

**1900 HALF STREET, SW  
SQUARE 666, LOT 15**

**CAPITOL GATEWAY OVERLAY DISTRICT**

**PREHEARING STATEMENT OF THE APPLICANT**

**TO THE DISTRICT OF COLUMBIA ZONING COMMISSION  
FOR REVIEW AND APPROVAL OF BUILDINGS AND STRUCTURES  
IN THE CG/W-2 DISTRICT  
PURSUANT TO THE CAPITOL GATEWAY OVERLAY DISTRICT PROVISIONS**

**Z.C. CASE NO. 16-06**

**MAY 20, 2016**

**HEARING DATE: JUNE 9, 2016**

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**I.**  
**INTRODUCTION**

This statement is submitted on behalf of Jemal’s Lazriv Water, LLC (the "Applicant") in support of an application to the Zoning Commission for review and approval of a mixed-use building at 1900 Half Street, SW (Lot 15 in Square 666) (the “Property”). The Property is located in the CG/W-2 District and is within the Capitol Gateway (“CG”) Overlay.

This application was submitted pursuant to Sections 1603 and 1610 of the Zoning Regulations, which apply to new construction or uses in the CG Overlay on any lot located within the CG/W-2 District. The application also includes requests for (i) a variance from the maximum building height requirements of 11 DCMR § 1603.4 for a small portion of the roof; (ii) a variance from the loading requirements of 11 DCMR § 2201.1; and (iii) special exception relief to provide multiple penthouses at multiple heights (§§ 411.6 and 411.9) and to provide penthouses that do not comply with the setback requirements from an open court where existing stairwells are located that do not face a street and do not directly face the Anacostia River (§ 411.18(c)(5)). Relief is technically required pursuant to 11 DCMR §§ 936.1 and 1601.7 as well, which make 11 DCMR § 411 applicable to penthouses in the Waterfront and CG Overlay Districts, respectively.

As discussed below, the application satisfies the requirements for CG Overlay review as set forth in Chapter 16 of the Zoning Regulations, and for variance and special exception relief pursuant to 11 DCMR §§ 3103.2 and 3104.1.

**II.**  
**BACKGROUND**

**A. The Property**

The Property consists of Lot 15 in Square 666. Square 666 is located in the southwest quadrant of the District and is bounded by T Street to the north, the Anacostia River to the east, U

Street to the south, and Water Street and Half Street to the west. The Property is the only lot in Square 666 and has an angled rectangular shape with a total land area of approximately 110,988 square feet.

The Property is presently improved with an existing and mostly vacant nine-story office building that was constructed circa 1976. The existing building has a height of 90 feet and approximately 665,928 square feet of gross floor area (6.0 floor area ratio (“FAR”)). On-site parking for 691 vehicles is located within the building and exterior on-site loading is located on the Property to the north of the building. The building was originally constructed for use by the General Services Administration for Federal occupancy and was used as an office building for several decades.

**B. Project Description**

As illustrated in the revised architectural plans and elevations, dated May 20, 2016 (the “Revised Plans”) attached hereto as Exhibit A, the Applicant has continued to study and refine elements of the building design and the surrounding improvements, in coordination with the Office of Planning, DDOT, and DOEE. The Applicant therefore requests that the Revised Plans supersede and replace the architectural drawings filed with the application and included as Exhibits 8A1-8A3 of the record in this case.

The Applicant proposes to redevelop the Property by renovating and adaptively reusing the existing building as a mixed-use apartment house with approximately 427 residential units and approximately 24,032 square feet of retail use. In order to provide a quality residential building and take full advantage of its location along the Anacostia River waterfront, the Applicant proposes to remove significant portions of the existing building by cutting out approximately 215,217 square

feet of gross floor area (1.9 FAR). Removing density from the building in this manner will result in the creation of two large open courts and a sideways “E”-shaped building that faces the River.

The renovated building will include approximately 450,711 square feet of gross floor area (4.06 FAR), with approximately 373,984 square feet of gross floor area devoted to residential use and approximately 24,032 square feet of gross floor area devoted to retail use. The Applicant will maintain two and a half levels of the existing below-grade parking garage that will accommodate 312 vehicles (300 zoning-compliant spaces and 12 tandem spaces), with ingress and egress from T Street. On-site loading will be provided in its existing location along T Street, adjacent to the parking entrance, such that all vehicular access is consolidated on the north side of the Property. The overall building height will remain at 90 feet for the majority of the building, except for a new 2 foot, 3 inch roof slab located on the center portion of the roof to reinforce the new rooftop mechanical equipment and amenity space, and a new 5 foot pool deck.

