

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

SUBJECT: Setdown Report, Zoning Commission Case No.03-12G and 03-13G
- Capper/Carrollsborg Venture LLC Hope VI Revitalization Project
- Request for Approval of 2nd Stage PUD for Squares 882 and 769

DATE: August 29, 2008

I. APPLICATION SUMMARY AND OFFICE OF PLANNING RECOMMENDATION

The Office of Planning recommends the Zoning Commission (the Commission) schedule a public hearing for the application by Capper/Carrollsborg Venture, LLC in conjunction with the District of Columbia Housing Authority (DCHA). The applicant seeks:

- Approval of a Second Stage PUD application for construction of:
 - An office building in the CR zone, on the southern side of Square 882, facing M Street, SE between 6th and 7th Streets;
 - A multi-family residential building in the R-5-B zone, on the north side of Square 882, facing L Street across from the Marine Barracks;
 - A multi-family residential building in the CR zone, on the northern portion of Square 769, facing L Street and the future Canal Blocks Park.
- Zoning relief from roof structure setback and loading requirements for the residential building in Square 769; and from the CR-zone's 10% public space equivalent requirement. The applicant is requesting that the Second Stage PUD order permit an additional 102 to 178 residential units, 04 additional commercial FAR, changes to the residential building type and heights in Square 882.
- Commission approval of several modifications to Conditions in the original and subsequent Orders relating to Case No. 03-12 / 03-13. These relate to the size, height or unit count of particular buildings, as well as parking spaces, building design and materials, and the timing, phasing, construction and completion of portions of the PUD.

The Second Stage application is part of the multi-year build-out of the Hope IV PUD approved by the Zoning Commission in Order No. 03-12/ 03-13. OP incorporates by reference its May 7, 2003 and July 14, 2003 reports to the Zoning Commission on Case No. 03-12/03-13.

