

# Holland & Knight

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## VIA IZIS and HAND DELIVERY

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 200S  
Washington, D.C. 20001

Re: Zoning Commission Case No. 13-14  
McMillan Sand Filtration Site (Square 3128, Lot 800)  
First Stage and Consolidated PUD; Map Amendment

Dear Members of the Commission:

On behalf of Vision McMillan Partners, the master developer selected by the District of Columbia for the McMillan Sand Filtration Site ("Applicant"), we submit this prehearing statement in support of its application for a first stage and consolidated planned unit development ("PUD") and related map amended for the property located at 2501 First Street, N.W., (Square 3128, Lot 800). These materials respond to information requested by the Zoning Commission at its January 27, 2014, meeting and the Office of Planning in its report dated January 17, 2014. Charts summarizing the Commission's comments and the Applicant's response are attached as Exhibit A. A hearing fee in the amount of \$212,513.00 and Form 116 (Hearing Fee Calculator) are included with this submission.

### **A. Responses to Zoning Commission Issues**

#### **1. Architectural Design of the Buildings**

The Commission noted at the set-down meeting that the project is an exciting one, with extensive parks and open space incorporated into this major mixed-use development. They recognized the extensive work that had been done on the project, but also requested clarification on a number of issues. The project has been through a comprehensive, 18-month review process before the Historic Preservation Review Board ("HPRB") during which the master plan and architecture were revised several times. The result of that process, which included several public

meetings with community input, was unanimous conceptual design approval by HPRB of the master plan, the design guidelines, and the building architecture.

One concern expressed by the Zoning Commission was that the design of some of the buildings appeared too "metallic" and "brutal," and that the project design did not blend with the surrounding community. Two design approaches for this unique historic site were specifically explored during the HPRB process: (i) whether to devise a contextual neighborhood design; or (ii) reflect the industrial character of the landmark that set it apart from the surrounding area. Initial designs presented to HPRB in 2012 integrated the site more with the surrounding community. HPRB commented, however, that the "plan was trying to relate too closely to the many disparate conditions around it, rather than reinforcing and recreating a unique place that is specific to the character of McMillan and distinct from what is surrounding it." See Historic Preservation Office ("HPO") Staff Report, April 4, 2013, a copy of which is attached as part of Exhibit B. HPRB recognized that the unique, artificial topography and engineering qualities of the site required a distinctive design vocabulary. The Applicant developed design guidelines that were extensively reviewed and ultimately adopted by HPRB in July 2013, and refined in August and October 2013. Those guidelines are intended "to help create an urban place that will not only itself function as a new community, but will also integrate with its neighboring communities" by reclaiming an inaccessible, abandoned site. The guidelines specifically emphasize creating a sense of cohesion in the design of the architecture and the landscape. Architecture and landscape should be additions that enhance the landmark by referencing the site's history and heightening the experience of the site. The guidelines further provide that overall building forms and geometries should be rational and straightforward to reflect the site's logical organization and the historic structures' formal simplicity. Pronounced eaves, gables, cornices, and other similar projecting architectural features are discouraged. However, systematic layering and variation of façade elements is appropriate and encouraged. A copy of the McMillan Master Plan Design Guidelines is attached as Exhibit C.

With respect to the "metallic" or "brutal" appearance of some of the buildings, the design intent in the approved guidelines is to reflect the industrial nature of the existing resources on the site by expressing "a sense of both the raw quality found in the sand bins and filtration bins with the refined qualities found in the regulator houses." McMillan Master Plan Design Guidelines, at 9. Buildings along the North Service Court are to "have a podium expressed similarly to the other buildings that will employ a concrete color that recalls the historic North Service Court wall." The multi-family/retail building employs a white skin that is "gridded and banded to visually reference the geometries and material use in the other buildings while symbolically referring to the site's historic water filtration function." HPO Staff Report, October 31, 2013, attached as part of Exhibit B.