The existing building is skinned in a brutal concrete panel with a punched window system, which will be replaced with a new curtain wall and metal panel system, suitable for a residential tower with exterior balconies, operable windows, and high performing energy efficiency. The exterior skin of the upper portion of the building is a collection of de-saturated, cool colors, intended to create a visually interesting palette for the burgeoning neighborhood. At its base, the building is skinned in a panelized rain screen, more natural and earth-toned in both coloration and tactility. The upper levels of the building will be set back considerably to create public and private exterior spaces, all partially shaded by light, open trellises. These details will create a visual interest towards the open area of the Anacostia River, while maintaining a more urban expression of density towards the city. The floor plates will be sculpted to convert this deep office building into an efficient residential layout, providing optimum light and views from every unit and two

large public green spaces above the retail podium for public amenities such as green areas and gathering spaces.

The project includes significant sustainable elements, including electric vehicle charging stations in the garage, significant open space and green roofs, low-plumbing fixtures, bio-retention structures, use of drought-tolerant plantings and high-efficiency irrigation equipment, use of recycled and regional materials with low-emitting coatings, adhesives, and flooring, and ample long- and short-term bicycle storage for residents, visitors, retail employees, and retail customers. Moreover, the Applicant is reusing significant portions of the existing building's structural floors, walls, roof, and mechanical equipment, which will reduce production and use of new materials.

As part of development of the Property, the Applicant will construct a major portion of the Anacostia Riverwalk Trail (the "Riverwalk"), which is designed to emphasize the Property's connection to the Anacostia River and enhance the interface between the built environment and the tidal landscape. The Riverwalk is a separated, multi-use trail that has been designed to safely accommodate pedestrians and cyclists along the Anacostia River and through connections back into the infrastructure of the existing street grid surrounding the Property. The portion of the Riverwalk adjacent to the Property will orient a pedestrian path closest to the River, with a wide landscape buffer between the bicycle-path located closer to the building. The pedestrian portion of the Riverwalk will incorporate seating elements to allow for moments of rest and observation. A larger plaza will be provided at the termination of T Street along the River to create an overlook towards the River and provide a connection to future extensions of the Riverwalk to the north. Landscaping on the Riverwalk separates the pedestrian and bicycle paths both functionally and aesthetically: it brings the riverine landscape towards the building and blurs the interface between the two conditions. Plantings outside the formal Riverwalk also reflects this design concept.

The design for pedestrian/bicycle circulation leading from the Riverwalk to the streets surrounding the Property recognizes Buzzard Point's generally unimproved condition and offers opportunities for future development. The Riverwalk will connect onto T Street through a wide pedestrian sidewalk and separated bicycle trail (*see* Sheet 40 of the Revised Plans). To the south of the Property, the split-use trail meanders past the site to the south of the Property and ties back into Water Street. Overall, the Riverwalk design aims to function as part of a future series of connections while still maintaining a sense of identity for this unique Project.

The overall landscape plan for the project is designed to be consistent with the District's vision for Buzzard Point while taking advantage of specific site conditions to create a unique setting within the neighborhood. The adjacent streetscape improvements include new ADA crosswalks, street trees along T Street, Water Street, and Half Street, and low impact design ("LID") areas along the east side of Half Street. New sidewalks will be installed along the triangle park to the west of the Property, along the north side of T Street, and along Half Street all the way to the southern end of the site to the south of the Property. The sidewalk along the east side of Half Street expands from ten feet in width to 20 feet in width in order to accommodate heavier expected foot traffic near the proposed ground floor retail at the Property. This sidewalk also provides space for street trees and for grading for ADA access to the proposed retail areas. The widened sidewalk does not impact current vehicular circulation on Water Street.

The landscape plan also includes a variety of amenity areas for the public and building residents. In addition to the Riverwalk, the Applicant will create a plaza on the south side of the building and a dog park to the north of the building. The plaza will serve as an additional access point to the ground level retail and will anchor the southern portion of the Property to the surrounding streetscape. The dog park is located adjacent to the Riverwalk and will be centered

around an existing tree. Planting around the dog park will make the space seem less utilitarian and will help to tie the park into its surrounding landscaped context.

Due to the Property's proximity to the Anacostia River, the Applicant has been exceptionally careful to provide a landscape design that is responsive to the natural environment and functions sustainably to reduce any adverse impacts to the River. The project will retain stormwater, clean it in a bioretention system, and utilize native plantings to reduce irrigation and maintain a high level of biodiversity. Intensive and extensive green roof systems on the building are designed to store rainwater during storm events and reduce the need for heating and cooling within the building by providing an extra layer of insulation. Native species will be planted on the green roof and at the on-grade landscaped spaces, which will reduce the need for irrigation and will enhance the Property's overall biodiversity. The Applicant intends to utilize plants that will serve pollinators and create the beginnings of a habitat network that can extend across the entirety of Buzzard Point.

