

# Holland & Knight

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September 15, 2014

*VIA IZIS*

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 200S  
Washington, D.C. 20001

Re: Z.C. Case No. 13-14 – McMillan Sand Filtration Site  
Revised Drawings – Healthcare Facility (Parcel 1)

Dear Commissioners:

## Introduction

As authorized by the grant of our motion to reopen the record, and on behalf of Vision McMillan Partners (“VMP”) and the Deputy Mayor’s Office for Planning and Economic Development (“DMPED”) (collectively “Applicant”), we submit herewith revised drawings for the healthcare facility on Parcel 1 (Exhibit A) that respond to the viewshed issues raised by the staff of the National Capital Planning Commission (“NCPC staff”) in its August 25, 2014, letter. The western wing of the building along First Street, N.W., has been shifted 15 feet to the east to provide even greater visibility of the U.S. Capitol dome and its flanking wing as viewed from a mutually-agreed upon vantage point at Scott Statue on the campus of the Armed Forces Retirement Home (“AFRH”).

## Background

At its meeting on July 28, 2014, the Zoning Commission requested that NCPC staff respond to the sightline studies from Scott Statue to the U.S. Capitol prepared by the Applicant and submitted to the record as part of Exhibit 832A. The following day, VMP and NCPC staff discussed the Commission’s request and scheduled a meeting for August 18, 2014, to review the sightline studies further. NCPC staff cancelled the meeting, however, advising us of technology problems, and did not share its own modeling studies or any other feedback with the Applicant prior to submitting them to the Zoning Commission on August 25, 2014. After two meetings last week, VMP and NCPC staff reconciled the apparent differences between the two studies and VMP promptly developed a successful response.

On September 9, VMP, DMPED and the Office of Planning first met with NCPC staff. At that time, it was agreed that the modeling data used by VMP (known as LiDAR) was more

accurate than GIS modeling used for the NCPC studies, and that VMP had taken an appropriately conservative approach in its analysis. It was also agreed that the horizontal distance between the healthcare facility and the U.S. Capitol dome as viewed from Scott Statue was NCPC staff's primary concern, consistent with NCPC staff's letter to the Zoning Commission on May 28, 2014, and that the VMP did not have to address views from the meadow. VMP agreed to restudy its building design as a result of those clarifications. On September 11, NCPC staff met with VMP and its architects, and they reached agreement on the revised plans that are submitted today with this letter. Page 14 of these drawings shows that not only will the U.S. Capitol dome be visible from Scott Statue as originally planned, but now the lower wings of the U.S. Capitol will also be seen. Attached as Exhibit B is a letter from NCPC staff stating that they "[have] no further objections to the proposed building heights and impacts on views from the AFRH-W."

#### Description of Changes; Flexibility Requested

The drawings submitted with this letter incorporate both the height reduction shown on the Applicant's August 25, 2014, submission as well as the current change shifting the massing block of the west wing 15 feet to the east. Page 5 depicts this shift in plan, with the previous footprint of the west wing outlined in a purple dashed line. The roof structure penthouse has also been reconfigured to ensure a minimum 30-foot setback from all building walls. The comparison sections on pages 6 and 7, and the elevations on pages 8 and 9, also clearly show the "before" and "after" of the 15-foot shift.

The 15-foot shift results in a loss of 12,000 square feet of gross floor area to the healthcare facility (in addition to the 25,000 square feet of gross floor area eliminated due to the height reduction to 115 feet) and ten fewer parking spaces. The building shift will require minor adjustments to the landscaping and treatment of the Olmsted Walk at First Street, a shift in the west driveway and curb cut on Michigan Avenue, slight reduction to the healing gardens, and the column layout of the building and other included minor adjustments. While the Applicant has revised all major components of the building to incorporate the massing shift since agreement was reached with NCPC staff just last Thursday, the Applicant requests minor flexibility to undertake these other modest adjustments in order to obtain final Historic Preservation Review Board design approval and code approvals.

#### Conclusion

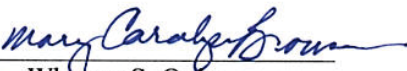
The Applicant is pleased to have resolved this viewshed issue with NCPC staff. Together with the reduction in height to 115 feet, the reconfiguration of the loading facilities for the multi-family/grocery building, and clarification of the community benefits, the Applicant believes it has successfully addressed all outstanding issues. Based on these changes to an already extraordinary project, the evidence of record supports the granting of the applications.

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Respectfully submitted,

Holland & Knight LLP

By:   
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Mary Carolyn Brown

Attachment

cc: Sharon Schellin, Office of Zoning (via email)  
Shane Dettman, NCPC (via email)  
Jennifer Steingasser, D.C. Office of Planning (via email)  
Maxine Brown-Roberts, D.C. Office of Planning (via email)  
Jonathan Rogers, DDOT (via email)  
Advisory Neighborhood Commission 1B (via first class mail)  
Advisory Neighborhood Commission 5A (via first class mail)

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Applicant's Request to Reopen the Record was served by e-mail on September 15, 2014 on the following:

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