Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Annapolis
Atlanta
Bethesda
Boston
Bradenton
Chicago
Ft. Lauderdale
Jacksonville
Lakeland
Los Angeles
Melbourne
Miami
International Offices:
Caracas*
Helsinki
Mexico City
Rio de Janeiro
New York
Northern Virginia
Orlando
Portland
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
West Palm Beach
São Paulo
Tel Aviv*
Tokyo
*Representative Office

January 22, 2004

NORMAN M. GLASGOW, JR.
202-419-2460
norman.glasgow@hklaw.com

VIA HAND DELIVERY

Zoning Commission
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

ZONING COMMISSION
District of Columbia
Case 03-26
Exhibit 41

Re: Zoning Commission Case No. 03-26
P.N. Hoffman 14th & V Residential PUD

Dear Members of the Commission:

At the close of the January 15th hearing on the above-referenced planned unit development ("PUD"), the Zoning Commission held the record open to receive three additional items, all from the applicant. First, the Commission requested an architectural "progress" drawing depicting the rear elevation of the 14th Street portion of the building. Twenty copies of that drawing are attached. Second, the Commission asked the applicant to respond to the issues raised by Ms. Jill Chodorov in a letter addressed to the Commission and presented at the hearing. The applicant's response to that letter is also attached. Finally, the applicant is submitting its proposed conditions for approval of the PUD.

On Tuesday, January 20, after the close of the hearing, the applicant was surprised to learn that the D.C. Department of Transportation ("DDOT") had prepared a report withholding its support of the project until it received additional information on truck loading and traffic circulation patterns. This conclusion was particularly unexpected for the applicant since DDOT had indicated orally on several occasions to both the applicant and the Office of Planning that it had no concerns with the PUD. Because the report was submitted to the Zoning Commission almost three weeks late and after the close of the record, it is unclear whether the Commission will or should accept it at this late date. Nevertheless, the applicant wishes to respond to the issues raised. To that end, the applicant will be meeting with DDOT at 10:00 a.m. on Friday, January 23rd (the earliest time available) to resolve the

ZONING COMMISSION
District of Columbia
CASE NO.03-26
EXHIBIT NO.41

questions regarding truck loading and turning radii within the project. Immediately thereafter, on Monday, January 25, the applicant will submit a supplemental response to the Zoning Commission so as not to delay the decision scheduled for January 29, 2004 in this matter.

We appreciate the opportunity to submit these requested materials to the record.

Very truly yours,

HOLLAND & KNIGHT LLP

By: _____
Norman M. Glasgow, Jr.

cc: Arthur Jackson, Office of Planning
Ken Laden, DDOT
ANC 1B

1533461_v2

Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Annapolis
Atlanta
Bethesda
Boston
Bradenton
Chicago
Ft. Lauderdale
Jacksonville
Lakeland
Los Angeles
Melbourne
Miami
New York
Northern Virginia
Orlando
Portland
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
West Palm Beach
International Offices:
Caracas*
Helsinki
Mexico City
Rio de Janeiro
São Paulo
Tel Aviv*
Tokyo
*Representative Office

January 22, 2004

NORMAN M. GLASGOW, JR.
202-419-2460
norman.glasgow@hklaw.com

Zoning Commission
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Zoning Commission Case No. 03-26
Applicant's Response to Chodorov Letter

Dear Members of the Commission:

This letter responds to the issues raised in a letter submitted to the Zoning Commission on January 15, 2004, by Ms. Jill Chodorov on behalf of herself and four other residents of the 1300 block of V Street, N.W. The residents raised nineteen questions, the majority of which relate to the effects of construction-related activities. P.N. Hoffman, Inc. ("PN Hoffman" or "Applicant") had the opportunity to discuss its proposed PUD with Ms. Chodorov and the other residents in a meeting on December 22, 2003, and the applicant was pleased to leave that meeting with her support, which was again expressed in her testimony at the public hearing. PN Hoffman welcomes the opportunity to respond again to her questions and answers each one in turn below.

1. *The above homeowners support the application as condominiums only, and not as apartments or rental units.*

   The residential portion of the project will be for-sale condominiums. However, PN Hoffman must maintain the flexibility to adapt to market conditions and other business considerations and may elect to reserve a small number of the condominiums as rental units.

