

May 3, 2019

**VIA IZIS AND HAND DELIVERY**

Anthony J. Hood, Chairman  
Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 18-22: The Yards Parcel G  
Applicant's Supplemental Statement**

Dear Chairman Hood and Commissioners:

Enclosed please find the Applicant's updated plans for the proposed new office building with ground-floor retail uses (the "Project") on Parcel G in The Yards. The Project will include approximately 293,359 square feet of office uses<sup>1</sup>, approximately 11,397 square feet of ground floor space devoted to retail and other "preferred uses", approximately 9,729 square feet of "flexible" ground floor space to be used for either office or retail uses, and approximately 164 parking spaces in a below-grade garage. The Applicant has signed a lease with Chemonics to occupy the entirety of the building's office space, and so the Project will launch the office development of The Yards with a well-designed building that will allow Chemonics to consolidate its existing offices for approximately 1,200 employees and accommodate its future growth within the District of Columbia.

**Agency Comments and Responses**

The design review process for projects in The Yards is an iterative process that integrates feedback from a variety of federal and local agencies and other stakeholders. At the federal level, this process includes GSA's guidance and approval as well as comments from NCPC and CFA,

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<sup>1</sup> Including the habitable penthouse space.

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each of which advise GSA along with other “consulting parties.” At the local level, this process includes recommendations and reports from OP, DDOT, and the ANC.

As discussed in NCPC’s executive director’s report attached as Exhibit A, multiple federal and local agencies generally agree that the Project is consistent with the approved SEFC Master Plan and related urban design guidelines and standards. As noted in the NCPC report, the Applicant continues to work with GSA to refine the design of the Project, with a particular focus on the overall fenestration, the “urban window” at the intersection of New Jersey Avenue and N Street, and the detailing of the materials. The plans attached as Exhibit D represent the 35% design that was shared with and presented to the consulting parties, District agencies, ANC 6D, and other stakeholders. The plans do not yet reflect the design refinements discussed above that are being made in response to GSA concerns. The Applicant anticipates resolving these final refinements prior to the May 23 hearing. If acceptable to the Commission, the Applicant plans to submit updated drawings approximately one week prior to the hearing in order to provide the Commission with an opportunity to review the final design prior to the hearing.

As set forth in its letter attached as Exhibit B, CFA shared some of the same recommendations as NCPC and GSA regarding materials and fenestration, and the Applicant’s responses to these comments will be reflected in the refinements to the building design. However, CFA does not agree with the overall design approach that has been proposed by the Applicant and generally supported by GSA, NCPC, OP, ANC 6D, and other stakeholders.<sup>2</sup> CFA objects to the overall form of the building design as an “object building” and believes the design does not respect the L’Enfant Plan’s overall definition of public spaces through building form. Within that context, CFA questioned the propriety of the design and form of the sculpted tower element above the building’s podium, which it argues conveys a “suburban” character. The Applicant and its design team has carefully considered CFA’s comments on the overall design approach with GSA. For the reasons discussed below, the Applicant affirms the building design’s appropriateness within the context of the L’Enfant Plan when weighed against not only the guidance in the SEFC Master Plan but also the District’s Comprehensive Plan and the parameters of the Zoning Regulations.

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<sup>2</sup> Given the number and variety of agency stakeholders engaged in the review of developments within The Yards, divergent opinions emerge from time to time. When possible, GSA and the Applicant strive to reach consensus with the stakeholders, but sometimes not all viewpoints can be accommodated. As one example, CFA and SHPO disagreed strongly over the best design approach for enclosing the historic Lumber Shed building. In that case, CFA’s approach prevailed.

*SEFC Planning Background*

All parties agree that a core principle of the underlying planning is to reintegrate the area into the pattern of the L'Enfant Plan.<sup>3</sup> Here, this is accomplished through not only the reintroduction of New Jersey Avenue and N Street but also introducing new open spaces such as Tingey Square at the intersection of the axial and diagonal components of the Plan as well enhancing the new urban grid through private streets such as 1½ Street and Quander Street.

However, the reintroduction of the L'Enfant Plan does not require a rigid adherence to monolithic forms within the new blocks. Broadly, the Comprehensive Plan's Urban Design Element emphasizes the importance of high-quality design, articulation, and detailing of street walls both at the pedestrian level and at upper floors. 10-A DCMR § 913.3; *see also id.* §§ 910.11, 910.12, and 913.13 (i.e., policy objectives UD-2.2.4, UD-2.2.5, and UD-3.1.6). For waterfront sites, the Urban Design Element recognizes the particular challenge and opportunity to respond not only to the urban grid but also the waterfront itself and emphasize that connection to the river:

Ensure that the design of each waterfront site responds to its unique natural qualities. A range of building forms should be created, responding to the range of physical conditions present. New buildings should be carefully designed to consider their appearance from multiple vantage points, both in the site vicinity and at various points on the horizon.

