

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

Z.C. CASE NO. 20-06

**APPLICATION FOR A
FIRST STAGE PLANNED UNIT DEVELOPMENT
CONSOLIDATED PLANNED UNIT DEVELOPMENT FOR PHASE I
RELATED MAP AMENDMENT**

PREHEARING STATEMENT

June 8, 2020

Submitted by:

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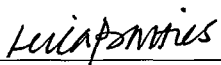
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**CERTIFICATION OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, two (2) copies of the information listed below were filed with the Zoning Commission on June 8, 2020, 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</u>	<u>Description</u>	<u>Page/Exhibit</u>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	Page 3 -12
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Page 12
401.1(c)	Outlines of witness testimony and resumes of expert witnesses	Exhibits C
401.1(d)	Additional information introduced by the Applicant	
	Updated Development Program	Page 3
	Community Outreach	Page 12
401.1(e)	Reduced plan sheets	Exhibit A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit D
401.1(g)	Estimated time required for presentation of Applicant's case	Page 13
401.3(a)	Names and addresses of owners of all property within 200 feet of the subject property	Exhibit E
401.8	Report by traffic consultant	To be submitted no later than 30 days prior to the hearing



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
First-Stage PUD Plans	A-1
Consolidated PUD Plans	A-2
Estimated Cost of Public Space Improvements and Road Network Improvements	B
Outlines of Witness Testimony and Resumes of Expert Witnesses	C
List of Maps, Plans, or Other Documents Readily Available That May Be Offered Into Evidence	D
List of Names and Addresses of All Owners of Property Within 200 feet of the Project Site	E

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted by 1333 M Street, LLC (the “Applicant”) in support of its application to the District of Columbia in support of an application for a: (1) first-stage planned unit development (“PUD”); (2) consolidated PUD; and (3) related Zoning Map Amendment from the PDR-4 Zone to the MU-9 Zone for the parcel located at 1333 M Street, S.E., which is more particularly described as Square 1025-E, Lot 802, Square 1048-S, Lots 1, 801, 802, RES 129 and RES 299 (the “Project Site”). The triangular-shaped parcel consists of 127,400 square feet (2.92 acres ±) and is bounded by M Street, Virginia Avenue, and Water Street. It is within the boundaries of ANC 6B-06.

The proposed PUD is a mixed use project consisting of approximately 786,160 square feet of gross floor area (“GFA”), including approximately 900 dwelling units and up to 44,092 square feet of GFA for retail/non-residential uses. The subject application was filed on March 13, 2020, in accordance with Subtitle X, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

The Zoning Commission voted to set down the application for public hearing on May 11, 2020. This Prehearing Statement provides an updated discussion of the development program for the PUD and responds to the Office of Planning (“OP”) Preliminary Report filed on May 1, 2020 (Ex. 14), which recommended set down of the application and the questions and comments by the Zoning Commission at set down.

As set forth below, this Prehearing Statement meets the filing requirements of 11-Z DCMR § 401. Accordingly, the Applicant requests that the Zoning Commission schedule a public hearing on the application.

II. UPDATED DEVELOPMENT PROGRAM

The PUD will consist of two buildings. Building 1 will have two towers – the East Tower and the West Tower. The East Tower, including the entire below grade parking garage for Building 1, will be constructed as Phase I of the project, and is the subject of the Consolidated PUD request. The West Tower and Building 2 will be constructed in Phase II of the project. A site plan depicting the phasing of the Project Site is shown on Sheet A-9 of the architectural drawings and elevations for the first-stage PUD attached as Exhibit A-1 (the “First-Stage PUD Plans”).

The theoretical lot configurations for each building are depicted on Sheet A-5 of the First-Stage PUD Plans. The development program for each building is as follows:

Building 1. The East Tower will have approximately 475,671 square feet of GFA yielding approximately 496 dwelling units, and approximately 32,217 square feet of GFA dedicated to retail/non-residential uses. The West Tower will have approximately 237,516 square feet of GFA yielding approximately 307 dwelling units, and approximately 9,971 square feet of GFA dedicated to retail/non-residential uses. The towers will be connected at the second level via a bridge element and, for zoning purposes, will be a single building that has a maximum building height of 130 feet, measured from the midpoint of Building 1 along M Street.