2. *The above homeowners request full disclosure of soil contamination and hazardous waste found at the subject property and full disclosure of why our soil and air will not be affected during the proposed removal of such waste.*

   As discussed at the December 22nd meeting, PN Hoffman has retained SCS Engineers, a nationally recognized environmental engineering firm, to perform a Phase I and Phase II environmental site analysis. SCS's published results will become a matter of public record through the building permit review process. In its analysis, SCS discovered no hazardous waste on the site. SCS will also provide oversight during construction and perform on-site environmental monitoring to ensure that contaminates are removed safely and without causing any adverse impacts on the surrounding properties. PN Hoffman will follow all federal, state and local guidelines for the removal of any contaminated material found on the site as a further assurance that the residents' soil and air will not be affected.

3. *The above homeowners request defined solutions for parking during construction for both construction employees and for local residents.*

   PN Hoffman has developed over 30 projects in the District of Columbia and, consistent with its past practices and experience, encourages all employees and construction trade contractors to use public transit as well as car-pools whenever possible. With a Metro station only a block away, it is expected that much of the normal construction traffic impacts will be greatly diminished. Should congestion become a substantial problem, PN Hoffman will work with the ANC to establish a monitoring and communication system to identify and resolve any issues that may arise. If warranted, the Applicant will also consult with the Department of Consumer and Regulatory Affairs ("DCRA"), which has jurisdiction over construction issues.

4. *The above homeowners request that closure of parking spaces on nearby streets is limited for use by construction trucks, cars, equipment, etc.*

   As stated in #3 above, the Applicant encourages and expects that many construction workers will utilize public transit given its convenient location to the site. While PN Hoffman recognizes that any project of this scale will create temporary inconveniences, the Applicant is committed to minimizing the disruption to adjacent property owners and will work with ANC to identify and resolve any issues.

5. *The above homeowners request that defined solutions be presented regarding the staging of construction trucks, cars, equipment, etc. in respect to early morning noise, parking, and damage to property.*

As stated above in #3 and #4, PN Hoffman will work with the ANC to develop its construction staging, parking and traffic control plans (TCPs). The Applicant will adhere to all DCRA regulations regarding work hours and noise. As for damage of property,the Applicant will repair any physical damage to real or personal property for which it is directly responsible.

6. *The above homeowners request disclosure as to why our properties and or quality of life will not be affected during construction – as stated orally by P.N. Hoffman.*

   As discussed at the December 22 meeting, and as reiterated at the Zoning Commission hearing, it is a fact of life that construction work will temporarily affect the quality of life for those residents immediately adjacent to a construction site. However, PN Hoffman is committed to minimizing those effects on the residents of the 1300 block of V Street to the greatest extent possible. The TCP to be developed in coordination with the ANC will be the primary tool to assure the least amount of disruption to all residents in the area. In the end, however, the Applicant believes the temporary inconveniences that may occur as a result of construction are far outweighed by a tremendous residential project, which will greatly enhance the quality of life of not only the immediate residents but the community at large.

7. *The above homeowners request full disclosure as to why our properties will not be physically impacted by construction, as stated orally by P.N. Hoffman.*

   The residents' houses are located near the existing historic warehouses, which will be renovated and incorporated into the new project. The houses are separated from the proposed construction site by a ten-foot alley. With respect to the 14th Street portion of the new building, all of the residents' houses are outside the zone of influence for the major excavation work, which is in the western part of the overall site. Thus, the possibility of physical impacts on these homes is very small. For example, the Applicant will primarily be *drilling* piles rather than *driving* piles. Additionally, the TCP developed in conjunction with the ANC, as well as the provisions of the D.C. Construction Codes, will help ensure that the homeowners' property will not be physically impacted.

8. *The above homeowners request full disclosure and cooperation regarding noise during construction.*

   PN Hoffman will work within the permitted hours of construction as prescribed by DCRA. PN Hoffman will also work directly with the ANC regarding any noise concerns.

9. *The above homeowners request that defined solutions be presented regarding the closing of the public alley during construction, in respect to access by firefighters and police.*

As discussed at the December 22nd meeting, PN Hoffman is planning a temporary access agreement with the owner of the now vacant lot at 1349 V Street adjacent to the westernmost north-south alley, which will provide access to the interior of the block during construction. This 15-foot lot can be utilized to gain access to and from the alley behind the residents' homes. Traffic flow through the alley will be diverted on a temporary basis only during such activities as below-grade excavation and construction. Copies of the proposed alley closure plan will be included as part of our TCP.

