

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



May 20, 2015

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To Whom It May Concern

The D C Office of Zoning is providing this letter to inform all property owners within 200 feet of a development project of conditions associated with the approval of the project

The following is offered for informational purposes only **You are not required to respond or take any other action with respect to this letter. Further, the record in this case is closed and no additional documentation will be accepted.**

The D C Zoning Commission recently approved the following project, which is within 200 feet of your property

Z.C. Case No. 14-09 (QC 369, LLC (Consolidated Planned Unit Development and Related Map Amendment @ Square 369, Lots 40, 62, 65- 67, 801-805, 838, 839, 842, 848, 859, 878, and Portions of Two Public Alleys to be Closed)

This application was approved pursuant to the conditions attached to this letter

Please note: The timeframe for development of an approved project varies depending on the scope and complexity of the project As such, the attached enumerated conditions may not be pertinent or at issue until a future date

If you are interested in learning more about this case, or have questions about the definition of terms enumerated in the conditions, you can obtain a copy of the written Order that contains the conditions from the D C. Office of Zoning website (www.dcoz.dc.gov) From the homepage, select the "Search" tool in the blue left sidebar, navigate to a search of "ZC and BZA Orders," and enter the case number provided above Once you obtain the Order, if you have questions *specifically pertaining to enforcement of the aforementioned condition(s)*, please contact the DC Office of Zoning Compliance Review Specialist at (202) 727-6311

SINCERELY,

SHARON S. SCHELLIN
Secretary to the Zoning Commission

Conditions to Z.C. Order No. 14-09

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review and approval of a planned unit development and related map amendment from the DD/C-2 A and DD/C-2-C Zone Districts to the DD/C-2-A and DD/C-3-C Zone District for the Property located at Lots 40, 62, 65- 67, 801-805 838 839, 842, 848 859, 878, and portions of two public alleys to be closed in Square 369, as delineated on the rezoning plan attached to the drawings as Sheet A-004. The approval of this PUD is subject to the guidelines, conditions and standards set forth below:

A Project Development

- 1 The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated January 9, 2015, and marked as Exhibit 50A in the record, as supplemented by Exhibits 59A 63A, and 66B ("Plans"), and as modified by the guidelines, conditions and standards of this Order.
- 2 In accordance with the plans, the PUD shall be a mixed-used project consisting of approximately 582,822 square feet of gross floor area. Approximately 360,315 square feet of gross floor area will be devoted to hotels with accessory retail/service uses, and approximately 222,507 square feet of gross floor area will be devoted to residential uses. The PUD shall have a maximum aggregate density of 8.23 FAR and a maximum height of 110 feet.
- 3 The hotel component of the PUD shall provide 99 zoning-compliant vehicle parking spaces, and may provide an additional 50 valet and vault spaces, as shown on Exhibits 59A and 59B (Sheets A-003A, A-201 and A-202). The residential component of the PUD shall provide 92 zoning-compliant vehicle parking spaces, and may provide an additional 14 valet and vault spaces, as shown on as shown on Exhibits 59A and 59B (Sheets A-003A, A-201 and A-202).
- 4 The Applicant shall have zoning flexibility with the PUD in the following areas:
 - a To vary the number, location and arrangement of parking spaces shown on Exhibits 59A and 59B, provided that parking shall be provided for no fewer than 185 vehicles,
 - b To reduce the required amount of loading facilities and instead provide two berths at 45 feet deep and a service/delivery space at 25 feet deep for the hotel, and two loading berths at 30 feet deep for the residential building,
 - c To reduce the width and area requirements for the courts located within the Lurgan Building, above the relocated historic building known as 911 L Street, and along the western property line above the public easement area,
 - d To set back the mechanical penthouses and rooftop safety railings a distance less than their height, all as shown on Exhibit 66B,
 - e To increase the interior area of the rooftop penthouses devoted to accessory communal recreational space and fitness center to 36.5% of the total rooftop recreation space,
 - f To provide a range in the number of residential and hotel units of plus or minus 10% from the number shown on the Plans,
 - g To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED Silver rating under the LEED 2009 for New Construction and Major Renovations rating standards, and the Applicant will register to obtain the LEED Silver certification from the United States Green Building Council,
 - h To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building,
 - i To vary the final selection of the exterior building materials and public space materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials, and to make refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic

- Preservation Review Board, the DDOT Public Space Committee, or that are otherwise necessary to obtain a final building permit,
- j To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans,
- k To vary the final selection of all exterior signage on the building, and
- l To vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation

