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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. 15-27 – Further Post-hearing Submission Materials
Consolidated PUD, First-Stage PUD, and Related Map Amendment @ Square 3587,
Lots 805, 814 and 817**

Dear Members of the Commission:

On behalf of KF Morse, LLC (the “Applicant”), we hereby submit the following materials requested by the Zoning Commission at the February 27, 2017 public meeting regarding the above-referenced case.

I. Updated Architectural Plans and Elevations

At the public meeting, the Zoning Commission requested revisions to the Architectural Plans and Elevations (previously submitted at Exhibits 61A and 72A) to clarify certain aspects of the project. In response, the Applicant submits the following updated sheets, attached hereto as Exhibit A:

A. Updated Roof Plans.

- i. As shown on Sheets 42, 43, 50-52, 52A, 53, 56, 61, 98 and 99 of Exhibit A, the Applicant updated the roof plans for the high-rise portion of Building A1 to clarify that all penthouses, penthouse overhangs, decks, and railings fully comply with the 1:1 setback requirement in all locations.¹

¹ As shown on Sheets 42-43 and 50-51 of Exhibit A, the penthouse on the high-rise portion of Building A1 has two heights: one height at 20 feet above the roof, which includes elevators, a stair tower, and communal space leading to the roof terrace, and one height at 15.5 feet, which includes communal space only. Pursuant to 11 DCMR § 411.9, enclosing walls of penthouse habitable space may be of a single different height than walls enclosing mechanical space. In this case, the first height encloses penthouse habitable space and mechanical equipment, and the second height encloses penthouse habitable space only. Should the Zoning Commission determine that zoning flexibility is needed from 11 DCMR § 411.9, then the Applicant herein requests that flexibility, which is needed in order to accommodate the elevator override height. The Applicant could theoretically increase the height of the lower portion

- ii. As shown on Sheets 42, 53.1, 53.2, 53.3 and 53A of Exhibit A, the Applicant clarified that the upper level on mid-rise portion of Building A1 is a mezzanine, as defined by the Zoning Regulations. As shown on Sheets 53.1, 53.2, 53.3 and 53A, some of the 6th floor residential units have a second story with access to a roof deck. The second story for each of those units has an area of not more than one-third of the area of that unit’s floor immediately below, thus complying with the definition of “mezzanine.” The Applicant also confirms that all of the mezzanines and associated railings fully comply with the 1:1 setback requirement in all locations.

B. **Inclusionary Zoning (“IZ”) Unit Locations**. As shown on Sheets 122-130 of Exhibit A, the Applicant reallocated the proposed locations for the IZ units in Building A1 in response to the Commission’s comment that they were too “stacked.” Consistent with the Zoning Regulations, the IZ units are not overly concentrated by tenure or type, are not concentrated on any one floor of the building, and the proportion of studio and one-bedroom IZ units does not exceed the proportion of the comparable market-rate units for each unit type. Specific changes to the IZ unit locations in Building A1 are noted below:

- i. As shown in Figure 1, the IZ units are located within 25 of the 43 total tiers of Building A1. This distribution is an increase from the prior proposal to locate the IZ units within only 16 of the 43 total tiers;
- ii. As shown in Figure 1, a maximum of four IZ units are located within any one tier of the high-rise portion of Building A1. The prior plan proposed up to six IZ units within any one tier; and
- iii. As shown in Figure 1, a majority of the IZ units are located within tiers that contain only two or one IZ units.²

Figure 1

Previous Allocation by Tier		Proposed Allocation by Tier	
IZ Units per Tier	# of Tiers with IZ Units	IZ Units per Tier	# of Tiers with IZ Units
6 Units	1	6 Units	0
5 Units	1	5 Units	0
4 Units	5	4 Units	2
3 Units	3	3 Units	3

of the penthouse, and comply with 11 DCMR § 411.9, but doing so would increase the visibility of the penthouse and call attention to the roof of the building, which is contrary to the purpose of the penthouse regulations.

² The Applicant did not reallocate the locations of the IZ units in Building B because the IZ units are already well dispersed throughout the building. Of Building B’s 20 total tiers, six tiers include IZ units, with no more than three IZ units in any one tier.

2 or fewer Units	6	2 or fewer Units	20
Total Tiers with IZ Units	16	Total Tiers with IZ Units	25

C. **Retail Signage.** In response to comments from the Commission, the Applicant made the following changes with respect to the proposed retail signage for the PUD:

- i. **Signage Type and Location.** As shown on Sheets 110-114 of Exhibit A, the Applicant has reduced and simplified the types of proposed signage to indicate the style and theme to be required of retail tenants. The signage indicated is consistent with other proposals for the Union Market area and complements the base-building architecture, blending elements of contemporary and industrial/warehouse design. The signage is further consistent with the public space elements, such as canopies and street furniture identified in the District’s proposed Union Market Streetscape Guidelines.
- ii. **Signage Guidelines for the PUD.** As shown on Sheet 105A of Exhibit A, the Applicant proposes Retail Tenant Storefront and Signage Design Guidelines (“Signage Guidelines”) for the PUD. These guidelines establish parameters for tenant signage, to be approved by the Applicant, while maintaining the flexibility to ensure that the character of the retail streets supports the Applicant’s and the District’s vision of creating a vibrant retail zones in and around Union Market. Retail tenants will be required to submit their proposed signage to the Applicant for approval prior to submitting for a sign permit. The Applicant will regulate storefront design in accordance with the Signage Guidelines to ensure all storefront designs complement and maintain the design integrity of the base building.
- iii. **Signage Locations and Size.** As shown on Sheets 106-109 and 118 of Exhibit A, the Applicant has identified locations for retail signage on the building facades. In order to achieve a vibrant and eclectic streetscape, as envisioned in the Union Market Streetscape Guidelines, the Applicant believes it is important to not be too restrictive on locations of signage. However, as noted on Sheets 106-114 of Exhibit A, all retail signage will comply with applicable D.C. Building Code requirements regarding size and area and shall not exceed two square feet per linear foot of tenant frontage. As noted above, the Signage Guidelines will further ensure the proposed sign locations maintain the base building design integrity and do not impair adjacent uses or sidewalks.

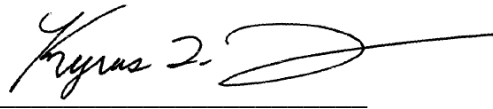
The requested flexibility on sign locations is consistent with flexibility granted for other recently-approved PUDs located in the surrounding area (*see, e.g.* Z.C. Case No. 14-07).

II. Revised Findings of Fact and Conclusions of Law

Attached hereto as Exhibit B are revised draft Findings of Fact and Conclusions of Law that further address comments from the Office of the Attorney General and the Zoning Commission. Exhibit B supersedes and replaces the draft Findings of Fact and Conclusions of Law previously submitted at Exhibit 74C.

Thank you for your attention to these matters.

Respectfully Submitted,

By: 

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