

Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Kyrus L. Freeman
202.862.5978
kyrus.freeman@hklaw.com

May 4, 2016

VIA IZIS AND HAND DELIVERY

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

Re: Revised Modification Plans - Z.C. Case No. 15-01A
Consolidated PUD and Related Map Amendment @ Square 3587, Lot 4

Dear Members of the Commission:

On behalf of Level 2 Development (the “Applicant”), owner of property located at 320 Florida Avenue, NE (Square 3587, Lot 4) (the “Property”), we hereby submit the revised PUD Modification Plans (Exhibit A) in support of the Applicant’s request for minor modifications to the Architectural Plans and Elevations approved pursuant to Z.C. Order No. 15-01, dated July 13, 2015 and effective on August 21, 2015.

During the Commission’s public meeting on April 25th, the Commission indicated its willingness to approve as consent calendar items the Applicant’s requests for the revisions to the building’s east and west elevations as shown on Sheets A-17B and A-19B of Exhibit A; revisions to the garage plan which reduce the number of on-site parking spaces from 143 spaces to 139 spaces and increase the building’s compact parking space ratio from 63% to 86% as shown on Sheets A-27 and A-28 of Exhibit A; and revisions to the proposed park design as shown on Sheets L-01B, L-02B, L-03B, L-04B, and L-05B of Exhibit A. The Applicant respectfully requests that the Commission formally approve these proposed modifications as consent calendar items at the public meeting on May 12th.

In addition, the Applicant requested consent calendar approval to revise the penthouse design and uses to be consistent with the recently-adopted penthouse regulations approved pursuant to Z.C. Order No. 14-13. However, during the course of the public meeting, the Commission raised several questions regarding the design of the penthouse and justification for the required relief from Section 411.9 of the Zoning Regulations in order to have habitable space with enclosing walls of unequal height as shown on the proposed plans.

As shown on the revised PUD Modification Plans attached hereto as Exhibit A, the Applicant has made several modifications to the proposed roof plan in order to address the Commission’s

ZONING COMMISSION
District of Columbia
CASE NO.15-01A
EXHIBIT NO.8

comments. Specifically, the Applicant has removed the proposed mezzanine level from the penthouse residential units (See Sheets A-24B and A-36). The Applicant has also removed the proposed outdoor terrace from the previously proposed upper portion of the residential level (See Sheets A-16B, A-18B, A-24B, A-25B and A-26B). Finally, as a result of these changes, the Applicant has decreased the proposed new residential square footage from 5,593 square feet to 4,303 square feet (See Sheet A-36). These changes to the approved penthouse plan do not increase the extent of penthouse relief granted pursuant to Z.C. Order No. 15-01.

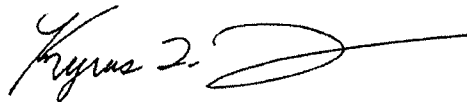
However, as a result of designing the penthouse to meet the one-to-one setback requirement from the northern and southern edge of the roof as required by Sections 411.18(a) and 411.18(b) (See Sheet A24b), the Applicant is seeking relief from Section 411.9. Revising the proposed penthouse to meet the setback requirements of Sections 411.18(a) and 411.18(b), while also providing walls of equal height, would substantially impair the layout and use of the proposed residential use. The Applicant notes that although it is seeking relief from Section 411.9 to have enclosing walls of unequal height for the residential use, the penthouse regulations allow enclosing walls of differing heights for penthouse habitable space, penthouse mechanical space, and mechanical equipment screening, which could result in three different penthouse heights, whereas the Applicant is only proposing two penthouse heights in this case.

The Applicant respectfully requests that the Zoning Commission approve the revised penthouse design as a consent calendar item at the public meeting on May 12th. However, if the Commission is unwilling to do so, the Applicant respectfully requests that the Commission approve the proposed revisions to building's east and west elevations, the revised garage plan, and the revised park design on the consent calendar, and schedule a limited scope public hearing on the proposed penthouse modifications as expeditiously as possible.

Thank you for your consideration of this request.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Kyrus L. Freeman
Jessica R. Bloomfield

Enclosure

cc:	Advisory Neighborhood Commission 5D	Via U.S. Mail; w/enclosure
	Peta-Gay Lewis, SMD 5D01	Via U.S. Mail; w/enclosure
	Advisory Neighborhood Commission 6C	Via U.S. Mail; w/enclosure
	Joel Lawson & Megan Rappolt , OP	Via Email; w/enclosure
	Ryan Westrom, DDOT	Via Email; w/enclosure