

March 10, 2020

**VIA IZIS and HAND DELIVERY**

Anthony J. Hood, Chairman  
Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 19-19: Application of Terrace Manor Redevelopment, LP (the “Applicant”) to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development (“PUD”) at 3301 23<sup>rd</sup> Street, SE (Square 5994, Lots 3-5, the “Property”) — Applicant’s Pre-Hearing Submission**

Dear Chairman Hood and Commissioners:

On behalf of the Applicant, we hereby submit this pre-hearing statement with respect to the above-referenced application for a consolidated PUD for the multifamily residential building with below-grade parking located on the Property (the “**Project**”). This pre-hearing statement provides responses to the questions and comments raised by the Office of Planning (“**OP**”) in its January 31, 2020 report (“**OP Report**”) filed at Exhibit 12 in the record of this proceeding and to those comments and questions raised by the Commission at the February 10, 2020 public meeting during which the Commission voted to set down this application for a public hearing.

OP and the Zoning Commission requested that the Applicant and its design team review and provide clarification regarding the following Building and Site Design details:

**Potential Provision of On-Site Gathering Place or Tot Lot for Residents**

- As shown on Sheets 3-1 and 3-3 of **Exhibit A**, the Project now includes a community garden located to the rear (west) of the north wing of the proposed building. The community garden will include approximately 2,145 square feet of area and will be made available for all residents of the Project. Access to the community garden is provided through a revised amenity space which has been added to the west side of the building’s ground floor. This amenity space was created by removing some of the residential units and relocating amenity space which was previously located on the side of the building that fronts on 23<sup>rd</sup> Street.
- As noted in the Applicant’s December 17, 2019 filing, the Property is located a short walking distance (2-10 minutes) to numerous recreational and playground opportunities.

Given the close proximity of these opportunities and the significant topography on the site, the Applicant does not intend to locate a tot lot or playground on the Property.

#### Façade Treatment, Color and Material Palette, and Potential Inclusion of Full Balconies

- The Applicant desires to maintain the 130, all-affordable, residential units in the Project and be responsive to questions that were raised regarding the building's long façade along 23<sup>rd</sup> Street. The Project now includes a one-story projecting bay on the 23<sup>rd</sup> Street side of the building, adjacent to the entrance and amenity space. This bay projection helps break up the longest façade of the building and also allows for the replacement of the residential square footage that was lost when the amenity space was created to allow access to the community garden. This bay projection adds approximately 853 square feet to the gross floor area of the Project<sup>1</sup>.
- As shown on Sheet 3-9 and Sheets 2-13 – 2-17 of **Exhibit A**, the color palette for the upper portion of the façade has been modified to replace the lighter cornice trim shown in the previously submitted plans with a more muted gray tone and to change the window colors to a darker tone. These color changes and the introduction of the one-story projecting bay help break up the appearance of the building's façade along 23<sup>rd</sup> Street.
- The Applicant is continuing to refine the fenestration of the garage and the materials for the garage/loading door and will submit updated plans before the public hearing to reflect these adjustments. Additional information regarding the amount of natural light that will be available to apartments that are fully below-grade will also be submitted into the record prior to the public hearing.
- The Applicant's design team has evaluated the benefit of including full sized balconies, rather than Juliette balconies in the Project. The Applicant continues to believe that the proposed Juliette balconies provide an appropriate amount of ornamentation to the building's façade without creating the potential negative visual appearance that often occurs with full sized balconies.

#### Environmental and Sustainability Commitments

- OP asked whether achieving LEED Gold is a commitment or a goal. The Applicant has agreed to include a commitment to achieving LEED Gold certification as a condition of approval of this application.

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<sup>1</sup> The Project that was set down for a public hearing included 129,092 square feet of GFA, which resulted in a FAR of 1.287. The Project now includes 129,945 square feet of GFA. This results in a FAR of 1.297, and is 607 square feet more than is allowed in the RA-1 Zone with the PUD bonus. Therefore, the Applicant requests that the Zoning Commission grant 607 square feet of bonus density pursuant to Subtitle X, Section 303.10. It is appropriate for the Zoning Commission to grant this de minimis amount of additional density, as this additional density is essential to the successful functioning of this building in providing supervised access to the community garden space while still maintaining 130 residential units in the Project.

