

**BEFORE THE  
ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION FOR  
MODIFICATIONS TO A FIRST-STAGE PUD &  
SECOND-STAGE PUD APPROVAL**

**SQUARE 620**

**TBSC Owner I, LLC**

**November 19, 2018**

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## LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Surveyors Plat of PUD Property	A
Assessment and Taxation Plat for Square 620	B
Zoning Map	C
Zoning Commission Order No. 15-20	D
Zoning Commission Order No. 15-20A	E
Zoning Commission Order No. 15-20B	F
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## I. INTRODUCTION

This statement and attached documents are submitted on behalf of TBSC Owner, I, LLC (the “Applicant”), in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) seeking: (1) modifications to the first-stage planned unit development (“PUD”) approved for Square 620 pursuant to Zoning Commission (“ZC”) Order No. 15-20 (attached as Exhibit D) and (2) second-stage approval for Phase 1, the South Parcel, of the approved PUD. As it relates to the first-stage approval, the Applicant proposes to modify the building heights, configuration and allocation of density, the loading access and Condition B.7.b. of ZC Order No. 15-20(a), as discussed in Section III below. This application is submitted in accordance with Subtitle X, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations, 11 DCMR (the “Zoning Regulations”).

Pursuant to ZC Order No. 15-20, dated May 9, 2016, and effective on June 17, 2016, the Zoning Commission granted first-stage PUD approval and a related Zoning Map Amendment from the R-4 to the C-3-C zone district for Lots 250, 893, 894, 895, 898, 900, 904 and 905 in Square 620 (collectively, the “Property”)<sup>1</sup>. The Property is in the northwest quadrant of the city within the boundaries of ANC 6E. It consists of approximately 6.7 acres bounded on the north by M Street, on the south by L Street, the east by First Place and the west by First Street. The Property is the former site of the Sursum Corda Housing Cooperative (“Sursum Corda”). Raze permits have been issued

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<sup>1</sup> At the time the first-stage PUD was approved, the Property was identified as Lots 248, 249, 250, 893, 894 and 895. Lots 248 and 249 were extinguished and became part of the new Lot 898, as shown on the Assessment and Taxation (“A&T”) Plat for Square 620, Number 3875-V, which is attached as Exhibit B. That A&T Plat also created Lots 899, 900, 901, 902 and 903 resulting from the closure of the public streets internal to the Property. Lot 899 was subdivided into Lots 904 and 905. Lot 901 reverted to the United States of America (National Park Service) as the owner of the adjacent Lot 896. Lot 902 reverted to Mount Airy Baptist Church as the adjacent owner of Lot 251. Lot 903 reverted to the United States of America (Department of Housing and Urban Development/DC Housing Authority) as the owner of adjacent Lot 247.

for the demolition of the structures on the Property, and it is projected that the Property will be clear of the structures by the end of the year.

The first-stage PUD approval permits the redevelopment of the Property with five buildings on five theoretical lots, to be constructed in two phases. The first phase of the PUD will be the redevelopment of the South Parcel and the construction of Pierce Street, and the second phase will be the development of the North Parcel. Overall, the PUD will consist of approximately 1,296,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. The approved building heights range from 62.5 feet to 110 feet; the overall density approved for the project is 4.62 floor area ratio (“FAR”) including the area for Pierce Street, which is a private street, or 5.24 FAR excluding Pierce Street. Of note, ZC Order No. 15-20 requires the construction of 136 units reserved for the Sursum Corda Households that resided at the Property at the time that the first-stage PUD application was filed (the “Reserved Units”). The Reserved Units are to be constructed on the South Parcel with the first phase of development for the PUD and are to be made available to the households at their respective income levels. For those households that qualify for Section 8 vouchers, the household’s contribution to the rent shall be based on the household income and/or changes resulting from the annual income recertification process with the U.S. Department of Housing and Urban Development and/or the D.C. Housing Authority. The Reserved Units for households up to 80% of the area median income (“AMI”) count toward the 199 affordable units required for the PUD overall. For the life of the PUD, the blended affordability limits for the 199 affordable units required for the PUD shall not exceed 60% of AMI.

Originally, the first-stage PUD was valid until June 30, 2023, provided that a second-stage PUD application for the South Parcel was filed by June 30, 2017. At the request of Sursum Corda,

the Zoning Commission granted a two-year extension of the first-stage PUD approval, pursuant to ZC Order No. 15-20A. Under said approval, the second-stage PUD application for the South Parcel must be filed no later than June 30, 2019, in order for the first-stage approval to remain valid as to the remaining portions of the PUD until June 30, 2023. A copy of ZC Order No. 15-20A is attached as Exhibit E.

