

**DONATELLI DEVELOPMENT
HILL EAST – PARCELS F-1 AND G-1**

**PREHEARING STATEMENT OF THE APPLICANT
TO THE DISTRICT OF COLUMBIA ZONING COMMISSION
FOR DESIGN REVIEW**

Z.C. CASE NO. 16-03

March 18, 2016

HEARING DATE: April 7, 2016

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I. **INTRODUCTION**

This statement is submitted on behalf of DB Residential Hill East, LLC, an affiliate of Donatelli Development (the "Applicant") in support of its proposal to redevelop that certain 2.6± acres more particularly described as Lots 802, 803, and 804 in Square 1112E, and commonly known as Hill East Parcel F-1 and Parcel G-1 (the "Property"). The Property is bounded by Burke Street on the north, 19th Street on the west, 20th Street on the east and Massachusetts Avenue on the south. It is located in Ward 7, within the boundaries of ANC 7F.

The application was submitted pursuant to Chapter 28 of the Zoning Regulations/Hill East (HE) District. The HE District regulations require review by the Zoning Commission of all new buildings, or additions to existing buildings, for consistency with the design guidelines set forth in Sections 2812 through 2814 of the Zoning Regulations.

In addition to design review, this application also includes requests relief from the Zoning Regulations as follows:

1. A waiver of Chapter 26, Inclusionary Zoning requirements. In lieu of those requirements, at least 30% of the total housing units in the development will be affordable -- 15% reserved for households earning up to or at 30% of the area median income ("AMI") and 15% reserved for households earning up to or at 60% of the AMI, in accordance with the affordable housing requirements contained in the "National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008" (D.C. Official Code §§ 2-1226.01 et seq. (2008)) (the "AWI Act"). *See D.C. Official Code § 2-1226.02.*
2. Special exception approval for parking access pursuant to Section 2815.9.
3. Area variance from the maximum height requirements of 11 DCMR § 2808.1.
4. Area variance from the parking requirements of 11 DCMR §§ 2815.1, 2815.2, 2101.1.
5. Area variance from the loading requirements of 11 DCMR §§ 2815.3, 2815.4, 2201.1.

The Zoning Commission is authorized to grant the requested area variances pursuant to 11 DCMR § 2801.3. The application no longer requires an area variance for lot occupancy.

As discussed below, the application satisfies the requirements of the Hill East (HE) Overlay District and the requirements for special exception and variance relief. The information

herein supersedes and replaces the information in the application statement filed on January 22, 2016.

II. **BACKGROUND**

A. Site Characteristics

1. Subject Property

The Property consists of two parcels -- Parcel F-1 and Parcel G-1 in the Hill East ("HE") District. Parcel F-1 is located in the HE-1 Zone District, and has an area of 60,862 square feet. It is bound on the west by 19th Street, on the north by Burke Street, and on the south by C Street, all of which are secondary streets. Parcel G-1 is located in the HE-1 and HE-2 Zone Districts, and has an area of 87,614 square feet. It is bound on the west by 19th Street, on the north by C Street, on the south by Massachusetts Avenue, and on the east by 20th Street. Pursuant to Section 2800.4, C Street, 20th Street, and 19th Street are Secondary Streets and Massachusetts Avenue is a Primary Street. The Property is currently used as a surface parking lot for the Department of General Services, the Department of Corrections and the Department of Health.

2. Proposed Development

The Applicant proposes to develop the Property with two mixed use buildings containing retail and residential uses and below grade parking (the "Project").

Parcel F-1. The eastern portion of Parcel F-1 will be improved with a 4 story building with a height of 52 feet; approximately 106,460 square feet of gross floor area; a floor area ratio ("FAR") of 1.86, of which .22 FAR is retail/nonresidential uses; and a lot occupancy of 52%. The western portion of Parcel F-1 will be maintained as an open plaza area that will be maintained by the Applicant.

Parcel G-1. The eastern portion of Parcel G-1 will be improved with a 4 story building with a height of 53 feet for the portion of the building located in the HE-1 Zone District and a height of 69 feet for the portion of the building located in the HE-2 Zone District; approximately 286,808 square feet of gross floor area; an FAR of 3.27, of which .16 FAR is retail/non-residential use; and a lot occupancy of 75.3%. The western portion of Parcel G-1 will be maintained as an open plaza area that will be maintained by the Applicant.

3. Affordable Housing

Since the Property is located within the Anacostia Waterfront Development Zone, the Project must comply with the affordable housing requirements contained in the “National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008” (D.C. Official Code §§ 2-1226.01 et seq. (2008)) (the “AWI Act”). *See D.C. Official Code § 2-1226.02*. The AWI Act requires that at least 30% of the total housing units developed must be affordable -- 15% reserved for households earning up to or at 30% of the area median income (“AMI”) and 15% reserved for households earning up to or at 60% of the AMI.

B. Revised Architectural Drawings

Following the submission of the application, the Applicant continued to study and refine the project design, as reflected in the updated set of architectural drawings included herein as Exhibit A. The enclosed architectural drawings supersede and replace the set originally filed on January 22, 2016, and include the following changes:

1. Property Boundaries

The boundaries for Parcels F-1 and G-1 have been revised to include the adjacent assessment and taxation lots for the “Village Green” and “Green Space” ” and to properly align with the right of way dimensions for the surrounding streets. All building data has been revised to reflect this change. Additionally, as a result of the site boundary changes for lot F-1, the north south dimension of the building has increased by 17’-8”. In response to this we have added an additional bay at the center portion of the façade along 19th street.

