



DONOHUE & STEARNS, PLC

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Via IZIS

D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: Z.C. Case No. 16-13 – JS Congress Holdings LLC
Applicant’s 20-Day Supplemental Submission

Dear Commissioners:

On behalf of JS Congress Holdings, LLC, the applicant (“Applicant”) in the above-referenced case, we are filing herewith its 20-day supplemental submission in support of the planned unit development (“PUD”) and related map amendment at 1109-1115 Congress Street, N.E. and 220 L Street, N.E. (Square 748, Lots 78 and 819). This submission responds to issues raised by the Zoning Commission and the Office of Planning during the meeting to set the case for a hearing, as well as subsequent comments from the District’s Department of Transportation (“DDOT”).

A. PUD Project Changes

1. Revisions to Building Layout

The most significant change to the project design is the relocation of the public access easement to the interior north-south alley in the square. Originally, the easement was a “pass-through” at the north end of the building at the ground floor level. Now, the 15-foot access easement has been shifted to the north property line and is open to the sky, eliminating any need for gated access control. The second major change is the elimination of underground parking and the related L Street curb cut. Together, these modifications address many of the comments raised by the Commission, OP and DDOT.

a. Penthouse Meets All Setback Requirements.

In its initial submission, the Applicant requested penthouse setback relief for the egress stairs in two locations. The relief was driven by the clearances required at the garage level to accommodate elevator access and minimum drive aisle widths. At the recommendation of DDOT, the Applicant eliminated the below grade level of parking, which facilitated two other key objectives: (i) elimination of a curb cut on L Street for garage access; and (ii) the ability to relocate the building core. The core shift allows the Applicant to meet the 1:1 setback ratio for the rooftop

penthouse. The penthouse is now fully compliant.

b. Unobstructed Access Easement to North-South Alley.

The relocation of the public access easement to the north property line now provides full, unobstructed access to the north-south alley in the interior of the square. As originally conceived, the “pass-through” easement required a gate at Congress Street to provide building tenants secure access to the trash room and egress stairs. Third Street residents who use the north-south alley were to be provided a security code to open the gate. The relocation of the easement to the north property line eliminates the need for a gate and restricted access. The design of the gate and its operation are no longer an issue.

c. Reduction in the Number of Required Parking Spaces

The positive design changes resulting from the relocated access easement and elimination of underground parking have forced the Applicant to reduce the required number of parking spaces. As originally designed, the project required 23 parking spaces but was only providing 16 spaces. As reconfigured, the project now requires 22 parking spaces, but is only providing seven spaces. DDOT supports this reduction in parking spaces due to the site’s close proximity to the NoMa-Gallaudet Metrorail Station, which is only 0.2 miles away. Additionally, the Applicant has agreed to provide a Capital Bikeshare Station at 3rd and L Streets, N.E., at a cost of \$80,000. This commitment not only serves as mitigation for the reduced parking but as a community benefit by virtue of its location and the number of bikes being provided, which will serve more than just the residents of the PUD project. The Applicant notes that under ZR16, the total number of required spaces would be 10 for the residential uses and one for the PDR uses.

2. Building Design and Materials

The Applicant’s architect has further refined the façade design in conjunction with the modified massing. The Congress Street elevation is now more symmetrical in appearance, with the golden buff-colored brick articulating the first seven floors. The eighth floor and penthouse are clad in a gray metal panel that cascades down on the curved south elevation of the building. Sheets A4.04, A4.05 and A4.06 of the updated architectural drawings, submitted herewith as Exhibit A, illustrate the materials selected for the building. The Applicant will provide physical samples of building materials at the hearing.

The balconies and fenestration of the south elevation are now shown in greater detail, with additional punched openings. In response to community concern about a blank wall along the east elevation, the Applicant has also introduced windows in this wall where it abuts Lot 800 at the corner of 3rd and L Streets, N.E. Windows in lot line walls are typically not provided because they do not meet the minimum fire separation rating under the building code. They are not permitted unless the owner records a covenant acknowledging the openings are “at risk” of being covered up by any construction on the adjacent property. In order to eliminate the risk of bedroom windows being covered up, the Applicant has negotiated a mutual setback covenant with the adjacent property owner, whereby each owner agrees to setback construction on their respective property by five feet. This total distance of ten feet between buildings provides the minimum fire separation rating necessary to allow windows in those confronting walls and allows this entire east façade of the PUD project to be articulated.

