

# Holland & Knight

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December 22, 2014

## Via IZIS and Hand Delivery

Zoning Commission for  
The District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 210-S  
Washington, DC 20001

**RE: ZC Case No. 13-12 / 1333 M Street, SE LLC / First Stage PUD and Related Map Amendment and Consolidated PUD for Phase I Post Hearing Submission**

Dear Members of the Commission:

The information herein and the attached documents are submitted on behalf of 1333 M Street, SE, LLC (the "Applicant") as requested by the Zoning commission during the public hearing on December 1, 2014, for ZC Case No. 13-12.

- A. **FAR Calculations.** The Commission requested the FAR for the project including in the calculation the area for the private road extending between M Street and Virginia Avenue, and also excluding from the calculation the area for the private road. The FAR, including the area for the private road is 4.14; the FAR excluding the area for the private road is 4.49.
- B. **Floor Area for Penthouse.** The Commission requested the amount of floor area for the accessory use in the penthouse. For Building 1 –Tower A, the space consists of 3,187 square feet; for Building 1 –Tower B, the space consists of 1,336 square feet; for Building 2, the space consists of 1,508 square feet; and for Building 3, the space consists of 348 square feet.
- C. **"Boathouse Row" Marker.** The Commission agreed to consider alternatives to the "Boathouse Row" marker at top of the Phase 1 building. The revised drawings for this element are attached as **Exhibit A.**
- D. **Phasing for Project.** The Zoning Commission requested details about the proposed phasing for the development of the project. The Applicant proposes to develop the project as follows:

Phase 1: The Applicant will file for a building permit for Phase 1 within 2 years of the final PUD approval and commence construction within 3 years of the final PUD approval.

Phase 2: Within one year of obtaining the certificate of occupancy for the tower in Phase 1, the Applicant will file an application for consolidated review and approval of Phase 2. The Applicant will file an application for building permit for Phase 2 within one year of the final PUD approval for Phase 2.

Phase 3: Within one year of obtaining the certificate of occupancy for the tower in Phase 2, the Applicant will file an application for consolidated review and approval of Phase 3. The Applicant will file an application for building permit for Phase 3 within one year of the final PUD approval for Phase 3.

Phase 4: Within one year of obtaining the certificate of occupancy for the tower in Phase 3, the Applicant will file an application for consolidated review and approval of Phase 4. The Applicant will file an application for building permit for Phase 4 within one year of the final PUD approval for Phase 4.

E. **Expansion of TDM Proffer.** The Zoning Commission requested that the Applicant consider expanding its proffer of bike and car share membership services for residents of the project, in light of the DDOT report. The Applicant agrees to expand this proffer such that each residential unit will be provided with either a one-year Capital BikeShare membership or a one-year car share membership each time a residential unit turns over, for a period of 5 years from the certificate of occupancy for the Phase 1 building. Additionally, the Applicant agrees to fund the installation of a Capital BikeShare station plus one year of operating expenses. The estimated value of this amenity is \$75,000.

F. **Roof Plan Design and Lighting.** The Zoning commission requested a roof plan showing the revised penthouse setback and information on the type of lighting proposed. The revised roof plan showing the penthouse setback 17'-10" from the exterior wall of Building 1-Tower A is attached as **Exhibit B.** Examples of the type of lighting proposed for the project are shown on the sheet attached as **Exhibit C.**

G. **Rooftop Mechanical Equipment.** The Zoning Commission requested that the Applicant provide drawings showing the rooftop mechanical equipment, The drawings are attached as **Exhibit D.**

H. **DDOT Conditions.** As requested by the Zoning Commission, following is a table that shows the conditions proposed by DDOT and accepted by the Applicant.

<b>DDOT's Request</b>	<b>Applicant's Response</b>
Strengthen Loading Management Plan by providing flagger.	Agreed
Provide one year Capital Bikeshare membership to each residential unit for a period of 10 years.	Provide each residential unit either a one year Capital Bikeshare membership or one year car share membership. This amenity will be provided each time a residential unit turns over for a period of five years from certificate of occupancy for Phase 1.
Provide one year carshare membership to each residential unit for a period of 10 years.	
Unbundle parking costs from the lease or purchase	Agreed
Commit to fund the installation of a Capital Bikeshare Station plus one year of operating expenses.	Agreed (\$75,000)
Agree to a prohibition of satellite parking agreements with off-site parking providers.	Re-evaluate need for this commitment with subsequent 2 <sup>nd</sup> Stage PUD applications. This will allow both the Applicant and DDOT to make an informed decision regarding the parking based on actual demands from Phase 1.
Provide shuttle capacity at approximately 100 seats per hour at full build out, in the peak direction.	The Applicant has agreed to operate a shuttle beginning with Phase 1. At the outset of operation, the shuttle will have a minimum capacity of 18 seats (which meets the projected demand for Phase 1 plus Phase 2). Prior to Phase 2 and each subsequent phase, the Applicant will reassess the capacity to ensure that capacity can accommodate the demand.
Operate shuttles with 10 – 15 minute headways.	Agreed
Operate shuttle for a minimum of three hours during the AM and PM peak periods.	Agreed
Provide at least one 240-volt electric car charging station in each of the Bldg. 1 and Bldg. 2 garages.	Agreed
Provide car share spaces for at least two vehicles.	Agreed

I. **LEED Certification.** The Applicant agrees to fulfill or exceed LEED Silver certification for the project. As noted in the memorandum attached hereto as **Exhibit E**, the Applicant will pursue additional LEED points through the incorporation of storm water retention and treatment facilities.

J. **Updated Solar Study.** An updated solar study that includes the rooftop penthouse is attached as **Exhibit F**.

K. **Construction Management Plan.** In a Memorandum of Agreement dated November 20, 2014, the Applicant and ANC 6B agreed to the following restrictions related to construction of the project:

**Hours.** Developer, its tenants, and contractors will not engage in any construction activities, other than emergency repairs, before 7:00 a.m. and after 7 p.m. Monday - Friday, or before 8:00 a.m. and after 7:00 p.m. on Saturday. Developer and its contractors will not engage in any construction work on Sunday.

Construction Worker Parking. Developer, its tenants, and contractors will provide adequate on-site parking for construction workers during all phases of this project.

Trash Removal. Developer, or its tenants, will promptly remove all trash and construction debris from the public space located between the property line and the adjacent curb.

Community Liaison. Developer, or its tenants, will establish a Point of Contact (POC) who will serve as the Community Liaison. The POC's duties will include, but are not limited to, answering community questions regarding the project and solving issues arising from construction. The POC's contact information will be widely available throughout the community.

L. **Estimated Value of Project Benefits and Amenities.** A memo discussing the project benefits and amenities and the estimated value of same is attached as **Exhibit G.**

M. **Response to DDOE Memo.** The Applicant's response to the DDOE memo is attached as **Exhibit E.**

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila M. Jackson Batties*  
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