



Government of the District of Columbia
Advisory Neighborhood Commission 6C



September 26, 2007

Richard Nero, Deputy Director
D.C. Office of Zoning
Zoning Commission
441 Fourth Street N.W., Suite 210 S
Washington, DC 20001

Dear Deputy Director Nero:

At Advisory Neighborhood Commission 6C's duly noticed, special meeting on September 25, 2007, with a quorum of eight Commissioners present (five required for a quorum), ANC 6C reviewed the following application:

ZC Case No. 05-37

Application of Dreyfus Development Company for a Map Amendment and PUD.
The Applicant requested consolidated review and approval of a planned unit development (PUD) and a related zoning map amendment from C-2-B to C-3-C for a portion of the subject property.

After hearing the presentation of the applicant, community comments and discussion, the ANC 6C Commissioners voted 8-0-0 to support the application in ZC Case No. 05-37. For your reference, a copy of the resolutions passed by the ANC (Exhibit A), together with the written statement of ANC 6C and testimony of Commissioner Alan Kimber with regard to ZC Case No. 05-37 (Exhibit B). We note that the letter from the Applicant representing the consensus of the mediation group has been separately submitted by the Applicant.

Commissioner Alan Kimber has been authorized to represent ANC 6C before the Zoning Commission in this case, and Chairperson Karen Wirt has also been authorized to assist and represent ANC 6C as needed.

ANC 6C requests 15 minutes for its presentation and to answer any questions of the Zoning Commission members.

Thank you for your consideration.

Sincerely,

Karen J. Wirt
Chairperson
ANC 6C

ZONING COMMISSION

CASE No. 05-37

EXHIBIT No. 106

Exhibit A
Motions Adopted by ANC 6C Regarding ZC Case No. 05-37

1. I move that if the ANC votes to support the Applicant's project as currently proposed, the ANC condition its support on satisfaction of the following requirements:

(a) The ANC strongly petition the Zoning Commission to specifically state in its order concerning the proposed project the specific justifications for increased height and density, and that any such increase is based on the unique characteristics of the site, especially the presence of the H Street bridge, the design of the project so that it is limited to a height of no more than 90' relative to the surface of H Street and the H Street bridge, the goal of providing a gateway to H Street and the surrounding neighborhood, and the desired characteristics of a transit-oriented development.

(b) The Applicant must provide a commitment in writing that the construction management plan specifically includes the following commitments as part of the construction management plan for the project in addition to, at a minimum, the commitments set forth in the draft construction management plan previously submitted by the Applicant to the ANC 6C. The commitments shall be in writing and in substantially the form as follows:

(i) All pilings, including both those for the foundation and to the extent feasible from an engineering perspective, sheeting and shoring shall be bored, not driven or vibrated into place; provided however, that if required from an engineering perspective, the pilings for sheeting and shoring may be vibrated or driven only to achieve the required final depth for that portion of the pilings that will be below the lowest point of excavation.

(ii) To the extent possible, all construction activities for reconstruction of the alley and the project shall ensure that the residents of Square 752 shall at all times have 10' wide (or greater) access to the residents' properties; provided however, that temporary minor exceptions shall be permissible if necessary for the work being done.

(iii) Cranes shall swing over public space and the construction site as much as possible.

(iv) Creation of a citizen advisory group to work through concerns during the construction of the project, similar to the group created as part of the Union Station project. The citizen advisory group shall consist of, at a minimum, representatives of the Applicant, the general contractor, ANC 6C and the residents of Square 752.

(v) The Applicant shall designate principle contacts for both Dreyfus and the general contractor that will be available to receive and act on construction concerns raised by ANC 6C or the residents of Square 752.

(vi) The Applicant shall conduct a pre-construction structural survey of all existing structures on Square 752 and provide a copy of the report for each property to the respective property owners.

(vii) The Applicant shall provide ongoing monitoring for damage to existing structures on Square 752, including crack monitors where appropriate and vibration sensors placed along both 3rd and G Streets NE.

(c) Commissioner Kimber shall be vested with the authority of the ANC for the purpose of deciding whether or not the final details for height and density justification, construction

management, amenities and design, adequately address these issues prior to the Zoning Commission hearing.

