

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**SUPPLEMENTAL STATEMENT  
IN SUPPORT OF APPLICATION FOR  
MODIFICATIONS TO FIRST-STAGE PUD  
& SECOND-STAGE PUD APPROVAL  
FOR PHASE I**

**SQUARE 620**

**TBSC OWNER I, LLC**

**Z.C. Case No. 15-20C**

**July 5, 2019**

**Holland & Knight LLP  
800 17<sup>th</sup> Street, NW  
Washington, DC 20006  
(202) 955-3000**

## I. INTRODUCTION

This supplemental prehearing statement is submitted by TBSC Owner I, LLC (the “Applicant”)<sup>1</sup> in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) seeking: (1) modifications to the first-stage planned unit development (“PUD”) approved for Square 620, pursuant to Zoning Commission Order No. 15-20 (the “Order”) and (2) second-stage approval for Phase 1 of the PUD, the South Parcel. The application pertains to that certain 6.7+/- acres bounded by L Street, NW on the south, M Street, NW on the north, First Place, NW on the east and First Street, NW on the west, and which is more particularly described as Lots 250, 893, 894, 895, 898, 900, and 904, and 905 in Square 620 (collectively, the “Property”). The Property was formerly improved with the Sursum Corda Cooperative and a 14-unit, four-story apartment building at 76 M Street.

This statement addresses the comments raised by the Zoning Commission at setdown and by the OP setdown report that were not addressed in the Applicant’s prehearing statement. This statement also includes amendments and updates to the application since the prehearing statement.

The original application was filed with the Zoning Commission on November 19, 2018. The Office of Planning (“OP”) issued a setdown report dated February 15, 2019; and the Zoning Commission setdown the application at its public meeting on February 25, 2019. The Applicant filed its prehearing statement on May 15, 2019. The public hearing on the application is scheduled for July 25, 2019.

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<sup>1</sup> A portion of the application property, Lot 905, is owned by Mount Airy Baptist Church, which has authorized the Applicant to file this application. A copy of the authorization letter is marked as Exhibit 2 of the case record.

Attached as Exhibit A is a comprehensive set of updated architectural drawings in support of the proposed modification of the First-Stage PUD (the “First-Stage Plans”), which supersede those previously filed in support of the application. Attached as Exhibit B is a comprehensive set of updated architectural drawings in support of the Second-Stage approval of Phase I, the South Parcel, of the PUD. Attached as Exhibit C is the signage plan for Phase I.

On June 25, 2019, the Applicant submitted a copy its Comprehensive Transportation Review (“CTR”) to the Zoning Commission in accordance with Subtitle Z § 401.8 of the Zoning Regulations (Exhibits 20 and 20A of the record). The Applicant also submitted a copy of the CTR to the District Department of Transportation (“DDOT”) on June 10, 2019.

## **II. MODIFICATION OF FIRST-STAGE PUD APPROVAL**

The first-stage PUD approval permits the redevelopment of the Property with five buildings on five theoretical lots divided between two parcels, as well as green space on two theoretical lots east of First Place. The South Parcel will be developed in the first phase of the project and, as approved, is comprised of three theoretical lots – Lots 1A, 1B and 1C. The North Parcel will be developed as the second phase of the project and is comprised of theoretical lots 2A/2B and 2C/2D. Together, the parcels will be developed with approximately 1,296,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. In addition to the South Parcel, the first phase of the PUD will include the construction of Pierce Street, as a private street, and the green space on the east side of First Place.

The Applicant seeks to modify the First-Stage approval of the PUD as depicted in the drawings attached as Exhibit A, and as discussed below.

**A. South Parcel**

Building 1A (the Southwest Building) was approved under the Order as an 8-story building with a height of 72.45 feet, consisting of 184,775 gross square feet generating approximately 176 units. With this modification request, as amended by this supplemental statement and depicted on the Plans, the Applicant proposes to increase the building to 9 stories with a maximum height of 95.79 feet, consisting of approximately 239,082 square feet of floor area generating approximately 216 units. The configuration of the building is substantially similar to what was originally approved under the Order. The proposed increase in the gross floor area for this building, from 184,775 square feet to 239,082 square feet, will be offset by a decrease in density on the North Parcel of the PUD.

