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## **VIA HAND DELIVERY**

Zoning Commission of the District of Columbia  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

**Re: Zoning Commission Case No. 06-46B  
Application of Half Street Residential PJV, LLC (the “Applicant”)  
Post-hearing Submission**

Dear Members of the Commission,

In response to comments raised by the Commission during the May 28, 2015, public hearing, and to comments and requests included in reports provided by the District of Columbia Office of Planning (DCOP) and District Department of Transportation (DDOT), we submit the following information and revised drawings. The information provided below addresses the questions / recommendations made by DCOP and/or DDOT regarding:

- Location of the second floor retail lobby at Half Street and Monument Place;
- Scope of the potential hotel use;
- Access to bike parking from residential uses;
- Percentage of ground floor devoted to preferred uses under hotel development scenario;
- Streetscape design for Half Street; and
- Design of Monument Place and Cushing Place.

**ZONING COMMISSION**  
**District of Columbia**  
CASE NO. 06-46B  
EXHIBIT NO. 21  
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In addition, the information below addresses the request made by the Applicant at the public hearing for variance relief from the 75% maximum residential lot occupancy requirement for the second level of the proposed building, and from the upper-level building setback requirement along Half Street to permit balconies within the previously approved 12-foot setback. This request is not a result of any changes made to the proposed plans that were presented to the Zoning Commission, DCOP, DDOT, or Advisory Neighborhood Commission 6D (the “ANC”), the ANC within which the project is located. Rather, the request is of a technical nature that the Applicant has decided to seek out of an abundance of caution to ensure all potential areas of relief are obtained prior to seeking permits for the project.

For the convenience of the Commission, and for administrative efficiency, the revised set of architectural drawings submitted with this post-hearing submission shall replace all previous sets of drawings, and reflects the following:

- Modifications to the proposed roof plan to include indoor accessory recreation space not exceeding 20% of the roof area devoted to exterior accessory recreation space, and additional detail requested by the Commission with regard to the proposed roof plan, including sections;
- Revised conceptual streetscape plan to reflect comments made by the Commission and DDOT during the public hearing;
- Additional detail on the design of Monument Place and Cushing Place., including perspective renderings; and
- An adjustment to the second level floor plan and zoning tabulation table to correct an error included in the plans submitted prior to the public hearing. The adjustment made to the second level floor plan aligned the N Street façade with the first level façade, where previously it was slightly recessed. This alignment was already reflected in the previously submitted building sections, elevations, and renderings; and therefore, does not change the exterior design of the building that was presented to the Zoning Commission at the public hearing. This adjustment resulted in a modest increase in overall gross floor area of 1,200 square feet which is reflected in the zoning tabulation table included on Sheet D1 of the revised set drawings attached hereto.

The information provided in this post-hearing submission was sent via hand delivery on June 15, 2015, to DCOP, DDOT, and Advisory Neighborhood Commission 6D.

### **Roof Plan**

At the public hearing, the Commission noted that under the existing Zoning Regulations, the Applicant could, if desired, provide an amount of interior roof top accessory recreation space that, by current interpretation, does not exceed 20% of the total area devoted to exterior roof top accessory recreation space. At the conclusion of the hearing, the Applicant expressed its desire to modify the proposed roof plan and submit it as part of its post-hearing submission. As shown in the revised set of drawings attached hereto, the roof plan includes a modest amount of interior accessory recreation space within the proposed penthouses. As indicated in the tabulation shown on Sheet A4 of the revised drawings, the interior recreation space amounts to approximately 3,600 square feet, or 17.2% of the roof area devoted to accessory recreation space. As a result of the modifications made to the roof plan to include the interior accessory recreation space, the footprint of the four proposed roof structures increased in size. As can be seen on Sheet A5 of the revised drawings, despite this increase, the extent of noncompliant roof structure setback is consistent with what was presented at the public hearing, and remains limited to the small portion of the south elevator core that is not set back from the wall of the open court facing Cushing Place.

The Commission also requested additional detail regarding the roof plan design, including section drawings that clearly show proposed setbacks from the edge of the roof. This additional detail has been prepared by the Applicant and is included on Sheets A4 – A5, A9 – A10, and L4 of the revised drawings.