Building 2. Building 2 will consist of approximately 72,973 square feet of GFA yielding approximately 97 dwelling units, and approximately 1,904 square feet of GFA dedicated to retail and non-residential uses. The proposed building height is 92 feet, measured from the midpoint of Building 2 along M Street.

Parking and Loading. The PUD will have two levels of parking located below Building 1 that will be accessed from M Street. The parking garage will have 168 vehicular parking spaces where 174 are required under the Zoning Regulations. Also, the PUD will have 280 long-term bicycle parking spaces where 307 spaces are required.

Building 1 will have one 55-foot loading berth, two 30-foot loading berths, and two service spaces. All of these loading and service functions will occur along a private road that bisects the site connecting M Street to Virginia Avenue. Loading and service functions for Building 2 are proposed to occur along M Street, subject to DDOT's review and approval. As such, flexibility from the loading requirements is needed for Building 2.

III. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information on the Applicant

Felice Development Group (“FDG”) is part of a joint venture, FRF M Street LLC, that also includes Fields Development Group (“Fields”) and Grade Development Company (“Grade”). Together, the combined team has over sixty years of industry experience developing more than 13,000 units in and around Washington, DC, New York City, Connecticut and New Jersey. The PUD represents a unified effort to develop one of the premier waterfront sites in the southeast portion of the District.

FDG is the lead partner and is responsible for day-to-day contact and communications. Established in 2009, FDG is owned and operated by Rick Felice, who has over 24 years of development and construction experience in the Washington, DC metropolitan area. Mr. Felice started FDG as a way to offer his expertise of local D.C. construction and his strong knowledge base of the D.C. submarkets, clients, subcontractors, and vendors. Additionally, he was able to pair his construction company, Felice Construction Services (“FCS”) with his development company to offer a super quality product while driving to a competitive budget and schedule. Earlier this year FCS was acquired by Kattera Construction. Larry Clark joined FDG earlier this year. Previously, Mr. Clark served as a Vice President and Officer at Donatelli Development where he was involved in all facets of mixed use development including, but not limited to, site identification, acquisition, product design, entitlements, construction supervision, consultation, and relationship management.

Mr. Felice and Mr. Clark have had lead roles in several quality projects in Washington, DC and the surrounding areas, including:

- **Atlantic Plumbing – Parcel C:** Also known as 901 W Street, FDG was part of the development team responsible for the construction of 256 residential units and 20,000 square feet of retail space for a ground-up mixed use project in the up-and-coming Shaw neighborhood. Construction was recently completed in the winter of 2020.
- **Hoffman Town Center:** Serving a pre-development and design management role, FDG teamed up with Stonebridge Associates and Chicago-based Creek Lane Capital to conceptualize and deliver a 1.7 million square-foot mixed-use project, anchored by a Wegmans grocery store and including 800 units. Located in

Alexandria, Virginia, development of the Hoffman Town Center is currently under construction.

- **The Wren – DC:** FDG was part of the development team responsible for a 289,686 square-foot mixed use project in Shaw that will provide 433 rental units, along with a Whole Foods-anchored retail space. The Wren was delivered earlier this year.
- **Highland Park near Columbia Heights Metrorail:** 373 apartment units and 22,000 square feet of retail.
- **Park Place at the Petworth Metrorail:** 155 apartment units and six townhouses and 17,000 square feet of retail.
- **The Ellington near the U Street Metrorail:** 190 apartment units and 17,000 square feet of retail.

B. Architectural Plans

Complete sets of the updated architectural plans and elevations for the First-Stage PUD and the Consolidated PUD are attached as Exhibits A-1 and A-2, respectively.

1. **Refined Architectural Design.** The Applicant was encouraged to refine certain elements of the design for Building 1. Specifically, the Applicant was asked to reconsider the inclusion of arches, better integrate the different façade approaches and to add more balconies. In response to the comments from OP and the Commission regarding refinement of the architectural design, the Applicant implemented the following revisions to the building design:

- **Arched Window Details:** As shown in the Consolidated PUD Plans, the multistory arched window details at the lower retail plaza of the East Tower have been deleted. The façade is now articulated to read as two separate floors, with the upper floor setback to provide a covered terrace area adjacent to the upper level retail space. Additional canopy elements have been added to provide a moderate degree of sun screening along the relatively long expanses of window wall along the façade. Also, the arched window details at the top level of the West Tower have been removed. While maintaining the

more traditional design aesthetic of the West Tower, the arches have been replaced with rectangular windows and a more substantial cornice element at the top of the building.

