

**301 Florida Avenue, N.E.
Z.C. Case No. 15-22**

**PREHEARING STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

DECEMBER 2, 2015

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DEVELOPMENT TEAM

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LIST OF EXHIBITS

Exhibit	Description
A	Plan Sheet Identifying Locations and Sizes of Affordable Units
B	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
C	Outline of Testimony and Biography of Martin Ditto on behalf of the Applicant
D	Outline of Testimony and Resume of Chuong Cao on behalf of DEP
E	Outline of Testimony and Resume of Trini Rodriguez/Brian Bolen on behalf of Parker Rodriguez, Inc.
F	Outline of Testimony and Resume of David Landsman on behalf of CAS Engineering
G	Outline of Testimony and Resume of Erwin N. Andres, P.E./ James W. Watson on behalf of Gorove/Slade Associates, Inc.
H	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
I	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property

CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this prehearing submission, one original and ten copies of which were filed with the Zoning Commission on December 2, 2015, complies with the provisions of subsection 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 of Experts	Exhibits C-E
	Martin Ditto Applicant	Exhibit C
	Chuong Cao DEP	Exhibit D
	Trini Rodriguez/Brian Bolen Parker Rodriguez, Inc.	Exhibit E
	David Landsman CAS Engineering	Exhibit F
	Erwin N. Andres, P.E./ James W. Watson Gorove/Slade Associates, Inc.	Exhibit G
3013.1(e)	Reduced Plan Sheet	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit H
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 I

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with subsection 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", written over a horizontal line.

By: _____

Kyrus L. Freeman

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by 301 FL Manager LLC (the "Applicant") in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and related zoning map amendment to rezone 301 Florida Avenue, N.E. (Square 722N, Lot 803) (the "Subject Property") from the C-M-1 District to the C-3-C District.

The Subject Property has a land area of approximately 8,720 square feet and is a triangular lot with approximately 203.7 linear feet of frontage on Florida Avenue, N.E. to the northeast, approximately 178.8 linear feet of frontage on N Street, N.E. to the south, and approximately 97.5 linear feet of frontage on 3rd Street, N.E. to the west. The Subject Property is the only lot in Square 722N. The Subject Property is presently zoned C-M-1 and is improved with a one-story building and associated surface parking.

The Applicant is seeking to rezone the Subject Property to the C-3-C District in connection with this application. The requested map amendment is consistent with the Council-adopted NoMa Small Area Plan, which recommends developing the Subject Property with a high rise residential building. The map amendment is also consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: Medium Density Residential and Production, Distribution, and Repair ("PDR"). The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Land Use Change Area.

The Applicant proposes to raze the existing building in connection with redevelopment of the Subject Property to build a mixed-use building composed of retail and residential uses (the "Project"). The Project will have a density of 7.57 floor area ratio ("FAR"), will include a total

of approximately 66,010 square feet of gross floor area, and will have a building height of 101 feet (eight stories).

The Applicant originally filed its application statement and supporting documents with the Commission on September 4, 2015 (the "Initial PUD Submission"). The Initial PUD Submission sets forth in detail the proposed 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 November 13, 2015, the Office of Planning ("OP") recommended that the Commission schedule a public hearing on the application. At the public meeting on November 23, 2015, the Commission voted to set down the application as a contested case. This Prehearing Submission supplements the Initial PUD Submission and includes the information requested by the Commission and OP.

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

At the public meeting of November 23, 2015, the Commission voted to schedule a public hearing for the application. During the Commission's deliberations, the Commissioners requested that prior to the public hearing on this application, the Applicant provide the information requested by OP. The Commission also requested additional information regarding the design of the building. A chart indicating the Applicant's response to specific comments follows:

	Comment	Action
1.	The Applicant should provide additional street-level renderings and other plans or renderings as may be requested by the Zoning Commission at setdown. The Zoning Commission also requested that the Applicant study options for enhancing the design of the building.	The Applicant will submit additional street-level renderings of the Project and updated Architectural Plans and Elevations addressing the design of the building no less than 20 days prior to the public hearing on this application.
2.	The Applicant should provide the locations and sizes of the four affordable housing units.	The locations and sizes of the four affordable housing units are shown on the sheets attached hereto as <u>Exhibit A</u> .
3.	The Applicant should provide additional information regarding building materials.	The Applicant will provide additional information regarding building materials no less than 20 days prior to the public hearing on this application. The Applicant will also provide material samples at the public hearing on this application.
4.	The Applicant should provide a more detailed benefits and amenities package, including additional details regarding streetscape improvements for a partially closed N Street NE, the affordable housing proffer, and a potential alternative plan for a new entrance to the NoMa-Gallaudet Metro Station.	<p><u>Affordable Housing Proffer.</u></p> <p>The Applicant proposes to construct approximately 61,173 square feet of residential gross floor area (approximately 56 units) on the Subject Property. Of this amount, 8% of the residential gross floor area (approximately 4,906 square feet of gross floor area) will be devoted to affordable housing. Pursuant to 11 DCMR § 2603.4, all of the required IZ units may be set aside for moderate income households earning up to 80% of the AMI.</p> <p>In response to the comments in the OP report and the Commission’s comments at the public meeting on November 23rd, the Applicant is hereby amending the application to seek relief from the affordable housing requirements of Section 2603.2.</p>

