

April 12, 2016

VIA ONLINE FILING

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 15-32 – Application of 1126 9th St NW LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development and Related Zoning Map Amendment (“PUD”) for 1126 9th Street, NW (Square 369, Lot 880) (the “Property”) – Pre-Hearing Submission of the Applicant

Dear Chairman Hood and Commissioners:

Pursuant to 11 DCMR Section 3013.1, the Applicant in Zoning Commission Case No. 15-32, hereby files this pre-hearing submission for the application for a PUD. The Applicant hereby requests to be scheduled for a hearing before the Zoning Commission at the earliest opportunity.

I. Background

The Property is in the Northwest quadrant of the District of Columbia and is bounded by M Street, NW to the north and 9th Street, NW to the east. The Property is approximately 7,610 square feet, a portion of which is currently improved with a one- and two-story vacant building that fronts on 9th Street, NW and that previously contained commercial uses (the “**Existing Building**”). The remainder of the Property is an undeveloped lot. Immediately to the west of the Property is the existing Whitman Condominium, a 110 foot tall residential building, and immediately south of the Property is a single story commercial building along 9th Street, NW. An existing three-story mixed use building sits to the east and north of portions of the Property at the corner of 9th and M Streets, NW.

The Property is split between two Zone Districts. An approximately 843 square foot portion is within the DD/C-2-C Zone District and Housing Priority Area subarea “A”, and the remaining approximately 6,789 square foot portion is within the DD/C-2-A Zone District.

The DD/C-2-C Zone District permits a maximum height of 110 feet with no maximum floor area ratio (“**FAR**”) for residential uses. The DD/C-2-A Zone District permits a maximum height of 50 feet with a maximum FAR of 2.5. The related Map Amendment proposes to rezone

an approximately 6,408 square foot portion of the site from the DD/C-2-A Zone District to the DD/C-2-C Zone District and include it in Housing Priority Area “A”.

On November 30, 2015, the Applicant filed an application for a consolidated PUD and related Zoning Map amendment to permit the redevelopment of the Property. The Applicant proposes to construct a mixed-use building with upper floor residential units and office and retail uses on the ground floor (the “**Project**”). In total the Project will contain a gross floor area of approximately 40,290 gross square feet (“**GSF**”) and will have an overall FAR of approximately 5.3. The Project will create approximately 33 new residential condominium units and approximately 3,723 GSF of ground floor commercial use. The Project will have a maximum height of 100 feet. Along the 9th Street façade, the Project will step back from the street before rising to the full 100 feet, allowing the Existing Structure to be solely expressed within such setback area. Most of the Existing Building will be retained and incorporated into the Project. The Project will have a height of approximately 51 feet, eight (8) inches, with two sixth floor loft areas rising to approximately 61 feet, four (4) inches along the M Street façade. Two (2) permanent non-conforming parking spaces and loading facilities will be accessible via the alley.

II. Setdown Meeting and Responses to Requests for Additional Information

The Zoning Commission set the above-referenced application down for a public hearing at its public meeting on February 29, 2016. At the setdown meeting, the Commission requested clarification on certain items, which the Applicant has addressed in the responses below. In addition, the D.C. Office of Planning (“**OP**”) articulated requests detailed in the Memorandum from OP to the Zoning Commission dated February 19, 2016 (“**OP Report**”). OP’s requests for additional information are also addressed below.

A. Building Design and Additional Drawings

At setdown, the Commission discussed the design of the Project and requested that additional drawings and studies be provided to more fully illustrate the proposal. In response to such comments, please find the Applicant’s updated Project plans, renderings, views, and drawings package enclosed as Exhibit A (collectively, the “**Plans**”, enclosed as a separate appendix for ease of review). As shown throughout the Plans and detailed below, the Applicant integrated comments and requests for additional information from the Commission and OP.

