

# Holland & Knight

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March 7, 2016

## **VIA IZIS AND HAND DELIVERY**

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 210S  
Washington, D.C. 20001

**Re: Z.C. Case No. 15-22 -- Post-hearing Submission  
Consolidated PUD & Related Map Amendment @ Square 772N, Lot 803**

Dear Members of the Commission:

On behalf of 301 FL Manager, LLC (the “Applicant”), we hereby submit the following information requested by the Zoning Commission at the February 22, 2016 public hearing regarding the proposed planned unit development (“PUD”) and Zoning Map amendment at 301 Florida Avenue, NE (the “Subject Property”).

### **1. N Street, NE Public Space Improvements**

At the public hearing, the Zoning Commission indicated that, in lieu of contributing \$125,000 to an escrow fund for the public space improvements on N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE (the “N Street Improvements”), the Applicant should instead provide a site plan showing the proposed N Street Improvements, and should commit to installing specific improvements. Subsequent to the public hearing, the Applicant met with Advisory Neighborhood Commissioners Tony Goodman (SMD 6C06) and Mark Eckenwiler (SMD 6C04) to discuss options for the N Street Improvements. The Applicant also met collectively with representatives of the Office of Planning, DDOT, and ANC 6C (including ANC Commissioner Eckenwiler) to discuss the feasibility of, and parameters for, the proposed N Street Improvements.

As shown on Sheet A-1.0 of the supplemental architectural drawings attached hereto as Exhibit A (the “Supplemental Drawings”), the Applicant has designed specific public space improvements on all three sides of the Subject Property. The proposed N Street Improvements include 2-foot offset curb extensions, bulb outs, parklets with seating and sculptural elements, expanded green areas, enhanced landscaping, and additional short-term bicycle parking spaces.

The Applicant notes that a number of the proposed improvements exceed the scope of work that would otherwise be done as a result of the PUD.

In addition to committing to specific streetscape improvements along the north side of N Street, NE, and as requested by ANC 6C, the Applicant also met with Foulger-Pratt Development, LLC (“Foulger-Pratt”) to further discuss overall improvements to N Street, NE. Foulger-Pratt is the owner of 301-331 N Street, NE, which is located directly across from the Subject Property on the south side of N Street, NE. Foulger-Pratt is also seeking approval from the Zoning Commission for a PUD and Zoning Map amendment to construct a new mixed-use building on their site. *See* Z.C. Case No. 15-28. During those discussions, and as indicated in the letter from Foulger-Pratt attached hereto as Exhibit B, Foulger-Pratt agrees that a matching streetscape would complement the two developments and harmonize with the surrounding neighborhood. As indicated in the letter, Foulger-Pratt agrees to propose a corresponding streetscape design in their PUD approval.

In order to ensure that the N Street Improvements will be delivered, the Applicant proposes that the following language be included in the Order approving the PUD:

1. Prior to the issuance of a certificate of occupancy for the building, the Applicant shall demonstrate to the Zoning Administrator that it has expended, or is otherwise in the process of expending, up to \$125,000 (or shall post a deposit with DDOT of \$125,000) for the design, permitting, and improvements to N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, as shown on the N Street Improvements site plan dated March 3, 2016, and marked as Exhibit \_\_\_ in the record of this case:
  - a. Extend the sidewalk width along the north side of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, a minimum of two feet, with the final sidewalk width to be subject to DDOT and utility agency approvals;
  - b. Install enhanced landscaping along the north side of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, which will include oak trees, landscaped beds, drought-tolerant shrubs, ornamental grasses, and perennials, with the final design and location of the enhanced landscaping to be subject to DDOT and utility agency approvals;
  - c. Install short-term bike racks on the north side of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, with the final design and location of the bike racks to be subject to DDOT and utility agency approvals;
  - d. Install parklets along the north side of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, that will expand public space along the N Street sidewalk and provide seating areas for pedestrians, with the final design and location of the parklets to be subject to DDOT and utility agency approvals;

- e. Install bulb-outs on the north side of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE to discourage vehicular traffic on N Street, with the final design and location of the bulb-outs to be subject to DDOT and utility agency approvals;
- f. Decrease the cart path width of N Street, NE, between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NE, with the final design and dimension of the cart path width subject to DDOT and utility agency approvals.

The \$125,000 shall be allocated to the work identified in section 1(a) first, with remaining proceeds allocated to the work identified in sections 1(b) through 1(f), respectively.

## **2. Building Projections on Florida Avenue, NE**

As requested by the Zoning Commission, attached hereto as Sheets A-1.1, A-1.3, and A-1.4 of the Supplemental Drawings, is a site plan, perspective, and section showing the proposed bay window projections on Florida Avenue, NE. As shown on the site plan (Sheet A-1.1), the projections occupy approximately 49% of the length of the property lone along Florida Avenue, NE, and occupy approximately 37% of the width of the Florida Avenue block between 3<sup>rd</sup> Street and N Street, NE, thus resulting in a nominal impact to the Florida Avenue frontage.

