

UNION PLACE - PHASE II

**TOLL DC II LP
c/o Toll Brothers Apartment Living**

STATEMENT IN SUPPORT OF MODIFICATION OF APPROVED PLANNED UNIT DEVELOPMENT

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LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Zoning Commission Orders No. 05-36, 05-36A, 05-36B, 05-36-C, 05-36D, 05-36E, 05-36F, 05-36G, 05-36H	A
Excerpt of Zoning Map showing Square 749 in Red	B
Phase II Building Plans and Development Data -Approved Plans and Proposed Modified Plans	C
Memorandum from Wells and Associates re parking and loading	D
List of Property Owners within 200 Feet of PUD Site	E
Statement of Compliance with Requirements of 11 DCMR Chapter 24	F

I. INTRODUCTION

This statement and the attached documents support the application of Toll DC II LP (the "Applicant") to the District of Columbia Zoning Commission ("Zoning Commission") for modification of an approved planned unit development ("PUD") in order to make certain design and operational refinements to Phase II of the multi-phase residential development in Square 749. The PUD approval which the Applicant seeks to modify was first approved by the Zoning Commission in 2006 in Case No. 05-36 (as amended by Orders 05-36A through 05-36H, the "PUD Approval")(Exhibit A) involving property in Square 749 in the emerging NoMa neighborhood in Northeast Washington. This application regards only modification to Phase II of the PUD. No modifications are proposed to Phase I, which has been constructed, or Phase III, which was recently approved by the Commission.

The property included in the PUD totals approximately 106,400 square feet of land area and occupies virtually the entirety of Square 749, which square is bounded by 2nd Street, NE, to the West, K Street, NE, to the South, 3rd Street, NE, to the East and L Street, NE, to the North (Exhibit B).

II. BACKGROUND

By Z.C. Order No. 05-36, approved April 20, 2006, the Commission granted first-stage PUD approval and a related Zoning Map amendment from C-M-3 and C-2-B to C-3-C, all to permit construction of a two-phase apartment development around an outdoor central plaza, with a total of approximately 712 dwelling units, including 78 units

restricted for affordable housing, ground-floor retail and daycare uses, with a total gross floor area of approximately 850,000 square feet (Exhibit A). At the same time that it granted first-stage approval for the overall project, the Commission granted consolidated approval for Phase I of the total project, to be located in the eastern portion of Square 749 with frontage along 3rd Street, NE, and consisting of a ten-story apartment building including approximately 202 dwelling units, 3,700 square feet of ground floor retail and 177 parking spaces.¹ Construction of the Phase I building has been completed, and that building is now occupied.

By Order No. 05-36A, approved July 28, 2008, the Commission granted second stage approval of Phase II of the project, consisting of a fourteen-story addition to Phase I and containing 500 dwelling units (with flexibility to construct up to five percent more or fewer units) and approximately 14,000 square feet of retail uses (including a child care facility containing approximately 3,500 square feet), to be constructed along the western portion of Square 749 with frontage along 2nd Street as well as K and L Streets, NE (Exhibit A).

In Orders No. 05-36B and 05-36C, the Commission approved minor modifications to the Phase I building, to restrict access to a small portion of the outdoor plaza to residents only (05-36B) and to modify the affordable housing proffer slightly to allow prospective tenants to utilize more than 30 percent of household income for payment of rent in order to accommodate arts professionals (05-36C) (Exhibit A).

By Order No. 05-36D, the Commission extended the validity of the second stage approval granted for Phase II, to November 14, 2012, by which time application must be

¹ The PUD Approval was later modified per authority of the Zoning Administrator pursuant to 11 DCMR 2409.6(b) to permit development of 212 dwelling units in Phase I.

made for a building permit, with construction to commence by November 14, 2013 (Exhibit A).

Pursuant to Order No. 05-36E, approved December 13, 2010, the Commission approved a phasing plan to allow Phase II to be constructed in two sub-phases (Phase II-A, to include approximately 244 dwelling units, and Phase II-B, to include approximately 256 dwelling units)(Exhibit A). The modification approval also directed that parking shall be provided throughout the overall project (Phases I and II) at a ratio of 0.71 spaces per dwelling unit. The time extension approved pursuant to Order No. 05-36E provided that in order for the PUD to remain valid a building permit application for Phase II-A must be filed by November 14, 2012 and construction commence by November 14, 2013. In order for approval for Phase II-B to remain valid, a permit application must be filed not later than two years following the date of the issuance of a final certificate of occupancy for the residential portion of Phase II-A, with construction to commence within one year thereafter.