- OP and the Zoning Commission requested that the Applicant provide more specificity regarding the square footage of the roof that will be used for solar panels and how those solar panels will work with the amount of proposed green roof. Approximately 18,412 square feet of the roof will include green roof area and approximately 13,850 square feet of that green roof area will include solar panels. Representatives of the District Department of Energy and the Environment have recently determined that such combined use of green roof and solar panels is permitted.

Fully Dimensioned Plans and Plans/Materials for Treatment of Adjacent Public Space

- Sheet 3-2 of **Exhibit A** provides a fully dimensioned loading plan.
- Prior to the public hearing in this case the Applicant will provide additional information on the materials – hardscape and landscape – that will be used in the adjacent public space.

Additional information requested by OP and the Zoning Commission is addressed in the following chart and attached Exhibits.

<b>Zoning Commission or OP Comment/Question</b>	<b>Applicant Response</b>
<p>1. <b>Employment Opportunities:</b> OP requested additional information on any participation in a First Source Employment Agreement with the Department of Employment Services or other employment related proposal to provide job opportunities for DC residents.</p>	<p><b>Exhibit B</b> provides additional information regarding the Applicant’s commitment to enter into a First Source Employment Agreement and a Certified Business Enterprise Agreement.</p>
<p>2. <b>Affordable Housing:</b> OP requested information on the sources of, and potential competition for, the mix of tax credits or public funding that would guarantee affordability, the duration for which the affordability would be guaranteed, and the MFI maximum set for each funding program.</p> <p>Members of the Zoning Commission also requested information as to the Inclusionary Zoning units that will last in perpetuity on the Property and the location of those possible IZ units.</p>	<p><b>Exhibit C</b> provides information on the affordable housing provided in the Project that will exceed the Inclusionary Zoning requirements that could be applied at the expiration of the 40-year Low-Income Housing Tax Credit (LIHTC) control period. The location of the IZ units are also provided in this exhibit.</p> <p>The Applicant will continue to work with OP regarding the requested additional financial information.</p>

<b>Zoning Commission or OP Comment/Question</b>	<b>Applicant Response</b>
<p>3. <b><u>Comprehensive Plan and Impact Analysis</u></b>: At the set down meeting, the Commission requested additional explanation on the balancing of the Project’s consistency with the Comprehensive Plan and other adopted public policies and regarding the potential impacts of the Project.</p>	<p><b><u>Exhibit D</u></b> includes an explanation of the Project’s consistency with the Comprehensive Plan and potential impacts.</p>
<p>4. <b><u>Expert Witness and Outlines of Witness Testimony</u></b>: The Applicant proffers one expert witness, Nick Mroczkowski. The Applicant will present two witnesses at the public hearing.</p>	<p><b><u>Exhibit E</u></b> includes the resume of Nick Mroczkowski, Stoiber and Associates, proposed as an expert in architecture and urban design. Mr. Mroczkowski has previously been admitted by the Zoning Commission as an expert in architecture and urban design. This exhibit also includes the outlines of witness testimony for Mr. Mroczkowski and Sarra Mohamed, on behalf of the Applicant.</p>

Attached hereto are the following exhibits:

- **Exhibit A** – Updated elevations, plans, and materials regarding the Project;
- **Exhibit B** – Information on the Applicant’s commitment to providing job opportunities for District residents;
- **Exhibit C** – Inclusionary Zoning information;
- **Exhibit D** – Analysis of the Project’s Comprehensive Plan Consistency and Potential Impacts;
- **Exhibit E** – Expert Witness Resume and Outlines of Witness Testimony; and
- **Exhibit F** – Certificate of Compliance.

During the February 10, 2020 Public Meeting, the Applicant was requested to provide additional information on the applicability of the previous BZA Order (BZA Order No. 19733) which approved an apartment building on the Property. BZA Order No. 19733 expires on May 6, 2020, unless the Applicant files a building permit for the construction of the apartment building approved in BZA Order No. 19733. The Applicant plans to allow BZA Order No. 19733 to expire.

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Also enclosed is a check made payable to DC Treasurer in the amount of \$9,037.00 for the hearing fee. The Applicant respectfully requests that the Commission schedule this application for a public hearing at its earliest opportunity. Thank you for your attention to the information provided in this Pre-Hearing Submission.

Respectfully submitted,

/s/ Paul A. Tummonds

/s/ Lawrence Ferris

Enclosures

## Certificate of Service

I certify that on or before March 11, 2020, I delivered a copy of the foregoing document and attachments via e-mail, hand delivery or first-class mail to the addresses listed below.

/s/ Lawrence Ferris

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