ZONING COMMISSION
District of Columbia

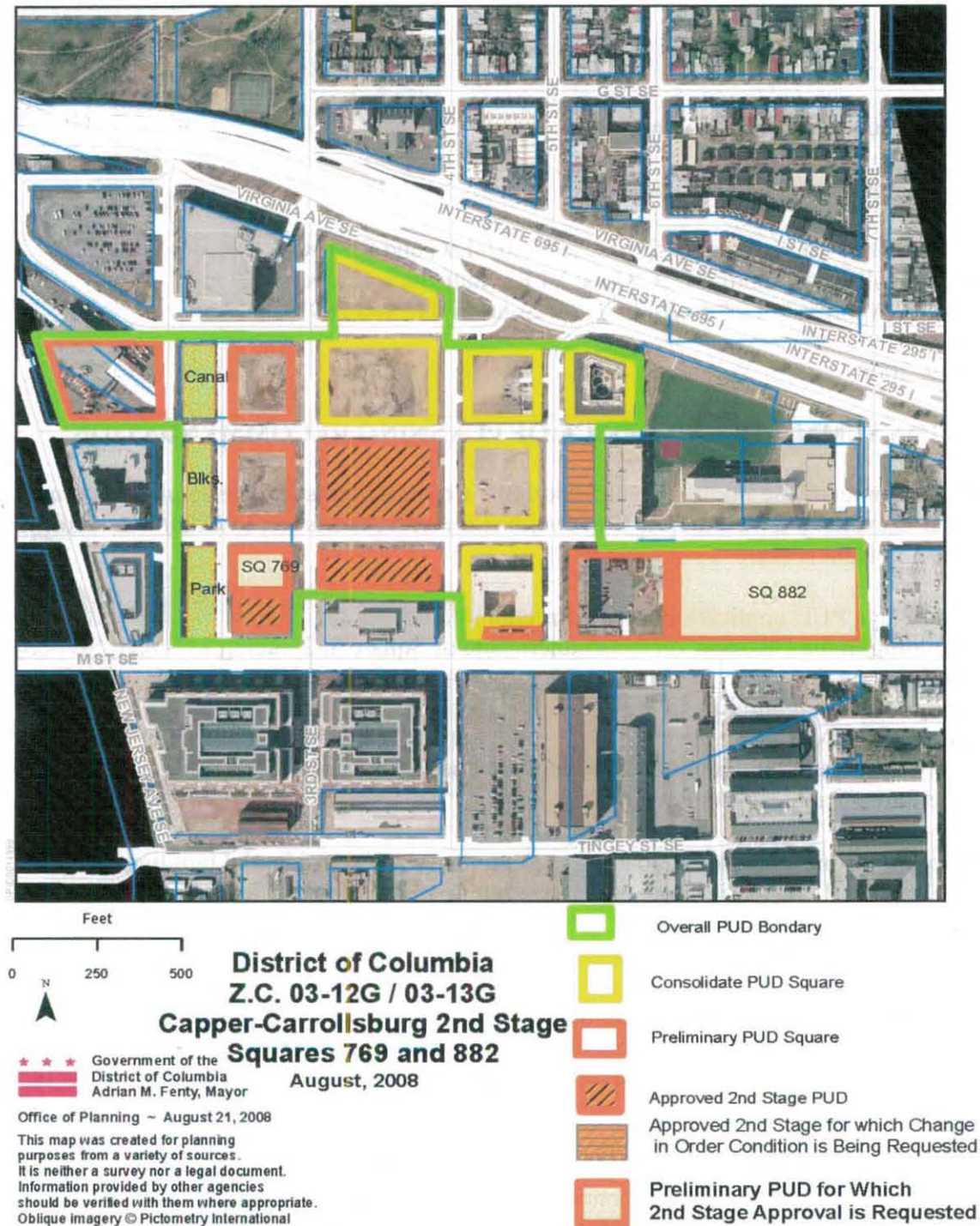


Figure 1. Copper-Carrollburg PUD Boundaries and Status

II. SUMMARY OF APPROVED PUD

In Order No. 03-12/03-13 the Zoning Commission gave preliminary approval to a mixed use PUD and HOPE VI project for 15 Squares in southeast Washington, DC, as well as approval to a Consolidated PUD on six squares within the Preliminary PUD. These Squares are listed in Table 1 and illustrated in Attachment 3. Since then, the Commission has also taken final action for a second-stage PUD for portions of Square 799, Square 800 and Square 800W.

The overall PUD includes the demolition of all but one of the existing Capper/Carrollsborg buildings, retention of one elderly housing building, and construction of approximately 1,700 new housing units, 702,000 square feet of office space, and approximately 51,000 square feet of retail space. The residential construction includes one for one replacement of public housing units with new public units and approximately 800 moderate and market rate units.

The project is financed, in part, with a \$35 million federal grant under the U.S. Department of Housing and Urban Development's (HUD's) HOPE VI program.

SQUARE	PRELIMINARY	CONSOLIDATED	PREVIOUS 2 ND STAGE	IN THIS APPLICATION?
739	X			--
767	X			--
768	X			--
769	X		X, Southern	Y, northern
797		X	X	--
798		X	X	--
799, east 2/3	X		X	--
800, northern	X		X	--
824		X		--
825		X		--
825S w/out SE corner		X		--
880	X		X	--
881, west	X		X	Extension Requested
853 N	X			--
882	X			Y

Table 1: Squares in Capper/Carrollsborg Hope VI PUD (cf. Figure 1)

III. REQUESTED MODIFICATIONS TO CONDITIONS IN THE PRELIMINARY , CONSOLIDATED AND/OR SECOND STAGE PUD ORDERS

The applicant is seeking increases in the amount of development in the overall PUD and requesting modifications to previous Orders to, in part, allow for the proposed changes between the preliminary and requested Second Stage PUD for Square 882 and the northern portion of Square 769. These changes would enable:

- An 8.6% increase in the overall PUD's total residential square footage. If approved, there would be 102 - 178 more market rate units. There would be no decrease in the number of affordable units;
- A 0.4 increase in the PUD's total commercial square footage.

OP has examined: a) the Second Stage application for Square 882 and 769; and b) the changes for aspects of the PUD that are not part of the Square 882 and 760. This following language frames these requests as changes that would need to be made to the existing PUD Orders. It has been crafted by OP to help clarify the applicant's requests. It has not been submitted by the applicant. Possible deletions are ~~struck through~~ and possible additions are underlined.

