

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**Application of Donatelli Development
Square 1112E, Lots 802, 803, and 804**

**REVIEW OF BUILDINGS
IN THE HILL EAST DISTRICT**

I. Background

This application 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± acre parcel more particularly described as Lots 802, 803, and 804 in Square 1112E (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 Property is a compilation 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. 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. 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. According to the Reservation 13 Hill East Waterfront Design Guidelines, C Street, 20th Street, and the northern half of 19th Street are secondary streets and the southern half of 19th Street and Massachusetts Avenue are primary streets.

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. The Applicant proposes to develop the Property with two mixed use buildings containing retail and residential uses and below grade parking (the “Project”). The building on Parcel F-1 will have a height of 52 feet; approximately 106,460 square feet of gross floor area; a floor area ratio (“FAR”) of 2.92, of which .35 FAR is retail/nonresidential uses; and a lot occupancy of 80%. The building on Parcel G-1 will have 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 282,889 square feet of gross floor area; a blended FAR of 3.56, of which .27 FAR is retail/non-residential use; and a blended lot occupancy of 84.4%.

Since the Project 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.

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. As such, this application is submitted pursuant to Section 2801.1 of the Zoning Regulations.

This application also includes requests for special exception approval for parking access pursuant to Section 2815.9, and the following areas of relief pursuant to Section 2803.1:

- i. an area variance from the maximum height requirements of 11 DCMR § 2808.1;
- ii. an area variance from the parking requirements of 11 DCMR §§ 2815.1, 2815.2, 2101.1;
- iii. an area variance from the loading requirements of 11 DCMR §§ 2815.3, 2815.4, 2201.1; and
- iv. an area from the maximum lot occupancy requirements of 11 DCMR § 2808.1.

The Zoning Commission is authorized to grant the requested relief pursuant to 11 DCMR § 2803.1.

II. Hill East District Zoning Requirements

1. Bulk and Density

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.

2. 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.

3. Tabulation of Development Data

The Tabulation of Development Data for the Project is located on Sheets 3-6 of the plans submitted herewith.

III. Section 2801- Zoning Commission Review

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.

As set forth below and as will be supplemented by the Applicant in its prehearing submission and at the public hearing, the application satisfies the criteria of section 2801.1, as follows:

1. Section 2800.7- Purposes of the Hill East District

a. Help Achieve the General Purpose of the HE Overlay as set forth in §2800.7.

The Project will help achieve the general purpose of the HE District by providing approximately 352,935 square feet of new residential use and 33,517 square feet of new retail use in two vibrant new buildings with frontage on 19th Street, Massachusetts Avenue, C Street, and Burke Street.

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

As demonstrated in the architectural drawings included with this application, 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.

c. 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 are incorporated.

d. 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 included with this application, the existing pattern of local streets will be extended.

- e. 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.*

The building on 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.

- f. 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. Dimensions of 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 drawings set. 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 is a “green wall”, planted to soften its appearance and create a more inviting streetscape.
- The plant palette is predominantly native; 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.

- h. 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 has been upgraded to encourage increased use. At the station exit is a sequence of dynamic spaces that bring life to the streetscape at scales appropriate to their locations. Closest to the building, the spaces 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 are gathering areas: lawns and plazas that evoke the city park character where concerts and arts festivals occur. The pedestrian-focused spaces 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 links 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 define areas for smaller scale gathering, with 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. Parking is provided along most of the roads, 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 planned according to current DDOT standards.

- i. Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue.*

The Project will be constructed north of Massachusetts Avenue and none of the proposed development will expand the Central Detention Facility or the Correction Treatment Facility.

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.”

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

- a. 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 ground floor frontage. Since the building on Parcel F-1 has frontage on the west face of Square F, 19th Street, 65% of the ground floor frontage is required to be devoted to a preferred use. Section 2811.1 of the Zoning Regulations defines “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. Since the building on Parcel G-1 has frontage on Massachusetts Avenue, 65% of the ground floor frontage is required to be devoted to a preferred use as well. The building on Parcel G-1 devotes 84% of the ground floor frontage to retail use, lobbies, and entrances for residential use.

- b. 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.

3. 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. For the building 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. For the building on Parcel G-1, the retail use wraps around the corner of Massachusetts Avenue and 19th Street to a depth of 138 feet, 6 inches.

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

Both buildings comply with this requirement. For the building on Parcel F-1, the retail use occupies the ground floor to a depth between 46 feet and 67 feet, 2 inches. For the building 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. For the building on Parcel G-1, the frontage on Massachusetts Avenue devotes 59% of the length and 55% 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. The frontage on the southern half of 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.

- 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. For the building 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. For the building on Parcel G-1, the frontage on 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.

