

# Holland & Knight

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## **VIA IZIS & HAND DELIVERY**

September 6, 2019

Zoning Commission for the  
District of Columbia  
Office of Zoning  
441 Fourth Street, NW, Suite 210-S  
Washington, DC 20001

**Re: ZC Case No. 15-20C / TBSC Owner I, LLC  
Supplemental Information / Response to OP Hearing Report**

Dear Commission Members:

This letter is filed on behalf of TBSC Owner I, LLC (the “Applicant”) in support of the above-referenced application (the “Application”), which seeks (1) modifications to the first-stage planned unit development (“PUD”) approved for Square 620 pursuant to Zoning Commission (“ZC”) Order No. 15-20 and (2) second-stage approval for Phase 1, the South Parcel, of the approved PUD. The public hearing on the Application is scheduled for September 26, 2019.

This submission responds to the comments raised by the Office of Planning (“OP”) in its hearing report dated July 17, 2019. Specifically, we are providing updated or additional information regarding the building design, the unit mix for the Reserved Unites and affordable units, and proposed modifications to certain conditions of ZC Order 15-20.

### **A. Architectural Plans and Drawings**

Enclosed is an updated comprehensive set of architectural plans and drawings for the Modification to the First-Stage PUD and the Second-Stage PUD approval for Phase 1, the South Parcel. These architectural plans and drawings supersede those previously filed in support of the Application. The architectural façades for the Southwest and Southeast buildings have been redesigned to create a more residential aesthetic and further differentiate the two buildings. This was accomplished by changing the building materials, re-imagining the ground plane of the buildings and their interaction with the street level, and adding balconies at key locations to engage with the pedestrian promenade, streetscape and park on First and L Streets.

Anchorage | Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville | Lakeland  
Los Angeles | Miami | New York | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa | Tysons  
Washington, D.C. | West Palm Beach

**ZONING COMMISSION**  
District of Columbia  
CASE NO.15-20C  
EXHIBIT NO.39

1. Southwest Building

For the Southwest Building, the façade material was changed to a warmer color palette, masonry detailing was incorporated to the building base and the upper floors, bringing the building massing down to the residential lobby entrance with more traditional aesthetics, and projecting balconies were added as noted below:

- North Facade:
  - Masonry revised from gray to tan
  - Wood textured projections modified to dark grey
  - Brick detail added at base and above and below windows
  - Row of balconies added
- East Facade:
  - Masonry revised from gray to tan
  - Brick detail added at base and above and below windows
  - Row of balconies added above building entrance
  - Lobby façade modified to have more residential feel
  - Wood texture finish at amenity pavilion is now a darker tone
- South Facade:
  - Masonry revised from gray to tan
  - Wood textured projections modified to dark gray
  - Brick detail added at base and above and below windows
  - 2 rows of balconies added
  - Wood texture finish at amenity pavilion is now a darker tone
- West Facade:
  - Masonry revised from gray to tan
  - Wood textured projections modified to dark gray
  - Brick detail added at base and above and below windows
  - Row of balconies added

2. Southeast Building

For the Southeast Building, the recessed bays were changed from a single large box to repeating elements with vertical proportions, the window groupings were reconfigured as vertical elements to better break down the overall façade proportion, and balconies were added to those facades facing the park at First and L Streets and Mt. Airy Baptist Church, as noted below:

- North Facade:
  - Single large framed recessed openings updated to three recessed openings
  - Window patterns modified to reinforce multi-story expressions
  - Wood texture finish is a darker tone

- East Facade:
  - Three framed recessed openings updated to four recessed openings
  - Window patterns modified to reinforce multi-story expressions
  - Wood texture finish is a darker tone
  - Windows added along dark brick base on 1<sup>st</sup> Place to articulate base of the building and engage the public
- South Facade:
  - Single large framed recessed openings updated to four recessed openings
  - Window patterns modified to reinforce multi-story expressions
  - Wood texture finish is a darker tone
- West Facade:
  - A framed recessed opening added to visually reinforce the entrance
  - Window patterns modified to reinforce multi-story expressions
  - Balconies added adjacent to bay projections with views of the public park
  - Wood texture finish is a darker tone

### 3. Landscape Design Updates

- The pedestrian promenade between the Southwest and Southeast buildings was redesigned to activate the path and better integrate with the building amenity spaces, and benches and seating nodes are more clearly depicted on the architectural plans.
- Additional sheets are included with diagrams that depict the various activities in the public park, and there are additional details to park areas to identify the adventure play and games areas.
- The seating areas at the northwest corner of the park, adjacent to the Southwest Building, have been expanded.
- The sidewalks on L Street, First Street and Pierce Street were widened to 8' and the sidewalk on First Place was widened to 7'-4".
- In the interim condition, before the North phase of the Sursum Corda development is under construction, a 6' wide temporary asphalt path and temporary curb will be constructed on the north side of Pierce Street.
- The L Street design was revised in accordance with discussions with DDOT.