In Case No. 05-36F, approved on July 30, 2012, the Commission granted a further time extension for Phase II.

Pursuant to Order No. 05-36G, approved November 18, 2013, the Commission granted modification of the PUD Approval and related Zoning Map amendment to include within the PUD approximately 5,300 square feet of additional land in the Northeast corner of Square 749, to permit the construction of a freestanding seven-story apartment building consisting of 41 dwelling units with no parking or loading facilities (Exhibit A).

By Order No. 05-36H, approved on March 11, 2013, the Commission granted minor modification to allow the Phase I building and the Phase II building to be constructed, occupied, and operated as separate buildings on a single record lot, accomplished through

the Commission's approval of the removal of all door openings and above-grade connections between the phases (Exhibit A).

As previously reported to the Zoning Commission in Case No. 05-36G, the Applicant purchased Lots 826 and 827 in Square 749 in April 2013 from the longtime owners of the site, K Street Developers, LLC. Lots 826 and 827 comprise the approximately 58,263 square feet of land on which Phase II is to be constructed (the "Phase II Land"). In the months following acquisition of the Phase II Land, the Applicant has undertaken extensive study of the designs for Phase II approved by the Zoning Commission as part of the PUD Approval in order to move the project forward to construction. To that end, the Applicant has engaged Davis Carter Scott Ltd architects, as well as retained the landscape architect involved with the design of the approved Phase II plans, to make certain refinements to improve the layout, design and operation of the project, all as described herein.

III. NATURE OF MODIFICATION REQUEST

After its extensive study of the approved Phase II design, the Applicant now comes before the Commission to request modification of the PUD Approval to make certain refinements to the Phase II building's layout, façade treatment, and parking and loading operations, all of which are consistent with the Commission's first and second stage approvals for Phase II and with section 2403 of the Zoning Regulations.

A. Approved Phase II Design

As approved by the Commission in Orders No. 05-36A, 05-36E and 05-36H, the Phase II building is a fourteen-story apartment building with significant ground level

retail and service uses, including a designated child daycare facility. The approved Phase II building footprint occupies essentially the western half of Square 749 with a roughly C-shaped footprint wrapping around a large landscaped central courtyard accessible mid-block from 2nd Street, NE. For the Commission's reference, the Applicant has included copies of drawings for the approved Phase II building as part of its Exhibit C.

The Phase II building was granted second stage approval to include a total of 555,545 square feet of gross floor area, including a ground floor containing 13,801 square feet of retail uses (including a 3,446 square foot daycare center) and approximately 415,307 square feet of gross floor area devoted to residential units. The building was approved for a total of 500 dwelling units, with flexibility granted to provide up to five percent more or fewer units. Ten percent of this residential space—more than 41,500 square feet - was committed to be dedicated to affordable housing pursuant to standards approved by the Zoning Commission in Case No. 05-36A. These affordable housing units are distributed throughout all but the top four floors of the Phase II building.

The Phase II building was originally approved to include 545 vehicle parking spaces and 45 bicycle parking spaces in below-grade levels, which approval was later reduced to 329 vehicle spaces and 45 bicycle spaces. Given the large size of the Phase II building and the opening to the courtyard provided mid-block along 2nd Street, NE, two separate loading areas were provided.

The design goal of the Phase II building was to contextualize with the scale and detailing of the Phase I building of the PUD while emulating the character of the neighborhood. Design details and materials such as the brick veneer, double-story "warehouse" windows, stone cornice, headers, and sills were incorporated into the façade

design to integrate the overall building within its surrounding context. The design intention was to create a façade that would read as separate buildings, rather than as a single, monolithic mass. At certain points along the façade, the massing at the approved Phase II building's upper levels steps back from the property line to reveal a glazed curtain wall system, whose transparency was intended to reduce the perceived mass of the Phase II building from the pedestrian level. Storefronts were designed to activate the streetscape and provide a vibrant pedestrian experience. The building's four contrasting exterior colors, including three different shades of brick and a beige pre-cast panel system, were used to break up the building into smaller masses.

In Order No. 05-36E, the Commission granted flexibility to allow for the Phase II building to be constructed in two sub-phases, with the portion of the building at the southwest corner of Square 749, including the daycare, to be constructed first. The overall appearance of the Phase II building, upon full build-out, was unchanged from the original approval.

