

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hklaw.com

RECEIVED
JUN 26 2014 2:40 PM
Steven E Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com 26

June 26, 2014

By Hand

D C. Zoning Commission
Suite 210
441 4th Street, N W
Washington D C 20001

Re City Market at O Street
Request for Minor Modification to the Approved PUD

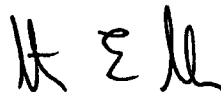
Members of the Commission

Enclosed, please find the following material related to a request for approval of a minor modification to the approved planned unit development for the project no know as City Market at O Street

- An original and twenty copies of ZC Application Form 151,
- A letter of authorization from City Market at O Condo LLC, the owner of the property for which the modification is requested,
- An original and twenty copies of a letter describing the proposed minor modification and the basis therefore, including exhibits as noted,
- Twenty-one copies of plans for which approval is now requested, and
- A check for \$520 in payment of the filing fee

We appreciate the Commission's time and attention We are available to answer any questions the Commission may have or to provide any additional information as necessary

Sincerely,



Steven E Sher
Director of Zoning and Land Use Services

Enclosures

cc Jennifer Steingasser, D C Office of Planning (by hand)
Advisory Neighborhood Commission 6E (by hand and e-mail)

ZONING COMMISSION
District of Columbia
CASE NO. 07-26F
EXHIBIT NO. 1
ZONING COMMISSION
District of Columbia
CASE NO. 07-26F
EXHIBIT NO. 1



BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA



FORM 151 – APPLICATION FOR MINOR MODIFICATION

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 07-26, 07-26B, 07-26C, 07-26D, 07-26E

Motion for Minor Modification to: ☐ Final Order ☒ Approved Plan ☐ Amount of Relief ☐ Other _____

Address or boundary description of the premises: City Market at O Street, bounded by 8th, 9th, O and P Streets, NW

Square No.(s) 398 Lot No. (s) 32 ANC 6E

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) should grant your motion, including relevant references to the Zoning Regulations or Map.

See attached letter and plans.

CERTIFICATE OF SERVICE

I hereby certify that on this 2 6 day of June, 2 0 1 4

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, and the Office of Planning on

the above referenced ZC case via: ☐ Mailed letter ☒ Hand delivery ☒ E-Mail ☐ Other _____

Signature:

Print Name: Steven E. Sher, Director of Zoning and Land Use Services

Firm/Organization: Holland & Knight LLP

Address: Suite 1100, 800 17th Street, NW, Washington DC 20006

Phone No.: 202-419-2460 E-Mail: norman.glasgowjr@hklaw.com

To be notified of hearing and decision: (Applicant or Authorized Agent)

In the event an authorized agent files an application on behalf of the Applicant for the Minor Modification, a letter signed by the Applicant for the Minor Modification authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: Norman M. Glasgow, Jr., Holland & Knight LLP

Address: Suite 1100, 800 17th Street, NW, Washington DC 20006

Phone No.: 202-419-2460 E-Mail: norman.glasgowjr@hklaw.com



June 26, 2014

D.C. Zoning Commission
Suite 210
441 4th Street, N W.
Washington, D C 20001

Re. Minor Modification to the Approved PUD
Zoning Commission Case No. 07-26
City Market at O Street

Dear Members of the Commission.

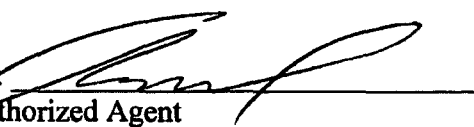
As the Applicant in the above-referenced application, this letter is to authorize Norman M Glasgow, Jr and the law firm of Holland & Knight LLP to represent City Market at O Condo LLC in all matters before the Zoning Commission concerning the above-referenced application for the subject property. As set forth in §3002.3 of 11 DCMR, this authorization includes the power to bind the Applicant and owners in the case before the Commission

Sincerely,

City Market at O Condo LLC,
a District of Columbia limited liability company

By CM at O Holding Company LLC,
a District of Columbia limited liability company

By CityMarket GL LLC,
a District of Columbia limited liability company,
its Administrative Member

