

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

Capitol Place

ZONING COMMISSION CASE NO. 05-37

**PRE-HEARING STATEMENT IN SUPPORT
OF THE APPLICATION FOR CONSOLIDATED REVIEW
OF A PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

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**ZONING COMMISSION
District of Columbia**

CASE NO. 05-37

EXHIBIT NO. 21

ZONING COMMISSION
District of Columbia
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PREFACE

This statement and attached documents are submitted by Station Holdings LLC (the "Applicant") in support of its application for consolidated approval of a planned unit development in conformity with Chapter 24 of the District of Columbia Zoning Regulations and related Zoning Map Amendment before the Zoning Commission for the District of Columbia. The subject property is located between 2nd and 3rd Streets, N.E. and G and H Streets, N.E. The subject property consists of Lots 30, 39, 40, 41, 45, 48, 801, 804, 805, 806, 811, 813, 814, 856, 857, 2001, 2002 and 2003 in Square 752. The property is split zoned C-2-A and C-2-B. Lot 45, located along H Street, N.E., was recently rezoned to C-2-B as part of the H Street, N.E. Neighborhood Commercial Overlay District; the remainder of the Property is zoned C-2-A. The Applicant is seeking PUD approval and rezoning of the site to the C-2-B District in order to construct a mixed use development. The project site is designated by the Comprehensive Plan as mixed use with moderate density residential and low density commercial. According to the Land Use Policies Map, the property is located in a Special Treatment and a Development Opportunity area.

The Applicant originally filed the PUD Application Statement and supporting documents on November 22, 2005, and then supplemented its materials on March 22, 2006. The Application and supplemental materials set forth in detail the proposed development, project design, public benefits and project amenities, and consistency with the Comprehensive Plan and the Ward 6 Plan. This Pre-Hearing Statement further supplements the previous submission and responds to comments

from the Zoning Commission raised at its April 20, 2006, meeting and to comments contained in the report dated April 3, 2006 from the Office of Planning.

As set forth below, this pre-hearing statement in conjunction with the Applicant's previous submission meet the filing requirements for a PUD and Map Amendment application under Chapters 24 and 30 of the District of Columbia Zoning Regulations.

DEVELOPMENT TEAM

Applicant and Owner:	Station Holdings LLC c/o Louis Dreyfus Property Group 2001 K Street, N.W., Suite 202 Washington, DC 20004
Developer:	Louis Dreyfus Property Group 2001 K Street, N.W., Suite 202 Washington, DC 20004
Architects:	Cook + Fox Architects, LLP 30 Cooper Square New York, NY 10003
Economic Benefits Consultant:	Bolan Smart Associates Suite 600 900 19 th Street, N.W. Washington, D.C. 20036
Traffic Consultant:	Wells & Associates, LLC 1420 Spring Hill Road, Suite 600 McLean, VA 22102
Land Use Counsel:	Holland & Knight LLP 2099 Pennsylvania Avenue, N.W. Suite 100 Washington, D.C. 20006

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**CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS**

The Applicant hereby certifies that this application, twenty copies of which were filed with the Zoning Commission on November 22, 2005, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Commission	Pre-Hearing Statement
3013.1(b)	List of Witnesses	Exhibit A
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record: <ul style="list-style-type: none">• Robert Braunohler, Applicant's Representative• Martin Wells, Wells & Associates, Traffic Consultant• Richard Cook, Cook & Fox, Architect• Eric Smart, Bolan Smart Associates• Steven E. Sher, Holland & Knight LLP, Land Planner	Exhibit A
3013.1(d)	Additional Information	Herein or with previous submissions
3013.1(e)	Reduced Plans	Exhibit D
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case (60 minutes)	Exhibit A

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.6(a)	List of Names and Addresses of All Owners of Property Within 200 Feet of the Subject Property	Exhibit B
3013.6(b)	List of Names and Addresses of Each Person having a Lease with the Owner for All or Part of Any Building Located on the Property Involved in the Application	None

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
List of Witnesses and Outlines of Testimony	A
List of Property Owners within 200 Feet of Project	B
Supplement to Traffic Study	C
Revised Architectural Plans	D

