

# Holland & Knight

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

Leila Marie Jackson Batties  
(202) 419-2583  
leila.batties@hklaw.com

## **VIA IZIS & HAND DELIVERY**

January 7, 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  
Application for Modifications to a First-Stage PUD & Second-Stage PUD  
Approval  
REVISED PLANS**

Dear Commission Members:

On behalf of TBSC Owner I, LLC (the “Applicant”) we respectfully submit the revised architectural plans for the above-referenced 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. As it relates to the first-stage approval, the Applicant proposes to modify the building heights, configuration and allocation of density, the loading access and Condition B.7.b. of ZC Order No. 15-20(a).

The enclosed plans supersede the plans originally filed by the Applicant, and reflect the Applicant’s discussions with the Office of Planning. Following is the updated discussion on the application.

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.10

**I. Proposed Modification of First Stage PUD**

The Applicant proposes to amend the first-stage PUD approval as discussed below.

**A. South Parcel**

With this modification application, the Applicant proposes to construct two buildings instead of three buildings on the South Parcel, change the building heights, and shift the allocation of units.

Building 1A (the Southwest Building) was originally approved as an 8-story building with a height of 72.45 feet, consisting of 184,775 gross square feet generating approximately 176 units. The applicant proposes to increase the building to 9 stories with a maximum height of 95.79 feet, consisting of 222,800 square feet of floor area generating approximately 214 units. The configuration of the building is substantially similar to what was originally approved.

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. The Applicant proposes to redesign these two buildings as a single building, the Southeast 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 building will consist of approximately 411,708 square feet of floor area generating approximately 339 units. The proposed increase in gross floor area for this theoretical lot -- from 296,125 square feet to 388,098 square feet -- will be offset by a corresponding decrease in density on the North Parcel as discussed below.

**B. North Parcel**

With this modification application, the Applicant seeks to decrease the density on the North Parcel by reducing the amount of 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 349,138 square feet of floor area generating approximately 283 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 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 to 439,460 square feet of floor area generating approximately 362 units to 361,939 square feet of floor area generating approximately 295 units.

## **II. Second-Stage Application for South Parcel**

The Applicant seeks second-stage approval for Phase 1 of the PUD in accordance with the enclosed architectural plans and elevations (“Second-Stage Plans”). Phase 1 of the PUD includes the following:

- a. the South Parcel (Lots 1A and 1B), which is situated between First Street and First Place and consists of 2.44 acres, excluding the area to be dedicated for the First Street right of way;
- b. the rectangular parcel of green space to the east of the First Place (Theoretical Lots 3A and 3B) which consists of 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 13a of the plans, which totals 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 525 units. The rectangular parcel 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 5.22 FAR, excluding Pierce Street. Additionally, the Phase 1 development will include the construction of up to 300 below grade parking spaces. While developing the layout of the garage and sections through the parking entry, it was determined that entry would be greatly improved by shifting it 38 feet to the south. This change is under review by DDOT.

The Phase 1 buildings are simultaneously complimentary and distinct in their design. Both buildings are organized around significant landscape elements, including a new public park at the corner of First and L Street, a pedestrian promenade connecting M Street to L Street, and a 30-foot landscape buffer along First Street. The ground levels for each building have been programmed with significant double height amenity/retail spaces that front on the park, the promenade and portions of L and Pierce Streets. This ground level programming will include multiple entrance canopies, signage, lighting, and supporting landscape features that provide transparency, a variety of textures, and vitality to the surrounding pedestrian streetscapes. Bay windows, balconies, and landscaped roof top amenity spaces atop the two-story amenity pavilions will reinforce the residential nature of the buildings. While both buildings utilize complimentary color palettes, the use of different materials and the varying scales of the two structures makes them distinctly different from one another.

**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 222,800 square feet of gross floor area generating approximately 214 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 5.63 FAR.

