

D.C. OFFICE

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VIA HAND DELIVERY

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

Re: Zoning Commission Case No. 07-18 -- 1000 F Street PUD
Supplemental Submission

Dear Members of the Commission:

On behalf of Jemal's Up Against the Wall, LLC (the "Applicant"), we submit this supplemental letter in support of the proposed Planned Unit Development ("PUD") at the southwest corner of 10th and F Streets, N.W. The PUD includes Lots 18, 19, 818 - 821 and a small portion of the alley to be closed in Square 347.

Modification of Plan – Five-Foot Alley Easement

As noted in the Applicant's pre-hearing statement, the most significant change to the building design is the inclusion of a five-foot right-of-way easement along the alley to a height of 16 feet. Details of the easement area and building changes are attached hereto as Exhibit A. The District's Department of Transportation requested the easement in order to enhance traffic circulation at the alley and improve access to the PUD's parking and loading facilities. As a result of this modification, the density of the proposal increased slightly from 8.26 to 8.30 FAR to recapture the square footage lost at the easement area, which still must be included in the FAR calculations. The PUD will have a floor area ratio of 8.30, of which 90,059 square feet will be devoted to office use and 7,813 square feet will be devoted to retail use. Overall, there is a net decrease in the usable building area of approximately 926 square feet.

ZONING COMMISSION
District of Columbia

CASE NO.

07-18

EXHIBIT NO.

21

The introduction of the five-foot easement also required the Applicant to reconfigure the garage ramp, the loading bays and the parking garage, resulting in a net loss of two standard-size spaces. Based on the traffic impact assessment, attached as Exhibit C, the proposed parking and access plan are adequate for this PUD and do not adversely impact the local roadway system and transportation amenities within the public space.

Relocation of the Waffle Shop as a Public Amenity

As stated in the Applicant's pre-hearing statement, the Applicant offers the relocation of the Waffle Shop as a public amenity for this PUD given its historic nature and the recommendations of the D.C. Historic Preservation Review Board (the "Review Board") in June and July 2006 to salvage its character-defining features. On June 14, 2007, six preservation groups jointly filed an application to designate the interior and exterior of the Waffle Shop as a historic landmark. Under the provisions of the historic preservation law, the Waffle Shop is now treated as a landmark and afforded the full protection of the law unless the Review Board finds that it does not meet the designation criteria. The Applicant has consulted with the District's Historic Preservation Office ("HPO") and both HPO and the Applicant have agreed that the relocation of the Waffle Shop is an acceptable form of historic preservation for the Waffle Shop. This form of historic preservation is similar to the preservation component in the St. Martin's PUD in Zoning Commission Order No. 05-39, where the applicant in that case relocated a former convent, for which a landmark application was pending, to another location in the same square. The relocation was negotiated as part of a settlement agreement with the D.C. Preservation League in exchange for the withdrawal of the landmark application. Here, the Waffle Shop will be relocated to property in a different square, which is owned by an affiliate of the Applicant, and, significantly, the landmark application is *not* being withdrawn. Thus, the landmark preservation through relocation is one of the important features of this proposed PUD.

Since the October 10th submission of the Applicant's pre-hearing statement, the Applicant has finalized its a settlement agreement with the Committee of 100 on the Federal City, the D.C. Preservation League, the Art Deco Society of Washington, the Downtown Artist Coalition and Jemal's Walker Boyd, LLC to dismantle, store and reassemble the Waffle Shop at a new location in Square 450 or 451 on property owned by an affiliate of the Applicant. The settlement agreement is attached hereto as Exhibit B. As a result of this agreement and the PUD process, the preservation of the historic landmark through relocation will be a significant public benefit of the Applicant's project.

Sustainable Design Features

One of the main benefits of the proposed PUD is its sustainable design features. The Applicant will achieve a minimum of 26 LEED points and will seek LEED Certification for the project. The new building will receive credit for water, energy and atmosphere efficiency, sustainable sites, materials and resources, indoor environment quality and innovation and design process, among other elements. The following LEED points (26) can be achieved through the proposed PUD Design:

<u>Feature</u>	<u>Points</u>
Sustainable Site (site selection, development density community connectivity, public transportation access, protection and restoration of open space, heat island effect, light pollution reduction, and tenant design and construction guidelines)	8
Water Efficiency in Water Use Reduction	1
Energy and Atmosphere (optimize energy performance, enhanced refrigerant management, measurement and verification)	4
Materials and Resources (construction waste management, recycled content, local/regional materials, and certified wood)	4
Indoor Environment Quality (outdoor delivery monitoring, increased ventilation, Construction IAQ Management Plan, low-emitting materials, indoor chemical and pollutant source control, Thermal comfort, and daylight and views)	8
Use of LEED-accredited Professionals	<u>1</u>
TOTAL	26

Façade Treatment, Height and Massing

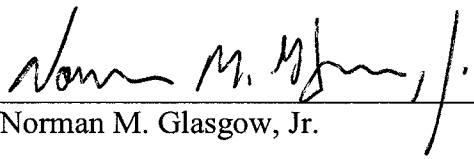
The proposed PUD has been sensitively designed to fit comfortably within its surroundings with respect to height, massing and the façade treatment. The supplemental drawings attached herewith include renderings that illustrate how the proposed façade treatment relates to the street elevations of other buildings in the area. The updated renderings more accurately represent the contextual setting of the new PUD in relation to the design and massing of the buildings in the immediate vicinity. The drawings also incorporate the height diagram previously submitted to the Commission demonstrating that the proposed PUD is surrounded by numerous buildings of equal or greater height.

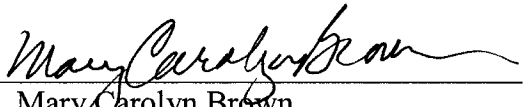
Conclusion

The Applicant appreciates the opportunity to supplement the record with these additional materials and looks forward to discussing these issues more fully in its presentation to the Commission on December 17th.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

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NMG/MCB
Encls.

cc: Steve Mordfin, Office of Planning (w/encls., via hand delivery)
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