

**810 O Street, NW
Z.C. Case No. 16-07**

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

June 29, 2016

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DEVELOPMENT TEAM

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TABLE OF CONTENTS

	Page
DEVELOPMENT TEAM	I
TABLE OF CONTENTS	II
LIST OF EXHIBITS.....	III
<u>CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS</u>.....	IV
I. <u>INTRODUCTION</u>.....	6
II. <u>ISSUES/CONCERNS RAISED BY THE COMMISSION AND THE OFFICE OF PLANNING</u>.....	8
III. <u>ADDITIONAL REQUIREMENTS OF SEC. 3013 OF THE ZONING REGULATIONS</u>.....	13
A. <u>LIST OF WITNESSES PREPARED TO TESTIFY ON BEHALF OF THE APPLICANT</u>	13
B. <u>SUMMARY OF TESTIMONY OF WITNESSES OR REPORTS AND AREA OF EXPERTISE</u>	13
C. <u>LIST OF MAPS, PLANS OR OTHER DOCUMENTS READILY AVAILABLE</u>...	14
D. <u>ESTIMATE OF TIME REQUIRED FOR PRESENTATION OF APPLICANT'S CASE</u>	14
E. <u>NAMES AND ADDRESSES OF OWNERS OF PROPERTY WITHIN 200 FEET OF PROPERTY</u>.....	14
IV. <u>CONCLUSION</u>	14

LIST OF EXHIBITS

Exhibit	Description
A	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
B	Outline of Testimony of Steven Cassell on behalf of W-G 9th & O, LLC
C	Outline of Testimony and Resume of Phil Esocoff on behalf of Gensler
D	Outline of Testimony and Resume of Erwin N. Andres, on behalf of Gorove/Slade
E	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
F	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property
G	First Source Employment Agreement

CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

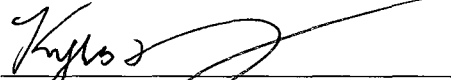
The Applicant hereby certifies that this application, one original and eight copies of which were filed with the Zoning Commission on June 29, 2016 complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<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 A
3013.1(c)	Outline of Testimony of Applicant's Witnesses and Resumes of Experts	Exhibits B-D
	Steven Cassell W-G 9th & O, LLC	Exhibit B
	Phil Esocoff Gensler	Exhibit C
	Erwin Andres Gorove/Slade Associates, Inc.	Exhibit D
3013.1(e)	Reduced Plan Sheets	N/A
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit E
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit A
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit F

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: 
Kyrus L. Freeman

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by W-G 9th & O, LLC (the “Applicant”), in support of its application to the Zoning Commission of the District of Columbia (the “Commission”) for the consolidated review and approval of a Planned Unit Development (“PUD”) and a zoning map amendment to rezone 810 O Street, NW (Square 399, Lot 66) (the “Subject Property”) from the C-2-A District to the C-2-B District.

The Subject Property has a land area of approximately 15,093 square feet and is a rectangular lot with approximately 94.4 linear feet of frontage on O Street, NW, and approximately 160 linear feet of frontage on 9th Street, NW. The Subject Property is currently improved with the Scripture Cathedral Church, a 50-foot tall brick building constructed in 1986. Square 399 is otherwise improved with residential row dwellings, apartment houses, a gas station, and surface parking. Surrounding uses include a mix of residential, retail, service, and hotel uses. The O Street Market, which was developed pursuant to Z.C. Order No. 07-26, is located across O Street to the north of the Subject Property. To the east of the Subject Property is a vacant parcel of land that the District recently awarded to a private developer to be developed with a new mixed-use residential and retail building. See D.C. Council Resolution R21-0374, dated February 2, 2016.

The Subject Property is presently zoned C-2-A and is within the Shaw Historic District. The Applicant proposes to rezone the Subject Property to the C-2-B District in connection with this application. The requested map amendment is consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: Medium-Density Commercial and Medium-Density Residential. The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Neighborhood Commercial Center.

The Applicant proposes to raze the existing building in connection with redevelopment of the Subject Property to build a mixed-use building comprised of ground floor retail uses and approximately 66 residential units (the "Project"). The Project will have a density of 6.0 floor area ratio ("FAR"), will include a total of approximately 90,458 square feet of gross floor area, and will have a building height of 90 feet.