(d) The Applicant shall provide a copy of each of its monthly reports to DOES regarding its compliance with its First Source Agreement and its commitment to use LSDBEs to achieve a minimum of thirty-five percent participation in contracted costs associated with the project to the ANC.

2. I move that based on the progress achieved with respect to height, density, design and amenities, and in light of the adoption of the conditions imposed by the previous motion, the ANC support the final mediation report and the Applicant's project, and that the ANC send a letter to the Zoning Commission to that effect, including the ANC's motions as attachments.

3. I move that the ANC authorize Commissioner Kimber to represent the ANC at the Zoning Commission hearing on the Applicant's proposed project, with Chairperson Wirt authorized to also represent the ANC to the extent necessary to clarify the testimony, to provide specific information concerning the conduct of the mediation, or as an alternate.

Exhibit B
Testimony of ANC 6C Regarding ZC Case No. 05-37

[please see attached testimony]

**BEFORE THE
Zoning Commission
OF THE DISTRICT OF COLUMBIA**

**Station Holdings LLC
Capitol Place, 200 H Street NE
Case No. 05-37**

Statement of ANC Commissioner Alan Kimber
Representing
ADVISORY NEIGHBORHOOD COMMISSION 6C

October 1, 2007

Good evening, Chairperson and members of the Commission. My name is Alan Kimber, and I am the authorized representative of ANC 6C before Zoning Commission for Case No. 05-37, and also the Commissioner for the affected SMD. Thank you for the opportunity to testify on this proposed project.

I am joined by ANC 6C Chairperson Karen Wirt, who served as ANC 6C's representative to the mediation conducted in this case, and will assist me in presenting ANC 6C's position and answering any questions you may have.

Mediation

The path we have followed in this case has been both winding and long, and at times has become very contentious as the Applicant proposed and defended the project and ANC 6C and interested community groups (including an ad hoc group of the residents of Square 752) sought to have our concerns addressed.

Without going into painful detail, the Applicant's original proposal was made back in 2005, and was withdrawn for modification in response to overwhelming opposition by the community. The Applicant then presented a new plan that introduced substantial changes, but still gave rise to many concerns. In April 2007, after putting in some effort to address these concerns, the Applicant sought the support of ANC 6C for the then-current project. After much debate and consideration, ANC 6C voted unanimously to oppose the project, as did the neighboring ANC and the interested community groups.

Largely as a result of this impasse, OP arranged for mediation between the Applicant, the ANCs and the interested community groups. From April through to literally today, the mediator, Lee Quill, has worked tirelessly to facilitate discussion

among the mediation parties, and substantial additional progress has been made on the project. ANC 6C appreciates the hard work of the parties involved in the mediation, particularly the Applicant and their architect, and the mediator. The end result of the mediation is a project that is better in terms of height, density, design and community amenities.

ANC 6C views the mediation as now being complete, and with one minor exception, the project as being final.

Height and Density

The Applicant's initial proposal in 2005 consisted of approximately 432,000 square feet with a FAR in excess of 5.7, and maximum height of over 100', measured from 3rd & H Street NE. The bulk was spread fairly evenly around the site, resulting in a very imposing structure that swallowed whole the 1890s rowhouses that share the block with the project site. The revised proposal submitted by the Applicant cut the square footage back to approximately 403,000 square feet, with similar height, approximately 5.25 FAR, and with the bulk of the massing pulled further back from the existing rowhouses. As a result of the mediation, the building has been further reduced in scale to approximately 389,000 square feet, 5.07 FAR with further changes to keep the bulk closer to the corner of 2nd & H Street NE and a more meaningful transition to the 25' rowhouses that share Square 752.

Of critical importance to ANC 6C is the fact that the design now rises no more than ninety feet relative to the surface of H Street, taking into account the H Street bridge. Thus, although the measured height for zoning purposes is 100 feet at the building's highest point, at no time does the building appear to be more than ninety feet and eight stories tall, relative to H Street. Maintaining this limitation recognizes the height limitation recommended in the H Street NE Strategic Development Plan, while taking into account the unique characteristic of the site being adjacent to the H Street bridge. ANC 6C believes this to be a particularly elegant solution to a situation that is unique on the H Street corridor.

With respect to density, the reduction in size by approximately 43,000 square feet, combined with creative massing to minimize the impact on the existing rowhouses on Square 752 results in a much more sensitive project.

