

Holland & Knight

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June 22, 2015

VIA IZIS AND HAND DELIVERY

Zoning Commission
of the District of Columbia
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Z.C. Case No. 15-01 (Level 2 Development – Consolidated PUD & Related Map Amendment @ Square 3587) - Applicant's Post-Hearing Submission Materials

Dear Members of the Commission:

On behalf of Level 2 Development, as Applicant in the above-referenced case, we hereby submit the following information requested by the Commission at the June 4, 2015, public hearing on this matter:

1. Additional Information about the Park

The Zoning Commission requested that the Applicant provide additional information regarding the proposed park, specifically confirmation of the Applicant's commitment to maintain the park and further details regarding the proposed plantings and handicapped accessibility to the park. With respect to maintenance, the Applicant will maintain the park for a period of ten years, and anticipates that within ten years a new business improvement district ("BID") will be formed that will maintain in perpetuity all of the publically accessible green spaces in the surrounding area. The Applicant estimates a budget of \$12,000 per year, with 3% annual escalations, to cover landscape maintenance, snow removal, trash removal, lighting, supplies, miscellaneous repair/maintenance, etc.

In addition, as shown on Sheets L01, L02, and L03 of the Revised Architectural Plan and Elevation Sheets (the "Revised Drawings") attached hereto as Exhibit A, the Applicant has studied the park's planting scheme and handicapped accessibility. To accommodate convenient access to the herb gardens at both the top and bottom of the park, the Applicant has shifted one of the herb garden areas from the top of the park to the bottom of the park.

2. Roof Plan

The Zoning Commission requested that the Applicant provide more detail regarding the proposed roof plan. As shown on Sheets A24, A25, A35, and A37 of the Revised Drawings, the Applicant has provided blow-up sections of the roof, with dimensions showing the roof structure's proposed heights and setbacks. The design of the roof meets the 1:1 setback ratio requirements.

3. Affordable Dwelling Units and Compliance with the Inclusionary Zoning Regulations

The Zoning Commission requested that the Applicant provide additional detail regarding its proposed affordable housing plan. The Applicant proposes to provide approximately 13,747 square feet of affordable housing (approximately 13 units) off-site. The off-site units will be completed and available for occupancy prior to the issuance of a Certificate of Occupancy for the PUD. Any off-site affordable dwelling units ("ADUs") that are undeveloped prior to the issuance of a Certificate of Occupancy for the PUD will revert as follows: (i) the first five undeveloped off-site ADUs will revert back on-site and will be set aside for low income households earning up to 50% of the area medium income ("AMI"); (ii) any additional undeveloped off-site ADUs thereafter will revert back on-site and will be set aside for moderate income households earning up to 80% of the AMI. All on-site ADUs will collectively be proportionate in size and type to the overall unit mix of the on-site development. In the worst case scenario where no off-site units are developed, the on-site ADU component will consist of 8% of the residential gross floor area of the building (approximately 15,493 net square feet, or 26 units), with 20% of the ADUs set aside for households earning up to 50% of the AMI, and 80% of the ADUs set aside for households earning up to 80% of the AMI.

As indicated in the letter from MAC Realty Advisors attached hereto as Exhibit B, a contingency plan for the affordable units is an absolute requirement. Financial institutions will not lend on a construction project unless there is an alternative path to completion of the building that is under control of the borrower (and not contingent on the actions of an unrelated third party).

The Applicant intends that the off-site ADUs will be located within Ward 5, and particularly within ANC 5D. As requested by the Commission, attached hereto as Exhibit C is a map showing the boundaries of Ward 5 and ANC 5D.

4. Confirmation on Areas of Inclusionary Zoning Flexibility

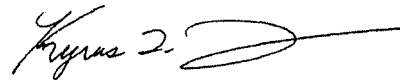
As requested by the Commission and the Office of Planning, attached hereto as Exhibit D is a chart showing compliance/flexibility from each applicable section of the Inclusionary Zoning requirements in Chapter 26 of the Zoning Regulations.

5. Response to DDOE Report

DDOE submitted a report (Exhibit 26) and testified at the public hearing that the Applicant should increase the building's sustainability commitment to achieve LEED Gold. Since the public hearing, the Applicant has met with its design team to explore sustainable design strategies recommended in the report. The Applicant and its design team subsequently met with DDOE representatives to review the recommendations of the DDOE report and to discuss design considerations. The Applicant maintains its commitment to achieve LEED Silver, and will continue to pursue sustainable strategies that may increase the LEED points throughout the design, construction, and operations of the project. At this time, the Applicant is not able to commit to LEED Gold. There are many unidentified design variables affecting LEED points that are related to design details, specifications, materials, mechanical systems, etc. The Applicant will pursue an integrated, sustainable design approach to deciding on these details in the Design Development phase of the project, however, due to the many variables and uncertainties regarding design constraints and potential cost impacts, the Applicant is not able to commit to LEED Gold at this time.

Thank you for your considerate attention to these matters.

Sincerely,



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Enclosures

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)
Ryan Westrom, District Department of Transportation (with enclosures, Via Hand)
Jonathan Rogers, District Department of Transportation (with enclosures, Via Hand)
Jay Wilson, District Department of the Environment (with enclosures, Via Hand)