

August 7, 2015

VIA HAND DELIVERY

Anthony Hood, Chairman
D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **Z.C. Case No. 15-05: Application of P.N. Hoffman and Associates, Inc.
and Riverside Baptist Church (“Applicant”) for Approval of a
Consolidated PUD and Zoning Map Amendment
Applicant’s Prehearing Submission**

Dear Chairman Hood and Members of the Commission:

Pursuant to 11 DCMR Section 3013.8, the Applicant files its pre-hearing statement for the above-referenced case.

Background

The property that is the subject of this application is located at the intersection of 7th and I Streets SW in the Southwest neighborhood. The property is known as Lot 127 in Square 472 and is improved with the existing Riverside Baptist Church structure and surface parking. The property is located in the R-5-B Zone District.

On March 16, 2015, the Applicant filed an application for consolidated approval of a PUD and related amendment to the Zoning Map for the above-referenced property. The PUD will facilitate the redevelopment of the existing site into a mixed-use development containing a new home for the Church and a residential apartment building (“**Project**”). The Applicant is requesting a PUD-related map amendment to the C-3-A Zone District.

Setdown Meeting and Responses to the Zoning Commission

The Zoning Commission set the above-referenced application down for a public hearing at its public meeting on July 27, 2015. At the setdown meeting, the Commission requested the Applicant:

1) Project Design:

- a. Further develop the architectural design of the residential component of the Project and address the architectural comments raised by OP in its setdown report dated July 17, 2015 ("**Setdown Report**");
- b. Develop additional views of the Project and study the impact of the Project on future views as recommended by OP in its Setdown Report; and
- c. Provide more detailed roof plans and sections.

2) Public Benefits and Project Amenities: Further develop the PUD's amenities package, including the affordable housing and sustainability components, to be commensurate with the requested development incentives. In its setdown report, OP requested further details about other identified public benefits, and requested that the Applicant explain how the proffered benefits would exceed what would be provided in a matter-of-right project.

3) Comprehensive Plan: Provide further analysis of the consistency of the Project with the Comprehensive Plan's Future Land Use Map designation.

In addition to the above, OP requested that the Applicant:

4) Zoning Flexibility: Provide more detail on the requested flexibility from the density, courts, parking, and loading requirements of the Zoning Regulations.

5) Transportation and Public Space:

- a. Provide a comprehensive transportation review ("**CTR**"), including a more detailed transportation demand management package; and
- b. Further develop the design and details of the public space components of the project in coordination with District public space officials.

These comments are addressed below.

1. Project Design

As requested by the Commission and OP, the Applicant has directed the design team to further develop the architectural design and building materials of the Project, including development of a stronger terminus for the 7th Street vista, further development of the materials and design details for the proposed apartment building, and further study of the architectural style, form, and materials for the proposed church. The Applicant is continuing to refine the design of the Project and will provide the requested detail in a supplemental submission.

The Applicant is also developing additional views of the Project, as requested by the Commission and OP. These views will be provided in a supplemental submission, so that they reflect the revised design of the Project.

Finally, the Applicant will provide the requested detail on the proposed roof plan in a supplemental submission. Given that the Commission's anticipated scheduled date for final action in Z.C. Case No. 14-13 will likely take place before the public hearing on this matter, the Applicant expects that the final design will reflect the pending changes.

2. Public Benefits and Project Amenities

As requested by the Commission, the Applicant will further enhance the affordable housing and sustainability commitments of the proposed PUD as a part of the overall development of the PUD's amenities package. The Applicant expects to engage with ANC 6D and other key stakeholders early this fall to discuss the details of the proposed PUD and develop an appropriate benefits and amenities package in advance of the public hearing. The Applicant will present the revised amenities package to the Commission in a supplemental submission.

In response to OP's requests:

- The Applicant is actively pursuing potential tenants for this ground floor space. Prior to the public hearing, the Applicant will aim to provide a more detailed commitment for the initial user for this space as well as a more detailed list of alternative uses that could replace the initial user over time, in order to provide assurance that the space will be devoted to a use of special value to the community.