All water captured on the building or on adjacent on-grade paved surfaces will be directed into a 4,000 square foot bioretention system that will store and treat rainwater before it is returned to the stormsewer line, and ultimately, the Anacostia River. LID elements along the eastern side of Half Street will also store and treat sheetflow from the adjacent sidewalks. Maximizing planted areas within the Property will reduce the amount of impermeable surface and help to recharge the groundwater layer over time. Maintaining a heavily planted buffer along the Anacostia River will also reduce the velocity of water and decrease the amount of sediment and pollutants that enter the River. All of these seemingly disparate systems are designed to work in concert with one another to positively impact the environment and keep the Property moving towards a sustainable future.

**C. Community Support**

The Applicant has presented the project to Advisory Neighborhood Commission (“ANC”) 6D, the ANC in which the Property is located, on several occasions. On May 9, 2016, at the duly noticed, regularly scheduled, public meeting of ANC 6D, with a quorum of commissioners and the public present, ANC 6D voted unanimously to support the application. The Applicant also met with a smaller group of ANC 6D commissioners on May 2, 2016, during which it presented the project in more detail and responded to specific questions and concerns. As of the date of this filing, the ANC has not yet submitted its letter to the case record, but has notified the Applicant that it will do so prior to the public hearing on this case.

**III.  
BURDEN OF PROOF**

**A. Capitol Gateway Overlay District (Sections 1605 and 1610)**

1. The Project Complies with the Requirements of Section 1603

Section 1603 of the Zoning Regulations sets forth a number of specific requirements that apply to all new buildings, structures, or uses within the CG/W-2 District. As outlined in the table below, the proposed project satisfies the requirements of 11 DCMR § 1603.

<b>Section</b>	<b>Requirement</b>	<b>Compliance</b>	<b>Explanation</b>
1603.1	The following provisions apply to new buildings, structures, or uses within the CG/W-2 District.	Applies	Section 1603 is triggered in this case because the project involves a new use within the CG/W-2 District.
1603.2	No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after January 7, 2005 shall directly face the waterfront.	Does not apply	The building was constructed prior to January 7, 2005.



Section	Requirement	Compliance	Explanation
1603.3	All buildings or structures constructed after January 7, 2005 on a lot that faces or abuts the Anacostia River shall be set back by no less than seventy-five (75) feet from the bulkhead, unless the Zoning Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead.	Does not apply	The building was constructed prior to January 7, 2005.
1603.4	In the CG/W-2 District, the Zoning Commission, at its discretion, may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally-allowed maximum of 4.0 FAR and an additional ten (10) feet in excess of the normally allowed maximum height of sixty (60) feet; provided that:	Applies	The existing building on the Property is non-conforming with respect to height and density. Section 1603.4 permits a maximum height of 70 feet and a maximum density of 5.0 FAR; however, the existing building has a height of 90 feet and a density of 6.0 FAR. In order to successfully adaptively reuse the existing building, the Applicant will maintain the existing building height of 90 feet, except for a small portion of the roof which will be slightly taller due to installation of a new roof slab and pool deck, and will reduce the Property's density from 6.0 FAR to 4.06 FAR by removing approximately 215,217 square feet of gross floor area. The project will comply with 11 DCMR § 1603.4 (a)-(c) as set forth below.
1603.4(a)	The building or combined lot development shall include at least 2.0 FAR of residential development;	Complies	The project will include approximately 3.36 FAR of residential development, which is more than the 2.0 FAR minimum required under 11 DCMR § 1603.4(a).
1603.4(b)	The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG/W-2 or may allow only for the bonus density to be transferred off-site to a lot or lots zoned CG/CR; and	Applies	The Applicant requests that the Commission preserve the Applicant's right to transfer any off-site bonus density credits that are created through this project.
1603.4(c)	The provisions of §§ 1709.6 through 1709.12 and § 1709.14 shall govern the procedures for transferring bonus density off-site if permitted by the Zoning Commission.	Complies	The Applicant will comply with the provisions of 11 DCMR §§ 1709.6 through 1709.12 and § 1709.14 regarding transferable development rights.

Section	Requirement	Compliance	Explanation
1605.5	The Zoning Commission, at its discretion, may also provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline.	Does not apply	NA

2. The Project Complies with the Requirements of Section 1610

Pursuant to 11 DCMR §§ 1610.1 and 1610.2, for property located in the CG/W-2 District, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, are subject to review and approval by the Zoning Commission in accordance with the provisions of 11 DCMR §§ 1610.3 through 1610.9. In this case, 11 DCMR §§ 1610.5 and 1610.6 are not applicable, since they regulate buildings with frontage on Half Street, SE, south of M Street, SE, or on Front Street, SE, south of M Street, SE (§ 1610.5) and on South Capitol Street, SE (§ 1610.6), which do not apply to the Property.

