

**400 Florida Avenue, NE
Z.C. Case No. 16-10**

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

July 8, 2016

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DEVELOPMENT TEAM

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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 Sheldon Stein on behalf of EAJ 400 Florida Avenue, LLC
C	Outline of Testimony of Cyril Aouizerate on behalf of MOB DC Hotel, LLC
D	Outline of Testimony and Resume of Marius Radulescu on behalf of SK+I Architecture
E	Outline of Testimony and Resume of Erwin N. Andres, on behalf of Gorove/Slade
F	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
G	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property
H	Updated Architectural Plan and Elevation Sheets

**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 July 8, 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-E
	Sheldon Stein EAJ 400 Florida Avenue, LLC	Exhibit B
	Cyril Aouizerate MOB DC Hotel, LLC	Exhibit C
	Marius Radulescu SK+I Architecture	Exhibit D
	Erwin Andres Gorove/Slade Associates, Inc.	Exhibit E
3013.1(e)	Reduced Plan Sheets	Exhibit H
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit F
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 G

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 EAJ 400 Florida Avenue, 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 Lots 4, 25, and 803 in Square 3588 (the "Subject Property") from the C-M-1 District to the C-3-C District.

The Applicant originally filed its application statement and supporting documents with the Commission on May 10, 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 Applicant submitted revised architectural drawing sheets on June 7, 2016, which provided more detail on the uses, size, and program of the first and second levels of the building.

By report dated June 17, 2016, the Office of Planning recommended that the Commission schedule a public hearing on the application. This Prehearing Submission supplements the Initial PUD Submission and includes information requested by the Commission and Office of Planning.

II. ISSUES/CONCERNS RAISED BY THE COMMISSION

At its public meeting of June 27, 2016, the Commission voted to schedule a public hearing for the application. A chart indicating the Applicant's response to the Commission's comments on the application follows:

	Comments from the Zoning Commission	Applicant's Response
1.	Continue to study/improve the building design to be less "bland" and more distinctive and exciting.	The Applicant is in the process of improving the building's overall aesthetic and design approach. The Applicant will submit revised architectural drawings showing an improved

		<p>building design no later than 20 days prior to the public hearing on this case.</p>
<p>2.</p>	<p>Provide a 1:1 penthouse setback in all locations, except for the rooftop elevator.</p>	<p>As shown on Sheets A109 and A110 of the Revised Architectural Plan and Elevation Sheets (the “Revised Plan Sheets”) attached hereto as <u>Exhibit H</u>, the Applicant has reconfigured the penthouses, such that they are fully compliant with the 1:1 setback requirement in all locations, except for the portions of the penthouses that enclose the elevators and stair towers.</p> <p>With respect to the portions of the penthouses enclosing the elevators and stair towers, setback relief is still necessary due to the building’s narrow floor plate and the Applicant’s desire to create the open court facing the alley. The court will provide light, air, and ventilation to building occupants and create space for the proposed landscaped garden on the ground level. For the hotel portion of the building where no setback is provided at all, the building is exceptionally narrow at only 48 feet wide. With a minimum required setback of 18 feet, 6 inches on each side of the elevator overrun (37 feet total), only 11 feet is left in the middle of the building to locate the elevators. Locating the elevator core in the center of the building would block the corridors on the floors below.</p> <p>Moreover, approval of the setback relief for the elevator/stair enclosures will not impair the intent and purpose of the Zoning Regulations and will not adversely affect the light and air of adjacent buildings. The elevator/stair towers are located interior to the building along court walls only, such that they will not be visible from surrounding streets. Moreover, given the building’s narrow floor plate, moving the circulation cores away from the court would result in significant operating difficulties that would hinder reasonable efficiencies in the floors below. Indeed, the elevator and stair towers are pushed as far back into the building</p>

		as possible in order to maximize space and create an efficient layout, which results in the setback relief needed.
3.	Provide a perspective from the rear alley facing south and showing a view of the proposed terrace.	The Applicant will provide the requested perspective in updated architectural drawings submitted no later than 20 days prior to the public hearing on this case.
4.	Show the proposed solar panels on the architectural drawings.	The Applicant will show all proposed solar panels in updated architectural drawings submitted no later than 20 days prior to the public hearing on this case.
5.	Clarify the loggia's proposed design and materials.	As shown on Sheets A401 and A403 of the Revised Plan Sheets, the loggia will serve as the terrace to the hotel's second floor restaurant and will be the heart of the hotel's social program where the pulse of hotel activity will congregate. The loggia will be activated with seating, table service, and occasional private meetings or gatherings. The terrace will have trees and other landscape elements, and will incorporate a wind baffle or curtain to extend the seasonal use. The floor will be a hard surface stone or tile and the railings are metal.
6.	Clarify how the flag will be maintained and serviced.	The flag will be located at the roof level, will be accessible at all times, changed regularly, and kept in good condition as part of regular building maintenance.
7.	Provide further details on site circulation and anticipated traffic impacts.	<p>The Applicant will submit a Comprehensive Transportation Review ("CTR") Report to DDOT no less than 45 days prior to the public hearing and to the Zoning Commission and Office of Planning no later than 20 days prior to the public hearing on this case.</p> <p>The Applicant also notes that based on further discussions with DDOT since submitting the original application, it has designated one of the three on-site parking spaces as a shared 20-foot service/delivery loading space. <i>See</i> Sheets A102 and L001 of the Revised Plan Sheets.</p>

