BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of The Jerome S. and Grace H. Murray Foundation et al.

BZA Application No. 16700
Hearing Date: May 8, 2001
ANC 6A

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D.C. OFFICE OF ZONING

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This is an application to allow the construction of a 350 unit apartment building with ground floor retail in a Housing Priority Area as described in the Downtown Development District Overlay Zone. The application requests zoning relief pursuant to 11 DCMR 3103.2 for the following area variances in the DD/C-2-C Zone District: (i) a variance from the residential recreation space requirement (Subsection 773.3); (ii) a variance from the maximum permitted floor area ratio ("FAR") (Subsection 771.2); and (iii) a variance from the lot occupancy requirement (772.1). In addition, the application requests a special exception approval pursuant to 11 DCMR 3104 and 11 DCMR 411.11, requesting Board approval of the number and location of rooftop mechanical penthouses. The requested relief is necessary to permit the construction of a 350 unit apartment house with ground floor retail uses ("Project") in the DD/C-2-C Zone District at 300 Massachusetts Avenue, N.W. (Square 529, Lots 9, 21-25, 30-33, 811-817, 820, 821, 829, 835-838, 840, 841,844 and public alley to be closed)("Property").

BZA
Case No. 16700
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16700
EXHIBIT NO.28

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Sections 3103, 3104 and 411.11 of the Zoning Regulations.

III.
Description of Environs

A. Description of the Property

The Property is bounded by Massachusetts Avenue, N.W. on its northeast corner, H Street, N.W. to the north, 4th Street, N.W. to the west, 3rd Street, N.W. to the east and a public alley to the south. The Property will ultimately include the western half of a public alley within Square 529 ("Subject Alley"). The applicant has filed an alley closing application with the District of Columbia's Office of the Surveyor to close the Subject Alley. The northern portion of the Property, fronting primarily on H Street, extends from 4th Street, N.W. to 3rd Street, N.W. and is approximately square in shape. The southern portion of the Property, directly south of the Subject Alley, fronting on 4th Street, N.W., extends only halfway across Square 529 toward 3rd Street, N.W. and is rectangular in shape.

The total land area of the Property is approximately 39,527 square feet, including the Subject Alley. The Property is currently improved with two small groups of vacant buildings on the corners of 3rd and H Streets and 4th and H Streets and a surface parking lot. The three vacant buildings on the corner of H and 3rd Streets are historic landmarks,

Germuiller Row. Thus, the entire project is subject to review by the Historic Preservation Review Board. The Property is relatively flat.

The Property is in the Housing Priority Area B, a subarea of the Downtown Development District Overlay Zone. Specifically, it is in the DD/C-2-C Zone District. The DD/C-2-C Zone District permits residential, hotel, office, retail and service uses, provided that residential use is required in all new developments. In the DD/C-2-C District, Housing Authority Area B, the maximum FAR is 8.0, of which no less than 4.5 FAR shall be for residential use. An additional 0.5 FAR may be constructed for residential use. The residential recreation space requirement is 15% and the lot occupancy percentage limit is 80%.

B. Description of the Surrounding Area

1. North

The Property has approximately 28 feet of frontage on Massachusetts Avenue, N.W., at the northeast corner of the Property. Massachusetts Avenue, at this location, carries two-way traffic and has a right-of-way width of 160 feet. The bulk of the north frontage of the Property is on H Street, N.W. H Street, at this location, carries two-way traffic and has a right-of-way width of 90 feet. On the north side of H Street is Square 528. Square 528 consists of a church, surface parking lot and, fronting on Massachusetts Avenue, several low-to-mid rise commercial/residential buildings.

2. Northwest

Diagonally northwest across H Street is Square 517, which is bordered by Massachusetts Avenue, H Street and 5th Street. Square 517 is improved with several

vacant buildings, including an abandoned fire engine company, a parking lot and a restaurant.

3. West

The Property also has frontage on 4th Street, N.W. which is a one way south bound street with a right-of-way width of 80 feet. Across 4th Street is Square 518. The large majority of Square 518, and all of that portion of the square adjacent to the Property, is improved with a building which houses the United States General Accounting Office.

4. South

The Property abuts a 20 foot wide public alley known as Ford Alley to the south. This alley is within Square 529. On the south side of the alley are the Canterbury Apartments, the Court Square Apartments and a commercial office building. North of the western half of this alley is a Best Western Hotel.

5. East

East of the Property, across 3rd Street, N.W., which is one way southbound, is the Center-Leg Inter-Loop Freeway.

C. Downtown Development District

The Property is located within the Downtown Development (DD) District Overlay Zone, which was established pursuant to Zoning Commission Order No. 681. One of the stated purposes for adoption of Order No. 681 was to further certain development and land use objectives contained in the Land Use and Downtown Plan Elements of the Comprehensive Plan for the National Capital ("Plan"). One of the major policies of the

Plan was to encourage a critical mass of housing and residential population Downtown in order to achieve the desired 18-hour activity in the area.

In addition to Order No. 681, the Zoning Commission, at the request of the Office of Planning, on April 16, 2001 orally approved a text amendment to the DD District with the purpose of further encouraging housing development in Downtown. Among the changes approved for the DD/C-2-C District were the elimination of the FAR requirement for residential projects and the reduction of the residential recreation space requirement to 5%. The final Order in this case has not yet been issued.

The Property is located in a Housing Priority Area (B). The Zoning Commission intention is to encourage the development of new housing in these areas. The project proposed here fulfills the goals of the DD District and the District's desire for a living downtown.

IV.
Description of the Project

The Project will consist of a residential apartment building with ground floor retail uses. The height of the Project will vary from 86 feet, five inches to 130 feet and from nine to fourteen stories with a FAR of 9.01. The Project will produce a total of 305,983 square feet of housing in 350 residential units, configured as efficiency apartments, one bedrooms, one bedrooms with den, two bedrooms and two bedrooms with den.

Due to the presence of the historic landmark buildings on the site, the Project is subject to design review by the District of Columbia Historic Preservation Review Board ("HPRB"). Over the last several months, the Applicant has worked closely with the

HPRB staff to design a structure which will be compatible with the existing landmark buildings and with the surrounding neighborhood. The current plans are the product of this process. The historic buildings will be restored and integrated into the Project and the new construction has been designed in accordance with the input of the HPRB. (See the HPRB Staff Report and Recommendation attached as Exhibit H.)

The Project is also subject to design review by the United States Commission of Fine Arts ("CFA"). The applicant has also been working with the CFA and has received a conceptual approval of the Project, which is attached as Exhibit I.

As part of the HPRB design review process, the height of the Project was modified from the original plans. The height of the Project will vary, reaching a maximum height of 130 feet along H Street, NW. The 3rd Street elevation will be 9 stories with a height of 86 feet, five inches. The 4th Street elevation, on the north section, will be 14 stories with a height of 130 feet. The 4th Street elevation, on the south section, will be 12 stories with a height of 114 feet, four inches. The south elevation, abutting the western half of Ford Alley, will be 12 stories with a height of 114 feet, four inches. The Project will include 315 parking spaces on 3 underground levels. Entrances to the parking levels will be accessed from Ford Alley. Loading docks will be accessed from both ends of the Subject Alley and will be located within the private, closed portion of the Subject Alley. The Subject Alley, if approved for closing, will remain open to a height of 14 feet as a gated, private passageway for ingress and egress of loading and service vehicles. A rooftop pool, landscaped courtyards, fitness center, library/meeting room and other recreational amenities will be provided. The architectural drawings are attached as Exhibit C.

V.
Relief Requested

A. Variance Relief from the Residential Recreation Space Requirement

The residential recreation space requirement of 15 percent of the residential area of the apartment building, or 45,897 square feet in the present case, cannot physically be met on the site. The project will provide 15,238 square feet (5%) of recreational space for its residents, of which 12,181 square feet will be outdoors.[1] However, the applicant believes that its tenants will choose to live in this building because of its proximity to the vast array of recreational and cultural activities available in the downtown.

As part of Case No. 00-30T, the Zoning Commission has orally approved an amendment to the DD District which would reduce the required residential recreation space to 5%, thereby obviating the need for this variance. However, the change is not yet "law". As the D.C. Office of Planning ("OP") stated in its report, dated January 25, 2001, to the Zoning Commission in Case No. 00-30T, downtown living does not require private recreation space as other areas might. In this report, OP stated several reasons in favor of reducing the residential recreation space requirement in the DD/C-2-C District south of Massachusetts Avenue.[2] Further, the tight nature of the site and the existence of

[1] The residential recreation space provided will total five percent of the total gross floor area devoted to residential use for the entire Project. The application is requesting a variance to provide this amount of recreation space for the entire Project, regardless of the outcome of the Subject Alley closing application. If the Subject Alley is not closed, the residential recreation percentages on the north and south portions of the Property will be 6.7% and 1.45%, respectively.

