

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**PREHEARING STATEMENT  
IN SUPPORT OF APPLICATION FOR  
MODIFICATIONS TO FIRST-STAGE PUD  
& SECOND-STAGE PUD APPROVAL FOR  
SQUARE 620**

**TBSC OWNER I, LLC**

**Z.C. Case No. 15-20C**

**May 15, 2019**

**Holland & Knight LLP  
800 17<sup>th</sup> Street, NW  
Washington, DC 20006  
(202) 955-3000**

**CERTIFICATION OF COMPLIANCE**  
**WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, ten (10) copies of the architectural drawings and two (2) copies of all of the other below information were filed with the Zoning Commission on May 15, 2019; and, in accordance with Subtitle Z §401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<b><u>Subtitle Z Subsection</u></b> <b><u>Page/Exhibit</u></b>	<b><u>Description</u></b>	
401.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Pgs. 7-11
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 11 Exhibit E
401.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 11-12 Exhibits F-I
401.1(e)	Reduced plans	Exhibit A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Pg. 12 Exhibit J
401.1(g)	Estimated time required for presentation of Applicant's case	Pg. 12
401.3(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Pg. 12 Exhibit K
401.8	Report by Traffic Consultant	Pg. 12

Respectfully submitted,

HOLLAND & KNIGHT LLP

*Leila Batties*

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Leila M. Jackson Batties

## LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Architectural Drawings Depicting L Street Units	A
First Source Agreement Executed by Applicant	B
Current Form for First Source Agreement	C
Updated List of Sursum Corda Households	D
List of witnesses prepared to testify on behalf of Applicant	E
Draft outline of testimony of Paige Hackler TBSC Owner I, LLC	F
Draft outline of testimony and resume of Bob Keane WDG Architecture	G
Draft outline of testimony and resume of Trini Rodriguez Parker Rodriguez, Inc.	H
Draft outline of testimony and resume of Dan VanPelt Gorove/Slade Associates, Inc.	I
List of maps, plans or other documents readily available that may be offered into testimony	J
Names and addresses of owners of property within 200' of the subject property	K

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## I. INTRODUCTION

This prehearing statement is submitted by TBSC Owner I, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) seeking: (1) modifications to the first-stage planned unit development (“PUD”) approved for Square 620 pursuant to Zoning Commission (“ZC”) Order No. 15-20 (the “Order”) and (2) second-stage approval for Phase 1 of the PUD, the South Parcel.

The application pertains to that certain 6.7+/- acres bounded by L Street, NW on the south, M Street, NW on the north, First Place, NW on the east and First Street, NW on the west, and which is more particularly described as Lots 250, 893, 894, 895, 898, 900, and 904, and 905 in Square 620 (collectively, the “Property”). On February 25, 2019, the Zoning Commission voted unanimously to setdown 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.

The information in this prehearing statement 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 February 15, 2019. This prehearing statement also includes additional information from the Applicant, including, but not limited to, items required under Subtitle Z § 401 of the Zoning Regulations.

**A. First-Stage PUD Approval**

The first-stage PUD approval permits the redevelopment of the Property with five buildings on five theoretical lots divided between two parcels, as well as green space on two theoretical lots east of First Place. The South Parcel will be developed in the first phase of the project, and was originally comprised of three theoretical lots – Lots 1A, 1B and 1C. The North Parcel will be developed as the second phase of the project and is comprised of theoretical lots 2A/2B and 2C/2D. Z.C. Order No. 15-20 approved the redevelopments of the parcels with a total of approximately 1,296,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. In addition to the South Parcel, the first phase of the PUD will include the construction of Pierce Street, as a private street, and the green space on the east side of First Place.

**B. Proposed PUD Modification**

Under this modification request, the Applicant proposes to construct two buildings instead of three buildings on the South Parcel, change the building heights, and shift some of the units proposed for the North Parcel to the South Parcel.

**South Parcel**

Building 1A (the Southwest Building) was originally approved as an 8-story building with a height of 72.45 feet, consisting of 184,775 gross square feet generating approximately 176 units. The Applicant proposes to increase the building to 9 stories with a maximum height of 95.79 feet, consisting of 222,800 square feet of floor area generating approximately 214 units. The configuration of the building is substantially similar to what was originally approved.

Building 1B (the Southeast Building) was originally approved as an 8-story building with a height of 78 feet, consisting of 194,900 gross square feet generating approximately 182 units; and Building 1C was a 6-story building with a height of 65.75 feet, consisting of 101,225 gross square feet generating approximately 63 units. The Applicant proposes to redesign these two buildings as a single building that steps from 8 stories along L street up to 10 stories toward Pierce Street, with heights ranging from 79.1 feet to 110 feet. The building will consist of approximately 411,708 square feet of floor area generating approximately 339 units. The proposed increase in gross floor area for this theoretical lot -- from 296,125 square feet to 388,098 square feet -- will be offset by a corresponding decrease in density on the North Parcel, as discussed below.