Building 1B (the Southeast Building) was originally approved as an 8-story building with a height of 78 feet, consisting of 194,900 gross square feet generating approximately 182 units; and Building 1C was a 6-story building with a height of 65.75 feet, consisting of 101,225 gross square feet generating approximately 63 units. With the modification request, as amended by this supplemental statement and as reflected in the Plans, the Applicant proposes to redesign these two buildings as a single building that steps from 8 stories along L street up to 10 stories toward Pierce Street, with heights ranging from 79.1 feet to 110 feet. The Southeast Building will consist of approximately 395,590 square feet of gross floor area generating approximately 346 units. The proposed increase in gross floor area from 296,125 square feet for what was previously Buildings 1B and 1C

to 395,590 square feet of gross floor area for the Southeast Building will be offset by a corresponding decrease in density on the North Parcel.

**B. North Parcel**

With this modification request, the Applicant seeks to decrease the density on the North Parcel by reducing the amount of gross floor area and number of units in the two proposed buildings. Building 2A/2B (the Northwest Building) was originally approved with approximately 425,225 square feet of floor area generating approximately 348 units. With the proposed modification, the Applicant proposes to reduce the floor area to approximately 349,627 square feet of gross floor area generating approximately 280 units. Also, while Building 2A/2B was originally approved with 6 to 11 stories, and a range in building height from 62.5 feet to 110 feet, the Applicant now proposes 5 to 10 stories, with the same range of heights previously approved.

Building 2C/2D (the Northeast Building) was originally approved with a variation of 6 to 10 stories, and consisting of approximately 439,460 square feet of gross floor area generating approximately 362 units. The number of stories and range of heights will remain the same, but the square footage for the building will decrease from approximately 439,460 square feet of gross floor area generating approximately 362 units to approximately 361,286 square feet of gross floor area generating approximately 289 units.

**C. Modifications to PUD Conditions**

The Applicant seeks to modify Condition Nos. B.2.c., B.2.g. and B.7.b of the Order, and get clarification from the Zoning Commission on Condition No. B.5. of the Order as discussed below.

1. An amendment to Condition B.2.c. of the Order as follows:

FROM	TO																																										
<p><b>B.2.c.</b> The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:</p> <table border="1" data-bbox="272 499 786 793"> <thead> <tr> <th colspan="3">Reserved Sursum Corda Units</th> </tr> <tr> <th>No. of Units</th> <th>No. of Bedrooms</th> <th>Approximate Unit Size</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Studio</td> <td>545 s.f.</td> </tr> <tr> <td>31</td> <td>1 bdrm</td> <td>715 s.f.</td> </tr> <tr> <td>53</td> <td>2 bdrm</td> <td>1,100 s.f.</td> </tr> <tr> <td>27</td> <td>3 bdrm</td> <td>1,390 s.f.</td> </tr> <tr> <td>10</td> <td>4 bdrm</td> <td>1,580 s.f.</td> </tr> </tbody> </table> <p>The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household.</p>	Reserved Sursum Corda Units			No. of Units	No. of Bedrooms	Approximate Unit Size	15	Studio	545 s.f.	31	1 bdrm	715 s.f.	53	2 bdrm	1,100 s.f.	27	3 bdrm	1,390 s.f.	10	4 bdrm	1,580 s.f.	<p><b>B.2.c.</b> The Reserved Unit Mix. The Reserved Units shall be dispersed throughout the South Parcel and shall include the following unit mix:</p> <table border="1" data-bbox="906 499 1419 793"> <thead> <tr> <th colspan="3">Reserved Sursum Corda Units</th> </tr> <tr> <th>No. of Units</th> <th>No. of Bedrooms</th> <th>Approximate Unit Size</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Studio</td> <td>545 s.f.</td> </tr> <tr> <td>31</td> <td>1 bdrm</td> <td>715 s.f.</td> </tr> <tr> <td>53</td> <td>2 bdrm</td> <td>1,100 s.f.</td> </tr> <tr> <td>27</td> <td>3 bdrm</td> <td>1,390 s.f.</td> </tr> <tr> <td>10</td> <td>4 bdrm</td> <td>1,580 s.f.</td> </tr> </tbody> </table> <p>The unit mix may be adjusted to reflect the actual number of Sursum Corda Households, changes in the composition of the Sursum Corda Households, the number of households that elect not to occupy a reserved unit, and/or HUD standards relating to the number of bedrooms required for each household. <u>The final unit mix for the Sursum Corda Households shall be established in the Zoning Commission Order for the Stage 2 PUD approval.</u></p>	Reserved Sursum Corda Units			No. of Units	No. of Bedrooms	Approximate Unit Size	15	Studio	545 s.f.	31	1 bdrm	715 s.f.	53	2 bdrm	1,100 s.f.	27	3 bdrm	1,390 s.f.	10	4 bdrm	1,580 s.f.
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The purpose of this request is to ensure that the unit mix for the Reserved Units is established with the Second-Stage approval for Phase I of the PUD.

