

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



November 6, 2014

Mary Carolyn Brown  
Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W., Suite 1100  
Washington, D.C. 20006

Re: 900 16<sup>th</sup> Street, N.W. – Substitute Plantings Z.C. Case No. 03-04 (Planned Unit Development)

Dear Ms. Brown,

You have asked for my interpretation regarding the condition in Zoning Commission Order No. 13-04 pertaining to landscaping for the planned unit development (“PUD”) at 900 16<sup>th</sup> Street, N.W. ICG 16<sup>th</sup> Street Associates, LLC, the owner and developer of the property at 900 16<sup>th</sup> Street, N.W., is presently constructing the approved PUD and anticipates the building to be ready for occupancy in December 2015. The owner expressed concern over the ability to obtain a certificate of occupancy if certain trees and shrubs were not installed with the other extensive public space improvements and paving due to unfavorable winter planting conditions. Based on my review of the PUD order and approved drawings, I conclude that the owner may substitute other trees, shrubs and plantings for the ones shown on the plans in order to ensure their survival without affecting the ability to receive a certificate of occupancy for the site.

The PUD order requires that the PUD “be developed in accordance with the plans and materials submitted by the Applicant, dated May 28, 2013, and marked as Exhibit 21A in the record, as supplements by Exhibits 25A, 40, 41A4 and 53A (“Plans”), and as modified by the guidelines, conditions, and standards of this Order.”<sup>1</sup>The Plans show extensive landscaping, paving and hardscape elements the full length of the 900 block of 16<sup>th</sup> Street (west side) as well as portions of K Street and I Street. The palette of plantings on Sheet L103 of the drawings (Exhibit 21A2) includes a note that states “the selection of plantings in the landscape plan will vary depending on seasonal availability within a range and quality as proposed in the plans.”

We discussed the option of delaying installation of the trees and landscaping until the Spring planting season. You indicated, however, that such a plan would require demolishing portions of the newly installed public space improvements in order to properly excavate the dirt for the tree planting. The proposed trees will have a root ball of approximately 3 feet in diameter and industry standards require excavating two to three times the diameter of the root ball and a 45 degree lay back on the excavation. Based on the drawings you shared with me, the excavation for delayed planting would affect the concrete curbs, pavers, and in some areas, the sidewalk. This would require remobilization of work crews in the public space and renewed closures of the

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<sup>1</sup> Exhibit 21A2 includes the landscape plans for the project; Exhibit 25A provides the parking level plans; Exhibit 40 is updated zoning tabulations; Exhibit 41A4 is a portion of the applicant’s PowerPoint presentation at the hearing; and 53A is a revised landscape drawing showing the hardscape characteristics.

sidewalk and curb-lane traffic/parking areas after almost 18 months of construction activities. This would create unnecessary disruption of the public space areas.

Based on the note on the approved drawings shown in PUD Exhibit 21A2, and to avoid any unnecessary, duplicative disruptions to the public space areas, I conclude that the owner has the flexibility to vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments: Approved PUD Landscape Plan  
Landscape Plan for Implementation- 9-23-13