

May 6, 2021

Matthew LeGrant  
 Zoning Administrator  
 Department of Consumer and Regulatory Affairs  
 matthew.legrant@dc.gov

**Re: 301-331 N Street NE – Z.C. Case No. 15-28**  
**Summary of PUD Compliance for Certificate of Occupancy**

Dear Mr. LeGrant:

This letter is submitted by Foulger-Pratt (the “**Applicant**”) and provides final information to demonstrate compliance with the conditions and requirements of Z.C. Order No. 15-28 (the “**Order**”) by summarizing the method and/or status of satisfying each condition. As this letter describes, the Applicant has satisfied all of the conditions to allow the issuance of the Certificate of Occupancy for the project, which is a multi-building mixed-use development (the “**Project**”).

The conditions of the Order and the relevant responses and descriptions of compliance are provided in the table below. Supporting documentation, as needed, is included with this letter.

Sincerely,



**Josh Etter**  
*Vice President, Development*  
**Foulger-Pratt**

<b>Condition No.</b>	<b>Requirement</b>	<b>Status/Compliance</b>	<b>Documentation</b>
1.	The Project shall be developed in accordance with the plans marked as Exhibits 13D, 21C, and 33A of the record, as modified by guidelines, conditions, and standards herein.	The Project has been constructed consistent with Building Permit No. B1800206 which is consistent with the Plans approved by the Order.	
2.	The Property shall be rezoned from the C-M-1 to the C-3-C Zone District. Pursuant to 11 DCMR § 3028.9, the change of zoning shall be effective upon the recordation of the covenant discussed in Condition No. 12.	The Property has been rezoned to C-3-C in accordance with the Order and the recordation of the covenant in the D.C. Land Records (Recordation No. 2018061814).	

3.	The Applicant shall have flexibility with the design of the PUD in the following areas...	The Project has been constructed consistent with Building Permit No. B1800206, which is consistent with the Plans approved by the Order and the flexibility permitted by this condition.	
4.a.	The Project shall provide a total of approximately 329,509 square feet of residential Gross Floor Area (“GFA”) of housing, including approximately 5,761 square feet of residential gross floor area of habitable penthouse space. Approximately 297,858 square feet of GFA of this total will be market rate housing, and approximately 26,361 square feet will be affordable housing as described in (b).	<p>The Project has been constructed consistent with Building Permit No. B1800206.</p> <p>Total project GFA is 468,576 square feet. The total residential Gross Floor Area is 336,364 square feet.</p> <p>The density deviation has been approved by the zoning administrator per email dated April 20, 2020.</p> <p>See ‘Condition 4.a’ in Sharefile link.</p>	
4.b.	The Applicant shall set aside a minimum of eight percent of 329,509 square feet of residential gross floor area as Inclusionary Zoning (“IZ”) units for the life of the project. Of the IZ units, a minimum of 13,411 square feet shall be reserved for households with incomes not exceeding 50% of the AMI. A minimum of 12,950 square feet shall be reserved for households with incomes not exceeding 80% of the AMI. All of the units reserved for households with incomes not exceeding 50% of the AMI shall be two-bedroom units except for the IZ Unit(s) resulting from the 461 square feet of gross floor area required to be set aside as a result of the habitable penthouse, which may be other unit types.	<p>The Project has been constructed consistent with the Recorded Inclusionary Development Covenant dated May 15, 2018 and recorded in the D.C. Land Records.</p> <p>Recordation No. 2019106050-26</p> <p>See ‘Condition 4.b’ in Sharefile link.</p>	

4.c.	The distribution of the affordable housing units shall be in substantial accordance with the matrix and plans marked as Exhibit 33A of the record, and substantially in accordance with the chart included in the Order.	The Project has been constructed consistent with the Recorded Inclusionary Development Covenant dated May 15, 2018 and recorded in the D.C. Land Records.  Recordation No. 2019106050-26  See 'Condition 4.c' in Sharefile link.	
5.	The Project shall be designed to attain LEED-Gold certification. The Applicant shall not be required to obtain LEED certification from the U.S. Green Building Council. Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Zoning Administrator a LEED scorecard showing that the Project will receive a sufficient amount of points to achieve LEED-Gold.	Complete - See 'Condition 5' in Sharefile link.	
6.	Prior to the issuance of an above-grade building permit for the Project, the Applicant shall contribute \$100,000 to Two Rivers Public Charter School for improvements to its building and/or property, as determined by the school. The Applicant shall provide evidence to the Zoning Administrator that the improvements for which the funds have been provided have been designed prior to the issuance of a certificate of occupancy.	Complete - See 'Condition 6' in Sharefile link.	
7.a.	The Applicant shall design and install, to a minimum cost of approximately \$100,000, a piece of interactive art in the public space adjacent to the Project. The art piece and its location shall be subject to all applicable public space approvals and permits.	Complete - See 'Condition 7.a' in Sharefile link.	
7.b.	In conjunction with the developer of the property to the north across N Street, the Applicant shall install improvements to the south side of the N Street streetscape, between 3rd and 4th Streets, consistent with the plan in Exhibit 33A. The final design of the streetscape improvements shall be subject to all applicable public space approvals and permits.	The improvements were completed in accordance with public space permit number #PA203998.	
7.c.	The Applicant shall contribute \$50,000 to the NoMA BID for the study of a new eastern entrance to the NoMA – Gallaudet Metrorail station. The Applicant shall provide evidence to the Zoning Administrator that the study for which the funds have been provided have been completed prior to the issuance of a certificate of occupancy.	Zoning Administrator stated that the condition has been satisfied in an email on March 8, 2021.  See 'Condition 7.c' in Sharefile link.	

