

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**PREHEARING STATEMENT
IN SUPPORT OF APPLICATION FOR
CONSOLIDATED PUD & RELATED
MAP AMENDMENT**

**Barry Place Partners, LLC
Z.C. Case No. 14-21**

March 2, 2015

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CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on **March 2, 2015**; and, in accordance with Section 3013.8, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Pgs. 3-8
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 13 Exhibit H
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 13 Exhibits I-M
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3013.6(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Pg. 13 Exhibit O
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30134	Agreements with the District of Columbia	N/A

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Drawings	A
Letter of Support from Commissioner Robb Hudson, ANC 1B-11	B
List of Community Meetings	C
Letters in Support of Application	D - G
List of witnesses prepared to testify on behalf of Applicant	H
Draft outline of testimony and biography of Charles Frazier, Barry Place Partners, LLC	I
Draft outline of testimony and resume of Maybelle Bennett, Howard University	J
Draft outline of testimony and resume of Steve Gresham, Niles Bolton Associates	K
Draft outline of testimony and resume of Jami Milanovich, Wells & Associates, LLC	L
Draft outline of testimony and biography of Steven E. Sher, Holland & Knight LLP	M
List of maps, plans or other documents readily available that may be offered into testimony	N
Names and addresses of owners of property within 200' of the subject property	O

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I. INTRODUCTION

This prehearing statement is submitted on behalf of Barry Place Partners, LLC (the "Applicant") in support of its application for consolidated review and related map amendment from R-5-B to C-2-B for the 1.3-acre parcel located at the northeast corner of the intersection of Sherman Avenue and Barry Place, NW, which is more particularly described as Square 2882, Lots 742-769, 1034, 1038 and 1039 (collectively, the "Property").

This prehearing statement supplements the original application statement filed on November 7, 2014, and addresses the comments raised by the Zoning Commission at its setdown meeting on January 12, 2015, and the comments raised by the Office of Planning ("OP") in its setdown report dated December 31, 2014. This prehearing statement also includes additional information from the Applicant, including items required under Section 3013 of the Zoning Regulations.

A. Project Overview

The proposed PUD consists of a six-story building with ground floor retail and residential units both at grade and five stories above. There will be approximately 233,599 square feet of residential floor area generating approximately 319 dwelling units. The mix of units contemplates 14 units, oriented as flats, fronting on Barry Place, 6 two-story units fronting on 9th Street and approximately 299 multi-family apartment units on Levels 2 through 6 of the building. The retail space, totaling approximately 11,517 square feet, will extend along Sherman Avenue. The flats and the two-story units will have pedestrian access directly from Barry Place and 9th Street, respectively. The entrance for the lobby of the apartment house above will be at the south end of Sherman Avenue.

Vehicular access to the project will be on the north side of the Property from 9th Street where the drive aisle leads to an at-grade surface parking lot at the center of the project and a ramp down to Level P1. The project will have 134 residential parking spaces where 105 residential parking spaces are required and 11 retail spaces as required. The loading and service area will be at Level 1 of the building. For the residential use,

there will be a 12 x 30 loading berth in lieu of a 12 x 55 loading berth. There will also be a 12 x 30 loading berth for the retail uses, as required under the Zoning Regulations.

The overall FAR for the PUD will be approximately 5.0, of which .2 FAR will be for retail/commercial use. For a PUD in the C-2-B District, Section 2405.2 of the Zoning Regulations permits a maximum FAR of 6.0, of which 2.0 FAR may be devoted to commercial uses. The lot occupancy for the project, at the first residential level of the building, will be 93% where 80% is permitted. However, starting at the second floor of the building, the building has a lot occupancy of 73%.

B. Procedural Background

The application for the PUD and related map amendment was filed with the Zoning Commission on November 7, 2014. On January 12, 2015, the Zoning Commission voted unanimously to set down the application for public hearing.

The Applicant presented the project at an ANC 1B-11 Single Member District meeting on October 9, 2014, and on January 14, 2015; the ANC 1B Design Review Committee meeting on January 20, 2015; and the regularly scheduled ANC 1B meeting on February 5th. Commissioner Robb Hudson, the Single Member District Representative for ANC 1B-11, issued a letter in support of the application (attached as **Exhibit B**). The ANC 1B Design Review Committee voted to recommend approval of the project to the full ANC. ANC 1B is scheduled to vote on the project at its regular scheduled meeting on March 5th.