The healthcare facility similarly incorporates the materials and vocabulary of the regulator houses and the sand storage bins into a contemporary architectural language. The regulator houses have a human scale, fortified by the brick modules, based on the size of the size of the bricklayer's hand. The sand storage bins are concrete, with a subtle trace of construction, evidenced by the weathered grooves of their board forming. The muted concrete colors were

consciously incorporated into the building design, using vertically modulated light-colored terra cotta between horizontal bands at the upper portions. The terra cotta will be accented by a dark brown band adjacent to the windows, bringing warmth to the façade, while referencing the contrast of the regulator houses and the sand bins. The architecture relates to "the character of the other projects and the site through simple geometries and a palette of concrete, light-toned terra cotta panels, and charcoal and wood-toned detailing." HPO Staff Report, October 31, 2013.

HPRB found the concept designs to "represent an architecturally coordinated and cohesive approach that specifically relates to the character of the McMillan site." See HPRB Actions, October 31, 2014, attached as part of Exhibit B. The Applicant looks forward to describing the design approach in greater detail at the hearing.

2. Evarts Street Elevations

The Commission also expressed concern that there were "blank walls" on Evart Streets. The Applicant is uncertain as to which building this comment applies and looks forward to exploring this issue during the hearing. The Applicant notes that the loading docks to multi-family/retail building face south on Evarts Street, resulting in an elevation that is less articulated at the ground floor. The Applicant will provide additional information in its 20-day submission and at the hearing.

3. Healing Gardens

The Commission questioned the appropriateness of locating the healing gardens along high-traffic Michigan Avenue. The health care facility at the north portion of the site requires a vehicular drop off area to accommodate passenger cars, vans, medical transports, taxis and shuttle buses. This vehicular access to the medical office fronts on Michigan Avenue to protect the historic North Service Court, which cannot accommodate the anticipated volume of passenger loading and unloading. The healing gardens serve as a landscape buffer for the Michigan Avenue transportation hub, while enhancing the historic Olmsted Walk lining the perimeter of the site. Unlike the straight pathways on the other three external street frontages, the Michigan Avenue segment of the Olmsted Walk is curvilinear. Additionally, the "plinth" of the McMillan Sand Filtration site is below the grade of Michigan Avenue. The gardens are intended to create a soft transition from the hard edge of Michigan Avenue to the scenic elements of the Olmsted Walk and provide visitors a contemplative area featuring plants known for their healing qualities.

4. Rowhouse End Units

The Commission expressed overall support for the design of the townhouses. They suggested, however, that the end units might benefit from further fenestration or entrances. The end units have, in fact, been fully designed to take advantage of their additional exterior wall. The Master Plan allows the row home buildings to be built along Evarts Street in a rhythm and pattern respectful to the rhythm and pattern found with silos in the South service corridor. Each

building is separated by either a street or alley in alternating sequence along the length of Evarts Street. The side facades of these buildings have been uniformly designed to reinforce this repetition and rhythm, and activate Evarts Street by being symmetrically balanced with windows flanking a centrally featured cantilevered bay window.

5. Affordable Housing Program

a. *Senior v. Family Units*

Over the past several years, the Applicant has worked closely with the community to provide the right mix of uses at the site. Throughout the process, the community has expressed its strong and consistent preference for senior housing to enable family members and elders to age in close proximity to their current residences. The Applicant believes that there is sufficient demand in this segment of the city to support the provision of senior housing at the site as alternative measure. Based on a market study commissioned by the Applicant in 2012 from Real Property Research Group, there is a net demand for senior rental housing. Taking into account household trends and necessary unit replacement, it is projected that there will be excess demand for 279 senior rental units in the McMillan market area as of January 2015. The results of this derivation of senior rental demand indicate that the market has adequate depth of senior need to absorb the three senior pipeline rental properties and still maintain considerable excess demand for senior rental units. The Applicant is contemplating 84 units of affordable senior housing as a component of the project. Nevertheless, affordable housing opportunities are provided for families throughout the PUD. The townhouses offer inclusionary zoning ("IZ") units at a rate of 10 percent of the total gross floor area, or 18 units, which equates to 12 percent of the total number of rowhouses. This exceeds the eight percent of gross floor area requirement of IZ. The future multi-family building to be located on Parcel 2 will also provide IZ units for families, setting aside at least ten percent of the total gross floor area.