10. *The above homeowners request full disclosure of garbage and debris removal during construction, as well as post construction by residents and retailers.*

As discussed at the December 22nd meeting, garbage and debris removal will occur as often as necessary during construction. Disposal will be in accordance with all federal, state and local guidelines. As also discussed, upon completion of the project, refuse trucks will collect garbage and debris from the two loading areas identified in the PUD application. The Applicant currently plans to provide a fully enclosed trash compactor located within the building to minimize the number of pick-ups for the residential portion of the building.

11. *The above homeowners request full details and disclosure of why our air quality will not be affected by the garage ventilation into our backyards, as stated orally by P.N. Hoffman.*

As discussed at the December 22nd meeting, there is no active garage ventilation system in the warehouse structures. The southern warehouse will only contain 20-25 cars and its walls will be open to the outside utilizing a passive ventilation system – essentially a "glass-less" window, as outlined inthePUD application. It is anticipated that these cars will be used primarily on weekends and infrequently during the week. Because of the small number of cars, their infrequent use and the open ventilation of the building, the air quality of the residences should not be adversely affected.

12. *The above homeowners request that a finished façade will be constructed on all sides of the subject property, including the wall facing our backyards.*

As discussed at the December 22nd meeting, the rear elevation of the 14th St. building will be similar in character to that of the front façade. The warehouse elevations facing the backyards of the V Street residences are also fully articulated to be compatible with the character of the historic warehouses. Because the site is located within the Greater U Street Historic District, all exterior elevations must be reviewed and approved by the Historic Preservation Review Board, thereby assuring a high quality of design. Initial concept approval has already been received. PN Hoffman's track record with over thirty completed

projects also demonstrates its commitment to well-designed residential communities. For further information on the proposed design, we refer the homeowners to the architectural drawings dated January 15, 2004, copies of which were given to them at the Zoning Commission's hearing.

13. *The above homeowners request that the wall facing our backyards be well lit, but not intrusive into our windows or backyards.*

    Existing street lights located in the public alley will remain to illuminate the public alley. Additional site lighting will be provided as the building is designed. PN Hoffman will work minimize the impact of any new lighting will not be intrusive into the windows or backyards of neighboring properties.

14. *The above homeowners request that a better solution is presented for traffic flow through the subject property and on V street, NW. We are concerned about the increased traffic on V Street to access the alley into the subject property. In addition, the parking spaces for retailers will be accessed from V Street alley.*

    As discussed at the December 22nd meeting, PN Hoffman is not making any functional changes to the existing public alley system in Square 235, except at the southern end of the westernmost alley. There, the Applicant is widening the alley from the existing 12 feet to 20 feet by dedicating a portion of its property for access purposes. The Applicant is unable to widen any other portion of the alley system adjacent to the development site because the existing historic warehouses prevent expansion. Existing buildings owned by others also prevent further widening of the alley system. Given the site constraints, existing alley configuration, historic structures, and grade changes the current plan represents the most efficient and feasible flow of the traffic through Square 235.

15. *The above homeowners are concerned that the 14th Street access to the internal courtyard of the subject property will become a "dead" tunnel and thus, become unsafe. We request the full disclosure is made as to why the courtyard will not become an unsafe area.*

    The courtyard is designed so that numerous residential entrances, as well as the lobbies for all of the residential units utilize the gallery/courtyard space. It is planned to be a well-lit and pedestrian friendly space. Additionally, some retail uses may have entrances directly into the gallery. At the east end, an emergency egress will be created. It is anticipated that this space will become a model for exciting urban architecture rather than a "dead" tunnel.

16. *The above homeowners support the allocation of $1.1 million toward affordable housing and request the opportunity to comment on the actual use of these funds.*

As discussed at the December 22nd meeting, the $1.1 million subsidy towards affordable housing has been discussed and commented on at meetings with the Cardozo Shaw Neighborhood Association, ANC-1B, 14th and U Main Street Initiative, DC Councilmember Jim Graham (Ward 1), the Office of Planning, and numerous other interested parties. The provision of this subsidy will produce 10 units, 750 sf each, 2 bedroom, 1 bath, affordable to those earning approximately $50,000 per year. The units will be located internal to the project. The Applicant has committed to work with DHCD as the clearing house to determine the appropriate disposition of the affordable units.

