

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**PREHEARING STATEMENT
IN SUPPORT OF APPLICATION FOR
CONSOLIDATED PUD & RELATED
MAP AMENDMENT**

**Deanwood Hills, LLC
Z.C. Case No. 15-10**

August 4, 2015

**Holland & Knight LLP
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CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, ten (10) copies of the following items were filed with the Zoning Commission on August 4, 2015; and, in accordance with Section 3013.8, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Pgs. 4-5
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 8 Exhibit C
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 8 Exhibits D-G
3013.1(d)	Additional information introduced by the Applicant	Pgs. 6-7
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	Pg. 8 Exhibit H
3013.1(g)	Estimated time required for presentation of Applicant's case	Pg. 8
3013.6(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Pg. 8 Exhibit I
3013.10	Report by Traffic Consultant	Pg. 9
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Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Supplemental Architectural Drawings	A
Letter in Support from Commissioner Patricia A. Malloy, ANC 7C-01	B
List of witnesses prepared to testify on behalf of Applicant	C
Draft outline of testimony and biography of Lee Goldstein, Office of the Deputy Mayor for Planning & Economic Development	D
Draft outline of testimony and biography of Ivy Dench-Carter, Pennrose Properties, LLC	E
Draft outline of testimony and resume of Stephanie Farrell, Torti Gallas Urban	F
Draft outline of testimony and resume of Erwin Andres, Gorove Slade Associates	G
List of maps, plans or other documents readily available that may be offered into testimony	H
Names and addresses of owners of property within 200' of the subject property	I

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I. INTRODUCTION

This prehearing statement is submitted on behalf of Deanwood Hills, LLC (the “Applicant”) in support of its application for consolidated review and related map amendment from C-M-1 to R-5-B for the 2.1-acre parcel located on the south side of Hayes Street, NE, west of Division Avenue. The Property address is 5201 Hayes Street, NE and more particularly described as Square 5197, Lot 809 (the “Property”).

The application for the PUD and related map amendment was filed with the Zoning Commission on April 13, 2015. On June 29, 2015, the Zoning Commission voted unanimously to set down the application for public hearing. With the filing of this prehearing statement and the accompanying exhibits the Applicant respectfully requests that this case be scheduled for the next available hearing of the Zoning Commission.

This prehearing statement supplements the original application statement, and it addresses the comments raised by the Zoning Commission at its setdown meeting and the comments raised by the Office of Planning (“OP”) in its setdown report dated June 19, 2015. This prehearing statement also includes additional information from the Applicant, including items required under Section 3013 of the Zoning Regulations.

A. Project Overview

The PUD consists of a four-story, plus partial basement, multi-family residential building with 150 units. The building will include an array of on-site community amenities, including a multi-purpose room, exercise facility, community tot lot, courtyard lawn and patio, game room, and a cyber café. It will also include an on-site concierge services.

The massing and design of the PUD is intended to enhance the residential character of the immediate area. The overall FAR for the PUD will be approximately 1.63; the maximum building height will be 62’-3”; and the lot occupancy for the project will be 40%. There will be 75 parking surface parking spaces for the development and loading facilities. However, the Applicant seeks flexibility to have a 30’ loading berth in lieu of a 55’ loading berth as required under the Zoning Regulations.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information Requested by the Zoning Commission.

At its meeting on June 29, 2015, the Zoning Commission voted unanimously to set down the Application for public hearing. In its discussion on the Application, the Zoning Commission had questions and comments about the building color, the height and design of the retaining wall, the recreation space for older children, the security/safety features for the development, the circulation plan and the financial feasibility of the development. Following are the Applicant's responses to the Zoning Commission's questions and comments.

Building Color

The Commission suggested a lighter color for the building materials in order for the building to better fit within the context of the immediate residential neighborhood. The Applicant changed the building color accordingly, as reflected in the enclosed architectural plans.

Retaining Wall

The Zoning Commission suggested a reduction in the height of the retaining wall the installation of plantings to mitigate the aesthetic impact of the retaining wall.

