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ARNOLD & PORTER LLP

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D.C. ZONING REGULATIONS
2005 MAY 31 PM 3:57

May 31, 2005

Carol J. Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

03-30

RE: Zoning Commission Case No. ~~03-03~~ 03 (734 1st Street, S.W.) – Minor Pre-Hearing Modifications Pursuant to § 3013.8

Dear Ms. Mitten and Members of the Commission:

Pursuant to § 3013.8 of the Zoning Regulations the Applicant in Case 03-03 herewith provides several minor modifications to its application. These items include updated plans with minor changes, changes with respect to the proposed uses and additional proffers. Also, the Applicant herewith transmits additional details regarding the project historic preservation amenity as well as LEED features. All of the foregoing are discussed in more detail as follows.

03-30
45

1. **Project Plans.** The attached plans include two minor changes. The location of the affordable unit has changed, and the area variance type of relief on the east side of the project is identified as being a court variance rather than a side yard variance.

2. **Historic Preservation.** However, it is significant and beneficial to the public that this application offers whole building preservation of the Church sanctuary, not façade preservation with substantial demolition and redevelopment, as frequently

ZONING COMMISSION
District of Columbia
CASE NO.03-30
EXHIBIT NO.45

occurs. As stated briefly in the PUD Application, historic preservation acts as an unusually severe development constraint and high cost factor in this case.

The site is small -- only about one-third of an acre (16,600 sf) -- and the historic church is sited centrally on the lot. This precludes new development on the large portion of the lot in front of the Church – it would not be appropriate to obstruct views of the front of the Church and its steeples. With full-building preservation of the Church sanctuary, this leaves only limited land areas to the east and north of the Church for apartment additions.

Further, the height of these additions is limited by the small stature of the Church sanctuary. The Historic Preservation Review Board ("HPRB") has required that the proposed new residential addition on the north be limited to four stories and that they not project west of the façade of the Church. HPRB also limited the height of the east or rear additions to seven stories. As a result, the total development is just 44,286 square feet of gross floor area ("g.f.a."), a total density of 2.66 FAR on the site and a moderate increase from the 1.8 FAR allowed as of right under existing R-4 zoning. Under R-4, development potential is extremely limited, given the factors cited above, and without the PUD the historic landmark Church would likely continue to remain vacant and unrestored for some time period.

The project architect, Shalom Baranes Associates, has prepared a detailed memorandum regarding the foregoing development constraints, as well as documenting the quality of historic preservation features proposed. This memorandum, "Preservation Design Amenity," is attached as *Exhibit A*.

2. LEED Features. The architect has also prepared a statement describing LEED features of the development that the applicant is committed to carrying out. This statement is attached as *Exhibit B*.

3. Private Club Use. The Applicant is amending the application to delete the possibility of private club use in the Church sanctuary. This potential use has met with concern in the community which provoked speculation that a nightclub type use could be provided under this use classification. Although it was never the Applicant's intention to include a nightclub use, the Applicant hereby modifies the PUD application to withdraw private club use from further consideration.

4. Additional Public Benefit Proffers

In response to community and OP input about the project benefit/amenity package, the Applicant hereby amends the application to include the following additional benefits:

a. Affordable Dwelling Unit. The applicant's previous proffer of one affordable rental unit for a term of 10 years is hereby amended to extend the term of this proffer for a period of twenty years. The unit will have a minimum square footage of 700 sf.[1]

b. Asbestos Remediation. The stucco on the exterior of the church contains asbestos. Because the structure is being preserved and restored, the existing stucco by law and regulation could remain in place. The applicant will remove the toxic stucco and replace it with new stucco.

c. Historic Preservation Plaque. A brass plaque memorializing the Church building as the Friendship Baptist Church will be affixed to the exterior in a suitable location. It will be designed by noted architectural historian Emily Eig, President of Traceries, Inc.

[1] Because of the major public benefit provided by the historic preservation component, as well as the severe development constraints and preservation costs on a small site, the Applicant is not able to proffer more than one affordable unit.

d. Litter Control. The applicant will work with other nearby stake holders to control and remove litter and trash from abutting H Street, the Randall Recreation Center play area and nearby Delaware Avenue, S.W.

e. Transit Plan/Ridesharing. The applicant will work together with the Corcoran School of Art (to be located in the adjacent former Randall Junior High School complex) on ride-sharing and access to the Waterfront Metrorail station four blocks away. With nine (9) parking spaces reserved for the proposed nonprofit office use and a 1:1 parking ratio provided for the condominium apartments, the transit planning should make the parking and traffic system completely manageable for the small amount of space involved – 10,000 sf. Applicant notes that Delaware Avenue north of Eye Street is completely underutilized (being a dead end street serving only the few abutting uses and no through traffic). Also, nearby residences are well removed and buffered from the Avenue.

5. Nonprofit Use – Conditions. Applicant reaffirms its commitment to the proposed limitations on operations of the nonprofit office use, as set forth on page 16 of the Pre-Hearing Statement dated March 15, 2005 and reiterated below as follows:

- The hours of operation will be no earlier that 7:00 a.m. nor later than 8:00 p.m.
- The number of employees on the premises shall not exceed a ratio of one employee per 250 square feet of gross floor area.
- The project shall provide parking at a ratio of no less than 1 space per 1200 square feet of nonprofit space and one space per apartment/
- Lighting shall be arranged so that all direct rays are confined within the boundaries of the property.

Applicant would emphasize again the small size of the proposed nonprofit use, especially in consideration of the land use context. The historic church itself, as a place of worship for many years, generated frequent, large assemblies of people, not only for Sunday services, but for week night services and other accessory church-related uses (dinners, meetings of church organizations, perhaps bazaars) as well.

The adjacent Randall School complex consists of several large, interconnected buildings occupying a large city square of 2.4 acres. For many years it functioned as a Junior High School, with students, teachers and parents travelling to and from the school in large numbers, for evening events as well as during school hours. After the school was

vacated, the building complex was occupied from approximately 1983 to 1998 by the D.C. Department of Health and Human Services. Since then, Randall has been occupied by the Millennium Arts Center, with 14,000 sf used as a Homeless Shelter until a few months ago.

None of these prior uses was limited by prohibition of or limitations on evening events, number of students, number of artists or other special limitations, despite these being active uses on a large scale. Looking to the future, the proposed use of the former Randall School complex as an art school will again be a much larger and more active use than the small project offered in this PUD.

The adjacent Randall Recreation Center continues in use as a sports and recreation center, with significant assemblages of people. In view of this very active land use context and history, we urge the Commission to allow reasonable flexibility of conditions for the nonprofit space.

Regarding operational controls in a zoning order, the Board of Zoning Adjustment has, in some cases, allowed an unnamed nonprofit user to be authorized subject to conditions less restrictive than those enumerated above. The space will be too difficult to lease if the prospective nonprofit has to engage in a 6-8 month delay for zoning approval process. Small, 10,000 square foot nonprofit tenants are not accustomed to that level of risk exposure and many other opportunities would preclude their need to undergo such a process.

Thank you for your consideration of these modifications and related details regarding the referenced project.

Respectfully submitted,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments

Exhibit A: **"Preservation Design Amenity"**

Delaware and H Streets
Preservation/Design Amenity December 22, 2004
Additional Project Costs due to Preservation Shalom Baranes Associates
Materials Description
Proposed Preservation

The following outline highlights the additional development costs incurred through preservation of the church structure on site. A description of the materials proposed for the addition is included, and finally a Preservation Outline is included as an attachment to this document.

Additional Project Costs

Site Geometry/ Inefficiencies

- While the site is essentially rectangular, the presence of the church in the center of the rectangle leaves an inefficient, 'U' shaped site for the new construction.
- New construction which would otherwise be a simple rectangular shape now must be built in a 'U' shape around the church for both the parking and residential levels.
- On the parking level, the 'U' shape requires more gross construction to provide the same number of parking spaces due to inefficinies in the geometry. Additionally, more exterior wall construction is required to enclose the same number of spaces, resulting in higher construction costs.
- On the residential level, the resultant building depths of 40-50' are inefficient and require a single loaded corridor system. The more conventional and typical Washington standard double loaded corridor and 65' deep building would be 4.5% more efficient in terms of net usable area and would require 15% less exterior wall construction to enclose the same area.

