

BEFORE THE

ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

PREHEARING SUBMISSION

CITY MARKET AT O STREET
NORTHWEST WASHINGTON, D.C.

**MODIFICATION TO A CONSOLIDATED
PLANNED UNIT DEVELOPMENT
APPROVED PURSUANT TO
ZONING COMMISSION CASE NO. 07-26**

ZONING COMMISSION CASE NO. 07-26F

August 22, 2014

CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this application, which was submitted via IZIS on July __, 2014, with one original and ten copies filed with the Zoning Commission, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, and that the application is complete.

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Commission	Prehearing Statement
3013.1(b)	List of Witnesses	Exhibit B
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record:	
	Representative Roadside Development	Exhibit C
	Robert Sponseller Shalom Baranes Associates	Exhibit C
3013.1(d)	Additional Information	Submitted herewith
3013.1(e)	Reduced Plans	Submitted herewith
3013.1(f)	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence	Exhibit E
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit B
3013.6(a)	List of Names and Addresses of All Owners of Property Within 200 Feet of the Site	Exhibit F
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

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

By: 

Steven E. Sher
Director of Zoning and Land Use Services

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Plans, dated August 22, 2014, prepared by Shalom Baranes Associates	A
List of Witnesses and Estimated Time Required For Presentation of Applicant's Case	B
Outlines of Testimony for Witnesses	C
Resumes of Expert Witnesses	D
List of Maps, Plan or Other Documents Readily Available Which Will Be Offered Into Evidence	E
List of Names and Addresses of All Owners of Property Within 200 feet of the Site	F

I. **INTRODUCTION**

This Prehearing Statement and accompanying documents (the "Prehearing Submission") are submitted by City Market at O Condo, LLC and Roadside Development (collectively, the "Applicant") in support of the application to the Zoning Commission for the District of Columbia ("Zoning Commission" or "Commission") for a modification to a consolidated Planned Unit Development ("PUD") for development of the project approved in Zoning Commission Case No. 07-26 ("Order No. 07-26").

This application was originally submitted as a request for approval of a minor modification to the PUD, in accordance with the provisions of §3030 of the Zoning Regulations. At its public meeting held on July 17, 2014, the Commission determined that the request was not a minor modification and that a public hearing would be required. The Commission voted to set the matter for hearing.

The subject property includes Lot 32 in Square 398, which encompasses all of the property within the block bounded by 7th, 9th, O and P Streets, N.W. The overall record lot contains approximately 149,600 square feet of land area. The record lot has been divided into a number of assessment and taxation lots and air rights lots. The portion of the property which is the subject of the specific amendments proposed herein is located west of the former right-of-way of 8th Street.

When the Zoning Commission considered this case for set down at its July 17, 2014, public meeting, the Zoning Commission requested additional information regarding the project. This Prehearing Submission provides the requested additional information. As is set forth below, this Prehearing Submission meets the filing requirements under Chapters 24 and 30 of the

Zoning Regulations for approval of a Second-Stage PUD. Accordingly, the Applicant requests the scheduling of a public hearing for consideration of this application.

II.

BACKGROUND TO THE PROPOSED CHANGES

The PUD and related map amendments were originally approved in Order No. 07-26, dated May 12, 2008, effective July 18, 2008. 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 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 integrate Giant Food into the overall project while providing the Shaw community the District's largest grocery store with a breadth of offerings that are unique to this location. The project has received numerous accolades and awards, including "2014 Best Overall Store Design" by *Progressive Grocer* magazine and the "2014 Vision Award" from The Committee of 100 on the Federal City;
- *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.*

The further modifications requested in this application 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. Upon construction, West Residential A will fully complete all components proposed under the PUD.

III. NATURE OF PROPOSED CHANGES

The Applicant listened carefully to the comments of the Zoning Commission when the case was set down for hearing. As a result, the plans have been revised and the nature of the modifications has been altered such that certain of the areas of relief originally requested are no longer necessary. The modifications all relate to the building noted on the approved plan as West Residential A (the "Building"), the portion of the project located at the corner of 9th and P Streets. The modifications now proposed are as follows:

A. Addition of Bays on the Interior Courtyard

The applicant proposes to add bays on the east side of the interior courtyard to visually activate this open space amenity. Previously, the east wall of the Building facing the courtyard

was depicted as an unarticulated block. As now proposed, 4 bays would extend approximately 7 feet from the interior east façade and would not be visible from the P Street side of the building.

B. 2% Height Increase to Utilize Sustainable Central Plant

Utilizing the environmentally advanced central plant constructed in the previous phase to supply utilities for the proposed building reduces emissions, lowers energy costs for residents, and enables provision of significant rooftop amenity space and outdoor access uninterrupted by mechanical equipment. However, the distance between the centralized mechanical system and the proposed building requires larger piping over top floor ceilings to properly serve the new building spaces. A 2% height increase will accommodate the space needed for the larger piping. The respective proposed heights to accommodate this technical requirement are depicted in the attached exhibit. The applicant does not propose to increase the overall height of the building beyond this 2% request.

