

November 19, 2015

VIA IZIS

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Z.C. Case No. 15-12 – Pre-Hearing Submission

Dear Chairman Hood and Members of the Commission:

The above-referenced case was set down for a public hearing at the Commission's July 27, 2015 public meeting. This letter serves as the Applicant's statement in support of its pre-hearing submission, and the Applicant requests that you schedule a public hearing for as soon as possible.

Plan changes, additional explanations, and revisions to the overall Project are discussed in turn below.

1. Plan Changes

Following comments from the Commission and the Office of Planning, and after extensive discussions with neighbors and the ANC single member district representative, the Applicant has revised the Project plans. The revised plans are included in Exhibit A. The plans include the following changes:

- Significantly increasing setbacks at the eastern wing of the building to better relate to row dwellings nearby.
- Setback of the top floor of the building to minimize the perception of height from nearly all views.
- Improved design of south (rear) elevation to include better materials and more details to improve visual experience from the south and better integrate it into the neighborhood.

- Increased the number of parking spaces from 56 to 58.

2. Responses to comments from OP and the Commission

A. More setbacks and significant transitions to nearby row dwellings

As shown on pages 17, 18, 20-22, 37, and 38 of the plans in Exhibit A, the Applicant incorporated significant transitions to the nearby row dwellings, particularly near the southeast wing of the building where a series of artfully designed setbacks gradually step the building down to meet the lower height row houses to the south and east. At this section of the building, from the second to fourth floors, the building will be set back eight (8) feet from the southern property line. At the fourth floor, the building will be set back between eight (8) and 16 feet from the southeast corner. At the fifth floor, the building will be set back between 16 and 24 feet from the south property line. At the sixth and seventh floors, the building will be set back 24 and 39 feet from the southern property line. As the illustrations demonstrate, these setbacks will provide a meaningful and sensitive transition to the nearby row houses while creating a visually interesting design that minimizes any height impacts.

The Applicant also incorporated other setbacks around the building to further minimize the appearance of height. On the entire south elevation, the seventh story of the building will be set back five (5) feet from the rest of the building face. On the east elevation, the building will be set back 11 feet at the southeast corner for the second and third floors, and it will be set back 11 feet from the eastern property line for the same floors.

B. Provide rendered street elevations of all building sides

Renderings of all building elevations are included in pages 12 through 18 of the plans in Exhibit A.

C. Provide a section looking west of the eastern wing of the building

This section is included in page 38 of the plans in Exhibit A. As explained above, the newly-incorporated setback transitions will minimize any impact of the building's height on the nearby row dwellings.

D. Better design for the "back" (south elevation) of the building

The Applicant incorporated bays on the rear facade that mimic those on the Pennsylvania Avenue elevation and added more color variation and improved materials to elevate its overall appearance and prevent it from being too stark or minimalist. As shown on pages 13, 18, and 32 of the plans in Exhibit A, the south elevation of the building will be fully designed to the high quality of the other elevations to better integrate the building into the neighborhood to the south and to provide a better visual experience of the building from Ives Place. The materials on the south elevation will be iron spot dark grey brick, stucco, and exterior insulation and finish system.

E. Relationship of Project's materials to materials on surrounding buildings

The surrounding buildings in the immediate vicinity are composed primarily of brick and wood, stucco, and glass storefronts for retail. Similarly, as shown on pages 29-33 of the plans in Exhibit A, the building's exterior will be composed primarily of brick, stucco, and glass storefront, which relates to the materials of the surrounding contextual buildings through color, texture, and streetscape activation.

F. Additional information regarding public amenities package

(i) Publicly accessible improvements

The publicly accessible improvements around the building will be an enhanced streetscape, more than required amount of street bicycle racks, and a widened public alley off 14th Street.