Requested Square Footage and Height Changes

Order No. 03-12//03-13, Condition 5 (as previously modified): *The project in its entirety shall include a maximum of ~~1,645~~ 1,747 residential units, a maximum of ~~702,000~~ 756,052 square feet of gross floor area of office commercial space, including a maximum of 50,000 square feet of gross floor area of retail space, and a community center including maximum of 28,500 square feet of gross floor area. The distribution of uses and densities shall be as shown on the Site Plane Development Data, Sheet S-3.1 of the Preliminary Plans, or as revisions to those Plans have been approved in subsequent Orders.*

Order No. 03-12/03-13, Condition 8(b): [Except for roof structures, the maximum permitted heights shall be as follows:] ...*(b) For the office buildings in Square 882: ~~90~~ 92 feet;*

OP Comments: The applicant is requesting a 102 – 178 unit increase in the number of overall units and a 54,052 gross square foot increase in commercial space. The same number of affordable and public units would be maintained and the requested unit increase would be for market rate units. Both market rate units and commercial space are intended to help to cross-subsidize the below-market rate units.

Construction costs have risen considerably since the overall PUD was approved in 2004. The requested changes would likely help address some of the rising costs of the below-market units, but the applicant has not explained the reason for the request. OP recommends the Commission set-down the requested changes to the conditions, and ask the applicant to provide more information on why the changes are needed.

However, the applicant needs to clarify the proposed increase in the number of residential units. There seem to be differences between the numbers in the July 3, 2008 written statement and the numbers listed on sheets in the June 25 drawings.

The two foot height increase in the Square 882 office building is intended to accommodate the required 14 foot-clear ground floor commercial spaces. When the Commission reduced the height of the proposed office

building from 110' to 90' in its original decision, it did not consider how that reduction might impact floor to floor heights. OP recommends the request be set down.

Details pertaining to Squares 882 and the northern portion of Square 769 are discussed later in this report.

Requested Parking Changes

Order No. 03-12/03-13, Condition 11: *The project shall include a minimum of ~~1,980~~ 1,874 off-street parking spaces, of which at least 284 shall be provided in conjunction with the proposed office building in Square 882. Unless otherwise modified by the Zoning Commission, the distribution of the spaces shall be as shown on the Parking Plan, Sheet T-3.0 of the Preliminary Plans, or as revisions to those Plans have been approved in subsequent Orders.*

Order No. 03-12 / 03-13, Condition 6, as revised pursuant to Order No. 03-12/03-13D:

The applicant agrees to provide, for certain portions of the day, 70 parking spaces (1 per 2 units) for the building in question by:

- a. Permanently reserving thirty-three (33) 24-hour spaces in the Building formerly known as Senior Building Number 2 in Square 825S for the exclusive use of residents of that building, or their guests;*
- b. ~~Reserving, on an interim basis until parking noted in Points "c and d", below, can be provided, no fewer than thirty-seven 24-hour parking spaces on surface parking lots to be located on Squares 767, 768 and/or 769 (land owned by the applicant) for the exclusive use of residents of the buildings formerly known as Senior Building 2, or their guests;~~*
- c. ~~Reserving on a permanent basis, twenty-one (21) 24-hour spaces within three blocks of the subject building for the exclusive use of residents of the buildings formerly known as Senior Building 2, or their guests.~~*
- d. ~~Entering into a phased, shared parking arrangement with office buildings in Squares 769 and/or 882 to provide no fewer than sixteen (16) parking spaces, between the hours of 5:30 p.m. and 8:30 a.m. and 24 hours on federal holidays and weekends, for the exclusive use of residents of the buildings formerly known as Senior Building 2, or their guests.~~*
- e. ~~Provide a minimum of 2 car sharing spaces within 3 blocks of the subject building, and enter into an agreement with a car sharing provider to offer membership at discounted rates to occupants of the building.~~*

OP Comments: If the applicant's intention is to reduce to 33 spaces the parking requirement for the building formerly known as Senior Building Number 2, then all references to a requirement for 70 spaces would need to be modified. The Gorove/Slade Associates parking study included in Section E of the application addresses parking for the residential building in Square 825 S only in the context of the current occupancy of that building and the existing nearby development. It suggests that some of the building's parking needs may be satisfied through on-street parking.