1. Additional Project Drawings

At setdown, the Commission requested that the Applicant provide additional renderings, more detailed diagrams, and more realistic images. The Commission also requested additional drawings depicting the Project in its context and how it relates to surrounding buildings. The Plans include such enhanced renderings and drawings. In response to the Commission’s request for more detailed views of the Project, including more realistic three dimensional views from various vantage points of the Project, the Plans show the Project from three different perspectives. These views include street views, aerial building views, and three separate, more detailed elevations. Page 38a of the Plans provides an aerial view of the Project from a vantage point at the northeast corner of M and 9th Streets, NW. Pages 29-33 of the Plans are elevations from the north, east, and south, showing the Project in context. OP requested renderings showing

the Project's southern façade specifically. Page 38b of the Plans shows such a view with nearby buildings for context. In sum, these renderings provide a more realistic three-dimensional view of the Project and indicate the exemplary architecture and context-sensitive urban design employed throughout, including on the at-risk and alley facades of the Project. These additional drawings also provide a holistic view of the Project's materials and style which result in a cohesive design for a challenging infill location.

2. Street Level and Alley Views

The Zoning Commission and OP requested additional information regarding street level design, including signage. Pages 13a-13b of the Plans are responsive to such request. In addition, the OP Report indicated that the street level renderings should depict the Project's interaction with the street, and, specifically, show that along 9th Street NW transparent windows allow complete visual access to the activated interior spaces on the Project's ground floor. Transparent store front windows along 9th Street NW are depicted in the Plans at pages 13b and 39b.

The Commission requested that the Applicant provide additional information depicting the relationship between the Project and its surroundings at the ground level, including additional information on loading and circulation in the alley to the rear of the Property. Pages 07a-07b of the Plans show existing alley conditions, and Pages 13c-13d of the Plans show proposed street level conditions. Drawings shown on Pages 7a, 7b, 11, 13c, and 13d of the Plans show how users will enter into and egress from the alley and provide renderings and perspectives of the alley operations at a larger scale than previously provided.

3. Roof Planes and Railings

The Commission requested additional clarification regarding the Project's proposed roof planes, roof structure and surrounding railings. Pages 40a-40d of the Plans include renderings and plans of multiple studies of the roof structures including transparent railings, occupiable terraces, and penthouses. As shown on Pages 23 and 25 of the Plans, all railings are set back 1:1 from the relevant exterior walls.

4. Materials

The Zoning Commission and OP requested additional information about the Project's proposed materials. Such information is included in the Plans at Page 35.

The Applicant's additional study of material options and selection of its material palate, while working with the staff of the Historic Preservation Office ("HPO"), has led the Project to more suitably fit the historic Shaw neighborhood context. The Project translates the architectural character of historic masonry buildings with detailed bays and oriels into a contemporary lifestyle solution utilizing similar materials, but creating a modern appeal using masonry with bays and oriels. The Project's masonry is a lighter shade of warm grey with bays that are framed in metal panels designed to evoke the feeling of a steel structure. This masonry façade is complemented by infill panels of wood finished aluminum to retain a residential character to the modern design. At the time of filing this statement, the materials have been approved by the

Community Development Committee of ANC 2F (and the meeting with the full ANC is to come shortly).

The material palette for the Project is:

- a. Face Brick: manufactured by Glen Gary, dark grey, wire cut with mating grey mortar.
- b. Bent aluminum fascia and soffit: manufactured by Peterson aluminum corp., matte black.
- c. Aluminum siding: manufactured by Longboard, 6-inch aluminum siding, cordoba cherry wood grain finish.
- d. Windows: UPVC window, dark bronze finish.

In addition, as requested by the Commission, the Applicant will prepare a materials board for presentation at the hearing.

B. Roof and Penthouse Plans and Penthouse Setback Special Exception Flexibility

At setdown, the Commission and OP requested additional clarity on the Applicant's proposed roof plans and penthouse. In response to such request, the Applicant hereby provides additional diagrams and plans depicting the Project's proposed penthouse design and further information regarding the requested special exception relief from the recently-effectuated penthouse setback requirements of Section 411.18 of the Zoning Regulations.

The Applicant has focused a great deal of attention on the activation and use of the Project's roof planes. In addition to weaving green area and sustainable design features throughout these areas, the Applicant intends for such spaces to encourage use by the Project's residents and their guests. As shown on Pages 40a-40d of the Plans, these areas will feature thoughtful plantings and greenery intended to integrate with the Project's overall aesthetic. In total, green roof elements comprise approximately 4,560 square feet (or 72 percent) of the overall roof area.

1. Additional Images of Roof Planes and Penthouse

As noted above, additional renderings and views depicting the proposed roof planes and penthouse are attached as Pages 40a-40d of the Plans. Elevations depicting the proposed roof planes and penthouse are attached as Pages 29-33 of the Plans. Additional section views showing the proposed roof planes and penthouse are attached as Pages 27-28 of the Plans.