2. Architectural Trim

EIFS Trim has been deleted on all building facades along Primary and Secondary Streets in compliance with Section 2813. All architectural trim on building F-1 will be cast stone. All architectural trim on building G-1 will be cast stone, fiber cement, or polyurethane trim.

3. Retail Plaza and Stair along Massachusetts Avenue

The massing and detailing of the retail plaza and stair located at the corner of 19th Street and Massachusetts Avenue have been redesigned to more appropriately align with the new grading and topography of the adjacent street and sidewalk as suggested by the District Department of Transportation (“DDOT”) and Office of Planning (“OP”). The length of the retail plaza has been reduced, and the stair has been reoriented perpendicular to the sidewalk and located further west on center with the raised plaza area. Additional grade level residential units have been created with separate entrances and large front lawn adjacent to the public sidewalk. These changes create a more engaging experience for the pedestrian at the base of the building as well as reinforce the hierarchy of the massing which reads as two large buildings anchoring the ends of the block with single family infill between.

4. Rear elevations

The enclosed plans include the rear elevations of the building at the private road. The palette of materials for the rear of the F-1 building are brick and cast stone similar to all other faces of the building. EIFS will be used at the interior courtyard façade walls, in a color that will match the face brick, thereby creating a seamless transition. Similarly, the palette of materials for the rear of the G-1 building will be brick and cast stone at the ends of the building wrapping the corners at C and 20th streets to a distance of approximately 40’. Occupying the majority of the remaining center portion of façade along the private road are a series of projecting bays and large punched window openings. EIFS will be used to clad the architectural features in this area.

5. 19th Street Retail Plaza and Public Space

The retail plaza and all public space along 19th Street have been revised per DDOT comments. All of the lot lines have been clarified to clearly define the ownership and maintenance responsibility of the different site components. The 19th Street public sidewalk and planting strip have been aligned and the ornamental plaza pavement at C Street moved east to create a continuous streetscape. The sculpture/water feature on the corner of 19th Street and Massachusetts Avenue has been moved inside the property line. A sidewalk has been added through the 19th Street planting strip from the bike lane to provide convenient access to the Bike

Share Station. Planting has been added around all sides of the Pepco vaults to discourage pedestrian circulation around the vaults.

6. Material Boards.

Photos of the material boards and all site furnishings and finishes have been included in the revised drawing set. The material boards will be available at the public hearing for the Zoning Commission's review.

C. Community Outreach

Since filing the zoning application, the Applicant has continued discussions with community stakeholders about the proposed development. On March 15th, ANC 7F voted unanimously in support of the application, expressing a desire for more affordable units. On March 1st, the Planning and Zoning Committee for ANC 6B voted unanimously in support of the application; it was approved as a consent agenda item by the full ANC on March 8th. On March 10th, the applicant made a presentation to the Zoning Committee for the Capitol Hill Restoration Society, which expressed support for the project. Councilmember Alexander has also issued a letter in support of the application, which was filed with the Zoning Commission separately.

D. Transportation Demand Measures ("TDM")

The Applicant has developed a TDM plan with strategies to reduce the need for vehicular travel to/from the proposed redevelopment. Specifically, the TDM plan would include:

1. A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual.
2. Information on and/or links to transportation programs and services will be provided on the property management website. Such programs and services may include:
 - Capital Bikeshare
 - Car-sharing services
 - Uber
 - Ridescout

- Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters.
 - Commuter Connections Guaranteed Ride Home, which provides commuters who regularly (twice a week) carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency.
 - Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool. Participants can earn money for carpooling to work and must complete surveys and log information about their experience.
 - DDOT's DC Bicycle Map
 - goDCgo.com
 - WMATA
3. An electronic display will be provided in a common, shared space in each building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location.
 4. Convenient and covered secure bike parking facilities will be provided in each building with storage for a minimum of 118 bicycles, as shown on Figure 6B.

III.

ZONING COMMISSION REVIEW UNDER SECTION 2801

Subsection 2801.1 of the Zoning Regulations states that all new buildings, or additions to existing buildings, in the HE Zone District require review by the Zoning Commission for consistency with the design guidelines set forth at Sections 2812 through 2814 and with the general purposes of the HE Zone District as stated in Section 2800.7 of the Zoning Regulations. For good cause shown, the Zoning Commission, in its discretion, may waive one or more of the design guidelines set for in Sections 2812 through 2814 of the Zoning Regulations. 11 DCMR § 2801.2. The application satisfies the criteria of section 2801.1, as discussed below.

A. Section 2800.7- Purposes of the Hill East District

The Project will help achieve the general purpose of the HE District as follows:

- a. Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River.*

As demonstrated in the architectural drawings, the Project is contextual to the surrounding neighborhood and the Anacostia Waterfront Park. The buildings have distinct façade designs on all street frontages, and each provides an innovative design motif that is consistent with the surrounding neighborhood. The primary materials palette for the buildings include multiple colors and finishes of cast stone, brick, and composite metal panel, all of which are consistent with the neighboring Hill East and Capitol Hill neighborhoods.