[2] Among OP's arguments in favor of a much lower requirement are that: (i) "numerous public recreational activities are already available downtown, especially south of Massachusetts Avenue."; (ii) " the "eyes on the street" concept of pedestrians and vibrant activity is weakened if residents primarily use private recreation space provided on the inside of buildings..."; (iii) "Provision of ground floor open space is prohibitively expensive where land costs are high."; and

Footnote continued on next page

the historic buildings make it economically infeasible to provide the required amount of residential recreation space.

The Property is also close to several public open spaces and public amenities, including MCI Center, Judiciary Square, Federal monuments and parks, and a growing number of restaurants and retail activities. The Project's proposed recreation space with a rooftop pool, a landscaped open courtyard, a fitness center, an internal gathering space and a library/meeting room, with a total of 15,238 square feet will be more than necessary for the needs of its tenants.

B. Variance from Floor Area Ratio Requirement

The Zoning Regulations would allow a maximum permitted floor area ratio (FAR) of 8.5 for the Project. The Project, as planned, requires a maximum FAR of 9.01.[3] Thus, an area variance of 0.51 FAR is requested. This modest increase is necessary to make the Project work financially and allow the applicant to bring additional housing units to the Downtown.

In addition to the reduction in residential recreation space mentioned above, as part of Case No. 00-30T, the Zoning Commission has orally approved an amendment to the DD District which would eliminate altogether the FAR requirement for residential

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Footnote continued from previous page

(iv) "...it could reduce the ability to provide ground level retail, which is important for street vitality and to provide necessary retail services. (pgs. 12-13.)

[3] If the Subject Alley is closed, the entire Project will require a maximum FAR of 8.81. However, if the Subject Alley is not closed, the northern portion of the Project will have a FAR of 9.01 and the southern portion will have a FAR of 8.81. Therefore, this application is requesting a FAR variance of .51, to allow for the construction of the northern and southern portions of the Project in the event of denial of the pending alley closing application.

projects in Housing Priority Area B and obviate the need for a FAR variance. In its report, OP stated additional FAR will have no noticeable impact on the exterior design or height of a project, yet will provide the additional square footage necessary to make a wholly residential project economically successful and further the District's goal of building more housing in the Downtown.

C. Variance Relief from the Lot Occupancy Requirement

The Zoning Regulations require that a structure in a C-2-C District have a maximum lot occupancy of 80%. The Project proposes a lot occupancy of 83%; thus, an area variance is requested.[4] The Property contains a small group of historic landmark buildings on its northeast corner. These historic landmark buildings will remain and be integrated into the Project. Over the past several months the Applicant has been working with the HPRB on the design of the Project. As part of this process, the new building has stepped back from the landmarks. Due to the landmarks, the Project must cover 83% of the Property in order to provide the required number of housing units to ensure economic viability.

This slight increase in the permitted lot occupancy percentage will not have an adverse effect on the light and air of surrounding buildings. Additionally, due to the presence of the Center Leg Freeway and the width of the streets surrounding the

[4] If the Subject Alley is closed, the entire Project will require a lot occupancy of 79.7%. However, if the Subject Alley is not closed, the northern portion of the Project will have a lot occupancy of 83% and the southern portion of the Property will have a lot occupancy of 72%. Therefore, this application is requesting a lot occupancy variance to allow for the construction of the northern and southern portions of the Project in the event of denial of the pending alley closing application.

Property, no structures will be impacted by this small lot occupancy increase. The net effect on light and air of surrounding properties of the combination of reduced height and increased lot occupancy will be much less than if the Project were built to its matter-of-right potential.

VI.
The Application Meets the Requirements for Variance Relief Under Section 3103.2 of the Zoning Regulations

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. Palmer v. BZA, 287 A.2d 535, 541 (D.C. 1972). As set forth below, the application meets the three-part test for area variance relief.

A. The Property is Affected by an Exceptional Situation or Condition

The Property is affected by exceptional conditions involving its location. It is burdened by the existence of the historic landmarks, its adjacency to the Expressway and to the very unattractive street interchange of the confluence of H Street, Massachusetts Avenue, 3rd Street and the Freeway. Square 529 is among a number of squares designated by the Zoning Commission to be included in the Housing Priority Area of the DD District.

The Property is located in the easternmost section of the DD District, an area in which residential development is strongly encouraged, yet remains economically challenging, relative to commercial development. It has been at least twenty years since a large residential structure has been constructed in this area, and it has been much longer since any large residential structure has been built in this area without considerable assistance from the District or other government agencies. If the goal of a "Living Downtown" is to be accomplished by private, unsubsidized development, a critical mass of housing is needed to give such private interests the incentive to invest in such an endeavor. If the desire of the District is to get the private market to respond to such opportunities, a critical mass of housing must exist. It is therefore important to provide a significant number of residential units in the Project to begin to achieve this critical mass which is so crucial to the future of the Downtown area. This particular area of the DD District, included in Housing Priority Area B, is particularly in need of quality residential development. The Property, as well as significant areas in surrounding squares, has remained vacant despite housing incentives created by the establishment of the DD District. The Property and many surrounding squares continue as parking lots, despite the strong economy, evidencing a unique and exceptional condition. Several properties in the vicinity have now-expired or long-pending PUD approvals. Significant residential development in this area has not yet been undertaken, requiring the granting of the variances requested herein in order to be completed.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

The lack of economic viability for a matter-of-right of residential project in the DD District created the exceptional practical difficulty for the Applicant. The Project would not be built as a matter-of-right without the requested zoning relief.

C. Relief can be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The granting of the variances for residential recreation space, FAR and lot occupancy can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan. The apartment building's FAR would be increased slightly to 9.01, lot occupancy will be only slightly above the maximum permitted percentage of 80%; and the recreational space proposed will be more than adequate for the tenants of the building. The external structure of the apartment building will not be materially affected by the increased FAR or decreased residential recreation space, thereby having little or no effect on the surrounding area. The lower requirement for residential recreation space will, in fact, encourage the desired street activity and use of the existing cultural and retail uses in the downtown. The addition of these apartment units will have a significant effect on producing the critical mass of housing desired in the Downtown area, as embodied in the Zoning Regulations and in the Comprehensive Plan.

VII.

The Application Meets the Requirements for Special Exception Relief Under Sections 3104 and 411.11 of the Zoning Regulations

A special exception is a use that is compatible with other uses in the same zoning district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with the enumerated requirements for special exception relief. If the Applicant meets the burden, the Board ordinarily must grant the application. Washington Ethical Society v. D.C. Board of Zoning Adjustment, 412 A.2d 14 (D.C. 1989); Stewart v. D.C. Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973).

Under Section 411.3 of the Zoning Regulations, all rooftop mechanical equipment shall be placed in one (1) enclosure and shall be set back from the roof line a distance equal to its height. Pursuant to Section 411.11, where impracticable because of the size of the building lot or other conditions relating to the building that would make full compliance with Section 411.3 unduly restrictive or unreasonable, the Board is empowered to approve the number and location of roof structures; provided, that the intent and purpose of the Zoning Regulations shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

Due to the size, shape and varying heights of the Project, it would be unduly restrictive and unreasonable to be required to provide only one rooftop mechanical penthouse and to meet all the required setbacks. The Project proposes locating rooftop mechanical penthouses as detailed in the building plans. The Project will be built on a lot which is approximately 39,527 square feet and will be built in an J-shaped configuration.

Additionally, proposed heights of the Project vary for different portions of the Project - a result of design revisions suggested by the HPRB. Due to these factors, it is necessary to include multiple roof penthouses in particular locations to adequately service the mechanical needs of the Project.

Because the roof structures will be spread evenly on the large rooftop area of the Project, the intent and purpose of the Zoning Regulations in regulating the relative size of mechanical penthouses would not be impaired by the provision of three structures. Also, as indicated above, the Project will, for a portion of the building, be lower than the matter-of-right height and will not be in close proximity to adjacent buildings, and therefore will not adversely affect the light and air of surrounding properties. Finally, pursuant to Section 3104.1, the provision of three rooftop structures as located per the plans will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

VIII.
Community Outreach

The Applicant has had several meetings with interested community leaders and groups, including Advisory Neighborhood Commission 6A, the District of Columbia Historic Preservation League, Ward 6 Councilmember Sharon Ambrose, The Downtown Cluster of Congregations, The Downtown Housing Now Committee and the Downtown Business Improvement District, as well as adjacent property owners.

IX.
Comprehensive Plan

The Project is consistent with and fosters the goals and policies stated in the elements of the District of Columbia Comprehensive Plan, ("Comprehensive Plan") D.C. Law 12-275, 10 DCMR (Planning and Development)(1998), particularly those within the Downtown Plan Element, which focus on establishing a "Living Downtown" and the generation of additional housing in the Downtown area; and the Land Use Map, which designates the Property for high density uses.

X.
Exhibits in Support of Application

Exhibit A: Portions of the Sanborn Maps showing the Property outlined in red.

Exhibit B: Portion of the Zoning Map showing the Property outlined in red.

Exhibit C: Plans for the Project.

Exhibit D: Photographs of the Project Area and the Surrounding Area.

Exhibit E: Outline of testimony of John Sunter, Clark Realty Capital, LLC (contract purchaser).

Exhibit F: Outline of testimony of Sami Kirkdil, SKG Architects, Project Architect.

