

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

September 8, 2014

Holland & Knight LLP  
800 17th Street, N.W., Suite 1100  
Washington, D.C. 20006  
Attn: Leila M. Jackson Batties, Esq.



RE: **EastBanc / Proposed Modifications to Approved PUD for Square 37**

Dear Ms. Batties:

This letter serves as a follow up to our meeting on June 18, 2014, where we discussed certain proposed minor modifications to the PUD approved for the north side of L Street, between 23<sup>rd</sup> and 24<sup>th</sup> Streets (Square 37, Lot 57<sup>1</sup>), pursuant to ZC Order No. 11-12 (the "PUD"). The project consists of approximately 20,164 s.f. of library use, 288,678 s.f. of residential use generating 153 to 189 units, and 7,617 s.f. of retail use.

During our meeting, we reviewed several modifications to the project including changes to the development program, exterior building materials and elements, and interior components of the building in order to determine whether said modifications are permissible without application to the Zoning Commission. The changes are reflected in the enclosed plans entitled "West End | Square 37 | Proposed Changes to Approved PUD" and dated May 16, 2013 (the "Modified Plans"). Following is a summary of our discussion.

Development Program

As a result of the final lay-out coordination, the developer proposes to modify the development program such that (a) the floor area of the library increases from 20,164 s.f. to 20,640 s.f.; (b) the residential floor area increases from 288,678 s.f. (generating 153 to 189 units) to 294,520 sf s.f. (generating 164 units); and (c) the floor area for retail use decreases from 7,617 s.f. to 7,374 sf.. Additionally, the loading/service/core areas of the building have decreased from 6,149 sf. to 4,020 s.f. These changes to the development program are reflected on [Sheet 37.2] of the Modified Plans.

Exterior Building Materials and Elements

Based upon availability, constructability and future ease of maintenance, the developer proposes to make several changes to materials and other elements of the building exterior. As described and depicted on Sheets 29 through 36 of the Modified Plans, the changes are as follows:

- a. Instead of louvered blinds on the exterior of the building, the developer will install an integrated interior venetian blind system.

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<sup>1</sup> Square 57 was formerly Lots 836.

837 and 855.

- c. Change in the terrace covering from live green mat to high-quality artificial green mat
- d. Library entry box has changed from green painted perforated metal in front of glass to green tinted clear frosted glass on part of library entry box to screen mechanical equipment glass. Also, the "supergraphic" text was removed from the primary library south façade. Both have been approved by the Commission of Fine Arts (CFA 20/JUN/13– 6).
- e. Linear soffit instead of metal panel.
- f. Minor design and material changes made on the public alley sides of the building.
- g. The extent of paving and green roof at the 2<sup>nd</sup>, penthouse and mechanical penthouse roof levels of the building has been reduced by 4,748 s.f., which represents a reduction in the green roof of 22%, but does not impact the project's ability to achieve the equivalent of LEED Gold.

#### Interior / Structural Components

Based upon final structural and mechanical requirements, the developer proposes to increase the width of the diameter of the columns inside the building from 18" to 22". As shown on Sheet 30 of the Modified Plans, the increase in the width of the columns does not impact the building configuration, but is visible through the glass at the ground floor. Additionally, as shown on Sheet 34 of the Modified Plans, the south face of the lower penthouse volume has been extended south by 4 feet in order to accommodate storage and mechanical equipment at this level. Even with the extension, the penthouse meets the required setback for roof structures.

#### Landscape / Streetscape Improvements

The profile of the sidewalk landscaping and paving has been changed and the lay-by proposed along 23<sup>rd</sup> Street has been removed. It is my understanding that these changes were made due to recommendations by the District Department of Transportation, which were vetted through the Public Space Committee review process, and have been approved by DDOT and the Public Space Committee.