*Id.* § 905.8 (UD-1.3.4 Waterfront Sites); *see also id.* §§ 905.5, 905.7, 905.10, 905.11, and 1913.7 (i.e., policy objectives UD-1.3.1, UD-1.3.3, UD-1.3.5, UD-1.3.6, and AW-2.3.1).

The SEFC Master Plan and related design guidelines mirror the guidance in the Comprehensive Plan. The SEFC's Urban Design Guidelines call for height, bulk, and siting to provide open views and vistas to and from the waterfront as well as maximize and enhance views of the Anacostia River. The SEFC's Historic Preservation Design Guidelines reinforce the importance of reintegrating the L'Enfant grid as well, but also call for development in the Yards West area to be defined by its own urban character, scale, and use of materials. And the SEFC's overall zone plan puts this guidance into action, through regulations that permit the same amount of height allowed for downtown office buildings but with a lower density. As explained by OP:

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<sup>3</sup> Although the property is within the area originally laid out by L'Enfant in his 1791 plan, it was not originally constructed as designed and is therefore not part of the National Register of Historic Places-protected "L'Enfant Plan of the City of Washington." In the protected plan, New Jersey Avenue, SE terminates north of the property at M Street, SE and N Street, SE terminates at 1<sup>st</sup> Street, SE. See United States Department of the Interior National Park Service, National Register of Historic Places Registration Form, "L'Enfant Plan of the City of Washington, District of Columbia" (Apr. 24, 1997) available at <https://npgallery.nps.gov/pdfhost/docs/NRHP/Text/97000332.pdf>.

Heights as proposed would provide opportunities for the designer / developer to better consider important viewsheds, the provision of ground-level open space which addresses the pedestrian streetscape, creative responses to the waterfront and historic context, and a more varied and interesting “roofscape” in new buildings that are being designed.

Z.C. Case No. 03-06, OP Final Report (Aug. 25, 2003) at 4-5.

*Parcel G – Planning Analysis*

Consistent with the overall Yards West Master Plan, the Project embraces the challenge of balancing an active and engaged pedestrian realm on the reintroduced L’Enfant grid with waterfront-oriented building form and design. The Project’s podium defines the street walls around the site, particularly along New Jersey Avenue and N Street, which are extensions of two important elements of the L’Enfant Plan. This podium’s articulated design and mix of uses creates pedestrian activity on each side that responds to the specific context of each adjacent street: a dynamic retail-rich environment on N Street, a pedestrian-scaled mix of retail and building entrances along the new 1½ Street, and a central lobby entrance with supporting ground-floor uses on the monumental New Jersey Avenue.

Above the podium, Parcel G’s nine-story, dual-axis tower reinforces these street walls along New Jersey Avenue and N Street through sweeping, graceful bends that converge where the building faces the intersection of these two streets. This convergence point is not only New Jersey Avenue’s termination at Tingey Square, but also the primary location where the building will visually connect to the Anacostia River. Accordingly, the southeastern corner features a distinctive 6-story window wall that establishes a strong and deliberate connection between the building and the waterfront. In addition, Tingey Street, coming from the east, terminates directly into Parcel G, rather than bypassing it as occurs on almost all other city blocks. The building’s primary office lobby is on axis with and marks this termination point. In summary, Parcel G’s building mass establishes the long diagonal of New Jersey Avenue while celebrating and resolving the other intersecting corridors from N Street, Tingey Street, Tingey Square, and the Anacostia River.

Parcel G’s design further effectuates the planning guidance summarized above through other elements including varied heights, expansive terraces, and rich material detailing and visual interest. Unlike many District buildings that feature only one or two primary public-facing facades, the Project has four public-facing facades, each of which responds to its context. In particular, the Project’s grandest gestures are appropriately in the direction of the Anacostia River and Tingey Square. And the massing differentiation between the podium and towers resolves the tension between the relevant urban design planning guidelines: when viewed from the public realm at a distance, the unique orientation and gentle curves of the upper stories create visual interest and a compelling backdrop befitting of the Project’s prominent

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location; when experienced at ground level adjacent to the building, the strong and highly-articulated street wall creates a well-defined pedestrian realm balanced with an expansive sense of sky enabled by the tower's setbacks.

### **Building Design Features and Revisions**

In addition to the design revisions to fenestration and materials discussed above, the Project has incorporated other design changes in response to OP feedback. These changes are reflected on the plans attached as Exhibit D and include the incorporation of solar panels on the Project's roof, additional details regarding the façade design (Section V), and a "storefront and signage" plan that articulates the types, height, and other features of building and tenant signage, storefront design elements, and other ground-floor features (Section VIII).