With the filing of this prehearing statement and the accompanying exhibits the Applicant respectfully requests that this case be scheduled for the next available hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information Requested by the Zoning Commission.

At its meeting on January 12, 2015, the Zoning Commission voted unanimously to set down the Application for public hearing. In its discussion on the Application, the Zoning Commission had questions and comments about the architectural drawings and project design; the development information for the project; the proposed project benefits and amenities; and plans for the development of the adjacent parcel to the north. Following are the Applicant's responses to the Zoning Commission.

Architectural Drawings and Project Design

Roof Plan. The Zoning Commission requested that the Applicant provide a more detailed roof plan, including details on the overhang on the 9th Street façade. The Commission also asked that the roof structures be “cleaned up” to meet the setback requirements. Revised drawings with more details on the roof structures are depicted on **Sheets 17 and 44** of the drawings attached as **Exhibit A**.

Landscaping. The Zoning Commission asked for an explanation as to why the plans do not include landscaping along Barry Place, NW. Landscaping is not provided along Barry Place in order to maintain the width of the sidewalk, which ranges from 7’ to 7’-10” from the property line to the back of the curb. Adding a 3’ planting strip would reduce the sidewalk width to 4’-0” causing an uncomfortable pedestrian experience.

Additional Drawings/Renderings. The north elevation for the project is included on **Sheet 22** of the attached architectural drawings attached as **Exhibit A**; a rendering of the 9th Street entrance to the project is shown on **Sheet 45** of the drawings. The Commission also suggested that the drawings be revised to provide a connection between the loading area and the retail space. In response, the parking near the loading area has been re-arranged and a walking path and ramps have been installed to connect the loading area to the back of the retail space for deliveries and trash service. These changes are reflected on **Sheet 6** of the revised architectural drawings.

Project Design. The Commission commented that the architecture has an extensive pallet and recommended that the design be refined to be more focused and

“lighter” in its appearance and feel. The Applicant has changed colors and materials to address this comment, as reflected in the attached architectural drawings. The Commission also asked for an explanation for the rationale of the project design and clarification on the type/quality of the building materials.

The project is envisioned as a vibrant gateway to the intersection of Sherman Avenue, Barry Place, and Florida Avenue. This intersection provides a datum, a singular point for the community to engage one another and to radiate a communal experience and cultural being into the outlying area and adjacent park. The building comes alive through transparency. Through layering, a void is created which is filled by the most important layer of any place -- “the People.”

The building is ordered by vertical zones and horizontal layers. From the street to the roof, the vertical zones are a story board of activity, depth, shadow, horizontality and transparency, creating a composition of movement and excitement within a contemporary massing.

The Street Level (Zone 1) is designed to put the pedestrian first. The building is pulled back five feet from the property line along Sherman Avenue, Barry Place and 9th Street, increasing the sidewalk and streetscape while keeping a strong urban edge, pedestrian scaled massing, and active urban uses. This includes retail uses along Sherman Avenue and residential units directly accessed from Barry Place and 9th Street. The Street Level is very transparent in the public zone along Sherman Avenue where the retail space will be and transitions at the southwest corner node to a more solid, private experience along Barry Place and 9th Street at the front entrance for the apartment house. Materials used in this zone will be masonry and glazing with accents defined by canopies and residence stoops into the units.

The Resident Community Level (Zone 2) is designed to co-mingle the residential activity inside the building with the pedestrian activity on the street. The organizational pattern remains consistent with the use of transparency along Sherman Avenue and transitions to a more private and opaque composition along Barry Place and 9th Street. A strong horizontal masonry band delineates Zone 1 and Zone 2. Internally, Zone 2 houses the residence common space and exterior courtyard. On the corner of Sherman Avenue

and Barry Place, a double height communal space is encased in glass and becomes the datum from which the building radiates from vertically and horizontally. It also serves as a terminus for the eye while traveling towards the building along Florida Avenue, Sherman Avenue and Barry Place.

The Resident Level (Zone 3) extends from Levels 2 through 6 of the building. It is Zone 3 where the horizontal layering becomes most important to the project design.

