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VIA IZIS AND HAND DELIVERY

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Zoning Commission Case No. 11-03C
Application for Second-Stage Planned Unit Development for
Parcel 1 at the Southwest Waterfront
Southwest, Washington, DC
Post-hearing Submission

Dear Members of the Commission,

On behalf of the Applicant for the above-referenced application, we hereby submit the following post-hearing filing as requested by the Zoning Commission at the January 21, 2016, public hearing on the application. During the course of public hearing, the Commission requested revised architectural drawings that address the Commission's comments regarding the penthouse setbacks along the Market Square (west) and Wharf (south) facing sides of the Parcel 1 Building. In addition, the Commission requested the Applicant to submit the following:

- Information regarding penthouse terrace lighting;
- Information regarding acoustic considerations related to the proposed penthouse habitable space;
- Clarification on anticipated penthouse outdoor furnishings;
- Drawings showing potential location for retail and building tenant signage;
- Precedent images for the water wall feature proposed along the Maine Avenue building façade; and
- Information regarding the individuals/organizations the Applicant is working with in Wards 7 and 8 regarding workforce development.

The information requested by the Commission relating to the design of the Parcel 1 Building is attached hereto as Exhibit A (the "Supplemental Plans"), which shall supplement and update, as appropriate, the architectural plans and drawings submitted as part of the Applicant's 20-day supplemental pre-hearing submission that was filed on December 31, 2015 (Case Record, Exhibits 19B1-19B18). Set forth below is a summary of the Applicant's response to the Commission's requests.

ZONING COMMISSION
District of Columbia
CASE NO.11-03C
EXHIBIT NO.27

Penthouse Setback

In response to Commission comments regarding the setback of the penthouse along portions of exterior walls facing Market Square and the Wharf, the Applicant has revised the Parcel 1 Building plans to meet or exceed the 1:1 penthouse setback requirement along all exterior walls of the building. As part of the Supplemental Plans, the Applicant has included two design alternatives that both provide the required setbacks. These alternatives are identified in the Supplemental Plans as “Alternate 1 - Preferred” and “Alternate 2.” As the names of these two alternatives suggest, the first alternative is the Applicant’s preferred, as it would meet the 1:1 setback requirement while still retaining the 10th floor terrace and overall massing of the Parcel 1 Building. As described in more detail below, the design approach of the Applicant’s preferred alternative is consistent with the guidance provided by the Commission at the public hearing, and received a favorable response from the U.S. Commission of Fine Arts (CFA) staff at a consultation meeting held after the public hearing on January 29, 2016.

With respect to setbacks along the Wharf, as initially proposed a portion of the penthouse was located directly in line with the edge of the roof. This was a result of steps taken by the Applicant to modulate massing of the Parcel 1 Building by “carving out” a portion of 10th floor to create an outdoor terrace. However, while not necessarily objecting to the aesthetic of this feature of the building, some Commission members expressed concern over the lack of a penthouse setback in this location primarily on the basis of strict compliance with the newly codified penthouse setback requirements as it pertains to habitable space.

Thus, to provide the required 1:1 setback, the Applicant’s preferred alternative, Alternate 1 - Preferred, shifts the central portion of the façade out toward the Wharf by one foot, increasing the depth of the 10th Floor terrace to 16-feet.¹ In addition, the Applicant has added a structural steel and metal rod trellis which extends the edge of the roof over the 10th Floor terrace (Exhibit A, Sheets 5 – 13). As shown in Section A of Exhibit A, Sheet 10, the trellis will extend out 16-feet, equal to the height of the penthouse at this location, and will consist of several light-colored, small-diameter rods that are attached to the underside of a similarly-colored steel frame. The rods will be evenly-spaced such that the trellis structure will block views of the penthouse when viewed from the Wharf. As noted above, CFA staff expressed a strong preference for Alternate 1 - Preferred, and encouraged the Applicant to develop the final design using a light-colored finish as opposed to something darker as it would blend better with the other proposed building materials.

With respect to the setback along the Parcel 1 Building’s west facade, as presented at the public hearing, the Applicant actually far exceeds the 1:1 setback requirement along the majority of this façade except along the portion that is recessed to break up the building massing. As a result of the recess, the penthouse setback is reduced to 15-feet while the penthouse height is 16-feet. To resolve this, the Applicant has reduced the depth of the recess, or “notch,” in the building façade by one-foot, which increases the setback along this portion of the façade to 16-feet, and results in a fully compliant penthouse setback condition along the entire length of the west façade, facing Market Square and the Fish Market. This approach has been taken in both of the alternatives that have been submitted.

¹ The 10th Floor outdoor terrace was previously noted on the plans as having a depth of 14-feet. However, following the public hearing, and upon further evaluation of the penthouse setback issue, it was discovered that the terrace depth was mislabeled, and the actual depth was 15-feet.

Overall, as a result of the one-foot reduction in depth of the recess along Market Square, and the one-foot shift of the central portion of the façade facing the Wharf, the Applicant's preferred penthouse alternative adds approximately 963 square feet of gross floor area (GFA) to the Parcel 1 Building, or an increase in FAR of approximately 0.03.