(ii) Joint public amenity

As the Applicant proposed in the application, it will work with two other developers also planning PUDs in the area to provide a joint public amenity that will have a greater collective impact than individual amenities. While the details are still being finalized, the most likely proposal will be the beatification and programming of the large concrete plaza in front of the Potomac Avenue Metro station. The joint proposal plans to improve this plaza with landscaping and other features to make it more inviting and usable by the community. The Applicant continues to work closely with the ANC and neighbors, as well as the other developers and WMATA, to finalize the scope of the improvements, and it expects to have the details finalized when it files its 20-day supplemental submission.

(iii) Space for local retailers

The Applicant will devote at least one retail bay to a local retailer, as described in the initial application.

(iv) Inclusionary Zoning

The Applicant will devote 8% of the residential floor area to inclusionary units, as required. However, to provide an enhanced public benefit, the Applicant will devote over 50% of that floor area to 3-bedroom units for families. Inclusion of 3-bedroom unit types in the development (both affordable and market-rate) is being provided as a public benefit based on an expressed need for alternate types of family housing from neighbors, DHCD, and the Office of Planning. There are currently no completed 3-bedroom units in IZ program and only 13 in the pipeline. Of the IZ registrants in the 80% AMI category, 19% of the households (approximately 300 households) have three or more people. Thus, the provision of multiple 3-bedroom units is a significant benefit.

G. Environmental benefits

The Applicant now commits to design the building to the standards for LEED Gold. The preliminary LEED scorecard is on page 40 of the plans in Exhibit A. Sustainable features in the Project will include ample bicycle storage, shower room for bike commuters working in the provided retail, a dedication to use responsible building materials, and installation of highly efficient plumbing and light fixtures. In addition, the Project will include an extensive environmental cleanup effort due to the site's former use as a Chevron gas station. This cleanup will remove polluted soils and other contaminants from the site, creating a healthier environment.

H. More context of building height and appropriateness as moderate density

The illustration on page 39 of the plans in Exhibit A show the Project's height as compared to the Jenkins Row project approximately one block to the northwest when viewed from the same vantage point on Pennsylvania Avenue. The Jenkins Row building has a height of 65 feet and is perceived to have a very similar height as the Project. As the illustration shows, the proposed Project height is on parity with the perceived height of Jenkins Row due to the Project's setback at the seventh floor. Because of the setback, the perception of the Project's height at street level is akin to 70 feet, which is only five (5) feet taller than the height of Jenkins Row, which does not include any setbacks. In addition, the tops of the bay projections, which dominate the visual field for height, for both buildings are nearly identical at 58.39 feet and 60 feet, respectively, for Jenkins Row and the Project. Therefore, the height of the Project is commensurate with the Jenkins Row building, which is constructed to its matter-of-right maximum height.

Furthermore, the proposed height and density of the Project are consistent with the Comprehensive Plan as a whole, including the moderate density commercial designation on the Future Land Use Map (FLUM). The C-2-B zone, which is proposed for this PUD, is specifically identified in the Comprehensive Plan as a zone that corresponds to moderate density commercial. However, as the Commission is aware, the FLUM is not a zoning map and should be read in the context of other policies and goals in the Comprehensive Plan. In particular, the Generalized Policy Map identifies the Property as part of the "Main Streets Mixed Use Corridor," which calls for ground floor retail with uses above, typically residential. Also, the Land Use Element includes policies that call for concentrated development, especially residential, around Metrorail stations to encourage growth and anchor economic and civic development. Furthermore, the Capitol Hill Area Element identifies Pennsylvania Avenue as a "great street" that should include development that enhances its role as a neighborhood commercial center and walkable street. Finally, the Capitol Hill Area Element also calls for additional moderate density development, as it is understood in this context, around the Potomac Avenue Metro station. The Project will advance these and many other goals of the Comprehensive Plan that, when read together, support the approval of the Project.

