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April 24, 2015

VIA IZIS AND HAND DELIVERY

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

Re: Z.C. Case No. 14-14 (Jemal's CDC LLC – Consolidated PUD and Related Map
Amendment @ Square 833, Lot 47)
20-Day Prehearing Submission

Dear Commissioners:

On behalf of Jemal's CDC LLC (the "Applicant"), we submit the following supplemental information 20 days in advance of the public hearing on the above-referenced case. We address below the issues raised by the Zoning Commission and the Office of Planning at the Commission's meeting on September 29, 2014, and the issues raised by Advisory Neighborhood Commission ("ANC") 6C since filing the Application.

1. Updated Architectural Drawings

As requested by the Zoning Commission and the Office of Planning, and as shown on Sheets 8-11 of the Architectural Drawings attached hereto as Exhibit A, the Applicant has provided additional renderings and perspectives of the proposed building. The Applicant incorporated additional architectural embellishments and articulation to further differentiate the building's facades and increase visual interest from all directions. The Applicant modified the proposed building materials to include cast stone with aluminum storefront windows on the first and second levels (retail use) and red brick with metal coping and a black metal cornice on the third through sixth levels (residential use) (*see* Sheets 20-21 and 23-24 of the Architectural Drawings). The Applicant also incorporated residential balconies and increased window sizes throughout. In response to a request by ANC 6C, the Applicant incorporated at-risk windows on the building's east façade and clad this elevation with red brick (*see* Sheets 9, 21, and 25 of the Architectural Drawings). In addition, the Applicant integrated a new ground floor rear egress door and corridor to provide direct access from the on-site parking spaces to the residential lobby/elevator (*see* Sheet 14 of the Architectural Drawings).

The PUD will achieve a sustainability rating in accordance with the newly adopted D.C. Green Building Code, one of the most progressive green codes in the nation. As shown on Sheet 6 of the Architectural Drawings, the PUD will achieve a LEED Gold-equivalent rating. The

Architectural Drawings also include updated landscape plans (*see* Sheet 32 of the Architectural Plans) that show short-term bicycle parking spaces on 5th and H Streets.

2. On-Site Parking/Loading

In response to comments from ANC 6C, the Applicant has made the following changes to the parking and loading operations at the Site:

- a. Eliminated one of the on-site parking spaces to make room for a full-sized handicapped-accessible van parking space. The PUD now includes four compact parking spaces and one handicap space at the rear of the building, instead of six compact spaces as previously proposed;
- b. Dedicated one of the four compact parking spaces for use by a car-share company, and reserved the rest of the parking spaces for residential use only (not first-come, first-serve for the retail use, as previously proposed);
- c. Secured the parking spaces with a garage door along the public alley, accessible only by building residents and members utilizing the car-share space; and
- d. Committed that trucks greater than 24 feet in length will not be permitted to utilize the on-site residential loading berth (accessed from the public alley) or the retail loading zone on 5th Street.

3. Inclusionary Zoning

Pursuant to Chapter 26 of the Zoning Regulations, the C-2-A District (existing zoning) would require the Applicant to set aside eight percent of the residential gross floor area for inclusionary zoning (“IZ”) units, with 50 percent set aside for low income households (earning up to 50 percent of the area medium income (“AMI”)) and 50 percent set aside for moderate income households (earning up to 80 percent of the AMI). In contrast, the proposed C-2-B District would only require the Applicant to set aside eight percent of the residential gross floor area for IZ units, with 100 percent dedicated to moderate income households (a lesser subsidy).

