GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

October 14, 2014

Ms. Christine Moseley Shiker
Holland & Knight LLP
800 17th Street, NW- Suite 1100
Washington, DC 20006

Re: Zoning Commission Case No. 12-18 Refinements to Consolidated PUD in Square 858

Dear Ms. Shiker:

This is to confirm the substance of our discussion on December 18, 2013, regarding refinements to the consolidated planned unit development ("PUD") approved in Zoning Commission Case No. 12-18. The property is located in Square 858 along H Street, N.E., between 6th and 7th Streets, N.E., and is currently known as Lots 860, 861, 862, 864 and portions of a public alley to be closed in Square 858 (the "Property").

By Order No. 12-18, dated June 10, 2013, and effective as of July 5, 2013, the Zoning Commission approved the consolidated PUD for the development of a residential building with ground floor retail on the Property and approved a related Zoning Map amendment. Order No. 12-18 approved two development scenarios for the Property: the "Original Submission" and the "Grocery Alternate". The Original Submission is a mixed-use development with residential and retail uses. The Grocery Alternate is a mixed-use development including residential and retail uses as well as a grocery store on the ground floor. You informed me that your client intends to proceed with the Grocery Alternate at this time.

Under the Grocery Alternate, Order No. 12-18 permits a mixed-use development having approximately 490,134 square feet of gross floor area, or 4.85 FAR, including approximately 388,069 square feet of gross floor area devoted to residential uses, approximately 42,108 square feet of gross floor area devoted to grocery use, approximately 54,440 square feet of gross floor area devoted to retail uses, and approximately 5,517 square feet within the loading area. The maximum height of building shall be 90 feet, with step downs and setbacks as shown on the Final Grocery Alternate PUD Plans.

You advised that your client and its team are in the process of preparing construction drawings for the project in accordance with Order No. 12-18. We reviewed slight refinements to three aspects of the project that have resulted from the natural evolution in design that occurs when conceptual level plans (i.e., the level of detail typically presented to and approved by the

Zoning Commission) are converted to schematic and design development and ultimately to fully designed construction documents.

First, Condition No. 6 provides that in the Grocery Alternate, the project shall include three 55-foot loading berths, two 30-foot loading berths, and two 20-foot service/delivery spaces in the location specified and with access as shown on the Final Grocery Alternate PUD Plans. Access to the loading facilities is taken exclusively from the alley from 7th Street. All turning movements will take place within the alley system and private property. The trucks will not enter or leave the alley system through I Street as all ingress and egress with be via 7th Street. See Finding No. 41.

As the design has evolved and a lease with the proposed grocery tenant finalized, the specific location of the loading berths has shifted. As shown in the Approved Loading Plan, the loading facilities were all located in the H Street component of the building on the south side of alley. To accommodate the loading needs of the grocery tenant, the loading facilities have been split, with a portion of them being located as originally shown and a portion of them being located within the wing extended towards I Street. As shown on the Proposed Loading Plan, the loading facilities include the exact number and size of berths and spaces as approved in Condition No. 6, and access to the loading facilities is taken exclusively from the alley from 7th Street. All turning movements will still take place within the alley system and private property, and all ingress and egress will be from 7th Street.

Second, you have informed me that the roof structure placement and size has changed as the design has progressed. The approved location and placement of the roof structures as well as the proposed changes are shown on the attached Approved/Proposed Roof Structure Plan. The Zoning Commission approved flexibility for the roof structures for multiple structures, set backs, and multiple heights, which is described in detail in Finding No. 43(d). With the revisions, the roof structures are either more in compliance with the Zoning Regulations or consistent with the flexibility approved by the Commission, summarized as follows:

Central Roof Structure: The central roof structure has slightly reduced in size. It continue to have multiple heights, with the majority of the roof structure having a height of 16 feet and the portion of the roof structure containing the elevator override having a height of 18 feet, 6 inches. There is no change in the flexibility granted for this roof structure.

I Street Roof Structure: The I Street roof structure has shifted to the west and has been enlarged to accommodate the elevator override and the roof top air units ("RTUs"). This roof structure continues to have a height of 10 feet. With the shifted location, this roof structure now complies with the 1:1 setback requirement. In addition, a second roof structure has been added to the I Street roof to accommodate a code-required egress stair required. This roof structure has a height of 10 feet and complies with the 1:1 set back requirement. Order No. 12-18 provided flexibility for multiple roof structures based on the separate means of egress needed for the use of the roof (Finding No. 43(d)).

6th Street Roof Structure: The 6th Street roof structure has increased in size and shifted to the east in order to accommodate the stair tower, the stair pressurization fan and RTUs. This roof structure has increased in height from 10 feet to 12 feet, but with the shifted location, this roof structure complies with the 1:1 setback requirement based on the new height.

7th Street Roof Structure: The 7th Street roof structure has been reduced in size and has been slightly shifted to the west. This roof structure continues to have a height of 16 feet. With the shifted location and the reduced size, this roof structure now complies with the 1:1 setback requirement.

Third, the Final Grocery Alternate PUD Plans and Finding No. 42 identifies rooftop outdoor and indoor community amenity space. As the design has evolved, the proposed sunshade/trellis structures have slightly shifted based on the revisions to the roof structures described above. As shown on Roof Trellises Plan, the sunshade/trellis structures are generally in the same locations as the approved PUD. The trellises are set back at least 1:1 from both H Street and 6th Street and are the same distance from the courtyard wall as approved by the PUD.

Condition No. 7 in Order No. 12-18 provides that the Applicant shall have flexibility with the design of the PUD in a variety of areas including the following: 7(a) to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building; and 7(i) to make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, roof structures, architectural embellishments and trim, venting, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.

I find that the proposed reconfiguration of the loading facilities falls within the specific flexibility provided for in Condition No. 7(a) of Order No. 12-18 and that the proposed refinements to the roof structures and roof trellises fall within the specific flexibility provided for in Condition No. 7(i) of Order No. 12-18. It is therefore my conclusion that, if you present plans for a building permit which carry out the design as refined by the proposed plans attached hereto, those plans would be consistent with the approval in Order No. 12-18 and I would approve those plans for zoning purposes.

Please let me know if you have any further questions.

Sincerely, Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Attachments:
Approved Loading Plan
Proposed Loading Plan
Roof Structure Plan
Roof Trellises Plan

File: Det Let re PUD 12-18 to Shiker 10-14-14