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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: 20-day Prehearing Submission - Z.C. Case No. 15-14
Consolidated PUD and Related Map Amendment @ Squares 744S and 744SS**

Dear Members of the Commission:

On behalf of the District of Columbia, as fee owner of the above-referenced property, by and through the District of Columbia Water and Sewer Authority (“DC Water” or the “Applicant”), and pursuant to subsection 3013.8 of the Zoning Regulations, we hereby submit the following supplemental prehearing information in support of the above-referenced application for a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS, as shown on the plat included as Exhibit 3A in Z.C. Case No. 15-14 (the “PUD Site”).

I. Updated Architectural Plans and Elevations

As shown on the revised Architectural Plans and Elevations (the “Revised Plans”) attached hereto as Exhibit A, the project architects made a number of improvements to the design of the proposed building and site plan in response to comments from the Zoning Commission and the Office of Planning. The Revised Plans include the following:

- A simplified fencing plan (Sheet L15);
- Seven additional covered and secure bicycle parking racks, thus bringing the total number of bicycle parking spaces to 30 racks (Sheets L01-06 and A425)
- Twenty off-street parking spaces on the PUD Site, and a minimum of 50 off-street parking spaces on property owned or controlled by DC Water, or otherwise in close proximity to the PUD Site (Sheets L01-05 and A424);
- Two optional architectural embellishment schemes (Sheets A701-704); and
- Additional renderings and perspectives of the proposed development (Sheets A411-425).

ZONING COMMISSION
District of Columbia
CASE NO.15-14
EXHIBIT NO.20

II. Request for an Additional Area of Flexibility under 11 DCMR § 3202.3

In addition to the areas of flexibility set forth in the original application materials, the Applicant also requests flexibility from subsection 3202.3 of the Zoning Regulations, which requires the existence of a record lot as a prerequisite for obtaining a building permit.¹ As described below, instead of subdividing the PUD Site into a new record lot, as required by 11 DCMR § 3202.3, the Applicant proposes to record a plat of computation that will be consistent with the boundaries of the PUD Site. The Applicant requests this flexibility because it cannot reasonably subdivide the PUD Site into a record lot prior to obtaining a building permit.

The Applicant's proposed redevelopment of the PUD Site is part of a larger, overall redevelopment plan for Squares 744S and 744SS. Pursuant to Z.C. Order No. 13-05, the Zoning Commission approved a PUD and zoning map amendment for property located to the north and west of the PUD Site in Squares 744S and 744SS (the "Forest City PUD"). DC Water was a party to Z.C. Case No. 13-05, and by letters dated September 17, 2013, and November 19, 2013, DC Water submitted comments in conditional support of the PUD that recognized Forest City's efforts to coordinate development with DC Water. *See* Exhibits 22 and 33 of Z.C. Case No. 13-05. The Forest City PUD includes the creation of various new record lots and the creation of a new street. As part of the overall redevelopment, Forest City and DC Water will have to coordinate the subdivision process in order to establish the proposed street network and to ensure that the future record lots are platted appropriately. However, DC Water anticipates beginning construction of the proposed headquarters building on the PUD Site before Forest City is ready to begin the subdivision process. The Applicant therefore requests flexibility to obtain a building permit without having a record lot.

In addition, despite the fact that the PUD Site has been improved with DC Water facilities for over 100 years and has been operated by DC Water as a pumping station for a significant amount of time, some District records indicate that a portion of Potomac Avenue, S.E. traverses the PUD Site. Generally, a record lot cannot be recorded if a public street runs through the proposed lot. In this case, the entirety of the PUD Site has been dedicated to various utility uses for over 100 years. A number of documents indicate that Potomac Avenue, S.E. was never built, and a number of documents indicate that the portion of Potomac Avenue, S.E. impacting the PUD Site has been closed. However, there are no clear records in the Office of the D.C.