In addition, pursuant to 11 DCMR § 1610.3, an Applicant requesting approval under the CG Overlay District review provisions must demonstrate that the proposed building's architectural design, siting, landscaping, sidewalk treatment, and operation are of a superior quality, pursuant to the design and use requirements of 11 DCMR §§ 1610.3(a)-(f). As described in the table below, the proposed project is consistent with each of these requirements and with all of the applicable purposes of the CG overlay:

Section	Requirement	Compliance	Explanation
1610.3(a)	Help achieve the objectives of the CG Overlay District as set forth in § 1600.2.	Yes	See Below.
1600.2(a)	Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area.	Yes	<p>The project’s height, bulk, and design are consistent with the requirements of the Zoning Regulations and with the Property’s designation on the Future Land Use Map as mixed use Medium Density Residential and Medium Density Commercial. The Applicant will slightly increase the existing building’s height for a small portion of the roof, and will reduce the building’s FAR to be suitable with the surrounding context and take advantage of its location on the Anacostia River.</p> <p>Moreover, the project includes approximately 373,984 square feet of existing gross floor area that will now be devoted to residential use and approximately 24,032 square feet of existing gross floor area that will now be devoted to new retail/service uses in a vibrant, rehabilitated, and adaptively reused building that will draw residents, visitors, and employees to this emerging area of the District. In addition, the project is consistent with the Buzzard Point Vision Framework and Implementation Plan (the “Buzzard Point Plan”), which envisions a vibrant, mixed use neighborhood with dynamic parks and public spaces, improved multi-modal transportation system, and a living and sustainable environment. <i>See</i> Buzzard Point Plan, p. 5.</p>

1600.2(b)	Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses.	Yes	<p>The project incorporates approximately 24,032 square feet of new retail/service uses that will appeal to visitors and will have frontage on Half Street and Water Street to increase visibility and walkability to the Property. The Applicant anticipates that the retail space will be divided into 3-4 retailers and will incorporate both restaurant and commercial/service uses.</p> <p>Applicant is also constructing a major portion of the Riverwalk, which will include wide new pedestrian and bicycle facilities, landscaped areas, and an overlook to the Anacostia River. These amenities will further draw visitors to the area to take advantage of recreational opportunities and views of the River that were not previously available. Finally, the Applicant will build safe pedestrian and bicycle connections to the surrounding streets through the implementation of new widened sidewalks, street furniture, pedestrian-oriented lighting, crosswalks, and landscape buffers.</p>
1600.2(c)	Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment.	NA	The Property is not currently used for industrial purposes, such that 11 DCMR § 1600.2(c) is not applicable to this application.
1600.2(d)	Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points.	Yes	The renovated building design removes approximately 215,217 square feet of the existing structure to provide an appropriate massing along the Anacostia River. The project also includes significant step-backs and height step-downs to maximize riverfront views and create an aesthetically-pleasing design. Moreover, the project includes continuous public open space along the waterfront through the creation of the Riverwalk, with ample space for pedestrians, cyclists, and landscape elements.
1600.2(e)	Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, SE, near the Navy Yard Metrorail station.	NA	The Property is not located along M Street, SE, thus 11 DCMR § 1600.2(e) does not apply to this application.
1600.2(f)	Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sports and entertainment and associated uses.	NA	The Property is not located in Squares 702-706 or Reservation 247, thus 11 DCMR § 1600.2(f) does not apply to this application.

1600.2(g)	Provide for the establishment of South Capitol Street as a monumental civic boulevard.	NA	The Property is not located on South Capitol Street, thus 11 DCMR §1600.2(g) does not apply to this application.
1600.2(h)	Provide for the development of Half Street, SE, as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale.	NA	The Property is not located on Half Street, SE, thus 11 DCMR §1600.2(h) does not apply to this application.
1600.2(i)	Provide for the development of First Street, SE, as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.	NA	The Property is not located on First Street, SE, thus 11 DCMR §1600.2(i) does not apply to this application.

In addition to requiring compliance with the purposes set forth in 11 DCMR § 1600.2 and with the special exception standards of 11 DCMR §§ 3104.1, the Capitol Gateway Overlay provisions of 11 DCMR §1610.3 further provides that:

an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will [satisfy the specific requirements of this section.]

11 DCMR § 1610.3. The Applicant's project satisfies the general standards of 11 DCMR § 3104.1, since the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. Furthermore, the development will meet each of the specific requirements set forth in 11 DCMR § 1610.3 as set forth in the table below:

