

**THE ARTHUR CAPPER/CARROLLSBURG
SQUARES 769 & 882**

**STATEMENT OF
CAPPER/CARROLLSBURG VENTURE, LLC
IN CONJUNCTION WITH THE
DISTRICT OF COLUMBIA HOUSING AUTHORITY
IN SUPPORT OF AN APPLICATION
FOR SECOND-STAGE REVIEW AND APPROVAL
OF A PLANNED UNIT DEVELOPMENT AND MODIFICATIONS**

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ZONING COMMISSION
District of Columbia
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District of Columbia
CASE NO. 03-1267-03-B9
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EXHIBIT NO. 4

DEVELOPMENT TEAM

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I. INTRODUCTION

This statement and the attached documents support the application of Capper/Carrollsborg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), (collectively the "Applicant"), to the Zoning Commission for the District of Columbia ("Commission") for second-stage review and approval of modifications to portions of a previously approved Planned Unit Development ("PUD").

This application is the third of a series of second-stage applications to be filed to complete the entire PUD project. The overall project approved by the Commission includes a maximum of 1,645 residential units, including the one-for-one replacement of 695 units devoted to public housing, 2,138,431 square feet of residential gross floor area, and 753,000 square feet of commercial gross floor area. As shown on the development data chart included in the Architectural Plans and Elevations and discussed in more detail herein, the Applicant is seeking modifications to increase the overall unit count to 1,747, while still including the 695 public housing units, and to increase the residential density by 8.6 percent to 2,323,329 gross square feet and the commercial density by 0.4 percent to 756,052 gross square feet.

The property that is the subject of this application consists of the northern portion of Square 769 (which is bounded by 2nd, 3rd, L and M Streets, S.E.) and the entirety of Square 882 (which is bounded by 7th, L and M Streets, S.E.). The northern portion of Square 769 and Square 882 are collectively referred to herein as the "PUD Site." The Applicant proposes to construct two multi-family dwelling buildings and an office building as part of this application. Specifically, as discussed in more detail below, the Applicant proposes to construct the following: (a) a 110-foot multi-family dwelling building on the northern portion of Square 769; (b) a 60-foot multi-family dwelling

building on the northern portion of Square 882; and (c) a 92-foot office building on the southern portion of Square 882. This application collectively includes approximately 366,498 square feet of floor area devoted to residential uses, approximately 499,780 square feet of gross floor area devoted to office use, a minimum of 19,090 square feet of gross floor area devoted to retail use, and 608 off-street parking spaces.

II. PROJECT DESCRIPTION

A. Site Location and Description

The PUD Site is located in the southeastern quadrant of the District. Square 769 is bounded by L Street to the north, 3rd Street to the east, M Street to the south, and 2nd Street to the west. Vacant industrial and manufacturing structures are located in the squares to the immediate north of Square 769. Low-rise residential units approved as part of the overall PUD are in the process of being constructed in Squares 799 and 800, which are located to the northeast of Square 769. A portion of the Canal Blocks Park is located to the immediate west of Square 769, and the recently approved 250 M Street office will be constructed in the southern portion of the square.

Square 882 is bounded by L Street, S.E. on the north, 7th Street, S.E. on the east, M Street, S.E. on the south, and U.S. Reservation 19-A and the Van Ness School on the west. The U.S. Marine Corps Barracks and playing fields are located across L Street to the immediate north of the property. The "Yards at Southwest Federal Center" PUD and the Washington Navy Yard are located across M Street to the immediate south of Square 882.

The portion of Square 769 included in this application has a land area of approximately 21,154 square feet and is zoned CR. Square 882 has a land area of 158,214 square feet. The portion lying north of the midpoint of Square 882 is zoned R-5-

B and the portion lying south of the midpoint of the Square is zoned CR. The PUD Site has a combined land area of approximately 179,368 square feet.

The overall area surrounding the PUD Site is characterized by a mixture of uses, including new residential, office, commercial and retail uses. The newly-constructed Washington Nationals' baseball stadium is located to the southwest of the PUD Site. In addition, the Navy Yard Metrorail Station is located at 200 M Street and has entrances at the southeast corner of M and Half Streets, and the northwest corner of M Street and New Jersey Avenue.

