

BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION

APPLICATION OF JEMAL'S LAZRIV WATER, LLC

**1900 HALF STREET, SW
SQUARE 666, LOT 15**

**MODIFICATION OF SIGNIFICANCE
TO Z.C. CASE NO. 16-06
ORIGINALLY REVIEWED UNDER THE DESIGN REVIEW PROVISIONS OF THE
CAPITOL GATEWAY OVERLAY DISTRICT**

August 28, 2017

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LIST OF EXHIBITS

Exhibit	Description
A	Zoning Map
B	Z.C. Order No. 16-06
C	Approved and Proposed Penthouse Drawings
D	Surveyor's Plat
E	Design Review Application Form 107
F	Letter of Authorization from Applicant
G	Certificate of Notice, Notice of Intent, and 200-foot Property Owner List

MODIFICATION OF SIGNIFICANCE
STATEMENT OF COMPLIANCE

I. INTRODUCTION

This statement is submitted on behalf of Jemal’s Lazriv Water, LLC (the “Applicant”) in support of an application to the Zoning Commission of the District of Columbia (the “Zoning Commission”) for a Modification of Significance to the architectural plans and elevations approved in Z.C. Case No. 16-06 under the Capitol Gateway Overlay District requirements of the 1958 Zoning Regulations. This application is submitted pursuant to Subtitle Z § 704 of the 2016 Zoning Regulations (“DCMR”) for a Modification of Significance, and pursuant to 11X DCMR Chapter 6, 11Z DCMR § 301 and 11K DCMR § 512 for design review of a project located in the CG-5 Zone District.

The property that is the subject of this application is located at 1900 Half Street, SW (Square 666, Lot 15) (the “Property”), and is within the CG-5 Zone District. *See* Zoning Map attached hereto as Exhibit A. Pursuant to Z.C. Order No. 16-06, dated July 7, 2016, and effective on August 26, 2016, the Zoning Commission approved a design review application submitted under the then-applicable Capitol Gateway Overlay requirements to renovate and adaptively reuse the existing office building on the Property as a mixed-use project comprised of residential and retail uses. The approval included a variance from the maximum building height requirements, a variance from the loading requirements, and special exception relief to provide multiple penthouses at multiple heights and penthouses that do not comply with the setback requirements from an open court. A copy of Z.C. Order No. 16-06 is attached hereto as Exhibit B.

The Applicant now proposes a Modification of Significance pursuant to 11Z DCMR § 704 to modify the approved penthouse plan, which includes a request for additional zoning relief for penthouse height and setbacks from the open court walls. The proposed penthouse modifications are described herein and are shown on the architectural plans, sections, elevations, and renderings, attached hereto as Exhibit C (the “Architectural Drawings”).

II. JURISDICTION OF THE ZONING COMMISSION

The Commission has jurisdiction to review and approve the proposed Modification of Significance in accordance with 11Z DCMR § 704. Pursuant to 11Z DCMR § 704.4, the scope of the hearing will be limited to the impact of the modification on the subject of the original application. Pursuant to 11K DCMR § 512.2, the Commission has jurisdiction to review the proposed uses and renovations of the existing building as a design review case. In accordance with 11K DCMR § 512.7 and 11X DCMR § 603.3, the Commission may hear and decide requests for special exception and variance relief together with the application for design review.

III. BACKGROUND

A. The Property

As shown on the Surveyor’s Plat attached hereto as Exhibit D, the Property consists of Lot 15 in Square 666. Square 666 is located in the southwest quadrant of the District and is bounded

by T Street to the north, the Anacostia River to the east, U Street to the south, and Water Street and Half Street to the west. The Property is the only lot in Square 666 and has an angled rectangular shape with a total land area of approximately 110,988 square feet.

The Property is presently improved with an existing and mostly vacant nine-story office building that was constructed circa 1976. The existing building has a height of 90' and approximately 665,928 square feet of gross floor area (6.0 floor area ratio ("FAR")). On-site parking for 691 vehicles is located within the building. Exterior on-site loading is located on the Property to the north of the building. The building was originally constructed for use by the General Services Administration for Federal occupancy and was used as an office building for several decades.

B. Description of Approved Project

Pursuant to Z.C. Order No. 16-06, the Commission approved the adaptive reuse and renovation of the existing building into a mixed-use apartment house with approximately 427 residential units and approximately 24,032 square feet of retail use. In order to provide a high-quality residential building and take full advantage of its location along the Anacostia River, the approved project removes significant portions of the existing building by cutting out approximately 215,217 square feet of gross floor area (1.9 FAR) and creating two large open courts and a sideways "E"-shaped building that faces the Anacostia River.