By 
Authorized Agent

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hklaw.com

BY HAND

June 26, 2014

Steven E. Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com

D C Zoning Commission
Suite 210
441 4th Street, N W
Washington D C 20001

**Re: Zoning Commission Case No. 07-26
 Request for Consent Calendar Modification to the Planned Unit Development
 for the City Market at O Street Property in Square 398**

Dear Members of the Commission

City Market at O Condo LLC, the owner of a portion of the property included in the above-referenced case, hereby requests that, pursuant to §3030 of the Zoning Regulations, the Zoning Commission modify the approval of the planned unit development for the O Street Market project by considering this case on the Consent Calendar. A check for the filing fee of \$520 is attached. The PUD and related map amendments were originally approved in Order No 07-26, dated May 12, 2008, effective July 18, 2008. A copy of the Order is attached as Exhibit A. The property comprises a single record lot, Lot 32 in Square 398.

The Commission also approved minor modifications to the PUD, by Order No 07-26B, dated May 10, 2010, effective August 27, 2010, by Order No 07-26C, dated June 13, 2011, effective August 5, 2011, by Order No 07-26D, dated January 30, 2012, effective March 23, 2012, and by Order No 07-26E, dated May 13, 2013, effective August 30, 2013. Copies of those Orders are attached as Exhibits B, C, D and E, respectively.

The further modifications requested herein relate to the building identified in the approved PUD as West Residential A, which is a proposed apartment building in an inverted L configuration located at the northwest corner of the site, with frontage on both 9th and P Streets NW. The owner is currently refining the schematic design of West Residential A, which upon construction will fully complete all components proposed under the PUD. All of the development west of 8th Street comprises a single building with a measuring point at the curb of the center of the building on O Street.

Substantial portions of the development have already been constructed and are operational for the benefit of the community. The Giant grocery store, affordable senior housing

Holland & Knight

D C Zoning Commission
June 26, 2014
Page 2

building, hotel and majority of the residential buildings are open and occupied. Additional community benefits that have been provided include but are not limited to the following:

- *Historic preservation* The O Street Market was substantially preserved and adaptively reused to accommodate Giant Food and enable the grocer to provide offerings that are unique to this location, which is currently the District's largest grocery store;
- *Affordable housing* The completed senior building has 90 units of affordable housing, with 18 units at 50% of AMI and 72 units at 60% of AMI, which exceeds the affordable housing required by Zoning Commission Order No. 07-26C, by a total of 10 units and by the depth of affordability (18 units @ 50% AMI),
- *Employment and training opportunities* 212 of 404 new hires were DC residents. Additionally, provided willing applicants access to job preparedness and laborer follow-up training provided by Living Classrooms,
- *Environmental benefits* Incorporated a significant number of low impact development measures designed to promote environmental sustainability and mitigate development impacts on the environment such as a central HVAC and mechanical plant to service all residential and commercial components of the project, and
- *Direct contributions to community resources* Provided financial contributions to the District Department of Parks and Recreation, residential tenant associations, and other community institutions

During the schematic design process for West Residential A, the owner and its architect identified the potential to improve upon the original design, which was initially proposed six years ago. These potential modifications would improve ADA accessibility to rooftop amenities by incorporating an additional elevator, visually activate the open space courtyard through a more articulated interior façade, and enable a more graceful transition in roof elevations. The owner proposes the following modifications to the approved PUD, all related to the West Residential A building: (1) the addition of bays on an interior courtyard not visible from outside the project, (2) a reduction in the overall footprint of roof structure No. 4 and an increase in the height of a small portion of roof structure No. 4 for the elevator override to allow access to the roof; (3) a minor reallocation of space that was approved as part of the commercial component of the PUD for potential residential or residential amenity use, (4) extension of part of the eighth floor on the 9th Street wing to enable more graceful transition in roof elevations, and (5) an increase in the overall height of the building from 90 feet to 91.8 feet, with a concurrent increase in height of the lower portion of roof structure No. 4 from 100 feet to 102 feet. This is within the 2% flexibility normally afforded to the Zoning Administrator. These changes are all shown on the plans attached as Exhibit F.