#### North Parcel

With this modification application, the Applicant seeks to decrease the density on the North Parcel by reducing the amount of floor area and number of units in the two proposed buildings. Building 2A/2B (the Northwest Building) was originally approved with approximately 425,225 square feet of floor area generating approximately 348 units. With the proposed modification, the Applicant proposes to reduce the floor area to approximately 349,138 square feet of floor area generating approximately 283 units. Also, while Building 2A/2B was originally approved with 6 to 11 stories, and a range in building height from 62.5 feet to 110 feet, the Applicant now proposes 5 to 10 stories, with the same range of heights previously approved.

Building 2C/2D (the Northeast Building) was originally approved with a variation of 6 to 10 stories, and consisting of approximately 439,460 square feet of floor area generating approximately 362 units. The number of stories and range of heights will remain the same, but the square footage for the building will decrease from 439,460 square feet of floor area generating approximately 362 units to 361,939 square feet of floor area generating approximately 295 units.

**C. Second Stage PUD Approval**

Phase 1 of the PUD includes the following elements:

- a. the South Parcel (Lots 1A and 1B), which is situated between First Street and First Place and consists of 2.44 acres, excluding the area to be dedicated for the First Street right of way;
- b. the rectangular parcel of green space to the east of the First Place (Theoretical Lots 3A and 3B) which consists of 12,608 square feet;
- c. Pierce Street, except for the parallel parking on the north side of the street, which consists of approximately 34,604 square feet of land area; and
- d. the dedication of the southern segment of the First Street right of way, as depicted on Sheet 13a of the plans, which totals 5,118 square feet.

The South Parcel will be divided into two theoretical lots – Lot 1A and Lot 1B, which will be improved with two apartment houses totaling 555,143 square feet of gross floor area generating approximately 531 units.<sup>1</sup> The rectangular parcel to the east of First Place will be maintained as green space and provide a buffer between the development on the Property and Mount Airy Baptist Church. The maximum building height for the Phase 1 development will be 110 feet, and the density will be 5.22 FAR, excluding Pierce Street. Additionally, the Phase 1 development will include the construction of up to 300 below grade parking spaces.

**Southwest Building / Theoretical Lot 1A**

Theoretical Lot 1A will be improved with the Southwest Building, which will front on First Street near L Street. The Southwest Building will consist of approximately 222,800 square feet of gross floor area generating approximately 214 units. It will have 9

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<sup>1</sup> Originally, 525 units were proposed for the South Parcel. However, the Applicant has redesigned the project to include 6 flats along L Street, near First Place, as depicted in the plans and renderings attached as Exhibit A.



stories and a maximum height of 95.79' feet, as measured from First Street. Theoretical Lot 1A has a land area of 39,608 square feet and will be developed at a density of 5.63 FAR.

### Southeast Building / Theoretical Lot 1B

Theoretical Lot 1B will be improved with the Southeast Building, which fronts on both First Place and L Street. It will consist of approximately 411,708 square feet of gross floor area generating approximately 339 units. Theoretical Lot 1B has a land area of 66,730 square feet and will be developed at a density of 6.17 FAR.

The Southeast Building will have up to 10 stories and a maximum height of 110 feet, as measured from First Place, assuming that the L Street right-of-way is expanded to 90 feet, as discussed in the DDOT report for the first-stage PUD application and as reflected on the plans for redevelopment of the Northwest One site immediately south of the Property.

## **II. AMENDMENTS TO THE APPLICATION**

### **A. Revised Plans**

Attached as **Exhibit A** are the revised plans and renderings for the PUD, depicting the project redesign along L Street, near First Place, with flats in lieu of originally planned service access and amenity space. This allows for the placement of residential units along L Street, making L Street more pedestrian oriented, and a continuation from the park. The residential units along L Street will also have direct access to the sidewalk, enhancing the residential nature of the project and activities on the street. The First place loading vehicular access will remain front in and front out, maintaining loading and trash removal activities inside the building.