- b. Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation and housing.*

The amenities for the Project include parks and plazas, neighborhood-scale performance and café spaces, public art and gathering areas.

- c. Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately-scaled development.*

As depicted in the architectural drawings, the existing pattern of local streets will be extended.

- d. Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront.*

Parcel F-1 will have maximum height of 52 feet. The building on Parcel G-1 will have a stepped design with an increasing height as the Property slopes towards the Anacostia Waterfront Park. The western portion of the building on Parcel G-1 will have a height of 53 feet and the eastern portion of the building closer to the Anacostia Waterfront Park will have a maximum height of 69 feet.

- g. Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands.*

The residential streetscapes are designed to be quiet, tree-lined neighborhoods with subtle separation between public and private spaces and visual details consistent with the larger community context. Fifty-one shade trees are proposed, spaced to provide a consistent canopy. The Dimensions of the proposed sidewalks and planting strips meet or exceed current DDOT standards and provide a separation of pedestrian and vehicular movement. View sheds and sight

lines have been preserved for a sense of context and safety, providing inviting pedestrian routes to the Anacostia Waterfront Park.

- g. Demonstrate environmental stewardship through environmentally-sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city.*

The buildings will achieve the equivalent of LEED Silver certification through LEED for Homes Mid-rise program. A draft LEED checklist is included with the enclosed architectural drawings. Also, the Project will include the following sustainable design features:

- A park-like environment has been created for all streetscapes, with a high ratio of planting to pavement and fifty-one shade trees. This will increase canopy coverage and reduce the heat island effect, creating more comfortable environments and reducing building operations costs.
- The retaining wall along Massachusetts Avenue will be a “green wall” to soften its appearance and create a more inviting streetscape.
- The plant palette is predominantly native and it has been carefully selected to suit its environment and irrigation is not necessary.
- Storm water will be managed using Low Impact Development measures, including streamlined, lushly planted bioretention areas and vegetated roofs.

- g. Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets.*

The Property is located adjacent to the Stadium Armory Metrorail Station. As a result, the Project will introduce new residential and retail uses near the Metrorail Station. The Stadium Armory Metrorail Station area will be upgraded to encourage increased use. At the station exit will be a sequence of dynamic spaces that bring life to the streetscape at scales appropriate to their locations. Closest to the building, the spaces will function as outdoor rooms that relate directly to the commercial uses within: semi-enclosed, more intimate areas for dining and conversation amid lush planting. Closer to the street will be gathering areas: lawns and plazas that evoke the city park character where concerts and arts festivals occur. The pedestrian-focused spaces will continue southward in a plaza that spans the intersection of 19th Street and C Street,

creating both a venue for larger-scaled events and a traffic-calming device. The plaza will link the streetscape to the south with an iconic focal point - a sculptural water feature that provides a place making element at a key location. Planters in front of the building on Parcel G1 will define areas for smaller scale gathering, and there will be another focal area at the significant urban node at 19th Street and Massachusetts Avenue.

A Capital Bikeshare station has been placed in a highly visible location adjacent the Metrorail exit for maximum convenience to cyclists and Metrorail patrons. Bike lanes are planned for all the streets surrounding the project. On the street parking is provided along most of the streets, with pull-offs at the main entrances to the buildings on Parcel F-1 and G-1. The bike lanes and parking spaces have been designed according to current DDOT standards.

h. Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue.

The Project will not expand the Central Detention Facility or the Correction Treatment Facility to areas south of Massachusetts Avenue.

i. Create attractive “places” of unique and complementary character including:

- i. A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;*
- ii. Massachusetts Avenue as a grand Washington ‘boulevard’ in the tradition of the L’Enfant plan.*

The Project will provide new residential uses adjacent to the Stadium Armory Metrorail Station and Anacostia Waterfront Park. In addition, the Project will introduce new retail uses that will serve the needs of surrounding residential community. A portion of the retail uses will front on Massachusetts Avenue at the corner of 19th street. Moving east along Massachusetts Avenue, the building façade incorporates architectural detailing consistent with the look and feel of rowhouse dwellings typically found to the north along Massachusetts Avenue and within the surrounding Capitol Hill neighborhood, generally. This design strategy will help establish a new portion of Massachusetts Avenue as a “grand Washington boulevard”.

B. Hill East District Zoning Requirements

The HE Zone District includes the following development requirements:

- A maximum height of 50 feet and 4 stories in the HE-1 Zone District and 80 feet and 7 stories in the HE-2 Zone District. 11 DCMR § 2801.1.
- A maximum density of 3.0 FAR in the HE-1 Zone District and 4.8 FAR in the HE-2 Zone District. 11 DCMR § 2808.1.
- A maximum Non-Residential FAR of .8 in Square F and 1.0 in Square G. 11 DCMR § 2808.2.
- A maximum lot occupancy of 80 % in the HE-1 Zone District and 75% in the HE-2 Zone District. 11 DCMR § 2808.1.
- A minimum rear yard of three inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than 12 ft. 11 DCMR § 2810.6.
- If provided, a minimum side yard width of eight feet. 11 DCMR § 2810.1.