### **Location of second-level retail lobby at Half Street and Monument Place**

In its report dated May 18, 2015, DCOP recommended relocating the second-level retail lobby entrance proposed at the corner of Half Street and Monument Place to the south or east. The basis for the recommendation was “to allow a more active use to enliven the corner and complement the retail space across Monument Place to the north. Subsequent to the public hearing, the Applicant and its design team revisited the location of the proposed entrance and thoroughly studied possible alternatives. This information was presented to DCOP at a meeting held on June 8, 2015.

Upon further study, the Applicant believes the relocation of the entrance further south along Half Street would more negatively impact the success of Half Street as an active pedestrian oriented street as required by the provisions of the CG Overlay. Shifting the entrance southward would create a break in the ground floor retail activity that will occur south of Monument Place, especially when experienced by visitors approaching from the north from the Metrorail station. While the proposed location is located at the northwest corner of the building, it is not located at the corner of two active public streets. Therefore, the proposed location will not be perceived as a break in two active street fronts. Rather, the proposed entrance lobby will blend with the natural break in the street wall created by Monument Place. In addition, the retail on the north side of Monument Place, and the pedestrian activity generated along Monument Place from outdoor seating and programming, users of the proposed courtesy lobby, and the potential hotel use will serve to activate this corner.

There are also programmatic reasons that support the proposed location of the second-level retail lobby entrance. For example, moving the entrance lobby southward / mid-block can significantly impact a tenant's ability to design its space. Generally, larger format retail and service tenants prefer corner access points to allow flexibility in the interior layout of the space. Also, because a tenant for the second-level retail space has not been identified, the Applicant requires a degree of flexibility with regard to whether the lobby opens onto Half Street or Monument Place. As proposed, the lobby location can be made accessible from the courtesy lobby along Monument Place should the future tenant require ease of access to the underground retail parking (*see* Sheet A2 of attached drawings). A future tenant may also desire, or require, a presence on Half Street.

At the June 8 meeting with DCOP, the Applicant noted that there is a possibility that the proposed second-level retail entrance lobby could be shifted east along Monument Place should a future tenant desire, or be amendable to, such a solution. However, the Applicant is unable to commit to this approach at this time for the reasons discussed above regarding the need to maintain flexibility in advance of identifying a tenant pace. If, however, the entrance can be shifted east following selection of a tenant, the Applicant notes that any available retail space at the corner shall be made part of the retail space along Half Street.

Finally, the Applicant shares DCOP's interest in having an active use to enliven the corner and complement the retail space across Monument Place. For the reasons stated above, the Applicant believes this can be achieved with the proposed location of the second-level retail lobby. The proposed lobby space will be designed with the same design quality as the rest of the ground floor and building, and will not include unarticulated walls or opaque spandrel glass. Rather, the Applicant's focus is on achieving a high degree of transparency, and, at approximately 1,200 square feet, the Applicant believes this space can be activated with program that is related to the second floor retail tenant.

#### **Scope of the potential hotel use**

In its report and at the public hearing, DCOP requested clarification on the potential hotel use noting the Prehearing Statement indicated the potential for 80 guest rooms while the transportation impact study indicated a higher number. At the meeting with DCOP, the Applicant confirmed the hotel use is programmed for 80 guest rooms, should this use ultimately be part of the final building program. However, the Applicant reiterates its prehearing request for permission to adjust the number of guest rooms by no more than  $\pm 10\%$

#### **Access to bike parking from residential uses**

At the public hearing, DCOP and DDOT requested the Applicant to provide clarification on how residents will access the required bike storage areas. As shown on Sheets A2 and A2.1 of the attached drawings, two bike storage areas are shown adjacent to the building's loading facility. For the residential use located along Half Street, residents will access the north bike storage area from the north elevator core located just outside the storage room. From this area, direct access to Cushing Place and the courtesy lobby along Monument Place will be provided. For the residential use along N Street, residents will access the south bike storage area directly from the lobby. This area will also have direct access to Cushing Place. Access to the bike storage areas will be controlled and available only to residents of the building.