The “outer layer” separates from the main building mass and engages the property line on Sherman Avenue and 9th Street. Along Barry Place, balconies are not used due to the proximity of the building to the southern property line and the Howard Towers on the south side of the street. Materials for this layer are of a cementitious panel rain screen system, metal railings, and glass railings. Along Sherman Avenue and 9th Street, the layer is strategically integrated into the balcony face.

The “balcony layer” is the active space controlled by the resident. This space gives the building depth, shadow, views and, when occupied, movement and vibrancy. Unobstructed views down Sherman Avenue and onto Maury Wills Field are captured in this zone. Along Barry Place and 9th Street, this layer occurs in Zone 1. A vertical open structure will provide a privacy buffer between residences while creating a rhythm along the street edge at their entry stoop.

The “building layer” is the main mass of the structure. Again, clad in a cementitious panel rain screen system, the material palette coordinates seamlessly with some minor color variation (saturation variations of grey) to delineate the different layers and zones. On the north side of the building, the building layers sets back from the property line to allow maximum transparency and use. Within the building layer are the residential units, communal spaces, subgrade parking, internal loading, internal trash, bike parking and service spaces. To maximize the pedestrian and urban experience, all auxiliary programmatic functions and circulation for the building are housed internally behind active use programming.

At the roof, two roof elements are designed – one along Sherman Avenue and one on 9th Street – to extend from the building layer to the outer layer. These roof structures connect into a parapet at the building layer providing cover for balconies and a buffer

from roof equipment. On the southwest corner of the building, a bi-level amenity deck is designed as a residential communal space. The upper level of the deck has a 360-degree view of the city and reaches out past the south building façade allowing views east, down Barry Place.

The material palette for the project will include masonry units, storefront and curtain wall, a panel rain screen system (solid colors, shades of grey) and a cementitious panel rain screen system (wood plank finish). Canopies, balconies and railings will be a pre-finished metal to coincide with the color composition of the building. The different color of materials break down a large mass into multiple masses, simultaneously interlocking and radiating the energy and movement around, within and surrounding the building.

Development Information

Range in Number of Units. The Zoning Commission requested clarification on the range in the number of units proposed for the PUD. The project will have 319 units plus or minus 10%, or a range of 287 to 351 units.

Project Benefits and Amenities

Employment. The Zoning Commission requested that the Applicant provide a rationale for not entering into a CBE Agreement.

In lieu of entering into a CBE Agreement, the Applicant, through the Refrigeration Supply Company, agrees to provide scholarships for HVAC technician training and EPA Type 1 CFC Certification. Over a five-year period, the training shall be provided for at least 50 persons who reside within certain zip codes in proximity to the Property.

The Applicant will advertise the training program through the Pleasant Plains Civic Association, the Georgia Avenue Community Development Task Force, and the Single Member District Representative for ANC 1B-11. As a condition of the approval of the PUD, prior to the issuance of a building permit for the project, the Applicant agrees to submit to the Zoning Commission an agreement with a job training organization that

details the process for accepting and processing applications for the HVAC Technician training.

Affordability Threshold. The Commission recommended that the project provide a lower affordability threshold for a portion of the affordable units.

The PUD is required to devote 8% of the residential gross floor area for households with incomes not exceeding 80% of the area median income (“AMI”). Instead of the two bedroom units at 80% AMI, the Applicant agrees to reserve all of the affordable two bedroom units for households with incomes not exceeding 60% AMI. The mix of affordable units for the project will include at least 4 two-bedroom units. This was done in order to address concerns about the supply of affordable units for families and depth of affordability. The remainder of the affordable units will include a mix of studio and one bedroom units for households not exceeding 80% AMI. Notwithstanding any change in the unit mix for the PUD, the Applicant agrees to provide a minimum of 4 two-bedroom units for the PUD at 60% AMI and an additional 23 units at 80% AMI. The mix and placement of the affordable units shall comply substantially with the approved plans for the PUD.

Units Reserved for Howard University. The Zoning Commission requested clarification on the number of units being set aside for Howard University (“Howard”) faculty and staff.

The Applicant and Howard agree that the project will have no less than 59 units for lease by Howard faculty and staff before offering the identified units to the general market. At least 9 of the units reserved for Howard will be set aside as affordable units. The affordable units reserved for Howard will include at least 2 two-bedroom units for households with incomes not exceeding 60% AMI. The remainder of the affordable units will be a mix of studios and one bedrooms for households with incomes not exceeding 80% AMI. These 9 affordable units represent approximately 3% of the overall gross residential floor area for the project, and will be in addition to the affordable units required under the Zoning Regulations.

