

# Holland & Knight

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October 10, 2019

## VIA IZIS AND HAND DELIVERY

Zoning Commission for the District of Columbia  
441 4th Street, NW, Suite 210  
Washington, DC 20001

**Re: TBSC Owner I, LLC / ZC Case No. 15-20C / Post-Hearing Submission**

Dear Members of the Commission:

On behalf of TBSC Owner I, LLC (the “Applicant”), we respectfully submit this post-hearing submission in support of ZC Case No. 15-20C. The public hearing for this case occurred on September 26, 2019.

### **Recorded Subdivision Plat**

As part of this post-hearing submission, we have attached, as Exhibit A, a copy of the recorded subdivision plat for the subject property. The subdivision was recorded the day after the public hearing by the Office of the Surveyor, and created four new record lots for the subject property - Lots 252, 253, 254 and 255. These lots correspond to the PUD as follows:

- Lot 252 consists of 6,491 square feet and will be dedicated for the southern segment of the First Street right of way in connection with the development of Phase 1 of the PUD;
- Lot 253 consists of 8,780 square feet and will be dedicated for the northern segment of the First Street right of way in connection with the development of Phase 2 of the PUD;

- Lot 254 (Theoretical Lots 2A/2B and 2C/2D) consists of 3.1 acres and will be developed in Phase 2 – the North Parcel -- of the PUD; and
- Lot 255 (Theoretical Lots 1A and 1B) consists of 2.9 acres and will developed in Phase 1 – the South Parcel -- of the PUD.

The PUD also includes Lot 904 and 905, located east of First Place, which are not part of the subdivision. Lot 904 (Theoretical Lot 3A) consists of 6,241 square feet located on the east side of First Place, and will be maintained as open/green space. Lot 905 (Theoretical Lot 3B) consists of 6,347 square feet located on the east side of First Place, and also will be maintained as open/green space.

**Additional Items Requested by Zoning Commission**

During the public hearing, the Zoning Commission requested a post-hearing submission that includes all of the following:

- a. Comprehensive Plan. The Applicant was asked to address the application’s consistency with the Comprehensive Plan.
- b. Building Design. In support of the second-stage approval for Phase 1 of the PUD, the Applicant was asked to provide revised or additional architectural plans and elevations with the following:
  - i. floor plans that shows the balconies, including the Reserved Units with balconies;
  - ii. for the Southeast Building, a different building material and a darker color;
  - iii. a delineation between the Southwest Building and the public park proposed at First and L Streets;
  - iv. elevations of the courtyard areas;
  - v. a ramp instead of a lift in the loading/service area; and
  - vi. additional solar panels on the roof of the buildings.

The Commission also asked the Applicant's response to the Office of Planning's comments regarding the programming for the amenity spaces. The Applicant filed its response on September 26, 2019, which is marked as Exhibit 48 - 48A of the record.

- c. Signage Plan. The Commission requested a revised signage plan with elevations/renderings to show how the signs will appear on the buildings.
- d. DDOT Issues. The Applicant was asked to confirm the status of the following issues raised by DDOT: removal of the heritage trees; L Street design; curbside loading; the Pierce Street design; the loading management plan for trash removal; and TMD plan enhancements.
- e. First Source Agreement. The Zoning Commission asked for clarity on the Applicant's commitment to enter into a First Source Agreement. At the public hearing, the Applicant clarified that it is not seeking a modification to this condition of the Order, and committed to making a good faith effort to ensure that 51% of all new hires are District residents.
- f. Response to MPD Report. The Zoning Commission asked for the Applicant's response to the Metropolitan Police Department Report filed with the Commission on July 11, 2019, and marked as Exhibit 24. The Applicant confirmed that its response to the MPD report was filed and marked as Exhibit 37 – 38 of the record.

The Applicant has addressed each of the foregoing matters as discussed below.

### **Comprehensive Plan**

The Future Land Use Map designates the site for Moderate Density Residential and Parks, Recreation, and Open Space while the Generalized Policy Map designates the site as a Land Use Change Area. In addition, the Mid-City Small Area Plan identifies high density residential and medium density commercial uses as appropriate for the Property. As specified in the Comprehensive Plan, Small Area Plans supplement the Comprehensive Plan by providing detailed director for focused areas (10 DCMR §104.8). At the first-stage PUD approval, the Zoning Commission found that the requested PUD and accompanying map amendment from the R-4 zone to the C-3-C zone is not inconsistent with the Comprehensive Plan.

