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VIA IZIS AND HAND DELIVERY

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Zoning Commission Case No. 13-14A
Application for Second-Stage Planned Unit Development for
Parcel 2 at the McMillan Reservoir Slow Sand Filtration Site
Northwest, Washington, DC
Post-hearing Submission

Dear Members of the Commission,

On behalf of the Applicant for the above-referenced application, we hereby submit the following post-hearing filing as requested by the Zoning Commission at the December 17, 2015, public hearing on the application. During the course of public hearing, the Commission requested additional information relating to the portion of the building that would span over Three Quarter Street, a 52-foot wide private street approved as part of the McMillan master plan that bifurcates Parcel 2. Specifically, the Commission had several inquiries regarding the utility of the span, its massing and materials, and its impact on views and the pedestrian experience. The Commission also made several requests for programmatic and design changes to the span, and requested the Applicant to submit alternatives for the span that reflect the Commission's requests. Generally, the alternatives that were requested by the Commission include: a.) an option that adds additional affordable dwelling units (ADU) within the center of the span; b.) an option that removes the dwelling units within the span; and c.) an option that removes the dwelling units and lower two levels of the span, and adds an additional floor to the building. These three alternatives are discussed in greater detail below.

In addition to the aforementioned alternatives to the proposed Three Quarter Street span, the Commission also requested that the Applicant:

- Submit a revised roof plan that clearly demonstrates compliance with the 1:1 penthouse setback requirements for both the east and west penthouses, as committed to by the Applicant in its prehearing statement;

- Provide larger versions of the precedent images that were submitted for the interior feature wall along the north side of the Three Quarter Street span; and
- Consider committing to a LEED-Gold rating, at a minimum, rather than the proposed compliance with LEED-Silver or Green Communities.

For the Zoning Commission’s convenience, and for administrative efficiency, the Applicant has prepared a full set of updated plans, attached hereto as Exhibit A, which shall replace all previously filed sets of plans (the “Updated Plans”). The Updated Plans include two proposed building options that show alternatives for the Three Quarter Street span that are responsive to the Commission’s requests and concerns. The first alternative, Option A, includes the Three Quarter Street span, as previously proposed, with additional ADUs located within the span. The second alternative, Option B, eliminates the dwelling units from the span leaving only a glass-enclosed pedestrian passage that connects the east and west portions of the building.

As noted above, the Commission had requested to see a third alternative which entailed elimination of the dwelling units within the span as well as the third and fourth floors of the span itself, and adding another floor to the building to recapture the units removed from the span. Since it was requested by the Commission, the Applicant has provided a study of this alternative which is attached hereto as Exhibit B. However, for several programmatic, design, and construction-related factors, some of which were discussed at the public hearing, the Applicant is not requesting approval of this alternative by the Commission. These factors include:

- The inability of the Applicant to deliver the Parcel 2 Building at, or around, the same time as the other buildings in the McMillan redevelopment project that have already received consolidated PUD approval due to the need to utilize a different construction type as a result of the additional building height, which would necessitate an entire redesign of the building and resubmission through all prior approval processes;
- The substantial impacts this alternative would have on circulation between the east and west portions of the building due to the elimination of the third and fourth levels of the Three Quarter Street span; and
- The unwelcoming scale that would result from the additional height of the span and building, especially along the relatively narrow Three Quarter Street. The resulting building form would appear more “office-like” in character rather than a pedestrian-scaled, mid-rise residential building with active ground floor uses.

The Updated Plans include a revised roof plan, for both building options, that clearly show compliance with the penthouse setback requirements from all exterior walls, including the courtyards that open onto 1st Street, NW (public) and the proposed Half Street, NW (private). Finally, as a result of providing two building options for Commission consideration, the Updated Plans now include a proposed ADU diagram for both building options. The diagrams, identified as Exhibit A, Sheets 53 – 55, depict the location of ADUs within the building, as well as a tabulation that demonstrates compliance with the requirement that the proportion of smaller ADUs to total ADUs not exceed the proportion of smaller market-rate units to total market-rate units.

Three-Quarter Street Span

As briefly discussed above, in response to the Commission's request the Applicant has submitted two building options for the Commission's consideration that show alternatives for the Three Quarter Street span. These alternatives are identified as Option A and Option B in the Updated Plans, and are described in detail below.

