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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. 15-01 (Level 2 Development – Consolidated PUD & Related Map Amendment @ Square 3587)

Dear Members of the Commission:

On behalf of Level 2 Development (the “Applicant”), and pursuant to Section 3013.8 of the Zoning Regulations, we hereby submit the following supplemental prehearing information in support of the above-referenced Application.

I. Updated Architectural Plans and Elevations

As shown on the revised Architectural Plans and Elevations (the “Revised Plans”) attached hereto as Exhibit A, the project architects made a number of improvements to the design of the proposed building and enhancements to the proposed park and streetscape. The entrance to the building has been redesigned and relocated 50 feet to the west, and a new 2,000 square foot retail space has been located to the east of the building entry (*see* Sheets A22 and A29) with a revised total of 9,880 square feet of retail. The Applicant also added significant detail to the roof plan and modified the placement of the roof structures such that setback flexibility is no longer required. The Applicant is now proposing two options for the roof plan: (i) 20 foot maximum penthouse height, with two residential units (which meets the proposed roof structure regulations); or (ii) 18 foot, 6 inch maximum penthouse height with no residential units (which meets the current roof structure regulations) (*see* Sheets A23-A26 and L10-L12). In addition, the building’s rear (north) façade will be metal panel in lieu of brick (*see* Sheet A39) in order to better reflect the industrial character of the neighborhood.

The Applicant has also continued to develop design elements of the streetscape and the proposed adjacent public park. As shown on Sheets L01 through L06, the Applicant has revised the design of the park to include community gardens, trees and planting areas, new light fixtures,

lawns, seating areas, a public plaza, a widened sidewalk, and an ADA-accessible pedestrian path from Florida Avenue up to the adjacent property line for future connection to Morse Street. The Applicant believes that the design features of the proposed park and the streetscape improvements will greatly enhance the area surrounding the PUD site and help revitalize and beautify the neighborhood.

II. Public Benefits and Project Amenities

Since initially filing the PUD Application, the Applicant has worked closely with Advisory Neighborhood Commissions (“ANCs”) 5D and 6C, the NoMa Business Improvement District (“BID”) and other stakeholders to finalize the public benefits and project amenities associated with the PUD. Additional information regarding a number of the proposed benefits and amenities follow.

A. Affordable Housing

The Applicant is substantially increasing its affordable housing proffer. In the original PUD Application, the Applicant proposed to dedicate 8% of the residential gross floor area to households earning up to 80% of the area medium income (“AMI”) (*see* Exhibit 3, pp. 17-18), which would result in 15,730 net square feet of affordable housing. In its prehearing submission, the Applicant increased the affordable housing proffer such that of the 8% of gross floor area devoted to affordable units (i.e., 15,730 net square feet), 10% would be set aside for households earning up to 50% of the AMI, and 90% would be set aside for households earning up to 80% of the AMI (*see* Exhibit 16, pp. 4-5). After further discussions with the community, the Applicant has increased the affordability commitment again, such that it now proposes the following.

A total of 26 affordable dwelling units (“ADUs”) will be provided: 13 ADUs will be located off-site for households earning an aggregate average of up to 50% of the AMI, and 13 ADUs will be located on-site for households earning up to 80% of the AMI. The total ADU square footage is estimated to be a minimum of 21,730 net square feet (or 11% of the residential square footage in the project), which significantly exceeds the Inclusionary Zoning requirements for the C-3-C District, which require 8% of the residential square footage (approximately 15,730 net square feet) to be devoted to households earning up to 80% of the AMI. The proposed 21,730 net square feet set aside for ADUs is 38% greater than the 15,730 net square feet that would otherwise be required under the Zoning Regulations.

Furthermore, the affordable housing proffer provides a significantly steeper affordability level than required by the Zoning Regulations by providing 64% (13,865 net square feet) of the ADU square footage at an average of 50% of the AMI, thus creating truly affordable housing with homeownership opportunities for low income households. A comparison of the affordable housing proffers in each of the PUD submissions is attached hereto as Exhibit B.

The proposed ADU composition will be as follows:

Composition of ADUs

Household Income	Maximum of 80% AMI	Aggregate Average of 50% AMI		Total
Location	On-Site, at 320 Florida Ave., NE	Off-Site, Within ANC-5D	Off-Site, Within Ward 5, Priority Area of ANC-5D	-
Minimum SF	Equivalent to 4% of residential square feet at 320 Florida Ave., NE	Equivalent to 4% of residential square feet at 320 Florida Ave., NE	6,000 NSF Equivalent to 3% of residential square feet at 320 Florida Ave., NE	11%
Approx. NSF	7,865	7,865	6,000	21,730
Approx. # Units	13	7	6	26
Total NSF	7,865	13,865		21,730
Total Units	13	13		26
		*Applicant to contribute \$1.4 Million to DC Habitat to co-develop off-site 50% AMI units.		