The building on Parcel F-1 complies with all of the foregoing requirements except for the permitted maximum height in the HE-1 Zone District. The building will have of maximum height of 52 feet where a maximum height of 50 feet is permitted. The additional 2 feet of height is necessary in order to achieve the minimum floor to ceiling heights required for the retail use and allows for a strong architectural cornice element at the top of the building.

The building on Parcel G-1, which is split zoned in the HE-1 and HE-2 Zone Districts, complies with all of the foregoing requirements except for the permitted maximum height in the HE-1 Zone District. The building will have a maximum height of 53 feet for the portion of the building located in the HE-1 Zone District where 50 feet is permitted. The additional 3 feet of height is necessary in order to achieve the minimum floor to ceiling heights required for the retail use and allows for a strong architectural cornice element at the top of the building.

C. Penthouse Regulations

The provisions of § 411 shall apply to all roof structures in the HE Zone District. 11 DCMR § 2809.1. As a result, the following development requirements are applicable to the Project:

- A penthouse may be erected to a height in excess of that authorized in the district in which it is located. 11 DCMR § 400.5.
- The maximum penthouse height in the HE-1 Zone District is 12 feet, except 15 feet for penthouse mechanical space, and 20 feet in the HE-2 Zone District. 11 DCMR § 2809.2.
- Enclosing walls of penthouse habitable space may be of a different height than walls enclosing penthouse mechanical space. 11 DCMR § 411.9(a).
- A penthouse may house mechanical equipment or any use permitted within a zone. 11 DCMR § 411.4.
- For the purpose of calculating FAR of the building, penthouse mechanical space, penthouse communal recreation space, and penthouse habitable space with a floor area ratio of less than .4 is not include in the total floor area ratio permitted for a building. 11 DCMR § 411.13.
- Penthouses and guardrails shall be setback from the edge of the roof upon which they are located a distance equal to their height. 11 DCMR § 411.18.

The building on both parcels comply with all of the foregoing requirements.

D. Tabulation of Development Data

The Tabulation of Development Data for the Project is located on Sheets 3 through 6 of the enclosed architectural plans.

E. Section 2811– Ground Floor Use- Where Required and Permitted

Pursuant to Section 2811.2, the following locations are required to devote not less than sixty-five percent (65%) of the ground floor frontage to preferred uses and main building entrances, or lobbies to office and residential uses, and shall comply with the design requirements of §§ 2812 through 2814:

- The west face of Square F (19th Street frontage);
- The northwest corner of Square G;
- The southeast corner of Square J at Massachusetts;
- Avenue and Water Street, facing the monumental circle;

- The northeast corner of Square M at Massachusetts Avenue and Water Street, facing the monumental circle; and
- All Independence Avenue and Massachusetts Avenue frontages.

The Project complies with the requirement for preferred uses on ground floor frontage. The building on Parcel F-1 is required to devote a minimum of 65% of the ground floor frontage on Square F, 19th Street to a preferred use - as retail, entertainment, cultural, or commercial uses. In this case, the building on Parcel F-1 devotes 100% of the ground floor frontage to retail use. The building on Parcel G-1 is required to devote a minimum of 65% of the ground floor frontage on Massachusetts Avenue to a preferred use. The building on Parcel G-1 devotes 65% of the ground floor frontage to retail use, lobbies, and main building entrances.

The following locations are permitted to have ground floor preferred uses, provided that the building shall be constructed so that not less than sixty-five percent (65%) of the ground floor frontage will be devoted to preferred uses and main building entrances, or lobbies to office and residential uses and shall comply with the design requirements of §§ 2812 through 2814:

- All frontages on 19th Street;
- All frontages on Burke Street;
- The C Street frontage of Square H, facing the park in Square E, for a maximum length of two hundred feet (200 ft.) from Square H's northeast corner at the intersection of C Street and 21st Street;
- The 21st Street frontage of Square D;
- The southeast corner of Square D, which faces the intersection of C Street and Water Street;
- The northeast corner of Square I, which faces the intersection of C Street and Water Street; and
- All frontages on Water Street.

Both buildings comply with the foregoing requirement. The buildings have frontage on 19th Street. Therefore, ground floor preferred uses are permitted as long 65% of the ground floor frontage is devoted to a preferred use. Retail uses and main building entrances occupy 100% of the frontage of both buildings on 19th Street.

F. Section 2812– Ground Floor Preferred Uses Design Standards

Wherever preferred uses are required or allowed, the ground floor preferred uses shall:

- a. If located on a corner, wrap around the corner to a minimum depth of 20 feet on the side street.*

Both buildings comply with this requirement. On Parcel F-1, the retail use wraps around the corner of 19th Street and C Street to a depth of 57 feet. Additionally, the retail use wraps around the corner of 19th Street and Burke Street to a depth of 68 feet, 2 inches. On Parcel G-1, the retail use wraps around the corner of Massachusetts Avenue and 19th Street to a depth of 90 feet.

- b. Occupy the ground floor to a minimum depth of 30 feet.*

Both buildings comply with this requirement. On Parcel F-1, the retail use occupies the ground floor to a depth between 46 feet and 67 feet, 2 inches. On Parcel G-1, the retail use occupies the ground floor to a depth between 30 feet and 66 feet.

