

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

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

**DEANWOOD TOWN CENTER
Z.C. Case No. 17-19**

January 11, 2018

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

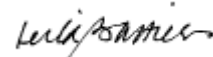
CERTIFICATION OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS

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 January 11, 2017; and, in accordance with Subtitle Z §401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subtitle Z Subsection</u> <u>Page/Exhibit</u>	<u>Description</u>	
401.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Pgs. 2-4
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 5 Exhibit B
401.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 6 Exhibits C-E
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. 6 Exhibit F
401.1(g)	Estimated time required for presentation of Applicant's case	Pg. 6
401.3(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Pg. 7 Exhibit G
401.8	Report by Traffic Consultant	Pg. 7

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Architectural Drawings	A
List of witnesses prepared to testify on behalf of Applicant	B
Draft outline of testimony of Warren Williams The Warrenton Group	C
Draft outline of testimony and resume of Stephanie Farrell Torti Gallas Urban	D
Draft outline of testimony and resume of Erwin Andres Gorove/Slade Associates, Inc.	E
List of maps, plans or other documents readily available that may be offered into testimony	F
Names and addresses of owners of property within 200' of the subject property	G

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
A. Project Overview	1
II. SUPPLEMENTAL INFORMATION ON THE APPLICATION.....	2
A. Information Requested by OP and the Zoning Commission	2
B. Community Outreach.....	5
III. ADDITIONAL REQUIREMENTS OF SUBTITLE Z § 401 OF THE ZONING REGULATIONS.....	6
A. List of Witnesses Prepared to Testify on Behalf of the Applicant	6
B. Summary of Testimony of Witnesses or Reports and Area of Expertise	6
C. List of Maps, Plans or Other Documents Readily Available.....	6
D. Estimate of Time Required for Presentation of Applicant's Case.....	6
E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property.....	7
F. Report by Traffic Consultant	7
IV. CONCLUSION.....	7

I. INTRODUCTION

This prehearing statement is submitted by The Warrenton Group (the “Applicant”) on behalf of the owners of the properties located 5110-5140 Nannie Helen Burroughs Avenue, NE (Square 5197, Lots 1, 64, 65, and 73) (collectively, the “Property”) in support of its application for the consolidated review and approval of a planned unit development (“PUD”) and related Zoning Map amendment to rezone the Property from the MU-3 Zone to the MU-4 Zone. The application for the PUD and related map amendment was originally filed with the Zoning Commission on October 6, 2017. On December 11, 2017, 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 addresses the comments raised by the Zoning Commission at its set down meeting and the comments raised by the Office of Planning (“OP”) in its set down report dated December 1, 2017. This prehearing statement also includes additional information from the Applicant, including items required under Subtitle Z § 401 of the Zoning Regulations.

A. Project Overview

The Applicant proposes to redevelop the Property as mixed used development on two parcels. Parcel 1 consists of approximately 71,891 square feet, and will be improved with a building containing approximately 10,000 square feet of retail at the ground level; approximately 170,600 square feet of residential, generating approximately 151 units; and 143 covered parking spaces. The maximum building height will be 65 feet and the

density will be 3.47 floor area ratio (“FAR”). Parcel 2 consists of approximately 13,619 square feet, and will be improved with a building containing approximately 6,000 square feet of retail at the ground level; approximately 39,000 square feet of residential generating approximately 32 units; and 3 surface parking spaces. The maximum building height will be 63 feet and the density will be 3.32 FAR.

Of the 183 units proposed for the development, 61 will be replacement units for the Lincoln Heights and Richardson Dwellings residential communities controlled by the DC Housing Authority (“DCHA”). The replacement units include 32 three-bedroom units, six four-bedroom units, and two five-bedroom units. Of the remaining of the units, 104 will be a mix of units reserved for households not exceeding 60% of the median family income (“MFI”) and 18 will be market rate units.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information Requested by OP and the Zoning Commission

At its meeting on December 1, 2017, 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 and had additional questions and comments about the overall design of the PUD and sustainable design elements for the project. Following are the Applicant's responses to the Zoning Commission and OP.