As a matter-of-right steel and concrete frame building in the C-2-A District, the Applicant could build a maximum of 24,532 square feet of residential gross floor area on the Site, and would be required to set aside 1,962 square feet (eight percent) as IZ units, with 981 square feet devoted to low income households and 981 square feet devoted to moderate income households. As a PUD in the C-2-B District, the Applicant proposes to construct 32,560 square feet of residential gross floor area, with 24,704 square feet devoted to residential units. Under Chapter 26, the Applicant is required to set aside 1,976 square feet (eight percent of 24,704 square feet) for IZ units, all of which may be devoted to moderate income households. However, the Applicant proposes to set aside 2,296 square feet for IZ units, all of which will be dedicated to low income households. This proffer results in one studio on the third floor (618 square feet); one 1-bedroom plus den on the fourth floor (921 square feet); and one 1-bedroom on the fifth floor (757 square feet). Therefore, the modest-sized PUD is providing affordable housing at a

steeper subsidy than required by the Zoning Regulations. A chart showing the required and proposed IZ set-aside is below:

	Required under Existing Zoning (C-2-A)	Required under Proposed Zoning (C-2-B)	Provided by Proposed PUD
IZ set-aside	8% residential gross floor area (1,962 sf)	8% residential gross floor area devoted to units (1,976 sf)	2,296 sf
IZ subsidy level	50% low income 50% moderate income	100% moderate income	100% low income

4. Transportation Demand Management

The Applicant has agreed to implement an extensive list of transportation demand management (“TDM”) measures for the PUD, which include the following:

- a. Resident Transportation Coordinator (“RTC”): The Applicant’s site management will designate one employee as the RTC. Among this person’s duties will be to provide information to residents, particularly incoming residents, regarding transit opportunities and schedules, as well as the location of Capital Bikeshare stations within the area and bicycle parking within the building. The RTC will generally encourage non-private automobile usage and will have related information prominently displayed in the residential lobby.
- b. Digital Multimedia Display: The Applicant will install a digital multimodal display known as a “TransitScreen” in the residential lobby that provides schedule information of Metrobus and Metrorail, and locations of Capital Bikeshare stations and car-share locations, among other transportation-related information.
- c. Bicycle Usage Program: The Applicant will provide 24 bicycle parking spaces in a secure, convenient location that will be accessible to residents at all times. The Applicant will provide a one-time Capital Bikeshare annual membership fee for each initial residential tenant of the building.
- d. Car Sharing: The Applicant will provide a one-time car sharing membership (totaling \$85.00) to each initial residential tenant of the building.
- e. Transit Subsidy: The Applicant will provide a one-time \$100.00 SmarTrip card to each initial residential tenant of the building.
- f. Residential Parking Permit (“RPP”) Program Exclusion: The Applicant will prevent residential tenants of the building from obtaining RPPs by (i) placing a clause in emphasized type in all residential leases that prohibits residents from applying for or obtaining RPPs upon pain of mandatory lease termination to the full extent permitted by law; (ii) ensuring that DDOT removes the Site from the list of properties eligible for RPP, or if it is not on the list, classifying it as ineligible for RPP; (iii) should the Applicant offer any units for sale, adding a covenant that runs with the land

prohibiting residents from applying for or obtaining RPPs; and (iv) executing a covenant that runs with the land that generally embodies the aforementioned RPP restrictions.

- g. Unlawful Parking/Stopping: The Applicant will place a provision in the leases for all commercial tenants requiring them to actively discourage visitors to their establishment from unlawfully stopping or parking automobiles in front of the Site or elsewhere in the neighborhood in connection with visits to the establishment.

5. Enhanced Project Amenities and Public Benefits

As described in its initial application, this project will provide a full range of substantial, real, and measurable project amenities and public benefits. The most significant benefit is the provision of 32,560 square feet of gross floor area devoted to residential use to help meet the needs of present and future District residents. As described above, more than eight percent of the residential gross floor area will be affordable to households earning up to 50 percent of the AMI, which is a greater subsidy than required by the Zoning Regulations for a PUD in the C-2-B District. Second, the project fosters a number of architectural best practices that will assist in the further development of H Street, N.E. into a major mixed-use corridor with higher-density residential uses and high-quality community-oriented retail uses. Third, prior to obtaining a building permit, the Applicant will enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”), in a form substantially similar to the form attached hereto as Exhibit B. The Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD. Fourth, the Applicant will ensure the environmental, economic, and social sustainability of the project by incorporating sustainability measures such that the building will achieve a LEED Gold equivalent rating.