2. An amendment to Condition B.2.g. of the Order as follows:

FROM	TO
<p><b>B.2.g.</b> <u>Conversion of Reserved Units.</u> In the event that a Sursum Corda Household: (i.) elects not to return to the Property to occupy a Reserved Unit or (ii.) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit so long as the Applicant sets aside a corresponding amount of gross floor area for affordable unit on the North Parcel.</p>	<p><b>B.2.g.</b> <u>Conversion of Reserved Units.</u> In the event that a Sursum Corda Household: (i.) elects not to return to the Property to occupy a Reserved Unit or (ii.) fails to timely enter into an agreement for the occupancy of its Reserved Unit that is also an affordable unit, said unit may be converted to a market rate unit <u>(or units), or occupied as an affordable unit (or units), not restricted to a Sursum Corda Household.</u> In the event that the Reserved Unit is converted to a market</p>

	rate unit or units, the Applicant shall set aside a corresponding amount of gross floor area for affordable unit on the North Parcel.
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The purpose of this modification is to permit the Applicant to convert the unoccupied Reserved Units to one or more units that are either market rate or affordable.

3. An amendment to Condition B.7.b. of the Order as follows:

FROM	TO
<p><b>B.7.b.</b></p> <p><u>Prior to the issuance of a building permit for the PUD</u>, and subject to approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620, the Applicant shall install playground equipment valued at \$28,000 on Lot 896, subject to approval of the National Park Service or the agency having jurisdiction over Lot 896. If the applicant is unable to obtain approval to install the playground equipment, it shall contribute \$28,000 to the National Park Service or the agency having jurisdiction over Lot 896 to install playground equipment at that location.</p>	<p><b>B.7.b.</b></p> <p><u>Prior to the issuance of the first certificate of occupancy for the PUD</u>, and <del>subject to approval by the National Park Service or agency having jurisdiction over Lots 896 and 897 in Square 620</del>, the Applicant shall install playground equipment valued at \$28,000 on Lot 904, <del>subject to approval of the National Park Service or the agency having jurisdiction over Lot 896</del>. If the applicant is unable to obtain approval to install the playground equipment, it shall contribute \$28,000 to the National Park Service or the agency having jurisdiction over Lot 896 to install playground equipment at that location.</p>

The purpose of this modification is to confirm that the playground equipment will be installed on Lot 904, which is Theoretical Lot 3A.

4. The Applicant seeks to confirm that, in accordance with Decision B.5. of the Order, it is required to enter into the First Source Agreement on the form signed by the then applicant of the first-stage PUD approval, a copy of which is filed as Exhibit 48E of the record for Z.C. Case No. 15-20, and attached hereto as Exhibit D. In the alternative, the Applicant would be subject to the current DOEE First Source requirements, which

would not be applicable to the project since the development has not received any D.C. government assistance valued at \$300,000 or more. A copy of the current First Source Agreement form is attached as Exhibit E for reference.

