

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**SUPPLEMENTAL STATEMENT
IN SUPPORT OF AN APPLICATION FOR A
CONSOLIDATED PLANNED UNIT
DEVELOPMENT**

**INITIO, LP
Z.C. CASE NO. 15-18**

July 1, 2016

**Holland & Knight LLP
800 17th Street, NW
Washington, DC 20006
(202) 955-3000**

I. INTRODUCTION

This supplemental prehearing statement and the attached documents are submitted on behalf of Initio, LP, the owner of the subject property (collectively, the "Applicant") in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for a consolidated planned unit development ("PUD") and related map amendment from C-2-A / unzoned to W-2 District for the property located at 2715 Pennsylvania Avenue, NW (Square 1194, Lot 811) (the "Property"). The Property is within the boundaries of the Georgetown Historic District and ANC 2E-06.

The Applicant seeks the PUD approval and map amendment in order to redevelop the parcel with a small, mixed-use building with a restaurant on the ground floor and cellar level and 4-story apartment house above. The proposed development would have a lot occupancy of 74.8%, maximum building height of 60 feet, approximately 25,947 square feet of gross floor area, and a maximum FAR of 3.5. There will not be any off-street parking provided for the project, but there will be a through driveway for deliveries, trash collection, and resident and guest drop off.

The PUD requires flexibility from Section 2401.1(c) of the Zoning Regulations in order to permit a PUD on a parcel that is 7,413 square feet where a minimum land area of 15,000 square feet is required. As part of the PUD, the Applicant has proffered potential improvements to the open/park area west of the Property and a contribution in the amount \$359,604 to the Housing Production Trust Fund to promote the District's affordable housing objectives.

The Applicant originally filed this application on July 31, 2015. On April 11, 2016, the Zoning Commission voted unanimously to set down the application for a public hearing. The Applicant filed its Prehearing Statement on April 25, 2016. The public hearing is scheduled for July 21, 2016.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. NPS Jurisdiction of Park Site to West

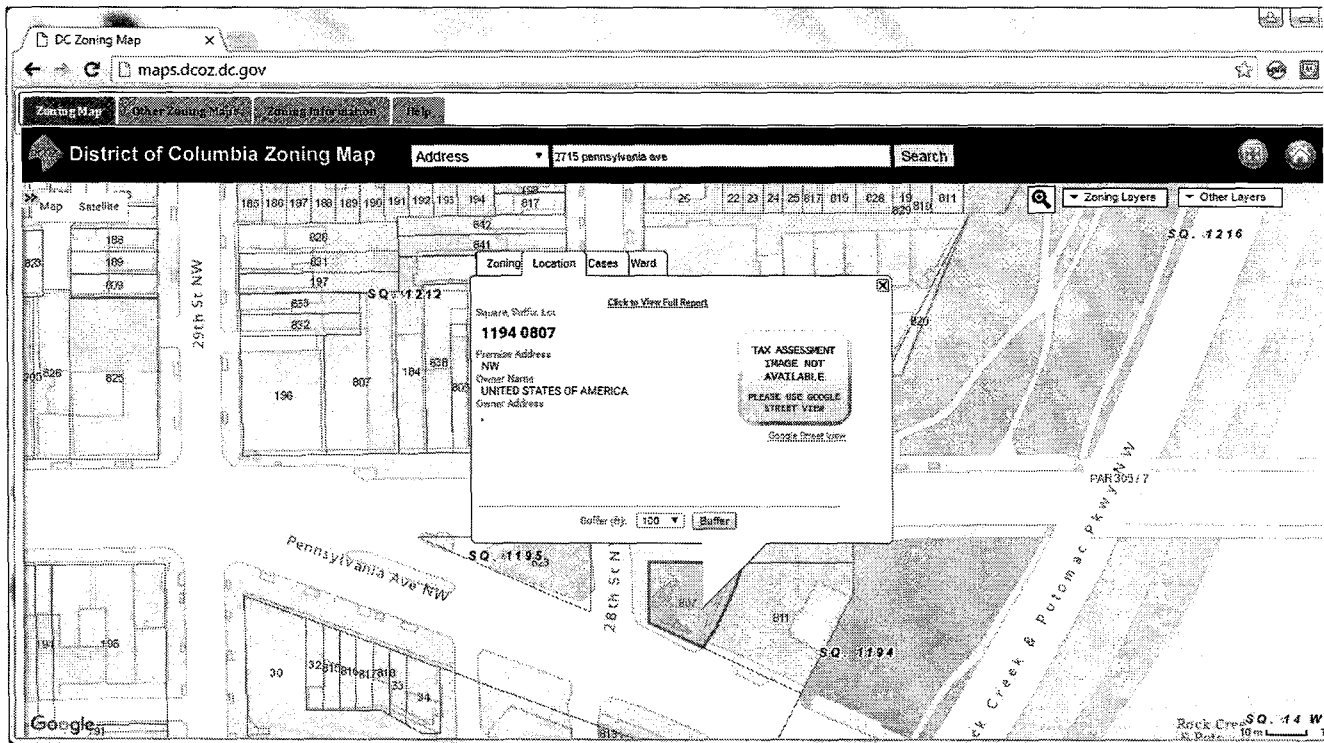
In connection with the PUD, the Applicant has proffered the improvement of the small triangle park immediately west of the Property, which is more particularly described as Square 1194, Lot 807 (formerly Reservation 691, part of Lot 14 in Square 1194) (the “Park”). The U.S. Department of the Interior issued a letter dated June 29, 2016, stating that it agrees in principle to the National Park Service (“NPS”) working with EastBanc, representing the Applicant, to develop a proposed plan for the Park’s rehabilitation. The letter also states that, assuming a mutually agreed upon and approved rehabilitation plan is developed, NPS agrees in principle to explore the creation of a long-term maintenance of agreement of the park with the Applicant. The agreement and a Special Use Permit would be for five years and subject to renewal at the discretion of the parties. A copy of the Department of the Interior letter is attached as Exhibit A.

