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September 7, 2018

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. 18-03 - Applicant's Supplemental 20-day Prehearing Filing
Consolidated PUD and Related Map Amendment
4611-4615 41st Street, NW (Square 1769, Lots 1 and 2)**

Dear Members of the Commission:

On behalf of Dancing Crab Properties, LLC (the "Applicant"), and pursuant to 11-Z DCMR § 401.5, we hereby submit this Supplemental Prehearing Statement in support of Z.C. Case No. 08-03 for a consolidated planned unit development ("PUD") and a related Zoning Map amendment for property located at 4611-4615 41st Street, NW (Square 1769, Lots 1 and 2) (the "Site").

I. Updated Architectural Plans and Elevations

As shown on the updated Architectural Plans and Elevations attached hereto as Exhibit A, the Applicant has provided the following additional materials and information:

1. Renderings showing the proposed building within its existing neighborhood context;
2. Updated public space plans showing bulb-out curb extensions ("Bulb-Outs") to the north of the PUD Site on 41st Street to shorten the pedestrian travel distance at the crosswalk and slow vehicular traffic, and a patterned and stamped concrete and/or asphalt pedestrian crosswalk on 41st Street between the Bulb-Outs. The crosswalk will be raised and/or textured to help slow traffic on 41st Street;
3. The Applicant's revised Inclusionary Zoning ("IZ") proffer, which includes a total of 3,882 square feet of gross floor area (approximately 12.7% of the building's residential gross floor area and penthouse habitable space combined) devoted to IZ units. The updated Architectural Plans and Elevations also include floor plans showing the IZ unit locations.

As shown on those sheets, two of the IZ units will be two-bedroom units, each containing 1,445 square feet of gross floor area, and one of the IZ units will be a one-bedroom unit containing 992 square feet of gross floor area.

II. Update on Public Benefits and Amenities

Since the application was set down, the Applicant has continued to refine the proposed public benefits and amenities for the project and has updated its proposed PUD proffers to include the following:

1. Inclusionary Zoning (“IZ”): The Applicant will dedicate a minimum of 3,882 square feet of gross floor area to IZ units in the building (approximately 12.7% of the building’s residential gross floor area and penthouse habitable space floor area combined), which results in three total IZ units. Two of the IZ units (2,890 square feet of gross floor area total) will be dedicated to households earning up to 60% of the Median Family Income (“MFI”) and one of the IZ units (992 square feet of gross floor area) will be dedicated to households earning up to 50% of the MFI. In contrast, the Zoning Regulations require that the Applicant dedicate a minimum of 2,301 square feet of gross floor area to households earning up to 60% of the MFI (8% of the base building’s residential gross floor area) plus 140 square feet of gross floor area to households earning up to 50% of the MFI (8% of the penthouse habitable space), which results in a total IZ requirement of 2,441 square feet. Thus, the Applicant is dedicating 1,441 square feet of gross floor area to IZ units over the amount required by the Zoning Regulations, which is a 59% increase over the amount required. In addition, two of the IZ units will have approximately 1,445 square feet of gross floor area each (approximately 1,000 net square feet) in order to provide affordable family-sized housing for District residents.
2. Public Space Improvements: Subject to approval by the District Department of Transportation (“DDOT”), the Applicant will make the following public space improvements adjacent to the PUD Site, as shown Sheets A1.0, L1.0, L1.1, L1.5, and L1.6 of Exhibit A, which will include the following:
 - a. Bulb-Outs on 41st Street to shorten the pedestrian travel distance at the crosswalk and slow vehicular traffic;
 - b. A patterned and stamped concrete or asphalt pedestrian crosswalk on 41st Street between the Bulb-Outs to help slow traffic on 41st Street; and
 - c. An enhanced streetscape design along 41st Street directly adjacent to the building’s entrance, which will include (i) a bioretention and planted area; (ii) granite pavers between the building face and the sidewalk; (iii) a widened sidewalk from six feet to eight feet made of new concrete; (iv) a new concrete area with new short-term

bicycle parking for eight bicycles; (v) building exterior light fixtures and in-ground light fixtures in public space; (vi) bar-height seating facing the sidewalk and movable tables and chairs for café seating; and (vii) bench seating at the residential entry for residents, visitors, and guests.