Section	Requirement	Compliance	Explanation
1610.1	The following provisions apply to properties located ... (a) Within the CG/W-2 District...	Applies	11 DCMR § 1610 is triggered because the Property is located within the CG/W-2 District.
1610.2	With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.	Yes	The Applicant has filed an application for review and approval by the Zoning Commission as required by 11 DCMR § 1610.2, and the Applicant's project complies with all applicable requirements of 11 DCMR § 1610.
1610.3	The proposed building or structure must satisfy the standards set forth in section 3104 of the Zoning Regulations.	Yes	The project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. With the exception of the requested relief from the height, loading, and penthouse requirements, the proposed project will comply with all other applicable zoning requirements. As described below, approval of the requested relief will have no adverse impacts on surrounding property and will not impair the purpose or intent of the Zoning Regulations.
1610.3(a)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will help achieve the objectives of the CG Overlay District as set forth in section 1600.2.	Yes	As outlined in the immediately preceding table, the project will further the objectives set forth in 11 DCMR § 1600.2.
1610.3(b)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will help achieve the desired mix of uses in the CG Overlay District as set forth in sections 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses.	Yes	As noted above, the project provides a mix of preferred uses in furtherance of the objectives of the CG Overlay District, including residential, retail, and service uses.

1610.3(c)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will be in context with the surrounding neighborhood and street patterns.	Yes	<p>As shown on Revised Plans, the project is in context with the surrounding neighborhood and will significantly improve the adjoining street patterns and circulation. The renovated and redesigned building provides distinct façade articulation at each elevation and creates an innovative design that connects the building to the surrounding street frontages and the Anacostia River. The Applicant will remove the existing parking access point at the southern portion of the Property in order to provide a consolidated parking and loading area, thus eliminating curb cuts and minimizing potential pedestrian/vehicular conflicts. The Applicant will also provide significant new streetscape improvements on T Street, Half Street, and Water Street, which will support pedestrian and bicycle infrastructure where none currently exist and which will be consistent with the vision for the streetscape set forth in the Buzzard Point Plan.</p> <p>Moreover, the design and construction of the Riverwalk is a major endeavor that the Applicant will undertake in conjunction with the Office of Planning, DDOT, and DDOE, and which will help guide future development to this portion of the southwest waterfront.</p>
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1610.3(d)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will minimize conflict between vehicles and pedestrians.	Yes	<p>As stated above, consolidated access for parking and loading will be located on the north side of the Property. This new configuration eliminates the existing parking access point at the south side of the Property and significantly reduces the width of the existing curb cut on the north side of the Property. As described in the Comprehensive Transportation Review (“CTR”) Report, prepared by Gorove Slade Associates and attached hereto as <u>Exhibit B</u>, trash operations will also occur from the loading area, with trucks entering the Property, picking up, and leaving via the same entrance. All trucks will be able to access the loading docks without negatively impacting public space between the docks and the nearest DDOT-designated truck routes. Trucks will also be able to make front-in and front-out maneuvers. <i>See CTR</i>, p. 40. Overall, the proposed design for the parking and loading operations will minimize potential pedestrian and vehicle conflicts.</p> <p>The Applicant will also create two-way cycle track leading from T Street to the Riverwalk on the north side of the building. The design for this bicycle infrastructure was vetted by DDOT with the goal of eliminating any potential bicycle conflicts with parking and loading operations, such that safe and secure access to the River is provided.</p>
1610.3(e)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will minimize unarticulated blank walls adjacent to public spaces through façade articulation.	Yes	The redesigned building offers extensive façade articulation across all of its elevations. Each façade is distinctly and extensively conveyed through irregular patterns and a mixture of materials, fenestration, and colors.
1610.3(f)	The proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.	Yes.	The project has been designed and will be constructed and operated with a goal toward sustainability and minimizing negative impacts to the environment. To that end, the project will include a number of sustainable features, and as shown on the LEED scorecard included in the Revised Plans, the project will achieve LEED Silver certification.



1610.4	With respect to a building or structure to be constructed on a lot within the CG/W-2 District...	Yes	Since the proposed project is an alteration of an existing building, the Applicant submits that 11 DCMR § 1610.4 does not apply. However, in the event that the Zoning Commission determines the provisions to be applicable, the Applicant has addressed 11 DCMR § 1610.4 as set forth below.
1610.4(a)	The building or structure shall provide suitably designed public open space along the waterfront.	Yes	As shown on the Revised Plans, the project includes well-designed open space along the River that is inviting to the public, easily accessible, and particularly appropriate for the Property's unique location. At the request of the ANC, the Applicant is also providing a large dog park on the Property adjacent to the Riverwalk so that building residents and the public have a convenient and aesthetically-pleasing location to let their dogs run.
1610.4(b)	A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.	Yes	The Revised Plans include plans for suitable open space treatments and public access and use of the setback area.
1610.4(c)	The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge.	Yes	The Revised Drawings include a view analysis that assesses the views and vistas set forth in 11 DCMR § 1610.4(c). As shown therein, since the building's height and mass already exist along the River and Half Street, the proposed building alteration will have no detrimental impact on views and vistas of the identified monumental properties and focus areas

**B. Variance Relief**

Pursuant to 11 DCMR § 1610.7, the Zoning Commission may hear and decide any additional requests for variance or special exception relief needed for the Property, and such requests shall be advertised, heard, and decided together with the application for review and approval for compliance with the CG overlay provisions. Pursuant to this provision, the Applicant

requests area variances from (i) the maximum building height limitations set forth in 11 DCMR § 1603.4 and (ii) the loading requirements set forth in 11 DCMR § 2201.1.

