

Holland & Knight

800 17th Street N.W., Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila Marie Jackson Batties
(202) 419-2583
leila.batties@hklaw.com

November 13, 2018

Via Email

Mr. Matthew LeGrant
Zoning Administrator
District of Columbia
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

**Re: Request for Minor Flexibility
ZC Order No. 16-24 / PUD & Related Map Amendment @ Square 399, Lot 68**

Dear Mr. LeGrant:

This application is submitted on behalf of 1336 8th Street SPE, LLC, and the District of Columbia (collectively, the “Applicant”)¹ seeking minor modifications of the plans approved by the Zoning Commission pursuant to ZC Order No. 16-24 (the “Order”), which approved a planned unit development (“PUD”) and related map amendment from the MU-4 Zone to the MU-6 Zone for the parcel located at 1336 8th Street, NW, and more particularly described as Square 399, Lot 68 (the “Property”). One of the modifications is covered by the flexibility specifically granted by conditions of the Order and the others are not, as discussed below. For your reference, a copy of the Order is attached as Exhibit A.

I. Overview of PUD

The Order approved the development of the Property with a PUD consisting of approximately 85 residential units, street-level retail uses, and approximately 1,500 square feet of space for use by the Immaculate Conception Catholic Church (the “Church”). The approved PUD has a maximum density of up to 7.2 FAR and a maximum building height of 98 feet. The

¹ The District of Columbia (the “District”) is the owner of the subject property. 1336 7th Street, SPE, LLC, is an affiliate of Roadside Development, which was selected as the developer of the subject property by the District.

development of the Property is the subject of a Land Disposition and Development Agreement (“LDDA”) between 1336 8th Street SPE, LLC, and the District, dated February 22, 2016, which requires the PUD to set aside 30% of the total residential units as affordable, for the life of the project. Half of the affordable units are to be reserved for households earning up to 50% of AMI and half are to be reserved for households earning up to 80% of AMI. In accordance with the LDDA, all of the affordable units will be in the multifamily component of the project.

II. Modifications Covered by Order

A. Reduction in Number of Units

The Order describes the PUD as having 85 residential units. The applicant proposes to reduce the number of units in the PUD from 85 to 79 units, which is a reduction of 7%. This level of flexibility is provided for in the Order, pursuant to Decision A.5.(a) on page 28, which states:

The Applicant shall also have flexibility with the design of the PUD in the following areas:

- (a) *To be able to provide 85 residential units with a range of plus or minus 10%, so long as 30% of the total number of units are set aside as affordable units, and half of the affordable units are reserved for households earning up to 50% of the area median income (“AMI”) and half of the affordable units are reserved for households earning up to 80% of AMI, in accordance with the LDDA;*

III. Modifications Not Covered by Order

A. Increase in Gross Floor Area

The approved PUD has a gross floor area of 95,954 square feet resulting in a density of 7.2 FAR. Under the proposed modification, the gross floor area increases from 95,954 square feet to 97,873 square feet, resulting in a density of 7.34 FAR. The additional square footage is reflected in the shaded areas identified as “unoccupied” on the plans attached as Exhibit B

Pursuant to Subtitle A, Sec. 304.5 of the Zoning Regulations, the Zoning Administrator is authorized to permit certain minor modifications to plans approved by order of the Zoning Commission if the Zoning Administrator determines that the proposed modification is consistent with the intent of the Zoning Commission in approving the application and the Zoning Commission did not also grant the same area relief. The minor modifications include a change not to exceed two percent (2%) in height, percentage of lot occupancy, or gross floor area of any building that is the direct result of structural or building code requirements. 11-A DCMR § 304.5(a).

The configuration of the floorplate had to be modified because structurally spanning the open space in the middle of the floorplate is posing engineering challenges. In order to support the rest of the slab, the open space needs to be framed with columns and beams that also need to work with the residential grid above and parking grid below. Also, the second level mechanical penthouse originally designed to house all of the mechanical, plumbing and electrical equipment could not accommodate them. Hence, the second floor plate was reconfigured to incorporate HVAC/utilities like the boiler room, generator and elevator control room. The Building Code required a southern egress stair and rated exit enclosure from the tower also transitions at this floor to exit directly to the west alley and covers a significant area of the second floor. These changes result in a slight increase in the gross floor area from 95,954 square feet to 97,873 square feet, an increase of 2%.

The proposed increase in the gross floor area is consistent with the intent of the Zoning Commission in approving the application in that it does not change the basic components of the PUD. The project will still have a mix of townhouse and apartment units, same building massing and height, footprint below grade parking, and space to be used by the Church. Also, notwithstanding the reduction in the number of units, 30% of the units will be set aside as affordable units. Lastly, the resulting density of 7.34 FAR is far below the density permitted for a PUD in the MU-6 Zone district, which is 8.64 FAR.

B. Reduction in Parking

The approved parking layout, attached as Exhibit C, show 23 full-sized parking spaces. With this modification, the Applicant proposes 21 parking spaces, 11 of which will be full-sized and 10 of which will be compact. The revised parking layout is attached as Exhibit D. The Order does not provide flexibility relating to the number of parking spaces for the project. Fourteen spaces are required for the project under Subtitle C, Section 701.5 of the Zoning Regulations.

Pursuant to Subtitle A, Sec. 304.5 of the Zoning Regulations, the Zoning Administrator is authorized to permit certain minor modifications to plans approved by order of the Zoning Commission if the Zoning Administrator determines that the proposed modification is consistent with the intent of the Zoning Commission in approving the application and the Zoning Commission did not also grant the same area relief. The minor modifications include a change not to exceed two percent (2%) in the number of parking or loading spaces. 11-A DCMR § 304.5(c).

The PUD originally provided 23 parking spaces for 85 units, which is equal to a ratio of 3.69 spaces per unit; and the Applicant is now proposing 21 parking spaces for 79 units, which is equal to a ratio of 3.76 spaces per unit. The difference in the parking ratio of the approved plans versus what is now proposed is 1.9%. It was necessary to convert some of the standard sized parking spaces to compact spaces because the ramp and the drive aisles in the parking garage were reconfigured to accommodate utility rooms, like electrical, telecom, fire pump and water service.

The proposed reduction in parking spaces and the mix of full-sized and compact parking spaces are consistent with the intent of the Zoning Commission in approving the application. The

Mr. Matthew LeGrant

November 13, 2018

Page 4

reduction in parking correlates with the reduction in the number of units, and still exceeds the minimum parking requirement, which is 14 parking spaces. As it relates to the mix of full-sized and compact spaces, Subtitle C, Sec. 712.3 of the Zoning Regulations requires that at least 50% of the required parking spaces meet the minimum full-sized parking space standards. The PUD is required to have 14 parking spaces, which means that only 7 of the spaces must be full-sized. The Applicant is proposing 11 full-sized parking spaces; the remaining 10 will be compact.

IV. Conclusion

Enclosed are architectural plans that reflect the proposed changes to the floor area and parking and the corresponding certified sheets from the approved PUD drawings. In light of the foregoing, we respectfully request your approval of the foregoing modifications to the PUD approved under ZC Order No. 16-24.

Sincerely,

HOLLAND & KNIGHT LLP



Leila Marie Jackson Batties

cc: Commissioner Alex Marriott, Chair ANC 6E (w/ attachments)
Commissioner Frank Wiggins, Single Member District Representative, ANC 6E-03
(w/ attachments)

Attachments (4)