The applicant's request is not necessarily inconsistent with OP's findings in its recent parking and zoning studies. However, while OP recommends the Commission set down this request, it is necessary for the applicant to provide additional analysis of the building's parking requirements, parking needs, and on-street

parking capacity in the context of a fully built-out Capper-Carrollsborg development. The applicant also needs to make clear that it is asking to reduce the 70-space parking requirement to 33 spaces.

Requested Time Extensions

Order No. 03-12 / 03-13 A, Condition 5: *The Applicants shall file an application for a building permit for the community center ~~within two (2) years from the issuance of the order in this case~~ by January 1, 2011 and shall start construction of the community center ~~within three (3) years of the date of final approval of this application~~ by January 1, 2012. [The Order was issued February 13, 2006 and became final on September 15, 2006].*

Order No. 03-12/03-13, Condition 27: *The second-stage approval may be requested in one or more applications. If there is to be only one second-stage application, that application shall be filed within 18 months of the effective date of this Order. If there is to be more than one second stage application, the first second-stage application shall be filed within 18 months of the effective date of this order and that application shall include a phasing plan for the remaining applications. Approval of the first-stage application shall be for a period of ~~four~~ nine years from the effective date of this Order.*

Order 03-12A/03-13A, Condition 7: *The second stage approval for the remaining portions of the project will be filed in phases. Phase II will consist of the M Street office building, which may be built in tow (2) sub-phases, along with the residential development in Square 882. The 250 M Street office building with first-floor retail in Square 769 will be Phase III of the development. Phase IV of the development will include high-rise apartments in Squares 767, 768, 769, and 739. Development of the Van Ness Elementary School will occur during Phase V of the development. The applications for final approval of Phases II through IV of the development must be filed by ~~October 31, 2008~~ December 2013. The order of the phases may change subject to future market demands. Phase V is not under the control of the Applicant and will proceed at the time determined by the Board of Education and the District Government.*

OP Comments: The applicant is asking for an approximately twenty-seven month delay in the start of the Community Center's construction, a five year extension of the preliminary PUD's approval, and a five year extension of the time by which the remainder of Second Stage PUD applications must be filed.

OP recommends the Commission set down these requests, and that the applicant provide more details on why the extensions are needed – particularly for the delay of construction of the community center, which is intended to be a very important part of the PUD, even in its early stages.

IV. APPLICATION FOR SECOND STAGE PUD IN SQUARE 882 AND NORTHERN SECTION OF SQUARE 769

This application seeks 2nd Stage approval in Square 882 and the northern half of Square 769. Relief is requested from some zoning regulations and/or from conditions in the original PUD Order.

Prior to the filing of the application OP and the applicant met frequently about the design of all of the 2nd Stage buildings. The designs submitted with the application incorporate most of the changes and refinements recommended by OP. OP will consider design matters further if the Commission sets down the application.

The applicant has also met with the District Department of Transportation (DDOT). DDOT and the applicant have made progress on resolving DDOT's concerns, and DDOT will submit more formal comments if the

application is set down. Its principal concern is the requested parking entrance and curb cut on 7th Street for the office building in Square 882.

A. Square 882 Office and Residential Development

Square 882, which is directly south of the new Marine Barracks expansion, is bounded by M, L, and 7th Streets, and a not-yet-built private street that will be called 6th Street

The preliminary PUD provided two components on the Square:

- A 90' high, 10-story building facing M Street, with a total of 496,000 square feet of office space and ground floor retail; and,
- 30' - 45' high residential townhouses and stacked units facing L Street, with a total of 75 units.

The 2nd Stage application requests approval of

- A 92' high, 10 story office building with 499,780 square feet
- A 60'high mid-rise apartment building with 189 units.