Height: Subsection 1603.4 of the Zoning Regulations permits a maximum building height of 70 feet. The existing building has a height of 90 feet, which the Applicant proposes to maintain for the majority of the building. However, relief is necessary because the Applicant proposes to install a 2 foot, 3 inch structural roof slab on the center portion of the roof, resulting in approximately 20% of the building having a height of 92 feet, 3 inches. The Applicant also proposes to install a five foot tall pool deck on the existing roof, resulting in approximately 4% of the building having a height of 95 feet. Approximately 76% of the building will remain at 90 feet (*see* Sheets 20-21 of the Revised Plans).

Loading: Relief from the loading requirements of 11 DCMR § 2201.1 is required because the Applicant proposes to maintain the building's existing loading facilities, which complied with the Zoning Regulations in effect when the building was constructed, but do not meet the minimum loading requirements set forth in the current Zoning Regulations.

Standard of Review: The test for variance relief is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. As set forth below and will be addressed at the public hearing, this application meets the three-prong variance test.

1. Exceptional Condition or Situation

The Property is exceptional due to the presence of the existing nine-story office building, which the Applicant will adaptively reuse and renovate as part of this application. *See Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974) (stating that the phrase “exceptional situation or condition” applies not only to the land, but also to the existence and configuration of a building on the land). The existing building is exceptionally large, with existing heights, density, setbacks, core elements, column spacing, siting, ingress and egress locations, ceiling heights, and parking and loading facilities, much of which cannot be modified or redesigned without significantly altering or destroying the building’s structural integrity. The Applicant proposes to remove approximately 215,217 square feet of the building’s gross floor area in order to provide appropriate massing, create enhanced public access points to the River, maximize views in all directions, and appropriately convert the office building to residential use. In doing so, the Applicant has to maintain the majority of the existing structure, which has a direct impact on the ability to comply with the height and loading requirements.

The Property itself is also exceptional due to its sloping topography, which ranges from a low point of approximately 9 feet in elevation along the River to a high point of 19.29 feet in elevation along Water Street. The Property is also exceptional due to its location directly adjacent to the Anacostia River.

2. Resulting Practical Difficulty

The strict application of the Zoning Regulations would result in a practical difficulty to the Applicant, since it would significantly constrain the Applicant’s ability to adaptively renovate the existing building into a new mixed-use project that takes advantage of the Riverfront and

incorporates significant new amenities and public access points to the new Riverwalk along the Anacostia River.

i. *Building Height*

Subsection 1603.4 of the Zoning Regulations provides that in the CG/W-2 District, the Zoning Commission may grant an additional 10 feet in excess of the normally-allowed maximum height of 60 feet, provided the requirements set forth in 11 DCMR § 1603.4(a)-(c) are met. In this case, the Project does not meet the height limitation of 70 feet because the existing building already has a height of 90 feet.

Furthermore, the Applicant proposes to slightly increase the building height in two locations. First, the Applicant proposes to install a 2 foot, 3 inch thick roof slab on top of the existing 90 foot building in order to reinforce the existing structure to support the heavier load required for the proposed mechanical equipment and communal rooftop amenities. Second, the Applicant proposes to install a new pool deck and infinity pool on the roof, which requires an additional five foot deck on top of the existing 90 foot building.

The proposed height increase will only be located in the center leg of the “E”-shaped building, with approximately 76% of the roof area remaining at 90 feet. In order to adaptively reuse the existing building, the Applicant must install the 2 foot, 3 inch roof slab. The building’s existing roof slab was designed to be accessed only by building maintenance staff and has the capacity to support the existing stone ballast and snow only (approximately 25 lbs. per square foot). In order to reasonably adaptively reuse the building for residential purposes, the Applicant proposes to provide residential amenity spaces on the roof, including a lounge, pool, and terraces, so that residents can take advantage of the spectacular views towards the Capitol and across the Anacostia River.

The Applicant also proposes to install new rooftop mechanical equipment, which is required for the proper functioning of the proposed residential and retail uses. The live load requirement to support the amenity spaces is approximately 100 lbs. per square foot, and the live load requirement to support the proposed mechanical equipment is approximately 150 lbs. per square foot. Due to the extent of these increased roof loads, it is not possible to utilize reinforcement methods under the roof slab without compromising the ceiling height below. The ceiling height on the upper level is currently 9 feet, 4 inches (top of floor slab to bottom of ceiling slab); if the Applicant reinforced the roof without raising it, the ceiling height dimension on the top floor would reduce to 7 feet, 4 inches, which is less than the minimum permitted ceiling height of 7 feet, 6 inches set forth in the Building Code. Thus, the only solution to provide a strong enough slab to support the increased load is to build a new slab, framed and supported at the existing columns, so that no additional weight will be placed on top of the existing roof slab.