Nevertheless, the Project will be moderate density because of the specific design features and sculpting that the Applicant included to ensure its overall consistency with the FLUM designation. First, the Project will include a generous top story setback that will minimize the appearance and perception of the building, from the street, as anything taller than 70 feet. Also, the southeast wing will incorporate numerous increasing setbacks to relate to the lower density row houses nearby. Finally, and most importantly, **the Project will not have a penthouse.** This is important because the height of the building is the top of the structure. **There will be no structure above the roof of the seventh story.** This feature cannot be undersold. A matter-of-right building in the C-2-B zone can attain a maximum height of 65 feet plus an additional 18.5 feet for a penthouse, resulting in an overall structure height of 83.5 feet, of which 75 feet may be habitable.¹ Similarly, a matter-of-right building in the C-2-B zone can attain a FAR of 4.2 plus at least 0.5 FAR for habitable penthouse space, for a total FAR of at least 4.7²; so the proposed Project's FAR will be less than 0.6 FAR more than matter-of-right. Therefore, the Project, with a height of 78 feet and an FAR of 5.29, will not be inconsistent with what has been deemed to be moderate density as embodied in the matter-of-right standards in the Zoning Regulations.

I. Circulation pattern

The proposed pedestrian and vehicular circulation pattern is included on page 26 of the plans in Exhibit A.

J. Community response and feedback

The Applicant has been in close communication with the ANC single member district representative and the immediate neighbors, and, overall, the Project has been well received. The Applicant has met with these parties on numerous occasions and has responded to requests to the greatest extent possible. Plan changes in response to community concerns include shifting the loading dock further to the east, increasing setbacks in the southeast corner of the building, adding a setback at the seventh floor along the southern façade, improving the design of the rear façade, and adding visual interest to the south wall of the building facing the neighbors on Ives Pl SE and 14th St SE.

K. Requests for flexibility from the Zoning Regulations

- (v) Parking (§ 2101.1) – This is unchanged from the initial application, except the Project will now provide at least 58 parking spaces when 56 were previously proposed. Based on close proximity to the Metro station and the fact that retail will be neighborhood-serving, the Applicant believes that retail parking is unneeded in the Project. The Applicant will substantiate this conclusion with its transportation study that it will file prior to or with its 20-day submission.

¹ The habitable penthouse is according to the new penthouse regulations.

² The habitable penthouse FAR could be greater, depending on design.

- (vi) Loading (§ 2201.1) – This request is unchanged from the initial application, and relief is still requested. The Project will provide two (2) 30-foot loading berths and two (2) 200 square foot loading platforms.

- (vii) Court width and area (§§ 776.3 & 776.4) – This is a new request for flexibility. Several of the terraces on the southeastern and eastern elevations of the building will have nonconforming court widths and/or areas. On the second and third floors of the east elevation, the terrace will be a closed court with substandard widths of 10 feet and areas of 282 square feet. On the fourth through seventh stories of the east elevation, the area between the building and the eastern property line will be an open court with a substandard width of 11 feet. On the second and third stories of the southeast elevation (the south elevation of the east wing), the closed court between the building face and property line will have a width of eight (8) feet and area of 306 square feet. On the fourth floor of the southeast elevation, the closed court between the building face and property line will have a width of 10 feet and an area of 73 square feet. The area around the sunken cooling unit on the roof of the building will be a closed court with a width of 12 feet and an area of approximately 828 square feet.

The eastern elevation must be set back from the property line so that this elevation can be fully designed with windows and not be a blank wall that would be prominently visible from Pennsylvania Avenue. However, because of programmatic limitations inside the building, the courts cannot have fully compliant widths and areas. Similarly, the closed courts at the southeast elevation are necessary to step-back the building to better transition it to the nearby row dwellings. A conforming court width and area in this location would be impractical for the design necessary to accommodate the building's program. Finally, the sunken court on the roof is necessary to provide circulation around the cooling unit precisely so that it can be sunken below the roof level to significantly improve the rooftop appearance much more so than if the cooling unit were sitting atop the roof. The provided substandard courts will not adversely impact the availability of light and air to this building or other buildings.

3. Enclosed Exhibits

- A. Revised Plans
- B. Hearing Fee Calculator

Should you or your staff have any questions, please do not hesitate to contact us.

Sincerely,


John Epting


Cary Kadlecek

Enclosures
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2015 a copy of the attached letter and enclosures was delivered via U.S. Mail or messenger to the following:

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