

FLORIDA & Q STREET LLC

**STATEMENT OF THE APPLICANT
IN SUPPORT OF AN
APPLICATION
TO MODIFY A PLANNED UNIT DEVELOPMENT
APPROVED PURSUANT TO ZONING COMMISSION
CASE/ORDER NO. 06-04**

May 31, 2013

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LIST OF EXHIBITS

Exhibit	Description
A	Zoning Commission Order No. 06-04
B	Approved Architectural Plans and Elevations
C	Modified Architectural Plans and Elevations
D	Building Plat
E	Portion of Future Land Use Map
F	Portion of Generalized Policy Map
G	Comprehensive Plan Analysis
H	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

This Statement of the Applicant and the attached documents are submitted by Florida & Q Street, LLC (the "Applicant"), the owner of record of Lot 48 in Square 3100 (the "Subject Property"), in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for modifications to an approved Planned Unit Development ("PUD") for the Subject Property.

The Zoning Commission approved a PUD and rezoning of the Subject Property from the C-2-A District to the C-2-B District pursuant to Order No. 06-04 (Exhibit A), as extended pursuant to Order Nos. 06-04A and 06-04B. A copy of the approved Architectural Plans & Elevations ("Approved Plans") is included as Exhibit B of this submission. The approved PUD includes approximately 85,428 square feet of gross floor area. Approximately 81,428 square feet of gross floor area was devoted to residential use, providing between 65 and 85 dwelling units, and approximately 4,970 square feet of floor area was devoted to retail use in the cellar. The approved PUD had a maximum density of 4.5 FAR and a maximum building height of 86 feet (not including roof structures). The approved project included 84 parking spaces located on two levels of underground parking accessed from a curb cut on Florida Avenue.

The Applicant seeks Zoning Commission approval of modifications to the Approved Plans. Specifically, as shown on the Modified Architectural Plans & Elevations ("Modified Plans") attached hereto as Exhibit C, the Applicant requests approval to reduce the building's maximum height from 86 feet to 72 feet, 4½ inches (not including roof structures); provide approximately 85,428 square feet of gross floor area; provide between 85 and 95 dwelling units and approximately 4,998 square feet of floor area devoted to retail use in the cellar, with the option to convert this space to residential

use if it cannot be leased for retail uses; provide 41 parking spaces located on one level of underground parking accessed from Florida Avenue; and to make minor refinements to the exterior facades of the building. The overall density of the modified project is 4.5 FAR, which is consistent with the approved PUD. In all other respects, the design of the proposed building will be substantially consistent with the prior approval and the conditions set forth in Order No. 06-04. The scope of the modifications requested in this application are consistent with the scope of modifications approved by the Zoning Commission in other recent cases. See Zoning Commission Order Nos. 03-12F/03-13F, 05-23A, 06-01B, 07-02B, and 07-21B.

As set forth below, this statement and the attachments meet the filing requirements for a PUD modification application under Chapter 24 of the District of Columbia Zoning Regulations.

II. PROJECT DESCRIPTION

A. Site Location and Description

The Site consists of Lot 48 in Square 3100. The Site is located at a major intersection on the corner along the north side of Q Street and Florida Avenue, N.W. and the west side of North Capitol Street. The property extends approximately 150 feet north along North Capitol Street. (See Exhibit D). The Site is located approximately 2,200 feet from the entrance to the New York Avenue Metrorail Station. North Capitol Street and Florida Avenue are major through streets with a number of Metrobus routes.

The Future Land Use Map of the Comprehensive Plan designates the Subject Property as mixed-use, low density commercial and moderate density residential. (See Exhibit E). The Generalized Policy Map of the District of Columbia Comprehensive

Plan designates the Subject Property in a Main Street Mixed-Use Corridor area. (See Exhibit F).

B. Modified Project Design

The Applicant proposes to construct a residential building with the potential for retail uses on the Subject Property. As shown on the Modified Plans, the project's massing is virtually identical to the approved PUD and consists of an L-shaped building with a central "tower" element marking the primary entrance of the building.

Consistent with the approved PUD, for the entire length of the North Capitol Street frontage, the building's massing is treated with a clear residential vocabulary. Individual entries with private stairs adjacent to 35-foot high bays mimic the rhythm of a townhouse neighborhood. The 6th floor is setback 5 feet from the main building face and 9 feet from the projecting bays to minimize the apparent height of the building. The detailing of the proposed façade along North Capitol Street is of a residential scale. The pairs of double hung windows and French doors with transoms that are the basis of the design are similar to those found on other buildings in the square. At the 5th and 6th floors, smaller windows and brick accent bands have been utilized to add detail to the top floors of the building.

