

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

Capitol Place

Case No. 05-37

Statement of Drury Tallant

Representing

Square 752 Residents

October 1, 2007

My name is Drury Tallant. Today, I am representing Square 752 Residents the before Zoning Commission for Case 05-37. We reside in R-4 zoned rowhouses on the square where the Applicant seeks to construct Capitol Place. While we share many of the same concerns expressed by members of the broader community, there are issues of particular concern to those of us who will live on the square during construction and long after the project is complete. I will try to limit my remarks to those issues.

At 3:00 PM on the afternoon of this hearing I received a written response to many of the concerns expressed by the residents of Square 752. I have not had an opportunity to review this document in great detail. It appears that some of the concerns of Square 752 have been addressed, others partially addressed, and others inadequately addressed. I have forwarded this document to other residents of Square 752 for their review.

There are numerous items of interest to Square 752 that would distract the Zoning Commission from consideration of far more weighty and important concerns. I think it is reasonable at this point to recognize that the Applicant is making an effort to respond to the community's concerns (albeit a mere 3.5 hours prior to the hearing) and to direct both parties to continue to work to resolve the outstanding issues.

In pushing all parties toward resolution, it would be instructive to hear from the Zoning Commission on the following:

1. The Applicant seeks to construct a large project on a square shared with R-4 rowhouses in excess of 100 years old with shallow foundations in a formerly low-lying area known as Swampoodle. What degree of survey, monitoring, and protection are appropriate? How can we be assured that the engineering and foundation design will contemplate the potential effects of construction on these fragile structures and utilize the most appropriate design and construction methods to minimize any risk of damage? What assurances can be given that a claim of damage resulting from Applicant's construction activity will be independently judged?
2. Alley access during construction and design of the rebuilt pair of alleys is extremely important. The current proposal does not guarantee adequate access, does not commit to

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upgrading the short “stub” alley, and does not sufficiently describe the design of the rebuilt alley. More dialog is needed among the parties on numerous alley issues. We ask the Commission to direct the Applicant to be more accommodating of the existing residents ability to fully utilize their private property, and in particular to dedicate the 20 foot alley upon PUD approval rather than after construction is complete. Especially during construction, emergency access may be critical.

3. The Applicant seeks an additional 163,000 square feet of floor area – a 72% increase above the existing zoning building envelope. Further, the Applicant has already benefited from an upzoning secured after their purchase of the property as part of the H Street Neighborhood Commercial Overlay. A large zoning bonus such as this demands a very significant amenity package. Most residents of Square 752 feel that the amenity package is inadequate. We rely in part on the Zoning Commission to determine if the amenity package is commensurate with the PUD benefits and zoning relief the Applicant is requesting. The Residents of Square 752 have asked that a portion of the funds set aside for neighborhood improvements be reserved for this square and that in addition certain public space improvements such as replacement of historic hairpin fencing and replacement of historically appropriate front steps be included in the amenity package. Parking pressures resulting from this PUD could be mitigated by allowing Square 752 residents to purchase and/or rent unused parking spaces in the Capitol Place garage. We seek your guidance in determining a level of amenities that are appropriate for the zoning bonuses the Applicant seeks.

I do not think it is productive to present the Commission with a long list of minor issues to consider, but do ask that you direct the Applicant to continue to work with the property owners most directly affected by their proposed PUD to reach an accommodation of the outstanding issues. A survey conducted by a resident of this Square indicated that the vast majority have concerns about this project, and oppose the project until those concerns are addressed. The areas of greatest concern relate to the topics above.

My final comment is on the overall massing and Architectural statement. My goal throughout the mediation process has been to encourage a massing that accommodates as much of the Applicant’s requested square footage as possible, but in a manner that imposes the least burden on the adjacent Square 752 community. In this area, I believe the mediation process has yielded significant benefits and I commend the Applicant for allowing the community to work directly with their Architectural team. While far from unanimous, I think most residents on Square 752 recognize that the resulting project is an acceptable solution for moderate-to-high density housing in close proximity to Metro on this challenging site. I believe the variety of building heights in response to conditions at different locations on the site is a commendable achievement. However, I want to emphasize and request that the Commission specifically address that any approval is based on the assumption that the Applicant would secure the right to build within the DDOT easement along H Street. Failure to secure the right to construct within the easement shall not be used as a reason to transfer floor area to other portions of the project.