

301 FL MANAGER LLC
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OFFICE OF ZONING
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MAY 26, 2017

MATTHEW LE GRANT
ZONING ADMINISTRATOR
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
GOVERNMENT OF THE DISTRICT OF COLUMBIA
1100 4TH ST SW, ROOM 3100
WASHINGTON, DC 20024

OFFICE OF ZONING
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
GOVERNMENT OF THE DISTRICT OF COLUMBIA
441 4TH ST NW, SUITE 200S
WASHINGTON, DC 20001

Re: COMPLIANCE WITH CONDITION D.4. OF Z.C. ORDER NO. 15-22

DEAR ZONING ADMINISTRATOR AND OFFICE OF ZONING,

Please find contained herein a letter submitted by 301 FL Manager LLC, the Applicant for Zoning Commission Case No. 15-22 and building permit B1705526. This letter is being submitted by the Applicant in accordance with Condition D.4 of Z.C. Order No. 15-22, and in response to the Zoning Reviewer's comment, identified as comment #13, for building permit application B1705526.

Condition D.4 of Z.C. Order No. 15-22, states *"the Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning."* Zoning Reviewer comment #13 for building permit application B1705526 states *"please demonstrate compliance with Condition D.4. of Z.C 15-22. Provide a letter identifying how the Applicant is in compliance with the Conditions of Z.C. Order No. 15-22."*

The Conditions of Z.C. Order No. 15-22 are documented on pages 23 through 26 of Case Exhibit #98. Only two Conditions (B.2 and D.1) of Z.C. Order No. 15-22 must be achieved prior to the issuance of a building permit. One Condition (D.4.) must be demonstrated at such time as the Zoning Administrator requests. The remaining conditions must be accomplished prior to the issuance of a Certificate of Occupancy for the building (B.1, B.3, C.1, C.2, and C.3), or prior to the issuance of a Certificate of Occupancy for the retail component of the building (B.4). At present, compliance is only required for Conditions B.2, D.1, and the aforementioned D.4.

Compliance with Condition B.2 of Z.C. Order No. 15-22:

Condition B.2 states the following: *"Prior to the issuance of a building permit, and for the life of the Project, the Applicant shall provide proof to the Zoning Administrator that the building has been designed to include*

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EXHIBIT NO.49

no fewer than the minimum number of points necessary to be the equivalent of a LEED-Gold designation under the LEED for Homes Rating System, Multi-family Mid-rise, October, 2010. The Applicant shall put forth its best efforts to design the PUD so that it may satisfy such LEED standards, but the Applicant shall not be required to register or to obtain the certification from the United States Green Building Council.”

The Applicant has designed the building to include no fewer than the minimum number of points necessary to be the equivalent of a LEED-Gold designation under the LEED for Homes Rating System, Multi-family Mid-rise October 2010. The building plans, energy model, and LEED Scorecard illustrate the requisite compliance; these materials have been submitted for review by the Zoning Administrator in connection with building permit application B1705526 via the Department of Consumer and Regulatory Affairs ProjectDox system.

Compliance with Condition D.1 of Z.C. Order No. 15-22:

Condition D.1 states the following: “No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.”

As of May 24, 2017, the Office of the Attorney General for the District of Columbia has approved the language of the draft PUD covenant for Z.C. Order No. 15-22. The Applicant, in conjunction with its counsel, is in the process of executing the PUD covenant, which once signed and notarized, the document will be provided to the District signatories, including the Zoning Administrator, the Office of the Attorney General, and the Office of the Secretary for review and approval prior to recording.

Compliance with Condition D.4 of Z.C. Order No. 15-22:

Condition D.4 of Z.C. Order No. 15-22, states “The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.”

This letter has been filed with the Zoning Administrator and the Office of Zoning simultaneously, as of the date above.

SINCERELY

301 FL MANAGER LLC