

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**MARKET TERMINAL
BUILDING C**

**APPLICATION FOR
MODIFICATIONS TO AN APPROVED CONSOLIDATED
PUD (BUILDING C1)
&
A SECOND-STAGE PUD &
MODIFICATIONS TO AN APPROVED
FIRST-STAGE PUD (BUILDING C2)**

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LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
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I. INTRODUCTION

This statement and the attached documents are submitted on behalf of Carr Properties OC, LLC (the “Applicant”) in support of a revised application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for (i) a modification to the approved consolidated planned unit development (“PUD”) for “Building C1” located in Square 3587, Lot 833; and (ii) a second-stage PUD and a modification to the approved first-stage PUD to convert the primary use of “Building C2” located in Square 3587, Lot 834 from residential use to office use. This application is submitted in accordance with the Zoning Commission’s approval in Z.C. Case No. 15-27, which approved a consolidated PUD for Building C1 and a first-stage PUD for Building C2. Buildings C1 and C2 are located on separate Assessment & Taxation (“A&T”) lots but are considered a single building for zoning purposes.

The application is submitted pursuant to Subtitle X, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). Although Z.C. Order No. 15-27 was approved prior to the effective date of the 2016 Zoning Regulations, due to the proposed modifications this application is evaluated under the 2016 Zoning Regulations.

II. PUD SITE AND APPROVED PUD

Pursuant to Z.C. Order No. 15-27, dated March 27, 2017, and effective on July 21, 2017, (Exhibit A), the Zoning Commission approved a consolidated PUD, a first-stage PUD, and a related Zoning Map amendment from the C-M-1 District to the C-3-C District¹ for Lots 805, 814,

¹ Z.C. Order No. 15-27 was approved under the 1958 Zoning Regulations. Under the 2016 Zoning Regulations, which repealed and replaced the 1958 Zoning Regulations on September 6, 2016, the C-M-1 District was re-designated to the PDR-1 District and the C-3-C District was re-designated to the MU-9 District. A copy of the Zoning Map showing the PUD Site is attached hereto as Exhibit B.

and 817 (part of Record Lot 6) in Square 3587 (the “PUD Site”).² The PUD Site has a land area of approximately 215,250 square feet and is bounded by New York Avenue, NE to the north, 4th Street, NE to the northeast, Morse Street, NE to the southeast, Florida Avenue to the southwest, and the Amtrak and Metrorail rail lines to the west.

At the time that Z.C. Order No. 15-27 was approved, the PUD Site was improved with one-story industrial buildings previously used for wholesale distribution. As of the filing of this application, all of the buildings on the PUD Site have been razed in connection with the PUD Site’s redevelopment.

Pursuant to Z.C. Order No. 15-27, the Zoning Commission approved development of the PUD Site with four buildings (“Building A,” “Building B,” “Building C,” and “Building D”) containing residential, retail, office, and optional hotel uses (the “Overall Project”). The Overall Project was approved to be constructed in two phases. Phase I was the consolidated PUD and included the southern portion of Building A (“Building A1”), Building B, and the southern portion of Building C (“Building C1”). Phase II was the first-stage PUD and included development of the northern portion of Building A (“Building A2”), the northern portion of Building C (“Building C2”), and Building D.

The Overall Project was approved to have an aggregate density of approximately 7.1 floor area ratio (“FAR”) with approximately 1,091,201 square feet of gross floor area devoted to residential use, approximately 52,968 square feet of gross floor area devoted to retail use, and approximately 217,558 square feet of gross floor area devoted to office use. *See* Z.C. Order No. 15-27, Decision No. A(2). The approved Overall Project included approximately 105,469 square

² Following approval of Z.C. Order No. 15-27, new Assessment & Taxation lots were created for the PUD Site, such that the PUD Site is now known as Lots 819, 833-835, and 838-840. A new survey was also prepared and confirmed that the PUD Site area is 215,250 square feet.

feet of gross floor area devoted to parking and loading support spaces, with a total of 682 parking spaces spread among the buildings. Building heights were approved at heights ranging from 78 feet to 130 feet.