In addition, the Applicant proposes to install a 5 foot pool deck on a small portion of the roof, thus increasing the building height in this location to 95 feet. This new deck takes up approximately 4% of the total roof area and is necessary to create a 42-inch deep pool. If the Applicant was designing a rooftop pool on a building with new construction, it could build the pool into and below the roof slab without increasing the building's height. In this case, however, the Applicant is preserving the existing roof slab, which requires a deck to be built above the roof slab into which the pool will be inserted. The 42 inch deep pool, plus 18 inches of concrete structure below to support the pool, require the 5 foot (60 inch) decking.

ii. Loading Facilities

Section 2201.1 of the Zoning Regulations requires the following loading facilities for the proposed retail and residential uses at the Property: (i) one loading berth at 55 feet deep and two

loading berths at 30 feet deep; (ii) one loading platform at 200 square feet and two loading platforms at 100 square feet; and (iii) two service/delivery spaces at 20 feet deep. The Applicant proposes to maintain the building's existing loading facilities which include: (i) one loading berth at 40 feet deep and one loading berth at 30 feet deep; (ii) one loading platform at 301 square feet and one loading platform at 211 square feet; and (iii) one service/delivery space at 20 feet deep. Thus, a variance is required to provide two berths where three are required, to reduce the size of the required 55-foot berth to 40-feet, and to provide one service/delivery space where two are required.

The Applicant cannot meet the requirements of 11 DCMR § 2201.1 because it is reusing the building's existing loading facilities, which complied with the Zoning Regulations that were in effect when the building was constructed. Providing all of the required loading facilities would result in a significantly wider curb cut, which would increase potential pedestrian/bicycle/vehicle conflicts and would require partial demolition of the building in this location since there is insufficient land area between the curb and the building façade to add more exterior loading facilities. Furthermore, even if the Applicant could theoretically fit zoning-compliant loading facilities adjacent to the building, DDOT has indicated that it would not approve a curb cut greater than 20 feet in width, which would make new loading facilities inaccessible.

### 3. No Harm to Public Good or Zone Plan

The requested relief can be granted without substantial detriment to the public good and without substantial impairment to the zone plan. The majority of the building height will be maintained at 90 feet, which will not result in any impact to the public good or zone plan. Although approximately 24% of the roof area will be increased in height to provide for a new structural slab and pool deck, the increased height is nominal, is significantly setback from the roof edge, and

will allow for increased use and enjoyment of the roof by building residents. Moreover, due to the mechanical needs of the very large, adaptively-reused building, additional mechanical equipment is required to be located on the roof, which necessitates the 2 foot, 3 inch foot slab to provide structural support to accommodate additional HVAC units for both residential and commercial uses.

In addition, as set forth in the CTR, the existing loading facilities are adequate to serve the project's anticipated loading demand, since the residential and retail uses will realistically be able to share the loading facilities with no detriment to the public good or zone plan. *See* CTR, p. 9. Moreover, given the size of the residential units, residents are not expected to use 55-foot trucks to move-in or move-out of their units, thus making a 40 foot residential loading berth appropriate in this case.

### **C. Special Exception Relief**

Special exception approval is required from the roof structure number, height, and setback requirements of 11 DCMR § 411.6 (one penthouse permitted on each roof level), 11 DCMR § 411.9 (enclosing walls shall be of an equal, uniform height); and 11 DCMR § 411.18(c)(5) (1:1 setback required from open courts), and 11 DCMR §§ 936.1 and 1601.7, which make 11 DCMR § 411 applicable to penthouses in the Waterfront Zone Districts and the CG Overlay District, respectively.

#### **1. Multiple Penthouses and Multiple Heights**

Special exception approval is required pursuant to 11 DCMR § 411.6, which requires that all penthouses shall be placed in a single enclosure. The penthouse on the center leg of the "E"-shaped building will enclose a residential amenity space (12 feet tall), mechanical equipment (16 feet, 1 inch tall), and a screen wall enclosing cooling towers and a designated outside air system

(“DOAS”) unit (14 feet tall).<sup>1</sup> The penthouses on the north and south legs of the building will each enclose an egress stairwell (14 feet, 3 inches tall), which are permitted to be separate enclosures pursuant to 11 DCMR § 411.6.<sup>2</sup> The north leg of the building will also include a second DOAS unit with screen walls that are 12 feet, 9 inches feet in height. Thus, relief to provide multiple penthouses under 11 DCMR § 411.6 is necessary for the second DOAS unit.