The central portion of the design, which is comprised of the 6-story "tower", raised entry plaza, and the double sided, double bays that flank the corners of the plaza, speak of the building's key location in the neighborhood. The architectural vocabulary for this portion of the building is bolder with larger planes of glass and punctuated with strong verticals. Roof decks that flank the corners of the plaza are directed towards the Capitol Building. A decorative crown marks the top of the tower.

The massing and detail on the Florida Avenue building frontage, though similar to the North Capitol Street frontage in its residential feel, utilizes some larger elements to communicate its commercial aspect. Double bays similar to those that flank the corners of the plaza are utilized, and strong vertical pilasters visually break down the long facade. The retail space, which is accessed from Florida Avenue, will occupy approximately 4,998 square feet of the cellar. However, only approximately 22% of that retail space is counted toward the gross floor area, resulting in commercial FAR of approximately 0.6 for the Project. Particular attention has been taken to design the retail entrance to mitigate its impact and enhance its visual appearance.

The remainder of the cellar level and all levels above will be comprised of residential components. The building will include between 85 and 95 units. The residential entrance lobby is located in the ground floor of the “tower” at the raised entry plaza. The project design provides two areas for outdoor recreation for shared use by the residents, one at the first floor rear courtyard, and the other on the roof deck with views to the Capitol and Union Station.

The building facades are designed in a style that complements and respects the adjacent buildings, particularly those with a distinct historic character. Materials selected for the facades will be of superior quality, such as brick, stone, precast accents, aluminum windows and doors, decorative metal railings, and metal frame architectural embellishments.

The project will also employ sustainable features where feasible, and as shown on the theoretical LEED checklist included in the Modified Plans, the building has been designed to achieve a minimum of 53 points which is the equivalent of LEED Silver.

The project will feature energy efficient HVAC, lighting, low-flow plumbing fixtures, and a transportation program including a bike room that will store 60 bikes. The outdoor areas will be integrated with the stormwater retention system, and the roof will drain to provide water for the deep tree pit areas in the rear courtyard. All additional landscaped areas on the site utilize native and adaptive plants requiring no irrigation.

The design proposal also includes substantial improvements to the streetscape. These improvements will include new paving for the sidewalks, new street lighting fixtures, new and replacement tree boxes, and bike racks.

C. **Summary of Applicable C-2-B Zone District Zoning Regulations**

Pursuant to Order No. 06-04, the Zoning Commission rezoned the Subject Property to the C-2-B District. The C-2-B District is designed to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed-uses. 11 DCMR § 720.6. The C-2-B Districts are compact and located on arterial streets, in uptown centers, and at rapid transit stops. 11 DCMR § 720.7. Buildings may be entirely residential or a mixture of residential and commercial uses in the C-2-B District. 11 DCMR § 720.8.

The C-2-B District includes the following development requirements:

- A maximum matter-of-right height of 65 feet with no limit on the number of stories (§770.1), and a maximum height of 90 feet under the PUD requirements (§2405.1);
- A maximum matter-of right FAR of 3.5, all of which may be devoted to residential use, but not more than 1.5 of which may be devoted to non-residential uses (§771.2), and a maximum FAR of 6.0, all of which may be

devoted to residential use, but not more than 2.0 of which may be devoted to non-residential uses under the PUD requirements (§2405.2);

- A maximum lot occupancy of 80% (§772.1);
- A minimum rear yard depth of 15 feet (§774.1);
- If provided, a side yard at least two inches wide per foot of building height, but not less than six feet (§775.5);
- If provided, a minimum court width of four inches per foot of height, but not less than fifteen feet (§776.3) and in the case of a closed court, a minimum area of at least twice the square of the width of court, but not less than 350 square feet (§776.4);
- For a retail establishment in excess of 3,000 square feet, 1 off-street parking space for each additional 350 square feet of gross floor area and cellar floor area (§2101.1);
- For an apartment house or multiple dwelling with 50 or more units, 1 off-street parking space for each 3 dwelling units (§2101.1);
- For a retail establishment with 5,000 to 20,000 square feet of gross floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (no service/delivery loading space is required) (§2201.1) and
- For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep (§2201.1).

Development of the Subject Property under the PUD guidelines for the C-2-B District would allow a maximum building height of 90 feet, and a maximum FAR of 6.0,

of which not more than 2.0 may be devoted to commercial use. 11 DCMR §§ 2405.1 and 2405.2.

D. Tabulation of Development Data

A tabulation of development data is included in the Modified Plans attached hereto as Exhibit C.