In granting Z.C. Order No. 15-27, the Zoning Commission found that the consolidated and first-stage PUDs and related Zoning Map amendment were not inconsistent with the Comprehensive Plan, including the PUD Site's designation on the Future Land Use Map as mixed-use High Density Commercial, High Density Residential, and Production, Distribution and Repair, and on the Generalized Policy Map as a Multi-Neighborhood Center. *See* Z.C. Order No. 15-27, FF Nos. 88, 91-106. The C-3-C District (the MU-9 District under the 2016 Zoning Regulations) is identified in the Comprehensive Plan as being compatible with the High Density Commercial designation. *See* 10A DCMR §§ 225.11. Moreover, the Zoning Commission found that the PUD furthered numerous goals and policies of the written elements of the Comprehensive Plan and other District planning goals for the immediate area. *See* Z.C. Order No. 15-27, Conclusions of Law No. 10. Furthermore, the Zoning Commission found that the consolidated and first-stage PUDs and related Zoning Map amendment were consistent with the Florida Avenue Market Study ("FAMS") and the Ward 5 Works Industrial Land Transformation Study ("Ward 5 Works Study"), the two small area plans applicable to the PUD Site. *See* Z.C. Order No. 15-27, FF No. 126-131 and 133-135.

In Z.C. Order No. 15-27, the Zoning Commission also found that the PUD will implement the purposes of Chapter 24 of the 1958 Zoning Regulations (11-X DCMR, Chapter 3 of the 2016 Zoning Regulations) to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right standards. *See* Z.C. Order No. 15-27, Conclusions of Law No. 5.

The Applicant now seeks approval of (i) a modification to the approved penthouse on Building C1 to permit a nightclub, bar, cocktail lounge, or restaurant use in the approved penthouse habitable space, and to made several other structural modifications to the penthouse, including adding solar panels and a new 20' tall screen wall and small enclosed area for mechanical space; and (ii) a second-stage PUD and modifications to the approved first-stage PUD for Building C2 to convert the primary use of Building C2 from residential to office, and to also permit nightclub, bar, cocktail lounge, or restaurant uses in the penthouse of Building C2. In doing so, and as set forth below, the Applicant requests special exception relief pursuant to 11-C DCMR § 1500.3 to permit the nightclub, bar, cocktail lounge, or restaurant use in the penthouses.

III. BUILDING C1

A. Approved Consolidated PUD for Building C1

As part of the consolidated PUD, the Zoning Commission approved Building C1 to be developed to a maximum building height of 130 feet, with approximately 217,558 square feet of gross floor area devoted to office use, approximately 10,563 square feet of gross floor area devoted to retail use, and additional floor area devoted to parking and loading. Building C1 included 130 on-site parking spaces and a penthouse with approximately 5,890 square feet of habitable area devoted to office use that complied with all height and setback requirements.

B. Proposed Modification to Building C1

As noted above, and as shown on the proposed penthouse plan for Building C1 attached hereto as Exhibit C, the Applicant requests a modification to the approved PUD and special exception relief pursuant to 11-C DCMR § 1500.3 and 11-X DCMR § 901.2 to locate a nightclub,

bar, cocktail lounge, or restaurant use in the approved penthouse on Building C1.³ During the week the penthouse will primarily be used as office amenity space, with shared co-working spaces, communal work rooms, and informal gathering spaces for building employees, including space to accommodate daytime or evening events hosted by the office tenant(s), all of which was initially envisioned and approved in the consolidated PUD (Z.C. Order No. 15-27). The Applicant now requests flexibility to have the option to rent out the penthouse space to third parties for events not otherwise associated with the office use, which could include uses and/or events that fall within the “nightclub, bar, cocktail lounge, or restaurant” use categories as defined in the Zoning Regulations. As shown on the proposed penthouse (Exhibit C), the penthouse habitable space that will be dedicated to the nightclub, bar, cocktail lounge, or restaurant use will be approximately 5,646 square feet.

