

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**SUPPLEMENTAL STATEMENT  
IN SUPPORT OF AN APPLICATION FOR A  
CONSOLIDATED PLANNED UNIT  
DEVELOPMENT**

**1336 8<sup>th</sup> STREET SPE LLC  
Z.C. CASE NO. 16-24**

**May 5, 2017**

**Holland & Knight LLP  
800 17<sup>th</sup> Street, NW  
Washington, DC 20006  
(202) 955-3000**

## I. INTRODUCTION

This prehearing statement is submitted by 1336 8th Street SPE LLC (the “Applicant”) on behalf of the District of Columbia, the owner of the property located at 1336 8<sup>th</sup> Street, N.W. (Square 399, Lot 68) (the “Property”) in support of its application for the consolidated review and approval of a planned unit development (“PUD”) and related Zoning Map amendment to rezone the Property from the MU-4 to the MU-6 Zone. The Property is within the boundaries of ANC 6E. The public hearing on the Application is scheduled for May 25, 2017.

This prehearing statement supplements the original application statement filed with the Zoning Commission on November 7, 2016, and the prehearing statement filed with the Zoning Commission on March 6, 2017; and addresses the comments raised by the Zoning Commission at its setdown meeting on February 13, 2017, the comments raised by the Office of Planning (“OP”) in its setdown report dated February 3, 2017, and during subsequent meetings with the Applicant, and the interagency meeting held on March 9, 2017.

The Applicant proposes to redevelop the Property with a mixed-use development that includes approximately 93,600 square feet devoted to residential use, generating approximately 85 units, and approximately 4,850 square feet devoted to non-residential uses, which includes approximately 1,350 square feet of space for use by Immaculate Conception Catholic Church (the “Project”). The Project will have a density of 7.2 FAR<sup>1</sup>, which is within the maximum permitted for a PUD within the MU-6 Zone. The Project will also have a maximum building height of 98 feet and includes 23 below grade parking spaces. Vehicular access to the garage and to the associated loading facilities will be from the public alley immediately west of the Property. The

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<sup>1</sup> Originally, the project had a density of 6.5 FAR. However, the floor area was increased in order to achieve a design that addressed some of the comments raised by the Zoning Commission and Office of Planning.

Project has been reviewed and conceptually approved by the Historic Preservation Review Board (“HPRB”).

The development of the Property is subject to the Applicant's Land Disposition and Development Agreement (“LDDA”) with the District, which requires the Applicant to set aside 30% of the total residential units (which is equal to 26 units) as affordable, for the life of the Project. Therefore, the PUD is not subject to the IZ requirements of Subtitle C, Chapter 10 of the Zoning Regulations. Half of the affordable units will be reserved for households earning up to 50% of the area median income (“AMI”) and half of the affordable units will be reserved for households earning up to 80% of AMI. In accordance with the LDDA, all of the affordable units will be in the multifamily component of the Project.

On April 25, 2017, the Applicant submitted a copy its Comprehensive Transportation Review (“CTR”) to the Zoning Commission in accordance with Subtitle Z § 401.8 of the Zoning Regulations. The Applicant also submitted a copy of the CTR to DDOT on April 10, 2017.

## **II. SUPPLEMENTAL INFORMATION ON THE APPLICATION**

### **A. Outstanding Issues from Set Down**

At set down, the Zoning Commission recommended the following: (1) redesign of the penthouse to meet all of the required setbacks; (2) additional windows for the alley-facing façade, where the church office will be located; (3) clarity on the location of the affordable units. In its set down report, the Office of Planning also requested additional information about the PUD. Those issues that were not fully addressed in the prehearing statement filed on March 6th are: (1) the updated GAR score sheet; (2) the exterior building materials; (3) consultation with Public

Space on the projections on the east and north facades. The Applicant has addressed these comments as discussed herein.

**B. Interagency Review Comments**

OP circulated the application to DDOT, Office of the State Superintendent of Education (“OSSE”), the Department of Housing and Community Development (“DHCD”), the Department of Energy and the Environment (“DOEE”), and DC Water for their review of the Project. Also, on March 9, 2017, an interagency meeting was held to review the project. Following is a summary of the comments from the interagency review and the Applicant’s response to same.

- DDOT and Public Space: The public space elements should be coordinated with the adjacent projects and consistent with the existing improvements. The Applicant had a separate meeting to discuss concerns about the building projections and has agreed to revise this element of the building.