I. INTRODUCTION

This pre-hearing statement and the attached documents (the "Pre-Hearing Statement") support the application of Station Holdings, LLC (the "Applicant") to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and one-step approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment. The proposed PUD contemplates the construction of a mixed use development to be located on property between 2nd and 3rd Streets, N.E. and G and H Streets, N.E. The subject property consists of Lots 30, 39, 40, 41, 45, 48, 801, 804, 805, 806, 811, 813, 814, 856, 857, 2001, 2002, and 2003 in Square 752 (the "Site" or "the Property"). Lot 45 of the Site has been rezoned from C-2-A to C-2-B as part of the H Street, N.E. Neighborhood Commercial Overlay District (the "H Street Overlay" or "the Overlay"). The other lots not fronting on H Street were not rezoned and remain zoned C-2-A. The Applicant is seeking an amendment to the Zoning Map to rezone those remaining lots and seeks PUD approval under the C-2-B District for the entire Site. The requested zoning change is fully consistent with the District of Columbia Comprehensive Plan ("Comprehensive Plan").

The Applicant originally filed the PUD Application Statement and supporting documents on November 22, 2005, and submitted a supplemental filing with revised plans on March 22, 2006. The Application and supplemental materials set forth in detail the proposed development, project design, public benefits and project amenities, and consistency with the Comprehensive Plan and the Ward 6 Plan.

This Pre-Hearing Statement further supplements the previous submission and responds to comments from the Zoning Commission raised at its April 20, 2006, meeting and to comments contained in the report dated April 3, 2006 from the Office of Planning.

II. ISSUES RAISED BY THE ZONING COMMISSION

At its meeting on April 20, 2006, the Commission requested further information and clarification regarding loading and site circulation issues, as well as information regarding the project design and compatibility with the H Street Plan. The Commission also requested the Applicant to address the comments raised by the Office of Planning in its report.

A. Loading and Circulation

The Commission requested clarification and further detail regarding the size and functioning of the proposed loading along 2nd Street. The Commission specifically requested clarification of the adequacy of the number of berths, the way the berths function in terms of access within the building, and the potential for conflicts with the access to the Station Place Phase III building across 2nd Street. The Commission also requested additional information regarding the alley from 3rd Street, asking why there were bollards and gates at the east and west ends of the private alley. The Commission wanted to know if all access would be to/from G Street and requested that the Applicant produce further illustrations of the alley. The Applicant responds as follows:

1) The Applicant has revised its plans and has provided more detail about and increased the number of loading berths and platforms in the loading area which is accessed from 2nd Street. The revised loading area is illustrated on Sheet 25 of the revised plans. Within the loading area, there are three loading berths (at fifty-five feet, forty-five feet and thirty feet), three loading platforms (two at 200 square feet and one at 100 square feet) and one twenty foot service/delivery loading space. The Applicant is providing the correct number of loading berths required but is asking that one of the required fifty-five berths be provided at forty-five feet. The loading area will be shared by all the uses in the building and is designed to be flexible to accommodate many different combinations of sizes of trucks. The residential units are not likely to have a significant demand for space for a tractor trailer. The space is designed so that it could accommodate the likely needs of potential users of the retail space, the exact requirements of which are not known without having specific tenants at present. The report of the Applicant's traffic consultant, Wells & Associates, confirms that the proposed loading is sufficient for the proposed uses and the Applicant requests the minimal relief from the loading requirements noted above.

2) The traffic consultant, Wells & Associates, reviewed the access to the Project in conjunction with the access to Station Place III and found that there would not be a conflict. Wells has provided a supplement to its traffic study. The supplement is attached as Exhibit C.

3) The Applicant included a circulation diagram with its submission (Sheet 11 of the Plans) demonstrating the traffic patterns in the area and showing

access to the project. In response to community comments, the Project proposes to widen through easement the existing ten foot north-south alley in the center of the square to twenty feet and as a result to create a straight-through alley, eliminating the existing pair of ninety degree turns. There is no vehicular access to the proposed building through this alley; the widened and straightened enhanced access is entirely to serve the existing rowhouses which front on 3rd Street. The Applicant has located the loading and service spaces for the building with direct access to and from 2nd Street, avoiding use of the alley. The existing public alley ends at the Applicant's property; it does not continue through to 3rd Street. The area which appears as an extension of the alley is a plaza and walkway to provide pedestrian access through the center of the block. The Applicant has replaced the gate previously shown at the east end with removable bollards to allow for emergency access if necessary, and has removed the bollards from their previous location at the west end of the private alley. The description of the north-south public alley and related easement areas and the private alley extending to 3rd Street, including materials, is shown on Sheets 19 and 22 of the Plans.

