

September 12, 2014

VIA ELECTRONIC SUBMISSION

Mr. Anthony J. Hood  
Chairman  
D.C. Zoning Commission  
441 4<sup>th</sup> Street NW  
Suite 210S  
Washington, DC 20001

Re: **Zoning Commission Case No. 13-08 – Consolidated PUD and Zoning Map Amendment Application- Pre-Hearing Statement of the Applicant**

Dear Chairman Hood and Members of the Zoning Commission:

This consolidated PUD and Zoning Map Amendment application was set down for a public hearing at the Zoning Commission's ("**Commission**") July 8, 2013 public meeting. This letter and the attached materials serve as Square 5914, LLC's (the "**Applicant**") pre-hearing statement. This pre-hearing statement and the attached exhibits address all of the issues that were raised by the Zoning Commission and the information that was requested by the Office of Planning ("**OP**").

As noted in the Applicant's initial statement in support of this application, the Applicant's vision for the development of the site was guided by the following goals:

- Create a vibrant transit-oriented development with neighborhood-serving retail, office, and residential uses;
- Increase Metro ridership originating/terminating at the Congress Heights station with uninterrupted operation of the station entrance;
- Enhance pedestrian safety along Alabama Avenue; and
- Enliven the plaza surrounding the Metro Station entrance.

The modifications and enhancements that have been made to the project in response to the comments received to date have helped further these goals. Since the set-down meeting, the Applicant and its architects have spent significant amounts of time and resources in refining the architecture of the project and working with the community in the negotiation of a Community Benefits Agreement. The project presented in the attached materials creates high-quality housing, office, and retail options for existing and new residents and helps achieve the District's

vision of creating economic development opportunities in the Congress Heights neighborhood and Ward 8.

### **Architectural Modifications**

Enhanced renderings and perspectives of the project, which address the comments of the Commission and OP, are included in pages 1.1 to 2.0 of Exhibit A. These renderings and perspectives provide: details on the modifications that were made to the buildings to mitigate any visual impacts of the project; more details on the appearance of the Metro Plaza area; more details on the treatment of the back of the buildings, as viewed from the adjacent properties; and more information as to this project's relationship with the existing buildings in the immediate area, as well as the potential development of the St. Elizabeth's East Campus.

The Applicant has made the following specific modifications to the buildings and enhancements to the materials included in this application.

- The height of both the office and residential buildings has been lowered to a measured height of 90 feet<sup>1</sup>.
- The residential building includes more red brick along Alabama Avenue, and the 13<sup>th</sup> Street façade has been refined to add articulation and setbacks and convey more of a residential feel which better relates to the surrounding residential uses.
- The height of the Belvedere (architectural embellishment) located on the roof of the residential building along Alabama Avenue has been reduced and the design refined to be more articulated.
- The upper two floors of the residential building along 13<sup>th</sup> Street have been setback from the face of the building.
- The perspectives and site sections (p. 4.0 and 4.1 of Exhibit A) depict the relationship of the proposed buildings to the scale of development that was approved on the St. Elizabeth's East Campus.
- The elevator penthouse structures have been relocated to comply with the setback requirements from the public street facades and to reduce their visibility from the ground level, in particular their visibility from the Metro Plaza area.

As shown in these materials, the decreased overall building height, the introduction of additional set-backs on the upper floors of the residential building and the modifications to the façades of the residential building have mitigated the perceived impact of these new buildings on

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<sup>1</sup> This reduction in overall building height results in ceiling heights ranging from 11 feet, 2 inches to 16 feet, 3 inches in the ground floor retail spaces. If higher ceiling heights are requested by the Commission or the Office of Planning for these retail spaces, it will be necessary to increase the overall building heights.

the existing and future uses and buildings in the immediate area. The Applicant believes that the level of detail provided in the attached materials does a much better job on conveying the high levels of architectural quality that the buildings will provide, as well as the greatly improved pedestrian experience that one will have while walking along Alabama Avenue or in the Metro Plaza area.