#### Determination on Proposed PUD Modifications

As it relates to the foregoing categories of proposed changes to the PUD, I have determined the following:

1. Development Program. The changes to the development program, as described above, constitute an increase in the overall floor area for the project from 322,608 s.f. to 326,534 s.f, which is equal to 1.2%.
  - a. In addition, it is my understanding that the approved PUD plans actually depict 4,050 s.f. of ground level open space, but the notation on the plan is incorrect and, as a result, Paragraph 10 of the Decision Section of the Order is also

incorrect with regard to the amount of ground level open space for the project. It is my belief that this is simply a typographical (i.e. "scrivener's") error

The Zoning Administrator has the authority to approve these changes pursuant to Sec. 2409.6 of the Zoning Regulations.

2. Exterior Building Materials and Elements. In approving the PUD, the Zoning Commission granted flexibility to permit minor changes to the exterior building like those proposed above. Specifically, Paragraph 15 of the Decision section of the Order states: "The Applicant is granted flexibility to verify the final selection of the exterior materials with color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the requirements of the District of Columbia Building Code and the U.S. Commission of Fine Arts, as necessary, to obtain a final building permit."

This provision provides for the following proposed changes to the PUD's exterior building materials and elements:

- a. Instead of louvered blinds on the exterior of the building, the developer will install an integrated interior venetian blind system.
- b. Changes in the materials for the penthouse and pool deck level façades.
- c. Removing the live green roof system on the residential terraces and replacing it with a high-quality, structurally-supported artificial grass mat system. (as shown on Page A-41 of the Consolidated Planned Unit Development Application plans dated March 28, 2012)
- d. Library entry box has changed from green painted perforated metal in front of glass to green tinted clear frosted glass on part of library entry box to screen mechanical equipment glass. Also, the "supergraphic" text was removed from the primary library south façade. Both have been approved by the Commission of Fine Arts (CFA 20/JUN/13– 6).
- e. Linear soffit instead of metal panel.
- f. Minor and design and material changes made on the public alley sides of the building.
- g. Reducing the paving and green roof at the 2<sup>nd</sup>, penthouse and mechanical penthouse roof levels of the building (as shown on pages L-18, L-19 and L-20 on the Consolidated Planned Unit Development Application plans dated March 28, 2012) by 4,746 s.f., which represents a reduction in the green roof of 22%. There still remains 16,894 sf of planted roof area (44% of lot occupancy).

3. Interior/Structural Components. In approving the PUD, the Zoning Commission granted flexibility to permit changes to the interior components of the building like those proposed above. Specifically, Paragraph 13 of the Decision section of the Order

states: "The Applicant is granted flexibility to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways and mechanical rooms, provided that the variations do not change the exterior configuration of the building."

This provision provides for the proposed changes to the interior and structural components of the PUD as described above.

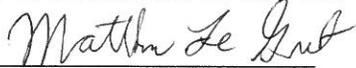
4. Landscape/Streetscape Improvements. In approving the PUD, the Zoning Commission acknowledged that the construction of a layby was subject to the review and approval of DDOT. Specifically, Paragraph 16 of the Decision section of the Order states: "The Applicant has flexibility to construct either a layby or a recessed parking area along the Property's frontage on 23<sup>rd</sup> Street, subject to the review and approval by DDOT.

The Public Space Committee is the body responsible for reviewing and approving improvements in the public space. The layby was deemed not allowable through the Public Space review and approval process mandated and adjudicated by DDOT and the Public Space Committee,. Therefore, the Zoning Administrator has no authority to issue a ruling on the changes to the landscape and streetscape improvements as described above.

Proposed Changes Requiring Zoning Commission Approval

Based on our meeting and subsequent discussions regarding the PUD, and per the authority granted to me under Section 2409.6 of the Zoning Regulations, none of the above-proposed changes require further review and approval by the Zoning Commission.

Please feel free to contact me at 202-442-4576 if you have additional questions or concerns.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments: Plan Set dated 5-16-13  
Details of Residential Terrace