2. Special Exception Flexibility for Penthouse Setback

In order to make meaningful use of the upper roof planes while simultaneously minimizing visibility of the proposed penthouse from the streets surrounding the Project, the Project's proposed penthouse is located as far away from 9th Street as possible. Under Section 411.18 of the Zoning Regulations, the penthouse located on the upper roof plane (the

“Penthouse”) must be setback from four sides of the upper roof plane. As shown on Pages 26a-26c of the Plans, the Penthouse is proposed not to have any setback from three of the Project’s exterior building faces where setbacks would otherwise be required. The Penthouse therefore requires special exception flexibility.

Under Sections 411.11 and 3104 of the Zoning Regulations, a penthouse may deviate from the design requirements of Section 411.18 pursuant to a special exception provided the special exception conditions of Section 411.11 are satisfied. The Zoning Commission may grant such special exception relief as part of a PUD application pursuant to Section 2405.7.

The Penthouse satisfies the special exception conditions of Section 411.11, and the Applicant respectfully requests the Zoning Commission grant special exception flexibility to allow the Penthouse to deviate from the setback requirements as shown on Page 26b of the Plans.

When read in conjunction with Section 2405.7, Section 411.11 of the Zoning Regulations provides that the Zoning Commission may grant a special exception under from the requirements of Section 411.18 upon a showing that:

- (a) Operating difficulties, such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly, or unreasonable;
- (b) The intent and purpose of this chapter and this title will not be materially impaired by the structure; and
- (c) The light and air of adjacent buildings will not be affected adversely.

As set forth below, the proposed design of the Penthouse satisfies each of these three special exception conditions.

- a. *Full compliance with the setback requirements for penthouses would be unduly restrictive and unreasonable because of the size of building lot and/or other conditions relating to the building or surrounding area.*

The irregular shape, narrow width, and overall small size of the Property would require any fully compliant penthouse to be unusably small, thereby making strict compliance with the penthouse setback requirements unduly restrictive and unreasonable. These characteristics were amplified by the desire to maintain open space behind the Whitman Condominium – an unusual condition successfully achieved by this proposal. As noted above, the Project is divided into separate vertical masses in order to fit on the irregularly shaped, narrow and small lot. As a result, the Project has multiple roof planes, each of which has a relatively small overall area. The irregular shape, narrow width, and total area of the Property leave just 184 square feet of the upper roof plane available for a compliant penthouse.

Other conditions of the building and surrounding area also make the setback requirements for penthouses unduly restrictive and unreasonable. One of the principal drivers of the location the roof penthouse is the location of four skylights in the existing historic building. The Historic Preservation Review Board (“**HPRB**”) and the HPO specifically identified the skylights as key historic elements of the existing historic building to be retained as part of the Project. The location of these skylights dictates the location of the stair and elevator core.

Neighborhood urban design factors also compel the proposed location of the penthouse. For instance, the low, historic character of the existing buildings along 9th Street necessitates shifting the Project’s density away from the 9th Street commercial corridor. Likewise, the residential character of M Street demands that the highest points of the Project be situated away from that street. To address the urban design condition of both 9th and M Streets, the Project’s highest points are shifted toward the interior of the block. As a result, the Penthouse is proposed to have no setbacks towards the interior of the block. Complying with the penthouse setback requirements along the side building walls at the interior of the block would render the Penthouse unreasonably small. Such a penthouse footprint would be so small that even one elevator shaft and one stairwell would not be able to fit within such area.

Further, if the Project’s elevator and stairwell were pushed into the middle of the taller building element, the efficiency of the floors within such element would be so low as to render those floors unbuildable. Only a narrow band of usable space would remain around such building core and such space would not be conducive for residential units (or any other type of use).

In addition, if the roof plane was not able to be accessed by elevators and stairwells, which comprise the entirety of the Penthouse, it would not be usable for the Project’s tenants and guests, nor would it be accessible under the Americans with Disabilities Act.