Exhibit G: Resume of Sami Kirkdil, SKG Architects.

Exhibit H: HPRB Staff Report and Recommendation for the Project.

Exhibit I: CFA Conceptual Approval Report for the Project.

XI.

Conclusion

For all of the above reasons, the Applicant is entitled to variance and special exception relief in this case.

Respectfully submitted,

SHAW PITTMAN

By: Phil T. Feola/bymps 4/24/01
Phil T. Feola

By: Martin P. Sullivan 4/24/01
Martin P. Sullivan

Document #: 1099908 v.5

BZA Form 2
(Revised 7/17/95)

Docket No. 16610

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION

NOTE: See reverse side of this form for filing instructions, filing fees and information required by the Board

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DO NOT MAIL **DO NOT MAIL**
TO THE BOARD OF ZONING ADJUSTMENT

Pursuant to Sections 3103 and 3104 of the Zoning Regulations of the District of Columbia, an application is hereby made for the following action: a variance from residential recreation space requirement (773.3); a variance from lot occupancy requirement (772.1); a variance from FAR requirement (771.2), or in the alternative a variance from Section 199.1 (*floor area ratio* definition) to allow two unconnected phases of the project, on two separate lots, to be considered as one for FAR purposes; a special exception to permit the construction of two mechanical equipment roof enclosures (411.3), which is provided for by Section(s) 773.3, 772.1, 3202.3, and 411.3 of the Zoning Regulations.

Premises affected are located at 300 Massachusetts Avenue, NW (southwest corner of 3rd and H), (street address)

Lot(s) 821, 829, 835-838, 840, 841, 844, 9, 21-25, 30-33, 811-817, 820 Square(s) 529,

in the District of Columbia, in Zoning District DD/C-2-C.

Present use of Property: Vacant, Parking Lot, Abandoned Buildings

Proposed use of Property: Residential Apartment Building.

Owner of Property: The Jerome S. and Grace H. Murray Foundation; Dr. Yick Chan; Mazza Family DC, LLC; Robert H. Weiner, Joseph E. Rabin and Gertrude B. Rabin.

Address of Owner: c/o Clark Realty Capital, LLC, Attn: John Sunter, 500 Old Georgetown Road, Bethesda, MD 20814.

State briefly the bases for action sought: requesting variances and a special exception to enable the construction of a 14-story residential apartment building in the Downtown Development District.

Date: 1/31/01 Signature: Phil T. Feola /by MBC
(Applicant)*

*The owner of the property for which application is made or his/her authorized agent may file an application. In the event an authorized agent files an application on behalf of the owner, the notice of application shall be accompanied by a letter signed by the owner authorizing the agent to act on his behalf in this appeal.

TO BE NOTIFIED OF HEARING AND DECISION:

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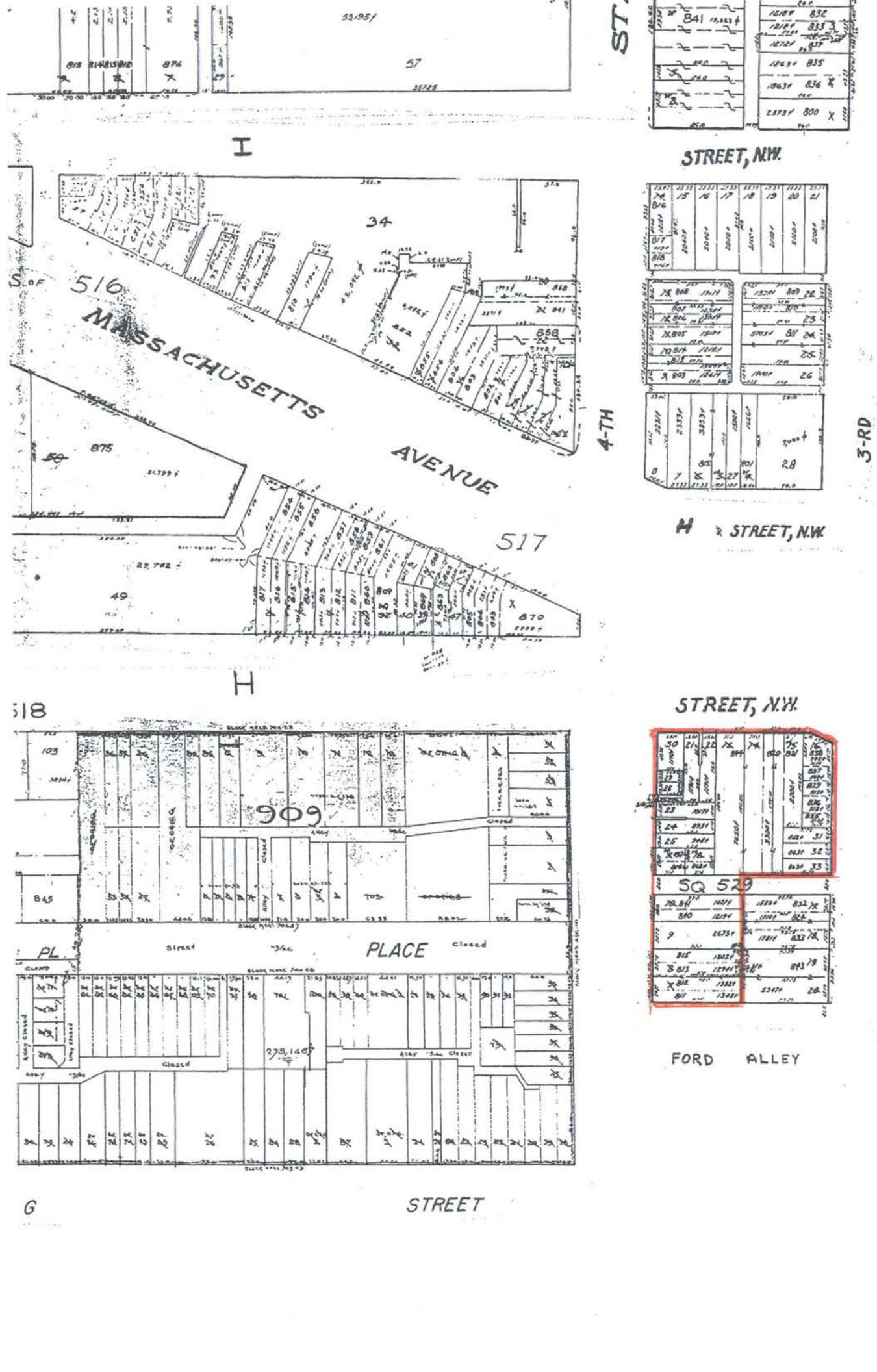
Name: Phil T. Feola, Shaw Pittman

Address: 2300 N Street, NW, Washington, D.C.

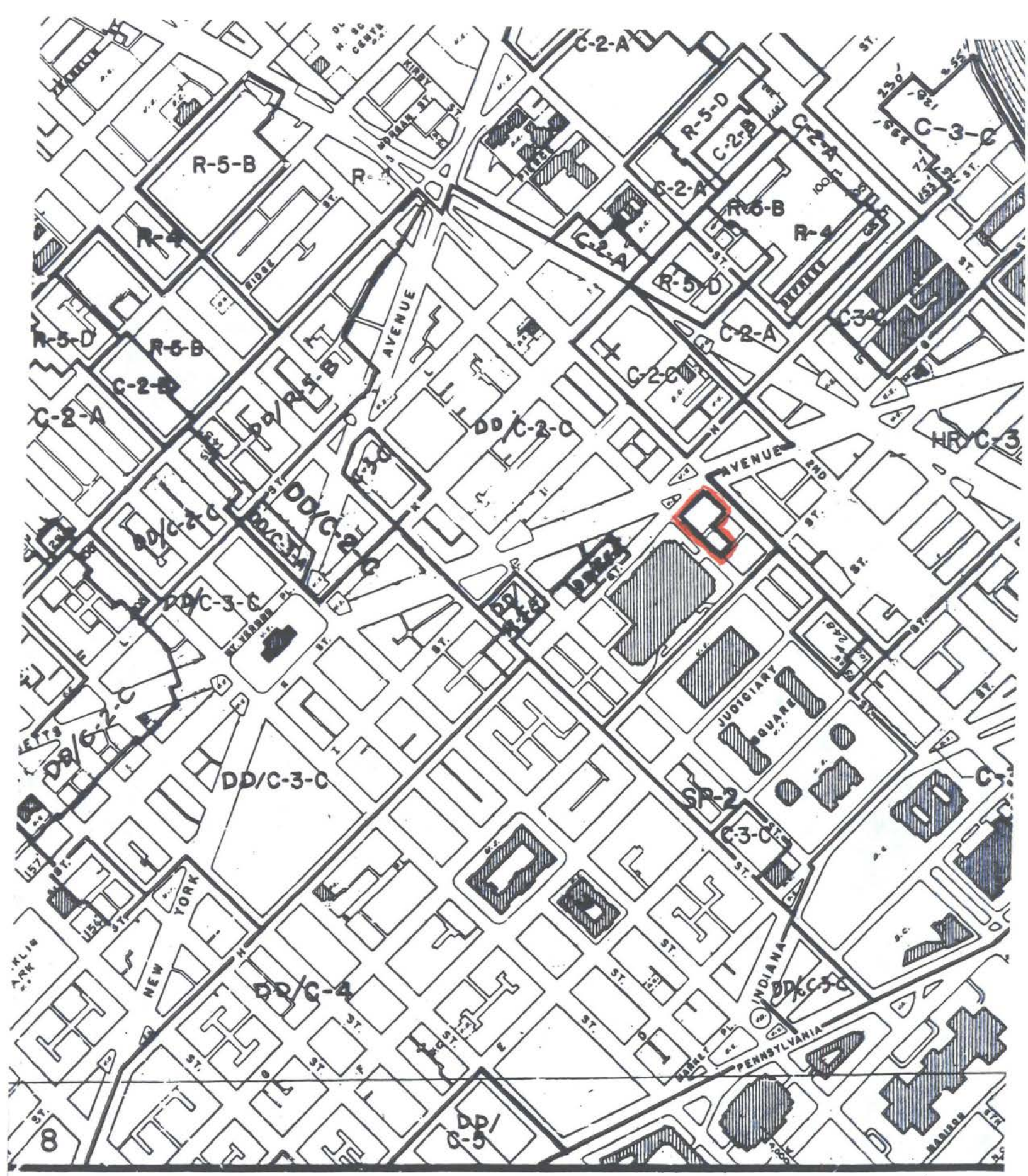
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ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