None of these changes increases FAR above the approved 5.15 FAR or increases the number of residential units above the approved range of 580-680. The subject request does not

Holland & Knight

D C Zoning Commission
June 26, 2014
Page 3

affect the use, total gross floor area, lot occupancy, setbacks, parking or loading as approved by the Zoning Commission for this project. The increase in height is within the 2% discretion ordinarily given to the Zoning Administrator. Additional detail about each proposed modification is provided below and illustrated in the enclosed schematic plans.

The Applicant proposes to add bays in the interior courtyard side of the apartment building to visually activate this open space amenity, which would otherwise consist of flat facades on all four sides. These bays would extend 7 feet from the main façade of the building and would not be visible from the street.

The Applicant proposes to enable the elevators at the corner of the "L" of the building to access the rooftop and its amenities. The height of roof structure No. 4 on West Residential A was approved at 100 feet. With the increase in the height of the P Street wing to 91.8 feet (discussed below), the roof over the main portion of the penthouse has been raised to 102 feet. To enable the expanded accessibility to the roof, the mechanical penthouse at the elevator core would need to be raised by 6.5 feet above the top of the main portion of the penthouse (a total height of 108.5 feet) to allow for enough overrun for the elevators. The additional height cannot meet the required 1.1 setback, given that the elevator cores the basement to the ground floor were built during construction of the earlier phases of the project and cannot be moved away from the P Street side of the building. A portion of the approved roof structure on the west side did not meet the 1.1 setback, for which the Commission granted flexibility under the PUD. Under the proposed modification, a portion of the roof structure on the north side would not meet the 1.1 setback, and flexibility is again requested to allow the added height at the elevator core. The proposed roof structure is entirely below the limit of height allowed by the Act of 1910.

The Applicant proposes a minor reduction of square feet from the approved commercial component of the site, which consists of the recently completed and opened Cambria Suites Hotel, completed and open Giant Food grocery store, and additional street level retail and parking. The requested commercial GFA (which includes the hotel) would decrease by 4,266 square feet, from 225,005 square feet (1.50 FAR) to 220,739 square feet (1.48 FAR). This requested decrease in commercial GFA reflects the as-built construction of the recently opened hotel, which occupies slightly less square feet than initially planned for that portion of the commercial component of the PUD. The constructed hotel remains within the approved ranges for all hotel-related requirements of the PUD. The Applicant requests that the approved residential GFA increase by the same amount as the aforementioned decrease in commercial GFA, from 545,775 square feet (3.65 FAR) to 550,041 square feet (3.68 FAR) for potential residential use in the West Residential A building as the owner refines schematic design of this final phase of the overall project. This shift of 4,266 square feet from commercial to residential represents approximately one-half of one percent of the 770,780 square feet approved in the overall PUD, well within the 2% flexibility afforded to the Zoning Administrator pursuant to §2409.

Holland & Knight

D C Zoning Commission
June 26, 2014
Page 4

To enable a more graceful transition in roof elevations, the Applicant proposes to extend a portion of the eighth floor of West Residential A running north to south along 9th Street (West Residential A Section W-4 in the accompanying Exhibit F) The height of that portion of the building was originally approved at 72 feet above the measuring point As now proposed, the height for this western portion of the building, Section W-4, would be 82 feet above the measuring point The eastern portion of the West Residential A building (Section W-3 in the accompanying Exhibit F) was originally approved at 90 feet The proposed modification to Section W-4 would enable a more graceful transition in roof elevations and better access to the planned rooftop amenities. The modification maintains the 14 foot building setback along 9th Street for the previously approved roof structure No 6 (which will be eliminated with the 8th floor addition) at the 9th Street side of the building The proposed modification would slightly increase building area of West Residential A from the original design. However, the overall FAR of the project would not increase beyond the approved PUD