B. Project Design and Components

1. Residential Component in Square 769

The Applicant proposes to construct a 10-story multi-family dwelling building on the northern portion of Square 769. The building will include approximately 177,830 square feet of residential gross floor area and approximately 4,090 square feet of ground-floor retail area. The building will be constructed to a height of 110 feet. A total of 152 parking spaces will be provided in a two level parking garage, and loading facilities will be provided from a private drive located at the rear of the building. The location of the garage entry and loading area will help provide pedestrian safety and mitigate visual impact from the street.

The building will include 171 residential units, with a mix of one-bedroom and two-bedroom units ranging in size from 650 to 1,120 square feet. Twenty percent of the units will be dedicated to persons/families earning less than 60 percent of the Area Median Income, adjusted for family size. The building also includes 7,600 square feet of residential amenity space, which will include an exercise room and club room, as well as

an open lobby area space. A large outdoor courtyard will be located on the 2nd floor for the benefit of the residents and their guests.

The building also includes retail uses adjacent to 2nd Street and facing the Canal Blocks Park, which will help to reinforce a pedestrian friendly streetscape. Moreover, the design of the building consists of light colored brick accented with light grey aluminum windows. This will complement the office building in the southern portion of Square 769. A pair of French curved walls balance the main entry, expresses a sense of grandeur, and reinforces harmony with the office building.

2. Residential Component in Square 882

The Applicant also proposes to construct a multi-family building on the northern portion of Square 882. This building will be constructed to a maximum height of 60 feet. The proposed layout and height of the building are more compatible than the approved townhouse layout with the office building in the southern portion of the square in terms of scale and use as an urban infill project. The building will include approximately 189,168 square feet of residential gross floor area and will have an FAR of 2.72. The building will include 189 residential units, with 20 percent dedicated to persons/families earning less than 60 percent of the Area Median Income, adjusted for family size. The building also includes approximately 5,764 square feet of residential amenity space including an indoor swimming pool and exercise room. Four landscaped courtyards will provide active and semi-private outdoor spaces. In addition, 172 parking spaces will be located in a parking garage, and loading facilities will be provided in a private drive located at the rear of the building.

The main entry will be located on the corner of 7th and L Streets. Five entrances are also proposed along L Street which will provide pedestrian access from L Street to

the building. In addition, dwelling unit entries are designed at L Street, 6th Street, and along the private driveway to enforce activity at street level and promote a sense of neighborhood and community.

The L Street façade has been designed to be compatible with and correspond to architectural languages of other developments within the overall PUD and the immediate area. Brick color and other material colors are chosen to reinforce the neighborhood streetscape. In contrast, the transition to larger scale office building on the private driveway elevation is simplified in detail and material, transitioning the style between office and residential. Five smaller scale building elements facing L Street provide for four semi-private courtyards facing the public street and avoid an otherwise long, repetitive façade.

3. Office Component in Square 882

The third building included in this application is a proposed office building on the southern portion of Square 882. The office building site has frontage on M Street, SE to the south and 7th Street, SE to the east. The site is further bounded on the north by the residential component in Square 882 included in this application. A shared private driveway is located on either side of the interior lot line that divides the two sites. A private roadway called 6th Street, connecting from M Street north to L Street is located at the western end of the site.

The Applicant proposes to construct an office building with an overall gross floor area of 499,780 square feet, an FAR of 5.64 and a building height of 92 feet. The building includes a minimum of 15,000 square feet of sidewalk level retail while the remainder of the space is devoted to office use. A minimum of 284 below-grade parking spaces is included.

M Street is the primary commercial and vehicular corridor in the immediately surrounding area. The office building has two lobby entrances located at either end of the frontage along M Street – one at the corner of 6th and M Streets and the other at the corner of 7th and M Streets. Retail frontage occurs along this street between the two office lobbies. The sidewalk level along M Street is fronted with either retail storefronts or office lobby entrances, and the face of the building has been setback from the street to create a comfortable pedestrian experience along the retail sidewalk.

Parking and loading-related building services are generally located along the rear of the building. Loading is situated off the private landscaped driveway on the north side of the building. Two parking entrances are placed at opposite ends of the building. One parking garage entrance is located off of the private 6th Street and the other parking garage entrance is located off of 7th Street. The Applicant requests the flexibility to eliminate the entrance off of 7th Street if it is not necessary to successfully market and lease the building.