### **Flexibility Requested**

The Applicant is requesting flexibility from the strict application of the Zoning Regulations with regard to the following:

- Roof structures – The Applicant is requesting the ability to create one roof structure on the office building. However, in order to mitigate its visual impact, the Applicant is requesting the ability to have this roof structure include varying heights. On the residential building the Applicant is similarly seeking to reduce the visual impact by creating three roof structures with varying heights. The Applicant is seeking set-back relief from the portion of the roof structure on the residential building that abuts the building's internal courtyard. This roof structure satisfies all required setbacks from the exterior walls of the residential building which face public streets.
- More than one structure on a single record lot – As noted in the initial statement, the residential and office buildings will be located on the same record lot and will not have an above-grade connection between the buildings. Each building's theoretical lot calculations are provided in the attached materials. On the office building lot, the non-residential FAR will be 4.82 which is more than the permitted 4.5 FAR for non-residential use for a PUD in the C-3-B Zone. However, the total amount of non-residential FAR provided on the entire site is only 2.85.
- Loading – The project will include a 30 foot loading berth for the residential building rather than a 55 foot loading berth. The two service and delivery spaces required for the office building will be provided on the theoretical residential lot.

### **Public Benefits and Project Amenities**

The construction of a significant transit-oriented development at the Congress Heights Metro station, with a mix of residential, office and retail uses, is the most significant amenity that this project will bring to the immediate Congress Heights neighborhood, to Ward 8 and to the District. This project will serve as a hub for people to live, work and shop in their neighborhood, while helping spur additional economic development projects on St. Elizabeth's East Campus.

The project includes the following architectural elements and urban design features which should be considered to be project amenities:



- The creation of landmark gateway architectural place making tower and belvedere features at the corner of 13<sup>th</sup> and Alabama and the smaller rotunda feature at the Metro Plaza.
- A new activated, vibrant plaza is created at the existing Metro entrance. Generous distances are maintained around the Metro canopy to allow outdoor café areas. The plaza is activated with multiple retail entrances and cafes as well as the Office Building lobby entrance.
- The building massing along Alabama Avenue is pulled back from the property line to provide wider sidewalks from 20 – 26 feet accommodated more pedestrian traffic. 13<sup>th</sup> Street and Alabama Avenue will receive new streetscape.
- Alabama Avenue is activated by the introduction of multiple retail spaces in addition to the residential building lobby entrance. The office and residential components of the project have unique massing and façade treatments to modulate the scale of the project.
- The building facades are designed “in the round” such that all the facades are articulated and detailed and the project as viewed from the playing fields to the south will be richly detailed and articulated.
- The building’s facades have a rich and warm pallet of materials consisting of brick masonry, granite and precast bases, and precast and metal detailing. The masonry detailing of the buildings will relate to the historic buildings of the St. Elizabeth’s campus as well as the surrounding neighborhood. The tops of the buildings are richly articulated, with setback terraces on the office building and a strong cornice at the residential building.
- The site plan is configured with a new private alley running from Alabama Avenue to 13<sup>th</sup> Street, allowing all of the garage entrances and service entrances and loading to be located off of public streets. The grading of the private alley will allow it to be situated at a slightly lower elevation than the adjacent properties, therefore creating a level of screening to the service areas of the buildings from the adjacent properties. Additionally, a new fence and landscaping will be installed along the southern and eastern borders of the property, greatly improving the visual experience for the neighboring properties from what currently exists.
- The buildings will have significant amounts of green roofing at courtyards and terraces and the upper roofs.

The project will create approximately 205-215 apartments that will include market rate units and affordable units (approximately 15,284 square feet of affordable housing will be

provided). The project will include more than 26,000 sf of retail space that will be tailored and marketed to neighborhood-serving retail uses. Moreover, the Applicant has agreed to provide 1,600 square feet of retail space to local tenants who will receive a rent discount of 25%.