3. Additional Issues Raised by the Commission and Office of Planning

a. Production, Distribution and Repair (“PDR”) Goals.

As noted previously in its prehearing submission, the Applicant will provide approximately 3800 square feet of space devoted to PDR uses. The Applicant is in discussions with Union Kitchen, currently located on the west side of Congress Street, N.E., to relocate certain functions to this PUD site. Other contemplated uses include an urgent care center, a small neighborhood hardware and/or paint store, or a package distribution center (i.e., Federal Express or UPS), among others being considered. The Applicant will provide further details as negotiations progress with potential tenants.

b. Increase in Affordable Housing.

As set forth in its previous submissions, the Applicant will provide the follow affordable housing component for the project:

Total residential GFA (Floors 2-8 + penthouse) = 46,344 sf
IZ Requirement @ 8% = 3,708 sf
TOTAL IZ PROVIDED = 3,712 sf

Of the 3,708 square feet of IZ space, the portion attributable to the habitable penthouse space must be set aside for low-income households earning no more than 50% of the median family income (“MFI”). Here, that equates to only 207.20 square feet of space, or one small unit. In response to the Commission’s comments, however, the Applicant proposes to provide two units to low-income households, or a total of 1,419 square feet to households earning 50% MFI, more than 1200 square feet in excess of the requirement. The remaining three units will be set aside for moderate-income households. The unit sizes and locations are shown on Sheets A3.02 – A3.04 of the architectural drawings.

4. ANC and Community Benefits

The Applicant has had numerous discussions with the single member district representative of Advisory Neighborhood Commission (“ANC”) 6C, and presented its project twice to ANC’s Planning, Zoning and Economic Development Committee. The Applicant and the committee discussed at length the design of the building, including articulation of the east façade, the elimination of a curb cut on L Street, the elimination of the gated access at Congress Street, the reduction in the number of parking spaces, and appropriate community benefits given the size and location of the project. At the recommendation of the ANC, the Applicant is providing at \$10,000 contribution to the Friends of NoMa Dogs, Inc. (“FOND”), for improvements to the community dog park at 3rd and L Streets, N.E.. Attached as Exhibit B is a letter from the Applicant to FOND committing to that financial contribution for specific items and improvements, based on FOND’s agreement to have a Dog Park Partner Agreement with the D.C. Department of Parks and Recreation in place by the time the contribution is made.

The ANC also requested that the Applicant contribute \$80,000 to cover the cost of a new Capital Bikeshare Station in the immediate vicinity of the PUD site. The Applicant and ANC agreed on a location at the northeast corner of 3rd and L Streets, N.E., with the consent of the owner of the adjacent rental apartment building at that corner. The ANC agreed that this location would be more accessible to the area residents than if it were located near the PUD project at Congress

Street and thus would provide the greatest benefit to the community at large.

The total benefits package of this proposed PUD is as follows:

- A high-quality development with an attractive, contextual design
- Market-rate and affordable housing not otherwise achievable under existing zoning
- Two units of affordable housing at 50% MFI (approx. 1200 sf more than required)
- A LEED-Gold design
- Improved site circulation
- A reconfigured and enhanced alley system
- Introduction of landscaping at L Street
- \$10,000 contribution to Friends of NoMa Dogs, Inc.
- \$80,000 Capital Bikeshare Station

B. Compliance with the Zoning Commission's Procedural Requirements

In compliance with Subtitle Z § 401, the Applicant previously provided the Commission on August 12, 2016, its supplemental information regarding outlines of witness testimony, resumes of expert witnesses, the estimated time to present the Applicant's case, the list of names and addresses of property owners within 200 feet. On October 21, 2016, the Applicant filed its transportation impact study 30 days in advance of the hearing, as required by Subtitle Z § 401.8.

C. Conclusion

The Applicant looks forward to presenting its case to the Zoning Commission in support of the PUD and related map amendment application at the hearing on November 21, 2016.

Respectfully submitted,

DONOHUE & STEARNS, PLC

By: 
Mary Carolyn Brown

Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Applicant's 20-Day Supplemental Submission was served by email or first-class mail this 1st day of November, 2016, on the following:

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By: 
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