A


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STREET





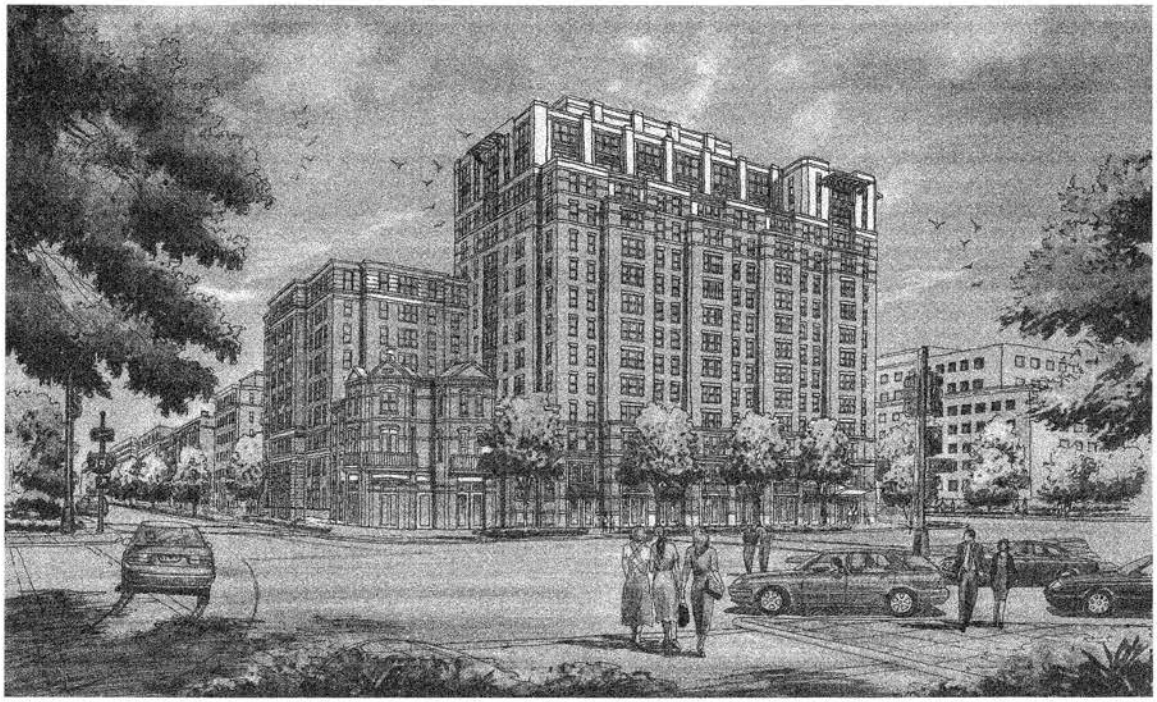
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MAP

TION 5

EXHIBIT B

C



Perspective from Mass. Ave - H Street

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

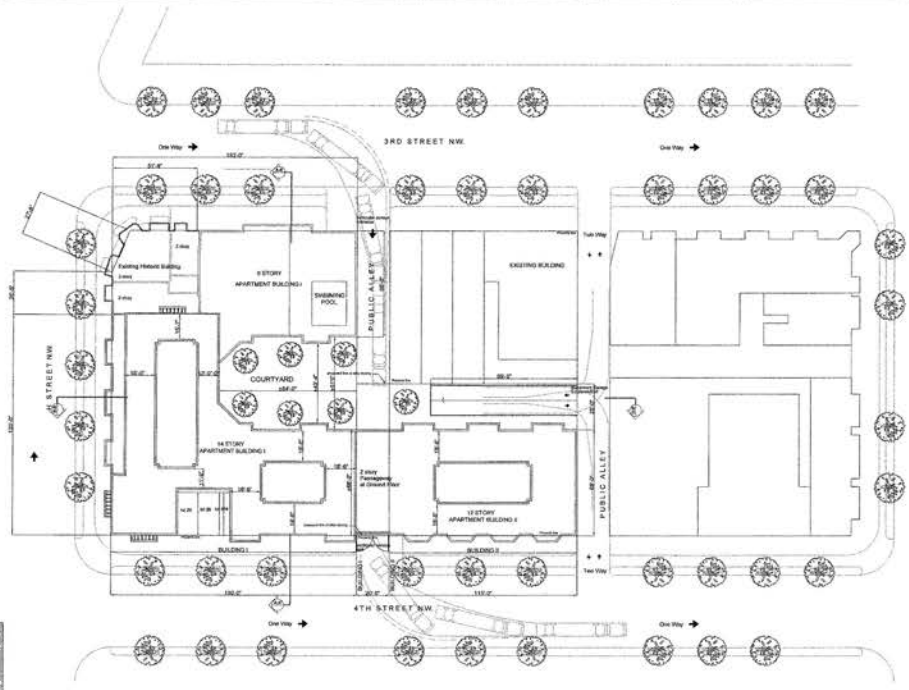
WASHINGTON, D.C.

Clark Realty Capital, LLC

SKD Associates & Partners, LLC

A 1

date 10.24.01



SITE DEVELOPMENT PLAN



Area Plan

A R E A S U M M A R Y													
	Existing Zoning	SITE AREA (SF)	MAXIMUM FAR ALLOWED (SF)	GROSS FLOOR AREA PROVIDED (SF)	FAR PROVIDED	NET FLOOR AREA PROVIDED (SF)	RETAIL / COMMERCIAL AREA (SF)	RESIDENTIAL APARTMENT AREA (SF)	PARKING AREA (SF)	LOT OCCUPANCY ALLOWED	LOT OCCUPANCY PROVIDED	PUBLIC SPACE REQUIRED	PUBLIC SPACE PROVIDED
Building I - North Parcel including historic bldg	DOD-2/C	24,515 SF	6.5 FAR or 159,350 SF	156,207 SF	6.50 - OR 143,227 SF	222,894 SF	16,700 SF	206,194 SF	72,000 SF	21,012 SF OR 80% OF SITE	20,500 SF OR 83% OF SITE	TOTAL - 20,404.20 SF OR 100% OF TOTAL GFA EXTERIOR - 16,342.2 SF OR 80% OF TOTAL	TOTAL - 14,915.7 SF or 5.7% of total GFA INTERIOR - 5,572.5 + EXTERIOR - 12,842.5 SF
Building II - South Parcel	DOD-2/C	15,000 SF	6.5 FAR or 97,500 SF	94,200 SF	6.50 - OR 92,994.8 SF	90,667 SF		89,662 SF	62,744 SF	15,000 SF OR 80% OF SITE	7,712 SF OR 73% OF SITE	TOTAL - 12,360.0 SF OR 100% OF TOTAL GFA EXTERIOR - 9,840.0 SF OR 80% OF TOTAL	TOTAL - 1,200.0 SF or 12% of total GFA 12,720.0 SF - 1,200.0 SF
Alley Parcel to be vacated	DOD-2/C	1,800 SF	6.5 FAR or 10,800 SF	12,800 SF	6.50 - OR 12,800.0 SF	11,700 SF		11,700 SF	5,700 SF		1,800 SF OR 100% OF SITE	TOTAL - 1,800.0 SF OR 100% OF TOTAL GFA EXTERIOR - 360.0 SF OR 80% OF TOTAL	
TOTAL		39,315.0 SF	256,327.0 SF	267,615.0	6.80 - OR 349,885.0 SF	316,261.0 SF	16,700.0	307,556.0	112,356.0	41,625.0 SF	29,300.0 SF or 73.7% of SITE	TOTAL - 32,289.0 sf or 12% of total GFA	TOTAL - 16,238.0 sf or 4.4% of total GFA