The building's massing features a strong base expression by cantilevering the structure's upper six stories out over the building's base. The pedestrian scale is further enhanced by the two-story amenity pavilion forming the north edge of the new park. In addition to the cantilevered base detail, the building's

scale is broken down horizontally by recessing the corner living areas and projecting groups of bay windows along the center portions of the west, north and east elevations.

The Southwest Building's primary exterior materials are medium grey architectural screen panels at the upper six levels, dark grey masonry cladding the base of the building, and wood veneer accent architectural panels at the buildings 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 pavillion is clad with dark grey masonry.

**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 411,708 square feet of gross floor area generating approximately 339 units. Theoretical Lot 1B has a land area of 66,730 square feet and will be developed at a density of 6.17 FAR.

The Southeast Building will have up to 10 stories and a maximum height of 110 feet, as measured from First Place, assuming that L Street right of way is expanded to 90 feet, as discussed in the DDOT report for the first-stage PUD application and as reflected on the plans for redevelopment of the Northwest One site.

The building's primary exterior materials are light grey masonry at the upper eight levels, dark grey masonry cladding the base of the building, and architectural panels at the buildings recessed bay window areas. Like the Southwest Building, the Southeast Building's amenity pavilion is clad with the architectural panels, glass, and dark grey masonry. The rooftop amenity program sets back from the building's primary roof and is clad in dark grey architectural panels, glass and some accent architectural panels.

**C. Tabulation of Development Data**

The tabulation of development data for Phase 1 is included on Sheet A-01 of the Second-Stage Plans.

**D. Height and FAR Requirements Under Subtitle X §§ 303.3, 303.4 and 303.7**

The building heights and allocation of density for the second-stage PUD application are different than what was approved for the first-stage PUD pursuant to ZC Order 15-20, as discussed below.

Building 1A

- The building height has been increased from 72.45 feet to 95.79 feet.
- The gross floor area has increased from 184,775 square feet to 222,800 square feet.
- The number of units has increased from 176 units to 214 units.

Buildings 1B and 1C

- The buildings have been redesigned as a single building.
- The building height has increased from a maximum of 78 feet and 65.75 feet, respectively, to a range of heights from 79.1 feet to 110 feet.
- The total gross floor area has increased from 296,125 square feet in both buildings to 411,708 square feet in a single building.
- The number of units has increased from 245 units in both buildings to 339 units in a single building.

Allocation of Density

- The increase in density proposed for the South Parcel is offset by a corresponding reduction in the density for the North Parcel.

The proposed maximum building height of 110 feet for the Southeast Building is subject to the widening of the L Street right of way from 40 to 90 feet, prior to the time the Applicant applies for a building permit for the PUD. The proposed height is below the maximum permitted height of 130 feet for a PUD in the C-3-C zone district under the 1958 Zoning Regulations. The

C-3-C zone district was converted to the MU-9 zone district with the adoption of the current Zoning Regulations; and the maximum permitted building height is the same. 11-X DCMR § 303.7.

The South Parcel will have an overall density of 5.97 FAR; Theoretical Lot 1A will have a density of 5.63 FAR; and Theoretical Lot 1B will have a density of 6.17 FAR. The proposed densities are below the maximum permitted density of 8.0 FAR for a PUD in the C-3-C zone district, with inclusionary zoning, under the 1958 Zoning Regulations. Under the current Zoning Regulations, a PUD in the MU-9 zone district, with inclusionary zoning, is permitted a maximum density of 9.36 FAR. 11-X DCMR §§ 303.3 and 303.4.

### **III. Conclusion**

In light of the foregoing, we remain hopeful of the Zoning Commission's favorable consideration of ZC Case No. 15-20C.

Sincerely yours,

Holland & Knight LLP



Leila Marie Jackson Batties

cc: Ms. Jennifer Steingasser, D.C. Office of Planning (via email)  
Mr. Joel Lawson, D.C. Office of Planning (via email)  
Ms. Maxine Brown-Roberts, D.C. Office of Planning (via hand delivery and email)  
Ms. Anna Chamberlin, District Department of Transportation (via email)