The building is designed as two towers, connected at the lower three levels above grade and at the parking levels below grade. The massing has the effect of looking like two smaller buildings, and will give the building the appearance of looking complete in the event an initial phase (one tower) is constructed before a second phase of construction has commenced. Importantly, this massing strategy also helps to diminish the overall scale of the building and to mitigate the dramatic east-west grade change that occurs across the site.

Building materials and colors are used to reinforce the visual appearance of being two separate, but related, towers. While a palette of dark brick with punched openings,

aluminum and glass curtain wall systems, and metal-panel cladding, is utilized on both towers, different, but compatible, brick and aluminum colors distinguish the two. Material types and colors are used to relate the building to the surrounding context, including the historic structures in the Washington Navy Yard and Southeast Federal Center. The proposed office building will pursue LEED-Certified level for Core and Shell (version 2.0), and will achieve a minimum of 23 points.

C. Matter of Right Development Under R-5-B Zoning

A portion of the PUD Site is zoned R-5-B and a portion is zoned CR. The Applicant is not seeking to rezone the property in connection with this Application.

The R-5 Districts are general residence districts designed to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts. The R-5 Districts also permit the construction of institutional and semi-public buildings that would be compatible with adjoining residential uses. 11 DCMR § 350.1. The R-5-B District is designed to permit moderate height and density developments. 11 DCMR § 350.1.

Pursuant to Section 350.4(c) of the Zoning Regulations, multiple dwelling units are permitted in R-5 Districts as a matter of right. Pursuant to Section 400.1 of the Zoning Regulations, the height of buildings in the R-5-B District shall not exceed fifty (50) feet, and there is no limitation on the number of stories. If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building, such roof structures are permitted above the building height for an additional eighteen feet, six inches if set back from the edge of the roof by 1:1 ratio. 11 DCMR § 400.7. The maximum permitted FAR in a R-5-B District for all structures is 1.8, and the maximum percentage of lot occupancy is sixty percent (60%). 11 DCMR §§ 402.4, 403.2.

Buildings in the R-5-B District are required to provide a rear yard with a minimum depth of 4 inches per foot of vertical distance from the mean finished 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 feet. 11 DCMR § 404.1. In the case of a through lot or corner lot abutting three (3) or more streets, the depth of the rear yard may be measured from the center line of the street abutting the lot at the rear of the structure. 11 DCMR § 404.2. Pursuant to Section 405.6 of the Zoning Regulations, side yards are not required in R-5-B Districts. Further, pursuant to Section 406.1 of the Zoning Regulations, where a closed court is provided in a R-5-B District, the court shall have a minimum width of four inches per foot of height of court, but not less than 15 feet, and a minimum area equal to twice the square of the required width of court dimension based on the height of court, but not less than 350 square feet.

An apartment house or multiple dwelling in the R-5-B must provide one parking space for each two dwelling units. 11 DCMR § 2101.1. The off-street loading requirement for an apartment house or multiple dwelling with 50 or more dwelling units in all zone districts is one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR § 2201.

D. Matter of Right Development Under CR Zoning

The CR zoning classification permits office, residential, hotel, retail/service and certain other uses. 11 DCMR § 601.1. The maximum permitted matter-of-right height in the CR Zone is 90 feet. 11 DCMR § 630.1. In the CR Zone, the maximum permitted floor area ratio ("FAR") is 6.0, all of which may be residential, but of which not more than 3.0 may be used for other than residential purposes. 11 DCMR § 631.1. This

limitation does not apply to any portion of the building which is totally below-grade, and therefore not included in gross floor area.

Pursuant to Section 633.1 of the Zoning Regulations, new developments in the CR Zone are required to provide an area on-site that is equivalent to ten percent (10%) of the total lot area as public space at ground level. The area devoted to public spaces must: (a) be located immediately adjacent to the main entrance to the principal building or structure on the lot; (b) serve as a transitional space between the street or pedestrian right-of-way and the building or structure; (c) be open to the sky or have a minimum vertical clearance of one (1) story or ten feet (10 ft.); (d) be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays; and (e) be open and available to the general public on a continuous basis. 11 DCMR §§ 633.2 to 633.5. The on-site area devoted to public space is not charged against the gross floor area of the building. 11 DCMR § 633.6.