In order to implement this proffer, the Applicant proposes the following conditions:

- a. During the life of the building, the Applicant shall dedicate a minimum of 4% of the residential square footage of the proposed building at 320 Florida Avenue, N.E. (approximately 7,865 net square feet, or 13 units) for households earning up to 80% of the AMI. These units shall maintain affordability in accordance with the Inclusionary Zoning requirements of Chapter 26 of the Zoning Regulations.
- b. Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall contribute \$1.4 million to Habitat for Humanity of Washington, DC ("DC Habitat") to co-develop a minimum of 13,865 net square feet in 13 off-site ADUs, set aside for-sale to households earning an aggregate average of no more than 50% of the AMI. The off-site homes shall have an average size of not less than 1,000 square feet, and an average of 2.5 bedrooms. The DC Habitat homes will be as follows:
 - i. A minimum equivalent of 4% of the residential square footage of the proposed building at 320 Florida Avenue (approximately 7,865 square feet, or 7 units) shall be located in ANC 5D. These units shall maintain affordability in accordance with the Inclusionary Zoning requirements of Chapter 26 of the Zoning Regulations.

- ii. A minimum equivalent to 3% of the residential square footage of the proposed building at 320 Florida Avenue, N.E. (approximately 6,000 square feet, or 6 units) shall be located in Ward 5, with a priority area of ANC 5D. These units shall have flexibility to be in accordance with the current DC Habitat covenants (included as part of Exhibit D) in lieu of the Inclusionary Zoning requirements of Chapter 26 of the Zoning Regulations.
- c. Any off-site ADUs that are undeveloped prior to the issuance of the Certificate of Occupancy for the building at 320 Florida Avenue, N.E., will revert proportionately to the proposed building in accordance with the Applicant's proffer in its Prehearing Submission (Exhibit 16) (8% of the residential gross floor area devoted to affordable units, 90% of which dedicated at 80% of the AMI, and 10% of which dedicated at 50% of the AMI).

A Memorandum of Understanding ("MOU") between the Applicant and DC Habitat is attached hereto as Exhibit C. The Applicant believes that its current affordability proffer will enable the Applicant to provide more and larger affordable units, and at a steeper subsidy, than would otherwise be possible if provided on-site, allowing for truly affordable family housing, as demonstrated in the attached Exhibit B. Detailed information about DC Habitat is attached hereto as Exhibit D.

B. Creation of a Park

The Applicant proposes to dedicate up to \$600,000 for the design, construction, and maintenance of a new public park located on District-owned land adjacent to the PUD site (Lot 806). As shown on Sheets L01-L06 of the Revised Plans, the park will include community gardens, trees and planting areas, new light fixtures, lawns, seating areas, a public plaza, a widened sidewalk, and an ADA-accessible pedestrian path from Florida Avenue up to the abutting property line to the north for future connection to Morse Street. The Applicant is collaborating with the contract purchaser of the property to the north of the park (300 Morse Street) concerning the pedestrian connection to Morse Street.

As called for in the Florida Avenue Market Study ("FAMS"), the park and pedestrian pathway will meet the goals of the FAMS to provide a convenient connection between the NoMa and Union Market neighborhoods and create desired public green space. The park will be 75% complete prior to the issuance of Certificate of Occupancy for the proposed building, with the remainder to be completed within 120 days after issuance of the Certificate of Occupancy.

C. First Source Employment Agreement

Prior to the issuance of a Certificate of Occupancy for the building, the Applicant will submit to DCRA an executed First Source Employment Agreement consistent with the First Source Employment Agreement Act of 1984 and the Apprenticeship Requirements Amendment Act of 2004, and in substantially the same form as the First Source Employment Agreement attached hereto as Exhibit E.

D. NoMa BID

Prior to the issuance of a Certificate of Occupancy for the building, the Applicant will make a \$10,000 contribution to the NoMa BID for use in connection with the Metropolitan Branch Trail Safety and Access Analysis, a study being commissioned by the NoMa BID to assess and recommend improvements to safety, infrastructure, and access points to the Metropolitan Branch Trail.