- **Balcony Elements**: Several balconies have been added along the southern facade of the East Tower, which look out over the Anacostia River and towards the Anacostia highlands. Additional balconies have also been added to the top two floors of the north façade of the East Tower.
- **Metal Stair**: A metal staircase has been added at the end of the public 14th Street lookout bridge to allow pedestrian movement vertically to the waterfront.

2. **Project Views / Shadow Study**. The Applicant was asked to provide views of the East Tower looking toward the east bank of the Anacostia River from the 1300 block of L Street, SW, and a view of the PUD from the public park on the east side of the river. Additional views of the project on Sheet A-29 through A-36 of the Consolidated PUD Plans. The requested shadow study is on Sheet A-37 through A-42 of the Consolidated PUD Plans.

3. **Flood Plain**. A civil drawing showing how much of the project is within the 100 year and 500 year flood plain is provided on Sheet C-8 of the First-Stage PUD Plans.

4. **Paved Path Connection**. In its Preliminary Report, OP asked the Applicant to clarify whether the paved path connecting Virginia Avenue and Water Street south of the East Tower and Building 2 would be open only to pedestrians, or also to vehicles. As shown on Sheet A-3 of the First-Stage PUD Plans, the paved path connecting the upper Waterfront Plaza and Water Street will be a non-vehicular connection open only to pedestrians and bicyclists.

5. **Signage**. The Zoning Commission and OP requested details about the signage on the East Tower of Building 1. The Applicant will submit the sign package to the Zoning Commission no less than 20 days prior to the public hearing on the application.

C. **Zoning**

1. **Connection Between East Tower and West Tower.** At setdown, the Commission inquired about the purpose of the elevated building connection between the East and West towers of Building 1. As stated in the initial application, while the East and West towers will be constructed in two separate phases, they will be a single building for both functional and technical zoning purposes. The West Tower will be constructed in the second phase as an addition to the East Tower through the proposed bridge connection, which will meet all of the meaningful connection criteria under Subtitle B § 309 of the Zoning Regulations. From a functional perspective, the proposed connection will provide residents in the West Tower access to the amenities in the East Tower and will allow for shared loading.

2. **Areas of Flexibility.** The PUD requires flexibility from the Zoning Regulations as discussed below.

a. **Conversion of Retail Space.** The Applicant seeks flexibility to convert up to 25,000 square feet of retail space in Building 1 East Tower to residential use or any other use permitted in the MU-9 Zone District. The conversion to residential use shall be subject to the Applicant filing an application for a Modification of Consequence for approval of the revised building design, and the Zoning Commission's approval of the same. Further, the additional residential square footage shall be subject to the IZ requirement approved for the PUD.

b. **Courts / Yards -- West Tower.** According to the Court and Yards Diagram on Sheet A-7 of the First-Stage PUD Plans, for the West Tower, the PUD requires flexibility in order for Court C1 to have a width of 36'-7" where a width of 39'-7" is required.

c. **Courts / Yards -- Building 2.** According to the Court and Yards Diagram on Sheet A-7 of the First-Stage PUD Plans, for Building 2, the PUD requires flexibility to permit a rear yard of 12'-7" where a rear yard of 23'-5" is required. Also, flexibility is required in order for Court C-7 to have a width of 17'-1" where 32'-8" is required.

d. Parking & Loading. Flexibility is required to permit 168 vehicular parking spaces where 174 are required under the Zoning Regulations; to permit 280 long-term bicycle parking spaces where 307 are required; and to not having any loading or service facilities for Building 2.

3. **Minor Design Flexibility**. The Applicant requests minor design flexibility for the PUD as follows:

- a. Number of Dwelling Units: To have 496 dwelling units in the East Tower / Phase 1, plus or minus 10%;
- b. Interior Components: To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
- c. Exterior Details: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the approved plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- d. Exterior Materials: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown in the approved plans;
- e. Parking Layout: To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
- f. Retail Uses: To vary the types of uses designated as “retail” use on the approved plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee));

(iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)); (v) Medical Care (11-B DCMR § 200.2(p)); and (Arts, Design, and Creation (11-B DCMR § 200.2(e));

- g. Signage: To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved plans;
- h. Affordable Units: To vary the number and mix of inclusionary units of the total number of dwelling units changes, provided that the location and proportionate mix of inclusionary units generally conforms to the layout shown in the approved plans;
- i. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
- j. Sustainable Features: To vary the approved sustainable features of the PUD, provided the total number of LEED points achievable for the PUD does not decrease below the minimum required for the LEED standard specified by the order.

