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February 2, 2015

Via IZIS and Hand Delivery

Zoning Commission for
The District of Columbia
441 4th 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 in connection with the proposed action taken on January 12, 2015, for ZC Case No. 13-12.

A. **Lighting Plan for Phase I Building.** The Commission requested that the Applicant submit a revised light plan for the Phase 1 building that provides only downlighting on the roof and the penthouse to minimize impacts on the adjacent neighborhood. The revised lighting plan is attached as Exhibit A.

B. **“Boathouse Row” Marker.** The Commission requested revised renderings of “Boathouse Row” marker proposed at the top of the Phase 1 building. The revised renderings are attached as Exhibit B. Please note that the Applicant studied place making signage throughout the District, including the building signage in Brookland to arrive at some suggested options that (a) clearly delineate that people have arrived at Boathouse Row and (b) are not too bold in design so as to attract too much attention from the surrounding neighborhood. In addition, there will be no lighting of the sign at night.

C. **Contribution to Anacostia Watershed Society.** In order to comply with Section 2403.6 of the Zoning Regulations, the proffer related to the Anacostia Watershed Society is revised to read as follows:

Prior to this issuance of a building permit for Phase I, the Applicant shall enter into an agreement with the Anacostia Watershed Society (“AWS”) whereby the Applicant agrees to donate \$500 to AWS on an annual basis for a period of five years. The donation shall be used to support the organization’s efforts/events to clean up the Anacostia River.

D. **Response to DDOT Recommendations.** The only outstanding DDOT issue relates to the annual Capital BikeShare or car share memberships for residents. DDOT originally recommended that the Applicant provide an annual Capital BikeShare or car share membership for each unit, every time the unit turns over, for a 10-year period to mitigate for the site's current lack of connectivity to transit. The Applicant acknowledges the current lack of connectivity to Metro and, as a result, has committed to run a shuttle from the PUD site to Metro. The shuttle will be a strong incentive to encourage residents of the project to use Metro.

Since the Zoning Commission's proposed action on the application, the Applicant and DDOT have continued to discuss their respective positions and, based on those discussions, the Applicant and DDOT have agreed to the following as it relates to the BikeShare/car share membership:

- At initial occupancy, the Applicant will 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 the date the certificate of occupancy is issued for the Phase 1 building.
- The Applicant shall submit to DDOT a study determining whether a five-year extension of the Capital BikeShare or car share membership for the Phase 1 building is warranted. The Applicant shall meet with DDOT prior to the issuance of the certificate of occupancy for the Phase 2 building to discuss the findings and assess whether the aforementioned benefit must be extended up to a period of an additional five years, but not exceeding five years. The study shall include, and determination will be based on an evaluation as to whether additional pedestrian connectivity has been provided via the Southeast Boulevard project and whether additional transit service, such as streetcar or extension of Circulator or Metrobus routes, or the like has occurred. Additional transit service must provide stops within a quarter mile of the Property and provide minimum 15 minute headways during the AM and PM peak periods.

E. **Outreach with Karen Harris.** The Applicant, through its legal counsel, has continued discussions with Ms. Karen Harris, who resides in the 1300 block of L Street. On Thursday, January 22nd, Ms. Harris and the Applicant had an extensive conversation related to the proposed PUD. As a follow up to the conversation, the Applicant forwarded to Ms. Harris, at her request, a copy of the Applicant's post-hearing submission filed on December 22.

Additionally, in order to address Ms. Harris' concerns about the demand for on-street parking generated by the PUD, the Applicant's traffic consultant confirmed with DDOT that the residents of the PUD will not be eligible to apply to DDOT for residential parking permits. This is because the development will be on M Street, which will have metered parking and, as such, will not be part of DDOT's RPP inventory.

Lastly, at Ms. Harris' request, the Applicant agrees to modify the condition pertaining to restrictions on the retail uses as follows:

Restriction on Retail Uses

The following uses, even though permitted within the C-3-C District as a matter of right or with special exception approval by the BZA, will not be permitted on the Subject Property: the sale of any pornographic material; a check-cashing establishment; a pawnbroker; a night club; national fast food chain restaurants. Notwithstanding the foregoing, the Parties agree that the ANC may recommend approval of a prospective tenant otherwise prohibited in this paragraph that the ANC believes would provide substantial value for the community. Such recommendation shall be granted by the ANC only by a formal resolution.

The Applicant will work with ANC 6B on amending the executed Memorandum of Understanding to also reflect this change.

Based on the foregoing, we remain hopeful of the Commission's final approval of the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

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Enc.

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