The approved project includes approximately 450,711 square feet of gross floor area (4.06 FAR), with approximately 373,984 square feet of gross floor area devoted to residential use and approximately 24,032 square feet of gross floor area devoted to retail use, with the remaining floor area devoted to parking and service uses. The approved project maintains two and a half levels of the existing parking garage that will accommodate 312 vehicles (300 zoning-compliant spaces and 12 tandem spaces), with ingress and egress from T Street, SW. On-site loading was approved in its existing location along T Street, adjacent to the parking garage entrance, such that all vehicular access would be consolidated on the north side of the Property. The building height will remain at 90' for the majority of the building, except for a new 2'-3" roof slab located on the center portion of the roof to reinforce the new rooftop mechanical equipment and amenity space, and a new 5' pool deck.

The existing building is skinned in a brutal concrete panel with a punched window system, which will be replaced with a new curtain wall and metal panel system, suitable for a residential tower with operable windows and high performing energy efficient systems. The exterior skin of the upper portion of the building is a collection of de-saturated cool colors, intended to create a visually interesting palette for the burgeoning neighborhood. At its base, the building is skinned in a panelized rain screen, more natural and earth-toned in both coloration and tactility. The upper levels of the building will be set back considerably to create dynamic exterior spaces. These details will create a visual interest towards the Anacostia River while maintaining an urban expression of density towards the city. The building's floor plates will be sculpted to convert the deep office building into an efficient residential layout, providing optimum light and views from every unit.

The project includes significant sustainable elements, including electric vehicle charging stations in the garage, permeable open spaces and green roofs, low-flow plumbing fixtures, bio-retention structures, drought-tolerant plantings and high-efficiency irrigation equipment, use of recycled and regional materials with low-emitting coatings, adhesives, and flooring, and ample long- and short-term bicycle parking for residents, visitors, and retail employees/customers. The approved project also reuses significant portions of the existing building's structural floors, walls, roof, and mechanical equipment, which reduces the production and use of new materials.

The approved project also includes construction of a portion of the Anacostia Riverwalk Trail (the "Riverwalk"), which was designed to emphasize the Property's connection to the Anacostia River and enhance the interface between the built environment and the tidal landscape. The Riverwalk is a separated, multi-use trail that was designed to safely accommodate pedestrians and cyclists along the Anacostia River and connect back into the surrounding street infrastructure. The portion of the Riverwalk adjacent to the Property will orient a pedestrian path closest to the River, with a wide landscape buffer that separates the pedestrian path from a bicycle path located closer to the building. This landscape buffer is also a functioning bio-filtration structure that provides water quality treatment for a portion of the trail, and is part of the overall stormwater management ("SWM") scheme for the Property. This overall SWM scheme includes green roof systems on the building and bio-filtration structures around the Property at the ground level. The SWM system provided for the Property, including the Riverwalk, has been reviewed by DOEE, and has received conditional approval pending additional documentation requested regarding the floodplain.

The approved pedestrian path on the Riverwalk is open to the public, includes benches, lighting, and other amenities, and leads to an outdoor plaza located at the eastern terminus of T Street adjacent to the Anacostia River. The plaza creates an overlook towards the river and provides a connection to future extensions of the Riverwalk to the north.

C. Description of Previously Approved Zoning Relief

As part of the Capitol Gateway Overlay District design review process, the Commission approved several requests for variances and special exceptions in accordance with Section 1610.7 of the 1958 Zoning Regulations. Specifically, the Commission granted the following:

- i. A variance from the maximum building height requirements of Section 1603.4 of the 1958 Zoning Regulations in order to (i) maintain the building's existing height of 90'; (ii) install a 2'-3" structural roof slab on the center portion of the roof, resulting in approximately 20% of the building having a height of 92'-3"; and (iii) install a 5' tall pool deck on the existing roof, resulting in approximately 4% of the building having a height of 95';
- ii. A variance from the loading requirements of Section 2201.1 of the 1958 Zoning Regulations to maintain the building's existing loading facilities, which complied with the Zoning Regulations in effect when the building was constructed but did not meet the minimum loading requirements of the 1958 Zoning Regulations; and

iii. Special exception relief for:

- a. Multiple penthouses (Section 411.6 of the 1958 Zoning Regulations) to provide a separate designated outside air system (“DOAS”) mechanical unit on the north wing of the building that was not connected to the main penthouse. Per the penthouse regulations in effect at the time that the project was approved, a single penthouse was permitted for the main penthouse (which included amenity space, circulation, enclosed mechanical equipment, and screen walls), and separate penthouses were permitted for the two separate stair towers. Special exception relief was needed to provide the separate DOAS unit.
- b. Penthouses with multiple heights (Section 411.9 of the 1958 Zoning Regulations) to permit the main penthouse, the two separate stair towers, and the DOAS unit to have different heights. Altogether, there were four different penthouse heights on the building (*see* Sheet 5 of the Penthouse Drawings);
- c. Penthouse setbacks (Section 411.18(c)(5) of the 1958 Zoning Regulations) to permit the three existing stair towers that provide access to the roof—one on each wing of the building—to not have any setback from the open courts cut into the center of the building.