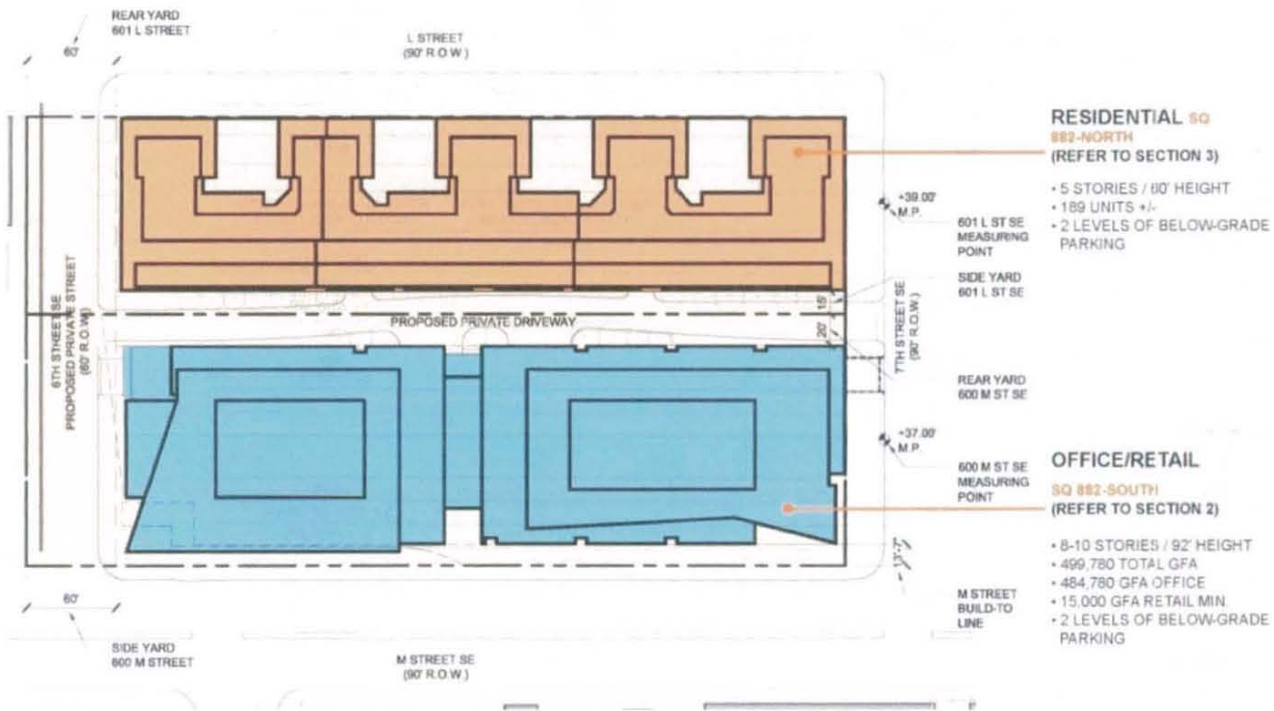


Figure 2: Square 882 Proposals

1. Office Building

The office building would be two feet higher and 3,780 square feet larger than approved in Order No. 03-12 / 03-13. It would be 9 to 10 stories and would contain at least 15,000 square feet of ground floor retail space and approximately 484,000 square feet of office space. It would have frontage on three sides and share a private alley with the residential development to the north. Loading would be off the alley. Parking would be accessed from the private 6th Street on the west, and from 7th Street on the east. The building's mass would be broken into a nine story eastern wing and a ten story western wing with a three story retail, service and office section between the two sections. The roofline of the two wings would be at the same elevation point, but the number of stories would vary due to the grade's falling from east to west.

Table 2. Square 882 Office and Retail Building Development Data

		2406.11(e)		
ZONE:	CR			
SQUARE:	882-SOUTH			
LOTS:	PENDING SUBDIVISION			
SITE AREA:	88,589 +/- SF			
	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	OFFICE/RETAIL		OFFICE/RETAIL	OFFICE/RETAIL
HEIGHT	90'	110'	90'	92'
TOTAL FAR	6.0	8.0		5.64
NON-RESIDENTIAL FAR	3.0	4.0		5.64
GROSS FLOOR AREA			RETAIL 15,000 SF MIN. TOTAL 496,000 SF	RETAIL 15,000 SF MIN. TOTAL: 499,780 SF
M STREET SETBACK			NOTE 10	13' - 7" NOTE 10
LOT OCCUPANCY	100%			65%
PUBLIC SPACE	10% (8,859 SF)			11,480 SF
REAR YARD	NOTE 1			20'
SIDE YARD	NOTE 2			60' (23' MIN.)
OPEN COURT	NOTE 3			
CLOSED COURT	NOTE 4			
ROOF STRUCTURES				
HEIGHT	18'-6"			18'-6"
AREA	0.37 FAR			32,778 SF MAX
SETBACKS	1:1			1:1 (18'-6")
PARKING				
OFFICE	NOTE 5		400	268 MIN.
RETAIL	NOTE 6			16 MIN.
TOTAL			400	284 MIN.
BICYCLE PARKING	NOTE 9			14 MIN.
LOADING				
OFFICE	NOTE 7			3 - 12' X 30' MIN. 1 - 10' X 20' MIN.
RETAIL	NOTE 8			
TOTAL	3 - 12' X 30' 1 - 10' X 20' 3- 100 SF LOADING PLATFORM			3 - 12' X 30' MIN. 1 - 10' X 20' MIN 3 - 100 SF LOADING PLATFORM
RETAIL REQUIREMENTS				
RETAIL GFA			15,000 SF	15,000 SF MIN.
RETAIL CEILING HEIGHT			14'	14'

