GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

M E M O R A N D U M

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director

SUBJECT: Final Report, Zoning Commission Case No.03-12G and 03-13G
- Application by Capper/Carrollsburg Venture LLC and the District of Columbia Housing Authority (DCHA)
- Request for Approval of 2nd Stage Hope VI PUD for Squares 882 and 769

DATE: March 9, 2009

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning recommends the Zoning Commission (the Commission) APPROVE this application contingent on the provision of the additional information noted in Section XI of this report. This recommendation is based on:

- The Applicant's December 5, 2008 Prehearing Statement;
- The pre-hearing plans and information dated December 1, 2008;
- The February 26, 2009 letter from DCHA to the Commission, which is attached to this report; and
- The revised façade design for the apartment building in Square 769 (included in this report).

II. APPLICATION SUMMARY

This application is part of the multi-year build-out of the mixed use Hope VI PUD approved by the Zoning Commission in Order No. 03-12/ 03-13. The PUD is the first HOPE VI project to have guaranteed 1:1 replacement of publicly-assisted housing units.

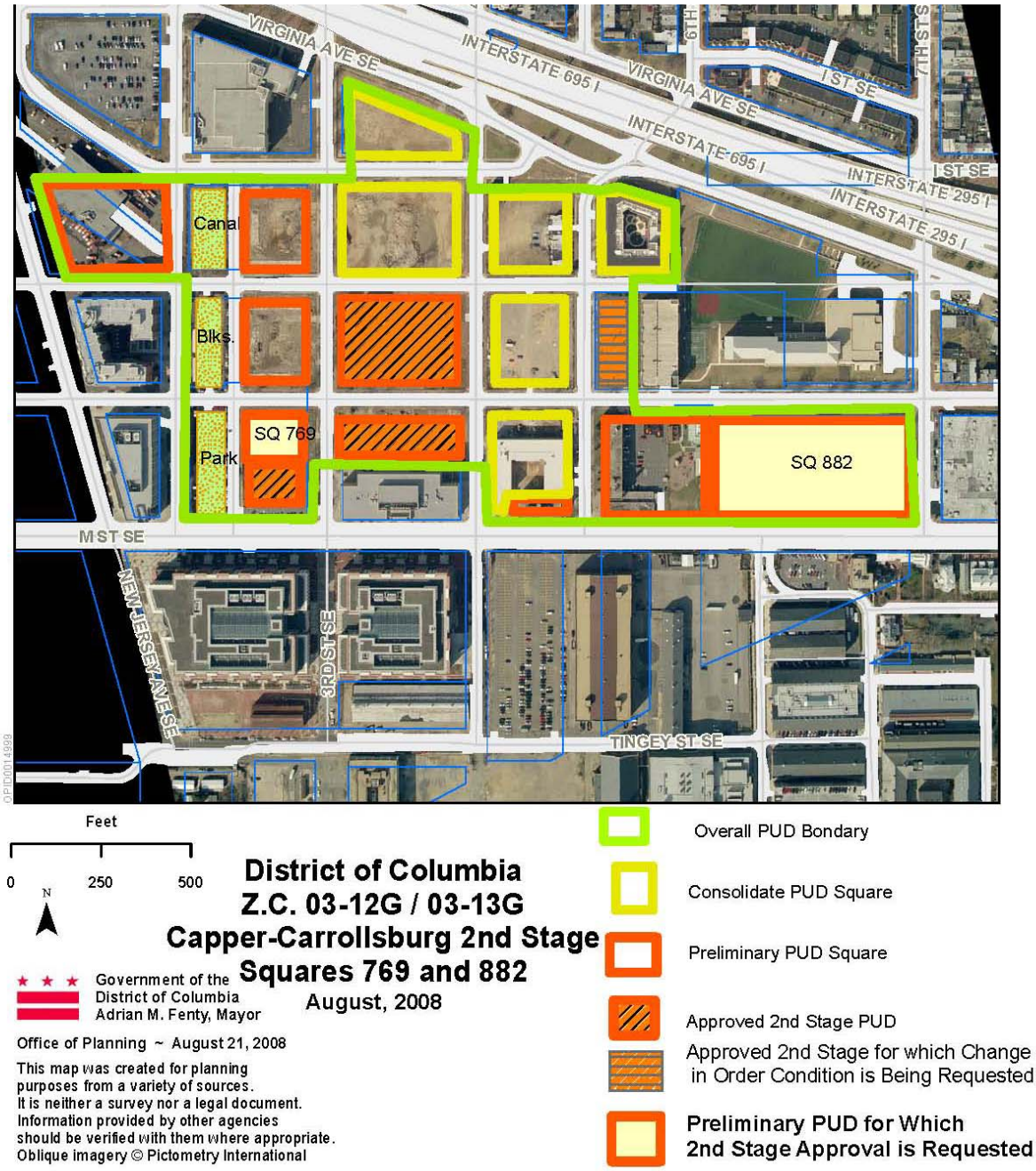
The status of the overall PUD's development is shown on Sheet 1.3 of the applicant's pre-hearing filing, and is also shown on page 3 of this report. The sheet includes changes approved by the Commission in the PUD's subsequent Orders A-F and those requested in the present case. In the current case, the applicant seeks:

A) Modification of previous preliminary PUD approval conditions and one second stage PUD approval condition;

B) Time Extensions for the overall PUD and for the construction of the Community Center;

C) Approval of a Second Stage PUD for three buildings.