b. *Level of Affordability for District Project*

The Commission requested additional information on the level of affordability typically required for District projects. District projects have typically required affordability rates at 80% of AMI for market-rate and for-sale housing and at 30-60% of AMI for senior housing. See, for example, Z.C. 07-13, Z.C. 07-26 and Z.C. 11-24. This PUD is consistent with those standards and the requirements of the Applicant's Exclusive Rights Agreement with the Deputy Mayor for Planning and Economic Development. As noted above, the Applicant will exceed the IZ requirements by providing approximately 12 percent of the townhouse units and at least 20 percent of the multi-family building program (both Parcel 2 and Parcel 4) for affordable units.

6. Reuse of Historic Elements

The Commission expressed interest in the Applicant's adaptive re-use of historic resources on the site. The majority of the underground sand filtration "cells" are structurally unstable and cannot be re-purposed as they exist now. However, Cell 14 at the northeast corner of the site has been retrofitted by D.C. Water for stormwater management until 2022. D.C.

Water's use of the cells is perhaps preservation in its purest form since the cells were constructed for the sole purpose of holding and filtering water. Thereafter, the Applicant will adapt this cell for active uses. Cell 28 will be partially preserved and incorporated into the architecture of the Community Center. Cell 29 at the southeast corner of the site will be exposed and partially retained structural elements will frame a landscaped water feature. All above-grade historic structures in the north and south service courts will be preserved, as described on pages 22-25 of the Stage 1 (Master Plan) drawings dated November 22, 2013.

7. Lighting Consultant

The Commission noted the lack of a lighting plan. Shortly before submission of the PUD application, the Applicant selected George Sexton Associates as its lighting consultant. The schematic lighting plan will be submitted with the Applicant's 20-day submission.

8. Amount of Parking

The Commission expressed concern that there was not enough parking for the Community Center, but that overall the project may provide too much parking. A typographical error on the zoning tabulations for the community center incorrectly listed the parking requirement as 95 spaces when the actual requirement is 9 spaces. The Applicant exceeds this requirement by providing 21 standard spaces in the South Service Court. Ample structured parking to be utilized by the commercial, residential, and community uses, is located throughout the site in close walking distance to the community center. The Applicant is presently reviewing its transportation impact study, including the parking analysis, with DDOT and will submit the report as part of its 20-day submission.

**B. Office of Planning Comments**

In its set-down report, the Office of Planning requested the Applicant to provide the following additional information:

- Analysis of theoretical lots for the townhouses under § 2517 and any flexibility needed;
- Detailed analysis of all zoning relief requested;
- Updated site-wide zoning tabulations to be consistent with the tabulations for each of the buildings;
- Details and locations of affordable units on the floor plans;
- Details of the loading requirements to be provided for each building; and
- Details on the phasing of the consolidated portion of the proposal.

The majority of this information is submitted as Exhibit D to this letter. The Applicant will provide the remaining information, including additional calculations regarding the "effective" FAR rate (i.e., a calculation that excludes the private streets within the PUD site), in its 20-day submission.

**C. Additional Information**

The Applicant has expanded the information on the public arts component of the project designed by CulturalDC. Those materials are submitted as part of Exhibit D.

The Applicant is also submitting as Exhibit E an updated fiscal and economic impact analysis of the PUD prepared by Green Door Advisor in June 2011. This report replaces the previously submit report found at Exhibit 6-I in the Commission's record, which understated the number of jobs to be created. As set forth in the report, the McMillan PUD is projected to a significant positive fiscal impact on the District of Columbia of approximately \$873.8 million for a 30-year period. The redevelopment is anticipated to generate \$1.2 billion in revenues and \$309.3 million in expenditures over the 30-year period (2012-2041) for the city. The favorable net fiscal impact of the proposed redevelopment is primarily due to revenue generated by real property taxes, personal income taxes, and miscellaneous revenues.