The location of the penthouse has benefits for neighboring buildings because the proposed location allowed the Applicant’s and its design team to design the Project so that it minimizes the blocking of views from the upper level units of the adjacent Whitman building.

b. *The Penthouse will not materially impair the intent and purpose of the Zoning Regulations.*

The requested special exception for the Penthouse will not materially impair the intent and purpose of the Zoning Regulations because the requested relief does not contradict any policy objectives of the Zoning Regulations. Policy objectives of the penthouse setback requirements include minimizing a building’s apparent mass from the street, ensuring compliance with neighborhood urban design objectives, and limiting interference with light and air to nearby buildings.

The Penthouse setback relief does not impair the purpose of the Zoning Regulations with respect to the Project’s view from the public realm because the Penthouse will be set back farther from the front building wall than is required. The setback relief is consistent with the objectives of the Zoning Regulations regarding height and density along both the 9th Street and M Street

corridors and in the Shaw Historic District. Indeed, the setback relief was part of the Project's overall approval by HPRB.

c. The Penthouse will not adversely affect the light and air of adjacent buildings.

The setback relief will not adversely affect light and air to nearby buildings. To that end, the penthouse will not block the light and air of the adjacent Whitman Condominium building. Further, the penthouse is not located immediately adjacent to any other structure.

As noted above, the Project is divided into multiple vertical masses, and the Penthouse is located on a mass at the interior of the Property. As a result, the Penthouse is along a property line for only a small portion of the Penthouse. That is, while the Penthouse would not be set back from the side building wall, it would be set back from the lot line for much of the proposed roof structure. Overall, the Project as designed will allow more light and air to penetrate into the interior of the block than would a project that is otherwise matter-of-right with respect to height and density.

For the reasons above, the Penthouse satisfies the conditions necessary for the Zoning Commission to grant a special exception flexibility from the setback requirements.

C. Court Dimensional Relief

The Commission and OP Report requested additional clarification regarding the Project's courts and the related flexibility requested. Pages 41a and 41b of the Plans provide additional views and drawings of these courts.

1. Further Information Regarding the Closed Courts

The Project's courts advance functional and aesthetic objectives. The Project borders existing buildings on four sides and has an unusual T-shaped configuration that limits flexibility of residential unit layout. In order to allow daylight to penetrate into certain lower-level interior units of the Project, the Project introduces a pair of closed courts to functionally serve as light wells. These two closed courts serve an important function and are as large as possible relative to the layout constraints imposed on the unit floorplans. Given the tensions between light penetration, floorplate demands, and the Property's dimensions and surrounding conditions, the size of the courts offers an overall superior functionality and efficiency relative to what could be achieved with larger courts. However, the two courts do not comply with the minimum dimensions of the Zoning Regulations.

Aesthetically, to the extent they are or will be seen, the courts contribute to articulating the façades along the lot line shared with the adjacent historic building, allow for enhanced visual interest, and enliven such spaces. The dimensions of the proposed courts are consistent with the bays and other design articulation endemic to the historic Shaw neighborhood. In this way, the proposed courts are sympathetic to the Project's design context.

2. Flexibility for Two Closed Courts

Pursuant to Section 2405.5 of the Zoning Regulations, the Zoning Commission may, pursuant to a PUD, authorize a project with one or more courts that do not comply with the Zoning Regulations. Although the Zoning Regulations do not require the Zoning Commission to apply the variance standard when considering flexibility for a court under a PUD application, the Project nonetheless satisfies such standard. The Project's compliance with the variance standard for court relief is additional justification for approving the proposed courts as designed.

The Zoning Regulations require closed courts for non-residential uses to be no less than twelve (12) feet wide (and 250 square feet in area) and courts for residential uses no less than fifteen (15) feet wide (and 350 square feet in area). Two of the Project's three courts would not satisfy these requirements and would be nine (9) feet wide (and 108 square feet in area). As a result, the Applicant seeks relief to vary the requirements of the Zoning Regulations to allow the courts as proposed.

In order to meet the standard for area variance relief: (a) the property must be affected by an exceptional or extraordinary situation or condition, (b) the strict application of the Zoning Regulations be demonstrated to result in a practical difficulty, and (c) the granting of the variance must not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan. Palmer v. D.C. Bd. of Zoning Adj., 287 A.2d 535, 541 (D.C. 1972). The Project satisfies each of these three conditions for the requested court relief.

a. The Property is affected by an exceptional or extraordinary situation or condition

The presence of exceptional or extraordinary situations or conditions may arise from a confluence of factors that tend to affect the property only (rather than the neighborhood generally), although the factors needed not be unreservedly unique to the subject property. Conditions affecting the Property are exceptional and satisfy this standard.