Church Underpinning

- Building the new structure around the existing church is an expensive, complicated undertaking. On the parking level, underpinning of the existing structure on three sides is required. On the residential levels, careful construction is required to protect the existing structure and build the adjacent new construction without damaging to the original.
- Monitoring of the existing structure will be required to ensure integrity of the church during underpinning.

Architecture

- Preservation of the church also has an affect on the architecture proposed for the addition. Great effort has been made to design a building which is 'compatible' with the church in coordination with the HPRB.
- In terms of massing and quality materials, the addition has a number of setbacks, notches, bays and materials all of which are provided to reduce the scale of the addition and provide a 'sympathetic' addition to a structure of integrity. A quick survey of recent residential projects around town of the 'norm' would suffice to reinforce this.
- The owner has retained Shalom Baranes Associates to see the project through all phases including the construction phase. Shalom Baranes Associates has considerable experience with projects of this nature including recently the Georgetown Incinerator project, Red Cross Headquarters, the renovation of the Department of Interior and Agriculture, and the Spy Museum.

Special Exception Use Space

- As part of this submittal, the applicant seeks approval for 10,000 sf of non-profit office space. This proposal allows for the ideal preservation scenario which leaves the original sanctuary as a large, open hall. Compared with the residential use scenario, which is the alternate, the benefits to the community and the integrity of the original church are obvious. Along with this scenario however, come additional costs due to building code issues due to the mixture of uses, residential and office in the building and it's addition, which the owner must provide. Additionally, the MEP systems required for the office portion will be more costly than that which would be required for the residential use.

Materials Proposed for new Addition

- As shown in the submission to the HPRB, the new building will consist of two primary 'wings' or legs of and 'L' shape. Each wing will have a distinct material character, which helps to give the building scale. The 5-story wing will use brick masonry as it's primary material, and the 7-story wing will be comprised of metal panels. The exterior windows will be an aluminum window-wall system which provides both 'punched' opening fentestration and floor to ceiling glass as shown on the drawings.

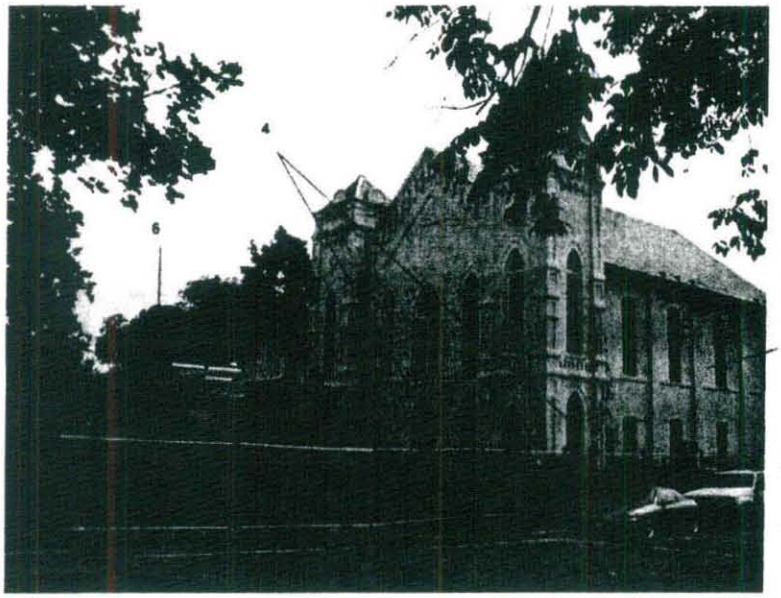
- The aluminum window system will be a high-quality system capable of spanning floor to ceiling. Operable windows and balcony doors will be provided as shown on the elevations. System requirements will eliminate lower end aluminum systems from consideration based on performance. The paint color for the aluminum will be a high-quality fluoropolymer 2-coat product which improves color depth and interest. Acceptable manufacturers include wasau, kawneer, custom, thermal windows, and others.

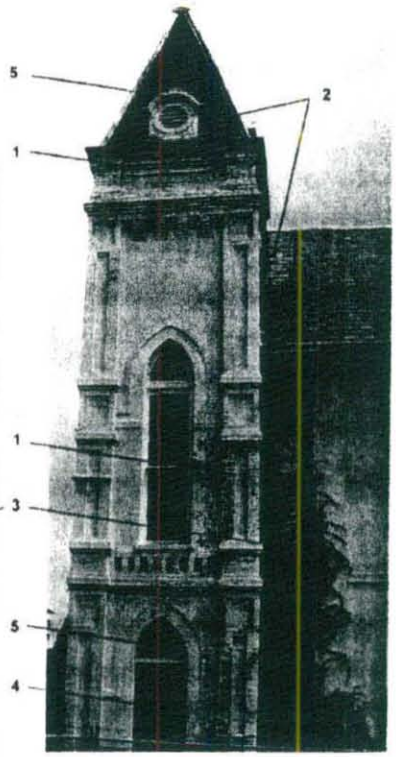
- The brick material will be a blended brick material to enhance the color characteristics of the masonry. The brick will be the highest quality 'Face Brick' type of masonry clay. Mock-up panels of the brick with mortar selections will be reviewed on site in conjunction with the church structure for quality control.

- The metal panel systems shown on the elevations will be an aluminum panel system with vertical seams. This product is provided by a number of manufacturers in the industry. The finish on the panel will be either a natural anodized finish or a 2-coat high quality fluoropolymer paint finish. Details on joint patterns, rib profiles and color will be reviewed in conjunction with the HPRB.

Proposed Preservation

Attached is the Preservation Notes sheet which were presented to HPRB as part of a concept filing which was subsequently approved by the board at it's October 28, 2004 Hearing.





Preservation Notes:

1-Masonry Restoration
- Clean and re-paint brick masonry walls, belt courses and sills as required
- Re-paint walls
- Replace bricks as necessary

2-Slate Roof Restoration
- Replace slate tiles on main roof and church towers as required to restore slate roof

3-Exterior stucco walls
- Remove cracked / failed stucco surfaces and replace as required with new stucco
- Repaint existing walls

4-Exterior Doors and Windows
- Replace existing wood windows in kind as necessary
- Repair wood windows in kind as necessary
- Restore existing main entry doors

5-Exterior wood trim
- Remove rotting wood, repair or replace exterior wood in kind and paint. Maintain existing detailing and profiles.

6-Stone Forecourt
- Remove, store and replace stone pavers which exist in First Street right of way. Augment stone with additional matching material as required.

Exhibit B: LEED Features

Delaware Avenue and H Streets
Friendship Baptist Church December 22, 2004
LEED items Shalom Baranes Associates

The following Leed Certified items are items which the owner has committed to provide for the project..

Sustainable Sites

Erosion and Sedimentation Control
Site Selection
Urban Redevelopment
Alternative Transportation-15% bike storage

Stormwater management(Rate and Quantity)
Stormwater management(Quality)

Water Efficiency

Water Efficient Landscaping

Energy and Atmosphere

Fundamental Building systems Commissioning
Minimum Energy Performance
CFC Reduction in HVAC&R Equipment

Materials and Resources

Storage and Collection of Recyclables
Building Re-use

Indoor Environmental Quality

Minimum IAQ Performance
Contruction IAQ Management Plan-during construction
Low-Emitting Materials, Carpet
Daylight & Views 75%