3. Landscape Maintenance for Reservation 503: For a period of five years following the issuance of the first Certificate of Occupancy for the project, the Applicant will maintain the landscaping approved in Z.C. Case No. 10-23, Decision No. 10, and identified as view “A” in Exhibit 36A(2) of that case, attached hereto as Exhibit B.
4. Mural: The Applicant will dedicate up to \$25,000.00 for the design and installation of a mural on the south façade of the proposed building, with the approximate location and dimensions as shown on Sheet A2.2 of Exhibit A. The Applicant will work with ANC 3E to select the subject matter and artist of the mural, and will ensure that payment for the mural’s installation is made prior to the issuance of the first Certificate of Occupancy for the project.
5. LEED Gold Certification: The Applicant will construct the project to be certified under LEED Gold v4.
6. Solar: The Applicant will install a minimum of 640 square feet of solar panels on top of the building’s penthouse, as shown on Sheet A1.8 of Exhibit A.
7. Electric Vehicle (“EV”) and Car-share Parking: The Applicant will provide two EV charging stations within the building’s parking garage and will offer two of the four exterior parking spaces to a car-share company. If no agreement has been reached with a car share company for either of the two car-share parking spaces prior to the issuance of the first certificate of occupancy of the project, then the Applicant will host a transportation event for residents and employees of the project within the first year following the issuance of the first certificate of occupancy.
8. Contribution to Friendship Place: The Applicant will contribute \$35,000.00 to Friendship Place to make improvements needed as a result of leaking and flooding in their basement, including but not limited to, installing new pipes, waterproofing the basement’s foundation, installing additional landscaping that would keep water away from the building and its foundation, and replacing the building’s front and side doors.
9. Restaurant Use: The Applicant will reserve a minimum of 4,971 square feet in the building dedicated for use as an eating and drinking establishment(s), as defined in 11-B DCMR § 200.2(j).

10. Public Rooftop Lounge: The Applicant will provide a rooftop lounge open to both building residents and the general public that includes an outdoor deck, tables and chairs, and technology-ready co-working space with amenities such as electric outlets and USB-ports.

III. Updated Design Flexibility Language


The Applicant requests the following areas of design flexibility, which language is consistent with the design flexibility in Z.C. Order No. 17-19 regarding building materials and exterior details, as specifically requested by the Office of Planning:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
2. To vary the final selection of the color of the exterior materials, within the color ranges reflected in the approved architectural drawings, without making changes to the exterior materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not substantially alter the exterior design necessary to comply with all applicable District of Columbia laws and regulations
3. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the approved Plans;
4. To make refinements to the parking configuration, including layout, number of parking spaces, and other elements, so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations;
5. To vary the location, attributes, and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division;
6. To locate retail entrances in accordance with the needs of the retail tenant(s) and to vary the façades as necessary within the general design parameters proposed for the Project and to vary the types of uses designated as “retail” use on the PUD Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j));
7. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the approved Plans and compliant with the DC signage regulations; and
8. To vary the sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below LEED Gold v.4.

The Applicant appreciates the Commission's continued review of this project. We look forward to making a full presentation at the September 27, 2018, public hearing on this application.

Sincerely,

HOLLAND & KNIGHT LLP

By: 
Kyrus L. Freeman
Jessica R. Bloomfield

Enclosures

cc: Joel Lawson, D.C. Office of Planning (with enclosures, via Email and Hand Delivery)
Crystal Myers, D.C. Office of Planning (with enclosures, via Email and Hand Delivery)
Patrick Reed, DDOT (with enclosures, via Email and Hand Delivery)
Advisory Neighborhood Commission 3E (*see* Certificate of Service)
Commissioner Greg Ehrhardt, ANC 3E01 (with enclosures, via email)
Commissioner Jonathan Bender, ANC 3E Chair (with enclosures, via email)

CERTIFICATE OF SERVICE

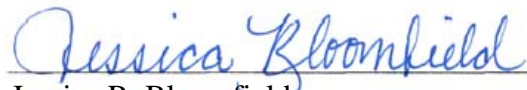
I hereby certify that on Friday, September 7, 2018, a copy of the foregoing Supplemental Prehearing Submission was served on the following via email, with hard copies sent on Monday, September 10, 2018.

Mr. Joel Lawson
D.C. Office of Planning
1100 4th Street, SW – Suite E650
Washington, D.C. 20024

VIA EMAIL AND HAND DELIVERY

Advisory Neighborhood Commission 3E
c/o Lisner Home
5425 Western Avenue NW, Suite 219
Washington, DC 20015

VIA U.S. MAIL


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