The Project will include approximately 83,470 square feet devoted to residential use (approximately 66 units) and approximately 6,988 square feet devoted to ground floor retail use. Pursuant to Chapter 26 of the Zoning Regulations, the Applicant will set aside 8% of the Project's residential gross floor area to inclusionary zoning ("IZ") units reserved for households earning up to 80% of the area medium income ("AMI"), plus 8% of the habitable space in the penthouse for households earning up to 50% of the AMI.

The Applicant originally filed its application statement and supporting documents with the Commission on March 29, 2016 (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.

The Office of Planning, by report dated June 2, 2016, recommended that the Commission schedule a public hearing on the application. This Prehearing Submission supplements the Initial PUD Submission and includes the information requested by the Commission and the Office of Planning.

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

At its public meeting of June 13, 2016, the Commission voted to schedule a public hearing for the application. A chart indicating the Applicant’s response to the Commission and the Office of Planning’s comments on the application follows:

	Comments from the Zoning Commission and the Office of Planning	Applicant’s Response
1.	Strengthen the Project’s benefits and amenities, which do not appear to be commensurate in relation to additional height, density, and zoning relief achieved through the PUD, and provide additional specificity and enforceability regarding the benefits and amenities.	<p>The Applicant proposes to make the following contributions to local organizations:</p> <ol style="list-style-type: none"> 1. Contribute \$35,000 to <u>Bread for the City</u> to support its feeding program and provide monthly grocery bags for seniors and low income families. Bread for the City provides vulnerable District residents with comprehensive services, including food, clothing, medical care, and legal and social services, in an atmosphere of dignity and respect. Break for the City promotes the mutual collaboration of clients, volunteers, donors, staff, and other community partners to alleviate the suffering caused by poverty and to rectify the conditions that perpetuate it. 2. Contribute \$15,000 to <u>Emmaus Services for the Aging</u> for 20 iPads to support the workforce development program for seniors age 55 and over. Emmaus Services is a social justice, not-for-profit organization that provides educational, nutritional, advocacy services and social programs to older adults (55+) in Washington, DC. Emmaus’ mission is to help seniors remain active, respected, independent and vital members of their community.

		<p>3. Contribute \$15,000 to the <u>Family Life Center Foundation</u> (“FLCF”) to support its Champion for Children anti-human trafficking awareness program. FLCF is a not-for-profit public charity that benefits the under-served by strengthening and nurturing them regardless of age, race, socioeconomic status, culture or background. FLCF has a variety of diverse community outreach programs for persons living under the shadows of violence, substance abuse and other pathological conditions.</p> <p>4. Contribute \$15,000 to <u>DC Artspace</u> for materials, framing, staffing, and other costs for its after-school youth arts program, in association with the Touchstone Foundation. DC ArtSpace was created as an artistic extension of the New Community Church, serving the Shaw and surrounding neighborhoods with art programs, workshops, and seminars. ArtSpace provides an affordable avenue for artists of all ages and walks of life to express themselves, share skills, create economic opportunities, and find common ground through art while adding significant value to the renewal of the Shaw neighborhood.</p> <p>5. Contribute \$15,000 to <u>Banneker City Little League</u> (“BCLL”) for equipment for the T-ball league, including but not limited to bats, baseballs, helmets, gloves, pitching machines, pop-up nets, tees, batting cages. BCLL was founded to help children learn healthy competition, sportsmanship, work ethic, teamwork, and conditioning fundamentals and provide a progressive continuum of that education in a healthy, safe and encouraging culture. The T-ball</p>
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		<p>league is for children ages four through six.</p> <p>6. Contribute \$15,000 to the <u>Kennedy Recreation Center</u> for uniforms for its youth basketball and football teams.</p> <p>7. Contribute \$15,000 to <u>Shaw Main Streets</u> for training and employing ex-offenders to maintain public space along 7th and 9th Streets, NW as part of the Shaw Clean + Safe Team program. The Clean + Safe Team collects trash, abates graffiti, plants and waters treeboxes, and serves as ‘eyes and ears’ on the street seven days per week. Ex-offenders in the program receive comprehensive training and are paid a living wage.</p> <p>The Applicant will ensure that any Order approving the project includes a condition that meets the requirements of 11 DCMR § 2403.6 for the contributions. The Applicant will continue to work with the Office of Planning and the ANC to explore options for enhancing the proffers for this project.</p>
2.	Clarify whether the 5-foot setback for the rear yard adjacent to the 10-foot alley will include a public easement.	The Applicant does not propose to provide a public easement for the 5-foot setback.
3.	Clarify whether the rooftop element is an architectural embellishment or a penthouse, and determine whether it needs to comply with the penthouse setback requirements. Redesign or relocation may be necessary.	The Applicant is in the process of studying options for the rooftop element and will ensure that it meets the definition of an architectural embellishment and meets all setback requirements.