No Precedent for Future Cases

It is my expectation that other parties are going to address the more technical aspects of Section 1305.1 of the zoning regulations, so I will focus my comments more on the concept of potential precedential impact of Case No. 05-37. ANC 6C strongly urges the Zoning Commission to include in the Order in Case No. 05-37 the statement that this case shall not provide precedent for future cases involving development along the H Street corridor, given the unique characteristics and special circumstances associated with

the project site.

The project site is truly unique among all other sites along the H Street corridor. In addition to being a very large parcel, there are a number of unique characteristics and special circumstances that exist nowhere else on H Street NE, with respect to both height and density.

These unique characteristics and special circumstances include:

- 1) with respect to height,
 - a. the site is located at the corner of 2nd & H Street NE, and is adjacent to buildings of 130' in height;
 - b. the site forms the south side of the "gateway" to Capitol Hill and the H Street corridor that was envisioned by the H Street NE Strategic Development Plan;
 - c. the H Street NE Strategic Development Plan calls for a building of 6-8 stories at the site;
 - d. the site is positioned to be a transition to and a buffer against the high-density office development that characterizes the NoMA area and the low-density development of Capitol Hill and the H Street corridor;
 - e. the site is adjacent to the H Street overpass, which presents unique design challenges in order to properly determine the height of the building and the desire to treat the bridge as a hill rather than a structure to be ignored in designing the building;
 - f. no other property along the H Street corridor faces C-3-C zoning, particularly in two directions; and
 - g. the portion of the site for which upzoning is proposed is "encapsulated" so that it does not front any other parcel.
- 2) with respect to density,
 - a. the site is conveniently located moments from Union Station, the District's multi-modal transportation hub and the busiest station in the entire Metro system, and higher densities are appropriate to such a transit-oriented project;
 - b. the H Street NE Strategic Development Plan and the Comprehensive Plan call for higher-density residential and neighborhood retail at this site to take advantage of the proximity to Union Station; and
 - c. the western portion of the H Street corridor offers unique opportunity for higher-density residential development to provide increased population to fuel further redevelopment of H Street.

As a result of these factors, ANC 6C requests that the Zoning Commission include a statement in the Order in Case No. 05-37 similar to that set forth in Zoning Commission Order No. 906 (October 16, 2000) (*approval of a PUD and related rezoning for 1000-1010 16th Street, NW*). In that case, the Zoning Commission conditioned the

rezoning of a property at the corner of 16th and K Streets, NW, to C-4 as follows: "Given the unique nature of this property and unique circumstances of this case, ... this case shall not serve as and may not be cited as a precedent for the rezoning to C-4 of any other property zoned SP-2 in the 16th Street corridor." Anything less than a statement of this strength and clarity would be to the great detriment of ensuring that future development along the H Street corridor is of a size and scope appropriate to the surrounding area. This would also protect the H Street NE Strategic Development Plan and the Comprehensive Plan.

Remaining Design Issues

The one aspect in which ANC 6C believes there remains a little work to be done is with respect to finalizing a small number of details with respect to the design of the project. The most recent revision of the renderings for the project were presented by the Applicant for the first time at ANC 6C's special meeting on September 25, 2007, and therefore the ANC and the community have not had sufficient time to review and comment on the latest renderings. A small number of remaining design issues that ANC 6C and the interested community groups would like to see addressed by Cook+Fox, the Applicant's architect for the project. These concerns, which are being addressed in greater detail by other parties, include factors such as selection of materials for maximum compatibility with the surrounding context and refinement of detailing used on the H Street façade, similar to what has been achieved on the façade at the southwest corner of the project at 2nd & G Street NE.

Therefore, ANC 6C requests that the Zoning Commission hold the record in Case No. 05-37 open for a period of forty-five days to permit the architect to further refine the design and receive feedback from the community regarding iterative renderings of the proposed project.

Community Amenities and Mitigation

Community amenities packages associated with PUDs are always hard to evaluate, but ANC 6C feels that we have been able to make some progress on amenities during the mediation, and ultimately we are satisfied that we have struck the best deal that we can on behalf of the community. The community amenities package has been separately filed with the Zoning Commission by the Applicant.