### **III. SECOND-STAGE PUD APPROVAL FOR PHASE 1/ SOUTH PARCEL**

The Applicant seeks second-stage PUD approval for the South Parcel in substantial conformance with the plans attached as Exhibit B (the “Second-Stage Plans”). The South Parcel, or Phase 1 of the PUD, includes the following elements:

- a. the South Parcel (Lots 1A and 1B), which is situated between First Street and First Place and consists of approximately 2.44 acres, excluding the area to be dedicated for the First Street right of way;
- b. the rectangular parcels of green space to the east of the First Place (Theoretical Lots 3A and 3B) which consists of approximately 12,608 square feet;
- c. Pierce Street, except for the parallel parking on the north side of the street, which consists of approximately 34,604 square feet of land area; and
- d. the dedication of the southern segment of the First Street right of way, as depicted on Sheet S-08 of the plans, which totals approximately 5,118 square feet.

The South Parcel will be divided into two theoretical lots – Lot 1A and Lot 1B, which will be improved with two apartment houses totaling 555,143 square feet of gross floor area generating approximately 562 units.<sup>2</sup> The rectangular parcels to the east of First Place will be maintained as green space and provide a buffer between the development on the Property and Mount Airy Baptist Church. The maximum building height for the Phase 1 development will be 110 feet, and the density will be approximately 5.22 FAR, excluding Pierce Street. Additionally, the Phase 1 development will include the

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<sup>2</sup> Previously, 553 units were programmed for Phase I.



construction of approximately 304 below grade standard parking spaces and 26 tandem parking spaces.

**A. Southwest Building / Theoretical Lot 1A**

Theoretical Lot 1A will be improved with the Southwest Building, which will front on First Street near L Street. The Southwest Building will consist of approximately 239,082 square feet of gross floor area generating approximately 216 units. It will have 9 stories and a maximum height of 95.79 feet, as measured from First Street. Theoretical Lot 1A has a land area of 39,608 square feet and will be developed at a density of 6.04 FAR.

**B. Southeast Building / Theoretical Lot 1B**

Theoretical Lot 1B will be improved with the Southeast Building, which fronts on both First Place and L Street. It will consist of approximately 395,590 square feet of gross floor area generating approximately 346 units. Theoretical Lot 1B has a land area of 66,730 square feet and will be developed at a density of 5.93 FAR.

The Southeast Building will have up to 10 stories and a maximum height of 110 feet, as measured from First Place, assuming that the L Street right-of-way is expanded to 90 feet, as planned by DDOT, with the cooperation of the Applicant and the developer of the Northwest One site to the south of the Property.

### C. Design Narrative

Phase I of the PUD is designed to build on several concepts established with the First-Stage approval: placemaking, walkability, centralization, compact/dense development, design quality, variety in buildings, open space, ideal location, and outdoor public amenities. The reconfiguration of the street grid, with the extension of Pierce Street through the site and the extension of First Place from L to M Streets, substantially enhances connectivity, site access and site security.

The first segment of the pedestrian promenade connects Pierce Street to the public park at First and L Streets, and establishes an active pedestrian experience that provides opportunity for social gatherings and interactivity, passive areas, as well community spaces that may be programmed for neighborhood events.

Amenity areas for the buildings are located along the park and pedestrian pathway, encouraging interconnectivity and providing complimentary uses. The one and a half to two-story tall “amenity pavilions” at the base of each of the buildings flank the park, allowing the buildings to step down to a pedestrian scale, promoting visibility and safety while also maintaining privacy for residents. The two buildings are connected underground by a continuous parking garage.