The Commission also granted relief pursuant to Sections 936.1 and 1601.7 of the 1958 Zoning Regulations, which made Section 411 applicable to penthouses in the Waterfront and CG Overlay Districts, respectively.

Pursuant to 11A DCMR § 102.3(a), the approved project, including the approved zoning relief, is vested and subject to the provisions and requirements of the 1958 Zoning Regulations. Pursuant to 11A DCMR § 102.4, the proposed modifications to the vested project will conform with the 2016 Zoning Regulations as the 2016 Zoning Regulations apply to those modifications, except as noted below where relief is being requested to modify the building’s roof plan.

III. PROPOSED MODIFICATIONS TO APPROVED PROJECT

A. Modifications to the Penthouse

The Applicant proposes the following modifications to the approved roof plan:

1. Maintain the Existing Penthouse Structure in the Center Wing of the Building.

After further investigation into the condition of the existing structure, the Applicant determined that the existing elevator system in the center of the building can be refurbished and reused, rather than replaced as previously proposed. Preserving the existing elevator system allows the Applicant to reuse the existing penthouse (shown in yellow on Sheet 6 of the Architectural Drawings), which houses the existing elevator machine room and overruns. The Applicant

previously proposed to demolish the existing penthouse, including the elevator machine rooms, overruns, and shafts below, with the understanding that the elevator equipment was unsalvageable.

As proposed, a mechanical well will be cut into a portion of the existing penthouse to accommodate exhaust fans and heat pumps for the split systems serving the rooftop amenity space, such that no equipment will be located on top of the existing penthouse structure. A new screen wall will be connected to the existing structure to house the stair pressurization fan associated with the existing stair tower on the building's center wing (shown in blue on Sheet 6 of the Architectural Drawings).

2. Provide Elevator Access to the Penthouse.

As part of maintaining the existing elevator system and penthouse structure, the Applicant also proposes to bring one of the four elevators to the penthouse level to provide rooftop access. Doing so results in an elevator overrun that is approximately 2'-2" taller than the existing penthouse roof level (shown in purple on Sheet 6 of the Architectural Drawings).

3. Modify and Update the Building's Mechanical Equipment and Systems.

The Applicant proposes to change the building's HVAC system and relocate other mechanical equipment to the roof. Doing so adds a second unenclosed mechanical screen wall on the north wing, but simultaneously reduces the area of the previously-approved unenclosed screen wall on the south wing and eliminates entirely the previously-approved enclosed mechanical space. The proposed modifications also create an opportunity for the Applicant to bring the approved separated DOAS unit into the larger screen wall to the north, thus reducing the total number of penthouse structures.

The Applicant proposes to replace the existing HVAC system with new VRF heat pumps. As previously proposed, the HVAC system would have required reuse of existing condenser lines and cooling towers, which has been determined to be unfeasible because the large distribution piping system made significant portions of the residential units uninhabitable. In contrast, the proposed VRF system utilizes much smaller distribution pipes that can be accommodated within the building. The result is the addition of new VRF heat pumps on the roof instead of the previously-proposed cooling towers. The VRF pumps will be split between the two unenclosed screen walls on the north and south sides of the building (shown as peach and orange on Sheet 6 of the Penthouse Drawings). The Applicant also proposes to place an emergency generator and three stair pressurization fans on the roof, located within the proposed screen walls. These elements are required to bring the building into compliance with the current Building Code life and safety requirements. Finally, Sheet 6 of the Architectural Drawings shows mechanical equipment to the south of the DOAS unit within the northern screen wall. The exact dimensions and extent of this equipment is currently unknown, as it will be used by a future retail tenant. Thus, the Applicant proposes to construct the northern portion of the screen wall first, and add the southern portion around the future mechanical equipment at a later date.

B. Additional Zoning Relief Required as a Result of Proposed Modifications

Pursuant to 11X DCMR § 603.3, an application for a special exception or variance that would otherwise require approval from the Board of Zoning Adjustment may be heard simultaneously with a design review application and will be subject to all applicable special exception criteria and variance standards. The Applicant requests special exception and variance relief as set forth below:

1. Special Exception Relief for Penthouses

The modifications described above result in the need for special exception relief from the penthouse regulations. Pursuant to 11C DCMR § 1504 and 11X DCMR, Chapter 9, special exception relief may be granted from the requirements of 11C DCMR § 1500.6 – 1500.10 and 1502.