8.	For the life of the project, the Applicant shall reserve 3,000 square feet of the Project’s retail space for “maker” uses as defined in the Order.	We agree that 3,000 sf of retail space will be reserved for Maker Space as required by PUD Order.	
9.	For the life of the project, the Applicant shall devote two parking spaces for electric car-charging spaces in the Project’s parking garage.	See ‘Condition 9’ in Sharefile link.	
10.a.	The Applicant will exceed Zoning requirements to provide bicycle parking/storage facilities at the proposed development. This includes secure parking located onsite, short-term bicycle parking around the perimeter of the site, as well as a bike service area.	The project bike storage facilities exceed the amount required. 159 spaces were required and a total of 220 bike stalls are provided.	
10.b.	The Applicant will unbundle the cost of residential parking from the cost of lease or purchase.	Confirmed - all fees, including parking, are unbundled from the cost of the lease.	
10.c.	The Applicant will price the residential parking at no less than the rate of the least expensive parking garage within one-quarter mile of the Property.	Confirmed - we are in agreement.  See ‘Condition 10.c’ in Sharefile link.	
10.d.	The Applicant will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with residents in the building to distribute and market various transportation alternatives and options.	There will be two onsite TDM Team Leaders.  <ul style="list-style-type: none"> <li>• Duaeno Dorsey – Property Manager</li> <li>• Marvin Mendonca– Leasing Consultant</li> </ul> Both can be reached at 202-991-1598	
10.e.	The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials.	Confirmed - all TDM material will be provided to new residents as part of a resident welcome package.	
10.f.	The Applicant will install Transportation Information Center Displays (electronic screens) within the residential, hotel, and office lobbies, containing real-time information related to local transportation alternatives.	Complete – See ‘Condition 10.f’ in Sharefile link.	
10.g.	The Applicant will offer each resident of the Project an annual car-share or bikeshare membership for the first three years that the residential portion of the Project is open.	Confirmed - Bikeshare will be offered. Membership information will be included in the welcome package of new residents for the first three (3) years.	

10.h.	The Applicant will install traffic management cameras at the following intersections: North Capitol Street, N.E./M Street, N.E. and Florida Avenue, N.E./3rd Street, N.E.	<p>Applicant awaiting approval of the MOU by DDOT.</p> <p>Below is an excerpt from email correspondence with Eric Walden dated April 14, 2021.</p> <p style="text-align: center;"><i>“Our legal office is currently finalizing their review, and I expect to have the MOU approved here shortly.”</i></p> <p>Plans and Equipment Submittals have all been approved by DDOT.</p> <p>See ‘Condition 10.h’ in Sharefile link.</p>	
10.i.	The Applicant will provide showers and changing facilities for hotel, office, and retail employees.	<p>Confirmed.</p> <p>The location of the facilities is consistent with the zoning order and the building permit plans</p> <p>See ‘Condition 10.i’ in Sharefile link.</p>	
10.j.	The Project will offer a direct connection between the long-term bicycle parking and each land use component in the Project.	<p>Confirmed.</p> <p>In addition to the bike facility located on the 1<sup>st</sup> floor of the Multifamily Building, there are two long term bike storage rooms located on P1 in the garage. Each land use component has access to P1.</p> <p>See ‘Condition 10.j’ in Sharefile link.</p>	
10.k.	The Applicant will dedicate two parking spaces in the Project’s parking garage for use by a car-sharing service, provided that a car-sharing service is interested in the spaces.	<p>The project has dedicated two parking spaces for a car-sharing service.</p> <p>Due to COVID-19, many car sharing services halted new operations in the DC area. The Applicant will continue to engage in conversations with car sharing services about their willingness to engage in new locations.</p>	

11.a.	The Applicant will install signage on private property for the widened alley area that states, "All retail truck traffic is prohibited from using 4th Street." One sign will be placed in the private property alley widening (rear yard of Project) near 3rd Street such that it can be viewed when entering the site. Another sign will be placed in the private property alley widening (rear yard of Project) near 4th Street such that it can be viewed by trucks exiting the Property.	Complete - See 'Condition 11.a' in Sharefile link.	
11.b.	The Applicant will include in all retail leases language that prohibits the retail tenants' delivery trucks from using 4th Street to enter or exit the alley system at the rear of the Project.	Confirmed.  All commercial leases include the following language:  <i>"...prohibits retail tenant's delivery trucks from using 4<sup>th</sup> Street to enter or exit the alley system at the rear of the Project"</i>	
12.	No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.	The covenant has been recorded in the D.C. Land Records (Recordation No. 2018061814).	
13.	The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1.	The Applicant filed a building permit application on October 12, 2017, which is consistent with this condition and 11 DCMR § 2408.13 (1958 Zoning Regulations) since the Order was appealed to the D.C. Court of Appeals. The Court of Appeals rendered a decision affirming the Order on December 13, 2018.	
14.	The Project may be constructed in up to three phases, such that (1) the renovation of the National Capital Press building may be completed before (2) construction of the two residential buildings begins, and construction of the two residential buildings may be completed before (3) construction of the hotel building begins.	Construction of the National Capital Press building and the two residential buildings have been completed. Construction of the last building is expected to begin as market conditions allow.	

15.	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 is being provided in accordance with this condition.	
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