Sursum Corda was the applicant under ZC Order Nos. 15-20 and 15-20A. The Property was sold to TBSC Owner I, LLC, an affiliate of Toll Brothers, in March of 2018, which filed ZC Case No. 15-20B modifying Condition Nos. B.2.a. and B.2.e.i. of ZC Order No. 15-20 relating to the timing to certify to DCRA the list of Sursum Corda Households. TBSC Owner I, LLC, is the applicant for the modification of the first-stage PUD and approval of the second-stage PUD for the South Parcel requested herein.

## **II. APPROVED FIRST-STAGE PUD**

The first-stage PUD approval permits the redevelopment of the Property with five buildings on five theoretical lots divided between two parcels, as well as green space on two theoretical lots east of First Place. The South Parcel will be developed in the first phase of the project and is comprised of three theoretical lots – Lots 1A, 1B and 1C. The North Parcel will be developed as the second phase of the project and is comprised of theoretical lots 2A/2B and 2C/2D. Together, the parcels will be developed with approximately 1,296,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. In addition to the South Parcel, the first phase of the PUD will include the construction of Pierce Street, as a private street, and the green space on the east side of First Place.

**A. Street Network**

The street network approved for the PUD required the closure of First Terrace, L Place and a portion of First Place internal to the Sursum Corda community. Said closures were approved pursuant to D.C. Act 21-507, dated October 19, 2016. Copies of the documents in support of the street closures are attached as Exhibit H. The streets serving the PUD will be improved as follows:

First Place. First Place will extend from L Street to M Street, and will be improved with a right of way width of 60 feet.

First Street. First Street currently has a right of way width of 60 feet. As a condition of the approval of the street closures, the Applicant is required to dedicate to the District a 30-foot segment of the former First Street right of way, totaling 13,171 square feet of land area, in order to restore the original 90-foot right of way for First Street from L Street to M Street. This dedication will support a standard sidewalk section for this segment of First Street. The dedication is reflected on Sheet S-8 of the plans.

L Street. L Street has a right of way width of 40 feet, but historically had a right of way width of 90 feet. In its report dated February 1, 2016, issued in connection with the first-stage approval (Exhibit I), DDOT discusses the eventual re-establishment of the 90-foot right of way for L Street in connection with the redevelopment of the parcels south of the Property, which are controlled by the District and the DC Housing Authority, respectively. The developer presentation for the redevelopment of the District-owned parcel, known as the Northwest One site, includes the reconstruction of the historic L Street right of way.

M Street. M Street has a right of way width of 90 feet.

Pierce Street. Pierce Street will be a private street that extends east-west, from First Street to First Place, and will have a 70 foot wide right of way to accommodate two-way vehicular traffic



and parking on both sides of the street. While private, Pierce Street will be constructed to current DDOT standards during the first phase of the PUD.

**B. South Parcel**

As approved in the first-stage PUD, the South Parcel, consists of approximately 111,472 square feet (2.55 acres), extending from Pierce Street south to L Street. The approved plans depict three buildings on three theoretical lots. **Building 1A** consists of approximately 184,775 square feet generating 176 units; the proposed building height is 72.45 feet; and the density for the theoretical lot is 4.13 floor area ratio (“FAR”). **Building 1B** consists of approximately 194,900 square feet generating 182 units; the proposed building height is 78 feet; and the density for the theoretical lot is 4.92 FAR. **Building 1C** consists of approximately 92,910 square feet of residential use generating 63 units and 8,315 square feet of commercial/community/amenity space; the proposed building height is 65.75 feet; and the density for the theoretical lot is 3.73 FAR. The approved PUD plan provides 272 parking spaces for the South Parcel.

**C. North Parcel**

As approved in the first-stage PUD, the North Parcel, consists of approximately 132,605 square feet (3.04 acres), extending from the north side of Pierce Street to M Street. The approved plans depict two buildings on two theoretical lots. **Building 2A/2B** consists of approximately 404,385 square feet of residential use generating 348 units; 11,900 square feet of retail use; 8,940 square feet of retail/professional office use; the proposed building height ranges from 62.5 feet to 110 feet; and the density for the theoretical lot is 6.5 FAR. **Building 2C/2D** consists of approximately 419,195 square feet of residential use generating 362 units; 11,325 square feet of retail use; 8,940 square feet of retail/professional office use; the proposed building height ranges

from 68.93 feet to 106.93 feet; and the density for the theoretical is 7.06 FAR. The approved PUD plans depict 474 parking spaces for the North Parcel.

