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Via IZIS

Zoning Commission for the  
District of Columbia  
441 4<sup>th</sup> Street, N.W., Suite 200 South  
Washington, D.C. 20001

Re: Z.C. Case No. 16-13: PUD and Related Map Amendment  
220 L Street, N.E. and 1109-1115 Congress Street, N.E.  
(Square 748, Lots 78 and 819)

Dear Members of the Commission:

On behalf of JS Congress Holdings, LLC (“Applicant”), we submit this prehearing submission in support of the planned unit development and related map amendment application in Z.C. Case No. 16-13. These materials respond to information requested by the Zoning Commission at its July 25, 2016, meeting and the Office of Planning in its report dated July 15, 2016. A hearing fee in the amount of \$11,375.00 and Form 116 (Hearing Fee Calculator) are included with this submission.

**A. Responses to Issues Raised**

1. Architectural Design of the Building

The Applicant is presently restudying several elements of the building design and preparing additional drawings to provide greater detail on building materials, landscaping and the treatment of public space. The refinements will include information on (i) the grey metal panels at the south side of the building and access to the balconies; (ii) the treatment and views of the eastern wall of the building; (iii) details and views of the penthouse habitable space areas, including sections; (iv) the gate at the north access drive-through; and (v) building signage. In

the interim, the Applicant is submitting revised drawings showing a smaller building footprint due to a reduction in the area of the alley to be closed. See Exhibit A. The reduced square footage numbers are set forth in Paragraph 5 below.

2. Penthouse Setbacks.

Both the Commission and the Office of Planning directed the Applicant to explore ways to eliminate the need for any penthouse setback relief. The Applicant is presently undertaking those studies, and will supplement the record 20 days prior to the hearing in this case. The Applicant faces significant challenges in shifting the north and east egress stairs to the interior area of the building footprint, given the narrow constraints of the site and the significant grade change of almost nine feet from the south to north property line. The corridor and orientation of the building will likely need to be reconfigured, with a potential loss in the number and efficient layout of units and the amount of PDR space. The number of parking spaces may need to be reduced, as well. Nevertheless, the Applicant is committed to finding a solution that addresses the Commission's concern and looks forward to submitting revisions that are responsive.

3. Clarification of Habitable Penthouse Space.

On July 25, 2016, the Applicant submitted drawings to the record clarifying the habitable penthouse space (see Exhibit No. 12 in Z.C. Case No. 16-13). The Applicant will further refine these drawings based on the additional comments from the Commission to explore means of complying with the penthouse setback requirements for the egress stairs, and providing a uniform height between the elevator override and the habitable penthouse space.

4. Production, Distribution and Repair ("PDR") Goals.

As noted in its application, the Applicant will provide approximately 3700 square feet of space devoted to PDR uses. The Applicant is in discussions with Union Kitchen, currently located on the west side of Congress Street, N.E., to relocate certain functions to this PUD site. Other contemplated uses include an urgent care center, a small neighborhood hardware and/or paint store, or a package distribution center (i.e., Federal Express or UPS). The Applicant will provide further details as negotiations progress with potential tenants.

5. Affordable Housing Increase

On July 25, 2016, the Applicant submitted additional information clarifying the inclusionary zoning ("IZ") requirements and the project compliance, as follows:

- Total building GFA = 60,244 sf (equates to 6.0 FAR)
- Minus PDR uses @ 3,580 sf = 56,664 sf total residential in building
- Plus 2,590 sf residential uses in penthouse
- Total Residential GFA (bdg + PH) = 59,254 sf
- TOTAL IZ REQUIRED/PROVIDED @ 8% GFA = 4,740 sf GFA

Of the 4,740 square feet of IZ space, the portion attributable to the habitable penthouse space must be set aside for low-income households earning no more than 50% of the median family income (“MFI”). Here, that equates to only 207.20 square feet of space (2,590 SF x 8%), or one small unit. In response to the Commission’s comments, however, the Applicant proposes to provide two units to low-income households. The remaining three units will be set aside for moderate-income households. The Applicant will provide additional information on the unit sizes, locations, and square footage once other designed issues for the building have been resolved.

#### 6. ANC and Community Benefits

The Applicant has engaged the single member district representative for this site of Advisory Neighborhood Commission (“ANC”) 6C in several discussions regarding the project and possible public benefits of special value to the neighborhood. The Applicant has also reached out to the NoMA Business Improvement District and the NoMA Parks Foundation, where several options for contributions have been discussed, including improvements to the park immediately south of the project site. The Applicant is continuing its discussions and will provide information on its community benefits package in its 20-day supplemental submission.

#### **B. Compliance with the Requirements of Section 3013**

In compliance with section 3013 of the Commission’s regulations, the Applicant provides the following information.

##### 1. Section 3013.1(a): Additional Information, Reports or Other Materials

The Applicant is currently coordinating with DDOT on supplemental information it requires to conduct its assessment of the project. The Applicant will update the Commission on those discussions at least 20 days in advance of the hearing and provide its traffic analysis at that time.

##### 2. Section 3013.2(b) and (c): List of Witnesses to Testify at the Hearing

The Applicant intends to call the following witnesses in support of its application:

- Mr. Bruce Baschuk, J Street Development, on behalf of JS Congress Holdings, LLC
- Ms. Jane Nelson, Nelson Architects (expert in architecture)
- Ms. Mary Marcinko, A. Morton Thomas, landscape designer
- Mr. Erwin Andres, Gorove/Slade Associates (expert in transportation engineering)

Outlines of witness testimony are attached as Exhibit B, with the resumes of those witnesses to be qualified as experts included.

3. Section 3013.1(g): Estimated Time Needed to Present Case

The Applicant expects to require 60 minutes to present its case to the Commission.

4. Section 3013.6: Property Owners with 200 Feet; Leaseholders

A list of the names and addresses of property owners within 200 feet of the PUD site is attached as Exhibit C.

**C. Conclusion**

The Applicant will further supplement its application with the information described above, including new full sets of updated drawings, 20 days prior to the hearing scheduled on this application. The Applicant looks forward to presenting these materials to the Commission in support of its application.

Respectfully submitted,

CastroHaase+Brown PLLC

By:   
Mary Carolyn Brown

cc: Jennifer Steingasser, OP (via email)  
Steve Cochran, OP (via email)  
Advisory Neighborhood Commission 6C (via email)