Innovation & Design Process

LEED Accredited Professional

Exhibit C: Project Plans

DELAWARE AVE. & H ST. SW

WASHINGTON, DC



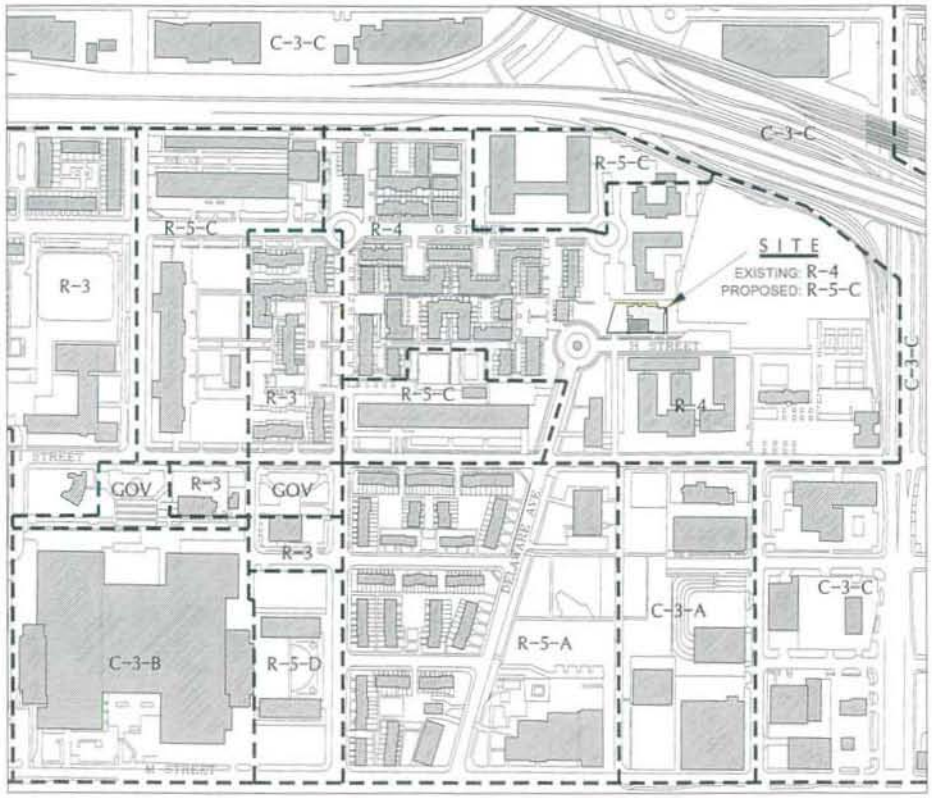
A PLANNED UNIT DEVELOPMENT

OWNER/DEVELOPER
SQUARE 643 ASSOCIATES, L.L.C.
ARCHITECTS
SHALOM BARANES ASSOCIATES
LAND USE COUNSEL
ARNOLD & PORTER, LLP

DRAWING INDEX

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S2	SITE PHOTOGRAPHS	—
S3	SITE PHOTOGRAPHS	—
S4	SITE / CIRCULATION PLAN	2406.11 (d); 2406.12 (c) and (d)
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ZONING SITE MAP

ZONING TABULATION

SQUARE:	643
LOT:	LOT 830
ZONE:	CURRENTLY R-4; PROPOSED R-5-C
SITE AREA:	16,644 SF

R-5-C /
R-5-C PUD STANDARDS

	ALLOWED / REQUIRED	PROVIDED
FAR:	4.0 MAX. (SEC. 2405.2)	2.66 TOTAL
RESIDENTIAL:	4.0 (66,604 SF)	RESIDENTIAL: 2.06 (34,286 SF)
NON-PROFIT (OFFICE):	0.60 (10,000 SF) MIN.	NON-PROFIT (OFFICE): 0.60 (10,000 SF)
		2.66 FAR
LOT OCCUPANCY:	75% MAXIMUM	61%
BUILDING HEIGHT:	75' (PER R-5-D P.U.D.) 70' (PER 1910 DC HEIGHT ACT)	70'-0"
ROOF STRUCTURES:		
# OF ROOF STRUCTURES[1]:	1	3
MINIMUM SETBACKS[2]:	10' (HIGH ROOF) 8' (LOW ROOF)	0' 0'
PENTHOUSE AREA:	.37 FAR MAXIMUM	0.20 FAR
REAR YARD DEPTH[3]:	AT 40' ROOF HEIGHT: 13'-4" AT 50' ROOF HEIGHT: 16'-8" AT 70' ROOF HEIGHT: 23'-4"	8'-1" 8'-1" 8'-1"
SIDE YARD[4]:	WEST SIDE MIN. WIDTH: 10'-0"	40'-0"
COURT WIDTH[5]:		
1) OPEN COURT 1	10'-0" (3" PER FOOT, 10' MIN.)	8'-0"
2) OPEN COURT 2	10'-0" MIN.	6'-0"
3) OPEN COURT 3	15'-0" (3" PER FOOT, 10' MIN.)	10'-1"
PARKING:	RESIDENTIAL NONE REQUIRED (SEC. 2100.5) NON-PROFIT NONE REQUIRED (SEC. 2100.5)	RESIDENTIAL = 23 SPACES NON-PROFIT = 9 SPACES
LOADING:	RESIDENTIAL NONE REQUIRED (SEC. 2200.5) NON-PROFIT NONE REQUIRED (SEC. 2200.5)	RESIDENTIAL NONE PROVIDED RETAIL NONE PROVIDED

NOTES: AS PER,

1. SEC. 411.4
2. SEC. 400.7 (b)
3. SEC. 404
4. SEC. 405.8
5. SEC. 406.1

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DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., June 25, 2002

I hereby certify that all existing improvements shown hereon, are substantially contained, and are correctly platted; that all proposed buildings or constructions, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this platform that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or less or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Plat for Building Permit of SQUARE 643 LOT 830

Scale: 1 inch = 30 feet Recorded in A & T Book Page 3517-G

Receipt No. 009317

Furnished to: YVETTE MOORE

Surveyor, D.C.

By: L.E.S.

Date: _____

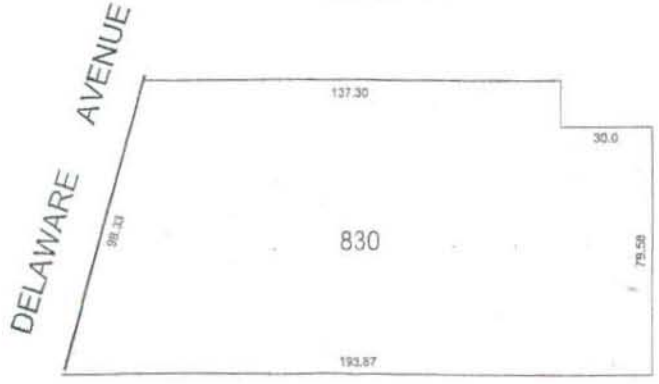
_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

July 12, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lot 830 in Square 643 is zoned R-4 , as shown on this pla

JERRILY R. KRESS, FAIA
Director
Office of Zoning





1. VIEW FROM DELAWARE AVENUE LOOKING NORTHEAST



2. VIEW FROM H STREET LOOKING EAST



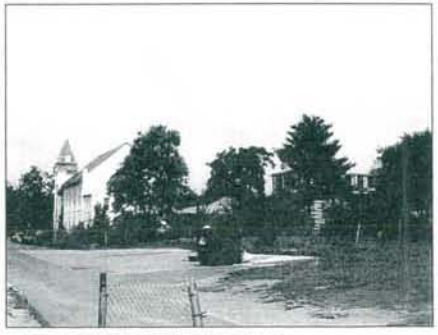
3. VIEW FROM H STREET LOOKING WEST



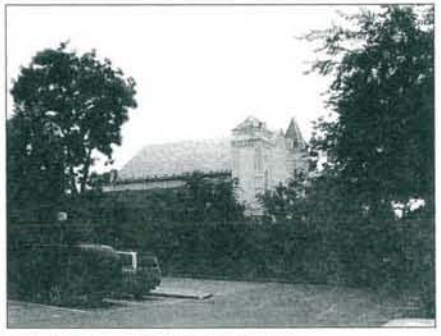
4. VIEW FROM NORTHEAST LOOKING SOUTHWEST



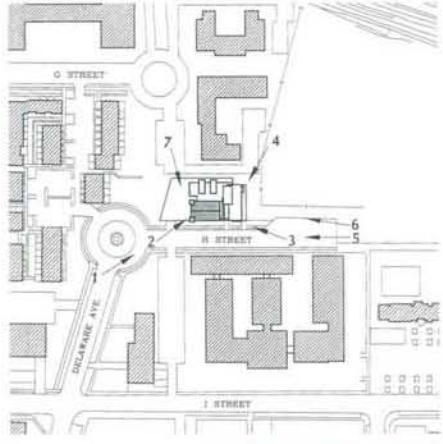
5. VIEW FROM H STREET LOOKING WEST



6. VIEW FROM H STREET LOOKING WEST



7. VIEW FROM NORTH LOOKING SOUTH



KEY PLAN (WITH PROPOSED BUILDING)