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

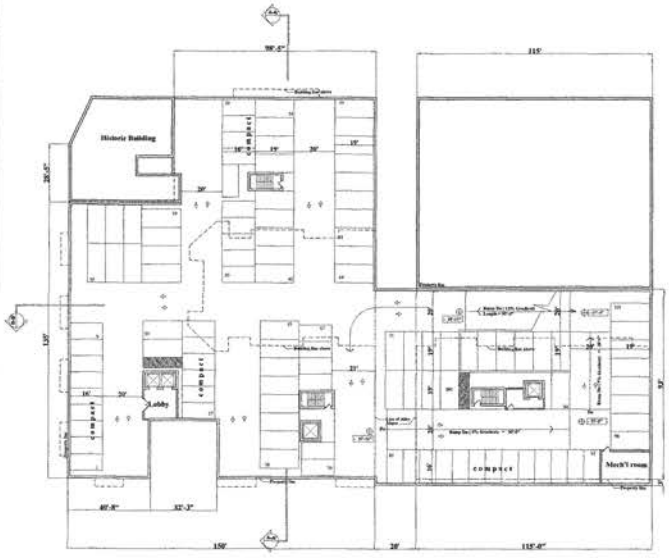
SCALE: 1" = 80'

Clark Realty Capital, LLC

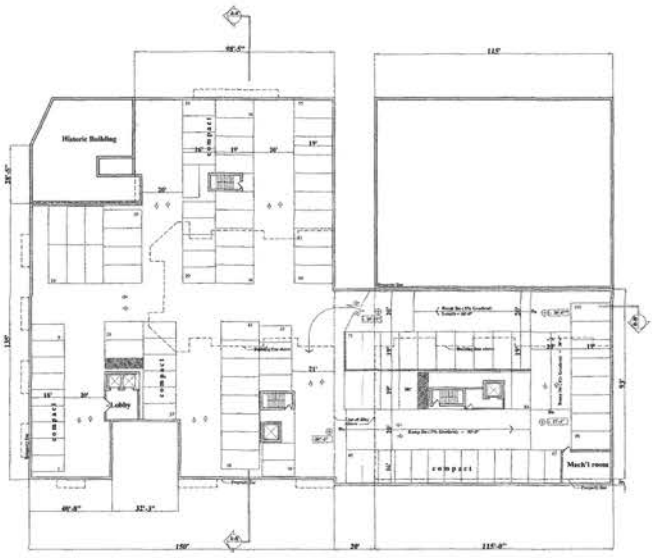
SKG Architects & Planners, LLC

A 2

DATE 04.20.01



Garage Plan - Level G1



Typical Garage plan - Level G2 & G3

GARAGE GROSS FLOOR AREAS	
LEVEL	SF
G1	37,355.0
G2	37,355.0
G3	37,355.0
TOTAL	112,065.0

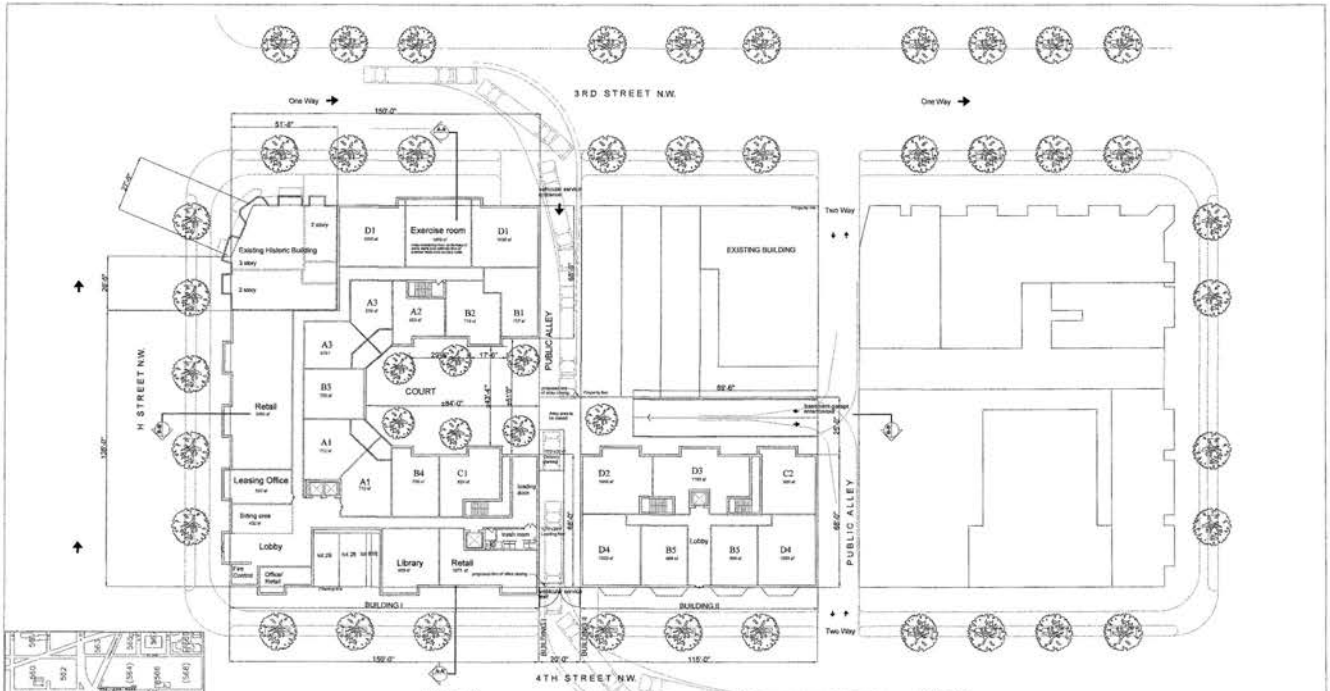
PARKING SUMMARY				
LEVEL	STANDARD	HANDICAP	COMPACT	TOTAL
G1	59	2	44	105
G2	59	2	44	105
G3	59	2	44	105
TOTAL	177	6	132	315

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC | SKG | A 3 | DATE 04.29.01



Area Plan

First Floor Plan

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

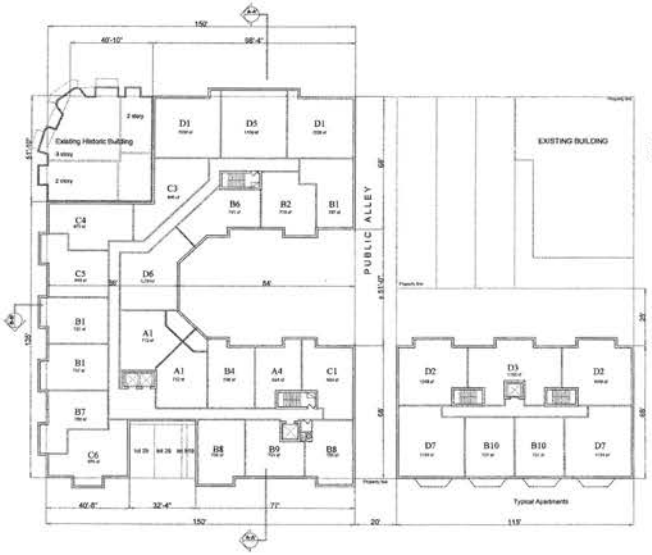
Clark Realty Capital, LLC

SKG Architects & Planners LLC

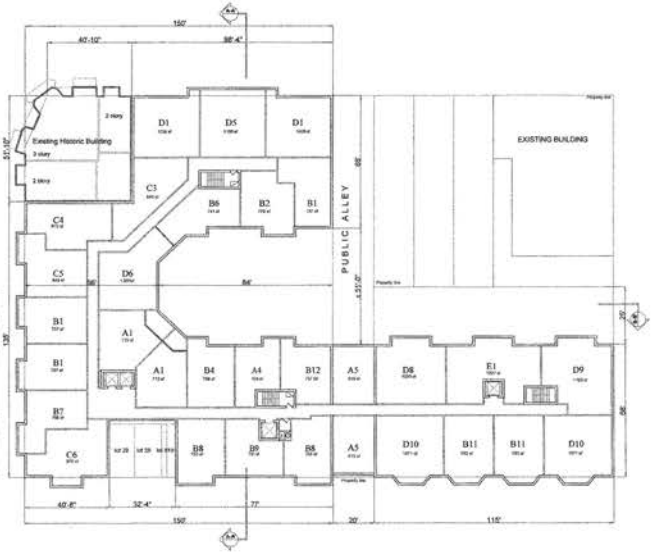
A 4

04.20.01

Unit Provisions						
Unit Type	Type A Studio	Type B 1 br + 1 bath	Type C 1 br + 1 den + 1 ba	Type D 2 br + 2 ba	Type E 2 brms + 1 den + 2 baths	Total Units Provided
average sf/unit	712 sf	603 sf	570 sf	624 sf	619 sf	
BUILDING 1 - North block	46	124	46	32	8	256
BUILDING 2 - South block		24	1	49	10	84
Building over Alley	20					20
Total Provided	66	148	47	81	18	360
Total Provided	18%	41%	13%	23%	5%	