17. *The above homeowners request complete cooperation in increasing the curb appeal of the 1300 block of V Street, NW including, but not limited to, funding the construction of brick sidewalks, appealing lighting, trees and landscaping, appealing fencing, and repair of any damage of the street or block during construction.*

The Applicant has previously committed to utilize the 14th and U Main Street Streetscape Initiative and will greatly improve the sidewalk in front of the project on 14th St. and the sidewalk next tothenew 14th St. buildings on V and W Streets. Because PN Hoffman does not own the rowhouses along V Street, nor is it doing any work on that stretch, it will not be making any improvements to that portion of V Street. However, the Applicant will repair or replace any real property damaged or disturbed in public space directly caused by us during construction.

18. *The above homeowners request complete cooperation in establishing safe vehicle access to the alley behind our properties and to the repair of the alley surface.*

As stated at the December 22nd meeting, the residents will have access to the 10-foot alley behind their homes during and after construction. If the alley surface is disturbed during construction, PN Hoffman will repair the alley in accordance with DDOT and DC guidelines.

19. *The above homeowners request at least four parking spaces be allocated toward hourly car rental parking, and request that space be offered for bicycle rental or private bicycle parking.*

As discussed at the December 22nd meeting and in numerous public forums, PN Hoffman has committed to dedicate two to four spaces to a car-sharing program, such as *Zip-Car* or *Flex-Car*. Further details of the parking program can be found in the PUD submissions. Additionally, bike parking in accordance with code will also be provided for the residents of the project.

We appreciate the opportunity to respond to these questions. Should the residents have any additional questions, the Applicant would be pleased to discuss these matters with them further.

Sincerely,

HOLLAND & KNIGHT LLP

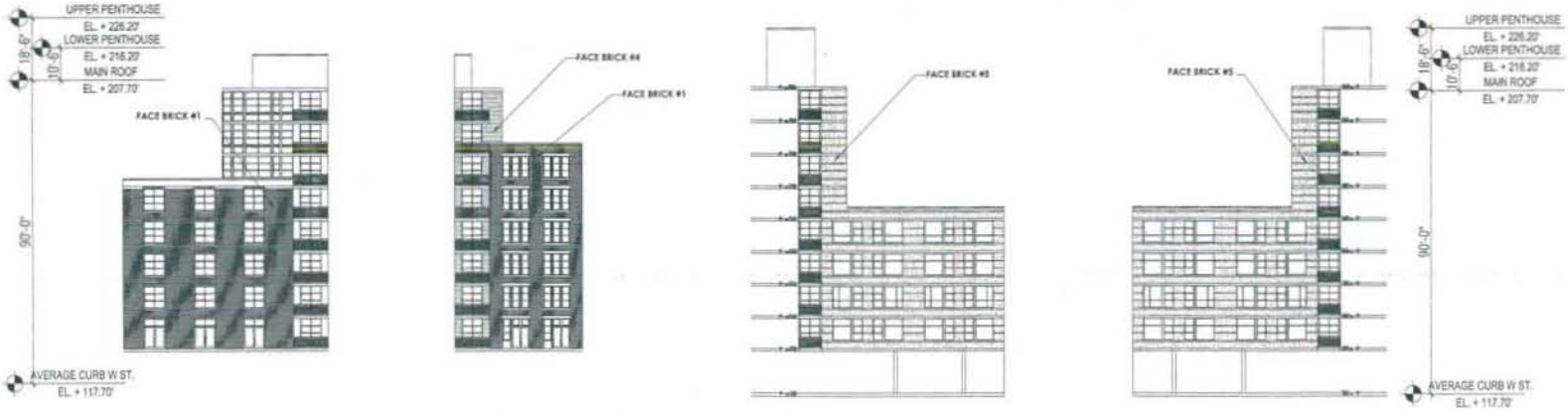
By: _____
Norman M. Glasgow, Jr.

cc: Ms. Jill Chodorov
Brian Liu
Joe Keyerleber
Grey Gardner
Ken McDonnell
Office of Planning
ANC 1B
Cardozo Shaw Neighborhood Association

1534832_v4



1 EAST ELEVATION - 14TH STREET



5 COURTYARD ELEVATION

4 COURTYARD ELEVATION

3 COURTYARD ELEVATION

2 COURTYARD ELEVATION

NOTE: PROPOSED CONCEPTUAL DESIGN OF REAR ELEVATION. MATERIALS TO BE OF SAME CHARACTER/MATERIAL AS 14TH ST. ELEVATION. CONCEPTUAL DESIGN AND FINAL PLANS SUBJECT TO HPRB REVIEW AND APPROVAL

Guidelines, Conditions and Standards
to be Attached to Approval of
Zoning Commission Case No. 03-26

Consolidated Planned Unit Development for
the Property Located at 14th & V Streets, N.W.
(Square 235)

1. The PUD shall be developed in accordance with the plans prepared by SK&I Architects dated January 15, 2004, and marked as Exhibit __ in the record, as modified by the guidelines, conditions and standards herein.