The Applicant also requests that the Commission approve (i) an additional screen wall to shield rooftop mechanical equipment; and (ii) a small increase to the existing 20 foot tall portion of the penthouse to enclose additional mechanical equipment. These modifications are requested to accommodate the final mechanical equipment design that has been finalized since the consolidated PUD was approved. The proposed screen wall and enclosed mechanical space will

³ On June 28, 2018, the Zoning Administrator approved a modification submitted by the Applicant to increase portions of the approved penthouse height on Building C1. Pursuant to Z.C. Order No. 15-27, Building C1 was approved to have a single penthouse with two heights. A penthouse height of 15 feet was approved to contain office space and mechanical equipment, and a penthouse height of 20 feet was approved to contain two elevator overruns. By letter dated June 6, 2018, the Applicant requested that the Zoning Administrator approve a modification to the penthouse that would increase the height of a portion of the 15-foot tall penthouse height to meet the approved 20-foot tall penthouse height. The new 20-foot tall portion would accommodate a new mezzanine for mechanical equipment, allowing the penthouse to accommodate a highly efficient and sustainable DOAS HVAC system. The modified height was fully consistent with the penthouse height requirements of 11-G DCMR § 403.3, and met all of the required setbacks of 11-C DCMR § 1502. Therefore, the Zoning Administrator approved the proposed modification because the penthouse was already approved to have a 20-foot height for mechanical equipment in certain locations and the Applicant was simply increasing a portion of the 15-foot tall penthouse to 20 feet to accommodate additional mechanical equipment. A copy of the signed Zoning Administrator modification form approving the penthouse modification and the penthouse plans approved by the Zoning Administrator are attached hereto as Exhibit D.

match and connect to the approved 20-foot tall portion of the penthouse, and will meet all penthouse height and setback requirements set forth in the Zoning Regulations.

Finally, the Applicant also requests approval to add solar panels to the top of the 15-foot tall portion of the penthouse. As shown on the proposed penthouse plans, the solar panels are approximately 2 feet, 8 inches tall, and will therefore have a height above the main roof of the building of 17 feet, 8 inches.

IV. BUILDING C2

A. Approved First-Stage PUD for Building C2

As part of the first-stage PUD, the Zoning Commission approved Building C2 to be developed to a maximum building height of 130 feet, with approximately 211,784 square feet of gross floor area devoted to residential use, approximately 9,200 square feet of gross floor area devoted to retail use, and additional gross floor area devoted to parking and loading. Building C2 included approximately 232 residential units and 90 on-site parking spaces. Building C2 also included a penthouse with habitable and mechanical space.

B. Proposed Second-Stage PUD and Modifications to the Approved First-Stage PUD for Building C2

The proposed second-stage Architectural Plans and Elevations (the “Second-Stage Plans”) for Building C2 are attached hereto as Exhibit E. As shown on the Second-Stage Plans, the Applicant continues to propose to develop Building C2 to a maximum building height of 130 feet, with approximately 226,103 square feet of gross floor area devoted to office use, approximately 5,827 square feet of gross floor area devoted to retail use, and additional floor area devoted to parking, loading, and building service areas. Building C2 will include approximately 1,125 square feet of gross floor area devoted to “Maker Space,” as required by Z.C. Order No. Decision No. B(24), which is included in the total retail area of 5,827 square feet.

Approximately 132 zoning-compliant parking spaces and 9 tandem parking spaces will be located in three levels of below-grade parking accessed from the private alley to the east of Building C2. One loading berth and one service/delivery space will be located on the ground floor and also accessed from the alley. The loading spaces will be shared between the office and retail uses. Approximately 72 long-term bicycle parking spaces will be located on the first level of the garage, and approximately ten short-term bicycle parking spaces will be provided, with six spaces located adjacent to the building's main entrance and four spaces located adjacent to the elevators in the first parking garage level.

Building C2 offers unique amenity spaces. For example, the building includes a two-story office lobby with an open retail concept that is intended to activate the public space and draw a variety of patrons into the building. In doing so, the building intentionally blurs the traditional boundaries between retail, office lobby, and public space to encourage maximum activation and utilization. The building façade showcases floor to ceiling glass ribbon windows with textured masonry spandrels and a two-story exposed concrete truss at the base to evoke the industrial history of the Union Market neighborhood. Abundant plantings are used on the exterior and interior of the building to provide a soft, biophilic approach to design and to foster a sense of nature and serenity.