OP Comments: The applicant has asked for flexibility to construct one wing before the other. The more likely progression would have the west wing being constructed and occupied first, as a stand-alone wing. The complete office building would determine and measure its zoning height from 7th Street, on which the eastern wing would have frontage. Measured from 7th Street, the proposed building would measure 92' and would require 2 feet of relief from Order 03-12/03-13. Absent an eastern wing having frontage on 7th Street, the western wing by itself would draw and measure its permitted height from M Street. There is an approximately 24 foot decrease in elevation between the eastern and western ends of the proposed building. At the mid-point of its face on M Street, the western wing, standing temporarily alone without the eastern wing, would measure approximately 107 feet. This would be 17' higher than is permitted by the Preliminary PUD's Order. The western wing's zoning height would become 92' once the eastern wing was integrated with it.

While the request to phase construction is acceptable, and a 107-foot building fronting on the 90-foot M Street right of way, if the Commission sets down the phasing request the advertisement should note that the phasing would require temporary relief of approximately 17 feet from the Preliminary PUD order.

With respect to the requested parking garage access on 7th Street, DDOT has met with the applicant, and expressed the Department's concern about granting the curb cut for the driveway. Accordingly, the applicant has asked for flexibility from the Preliminary PUD Order, to permit there to be no curb cut on 7th Street, should it prove unnecessary. Therefore, OP recommends the Commission set down this request and continue working with DDOT on the curb-cut issue.

With respect to the additional 2-foot height request, OP recommends that it be set down and that the applicant explain more clearly the relationship between the required height for the retail space and the overall height of the building.

2. Residential Building

The residential building in Square 882 would be 15 feet higher and 57,880 square feet larger than approved in the PUD Order. It would contain 189 apartments, rather than the townhouses and stacked units approved by the Commission. The Order requires 20 percent of the units to be dedicated to households earning less than 60% of the area median income. The number of these units would, therefore, increase along with the building's size.

Table 3. Square 882 Residential Building Development Data

8TH STREET

ZONE:	R-5-B			
SQUARE:	882-NORTH			
LOTS:	PENDING SUBDIVISION			
SITE AREA:	69,625 +/- SF			
	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
HEIGHT	50'	60'	45'	60'
TOTAL FAR	1.8	3.0		2.72
GROSS FLOOR AREA			131,288 SF	189,618 SF
LOT OCCUPANCY	60%			68% (54% MAX FOR PROJECT)
REAR YARD	20' (NOTE 1)			60'
SIDE YARD	NONE			15'
OPEN COURT A, B, C, D	20' (NOTE 2)			41' X 48'
CLOSED COURT				NA
ROOF STRUCTURES				NONE
HEIGHT				
AREA				
SETBACKS				
PARKING				
RESIDENTIAL	95 (NOTE 3)			172
TOTAL	95			172
LOADING				
RESIDENTIAL	(1) 12' X 55' (1) 10' X 20'			NOTE 5
TOTAL	(1) 12' X 55' (1) 10' X 20'			(1) 12' X 55' (1) 10' X 20'

Notes

1. 4' per foot of vertical distance from the mean finish grade at the middle of the rear of the structure, to the highest point of the main roof or parapet wall, but not less than 15'.
2. 4' per foot height of court, but not less than 15'.
3. One space per two dwelling units.
4. 189 Total Dwelling Units.
5. Platform 200 SF, (1) 12' x 55' berth in private drive, and (1) 10' x 20' service/delivery space in private drive.