- i. Multiple penthouses (11C DCMR § 1500.6). Relief to provide multiple penthouses is still needed; however, there are *fewer* separate penthouses on the building as proposed than as shown on the approved plans. As indicated on the Penthouse Drawings, the proposed penthouses include:
 - a. The main penthouse, which includes amenity space, circulation (stairs and elevator), restrooms, storage, and unenclosed mechanical screen walls; and
 - b. Two separate stair tower enclosures, which are now both attached to unenclosed screen walls for mechanical equipment.
- ii. Penthouses with multiple heights (11C DCMR § 1500.9). This relief is still needed as follows:
 - a. The main penthouse has four separate heights:
 1. Top of elevator equipment (elevation 129.29' and shown as purple on Sheet 6 of the Penthouse Drawings);
 2. Top of the existing penthouse, which will enclose one of the existing stair towers, restrooms, and storage space (elevation 127.12' and shown as yellow on Sheet 6);
 3. Top of the enclosed amenity space and top of the unenclosed screen wall (elevation 123.54' and shown as orange on Sheet 6); and
 4. Top of the unenclosed screen wall above the stair pressurization fan (elevation 115.29' and shown as blue on Sheet 6);
 - b. The two existing stair towers on the building's north and south wings continue to have a different height from the main penthouse (elevation 122.08' and shown as red on Sheet 6); however, their proposed height is approximately 1.5' lower than their approved height; and

- c. Each of the existing stair towers on the building's north and south wings is connected to additional mechanical screen walls (elevation 121.04' and shown as peach on Sheet 6).

- iii. Penthouse setbacks (11C DCMR § 1502.1(c)(5)). Penthouse setback relief for the three existing stair towers located on each wing of the building is still required. The stair towers on the north and south wings now extend 5'-10" into the building's open courts (as measured from the exterior wall, and 3'-7" from the overhang), whereas under the previous design they were flush with the court walls at the penthouse level.

In addition, because the Applicant proposes to maintain the existing penthouse structure (elevation 127.12' and 17'-10" above the existing roof) and extend one elevator to the roof level (elevation 129.29' and 20' above the existing roof), setback relief is also needed for these portions of the main penthouse, which are setback 16'-3" from the north and south court walls.

Under 11C DCMR § 1504, the Board of Zoning Adjustment may grant special exceptions from the requirements of 11C DCMR § 1500.6 – 1500.10 and 1502, pursuant to Subtitle X, Chapter 9, subject to the following considerations (a) the strict application of the penthouse requirements would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes; (b) the relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall; (c) the relief requested would result in a roof structure that is visually less intrusive; (d) operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable; (e) every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and (f) the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

The proposed penthouse configuration is consistent with the standards set forth in 11C DCMR § 1504. Strict application of the penthouse requirements would result in construction and rehabilitation of the existing building that is unduly restrictive, prohibitively costly or unreasonably, or is inconsistent with building code requirements. Regarding multiple penthouses and penthouses with multiple heights, the Applicant could theoretically construct a single, very large screen wall surrounding the separate structures, resulting in strict compliance with the penthouse regulations. The Applicant could also increase the heights of several of the penthouse elements to reduce the number of different penthouse heights. However, either option would create additional and unnecessary massing on the roof, which is contrary to the intent of the penthouse regulations and would be more visible from the street and river. As noted above, there are fewer separate penthouses under the proposed design (one main penthouse and two separate stair towers, each connected to a mechanical screen wall, instead of one main penthouse, two separate stair towers, and a third mechanical unit). Moreover, three of the six total proposed penthouse heights

are within 2.5' of each other (121.04', 122.08', and 123.54' in elevation) such that their height differences will be imperceptible. *See* Approved and Proposed Renderings on Sheets 12-16 of the Architectural Drawings. All new penthouse structures are setback at least 1:1 from the edge of the roof, and only existing structures have less than a 1:1 setback.

Regarding the setback relief, the Zoning Commission already granted relief for the three existing stair towers to not provide any setback from the court walls. The proposed new bump-out into the courts for the north and south stair towers is a result of vertical ductwork that connects through all levels of the building and is needed for the stair pressurization system. This duct work cannot be located on the interior side of the stair towers because doing so would conflict with the building layout below. Thus, to bring the building into compliance with the current building code standards and provide the required stair pressurization, the Applicant must project the duct work into the open courts.

Setback relief is also needed to maintain the existing penthouse structure at 17'-10" in height, measured from the top of the existing roof slab, which is setback 16'-3" from the north and south court walls. The 17'-10" height is a result of the existing stacked elevator mechanical equipment and overruns, which are located on top of the existing elevator shafts. Although the existing elevators do not provide access to the roof level, the equipment and overruns require 17'-10" of vertical clearance. As shown on Section 1 on Sheet 8 of the Penthouse Drawings, the elevator machine room and the overruns are sandwiched as close together as possible, such that the height of the existing penthouse cannot be reduced to meet the setback requirement.