2. The project shall be a residential and retail development constructed to a maximum height of 90 feet and a density of 4.73 FAR in the Arts/C-3-A District and 3.15 in the R-5-B District, for an aggregate density of 4.04 FAR. The PUD shall consist of approximately 314,968 square feet of gross floor area, of which a minimum of 22,000 square feet and a maximum of 26,000 square feet of floor area shall be devoted to neighborhood serving retail uses. The final residential gross floor area shall be calculated based on a reconciliation by the D.C. Office of the Surveyor of the measured versus record land area computations for the PUD site.

3. The project shall provide a minimum of 240 and a maximum of 300 residential units. Ten of those units shall be available for sale as affordable housing consisting of 8,438 square feet of gross floor area including a core factor (approximately 7,500 net square feet), to residents with an annual income of $50,000 and in accordance with the eligibility requirements and enforcement mechanisms submitted by the applicant to the record as part of Exhibit __.

4. The PUD shall include a minimum of 234 parking spaces with a minimum of 50 spaces shall be devoted to the retail uses. Any parking spaces provided in excess of the minimum amount may be allocated to residential or retail uses according to need.

5. Two to four of the parking spaces shall be reserved for use by a car-sharing service, such as "Zip Car" or "Flex Car".

6. The applicants shall have flexibility with the design of the PUD in the following areas:

   a. to vary the exterior design, materials and landscaping in accordance with final plans reviewed by the D.C. Historic Preservation Review Board and approved by the Mayor's Agent for Historic Preservation;

   b. to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms;

   c. to vary the location and arrangement of parking spaces; and

d. to refine traffic circulation patterns in consultation with DDOT.

7. The applicant shall pay the fee for a one-year membership in the Cardozo-Shaw Neighborhood Association for each household unit initially purchased.

8. The Applicant shall improve the public space surrounding the project with a minimum of granite curbs, tree grates, waste receptacles and light poles that are approved by the District Department of Transportation (DDOT) or will meet the streetscape standards of the 14th and U Streets Main Street Initiative, whichever are higher. The Applicant shall work with DDOT and the Initiative to make this streetscape the prototype for the area.

9. The Applicant will design and construct the PUD utilizing the criteria of LEED (Leadership in Energy and Environmental Design) Green Building Rating System, a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.

10. Prior to the issuance of the certificate of occupancy for the apartment house, the Applicant shall commit $2,500 to DDOT to erect approximately ten signs along 14th Street between Florida Avenue and U Street to designate the Greater U Street Historic District.

11. Prior to the issuance of the building permit for Phase I, the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (DOES) and provide an executed copy of the Agreement to the Zoning Commission record.

12. The applicant shall contribute $50,000, in five $10,000 increments, to the 14th Street Main Street Initiative for the implementation of the "Green Team," a homeless employment program. The initial $10,000 payment was made prior to approval of the PUD. Subsequent payments shall be made no later than the annual anniversary of the effective date of this order.

13. No building permit shall be issued for this planned unit development until a portion of the north-south alley in the western segment of Square 235 is closed, consistent with the alley closing application in S.O. No. 03-2526.

14. No building permit shall be issued for this planned unit development until the Applicants have recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the applicants and all successor in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

15. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicants have filed a copy of the covenant with the records of the Zoning Commission.

16. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. The Applicant shall have the flexibility to construct the project in two phases. Construction of Phase I, the 14th Street segment of the project, shall begin within three years of the effective date of this order. Construction of Phase II, the renovation and addition to the historic warehouses, shall begin no later than six months after completion of Phase I.

17. Pursuant to the Human Rights Act of 1977, D.C. Code § 1-2531 (1991), the applicants are required to comply fully with the provisions of the Act, and this order is conditioned up full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the applicants fail to comply with any provision of the Human Rights Act.

1524721_v1