- c. Have a minimum clear floor-to-ceiling height of fourteen (14) feet, measured from the finished grade, for the area of the ground floor dedicated to preferred uses.*

Both buildings comply with this requirement. The retail areas are designed with a clear floor-to-ceiling height of 14 feet measured from the finished grade.

- d. The street-facing facades of buildings on primary streets shall devote not less than seventy-five (75) percent per individual use or fifty (50) percent of the length and fifty (50) percent of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances.*

Both buildings comply with this requirement. On Parcel F-1, the frontage on 19th Street devotes 80% of the length and 55% of the surface area of the street wall at ground level to windows associated with the retail uses or windows associated with the main building entrance. On Parcel G-1, the frontage on Massachusetts Avenue devotes 65% of the length and 60% of the surface area of the street wall at ground level to windows associated with retail uses or windows associated with the main building entrance.

- e. The street-facing facades of mixed-use or non-residential buildings on secondary streets shall devote not less than seventy-five (75) percent per individual use or thirty (30) percent of the length and thirty (30) percent of the surface area of the street wall at the ground level to windows associated with preferred uses or windows associated with main building entrances.*

Both buildings comply with this requirement. On Parcel F-1, the frontage on 19th Street devotes 70% of the length and 59% of the surface area of the street wall at the ground level to windows associated with the retail uses or windows associated with main building entrances. On Parcel G-1, the frontage on the north half of 19th Street devotes 59% of the length and 39% of the surface area of the street wall at the ground level to windows associated with the retail uses or windows associated with main building entrances.

- f. The windows required shall have clear or clear/low emissivity glass allowing transparency to a depth of twenty (20) feet into the preferred ground level space with bottom sills no more than four (4) feet above the adjacent sidewalk grade*

Both buildings comply with this requirement. The windows on both buildings have a clear/low emissivity glass allowing transparency to a depth of 20 feet into the preferred ground level space, with bottom sills, eight inches to two feet eight inches above the adjacent sidewalk grade.

- g. Such windows must allow views from within the building to the street*

Both buildings comply with this requirement. All of the windows allow views from within the building to the streets.

G. Section 2813– Design Requirements All Locations

All new buildings and structures located in the HE District are subject to the following design requirements:

- a. The front of a building or structure shall extend to the property line(s) abutting the street right-of-way for not less than ninety (90) percent of the property line and to a height of not less than twenty-five (25) feet.*

Both building comply with this requirement. The building on Parcel F-1 extends to the property line abutting the right of way at 19th Street for 90% of the property line and to a height

of 52 feet. The building on Parcel G-1 extends to the property lines abutting the right-of-way at 19th Street for 93% of the property line and to a height of 53 feet.

- b. Whatever portion of the front of a building or structure that does not extend to the property line(s) must extend to within 25 feet of the front property line and to a height of not less than twenty-five (25) feet.*

Both buildings comply with this requirement. The majority of the building facade of the building on Parcel F-1 extends to the property line abutting 19th Street. In order to provide articulation and interest at the plaza, the facade incorporates two setback areas that extend the full height of the building. These areas are setback 1 foot, 11 inches from the property line. The majority of the building facade at Parcel G-1 extends to the property line abutting 19th Street. In order to provide interest and articulation at the plaza, the building has been designed as a series of individual facades that stagger along the street. Setbacks at these facade elements are less than 2 feet. The corner of the building, at 19th Street and C Street, is setback from the property line to create a strong architectural element at the building's main entrance.

- c. Awnings, canopies, bay windows, and balconies may extend forward of the required building line to the extent permitted by any other regulations.*

Both buildings comply with this requirement. The facades of both buildings will incorporate projecting awnings and/or canopies at the retail tenant spaces and residential building entrances. The Massachusetts Avenue facade of the building on Parcel G-1 will incorporate a series of projecting bays that extend 4 feet beyond the existing building line. These elements will help to break up the facade and add interest and articulation at the pedestrian level along the street.

- d. For every fifty (50) feet of uninterrupted building facade length, the building shall incorporate modulated and articulated building wall planes through the use of projections, recesses and reveals expressing structural bays, changes in color graphical patterns, texture, or changes in building material of the facade.*

Both buildings comply with this requirement. The facade on Parcel F-1 incorporates brick, cast stone, and metal panels on the facades fronting secondary streets. The wall planes clad in brick are articulated with brick reveals, soldier coursing, and cast stone headers and sills surrounding window openings. To further break up the facade, composite metal panel is introduced at the recessed areas between the brick planes. The facade on Parcel G-1 also

incorporates brick, cast stone, and composite metal panel on the facades fronting primary and secondary streets. The 19th Street façade is designed as a series of individual building faces to break up the length of the façade, as well as add interest at the pedestrian level. Each building face will be articulated with different brick colors and window types.

e. The articulation shall have a minimum change of plane of six (6) inches.

Both buildings comply with this requirement.

f. Façade articulation of less than two (2) feet in depth shall qualify to meet the street frontage required building line standards of §§ 2813.2 and 2813.3 of the Zoning Regulations.

Both buildings comply with this requirement.

g. Any single articulation feature shall not exceed sixty (60) percent of the building façade width.