There is no lot occupancy limitation for office or retail uses in the CR District. See 11 DCMR §§ 634.2 and 634.3. In addition, pursuant to Section 636.1 of the Zoning Regulations, a rear yard is not required for non-residential buildings or structures in the CR Zone. No side yard is required for any structure located in the CR Zone. 11 DCMR § 637.1. However, if a side yard is provided, its minimum width must be three inches per foot of building height, but not less than eight feet. 11 DCMR § 637.2.

Where an open court is provided in the CR Zone for a non-residential building, the court must have a width of two and one-half inches per foot of height of court, but not less than six feet. 11 DCMR § 638.1(b). Where a closed court is provided in the CR Zone for a non-residential building, the court must have a width of two and one-half

inches per foot of height of court, but not less than twelve feet, and an area of twice the square of the required width of court dimension. 11 DCMR § 638.2(b).

An office use in the CR Zone in excess of 2,000 square feet must provide one parking space for each additional 1,800 square feet of gross floor area, a retail establishment in excess of 3,000 square feet must provide one parking space for each additional 750 square feet of gross floor area, and an apartment house must provide one parking space for each three dwelling units. 11 DCMR § 2101.1. The off-street loading requirement for an office building in the CR Zone with more than 200,000 square feet of gross floor area is three loading berths at 30 feet deep, three loading platforms at 100 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR § 2201.

E. Tabulation of Development Data

A tabulation of development data for each building included in this application is included with the Architectural Plans and Elevations attached hereto as **Exhibit A**.

F. Flexibility Under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Thus, the Applicants seek flexibility from several provisions of the Zoning Regulations. As permitted under § 2405.8, the Commission may grant such flexibility without the need for special exception approval from the Board of Zoning Adjustment or compliance with the special exception standards that might otherwise apply. The Applicant is seeking flexibility with respect to the requirements of the Zoning Regulations as set-forth below.

1. Flexibility from Roof Structure Requirements

The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on the roof plan sheets included in the

Architectural Plans and Elevations, the roof structure located on the residential building in Square 769 cannot be set back from all exterior walls a distance equal to its height above the roof (§§ 411.2 and 770.6(b)). The proposed roof structure is a necessary feature of the building. In addition, the Applicant is providing the greatest setbacks possible given the size and shape of the roof and the internal configuration of the proposed building. The requested roof structure design will not adversely impact the light and air of adjacent buildings. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

2. Loading

Pursuant to Section 2201.1 of the Zoning Regulations, an apartment house or multiple dwelling with 50 or more dwelling units in any zone district is required to provide one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. As shown on the site plan and development data table for the residential building in Square 769, the building includes one 38 foot deep loading berth and one 200 square foot loading platform. The building thus requires relief from the loading berth size requirement and the requirement to provide a service/delivery loading space. In addition, as shown on the site plan and development data table for the residential building in Square 882, the building includes one 55 foot deep loading berth and one 20 foot deep service/delivery loading space. This building thus requires relief from the requirement to provide one loading platform at 200 square feet.

The Applicant has designed the loading facilities to meet the needs of the residents, given the number of units, the unit sizes, the anticipated infrequency of loading

activity for the residential uses, and the typical size of trucks used for moving into and out of residential developments. Moreover, as indicated in the analysis prepared by Gorove/Slade Associates, Inc. attached hereto as **Exhibit B**, the amount and location of loading facilities is appropriate for the residential uses and will not have an adverse impact on the public realm or pedestrian activity.

3. Public Space at Ground Level

The residential building to be constructed in the northern portion of Square 769 is located in the CR zone. Pursuant to Section 633.1 of the Zoning Regulations, an area equivalent to 10 percent of the total lot area must be provided as public space at the ground level for all new developments in the CR zone. The residential portion of Square 769 has a lot area of approximately 21,154 square feet, and is thus required to provide 2,115 square feet of public space at the ground level. However, the Applicant requests flexibility to waive this requirement since the building does not include public space, but does include approximately 4,090 square feet of ground floor retail uses that will be available to the public and help to activate the streetscape along 2nd and M Streets. In addition, the building is located to the immediate west of the future Canal Blocks Park, which will provide active and passive recreation space for the public once developed.