¹ 11 DCMR 3202.3 provides the following: "Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except a building permit may be issued for:

- a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0;
- c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;
- d) Trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7; and
- e) A structure in the USN District to be constructed on an air rights lot that is not a lot of record.

Surveyor confirming the opening or the closing of Potomac Street, S.E. If DC Water was required to close Potomac Avenue pursuant to Chapter 14 of 24 DCMR, the street closing process would take an additional 12-18 months, would require additional, substantial resources, and would adversely impact the timing for permitting and development of the proposed new headquarters building given that the Applicant intends to apply for a building permit shortly after Zoning Commission approval.

Granting flexibility from 11 DCMR § 3202.3 to allow the Applicant to obtain a building permit for the project without a record lot will not result in any adverse impacts. The Applicant will prepare a plat of computation for the PUD Site that will indicate the boundaries of the PUD Site and can be used for the purpose of computing all applicable zoning requirements as part of the building permit application. Although the portion of Potomac Avenue, S.E. is not shown on the Highway Plan, subsection 3202.3 of the Zoning Regulations specifically waives the record lot requirement for sites impacted by existing and proposed Highway Plan streets.

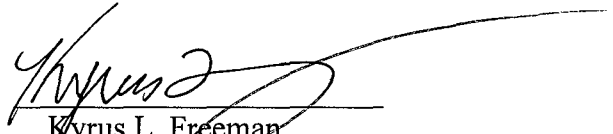
Moreover, the Zoning Commission and the Board of Zoning Adjustment (“BZA”) have previously granted relief from subsection 3202.3 of the Zoning Regulations and have allowed projects to move forward without a recorded record lot. *See, e.g.* Z.C. Order No. 09-09 (approving text amendments to the Zoning Regulations to establish a trapeze school and performing arts facility on “Parcel O” prior to Parcel O being subdivided into lots and squares); *see also* Z.C. Order No. 05-39 (granting flexibility to provide two principal buildings on one record lot); *see also* BZA Order Nos. 16352, 19035, and 17253 (approving variances from the record lot subdivision requirements of 11 DCMR § 3202.3). Similar to the facts in Zoning Commission Case No. 04-19, in which the applicant sought flexibility from subsection 3202.3 in order to construct a digester and auxiliary structures on a wastewater treatment plant, the PUD Site in this case consists of “parcels of land that have not been subdivided for many years... To try to rationalize these arrangements for the purpose of creating single buildings on single lots... would be impractical and would serve no useful purpose.” Z.C. Order No. 04-19, Finding of Fact No. 18.

III. Comprehensive Transportation Review

Attached hereto as Exhibit B is the Comprehensive Transportation Review (“CTR”), prepared by Gorove/Slade Associates, and submitted to the District Department of Transportation (“DDOT”) pursuant to 11 DCMR § 3013.10. As detailed in the CTR, the proposed project will not have an adverse impact on the existing or future transportation network surrounding the PUD Site, and traffic conditions are favorable in the study area, both with and without the development. Furthermore, the Applicant’s proposal to provide 20 off-street parking spaces on the PUD Site and a minimum of 50 off-street parking spaces on property owned or controlled by DC Water or otherwise in close proximity to the PUD Site, combined with implementation of the Applicant’s proposed transportation demand management measures, will ensure adequate parking for employees and visitors of the new headquarters building.

Thank you for your attention to these matters. We look forward to making a full presentation at the October 26, 2015, public hearing on this application.

Very truly yours,

By: 
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Enclosures

cc: Advisory Neighborhood Commission 6D (with enclosures, Via U.S. Mail)
Meredith Fascett, Single Member District 6D07 (with enclosures, Via U.S. Mail)
Joel Lawson, D.C. Office of Planning (with enclosures, Via Hand)
Anne Fothergill, D.C. Office of Planning (with enclosures, Via Hand)
Anna Chamberlin, District Department of Transportation (with enclosures, Via Hand)