Both buildings comply with this requirement.

h. Buildings with ground floor retail shall incorporate vertical elements to create a series of storefront-type bays with entrances that are no more than 50 feet apart.

Both buildings comply with this requirement. The facade of the ground floor retail on Parcel F-1 incorporates a series of brick pilasters between aluminum storefronts at the retail bays. Entrances to retail spaces are located less than 50 feet apart. The facade of the ground floor retail on Parcel G-1 will be clad in fiber cement trim to depict a “wood- like” cladding at the retail bays. These “mini- facades” will be integrated with aluminum storefronts to create individuality for retail tenants along the base of the building. Entrances to the retail spaces are located less than 50 feet apart.

i. Security grilles shall have no less than seventy (70) percent transparency.

Both buildings comply with this requirement. The security grilles on both buildings will have a minimum of 70% transparency.

j. Street-facing facades shall not have blank walls (without doors or windows) greater than 10 feet in length.

Both buildings comply with this requirement.

- k. Each use within a building shall have an individual public entrance that is clearly defined and directly accessible from the public sidewalk.*

Both buildings comply with this requirement. The primary residential entrance on Parcel F-1 is accessible from C Street. The primary residential entrance on Parcel G-1 is accessible from the corner 19th Street and C Street, with a secondary residential entrance located at the corner of 20th Street and Massachusetts Avenue.

All retail entrances on Parcel F-1 are accessible from the 19th Street public plaza. The retail entrances on Parcel G-1 are accessible from the 19th Street public plaza and Massachusetts Avenue.

- l. Exterior display of goods and exterior storage between the building line and the front lot line is prohibited. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, or other appropriate vendors are permitted to the extent consistent with other District laws.*

Both buildings comply with this requirement. Plaza spaces designed for the Project will provide outdoor amenity opportunities to ground floor tenants within the public realm. The area between buildings and the bio-retention planters will be outdoor rooms that relate directly to the commercial spaces and furnished with movable tables and chairs along with umbrellas and flower pots. These elements will provide intimate areas for dining and public space activation while still providing 10' wide clear circulation routes past them and clear of all doors (DCMR 24-210.1, 24-312.2, and 24-312.3). Benches will be located between the planters to provide additional seating opportunities outside of the dining seating options. Trash receptacles will be provided for public use at strategic moments and away from dining/seating areas (DCMR 24-314.9 and 24-314.10). Bike racks will be located near entrances per DDOT standards.

- m. Windows shall cover the following minimum area of street-facing facades above the ground floor level.*

Location	Minimum Percentage	
	Non-Residential	Residential
Primary Street	35%	20%
Secondary Street	40%	20%

Both buildings comply with this requirement. The windows on Parcel F-1 cover 40% of the residential street-facing facades above the ground floor level at all secondary streets. The

windows on Parcel G-1 cover 24% of the residential street-facing facade above the ground floor level at C Street, 33% at 19th Street, and 34% at Massachusetts Avenue.

- n. Buildings and structures should clearly articulate a base, middle, and top, except for row dwellings and flats.*

Both buildings comply with this requirement. On Parcel F-1, the design of the street-facing facades are organized to articulate a clear base, middle, and top. The base of the building is marked by the use of two rows of cast stone banding above the retail bays. The middle section of the building is articulated through the use of large two-story recessed areas in the brick façade that surround double height windows. The top of the building incorporates a series of large punched window openings framed by cast stone headers and sills. An articulated stepped cornice element caps off the composition at all brick wall planes.

On Parcel G-1, the design of the street-facing facade along 19th Street is also organized to articulate a clear base, middle, and top. The overall building massing has been designed to represent a streetscape that has developed naturally over time. The building massing is broken down to depict larger buildings at the corners with small scale infill structures in between. Along 19th street at the retail plaza, the space between the large corner facades at each end of the block is completed by four individual facades each with unique retail storefronts below. These grade-level retail facades, in conjunction with the strong cornice elements found on both of the corners, serve to create a strong identifiable base for the building. The middle and top sections of this facade are articulated with double height windows, alternating brick patterns and colors, and a strong projecting cornice element at the top of the building. The facade along C Street continues the same theme, with a large building facade wrapping the corner at 19th Street and C Streets. The massing also depicts five adjacent row dwellings. The design of the building facade along Massachusetts Avenue also incorporates a large building facade wrapping the corner at 19th Street. This is followed by a massing that depicts a series of row dwellings along the block. The streetscape is punctuated by a seven story large building facade at the corner of 20th Street.

- o. High quality, durable materials which enhance the building and convey permanence shall be required.*

The design of both buildings comply with this requirement. Materials used on all street-facing facades on Parcel F-1 include brick, cast stone and composite metal panel. Materials used

on all street-facing façades for Parcel G-1 include brick, cast stone, composite metal panel, and fiber cement trim.

- p. The use of synthetic stucco, vinyl siding, and/or other low-grade exterior finishes is prohibited.*

The design of both buildings comply with this requirement. EIFS will be used only as a complementary cladding material on non-primary and Secondary Street facades.