Building Design

In its setdown report, OP recommended the following changes to strengthen the building design:

- Consider bay projections for a row character along 51st Street;

- Consider the provision of canopies for the individual units;
- Consider the provision of low rise railing/fencing to demarcate private spaces in fronts of the individual units;
- Provide individual address numbers for the units; and
- Provide clarity of the brick detailing on the ground floor, (brick panel or veneer).

The Zoning Commission accepted all of OP's recommendations related to the project design. The Zoning Commission also suggested the addition of balconies to the building in order for it to have a more residential character and recommended that the Applicant consider an alternative to the proposed red brick color.

Revised architectural sheets in response to the foregoing comments are attached as Exhibit A. Specifically, the residential units include bay projections along the 51st Street facades in the form of masonry bays that project forward from the overall building. The masonry bays are scaled towards the existing walk up apartments along 51st Street. As shown on sheet A27 of the revised sheets, the individual units along 51st Street include entry canopies, individual addresses, and low rise fencing that demarcates the private spaces for the individual units. In addition, as shown on sheets A24-A27 of the revised sheets, the ground floor wall material is typically brick masonry and the ground floor walls will be a brick veneer cavity wall. The Applicant will provide materials samples at the public hearing.

The project includes juliet balconies, which create a residential character for the buildings and provide depth and interest to the façades without interfering with the retail component of the project. The success of the retail is critical to establishing Nannie Helen Burroughs and Division Avenues as commercial corridors. Also, the development includes a large courtyard – in excess of 20,000 square feet -- that will have children's

play areas, gathering spaces, and recreation opportunities, and provide access to outdoor spaces that can be used by all residents.

Project Phasing

In its report, OP requested additional information on the requested/potential phasing of the project. The Applicant intends to construct the project in one phase, but requests flexibility to construct the project in two phases, with the building on Parcel 1 being constructed first.

Sustainable Design

The Office of Planning and Commission suggested that the Applicant continue to work with DOEE regarding the installation of solar panels on the building. The Applicant will follow OP's and the Commission's recommendation and consider the provision of solar panels and will provide a response in the filing due not less than 20 days prior to the public hearing. In addition, the Department of Energy and Environment ("DOEE") also commented to OP that the Enterprise Green Communities standards exclude projects located within a 100-year floodplain. The Applicant will confirm that the project is exempt from this restriction since the Property is already developed.

Signage

The Zoning Commission suggested that the Applicant simplify the signage for the building on Parcel 2. As shown on sheets see A11, A15-A17, and A24 of the enclosed revised sheets, the Applicant has revised and simplified the signage band by removing the separate rail portion. The remaining band has been slightly enlarged and articulated, and the signage has been moved to the lower band as suggested by the Commission.

Materials Samples

The Applicant will provide a materials board at the public hearing on the application.

B. Community Outreach

The Applicant has worked with a variety of community stakeholders, including Commissioner Patricia Malloy the single member district representative (ANC 7C01) for the Property, to further refine the PUD and the proffered public benefits and project amenities. The Applicant has attend the following community stakeholder meetings:

- October 18, 2017: Meeting with the Single Member District Representative;
- October 27, 2017: ANC 7C Executive Committee Meeting;
- November 9, 2017: ANC 7C Public Meeting;
- November 13, 2017: Far Southeast Civic Association Meeting;
- November 20, 2017: Capitol View Civic Association Meeting; and
- November 27, 2017: Deanwood Citizens Association Meeting.

**III. 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 B**. The Applicant will offer the following persons as expert witnesses:

1. Stephanie Farrell, Torti Gallas Urban
2. Erwin Andres, 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 C through E**.

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 F**.

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 G**.

F. Report by Traffic Consultant


As stated above and on 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.

IV. CONCLUSION

In accordance with Subtitle Z § 401.8 of the Zoning Regulations, this prehearing statement is submitted by The Warrenton Group, in order to provide additional information in support of its Z.C. Case No. 17-19. 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:  _____
Leila M. Jackson Batties
Joseph O. Gaon