<p>4.</p>	<p>Explain why loading relief is needed for the project.</p>	<p>Pursuant to 11 DCMR § 2201.1, the Project is required to provide the following loading facilities:</p> <ol style="list-style-type: none"> 1. One loading berth at 55 feet deep and one loading berth at 30 feet deep; 2. One loading platform at 200 square feet and one loading platform at 100 square feet; and 3. One service/delivery space at 20 feet deep. <p>The Applicant proposes to provide the following loading facilities:</p> <ol style="list-style-type: none"> 1. One loading berth at 30 feet deep; 2. A total of 400 square feet devoted to a loading platform (shared); and 3. Two service/delivery spaces at 20 feet deep. <p>Thus, the Applicant requests flexibility to not provide one 55 foot loading berth. The requested flexibility is consistent with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and minimize curb cuts on streets to the greatest extent possible, and wherever possible to provide shared loading spaces in mixed-use buildings. The Applicant proposes to provide shared loading facilities for the retail and residential uses, which will limit the amount of space dedicated to loading and minimize curb cuts. Given the nature and size of the residential units, it is unlikely that building residents will use a tractor trailer-sized truck to move in and out of the building, and therefore the 55 foot berth is not necessary. In addition, given the size and dimensions of the adjacent alley, 55-foot trucks will not be able to turn into the alley or into the building from the alley. The Applicant will implement a loading management plan such that any potential conflicts between retail and residential loading will be minimized.</p>
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5.	Provide a Comprehensive Transportation Review (“CTR”) Report to DDOT at least 45 days prior to the public hearing; to the Office of Planning, ANC 6E and the community at least 30 days prior to the public hearing; and to the Zoning Commission with the 20-day prehearing submission.	The Applicant will submit a CTR to DDOT no less than 45 days prior to the public hearing and to the Zoning Commission and Office of Planning no less than 20 days prior to the public hearing on this case.
6.	Clarify whether the Project will achieve LEED Silver or LEED Gold equivalency.	The Applicant proposes to achieve LEED Gold equivalent status. The Applicant is not proposing to register the project or to obtain the certification from the United States Green Building Council.
7.	Study whether the proposed affordable housing can be increased, both in number and in subsidy.	The Applicant proposes to maintain the previously-proffered affordable housing (8% of the residential gross floor area reserved for households earning up to 80% of the AMI and 8% of the habitable space in the penthouse reserved for households earning up to 50% of the AMI).
8.	Review and revise public space projections, if needed, in conjunction with DDOT.	<p>The Applicant revised the building’s O Street elevation to meet all projection requirements. However, the projections on 9th Street will exceed the permitted extent of projections permitted by the Building Code. The 9th Street projections are intended to enhance the design aesthetic of the building, create a visual variety to help reduce the overall building scale, improve the prominence and visibility of the building, and create consistent façade massing and articulation.</p> <p>The Applicant will submit a code waiver application to DCRA, pursuant to Section 3202.4 of the 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.</p>

9.	Provide a written commitment to enter into a First Source Employment Agreement.	The Applicant commits that prior to the issuance of a Certificate of Occupancy for the building, it will submit an executed First Source Employment Agreement, consistent with the First Source Employment Agreement Act of 1984 and the Apprenticeship Requirements Amendment Act of 2004, and in substantially the same form as the First Source Employment Agreement attached hereto as <u>Exhibit G</u> .
10.	Provide material samples.	The Applicant will provide material samples at the public hearing.
11.	Provide detail on the type of metal used surrounding the balconies.	The Applicant is currently updating the design and features of the building and will submit updated plans and details regarding the materials no less than 20 days prior to the public hearing.

III. ADDITIONAL REQUIREMENTS OF SEC. 3013 OF THE ZONING REGULATIONS

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

In accordance with Sec. 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 A.

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

In accordance with Section 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 B through D.

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

In accordance with Section 3013.1(f) of the Zoning Regulations, and attached hereto as Exhibit E, 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 Section 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

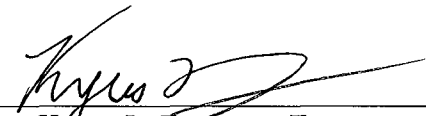
In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the Subject Property is attached as Exhibit F.

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:

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