

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Jessica R. Bloomfield  
202.469.5272  
[Jessica.bloomfield@hklaw.com](mailto:Jessica.bloomfield@hklaw.com)

December 26, 2017

## **VIA IZIS**

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

**Re: Z.C. Case No. 16-06A – Post-hearing 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”), we hereby submit additional information requested by the Zoning Commission at its December 18, 2017 public hearing on the above-referenced case.

### **I. Compliance with the Buzzard Point Vision Framework + Design Review Guide**

At the close of the public hearing, the Zoning Commission requested additional information from the Applicant regarding the proposed project’s compliance with the Buzzard Point Vision Framework + Design Review Guide (the “Buzzard Point Guide” or the “Guide”), which was published by the Office of Planning in November, 2017. The Buzzard Point Guide 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 D.C. Council by resolution, the Buzzard Point Guide was prepared as a “vision framework” because land use changes were not recommended. *Id.*

Page 22 of the Buzzard Point Guide states that under existing zoning, the current maximum development capacity of the Buzzard Point neighborhood is approximately 11.3 million square feet (not including stadium uses and new infrastructure). A corresponding chart is included on page 22 showing the estimated development yield for the neighborhood (*see* Figure 1, below).

| ESTIMATED DEVELOPMENT YIELD  |                 | NOTES + METHODOLOGICAL ASSUMPTIONS  |
|--|-----------------|---|
| Total Residential Uses   | 6,040 Units     | Based on estimate of zoning capacity and development trends, with approximately 1,100 square feet per unit. |
| Inclusionary Zoning (IZ) Residential   | 480+ Units      | 50% of the permitted IZ 20% bonus density within in mixed-use projects dedicated to affordable units.       |
| Market Residential   | 5,560 Units     | Remaining market rate units.  |
| Total Non-Residential Uses   | 4,700,000 Sq Ft | Based on AECOM estimate of zoning capacity and development trends.  |
| Retail   | 60,000 Sq Ft    | Assumes approximately 0.4 FAR dedicated to ground floor retail and entertainment uses.                      |
| Office   | 3,200,000 Sq Ft | 75% of remaining non-residential uses dedicated to office.  |
| Hotel Rooms  | 1,000 Rooms     | 25% of remaining non-residential uses dedicated to hotel.   |
| ADDITIONAL PREFERRED NEIGHBORHOOD USES   |                 |   |
| Civic, Institutional, Community (e.g. school, police, fire, EMS, etc.)   |                 |   |
| Neighborhood-Serving Retail, Services (e.g. child care, maker space, floorplates suitable for independent entrepreneurs, etc.) |                 |   |
| Housing Choices (e.g. units that accommodate families, seniors, a range of incomes, etc.)                                      |                 |   |

Figure 1 - Buzzard Point Estimated Development Yield<sup>1</sup>

At the public hearing, Commissioner Moffatt of Advisory Neighborhood Commission (“ANC”) 6D testified that the ANC desired more retail use in the project than proposed by the Applicant. Specifically, the ANC opposed the Applicant’s reduction in retail from 24,032 square feet (approved in Z.C. Order No. 16-06) to 16,542 square feet (proposed in Z.C. Order No. 16-06A). In doing so, the ANC relied on Figure 1, which “assumes approximately 0.4 FAR dedicated to ground floor retail and entertainment uses,” by applying a 0.4 FAR retail requirement to the Site.

The ANC reads the above-quoted language of Figure 1 far more literally than does the Applicant or the Office of Planning, as testified to at the public hearing. Indeed, on page 22 of the Guide, in the same paragraph that projects a maximum of 11.3 million square feet of development capacity for the neighborhood, the Guide states that the “relative portions of future development that will be residential and commercial... *are not mandated in the zoning,*” and “anticipates high amount of residential use, given the extensive water frontage, the isolated peninsula location, and the compatibility with adjacent neighborhood areas.” See Guide, p. 22, Development Capacity paragraph (emphasis added). It is the Applicant’s understanding, as confirmed by the Office of Planning at the public hearing (see OP’s testimony at 1:17:45 to 1:20:00 in the public hearing video, available at the Office of Zoning website), that the 0.4 FAR indicated for ground floor retail and entertainment uses referenced in Figure 1 is an average approximation for retail use in the entire neighborhood, assuming maximum buildout of every site, and not a minimum retail FAR requirement for every development project.

Moreover, page 27 of the Guide specifically describes the redevelopment project at 1900 Half Street, SW as having 414 residential units with “over 15,000 square feet of retail space.” See Guide, p. 27. With 415 residential units and 16,542 square feet of retail space proposed, the project

<sup>1</sup> The 11.3 million square feet figure indicated above is generated by multiplying the estimated total number of residential units by the “development trend” of 1,100 square feet per unit, to result in 6,644,000 square feet of total residential use for the Buzzard Point neighborhood, and then adding the total residential use square footage to the total non-residential use square footage: (6,644,000 sf residential) + (4,700,000 sf non-residential) = 11.34 million. See Figure 1.

is entirely consistent with the Guide's specific reference to redevelopment of the Property. Copies of pages 22 and 27 of the Guide are attached hereto as Exhibit A.

The Applicant also notes that given the existing building on the Site and the Site's disadvantaged location with poor street frontage (two dead-end streets to the north and south, the Anacostia River to the east, and Half and Water streets to the west that separate the Site from Pepco facilities), it would be exceptionally difficult to locate more successful retail at the Site. As shown on the architectural drawings included in the case record, the Applicant has maximized the amount of retail space based on the anticipated market conditions, and has located the proposed retail space at the northwestern-most portion of the building where the majority of pedestrian activity is expected to take place. Moreover, the residential amenity space proposed for the ground floor will include active and interesting uses, such as co-working rooms and gym facilities, which will help to create a vibrant and active ground floor retail presence along the entire building frontage, much in the same way that retail use is expected to do.

Accordingly, as set forth herein and as otherwise provided in the record, the Applicant believes that the modified project, including the modified amount of ground floor retail space, is fully consistent with the Buzzard Point Plan, the Zoning Regulations, and the Comprehensive Plan, and will adequately serve the neighborhood with vibrant and active ground floor retail uses that will assist in the burgeoning development of Buzzard Point.

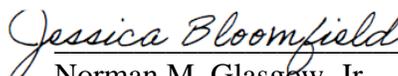
## **II. Draft Zoning Commission Order**

As requested by the Zoning Commission at the public hearing, attached is a draft Zoning Commission Order for Z.C. Case No. 16-06A.

On behalf of the Applicant, we thank you for your continued review of this request for a modification of significance to the architectural drawings approved in Z.C. Order No. 16-06.

Respectfully,

HOLLAND & KNIGHT LLP



Norman M. Glasgow, Jr.

Jessica R. Bloomfield

Enclosures

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

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2017, of the foregoing post-hearing submission was served on the following via email, and by Hand Delivery on December 27, 2017:

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

Via Email

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

Via Hand Delivery

*Jessica Bloomfield*  
\_\_\_\_\_  
Jessica R. Bloomfield