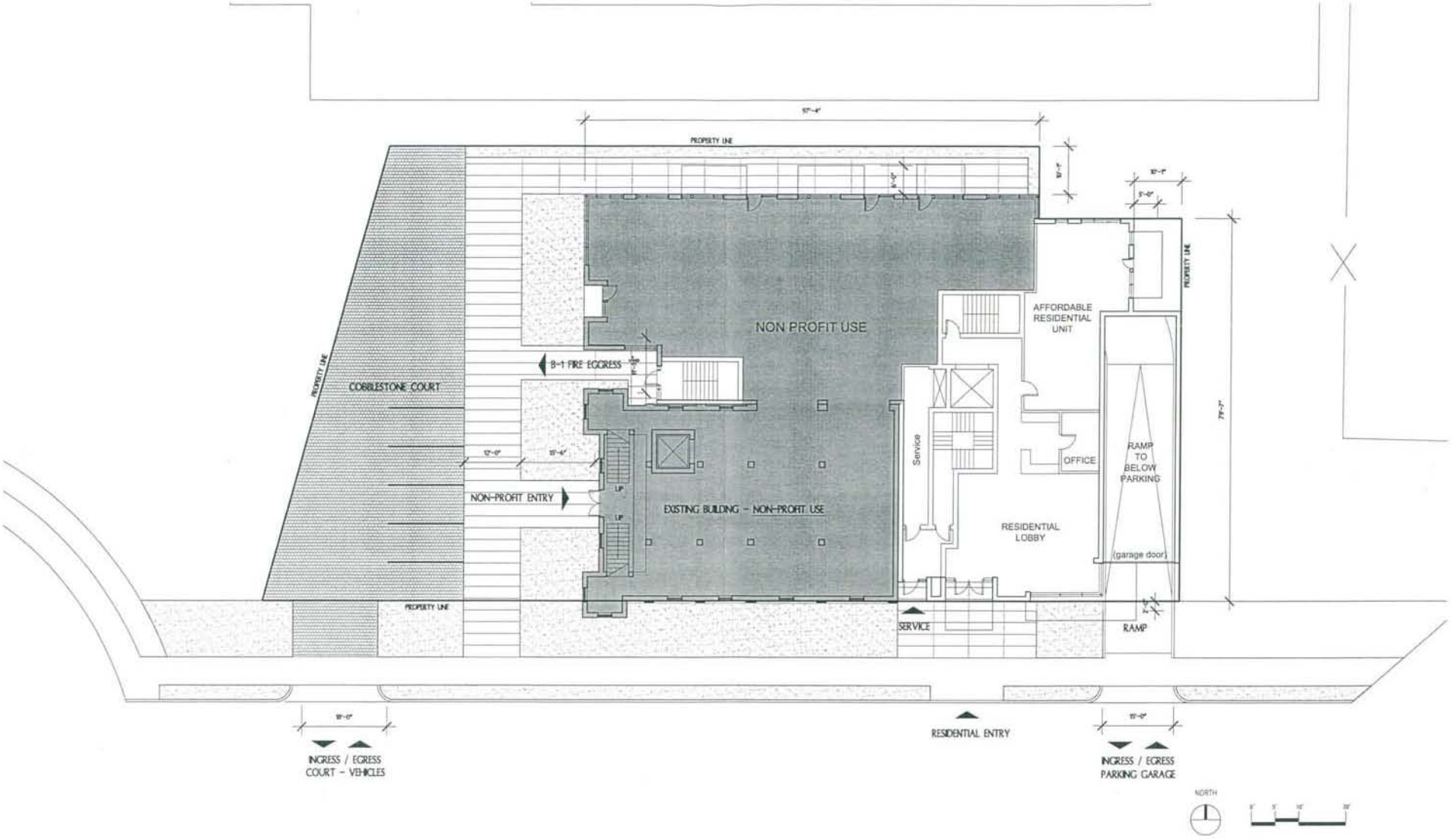
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AERIAL VIEW FROM SOUTHEAST OF SITE



VIEW FROM PUBLIC PARK

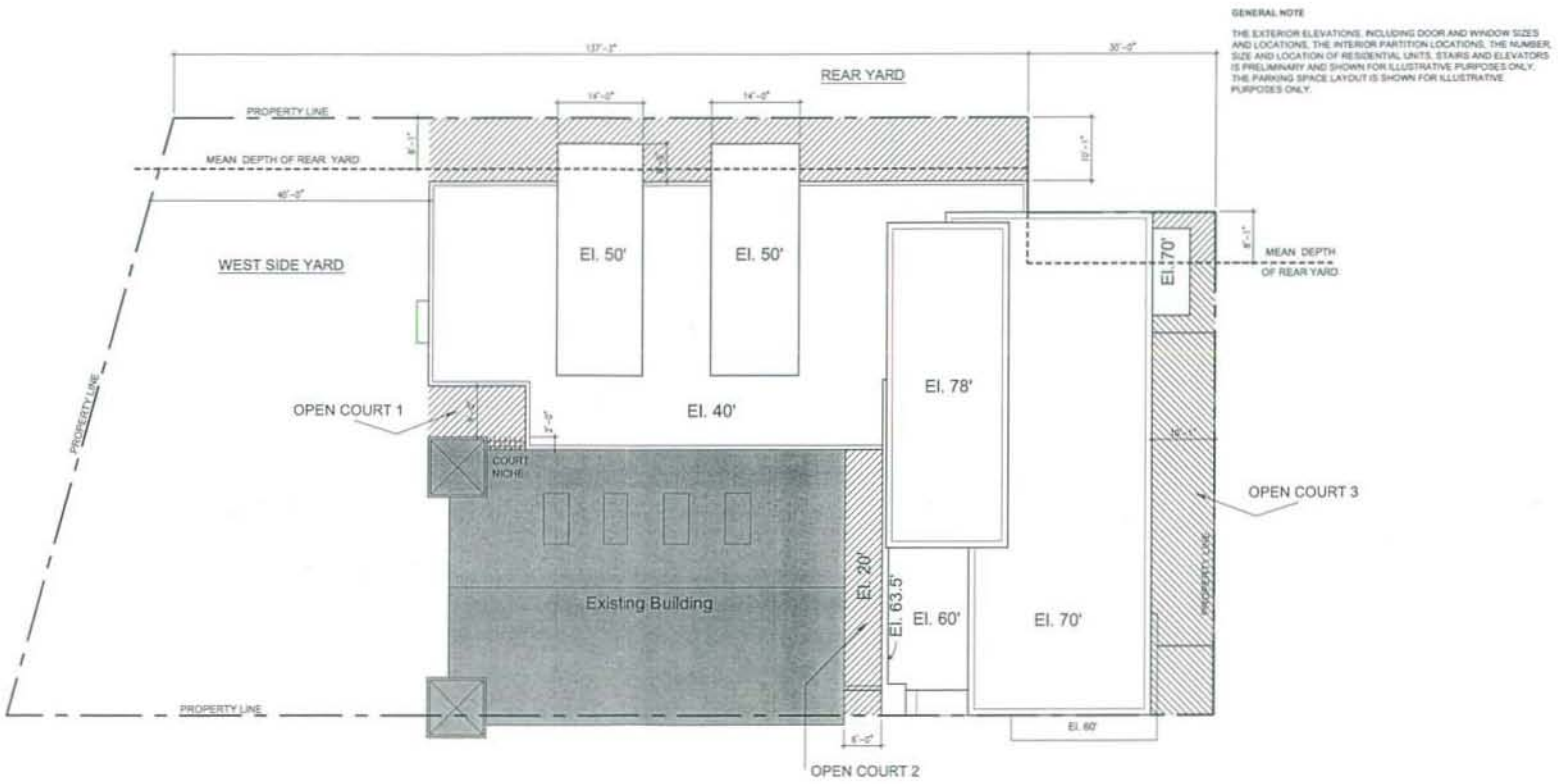


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SITE / CIRCULATION PLAN | S4

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shalom baranes associates | architects