Option A

Generally, while the design of Option A is the same as the initial application, this option reflects programmatic changes in the number and location of ADUs that were suggested by the Commission at the public hearing. With respect to the design, the Three Quarter Street span included in Option A continues to consist of a circulation corridor along the north side that connects the east and west portions of the building with dwelling units proposed along the south side of the circulation corridor. The span continues to begin at the 3rd floor of the building, approximately 26 feet above Three Quarter Street at its lowest point, and its width is still approximately 39 feet at its widest point. Finally, the span remains setback from North Service Court by approximately 40 feet

With regard to programmatic changes, as shown in the affordable unit mix diagram that has been prepared for Option A, attached hereto as Exhibit A, Sheet 53, the Applicant is providing two additional ADUs that will be targeted to eligible households earning 50% of the Area Median Income (AMI). This would increase the total number of ADUs provided within the Parcel 2 Building to 27, or approximately 11% of the total number of dwelling units proposed, exceeding the requisite number of ADUs under the First-Stage PUD approval which requires the Applicant to provide 25 ADUs for households earning 80% AMI (Z.C. Order No. 13-14, Condition C-6). Finally, with regard to the location of ADUs within the building, the Applicant has located the two additional ADUs (50% AMI) on the 3rd and 5th floor of the Three Quarters Street span. In addition, the Applicant has relocated one ADU (80% AMI) to the 4th floor of the span.

Option B

In response to the request made by the Office of Planning (DCOP) and the Commission the Applicant has prepared Option B, which eliminates the dwelling units along the south side of the Three Quarter Street span and only includes a narrow, glass-enclosed pedestrian connection between the east and west portions of the building. This alternative is shown in Exhibit A, Sheets 29 – 51.

As a result of the elimination of the dwelling units, the Three Quarter Street span is substantially narrowed to approximately 11 feet at its widest point where it connects to the building. Similar to Option A, the northern façade of the span will continue to angle away from North Service Court which reduces the width of the span at its center to approximately eight feet. Consequently, this substantial reduction in the width of the span has created opportunities for the Applicant to increase the efficiency of internal building circulation. Specifically, as presented at the public hearing, the larger width of the span proposed in Option A results in a much larger volume of space below the bridge and a potentially unwelcoming environment. As a way to

mitigate this, the Applicant provided additional height by raising the span to the 3rd floor. This resulted in the need to provide a second elevator core on the west side of the building, and additional stairs leading from the 2nd floor to the ground floor.

In contrast, by eliminating the dwelling units along the south side of the span the volume of space below the span is substantially reduced. Thus, the impact of the bridge on the pedestrian environment below is also reduced, and the need for the additional height above Three Quarter Street is no longer necessary. Therefore, as shown in Exhibit A, Sheets 36, the Applicant has designed the span in Option B to begin at the 2nd floor, thereby eliminating the need for the west elevator core and the two additional egress stairs between the 2nd floor and ground floor. This revision to the span design is also clearly shown in the section and elevation drawings attached as Exhibit A, Sheets 42 and 44.

The design of the span in Option B, consisting only of a glass-enclosed pedestrian passage, responds to concerns expressed by DCOP and the Commission with respect to the impacts of the span on natural light and north-south views along Three Quarter Street. Compared to Option A, the narrowness of the span in Option B, and the high percentage of glazing, provide a much greater degree of transparency. As a consequence, the span takes on a much lighter form, has less of a presence, and increases natural light along Three Quarter Street and North Service Court. Finally, as demonstrated in the rendered perspectives included in Exhibit A, Sheets 48 and 49, the glass-only pedestrian span also further opens up views and strengthens the connection between North Service Court and South Service Court. These renderings also demonstrate how the lowering of the span to the 2nd floor does not compromise views and the experience along Three Quarter Street due to the substantial narrowing and greater transparency resulting from the removal of the dwelling units.