The primary office lobby entrance is located in the middle of the façade along 3rd Street, with multiple retail entrances located along 3rd Street and Neal Place. The adjacent streetscape design is intended to encourage pedestrian activity and will include abundant plantings in planters and on the vertical face of the building to soften the building edges and further highlight the biophilic approach to the design. The base of the building and streetscape will be highlighted by a 30-foot long canopy that projects 14 feet and will be accessed through the building's main lobby.

This canopy will provide an additional gathering space above the sidewalk and will help to further activate the streetscape surrounding the building.

The building's penthouse will include a variety of informal gathering spaces, seating arrangements, and small and large conference rooms where building tenants can work and socialize. As with Building C1, the Applicant requests special exception relief pursuant to 11-C DCMR § 1500.3 and 11-X DCMR § 901.2 to locate a nightclub, bar, cocktail lounge, or restaurant use in the penthouse on Building C2. During the week the penthouse will primarily be used as office amenity space as described above, with shared co-working spaces, communal work rooms, and informal gathering spaces for building employees, including space to accommodate daytime or evening events hosted by the office tenant(s). However, the Applicant requests flexibility to have the option to rent out the penthouse habitable space to third parties for events not otherwise associated with the office use, which could include uses and/or events that fall within the "nightclub, bar, cocktail lounge, or restaurant" use categories as defined in the Zoning Regulations. The penthouse habitable space that will be dedicated to the nightclub, bar, cocktail lounge, or restaurant use will be approximately 7,269 square feet. The penthouse has a maximum height of 20 feet and meets all penthouse setback requirements.

Building C2 will achieve LEED Gold certification under LEED v4 BD+C. Building C2 will also include solar panels on the roof, within the 20-foot height limit and setback requirement.

Finally, in Z.C. Case No. 15-27A (second-stage PUD application for Building A2), the developer of Building A2 requested that the Zoning Commission (i) modify the language of Z.C. Order No. 15-27, Decision No. B(14); and (ii) strike Decision No. B(15) of Z.C. Order No. 15-27 in its entirety. Approval of this request will tie construction of Neal Place Park to the development

of Building A2 only. The language proposed in Z.C. Case No. 15-27A is copied below, and the Applicant in this case continues to request this same modification:

Decision No. B(14):

Prior to the issuance of a Certificate of Occupancy for Building A2, the Applicant shall demonstrate to the Zoning Administrator that it has completed ~~75%~~ **90%** of construction of the Neal Place Park in accordance with Sheets 20, L1.01-L1.02, and L1.20-L1.21 of the Plans, and as certified by the landscape architect. Neal Place Park shall be 100% completed within 120 days after issuance of the Certificate of Occupancy, as certified by the landscape architect. (Ex. 61A.) The Applicant shall submit detailed landscape design sheets as part of the Second-Stage PUD application that shall be consistent with the above-referenced sheets.

As requested in Z.C. Case No. 15-27A, the Applicant in this case also requests that the Commission ~~strike~~ Decision No. B(15) of Z.C. Order No. 15-27 in its entirety:

Decision No. B(15):

~~**Prior to the issuance of a Certificate of Occupancy for Building C2 or D (whichever is first)**, the Applicant shall demonstrate to the Zoning Administrator that Neal Place Park is 100% complete.~~

V. FLEXIBILITY UNDER PUD GUIDELINES

A. Zoning Flexibility Previously Requested

As part of the first-stage approval for Building C, the Zoning Commission granted flexibility under the 1958 Zoning Regulations from (i) the loading size requirements to provide a 30-foot berth where a 55-foot berth was required; (ii) the rear yard depth requirements to provide a rear yard depth of 24' for Building C whereas a depth of 27'-1" was required; and (iii) the building lot control requirements. The Applicant continues to need these three approved areas of zoning flexibility as part of this second-stage application.

B. Zoning Flexibility Requested for Penthouse Use

Pursuant to 11-C DCMR § 1500.3, a penthouse may house a nightclub, bar, cocktail lounge, or restaurant if approved as a special exception pursuant to 11-X DCMR Chapter 9. No additional special exception standards are set forth in the Zoning Regulations.