As noted above, the Property is irregularly L-shaped, narrow in width, and relatively small. It is also bounded on three sides by existing buildings, each of which are built to the lot line, and two of which are contributing to the Historic District in which the Property is located. In addition, the Property contains a contributing historic structure that will be retained and integrated into the Project. These factors are not general conditions of the neighborhood, but present a confluence of factors that are unique to the Property, all of which factors constrain the ability to construct viable floorplates on the Property. The Property therefore satisfies the exception or extraordinary condition prong of the variance test.

b. The strict application of the Zoning Regulations would demonstrably result in a practical difficulty

The strict application of the court dimension requirements of the Zoning Regulations would create unnecessarily burdensome practical difficulties on the Project. The Project could not provide sufficiently sized units if it strictly complied with the court dimension requirements.

The Project confronts a number of dimensional challenges in providing units that have marketably efficient layouts and dimensions. Increasing the dimensions of the courts to comply fully with the Zoning Regulations would make it unnecessarily burdensome for the Project to provide an adequate number of residential units of marketable size. The Applicant seeks no more relief from the court requirements than is necessary to provide efficient floorplans in the residential units. Therefore, the Project satisfies the “practical difficulty” prong of the variance test.

c. The granting of the court relief does not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan

Finally, the granting of the relief must not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan for the Zone District in which the Property is located.

The requested court relief is largely interior to the Project and does not have any implications for the public space adjacent to the Project or to adjacent buildings. Therefore, there is no detriment to the public good. By avoiding impacts to the public realm and adjacent buildings, the court relief also would not impair the intent, purpose or integrity of the Zone Plan. Indeed, in part as a result of the court relief, the Project will provide much-needed housing, including affordable housing, in a portion of the District that is desperate for additional housing supply, thereby contributing to the public good. The Project’s overall high-quality architecture and urban design are consistent with the intent and purpose of the Zone Plan. Therefore, the relief requested satisfies this third prong of the variance test. Further, the courts have no adverse impact on the light or air of adjacent properties. In fact, the courts introduce the opportunity for adjacent parcels to have access to light and air that they would not otherwise have been able to access.

The two smaller-than-required closed courts should be authorized as proposed because the design of such courts permits the Project to proceed with functionally efficient floor plans and because the Project otherwise satisfies the variance standard to proceed with such smaller court dimensions.

D. Public Benefits and Project Amenities

The Commission and OP requested that the Applicant provide further information regarding the Project’s benefits and amenities. The Applicant studied the Project’s benefits and amenities package for opportunities for enhancement as detailed below.

1. Affordable and Workforce Housing

The Commission and OP requested study of the Project’s provision of affordable and workforce housing. The Applicant studied its ability to furnish additional affordable housing in light of the significant costs associated with this modest Project. After such study, the Applicant proposes to provide two (2) units totaling four percent (4%) of the Project’s total gross floor area (equivalent to five percent (5%) of the Project’s total net square footage) as affordable and workforce housing. More specifically, the Applicant proposes to set aside: (i) two percent (2%)

of the residential component gross floor area (one unit) of the Project for households earning no more than 50% of the Washington, DC Area Median Income (“AMI”), and (ii) two percent (2%) of the residential component (one unit) of the Project for households earning between 80%-120% of AMI (i.e., workforce housing). Therefore, a total of four percent (4%) of the Project’s residential component will be set aside as affordable and workforce housing for the life of the Project. The Applicant lowered the affordability level for the 50% AMI unit from 80% AMI for the 50% AMI unit described above. Such reduction represents a substantial cost to a project of this small size, particularly when the totality of the costs associated with the Project is considered.

These units will be distributed on different floors of the Project and will match the Project’s unit mix. The units will be made available on a for-sale basis and will be subject to the District’s controls on future transfer of income-restricted for-sale units.

The Applicant notes that, because this Property is located in the DD Overlay, the Property is completely excluded from the IZ program. Therefore, the offering of this public benefit is of significant value to the District and public at large, particularly at this location. In addition, the provision of housing at all at this location is considered a benefit to the District, since the application includes the Property as part of Housing Priority Area A.