2nd Floor Plan



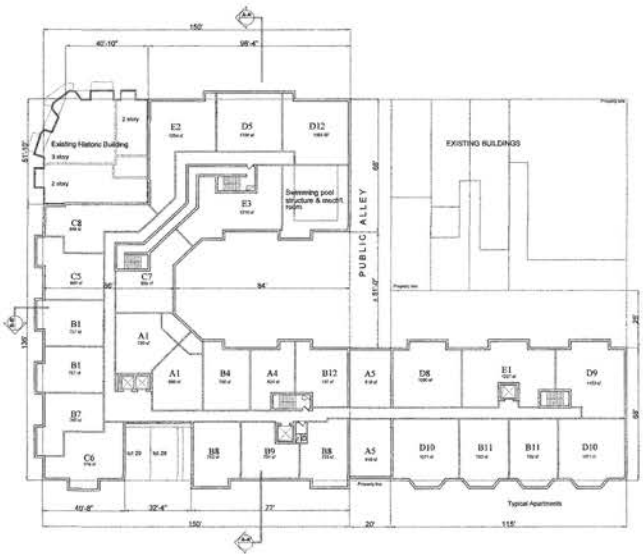
3rd to 8th Floor Plan

MASSACHUSETTS COURTS

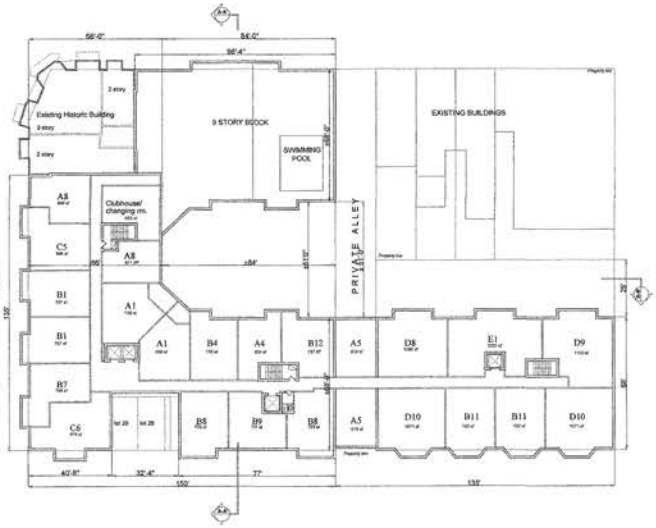
Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC | SKG | A 5 | 04.20.01



9th Floor Plan



10th Floor Plan

MASSACHUSETTS COURTS

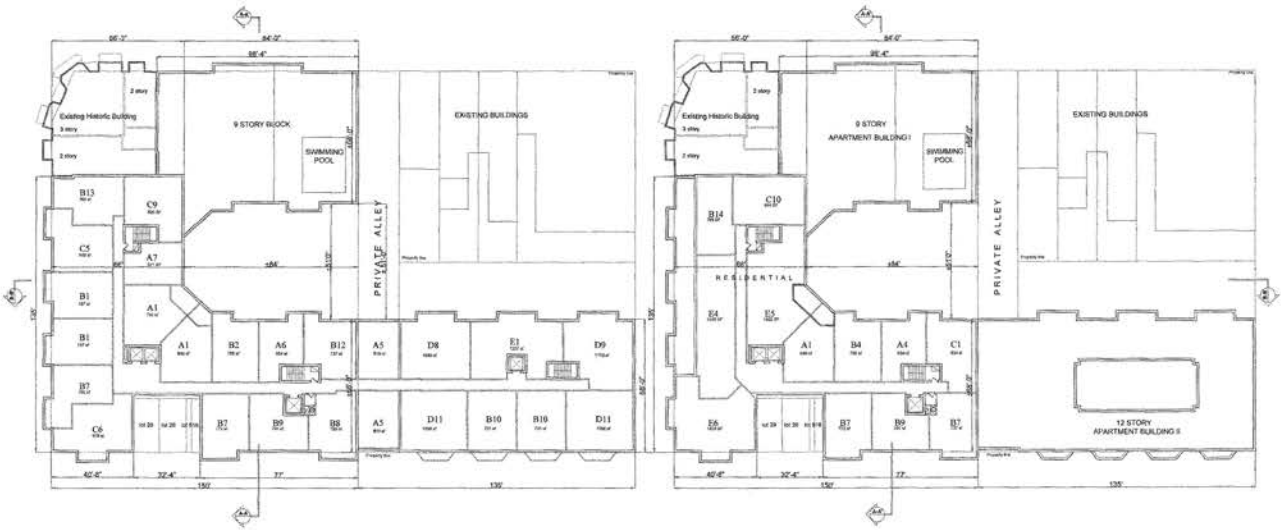
Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG

A6



11th & 12th Floor Plan

13th & 14th Floor Plan

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

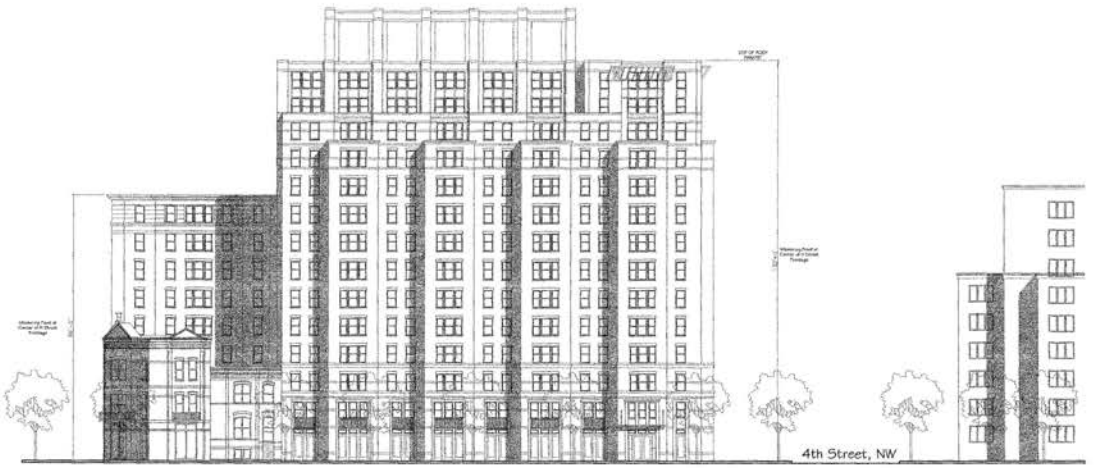
WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG Architects & Planners, LLC

A7

DATE 04.25.01



Elevation - H Street

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, DC.

Clark Realty Capital, LLC

SKG

A8



Elevation - 4th Street

MASSACHUSETTS COURTS

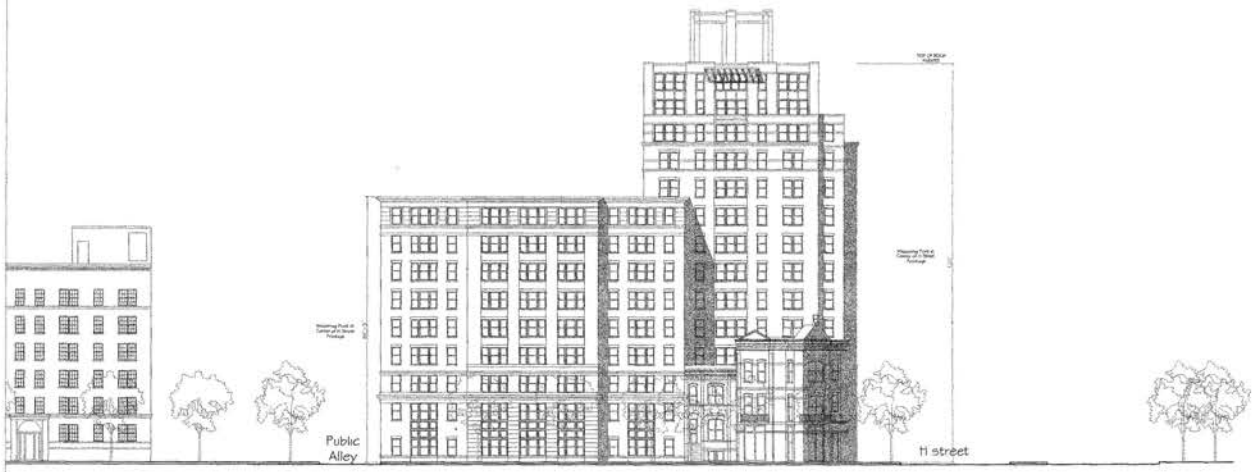
Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG

A9



Elevation - 3rd Street

MASSACHUSETTS COURTS

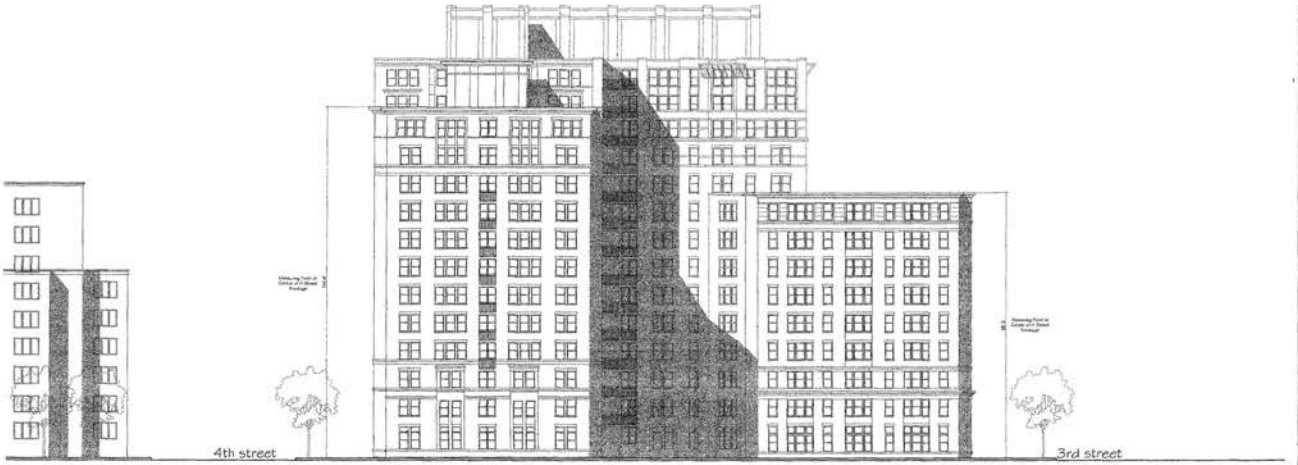
Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG

A 10



South Elevation at Public Alley

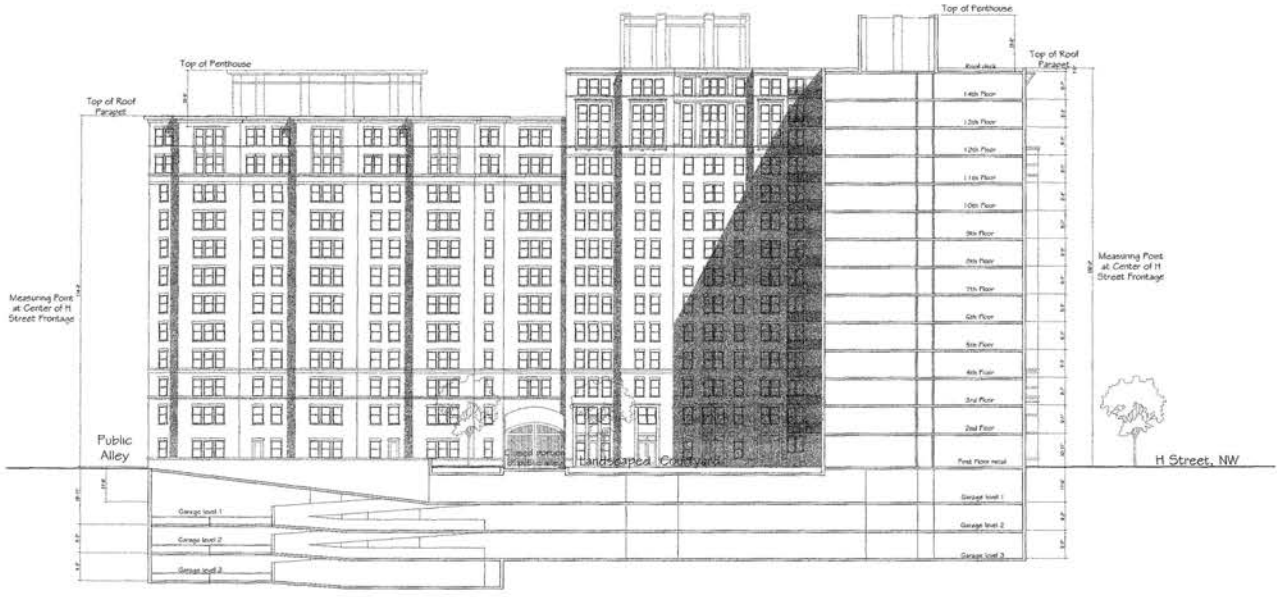
MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC | A 11

SKG | 04.29.11



Section A-A

MASSACHUSETTS COURTS

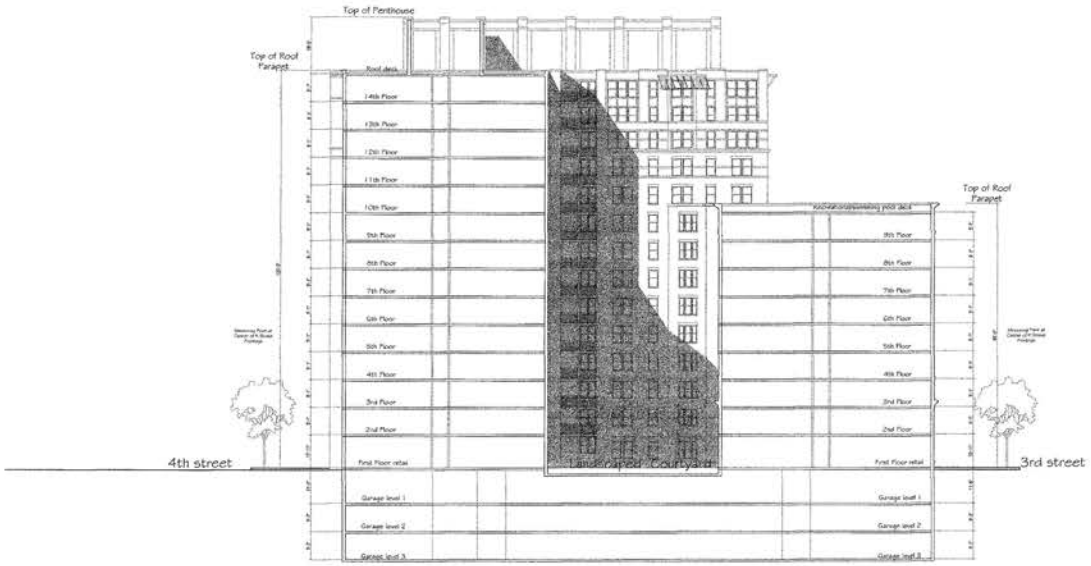
Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG Architects & Planners, LLC

A 12



Section B-B

MASSACHUSETTS COURTS

Square 529-Mass. Ave. & H Street

WASHINGTON, D.C.

Clark Realty Capital, LLC

SKG

A 13





FORD ALLEY, FACING EAST



**U.S. GENERAL ACCOUNTING OFFICE BUILDING,
WEST OF SITE**



FACING NORTHWEST, ACROSS H STREET



FACING NORTH, ACROSS H STREET
AND MASSACHUSETTS AVENUE





FACING NORTHWEST, ACROSS MASSACHUSETTS AVENUE



OUTLINE OF TESTIMONY OF JOHN SUNTER; VICE-PRESIDENT, CLARK REALTY CAPITAL, LLC

I. Introduction

II. Description of the Project

III. Relationship with the Community

IV. Conclusion

Document #: 1107107 v.1

F

OUTLINE OF TESTIMONY OF SAMI KIRKDAL; ARCHITECT, SKG ARCHITECTS

I. Introduction

A. Sami Kirkdal; Architect, SKG Architects

B. Experience in the District of Columbia and other Residential Projects

II. Description of the Proposed Project

III. Variances and Special Exception Requested

IV. Conclusion

Document #: 1107095 v.1

Sami Kirkdil, AIA

President
SKG Architects and Planners, LLC

Mr. Kirkdil has been practicing architecture for 20 years. He is a leader in the creation of innovative housing typologies, and directs a residential design practice both high-density and low-density housing communities. His ability to relate architecture to the economics of building and to the marketability of design solutions has been the key to his success. Mr. Kirkdil's designs have received both local and national awards, attesting to his understanding of the relationship between the built form, the community and his focused leadership in the residential marketplace. His expertise spans the design of both new and renovated housing, incorporating full understanding of Fair Housing, ADA, and other pertinent Code requirements. Mr. Kirkdil currently serves on the AIA Housing Committee and as a Finest for Family Living judge.

Along with his experience in housing, Mr. Kirkdil has designed successful institutional buildings, commercial buildings, office buildings, and mixed-use projects.

Mr. Kirkdil is the founding partner of **SKG Architects and Planners**. He was with Torti Gallas - CHK for 17 years, where he was a Principal and Director of the Residential Design Studio. He left CHK in 1999 to form SKG with his two partners.