D. Benefits and Amenities Package

Based on the comments by the Zoning Commission and OP, the Applicant has reconsidered its proffered benefits and amenities package and has provided additional information as discussed below.

1. **Affordable Housing**. The Applicant agrees to increase its inclusionary zoning (“IZ”) proffer from 10% to 11% of the residential gross floor area, which will generate 81,627 gross square feet that will be set aside across the project for households earning up to 60% of the median family income (“MFI”). In the East Tower, 48,780 square feet will be set aside for IZ, yielding 61 units, as reflected on Sheet A-6 of the Consolidated PUD Plans. The revised proffer represents an increase of 4,435 square feet more than the original proffer of 10%, and 13,304 square feet more than the 8% set aside required under the IZ Regulations. Also, please note, that

the previously approved PUD had an IZ set aside of only 8%, which was equal to 41,397 gross square feet, at 80% of MFI. The Applicant's proffer of 11% results in 40,000 more square feet at a deeper affordability level than the previously approved PUD.

2. Improvements in Public Space. In connection with the PUD, the Applicant will construct a significant level of improvements in the public space depicted in the attached Exhibit B, and which are discussed, generally, below.

M Street. The Applicant will fully reconstruct the 22-foot right-of-way portion of M Street and install a small traffic circle to facilitate better circulation near and around the PUD site. In addition, the Applicant proposes to relocate the Anacostia Bike Trail to the north side of M Street in order to provide a better connection to the existing trail to west. The Applicant will also reconstruct the bike trail to DDOT's current standard width of 10 feet.

Virginia Avenue. The Applicant will re-establish Virginia Avenue and construct the roadway to current DDOT standards and will include bioretention facilities.

Arrival Plaza. The Arrival Plaza will be improved with an expansive green lawn and function as a pedestrian promenade and plaza. The Applicant proposes to maintain the improvements in the Arrival Plaza for the life of the project.

Waterfront Plaza. The Waterfront Plaza at the terminus of Virginia Avenue will include a monumental staircase and accessible walkways, and is designed to accommodate outdoor dining, small gatherings, art fairs, a farmers' market and other similar community activities. The Applicant proposes to maintain the improvements in Waterfront Plaza for the life of the project.

14th Street Corridor Plaza. The 14th Street Corridor Plaza is designed to provide connectivity between the proposed Southeast Boulevard Pedestrian Bridge and the lower Retail Promenade and Water Street. The Applicant proposes to maintain the connectivity for the life of the project.

Lower Retail Promenade. The Lower Retail Promenade will be improved with a great lawn and provide access to Water Street and the Anacostia Bike Trail. The Applicant proposes to maintain the Lower Retail Promenade for the life of the project.

On May 19, 2020, the Applicant met with DDOT to discuss the proposed improvements. The agency confirmed that the improvements must be reviewed and approved by the Public Space Committee, but expressed no objections to the improvements as reflected in the plans.

The estimated cost of the proposed improvements is approximately \$6.7 million as shown on the schedule attached as Exhibit B. This is substantially higher than the \$3.9 million estimated

for the improvements in public space proposed for the PUD previously approved for the site under ZC Order 13-12.

3. **Environmental**. Although the project will not achieve LEED Gold, the PUD will have the following sustainable design elements/features:

- Riparian oriented plant material for areas in close proximity of the waterfront to mitigate stormwater runoff and tolerate flood events.
- Bioretention planters strategically placed throughout the streetscapes and interior open spaces in order to collect, filter, and detain runoff in close proximity to each planter.
- Extensive and intensive green roof systems incorporated on the building terraces to collect, filter, and detain stormwater runoff.
- Permeable paver street parking spaces in order to collect, filter, and detain runoff.

Additionally, the Applicant agrees to install solar panels on top of Building 2, the layout for which will be reflected on the second-stage plans for that building.