B. Project Design and Sustainable Design Features

The Commission requested further details regarding the project design. The Commission specifically requested information regarding the roof and height issues: 1) the "green wave" over the wellness center; 2) the height and setback of the roof structures; 3) roof plan reflecting the "green" design; and 4) address the height of the Project adjacent to the rowhouses on the east side of the square. The Commission also requested information regarding the enforceability of LEED

components, requesting the Applicant to translate the sustainable design features shown on Sheet 24 of the plans into conditions that can be enforced by the Zoning Administrator at the time of building permit or certificate of occupancy.

The Applicant responds as follows:

1) The Wellness Center roof will be revised to simplify its form and reduce its bulk as visible from H Street. A portion of the mechanical equipment room will be placed at the level of the Wellness Center, rather than above it, to allow more flexibility in the roof shape. Revised elevations and plans of this area as well as new renderings will be provided in advance of the public hearing.

2) Sheet 29 of the Plans includes a penthouse plan which shows the height and setbacks of the various components of the roof structure. In response to comments from the community and the Office of Planning to reduce the appearance of height from the east, the Applicant has reduced the height of many parts of the proposed penthouse structures and relocated the main penthouse on the 2nd Street Pavilion to the west side of that portion of the building to reduce its visibility from the residential homes on the eastern side of the Square. The Applicant is requesting relief from the roof structure regulations: (1) to have a penthouse with walls of unequal height; (2) to have multiple roof structures; and (3) to not meet the 1:1 setback from certain of the interior walls of the building and also from the west wall facing 2nd Street. This penthouse setback is not in conflict with the Act of 1910 because the Act would allow a 110 foot building plus roof structure penthouse and the height of the building including the roof structure is a maximum of 108 feet. The dimensions of the roof structures are shown on Sheet 29 of the Plans.

3) As requested, the Applicant has submitted as Sheet 23 of the Plans a roof drawing depicting the areas of the "green roof." The approximate square footage of the proposed green roof (31,965 square feet) is indicated. Green roof areas are also identified on the plans shown on Sheets 27 and 28 of the Plans.

4) The Garden Pavilion and the G Street Pavilion both step down in height on their eastern ends. These two pavilions are set at the edge of the widened alley, meaning that they are twenty feet from the nearest residential lots. The Garden Pavilion is substantially removed from the rear walls of the house which front on the west side of 3rd Street. The Applicant has submitted a section (See Sheet 39 of the Plans) showing the line of sight from the sidewalk on the east side of 3rd Street and from the rear of the houses on the west side of 3rd Street. Sheet 38 of the Plans shows the east elevation of the building as seen along the line of the alley.

The street wall of Capitol Place along 2nd Street is comparable to Station Place across the street, while its overall massing is lower. The projecting bays on Capitol Place establish a façade with an approximate elevation of 68', 3" to their roof (8th floor). This compares with an elevation of 76', 11" for the 8th floor setback for Station Place. The primary roof on Capitol Place 2nd Street Pavilion is at elevation 89', 7" and is comparable in height to the 9th floor setback on Station Place with an elevation of 88', 8". The mechanical penthouse at Capitol Place has a maximum elevation of 107', 7". Station Place has the primary roof at elevation 114', 2" with the top of its mechanical penthouse at 132', 8". It should be noted that these elevations are assumed from a common elevation of 43'-4", which serves as the 0'-0" benchmark elevation for Capitol Place. The relative heights along 2nd Street are

approximately ten feet greater than the elevations noted above which reflect the grade change from 2nd to 3rd Streets. The elevations noted above for Station Place have been added to Sheet 39 of the Plans for reference.

5) The Applicant has identified several sustainable design features that it is committed to including in the Project. These features include:

- (a) The green roof, discussed above; and
- (b) The eco-pond located in the south courtyard and shown on Sheet 22 of the Plans.

The Applicant has further identified on Sheet 24 of the Plans the additional measures that will be employed in the design and construction of the project to qualify the building as a LEED certified building. Many of these components cannot be certified by the U.S. Green Building Council until after the building is constructed and occupied. The Applicant can provide additional documentation of proposed LEED components at the time of application for a building permit, along with normal construction documents and specifications. Prior to the hearing, the Applicant will identify any additional features that can be committed to as part of the plan review process prior to the issuance of a building permit.