**D. Pedestrian Promenade and Open Space**

The open space and amenities are a key component of the PUD framework. There are a variety of spaces ranging in scale and type that serve both residents of the development as well as the neighboring community. The offering of amenities includes a variety of public spaces and private amenity spaces with varying degrees of privacy.

The first phase of the PUD includes the improvement of Theoretical Lots 3A and 3B, which are located on the east side of First Place, as green space. This area will accommodate active and passive recreational uses as well as serve as a buffer between the development on the Property and Mt. Airy Baptist Church.

The Promenade is the central spine of the project. It engages M Street at a wide open plaza that funnels into the site allowing views from passersby. It can be activated with retail frontage along M street, outdoor seating, abundant display of seasonal plantings and shade producing canopy. Cascading steps lead the pedestrian down to the Pierce Street plaza. The Promenade extends further south changing in character and incorporating lush plantings and seating nooks. This portion, while still very public has a more residential feeling. The terminus of the Promenade is a monumental stair with cascading steps and ramps as a focal point that ends in the public park proposed at First and L Streets.

The first phase of development features two buildings with internal courtyards that provide outdoor amenity areas for the residents of the buildings. These amenities include grilling stations, fire pits, lawn areas and a variety of seating opportunities. A pool terrace in the south west building overlooks the park. The terrace has a pool and a sun-shelf area along with a surrounding deck. The

south east building features a roof terrace at the third level overlooking the park and a rooftop terrace at the penthouse level.

**E. Flexibility**

Under the first-stage approval, the Zoning Commission granted flexibility from the loading requirements (11 DCMR §2201.1), the side yard width requirements (11 DCMR §775.5) and the requirements for the number of buildings on a single record lot (11 DCMR §2516), consistent with the approved plans. The Zoning Commission also granted flexibility with the design of the PUD in the following areas:

- a. To be able to provide a range in the number of residential units of plus or minus 10% from the 1,131 proposed for the development;
- b. To vary the number, location, and arrangement of parking spaces, provided that the maximum number of parking spaces for the PUD does not exceed 746 parking spaces and the minimum number of parking spaces is not reduced below the number required under the Zoning Regulations; and
- c. To vary the sustainable design features of the building, provided the project meets a minimum of LEED-Silver certification.

**F. PUD Benefits & Amenities**

Pursuant to ZC Order No. 15-20, the following project benefits and amenities were approved for the PUD:

**1. Affordable Units**

The PUD shall include the construction of 199 new affordable housing units on-site as provided for in the Mid-City East Small Area Plan. Affordable units shall be reserved for and available to households with incomes not exceeding 80% AMI, provided that the overall blended affordability limits for the affordable units within the PUD shall not exceed 60% AMI. Further,

the PUD shall maintain an overall blended affordability level of 60% AMI for the life of the project.

**2. Sursum Corda Households**

- a. Reserved Units. The Applicant shall construct 136 residential units on the South Parcel during the first phase of development for the PUD, which shall be reserved for current Sursum Corda households currently residing at the Property (“Sursum Corda Households”)(the “Reserved Units”). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Households and their contact information.<sup>2</sup>
- b. Affordability Level. The Reserved Units shall be made available to Sursum Corda Households at their respective income eligibility levels. For those households who qualify for Section 8 vouchers, the household’s contribution to the rent shall be based on the household income and/or changes resulting from the annual income recertification process with the U.S. Department of Housing and Urban Development (“HUD”) and/or the D.C. Housing Authority.
- c. The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:

<b>Reserved Sursum Corda Units</b>		
<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Approximate Unit Size (square feet)</b>
15	Studio	545 s.f.
31	1 bdrm	715 s.f.
53	2 bdrm	1,100 s.f.
27	3 bdrm	1,390 s.f.
10	4 bdrm	1,580 s.f.

The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that

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<sup>2</sup> As discussed in Section III.D. below, this condition was modified pursuant to ZC Order No. 15-20B.

elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.

