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VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: Application for Modification Without Hearing
Z.C. Order No. 20-06 et seq.
Approved First Stage and Consolidated PUD and Related Zoning Map Amendment
@ 1333 M Street SE (Square 1048-S, Lot 2)

Dear Members of the Commission:

On behalf of Felice Development Group (the “Applicant”), and with authorization from FRF Land Owner LLC, the owner of the property located at 1333 M Street SE (Lot 2 in Square 1048-S) (the “PUD Site”), we hereby submit this application for a Modification Without a Hearing to the Consolidated PUD originally approved in Z.C. Order No. 20-06 (the “Original Order”), as extended and modified by Z.C. Order Nos. 20-06A through 20-06C. The Original Order also included First-Stage PUD approval and a related Zoning Map amendment to the MU-9 zone. **However, this application pertains solely to the Consolidated PUD**, known as the East Tower, which constitutes the first phase of the approved project (the “Consolidated PUD”). *See* Z.C. Order No. 20-06, Findings of Fact Nos. 13–14.

As the Applicant’s permit plans have progressed, construction and maintenance considerations have led the Applicant to request five exterior modifications to the approved Consolidated PUD, which are listed below:

1. the private street proposed between the East Tower and the West Tower in Phase II of the project;
2. the walkway from M Street SE along the east side of the East Tower;
3. the penthouse configuration and design;
4. the materials for the enclosed projecting balconies; and
5. the finish for the site walls enclosing the planters and bio retention planters.

Attached hereto as Exhibit A are the proposed plans showing the above-requested changes to the Consolidated PUD (the “Modified Plans”). Updated development data and zoning calculations are provided on Sheets 2 and 3 of the Modified Plans. A detailed explanation of each proposed modification is provided in Section III below.

Attached hereto as Exhibit B are authorization letters from the Applicant and the owner of the Property authorizing Holland & Knight LLP to file and process this application. Exhibit C contains the Zoning Commission Form 100 – Application Signature Page. The required filing fee of \$520.00 will be submitted to the Office of Zoning under separate cover upon filing.

Exhibits D through G include all the prior orders issued by the Zoning Commission related to this case. This application is properly reviewed as a Modification Without Hearing pursuant to Subtitle Z § 703.6 because the “impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.”

Pursuant to Subtitle Z § 703.13, a request for a Modification Without Hearing shall be filed with the Office of Zoning at least 35 days prior to the public meeting at which the request is to be considered. Consistent with this required timeframe, the Applicant respectfully requests that the application be placed on the agenda for the Commission’s July 10, 2025, public meeting, which is more than 35 days from the date of this filing.

I. Overview of the PUD Site and the Approved PUD

The PUD Site is a triangular-shaped parcel known as Lot 2 in Square 1048-S, comprising 127,495 square feet of land area. The site includes two theoretical building lots: Theoretical Lot 1, containing 112,665 square feet, and Theoretical Lot 2, containing 14,830 square feet. Theoretical Lot 1 will be improved with a single building consisting of two towers. The East Tower, to be constructed as Phase I of the PUD, was approved as part of the Consolidated PUD and is the subject of this modification request.

Pursuant to Z.C. Order No. 20-06B, which approved the updated development program governing the PUD Site, the East Tower is approved for up to 516 residential units, 23,378 square feet of non-residential uses, and 222 parking spaces. The West Tower, approved under the First-Stage PUD, includes 288 residential units, 9,971 square feet of non-residential uses, and 68 parking spaces. Theoretical Lot 2, also approved under the First-Stage PUD, is planned for a mixed-use building with 75 residential units, 1,904 square feet of non-residential uses, and 14 parking spaces.

The PUD Site located in the Southeast Quadrant of the District and is bordered by M Street to the north, the unimproved right-of-way for Virginia Avenue to the southwest, and the right-of-way for Water Street to the southeast. The majority of the PUD Site is unimproved, although it currently contains fuel pump storage facilities, as well as paved and gravel parking areas. Freight rail tracks separate the PUD Site from Capitol Hill residential neighborhoods to the north. Other uses in the surrounding area include the District Yacht Club (part of the Historic Boathouse Row) and the Maritime Plaza Development, which consists of two five-story office buildings.

Pursuant to the time extension granted in Z.C. Order No. 20-06C, the deadline to file the building permit application for the Consolidated PUD was April 23, 2025, and construction must commence no later than April 23, 2026.