The bay window projections, which are located on floors two through eight, enhance the design aesthetic of the building and create a visual variety to help reduce the overall building scale that could otherwise be monolithic. The bay window projections improve the prominence and visibility of the building along Florida Avenue, bring light into the residential units, and create a consistent facade massing and articulation. Moreover, as shown on the site plan and section included as Sheets A-1.1 and A-1.4 of the Supplemental Drawings, the ground floor retail along Florida Avenue is setback from the property line by three feet in order to provide a more generous sidewalk and tree planter strip, and to create an appropriate and inviting pedestrian scale and rhythm along Florida Avenue at the ground level. As shown on the perspective image included as Sheet A-1.3 of the Supplemental Drawings, the streetscape along Florida Avenue will provide adequate light and clearance for pedestrians on the sidewalk.

In order to achieve this design, the Applicant submitted a Building Code Waiver application to DCRA for the projections along Florida Avenue. The bay window design complies with Sections 3202.10.3 and 3202.10.3.1 through 3202.10.3.4 of the Construction Code, which define and regulate width, height, projection depth, and other bay window restrictions. However, the bay window projections do not comply with Section 3202.7.1.1 of the Construction Code, which requires a minimum 15 foot clear space from the outer edge of the curb to the outer face of all projections on streets more than 90 feet wide. Section 3202.4 of the Construction Code states that the code official is authorized to grant modifications to projection requirements, so long as the code official determines the modifications are deemed in the general public interest, as defined in Section 3202.4.1. As indicated on the Building Code Waiver Form attached hereto as Exhibit C, the building code official has recently approved the building code waiver to allow for the proposed bay window projections.

Finally, as discussed at the public hearing, DDOT is in the process of finalizing the Florida Avenue Multimodal Transportation Study, which, among other initiatives, proposes to implement new public space improvements along Florida Avenue, NE. DDOT's recommended alternative for the south side of Florida Avenue, NE, adjacent to the Subject Property, is to widen the sidewalk and amenity zone. DDOT has indicated that there are funds available in its six year capital plan to complete this proposed scope of work. Therefore, upon completion of DDOT's proposed improvements to the Florida Avenue sidewalk, the pedestrian experience adjacent to the Subject Property would be further enhanced, and any resultant impacts from the proposed bay window projections would be eliminated.

### **3. LEED Certification**

As discussed at the public hearing, the Applicant commits to designing the building to include no fewer than the minimum number of points necessary to be the equivalent of a LEED Gold designation. Consistent with other recently-approved PUDs in which the Zoning Commission did not require Applicants to go through the LEED certification process (*see e.g.* Z.C. Case No. 14-14; Z.C. Case No. 14-08), the Applicant is not proposing to go through the actual LEED certification process given the significant additional costs of going through the certification process relative to the size of the proposed building and the costs of the other public benefits and amenities associated with the project.

As indicated in the memorandum attached hereto as Exhibit D and prepared by U.S. Eco Logic, the additional costs to take the project from LEED Gold equivalent to LEED Gold certification is approximately \$110,000. The additional funds include supplementary work required to be performed by the Applicant's LEED consultant, architect, MEP, and general and sub-contractors. The increased cost is a result of a variety of factors, including the certification cost with Green Business Certification Inc. ("GBCI"); energy modeling, submissions, and comments; trades training; field inspections and testing; submission, administration, and certification calls; and increased documentation and reporting from the design team, general contractor, and sub-contractors. As a result, the Applicant is committed to achieving LEED-Gold equivalent status, but does not propose to certify the building with GBCI.

### **4. Bicycle Parking**

The Commission requested that the Applicant study options for improving accessibility to the bicycle parking spaces located within the building. As a result of this comment, and as shown on Sheet A-1.2 of the Supplemental Drawings, the Applicant has incorporated a bike gutter along the stair between the ground and cellar levels for ease of bicycle access to the bicycle storage room in the cellar. The Applicant believes that the addition of the bike gutter provides another convenient option for bicyclists to access the bicycle storage room.

### **5. Color of the Building's Brick Veneer**

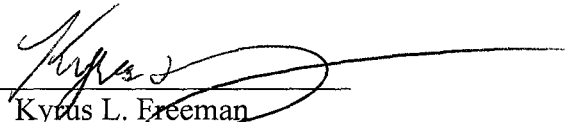
Finally, attached hereto as Sheet A-1.5 of the Supplemental Drawings is an image showing two samples of the building's proposed brick veneer. At the public hearing, Commissioner Turnbull noted that the brick material sample appeared white, but the brick shown

on the printed architectural renderings appeared grey. In order to clarify this issue, the Applicant has provided two brick samples in the Supplemental Drawings: the Light Pumice is the physical brick sample that the Applicant presented at the public hearing; the Dark Pumice is the brick coloring that best matches the renderings in the architectural drawings. The Applicant requests flexibility to use either the Light Pumice or Dark Pumice as the final brick veneer selection for the building.

Thank you for your attention to these matters. We look forward to your further consideration of this project at the March 28, 2016 public meeting.

Very truly yours,

By:



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cc: Advisory Neighborhood Commission 6C (with enclosures, Via U.S. Mail)  
Tony Goodman, Single Member District 6C06 (with enclosures, Via Email)  
Stephen Gyor, D.C. Office of Planning (with enclosures, Via Email)  
Jonathan Rogers, District Department of Transportation (with enclosures, Via Email)