*The Applicant has updated the streetscape and landscape elements of the Project in order to be consistent with the nearby historic rowhouses and the PUD to the east. The Project includes black-painted metal fencing and gates at the proposed rowhouses on 8<sup>th</sup> Street and black-painted metal tree guards around the tree boxes surrounding the Property. The Applicant will use brick for the walk surface on 8<sup>th</sup> Street and will match the width of the tree boxes in front of the existing rowhouses to the north. London pavers will be used on O Street and a granite curb with a concrete gutter will be provided to match the south side of the O Street. The O Street streetscape design has also been coordinated with the adjacent PUD at 810 O Street (Z.C. Case No. 06-07)*

- OSSE: Child care is a critical need in the District; encouraged the Applicant to consider space for childcare use.

*The Applicant considered this comment.*

- DHCD: Wanted to confirm that at the end of the funding term for the affordable units, the affordable units will convert to IZ units for the life of the project.

*The LDDA between the Applicant and the District requires that the affordable units remain affordable for the life of the Project.*

- **OP:** The application should include a sign plan, and the Applicant should request flexibility relating to signage.

*A signage plan for the retail and residential components of the Project is included on Sheets A-22 through A-23 and A-30 through A-31.*

- **DOEE:** The Applicant is only proffering LEED Silver which is insufficient to demonstrate environmental performance that exceeds the baseline building code. This project should maximize every opportunity to provide rooftop solar. The Applicant is not proffering LEED or any other environmental benefits. They only mention the green roof and plantings which are required to meet the stormwater regulations. The Applicant has not included any stormwater management plans.

*The Project will achieve a minimum of 60 LEED points need for LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009. The Applicant is taking additional credits into consideration as requested. The revised LEED scorecard is included as Sheet S-01 of the architectural plans. The amount of rooftop space is severely limited as a result of the building's stepped massing, which is a response to the surrounding neighborhood context. The stepped massing requires additional vertical height at each transition in order to accommodate plumbing transfers, which further reduces the amount of rooftop space. As indicated on the revised LEED scorecard (EAc2), the Applicant is investigating the feasibility of rooftop solar energy generation where possible, and when not in conflict with meeting other Project requirements such as stormwater management, GAR, and LEED Credits. The Applicant will submit stormwater management plans in connection with the permitting for the project. The plans will comply with the DOEE's Stormwater Management regulations.*

- **DC WATER:** There is an existing sewer line in the sidewalk are along O street that will be impacted by the proposed street trees. This should be relocated or relined. Water service should be from the 8" water line in 8th street and the water meter should be in a vault in public space. There is a combined storm and sanitary sewer in the alley behind the site. This is the only sewer for this block and needs to be protected. The applicant will need to CCTV the sewer to evaluate its condition and ability to accept the proposed storm and

sanitary sewage loads. Depending upon condition and capacity it may need to be lined or replaced.

*In response to DC Water's comments, the Applicant will replace or reline the existing combined sewer behind the Property depending on the result of the CCTV inspection and capacity of the existing pipe.*

### **C. Updated Architectural Drawings**

The PUD has been revised to address the comments from the Zoning Commission, OP and the interagency review as reflected in the updated set of architectural drawings for this application attached as Exhibit A. Specifically, the plans have been revised as follows:

- In order to meet the penthouse setbacks requirements of the Zoning Regulations, the size of the penthouse was reduced. As a result, gross floor area was shifted from the penthouse to the base building. The density for the Project has been increased from 6.56 FAR to 7.2 FAR.
- The alley-facing façade has more window openings in order to allow more light into the area designated for the church office. (Sheet A-24)
- The updated demising plan showing the affordable unit mix is on Sheets A-12 through A-17.
- The updated GAR score sheet is on Sheet L-03.
- The exterior building materials are shown on Sheets A-26 through A-29. Material samples will be made available at the public hearing.
- As a result of consultation with OP and HPRB, the Applicant revised those elements of the building that project into public space. There are two type of projections. The occupied projections occur on the ground floor, retail level, and on the first two residential levels, and will project 4 feet beyond the Property line on O Street. The balcony projections will extend 4 feet beyond the property line on portions of 8<sup>th</sup> and O Streets. Both sets of projections will comply with the Building Code requirements.
- The Applicant has updated the streetscape and landscape elements of the Project in order to be consistent with the nearby historic rowhouses and the PUD to the east. The Project includes black-painted metal fencing and gates at the proposed rowhouses on 8<sup>th</sup> Street and black-painted metal tree guards around the tree boxes surrounding the Property. The Applicant will use brick for the walk surface on 8<sup>th</sup> Street and will match the width of the tree boxes in front of the existing rowhouses to the north. London pavers will be used on

O Street and a granite curb with a concrete gutter will be provided to match the south side of the O Street. The O Street streetscape design has also been coordinated with the adjacent PUD at 810 O Street (Z.C. Case No. 06-07). (Sheets L-01 through L-02).

- A signage plan for the retail and residential components of the Project is included on Sheets A-22 through A-23 and A-30 through A-31.