- The Applicant's design team is exploring materials and lighting features for the water wall in order to ensure that the water wall is an attractive and engaging feature year-round, even when not in operation during winter months.
- The Church has been a committed presence in the Southwest community for over 150 years. The initial PUD statement outlined a few of the many public benefits that result from the Church's presence, and the Applicant will attempt to quantify these benefits in a supplemental submission. The PUD will not only provide the Church to remain in the Southwest community in a new home; it will also create an endowment to protect and further the Church's ministry. The Commission has previously recognized the retention of a church as a public benefit in, for example, a PUD at St. Matthews Church a few blocks from the Project (Z.C. 11-13) and in another PUD for Matthews Memorial Church (Z.C. Order No. 08-25).

Additional detail regarding these benefits will be provided in a supplemental submission.

3. Comprehensive Plan

As OP noted in its Setdown Report, the D.C. Council approved the Southwest Small Area Plan Pursuant to Resolution R21-0170 on July 14, 2015. The Small Area Plan denotes the PUD site as appropriate for use as Mixed Use Medium Density Residential / Low Density Commercial. The proposed rezoning to the C-3-A Zone District is consistent with the Small Area Plan's land use designation.

Pursuant to Section 1-306.03(c)(1) of the D.C. Code, the Mayor is required to prepare small area plans for "selected geographical areas that require more specific land use analysis to incorporate the broadest range of planning techniques and solutions practical to achieve the District's goals and objectives." This section further states that small area plans may include "specific zoning recommendations" and other measures "necessary for the realization of objectives and policies of the Comprehensive Plan. D.C. Code § 1-306.03(c)(1) (emphasis added). Section 1-306.03(c)(4) of the D.C. Code further provides that "[o]nce approved, the small area action plan shall provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comprehensive Plan" (emphasis added).

The Comprehensive Plan itself recognizes that although small area plans are not part of the Comprehensive Plan itself, they constitute the "third tier" of planning,

complementing the Citywide Elements and Area Elements of the Plan itself. Comprehensive Plan, § 104. Furthermore, the Future Land Use Map itself acknowledges that “Zoning of any given area should be guided by this map, interpreted in conjunction with the text of the Comprehensive Plan including the citywide and area elements as well as approved Small Area Plans.” Comprehensive Plan, § 226 (emphasis added).

Through both the legislative guidance behind small area plans and the language of the Comprehensive Plan itself, the D.C. Council has clearly stated that small area plans provide site-specific analysis that is intended to help guide zoning and land use decisions. Put another way, the Small Area Plan presents the Zoning Commission with a screwdriver for zoning of specific neighborhoods and sites as an alternative to the hammer that is the broad zoning guidance of the Comprehensive Plan and its Future Land Use Map.

4. Zoning Flexibility

5% Increase in Floor Area Ratio

The Applicant has requested a 1.56% increase in FAR above the 4.5 FAR maximum permitted for a PUD in the C-3-A Zone District. The Commission is permitted to grant up to a 5% increase in the maximum FAR of PUD when the increase is “essential to the successful functioning of the project and furthers the goals and purposes of the regulations.” The Applicant requested this increase to accommodate the architectural design of the Project, which sets back the ground floor in order to create a more generous pedestrian experience along 7th Street SW. The requested increase roughly corresponds to the gross floor area that is underneath this overhang. (The original design of the Project pulled the ground floor closer to the property line, in which case the area under the overhang would not have counted towards FAR. However, at the request of public space officials, but the Applicant pulled the building back to minimize the number of projections.) The requested increase is consistent with the Zoning Regulations, which actually permit a greater FAR for a matter of right residential project in the C-3-A Zone (4.8 FAR, through the IZ bonus) than a PUD in the C-3-A Zone (4.5 FAR).

Note that in other PUDs, the Commission has approved a maximum FAR of 4.8 for C-3-A PUDs, and OP has supported this requested relief. See, e.g., Z.C. Order No. 10-23. Based on this precedent, the flexibility for the 5% increase is arguably unnecessary.

Courts

As shown on the court plan included as page 13 of the plans, the project has two courts—Court A, which is located between the church and residential components of the Project, and Court B, which is located behind the residential component of the Project. Each court is irregularly shaped. Under the definition of court width in Section 199 of the Zoning Regulations, the width of an irregular court is measured as the diameter of the largest circle that can be inscribed in the court. As shown on page 13, both courts technically meet the width requirements based on the diameter of the largest circle in each court.