Additional setback relief is needed to provide elevator access to the roof, which results in a 20' tall penthouse enclosure. The 20' height is a result of the 7'4" tall elevator cab and its overrun, which together require 17'-9" clear from the existing roof slab to the underside of their hoist way beams. With 12" for the hoist way beams and 1'-3" for the roof assembly, a height of 20' is needed for the overall elevator penthouse.

The Applicant considered extending the center wing's court walls out to the north and south in order to reduce the non-compliant setback. However, the existing building has columns spaced at 20' intervals, which can only sustain a minimal cantilever. Thus, extending the center wing by a few feet to meet the setback requirement would require extending the wing's width by almost 20' to the north and south, which would eliminate a substantial number of dwelling units and destroy the architectural character and environment created by the large, open courts facing the waterfront.

Although technically non-compliant, the requested relief will result in a better building design. Providing multiple penthouses and multiple penthouse heights, which are similar in elevation and the difference is not perceptible from the ground level, will reduce massing on the roof, and providing a 1:1 setback for all new penthouse components will minimize the penthouses' visibility from the street. Indeed, every effort has been made for the mechanical equipment, stair towers, and elevator penthouses to be in compliance with the required setbacks. The only penthouse elements that are not setback 1:1 are those that are already existing in the building, and which will become exposed when the Applicant cuts the open courts into the building, opening it up to the river. The non-compliant penthouses are setback at least 1:1 from all front, rear, and side

building walls, including river-facing walls, and only require relief along the internal court walls. Thus, setback relief will not result in any negative impacts, will not materially impair the intent and purpose of the penthouse regulations, and will not affect adversely the light and air of adjacent buildings.

2. Variance for Penthouse Height

Pursuant to 11X DCMR § 603.3 and 11X DCMR, Chapter 10, the Applicant requests a variance from 11K DCMR § 505.5, which limits the maximum permitted penthouse height in the CG-5 District to 12', and 15' for mechanical space. As measured from the roof on which they sit, the proposed penthouses range in height from 6' to 20'.

The test for variance relief is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. As set forth below and as will be further addressed in the Applicant's prehearing submission and at the public hearing, variance relief for penthouse height is appropriate in this application.

A. Exceptional Condition or Situation

The Zoning Commission previously found in Z.C. Order No. 16-06, Findings of Fact Nos. 39-40, that the Property is exceptional due to the presence of the existing nine-story office building, which the Applicant will adaptively reuse and renovate as part of this application. *See Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974) (stating that the phrase "exceptional situation or condition" applies not only to the land, but also to the existence and configuration of a building on the land). The existing building is exceptionally large, and much of its existing height, density, setbacks, core elements, elevator shafts and equipment, stair towers, column spacing, and siting cannot be modified or redesigned without significantly altering or destroying the building's structural integrity. The Applicant proposes to remove a substantial amount of the building's gross floor area in order to provide appropriate massing, create enhanced public access points to the river, and maximize views for the residential uses. In doing so, the Applicant proposes to maintain the majority of the existing structure, including existing stair towers, elevator systems, structural columns, and penthouse structures, which directly impact the ability to comply with the penthouse height requirements.

B. Resulting Practical Difficulty

Strict application of the penthouse height requirements would result in a practical difficulty to the Applicant by constraining the Applicant's ability to adaptively renovate and reuse the existing building, including the existing elevator shafts, mechanical equipment, and overruns. The main penthouse includes two heights that are inconsistent with the maximum heights permitted by 11K DCMR § 505.5. The existing penthouse structure will retain its existing height of 17'-10", and the new elevator tower will be 20' in height to permit access to the roof. The other penthouses on the building will comply with the 12' and 15' requirements.

The existing penthouse height is consistent with the regulations in effect when the building was constructed, and is only now non-compliant as a result of the changes made to the penthouse regulations pursuant to Z.C. Order No. 14-13 (January 2016). As stated above, after further investigation the Applicant determined that the existing elevator system in the center of the building can be refurbished and reused, rather than replaced as previously proposed, which allows the Applicant to retain and reuse the existing penthouse, elevator machine room, and overruns. The existing elevator machine room and overruns are sandwiched as close together as possible, such that the Applicant cannot reduce the structure's height to 15' without demolishing it altogether—thus defeating the purpose of preserving the building's existing elevator systems.

Providing elevator access to the roof is also not possible without providing a 20' structure to house the elevator and overrun. The 20' height is a result of the 7'4" tall elevator cab and its overrun, which together require 17'-9" clear from the existing roof slab to the underside of their hoist way beams. With 12" for the hoist way beams and 1'-3" for the roof assembly, a height of 20' is needed for the overall elevator penthouse.