H. Section 2814– Design Requirements for Buildings Located on Primary Streets

Since the building on Parcel G-1 is located on Massachusetts Avenue, which is designated as a Primary Street, the following design requirements apply:

- a. The fronts of buildings located at street intersections shall be constructed to the property lines abutting each intersecting street, without any setback, for a minimum of fifty (50) feet from the intersection, along each street frontage.*

The building on Parcel G-1 complies with this requirement. The front of the building at the corner of Massachusetts Avenue and 19th Street will be constructed to the property line. The front of the building at the intersection of 19th and C Street is setback 9 feet to accommodate the electric utility vaults within Property.

- b. The corner of the building at the intersection of two primary streets or a primary and secondary street shall incorporate articulation such, as but not limited to, being angled, curved, or chamfered to emphasize the corner.*

The building on Parcel G-1 complies with this requirement. At the corner of Massachusetts Avenue and 19th Street the building will be constructed to the property line, emphasizing the non-parallel intersection of these two streets. The facade is articulated with a strong cornice element that wraps the corner at the base and top of the building. To further emphasize this important corner, a large circular paving pattern and fountain have been created to mark this important edge as a public gathering space.

- c. The distance from the corner shall not exceed 20 feet, measured from the corner of the lot to the end of the angled or curved wall segment.*

This design requirement is not applicable.

- d. Entrances into a building shall be no more than fifty (50) feet apart and recessed no more than six (6) feet deep or ten (10) feet wide.*

The building on Parcel G-1 complies with this requirement. All building entrances are less than 50 feet apart, recessed 3 feet, and are between 6 and 8 feet wide.

- e. Buildings shall incorporate vertical elements in the street-facing façade to create a series of storefront-type bays where preferred uses are present.*

The building on Parcel G-1 complies with this requirement.

- f. Residential buildings shall have at least one primary entrance directly accessible from the public sidewalk.*

The building design on Parcel G-1 complies with this requirement. The primary entrance is directly accessible from the public sidewalk at the corner of 19th Street and C Street.

- g. Instead of the windows required by § 2812.1(d), on primary streets, artwork and displays relating to activities occurring within the building shall be permitted as a special exception if approved by the Zoning Commission pursuant to § 3104, provided the applicant demonstrates that:*

- i. The building has more than 50 percent of its ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters); and*
- ii. The artwork or displays are consistent with the objective of providing a pleasant, rich, and diverse pedestrian experience.*

This design requirement is not applicable.

IV. **RELIEF FROM ZONING REGULATIONS**

A. Waiver of Inclusionary Zoning Requirements

Since the Property is located within the Anacostia Waterfront Development Zone, the Project must comply with the affordable housing requirements contained in the “National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008” (D.C. Official Code §§ 2-1226.01 et seq. (2008)) (the “AWI Act”). *See D.C. Official Code § 2-1226.02.* The AWI Act requires that at least 30% of the total housing units developed must be affordable -- 15% reserved for households earning up to or at 30% of the area median income (“AMI”) and 15% reserved for households earning up to or at 60% of the AMI. In lieu of the Inclusionary Zoning Requirements in Chapter 26 the Applicant will develop the Property in compliance with the affordable housing requirements in the AWI Act.

B. Special Exception Relief for Garage Entrance Locations

The garage entrances providing access to parking and loading facilities for each building are located off of private driveways that are accessible from C Street, which is a Secondary Street. Section 2815.6 of the Zoning Regulations states that no driveway or garage entrance providing access to parking or loading areas shall be permitted from a Primary or Secondary Street. However, Section 2815.9 of the Zoning Regulations states that exceptions from the prohibitions and limitations of Section 2815 (except those that pertain to use) shall be permitted if approved by the Zoning Commission pursuant to Section 3104 of the Zoning Regulations. The Applicant must demonstrate that (a) there is no practical alternative means of serving the parking, loading, or drop-off needs of the building to be served by the proposed driveway or garage entrance; (b) the driveway or garage entrance will not impede the flow of pedestrian traffic; and (c) the driveway or garage entrance is not inconsistent with the DDOT landscape plans for the public rights of way in the Hill East Waterfront area, to the extent that such plans exist at the time of the special exception application.

In this case, the Property is surrounded on all sides by either Primary or Secondary Street; therefore, any driveway leading to the project must be from a Primary or Secondary Street. The private driveways will not impede the flow of pedestrian traffic since they are located off C Street at the rear of the buildings and there is ample public sidewalk provided on C Street. The Project will improve access to the Hill East District, generally; is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and will not adversely affect the use of neighboring property.

C. Area Variances

Section 2801.3 of the Zoning Regulations states that the Zoning Commission may hear and decide any additional requests for variance relief needed for the Property. Such requests shall be advertised, heard, and decided together with the application for review and approval. Pursuant to 11 DCMR § 2801.3, the Applicant requests the following area variances:

Parcel F-1

1. To permit a building height of 52 feet where a maximum building height of 50 feet is permitted.
2. To permit 45 total parking spaces where a minimum of 60 total parking spaces is required.
3. To permit a 30-foot loading berth, 100-square foot platform, and one 20-foot service/delivery space to serve both the residential and retail uses where one 55-foot loading berth, one 30-foot loading berth, one 200-square foot platform, one loading 100-square foot platform and one 20-foot service/delivery space are required.