B. Public Benefits

- 1 Historic Preservation The Applicant shall retain and rehabilitate eight of the nine historic buildings on the Property, consistent with the approved Plans
- 2 Affordable Housing **For a period of five years**, the Applicant shall reserve a total of four units in the Lurgan Apartment Building at 919 L Street, N W to households of one or more individuals with a total annual income adjusted for household size equal to between 51% and 80% of the Washington Metropolitan Statistical Area median. The units designated for affordable housing shall be two one-bedroom units and two studio units (L-001 through L-004). **The five-year period will begin upon the issuance of the certificate of occupancy for the Lurgan Building**. At the conclusion of the five-year period, a qualifying tenant in possession of the affordable unit may continue occupancy at the affordable rate until the tenant vacates the unit or is no longer able to meet its rent or lease obligations. The affordability rate will be based on a qualifying household devoting no more than 30% of its income to rent. The Zoning Administrator shall not approve an application for a certificate of occupancy for the PUD unless the Applicant has executed monitoring and enforcement documents with the District of Columbia, consistent with § 2409.10 of the regulations.
- 3 Transportation Demand Management ("TDM") Measures. **Prior to issuance of the certificate of occupancy for the hotel or residential building**, the Applicant shall implement the following TDM measures at the PUD, as applicable to the separate uses:
 - a Identify a TDM Leader, who will print materials related to local transportation alternatives available to residents and employees upon request and at move-in for new tenants,
 - b Install a minimum of 67 long-term and 10 short-term bicycle spaces for the residential building,
 - c Install a minimum of 15 long-term spaces and six short-term bicycle racks for the proposed hotel and retail uses,
 - d Install a transit screen in each residential and hotel lobby,
 - e Dedicate one space on site for a car-sharing services with right of first refusal,
 - f Become a Hotel Partner or Corporate Member of Capital Bikeshare;
 - g Provide a one-time Capital Bikeshare membership or carshare membership for the first lease and/or sale of each residential unit,
 - h Unbundle parking costs from the price of all commercial and residential leases, and
 - i Provide shower and changing facilities for hotel staff
- 4 LEED Qualification The PUD shall be designed to meet a LEED-Silver rating, and the Applicant shall register to obtain the certification from the United States Green Building Council
- 5 Contributions to Community Organizations: **Prior to issuance of the building permit**, the Applicant shall contribute funds to the following community organizations to support their efforts as described below. The Applicant shall provide proof to the Zoning Administrator that the items or services funded have been or are being provided in order to obtain the building permit:
 - a *Friends of Gompers Park* – The Applicant shall contribute \$20,000 to this organization to help fund the following improvements to Gompers Park located at 10th and L Streets, N W: the refurbishment of the grass turf (removal of existing turf, regrading for property drainage, installation of new sod and maintenance), and refurbishment of the flower beds (recreate historic flower beds, amend soil, install metal bed edging, install annuals),

- b. *Friends of 10th Street Park* – The Applicant shall contribute \$20,000 to this organization, to help fund the following improvements 10th Street Park located in Square 369: park maintenance and new plantings, community bulletin board, additional seating, repair/replacement of light bollard, additional seating, and improvements to soft-play surface, and
 - c. *Thomson Elementary Parent-Teacher Association* – The Applicant shall contribute \$5,000 to this organization for the purchase of Imagination Playground Blocks, a nationally recognized educational tool for igniting cognitive development through unstructured play, for use by students at Thomson Elementary School, 1200 L Street, N.W.
- 6. **Employment for District Residents** – The Applicant will seek qualified applicants residing in the District from the Department of Employment Services (“DOES”) for the temporary construction jobs and permanent hotel jobs created by the PUD. **Prior to issuance of the certificate of occupancy for the hotel or residential portion of the building,** the Applicant shall provide evidence to the Zoning Administrator of its efforts to employ District residents.

C. Miscellaneous

- 1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
- 2. The PUD shall be valid for a period of two years from the effective date of Zoning Commission Order No. 14-09. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Construction of the project must commence within three years of the effective date of Zoning Commission Order No. 14-09. The Applicant shall have the right to proceed with matter-of-right development at its election.
- 3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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441 4th STREET, N W SUITE 200-S/210-S
WASHINGTON, D C 20001
OFFICIAL BUSINESS
PENALTY FOR MISUSE

047K
Marie T. Hooper
1828 Monor Green court
Annapolis, MD 21401-6551



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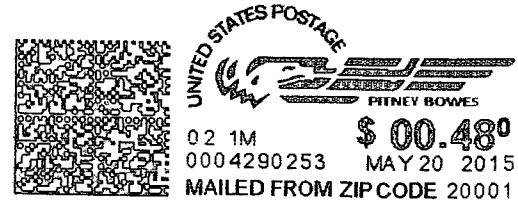
GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF ZONING

441 4th STREET, N W SUITE 200-S/210-S

WASHINGTON, D C 20001

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PENALTY FOR MISUSE

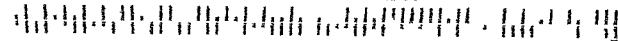


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X 207 NFE 100911410005/25/15
FORWARD TIME EXP RTN TO SEND
KHAH
6037 DEERFORD ROW
LA JOLLA CA 92037-0904

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441 4th STREET, N W SUITE 200-S/210-S
WASHINGTON, D C 20001

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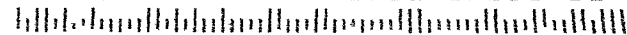


Quincy Curt LLC
1750 H Street, NW
Suite 500
Washington, DC 20006-4692

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441 4th STREET, N W SUITE 200-S/210-S
WASHINGTON, D C 20001

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David E Kunkel
c/o Unit 406
1200 N Hartford Street
Arlington, VA 22201-7016

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING
441 4th STREET, N W SUITE 200-S/210-S
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OFFICIAL BUSINESS
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Dan Scott Development LLC
2363 Champlain Street, NW
Washington, DC 20009

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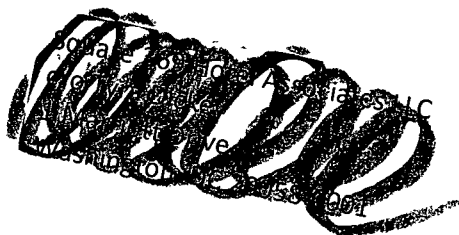
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OFFICE OF ZONING
441 4th STREET, N W SUITE 200-S/210-S
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OFFICIAL BUSINESS
PENALTY FOR MISUSE



RTS
No such person
at this address