	Comment	Action
		<p>The Applicant proposes to provide a total of approximately 4,906 square feet of gross floor area devoted to affordable housing, divided as follows: 2,077 square feet of residential gross floor area (approx. 1,771 sq. ft. of net floor area dedicated to two units) set aside for households earning up to 60% of the AMI, and 2,829 square feet of residential gross floor area (approx. 2,413 sq. ft. of net floor area dedicated to two units) set aside for households earning up to 80% of the AMI.</p> <p>Although DHCD can administer the 80% AMI units under the IZ program, it cannot administer the 60% AMI units under the IZ program. DHCD can, however, administer the 60% AMI units under the affordable unit program.</p> <p>Accordingly, the Applicant seeks relief from the IZ requirements in order to dedicate 5% of its residential gross floor area (2 units) as IZ units set aside for households earning up to 80% of the AMI, and to dedicate 3% of its residential gross floor area (2 units) as affordable housing units set aside for households earning up to 60% of the AMI. Both the IZ units and the affordable housing units will remain affordable for so long as the project exists.</p> <p><u>N Street, N.E. Closure, WMATA Entrance, or ANC Designated Proffer.</u></p> <p>As indicated in the Initial PUD Submission, the Applicant is working closely with Advisory Neighborhood Commission (“ANC”) 6C and adjacent property owners to explore the feasibility of the Applicant contributing \$125,000 to a fund in support of improvements, vehicular limitations, and the potential closure of all or a portion of N Street, N.E. between 3rd Street, N.E. and 4th</p>

	Comment	Action
		<p>Street, N.E. to be enhanced as a pedestrian plaza.</p> <p>If the pedestrian enhancement of N Street, N.E. is not feasible, or if the fund is not created before issuance of the certificate of occupancy for the Project, the Applicant is seeking flexibility to instead contribute the \$125,000 to the Washington Metropolitan Area Transit Authority (“WMATA”) for the installation of a new entrance to the NoMa-Gallaudet Metrorail station, or to other organization(s) selected by ANC 6C for specified purposes.</p> <p>The Applicant anticipates providing more detailed information regarding each of these options no less than 20 days prior to the public hearing on this application.</p>
5.	<p>The Applicant should provide additional information regarding the public space encroachments along Florida Avenue NE.</p>	<p>The building does not include any public space projections at the ground floor level of the building’s frontage on Florida Avenue, N.E. However, the building does include a bay projection at the ground floor level of the building’s frontage on 3rd Street, N.E. This projection meets the applicable DC Building Code requirements.</p> <p>The building also includes projections on the second through eighth levels of the building. The proposed bay window projections along the Florida Avenue frontage are permitted as defined by Section 3202.6 of the D.C. Building Code. The design of the bay windows comply with the D.C. Building Code requirements regarding width, height, projection depth, and other bay window restrictions. However, the Applicant will be seeking a building code waiver since the projections result in a clearance of 12 feet from the outer edge of the curb to the outer face of all projections, whereas a minimum</p>

	Comment	Action
		clearance of 15 feet is required for the site. The Applicant is seeking a modification of this requirement pursuant to Section 3202.4 of the D.C. Building Code, which authorizes the code official to grant modifications of requirements for projections when the modification is deemed in the general public interest. The Applicant anticipates that the modification will be approved prior to the Commission’s hearing on this application.
6.	The Applicant should provide a detailed loading management plan indicating how the loading, trash collection, and other operational issues will be handled. The Applicant should also ensure that the Project includes appropriate mitigation measures for the requested parking relief.	The Applicant’s traffic consultant is working with DDOT to provide a transportation report for the Project. The Applicant has prepared and submitted to DDOT a Comprehensive Transportation Review (“CTR”) form. The final transportation report will include a detailed loading management plan. The report will also include TDM measures to address the requested parking relief. The Applicant will submit its transportation report to DDOT no less than 45 days prior to the public hearing, and to the Commission no less than 20 days prior to the public hearing on this application.
7.	The Applicant should study the inclusion of “maker” spaces in the Project’s retail tenant mix.	<p>The Applicant is committed to creating a vibrant mix of retail and service uses in the Project. The Applicant anticipates marketing the retail space to a variety of potential tenants. The Applicant commits to taking the following actions to help potentially attract “maker” uses as tenants:</p> <ul style="list-style-type: none"> • The Applicant will retain a retail broker with experience marketing to and securing a variety of tenant types, including makers. • The Applicant will sponsor a workshop that encourages the maker movement, and the Applicant will

	Comment	Action
		<p>sponsor a job fair that targets the maker movement.</p> <ul style="list-style-type: none"> • The Applicant will market the proposed retail space to retail tenants within Union Market. • The Applicant will market the proposed retail space to retail tenants operating in Union Kitchen. <p>The final selection of retailers for the project will be a function of market demands, but the Applicant believes that these steps will assist in attracting “maker” retail uses to the Project.</p>

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 subsection 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 subsection 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 G.

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

In accordance with subsection 3013.1(f) of the Zoning Regulations, and attached hereto as Exhibit H, the Applicant provided a list of maps, plans, and other documents that are readily available to the general public and which may be offered into evidence at the public hearing.

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

In accordance with subsection 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 subsection 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within 200 feet of the Subject Property is attached as Exhibit I.

IV. CONCLUSION

For the foregoing reasons, the Applicant submits that the proposed PUD 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:

HOLLAND & KNIGHT LLP



By: _____

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