2. Additional Information on the Benefits and Amenities Package

The Applicant has further discussed with ANC 2F making contributions to various community initiatives in the vicinity of the Property. After such discussions, and in cooperation with commissioners of ANC 2F, the Applicant has committed to contribute a total of \$12,500 to the following: Friends of Gompers Park for improvements to the irrigation system, Friends of 10th Street Park for various improvements to the park itself (as will be further defined by ANC 2F prior to the hearing), or the Armstrong School Parent Teachers Association for a potential new roof garden project. Such contribution will be allocated among these three recipients for the enumerated purposes, and only among these three recipients for the enumerated purposes, at the direction of ANC 2F.

The Applicant has met with DOEE and understands their interest in the project attaining LEED Gold. Subsequent to meeting with DOEE, the Applicant has worked diligently with all members of the design team and the General Contractor to commit to achieving 2009 LEED Gold standards.

As discussed below, in addition, the Applicant notes that the Green Area Ratio for the Project will be 0.318. Such amount exceeds the 0.3 GAR required under Section 3401. Therefore, the sustainable approach of the Project, as detailed more fully below, is a public benefit.

The Applicant will provide additional information regarding the benefits and amenities to the Commission prior to and at the hearing.

E. LEED and Sustainable Design

The Commission and OP also requested that the Applicant review the proposed sustainability approach of the Project and consider the feasibility of achieving a greater degree of LEED. As stated in the application, the Applicant proposes to achieve a LEED® v2009 Gold level for the Project.

The Applicant is designing a building with an eye towards sustainability. As a threshold matter, the Project will retain and restore the vast majority of the Existing Building, integrating it throughout the new structure. Such historic preservation presents both an opportunity to celebrate the past and reuse existing materials and a challenge to modernize a property while achieving a high LEED score. Many points generated by the LEED system are unable to be obtained when such a significant historic component is present in a project.

However, the Applicant has taken care to integrate as many sustainable elements as possible, including utilizing a Variable Refrigerant Flow (VRF) mechanical system which is significantly more efficient than traditional HVAC systems. Taken as a whole, the Project has a great deal of sustainable design, as detailed in the Sustainability Narrative attached hereto as Exhibit B.

F. Historic Preservation

The Zoning Commission requested additional information regarding the Existing Building on the Property, inquiring about whether it was itself a designated landmark or whether it was contributing to the Shaw Historic District.

The Property is located within the Shaw Historic District. The existing structure on the Property has been determined to be a contributing structure to the Historic District. However, the building has not been designated as a landmark. As noted in the application materials for the Project, the Project received concept design approval by the HPRB, and the Applicant has committed to working with the HPO as the Project's design evolves. As a result of the HPRB process, most of the Existing Building will be retained and incorporated into the Project. As requested by the Commission, a document certifying to the contributing nature of the Existing Building is attached as Exhibit C.

The Zoning Commission further inquired about the opportunities to “green” the Existing Building. The Applicant notes that retaining the “embodied energy” of an existing building and avoiding unnecessary demolition debris is itself one of the most “green” practices available for historic structures. The Applicant further proposes to increase the capacity of the portion of the roof which will be retained in order for the structure to support a living (green) roof.

III. Follow Up Meetings

A. Meeting with the District Department of Energy and Environment (“DOEE”)

The Zoning Commission encouraged the Applicant to arrange a meeting with DOEE regarding the Project. The Applicant and its development team met with DOEE on March 17, 2016 and had a productive discussion regarding the sustainability approach at the Project.

The Applicant originally proposed LEED Silver, however with guidance from DOEE, the Applicant was able to identify areas of improvement. As stated in the application, the Applicant worked closely with all members of its design team and General Contractor to revise its submission to achieve LEED v2009 Gold standards. In addition, the Project will be designed to accommodate the future installation of renewable energy elements.

B. Working with Community and Meetings with Owners of Whitman Condominium

The Zoning Commission and OP requested additional information regarding the Applicant’s work with the community and continued communication with residents of the adjacent Whitman Condominium. Specifically, the Zoning Commission requested that this update include information about the potential blockage of existing “at-risk” windows.