C. Consistency with the H Street Plan

The Commission requested clarification of the Project's compatibility with the H Street plan. The plan calls for 500-600 residential units in the area and this Project is proposing approximately 300 units. The Commission posed the question if this is too much density and is the proposed rezoning upsetting or departing from the Plan recently adopted.

The H Street NE Strategic Development Plan identified the western end of the H Street corridor as the "Western Gateway: The Hub and Urban Living." The Plan describes this area (the frontage on H Street between North Capitol Street and 7th Street) as follows:

"the literal and symbolic bridge between H Street, North Capitol Street, Union Station and destinations throughout the core of the City. Walking distance from Union Station played a strong role in defining the limits of the district – the entire area is within a 10-12 minute walk of a Metro station, making development and adaptive reuse projects particularly attractive to residents, retailers and office tenants seeking to benefit from regional transit accessibility. ... Mixed-use development at this end of the corridor reinforces the concept of Transit-Oriented Development (TOD), the District's policy of focusing mixed-use activity nodes close to major transportation hubs.

The development program for the area assumed that the market would support 500 to 600 units of housing over the ten year period from the time that the study was done. The market analysis was done in 2002 and it significantly underestimated the residential potential. The Senate Square project on the site of the old Children's Museum will by itself contain 500 units. Providing more residential units is not contrary to the plan; it is in fact consistent with the policies cited above, even if the total number of units which will result is greater than the estimates that the market study predicted.

III. COMMENTS BY OFFICE OF PLANNING

The Office of Planning ("OP") requested information regarding the level of affordability and the distribution of the proposed affordable units as well as requesting the Applicant to provide a plan depicting the areas of residential recreation space. The Applicant responds as follows:

A. Affordable Housing

1) The amount of space devoted to affordable housing is equal to fifteen percent of the additional density achieved through the PUD. The current matter-of-right gross floor area is 226,194 square feet (@ 2.5 FAR for 42,256 square feet of C-2-A land and 3.5 FAR for 34,444 square feet @ 3.5 FAR for C-2-B land). The proposed gross floor area is 421,990 square feet, representing an increase in gross floor area of 195,796 square feet. The amount of affordable housing to be provided will be a minimum of 29,369 square feet.

2) The level of affordability for the affordable dwelling units is proposed at 80% of the area median income (AMI).

2) The unit type breakdown of the affordable housing units will be comparable to the percentage breakdown of all unit types in the building. The affordable housing units will be distributed throughout the building except for the top two floors and each unit will be no less than 95% of the average size of a comparable market unit type. The distribution of units is shown on Sheet 32 of the Plans.

3) Residential recreation space is required for an amount equal to fifteen percent of the gross floor area devoted to residential use. The residential gross floor area in the revised plans is 375,918, requiring 56,387 square feet of common recreation space. The project as revised includes 29,039 square feet of recreational space, including the courtyard with Eco-pond, the wellness center on the top of the H Street pavilion (both indoor and outdoor areas) and other indoor and outdoor spaces. This amounts to about eight percent of the proposed residential gross floor

area. In addition, there is 12,860 square feet of private balconies and terraces, which would make the total recreation area 41,899 square feet or in excess of eleven percent of the residential gross floor area.

B. Further Clarification of the Amenities Package

As noted in the original statement of the Applicant, the Applicant has been working with representatives of the Capitol Hill Restoration Society and others in the community to reach an agreement regarding a historic preservation amenity as part of the PUD. That amenity would include the preparation of a survey to expand the boundaries of the Capitol Hill Historic District on its north side and to provide for the establishment of a grant program for the improvement of the public faces of residential buildings in the immediate vicinity of the PUD. The Applicant will be continuing those discussions and expects to be able to submit prior to the public hearing a memorandum of agreement providing the specifics for these programs.

The Applicant has continued communications with the ANC and other community organizations and individuals during the course of this process and will provide updates on those discussions as well at the hearing.

**IV.
CONCLUSION**

For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; is consistent with

the H Street Plan; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be adopted by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application with relief from the roof structure regulations, loading regulations and the residential recreation space requirements and the concurrent change in zoning to C-2-B.

Respectfully submitted,

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