- d. Communication Plan. The Applicant shall implement the communication plan in Exhibit 48B of the record.
- e. Notice for Susum Corda Households. During construction of the first phase of development of the PUD, the Applicant, or its representative, shall maintain updated contact information for each Sursum Corda Household and shall provide notice, via certified mail or hand delivery, to each household as follows:
  - i. Demolition of Existing Structures. Within 10 days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property.<sup>3</sup>
  - ii. Issuance of a Building Permit. Within 7 days of the issuance of the first building permit for the above grade construction (the “Building Permit”), the Applicant shall notify the Sursum Corda Households that the Building Permit has been issued and the date it was issued. Certification of said notice, include a copy of same, shall be submitted to DCRA within 14 days of the issuance of the Building Permit.
  - iii. Assignment of Units. No more than 12 months from the issuance of the Building Permit, the Applicant shall notify Sursum Corda Households of the estimated completion date of the first phase of the PUD and the unit that has been assigned to their individual household (including number of bedrooms and unit size). Said notice shall include renderings and floor plans for the development. Each head of household, or designated household member, shall have 90 days from the date of receiving notice of their assigned unit to inform the Applicant of its intention to occupy the Reserved Unit. Certification of said notice, including copies of same, shall be furnished to DCRA no later than 14 months from the issuance of obtaining the Building Permit.
  - iv. Occupancy Date. After issuance of the Building Permit, the Applicant shall notify those Sursum Corda Households that elect to return to the Property of the occupancy date for their Reserved Unit (the “Occupancy Date Notice”). Each Sursum Corda Household shall have at least one year from the date of the Occupancy Date Notice to (i) walk through a model unit and (ii) enter into an

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<sup>3</sup> As discussed in Section III. D. below, this condition was modified pursuant to ZC Order No. 15-20B.

agreement for the occupancy of their Reserved Unit. Certification of the Occupancy Date Notice, including copies of same, shall be furnished to DCRA prior to the issuance of a certificate of occupancy for the first building within the PUD.

- f. Report to DCRA. Prior to the issuance of the first certificate of occupancy for the PUD, the Applicant shall submit to DCRA a list of the Sursum Corda Households that elected to occupy a Reserved Unit, the type/size of unit and unit number, and the affordability level for said household.
- g. Conversion of Reserved Units. In the event that a Sursum Corda Household (a) elects not to return to the Property to occupy a Reserved Unit or (b) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit so long as the Applicant sets aside a corresponding amount of gross floor area for affordable units on the North Parcel.

### **3. Landscape and Open Space Improvements**

- a. The Applicant shall seek approvals from the National Park Service, its designee, or the agency with jurisdiction over Lots 896 in Square 620, for the construction and long-term maintenance of park space at the corner of First and L Streets, as depicted on the plans. If approved, the park space shall be constructed during Phase 1 of the PUD.
- b. The Applicant shall create a new pedestrian promenade through the center of the site from M Street to L Street as shown on the plans. The southern half of the promenade shall be constructed during Phase 1 of the PUD. The northern half of the promenade shall be constructed during Phase 2 of the PUD.
- c. During Phase 1 of the PUD, the extension of Pierce Street, from First Street to First Place. The Applicant shall be responsible for the maintenance of the road for the life of the project.

### **4. Transportation and Pedestrian Improvements**

- d. During Phase 1 of the PUD, the Applicant shall improve a 30-foot wide strip of the Property frontage along First Street in order to effectively modify the existing sidewalk from a variable 6 to 8 feet in width to a sidewalk that is a minimum of 6 feet with landscaping and street trees. The segment of the frontage from Pierce Street south shall be improved during Phase 1 of the PUD; the segment from Pierce Street north shall be improved during Phase 2 of the PUD. The Applicant shall maintain said improvements for the life of the project, or so long as they are owned/controlled by the Applicant.

- e. During Phase 1 of the PUD, the Applicant shall construct the extension of First Place from M Street to L Street.
- f. During Phase 1 of the PUD, the Applicant shall improve the north side of L Street in between First Street and First Place in order for it to function as a two-way drive.
- g. The Applicant shall cause the installation of a Capital Bikeshare station in proximity to the Property as part of Phase 1 of the PUD.

## **5. Employment and Training Opportunities**

Prior to the issuance of a building permit for Phase 1 of the PUD, the Applicant shall enter into a First Source Agreement with the Department of Employment Services.

## **6. Sustainable Design Elements**

- a. Phase 1 of the PUD shall include two parking spaces reserved for a car-sharing service.
- b. Phase 1 of the PUD shall include two electric car charging stations in the parking garage.

## **7. Support of Neighborhood Uses and Organizations**

- a. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$222,000 to the Boys and Girls Club #2 to support the operation of its programs.
- b. Prior to the issuance of a building permit for the PUD, and subject to approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620, the Applicant shall either (1) contribute \$28,000 for the installation of playground equipment in the park area near the corner of First and L Streets or (2) install playground equipment valued at said amount in the park area.
- c. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute to \$60,000 to the Perry School Community Services Center, Inc. to support the operation of its programs.
- d. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$25,000 to the Walker-Jones Parent Teacher Association to assist with funding for school activities and the purchase of classroom equipment.
- e. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$15,000 to the Girls in Action at the Sursum Corda Youth Center, 1175 First Terrace, NW, to support the operation of its programs.