Out of an abundance of caution, the Applicant also requests special exception relief from 11 DCMR § 411.9 in the event that the Commission interprets the Zoning Regulations to prohibit the separate DOAS mechanical penthouse on the north leg of the building and the two separate stair tower enclosures to have different heights from the larger penthouse. Although these penthouses have different heights as measured from the roof upon which they sit (due to the installation of the new roof slab), the stair towers have the same elevation as the amenity space of the main penthouse (123.54 feet) and the DOAS unit has almost the same elevation (123.29 feet). Thus, no adverse impacts result from the multiple heights in this case.

## 2. Penthouse Setbacks

Special exception approval is also required pursuant to 11 DCMR § 411.18(c)(5), which requires penthouses to be setback 1:1 from “walls that border any court other than closed courts.” In this case, the three stair towers that provide access to the roof are not setback from the open courts in the center of the building, thus necessitating relief from 11 DCMR § 411.18(c)(5). These stair towers are existing in the building and become exposed at the edge of the roof upon the cutting

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<sup>1</sup> The three separate heights are permitted pursuant to 11 DCMR § 411.9(a) and (c), which provide that “enclosing walls of the penthouse shall be of an equal, uniform height as measured from roof level, except that: (a) Enclosing walls of penthouse habitable space may be of a single different height than walls enclosing penthouse mechanical space... and (c) required screening walls around uncovered mechanical equipment may be of a single, different uniform height.”

<sup>2</sup> Section 411.6 provides that “[a]ll penthouses shall be placed in one enclosure... except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure.”



out of FAR in the middle of the building. In the event that it is determined that the building has a side lot line along the River, then the Applicant believes that this relief is not required.

### 3. The Applicant Meets the Test for Special Exception Relief

Under 11 DCMR § 411.11, the Board of Zoning Adjustment may grant special exception relief under 11 DCMR § 3104 from 11 DCMR §§ 411.6 and 411.18 upon a showing that (a) operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly, or unreasonable; (b) the intent and purpose of this chapter and this title will not be materially impaired by the structure; and (c) the light and air of adjacent buildings will not be affected adversely. The Board, and by extension the Zoning Commission pursuant to 11 DCMR § 1610.7, has the power to approve penthouse special exceptions under 11 DCMR § 411.11.

The proposed roof plan is consistent with the purpose and intent of the Zoning Regulations. Regarding the provision of multiple penthouses, providing a single penthouse would result in operating difficulties for the proposed residential uses in the building. The Applicant cannot locate the northern DOAS unit within the larger mechanical screen wall on the southern portion of the roof because the two DOAS units need to maintain a physical separation and utilize separate duct work to provide fresh air into the residential units. The duct work for the DOAS units is located in the ceilings of the building's corridors. If both DOAS units operated together from the same side of the roof, the duct work feeding fresh air from the roof into the units would have to be significantly larger (approximately two feet deep), which would be below the 7 foot, 6 inch minimum clearance that is required by the Building Code for the corridors.

The Applicant could theoretically connect the main penthouse to the separate DOAS unit by extending a long screen wall or covered structure over the majority of the roof. However, doing so would increase visibility of the penthouse and draw attention to the roof, which is inconsistent with the intent of the penthouse regulations, which is to exercise a reasonable degree of architectural control upon penthouses. Connecting the separate penthouses would add significantly more massing to the roof of the existing building, which is contradictory to the Zoning Regulations.

Moreover, regarding penthouse setbacks, the egress stairs are existing stair towers that are presently located in the core (middle) of the building. Because the Applicant is cutting out major interior portions of the building, the stair towers will become exposed at the building line, and therefore will not be setback from the open court wall at the roof level. However, these penthouses are setback at least 1:1 from all front, rear, and side building walls, including the River-facing facades, such that the setback relief will not result in any negative impacts, will not adversely affect the light and air of any future adjacent buildings, and will not impair the intent and purpose of the Zoning Regulations.

#### **IV. LIST OF WITNESSES**

The following witnesses may provide testimony at the Commission's public hearing on the application:

1. Paul Millstein, representative of the Applicant;
2. Kevin Sperry, Antunovich Associates Architects, architect
3. Jeff Lee, Lee & Associates, landscape architect
4. Jim Filson, Dewberry, civil engineer
5. Erwin Andres, Gorove/Slade Associates, transportation consultant

V.  
**EXHIBITS IN SUPPORT OF THE APPLICATION**

The following exhibits are attached to this statement in further support of the application:

Exhibit A: Updated Architectural Elevations, Plans, Renderings and Materials

Exhibit B: CTR Report conducted by Gorove/Slade

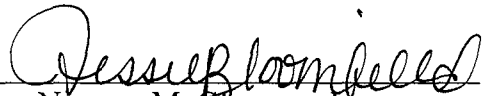
Exhibit C: Witness Resumes

VI.  
**CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission approve the application.

Respectfully submitted,

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