In response to the Zoning Commission’s inquiry at setdown, the Applicant researched jurisdiction of the Park. Based on the findings outlined below, NPS has jurisdiction of the Park.

- In 1951, the section of 28th Street located between Pennsylvania Avenue and the C&O Canal was closed, with jurisdiction transferred to NPS. In addition, the U.S. Government acquired Lot 14 in 1952, demolished the Peck Memorial Chapel, and designated said Lot 14 as Reservation 691. Jurisdiction of the reservation was transferred to NPS, National Capital Parks, and the property was developed into a small triangle park. In 1953, NPS landscape architects and engineers prepared a series of plans for the new park, which included a general development plan, property survey, grading, paving and planting plans. Many of the elements featured in the plans appear to still be in place, such as the park’s iron perimeter fence, benches, and brick and Durax granite block paving.
- In an email dated October 1, 2014, Christopher Watts at NPS confirmed that Reservation 691 was transferred to NPS in 1953 and documented via Land Record 102 dated May 11, 1953. (See Land Record executed by National Capital Parks Superintendent Edward Kelly attached as Exhibit B).

- Land Record 102 documents that Reservation 691, as a part of Square 1194 Lot 14, was transferred to NPS in exchange for a portion of Reservation 360 as a part of Square 1194 Lots 9 and 10, which were transferred to American Oil Company by NPS. This exchange was under an authorized Act of Congress dated October 20, 1951. (See Res 691 Plat dated 1/18/1951 for the plat of aforementioned Lots and exchange transaction; NCP-NPS Deed Memorandum dated 5/7/1953 for further documentation of facts outlined by the Superintendent of NCP to the Director of the NPS attached as Exhibit C.)
- As part of the aforementioned transfer, portions of Record Lot 14 were converted to A&T Lots 807 and Lot 808 in Square 1194 by the D.C. Office of Tax and Revenue (formerly Assessor's Office), pursuant to Assessment and Taxation Plat 3344-M dated July 17, 1952. Said Lot 807 was created to reflect that portion transferred from American Oil Company to United States of America by deed recorded July 10, 1952 in Liber 9755 at Folio 65. (See A&T Plat 3344M dated 8/5/1952– Record Lot 14 to A&T Lot 807 & 808 attached as Exhibit D.)
- In 1953, a curb realignment was proposed at the intersection of Pennsylvania Avenue, 28th Street NW, and M Street NW, adjacent to the park in Lot 14 as part of a park redesign. This realignment pushed the curb line further inwards and past the triangular wedge of the NPS property that had previously existed within the curb line. However, these plans indicate that the same overall property lines that were shown in the earlier plats and plans noted above for Lot 14 remain constant, and thus the ownership thereof would not have deviated simply due to the curb realignment. (See Grading Plan and Construction Plan sheets on attached 1953 Park Landscape Drawings attached as Exhibit E.)
- In an email dated December 12, 2014, Douglas Jacobs at NPS, confirmed that NPS's most recent record on file shows continued ownership of Reservation 691, and that they do not have any subsequent record of any transfer to the District or DDOT. (See email attached as Exhibit F.)

- Per the DC Office of Zoning website, ownership of A&T Lot 807 (formerly Record Lot 14) is by the United States of America (see screenshot image below).



B. Coordination with DDOT on Public Space Improvements

The development team has coordinated the site driveway design and other public space elements with DDOT since the conceptual phase of the project. The transportation consultant submitted a Transportation Assessment to DDOT on June 6, 2016. The findings of the study indicated the PUD is expected to generate minimal traffic and there is adequate public parking in the vicinity to accommodate parking demand. The Applicant has also proposed a Loading Management Plan and a robust Transportation Demand Management plan to encourage residents within the building to utilize non-automobile travel options.