C. No Harm to the Public Good or Zone Plan

The requested variance can be granted without substantial detriment to the public good and without substantial impairment to the zone plan. The two portions of the main penthouse that do not comply with the maximum penthouse height requirements are located in the center of the building and are significantly setback from all of the building's exterior walls, except the court walls. *See* Approved and Proposed Renderings on Sheets 12-16 of the Architectural Drawings. Therefore, the increased penthouse heights will not be visible from surrounding properties and will not have any impact on the public good. Moreover, except for the small portion of the penthouse dedicated to the 20' elevator overrun, the majority of the non-compliant penthouse already exists within its existing height and footprint. Therefore, maintaining this height on the roof will not adversely affect surrounding properties and will not be a detriment to the public good or zone plan.

IV. DESIGN REVIEW APPROVAL - BURDEN OF PROOF

A. Design Review Requirements

Pursuant to 11K DCMR §§ 512.1(a) and 512.2, the proposed uses and renovations to the existing building at the Property are subject to design review and approval by the Zoning Commission. In accordance with 11K DCMR § 512.3, and as previously found in Z.C. Order No. 16-06, the project's siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will comply with the following:

1. *11K DCMR § 512.3(a) - Help Achieve the Objectives of the Capitol Gateway*

The project satisfies the following stated objectives for the Capitol Gateway zones as provided in 11K DCMR § 500.1 as follows:

- a) *Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;*

The project's height, bulk, and design are consistent with the requirements of the Zoning Regulations and with the Property's designation on the Future Land Use Map as mixed use Medium Density Residential and Medium Density Commercial. While the Applicant will slightly increase the building's existing height on a small portion of the roof to construct the required roof slab reinforcement and accommodate the pool, the resulting height is still suitable to the surroundings. The proposed bulk of the building will also be suitable with the surrounding context and take advantage of its location on the Anacostia River as a result of the significant reduction to the Property's FAR. .

Moreover, the project includes approximately 373,984 square feet of existing gross floor area that will be converted to residential use and approximately 24,032 square feet of existing gross floor area that will be converted to retail/service uses in a vibrant, rehabilitated, and adaptively reused building that will draw residents, visitors, and employees to this emerging area of the District. In addition, the project is consistent with the Buzzard Point Vision Framework and Implementation Plan (the "Buzzard Point Plan"), which envisions a vibrant, mixed use neighborhood with dynamic parks and public spaces, improved multi-modal transportation systems, and a living and sustainable environment. *See Buzzard Point Plan, p. 5.*

- b) *Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses;*

The project incorporates approximately 24,032 square feet of new retail/service uses that will appeal to visitors and will have frontage on Half Street and Water Street to increase visibility and walkability to the Property. The Applicant anticipates that the retail space will incorporate both restaurant and commercial/service uses.

The Applicant is also constructing a major portion of the Anacostia Riverwalk, which will include wide new pedestrian and bicycle facilities, landscaped areas, and an overlook to the Anacostia River. These amenities will further draw visitors to the area to take advantage of recreational opportunities and views of the river that were not previously available. Finally, the Applicant will build safe pedestrian and bicycle connections to the surrounding streets through the implementation of new widened sidewalks, street furniture, pedestrian-oriented lighting, crosswalks, and landscape buffers.

- c) *Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;*

The Property is not currently used for industrial purposes, thus 11K DCMR § 500.1(c) is not applicable to this application.

- d) *Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;*

The renovated building design removes approximately 215,217 square feet of the existing structure to provide an appropriate massing along the Anacostia River. The project also includes significant step-backs and height step-downs to maximize riverfront views and create an aesthetically-pleasing design. Moreover, the project includes continuous public open space along the waterfront through the creation of the Riverwalk, with ample space for pedestrians, cyclists, and landscape elements.

- e) *Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;*

The Property is not located along M Street, SE, thus 11K DCMR § 500.1(e) does not apply to this application.

- f) *Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;*

The Property is not located in Squares 702-706 or Reservation 247, thus 11K DCMR § 500.1(f) does not apply to this application.

- g) *Provide for the establishment of South Capitol Street between M Street, S.E., and the Anacostia waterfront as a monumental civic boulevard;*

The Property is not located on South Capitol Street, thus 11K DCMR § 500.1(g) does not apply to this application.

- h) *Provide for the development of Half Street, S.E., as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and*

The Property is not located on Half Street, SE, thus 11K DCMR § 500.1(h) does not apply to this application.

- i) *Provide for the development of First Street, S.E., as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.*

The Property is not located on First Street, SE, thus 11K DCMR § 500.1(i) does not apply to this application.

- 2. *11K DCMR § 512.3(b) - Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses*

As noted above, the project provides a mix of preferred uses, including residential, retail, and service uses.