4. Additional Areas of Flexibility

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant also requests flexibility in the following areas:

- a. To be able to provide a range in the number of residential units.

- b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.
- c. To vary the number, location and arrangement of parking spaces, provided that the total number of parking spaces is not reduced below the minimum level required.
- d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.
- e. For the office building in Square 882, to provide a minimum of three loading berths at 30 feet deep, three loading platforms at 100 square feet, and one service/delivery space at 20 feet deep, provided that the total amount of loading facilities is not reduced below the minimum level required.
- f. For the office building in Square 882, to be able to remove the parking garage entrance located on 7th Street.

III.

THE PROJECT MEETS THE REQUIREMENTS OF THE PRELIMINARY PUD APPROVAL

A. PUD History

1. Prior PUD Approvals

On March 21, 2003, the Applicant filed an application seeking preliminary and consolidated approval of a PUD for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th on the east, Virginia Avenue on the north, and M Street on the south. The property consists of approximately 927,000 square feet of land area. In fulfillment of housing, economic and social goals on both the local and national level, the overall development will replace and

redevelop one of the most severely deteriorated public housing projects in the city. The project is made possible, in part, by a HOPE VI grant from the U.S. Department of Housing and Urban Development. The provision of the residential and office buildings included in this application will significantly advance the overall goals of the PUD by providing financial leverage for the construction of the replacement public housing.

Pursuant to Order Number 03-12/03-13, granted October 8, 2004, the Commission granted preliminary approval of the PUD for the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825. See Order Number 03-12/03-13, dated February 6, 2004, effective October 8, 2004, attached hereto as **Exhibit C**. The Commission also granted consolidated approval of the PUD for the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square 880, Lot 24; and all of Squares 797, 798 and 825. The Commission also granted a PUD-related map amendment to rezone the following properties from R-5-B to CR upon completion of the second-stage approval of the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C). The Commission issued Order No. 03-12/03-13 subject to a number of conditions. The

conditions, and a discussion of how the Applicant is in compliance with the applicable conditions, is attached hereto at **Exhibit D**.

Pursuant to Order No. 03-12B/03-13 B, which became effective April 7, 2006, the Commission approved a minor modification to allow for construction of the multi-family building in Square 825S to a height of 48 feet, 3¼ inches.

On April 29, 2005, Capper/Carrollsborg Venture, LLC in conjunction with DCHA, filed the first in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Zoning Commission Order 03-12/03-13. That application also sought approval to modify portions of the parking requirements for the consolidated PUD approval. That application included Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and Square 881W, and is identified as Zoning Commission Case Nos. 03-12A/03-13A. The property that was the subject of that application consisted of approximately 122,610 square feet of land area and was zoned R-5-B. The Applicant did not seek an amendment to the Zoning Map in connection with that application. That application was approved pursuant to Order No. 03-12A/03-13A, which became final and effective on September 15, 2006.

On April 21, 2006, Square 769, LLC in conjunction with DCHA, filed the second in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Order 03-12/03-13. That application included parts of Lots 18, 20 and 21 in Square 769 and is identified as Zoning Commission Case No. 03-12C/03-13C. The property that was the subject of that application consisted of approximately 27,960 square feet of land area and was zoned CG/C-3-C. The Applicant

did not seek an amendment to the Zoning Map in connection with that application. That application was approved pursuant to Order No. 03-12C/03-13C, which became final and effective on August 10, 2007. The Commission also took proposed action on May 28, 2008 to approve a modification to increase the building's measured building height from 110 feet to 130 feet, and to increase the gross floor area of the building from 207,785 square feet to 234,182 square feet.

The Commission has also approved a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing. (See Order No. 03-12D/03-13D, effective October 26, 2007). Pursuant to Order No. 03-12E/03-13E, effective October 26, 2007, the Commission approved a minor modification to allow for Squares 767, 768 and 882 to be used as temporary surface parking lot accessory to the new National's ballpark for a period of no more than five years.