4. 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 building 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 which 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 facade of the building on Parcel G-1 along Massachusetts Avenue will incorporate a series of projecting bays that extend 4 feet beyond the existing building line. All of the above 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 of the building 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 design of the facade of the building on Parcel G-1 also incorporates brick, cast stone, and composite metal panel on the facades fronting primary and secondary streets. The 19th Street facade is designed as a series of individual building faces to break up the length of the facade, 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 facade 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 for the building 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 of the building 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 for the building on Parcel F-1 is accessible from C Street. The primary residential entrance for the building 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 for the building on Parcel F-1 are accessible from the 19th Street public plaza. The retail entrances for the building 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 provide outdoor amenity opportunities to ground floor tenants within the public realm. The area between buildings and the bio-retention planters are outdoor rooms that relate directly to the commercial spaces and are furnished with movable tables and chairs along with umbrellas and flower pots. These elements 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 are located between the planters to provide additional

seating opportunities outside of the dining seating options. Trash receptacles are provided for public use at strategic moments and away from dining/seating areas (DCMR24-314.9 and 24-314.10). Bike racks are 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 for the building on Parcel F-1 cover 40% of the residential street-facing facades above the ground floor level at all secondary streets. The windows for the building 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.

For the building 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.

For the building 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 that 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 the building on Parcel F-1 on all street-facing facades will include: brick, cast stone and composite metal panel. Materials for the building on Parcel G-1, on all street-facing façades, will 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.*

Exterior insulation and finishing system (“EIFS”) will be used for decorative cornices, accent panels, and dentils.

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

Since the building on Parcel G-1 is located on Massachusetts Avenue 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 nine 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 three feet, and are between six and eight 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 design of the building 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. 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. In addition, 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.

V. 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 variances:

- i. For Parcel F-1, to permit a building height of 52 feet where a maximum building height of 50 feet is permitted.
- ii. For Parcel G-1, 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.
- iii. For the building on Parcel F-1, to have 40 total parking spaces where a minimum of 59 total parking spaces is required.
- iv. For the building on Parcel G-1, to have 125 total parking spaces where a minimum of 149 total parking spaces is required.
- v. For the building on Parcel F-1, to have one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep to serve both the residential and retail uses, where one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep for the residential use, and one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep for the retail/non-residential use are required.
- vi. For the building on Parcel G-1, to have one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep to serve both the retail and residential uses, where one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep is required.
- vii. For the building on Parcel G-1, to have a blended lot occupancy of 84.4%, where a maximum blended lot occupancy 78.2% is permitted.

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 preliminarily set forth below, and will be further addressed in the Applicant's prehearing submission and at the public hearing, the requested area variance relief is appropriate in this application.

1. Exceptional Situation or Condition

The Property has a number of exceptional conditions. First, preferred ground floor uses are required in each building. Second, 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. Third, the Property and is subject to percentage of street wall requirements and prohibitions in terms of location of required parking and loading access. Fourth, the Project is located in the Anacostia Waterfront Development Zone, which requires that at least 30% of the total residential units must be affordable units.

2. Resulting Practical Difficulty

Strict application of the height, loading, parking, and lot occupancy 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 the building on Parcel F-1 the required number of total parking spaces is 59 and for the building on Parcel G-1 the required number of total parking spaces is 149. The Applicant proposes only 40 total parking spaces for the building on Parcel F-1 and 125 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 the building on Parcel F-1, the Applicant proposes to have one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep. For the building on Parcel G-1, the Applicant proposes to have one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep. 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.

Lot Occupancy. The Applicant requests an area variance from Section 2808.1 of the Zoning regulations. The Applicant proposes a blended lot occupancy of 84.4%. Since each building is required to contain ground floor preferred uses and street frontage that must be located at or near the property line, a greater lot occupancy is required to accommodate the building footprint.

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.

Lot Occupancy. The ground floor retail uses proposed for Parcel G-1, along with and the addition of tree-lined public sidewalks in the public space along 19th Street, will contribute to an improved streetscape in the vicinity. The streetscape improvements will also provide improved access to the Anacostia Waterfront Park. In addition, the Project is located adjacent to the

Stadium Armory Metrorail Station and introduces new residential and retail uses near the Metrorail Station, all of which is consistent with the Zone Plan.

VI. Conclusion

For the reasons stated above, the Applicant submits that the Project meet the standards set forth in the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Zoning Commission determine that the application has merit and that a public hearing on the application should be scheduled.

Respectfully submitted:

HOLLAND & KNIGHT LLP

By: *Leila Batties*
Norman M. Glasgow, Jr.
Leila M. Jackson Batties
Joseph O. Gaon
800 17th Street, N.W.
Suite 1100
Washington, D.C. 20006
(202) 955-3000