In general, ANC 6C's goal in negotiating the amenities package was to secure significant amenities that directly and primarily benefit the residents of Square 752, while also securing amenities benefiting the wider community, which is also impacted by the increased height and density from which the Applicant will derive significant value.

ANC 6C is pleased that the Applicant has included significant amenities that will further the project's goal of being transit-oriented. The Applicant has committed to providing a parking space for a shared car program such as Flexcar or ZipCar, as well as

Metro SmarTrip cards to initial occupants. Additionally, the Applicant has made a strong commitment to providing bicycle parking for residents of the project.

One item ANC 6C would like to highlight is the fact that the Applicant is providing over 3 times the number of parking spaces than are required by applicable District regulations. With the large number of new developments in the pipeline and likely to come in the future, it has been and will remain the policy of ANC 6C that PUDs must very closely approximate a ratio of 1:1 between number of units and number of parking spaces provided. Although the project is a transit-oriented development and is in close proximity to Union Station, the simple fact is that most households in the District maintain at least one vehicle. Given that so much of the future parking demand will be coming from new developments, we have a unique opportunity to protect existing residents' access to on-street parking and thereby significantly benefit the community. Although parking has not been cited as an amenity by the applicant in its community amenities package, it is worth noting that the cost of providing this incremental parking capacity comes at a cost to the Applicant into the millions of dollars. Finally, the Applicant is providing residents of Square 752 with the opportunity to rent or purchase parking in the project, offering the residents a valuable option with respect to parking.

While ANC 6C supports the results of the mediation, including the community amenities package, we ask that the Zoning Commission dictate timelines in the Order issued in Case No. 05-37 for some of the agreed-upon amenities. In particular, we ask that the Zoning Commission require that the following amenities be funded by the Applicant within 180 days after the date of the Zoning Commission Order:

1. the microgrant program being provided for residents of Squares 752, 753, 777 and 778 to fund improvements to the owners' properties that are visible from the public space;
2. the microgrant program being provided for residents of Square 752 to fund energy efficient improvements to the owners' properties;
3. the \$150,000 contribution toward a Clean and Safe program to be maintained by H Street Mainstreet; and
4. the mitigation amenity pursuant to which the Applicant will pay for an historical survey of the existing structures in the area bounded by 2nd Street, 15th Street, F Street and H Street, excluding the site and properties within the H Street Neighborhood Overlay District.

ANC 6C believes that the community should not have to wait until commencement or completion of construction for these amenities in particular to begin contributing to the betterment of the community.

Other amenities requiring construction or expenditure of funds by the Applicant

should be commenced or funded by the Applicant within 180 days after issuance of building permits for the project. Too often, community amenities to be provided as part of a PUD are not commenced or funded until after the project has been completed, which is simply not fair to the community.

Construction Management Plan

Of overriding concern to ANC 6C with respect to the construction of the project is protection of the existing rowhouses on Square 752, which date from 1890. Due to their comparatively fragile state and their historic character, these structures require a higher level of care with respect to preconstruction survey, and protection and monitoring to ensure the structures survive the intense and at times violent construction process.

ANC 6C is satisfied that the written commitments made by the Applicant in their construction management plan, as updated by the written commitments filed by the Applicant today adequately address the main concerns of the community.

Recommendation

1. The Zoning Commission hold the record in Case No. 05-37 open for a period of forty-five days in order for the design to be further refined by the architect.
2. The Zoning Commission approve the Applicant's revised proposal in Case No. 05-37.
3. The Zoning Commission condition its approval of the applicant's proposal in Case No. 05-37 on inclusion of the following language in the Order: "Given the unique characteristics and special circumstances of this site, this case shall not serve as and may not be cited as a precedent for the upzoning of any other property contained in the H Street Neighborhood Overlay District."
4. The Zoning Commission include in its order a requirement that the Applicant conduct a thorough structural survey of the existing rowhouses that share Square 752 with the site, documenting all existing conditions of the rowhouses and the appurtenant structures, install crack monitors as appropriate and vibration monitors along the north-south alley and the 3rd and G street boundaries of Square 752.
5. The Zoning Commission include in its Order in Case No. 05-37 a requirement that the community amenities package include the points set forth above under the heading "Community Amenities and Mitigation".

Thank you. Chairperson Wirt and I are happy to answer any questions you may have.