Mezzanine Area Tabulation	G1 Level	G2 Level	1st Level	2nd Level	3rd Level	4th Level	5th Level	Total
Area without Mezzanine	15,424	25,338	45,394	45,394	32,691	17,279		181,5
Mezzanine Area					2,285	2,420	2,943	7,6
Gross Building Area	15,424	25,338	45,394	45,394	34,976	19,699	2,943	189,1

OP Comments: OP recommends this be set down. In the PUD cases original hearings, the Commission had expressed concern about the potential for the then-proposed 110' tall office building on the south side of the Square to overwhelm the townhouses proposed to the north. Accordingly, the Commission restricted the office building to 90'. Increasing the height of the residential building would further bring it into scale with the office building, and the additional square footage could also help to subsidize below-market rate housing.

Although the percentage of affordable housing would be the same 20% as in the approved building, the requested larger building would be providing more affordable square footage than would have the smaller approved residential building OP has asked the applicant to provide information on whether the increase in affordable housing in Square 882 would have any impact on the total amount of below-market housing, and on the amount of affordable housing previously proposed or approved for other parts of the PUD.

The applicant should clarify the access the below-market rate units will have to the development's amenities.

The applicant should also specify the limits of the range in the numbers of units it is requesting.

B. Square 769 Residential Development

The residential building in Square 769 would be 11,514 square feet larger than previously approved and have 64 more units than had been indicated in 2005¹. The Second Stage design has eliminated a proposed 3rd Street curb cut for secondary parking access, in response to reservations expressed by DDOT.

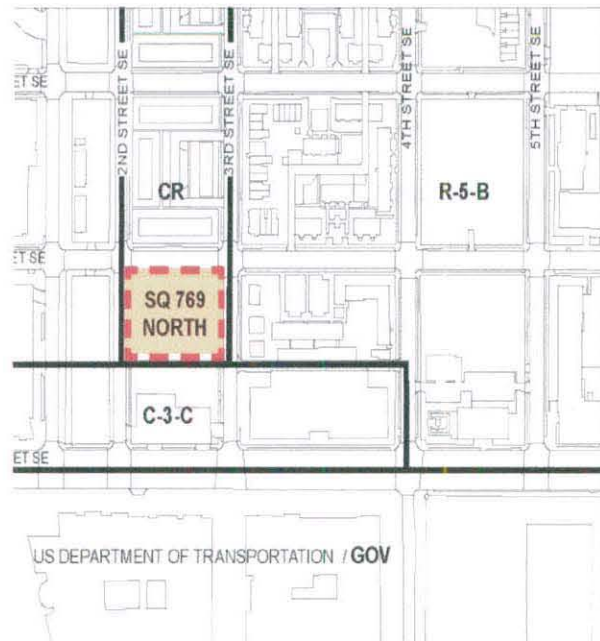
As with Square 882, the applicant is requesting flexibility in the range of the numbers of units it provides, but still reserving 20% of the units as affordable units.

The building would require roof structure setback relief, to permit the roof structure to meet the needs of a "U" shaped building and to be set back farther from the Canal Blocks Park than is required.

The applicant is also requesting relief from loading requirements. It proposes to provide one 12' by 38' loading dock, which is 12 feet shallower than required, and to omit the 12' by 20' service delivery area and, possibly, the 200 square foot loading berth.

¹ See Sheet 1.2, dated 25 June 2008

Table 4. Square 769 Residential Building Development Data



Notes

- 1 3' per foot of height of residential building, but no less than 12'
- 2 A side yard is not required, but if provided must be a minimum of 3 inches per foot of building height, but not less than 8 feet (§637)
- 3 3' per foot of height of court, minimum of 10 ft.
- 4 4' per foot of height of court, minimum of 15 ft.
- 5 1 space per 3 dwelling units.
- 6 In excess of 3,000 square feet, 1 space per 750 square feet of gross floor area.
- 7 Multiple dwelling with 50 or more units in all districts require (1) 12' x 55' loading berth, (1) 10' x 20' service/delivery loading space, and (1) 200 sf platform.
- 8 Retail loading is not required because the retail gross floor area is less than 5,000 sf.

