district in which the building is located.” However, this section does not apply to the proposed new building, since it only applies “[i]f a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building.” In this case, the proposed new building is a principal building and will have street frontage on Okie Street, N.E.
2.	Provide updated plans that show the trellis removed and a chart showing compliance with the Green Area Ratio requirements.	As described above, the Applicant removed the trellis that originally connected the new building to the existing warehouse structure. As a result of this change, the new building is required to comply with the GAR requirements of Chapter 34 of the Zoning Regulations. As shown on the GAR Computation Chart, included in the Revised Plans at <u>Exhibit B</u> , the new building on Revised PUD Site complies with the GAR requirements.

ADDITIONAL REQUIREMENTS OF SEC. 3013 OF THE ZONING REGULATIONS

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.

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 Exhibit C through Exhibit F.

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

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 thirty (30) minutes.

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 Property is attached as Exhibit H.

CONCLUSION

For the foregoing reasons, the Applicant submits that the proposed PUD modification and zoning map amendment meet the standards of Chapter 24 of the Zoning Regulations and the standards for approval. Accordingly, the Applicant requests that the Commission approve the application.

Respectfully submitted:

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