As noted above, the Applicant has submitted a second alternative for consideration, identified as "Alternate 2" in the Supplemental Plans (Exhibit A, Sheets 15 – 23). In Alternate 2, the Applicant has eliminated the 10th Floor terrace by filling in this portion of the building with additional interior space to provide a compliant penthouse setback in this location. As shown in Section A of Exhibit A, Sheet 20, this approach would consist of extending the roof slab of the building out 16 feet above the originally proposed 10th Floor terrace, and enclosing the space below by extending the 9th Floor curtain wall system upward. In addition to adding approximately 935 square feet of enclosed GFA, for a total of approximately 1,898 GFA above the initial PUD submission, this alternative would add to the overall massing of the building along the Wharf and eliminate an interesting element of the building's articulation. Unlike the Applicant's preferred alternative, CFA staff did not support development of this second alternative for the final design, and advised it would be unlikely to receive a favorable response from the CFA members.

Penthouse Terrace Lighting

With respect to lighting of the rooftop terrace areas, the light fixtures and illumination levels will be kept low, and the fixtures will be shielded to minimize the amount of light that emanates upward and away from the building. As shown in the Supplemental Plans, the Applicant's terrace lighting plan consists of a linear LED fixture installed along the base of the penthouse walls and along the bottom of portions of the guardrail that surrounds the roof (Exhibit A, Sheet 24). In both locations, the LED fixture will be integrated into the underside of a shield that will direct the light downward resulting in a low-level illumination of the terrace paving.

Given the subtle illumination levels proposed for the outdoor terrace, it is unlikely that the Applicant's terrace lighting plan will cause undue impacts on adjacent properties and to the surrounding area (Exhibit A, Sheets 25 & 27). In addition, as described above, the potential for adverse impacts to result from the proposed terrace lighting is further reduced due to the majority of the proposed penthouse habitable space and outdoor terrace area being located on the south and west sides of the rooftop. Finally, as already noted above, the Applicant is the owner and developer of the mixed-use residential building on Parcel 2; and therefore, has a vested interest in ensuring that the environment created throughout the Parcel 1 Building is compatible with adjacent uses in all aspects.

Acoustic Considerations Related to Penthouse Habitable Space

The Commission requested additional information regarding acoustic considerations related to the proposed penthouse habitable space and outdoor terrace, and in particular the potential for noise impacts on nearby residential uses. With respect to the existing surrounding context, Parcel 1 is primarily surrounded by parks and waterfront, transportation infrastructure, and nonresidential uses. To the north, across Maine Avenue, are Banneker Park, the SE/SW Freeway, and several federal and private office buildings. The Washington Channel and East Potomac Park are located to the south, and to the west is the Maine Avenue Fish Market and the 14th Street Bridge complex. In fact, as shown in Exhibit B, excluding the residential uses being development by the Applicant as part of the Southwest Waterfront redevelopment, the closest existing residential uses are located more than 700 feet (a distance greater than two football fields) to the northeast of Parcel 1. This distance alone will sufficiently mitigate any potential impacts caused by noise generated by the Parcel 1 Building penthouse use to the existing residential community.

Furthermore, as described at the public hearing, the Applicant has specifically designed the proposed penthouse such that the majority of the penthouse habitable space and outdoor terrace area is located on the south and west sides of the Parcel 1 Building, which face the Wharf and Market Square, respectively, with the penthouse mechanical space consolidated in the north and east portions of the penthouse. Hence, the aforementioned existing residential uses are further buffered from the proposed penthouse habitable space and outdoor terrace area by the penthouse mechanical space. In addition, focusing the habitable space and terrace area toward the west and south orients them away from the residential building on Parcel 2, located east of Parcel 1 across Blair Alley, which is also approved for substantial retail and a large, multi-purpose entertainment and cultural venue.

The relationship of the Parcel 1 Building penthouse to the residential building on Parcel 2 is of great interest to the Applicant, since, as the owner and developer of Parcel 2, the Applicant is particularly sensitive to ensuring that the design and operation of the Parcel 1 Building is compatible with adjacent uses in all aspects. Therefore, in addition to designing and programming the Parcel 1 penthouse to provide a degree of separation from the residential use on Parcel 2, the Applicant will ensure that all applicable District noise control regulations are adhered to. As stated at the public hearing, while the exact use of the proposed penthouse habitable space has not yet been identified, an eating and drinking establishment is reasonably foreseeable given the mixed-use, entertainment type environment sought for the Southwest Waterfront. Therefore, the Applicant has requested flexibility to allow office, retail, bar, restaurant, and/or cocktail lounge uses within the proposed penthouse. As discussed at the public hearing, while the Applicant included a nightclub use in its initial request for flexibility, this use was subsequently eliminated from the request in response to Commission comments at the October 19, 2015, setdown meeting.