The architecture for the Southwest and Southeast Buildings is simultaneously complimentary and distinct. Both buildings are organized around significant landscape elements, including a new public park at the corner of First and L Streets and a pedestrian promenade connecting Pierce Street to L Street. The ground floors of each building have been designed with significant double height amenity spaces fronting the promenade, the park, and portions of Pierce Street. In addition, flats have been added along L Street, activating this

façade with projecting stoops, lighting and canopies. The park, street and promenade will include multiple entrance canopies, signage, lighting, and supporting landscape features providing transparency, a variety of textures, and vitality to the surrounding pedestrian streetscapes. Bay windows on the Southwest Building and recessed bays on the Southeast Building serve to reinforce the residential nature of the buildings. While both buildings utilize complimentary color pallets, the use of different materials and varying scales of the two structures makes them different from one another.

The Southwest Building will have nine stories. The building façade features a strong base expression by adding depth at the windows and a change in material along the two lower levels at the building's base. The pedestrian scale is further enhanced by the two-story amenity pavilion forming the northern edge of the new park. In addition to the base detail, the building's scale is further reduced horizontally by increased glazing at corner living areas and projecting groups of bay windows along the center portions of the north and west elevations.

The Southwest Building's primary exterior materials are gray masonry at the upper seven levels, dark grey masonry cladding the base of the building, and wood veneer accent architectural panels at the building's projecting bay windows. In contrast to the building's predominantly neutral pallet, the Southwest Building's amenity pavilion's primary exterior material is the wood veneer architectural panels and glass, and a minor portion of the two-story structure is clad with dark grey masonry.

The Southeast Building is the larger of the two buildings in Phase I. It steps down from 10-stories at Pierce Street to nine-stories at L Street, and includes a two-story lobby and amenity pavilion forming the eastern edge of the new park. The amenity pavilion engages the building mass, framing the entrance to the building, while providing a connection to the lobby,

amenity and courtyard spaces. By complimenting the programming of the southwest building along the other side of the promenade, the Southeast Building will serve to activate the promenade and park with transparency, access, and nodes for activity. Furthermore, the building's double height base featuring expansive glazing, entrance canopies, amenity pavilion, ensures a dynamic urban street level experience. In addition to the various base conditions around the sloping site, the building's upper levels are broken down horizontally by a series of large recessed bays of varying sizes and shapes. The buildings corners are further articulated with vertical slots of glass and multi-story projecting bay windows.

The Southeast Building's primary exterior materials are white-gray blend masonry at the upper eight levels, dark grey masonry cladding the base of the building, and wood veneer accent architectural panels at the buildings recessed bay window areas. Like the Southwest Building, the Southeast Building's amenity pavilion is clad with the wood veneer architectural panels, glass, and dark grey masonry.

#### **D. Circulation, Parking, and Loading**

The primary residential entrance for the Southwest building will be on the west side of the pedestrian promenade near Pierce Street. On the south and west sides of the building, there are additional exits that provide access to amenities and the park.

The primary residential entrance for the Southeast Building is on the east side of the pedestrian promenade near Pierce Street, across from the main entrance to the Southwest Building. The flats will have direct access from L Street. On the east side of the building, on First Place, there will be an entrance that provides access to an elevator and the bike rooms.

The below-grade parking garage that serves both buildings is accessed from First Place. It will contain approximately 304 standard parking spaces and an additional 26 tandem spaces.

Both buildings will be serviced by a single enclosed loading area that is accessed from First Place. The loading area has one 12x30 loading berth with a 100 square foot platform and one 10x20 service/delivery space. The loading area has been designed to accommodate front-in/front-out truck maneuvering. Additionally, a 30 foot loading space with a width of 8 feet and a 20 foot service/delivery space with a width of 8 feet will be located on Pierce Street to accommodate move-ins and service for the farthest portions of the Southwest Building. The Applicant seeks flexibility for these spaces because they do not meet the minimum width requirements. The width of the loading and service spaces are consistent with adjacent parallel parking, and are along sidewalks that provide room alongside vehicles as needed.

The bike rooms in the garage contain 188 long-term bicycle parking spaces. An additional 29 short-term bicycle spaces will be provided along Pierce Street. Additionally, the Applicant will coordinate the installation of a bike share station near the intersection of First and L Streets.