III. STATUS OF CAPPER-CARROLLSBURG PUD DEVELOPMENTS



[1]*Figure 1. PUD Boundaries*

[1] The PUD boundaries shown on the Applicant's
Dec. 1, 2008 Sheet 1.3 are correct. Those on the Sheet 1.1 aerial photograph are not.

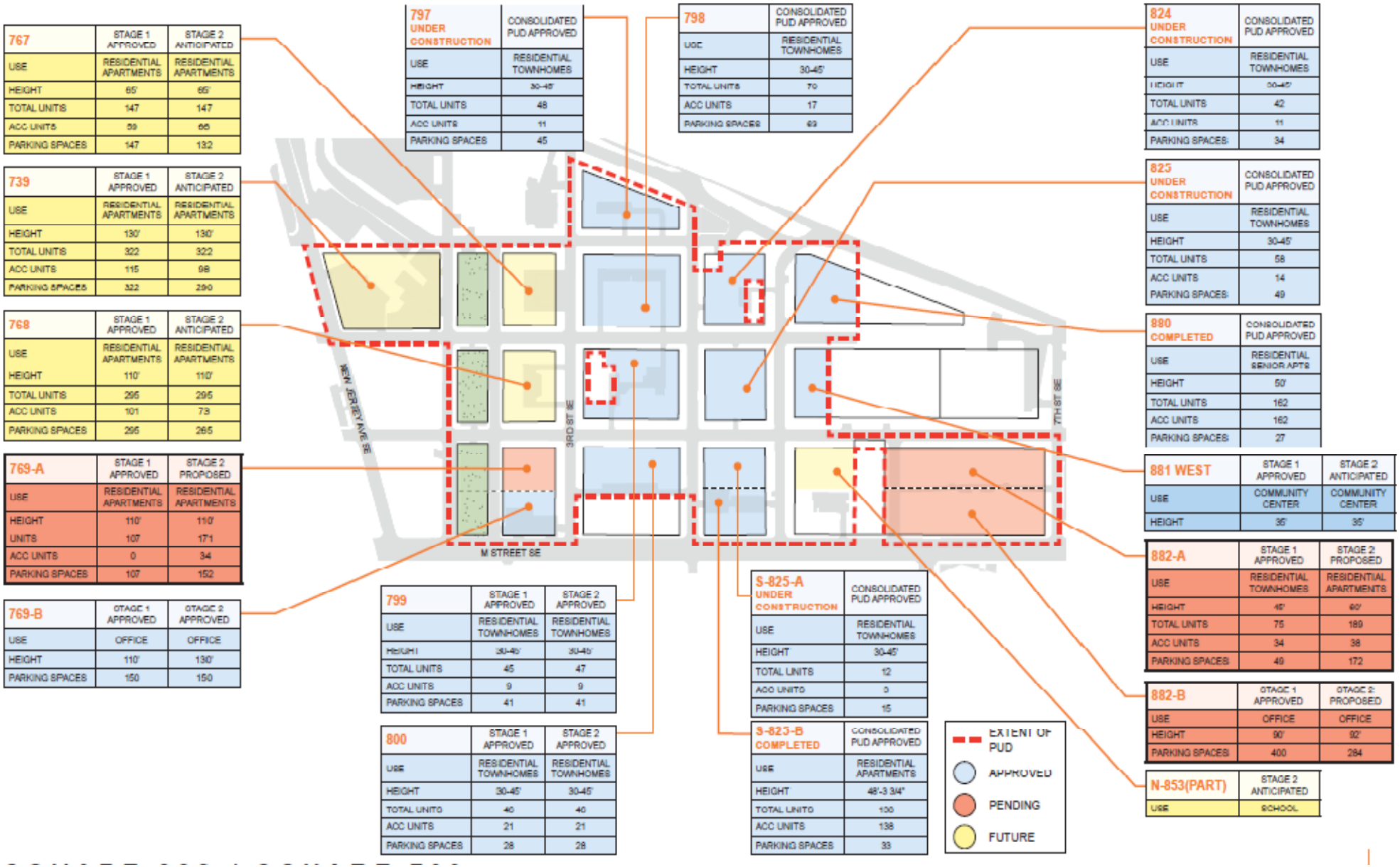


Figure 2: PUD Plan and Status

IV. MODIFICATIONS TO PREVIOUSLY APPROVED PLANS AND THAT ARE NOT DIRECTLY RELATED TO THE PRESENT 2ND STAGE PUD APPLICATION

The applicant requests Commission approval of several modifications to conditions in the original PUD order, and subsequent orders. All but four of the requests relate directly to the current Second Stage PUD application. This section considers those involving the overall PUD or items not related to the present Second Stage developments.

A. Total Amount of Development

The Commission and OP had asked the applicant to clarify and compare the PUD's currently-approved development data, and what would result if the Commission approves this application. The development data and comparisons are provided on Sheet 1.2 of the applicant's drawings dated 01 December 2008, which is included on page 3 of this report.

The applicant is seeking modification of Order No. 03-12//03-13, Condition 5 (as previously modified) in order to:

- Increase the PUD's residential square footage by 8.6%, which would increase the residential density and square footage from 2.34 FAR and 2,138,431 GSF to 2.67 FAR and 2,323,329 GSF. The unit count would rise from 1,645 to 1,747. While the number of market rate units would increase by 11%, from 950 to 1,052 units, the number of below-market rate units would remain at the previously approved 695.