- f. Prior to the issuance of a building permit for the PUD, the Applicant shall contribute \$25,000 to the Dunbar High School Parent Teacher to assist with funding for school activities and the purchase of classroom equipment.
- g. Prior to the issuance of a building permit for the PUD, the Applicant shall donate equipment and uniforms valued at approximately \$10,000 to support programming at the RH Terrell Recreation Center.
- h. Prior to the issuance of a building permit for the PUD, the Applicant shall donate \$15,000 to support programming at the Northwest One Library.

**G. Status of PUD Conditions**

**1. ZC Order No. 15-20B**

Condition Nos. B.2.a. and B.2.e.i above, were amended, pursuant to ZC Order No. 15-20B, to include the underlined language set forth below:

Reserved Units. The Applicant shall construct 136 residential units on the South Parcel during the first phase of development for the PUD, which shall be reserved for current Sursum Corda households currently residing at the Property (“Sursum Corda Households”)(the “Reserved Units”). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Household [sic] and their contact information. **Violations of this condition shall not result in the denial of a raze permit, building permit, or certificate of occupancy for the PUD.**

Demolition of Existing Structures. Within 10 days of applying for a raze permit for a structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property. **Violations of this condition shall not result in the denial of a raze permit, building permit, or certificate of occupancy for the PUD.**

**2. Community Contributions**

- Condition No. B.7., requiring a contribution in the amount of \$222,000 to the Boys and Girls Club #2 to support the operation of its programs, has been partially satisfied. As evidenced in the letter attached as Exhibit J, a partial contribution in the amount of \$100,000, was paid toward



this obligation. The Applicant will contribute the balance of \$122,000 prior to the issuance of a building permit for the PUD.

- Condition No. B.7.c., requiring a contribution of \$60,000 to the Perry School Community Services Center, Inc., to support the operation of its programs has been satisfied, as evidenced in the letter attached as Exhibit K.

- Condition B.3. requires the applicant to seek approvals for the construction and long-term maintenance of park space on Lot 896, at the corner of First and L Streets, as depicted in the approved plans and, if approved, shall construct the park space. On October 23, 2018, the City Council Committee of the Whole held a public hearing on the Bill No. 22-979, the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (lots 896 and 897 within square 620) Act of 2018”, which approves the transfer of administrative jurisdiction of Lots 896 and 897 from the National Park Service to the District, and provides that the applicant and the Office of the Deputy Mayor of Planning and Economic Development enter into an agreement for the improvement and maintenance of the park space on lot 896 within 60 days of the act taking effect. It is our understanding that the legislation will be adopted by the end of the council period, which is December 23, 2018.

### **III. PROPOSED MODIFICATION OF FIRST STAGE PUD**

The Applicant proposes to amend the first-stage PUD approval as discussed below.

#### **A. South Parcel**

With this modification application, the Applicant proposes to construct two buildings instead of three buildings on the South Parcel, change the building heights and shift the allocation of units.

Building 1A (the Southwest Building) was originally approved as an 8-story building with a height of 72.45 feet, consisting of 184,775 gross square feet generating approximately 176 units. The applicant proposes to reduce the building to 7 stories with a maximum height of 79.54 feet, consisting

of 167,047 square feet generating approximately 160 units. The configuration of the building is substantially similar to what was originally approved.

Building 1B was originally approved as an 8-story building with a height of 78 feet, consisting of 194,900 gross square feet generating approximately 182 units. Building 1C was a 6-story building with a height of 65.75 feet, consisting of 101,225 gross square feet generating approximately 63 units. The Applicant proposes to redesign these two buildings as a single building, the Southeast Building, that steps from 8 stories along L street up to 10 stories toward Pierce Street, with heights ranging from 88.67 to 110 feet. The building will consist of approximately 388,096 square feet generating approximately 365 units. The proposed increase in gross floor area for this theoretical lot from 296,125 square feet to 388,098 square feet will be offset by a corresponding decrease in density on the North Parcel as discussed below.

**A. North Parcel**

With this modification application, the Applicant seeks to decrease the density on the North Parcel by reducing the amount of floor area and number of units in the two buildings. Building 2A/2B (the Northwest Building) was originally approved with approximately 425,225 square feet of floor area generating approximately 348 units. With the proposed modification, the Applicant proposes to reduce the floor area to approximately 388,715 square feet of floor area generating approximately 298 units. Also, while Building 2A/2B was originally approved with 6 to 11 stories, and a range in building height from 62.5 feet to 110 feet, the Applicant now proposes 5 to 10 stories, with same range of heights previously approved.