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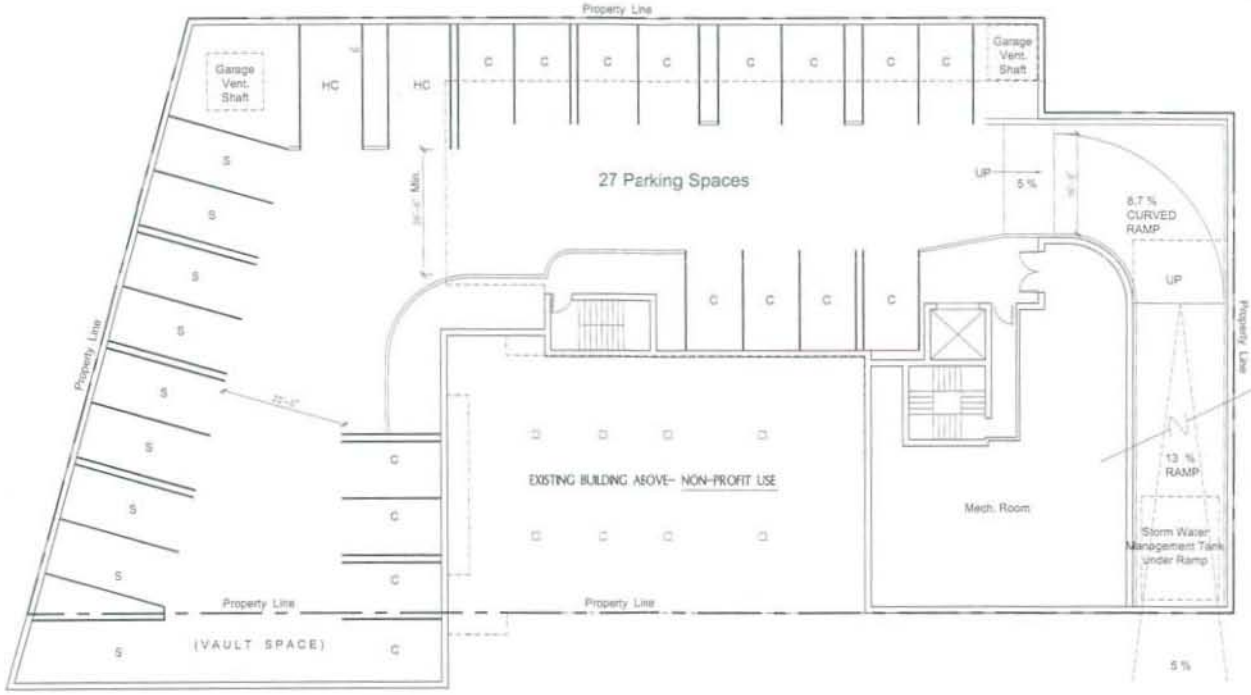
ZONING: REQUIRED YARDS & COURTS S5

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shalom baranes associates | architects

GENERAL NOTE

THE EXTERIOR ELEVATIONS, INCLUDING DOOR AND WINDOW SIZES AND LOCATIONS, THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATION OF RESIDENTIAL UNITS, STAIRS AND ELEVATORS IS PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE PARKING SPACE LAYOUT IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.



SYMBOL KEY:

S - Standard Parking Space
C - Compact Parking Space
HC - Handicaped Parking Space

NORTH

0 5 7 10

DELAWARE AVE. & H ST. SW WASHINGTON, D.C.

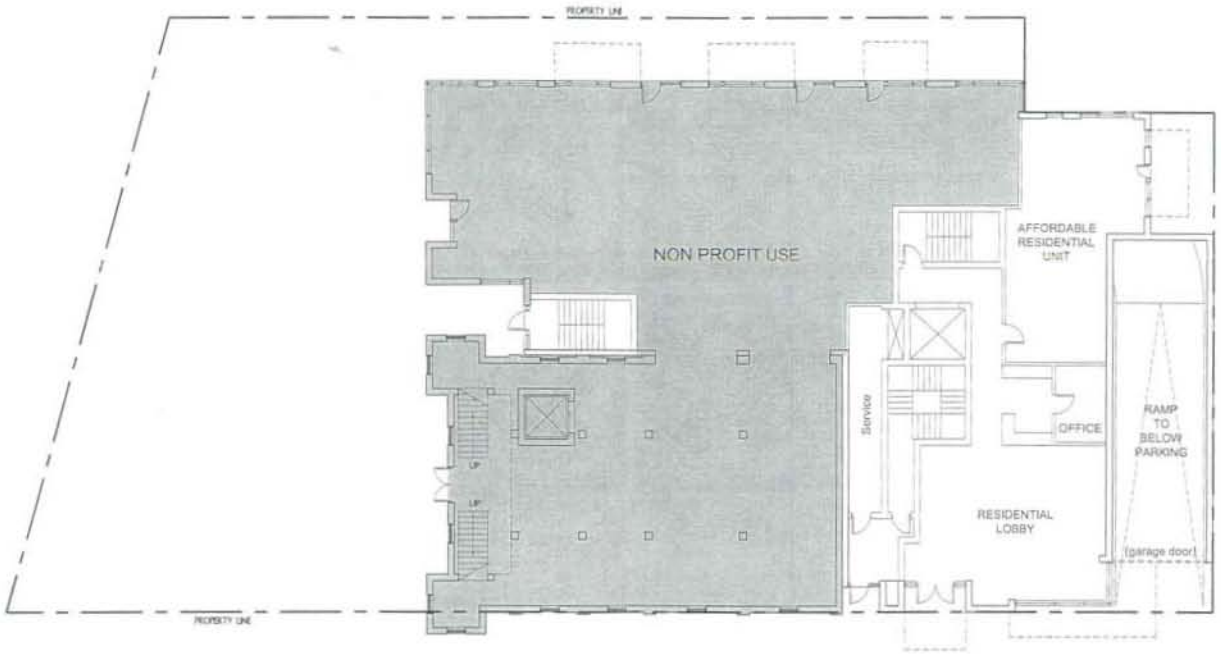
B-1 PARKING PLAN A1

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shalom baranes associates architects

GENERAL NOTE

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NORTH

DELAWARE AVE. & H ST. SW

WASHINGTON, D.C.

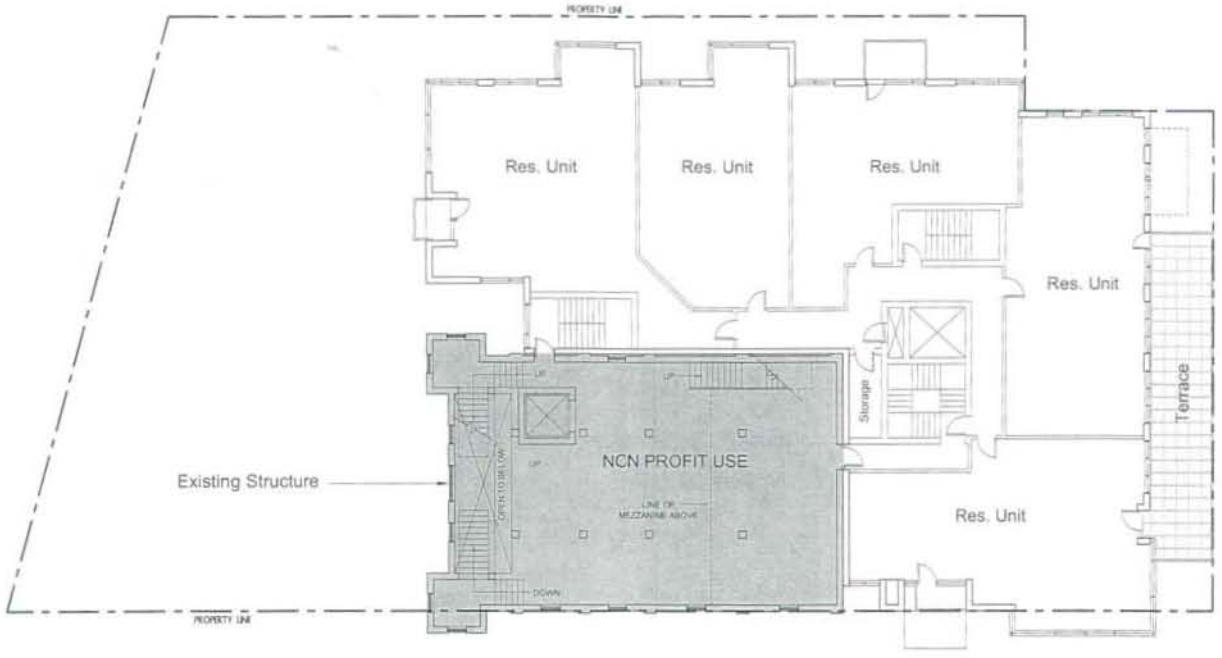
GROUND FLOOR PLAN | A2

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GENERAL NOTE

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DELAWARE AVE. & H ST. SW WASHINGTON, D.C.