- Increase the commercial square footage by 0.04 FAR, from 702,000 SF to 708,302 SF;

The PUD's market rate units and commercial space are intended to cross-subsidize the below-market rate units. Construction costs are considerably higher now than when the PUD was approved in 2004, and the ability to finance projects has become exceptionally challenging. The requested market rate unit increase, plus an additional 54,052 gross square foot increase in commercial space, would generate additional revenue for the below-market rate units' cross-subsidy and would put the applicant on firmer ground when seeking financing. OP recommends the Commission approve these requests.

B. Overall Parking

The applicant is requesting:

- Modification of Order No. 03-12/03-13, Condition 11 (as modified by Order No. 03-12A/03-13A) to permit a 65-space reduction in the parking spaces required for the PUD, from 1,845 spaces to 1,780 spaces. The request comprises:
    - Decreases totaling 263:
        - 116 spaces from the Square 882's proposed Stage 2 office building in Square 882 (from 400 to 284);
        - 15 from Square767's approved Stage 1 residential building (from 147 to 132);
        - 32 from Square 739's approved Stage 1 residential building (from 322 to 290);
        - 30 from Square 768's approved Stage 1 residential building (295 to 265)'
        - 170-spaces from the decrease in the number of required off-street parking spaces for commercial uses, from 604 to 434, of which

- Increases totaling 168:
  - 123 spaces for the proposed Square 882 residential building (from 49 to 172)
  - 45 spaces for the proposed Square 769 N residential building (from 107 to 152).

- Modification of Order No. 03-12D/03-13D Condition 6, to no longer require 37 off-site parking spaces for the already-constructed residential building in Square 825S. This is separate from the space reduction requested above.

The applicant's requested parking reductions are not inconsistent with OP's findings in recent parking and zoning studies. The requested numbers are also not less than is required by the Zoning Regulations. The District Department of Transportation (DDOT) has indicated to OP that it will file written comments with the Commission in support of the requests.

While OP recommends the reductions be approved, the applicant should:

- Account for what seem to be minor discrepancies between the requested overall net parking reductions and the total of the individual changes shown on Sheet 1.3 of the December 1, 2008 drawings.
- Be prepared to discuss these reductions at the public hearing in the context of a fully built-out Capper-Carrollsburg development, including the supply of on-street parking. The Gorove/Slade Associates parking study included in Section E of the application addresses parking for the residential building in Square 825 S only in the context of the current occupancy of that building and the existing nearby development. It suggests that some of the building's parking needs may be satisfied through on-street parking.

The applicant's requests for parking reductions in the developments for which Second Stage approval is being sought are discussed later in this report.

C. Time Extensions

The applicant is asking for:

- Modification of Order No. 03-12/03-13, Condition 27 in order to permit a rolling extension of the first stage PUD approval. This would automatically extend the PUD's validity for five years after the effective date of each of the latest Zoning Commission orders concerning the PUD;
- Modification of Order No. 03-12 / 03-13 A, Condition 5 in order to permit
  - An extension of the deadline for filing building permits for the Community Center in Square 881 W. to January 1, 2011.
  - An extension of the deadline for beginning construction, to January 1, 2012;
- Modification of Order 03-12A/03-13A, Condition 7 in order to **e**xtend of the deadline for filing applications for remaining Second Stage PUD developments in Squares 739, 767, and 768. The original deadline was April, 2006 and the date now requested is December 31, 2013.

With respect to the Community Center extension the District of Columbia Housing Authority (DCHA) has noted in a February 26, 2009 letter to the Commission that the extensions are being requested because the applicants "need additional time to issue the bonds that will finance the infrastructure costs and the construction of the planned Community Center…We believe that the time extension is warranted because a) investment activity has slowed down dramatically throughout the real estate industry; b) our ability to issue a PILOT bond

or multiple bond offerings has been impaired due to the tightening of the capital markets; and c) access to interim financing on terms that make implementation feasible is extremely difficult, if not impossible, to secure in this tight market."

The applicant has made a logical case for why the slowdown in economic activity has lengthened the amount of time needed to construct the properties – particularly the commercial properties – needed to generate the real estate taxes necessary for the issuance of a bond for Payments in Lieu of Taxes (PILOT) or other bond issues. DCHA states that absent those funds, and with other sources of gap financing being difficult to find, the Authority will lack the ability to construct the Center until the commercial market recovers. The letter also suggests that these same market conditions will delay the construction of the housing elements the Community Center is intended to serve.

By inference, these same conditions would affect the applicant's ability to complete the Consolidated PUD and approved Second Stage PUD projects. This, in turn, would delay the filing time for the remainder of the 2nd Stage PUD.

OP recommends the Commission approve the extension requests.

V. APPLICATION FOR SECOND STAGE PUD IN SQUARE 882 AND NORTHERN SECTION OF SQUARE 769

The applicant requests approval of the following Second Stage PUD developments:

- An office building on the southern side of Square 882, facing M Street, SE between 6th and 7th Streets;
- A multi-family residential building in the R-5-B zone, on the north side of Square 882, facing L Street across from the Marine Barracks;
- A multi-family residential building in the CR zone, on the northern portion of Square 769, facing L Street and the future Canal Blocks Park.