Since submitting the Transportation Assessment, the Applicant has continued to coordinate with DDOT on minor modifications to the Loading Management Plan, the location of short term bicycle racks in public space, the location of Capital Bikeshare and the pedestrian clear path along

the perimeter of the Property. The Applicant incorporated DDOT's recommended changes to the Loading Management Plan, including restricting truck deliveries for the restaurant between the hours of 7:00 AM to 4:00 PM. The Applicant has also agreed to task both the residential concierge and restaurant personnel with maintaining continuous vehicular circulation (associated with drop-off/pick-ups etc.) along the site driveway while managing delivery vehicle parking on-site. An updated Transportation Assessment was submitted to DDOT on July 1, 2016, and is attached as Exhibit G.

The Applicant will continue to coordinate with DDOT on the location of bicycle racks, relocation of Capital Bikeshare and the pedestrian clear path requirement during the public space permitting process.

C. DOEE Review

On June 20th, the Applicant met with the Department of Energy and the Environment ("DOEE") in order to discuss additional green building and environmental design and construction strategies for the PUD that will help the District meet its SustainableDC goals.

In response to DOEE's comments, the Applicant will review the Sustainable Sites credits and Energy Performance for the building to achieve additional LEED points. Also, the landscape architect has incorporated or will further evaluate the following elements:

- Native species: Pursuant to comments from NPS and DOEE, the plant palettes and tree species provided for Reservation 360 and the green roofs provided within the site boundary have been amended to include native species.
- Permeable paving: At this time, no permeable paving is provided within the site, or on Reservation 360. As design development continues, OvS will coordinate with DOEE and NPS to consider the addition of permeable paving, as appropriate.
- LID Planting: All planting beds and tree pits proposed on Reservation 360 shall be LID planting beds and shall capture and infiltrate stormwater from the Reservation.

- Green Roofs: All green roofs on the project site will have 8” of soil medium, and intensive native planting.

Finally, stormwater management for the PUD site and the adjacent park area to the west will meet current requirements for Major Land Disturbance, i.e. 1.2” of retention. On-site stormwater management requirements will be met using green roof. The park area will meet stormwater management requirements through the use of bio-retention planters.

D. Updated Architectural Drawings

Updated architectural drawings are attached as Exhibit H. Sheets A-18 through A-19 were revised to reflect the addition of public bike racks on M Street and Pennsylvania Avenue, as well as the removal of an obstructing street tree on M Street, pursuant to OGB review comments.

Changes to the civil engineering and landscape plans are contained on Sheets C-01 through C10 and L-03 through L-18 and reflect the following:

1. Addition of public bike racks on M Street and Pennsylvania Avenue.
2. Removal of an obstructing street tree on M Street.
3. Pursuant to NPS comments, widened pedestrian sidewalk on eastern side of the site driveway from 3’ to 5’ and added a raised curb on the eastern sidewalk edge to protect NPS landscape to the east.
4. Pursuant to NPS comments, updated plant palette and site furnishings and materials (specifically, additional native plant species and the addition of public bike racks and tree up-lights, respectively).

E. Advisory Neighborhood Commission (“ANC”) 2E

The Applicant has had on-going discussions about the project with ANC 2E and Commissioner Tom Birch, Vice Chair of ANC 2E and the Single Member District Representative for ANC 2E-06, which includes the Property. Most recently, the Applicant presented the project to the ANC at its meeting on May 31, and the ANC is expected to vote on a recommendation for the application at its meeting scheduled for July 5, 2016 meeting.

F. Status of OGB/CFA Review

The PUD is subject to review and approval by the Old Georgetown Board (“OGB”) and the U.S. Commission of Fine Arts (“CFA”) (Case No. OG 15-239). In its meeting on May 19, 2016, CFA granted concept approval for the project, adopting the report of the OGB. According to the CFA letter dated 25 May 2016, and attached as Exhibit I, CFA supported the overall approved of the building design. CFA encouraged the Application to make refinements to the perimeter of the site and modifications to the Park design.

Because the project design requires additional review by OGB and CFA, as well as NPS through the Section 106 process, the Applicant respectfully requests that the design flexibility related to the exterior of the building be modified to read as follows:

*To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, paving or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit, **and final approval by the Old Georgetown Board, the U.S. Commission of Fine Arts and the National Park Service.***

III. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this supplemental prehearing statement is submitted on behalf of Initio, LP, in order to provide additional information in support of its application for a PUD at the Property. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's favorable consideration of the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila Batties*
Norman M. Glasgow, Jr.
Leila M. Jackson Batties