OP has also requested further detail on how the building's ground floor uses will activate the surrounding streets.

- Along N Street, the Project will provide the ground-level preferred retail and other uses called for the SEFC-1A Zone, and the Applicant has integrated slab breaks within the building to allow for the retail spaces to remain in line with the slope of the adjacent street and sidewalk.
- Along New Jersey Avenue, a combination of the primary office lobby, the retail spaces at the southeastern corner, and the ground-level space north of the lobby will animate this street. At this time, the Applicant envisions that the northern space along New Jersey Avenue will be occupied by Chemonics and be populated with a series of program elements to activate and energize the storefront presence along New Jersey Avenue. Potential program elements include a reception and coffee area for employees and guests and a stage with stepped seating for presentations and similar events, an open interconnecting stair to the second floor. Enclosed meeting and collaboration space within this area would be focused on the Quander Street frontage. Together with the main lobby entrance itself, the tenant's ground-floor space will generate a consistent level of pedestrian activity and interest on this frontage.
- A mix of retail and office-oriented space will also define the Project's 1½ Street frontage. Here, however, the envisioned uses are smaller-scaled spaces to fit the pedestrian-focused character of 1½ Street, including a secondary entrance to the office building and building amenity spaces, such as its bicycle and/or fitness facilities.

Consistent with the rest of the plan for Yards West, parking and loading are focused on Quander Street, away from the primary pedestrian frontages.

### Penthouse Habitable Space

The Project includes habitable space that will be used by the office tenants, which will trigger a requirement for a contribution to the affordable housing trust fund. As the Commission knows, the contribution formula is based upon the assessed value of the land. Because the Property is currently owned by the federal government, the current assessed value of the land is a placeholder number established by the Office of Tax and Revenue. With GSA-controlled land, the Office of Tax and Revenue waits to determine the appropriate assessed until after its transfer to a private entity, so that the assessment can reflect the final development potential and market value based on applicable zoning, covenants, easements, and other factors. Therefore, the actual assessed value of the land that will serve as the basis for the affordable housing calculation will not be determined until the land is transferred to the Applicant and formally assessed by OTR. With that said, using the placeholder assessed value, the estimated contribution associated with the approximately 5,619 square feet of penthouse habitable space would be approximately \$216,732.86, with half paid prior to permit and half paid prior to occupancy. Again, the actual contribution amount will be calculated based on the actual assessed value of the land following its transfer to the Applicant.

### Sustainable and Wellness Design Features

The Applicant is committed to attaining Gold certification under the LEED v4 Core and Shell standard. Specific features that are likely to be incorporated to achieve this high level of sustainable design include extensive green roof, low-e glass at the office levels, and a DOAS mechanical system. The Applicant also evaluating potential certification for the building under the WELL standard, which measures building design that achieves certain goals for improving health and well-building.

The Project has an approximate area of 19,470 square feet devoted to green roof and approximately 2,300 square feet devoted to solar panels. Similar to Parcel I, the building is designed to meet or exceed DOEE's applicable stormwater management standards for private development. The Yards West streets will be designed to an enhanced stormwater management standard that accommodates a 1.7" rain event.

The building is outside the 500-year floodplain with the exception of a portion of the southeast retail area. The project has been designed to locate major building penetrations, parking ramps, main building entrance, electrical vaults and other sensitive equipment outside of the 500-year floodplain.

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### **Zoning Flexibility**

The Applicant has coordinated the final design of the Project as well as the proposed private streets and related adjustments to the Parcel F parking lot and confirmed that, when taken as a whole, the interim condition for the record lot will remain at or above the green area ratio (“GAR”) requirements. Accordingly, a variance from the GAR requirements is no longer required.

Based on the final design of the Project, flexibility is now requested from the court dimension requirements for the open court created by the curve of the tower along New Jersey Avenue.

Under Subtitle C, Section 711.9, a driveway that provides access to required parking spaces may have a maximum grade of not greater than twelve percent (12%). The Project’s driveway has a maximum grade of sixteen percent (16%). However, zoning relief is not necessary with respect to such provision because none of the Project’s parking is “required,” as there is not a minimum amount of parking required in the SEFC-1A zone.

### **Coordination with Other Site Changes**

Parcel G is currently occupied by the Trapeze School of New York. The Applicant is working with the Trapeze School to relocate it to a new site in The Yards on Parcel E. The Trapeze School relocation is the subject of a zoning application in Z.C. Case No. 19-07, which will be heard on the same evening as the hearing in this case.