Building 2C/2D (the Northeast Building) was originally approved with a variation of 6 to 10 stories, and consisting of approximately 439,460 square feet generating approximately 362 units. The number of stories and range of heights will remain the same, but the square footage for the

building will decrease from 439,460 square feet generating approximately 362 units to 401,727 generating approximately 308 units.

**B. Loading Access**

As part of the Stage 1 PUD application, the loading access was proposed along L Street. Upon further review of the internal layout of the Southeast Building, it was determined that loading would be better served along First Place. The relocated loading access meets the original intent of accommodating head-in head out maneuvers, and meets DDOT design specifications of being located at least 60 feet from the intersection of First Place and L Street. Additionally, L Street is ultimately planned to be re-established as a 90-foot wide, two-way street and will be an important multi-modal connection through NoMa, while First Place will serve local access only and extend just two blocks. The relocation of the loading access from L Street to First Place is expected to be an improvement over the original plan.

**C. Conditions**

The Applicant proposes to modify Condition B.7.b. of ZC Order No. 15-20 as follows:

FROM	TO
<p>B.7.b.  <u>Prior to the issuance of a building permit for the PUD,</u> and subject to approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620, the Applicant shall install playground equipment valued at \$28,000 on Lot 896, subject to approval of the National Park Service or the agency having jurisdiction over Lot 896. If the Applicant is unable to obtain approval to install the playground equipment, it shall contribute \$28,000 to the National Park Service or the agency having jurisdiction over Lot 896 to install playground equipment at that location;</p>	<p>B.7.b.  <u>Prior to the issuance of a building permit for the PUD, certificate of occupancy for the South Parcel</u> and subject to <del>approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620;</del> <b><u>an agreement for the construction and maintenance of the park proposed for Lot 896</u></b> the Applicant shall install playground equipment valued at \$28,000 on Lot 896 <b><u>or 904,</u></b> <del>subject to approval of the National Park Service or the agency having jurisdiction over Lot 896.</del> If the Applicant is unable to obtain approval to install the playground equipment, it shall contribute \$28,000 to the National Park Service or the agency having jurisdiction over Lot 896 to install playground equipment at that location ;</p>

The purpose of this modification is to require the installation of the playground equipment prior to the issuance of a certificate of occupancy instead of prior to the issuance of a building permit, since the relocation of the Sursum Corda households has eliminated the short-term need for the playground equipment and the safety of the playground area is currently a concern.

#### **IV. SECOND STAGE PUD**

The Applicant seeks second-stage approval for the Phase 1 of the PUD in accordance with the architectural plans and elevations attached as Exhibit L (“Second-Stage Plans”). Phase 1 of the PUD includes the following:

- a. the South Parcel (Lots 1A and 1B), which is situated between First Street and First Place and consists of 2.44 acres, excluding the area to be dedicated for the First Street right of way;
- b. the rectangular parcel of land to the east of the First Place (Theoretical Lots 3A and 3B) which consists of 12,608 square feet; and
- c. Pierce Street, except for the parallel parking on the north side of the street, which consists of approximately 34,604 square feet of land area.
- d. the dedication of the southern portion of the First Street right of way, as depicted on Sheet 13a of the plans, which totals 5,118 square feet.

The South Parcel will be divided into two theoretical lots – Lot 1A and Lot 1B, which will be improved with two apartment houses totaling 555,143 square feet of gross floor area generating approximately 525 units. The rectangular parcel to the east of First Place will be maintained as green space and provide a buffer between the development on the Property and Mount Airy Baptist Church. The maximum building height for the Phase 1 development will be 110 feet, and the density will be 5.22 FAR, excluding Pierce Street. Additionally, the Phase 1 development will include the construction of up to 346 below grade parking spaces. The parking garage will be

accessed from First Place south of Pierce Street, and the loading area will be accessed from First Place north of L Street.

The architecture for the Phase-1 buildings are simultaneously complimentary and distinct. Both buildings are organized around significant landscape elements including a new public park and the corner of First and L Street, a pedestrian promenade connecting M Street to L Street, and a 30-foot landscape buffer along First Street. Both buildings ground levels have also been programed with significant double height amenity/retail spaces, fronting the park, the promenade and portions of L Street and Pierce Street. This street level programming will include multiple entrance canopies, signage, lighting, and supporting landscape features providing transparency, a variety of textures, and vitality to the surrounding pedestrian streetscapes. Bay windows, balconies, and landscaped roof top amenity spaces atop the two-story amenity pavilions will reinforce the residential nature of the buildings. While both buildings utilize complimentary color pallets, the use of different materials and varying scales of the two structures makes them distinctly different from one another.