**E. Streetscape and Landscape**

The redevelopment of the Property provides variety of strategies that enhance placemaking and make a transformational contribution to the area. The plan provides a variety of public spaces and amenities, a key component of the PUD framework. These spaces range in scale and type serving both residents of the development as well as the neighboring community. The offering of amenities includes a variety of public spaces and private amenity spaces with varying degrees of privacy.

## 1. Streetscape

The PUD reconfigures the street grid and enhances the public realm along all the edges. A major component of the plan is the extension of Pierce Street as a private street with a central plaza that stitches together both phases of the new development. The streetscape along the project includes the following:

- First Street has a 2 foot walk off zone, a 4 foot tree planting strip with some areas as bioretention, an 8 foot sidewalk and a large green buffer between sidewalk and the building edge.
- L Street has a 4 foot tree planting strip an 8 foot sidewalk and a varying width green buffer between sidewalk and the building edge or unit entry stoops.
- Pierce Street has a 4 foot tree planting strip with some areas as bioretention, an 8 foot sidewalk and a varying width green buffer between sidewalk and the building edge.
- First Place has a 60 foot right of way and a more limited area for streetscape along he building edge. It includes a 4 foot tree planting strip with some areas as bioretention, and 7 foot, 4 inch sidewalk.

All street edges have regularly spaced street trees and lighting along the tree planting street at the edge of all roadways.

## 2. The Promenade

The promenade is the central spine of the project. It engages M Street at a wide-open plaza that funnels into the site allowing views from passerby traversing both phases of the project and terminating into the public park along M Street. Cascading steps lead the pedestrian down the Pierce Street plaza to the park. This promenade incorporates lush plantings and seating nooks and engages with the private amenity spaces that flank each

side of the promenade. The terminus of the promenade is a monumental stair with cascading steps and ramps as a focal point that ends in the public park.

### 3. The Community Park

A large park is proposed at the corner of First and L Street as an amenity to the larger community. The improvement of the park by the Applicant is subject to an agreement between the Applicant and the District, which is contemplated to allow for the following elements:

- Multigenerational oriented spaces that allow people of all ages to use the park.
- Lawn for multiple city activities/impromptu flexible use.
- Monumental steps to mediate grade and provide casual seating.
- Canopy trees are planted around the edges of the great lawn providing shade and places for people to sit under the shade.
- The park is also activated by building amenities at the northern edge providing eyes and activity facing the park.
- A shade structure at the southern western corner becomes an iconic gateway component to the park and provides places for people to seat and socialize.

### 4. Private amenity Spaces

Phase I of the PUD features two buildings with internal courtyards that provide outdoor amenity areas for the residents of the buildings. These amenities include grilling stations, fire pits, lawn areas, and a variety of seating opportunities. A pool terrace in the Southwest Building overlooks the park. The terrace has a lap swimming pool and a sun-shelf area along with a surrounding deck. In addition, the Southeast Building features a

roof terrace at the third level overlooking the park and a rooftop terrace at the penthouse level.

**F. Sustainable Design Elements**

The Applicant has updated the project to include solar panels on the roof of both buildings, as reflected on Sheets A-13 of the Second-Stage Plans attached as Exhibit B. The solar panels will generate approximately 1% of the energy for each building, respectively. The Applicant is still studying solar panel manufacturer and designs for the project, the selection of which could impact the configuration, number or location of the solar panels. Therefore, the Applicant seeks flexibility to change the actual location, number and configuration of the solar panels so long as the overall layout of the roof plan, including, but not limited to the location of the penthouses, substantially complies with the plans for the Second-Stage PUD approval, and all of the requirements/standards for the rooftop penthouses and equipment have been met.

Additionally, the project will implement several sustainable strategies for LEED-NC Silver certification. Implicit to the urban nature of the Property, the surrounding context has density and access to several modes of transit. The project will have an underground parking facility and preference for green vehicles, as well as charging stations. Use of native and adaptive vegetation in the landscaping protects the habitat and promotes biodiversity. Stormwater runoff volumes will be reduced using a variety of green roof and bioretention facilities. Indoor water use consumption will be reduced. Energy performance for the building will be optimized via mechanical systems selection, solar panels, and envelope design. Construction waste management and a recycling programs will be implemented.



