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VIA IZIS

October 27, 2015
District of Columbia Zoning Commission
441 4th Street, NW - Suite 210S
Washington, DC 20001

**Re: Initio LP/Zoning Commission Case No. 15-18
Procedure for Review of Zoning Application**

Dear Members of the Commission:

On behalf of Initio LP, the applicant for the above-reference case (the “Applicant”), we respectfully request the Zoning Commission’s support for the redevelopment of a 7,420-square foot parcel located at 2715 Pennsylvania Avenue, NW (the “Property”) as a planned unit development (“PUD”). The Property is located in Georgetown and is bounded by Pennsylvania Avenue, M Street and 23rd Street. A portion of the Property is unzoned; the balance is in the C-Z-A District.

The Property is uniquely landlocked in that it is flanked on the east by Federal Reservation 360 and on the west by Federal Reservation 691, both of which are owned by the National Park Service. There is not additional private property that can be obtained by the Applicant to meet the minimum lot area requirement. We request action by the Zoning Commission so that the Applicant can move forward with its proposal to redevelop the Property with a small mixed-use building containing a restaurant at the ground floor and an apartment house with 8 units above. ANC 2E, the Commission of Fine Arts and Old Georgetown Board are supportive of the proposed development.

The pending zoning application seeks a variance from Section 2401 of the Zoning Regulations in order to permit a lot size that is less than 50% of the minimum area requirement for a PUD in the W-2 District. However, this approach raises potential issues for the Office of the Attorney General. As an alternative, we proposed seeking a map amendment from C-2-A/unzoned (without a PUD), the approval of which would be subject to a covenant relating to the development of the property. This approach has been affirmed by the D.C. Court of Appeals, but raises procedural and policy concerns for the Office of Planning.

Given the concerns raised by the Office of the Attorney General and the Office of Planning, it appears the Applicant has only two options to proceed with the zoning approvals for the proposed redevelopment of the Property:

1. Concurrently processing a text amendment and PUD Application.

The Applicant, with the support of the Office of Planning, could request that the minimum area requirement under Section 2401.1(c) of the Zoning Regulations be reduced from 15,000 square feet to 10,000 square feet. This is the minimum area requirement for a PUD in the H Street Northeast Neighborhood Commercial Overlay District (§1326.2) and the Georgia Avenue Commercial Overlay District (§1331.1(b)), so there is precedent for the requested amendment already within the text of the Zoning Regulations. While the proposed text amendment will certainly benefit the Applicant's project, we submit that this decrease in the minimum lot area for PUDs would benefit the District, generally, by providing additional review of the design, massing and architecture, and the provision of public benefits and amenities for a greater number of developments.

We are aware of at least two precedents for the Zoning Commission to proceed with this approach:

- Zoning Commission Case Nos. 11-17 and 12-17 (Adams Morgan Church Hotel LLC) where a text amendment to the Reed-Cooke Overlay District was adopted in conjunction with a PUD which provided certain uses not otherwise provided in the RC Overlay.
- Zoning Commission Case No. 14-16, where the Commission approved a text amendment to create a new C-2-B-1 zone and concurrently processed a map amendment.

In support of this approach, a completed application will be filed with the Office of Zoning under separate cover.

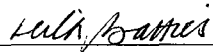
2. Waiver of Section 2401.

Alternatively, the Applicant requests the Zoning Commission consider a waiver of the provisions of Section 2401 in order to permit the proposed development to proceed. As you know, the Zoning Commission has the authority to waive any requirement of the Regulations other than the provisions of Chapter 31. We understand that the Zoning Commission certainly would only want to waive such provision of this in unique and exceptional circumstances, and believe that this situation is unique and exceptional due to (1) the control and ownership of the adjacent properties and the inability of the Applicant to expand its site; (2) a deminimis shortfall of the 7,500 square foot minimum; and (3) any redevelopment of the site must be reviewed by the Zoning Commission because a portion of the Property is unzoned.


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The Applicant is completely amenable to proceeding under either alternative so that redevelopment of the Property can be considered by the Zoning Commission as a PUD.

Sincerely,
HOLLAND & KNIGHT LLP



for Norman M. Glasgow, Jr., Esq.



Leila M. Jackson Batties, Esq.

cc: Alan Bergstein, Esq., Office of the Attorney General
(via email)
Ms. Jennifer Steingasser, Office of Planning (via email)
Mr. Joel Lawson, Office of Planning (via email)
Ms. Anne Fothergill, Office of Planning (via email)