In addition, the Applicant will enter into a Memorandum of Understanding (“MOU”) with ANC 6C, wherein the Applicant will agree to further enhance the public benefits associated with the project. Per the MOU, the Applicant will make additional public space improvements to the Site, including providing bike racks along 5th and H Streets; providing new streetscape furniture including two benches along H Street; and restoring the brick alley from the entrance on 5th Street to the Site’s property line. The Applicant will donate \$30,000 to Ludlow-Taylor Elementary School for the purchase of new playground equipment for children ages two to five. Finally, as described above, the Applicant has agreed to an extensive TDM plan wherein it will offer to each initial resident of the building a \$100.00 SmarTrip card and a one-time annual membership fee to Capital Bikeshare and a car-share company. The Applicant will also dedicate one on-site parking space to a car-sharing company.

6. Community Support

Over the past several months the Applicant has met numerous times with surrounding residents and ANC 6C. The Applicant is pleased to report that it has widespread support for the PUD. It received the unanimous endorsement of the Planning, Zoning, and Environment Committee of ANC 6C on April 1, 2015, and the full ANC adopted the PZE recommendation at

its regular meeting on April 8, 2015. A copy of ANC 6C's letter of support is included in the record as Exhibit 25.

7. Compliance with the Requirements of Section 3013

a. Additional information, reports or other materials (§ 3013.1(a))

Attached hereto as Exhibit C is an updated Transportation Impact Study, dated April 20, 2015, and prepared by Gorove/Slade Associates. The report indicates that the proposed on-site parking and loading will be adequate to serve the needs of residential and commercial tenants of the Site, and that the project will not negatively impact traffic conditions in the surrounding neighborhood.

b. List of Witnesses to Testify at the Hearing (§ 3013.1(b) and (c))

As noted in its prehearing statement, the Applicant intends to call the following witnesses in support of its application:

- Paul Millstein of Jemal's CDC, LLC;
- Kevin Sperry of Antunovich Associates Architects (expert in architecture); and
- Erwin Andres of Gorove/Slade and Associates (expert in transportation)

Outlines of witness testimony and resumes of those witnesses to be qualified as experts have previously been submitted to the record and can be found at Exhibits 15D-15F.

c. Estimate of Time Needed to Present Case (§ 3013.1(g))

The Applicant expects to require 30 minutes to present its case to the Commission.

d. Property Owners within 200 Feet; Leaseholders (§ 3013.6)

A list of the names and addresses of property owners within 200 feet of the subject property was previously submitted to the Commission and can be found at Exhibit 15I to the record. There are no leaseholders associated with the property.

e. Certification of Compliance with PUD Submission Requirements

The undersigned further certifies that it has complied with all of the requirements of section 3013 of the Zoning Regulations.

8. Conclusion

Based on the materials of record, the additional information submitted herewith, and the testimony and evidence to be presented at the public hearing, the Applicant will demonstrate that the PUD and related map amendment meet the test for approval under the Zoning Regulations. We look forward to your consideration of this application.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Norman M. Glasgow, Jr.", with a stylized flourish at the end.

Norman M. Glasgow, Jr.
Jessica R. Bloomfield

Enclosures

cc: Jennifer Steingasser, D.C. Office of Planning (w/enclosures, via Hand)
Joel Lawson, D.C. Office of Planning (w/enclosures, via Hand)
Karen Thomas, D.C. Office of Planning (w/enclosures, via Hand)
Ryan Westrom, DDOT (w/enclosures, via Hand)
Advisory Neighborhood Commission 6C (w/enclosures, via U.S. Mail)
ANC SMD 6C04 Commissioner Mark Eckenwiler (w/enclosures, via U.S. Mail)
ANC SMD 6C05 Commissioner Chris Miller (w/enclosures, via U.S. Mail)