- Several curb extensions on the south and north sides of Pierce Street were removed to accommodate on-street parking on the south side of Pierce Street.

#### 4. Loading and Parking

- On-street loading was relocated from Pierce Street to the loading dock in the Southeast Building.
- The parking count for Phase 1 was revised to 304 spaces, inclusive of tandem parking spaces.
- The number of long-term bicycle parking spaces has increased from 188 to 199 long-term ; the number of short-term bicycle parking spaces remains at 29; and the bicycle rooms were revised to shift 75 bikes to a new bike storage room under the Southwest Building.

### B. Signage Plan

An updated version of the Comprehensive Signage Plan is enclosed. This version supersedes that previously filed in support of the Application. The updated signage plan provides a more unifying signage theme for Phase 1 of the development.

### C. Affordable and Reserved Units

Below is more detailed information on the affordable units and Reserved Units required for the development. These details will be incorporated into the final written order for the Application.

1. Affordable Units. The PUD shall have 199 affordable units reserved for and available to households with incomes not exceeding 80% MFI, provided that the blended affordability limits for the affordable units shall not exceed 60% of MFI (the “Affordable Units”). The Affordable Units shall include the Reserved Units for those Sursum Corda Households with incomes not exceeding 80% MFI.

2. Reserved Units Exceeding 80% MFI. Reserved Units for Sursum Corda Households exceeding 80% MFI shall not be counted toward the 199 Affordable Units required for the PUD.

3. Approved Reserved Unit Mix. The unit mix originally approved for the project, pursuant to Condition B.2.c. of ZC Order 15-20 was as follows:

<b>Reserved Sursum Corda Units</b>		
<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Approximate Unit Size</b>
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.

4. Revised Reserved Unit Mix. Based on an updated list of the Sursum Corda Households provided by Lonnie Duren, chair of the board for the Sursum Corda Housing Cooperative Association, Phase I of the PUD shall have 122 Reserved Units, with the following revised unit mix:

<b>Reserved Sursum Corda Units</b>		
<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Approximate Unit Size</b>
0	Studio	545 s.f.
39	1 bdrm	715 s.f.
48	2 bdrm	1,100 s.f.
26	3 bdrm	1,390 s.f.
9	4 bdrm	1,580 s.f.

The Applicant shall have the flexibility to reduce the number of Reserved Units and change the unit mix for the Reserved Units, based on a certified updated list at the time of permitting, in accordance with Condition B.2.f. of the Order.

5. Minimum Affordable Units for South Parcel. Notwithstanding any reduction in the number of Reserved Units, the South Parcel shall have a minimum of 100 Affordable Units, which may include Reserved Units for Sursum Corda Households not exceeding 80% MFI. The Affordable Units shall be available to households with incomes not exceeding 80% of MFI, so long as the blended affordability level for the PUD does not exceed 60% of MFI, for the life of the project.

6. Minimum Two and Three Bedroom Units for South Parcel. The South Parcel shall have a minimum of 52 two-bedroom units and 27 three-bedroom units. Each two-bedroom unit that is not a Reserved Unit shall have a minimum floor area of 850 square feet, and each three-bedroom unit that is not a Reserved Unit shall have a minimum floor area of 1000 square feet.

7. Affordable Units for North Parcel. The number of affordable units required for the North Parcel shall be the difference between the 199 Affordable Units required for the PUD and the number of affordable units constructed on the South Parcel. The size, mix and location of the units shall be consistent with the inclusionary zoning requirements in effect at the time of the second-stage PUD application. The Affordable Units shall be available to households with incomes not exceeding 80% of MFI, so long as the blended affordability level for the PUD does not exceed 60% of MFI, for the life of the project.

8. Distribution of Affordable Units. The PUD is exempt from Inclusionary Zoning. Notwithstanding, the Affordable Units shall be dispersed throughout the development such that each building meets the minimum set aside requirements in Subtitle C, Sec. 1003 of the Zoning Regulations.

**D. Proposed Modifications to Conditions in ZC Order 15-20**

Based on the foregoing, the Applicant intends to now modify Condition Nos. B.1., B.2.a., B.2.c., B.2.g. and B.7.b. of ZC Order 15-20 (the “Order”) as set forth below.