3. *11K DCMR § 512.3(c) - Be in Context with Surrounding Neighborhood and Street Patterns*

As shown on the architectural drawings approved in Z.C. Case No. 16-06, the project is in context with the surrounding neighborhood and will significantly improve the adjoining street patterns and circulation. The renovated and redesigned building provides distinct façade articulation at each elevation and creates an innovative design that connects the building to the surrounding street frontages and to the Anacostia River. The Applicant will remove the existing parking access point at the southern portion of the Property and provide a consolidated parking and loading area at the north side of the Property, thus eliminating curb cuts and minimizing potential pedestrian/vehicular conflicts. The Applicant will also provide significant new streetscape improvements on T Street, Half Street, and Water Street, which will support pedestrian and bicycle infrastructure where none currently exist, and which will be consistent with the vision for the streetscape set forth in the Buzzard Point Plan.

Moreover, the design and construction of the Riverwalk is a major endeavor that the Applicant will undertake in conjunction with the Office of Planning, DDOT, and DDOE, and which will help guide future development to this portion of the southwest waterfront.

4. *11K DCMR § 512.3(d) - Minimize Conflict between Vehicles and Pedestrians*

As stated above, consolidated access for parking and loading will be located on the north side of the Property. This new configuration eliminates the existing parking access point at the south side of the Property and significantly reduces the width of the existing curb cut on the north side of the Property. Trash operations will also occur from the loading area, with trucks entering the Property, picking up, and leaving via the same entrance. All trucks will be able to access the loading docks without negatively impacting public space between the docks and the nearest DDOT-designated truck routes. Trucks will also be able to make front-in and front-out maneuvers. Overall, the proposed design for the parking and loading operations will minimize potential pedestrian and vehicle conflicts.

The Applicant will also create a two-way cycle track leading from T Street to the Riverwalk on the north side of the building. The design for this bicycle infrastructure was vetted and supported by DDOT in Z.C. Case No. 16-06, with the goal of eliminating any potential bicycle conflicts with parking and loading operations, such that safe and secure access to the river will be provided.

5. *11K DCMR § 512.3(e) - Minimize Unarticulated Blank Walls Adjacent to Public Spaces through Façade Articulation*

The redesigned building offers extensive façade articulation across all of its elevations. Each façade is distinctly and extensively conveyed through irregular patterns and a mixture of materials, fenestration, and colors.

6. *11K DCMR § 512.3(f) - Minimize Impact on the Environment (LEED)*

The project has been designed and will be constructed and operated with a goal toward sustainability and minimizing negative impacts to the environment. To that end, the project will include a number of sustainable features and will achieve LEED Gold certification.

B. Buildings and Structures to be Constructed on a Lot within the CG-5 District

As a result of the Property's location in the CG-5 District, the project is subject to the following additional requirements:

1. *11K DCMR § 512.4(a) - Provide Suitably Designed Public Open Space Along the Waterfront*

As shown on the architectural drawings approved in Z.C. Case No. 16-06, the project includes well-designed open space along the river that is inviting to the public, easily accessible, and particularly beneficial given the Property's unique location. At the request of the ANC, the Applicant is also providing a large dog park on the Property adjacent to the Riverwalk so that building residents and the public have a convenient and aesthetically-pleasing location to let their dogs run.

2. *11K DCMR § 512.4(b) - Include a Plan for Suitable Open Space Treatment of the Setback Area*

The architectural plans and elevations approved in Z.C. Case No. 16-06 include plans for suitable open space treatments and public access and use of the setback area.

3. *11K DCMR § 512.4(c) - Include a View Analysis of the Waterfront*

The architectural plans and elevations approved in Z.C. Case No. 16-06 include a view analysis that assesses the views and vistas set forth in 11K DCMR § 512.4(c). As shown therein, since the building's height and mass already exist along the river and Half Street, the proposed building alteration will have no detrimental impact on views and vistas of the identified monumental properties and focus areas.

C. General Design Review Requirements

In addition to the requirements of 11K DCMR §§ 512.3 and 512.4, the project is also consistent with the general design review standards set forth in 11X DCMR § 604 of the Zoning Regulations as follows:

1. *11X DCMR § 604.5 - The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.*

The Project is not inconsistent with the Comprehensive Plan and with other adopted public policies. In order to manage growth and change in the District, the Comprehensive Plan encourages diversity and asserts that the District "cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families [and prioritize] sustaining and prompting safe neighborhoods... and housing for families." 10A DCMR § 217.2. Diversity also means maintaining and enhancing the District's mix of housing types... [with] housing developed for households of different sizes, including growing families as well as singles and couples." 10A DCMR § 217.3. The Comprehensive Plan

also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. 10A DCMR § 217.6.

The Project is fully consistent with each of these goals since the Applicant will convert approximately 373,984 square feet of vacant office space into new residential units and amenity spaces, plus approximately 24,032 square feet of existing gross floor area into retail/service uses in a vibrant, rehabilitated, and adaptively reused building that will draw residents, visitors, and employees to this emerging area of the District.

