

Holland & Knight

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December 22, 2014

Zoning Commission for
The District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: ZC Case No. 13-12 / 1333 M Street, SE LLC / First Stage PUD and Related Map Amendment and Consolidated PUD for Phase I Response to Concerns Raised by Karen Harris

Dear Members of the Commission:

This letter is in response to the comments and concerns raised by Ms. Karen Harris relating to the above-referenced application and the proposed development's impact on the residents of the 1300 block on L Street, SE. We have had the opportunity to speak with Ms. Harris about the project at two ANC meetings prior to the public hearing on December 1st, and we have reviewed Ms. Harris' written testimony. Since the public hearing, we have communicated with Ms. Harris via telephone and email.

Additional Proffers by the Applicant

Based on the concerns raised by Ms. Harris, the Applicant has agreed to the following:

1. Prohibit fast food national chain restaurants in the retail space for the project.
2. Applicant will use best efforts to attract a small grocer to the retail space for the project.
3. Applicant agrees to contribute \$500 on an annual basis to the Anacostia Watershed Society to support the organization's effort for the "Anacostia River Clean Up Days". The annual donation shall be made for a five-year period starting from the date of the certificate of occupancy for the Phase 1 Building.
4. The Applicant agrees that soil removed from the subject property will not be returned as landfill for the SE/SW Boulevard project.

The Applicant has been asked to offer the units as condominiums instead of rentals. The Applicant is unable to commit to doing so because the decision to sell or rent the residential units is determined foremost by market demand. Additionally, the Applicant has been asked to reduce the hours of construction for the project. The hours proposed are consistent with the requirements of the Building Code and were accepted by ANC 6B, pursuant to the Memorandum of Understanding between the Applicant and ANC 6B dated November 20, 2014.

Building Height

It appears that Ms. Harris' primary concern with the project is the proposed building height. She has asked the Applicant to limit the building height for the PUD to five or six stories, inclusive of the rooftop penthouse. The height proposed by Ms. Harris is less than what the Applicant can develop on the subject property currently, as a matter of right of 90 feet. As requested by the Zoning Commission, the Applicant has revised the sun study to include the rooftop penthouse. As with the original study, the revised study indicates that the proposed development will not cast shadows on the 1300 block of L Street, SE. The Applicant has also prepared an exhibit that shows the line of sight from L Street to the Building 1-Tower A, when incorporating development Concept A and development Concept B from the Southeast Boulevard Planning Study; a copy of the exhibit is attached. Under either development concept, Building 1-Tower A is not within the line of sight from L Street.

Parking & Transportation

The Applicant has been asked to provide additional off-street parking spaces and prohibit tenants from applying for Zone 6 residential parking permits. The project will provide 221 parking spaces where 180 parking spaces are required under the Zoning Regulations, and the Applicant has expanded its transportation demand measures to further promote alternative modes of transportation. As such, we respectfully submit that the project adequately addresses the transportation impacts generated by the PUD.

Project Benefits & Amenities

The project benefits and amenities package has an estimated value of nearly \$5 million. Many of the public benefits are in the form of public and open space improvements that will be accessible to the public and provide connectivity to the waterfront. Given the significant level of project benefits and amenities, the Applicant is unable to commit to constructing or funding additional public improvements or facilities.

The Applicant notes that the FAR requested for the PUD is significantly less than the existing matter of right FAR of 6.0. Also, since under the existing M zoning, residential is not a permitted use, the substantial residential component and the affordable housing proposed are project amenities.

