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November 28, 2017

VIA IZIS

Zoning Commission
of the District of Columbia
441 4th Street, N.W., Suite 210
Washington, DC 20001

**Re: Z.C. Case No. 16-06A – Prehearing Submission
Modification of Significance to Plans Approved Under the Capitol Gateway
Design Review Provisions
1900 Half Street, SW (Square 666, Lot 15)**

Dear Members of the Commission:

On behalf of Jemal’s Lazriv Water, LLC (the “Applicant”), the owner of Lot 15 in Square 666 (the “Property”), and in compliance with 11-Z DCMR § 401.5, we hereby submit this Prehearing Statement in support of an application for a Modification of Significance to plans approved in Z.C. Order No. 16-06 under the Capitol Gateway Design Review provisions of the 1958 Zoning Regulations.

Pursuant to Z.C. Order No. 16-06, dated July 7, 2016, and effective on August 26, 2016, the Zoning Commission approved the renovation and adaptive reuse of an existing 665,928 square foot (6.0 FAR), 90-foot tall office building on the Property as a mixed-use project comprised of residential and retail uses (the “Approved Project”). The Approved Project reduces the existing site density to 4.06 FAR by cutting two large, river-facing courts into the center of the building, and maintains the existing building’s height for the majority of the structure. The Approved Project included a variance from the maximum building height requirements, a variance from the loading requirements, and special exception relief to provide multiple penthouses at multiple heights and penthouses that do not comply with the setback requirements from an open court.

I. Modifications Requested

On August 28, 2017, the Applicant filed an application for a Modification of Significance to the Approved Project’s penthouse, including a request for additional zoning relief for penthouse height and setbacks (*see* Applicant’s Statement in Support at Exhibit 2 and corresponding penthouse drawings at Exhibit 2C). On October 13, 2017, the Applicant filed an amendment to the Modification of Significance application, which requested modifications to the overall building design and program, but did not request any additional zoning relief. The architectural drawings

included with the amended application (Exhibit 8A) superseded and replaced the drawings included with the original modification application (Exhibit 2C). No additional changes or updates have been made to the drawings submitted at Exhibit 8A.

Taken together, and as described in detail in the Applicant's Statements in Support at Exhibits 2 and 8, the proposed modifications to the Approved Project include the following:

1. To modify the building's roof plan, including additional zoning relief for penthouse height and setbacks from the open court walls;
2. To reduce the total number of residential units from 427 (approved) to 415 (proposed);
3. To reduce the total number of on-site parking spaces from 312¹ (approved) to 246 (proposed);
4. To reallocate interior spaces and uses, resulting in additional gross floor area devoted to residential amenity space and less gross floor area devoted to retail space;
5. To adjust elements to the building's façade, as shown on the architectural drawings at Exhibit 8A.

The proposed modifications increase the approved site density from approximately 4.06 FAR to approximately 4.22 FAR (a 3.9% increase) and do not increase the approved building height or lot occupancy. The modified project is still 1.78 FAR (197,281 square feet) smaller than the existing office building.

Attached hereto as Exhibit A is a revised Zoning Tabulation chart that replaces the chart submitted at Exhibit 8A, p. 20. This revised chart correctly indicates (i) the zoning requirements for the building under the 2016 Zoning Regulations; (ii) the building's existing and proposed conditions; (iii) the zoning relief granted in Z.C. Order No. 16-06A; and (iv) the additional zoning relief requested for penthouse heights and setbacks requested in this modification application.

II. Buzzard Point Vision Framework + Design Review Guide

In November, 2017, the Office of Planning issued the Buzzard Point Vision Framework + Design Review Guide (the "Buzzard Point Guide"), which is a "strategic planning effort" that outlines a variety of design concepts, recommendations, and implementation guidelines to bring the District's goals for Buzzard Point into reality. *See* Buzzard Point Guide, p. 1. In contrast to a Small Area Plan, which is a more in-depth plan that is submitted to and adopted by the DC Council by resolution, the Buzzard Point Guide was prepared as a "vision framework" instead, since land use changes were not recommended. *Id.*

The Buzzard Point Guide refers to a number of ongoing development projects in Buzzard Point, including the Site, and states that the Site is "[a]n existing eleven-story office building [that] **will be redeveloped into 414 luxury apartments with over 15,000 square feet of retail space and**

¹ 312 total parking spaces were approved, but only 300 parking spaces were zoning compliant.

236 parking spaces. The project will contribute to the Anacostia Riverwalk, featuring walking and bike paths along the water.” *Id.* at 27 (emphasis added). The proposed Modification of Significance application is fully consistent with the Buzzard Point Guide and the District’s goals for Buzzard Point because it proposes to redevelop the Site with 415 apartment units, approximately 16,524 square feet of retail, 246 parking spaces, and a significant portion of the Anacostia Riverwalk with walking and bicycle paths.