The approved Phase II building includes an extensive landscape and streetscape design along its perimeter as well as in the expansive central courtyard, to be open to the public. It also incorporates a number of sustainable design features and environmentally sensitive construction practices, including a significant green roof and storm water management system that will increase the building's energy efficiency and reduce the volume of storm water runoff on the site.

B. Proposed Modification of Phase II

Approximately one year ago, the Applicant acquired the site from the longstanding owners and developers of the PUD. Immediately, the Applicant engaged a team of consultants to explore moving the approved Phase II building to construction. As a result of that study, the Applicant has made a number of refinements to the approved Phase II building in terms of its layout, use mix, parking and loading operations, and façade treatments. That said, all of the proposed refinements are consistent with the spirit of the PUD Approval and significantly improve the operation and design of the building. Please see the attached booklet of architectural drawings and development data included at Exhibit C. As noted above, the proposed modification regards only Phase II of the PUD. No changes to the design of Phase I or Phase III are proposed.

The proposed building remains a fourteen-story apartment building with ground floor retail and service uses, including a daycare facility. The footprint remains C-shaped around an expansive landscaped central courtyard that will be publicly accessible. The proposed Phase II building maintains its significant affordable housing component of 10 percent of the residential unit gross floor area. Sustainability features that have been enhanced from the approved Phase II building include reuse of collected storm water from the building roof to irrigate the courtyard as well as the installation of living "green" walls in the courtyard. The proposed building's façade treatments and materials are also in keeping with the PUD and retain much of the design direction of the approved Phase II building.

The Applicant's refinements to the building include a significantly more efficient building core, yielding approximately 35,000 square feet of additional gross floor area

devoted to residential units and approximately 3,000 square feet of additional retail and service uses, almost all of which is devoted to an expanded daycare facility. The Applicant has been able to accomplish these increases in residential and retail/service uses with only an overall requested increase of approximately 4,750 square feet of gross floor area in the Phase II building.

The Commission approved the Phase II building to include 500 dwelling units, while granting flexibility to provide up to five percent more or fewer total units. As a result of the refinements made to the layout of the building, the Applicant has increased the total number of dwelling units to 525, with 296 units in Phase II-A and 229 units in Phase II-B. Given the increased amount of square footage devoted to dwelling units in the refined building, there will be a related increase in the amount of square footage devoted to affordable units within Phase II, based upon the 10 percent ratio approved by the Commission.

As the Applicant has reviewed plans for construction of the landscaped central courtyard, it has determined to relocate the public entrance to the courtyard to mid-block along K Street, NE, which is a much more convenient access point for neighboring residents, most of whom live to the south or east of the site. Not only does the reorientation of the courtyard entrance allow the Applicant to improve public accessibility to the courtyard feature, it yields a number of efficiencies in the building that would not otherwise be available, including the aforementioned increase in residential units and square footage and increased retail and service square footage, particularly for the daycare facility. The relocated courtyard entrance allows the Applicant to consolidate its loading operations from two areas to one and at the same

time to align the loading entrance with the parking entrance along 2nd Street, both lessening the number of curb cuts along that block and placing the cuts in the middle of the block rather than close to intersecting streets.

As part of its modification request, the Applicant requests flexibility to reduce the amount of loading approved by the Commission in Order No. 05-36A. Specifically, the Applicant proposes to provide a single loading berth at 30 feet deep, a service delivery space at 30 feet deep, and a loading platform measuring 200 square feet. The previously-approved loading configuration of two loading areas, each containing a 55-foot berth, 20-foot deep delivery space, and a loading platform, is no longer necessary given the relocated courtyard now allows for a single corridor to access virtually the entirety of the ground floor. Further, the Applicant's loading proposal is in keeping with the regulations applicable to apartment houses with greater than 50 dwelling units, with the exception of the overall depth of the loading berth. The Applicant's extensive experience in multi-family residential across multiple jurisdictions, including urban development, informs that 55-foot trucks are rarely utilized for residential moves to apartment dwellings. Please also reference attached memorandum from Wells and Associates regarding its experience with loading operations in the District, Exhibit D at pages 16-17. As noted in the Wells study, the Applicant agrees to enter into a detailed loading management plan to address such situations as a move involving a 55-foot truck.