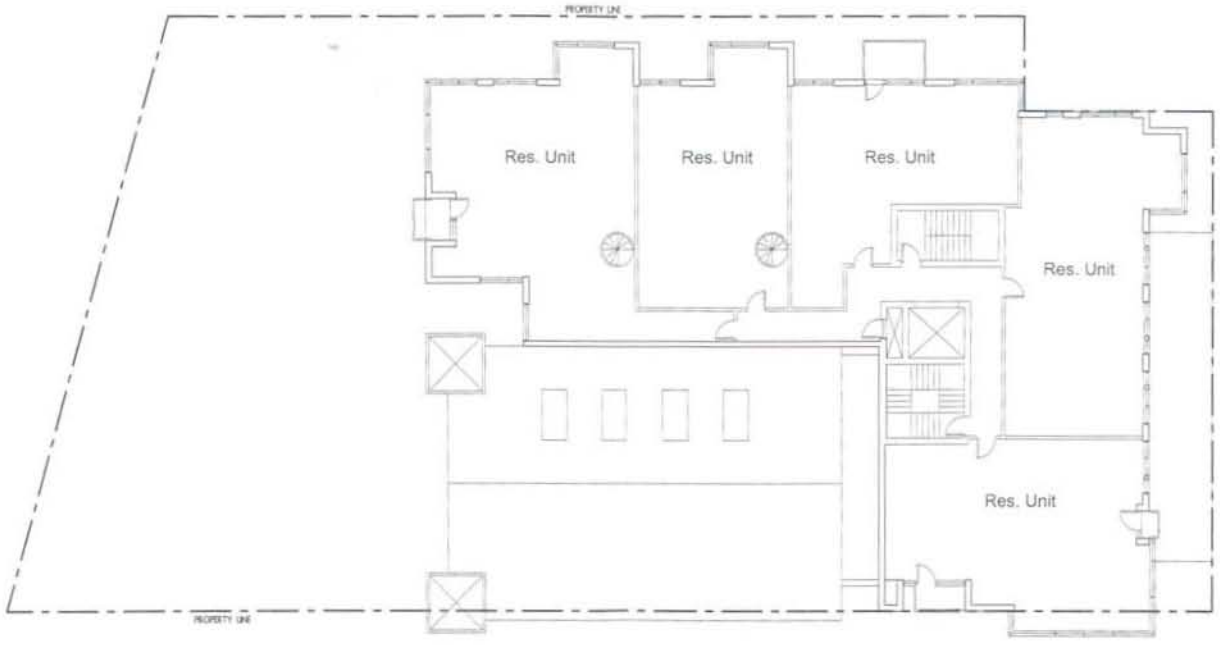
SECOND FLOOR PLAN | A3

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GENERAL NOTE

THE EXTERIOR ELEVATIONS, INCLUDING DOOR AND WINDOW SIZES AND LOCATIONS, THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATION OF RESIDENTIAL UNITS, STAIRS AND ELEVATORS IS PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE PARKING SPACE LAYOUT IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.



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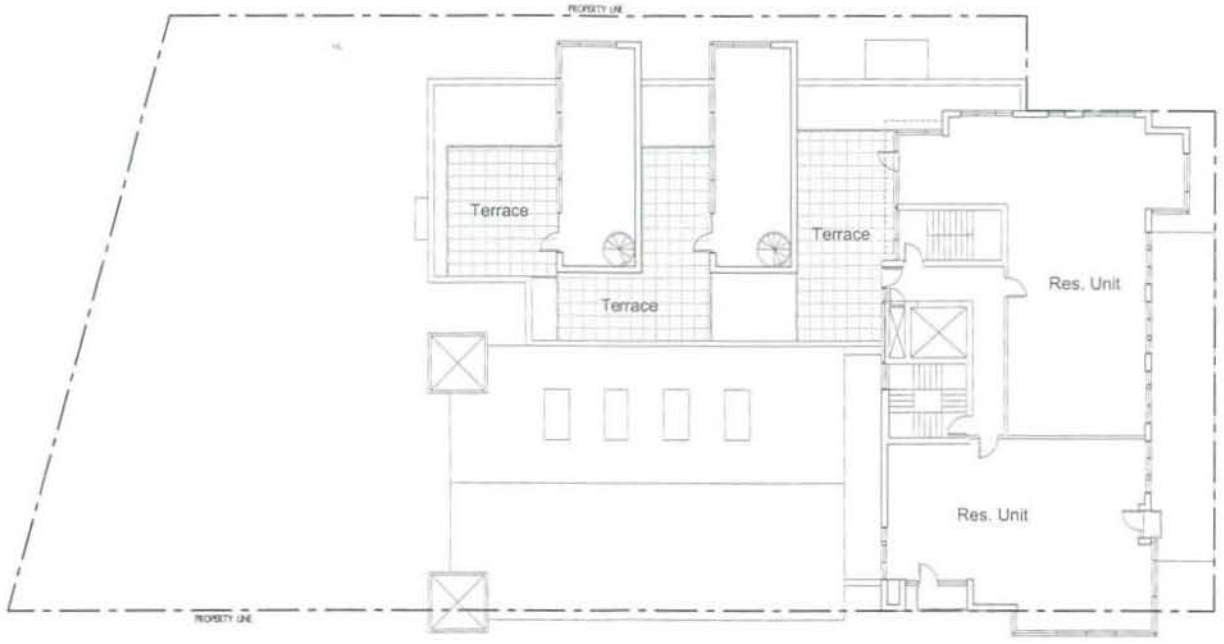
THIRD & FOURTH FLOOR PLANS A4

SQUARE 643 ASSOCIATES LLC | 1" = 20'-0" | 01 June 2005 | copyright, © 2004 sba, PC

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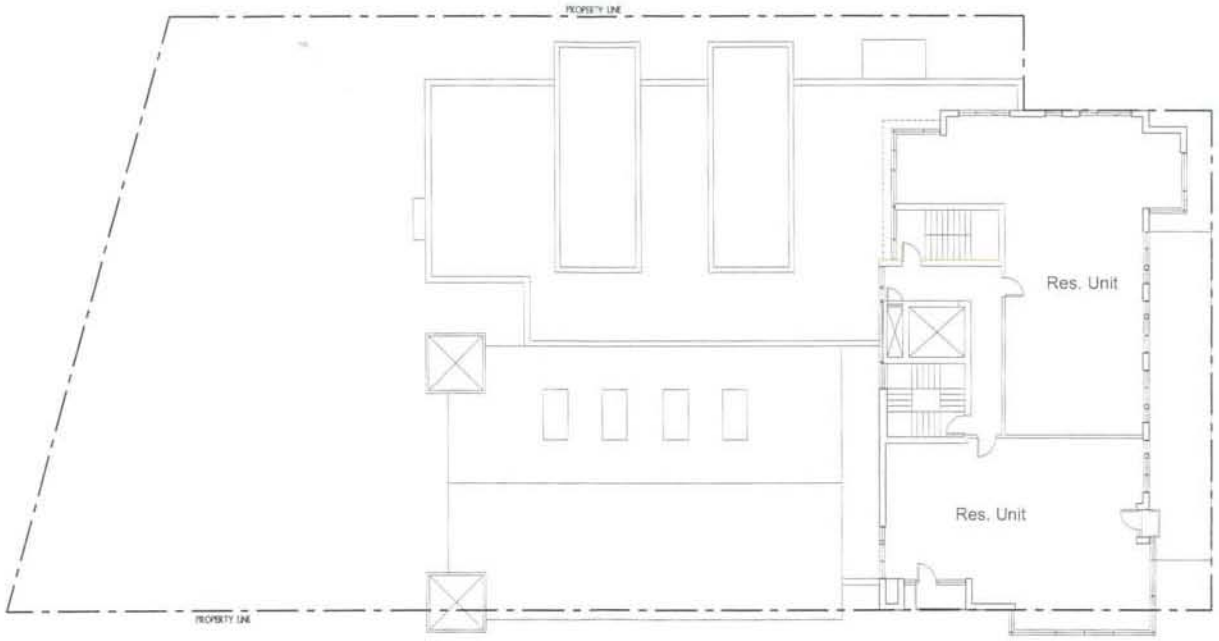
FIFTH FLOOR PLAN A5