Development Plans for Parcel to North

The Zoning Commission asked what the plans are for the surface parking lot immediately north of the Property. That parcel is designated as residential use (workforce and student housing) on the 2011 Howard University Central Campus Master Plan, which was approved via Zoning Commission Order No. 11-15. Said plan contemplates the development of the lot as a “Phase 3” project, tentatively anticipated within seven years of the campus plan approval, pending authorization from the Howard University Board of Trustees.

B. Information Requested by the Office Of Planning

In its setdown report, OP requested that the Applicant provide the following information prior to the public hearing: a fully dimensioned roof plan, a range of units for which flexibility is requested, and the rationale for not providing a CBE Agreement. The OP report also states that the Applicant should address why no landscaping is provided along Barry Place. These items were discussed in the previous section of this prehearing statement.

LEED Gold. On Page 7 of its setdown report, OP suggested that the Applicant clarify whether the project would be certified LEED Gold or built to the LEED Gold level. The Applicant is committed to designing the PUD to achieve the equivalent of LEED Gold.

C. Additional Information Provided by Applicant

Community Outreach

Through its partnership with Howard, the Applicant has implemented a comprehensive community outreach effort for the project. Attached as Exhibit C is a list of the meetings the Applicant has attended or will attend in connection with the project and the PUD process. As a result of its efforts, the Applicant has received the letters of support from the following community organizations:

- Pleasant Plains Civic Association (Exhibit D)
- Georgia Avenue Community Development Task Force (Exhibit E)
- LeDroit Park Civic Association (Exhibit F)
- Bloomingdale Civic Association (Exhibit G)

Project Benefits and Amenities

The PUD will have the following project benefits and amenities:

1. **Affordable Housing.** The PUD is required to devote 8% of the residential gross floor area for households with incomes not exceeding 80% of the area median income (“AMI”). The mix of affordable units for the project will include at least 4 two-bedroom units. In order to address concerns about the supply of affordable units for families and depth of affordability, the Applicant agrees to reserve all of the affordable two bedroom units for households with incomes not exceeding 60% AMI. The remainder of the affordable units will include a mix of studio and one bedroom units for households not exceeding 80% AMI. Notwithstanding any change in the unit for the PUD, the Applicant shall provide a minimum of 4 two-bedroom units for the PUD at 60% AMI and an additional 23 units at 80% AMI. The mix and placement of the affordable units shall comply substantially with the approved plans for the PUD.

2. **Housing for Howard Faculty and Staff.** The Applicant shall set aside no less than 59 units for lease by Howard faculty and staff before offering said units to the general market.

At least 9 of the units will be set aside as affordable units. The mix of affordable units reserved for Howard will include at least 2 two-bedroom units for households with incomes not exceeding 60% AMI. The remainder of the affordable units will be a mix of studios and one bedrooms for households with incomes not exceeding 80% AMI. These 9 affordable units reserved for Howard are units representing approximately 3% of the overall gross residential floor area for the project, in addition to the affordable units required under the Zoning Regulations. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall furnish to the Zoning Commission a letter confirming this agreement between the Applicant and Howard.

3. **Job Training.** During the operation of the project, the Applicant, through the Refrigeration Supply Company, agrees to provide scholarships for HVAC Technician training and EPA Type 1 CFC Certification. Over a five-year period, the training shall be

provided for at least 50 persons, who reside within certain zip codes in proximity to the Property.

The Applicant shall advertise the training program through the Pleasant Plains Civic Association and the Single Member District Representative for ANC 1B-11. Prior to the issuance of a building permit for the PUD, the Applicant shall submit to the Zoning Commission an agreement with a job training organization that details the process for accepting and processing applications.

4. LEED Gold Equivalent. The Applicant commits that the resulting PUD will achieve the equivalent of LEED Gold.

5. Green Roof. The project features an extensive 29,000 s.f. green roof that covers 76% of the roof area. The green roof will reduce heat island effect, promoting community health and assisting with storm water management. It also provides additional insulation for the building. By covering a substantial part of the upper roof with plant material and providing shade in the courtyard through the use of roof top trees, the amount of reflective heat will be greatly diminished from a traditional roof top condition. In addition to the environmental benefits, the human condition will be improved by providing a space that can be used for active and passive recreation. The planting areas will be more than an aesthetic amenity. These areas will filter and store storm water for re-use on the project. In addition to the roof covering the parking deck, a sky lounge with a green wall or hydroponic garden is planned on the upper floor of the roof tower.