The Applicant has a strong history of meetings with the Whitman Condominium, as detailed on Page 8-9 of the application’s filing statement dated November 27, 2015. The meetings shown in red and underlined below have occurred since the Applicant’s application was filed:

<u>Meeting Number</u>	<u>Date</u>	<u>Type of Meeting/Community Group</u>
1	25-Feb	Meeting with Whitman Condominium Board
2	10-Mar	Meeting with Whitman Condominium
3	27-Mar	Meeting with owners of adjacent at-risk window
4	16-Apr	Meeting with Whitman Condominium owner group
5	21-Apr	Meeting with owners of adjacent at-risk window
6	21-May	Meeting with Whitman Condominium owner group
7	9-Jun	Meeting with Whitman Condominium Board
8	22-Jun	Meeting with Whitman Condominium owner group
9	23-Jun	Meeting with owner of adjacent commercial property
10	24-Jun	Presentation to ANC 2F Community Development Committee (CDC)
11	1-Jul	Presentation to ANC 2F
12	26-Aug	Meeting with owner of adjacent commercial property
13	28-Aug	Meeting with owner of adjacent commercial property
14	14-Sep	Meeting with Whitman Condominium Board
15	30-Sep	Meeting with owner of adjacent commercial property
16	28-Oct	Meeting with owner of adjacent commercial property
<u>17</u>	<u>18-Feb</u>	<u>Meeting with owner of adjacent commercial property</u>
<u>18</u>	<u>23- Feb</u>	<u>Meeting with CDC</u>
<u>19</u>	<u>14-March</u>	<u>Meeting with Whitman to discuss mechanical systems and roof</u>
<u>20</u>	<u>22-March</u>	<u>Final CDC Presentation</u>
<u>21</u>	<u>24- March</u>	<u>Meeting with owner of adjacent commercial property</u>

As noted above, the Applicant has met extensively with the community to date regarding the Project and will continue to do so. Most recently, the Applicant presented at the ANC 2F Community Development Committee on March 22, 2016 and received unanimous support from

such Committee for the instant PUD and Zoning Map Amendment. During such meeting, the Committee members were highly complementary of the Applicant's extensive outreach and transparency throughout the process as well as the final design and programming of the building. The Applicant will return to the full ANC 2F on April 6, 2016.

Further, the owners of the Whitman Condominium units with at-risk windows have met extensively with the Applicant. As mentioned in the application statement, there are three (3) condominium owners who will have their at-risk windows closed by the Project. Each of such owners is in support of the Project.

IV. Resumes of Expert Witnesses

The Applicant looks forward to presenting the Project at the public hearing. At this time, the Applicant anticipates that its presentation will require 1 hour. At the public hearing, the Applicant intends to offer representatives of the Applicant as well as representatives of the architect, traffic consultant, and civil engineer as witnesses. The representatives of the architect, traffic consultant, and civil engineer will be proffered as experts in their respective fields. Resumes of the proffered experts are attached as Exhibit D. Outlines of witness testimony for the Applicant's team are attached as Exhibit E.

V. Conclusion

As set forth above, the Applicant has met the requirements of Section 3013, and accordingly requests that a public hearing be scheduled as soon as possible. The development team looks forward to presenting this application to the Commission.

If you have any questions regarding this application, please feel free to contact Jeff Utz at 202-721-1132. Thank you for your attention to this application.

Respectfully submitted,



Jeffrey Utz




David Lewis

**CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING
REGULATIONS**

The Applicant hereby certifies that this pre-hearing submission, which has been filed electronically with the Zoning Commission on April 12, 2016, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submissions Filed Herewith
3013.1(b) Witnesses	Pre-Hearing Submissions Filed Herewith (Exs. D & E)
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record	Pre-Hearing Submissions Filed Herewith (Ex. E)
3013.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submissions Filed Herewith
3013.1(e) Reduced Plans	Pre-Hearing Submissions Filed Herewith; Updates to be Filed no Less Than 20 Days Prior to Hearing
3013.1(f) List of Publicly Available Maps, Plans, and Other Documents	Pre-Hearing Submissions Filed Herewith; Application (Exs. C & D)
3013.1(g) Estimated Time Required for Presentation of Applicant's Case	1 Hour
3013.6(a) List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Ex. G)

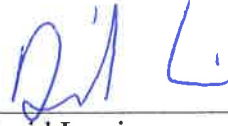
Respectfully submitted,



David Lewis

Certificate of Service

I certify that on April 12, 2016, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



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