A. Square 882 Office and Residential Development

Overall Square

Square 882, which is directly south of the new Marine Barracks expansion, is bounded by M, L, and 7th Streets, and a not-yet-built private street that will be called 6th Street.

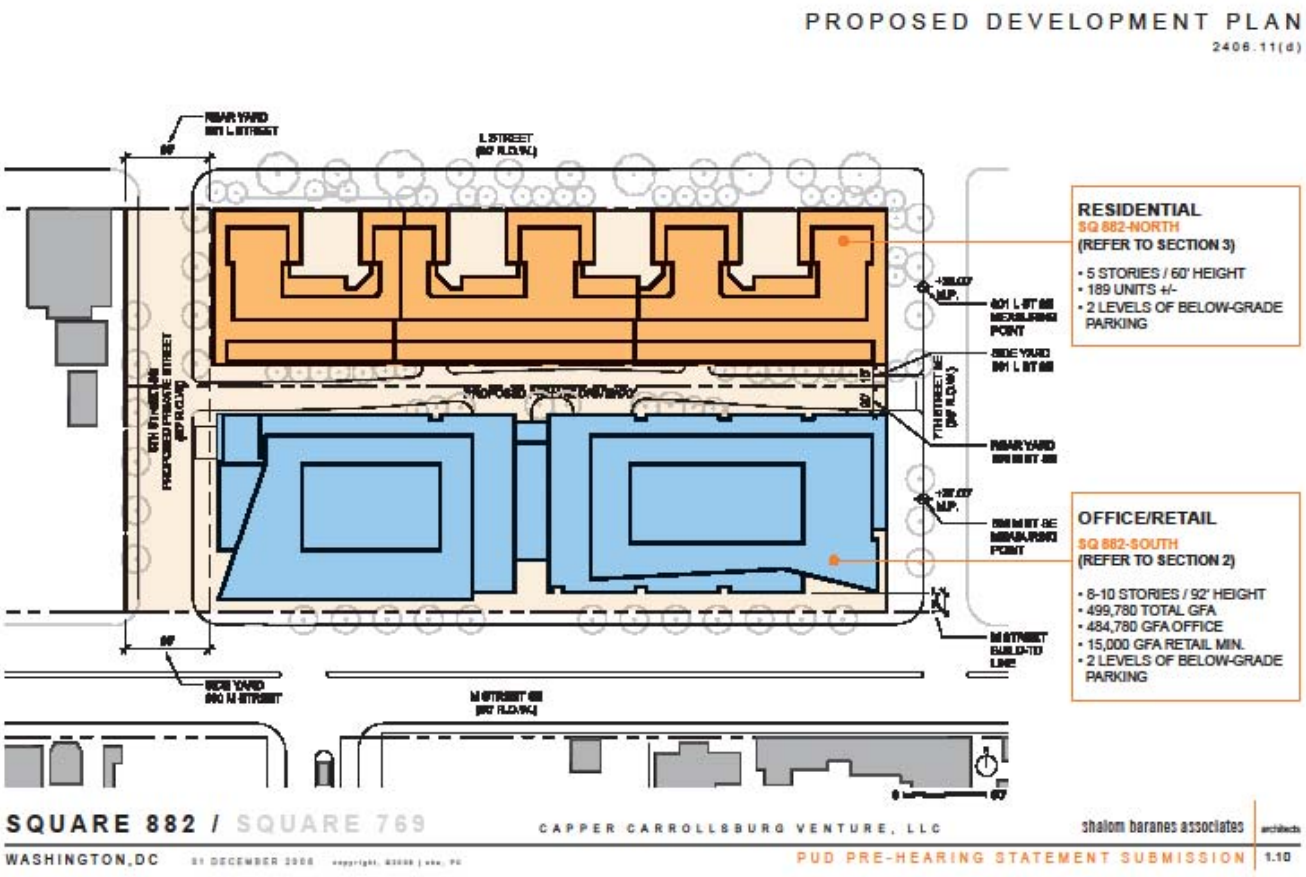
The preliminary PUD provided for two buildings on the Square:

- A 90' high, 10-story building facing M Street, with a total of 496,000 square feet of office space and ground floor retail; and,
- 30' - 45' high residential townhouses and stacked units facing L Street, with a total of 75 units.

The 2nd Stage application requests approval of

- A 92' high, 10 story office building with 499,780 square feet
- A 60'high mid-rise apartment building with 189 units.

Figure 3: Square 882 Proposals



The office building would be two feet (2.2%) higher and 3,780 square feet (1%) larger than was approved in Order No. 03-12 / 03-13. It would contain at least 15,000 square feet of ground floor retail space and approximately 484,000 square feet of office space. It would have frontage on three sides and share a private alley with the residential development to the north. Loading would be off the alley. Parking would be accessed from the private 6th Street on the west and from the eastern side of the private alley behind the building. The building's mass would be broken into a nine story eastern wing and a ten story western wing with a three story retail, service and office section between the two sections. The roofline of the two wings would be at the same elevation point, but the number of stories would vary due to the grade's falling from east to west.