6. Transportation Demand Measures. In order to further encourage the use of non-auto modes of transportation, the Applicant will implement a Transportation Demand Management (TDM) plan with strategies to limit the need for and use of vehicles at the proposed residential building. The TDM plan would include:

- A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual.

- Information on and/or links to transportation programs and services will be provided on the property management website. Such programs and services may include:
 - Capital Bikeshare,
 - Car-sharing services,
 - Uber,
 - Ridescout,
 - Commuter Connections Rideshare Program,
 - Commuter Connections Guaranteed Ride Home,
 - Commuter Connections Pools Program,
 - DDOT's DC Bicycle Map,
 - Nearby Bicycle vendors and service providers,
 - goDCgo.com, and
 - WMATA.
- An electronic display will be provided in a common, shared space in the building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location.
- Convenient and covered secure bike parking facilities will be provided with storage for a minimum of 107 bicycles.
- At the initial occupancy of each unit, the Applicant will provide a one year Capital BikeShare membership or the registration fee for Car2Go, which would give each resident who chooses the Car2Go option a lifetime membership to Car2Go since it does not have an annual membership fee.
- A minimum of 10 bicycle helmets will be made available for use by the residents.

7. Improvements to Community Recreation Room at LeDroit Park Apartments. The Applicant has met with Commissioner Robb Hudson, the Single Member District Representative for ANC 1B-11 and the residents of the LeDroit Park Apartments to outline improvements for the community rooms in the apartment building. Prior to the issuance of a building permit for the PUD, the Applicant shall enter into an agreement with the DC Housing Authority for the improvement of the community room at the LeDroit Park Apartments located at 2125 4th Street, NW. The improvements will be made, installed and/or constructed at the sole expense of the Applicant.

8. Improvements to Community Recreation Room at Garfield Terrace Apartments. The Applicant has met with the residents of the Garfield Terrace Apartments located at 2301 11th Street, NW, to discuss improvements for the community rooms in the apartment building. Prior to the issuance of a building permit for the PUD, the Applicant shall enter into an agreement with the DC Housing Authority for the improvement of the top floor community room at the Garfield Terrace Seniors Apartments. The improvements will be made, installed and/or constructed at the sole expense of the Applicant.

9. Site Planning and Efficient and Economical Land Utilization. The Applicant is redeveloping a site that is currently underutilized and redeveloping it with a new mixed-use project that includes market and affordable residential units and retail uses. The building will have frontages on three streets – Sherman Avenue, Barry Place, and 9th Street – and will activate all of the frontages with retail uses along Sherman Avenue and residential units with direct street access along Barry Place and 9th Street. Additionally, at the corner of Sherman Avenue and Barry Place, the long expanses of glass on each level of the building will afford eyes on the street as well allow views into the building. Parking, loading and trash collection areas are internal to the building and are accessed from one entrance with activities internal to the building. The building encircles an internal court that provides a pool, seating and landscaped areas for the enjoyment of the residents.

III. ADDITIONAL REQUIREMENTS OF SECTION 3013 OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013(b) of the Zoning Regulation, a list of witnesses who may testify at the public hearing on behalf of the Applicant is attached as **Exhibit H**.

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who may be called to testify at the public hearing are attached as **Exhibits I through M**.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that may be offered into evidence at the public hearing is attached as **Exhibit N**.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Sec. 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 45 minutes, subject to the decision of the presiding officer at the public hearing.

E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property

In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all of the property located within two hundred feet (200') of the PUD Site is attached as **Exhibit O**.

F. Report by Traffic Consultant

In accordance with Section 3013.10 of the Zoning Regulations, the traffic report for the PUD will be filed at least 20 days prior to the public hearing.

CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of Barry Place Partners, LLC, in order to provide additional information in support of its Z.C. Case No. 14-21. We respectfully request that the application be scheduled for hearing and remain hopeful of the Zoning Commission's favorable consideration of the Application.

Respectfully submitted,

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