E. Transportation Demand Management (“TDM”) Measures

The Applicant has incorporated a number of elements designed to promote effective and safe vehicular and pedestrian access to the site, convenient connections to public transit services, and on-site amenities such as bicycle parking and sufficient on-site parking (*see* Sheets A27-29 of the Revised Plans). Moreover, for the life of the project, the Applicant will implement the following transportation demand management strategies:

1. Designate a TDM Coordinator;
2. Unbundle residential parking from the price of units;
3. Distribute move-in transportation welcome packets to each resident upon move-in. A sample of the proposed transportation welcome packet is attached hereto as Exhibit F. The packets will include information such as:
 - a. Promotion for DDOT’s goDCgo website,
 - b. Brochures on carsharing, ridesharing, and bikesharing programs,
 - c. Tips on smartphone applications and websites to use to navigate public transportation options,
 - d. Maps for nearby bicycle routes and lanes,
 - e. Maps for Metrorail, Metrobus and DC Streetcar routes, and
 - f. Information on how to efficiently maintain cars to maximize fuel efficiency.
4. Hold annual used bicycle drives for residents to donate bicycles to Gearin’ Up Bicycles, a nearby non-profit 501c(3) community bike shop in Ward 5 that creates career development opportunities and teaches essential workplace skills to teenagers from underserved communities, while encouraging cycling as a practical, healthy means of transportation. Gearin’ Up provides access to quality, affordable, used bicycles for those in need and hosts community outreach programs throughout the year;
5. Provide power stations for electric vehicle car charging capability in up to 5% of garage parking spaces;
6. Provide a secure bicycle storage room with room for up to 105 bicycle parking spaces, including a maintenance area with a bike pump and tool set;
7. Display an electronic message board in the residential lobby of the building that provides information on public transportation and other alternative transportation modes;
8. Offer a one-time, one-year car-sharing or bike-sharing program membership to each resident of the building. This benefit will discontinue upon the earlier of (a)

- five years after the issuance of Certificate of Occupancy for the building, or (b) upon the total aggregate benefit value reaching \$15,000; and
9. Provide parking spaces in the garage for fuel-efficient vehicles.

III. Community Support

The Applicant has worked diligently with the community to gain support for the project. For example, as evidenced by the letters of support submitted to the record, including a letter from Councilman Kenyan McDuffie (Exhibit 12), a letter from the NoMa BID (Exhibit 23), and letters from ANC 5D and 6C (Exhibits 3F and 3G), the community is supportive of the Applicant's proposal to create a new park adjacent to the PUD site, which will enhance public safety and connectivity in the neighborhood, create new green space for residents, workers, and visitors to enjoy, and serve as a much needed improvement to the overgrown and unkempt District-owned land. The Applicant is continuing its work with the community.

IV. Transportation Impact Study

Attached hereto as Exhibit G is a Transportation Impact Study ("TIS"), prepared by Gorove/Slade Associates, which was submitted to the District Department of Transportation ("DDOT") on April 27, 2015, as required by 11 DCMR § 3013.8. The TIS reviews the transportation aspects of the PUD and concludes that the PUD will not have a detrimental impact to the surrounding transportation network. Furthermore, the TIS finds that the proposed on-site parking is adequate to serve the building's mix of uses and is typical for new residential developments in the District, especially developments with multi-modal access and neighborhood-serving retail. The TIS also concludes that the proposed loading facilities will meet the anticipated loading demand, that trucks will be able to access the loading docks without negatively impacting public space, and that all trucks will be able to sufficiently maneuver front-in and front-out of the driveway.

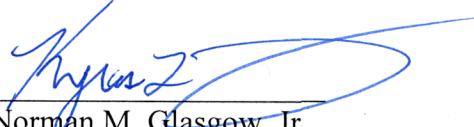
V. Additional Witnesses

In addition to the witnesses listed in the Applicant's Prehearing Submission (Exhibit 16B), the Applicant also intends to have the following witnesses available to testify as experts regarding the Application at the public hearing. Resumes for these individuals are attached hereto as Exhibits H-J.

- i. Susanne Slater, President and CEO, Habitat for Humanity of Washington, DC
- ii. David Landsman, Senior Project Manager/Branch Manager, CAS Engineering
- iii. Jeff Lee, Principal, Lee and Associates, Inc.

Thank you for your attention to these matters. We look forward to making a full presentation at the June 4, 2015, public hearing on this application.

Very truly yours,

By: 

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cc: Advisory Neighborhood Commission 5D (with enclosures, Via U.S. Mail)
Advisory Neighborhood Commission 6C (with enclosures, Via U.S. Mail)
Megan C. Rappolt, D.C. Office of Planning (with enclosures, Via Hand)