In this case, and in accordance with 11-X DCMR Chapter 9, the proposed nightclub, bar, cocktail lounge, or restaurant use in the penthouses on Buildings C1 and C2 will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The use will permit the office tenants to take advantage of the penthouse space for informal gatherings for the majority of the week, and provide flexibility to host outside, third-party events on the evenings and weekends if the penthouse space has not already been leased by the office tenant(s). The penthouse will create a unique and enjoyable space at the top of the Union Market neighborhood, overlooking the city, and will not create any adverse effects. The nightclub, bar, cocktail lounge, or restaurant uses are consistent with the goals of the penthouse regulations to generate an affordable housing contribution. Moreover, the penthouse structures themselves will comply with all height, bulk, and setback standards set forth in 11-C DCMR § 1500.

In addition, the proposed nightclub, bar, cocktail lounge, or restaurant use will not tend to affect adversely the use of neighboring property. Although the PUD Site and much of its surroundings are presently vacant or under construction, the Building C site will eventually be surrounded on all sides by streets or alleys, with no portion of the building directly abutting any residential properties. Moreover, Buildings C1 and C2 are office buildings without any residential tenants.

In addition, it is anticipated that the majority of the patrons visiting the proposed penthouse nightclub, bar, cocktail lounge, or restaurant use will be residents or visitors of the overall Market Terminal project and/or Union Market neighborhood, such that no impacts will be created by

additional vehicular trips driving to the PUD Site to access the rooftop. Moreover, both Buildings C1 and C2 meet or exceed the minimum required on-site vehicle and bicycle parking spaces to accommodate the proposed bar/restaurant use. Therefore, based on the foregoing, the proposed use of the penthouses will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property.

C. Design Flexibility Requested

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the architectural design for Building C2. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant requests that the Zoning Commission approve the design flexibility for Building C2 that was previously granted in Z.C. Order No. 15-27, Decision No. A(8). In addition to the previously-granted flexibility, the Applicant also requests that the Commission grant the following additional areas of flexibility for Building C2:

- For Building C2, flexibility to move the maker space to an alternate location, so long as a minimum of 1,125 square feet is maintained and so long as the maker space remains on the ground floor of Building C2 with visible frontage on Neal Place or 3rd Street.

VI. PUBLIC BENEFITS AND PROJECT AMENITIES

Pursuant to 11 DCMR § 2403.8 of the 1958 Zoning Regulations and 11-X DCMR § 304.3 of the 2016 Zoning Regulations, the Zoning Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.

As previously recognized by the Zoning Commission in Z.C. Order No. 15-27, the approved PUD “includes significant public benefits and amenities that warrant the high-density development.” *See* Z.C. Order No. 15-27, FF. No. 130. Indeed, the Zoning Commission “judged,

balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and conclude[d] approval is warranted.” *Id.* at Conclusion of Law No. 6. The approved public benefits fall within the categories of exceptional urban design, architecture and open space; housing and affordable housing; environmental benefits; employment benefits; transportation benefits; and uses of special value to the neighborhood and to the District as a whole. *Id.* at FF. No. 69-87. The Applicant does not propose any changes to the approved public benefits as part of this application, and has not proposed additional flexibility that would warrant a re-balancing according to 11 DCMR §§ 1504.2. Therefore, the Applicant has not changed any proffers with this application.

VII. THE SECOND-STAGE PUD FOR BUILDING C-2 MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS

A. Area Requirements Under Section 2401.1 (Subtitle X § 301.1)

The minimum land area for a PUD in the C-3-C District (ZR58) and MU-9 District (ZR16) is 15,000 square feet. *See* 11 DCMR § 2401.1 and 11-X DCMR § 301.1. Pursuant to Z.C. Order No. 15-27, Conclusion of Law No. 3, the Zoning Commission found that the PUD Site met the minimum land area requirements of 11 DCMR § 2401.1. The PUD Site’s land area is 215,250 square feet and therefore meets the minimum requirement of the Zoning Regulations. Moreover, the individual land area for the Building C2 also exceeds the minimum requirement of 15,000 square feet. Therefore, this second-stage PUD application continues to meet the PUD area requirements.