**A. Southwest Building / Theoretical Lot 1A**

The Southwest Building is located on the west side of the South Parcel, fronting on First Street. It will consist of approximately 167,047 square feet of gross floor area generating approximately 160 units. The Southwest Building will have seven stories and a maximum height of 79.54 feet, as measured from First Street. Theoretical Lot 1A has a land area of 39,608 square feet and will be developed at a density of 4.22 FAR.

The building's massing features a strong base expression by cantilevering the structures upper six stories out over the building's base. The pedestrian scale is further enhanced by the two-story amenity pavilion forming the north edge of the new park. In addition to the cantilevered base detail, the building's

scale is broken down horizontally by recessing the corner living areas and projecting groups of bay windows along the center portions of the west, north and east elevations.

The Southwest Building's primary exterior materials are medium grey rain screen panels at the upper six levels, dark grey masonry cladding the base of the building, and wood veneer accent rain screen panels at the buildings projecting bay windows. In contrast to the building's predominantly neutral pallet, the Southwest Building's amenity pavilion's primary exterior material is the wood veneer rain screen panels and glass, and a minor portion of the two-story structure is clad with dark grey masonry.

**B. Southeast Building / Theoretical Lot 1B**

The Southeast Building is located on the east side of the South Parcel, fronting on First Place and L Streets. It will consist of approximately 388,096 square feet of gross floor area generating approximately 365 units. Theoretical Lot 1B has a land area of 66,730 square feet and will be developed at a density of 5.82 FAR.

The Southeast Building will have up to 10 stories and a maximum height of 110 feet, as measured from First Place, assuming that L Street right of way is expanded to 90 feet, as discussed in the DDOT report for the first-stage PUD application and reflected on the plans for redevelopment of the Northwest One site. With its prehearing statement, the Applicant will submit alternate plans for Building 1B, depicting a maximum height of 80 feet, based on the width of First Place which is 60 feet, in the event the L Street right of way is not widened from 40 feet to 90 feet prior to the Applicant applying for a building permit for the PUD.

The building's primary exterior materials are light grey masonry at the upper eight levels, dark grey masonry cladding the base of the building, and wood veneer accent rain screen panels at the buildings recessed bay window areas. Again, like the Southwest Building, the Southeast Building's amenity pavilion is clad with the wood veneer rain screen panels, glass, and dark grey masonry. The

rooftop amenity program sets back from the buildings primary roof and is clad in dark grey metal panels, glass and some accent wood veneer rain screen panels.

**C. Tabulation of Development Data**

The tabulation of development data for Phase 1 is included on Sheet A-01 of the Second-Stage Plans.

**D. Flexibility**

As part of the First-Stage PUD approval, the Zoning Commission granted flexibility from the loading requirements (11 DCMR §2201.1), the side yard width requirements (11 DCMR §775.5) and the requirements for the number of buildings on a single record lot (11 DCMR §2516), consistent with the approved plans. The Zoning Commission also granted flexibility with the design of the PUD in the following areas:

- a. To be able to provide a range in the number of residential units of plus or minus 10% from the 1,131 proposed for the development;
- b. To vary the number, location, and arrangement of parking spaces, provided that the maximum number of parking spaces for the PUD does not exceed 746 parking spaces and the minimum number of parking spaces is not reduced below the number required under the Zoning Regulations; and
- c. To vary the sustainable design features of the building, provided the project meets a minimum of LEED-Silver certification.

With the approval of the Second Stage PUD, the Applicant respectfully requests flexibility, specifically for Phase 1, as follows:

- a. To be able to provide a range in the number of residential units for Building 1A of plus or minus 10% from the 160 units proposed for that building.
- b. To be able to provide a range in the number of residential units for Building 1B of plus or minus 10% from the 365 units proposed for that buildings.

- c. To vary the number, location, and arrangement of parking spaces, provided that the maximum number of parking spaces for the South Parcel does not exceed 346 parking spaces and the minimum number of parking spaces is not reduced below the number required for the South Parcel under the Zoning Regulations.
- d. To vary the sustainable design features of the building, provided the project meets a minimum of LEED-Silver certification.
- e. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms elevators, provided that the variations do not change the exterior configuration of the building.
- f. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans.
- g. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans; examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights.
- h. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans.