As noted above, the removal of the dwelling units and lowering of the span to the 2nd floor allows the Applicant to eliminate the elevator core proposed on the west side of the building and the two additional stairs from the 2nd floor. It also allows the Applicant to reconfigure portions of the building interior space to recapture some of the dwelling units that were removed from the span. In the end, there is a net difference of approximately three dwelling units between Option A and Option B. Furthermore, as shown on the alternate ground floor plan for Option B, the elimination of the elevator core has provided opportunities for a more efficient ground floor on the west side of the building, and the potential to further activate 1st and Three Quarter Streets through approximately 5,200 – 6,100 gross square feet (GFA) of live-work dwelling units or additional retail space. Thus, should the Commission prefer Option B, the Applicant requests flexibility in the final programming of the portion of the ground floor identified in Exhibit A, Sheet 35 as “FLEXIBLE SPACE (APARTMENTS/LIVE-WORK/RETAIL.” Furthermore, if the flexibility is granted by the Commission and the Applicant does in fact proceed with the increased amount of retail space, the Applicant will commit to providing two additional ADUs targeted to households earning 80% AMI, for a total of 27 ADUs. This alternative ADU distribution is shown on the diagram entitled “Option B: Affordable Unit Mix – Level 1 Plan Alternate,” attached as Exhibit A, Sheet 55.

Finally, the requested flexibility can be granted without causing adverse impacts to parking and loading. With respect to parking, conservatively if all of the requested flexible space

was devoted to retail use the minimum retail parking requirement would increase by eight spaces, or from 21 to 29 spaces. As proposed, the project will provide 65 retail parking space.

Regarding loading, pursuant to Section 2201.2 of the Zoning Regulations, since residential uses occupy more than 90% of the building GFA, the required loading is calculated as if residential uses occupy the entire building. This results in a minimum loading requirement of one loading berth (55-foot) and one service delivery space (20-foot). The Applicant has requested flexibility from the minimum loading requirement to provide two loading berths (40-foot and 30-foot), and to allow the 30-foot loading berth to also serve as the required service delivery space. Should the Commission grant the requested flexibility, the Applicant would be able to increase the amount of retail space by approximately 5,200 GFA while still maintaining the same loading requirement. Should the Applicant devote the entire 6,100 GFA of the requested flexible space to retail use, the result would be a shift in the percentage of building GFA devoted to residential use from 92.2% to 89.6%, or 0.4% below the 90% threshold set by Section 2201.2. Given the minor extent to which devoting the entire flexible space to retail use deviates from the 90% threshold established under Section 2201.2, and thus triggering a new minimum loading requirement consisting of the combined requirements of the retail and residential uses, the Applicant desires to include this deviation within the loading flexibility already requested.

Penthouse Setback

As part of the initial application, the Applicant had requested flexibility from the penthouse setback requirements to allow the penthouse located on the western portion of the building to have a noncompliant setback from the south wall of the open courtyard facing 1st Street, NW. In response to comments made by DCOP and the Commission at the July 27, 2015 setdown meeting, as part of its prehearing statement filed on September 18, 2015, the Applicant withdrew its request and committed to meeting the 1:1 penthouse setback requirements through one or a combination of the following:

- Selection of a system that has an override that is no taller than the smallest setback dimension shown on the roof plan;
- Providing roof structure walls of unequal height; and/or
- Making minor adjustments to the configuration, footprint, and location of the elevator cores / stairway enclosures.

However, to meet the required setback the Applicant requested flexibility to allow penthouse walls of unequal height (§411.5), and for the ability to make minor adjustments to the configuration, footprint, and location of the proposed elevator cores/stairway enclosures.¹ The Applicant continues to request this flexibility.

¹ At the time the Applicant filed its prehearing statement, the provision of the Zoning Regulations that requires penthouse enclosing walls of equal height was cited as 11 DCMR §411.5. Since then, the citation of this provision has been modified to 11 DCMR §411.9 as a result of the new penthouse regulations taking effect (Z.C. Order No. 14-13, published to the DC Register on January 8, 2016)

At the public hearing, the Commission requested architectural drawings and plans, as necessary, that clearly reflect the Applicant's commitment to meet the 1:1 setback requirement, particularly for the penthouse located on the southwestern portion of the building. In response to this request, the Applicant has prepared zoning diagrams and roof plans for both building options that clearly show compliance with the 1:1 setback requirement for the east and west penthouses. The information for Option A is attached as Exhibit A, Sheets 8 and 16, and the information for Option B is attached as Exhibit A, Sheets 31 and 40.