E. Vision for Retail Space

As we know, digital retail is reshaping how and where people shop. Physical retail spaces have become an extension of a brand’s digital presence; but consumers still need a place “to visit” and to experience a sense of place. In urban developments, the sense of place plays an impactful role in community development, encouraging concepts that are a destination for the immediate neighborhood, locals, and tourists; a place where experience is paramount and digital and physical retail can operate harmoniously. To that end, the Applicant envisions the retail space for the PUD as one with an emphasis on brand and centered on the consumers’ experience. The retail uses contemplated for the PUD include one or more of the following categories: food and beverage, entertainment, convenience, local and small, wellness, affordable luxury and education. Within the food and beverage category, the Applicant will consider casual, convenience, and high concept but approachable instead of high-end dining.

The views of the Anacostia River and access to the Anacostia Riverwalk Trail, the 11th Street Bridge Park and the future Southeast Boulevard development provide an opportunity for creative and interesting retail concepts. Also, the substantial open space areas in the PUD can

accommodate public health protocols resulting from the COVID-19 pandemic, such as outdoor seating and dining, social distancing guidelines, and pick-up windows. Level P2 in the parking garage has parking and loading areas convenient for pick-up and delivery options for customers.

F. History of Street Closures and View Corridor Along Original L’Enfant Streets

The Commission inquired whether the area between the East and West Towers, where the proposed bridge element is located, was a paper street or ever supposed to be street. The Commission also asked for confirmation that the areas within the Project Site that were once part of original L’Enfant Streets continue to be open view corridors / open space. With respect to the area between the East and West towers, the Applicant confirms that this area is not a paper street, nor was it ever planned to be a street. The Applicant further confirms that the Project aligns with the original L’Enfant Street grid to the north, namely 13th and 14th Streets, and does not extend into the closed portions of M Street and Virginia Avenue any more than the prior approved PUD.

Pursuant to D.C. Act Law 18-0198, unimproved portions of 14th Street, M Street, and Virginia Avenue through and adjacent to the Project Site were formally closed by the D.C. Council (S.O. 09-1179). This was done in anticipation for the previously approved PUD. As part of the street closing process, the Historic Preservation Review Board and the National Capital Planning Commission (“NCPC”) supported the closure based on its finding that the encroachments on L’Enfant views and vista were avoided or minimized to the maximum extent possible. NCPC’s determination was based, in part, on the fact that the centerline of Virginia Avenue is inconsistent, and in some locations does not exist due to freeway and railway interruptions, and that the Project Site consists of former federal reservations that interrupted any potential consistency in the width of the Virginia Avenue and M Street rights-of-way.

Consistent with the previous PUD, the viewshed along the former 14th Street right-of-way is fully preserved through the Project Site between Building 1 (East Tower) and Building 2. As for the closed portions of the M Street and Virginia Avenue, this PUD is consistent with the extent to which the previously approved PUD extended into these right of way. Finally, no portion of the PUD will encumber the viewshed within the 13th Street right-of-way extended to the waterfront.

G. Community Outreach

Since filing the initial application on March 13, 2020, the Applicant has made a concerted effort to engage the community as often as possible. The Applicant presented the project to Advisory Neighborhood Commission (“ANC”) 6B at its regularly scheduled public meeting on April 20, 2020. Following this meeting, ANC 6B issued a letter in support of the project. (Exhibits 11-11C of the record).

More recently, on May 28th, the Applicant hosted a virtual community meeting that was facilitated by Commissioner Corey Holman, whose single member district includes the PUD site.

Finally, the Applicant has engaged several stakeholders within the surrounding area of the PUD site that have expressed support for the project, including the Capital Riverfront Business Improvement District, 11th Street Bridge Park, Corporate Office Properties Trust (COPT), and Washington Gas Light Company.

IV. 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, below is the list of persons that may testify at the public hearing on behalf of the Applicant as expert witnesses:

1. Colline Hernandez Ayala, GTM Architects
2. Craig McClure, landscape architect, Parker Rodriguez
3. Jami Milanovich, traffic engineer, Wiles Mensch
4. Shane Dettman, Director of Planning Services, Holland & Knight

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 Exhibit C.

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 D.

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 E.

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.

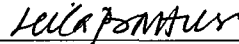
V. CONCLUSION

This Prehearing Statement and the materials submitted with the original application together meet the filing requirements for a (1) first-stage planned unit development ("PUD"); (2) consolidated PUD; and (3) related Zoning Map Amendment, as required by Subtitle X, Chapter 3 and Subtitle Z of the Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the application.

Respectfully submitted,

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