The Applicant proposes to increase the height of the north wing of the West Residential A building facing P Street from 90 feet to 91 8 feet The additional height is consistent with the 2% flexibility allowed by the Zoning Regulations and would enable accommodation of the central plant utility connections that are greater than a typical building requires The height also accommodates use of outdoor terrace spaces for sustainability and recreational purposes

The project as approved had the following parameters

- Overall gross floor area (GFA) approximately 770,780 square feet, apportioned as follows
 - Residential approximately 545,775 square feet;
 - Hotel or additional residential approximately 115,115 square feet,
 - Retail approximately 69,000 square feet,
 - Parking approximately 40,890 square feet,
- Overall density maximum of 5 15 FAR,
- Height maximum of 90 feet for the west building and 95 feet for the east building, with setbacks as shown, and
- Residential units. 580 to 680, with approximately 80 units designed to be affordable to senior citizens earning no more than 60% of the AMI.

The proposed modifications are entirely within the approved overall development parameters of the PUD, except where the height is being increase by 1 8 feet The subject request does not affect the use, total gross floor area, lot occupancy, setbacks, parking or loading None of the proposed modifications to West Residential A as now proposed increases the number of residential units for the overall project above the approved range of 580-680 units. As shown on the tabulations included in the enclosed plans, the overall GFA would remain at the approved 770,780 square feet In all respects other than the minor increase in height (e g , gross floor area,

Holland & Knight

D C Zoning Commission
June 26, 2014
Page 5

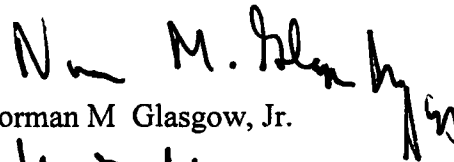
number of units, yards, courts, parking and loading), the PUD will remain as approved by the Zoning Commission. Accordingly, the request falls within the scope of §3030.

The Applicant respectfully requests that this modification be approved as a consent calendar item at one of the Commission's regular meetings in July, 2014, under §§2409.9 and 3030 of the Zoning Regulations. This procedure is available "in the interest of efficiency, to make without public hearing, minor modifications to previously approved final orders . . ." 11 DCMR § 3030.1. As specified in §3030.2, minor modifications are to be modifications of little or no importance or consequence. The Director shall determine which matters shall be placed on the Consent Calendar for consideration by the Commission without a public hearing 11 DCMR § 3030.11.

As required by §3030.6 of the Zoning Regulations, the Applicant has served this request on ANC 6E (the successor to ANC 2C for this property), the only party in this case other than the Applicant. The Applicant has discussed the proposed change with representatives of the ANC and understands that the ANC has no objection to the proposed change. The Applicant is scheduled to present this matter to the ANC on July 1, 2014, and expects that the ANC will submit its recommendation prior to Commission consideration.

Accordingly, the Applicant requests that the Commission approve a minor modification to the PUD to allow construction of the west residential building to be in accordance with the Plans attached as Exhibit F. We are prepared to answer any questions the Commission may have or to provide any additional necessary information.

Very truly yours,



Norman M. Glasgow, Jr.



Steven E. Sher
Director of Zoning and Land Use Services

Attachments

cc: Advisory Neighborhood Commission 6E (See Proof of Service)
Jennifer L. Steingasser, Office of Planning (Via Hand Delivery, w/attachments)

PROOF OF SERVICE

I hereby certify that on June 26, 2014, a copy of the foregoing Request for Consent Calendar Modification to the Planned Unit Development for the O Street Market project in Square 398 was served on the following persons or organizations as stated below.

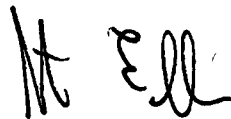
Advisory Neighborhood Commission 6E
PO Box 26182
Washington, D C. 20001

(Via U.S. Mail)

With a copy to

Advisory Neighborhood Commission 2C
c/o Alexander Padro, Chair
6e01@anc dc gov

(Via E-Mail)

A handwritten signature in black ink, appearing to read "H E L", is positioned above a horizontal line.

Steven E Sher
Director of Zoning and Land Use Services
Holland & Knight