III. Riverwalk Design Update

The architectural drawings submitted on October 13, 2017 (Exhibit 8A) included an updated site plan diagram showing the proposed Riverwalk adjacent to the Property. Since then, the Applicant has continued to work with the Office of Planning and DDOT on the exact specifications for the Riverwalk width and the separation between the pedestrian and bicycle paths. The Applicant will be prepared to submit an updated site plan showing the final Riverwalk design at the public hearing.

IV. Design Flexibility

As a result of the proposed modifications, and in addition to the zoning flexibility for penthouse height and setbacks described in detail and requested in Exhibits 2 and 8, the Applicant requests the following areas of design flexibility for the building:

1. Design Flexibility Approved in Z.C. Order No. 16-06 (no changes requested):
 - a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
 - b. To vary the final selection of exterior materials within the color ranges provided (maintaining or exceeding the same general level of quality) as proposed, based on availability at the time of construction;
 - c. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and
 - d. To vary the sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the LEED-Gold.²

² The Applicant notes that the project was approved under LEED v.2009 for New Construction, and was registered on LEED Online prior to the switch to LEED v.4.

2. Additional Design Flexibility Requested Herein:

- a. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the architectural drawings approved in Z.C. Order No. 16-06A;
- b. To vary the garage layout and the number, location, and arrangement of vehicle parking spaces, provided the total number of parking spaces is not reduced below the number of spaces required under 11-C DCMR Chapter 7;
- c. To vary the final design of retail frontages, including the location and design of entrances, show windows, and size of retail units, in accordance with the needs of retail tenants, and to vary the types of uses designated as “retail” use on the approved architectural drawings to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j));
- d. To vary the location and design of the ground floor components to comply with any of the applicable District of Columbia laws and regulations and to accommodate any specific tenant requirements, and to vary the size of the retail area;³ and
- e. To construct the northern portion of the proposed 11’-9” tall penthouse screen wall located on the northern portion of the building before constructing the southern portion of that same screen wall, in order to best accommodate the mechanical needs of future retail tenants.

V. Update on Community Engagement

The Applicant has worked closely with Advisory Neighborhood Commission (“ANC”) 6D on this project since it originally filed the application in 2016. The Applicant presented the proposed penthouse modifications to the ANC on September 11, 2017, and the ANC voted unanimously to support the request. A copy of the ANC’s resolution in support is included in the record at Exhibit 7.

The Applicant presented the further modified application to the ANC on October 13, 2017, including changes to the number of residential units, parking spaces, interior layout/program, and façade design, and the ANC voted to support the request. However, the ANC indicated that it did not support the reduction in retail square footage or the design flexibility to modify the number of residential units and parking spaces (*see* Section IV(2)(a) and (b) above). The Applicant notes that

³ A range in the total amount of retail GFA has previously been approved by the Zoning Commission in other design review cases. *See, e.g.* Z.C. Order No. 06-46B, Decision No. 3 (effective date July 31, 2015), stating that the project shall include “retail gross floor area ranging from approximately 55,100-69,200 square feet.,” *see also* Z.C. Order No. 12-05, Decision No. 10 (effective date December 21, 2012), stating that the “Zoning Administrator shall have the flexibility to make minor modifications to the final plans as approved by the Commission. These modifications shall include the following... A change not to exceed two percent in... the number of gross floor area to be used for commercial uses.”

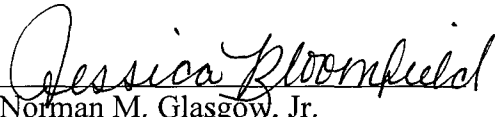
the proposed amount of retail square footage (approximately 16,542 square feet) is fully consistent with the District's vision for the Site, as set forth in the Buzzard Point Guide, which recommends "over 15,000 square feet of retail space" for the Site. Moreover, the design flexibility requested for the number of residential units and the number of parking spaces is typical of other projects approved by the Zoning Commission.

Attached hereto as Exhibit B are the resumes for the witnesses that the Applicant may proffer as experts at the public hearing.

Thank you for your continued review of this application. We look forward to presenting the application to the Commission at its December 18, 2017 public hearing.

Sincerely,

HOLLAND & KNIGHT LLP


Norman M. Glasgow, Jr.
Jessica R. Bloomfield

Enclosures

cc: Jennifer Steingasser, D.C. Office of Planning (w/ enclosures, Via Email and Hand Delivery)
Joel Lawson, D.C. Office of Planning (*See Certificate of Service*)
Elisa Vitale, D.C. Office of Planning (w/ enclosures, Via Email and Hand Delivery)
Advisory Neighborhood Commission 6D (*See Certificate of Service*)
Chairman Andy Litsky, ANC 6D (w/ enclosures, Via Email and U.S. Mail)
Commissioner Roger Moffatt, SMD 6D05 (w/ enclosures, Via Email and U.S. Mail)

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2017, a copy of the foregoing amended application for a Modification of Significance was served on the following:

Mr. Joel Lawson
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
joel.lawson@dc.gov

Via Email & Hand Delivery

Advisory Neighborhood Commission 6D
1101 4th Street, SW
Washington, DC 20024

Via Hand Delivery


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