The Applicant has engaged in significant negotiations with representatives of ANC 8E, the Congress Heights Community Association, the Congress Heights Community Training and Development Corporation, Lead the Way Foundation and Higher Hopes, Inc., and the Ward Eight Council Against Domestic Violence regarding a comprehensive Community Benefits Agreement. A draft of the proposed agreement is attached as Exhibit B. The draft Community Benefits Agreement currently includes the following components:

- Creation of job training, employment and internship programs specifically tailored to Ward 8 residents.
- Creation of a revolving working capital fund, in an amount no less than \$200,000, for contracts directly with the Applicant. This fund will allow smaller contractors access to funds to pay employees.
- The Applicant will provide approximately 500 square feet of office space for ANC 8E for a term of at least five years, with possible extensions, at a cost of \$12 per year.
- The ability of all existing residential tenants to return to the completed project, within eight months of the issuance of a certificate of occupancy for the residential building, with initial rents that are equal to their current rent and future rent increases limited to no more than a 4% annual increase.
- The Applicant will provide the Lead the Way Foundation and Higher Hopes, Inc. (LTWFHHI) with a payment of two thousand five hundred dollars (\$2,500.00) annually for a period of five years. These funds shall be used for facilitation of comprehensive, social reconstruction programs for the residents of the Ward Eight Community. These programs will include comprehensive resident and youth case management, engagement and outreach services featuring an adolescent clubhouse and including, but not limited to the, arts and cultural services, health fitness and nutrition, financial management, annual community social events, as well as development opportunities for the neighboring community.
- The Applicant will help the Congress Heights Community Association (CHCA) fund the Annual Congress Heights Health and Community Day by providing a payment in the amount of five thousand dollars (\$5,000) annually for a period of five years.
- The Applicant will provide the Ward Eight Council Against Domestic Violence (WECADV) with a payment of five thousand dollars (\$5,000.00) annually for a period of five years. The Applicant and WECADV are continuing to discuss the appropriate use of these funds.

- The Applicant will provide the Congress Heights Community Training and Development Corporation (CHCTDC) with a payment of two thousand five hundred dollars (\$2,500.00) annually for a period of five years. These funds shall be used solely to pay for the costs of: (a) conducting training for targeted businesses in Ward 8, to develop management and business capability to perform contracts for the Applicant, its General Contractor, and Subcontractors.

The Applicant will continue to work with representatives of ANC 8E and the Congress Heights community on refining this Community Benefits Agreement as this case moves toward a public hearing.

### **Transportation Impact Study and Transportation Demand Management (“TDM”) Plan**

The Transportation Impact Study (“TIS”) for this project, which includes a Loading Management Plan and a Transportation Demand Management (“TDM”) plan, is attached as Exhibit C.

### **Exhibits**

The following exhibits are attached to this pre-hearing statement:

Exhibit A – Updated renderings, elevations, perspectives, sections and plans

Exhibit B – Draft Community Benefits Agreement

Exhibit C – Transportation Impact Study

Exhibit D - Certification of Compliance with Section 3013 of the Zoning Regulations

Exhibit E - Name and mailing address of all property owners within 200 feet of the Property and names and addresses of persons having a lease for any portion of the Property

### **Conclusion**

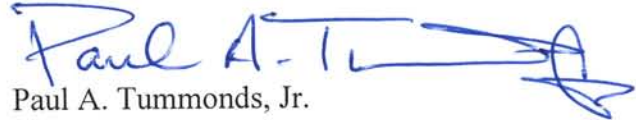
While the Applicant believes that the information and materials provided in this submission are fully responsive to the issues that have been raised to date, the Applicant will continue to enhance and modify this project as it moves through the PUD and Zoning Map

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Amendment process. The Applicant looks forward to presenting this case to the Zoning Commission at the earliest possible public hearing date.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Tummonds, Jr." with a stylized flourish at the end.

Paul A. Tummonds, Jr.

Enclosures



**CERTIFICATE OF SERVICE**

I hereby certify that I sent a copy of the foregoing document to the following addresses on September 12, 2014 by Hand Delivery and First Class Mail:

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Paul Tummonds