Mr. Kirkdil's project experience includes:

- **Manhatten:** Hi-rise upscale condominium, NW Washington, D.C.
- **Woodmont**: Hi-rise upscale condominium, Bethesda, MD.
- **Edgemoor Condominiums:** Hi-rise upscale condominium, Bethesda, MD.
- **Capitol Hill Towers:** Hi-Rise residential, NE Washington, D.C.
- **Virginia Center:** Rental elevator apartments, Fairfax, VA.
- **Alexan:** Rental apartments, Alexandria, VA.
- **The Alexander House Apartments**: Silver Spring, MD.
- **Strathmore Courts**: H.O.C Montgomery County, MD.
- **King Farm Condominium:** Residential condominiums, Rockville, MD.
- **Walter E. Washington Estate Town Homes:** Crawford, Edgewood Management, Washington, D.C.
- **Bolling Air Force Base Military Family Housing:** Washington, D.C.
- **Kemer Country**: Phase IV of an existing luxury residential community, Istanbul, Turkey.
- **Montgomery Lane**: Luxury town homes, Bethesda, MD.
- **Avalon at Arlington Ridge**: Mixed income neighborhood apartments, Arlington, VA.
- **Stratford Courthouse and Sratford Court**: Low-rise and hi-rise residential, Reston, VA.
- **Parc Somerset:** Luxury condominiums, Chevy Chase, MD.
- **Boston Street Apartments:** Hi-rise residential and town homes, Baltimore, MD.
- **Crescent at Worldgate**: Low-Rise apartments
- Fairfax, VA.
- **Woodlea Mill Development**: Single family homes, McLean, VA.
- **Tysons Village**: 2-over-2 condominiums, Tysons Corner, VA.
- **Old Town Green**: 2-over-2 town homes, Alexandria, VA.
- **Whittier Park**: Town homes, Falls Church, VA.
- **Hudson Pointe**: Residential, Jersey City, NJ.
- **Millbrook II:** Town homes and garden apartments, Alexandria,VA.
- **Portner's Landing:** Urban mixed-use residential Reston, VA.
- **Montgomery College High Technology Science Center:** Germantown, MD.
- **Frederick Community College Learning Resources Building:** Frederick, MD
- **1919 South Eads Street Office Building:** Arlington, VA.
- **Arlington Courthouse Plaza**: Arlington, VA.
- **North Village Revitalization:** Town homes, 7 and 6-plex buildings, and 2-over-2 units.
- **Town Center Triangle Garden Apartments**: Columbia, MD.
- **Forest River Apartments**: Salem, MA.

H

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Landmark/District:	**Germuiller Row**	(x) Agenda
Address:	**748 3rd Street, NW; 300-02 H Street, NW**	( ) Consent Calendar
Meeting Date:	**April 26, 2001**	( ) Alteration
H.P.A. Number:	**01-144 (revised)**	(x) New Construction
Date Received:	**3/26/01**	(x) Conceptual Design
Staff Reviewer:	**David Maloney**	(x) Subdivision
	Nancy Kassner	

Clark Realty Capital and Sami Kirkdil of SKG Architects return to the Board for conceptual review of development plans for Germuiller Row and the adjacent properties on 3rd, 4th, and H Streets, NW. The project involves rehabilitation of Germuiller Row, subdivision of the properties to create a single developable lot, and construction of more than 300 apartments in interconnected buildings.

In February, the Board requested that the applicant study the massing, vehicular entrances, and façades of the new buildings in order to improve their relationship to the landmarks and the streetscape. The Board also recommended that archaeological research and testing be conducted prior to construction on the site.

Germuiller Row and Adjacent Context
Germuiller Row is composed of three buildings at the corner of 3rd and H Streets, NW—a large corner building built in 1890 as a corner drug store with apartments, and two flanking bay-fronted houses. The corner building is three stories and rises to 40 feet. The H Street rowhouse, built in 1888, is two stories and 29 feet high, and the 3rd Street rowhouse, built in 1891, is two stories and 23 feet high.

To the south of the project is a mixture of 19th and early-20th century buildings. Proceeding south on 3rd Street, there is a 6-story 1928 apartment house at 65-1/2 feet, and measuring about the same height, the five-story Harrison Apartments (the city's oldest extant apartment house, constructed beginning in 1888, and a historic landmark). The landmark Old Adas Israel temple, at two stories, sits opposite the Harrison. On 4th Street, the most notable of a collection of smaller buildings is the four-story El Caser apartments from 1926. The massive General Accounting Office (a National Register property) occupies the west side of 4th Street.

Revised Conceptual Plans
Clark Realty has made significant revisions to the plans in response to the Board's comments. As before, the new apartment house would be a maximum of 14 stories and 130 feet in height, in a U-shaped configuration, with frontages on all three streets. The 3rd Street wing, however, has been reduced to nine stories (or about 83 feet), and the cylindrical element rising behind Germuiller Row has been eliminated. The Germuiller Row buildings would still be rehabilitated as separate structures. The nine-story wing to their south is designed to give the illusion of a separate building.

On 4th Street, the new apartment buildings have been connected by a bridge across the alley, and the wing south of the alley has been raised to nine stories (although not reflected in the submitted plans, this may be revised). As on 3rd Street, the component sections of the project are designed to give the illusion of separate buildings. The main entrance would remain at the corner of 4th and H Streets, with a secondary entrance on 4th Street south of the alley.

While this new layout involves closing a portion of the bridged alley, the closed section is to remain as vehicular space for service to the buildings. Parking ramps are also reconfigured so that all vehicles enter from the second alley at the south end of the project.

Facades are similar to those shown previously to the Board, with some adjustments particularly at the ground level, where the floors are brought to grade to allow for storefronts. Fenestration patterns, trim, and coloration have also been refined.

Evaluation

The revised project represents a successful response to the Board's previous comments. Most importantly, the changes in massing make the new construction far more compatible with the landmark structures. Germuiller Row now appears to be a component part of a varied streetscape, rather than an appendage to a single large complex. The 83-foot building on 3rd Street establishes a context not dissimilar to the combination of Victorian rowhouses and early-20th century apartment houses (typically 85 or 90 feet high) that is common in historic neighborhoods like Dupont Circle or Kalorama. This 83-foot building also establishes an intermediate scale between the smaller landmarks and the apartment tower.

The changes in vehicular access are also improvements, taking advantage of the existing alley network to accommodate cars and trucks discreetly. The façade refinements are also welcome and establish a firm basis for further development. Façade designs can be easily extended to include the lots not yet acquired on 4th Street.

Archaeological Investigations

In response to the Board's request for archaeological research and testing, the applicant contacted staff for a list of archaeological consultants to perform that work. After receiving two scopes of work, staff met with the applicant to review them, make suggestions, and to discuss the archaeological process as a whole. The applicant has submitted a revised scope of work based on our discussions and, at this time it is up to the applicant to hire a consultant.

Staff would like to commend the applicant for being very responsive to the HPRB's recommendation, and for consulting with staff to ensure that the archaeological work will be conducted according to the Guidelines for Archaeological Investigations in the District of Columbia, 1998.

Recommendations

The staff recommends that the Board find the subdivision appropriate, and the conceptual plans compatible with the character of Germuiller Row in terms of massing, layout, and general architectural direction.

The staff recommends that the applicant continue archaeological investigations pursuant to staff consultation.

The staff also recommends that the applicant continue to develop the facades for review in the design development stage, along with plans to rehabilitate the landmark buildings in accordance with the Secretary of the Interior's Standards for Rehabilitation.



GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

RECEIVED
FEB 2 2001
COMMISSION OF FINE ARTS

RECEIVED BY

Date ____/____/____

Filing Date 1-31-01

Staff

TRANSMITTAL LETTER - COMMISSION OF FINE ARTS

TO: **The Commission of Fine Arts**

☒ **Concept** ☐ **Final**

The Accompanying application HPA No. _____ and SD No. 01-024 is referred for considerations and appropriate action in accordance with the provisions of D.C. Law 2-144. The Historic Landmark and Historic District Protection Act of 1978 and in accordance with the following Act(s):

( ) The Old Georgetown Act, Public Law 808, 81st Congress
(✓) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
4th & E "A" St, NW	Multi Lots	529

Complies with the D.C. Zoning Regulations

Concept DD/C-2-C 1/31/01
for Zoning Division

The submitted documents were checked for general compliance of the exterior features with the D.C. Construction Codes: No objections to filing with CFA. This clearance does not constitute an approval for building permit.

1/31/01
Structural Section

Cleared to file with CFA by Permit Service Center

Permit Service Center

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144.

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

Recommendation: See attached Letter.

J. Carter Brown, Chairman

Date 20 MARCH 01

White=PPD Canary=HPD Pink=Record

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

20 March 2001

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

S.L. 01-024	4th and H streets, NW Massachusetts Courts Clark Realty Capital	New 14 story and new 7 story apartment buildings. Concept.

SQUARE - 529 LOTS - Multiple lots in northern portion of square

RECOMMENDATION: No objection to concept design for a new 14 story apartment building with ground level retail space on H and 4th streets, and the preservation of 3 historic structures at the corner of H and 3rd streets, and a new 7 story apartment building on 4th Street as shown in supplemental drawings received and dated 19 March 2001. File new concept submission for design development, including all elevations, details and materials samples for review by the Commission when ready. (Previously seen: CFA 15 February 2001).

Jeffrey R. Carson
Assistant Secretary