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

FROM	TO
<p><b>B.1.</b></p> <p><u>Affordable Units.</u> The PUD shall include the construction of 199 new affordable housing units on-site. Affordable units shall be reserved for and available to households with incomes not exceeding 80% AMI, provided that the overall blended affordability limits for the affordable units within the PUD shall not exceed 60% AMI. Further,</p>	<p><b>B.1.</b></p> <p><u>Affordable Units.</u> The PUD shall include the construction of 199 new affordable housing units on-site. Affordable units shall be reserved for and available to households with incomes not exceeding 80% <del>AMI</del> <b>MFI</b>, provided that the overall blended affordability limits for the affordable units within the PUD shall not exceed 60% <del>AMI</del> <b>MFI</b> (the “Affordable</p>

<p>the PUD shall maintain an overall blended affordability level of 60% AMI for the life of the project.</p>	<p>Units). <b><u>The Affordable Units shall include the Reserved Units for those Sursum Corda Households with incomes not exceeding 80% MFI. Reserved Units for Sursum Corda Households exceeding 80% MFI shall not be counted toward the 199 Affordable Units.</u></b> Further, the PUD shall maintain an overall blended affordability level of 60% AMI for the life of the project.</p>
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2. An amendment to Condition B.2.a. of the Order as follows:

FROM	TO
<p><b>B.2.a.</b></p> <p><u>Reserved Units.</u> The Applicant shall construct 136 residential units on the South Parcel during the first phase of development for the PUD, which shall be reserved for current Sursum Corda households currently residing at the Property (“Sursum Corda Households”) (the “Reserved Units”). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Households and their contact information;</p>	<p><b>B.2.a.</b></p> <p><u>Reserved Units.</u> The Applicant shall construct <del>136</del> <b>122</b> residential units on the South Parcel during the first phase of development for the PUD, which shall be reserved for <del>current</del> Sursum Corda households <del>currently residing at the Property</del> (“Sursum Corda Households”), <b><u>including those Sursum Corda Households with incomes exceed 80% of MFI</u></b> (the “Reserved Units”). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Households and their contact information;</p>

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

FROM	TO																																										
<p>B.2.c.                      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" style="margin-left: auto; margin-right: auto;"> <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.2.c.                      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" style="margin-left: auto; margin-right: auto;"> <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><del>15</del> <u>0</u></td> <td>Studio</td> <td>545 s.f.</td> </tr> <tr> <td><del>31</del> <u>39</u></td> <td>1 bdrm</td> <td>715 s.f.</td> </tr> <tr> <td><del>53</del> <u>48</u></td> <td>2 bdrm</td> <td>1,100 s.f.</td> </tr> <tr> <td><del>27</del> <u>26</u></td> <td>3 bdrm</td> <td>1,390 s.f.</td> </tr> <tr> <td><del>10</del> <u>9</u></td> <td>4 bdrm</td> <td>1,580 s.f.</td> </tr> </tbody> </table> <p>The <b><u>number of Reserved Units, the unit mix, and location of Reserved Units</u></b> 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, <b><u>based upon an updated list of the Sursum Corda Households certified by the Sursum Corda Cooperative at the time of building permit in accordance with Condition B.2.of the Order.</u></b></p>	Reserved Sursum Corda Units			No. of Units	No. of Bedrooms	Approximate Unit Size	<del>15</del> <u>0</u>	Studio	545 s.f.	<del>31</del> <u>39</u>	1 bdrm	715 s.f.	<del>53</del> <u>48</u>	2 bdrm	1,100 s.f.	<del>27</del> <u>26</u>	3 bdrm	1,390 s.f.	<del>10</del> <u>9</u>	4 bdrm	1,580 s.f.
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4. 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</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 <b><u>(or units), or occupied as an affordable unit (or units), not restricted to a Sursum Corda Household.</u></b></p>



<p>a corresponding amount of gross floor area for affordable unit on the North Parcel.</p>	<p><u>Notwithstanding any reduction in the number of Reserved Units, the South Parcel shall have a minimum of 100 Affordable Units, which may include Reserved Units for Sursum Corda Households not exceeding 80% MFI. The Affordable Units shall be available to households with incomes not exceeding 80% of MFI, so long as the blended affordability level for the PUD does not exceed 60% of MFI, for the life of the project.</u></p>
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5. 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, 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.</u></p>	<p><b>B.7.b.</b></p> <p><u>Prior to the issuance of the first certificate of occupancy for the PUD, 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 904, 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.</u></p>

**E. Conclusion**

In light of the foregoing, we remain hopeful of the Zoning Commission's favorable consideration of ZC Case No. 15-20C. Thank you for your considerate attention to this matter.

Sincerely yours,

Holland & Knight LLP



Leila Marie Jackson Batties

cc: See attached Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2019, a copy of the foregoing application was served on the following:

Advisory Neighborhood Commission 6E  
c/o Commissioner Alex Marriott, Chair  
P. O. Box 93020  
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Via US Mail  
Via Email w/o plans

Commissioner Alvin Judd Sr., ANC 6E06  
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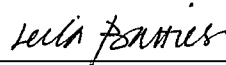
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Jonathan Rogers  
District Department of Transportation  
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Suite 400 Washington, D.C. 20003

Via Email

Mr. Lonnie Duren  
Chairman of the Board  
Sursum Corda Cooperative Association  
128 M Street, NW, Room 325  
Washington, DC 20001

Via Hand Delivery  
Via Email w/o plans



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Leila M. Jackson Batties, Esq.