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January 13, 2017

## **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. 16-10 – Response to Zoning Commission Comments from Proposed Action Consolidated PUD & Related Map Amendment @ Square 3588**

Dear Members of the Commission:

On behalf of EAJ 400 Florida Avenue, LLC (the “Applicant”), we hereby submit the following information and attached exhibits in response to the Zoning Commission’s vote to take proposed action on the application at its public meeting on December 12, 2016.

<b>Zoning Commission Request</b>	<b>Applicant’s Response</b>
Remove the setback relief for the penthouse at the rear.	Attached hereto as <u>Exhibit A</u> are Updated Architectural Plans and Elevations (the “Updated Plans”), which supersede all architectural drawings previously submitted to the record (Ex. 3A, 13, 17H, 27A, and 42B).  As shown on Sheets A110-111, A214-215, and A301-303 of the Updated Plans, and as fully dimensioned on the enlarged penthouse sections at Sheets A304-306 of the Updated Plans, the penthouses have been revised such that they are fully setback 1:1 from all building walls in every location. The Applicant notes that it has removed the previously-proposed guard rails and has incorporated 3’-6” parapets into the building.

ZONING COMMISSION  
District of Columbia  
CASE NO.16-10  
EXHIBIT NO.47

	<p>The Applicant provided copies of the revised roof plan to NCPC prior to its review. NCPC’s report (Ex. 47) acknowledged that the building’s penthouse “is fully set back from all exterior walls at a 1:1 ratio in full compliance with the Height of Buildings Act,” and therefore determined that “the proposed Consolidated PUD and related map amendment will not affect any federal properties, nor any other identified federal interests.” The Updated Plans also include consistency in the labeling of the hotel amenity space.</p>
<p>Revise the bay projections so that they appear as separate bays.</p>	<p>As shown on Sheets A113-114 of the Updated Plans, the Applicant revised the bay projections so that they appears as separate structures. This was accomplished by removing the metal fascia that spanned the balconies at every other floor and visually connected the two bays. The two bays are now entirely separated from each other. Renderings showing this revised façade are included as Sheets A201-202.</p>
<p>Provide details on the height of the letters for the hotel’s vertical signage.</p>	<p>As shown on Sheet A221 of the Updated Plans, the Applicant provided detailed locations and dimensions for the proposed building signage.</p>
<p>Provide an update on the Applicant’s further communications with ANC 6C.</p>	<p>The Applicant continued to work with ANC 6C following proposed action on this case. Attached hereto as <u>Exhibit B</u> is a letter dated January 4, 2017 from Commissioner Goodman, the Single Member District representative for ANC 6C06, which is located adjacent to the PUD Site. In his letter, Commissioner Goodman stated that he is “pleased with the improvements in retail, street presence, and amenities provided by the development team,” despite being disappointed with the bulk of the building and the value of the proposed public benefits.</p> <p>The Applicant notes that it increased the public benefits package following the public</p>

hearing by committing to rebuild the sidewalks and curbs and install trees on the east side of 4<sup>th</sup> Street and the west side of 5<sup>th</sup> Street, NE, from the alley to Morse Street, NE. Thus, the Applicant believes that proposed public benefits package is appropriately balanced against the degree of development incentives requested. A full list of the Applicant's proffers and corresponding conditions is included in the record at Exhibit 46.

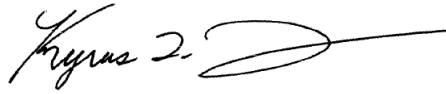
In addition, the bulk of the building is consistent with (i) the Comprehensive Plan's designations for the PUD Site as mixed-use High-Density Commercial, Medium-Density Residential, and Production, Distribution and Repair, and (ii) the Florida Avenue Market Study, which is the small area plan for land encompassing the PUD Site. *See* Office of Planning Report (Ex. 14, p. 1, 12).

Finally, the Applicant notes that ANC 5D, the ANC in which the PUD Site is located, voted unanimously to support the project. *See* ANC 5D Resolution at Ex. 26. Following submission of the ANC's resolution, Commissioner Lewis (the Single Member District Representative for the PUD Site) filed a second letter indicating that the proposed public benefits and amenities "are appropriate for the PUD and will have a significant positive impact on the surrounding community." *See* Ex. 37, p. 2. Commissioner Lewis's letter also stated that the Applicant "updated the building's design and ground floor program to respond to community feedback... [b]ased on these updates, I am satisfied that the Applicant adequately addressed the ANC's concerns and I look forward to the building being constructed as presently proposed." *Id.* at 1-2.

Based on the foregoing, the Applicant believes that it has fully addressed ANC 5D and 6C's outstanding concerns.

Based on the foregoing information, the Applicant believes that it has addressed all outstanding concerns raised by the Zoning Commission. Thank you for your continued review of this application.

Respectfully,

By: 

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cc: Advisory Neighborhood Commission 5D (with enclosures, via U.S. Mail)  
Peta-Gay Lewis, ANC 5D01 (with enclosures, via U.S. Mail)  
Tony Goodman, ANC 6C06 (with enclosures, via U.S. Mail)  
Joel Lawson, D.C. Office of Planning (with enclosures, via Hand Delivery)  
Matthew Jesick, D.C. Office of Planning (with enclosures, Via Hand Delivery)  
Jonathan Rogers, DDOT (with enclosures, Via Hand Delivery)