However, both courts neck down to widths that do not fully meet the width of requirements. Out of an abundance of caution, the Applicant requests flexibility from the court width requirements of the Zoning Regulations. The requested flexibility is minor and will not have adverse impacts on light and air to the project or surrounding property. For Court A, the narrow portion of the court is entirely within the property boundaries and will not have an adverse impact on the residential units in the southwest corner given the relatively low scale height of the church and the way that the court opens up to the south. For Court B, the narrow portion of the court is offset by a corresponding setback on the adjacent property which creates a wider open space between the Project and the adjacent building.

Parking

The parking requirements of the Zoning Regulations specify certain dimensional requirements for each space, as well as requirements for the grouping of compact spaces. Here, the Applicant requests flexibility to adjust the layout, type, and location of vehicular and bicycle parking spaces within the parking garage. Such flexibility is ordinarily granted to many Planned Unit Developments. The Applicant will provide the specific data requested by OP in a supplemental submission so that it reflects any further updates to the layout and design of the parking garage.

Loading

Loading requirements under the Zoning Regulations are cumulative; that is, separate loading facilities are required for each proposed use. Under the Regulations, the Project is required to provide one 30-foot deep loading berth for the proposed retail use and one 55-foot deep loading berth and one 20-foot deep service/delivery space for the

apartment use, as well as associated loading platforms for each berth. The Project will provide two 30-foot deep loading berths, which meet the 30-foot deep loading berth and 20-foot service/delivery space requirements. The Applicant requests relief, however, from the requirement for a 55-foot deep loading berth and associated 200-square foot loading platform. New residents in similar apartment buildings rarely use large loading vehicles given the size of the individual apartments, and such a berth is not required to accommodate the building's loading needs. Tenant move-in and move-out needs can be accommodated on the remaining loading spaces. The Applicant will work with DDOT to develop a loading management plan to ensure that deliveries and service will not impose adverse impacts.

Relief from the 55-foot berth loading requirement has become extraordinarily common in the past decade, given demographic changes and DDOT's desire to reduce the size of trucks navigating city streets and maneuvering into loading docks. The proposed rewrite of the Zoning Regulations codifies this trend and eliminates the 55-foot berth requirement. Flexibility from this requirement is common in PUDs. For example, the Commission granted such flexibility for Parcels 3 and 5 in the Wharf across the street from the Project (Z.C. Order No. 11-03A(2) and 11-03B) as well as for another church redevelopment a few blocks from the Project (Z.C. Order No. 11-13). Similarly, the Commission granted such relief to three mixed-use projects in the Union Market area (Z.C. Order No. 06-40C, Z.C. Order No. 14-12, and Z.C. Order No. 14-07).

5. Transportation and Public Space

The Applicant has been engaged in discussions with DDOT regarding the public space and transportation impacts of the Project since late 2014. The CTR has been scoped with DDOT, and the CTR will be provided to DDOT, OP, and the ANC well in advance of the public hearing. The CTR will include a detailed TDM package.

Discussions with DDOT and OP public space officials have also addressed the proposed intersection changes and other public space components of the Project. The Applicant's design team is continuing to advance and refine the design of the public space at the intersection and, at OP's request, the Applicant is also preparing materials for an application to the Public Space Committee ("PSC") for any concept approvals required to reconfigure the intersection of 7th and I Streets SW and approve the design of the public space. The Applicant will process this application concurrently with the PUD and intends to secure PSC approval prior to the public hearing.

Witness List, Proposed Testimony, and Time Estimate for Presentation

We look forward to presenting this case to the Commission. The Applicant will provide five witnesses to testify on its behalf: two representatives of the Applicant, the two project architects, the landscape architect, and the traffic consultant. The Applicant will call four of its witnesses, Brian Pilot of Studios Architecture, Phillip Renfrow of Geier Brown Renfrow Architects, Jonathan Fitch of Landscape Architecture Bureau, and Dan Van Pelt of Gorove / Slade Associates, as experts in their respective fields. Outlines of their proposed testimony are included as Exhibit A. If additional witnesses are required, the Applicant will identify them in a supplemental submission.

The written report of the Applicant's traffic consultant is being finalized and will be submitted under separate cover.

The Applicant expects that its presentation will require 60 minutes.

Project Plans

A full set of plans was included in the initial application. Revised plans depicting further refinement of the design of the Project will be provided to the Commission in a supplemental pre-hearing statement.

Publicly Available Maps

Per Section 3013.1(f), the Applicant offers the following publicly available maps and documents into evidence in support of its case: the District of Columbia Zoning Regulations and Map, the District of Columbia Future Land Use Map and Generalized Land Use Map, WMATA transit maps related to this site, previous Orders of the District of Columbia Zoning Commission, the District of Columbia Comprehensive Plan, and the recently-adopted Southwest Small Area Plan.