E. Flexibility under PUD Guidelines

Pursuant to Order No. 06-04, the Zoning Commission approved relief from the court width, residential recreation space, and loading requirements for the approved development. Similar to the approved PUD, the revised design requires relief from the court width and loading requirements, and relief from the roof structure requirements. Relief is no longer necessary from the residential recreation space requirements since those requirements have been repealed.

1. Flexibility From Court Width Requirement (Section 776)

Although the Zoning Regulations do not require that buildings include a court, Section 776.3 of the Zoning Regulations requires that if a court is provided, it must have a minimum court width of four inches per foot of height, but not less than 15 feet (§776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of court, but not less than 350 square feet (§776.4).

As shown on Sheet A3.3 of the Modified Plans, the PUD includes a closed court with a width of 15 feet, 2 inches and an area of 773 square feet located along the northern property line. The court is in the same locations and has the same width as that shown on the Approved Plans. The height of the court is 77 feet, 6 inches and therefore the required width is 25 feet, 10 inches and the required area is 250 feet, thus triggering the need for relief.

The Zoning Commission approved the same court relief as part of the initial PUD. See Exhibit A, Finding of Fact No. 25(a). Similar to the approved PUD, the Applicant is attempting to provide more open space at the rear of the property to allow for additional buffer to the nearby residences, and therefore would like to provide this court space. However, the Applicant cannot increase the width of the court to meet the requirement since that would impact the ability to offer full sized units along the west side of the North Capitol Street wing. The reduced court area will not be visible from the street.

2. Flexibility From The Off-Street Loading Requirements (Section 2201)

The Applicant requests flexibility from the off-street loading requirements. Section 2201.1 of the Zoning Regulations provides that an apartment house or multiple dwelling with 50 or more dwelling units is required to provide one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR §2201. However, due to the anticipated needs of the residential use, the Applicant is instead proposing to provide one loading berth at 30 feet deep, one loading platform at 525 square feet, and one service/delivery loading space at 20 feet deep.

The Zoning Commission approved the same loading relief as part of the initial PUD and the loading facilities are in the same location as initially approved by the Zoning Commission. See Exhibit A, Finding of Fact No. 25(c) and Sheet A-3.3 of the Approved Plans attached as Exhibit B.

Given the nature and size of the residential units, it is unlikely that the building will be served by 55 foot tractor-trailer trucks. In addition, the loading areas are likely to be used by the residents primarily when they move in or out of the building, and any subsequent use by residents is generally infrequent and can be restricted to times which pose the least potential conflicts and thus will not result in any adverse impacts.

3. Flexibility From Roof Structure Requirement (Sections 411 and 770)

The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on the roof plan sheets included in the Modified Plans: (1) there will be multiple roof structures (§411.3 and §770.6(a)); (2) each stair tower cannot be setback from all exterior walls a distance equal its height above the roof (§§ 411.2 and 770.6(b)); and (3) the enclosing walls of a roof structure are not of an equal height (§ 411.4). Specifically, the project includes:

- a) A roof structure located along the east-west portion of the roof that encloses stair tower and elevator, with enclosing walls of 10 feet. This structure meets the set back requirements.
- b) A roof structure located behind the tower element of the roof that encloses an elevator, with enclosing walls of 10 feet and 13 feet, 6 inches. This structure does not meet the set back requirement from the courtyard wall.
- c) A roof structure located along the north-south portion of the roof that encloses a stair tower with enclosing walls of 10 feet. This structure meets the set back requirements.

Each roof structure is a necessary feature and the structures have to be separated due to the building code requirement to provide separate means of egress for buildings, as well as the desire to break up massing on the roof. The location and number of roof structures is driven by the layout and design of the residential units within the building, as well as the location of the core features such as the elevator. The Applicant designed the roof structures to have walls of unequal height in order to help reduce the visibility of the structures. In addition, the Applicant is providing the greatest setbacks possible given the

size of the roof and the internal configuration of the proposed building. The requested roof structure design will not adversely impact the light and air of adjacent buildings since each element has been located to minimize its visibility. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

4. Additional Areas of Flexibility

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant also requests flexibility in the following areas:

- a. To be able to convert the proposed retail space into residential space, as shown on Sheet A3.2B of the Modified Architectural Plans & Elevations, if a tenant cannot be secured for the retail space.
- b. To be able to provide a range of 85 to 95 residential units.
- c. 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.
- d. To vary the number, location and arrangement of parking spaces, provided that the total is not reduced below the number required by the Zoning Regulations.
- e. 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 and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS

The PUD process continues to be the appropriate mechanism for review of the proposed modifications to the approved PUD. Through the PUD modification process, the Office of Planning, other District agencies, and area residents will have the opportunity to provide input regarding the Applicant's proposed modifications to the approved PUD.