Regardless of which one of the uses listed above is established, the Applicant will be required to comply with the District's regulations pertaining to the control of ambient noise levels found in Title 20 of the District of Columbia Municipal Regulations (DCMR), which establish general daytime and nighttime decibel limitations that are intended to "promote public health, safety, welfare, and the peace and quiet of the inhabitants of the District, and to facilitate the enjoyment of the natural attraction of the District" (20 DCMR 2700.1). Moreover, these

regulations further limit certain noise-producing activities, such as musical instruments, loud speakers, and amplified sound, beyond the general decibel limits noted above. Finally, in addition to the aforesaid noise control regulations, the establishment of a bar, restaurant, or cocktail lounge use within the penthouse may subject the Applicant to the requirements of the District of Columbia Alcoholic Beverage Regulation Administration (ABRA), which specifically addresses issues related to noise, operating hours, and impacts to surroundings for these types of establishments.

Outdoor Penthouse Furnishings

At the public hearing, the Commission had inquired about how the Applicant intended to furnish the outdoor penthouse terrace, noting that the rendering provided only depicted temporary tables, chairs, planters, and other common movable furnishings, and asked for clarification on whether this was an accurate depiction of the Applicant's intent. The Applicant can confirm that currently the expectation is that the proposed roof terrace will be furnished with temporary/movable elements, especially if the penthouse habitable space is devoted to office use. However, as stated at the public hearing, once the final program of the penthouse habitable space is determined there may be a need for one or more permanent rooftop elements, such as a trellis or similar type of shade structure. As stipulated by the Commission, the Applicant understands that should there be a need to modify the proposed roof plan that a minor modification may need to be pursued.

Retail and Building Signage

Included as part of the Supplemental Plans is information regarding potential retail and tenant signage zones for each elevation of the Parcel 1 Building (Exhibit A, Sheets 28 and 29). Per the Commission's request, this information is intended to provide the Commission with a better understanding of the general limits of where potential building signage could be located, while still affording the Applicant a reasonable degree of flexibility to develop the building signage once building tenants are identified.

The retail and building tenant signage zones shown in the Supplemental Plans are not intended to convey the actual size of an individual sign, nor are they intended to suggest that every zone shown will be utilized or that a zone will be utilized in its entirety. Rather, the zones merely identify the limits of potential areas within which the Applicant, in consultation with future retail and building tenants, would consider the placement of signage. The actual design of the signage will be determined in accordance with the DC Building Code and sign regulations that are in effect at the time of permitting, including any limitations placed on the maximum size of signs for both the retail-level and the signage located above the first-story. Therefore, to respond to the Commission's request for some assurance regarding the potential limits of Parcel 1 Building signage, while still providing the flexibility necessary to accommodate future building tenants, the Applicant recommends that the Commission incorporate by reference the potential signage zones shown in Exhibit A, Sheets 28 and 29 into the Applicant's requests for flexibility by modifying the language of the flexibility included in the initial application to read as follows:

- To vary, as necessary, the retail entrances, facades, and signage in accordance with the needs of the retail tenants and within the potential retail signage zones shown in the supplemental plans filed as part of the Applicant's post-hearing submission; and

- To vary, as necessary, the design and location of building signage located above the first-story within the limits of the potential tenant signage zones shown in the supplemental plans filed as part of the Applicant's posthearing submission, and in accordance with the District of Columbia sign regulations in effect at the time of permitting.

Precedent Images for Proposed Maine Avenue Water Wall

The images requested by the Commission showing potential precedents for the water wall feature proposed along Maine Avenue are attached as Exhibit A, Sheets 30 & 31.

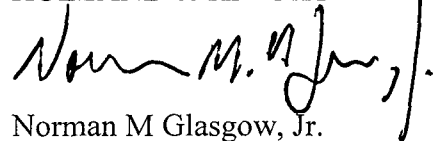
The design of the water wall feature will consist of three slightly angled, precast concrete planes fed by a concealed water source at the top. A raised seat-height basin at the bottom of the feature will collect the water, and also contain integrated lighting directed upward toward the water wall. The materiality of the three planes will consist of a uniformly-size exposed aggregate that is embedded within the three precast concrete panels. The vertical edges of the panels will be capped in a blade of stainless steel. The color of the aggregate and precast panels will be black to complement the base stone of the Parcel 1 Building and surrounding paving materials. The texture of the exposed aggregate will initiate various patterns of activity and effects in the water as it travels downward along the precast planes. In addition, small pieces of glass will be mixed in with the aggregate which will shimmer against light, adding another layer of visual interest the Parcel 1 Building when the water feature is both operating and turned off. This approach of using color, texture, and light creates an interesting architectural feature that also lends visual interest throughout the year.

Ward 7 and Ward 8 Workforce Development

Attached hereto as Exhibit C, is the information requested by the Commission regarding the Applicant's continued work and outreach with several organizations and individuals within Ward 7 and Ward 8. This information shall supplement the testimony provided at the public hearing regarding the status of the Applicant's fulfillment of the approved first-stage PUD public benefits and project amenities, including those regarding affordable housing, workforce development, First Source, and CBE.

Sincerely,

HOLLAND & KNIGHT LLP



Norman M Glasgow, Jr.

Enclosures

cc: Jennifer Steingasser, DCOP (w/encl., via hand delivery and electronic mail)
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Southwest Library