Parcel G-1

4. To permit a building height of 53 feet for the portion of the building located in the HE-1 Zone District where a height of 50 feet is permitted.
5. To permit 111 total parking spaces where a minimum of 143 total parking spaces are required.
6. To permit one 30-foot loading berth, one 100-square foot platform, and one service/delivery space at 20 feet deep to serve both the retail and residential uses where one 55-foot berth, one 200-square foot platform, and one 20-foot service/delivery space are required.

The test for granting an area variance is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. As set forth below and further described at the public hearing on the application, the requested area variance relief is appropriate.

1. Exceptional Situation or Condition

A confluence of factors causes an exceptional condition for the Property, necessitating relief of the height, parking and loading requirements. The existing topography of the site drops off significantly moving east to west toward the waterfront. Parcel F-1 drops off approximately

8 feet in height from west to east along the Property towards the Anacostia Waterfront Park and Parcel G-1 drops off approximately 17 feet in height from west to east along the Property. Also, the design and uses of the building must comply with design and use the requirements specified for the Hill East District in Chapter 28 of the Regulations. Finally, the Property is subject to the 30% affordable housing requirements for the Anacostia Waterfront Development Zone.

2. Resulting Practical Difficulty

Strict application of the height, parking and loading requirements of the Zoning Regulations will result in a practical difficulty upon the Applicant, as described below.

Height. The Applicant requests an area variance from Section 2808.1 of the Zoning Regulations, which permits a maximum building height of 50 feet in the HE-1 Zone District. The Applicant proposes a building height of 52 feet for the building on Parcel F-1, and 53 feet for the portion of the building on Parcel G-1 in the HE-1 Zone District. The additional height is needed to achieve a minimum floor-to-ceiling height of 14 feet for the ground floor retail uses as required under Section 2812.1(c) of the Zoning Regulations. The existing topography of the site drops off significantly moving east toward the waterfront. These grading changes, coupled with the proposed construction type and building height restriction impose limitations on our ability meet the programmatic requirements for the buildings. The additional height requested for each building will allow for the creation of a building section that delivers a clear floor-to-ceiling height of 14 feet for ground floor retail, market compatible residential units with a clear floor to ceiling height of 9 feet, and a strong cornice element at the top of each building as noted in the Hill East Waterfront Draft Design Guidelines.

Parking. The Applicant requests an area variance from Sections 2815.1, 2815.2 and 2101.1 of the Zoning Regulations. For Parcel F-1, the required number of total parking spaces is 60. Parcel G-1, the required number of total parking spaces is 143. The Applicant proposes only 45 total parking spaces for the building on Parcel F-1 and 111 total parking spaces for the building on Parcel G-1. Each building will only have one level of below grade parking. Since the Project is being developed with 30% affordable units, it is financially infeasible to provide more than one level of below grade parking.

Loading. The Applicant requests an area variance from Sections 2815.3, 2815.4 and 2201.1 of the Zoning Regulations. For Parcel F-1, the Applicant proposes to have one 30-foot loading berth, one 100-square foot loading platform, and one 20-foot service/delivery space. For Parcel G-1, the Applicant proposes to have one 30-foot loading berth, one 100-square foot loading platform, and one 20-foot service/delivery space. Access to the loading docks can only be achieved via a private driveway leading to each building, which is not wide enough to accommodate large tractor trailers.

3. No Substantial Detriment to the Public Good or Substantial Impairment of The Zone Plan

The requested relief can be granted without substantial detriment to the public good and without substantially impairing the zone plan.

Height. The proposed building heights are only slightly taller than the permissible height in the HE-1 Zone District. The height is stepped down with the taller height located closer to the Anacostia Waterfront Park. In addition, the Hill East District is being completely redeveloped with new buildings, some of which are permitted to be 110 feet in height. Also, both parcels are located adjacent to the HE-2 Zone District which permits a maximum height of 80 feet. As a result, the Project has been sufficiently designed to complement the overall Hill East Redevelopment Plan.

Parking. The Project is located adjacent to the Stadium Armory Metro Station and near numerous bus routes along 19th Street. The reduction in the total number of parking spaces will not have a detrimental impact on the public good, since there is readily available public transportation. The Project also includes locations outside each building to accommodate BikeShare programs, which provide another alternate forms of transportation.

Loading. Both buildings primarily contain residential uses. As a result, large tractor trailers are not necessary to service the buildings. Larger trucks for residential move-in and move-out and retail deliveries, can be accommodated within the proposed 30-foot berth. The Project requires special expectation relief to provide any form of loading for each building. As a

result, the proposed loading plan seeks a minimal amount of special exception approval for the loading access proposed.

**V.
LIST OF WITNESSES**

The following witnesses may provide testimony at the Commission's public hearing on the application:

1. Christopher Donatelli, Donatelli Development
2. Colline Hernandez, Architecture, GTM Architects
3. Sharon Bradley, Landscape Architecture, Bradley Site Design
4. Jami Milanovich, Transportation Planning, Wells+Associates

**VI.
EXHIBITS IN SUPPORT OF THE APPLICATION**

The following exhibits are attached to this statement in further support of the application:

- Exhibit A: Updated Architectural Elevations, Plans, Renderings and Materials
- Exhibit B: Traffic Impact Study conducted by Gorove/Slade dated June 4, 2015
- Exhibit C: Witness Resumes

**VII.
CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission approve the application.

Respectfully submitted,

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