### **B. Additional Application Requests**

The Applicant hereby amends its application to include the following requests:

1. An amendment to Condition B.2.c. of the Order as follows:

FROM	TO																																										
<p>B.2.c. The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:</p> <table border="1" data-bbox="272 499 786 793"> <thead> <tr> <th colspan="3">Reserved Sursum Corda Units</th> </tr> <tr> <th>No. of Units</th> <th>No. of Bedrooms</th> <th>Approximate Unit Size</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Studio</td> <td>545 s.f.</td> </tr> <tr> <td>31</td> <td>1 bdrm</td> <td>715 s.f.</td> </tr> <tr> <td>53</td> <td>2 bdrm</td> <td>1,100 s.f.</td> </tr> <tr> <td>27</td> <td>3 bdrm</td> <td>1,390 s.f.</td> </tr> <tr> <td>10</td> <td>4 bdrm</td> <td>1,580 s.f.</td> </tr> </tbody> </table> <p>The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.</p>	Reserved Sursum Corda Units			No. of Units	No. of Bedrooms	Approximate Unit Size	15	Studio	545 s.f.	31	1 bdrm	715 s.f.	53	2 bdrm	1,100 s.f.	27	3 bdrm	1,390 s.f.	10	4 bdrm	1,580 s.f.	<p>B.2.c. The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:</p> <table border="1" data-bbox="906 499 1419 793"> <thead> <tr> <th colspan="3">Reserved Sursum Corda Units</th> </tr> <tr> <th>No. of Units</th> <th>No. of Bedrooms</th> <th>Approximate Unit Size</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Studio</td> <td>545 s.f.</td> </tr> <tr> <td>31</td> <td>1 bdrm</td> <td>715 s.f.</td> </tr> <tr> <td>53</td> <td>2 bdrm</td> <td>1,100 s.f.</td> </tr> <tr> <td>27</td> <td>3 bdrm</td> <td>1,390 s.f.</td> </tr> <tr> <td>10</td> <td>4 bdrm</td> <td>1,580 s.f.</td> </tr> </tbody> </table> <p>The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household. <u>The final unit mix for the Sursum Corda Households shall be established in the Zoning Commission Order for the Stage 2 PUD approval.</u></p>	Reserved Sursum Corda Units			No. of Units	No. of Bedrooms	Approximate Unit Size	15	Studio	545 s.f.	31	1 bdrm	715 s.f.	53	2 bdrm	1,100 s.f.	27	3 bdrm	1,390 s.f.	10	4 bdrm	1,580 s.f.
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2. An amendment to Condition B.2.g. of the Order as follows:

FROM	TO
<p><b>B.2.g.</b></p> <p><u>Conversion of Reserved Units.</u> In the event that a Sursum Corda Household: (i.) elects not to return to the Property to occupy a Reserved Unit or (ii.) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit so long as the Applicant sets aside a corresponding amount of gross floor area for affordable unit on the North Parcel.</p>	<p><b>B.2.g.</b></p> <p><u>Conversion of Reserved Units.</u> In the event that a Sursum Corda Household: (i.) elects not to return to the Property to occupy a Reserved Unit or (ii.) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit <u>(or units), or occupied as an affordable unit (or units), not restricted to a Sursum Corda Household.</u> In the event that the Reserved Unit is converted to a market rate unit or units, the Applicant shall set aside a corresponding amount of gross floor area for affordable unit on the North Parcel. <u>Notwithstanding the foregoing to the contrary, the unit mix shall be in accordance with the Zoning Commission Order for the Stage 2 PUD approval.</u></p>

3. Flexibility to revise the GAR checklist for the project so long as the project meets the minimum GAR requirement of 0.2.

4. The Applicant seeks to confirm that, in accordance with Decision B.5. of the Order, it is required to enter into the First Source Agreement on the form signed by the then applicant of the first-stage PUD approval, a copy of which is filed as Exhibit 48A of the record for Z.C. Case No. 15-20, and attached hereto as **Exhibit B**. In the alternative, the Applicant would be subject to the current DOEE First Source requirements, which would not be applicable to the project since the development has not received any D.C. government assistance valued at \$300,000 or more. A copy of the current First Source Agreement form is attached as **Exhibit C** for your reference.

### **III. SUPPLEMENTAL INFORMATION ON THE APPLICATION**

#### **A. Information Requested by OP and the Zoning Commission**

At its meeting on February 25, 2019, the Zoning Commission voted unanimously

to setdown the Application for public hearing. In its discussion of the Application, the Zoning Commission accepted all of the OP's comments. Following are the Applicant's responses to the Zoning Commission 's and OP's comments.

### Amenity Space

In its setdown report, OP recommended that the Applicant provide details about the uses proposed within the spaces identified as "amenity space".

Since the application was originally filed, the Applicant has redesigned the project with flats along L Street in order to provide a more interesting and activated experience along this section of the project, eliminating the amenity space originally planned at the intersection of First Place and L Street.

The amenity space in the first phase of the PUD will be programmed with health and wellness facilities, including a pool, fitness center, bike storage and maintenance. Additionally, the common areas at the ground and roof level will have kitchen accommodations, including space for cooking classes, that can be reserved by tenants for special events.

### Signage

In its report, OP requested that the Applicant provide additional details and standards for any signage that would be placed on the buildings. The signage for the building has not been designed. The signage plan will be filed with the Zoning Commission not less than 20 days prior to the public hearing on the application.