A.1 Square 882 Office Building

Table 1. Square 882 Office and Retail Building Development Data

2406.11(e)

ZONE:	CR			
SQUARE:	882-SOUTH			
LOTS:	PENDING SUBDIVISION			
SITE AREA:	88,589 +/- SF			
	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	OFFICE/RETAIL		OFFICE/RETAIL	OFFICE/RETAIL
HEIGHT	90'	110'	90'	92'
TOTAL FAR	6.0	8.0	5.60	5.64
NON-RESIDENTIAL FAR	3.0	4.0	5.60	5.64
GROSS FLOOR AREA			RETAIL 15,000 SF MIN. TOTAL 496,000 SF	RETAIL 15,000 SF MIN. TOTAL: 499,780 SF
M STREET SETBACK			NOTE 10	13' - 7" NOTE 10
LOT OCCUPANCY	100%			65%
PUBLIC SPACE	10% (8,859 SF)			11,480 SF
REAR YARD	NOTE 1			20'
SIDE YARD	NOTE 2			60' (23' MIN.)
OPEN COURT	NOTE 3			
CLOSED COURT	NOTE 4			
ROOF STRUCTURES				
HEIGHT	18'-6"			18'-6"
AREA	0.37 FAR			32,778 SF MAX
SETBACKS	1:1			1:1 (18'-6")
PARKING				
OFFICE	NOTE 5		400	268 MIN.
RETAIL	NOTE 6			16 MIN.
TOTAL			400	284 MIN.
BICYCLE PARKING	NOTE 9			14 MIN.
LOADING				
OFFICE	NOTE 7			3 - 12' X 30' MIN. 1 - 10' X 20' MIN.
RETAIL	NOTE 8			
TOTAL	3 - 12' X 30' 1 - 10' X 20' 3- 100 SF LOADING PLATFORM			3 - 12' X 30' MIN. 1 - 10' X 20' MIN 3 - 100 SF LOADING PLATFORM
RETAIL REQUIREMENTS				
RETAIL GFA			15,000 SF	15,000 SF MIN.
RETAIL CEILING HEIGHT			14'	14'

. S B U R G V E N T U R E , L L C shalom baranes associates | architects

GSF: The requested 3,780 GSF increase would allow the applicant to give more shape to the building's mass without having to reduce the approved square footage. The revised design is less blocky and is more dynamic than the previous design. OP recommends the approval of the Second Stage square footage increase.

Height: The office building would determine and measure its zoning height from 7th Street, on which the eastern wing would have frontage. Measured from 7th Street, the proposed building would measure 92' and would require 2 feet of relief from Order 03-12/03-13. The building would appear taller towards its western end due to an approximately 24 foot decrease in ground elevation from east to west.

The Commission's original decision reduced the height of the proposed office building from the requested 110' permitted a PUD in the CR zone to the approved 90'. At that time, the applicant was not able to analyze the reduction's impact on floor-to-floor heights. The applicant now states that the two foot height increase in the Square 882 office building is intended to accommodate the required 14 foot-clear ground floor commercial spaces, and has demonstrated this on Sheet 2.21 of its pre-hearing drawings.

The Commission's height reduction was intended to: 1) ensure that building heights on M Street, SE stepped down closer to the Navy Yard gates at 8th Street; and 2) to reduce the marked difference between the height of the office building and the residences in Square 882. The requested 2.2% increase in building height would respect these objectives. Because of the requested 33% increase in the height of the residential building on the northern half of Square 882, the height differences between that building and a 2.2% higher office building would be less marked than under the currently approved plans. This is illustrated on sheet 2.10 of the pre-hearing plans.

OP recommends approval of the requested 2' height increase.

Parking: The applicant has asked for a decrease in parking, from the 400 spaces required in the PUD order to 284 spaces; the reduced number would still be slightly greater than is required by §2101.1. Such a reduction is consistent with OP and DDOT policies, particularly for sites proximate to Metro stations. OP and DDOT recommend that the requested reductions be approved.
Phasing: The applicant has requested permission to phase the construction of the eastern and western wings of the office building, with the western end more likely to be erected first because of its proximity to Metro. This phasing would not require any additional flexibility or relief requests. The height would be able to be measured from 7th Street. OP recommends the Commission approve the requested flexibility in construction phasing.

Parking Garage Entrance: As indicated on Sheet 2.20 of the December 1, 2008 plans, the applicant has complied with DDOT's request to move the eastern garage entrance from 7th Street to the private alley behind the building. The applicant has also requested the flexibility to eliminate this eastern parking garage entrance should future building tenancy eliminate the operational need for it. DDOT has no objection to this request. OP recommends approval of the requested flexibility.

Design and Materials: The pre-hearing statement's perspective Illustrations 2.2 - 2.4 best convey the proposed building's appearance. The concrete frame building would have a red-brick, glass and metal 10-story western wing and an aubergine-brick, glass and 9-story eastern wing. There would be a connection at floors 1 – 3 that would permit communication between the wings, or the marketing of both wings as a single floorplate. The building facades are unified by their modernist aesthetic and materials, but the variety in the use and placement of the materials, and the colors, angles and window patterns that break down the scale of the façade into smaller groupings.

Since setdown the applicant has improved the relationship between the sidewalk and the retail elements has been improved.

OP recommends approval of the design, and encourages the applicant to further illustrate the improved sidewalk/retail relationship during its public hearing testimony.