**Percentage of ground floor devoted to preferred uses under hotel development scenario**

Pursuant to §1607.3, each new building located within the CG Overlay along Half Street, SE, south of M Street, SE, shall devote not less than 75% of the gross floor area of the ground floor to preferred uses. As was discussed in the Applicant's prehearing statement and at the public hearing, Scenario 1, which includes residential and retail uses, devotes approximately 75.9% of the ground floor to preferred uses; and therefore, complies with this requirement (*see* Sheet A2 of attached drawings).

In its report and at the public hearing, DCOP requested additional information on how Scenario 2, which includes the potential hotel use, will change the percentage of the ground floor devoted to preferred uses. As shown on attached Sheet A2.1, as a result of the hotel lobby and associated drop off, the amount of ground floor gross floor area devoted to preferred uses would be reduced to approximately 71.6%. While this reduction causes Scenario 2 to drop below the 75% required under §1607.3, there is no need for the Applicant to request additional relief from this requirement beyond what was previously granted by the Commission in Case No. 06-46.

**Streetscape design for Half Street**

In response to comments made by the Commission and DDOT, the Applicant has revised the conceptual streetscape plan for Half Street that was included as part of the pre-hearing statement and presented at the public hearing (*see* attached Sheets L1 – L6). In response to DDOT's comments, the previously proposed bollards and catenary lighting have been removed from the plan. In addition, the street tree spacing has been adjusted to be consistent with current DDOT standards. Subsequent to the public hearing, the design team discussed with DDOT whether the streetscape concept shown in the post-hearing submission should, or should not, include curbs. DDOT expressed support for a Half Street design that *does not* include curbs ("curbless"), noting that close coordination between the Applicant and DDOT will be required as the design is further developed. DDOT noted that while it remains supportive of a curbless streetscape design, the various public space elements that are reflected in the attached streetscape concept are subject to final approval by DDOT, and may change as the Applicant proceeds through the public space process.

At the public hearing the Commission also inquired about the Applicant's efforts to coordinate the streetscape design, and the design of Monument Place, with adjacent property owners. The Applicant continues to coordinate with adjacent property owners on the long-term, permanent streetscape design for Half Street. Thus far, discussions have not focused on detailed design related issues such as paving, light fixtures, and streetscape furnishings. However, based on conversations the Applicant has had with adjacent neighbors, there is general support for a curbless design solution, consistent with what is shown in the revised drawings, and a commitment to continued coordination on a streetscape design that is implemented once development of the block is complete. As noted above, the final design for the public space along Half Street is subject to review and approval by DDOT.

#### **Design of Monument Place and Cushing Place**

Pursuant to the requests made by the Commission and DCOP, the Applicant has provided additional detail regarding the design of Monument Place and Cushing Place (*see* Sheets A16, A17, L1, L2, and L6 of attached drawings). The information includes additional detail on materials and perspective renderings looking west along Monument Place from Half Street, and south along Cushing Place toward N Street. While the final design and materials for Monument Place are still being developed by the Applicant, with input provided by the owner of the office building to the north, the Applicant has included additional clarification on the types of paving that are currently being considered. To a degree, the Applicant also intends to coordinate the design of Monument Place with the design of Half Street in a manner that gives Monument Place a unique identity without seeming too disjointed from the public streetscape. As discussed above, while the Applicant continues to coordinate with adjacent property owners along the block, and with DDOT, a final, coordinated streetscape plan for Half Street is still under development. Therefore, as the design of Half Street continues to evolve the Applicant expects the design of Monument Place to evolve somewhat to maintain its relationship with Half Street.

#### **Variance relief for second-level lot occupancy and Half Street setback**

At the public hearing the Applicant requested relief from §634 of the CR District to allow a residential lot occupancy above 75% for the second level of the building, and from the Half

Street setback requirement that applies to new buildings located along Half Street, SE, south of M Street, SE under the CG Overlay (§1607.2). As stated above, the Applicant's request for these two areas of relief is not a result of changes made to the proposed plans that were presented to the Zoning Commission, DCOP, DDOT, or ANC 6B. Rather, the request is of a technical nature that the Applicant has decided to seek out of an abundance of caution to ensure all potential areas of relief are obtained prior to pursuing permits for project. The Commission can grant the requested relief pursuant to §1610.7 as part of its review of the project under the provisions of the CG Overlay. Provided below is an explanation for how the Applicant satisfies the three prongs of the variance test.