The Property is extremely irregular in shape and the development of the Property has a number of significant inherent challenges, including site grading, stormwater management, soil suitability and pedestrian accessibility. The proposed height and function of the retaining wall for the development of the site is critical to achieving the density necessary to support the proposed affordability levels of the housing. However, in order to address the Zoning Commission's concerns about the impact of the retaining wall, the Applicant will install a segmental retaining wall system that provides texture and color and accommodates vegetation. Illustrative examples of the proposed retaining wall treatments are depicted on Sheet L06 of the enclosed plans.

Recreation Spaces for Older Children

The Zoning Commission noted that, given the size of the units within the PUD, there will likely be older children in the development. As such, the Commission inquired

about the availability of recreation space for older children. The building will have a game room and other space for the older young to participate in planned activities. The following facilities with recreational amenities for older children and families are located within walking distance of the Property:

- Watts Branch Recreation Center (6201 Nannie Helen Burroughs Avenue, NE; .2 miles): Provides recreational camp, “supreme teen” program, basketball court, baseball field, multipurpose room, park site and playground.
- Lederer Gardens (4801 Nannie Helen Burroughs; .4 miles): Provides a youth garden, Beehive, computer lab, greenhouse and park site.
- Deanwood Recreation Center (1350 49th Street, NE; .9 miles): Provides basketball skills training, summer camps, machine pitch baseball/softball, gymnasium, library, multi-purpose field, football, soccer, playground and senior room.
- Deanwood Aquatic Center (1350 49th Street, NE; .9 miles): Provides swimming lessons for all ages, water aerobics, Zumba classes, parent/child swimming, life guard training.

Security/Safety Features

The Zoning Commission requested details about the safety of the windows and balconies for the building and the fencing along the perimeter of the Property.

Windows and Balconies. All windows and sliding glass doors for the Juliet balconies on the building will include 4" limiters to ensure safety of the residents. Further, all railings on the Juliet balconies and accessible balconies will be designed to withstand applied forces as required by the Building Code. They will be structurally attached to the building and engineered by a professional engineer registered in the District.

Perimeter Fencing. The combination of guardrails, security fencing and existing fencing will be utilized to provide security and safety around the site. A 3’-6” ornamental metal pedestrian guardrail will be located on top and along the entire length of the rear retaining wall. The guardrail will transition to an 8’-0” metal ornamental security fence at the termination of the retaining wall at the western side of the site. The security fence will follow the property line and connect with an existing chain link fence located around the

adjacent property's parking area. The limits of fencing and illustrative images are depicted on sheets L06 and L010 of the enclosed plans.

Circulation Plan

The circulation plan requested by the Zoning Commission is shown on Sheet A19 of the enclosed plans.

Financial Feasibility of Project

The Zoning Commission requested information on the financial feasibility of the PUD given the affordability levels necessary to support the Lincoln Heights and Richardson Dwellings replacement units. The PUD will utilize the following sources of financing:

- Low Income Housing Tax Credit (LIHTC – 4%) Equity
- Permanent Loan and Subordinate Soft Second Loan from Citibank
- Office of the Deputy Mayor for Planning and Economic Development (DMPED) District Subsidy for the 50 Lincoln Height/Richardson Dwellings Replacement Units
- District of Columbia Housing Authority (DCHA) - Capital Funding
- Developer Fee Deferment

DC Housing Authority will also provide rental subsidies for the residents who reside in the replacement public housing units.

MPD Review of Site Plan

The Zoning Commission requested that Metropolitan Police Department (MPD) provide feedback on the PUD site plan layout. The OP Setdown Report states the application will be referred to MPD for review and comment.

B. Information Requested by the Office of Planning

In its setdown report, OP requested that the Applicant provide the following information prior to the public hearing:

1. *Improved drawings for the public hearing which should provide realistic plan perspectives at grade, including materials to be used and landscaping treatment to*

depict views of the street level and its context with the neighborhood. The enclosed supplemental plans include improved renderings. An updated, complete set of the application plans will be filed with the Commission not less than 20 days prior to the public hearing on the Application.

