

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



August 11, 2014

Ms. Christine Moseley Shiker  
Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W. - Suite 1100  
Washington, DC 20006

Re: Zoning Commission Case No. 02-38D - Refinements to Second-Stage PUD  
Northwest Building

Dear Ms. Shiker:

This is to confirm the substance of our discussion on May 13, 2014, regarding refinements to the second-stage planned unit development ("PUD") approved in Zoning Commission Case No. 02-38D ("Order No. 02-38D"). The property is part of the Waterfront Station development and is located in Lot 828, Square 542, being part of record Lot 89 in Square (the "Property").

By Order No. 02-38D, dated September 30, 2013, and effective as of December 6, 2013, the Zoning Commission approved a second-stage PUD for the development of a residential building with ground floor retail on the Property known as the "Northwest Building". Order No. 02-38D permits the Northwest Building to have an approximate gross floor area of 288,259 square feet, of which a minimum of 5,304 square feet of gross floor area shall be devoted to retail use. The maximum height of the Northwest Building shall be 114 feet, as shown on the approved "Northwest Building Second-Stage 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. 02-38D. We reviewed slight refinements to various 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. You presented each of the refinements below to me as part of a plan package that showed both the approved and proposed plan, a copy of which is attached ("Revision Plan Package").

Ground Floor Refinements

You informed me that as the design team has determined the layout of the internal space on the ground floor, some refinements have occurred. First, the garage intake louver originally proposed on the 4<sup>th</sup> Street ground floor façade has been moved to the north (Private Drive) elevation. This shift is due to the progression of the architectural, mechanical and fire protection

designs. This relocation provides more glazed ground floor wall area along the street frontage. The relocated garage intake louver is more than 141 feet from the nearest point of the church structure to the north. You informed me that the louver will be significantly screened from view by the existing row of trees north within the park property currently existing between the Northwest Building and the church structure. The Revision Plan Package also includes additional new trees adjacent to the louver to further screen the louver when viewed from the church property to the north.

In addition, the residential entrance vestibule has moved approximately 4 feet, 8 inches to the north to coordinate with the layout of the interior space. The slight movement is within the general area designated for the entrance on the Northwest Building Second-Stage PUD Plans, which was show the area with glass doors and windows. The Revised Plan Package continues to show the entrance area in a similar manner. This refinement does not change the amount of retail frontage on 4<sup>th</sup> Street (i.e., 60% of the 4<sup>th</sup> Street frontage, *see* Finding Nos. 55(a) and 58(a)).

#### Façade Modifications

Several refinements have been made to the south and west façades of the Northwest Building. On the south façade, glazing previously provided in the vertical slots has been removed to coordinate with the interior unit redesign and to reduce the per-floor glazing percentage below 45% to comply with specific provisions relating to the fire separation in the building code. On the west façade, revisions have been made to the spacing of the windows and balconies which slightly increases the glazing on this façade. Based on information from the architects, the aggregate change in the overall glazing percentage is less than one-half of a percent (approximately .37%). In addition, the balconies on the north end of the west façade have been slightly extended as they must connect to a column line for structural reasons.

#### Rooftop Refinements

Several refinements have been made to the roof for the Northwest Building. First, the roof structure was approved by the Commission to have three different heights, including an elevator override at 18 feet, 6 inches, the accessory community room and pool support spaces and interior mechanical room at 16 feet, and the remainder of the mechanical equipment and screen walls at a height of 12 feet. With these heights, the roof structure complies with the 1:1 setback from all exterior walls except in two small sections at the northern-most corners of the courtyard where the existing stairs are located. *See* Finding No. 40. You informed me that while a secondary elevator which is required to provide access to the roof was shown on the Northwest Building Second-Stage PUD Plans, it was identified as having a height of 12 feet, not 16 feet. A height of 16 feet is required to contain the elevator override equipment. In Finding Nos. 39 through 41, the Commission found that multiple roof structure heights were permitted given the need to accommodate a variety of elements, including elevator overrides. In addition, this area will continue to meet the 1:1 setback requirements. The flexibility granted by the Zoning Commission is consistent with this proposed height.

Second, the materials on a portion of the roof structure have been modified. Specifically, portions of the roofs structure were identified as being clad in "high pressure laminate panel" (with a wood veneer). These materials have been replaced with a horizontal wood plank, which

is a similar looking, but higher quality, material and which now also wraps above the community roof glass wall to conceal the structural framing.

Additional refinements include a rooftop tree grove consisting of 6 trees which has been added on the pool deck, a slight shift in the northern wall of the roof structure, and a shift in the pool location. The added trees are located within a recessed planting area. Furthermore, the shift in the northern wall of the roof structure is to create a straight line, eliminating the slightly angled configuration shown in the Northwest Building Second-Stage PUD Plans. This refinement does not impact the ratio of outdoor to indoor space devoted to accessory communal recreation space. Finally, the pool has been moved to the north to improve clearance and access around all sides of the pool basin.

Condition No. 6 in Order No. 02-38D provides that the Applicant shall have flexibility with the design of the PUD in a variety of areas including the following: 6(a) to vary the location and design of all interior components, including partitions, structural slabs, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building; 6(c) to vary the final selection of the exterior materials within the color ranges and material types proposed, based on availability at the time of construction without reducing the quality of the materials; and 6(f) to make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, 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 refinements fall within the specific flexibility provided for in Condition Nos. 6(a), 6(c) and 6(f) of Order No. 02-38D and that the proposed refinements are consistent with the overall design scheme which was presented to and approved by the Zoning Commission. It is therefore my conclusion that, if you present plans for a building permit which carry out the design as refined by the Revision Plan Package attached hereto, those plans would be consistent with the approval in Order No. 02-38D and my office would approve those plans for zoning purposes.

Please let me know if you have any further questions.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments:

Zoning Commission Order No. 02-38D  
Revision Plan Package

File: Det Let re PUD 02-38D to Shiker 8-11-14