Sustainability: Sheet 1.17 of the pre-hearing drawings is a projected LEED checklist and scorecard for the building. The applicant estimates the building would accumulate 26 points, which would qualify it for the basic

level of LEED certification. "Energy & Atmosphere" and "Materials and Resources" appear to be the categories in which the building has the most room for improvement. While not affecting its positive recommendation, OP encourages the applicant to enhance the building's sustainability features to a point where it would qualify for LEED silver, if certified.

A.2. Square 882 Residential Building

Table 2. Square 882 Residential Building Development Data

ZONE:		R-5-B		
SQUARE:		882-NORTH		
LOTS:		PENDING SUBDIVISION		
SITE AREA:		69,625 +/- SF		
	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
HEIGHT	50'	60'	45'	60'
TOTAL FAR	1.8	3.0	1.88	2.72
GROSS FLOOR AREA			131,288 SF	189,618 SF
LOT OCCUPANCY	60%			68% (54% MAX FOR PROJECT)
REAR YARD	20' (NOTE 1)			60'
SIDE YARD	NONE			15'
OPEN COURT A, B, C, D	20' (NOTE 2)			41' X 48'
CLOSED COURT				NA
ROOF STRUCTURES				NONE
HEIGHT				
AREA				
SETBACKS				
PARKING				
RESIDENTIAL	95 (NOTE 3)			172
TOTAL	95			172
LOADING				
RESIDENTIAL	(1) 12' X 55' (1) 10' X 20'			NOTE 5
TOTAL	(1) 12' X 55' (1) 10' X 20'			(1) 12' X 55' (1) 10' X 20'

Notes:
1. 4" per foot of vertical distance from the mean finish grade at the middle of the rear of the structure. to the highest point of the main roof or parapet wall, but not less than 15'.
2. 4" per foot height of court, but not less than 15'.
3. One space per two dwelling units.
4. 189 Total Dwelling Units.
5. Platform 200 SF, (1) 12'x55' berth in private drive, and (1) 10 x 20' service/delivery space in private drive.

Mezzanine Area Tabulation	G1 Level	G2 Level	1st Level	2nd Level	3rd Level	4th Level	5th Level	Total
Area without Mezzanine	15,424	25,338	45,394	45,394	32,691	17,279		**181,5**
Mezzanine Area					2,285	2,420	2,943	**7,6**
Gross Building Area	15,424	25,338	45,394	45,394	34,976	19,699	2,943	**189,1**

The residential building in Square 882 would be 15 feet higher and 57,880 square feet larger than approved in

the PUD Order. It would contain 189 apartments, rather than the townhouses and stacked units approved by the Commission. There would be 172 parking spaces, an increase from the approved 49.

Height: In the PUD case's original hearings, the Commission expressed concern about the potential for the then-proposed 110' tall office building to overwhelm the townhouses proposed to the north. Accordingly, the Commission restricted the office building to 90'. Increasing the height of the residential building would further bring it into scale with the office building, as can be seen on Sheets 1.6 and 2.10 of the plans dated 01 December 2008. OP recommends the Commission approve the 15' height increase.

GSF: The Order requires 20 percent of the units to be dedicated to households earning less than 60% of the area median income. The number of these units would, therefore, increase along with the 57,800 GSF increase in building's size. There would be 38 affordable units reserved for households earning no more than 60% of the Area Median Income (AMI). OP recommends the Commission approve the requested increase in square footage.

Range of Units: A flexibility request is not unusual, but OP cannot, at this time, recommend approval of the requested flexibility until the applicant provides the outer ranges of the number of units proposed.

Lot Occupancy: The building is limited to 60% lot occupancy under the zoning regulations. The applicant has requested an increase to 68% lot occupancy, as the Commission is permitted to consider under § 2405.4. The applicant has requested the increase because:

- The Hope VI program commitment of a 1:1 replacement of publicly assisted housing requires a greater amount of market rate housing and commercial space to cross-subsidize the affordable housing;
- The Commission had expressed concern about the relationship between the Square 882 office building and the residential buildings in Square 882;
- The combination of the cross-subsidy needs and the Commission's concerns about scale have resulted in proposing a single apartment building rather than the Stage 1-approved stacked townhouses;
- For a single building, the site's 24' drop in elevation from east to west would result in an above-grade projection of the base for one of the four courtyards and a small portion of the parking structure. Thereby making portions of the projections high enough to count towards lot occupancy on the first one and one-third levels.

The applicant has compensated for the greater lot occupancy on the lower floors by providing setbacks, changes in design treatment and materials, and separate ground floor entrances. These would break down the scale of the building and make the building appear as multiple buildings. The applicant has also compensated for greater lot-coverage by reserving portions of the courtyards for "green roof" coverage. These proposed changes would not have any negative impacts on the office building to the south or to the Marine Barracks to the north, nor would they result in a substantially negative impact on the Zoning Regulations. OP recommends the Commission approve the requested lot occupancy relief.

Access to Building Amenities: Each of the affordable units would have access to the building's 5,764 square feet of amenity space -- including an indoor pool. The additional market-rate square footage would also help to subsidize the 20% affordable housing that is required in the building.

Design and Materials: Perspective illustrations 3.3 and 3.4 in the pre-hearing plans illustrate the proposed apartment's appearance and its relationship to the Square 882 proposed office building. The front L Street façade would be broken into 5 blocks or "pavilions" by the insertion of deep courts and the employment of four

different variations of late 19th and early 20th century architectural styles. The rear façade, along the private alley parallel between the office and apartment blocks, would be uniformly modernist/contemporary with variety injected by color changes. The materials throughout the apartment would be primarily brick, CMU, cementitious planks or panels, and aluminum window systems.

