



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA**



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 11-03J

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Request the Zoning Commission to reopen the record to accept Applicant's response to the
Office of Planning posthearing submission

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties Consent was obtained by some, but not all parties
 No attempt was made Despite diligent efforts consent could not be obtained

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this day of , 2017

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via: Mailed letter Hand delivery E-Mail Other _____

Signature:

Print Name: Norman M. Glasgow, Jr.

Address: 800 17th Street, NW - Suite 1100, Washington, DC 20006

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December 6, 2017

VIA IZIS AND HAND DELIVERY

Zoning Commission of the District of Columbia
441 4th Street, N.W.
Suite 210
Washington, DC 20001

**Re: Z.C. Case No. 11-03J
Applicant's Response to Office of Planning Posthearing Submission**

Dear Members of the Commission:

On behalf of the Applicant, Wharf Phase 3 REIT Leaseholder LLC, on behalf of the District of Columbia Office of the Deputy Mayor for Planning and Economic Development, we hereby submit a motion to reopen the record, to the extent that it is necessary, to allow the following response to the Office of Planning's ("OP") posthearing submission which was filed on December 5, 2017 (Exhibit 95). The purpose of the Applicant's response is simply to correct a minor mislabeling identified by OP on two drawings related to the Parcel 9 Building that are currently in the case record, and to indicate the Applicant's concurrence with OP's final recommended changes to select areas of minor design flexibility requested by the Applicant. Thus, there is good cause in granting the Applicant's motion to reopen the record as it will ensure a thorough and accurate case record. Further, granting the motion will not prejudice any party.

Parcel 9 Building Elevation Drawings

In its report, OP recommends that the word "Enclosure" be stricken from the Parcel 9 Building elevation drawings submitted by the Applicant as part of its posthearing submission and replaced with a more appropriate descriptor. These specific drawings are included in the case record as Exhibit 82T.

As stated by OP, the Applicant's posthearing submission stated that the Parcel 9 elevation drawings were revised to correct the labelling error on these drawings. However, it appears the incorrect drawings were inadvertently included in the posthearing submission. To remedy this,

the Applicant respectfully submits the attached elevation drawings which show the correct labeling of the Parcel 9 Building (Exhibit A). For the sake of clarity, the attached drawings shall supplant those that are currently included in the case record as Exhibit 82T, and any references to Exhibit 82T contained within the draft orders submitted by the Applicant shall be replaced with the exhibit number that is ultimately assigned to the attached drawings.

Area of Minor Design Flexibility

In its report, OP also provides responses to a few of the requested areas of minor design flexibility contained in Exhibit X of the Applicant's posthearing submission. Specifically, OP commented on the areas of flexibility pertaining to the design of the Parcel 6/7 Building "Oculus" soffit and the angled/rounded glass of the office tower façade above the second floor, and the distribution of 30% and 60% MFI affordable dwelling units within the Parcel 8 Building.

The Applicant has reviewed and agrees to all of OP's recommended changes to these requested areas of minor design flexibility. For the sake of clarity, provided below is a clean version of the redline of recommended changes contained in OP's submission, including updated exhibit numbers and minor editorial corrections. Prior to submitting this response, the Applicant confirmed with OP that the language provided below is consistent with OP's recommended changes. The language below is organized according to the specific Commission order within which it shall be inserted:

The following shall be inserted into Condition A.2 of the order for the Parcel 8/9 PUD (Z.C. Order No. 11-03J(2))

- e. To provide a range in the number of residential dwelling units within the Parcel 8 Building and the Parcel 9 Building by plus or minus 10% from the number depicted in Exhibits 21AB1 – 21AB13, provided that the proportion of 30% MFI units to total units, and the proportion of 60% MFI units to total units, is not reduced below what is shown on Sheets 3.2 and 3.3 of Exhibit 21A4, and provided that all minimum market-rate, workforce and affordable housing requirements under the Z.C. Order No. 11-03 are satisfied; and
- g. To vary the number and location of 30%, 60%, 100%, and 120% MFI units, provided that:
 - (i) the minimum amount of gross floor area required under Z.C. Order No. 11-03 for each income range is provided;
 - (ii) all 30% MFI units shall be on floors 3 through 9, with no more than seven (7) of these unit types on any of those floors and no fewer than two (2) of