B. Height and FAR Requirements Under Section 2405 (Subtitle X § 303)

Section 2405 of the 1958 Zoning Regulations and 11-X DCMR § 303 of the 2016 Zoning Regulations set forth the maximum height and density standards for a PUD. Pursuant to Z.C. Order No. 15-27, Conclusion of Law No. 7, the Zoning Commission found that the first-stage PUD met

the applicable height and bulk standards of the 1958 Zoning Regulations. The Zoning Commission also found that the PUD would not cause a significant adverse effect on any nearby properties, that the approved uses were appropriate for the PUD Site's location, and that the PUD's height, bulk, and uses were consistent with the District's planning goals for the surrounding neighborhood. The height and bulk of Building C2 has not changed in this application, and therefore will continue to not create any adverse impacts on nearby properties.

C. Not Inconsistent with Comprehensive Plan Under Section 2403.4 (Subtitle X § 304.4(a))

Pursuant to 11 DCMR § 2403.4 of the 1958 Zoning Regulations and 11-X DCMR § 304.4 of the 2016 Zoning Regulations, the Zoning Commission shall find that a proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. For a PUD request that is comprised of multiple applications (i.e. first- and second-stage PUD applications), as is the case for Building C2, the scope of the Zoning Commission's review of each application is different.

For a first-stage PUD, the Zoning Commission must find that the application is not inconsistent with the Comprehensive Plan (among other evaluation standards). *See* 11-X DCMR §§ 302.2(a), 304.4(a) and 11-Z DCMR 300.11. For a second-stage PUD, the Zoning Commission must only find that the application is in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval. *See* 11-X DCMR 302.2(b) and 11-Z DCMR 300.12(j). Pursuant to 11-DCMR § 309.2, “[i]f the Zoning Commission finds the application to be in accordance with the intent and purpose of...the first-stage approval, the Zoning Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Zoning Commission's decision.” *See also* Z.C. Order No. 08-07C, FF No. 53. Accordingly, because the Zoning Commission has already

determined that the PUD is not inconsistent with the Comprehensive Plan as part of its review and approval of the first-stage PUD, the Zoning Commission is not required to revisit that decision. *Id.*

Similar to the Zoning Commission's evaluation of a first-stage PUD, a request for a modification of significance to an approved first-stage PUD must meet the first-stage PUD application requirements, including an evaluation of the Comprehensive Plan. *See* 11-X DCMR § 302.2(a) and 11-Z DCMR § 300.11. However, the scope of a hearing for a modification of significance is limited to the impact of the modification on the subject of the original application, and does not permit the Zoning Commission to revisit its original decision. *See* 11-Z DCMR § 704.4. Therefore, a request to modify an approved first-stage PUD involves an evaluation of the Comprehensive Plan only as it relates to the impact of the modification on the Zoning Commission's previous Comprehensive Plan determination, and not the impact of the entire first-stage application. Thus, in the present case, the Zoning Commission need not revisit or reevaluate its determination on the first-stage PUD's consistency with the Comprehensive Plan; rather the Zoning Commission must only find that the proposed change in use for Building C2 from primarily residential use to primarily office use is consistent with the Comprehensive Plan.

As noted above, the Zoning Commission found in Z.C. Order No. 15-27 that "[a]pproval of the PUD and rezoning is not inconsistent with the Comprehensive Plan... [and] the proposed PUD is consistent with the PUD Site's mixed-use High-Density Commercial, High-Density Residential, and Production, Distribution and Repair designation on the Future Land Use Map, and furthers numerous goals and policies of the written elements of the Comprehensive Plan as well as other District planning goals for the immediate area." Z.C. Order No. 15-27, FF. No. 10. *See also* FF. Nos. 88-123. The Zoning Commission also found that the PUD would help to

implement the FAMS and was consistent with policy actions within the Ward 5 Works Study. *See* FF. Nos. 124-135.