II. Prior Zoning Commission Approvals

The prior approvals for the PUD Site are summarized below (*see* Exhibits D through G):

- **Z.C. Order No. 20-06.** Pursuant to Z.C. Order No. 20-06, dated November 19, 2020, and effective April 23, 2021 (defined above as the “Original Order”), the Commission approved: (i) a Consolidated PUD for Phase I of the project—i.e., the East Tower; (ii) a First-Stage PUD for Phase II; and (iii) a related map amendment to rezone the PUD Site from the PDR-4 zone to the MU-9 zone. The Original Order authorized a new mixed-use development with approximately 900 market-rate and affordable residential units and 44,092 square feet of gross floor area (“GFA”) devoted to non-residential uses. The approved PUD includes several public benefits and amenities under Subtitle X § 305.5, including housing and affordable housing, transportation and public space improvements, environmental and sustainability measures, and new open space. At least 12% of the residential GFA will be reserved for households earning 60% (low-income) and 50% (very low-income) of the Median Family Income.
- **Z.C. Order No. 20-06A.** Pursuant to Z.C. Order No. 20-06A, dated September 8, 2022, and effective October 7, 2022, the Commission approved the Applicant’s request for a technical correction to Finding of Fact No. 31 of the Original Order. Specifically, the corrections addressed the GFA, density, loading requirements, and number of residential units attributed to the East Tower and the West Tower.
- **Z.C. Case No. 20-06B.** Pursuant to Z.C. Order No. 20-06B, dated December 15, 2022, and effective April 7, 2023, the Commission approved a Modification of Consequence to the PUD. The modifications included adjustments to the theoretical lot boundaries and revisions to the development program, including an increase to on-site vehicle parking. To offset the additional parking, the Applicant committed to enhanced transportation mitigation measures and was granted flexibility to reduce the number of vehicle parking spaces without seeking a further modification. **Z.C. Order No. 20-06B establishes the most updated development program for the Consolidated PUD.**
- **Z.C. Order No. 20-06C.** Pursuant to Z.C. Order No. 20-06C, dated January 26, 2023, and effective April 28, 2023, the Commission granted a two-year extension of the approved PUD. As a result, the deadline to file a building permit application for the Consolidated PUD is now April 23, 2025, and construction of the Consolidated PUD must commence by April 23, 2026.

III. Proposed Modifications to Consolidated PUD

As noted above, the Modified Plans submitted herewith as Exhibit A show the proposed design-related changes to the Consolidated PUD. Updated development data and zoning calculations are provided on Sheets 2 and 3 of the Modified Plans. A summary of the key design and construction changes is provided in the sections below. **To memorialize the requested modifications, the attached Addendum includes a proposed revision to Decision No. A.1 for inclusion in the final order, should the Commission approve this application.**

A. Private Street Redesigned as Woonerf

The approved PUD was designed with a private street located along the western boundary of the Consolidated PUD. After three Preliminary Design Review (PDRM) meetings with the District Department of Transportation, it was recommended that the street be redesigned as a Woonerf to address challenges related to grading and the installation of utility, drainage, and stormwater infrastructure resulting from the elevation change between M Street and Virginia Avenue. Similar to The Wharf and other projects in the District, the proposed Woonerf will be designed with special pavement to create a less formal shared zone for pedestrian circulation and building service. The design is intended to have a more human scale, inviting foot traffic from M Street down to the grand stair at the base of Virginia Avenue, providing access to the retail promenade and the riverfront. By prioritizing pedestrians while still allowing limited vehicular use, the Woonerf enhances safety, fosters a more engaging public realm, and contributes to the overall walkability and connectivity of the site. **The proposed Woonerf concept is shown on Sheet 5 of the Modified Plans.**

B. Elevated Catwalk & Stair Becomes Stair on Grade

The Consolidated PUD includes a publicly accessible elevated catwalk along the east side of the East Tower, extending from M Street down to the promenade level. While conceptually innovative, the proposed catwalk would have been located directly above a bioretention planter, raising concerns related to long-term maintenance and pedestrian safety. To address these issues, the Applicant proposes replacing the catwalk with a grand stair. The grand stair preserves a key public amenity of the Consolidated PUD—pedestrian connectivity between M Street and Virginia Avenue—while enhancing the experience of movement through the site. At the top of the staircase, framed views toward the river will be integrated into the landscape design. As pedestrians descend, the gradual reveal of the river vista will create a dynamic and visually engaging approach to the retail promenade. **The proposed grand stair design is shown on Sheet 5 of the Modified Plans.**

C. Penthouse and Rooftop Configuration and Design Adjustments

As the permit plans for the Consolidated PUD evolved, the penthouse roof slab was lowered to accommodate rooftop mechanical equipment that was taller than originally anticipated. The mechanical equipment will be screened with louvers designed to match the metal panel cladding on the penthouse walls, ensuring visual cohesion. This adjustment resulted in a lowered glazing head height at the penthouse exterior walls, prompting a revised glazing configuration to maintain balanced proportions. To further respond to the reproportioned façade, a second cladding

material—wood-look siding at the balcony surrounds—was introduced to add warmth and visual depth. Minor landscape refinements were also made, particularly around the pool terrace, which was reconfigured to improve view corridors and better align with the building’s massing geometry. **The revised roof plan showing the pool area is shown on Sheet 5 of the Modified Plans, and the updated penthouse elevations are reflected on Sheets 6, 7, 9, and 10 of the Modified Plans.**