Sustainability: The applicant has not submitted a LEED checklist, nor otherwise indicated the sustainable features in its pre-hearing submission. OP has encouraged the applicant to submit a checklist for this building address these matters during its public hearing testimony.

B. Square 769 Residential Development

Table 4. Square 769 Residential Building Development Data (revised since setdown)

RESIDENTIAL DEVELOPMENT DATA

ZONE:	CR
SQUARE:	769-NORTH
LOTS:	PENDING SUBDIVISION
SITE AREA:	21,154 SF

	REQUIRED/ ALLOWED AS MATTER OF RIGHT	REQUIRED/ ALLOWED UNDER PUD STANDARDS	APPROVED IN FIRST STAGE	PROPOSED IN SECOND STAGE
USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
HEIGHT	80'	110'	110'	110'
TOTAL FAR	6.0	8.0		8.58
NON-RESIDENTIAL FAR	3.0	4.0	3,000 SF	4,080 SF
GROSS FLOOR AREA			169,908 SF	181,420 SF
LOT OCCUPANCY	75%			88%
PUBLIC SPACE	10% (2,115 SF)			NONE
REAR YARD	NOTE 1			4.8'
SIDE YARD	NOTE 2			0
OPEN COURT	NOTE 3			39.6' X 80'
CLOSED COURT	NOTE 4			NONE
ROOF STRUCTURES				
HEIGHT	18'-6"			18'-6"
AREA	0.37 FAR			6,800 SF
SETBACKS	1:1			18'-6"
PARKING				
RESIDENTIAL	NOTE 5 (67)			150
RETAIL	NOTE 6 (2)			2
TOTAL	(69)			152
BICYCLE PARKING				
	NOTE 9			8 MIN.
LOADING				
RESIDENTIAL	NOTE 7			(1) 12' X 30'
RETAIL	NOTE 8			NONE
TOTAL	(1) 12' X 55' (1) 10' X 20' (1) 200 SF PLATFORM			(1) 12' X 30' (1) 10' X 20' (1) 100 SF PLATFORM

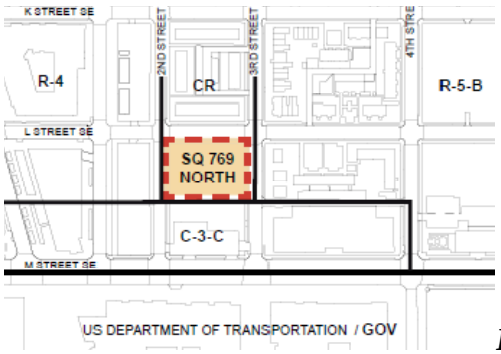


Figure 4. Location of Proposed Apartment Building

The residential building on the northern half of Square 769 would be 11,514 square feet larger and have 64 more units than previously approved. The increase number is due partially to its becoming rental units rather than the previously contemplated condominiums. The application proposes a 110 foot tall multi-family building with 177,330 GSF of residential space and 4,090 GSF of retail space. There would be 171 units, of which 20% (34) would be reserved for households earning no more than 60^ of the AMI. All units would have access to 7,600 GSF of amenity space.

The Second Stage design has eliminated a proposed 3rd Street curb cut for secondary parking access, in response to reservations expressed by DDOT.

<u>GSF</u>: The requested increase from the Preliminary PUD would enable the applicant to construct more market rate units to help subsidize the construction of the 20% of the building' that would be affordable units. Because the height would remain at the approved 110', and the façade would continue to be broken down into smaller elements, the additional GSF increase would likely have no increased visual impact from the approved building. <u>OP recommends approval of the requested 7% increase in square footage.</u>

<u>Range of Unit Numbers:</u> As with Square 882, the applicant is requesting flexibility in the range of the numbers of units it provides, while reserving 20% of the units as affordable units. A flexibility request is not unusual, but <u>OP needs additional information regarding the outer ranges of the number of units proposed.</u>

<u>Roof Structure</u>: The applicant has requested roof structure setback relief for portions of the roof bordering the court that would open to L Street. The applicant has stated that the relief is needed to permit the roof structure to meet the service core needs of a "U" shaped building and for the western side of the roof structure to be set back adequately from the 2nd Street property line and the Canal Blocks Park. As shown on Sheet 4.11 the applicant is requesting setback relief of between 4'1" and 5' for the sculpted southern section of the courtyard. The applicant has not demonstrated how the mechanical penthouse functions make this relief necessary. It appears that there would be no need for relief if the courtyard and the penthouses were not sculpted to give more visual interest to the courtyard and the roof structure. If the walls were all at the line established at the narrowest part of the court, it appears that the building's functions would not be impaired, but the courtyard would become much more ordinary.

Since the rooftop areas for which relief is being asked are 40' from the nearest property line, and would be obscured at ground level by the building's 100% commercial lot occupancy, OP believes there would be no negative physical impact from granting the relief. The potential for architectural distinction enabled by granting the requested relief more than compensates for the requested relief. <u>OP recommends the Commission approve the setback relief.</u>

Loading: The applicant would provide the required 20' deep service delivery space, but is requesting relief from two loading requirements. It proposes to provide one 12' by 30' loading dock, which is 25 feet shorter than required, and 1 loading platform at 100 SF rather than the required 200 SF. The applicant has stated, but not demonstrated, that these loading facilities will be adequate to meet the building's needs. *DDOT has indicated that while it does not object to the request in concept, it must be able to review proposed arrangements for residential and retail trash storage and hauling before it can make a formal recommendation.* Therefore, OP recommends approval of the requested relief, subject to the submittal of a trash circulation and DDOT review of trash storage plan in relation to the requested loading dock and platform reductions.