The Zoning Commission already found that office use, which was originally approved for Building C1 and as an optional use for Building D, was not inconsistent with the Comprehensive Plan. Thus the proposed office use for Building C2 is also not inconsistent with (i) the purposes of the Comprehensive Plan (*see* Z.C. Order No. 15-27, FF. 90, stating that the proposed mix of uses, including office use, would attract residents, visitors, employees, and the general public to the area, and would promote the social, physical, and economic development of the District); (ii) the Future Land Use Map (*see* Z.C. Order No. 15-27, FF. Nos. 102 and 104, stating that the Project is consistent with Comprehensive Plan policies that encourage creating new compatible uses in the area, including “office space, that create[s] jobs for Upper Northeast area residents and that minimize[s] off-site impacts on the surrounding residential area”); (iii) the Generalized Policy Map (*see* Z.C. Order No. 15-27, FF. No. 106, where the Zoning Commission found that the “proposed mix of new residential, retail, office, and potential hotel uses are consistent with the C-3-C zone designation and will help to improve the overall neighborhood fabric... in compliance with the goals and objectives of Multi-Neighborhood Centers”); (iv) the guiding principles of the Comprehensive Plan (*see* Z.C. Order No. 15-27, FF. Nos. 108 and 109 where the Zoning Commission found that redeveloping the PUD Site as a vibrant new mixed-use development that includes office uses would further the revitalization of the surrounding neighborhood, create new jobs for District residents, increase the city’s tax base, help to reinvigorate the existing neighborhood fabric, and create a vibrant new mixed-use and transit oriented community); and (v) many of the citywide and area elements of the Comprehensive Plan (*see generally* Z.C. Order No. 15-27, FF. Nos. 111-123 where the Zoning Commission found that the office use as part of the

overall PUD was consistent with a range of policies that encourage mixed-use and transit-oriented development, neighborhood revitalization, balanced growth, the rezoning of industrial areas, neighborhood-level service delivery, and the promotion of local hiring initiatives, among others. The Zoning Commission also found that the proposed mix of uses, including office use, were found throughout the immediately surrounding area and in other recently approved PUDs).

The proposed office use is also consistent with the FAMS, which specifically encourages new uses, including office uses, that create a vibrant, mixed mixed-use destination that retains a revitalized wholesale/retail market and incorporates a mix of densities. *See* Z.C. Order No. 15-27, FF. No. 127.

Therefore, the proposed change in use for Building C2 continues to be consistent with the Comprehensive Plan, as previously determined by the Zoning Commission .

VIII. ENGAGEMENT WITH THE COMMUNITY

The Applicant mailed a Notice of Intent to file the original second-stage application for Buildings A2, C2, and D to the owners of all property within 200 feet of the perimeter of the PUD Site on September 14, 2018.⁴ The Applicant also engaged significantly with ANC 5D since that time, including participating in two meetings with the Single Member District commissioner for the PUD Site and their constituents in October, 2018. The Applicant presented the overall application to the full ANC 5D at its regularly scheduled, duly noticed public meeting on November 13, 2018, and at that meeting ANC 5D voted unanimously with a quorum present to support the application. A copy of the ANC's resolution in support of the application is attached hereto as Exhibit F. Since that time, the Applicant has notified the ANC that it is splitting up the

⁴ The 200-foot property owner list used to send the NOI included all of the owners of property located within 200 feet of the Building C1 and C2 sites (part of Exhibit G). An updated 200-foot list for Buildings C1 and C2 only is also attached (Exhibit H).

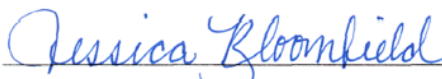
second-stage PUD into separate applications. The Applicant will continue to work with ANC 5D on the subject application, including the modification to Building C1, and present to the ANC again if requested to do so.

IX. CONCLUSION

For the reasons stated above, the Applicant submits that this application for a modification to the approved consolidated PUD for Building C1 and a second-stage PUD and modifications to the approved first-stage PUD for Building C2 meet the standards of 11-X DCMR, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations; meet the standards and requirements of Z.C. Order No. 15-27; are not inconsistent with the purposes and intent of the Zoning Regulations and Zoning Map and with the land use objectives of the District of Columbia; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia and provide significant public benefits and project amenities; and will advance important goals and policies of the District of Columbia. The Applicant therefore respectfully requests that the Zoning Commission set down the application for a public hearing.

Respectfully submitted:

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