**V. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS**

**A. Area Requirements Under Subtitle X § 301.1**

Pursuant to Z.C. Order No. 15-20, Conclusion of Law No. 4, the Commission found that the first-stage PUD met the minimum land area requirements of Section 2401.1 of the 1958 Zoning Regulations. The minimum land area requirement for the C-3-C District under the 1958 Zoning Regulations (15,000 square feet) is the same for the MU-9 District under 11-X DCMR § 301.1 of the 2016 Zoning Regulations. The South Parcel and the proposed green area east of First Place are part of the overall PUD Site which consists of approximately 6.7 acres, well in excess of the



15,000 square feet minimum land area requirement. Therefore, the South Parcel meets the PUD area requirements.

**B. Height and FAR Requirements Under Subtitle X §§ 303.3, 303.4 and 303.7**

The building heights and allocation of density for the second-stage PUD application are different than what was approved for the first-stage PUD pursuant to ZC Order 15-20, as discussed below.

Building 1A

- The building height has been increased from 72.45 feet to 79.54 feet.
- The gross floor area has decreased from 184,775 square feet to 167,047 square feet.
- The number of units has decreased from 176 units to 160 units

Buildings 1B and 1C

- The buildings have been redesigned as a single building.
- The building height has increased from a maximum of 78 feet and 65.75 feet, respectively, to a range of heights from 88.67 feet to 110 feet.
- The total gross floor area has increased from 296,125 square feet in both buildings to 388,096 square feet in a single building.
- The number of units has increased from 245 units in both buildings to 365 units in a single building.

Allocation of Density

- The increase in density proposed for the South Parcel is offset by a corresponding reduction in the density for the North Parcel.

The proposed maximum building height of 110 feet for the Southeast Building is subject to the widening of the L Street right of way from 40 to 90 feet, prior to the time the Applicant applies for a building permit for the PUD. The proposed height is below the maximum permitted height of 130 feet for a PUD in the C-3-C zone district under the 1958 Zoning Regulations. The C-3-C zone district was converted to the MU-9 zone district with the adoption of the current

Zoning Regulations; and the maximum permitted building height is the same. 11-X DCMR § 303.7.

The South Parcel will have an overall density of 5.22 FAR; Theoretical Lot 1A will have a density of 4.22 FAR; and Theoretical Lot 1B will have a density of 5.82 FAR. The proposed densities are below the maximum permitted density of 8.0 FAR for a PUD with inclusionary zoning in the C-3-C zone district under the 1958 Zoning Regulations. Under the current Zoning Regulations, a PUD with inclusionary zoning is permitted a maximum density of 9.36 FAR. 11-X DCMR §§ 303.3 and 303.4.

**C. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)**

Pursuant to 11-X DCMR § 304.4(a), the Zoning Commission shall find that proposed developments are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. The Commission found in ZC Order No. 15-20, Conclusion of Law No. 8, that the overall PUD was not inconsistent with the Comprehensive Plan. The Property is within the boundaries of the MidCity East Small Area Plan, which identifies the Property in a Land Use Change Area and Mixed High Density Residential/Medium Density Commercial land use designation.

**D. Impacts of Project Under Subtitle X § 304.4(b)**

Pursuant to 11-X DCMR § 304.4(b), the Zoning Commission shall find that proposed developments do not result in unacceptable project impacts on the surrounding area or on the provision of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. Pursuant to Z.C. Order No. 15-20, Conclusion of Law Nos. 5 and 6, the Commission found that the impact of

the first-stage PUD on the surrounding area was not unacceptable and that the application could be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development would be mitigated. The second-stage PUD and the modifications proposed to the first-stage PUD will not create any new adverse impacts.

**E. Public Benefits and Project Amenities Under Subtitle X § 304.4(c)**

Pursuant to 11-X DCMR § 304.4(c), the Commission shall find that proposed developments include specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site. The first-stage PUD included a number of significant public benefits and project amenities, which are described in detail in ZC Order No. 15-20, Decision B. 1-7 No. 33. As described in Section II.H. of this statement.

## VI. CONCLUSION

For the reasons stated above, the Applicant submits that this application for modifications to the first-stage PUD approval and a second- stage PUD for the South Parcel meet the standards of Subtitle X, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations; meets the standards and requirements of the first-stage PUD Order; is not inconsistent with the purposes and intent of the Zoning Regulations and Zoning Map and with the land use objectives of the District of Columbia; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia and provide significant public benefits and project amenities; and will advance important goals and policies of the District of Columbia. The Applicant therefore respectfully requests that the Zoning Commission set down the application for a public hearing.

Respectfully submitted:

HOLLAND & KNIGHT LLP



By: \_\_\_\_\_

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