ZONE:	CR
SQUARE:	769-NORTH
LOTS:	PENDING SUBDIVISION
SITE AREA:	21,154 SF

	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
HEIGHT	90'	110'	110'	110'
TOTAL FAR	6.0	8.0		8.58
NON-RESIDENTIAL FAR	3.0	4.0	3,000 SF	4,090 SF
GROSS FLOOR AREA			169,906 SF	181,420 SF
LOT OCCUPANCY	75%			96%
PUBLIC SPACE	10% (2,115 SF)			NONE
REAR YARD	NOTE 1			4.8'
SIDE YARD	NOTE 2			0
OPEN COURT	NOTE 3			39.5' X 60'
CLOSED COURT	NOTE 4			NONE

ROOF STRUCTURES				
HEIGHT	18'-6"			18'-6"
AREA	0.37 FAR			6,600 SF
SETBACKS	1:1			18'-6"

PARKING				
RESIDENTIAL	NOTE 5 (57)			150
RETAIL	NOTE 6 (2)			2
TOTAL	(59)			152

BICYCLE PARKING				
	NOTE 9			8 MIN.

LOADING				
RESIDENTIAL	NOTE 7			(1) 12' X 38'
RETAIL	NOTE 8			NONE
TOTAL	(1) 12' X 55' (1) 10' X 20' (1) 200 SF PLATFORM			(1) 12' X 38'

The proposed building is in the CR zone. 11DCMR Section 633.1 requires that an area equivalent to 10% of the total lot area be provided as public space at the ground level. The applicant is seeking complete relief from this requirement.

OP Comments: OP recommends this be set down. However, the applicant needs to clarify whether it is seeking relief from just the service delivery space, as is noted on page 11 of the application, or from the service delivery space and the loading platform, as is noted in the table on sheet 4.4 (which is reproduced above). The applicant should also provide additional information to justify the requested relief. This is not fully addressed in the Gorove/Slade Traffic Statement.

The applicant should specify the limits of the range of flexibility it is requesting for the number of residential units.

With the residential building being directly across from a major new planned city park, the requested relief from the public space requirement may be appropriate. However, to satisfy the spirit of that CR requirement, the applicant should consider an alternative, such as providing assistance to the Canal Blocks Park, the community center, etc.

Finally, OP will be working with the applicant to explore minor façade variations that may help the residential and office buildings in Square 769 better complement each other.

V. REQUESTED ZONING RELIEF AND FLEXIBILITY UNDER PUD GUIDELINES

This summarizes the relief and flexibility requirements noted above.

- For the residential and retail building in Square 769, relief from
 - 11DCMR §§ 770.6 (b)'s and 411.2's requirements that a roof structure be set back from exterior walls in a one to one ratio;
 - One, possibly two, of §2201.1's loading requirements
 - §663.1's public space requirement.

The applicant wishes to be able to provide a range in the number of residential units.

- For the office and retail building in Square 882, relief from
 - The Preliminary PUD's commitment to providing more loading facilities than area required by the Zoning Regulations;
 - The 90' height limitation in the Preliminary PUD Order.

The applicant has requested permission to phase construction of the eastern and western sides of the office building. If this is granted, and the western wing is constructed first, then greater relief would be needed from the 90' height limitation than has already been requested in the application.

The applicant has also requested permission to eliminate the 7th Street garage entrance, should it prove to be unnecessary.

- For the residential buildings in Square 882, the applicant wishes the flexibility to provide a range in the number of residential units.

VI. SUMMARY AND RECOMMENDATION

OP recommends:

- A.** That the Commission set down the July 3, 2008 “Application for a Second-Stage Approval of a Planned Unit Development, Original Zoning Commission Case No. 03-12/03-13, Squares 769 and 882” as accompanied by the supporting statement dated July 3, 2008 and the drawings dated 25 June 2008.
- B.** That the Commission set down the proposed changes noted in Section I of this report, to the Conditions of Order 03-12/03-13, as modified by subsequent amendments to that Order:
- C.** That the Commission instruct the applicant to address the OP and/or DDOT concerns noted in Section IV or this report; and
- D.** That the Commission set down the requests for zoning relief and flexibility under the PUD guidelines that are noted in Section V of this report.

Jls/ s.cochran, case manager