Interior Feature Wall Artwork

During the public hearing, the Commission requested larger versions of the precedent images provided for the northern interior feature wall of the Three Quarter Street span that is part of proposed Option A, which are attached as Exhibit A, Sheet 27. As noted in the Updated Plans, and at the public hearing, these precedent images represent samples of the types of applications that could be used on the north interior feature wall. The chosen artwork, or treatment, will be applied to the interior wall only, and two-way transparency through the northern glazing of the span will be maintained as nothing will be affixed to the glass. Finally, while the feature wall artwork, or treatment, will be determined at a later date, and may be changed over time, the selection of feature wall content will be selected and designed in a manner that is consistent with the goals of the public art program component of the approved McMillan master plan, as applicable. These goals include:

- Create a holistic, integrated art environment that makes a strong aesthetic statement.
- Activate space and functionality.
- Use public art to create an experience that references the historical significance of McMillan through content and/or materials.
- Highlight locations in innovative or unconventional ways.
- Enliven gathering locations where people could gravitate to and explore.
- Consider potential synergies with the external viewpoints that connect to neighborhood landmarks and points of city pride (i.e. Washington Monument; Basilica; Howard University's Clock Tower).
- Design artworks to be distinctive yet complimentary to both the historical assets and new development at McMillan.
- Consider key material features such as filter bed sand, iron in reference to the ironwork on portals and on manhole covers and other materials used throughout site: concrete, brick, clay, tile, wood and metal.

As part of its initial application, the Applicant requested flexibility "to periodically modify the artistic/material treatment of the interior feature wall along the north side of the portion of the building spanning Three Quarter Street." As part of this request, the Applicant stipulated that the feature wall will not include commercial or non-commercial advertising of any kind, and shall also not include electronic or illuminated media, treatments, or materials. The Applicant continues to request this flexibility should Option A be approved by the Commission.

LEED Rating

At the public hearing, the Commission encouraged the Applicant to pursue certification of the project at the LEED-Gold level. As stated at the public hearing, pursuant to the First-Stage PUD Order (Z.C. Order NO. 13-14, effective April 17, 2015) the overall McMillan redevelopment project is required to achieve, at minimum, LEED-ND Gold or its equivalent, and each individual project shall be LEED-Silver or Green Communities compliant, depending on its commercial or residential designation.

Consistent with the requirements of Order No. 13-14, the Applicant is pursuing Enterprise Green Communities (EGC) compliance for the Parcel 2 Building, which, to obtain EGC certification requires a minimum 36 – 40 point rating. As shown on the Green Communities Scorecard attached as Exhibit A, Sheets 63 – 66, the Applicant far exceeds this minimum with a rating of 62 points. The Updated Plans also include a LEED Scorecard which demonstrates that the project would satisfy the minimum rating of LEED-Silver under the Order if the Applicant opted to utilize the LEED rating system rather than Green Communities.

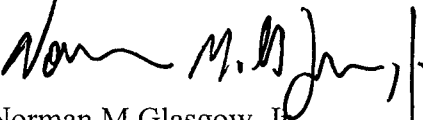
As was noted at the public hearing, given the higher sustainability thresholds that currently exist compared to when the LEED rating system was first developed the ability to achieve LEED-Gold for a multi-family development of this size has become increasingly difficult. Therefore, while the Applicant shares the Commission's desire to maximum environmental sustainability, for both Parcel 2 and the overall McMillan site, the Applicant is unable to commit to achieving a minimum LEED-Gold rating for the project. However, the Applicant will continue to evaluate ways to incorporate additional sustainability features as design of the building is further developed, and will make a good faith effort to achieve LEED-Gold or its equivalent under Green Communities.

Façade Materials

While the Commission did not request any additional information regarding the metal panel façade and stone plinth materials proposed for the Parcel 2 Building, several well-advised comments/observations were made with regard to the maintenance of the metal panel façade system, particularly given the proposed white color, and the color of the stone chosen for the plinth. The Applicant has, and will continue, to take these comments into consideration as design of the building is further developed. With regard to the stone material, the sample that was presented to the Commission at the public hearing was not a full representation of the range of color and tone variation that is characteristic of this particular stone. In fact, the Applicant has chosen this particular stone as its preferred material specifically for the variation that it exhibits, and the contrast it has with the proposed metal panel façade system. Nonetheless, the Applicant will continue to study the relationship of the stone plinth material and metal panel façade system to achieve a level of contrast that is reflective of what is shown in the Updated Plans. While the Applicant is confident that the preferred stone material will perform as expected, should it be determined that an alternative material is necessary, the Applicant, consistent with the flexibility that has been requested, will select an alternative stone that is within the color range and material type as initially proposed, and is of an equal quality.

Sincerely,

HOLLAND & KNIGHT LLP



Norman M Glasgow, Jr.

Enclosures

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