2. *Revised plan to include a rear security gate, to address safety concerns expressed by the community.* The Owner's intent is to provide an atmosphere of integration into the community. Security fences often do not deter unwanted activity, but signal that there are security challenges. In the owner's experience in much more challenging neighborhoods, fences and parking gates become more of a maintenance cost burden outweighing the security purpose. The physical site plan currently creates natural security barriers from the fencing plan that is presented and from the security cameras that will be positioned strategically to digitally monitor activity in these areas as well as sufficient lighting as depicted on Sheet L010 of the enclosed plans and as described above. Lastly, with full time management and maintenance staff onsite there will be presence to monitor the property.

3. *Provide more information about external lighting and security cameras for the entire building.* Security lighting, building lighting and security camera locations are depicted on sheet L010 of the enclosed plans. Site lighting will include, but is not limited to, streetscape lighting, parking lot lighting, building wall mounted egress lighting, recessed canopy lighting, path lighting and unit patio lighting. Lighting and security camera locations, quantities and styles of fixtures are to be finalized pending photometric analysis, and will be incorporated into the architectural and site design. Security cameras will have the technology to digitally record all activities. Visual monitoring of all cameras will be available in the management office.

4. *Provide revised plans including treatment of the retaining wall.* Additional details on the retaining wall and strategies to beautify the retaining wall are depicted on Sheets L05 and L06 of the enclosed plans.

C. **Additional Information Provided by Applicant**

Affordable Housing Chart

Residential Unit Type	GFA & Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total		150				
Market Rate		0				
IZ	N/A					Exempt, § 2602.3
Affordable/Non IZ	42,108 / 35%	40	30% AMI	40 years	Rental	
Affordable/Non IZ	79,102 / 65%	110	60% AMI	40 years	Rental	

New Communities Initiative

The proposed development advances the goals and objectives of the New Communities Initiatives. The 150 units in the PUD will be in addition to the 134 units already constructed in the neighborhood as a result of the New Communities Initiative, including:

- 70 units in the recently completed Nannie Helen at 4800 Nannie Helen Burroughs Avenue, which opened in 2013;
- 9 units in The Marley Ridge at 4820 C Street, SE;
- 26 units of affordable housing at the 4427 Hayes Street development; and
- 29 units of single-family, for-sale units in the Eden Place development located at the intersection of Dix Street and Eastern Avenue NE.

Of the 150 units in the PUD, 50 will serve as replacement units for the Lincoln Heights and Richardson Dwellings, which total 630 public housing units. To date, 41 replacement units for Lincoln Heights and Richardson Dwellings have been constructed as follows:

- 9 units at The Marley Ridge at 4820 C Street, SE,
- 9 units at 4427 Hayes Street, NE, and
- 23 units at Nannie Helen at 4800 Nannie Helen Burroughs Avenue.

Stakeholder Engagement

The Applicant continues to work with community stakeholders in connection with the PUD application. Commissioner Patricia Malloy, the Single Member District Representative for ANC 7C-01, where the Property is located, recently issued a letter in support of the application. A copy of the letter is attached as Exhibit B.

III. ADDITIONAL REQUIREMENTS OF SECTION 3013 OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013(b) of the Zoning Regulation, a list of witnesses who may testify at the public hearing on behalf of the Applicant is attached as **Exhibit C**. Please note that, at this time, Erwin Andres of Gorove/Slade Associates, is the only person being proffered as an expert witness.

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 may be called to testify at the public hearing are attached as **Exhibits D through G**. As noted above, Mr. Andres is the only person being proffered as an expert witness at this time.

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 may be offered into evidence at the public hearing is attached as **Exhibit H**.

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

E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property

In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all of the property located within two hundred feet (200') of the PUD Site is attached as **Exhibit I**.

F. **Report by Traffic Consultant**

In accordance with Section 3013.10 of the Zoning Regulations, the traffic report for the PUD will be filed with the Zoning Commission at least 20 days prior to the public hearing.

G. **Agreement with the District of Columbia**

A copy of the Applicant's First Source Agreement is attached as Exhibit G of the application statement filed on April 13, 2015.

CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of Deanwood Hills, LLC, in order to provide additional information in support of its Z.C. Case No. 15-10. We respectfully request that the application be scheduled for hearing and remain hopeful of the Zoning Commission's favorable consideration of the Application.

Respectfully submitted,

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