The Wells study also addresses the rapidly changing transportation culture in the District of Columbia and especially the dramatic increases being witnessed in terms of non-auto modal options and usage. In light of shifting demand of auto parking and priorities of new residents, the Applicant is proposing to reduce the amount of vehicular

parking to be provided within the Phase II building, from 329 parking spaces to 243 spaces, while dramatically increasing the number of bicycle parking spaces provided, from 55 spaces to 175 spaces. If approved by the Commission, the resulting ratio of parking spaces to dwelling units within the Phase II building will be 0.46, which remains a significant increase over the minimum parking requirements established in the Zoning Regulations for apartment buildings in C-3-C district (0.25). Looked at another way, 243 vehicle parking spaces are proposed to be provided, whereas the Zoning Regulations would require only 131 spaces for an apartment building of this size in a C-3-C district.

With regard to the architectural design and façade treatment of the proposed building, the Applicant has attempted to steer close to the themes originally approved by the Commission, contextualizing with other phases of the PUD as well as the immediate neighborhood, enlivening the pedestrian experience, and mitigating bulk through variation in lines and materials. The materials palette is still being studied by the Applicant but is anticipated to remain in the family approved by the Commission - a mixture of masonry, cast stone, metal and glass. A materials board will be presented at the public hearing should the Commission approve set-down.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards by which the Zoning Commission is charged with evaluating a PUD application, including a proposed

modification to an approved PUD. As set forth herein, this modification application comports with said standards and is deserving of approval by the Zoning Commission.

The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under conventional zoning procedures.

This application to modify the PUD Approval will achieve the goals of the PUD process by providing additional high-quality residential development in coordination with a residential project that has already been reviewed and approved by the Commission, in a neighborhood where infill development, especially of a residential nature, is strongly encouraged by the District, and in close proximity to a Metrorail station. This coordination extends to compatible materials, design elements and treatments, as well as public space landscaping improvements.

V.

FLEXIBILITY UNDER PUD GUIDELINES

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Under section §2405.8, the Commission may grant flexibility from the strict requirements of the Zoning Regulations and is not required to apply the special exception standards normally applied by the Board of Zoning Adjustment. To that end, in addition to the loading and parking refinements discussed above, which require flexibility under the Zoning Regulations and the PUD Approval, the Applicant requests certain flexibility at the roof level of the proposed building. Specifically, as a result of further and more detailed investigation of the building's HVAC systems, the Applicant is now showing an accurate size field of

individual HVAC units on the building roof, all of which are not more than four feet above the building parapet. Previously, while the same HVAC was to be used, the area of the field was estimated. The more accurate analysis has resulted in a reallocation of the amount of green roof provided, from approximately 16,000 square feet to approximately 13,000 square feet. As is evident from the roof level plan provided as Sheet A2-08 of the attached drawings, the green roof remains a significant element of the roof and is planted over the entirety of the building roof that is not otherwise occupied by building operations or recreational uses on the roof. Further, it is noteworthy that the Applicant has made sure to meet the Green Area Ratio (GAR) standards for the C-3-C even though the PUD Approval predated the implementation of the GAR regulations.

Further, the Applicant continues to request flexibility previously approved by the Commission in Order No. 05-36A, including flexibility to provide multiple penthouse structures on the roof and penthouse structures located less than a distance of 1:1 from building edge (in this case, one portion of the penthouse is located less than 18 feet 6 inches from the edge of the courtyard elevation).

The Applicant has made every effort to provide a significant level of detail in its revised plans. Nonetheless, some additional flexibility may be necessary that cannot be anticipated at this time. Specifically, the Applicant requests flexibility in the following areas:

- (1) 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;

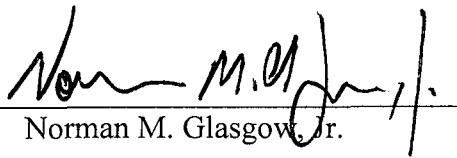
- (2) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials;
- (3) To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction; and
- (4) To make minor refinements to exterior details and dimensions, including 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.

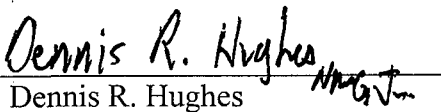
VI. CONCLUSION

For the reasons stated above, the Applicant submits that the present application for modification to an approved PUD and Zoning Map amendment meets the standards of Chapters 24 and 30 of the Zoning Regulations. The Applicant requests that the Zoning Commission set the application down for public hearing at its earliest available date.

Respectfully submitted:

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