#### **D. PUD Flexibility**

The Applicant seeks flexibility for the PUD, as amended in the revised architectural drawings attached as Exhibit A, in the following areas:

1. Minimum Rear Yard Requirements. The Applicant requests flexibility to have a rear yard of six feet in lieu of the 15 feet that is required pursuant to Subtitle G § 405.2 of the Zoning Regulations. The reduced rear yard will not result in any adverse impacts to the open space on the Property or on nearby properties. There is ample open space, light, and air surrounding the building in all directions.

2. Minimum Open Court Width Requirements. The Applicant requests flexibility to have an open court that is one foot in width, where a minimum open court width of 10 feet is required under Subtitle G § 202.1 of the Zoning Regulations.

3. Maximum Lot Occupancy Requirements. The Applicant requests flexibility to have a building with a maximum lot occupancy of 100% at the lowest residential level, which is the street level of the Project, where a lot occupancy of 80% is permitted under Subtitle G § 404.1 the Zoning Regulations. However, the lot occupancy is reduced at the higher levels of the building. For example, at the second level of the building, the lot occupancy is 86.7% and at the fourth level of the building, the lot occupancy is 69%.

4. Minimum Loading Requirements. The Applicant requests flexibility to provide a 30-foot loading berth and a 100-square foot loading platform in lieu of a 30-foot loading berth and a 100-square foot loading platform and one service delivery space as required under Subtitle C § 901.1 of the Zoning Regulations. The Applicant's traffic consultant has evaluated the proposed loading and has confirmed that the proposed loading will be sufficient to accommodate the expected demand.

5. Proportionality of Affordable Units. The Applicant is required to set aside 30% of the total residential units (which is equal to 26 units) as affordable, for the life of the Project. Consistent with the Applicant's LDDA with the District, only multifamily units will be set aside to meet the 30% threshold. None of the ground level units along 8<sup>th</sup> Street will be set aside as affordable units.

5. Additional Areas of Flexibility. The Applicant has made every effort to provide the highest level of detail in the drawings to convey the quality and appropriateness of the Project's

design and uses for this location. Nonetheless, some flexibility is necessary with respect to certain details. Thus, the Applicant requests modest flexibility in the following areas:

- (a) To be able to provide a range in the number of residential units of plus or minus 10%;
- (b) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- (c) To vary the sustainable design features of the Project, provided the total number of LEED points achievable for the Project is not below the LEED-Gold rating standards under the United States Green Building Council LEED for New Construction v2009.
- (d) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations or that are otherwise necessary to obtain a final building permit;
- (e) In the retail and service areas, flexibility to vary the location and design of the ground floor components of the Project in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use and to accommodate any specific tenant requirements; and to vary the size of the retail area; and
- (f) To vary the features, means and methods of achieving (i) the code-required GAR of 0.3, and (ii) stormwater retention volume and other requirements under 21 DCMR Chapter 5 and the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control.
- (g) To vary the location, attributes and general design of the streetscape incorporated in the PUD to comply with the requirements of and the approval by the DDOT Public Space Division;
- (h) To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved plans; and
- (i) To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the PUD and to vary the types of uses designated as “retail” use on the approved Plans to



include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).

**G. Restatement of Project Benefits and Amenities**

(1) Urban Design and Architecture; Landscaping and Open Space; Property Planning & Efficient & Economical Land Utilization (§ 305.5(a) – (c)). As a natural extension of CityMarket at O, the project will be a major catalyst to the continued revitalization of Shaw. Vehicular access to the parking ramp and loading facilities will occur from the adjacent alley, which will result in the elimination of the existing curb cut on 8<sup>th</sup> Street that currently serves the Property and also minimize vehicular and pedestrian conflicts, improve the pedestrian character of the street, and provide an opportunity for additional street parking.

Architecturally assembled from a collection of forms, each with its own unique expression, the Project serves as a bridge from the existing two and three story row houses in the neighborhood to the larger Shaw developments, including City Market at O. The Project appreciates the existing 8th Street townhouse architecture through a purposeful tapering and varying of heights among the mixed-use components of the Project.

At its highest elevation, the building will utilize thin light colored brick frames with expansive areas of glass providing residents in the tallest portion of the building with light-filled spaces from which to enjoy expansive views of the city. Some of the residential units will enjoy projected, private balconies and living spaces as well as freely accessible rooftop gardens offering special moments for residents to interact with neighbors.

Lower tiered residential units serve as a link to the materials that typify the neighborhood by the use of elongated and highly variegated, mid-tone bricks to give this portion of the building welcoming warmth and texture by creating a pronounced horizontal grain to the building. This particular brick is especially vibrant, adding a palpable feeling of presence to the building. Ample, punched openings provide abundant light and air for its residents while also offering them a chance to escape outside onto their private exterior balconies overlooking 8th and O Streets.