8.	Provide justification for parking flexibility and/or provide on-site parking.	<p>Pursuant to an agreement 1250 4th Street, LLC (an affiliate of Edens), the Applicant has the right to utilize off-site parking spaces in a proposed parking garage located on Square 3587, Lot 9, which is located directly across 4th Street from the Subject Property. The Parking Agreement provides that a minimum of 20 parking spaces will be available on a monthly basis for project residents, and a minimum of 30 parking spaces will be available on an hourly or daily basis for hotel guests. Thus, there is no need for the Applicant to provide on-site parking, since convenient off-site parking will be provided to meet the anticipated demand.</p> <p>Moreover, as part of the CTR, the Applicant’s transportation consultant with identify locations within close proximity to the Subject Property in which surplus parking is available on evenings and weekends when demand for hotel parking is likely to be the highest.</p>
9.	Provide details on the types of uses/programs proposed for the rear alley (e.g. movies).	<p>The Applicant proposes to activate the public alley by incorporating it into the design and program of the open court at the rear of the Subject Property. The open court will be an extension of the hotel’s restaurant, but will be open to the public for people to sit, relax, and participate in programmed activities. The court will be accessed from inside the hotel and directly from the alley.</p>
10.	Confirm the LEED designation for the project, with a target of achieving LEED Gold.	<p>The Applicant proposes to achieve LEED Gold for the residential portion of the building. The Applicant presently proposes to achieve LEED Silver for the hotel portion of the building, but is exploring ways to increase the overall sustainability of the hotel. The Applicant notes that the Commission has recently approved other buildings with hotel use at the LEED Silver certification level (<i>see, e.g. Z.C. Order No. 11-03B, Finding of Fact Nos. 38 and 40; see also Z.C. Case No. 15-19</i>).</p>

		The Applicant will provide updated LEED scorecards no later than 20 days prior to the public hearing on this case.
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III. ISSUES/CONCERNS RAISED BY THE OFFICE OF PLANNING

The following chart indicates the Applicant’s response to the specific comments from the Office of Planning in its setdown report.

	Comments from the Office of Planning	Applicant’s Response
1.	Provide a refined residential ground floor plan in order to ensure activation. Increase the amount of gallery space, particularly in the hotel, and partner with a third-party arts manager in order for the gallery space to be considered a benefit	As shown on Sheet A102 of the Revised Plan Sheets, the Applicant has revised the ground floor plan by extending the art gallery/community space farther along Florida Avenue. Doing so creates additional activation at the street level and also increases the size of the gallery space, as requested by OP. Moreover, the Applicant will partner with a local third-party arts organization to source the artist program for the hotel gallery.
2.	Provide a list of potential locations for off-site parking.	As stated above, the Applicant has the right to utilize off-site parking spaces in a proposed parking garage located on Square 3587, Lot 9, which is located directly across 4 th Street from the Subject Property.
3.	Provide a chart showing the average size and number of unit types.	As shown on Sheet A007 of the Revised Plan Sheets, the Applicant is providing approximately 40 two-bedroom units and approximately 70 three-bedroom units. The Applicant requests flexibility to vary the distribution of units as the project moves forward.
4.	Provide floor plans showing the distribution of IZ units in all locations of the residential portion of the building.	As shown on Sheets A103 through A107 of the Revised Plan Sheets, the IZ units will be evenly distributed throughout the building, other than on the top floor.

5.	Provide details on how and where deaf space principles will be incorporated into the project design.	The project incorporates deaf space principles by providing multiple design strategies that embody deaf space design guidelines. Wide pedestrian sidewalks free of barriers will be used to provide ample sightlines and space for signers to maintain full view of visual language while comfortably circulating the site. Additional pedestrian streetlights will be incorporated to enable clear visual communication and a safer space for travel at night. Street trees on every street will provide shaded relief and reduced glare. As shown on Sheet L006 of the Revised Plan Sheets, understory plantings will be utilized for seasonal interest and heightened sensory using bold color palettes, textures, and fragrance. As shown on Sheet L001 of the Revised Plan Sheets, fixed casual seating areas with conversation tables will also be used to enable signers to rest carried objects and face each other while communicating. Detectable warning pavers will also be installed to warn users when crossing intersections.
6.	Redesign the residential mechanical penthouse to meet the 1:1 setback requirement, or provide an explanation as to why relief is needed.	As described above, and as shown on Sheets A109 and A110 of the Revised Plan Sheets, the Applicant has reconfigured the penthouses, such that they are fully compliant with the 1:1 setback requirement in all locations, except for the portions of the penthouses that enclose the elevators and stair towers.
7.	Submit revised plans that reflect discussions with DDOT regarding modifications to the proposed building overhangs beyond the property line.	As described above, the Applicant is in the process of improving the building's overall aesthetic and design approach. As part of this process, the Applicant is considering the incorporation of building projections into public space. To the extent that the proposed projections do not comply with the Building Code, the Applicant will seek approval from DCRA. The Applicant will provide an update on any modifications no later than 20 days prior to the public hearing on this case.

**IV. 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 E.

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 F, 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 G.

V. 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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