2. *11X DCMR § 604.6 - The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.*

The project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. With the exception of the requested penthouse relief and the previously-approved building height and loading variances, the project complies with all other applicable zoning requirements. As described herein, approval of the requested relief will have no adverse impacts on surrounding property and will not impair the purpose or intent of the Zoning Regulations.

Moreover, CG-5 District “is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront; encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel uses; provide for a reduced height and bulk of buildings along the Anacostia River in the interest of ensuring views over and around waterfront buildings; and provide for continuous public open space along the waterfront with frequent public access points.” 11K DCMR 505.1. The project will implement these goals by providing a mixed-use development along the waterfront that encourages visitor-related uses such as retail and service uses. The building also creates step-downs and setbacks along the water, and removes significant portions of the building’s existing FAR to reduce the building’s massing and visual impact from the Anacostia River. Finally, the project’s proposal to continue the Riverwalk along the water will provide the “continuous public open space” with “frequent access points that” is prioritized for the CG-5 District.

3. *11X DCMR § 604.7 - The Zoning Commission shall review the urban design of the site and the building for the following criteria:*
 - (a) *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*
 - (1) *Multiple pedestrian entrances for large developments;*
 - (2) *Direct driveway or garage access to the street is discouraged;*
 - (3) *Commercial ground floors contain active uses with clear, inviting windows;*
 - (4) *Blank facades are prevented or minimized; and*
 - (5) *Wide sidewalks are provided;*

The building's street frontages have been designed to be safe, comfortable, and inviting to pedestrian activity. The Project includes ground floor commercial uses with several distinct entryways, and separate entrances for the residential use. The Project also includes significant streetscape improvements, including new sidewalks and landscaping. All public space improvements, including the width of the sidewalks, will comply with DDOT standards. Moreover, as shown on the architectural plans and elevations approved in Z.C. Case No. 16-06, the Applicant minimized blank facades on the renovated building.

(b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*

- (1) *Where neighborhood open space is lacking;*
- (2) *Near transit stations or hubs; and*
- (3) *When they can enhance existing parks and the waterfront;*

The Project includes well-designed new gathering spaces and open spaces, including the construction and extension of the Riverwalk and the incorporation of a dog run to the north of the building. These spaces are inviting to the public, easily accessible, and appropriate for the Property's unique location.

(c) *New development respects the historic character of Washington's neighborhoods, including:*

- (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
- (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places;*

The Property is not located along the District's major boulevards. However, the proposed public space improvements will significantly enhance the existing urban form. The Project does not infringe on any key landscape vistas or axial views of landmarks and important places. As described above, shown in the architectural plans and elevations approved in Z.C. Case No. 16-06, the building's massing along the river will be improved, and the building's alteration will have no detrimental impact on views and vistas.

(d) *Buildings strive for attractive and inspired façade design, including:*

- (1) *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
- (2) *Incorporate contextual and quality building materials and fenestration;*

As shown in the architectural plans and elevations approved in Z.C. Case No. 16-06, the ground floor includes active uses with clear inviting windows. The pedestrian realm surrounding the Site will be reinforced through the provision of outdoor seating, the extended Riverwalk, the

dog park, and the overlook at the terminus of the Riverwalk and T Street. Moreover, the building will be re-clad in high quality materials that will significantly enhance the building's design and aesthetic from the surrounding streets and from the water.

(e) *Sites are designed with sustainable landscaping;*

The Project includes significant sustainable landscaping features, such as native vegetation that promotes biodiversity, a green roof, strategic plant selections and site irrigation, and high-quality stormwater management and bio-retention systems.

(f) *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

- (1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) *The development incorporates transit and bicycle facilities and amenities;*
- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*


The Project has been designed to promote connectivity both internally and within the surrounding neighborhood. Vehicle parking and loading will be accessed along the north side of the Property, with pedestrian entrances into the building located along Water Street. Pedestrian and bicyclists will also be able to access the Riverwalk from T Street to the north of the Property and from the extended Riverwalk trail to the south of the Property. The Project incorporates significant long- and short-term bicycle parking facilities for residents, employees, and retail customers, and electric charging vehicle parking spaces in the garage. Redevelopment of the Property will result in significantly better integration into the surrounding street system, through the upgrading of surrounding sidewalks, the planting of trees, and significant improvements to the public realm consistent with DDOT standards.

V. CONCLUSION

For the reasons stated above, the proposed modification of significance to previously-approved plans meets the applicable standards under 11Z DCMR § 704 (applications for modification of significance), 11X DCMR, Chapter 6 (design review), and 11K DCMR § 512 (Zoning Commission review of buildings, structures, and uses in the CG Districts). Thus, the Applicant respectfully requests that the Zoning Commission approve this application.

Respectfully Submitted,

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