2. Modifications to Conditions of Prior Approvals

As discussed in more detail below, the Applicant is seeking flexibility from a number of the conditions identified in Z.C. Order No. 03-12/03-13.

a. Density and Height of Office Building in Square 882

The Applicant is seeking flexibility regarding the design of the office building in Square 882. Condition No. 5 of Z.C. Order No. 03-12/03-13 provides that the distribution of densities shall be as shown on the Site Plan Development Data, Sheet S-3.1 of the plans prepared by Torti Gallas and Partners, dated May 27, 2003, marked as Exhibit No. 19 in the record of Case No. 03-12, including the revisions from the Supplemental Post-Hearing Submission dated November 12, 2003 to include the property of the Van Ness Elementary School (the "Preliminary Plans"). The Preliminary Plans

indicate that the office building would include 496,000 square feet of gross floor area. In addition, Condition No. 8(b) of Z.C. Order No. 03-12/03-13 provides that the maximum permitted height for the office building in Square 882 is 90 feet.

The Applicant seeks approval to construct the office building with a gross floor area of approximately 499,780 square feet, and a maximum building height of 92 feet, not including the roof structures. The Applicant seeks a less than 1% increase to the building's gross floor area because a more developed and refined office building design than the one shown in the Preliminary Plans results in a building that is close to, but just slightly larger than, the 496,000 square foot target density. With respect to the building height, the Applicant seeks approval to increase the building's height by 2 feet in order to achieve the required minimum retail ceiling height of 14 feet approved in the first stage PUD.

A 90-foot building height is just less than what is needed to provide for the building program that was approved in the first stage PUD. A building limited by a 90-foot height restriction will result in compromised ceiling heights. The vertical clearances on the office floors located above the retail levels are at the practical minimum dimensions that are typically used for marketable office occupancy. In order to achieve 14-foot ceilings in the required retail areas, the Applicant seeks a roughly 2% increase in building height.

b. Number of Required Parking Spaces for the Office Building in Square 882

The Applicant seeks flexibility from Condition No. 11 of Z.C. Order No. 03-12/03-13, which provides that the overall project must include a minimum of 1,980 off-street parking spaces distributed as shown on the Parking Plan, Sheet T-3.0 of the

Preliminary Plans. The Parking Plan shows a total of 604 parking spaces for the commercial portion of the project, with a total of 400 parking spaces for the office use in Square 882. However, the Applicant seeks flexibility in order to provide 284 off-street parking spaces for the office building in Square 882, which meets the requirement of Section 2101 of the Zoning Regulations. The Applicant is seeking flexibility to reduce the amount of parking from 400 spaces to a minimum of 284 spaces. By providing the minimum requirement of Section 2101 of the Zoning Regulations, the Applicant believes they can successfully serve the needs of building occupants. Moreover, as indicated in the analysis prepared by Gorove/Slade Associates, Inc. attached hereto as **Exhibit B**, reducing the number of parking spaces will not have an adverse impact on the project or the area.

c. Phasing for Construction of the Office Building in Square 882

The Applicant is seeking flexibility to construct the office building in two phases, in order to respond to market conditions. If the building were to be phased, it is likely that the first phase would entail constructing the western portion of the office building and the second phase would entail constructing the eastern portion.

d. Design, Density and Height of Residential Building in Square 882

The Applicant is seeking flexibility regarding the design of the residential building in Square 882. As discussed above, condition No. 5 of Z.C. Order No. 03-12/03-13 provides that the second-stage applications must be consistent with the Preliminary Plans. The Preliminary Plans indicate that the residential building would be designed as townhomes/stacked units, with three to four stories, and would include 131,288 square feet of gross floor area and 75 residential units. In addition, Condition

No. 8(g) of Z.C. Order No. 03-12/03-13 provides that the maximum permitted height for the residential building is 45 feet.

The Applicant seeks approval to construct the residential building in Square 882 as a 189-unit multi-family building instead of townhomes/stacked units in order to be more compatible with the large scale office building in Square 882 as well as the Marine Barracks across L Street. Moreover, the Applicant proposes to increase the gross floor area to 189,168 square feet and the building height in order to accommodate additional residential units.

e. Density of Residential Building in Square 769

The Applicant is seeking flexibility regarding the density of the residential building in Square 769. The Preliminary Plans indicate that the residential building in Square 769 would include 107 units and a gross floor area of 169,906 square feet. However, the Applicant is seeking flexibility to provide 171 residential units and a gross floor area of 181,420 square feet for this building. The Applicant is requesting this flexibility in order to accommodate compact and unique dwelling unit design concept, and to have substantial building body to complement the office building and future park, it is necessary to increase the number of units for successful design/function of the development, furthermore additional units will support ever needing current rental housing market and trend.