### Transformers in First Street Right of Way

The OP report noted the removal of the transformers from the First Street right of way; and the transformers have been relocated to Pierce Street, which is a private street.

### Balconies

In its report, OP suggested that the Applicant consider adding balconies to the buildings. While balconies are typically incorporated to encourage a more residential design to the building, the Applicant respectfully submits that the residential character of the project is achieved by other elements of the building design. For example, the residential buildings include a variety of window sizes for bedrooms and living rooms. Bay windows are a common architectural element which provide residential character. The Southeast Building takes the more contemporary approach of using recessed bays within the field of the main façade, while also including some projected bays at the end of the building. The Southwest Building takes the approach of including enclosed projected bays along the north and west facades, with open balconies at the bottom of the projected bays. Lastly, the use of wood expression in conjunction with brick and other materials adds warmth and residential character to the facades.

### Update on Relocation Plan and Details on 63 Remaining affordable units.

The OP report requested an update on the relocation and replacement plan for the Sursum Corda Households and additional information on the remaining affordable units.

An updated list of the Sursum Corda Households – 128 total -- is attached as **Exhibit D**. In accordance with ZC Order 15-20, the final number and mix of units

reserved for Sursum Corda households will be based on the number of households that elect to occupy a reserved unit. The PUD is required to have a total of 199 affordable units, which includes the units reserved for Sursum Corda households. Whatever number of required affordable units is not constructed on the South Parcel will be constructed on the North Parcel.

#### LEED Certification / Solar Energy

Under the Order, prior to the issuance of the first certificate of occupancy of each phase of the PUD, the Applicant is required to furnish a copy of its application to the Green Building Certification Institute, seeking LEED-Silver Certification. Under this modification, the Applicant seeks flexibility to vary the sustainable design features of the building, provided the project meets a minimum of LEED-Silver certification.

Although the Applicant is unable to accommodate LEED-Gold certification for the PUD, the Applicant is committed to researching and striving to incorporate numerous sustainable design features in the project beyond the LEED-Silver requirement, such as solar panels on the roof of the buildings. Revised roof plans showing the solar panels will be filed with the Zoning Commission no less than 20 days prior to the public hearing. Additionally, the project will include the other following sustainable design elements, including, but not limited to, the following:

- The project has a focus on sustainable site strategies including native/adaptive plant species, providing open space for occupants, managing rainwater, reducing the heat island effect with light colored paving and abundant green space.
- The native/adaptive plant species also result in a reduction of water needed for irrigation and low flow/low flush fixtures are planned for the interior to reduce potable water usage.

- The preliminary energy model report anticipates an energy cost savings of 12% less than ASHRAE 90.1-2010 and a Commissioning agent will be engaged to test all mechanical, electrical and plumbing equipment to make sure it is operating correctly and efficiently as intended.
- A focus on materials will prioritize material transparency by selecting materials with Environmental Product Declarations and Health Product Declarations and well as materials made with recycled content.
- Materials will also be selected to be low-emitting with requirements for VOC content and emissions, protecting indoor air quality.

**B. ANC 6E**

At its regularly scheduled meeting on February 5, 2019, Advisory Neighborhood Commission (“ANC”) 6E voted unanimously to support the application. A copy of the ANC letter of support will be filed separately.

**IV. ADDITIONAL REQUIREMENTS OF SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

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

In accordance with Subtitle Z § 401.1(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 E**. The Applicant will offer the following persons as expert witnesses:

1. Bob Keane, architect, WDG Architects
2. Trini Rodriguez, landscape architect, Parker Rodriguez
3. Dan Van Pelt, traffic engineer, Gorove/Slade Associates

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

In accordance with Subtitle Z § 401.1(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 F through I.**

**C. List of Maps, Plans or Other Documents Readily Available**

In accordance with Subtitle Z § 401.1(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 J.**

**D. Estimate of Time Required for Presentation of Applicant's Case**

In accordance with Subtitle Z § 401.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 45 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 Subtitle Z § 401.3(a) 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 Property is attached as **Exhibit K.**

**F. Report by Traffic Consultant**

In accordance with Subtitle Z § 401.8 of the Zoning Regulations, the traffic report for the PUD will be filed with the Zoning Commission at least 30 days prior to the public hearing.



V. CONCLUSION

In accordance with Subtitle Z § 401 *et. seq.* of the Zoning Regulations, this prehearing statement is submitted by TSBC Owner I, LLC, in order to provide additional information in support of its Z.C. Case No. 15-20C. 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,

HOLLAND & KNIGHT LLP



By: \_\_\_\_\_

Noman M. Glasgow, Jr.  
Leila M. Jackson Batties  
Joseph O. Gaon