C. Change Roof Structure to Increase Accessibility to the West Rooftop and Amenities while Eliminating Need for Previously Approved Non-Compliant Roof Structure Setback

The applicant proposes to enable both elevators of the west building to access the rooftop and its amenities; the original design did not envision elevator access to the rooftop. To enable this expanded accessibility, the penthouse at the elevator core would need to be raised to allow for enough overrun for both elevators. As indicated in exhibit drawing Sheet A.08, the height of roof structure No. 4 on West Residential A was approved at elevation 100. In order to provide ADA accessible roof access from both elevators, the permitted height of the roof structure at the elevator core only is requested to be increased to elevation 108.5, as indicated in exhibit drawing Sheet A.09.

In response to the Zoning Commission's comments at the June 26, 2014, setdown meeting, the applicant reevaluated the previously proposed roof structures and further modified the design to minimize their impact. The design of the proposed structure and elevator core location has been modified to allow for the 1:1 Setback requirement to be met. As indicated in exhibit drawing Sheet A.08, the roof plan approved by the Zoning Commission in the PUD permitted a non-compliant roof structure setback for roof structure 4 to be constructed with less than the normally required 1:1 setback along the west side of the penthouse. The currently proposed design modifications now allow for the 1:1 setback requirement to be fully met. The relocation of the elevator core also allowed roof structure 4 to be set back 4' so that the entire roof structure is now compliant with the 1:1 zoning setback, making the roof structure less noticeable from public view than even in the originally approved PUD.

D. Extend Portion of Eighth Floor

To better integrate the appearance of approved roof structure 6 into the overall façade and to enable a more graceful transition in roof elevations for the planned rooftop amenities and green areas, the owner proposes to extend the 8th floor of West Residential A along the north to south wing of the building parallel to 9th Street, as depicted in Sheets A.08 and A.09. As originally approved, the height of that portion of the building was at 72 feet above the measuring point, with the height of roof structure 6 along the south end of the 9th Street wing approved at 82 feet above the measuring point, as depicted in the wall section on Sheet A.10. As now proposed, the height for this 9th Street portion of the building, as depicted in Section W-4, would be 82 feet above the measuring point, no higher than the height for the previously approved roof structure 6 at this location. The extension would be set back the same distance from 9th Street (14 feet from

the edge of the 7th floor below) and would extend no further than the southern face of the previously approved roof structure, as depicted in roof plan Sheet A.09.

As noted, the proposed modification to Section W-4 would enable a more graceful transition in roof elevations from the approved eastern portion of the building for the proposed rooftop amenities. The extension of the 8th floor on the 9th Street wing would still be below the maximum height permitted and constructed on the existing portions of the project west of the former right-of-way of 8th Street (82 feet as compared to 91.8 feet). Additionally, the extension of the 8th floor occupies only a portion of the Building and is setback 14 feet from the edge of the 7th floor below, thereby reducing the appearance and potential impact from the street.

To better achieve harmonious overall building proportions, the applicant proposes slight modifications to the setback along 9th Street. The 8th and 9th floors were setback approximately 29 feet from the edge of the 7th floor below along the 9th Street side of the building. Under the proposed modifications, the 8th and 9th floors would be setback 23 feet from the edge of the 7th floor below. As depicted in the massing comparisons on Sheets A.03, A.04, and A.05, the modifications have minimal impact on views of the building from the public street as compared to views of the building under the previously approved PUD, even as it helps to better conceal the mechanical roof structure 4.

The proposed modification would slightly increase the floor area of West Residential A from the original design. However, the overall FAR of the project would not increase beyond the approved PUD.

IV.

POINTS IN SUPPORT OF THE PROPOSED MODIFICATIONS

In further support of the proposed modifications, the Applicant notes the following points:

- As shown on the tabulations included in the enclosed plans, none of the proposed changes increases FAR above the approved 5.15 FAR or increases the number of residential units above the approved range of 580-680. In all respects, including the overall height, gross floor area, number of units, yards, courts, parking and loading, the PUD will remain as approved by the Zoning Commission.
- The 2% increase in height for the P Street wing will match the constructed height of the other portions of the building, and is necessary to accommodate redesign of the mechanical components of the building to include a central plant constructed on the portion of the building east of the former 8th Street right-of-way, which plant services the entire PUD.

V.
REVISED PLANS RESPONDING TO COMMENTS
OF THE ZONING COMMISSION

At the setdown meeting, the Commission requested the Applicant to provide additional plans and drawings illustrating the impact of the Building if it is constructed in accordance with the proposed modifications. The Commission was specifically interested in the views of the roof and the new 8th floor and particularly how the building would be seen from the opposite side of 9th Street. Attached as Exhibit A are revised plans with the additional information and views requested by the Commission. As demonstrated in massing views depicted on Sheets A.03, A.04, and A.05, the proposed modifications have minimal impact on views of the building from the public street as compared to views of the building under the previously approved PUD.

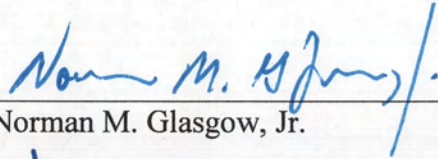
VI.
CONCLUSION

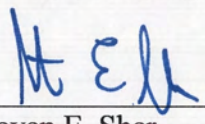
This Prehearing Submission along with the original application meets the filing requirements for a modification to a consolidated PUD, as required by Chapters 24 and 30 of the

Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the application.

Respectfully submitted,

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