CR Public Space Requirement: The proposed building is in the CR zone. 11DCMR Section 633.1 requires that an area equivalent to 10% of the total lot area (2,115 SF) be provided as public space at the ground level. The applicant is seeking complete relief from this requirement.

With the residential building being directly across from a major new planned city park, the requested relief from the public space requirement may be appropriate, especially since the PUD developers are contributing $137,000 toward the re-design of the Canal Blocks Park that the building faces.

Not having to provide 10% of the lot area for public access would help to increase the amount of market rate residential development. This, in-turn would help to reduce the below-market rate financing gap, just as the requested increases in market rate residential space and office space would help to cross-subsidize the rising costs of providing the below-market rate housing that is at the core of this PUD. OP recommends relief from this CR requirement for a project that is already creating public space and assisting in the creation of a new park.

Design and Materials:

Figure 5: Revised Façade of Square 769 Proposed Apartment Building

2ND STREET SE. ELEVATION

The concrete frame building will be clad with tan brick and light neutral toned metal cladding, with aluminum window systems and cast-stone details. On the 2nd and 3rd Street sides the center portion of the façade is

emphasized with a tower-like vertical element. The center of the L Street front has a large court above the first floor level. Since setdown, OP and the applicant have worked on establishing a more cohesive edge to the planned Canal Blocks Park by better-integrating elements of the planned residential and office buildings in Square 769. The revised design for the residential building façade is attached to this report. OP has not concerns with the revised façade design.

Sustainability: The applicant has not submitted a LEED checklist, nor otherwise indicated the sustainable features in its pre-hearing submission. OP has encouraged the applicant to address these matters during its public hearing testimony.

VI. REQUESTED ZONING RELIEF AND FLEXIBILITY UNDER PUD GUIDELINES

Flexibility Requests Common to All of the Three Buildings in this Application

For all of the buildings in this 2nd Stage application, the applicant requests flexibility to vary:

- Interior design elements provided there is no change to the exterior;
- Parking spaces, provided they do not drop below the minimum level required (by the PUD conditions, or, absent specification, by the Zoning Regulations);
- Final exterior materials and colors within the color ranges and materials types approved for the PUD, and make minor refinements to exterior details and dimensions.

This flexibility is typically permitted in a PUD. OP recommends that it be granted.

Flexibility Requests Common to the Two Residential Buildings

For each of the two residential buildings, the applicant requests the flexibility to vary the number of units provided, as long as the total amount of parking in each of the buildings meets the minimum level required (by the PUD conditions, or, absent specification, by the Zoning Regulations) .

This type of request usually includes specification of the outer percentage or numerical range of the requested flexibility. This range is typically included in a condition within the Order. OP has asked the applicant to specify this range, but it has not yet been submitted. OP would recommend approval of such requested flexibility, provided the applicant submit a range for each of the residential buildings,

Relief or Flexibility Requests Particular to Individual Buildings

These have been addressed in the discussion of the individual buildings.

VII. OTHER AGENCY COMMENTS

DDOT has met with the applicant and OP several times. As noted above, DDOT has requested additional information about the requested parking reductions in relation to available street parking, and a trash storage and hauling plan for the residential building in Square 769.

VIII. ANC AND COMMUNITY COMMENTS

The PUD is within the boundaries of ANC 6D. The ANC has discussed the application, and expressed concern about the requested delays in the community center. However, OP was not aware of the ANC's having taken a position on the application as of March 5, 2009.

ANC 6B is north of I-395, and has traditionally commented on this PUD. That ANC voted 8-0 to:

- Support the requested time extension for the overall PUD approval's validity;
- Oppose the requested time extensions for the construction of the Community Center, which the ANC believes should be constructed during the initial phases, rather than the later phases;
- "Oppose the modifications as presented", citing concern about the requested 2' increase in height in Square 882 office building, and about a possible loss of open space and green space.

IX. RECOMMENDATION

OP recommends the Commission approve the application, subject to the following:

A. The applicant shall have presented information discussing the relationship, if any, of the requested parking reductions to the supply of on-street parking. (pp. 5, 9 of this report)

B. Clarify the relationship between parking reductions or increases being requested for individual buildings, and the overall net reduction requested. (pp. 5,6)

C. The applicant shall have provided a LEED checklist for both residential buildings (pp. 11, 15)

D. The applicant shall have provided a specific range for the number of residential units for which flexibility is being requested in Squares 882 and 769 (pp.11, 14, 15)

E. The applicant shall have provided a trash storage and hauling plan that is acceptable to DDOT for the residential building in Square 769. (p.14, 15)

F. The applicant shall have presented revised façade drawings for all sides of the residential building in Square 769.

OP also encourages the applicant to strive to make the office building in Square 882 eligible for LEED Silver certification. (p.10)

Jls/ s.cochran, case manager

Attachments:
Feb. 26, 2009 letter from DCHA to Zoning Commission