SQUARE 643 ASSOCIATES LLC | 1"=20'-0" | 01 June 2005 | copyright, © 2004 sba, PC

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GENERAL NOTE

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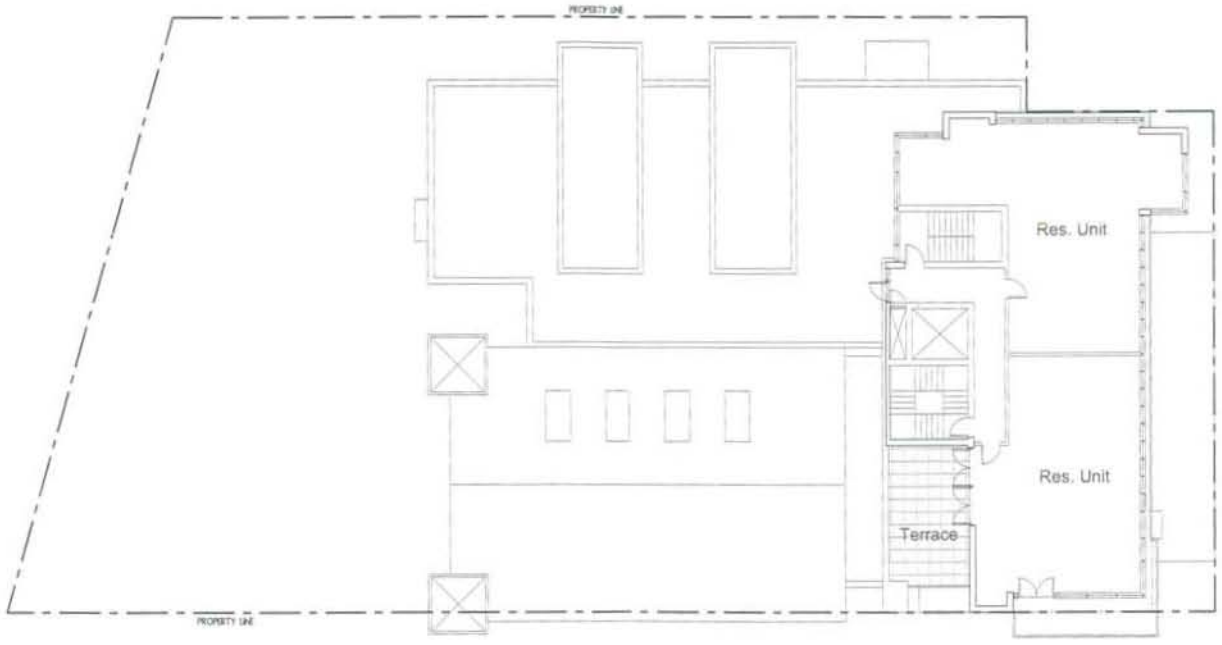
SIXTH FLOOR PLAN A6

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GENERAL NOTE

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SEVENTH FLOOR PLAN | A7

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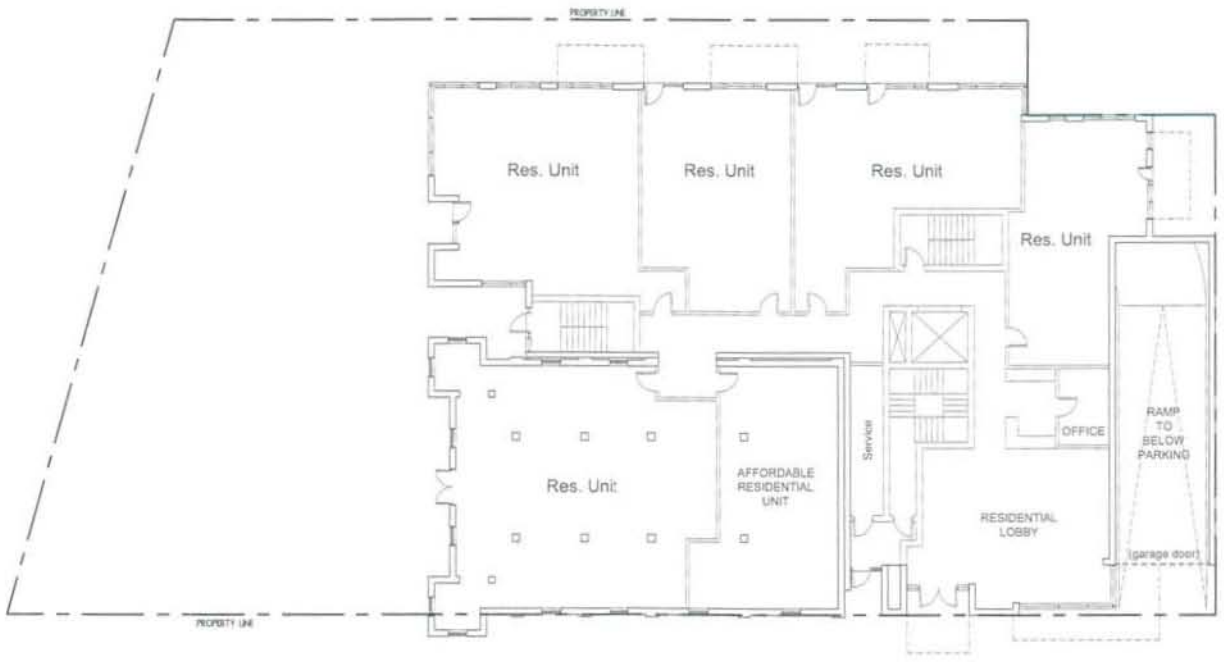
ROOF PLAN | A8

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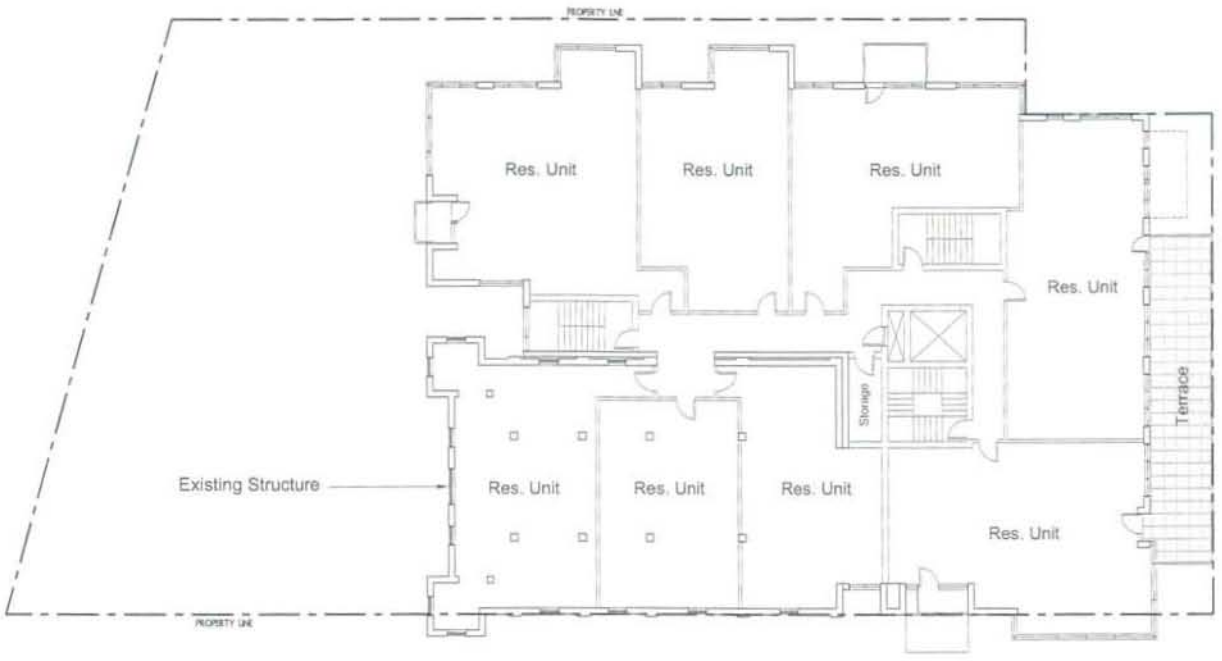
GROUND FLOOR PLAN - ALTERNATE A9

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GENERAL NOTE

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SECOND FLOOR PLAN - ALTERNATE A10

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GENERAL NOTE

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NORTH ELEVATION

SOUTH ELEVATION

EXTERIOR MATERIALS' KEY NOTES:

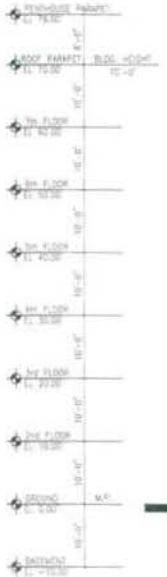
SKIN TYPE 1: RANDOM BLEND OF TWO BRICK COLORS IN RUNNING BOND PATTERN

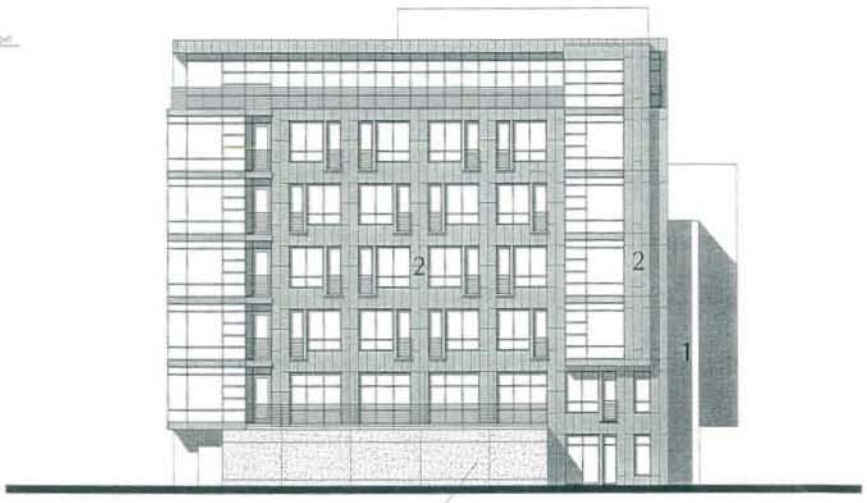
SKIN TYPE 2: METAL PANEL SYSTEM

GENERAL NOTE: BOTH SKINS INCLUDE ALUMINUM WINDOWS AND GLASS.

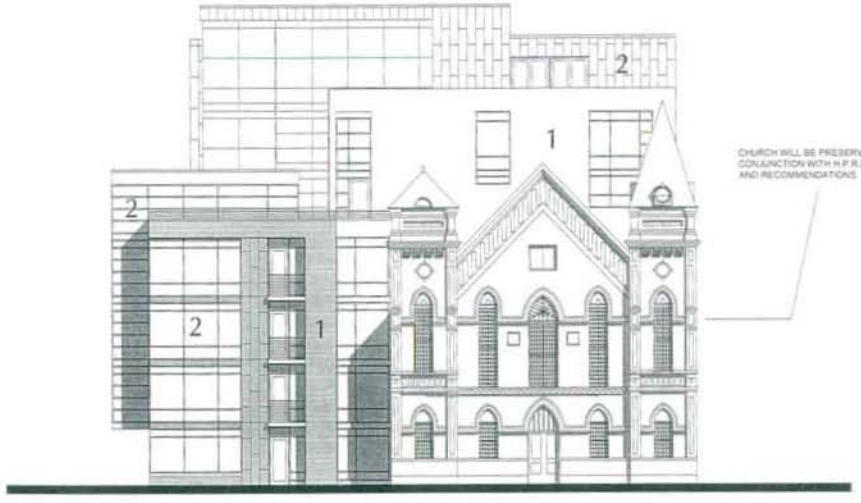
GENERAL NOTE

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EAST ELEVATION



WEST ELEVATION

EXTERIOR MATERIALS' KEY NOTES:

SKIN TYPE 1: RANDOM BLEND OF TWO BRICK COLORS IN RUNNING BOND PATTERN

SKIN TYPE 2: METAL PANEL SYSTEM

GENERAL NOTE: BOTH SKINS INCLUDE ALUMINUM WINDOWS AND GLASS.

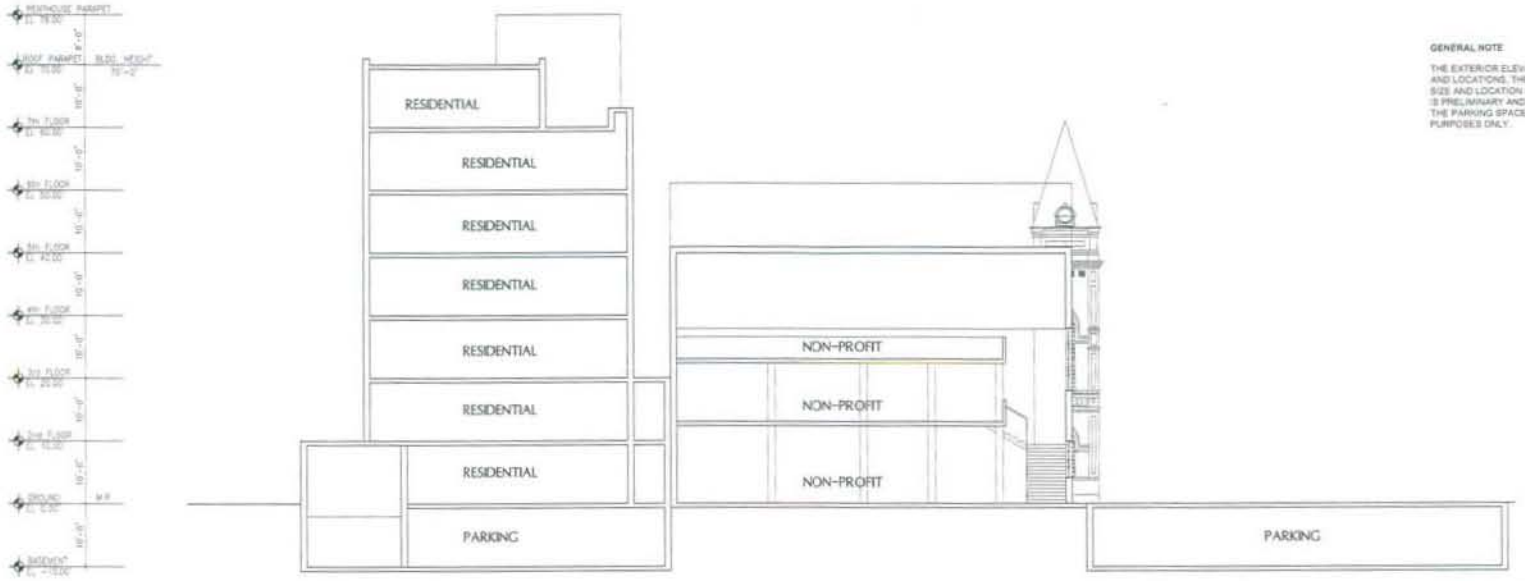


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EAST AND WEST ELEVATIONS | A12

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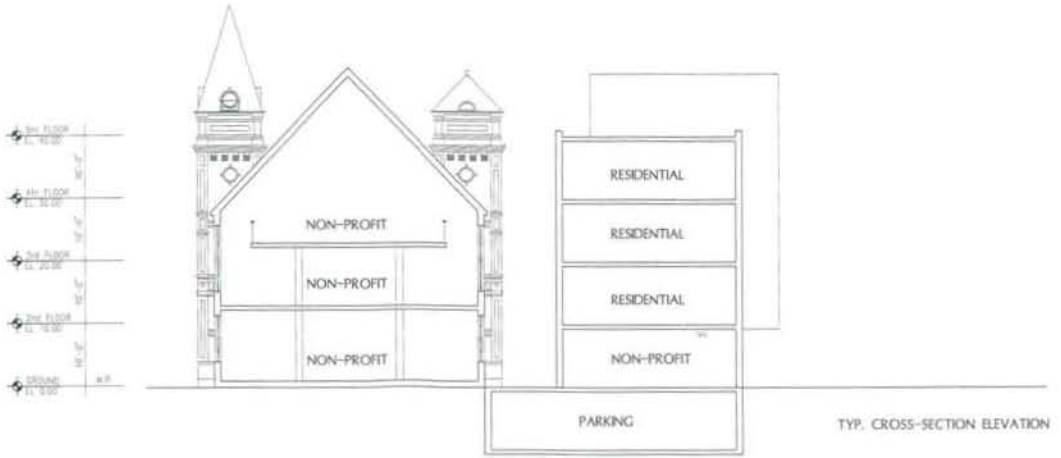
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TYP. LONGITUDINAL ELEVATION

GENERAL NOTE

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TYP. CROSS-SECTION ELEVATION

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SECTIONS | A13