### **Building Design -- Architectural Plans and Elevations**

Attached as Exhibit B, please find revised or additional architectural plans and elevations as follows:

a. Exhibit B-1 / Supplemental Plans – Balconies and Terraces: The floor plans identify the locations of terraces and balconies for the buildings. Please note that these floor plans

reflect the current ratio of balconies and terraces to the current number of Reserved Units versus market rate units. However, the final ratio may be adjusted based on the actual number of Sursum Corda Households that elect to occupy a Reserved Unit.

b. Exhibit B-2 / Revised Building Elevations – Southeast Building: The building material for the Southeast Building has been changed from a calcium silicate product to a traditional brick product. Additionally, the light gray brick color has been adjusted to a medium gray color.

c. Exhibit B-3 / Revised Supplemental Amenity Package: The plans have been revised to show a reduction in the number of entrances along the public park at the P1 level in order to help further delineate between the public park and the private amenities. Building connections to the public park and sidewalks will be for emergency egress only. No private uses will spill into the public park. This set of plans for the amenity areas supersedes the one marked at Exhibit 48A of the record.

d. Exhibit B-4 / Supplemental Landscape Drawings Related to Park: In order to better distinguish the public park from the private space, the landscape drawings were revised to include an overall illustrative rendering enhancing the green buffer edge that separates the public park from the internal private amenity uses. The final design and use of the public park space will be subject to a use and maintenance agreement between the Applicant and the District.

e. Exhibit B-5 / Supplemental Elevations for Courtyards: This exhibit includes the courtyard elevations for both buildings and includes the updated brick color for the Southeast Building.

f. Exhibit B-6 / Revised Plans – P1 & Main Roof: The revised Level P1 Plan shows the loading area updated to replace the lift with ramps, which provides for an easier move-in experience. The revised roof plan depicts a 50% increase in the number of solar panels.

### **Comprehensive Signage Plan**

The revised signage plan, including elevations, is attached as Exhibit C. At the direction of the Zoning Commission, the number of large building signs and the number of sign types for the buildings was reduced.

**DDOT Issues**

Attached as Exhibit D, please find a memorandum from Gorove/Slade Associates, dated October 10, 2019, in response to the conditions listed in DDOT's Supplemental Report dated September 23, 2019. In addition to the responses to the conditions, the memorandum proposes a revised Transportation Demand Management (TDM) plan according to DDOT's response to the mitigations proposed in this project's second-stage Comprehensive Transportation Review ("CTR"), and the Applicant's responses to DDOT's requests. These responses and the revised TDM plan satisfy DDOT's outstanding issues and conditions.

Also, attached as Exhibit E, is a copy of the memorandum from Gorove/Slade Associates to Jonathan Rogers at DDOT, dated September 16, 2019, responding to DDOT's comments on the CTR for the second-stage PUD approval. The CTR was submitted to DDOT on June 10, 2019. This memorandum is in response to further DDOT comments received via email and conversations between July 11 and August 13, 2019.

**First Source Agreement**

Condition B.5. of ZC Order 15-20 requires the Applicant to enter into a First Source Agreement with the Department of Employment Services. The Applicant does not propose any modifications to this condition. Further, the Applicant commits to making a good faith effort to ensure that 51% of all new hires for the project are District residents.

**Response to MPD Report**

Attached as Exhibit F, please find a copy of the Applicant's response to the MPD report filed with the Zoning Commission on July 11, 2019. The Applicant's response was filed on September 4, 2019, at Exhibit 37 - 38 of the record.

We trust that this post-hearing submission sufficiently addresses the Zoning Commission's comments related to the application. Thank you for your considerate attention to this matter.

Sincerely,



Leila M. Jackson Batties

Attachments

Cc: See attached Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2019, a copy of the foregoing Proposed Findings of Fact and Conclusions of Laws in support of ZC Case No. 15-20C was served on the following:

Advisory Neighborhood Commission 6E  
c/o Commissioner Alex Marriott, Chair  
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Via Electronic Mail & U.S. Mail  
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