The building's layered approach is punctuated by the creation of three and a half story townhouses on 8th Street that display crisp, faceted window frames that echo the proportion and scale of the adjacent homes while also creating an elegant and contemporary expression. These townhouses help create a rich and varied mix of activities at the street level. They also provide a lively mix of housing options, each with its own access to exterior balconies, rooftop gardens and courtyard environments to create pockets of space that provide chances for casual interactions and gatherings among friends surrounded by planters, decks and benches. Adjacent to the townhomes will co-exist new and exciting retail opportunities to compliment Shaw's existing galleries, restaurants, cafes, boutiques, all headlined by the Giant at CityMarket at O.

The roof terrace on top of the mid-rise portion of the building will serve as an outdoor amenity space and will be accessible to tenants. It will include a cooking and dining space, a fire-

table lounge area, and more intimate seating areas. At the street level, the paving and landscape features for the Project will marry up to those of CityMarket at O, helping to stitch 8th Street seamlessly together to the north, enhancing walkability and providing similar ground cover plantings, trees, bicycle racks and light fixtures.

Ultimately, the elegant design vision is meant to compliment and enliven the community while also providing exciting and amenable living and shopping opportunities at mixed incomes for the neighborhood.

(2) Affordable Housing (§ 305.5(g)). The Applicant is required to set aside 30% of the total units within the Project (which is equal to 26 units) as affordable units, for the life of the Project. Half of the affordable units will be reserved for households earning up to 50% of AMI and the other half of the affordable units will be reserved for households earning up to 80% of AMI.

(3) Employment and Training Opportunities (§ 305.5(h)). The Applicant has entered into First Source and Certified Business Enterprise agreements with the District. It is estimated, based on the projected construction spending of the development program presented in the District RFP, the Project will create a total of 185 construction jobs and 17 permanent jobs. This includes 146 full-time and 39 part-time FTE employees. The Applicant's commitment to the CBE program would lead to 98 of these jobs being held by District-based CBEs. Further, at build out, the Project will generate a total of 17 permanent jobs, including 10 full-time FTE. Based on the Applicant's commitment to local hiring, it is anticipated that a minimum of 9 of these jobs will be filled by District residents.

(4) Environment and Sustainable Benefits (§ 305.5(k)). The Project will achieve a minimum of 60 LEED points, which is equivalent to LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009. Additionally, the roof of the elevator overrun, the roof of the penthouse, and a portion of the penthouse level patio space will be planted with an extensive green roof system. Much of this terrace will be planted with ornamental trees, shrubs, and ground plane plantings. The roof of the portion of the building that extends below grade will function as a planted courtyard with small terraces provided for two of the units that the interior courtyard. In addition to cooling the environment, the planted roof areas will be used to manage storm water runoff.

(5) Transportation Infrastructure (§ 305.5(o)) As part of the Project, the Applicant will widen a portion of the adjacent alley by 5 feet (from 10 feet to 15 feet). When considered in conjunction with the additional 10 feet of alley being constructed as part of the PUD immediately to the west of the Property, the future alley will provide improved functionality for all alley users. In addition, a Transportation Demand Management ("TDM") Plan will be developed to promote non-auto modes of transportation.

(6) Uses of Special Value to the Neighborhood or the District as a Whole ((§ 305.5(q)).

a. The Applicant will provide 25 parking spaces at the parking garage at CityMarket at O for Immaculate Conception Catholic Church (the “Church”). The estimated value of the parking spaces is \$750,000.

b. The Project will include approximately 1,350 square feet of space for use by the Church. The estimated value of this benefit/amenity is approximately \$960,000.

c. The Applicant will contribute \$100,000 to fund events and programs over a two-year period that promote the retail and restaurant venues in the Shaw neighborhood. Confirmation of the monetary contribution and the events/programs that will be funded shall be documented in an agreement between the Applicant and a local organization, which shall be submitted to the Zoning Administrator prior the issuance of a certificate of occupancy for the retail component of the PUD.

d. The Applicant will contribute \$25,000 to the Department of Parks and Recreation, which is to be utilized to enhance programming for youth activities at the Kennedy Recreation Center.

**H. Community Outreach**

The Property is within the boundaries of Advisory Neighborhood Commission (“ANC”) 6E. ANC 6E voted in support of the PUD application on March 7, 2017. A copy of the ANC letter/resolution was filed separately with the Zoning Commission and is included as Exhibit 19 of the record.

### III. CONCLUSION

In accordance with Subtitle Z, Section 401.5 of the Zoning Regulations, this statement is submitted on behalf of 1336 8<sup>th</sup> Street SPE LLC in order to provide additional information in support of its application for a PUD and related Zoning Map amendment at the Property. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's favorable consideration of the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila M. Jackson Batties*  
Leila M. Jackson Batties