**D. Compliance with the Requirements of Section 3013**

In compliance with section 3013 of the Commission's regulations, the Applicant provides the following information:

(a) *Additional information, reports or other materials (§ 3013.1(a))*

The Applicant is currently coordinating with DDOT on any supplemental information it may require and will update the Commission on those discussions at least 20 days in advance of the hearing. The Applicant will provide its updated traffic analysis at that time.

(b) *List of Witnesses to Testify at the Hearing (§ 3013.1(b) and (c))*

The Applicant intends to call the following witnesses in support of its application:

Hearing #1: Master Plan, Parks and Open Spaces, Community Center

- Jeff Miller, Office of the Deputy Mayor for Planning and Economic Development
- Anne L. Corbett, Project Director, Vision McMillan Partners
- Matthew Bell and Christian Calleri, AIA, EEK/Perkins Eastman, Master Plan Architects (experts in architecture)
- Thomas Woltz or Jeff Aten, Nelson Byrd Woltz, Landscape Architects (experts in landscape design)
- George Sexton, George Sexton Associates, Lighting Designer
- Emily Eig, EHT Traceries, Historic Preservation Consultant (expert in architectural history and historic preservation)

- Steven E. Sher, Director of Zoning and Land Use, Holland & Knight LLP (expert in zoning and land planning)
- Dan van Pelt or Robert Schiesel, Gorove/Slade Associates, Transportation Engineers (experts in transportation engineering and planning)

Hearing #2: Multi-Family/Retail (Parcel 4) and Townhouses (Parcel 5)

- Anne L. Corbett, Project Director, Vision McMillan Partners
- Jair Lynch, Jair Lynch Development Partners
- David Jameson, David Jameson Architects (expert in architecture)
- Jim Voelzke, MV+A Architects (expert in architecture)
- Robert Youngentob and Aakash Thakkar, EYA
- Jack McLaurin, Lessard Group Architects (expert in architecture)
- Dan van Pelt or Robert Schiesel, Gorove/Slade Associates, Transportation Engineers (experts in transportation engineering and planning)

Hearing #3: Health Care Facility (Parcel 1)

- Anne L. Corbett, Project Director, Vision McMillan Partners
- Adam Weers, Trammell Crow Company
- Shalom Baranes, Shalom Baranes Associates (expert in architecture)
- Thomas Woltz or Jeff Aten, Nelson Byrd Woltz, Landscape Architects (expert in landscape design)
- Dan van Pelt or Robert Schiesel, Gorove/Slade Associates, Transportation Engineers (experts in transportation engineering and planning)

Outlines of witness testimony are attached as Exhibit F. Resumes of those witnesses to be qualified as experts are attached as Exhibit G.

(c) *Estimate of Time Needed to Present Case (§ 3013.1(g))*

The Applicant expects to require one hour to present its case to the Commission.

(d) *Property Owners within 200 Feet; Leaseholders (§ 3013.6)*

A list of the names and addresses of property owners within 200 feet of the subject property is attached at Exhibit H. There are no leaseholders associated with the property.

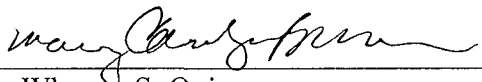
**E. Conclusion**

The Applicant will further supplement its application with the information described above, including new full sets of updated drawings, 20 days prior to the hearings scheduled on

this application. The Applicant looks forward to presenting these materials to the Commission in support of its application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Whayne S. Quin  
Mary Carolyn Brown

Attachments

cc: Jennifer Steingasser, Office of Planning (via hand-delivery)  
Maxine Brown-Roberts, Office of Planning (via hand-delivery)  
C. Dianne Barnes, ANC 5E09  
Sylvia M. Pinkney, Chair, ANC 5E  
Ronnie Edwards, Chair, ANC 5A  
James A. Turner, Chair, ANC 1B