Property Owners' List

A list of the names and addresses of the owners of all property located within 200 feet of the Property was included in the initial application.

Anthony Hood
August 7, 2015
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Conclusion

As set forth above, the Applicant has met the requirements of Section 3013, and accordingly requests that a public hearing be scheduled as soon as possible. If you have any questions regarding this application, please feel free to contact Allison at 202-721-1106 or Dave at 202-721-1137.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David Avitabile", with a long horizontal flourish extending to the right.

David Avitabile

DA/da
Enclosures

cc: Bao Vuong
Pastor Michael Bledsoe

CERTIFICATE OF SERVICE

On August 7, 2015, I caused a copy of the foregoing letter and enclosure to be delivered by electronic, hand or by U.S. Mail to the following:

Steve Cochran
D.C. Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024

Ryan Westrom
Policy and Planning
District Department of Transportation
55 M Street SE, 5th Floor
Washington, DC 20009

ANC 6D
1101 4th Street SW, Suite W130
Washington, DC 20024

_____/s/_____

David Avitabile

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

P.N. Hoffman & Associates, Inc. and Riverside Baptist Church ("Applicant") hereby certify that this pre-hearing submission, which has been filed with the Zoning Commission on August 7, 2015, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes are expected to be submitted prior to the public hearing on this application, other than the changes discussed in detail below.

At its July 27, 2015 Public Meeting, the Commission voted to set down the application for a public hearing. In response to comments made by members of the Commission during the public meeting and in the Office of Planning Setdown Report dated July 17, 2015, the Applicant has provided additional information regarding the proposed PUD project. The additional information requested includes:

- 1) *Project Design: The Commission requested further development of the architectural design of the residential component of the Project; asked the Applicant to address the architectural comments raised by OP in its Setdown Report; requested additional views of the Project as recommended by OP in its Setdown Report; and requested more detailed roof plans and sections.*

Responses to each issue are provided herein, and further refinements to the design will be incorporated in a supplemental pre-hearing submission.

- 2) *Public Benefits and Project Amenities: The Commission requested further development of the PUD's amenities package, including the affordable housing and sustainability components, to be commensurate with the requested development incentives. In its Setdown Report, OP requested further details about other identified public benefits, and requested that the Applicant explain how the proffered benefits would exceed what would be provided in a matter-of-right project.*

Details on identified public benefits are provided herein, and the Applicant will provided further detail on the benefits and amenities package in a supplemental pre-hearing submission.

- 3) *Comprehensive Plan: The Commission requested that the Applicant provide further analysis of the consistency of the Project with the Comprehensive Plan's Future Land Use Map designation.*

This information is provided herein.

- 4) Zoning Flexibility: OP requested that the Applicant provide more detail on the requested flexibility from the density, courts, parking, and loading requirements of the Zoning Regulations.

This information is provided herein.

- 5) Transportation and Public Space: OP requested that the Applicant provide a comprehensive transportation review ("CTR"); provide a more detailed transportation demand management package; and further develop the design and details of the public space components of the project in coordination with District public space officials.

A comprehensive transportation review, including a TDM package, is being prepared and will be provided in a supplemental pre-hearing submission. As detailed herein, the Applicant will also further develop the public space components of the Project with District public space officials.

In all other respects, the project is the same as filed on March 16, 2015.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission
3013.1(b) Witnesses	Pre-Hearing Submission
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record:	
Outline of Testimony of Representatives of the Applicant	Pre-Hearing Submission (Exhibit A)
Outline of Testimony of the Project Architects	Pre-Hearing Submission (Exhibit A)
Outline of Testimony of the Landscape Architect	Pre-Hearing Submission (Exhibit A)
Outline of Testimony of the Traffic Engineer	Pre-Hearing Submission (Exhibit A)

<u>Sub-Section</u>	<u>Page</u>	<u>Sub-Section</u>
	Report of the Traffic Engineer	To be provided
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission
3013.1(e)	Reduced Plans	Application (Exhibit A)
3013.1(f)	List of Publicly Available Maps, Plans, and Other Documents	Application (Exhibit I)
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1 Hour
3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Exhibit F)

Respectfully submitted,

_____/s/_____
David Avitabile