**G. Additional Updates to Project**

1. Transformer Vaults

The transformers vaults were relocated from First Street to Pierce Street and nine have a vehicular grade grating cover. Also, one loading space and one service space will be located on Pierce Street; the remaining required loading and service spaces are located within the building at the P1 level with head in - head out access.

2. Signage Plan

The Applicant's signage plan is attached as Exhibit C.

3. Retail/Commercial Use Option in Southwest Building

The Applicant is studying potential retail/commercial uses for the Southwest building that could activate the park at First and L Streets. As such, on Sheet A-05b of the Second-Stage Plans, the Applicant includes an alternative floor plan, which provides for approximately 1,850 square feet of retail/commercial use, in lieu of residential amenity space. The Applicant seeks flexibility to have either use in the portion of the building.

4. Element Reflective of History of Property

In its setdown report, OP recommended that the Applicant consider integrating within the new community, elements that would tell or be reflective of the history of the Property. In response, the Applicant contacted Cultural Tourism DC, which has agreed to work with the Applicant to fulfill this request. Specifically, the Applicant agrees to

install, prior to the issuance of a certificate of occupancy for Phase 1 of the PUD, a plaque, artwork, mural on an interior courtyard, or similar element that celebrates the history of Sursum Corda.

5. Playground on Lot 3A

The OP setback report requested more detailed information as to what equipment would be provided in the playground, and stated that the Applicant should consider a seating area. The Applicant agrees to install a seating area in the playground proposed for Lot 3A. While the specific manufacture or equipment has not been decided on, the equipment shown on Sheet L-04d of the Second-Stage Plans, is representative of the type and level of activity that will be available at the playground.

**D. Flexibility**

As amended herein, the Applicant seeks the following flexibility with the second-stage approval for Phase I of the PUD:

1. Loading. Flexibility to have a 30-foot loading space along Pierce Street with a width of 8 feet where a width of 12 feet is required is, and a 20-foot service/delivery service space with a width of 8 feet where a width of 10 feet is required.

2. Solar Panels. Flexibility to change the actual location, number and configuration of the solar panels so long as the overall layout of the roof plan, including, but not limited to the location of the penthouses, substantially complies with the plans for the Second-Stage PUD approval, and all of the requirements/standards for the rooftop penthouses and equipment have been met.

3. Retail/Commercial Option in Southwest Building. Flexibility to have approximately 1,850 square feet of retail/commercial use in lieu of residential amenity space as depicted on Sheet A05-b of the Second-Stage Plans.

4. Other Design Flexibility

- a. Number of Units: To provide a range in the number of residential units for Building 1A of plus or minus 10% from the 216 units proposed for that building; and to provide a range in the number of residential units for Building 1B of plus or minus 10% from the 346 units proposed for that building.
- b. Parking Layout: To vary the number, location, and arrangement of parking spaces, provided that the maximum number of parking spaces for the South Parcel does not exceed 346 parking spaces, and minimum number is not reduced below the number required for the South Parcel under the Zoning Regulations.
- c. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;
- d. Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order;
- e. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- f. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;

- g. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations; and
- h. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for LEED-NC Silver Certification, and to revise the GAR checklist for the project so long as the project meets the minimum GAR requirement of 0.2.

## VI. CONCLUSION

This statement is filed with the Zoning Commission in accordance with Subtitle Z § 401.5 of the Zoning Regulations, in order to provide additional information in support of Z.C. Case No. 15-20C. Based on the information and materials in support of the application, we seek the Zoning Commission’s favorable review of the Applicant’s request for (1) modifications to the first-stage planned unit development (“PUD”) approved for Square 620 and (2) second-stage approval for Phase 1 of the PUD, the South Parcel.

Respectfully submitted,

HOLLAND & KNIGHT LLP

*Leila Batties*

By: \_\_\_\_\_  
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