The PUD, as modified, will continue to meet the minimum area requirement under Section 2401.1(c), and the height and FAR provisions of Sections 2405.1 and 2405.2. Moreover, none of the proposed changes to the PUD impact the Zoning Commission's prior findings that:

- Development of the Subject Property will result in a number of benefits and amenities (See Exhibit A, Finding of Fact No. 26);
- The PUD is consistent with many of the Comprehensive Plan's major themes (See Exhibit A, Finding of Fact No. 28); and
- The project will further the specific objectives and policies of many of the Comprehensive Plan's major elements (See Exhibit A, Finding of Fact No. 29), and fulfills and furthers specific objectives for Ward 5 (See Exhibit A, Finding of Fact No. 31).

As outlined in the Comprehensive Plan Analysis attached hereto as Exhibit G, the PUD as modified is also consistent with a number of the elements of the current Comprehensive Plan.

As part of the initial PUD process, the Applicant worked with the Advisory Neighborhood Commission ("ANC") and a number of community groups to develop

additional off-site amenities for the project. As a result of these extensive efforts, the Zoning Commission approved the following additional amenities:

- i. \$1,000 to Shaed Elementary School for the purchase of hardware and software for computer classes and the purchase of supplemental classroom reading materials.
- ii. \$6,600 to J.F. Cook Elementary School for the purchase of student school supplies.
- iii. \$6,600 to Dunbar Senior High School for the purchase of band and cheerleader uniforms and band instruments.
- iv. \$6,600 to McKinley Technology High School for the purchase of books, classroom materials and computer equipment for the school's Biotechnology, Broadcast Technology and Information Technology instructional programs.
- v. \$6,600 to William E. Doar, Jr. Public Charter School for the Performing Arts for the purchase of musical instruments, including percussion, wind and string instruments.
- vi. \$6,600 to D.C. Preparatory Academy PCS for the purchase of supplies and materials to support the school's academic tutoring, sports and arts enrichment programs.
- vii. \$1,000 to a contractor selected by ANC 5C for the installation of an entrance gate at the Florida Avenue Park located at the intersection of First Street and Florida Avenue.
- viii. \$6,600 to the North Capitol Main Street Inc. for community improvement projects, such as the purchase of materials for the planting of trees.
- ix. \$35,000 for the North Capitol Street BID Incubation Fund for the creation of a community improvement district project on the North Capitol Street corridor from R Street to O Street.
- x. \$6,600 to the Bloomingdale Civic Association for the purchase of equipment and uniforms for youth sports activities and contribution to the association's student scholarship fund.
- xi. \$6,600 to the Eckington Civic Association for the purchase of equipment and materials necessary to develop a neighborhood website and community newsletter, as well as for the creation of a fund to assist seniors with quality of life issues.

- xii. \$6,600 to the Stronghold Civic Association for the purchase of equipment and materials for youth sports activities and contribution to the association's student scholarship fund.
- xiii. \$6,600 to the Bates Street Civic Association for the installation of gates for a pocket park and wrought iron borders for tree boxes and for other community beautification projects.
- xiv. 6,600 to the 5th District Citizens Advisory Committee for the sponsorship of and purchase of materials for local youth-related events and programs.

See Exhibit A, Finding of Fact No. 26(g).

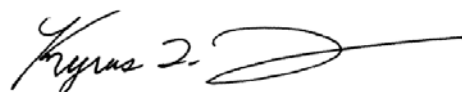
The Applicant is committed to providing off-site amenities prior to the issuance of a Certificate of Occupancy for the project. However, since the PUD was initially approved, a number of the proposed amenity recipients, such as Shaed Elementary School and J.F. Cook Elementary School, have either been closed or are no longer operational. Accordingly, the Applicant intends to work with the ANC and the Ward 5 Councilmember to reallocate the funds designated for those closed or otherwise nonoperational entities to the other exiting schools and organizations identified in Finding of Fact No. 26(g), while maintaining the aggregate amount of the contributions at \$109,600.00.

IV. CONCLUSION

For the reasons stated above, the Applicant submits that the proposed modifications to the approved PUD meet the standards of Chapter 24 of the Zoning Regulations and the standards for approval. Accordingly, the Applicant requests that the Zoning Commission approve the proposed PUD, as modified, and as described herein.

Respectfully submitted:

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