D. Balcony Handrail Material Revision

The architect proposes to revise the handrail material within the enclosed projecting balconies on the south façade, replacing the originally approved glass with metal mesh. This revised design matches the handrail treatment used on the other façades of the building and was prompted by two key considerations: (1) constructability challenges associated with detailing around post-tensioning tendon pockets at the balcony slab edge; and (2) the need to comply with updated migratory wildlife regulations. **These changes to the balcony handrails are reflected on Sheet 10 of the Modified Plans.**

E. Site Wall Finish Revision for Landscape Integration

The site walls enclosing the planted areas and bioretention planters along the south side of the building have been revised from a red brick finish to a concrete finish. This updated material selection better aligns with the overall aesthetic of the landscape design and contributes to a more cohesive visual language. In addition to the aesthetic improvement, the concrete finish allows for a thinner wall assembly, which increases the available space for plantings within the planters. This refinement enhances the intended softening effect of the promenade through increased vegetation and softscape. **A comparison of the approved and proposed finishes is shown on Sheets 13 and 14 of the Modified Plans.**

IV. Ongoing Compliance with PUD Evaluation Standards

As detailed above, the proposed modifications to the approved Consolidated PUD are limited in scope and pertain to architectural elements and design- and maintenance-related aspects of the East Tower. These changes do not affect the Commission’s original findings at the time of approval, nor do they alter the PUD’s continued compliance with the evaluation standards set forth in Subtitle X §§ 304.3 and 304.4. The PUD remains not inconsistent with the Comprehensive Plan Maps, the Lower Anacostia Waterfront/Near Southwest Area Element, or the citywide elements. The modifications also will not result in unacceptable impacts on the surrounding area and will continue to deliver the public benefits and amenities previously recognized by the Commission. *See Z.C. Order No. 20-06, Conclusions of Law Nos. 9–27.*

V. Application Properly Filed as a Modification Without Hearing

The term “Modification Without Hearing” is a “modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a *redesign or relocation of architectural elements and open spaces* from the final design approved by the Commission. Determination that a modification can be approved without witness

testimony is within the Commission's discretion. A request to add or change a zoning map designation to an approved planned unit development shall not be considered without a hearing." 11-Z DCMR § 703.6 (emphasis added). In this case, the Applicant proposes to redesign certain architectural elements and the private street in response to certain construction or maintenance issues that have emerged as the permit plans for the project have progressed. Accordingly, the application is properly filed as a Modification Without Hearing.

Pursuant to Subtitle Z § 703.10, a request for a Modification Without Hearing must be served on all parties to the original proceeding, as well as the Office of Planning ("OP"), at the time the request is filed with the Office of Zoning. The only party to the original proceeding was Advisory Neighborhood Commission ("ANC") 6B. As reflected in the Certificate of Service attached hereto, the Applicant is serving a copy of this application on both OP and ANC 6B concurrently with its filing.

VI. Conclusion

The proposed modifications do not change or impact of the public benefits and project amenities that were evaluated by the Zoning Commission in its review or approval of the PUD, nor do they impact the development program for the approved PUD. Therefore, the Applicant respectfully requests that the Zoning Commission approves the modifications without a hearing.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Leila Jackson Batties
Leila M. Jackson Batties
Christopher S. Cohen

Addendum and Exhibits

cc: Certificate of Service

ADDENDUM

To effectuate the proposed modifications in this application, the Applicant proposes the following revision to Decision No. A.1 (deletions shown in ~~**bold/strikethrough**~~; additions in **bold/underline**). All other conditions in Z.C. Order No. 20-06, as extended and modified by Z.C. Order Nos. 20-06A through 20-06C, remain unchanged and in effect:

A. PROJECT DEVELOPMENT

1. The approved project (the “Approved PUD”) shall be developed in accordance with the following plans and as modified by the guidelines, conditions, and standards herein:
...
 - The Consolidated PUD plans dated November 19, 2020, and marked as Ex. 79A1-79C of the record for Z.C. Case No. 20-06 except as modified by the plans dated September 7, 2022, and marked as Ex. 3C1-3C5 of the record for Z.C. Case No. 20-06B, ~~and as further modified~~ by the Proposed Sheets marked as Ex. 15B-15C of the record for Z.C. Case No. 20-06B, **and as further modified by the plans titled “East Tower” dated May 15, 2025, marked as Ex. [#] of the case record for Z.C Case No. 20-06D** (collectively, the “Approved Plans”).

Certificate of Service

I hereby certify that on May 27, 2025, a copy of the Applicant's request for a Modification Without Hearing to the Planned Unit Development (PUD) originally approved pursuant to Z.C. Order No. 20-06, and subsequently extended and modified pursuant to Z.C. Order Nos. 20-06A through 20-06C, was served via e-mail on the following:

D.C. Office of Planning

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Advisory Neighborhood Commission 6B

c/o Commissioner Edward Ryder, Chair and SMD 6B08

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