As a part of the development of Parcel G, the Applicant will construct the segment of 1½ Street adjacent to the Property as well as the entire length of Quander Street north of the Property, between 1<sup>st</sup> Street and New Jersey Avenue. The design of the streets will be consistent with the concept designs shared with the Commission last month in Z.C. Case No. 18-20 (Parcel I).

Parcel F adjacent to the Property currently contains approximately 193 parking spaces pursuant to Zoning Commission approval. The proposed redevelopment of the Project and the related construction of 1½ Street requires alterations to the parking lot that will remain on Parcel F. Included in the plans is an updated plan for Parcel F, which reflects the proposed new location for parking access and the reconfiguration of the remainder of the parking lot. The new lot will provide approximately 94 parking spaces.

### **Witnesses and Experts**

The Applicant requests 30 minutes for its presentation to the Commission at the May 23, 2019 public hearing. At the hearing, the Applicant intends to present testimony from:

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- Toby Millman, John Lecker, and/or David Shirey, as representatives of the Applicant, who will summarize the goals for the Project, the building program, and the iterative outreach to date with agency and community stakeholders.
- Jeff Barber, Gensler, as an expert in architecture. Mr. Barber will present the architectural design of the building, with a focus on design details and materials selection. Mr. Barber will also address areas of zoning flexibility.
- Craig Atkins, Wiles Mensch Corporation, as an expert in landscape architecture. Mr. Atkins will be available as a witness to discuss the landscape design within and surrounding the Project.
- Erwin Andres, Gorove/Slade Associates, as an expert in transportation engineering. Mr. Andres will be available as a witness to discuss the findings of the Applicant's CTR as well as commitments regarding transportation demand, parking, and loading management.

Resumes for the proffered experts and outlines of their testimony are included as Exhibit C. The Commission has previously accepted each of these witnesses as an expert in their respective field.

Thank you for your attention to this application. We look forward to presenting this application to the Commission at the public hearing.

Respectfully submitted,

/s/ David M. Avitabile

/s/ David A. Lewis

CC:

Brookfield Properties, 301 Water Street, SE, Washington, DC 20003, Attn: Toby Millman (*1 copy via e-mail*)

Gail Fast, 700 7th Street SW #725, Washington, DC 20024 (1 copy via USPS)

Anna Forgie, 28 K Street SE, #1008, Washington, DC 20003 (1 copy via USPS)

Ronald Collins, 301 G Street SW #609, Washington, DC 20024 (1 copy via USPS)

Andy Litsky, Vice Chair, 423 N Street SW, Washington, DC 20024 (1 copy via USPS)

Anthony Dale, 222 M Street, SW, #820, Washington, DC 20024 (1 copy via USPS)

Rhonda N. Hamilton, 44 O Street SW, Washington, DC 20024 (1 copy via USPS)

Edward Daniels, 301 Tingey Street SE, #433, Washington, DC 20003 (1 copy via USPS)

## **Certificate of Service**

I certify that on or before May 3, 2019, I delivered a copy of the foregoing document and attachments via e-mail, hand delivery or first class mail to the addresses listed below.

/s/ David A. Lewis

Jennifer Steingasser (*1 copy via e-mail*)  
Joel Lawson  
Brandice Elliott  
District of Columbia Office of Planning  
1100 4<sup>th</sup> Street, SW, Suite 650E  
Washington, DC 20004

Anna Chamberlin (*1 copy via e-mail*)  
Aaron Zimmerman  
Policy and Planning  
District Department of Transportation  
55 M Street, SE, 5<sup>th</sup> Floor  
Washington, DC 20003

Advisory Neighborhood Commission 6D (*1 copy via e-mail*)  
1101 4th Street SW, Suite W130  
Washington, DC 20024

**Publicly Available Maps and Information**

Per Subtitle Z, Sections 203.7 and 501.1(f), the Applicant offers the following publicly available maps and documents into evidence in support of its case:

1. Future Land Use Map and Generalized Policy Map of the District of Columbia (available at <http://planning.dc.gov/page/comprehensive-plan-future-land-use-maps> and <http://planning.dc.gov/page/comprehensive-plan-generalized-policy-maps> respectively)
2. District of Columbia Comprehensive Plan (available at <http://planning.dc.gov/page/comprehensive-plan>)
3. Metrobus and Metrorail Maps (available at <http://www.wmata.com/rail/maps/map.cfm>)
4. WMATA Records Available for Public Review (available at [http://www.wmata.com/about\\_metro/public\\_rr.cfm](http://www.wmata.com/about_metro/public_rr.cfm))
5. Orders of the District of Columbia Zoning Commission and Board of Zoning Adjustment (available at <https://app.dcoz.dc.gov/Search/GlobalSearch.aspx>)