f. Building Permit for Construction of Community Center

Condition No. 5 of Z.C. Order No. 03-12/03-13A provides that the Applicant must file an application for a building permit for the community center within two (2) years from the issuance of Z.C. Order No. 03-12A and 03-13A and must start construction of the community center within three (3) years of the date of final approval

of Z.C. Case Nos. 03-12A and 03-13A. Z.C. Order No. 03-12A/03-13A became final and effective on September 15, 2006. The Applicant is thus required to file an application for a building permit for the community center by September 15, 2008 and to start construction of the community center by September 15, 2009. However, the Applicant is seeking to modify this condition in order to link the permitting and construction of the community center to the completion of an adequate number of residential units that can take advantage of the facility. The Applicant anticipates that completion of construction of townhomes scheduled to be completed by the end of 2010 will provide a sufficient community to generate demand for the community center. Thus, the Applicant is seeking to modify this condition to provide that the Applicant must file an application for a building permit for the community center by January 1, 2011, and must start construction of the community center by January 1, 2012.

g. Parking For Multi-Family in Square 825S

Pursuant to Z.C. Order No. 03-12D/03-13D approving a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing, Condition No. 6 of Z.C. Order No. 03-12/03-13 was revised to provide, in pertinent part, that the Applicant shall provide 70 parking spaces for the multi-family building in Square 825S by taking the following measures:

- a. Permanently reserving thirty-three (33) 24-hour spaces in the building formerly known as Senior Building 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 (37) 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 building 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 building 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 building formerly known as Senior Building 2, or their guests; and
- 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.

The Applicant has permanently reserved thirty-three (33) parking spaces in the multi-family building in Square 825S for the exclusive use of residents of that building or their guests. However, the Applicant is seeking flexibility to eliminate sections (b) through (e) since the amount of parking provided for the building is sufficient to meet the actual demand for that building. As indicated in the analysis prepared by Gorove/Slade Associates, Inc. attached hereto as **Exhibit E**, actual experience indicates that the existing parking garage is not fully-utilized by the current residents or their guests, and there is adequate capacity to accommodate any additional parking demand.

h. Phasing of Overall Development

Condition No. 27 of Z.C. Order No.03-12/13-13 provides that the second-stage approval may be requested in one or more applications, and any further application must

include a phasing plan for the remaining applications. Condition No. 27 further provides that approval of the first-stage application shall be for a period of four years from the effective date of Z.C. Order No. 03-12/03-13. In addition, Condition No. 7 of Z.C. Order No. 03-12A/03-13A provides that the second-stage approvals for the remaining portions of the project will be filed in the following phases: Phase II will consist of the M Street office building, which may be built in up to two (2) sub-phases, along with the residential development in Square 882; Phase III will consist of the 250 M Street office building with first-floor retail in Square 769; Phase IV will include high-rise apartments in Squares 767, 768, 769 and 739; and Phase V will include development of the Van Ness Elementary School, which is subject to the control of the Board of Education and the District. The Commission granted flexibility to change the order of the phases subject to future market demands. However, the applications for final approval of Phases II through IV of the development must be filed by October 2008.

This application is the third of a series of second-stage applications to be filed and a preliminary phasing plan was submitted and approved as part of Zoning Commission Case 03-12A/03-13A. However, due to the phasing of the development and market demands, the Applicant is seeking flexibility to extend approval of the first-stage application granted pursuant to Z.C. Order No.03-12/13-13 for an additional period of five years from the effective date of the order regarding this application. The Applicant is also seeking flexibility to file the remaining applications for final approval for the high-rise apartments in Squares 767, 768, and 739 by December 2013.

IV. CONCLUSION

For the reasons stated above, the Applicant submits that the PUD meets the standards of Chapter 24 of the Zoning Regulations and is consistent with the purposes

and intent of the Zoning Regulations and Zoning Map. Furthermore, the project is consistent with the first stage approval. Accordingly, the Applicant requests that the Zoning Commission determine that the application has merit and schedule a hearing on the PUD application.

Respectfully submitted:

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