- these unit types on any of those floors. No fewer than eight (8) of the 30% MFI units shall be 2-bedroom units;
- (iii) all 60% MFI units shall be on floors 3 through 9, with no more than five (5) of these unit types on any of those floors and no fewer than two (2) of these unit types on any of those floors. No fewer than seven (7) of the 60% MFI units shall be 2-bedroom units;
 - (iv) the proportion of affordable studio, efficiency, and one-bedroom units to all affordable units throughout the redevelopment project will not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units; ...

The following shall be inserted into Condition A.2 of the order for the Parcel 6/7 PUD (Z.C. Order No. 11-03J(3))

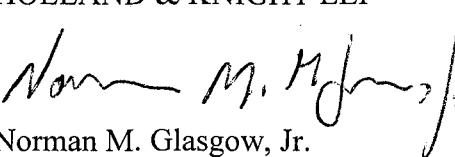
- d. Notwithstanding the flexibility granted in items #2 and #3 above, the Oculus of the Parcel 6/7 Building shall be constructed in a manner that is:
 - (i) similar in character with the precedents shown in Exhibit 21AA3, Sheet 1.37 (Oculus Soffit Cladding), including a faceted surface with three-dimensional relief;
 - (ii) consistent with the aesthetic intent of the ceiling panels shown in Exhibit 21AA3, Sheet 1.33 (Parcel 6+7: Retail Material Palette), including the gold-bronze color;
 - (iii) consistent with an integrated lighting solution consistent with the intent shown in Exhibit 21AA3, Sheet 1.33 (Parcel 6+7: Retail Material Palette); and
- e. Notwithstanding the flexibility granted in items #2 and #3 above, the facade of the office portion of the Parcel 6/7 Building shall be constructed in accordance with the plans shown in Exhibit 21A with the following design flexibility:
 - (i) glass panels shall tilt outward in a manner that is consistent with the intent of that shown in Exhibit 21AA3, Sheet 1.41;
 - (ii) the corners of the building shall be maintained and consist of curved glass expression as shown in Exhibit 21AA3, Sheet 1.41. Minor variations to the radius of the corner shall be permitted provided the exterior configuration, appearance, proportions, and general design intent of the building is maintained; ...

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We look forward to the Commission's consideration of the subject application on
December 7th.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Norman M. Glasgow, Jr.", written in a cursive style.

Norman M. Glasgow, Jr.

Enclosures

cc: Joe Lapan, District of Columbia Office of the Deputy Mayor for Planning
and Economic Development (w/encl., via email)
Jennifer Steingasser, Office of Planning (w/encl., via email)
Joel Lawson, Office of Planning (w/encl., via email)
Matthew Jesick, Office of Planning (w/encl., via email)
Anna Chamberlin, DDOT (w/encl., via email)
Aaron Zimmerman, DDOT (w/encl., via email)
Advisory Neighborhood Commission 6D (w/encl., via email)
Gail Fast, ANC 6D01 (w/encl., via email)
Cara Shockley, ANC 6D02 (w/encl., via email)
Ronald Collins, ANC 6D03 (w/encl., via email)
Andy Litsky, ANC 6D04 (w/encl., via email)
Roger Moffatt, ANC 6D05 (w/encl., via email)
Rhonda N. Hamilton, ANC 6D06 (w/encl., via email)
Meredith Fascett, ANC 6D07 (w/encl., via email)
Southwest Library (w/encl., via U.S. Mail)

CERTIFICATE OF SERVICE
Z.C. Case No. 11-03J

I HEREBY CERTIFY that on December 6, 2017, a copy of the Applicant's Response to the Office of Planning's posthearing submission was served by email or U.S. Mail on the following.

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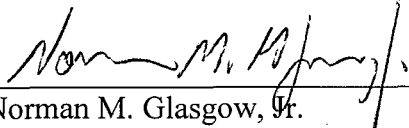
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