Conclusion

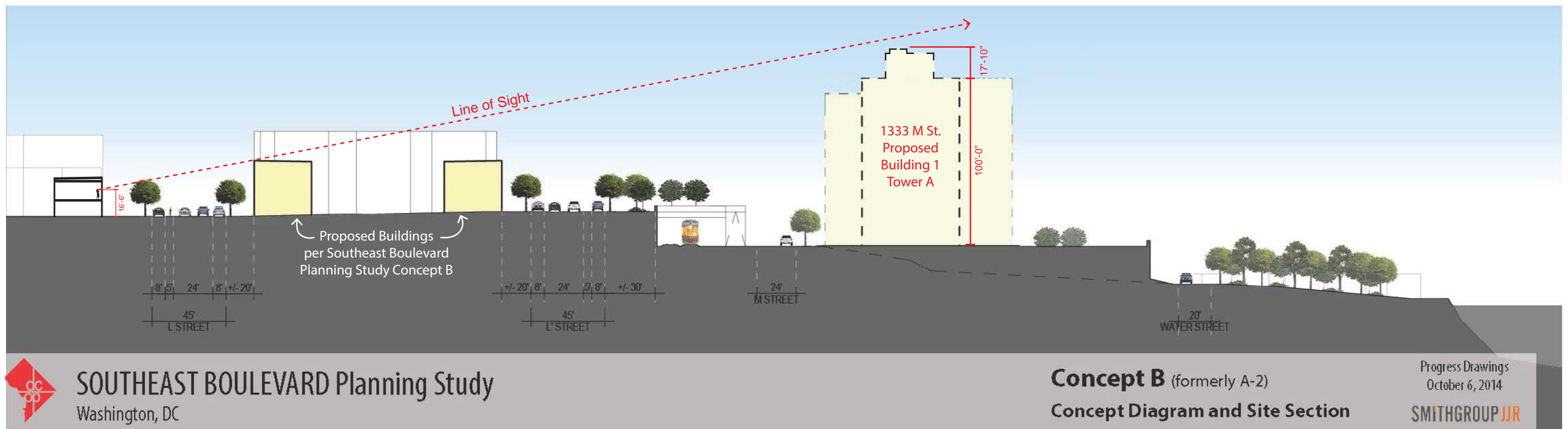
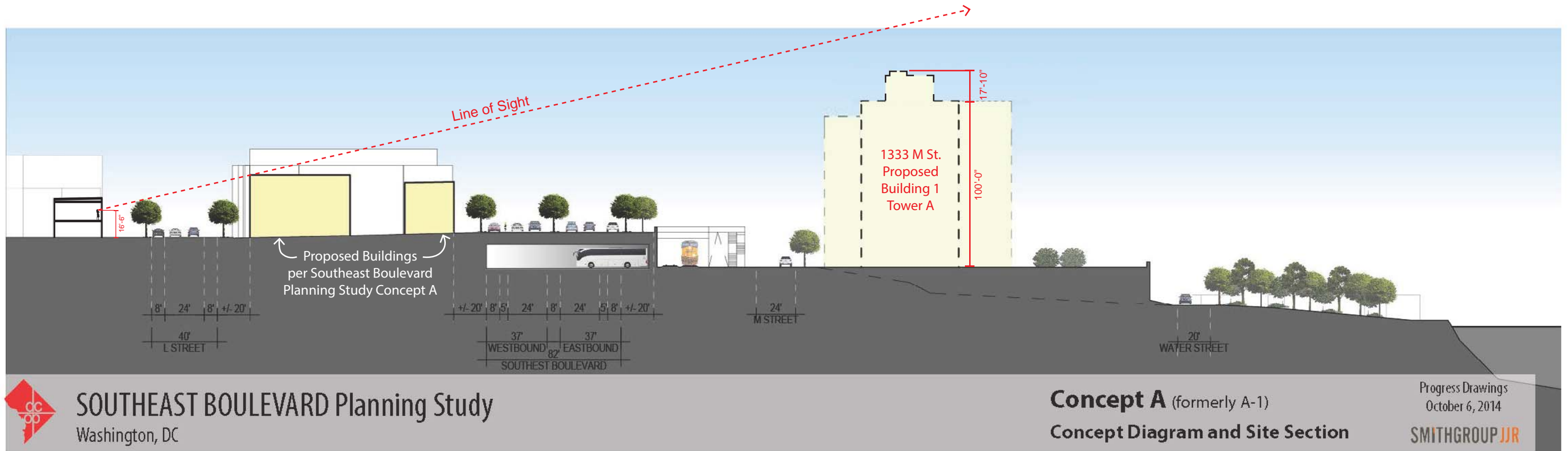
Based on the foregoing and the other elements of the project as presented during the public hearing and the Applicant's post hearing submission, we respectfully request the Zoning Commission's favorable review of the Application. Moreover, we submit that the proffered benefits and amenities are commensurate with the level of flexibility requested under the application and appropriately address the PUD's impact on the neighboring properties, including the 1300 block of L Street, SE.

Respectfully submitted,
HOLLAND & KNIGHT LLP

By: *Leila Batties*
Leila M. Jackson Batties

Attachment

cc: Ms. Karen Harris (via email)
Commissioner Nichole Opkins, ANC 6B06 (via email)



1333 M STREET
 DATE: 12-22-14

LINES OF SIGHT WITH SOUTHEAST BLVD CONCEPTS