*The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.*

The subject property is effected by an exceptional condition that arises out of a confluence of factors. First, the subject property is "L" shaped with the portion paralleling N Street being exceptionally narrow. Second, the extension of Cushing Place, a 30-foot public alley, across the subject property to N Street through a dedicated easement is a condition that is unique to the subject property, and is required pursuant to a recorded easement resulting from a prior alley closing proceeding. Finally, the mixed-use nature of the building design and the varying footprint requirements these uses have contributes to the exceptional situation.

*Strict Application Would Result in a Practical Difficulty to the Applicant*

*Lot occupancy (§634)*

Within the CR Zone District, non-residential uses are allowed 100% lot occupancy, while residential uses are assigned a maximum lot occupancy of 75%. As proposed, there is potential for the second level of the southern portion of the building to contain residential uses. If this portion of the building contains dwelling units, a variance would be required from the 75% lot occupancy limit on residential uses.

As proposed, the residential lot occupancy of the second level of the building is 80% (see Sheets D1 and A2 of attached drawings). The strict application of the Zoning Regulations would require the Applicant to reduce the second floor building area by

approximately 3,500 square feet which would be practically difficult for the Applicant as it would substantially disrupt building circulation and result in a loss of dwelling units on several floors. Achieving the reduction by eliminating the section of the second floor above the Cushing Place easement would eliminate a number of dwelling units and impact the circulation corridor on this level, cutting off the portion of the building east of Cushing Place. Alternatively, the building area reduction could be achieved by narrowing the northern or southern wings of the building, however, this would result in a significant loss of dwelling units and an inefficient single-loaded corridor.

Half Street building setback (§1607.2)

Section 1607.2 of the CG Overlay requires buildings along Half Street, SE, south of M Street, SE, to be setback a minimum of 20 feet above a height of 65 feet. Pursuant to § 1607.2, the Zoning Commission previously granted a special exception from this requirement to allow a setback of 12 feet above a height of 80 feet. As presented at the public hearing, the proposed building is consistent with the previously granted relief with the exception of eleven balconies that project less than six feet into the previously approved 12-foot setback (*see* Sheets A4 and A6 of attached drawings).

The strict application of the Zoning Regulations would result in a practical difficulty as it would require the Applicant to narrow the width of the portion of the building parallel to Half Street by approximately six feet such that the balconies are behind the previously approved 12 foot setback. Due to the depth of the open courtyards facing Cushing Place, the Half Street façade of the building is already fairly narrow. Thus, further narrowing the building to pull the balconies behind the previously approved 12 foot setback would create inefficient floorplans and cause a loss and/or substantial reconfiguration of dwelling units.

*No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan*

The requested variances can be granted without causing substantial detriment to the public good or substantial impairment to the Zone Plan. The requested lot occupancy relief is limited to the second floor of the building, and will not result in a substantial increase in the overall density of the development. Above the second floor, the residential lot occupancy for each floor is less than 75%. Furthermore, the lot occupancy variance will not result in substantial impairment to the Zone Plan as the intent of the residential lot occupancy requirement will still be achieved through the light, air, and openness provided by N Street and the proposed open courtyards facing Cushing Place. In its report dated May 18, 2015, and at the public hearing, DCOP expressed support for the lot occupancy variance.

The variance from the Half Street building setback will not cause substantial impairment to the Zone Plan. The intent of the setback requirement is to permit adequate light and air to the street level along Half Street, which will still occur given the relatively small number and shallow depth of the proposed balconies. The variance request is limited to the balconies on the tenth floor of the proposed building which are mostly 8'2" wide, with two that are 20'2" wide, and one balcony on the ninth floor that is 20'2" wide. Overall, the combined length of the balconies at the tenth floor is less than half the total length of the Half Street façade. In addition, the balconies will have very little impact on light and air as they will project less than six feet from the building façade. Finally, in contrast to the previously approved plans, a large percentage of the Half Street façade, starting at the street level and extending to the top of the building, is setback from the building line which will contribute to the amount of light and air reaching the street level.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Norman M Glasgow, Jr.

NMG/rcf

Attachments

cc: Advisory Neighborhood Commission 6D  
District of Columbia Office of Planning  
District Department of Transportation