

Commissioners,

I support the height, map amendment, and FAR of the first-stage PUD, and would have supported the previously proposed parking flexibility. However, I oppose the Consolidated PUD on three grounds. First, that the Applicant has failed to meet the burden of proof for several claimed benefits. Second, that the design of the consolidated PUD does not rise to meet the definition of “superior architecture or urban design” as required to be a public benefit. Third, that the design of the consolidated PUD is inconsistent with several elements of the Comprehensive Plan and other policies of the District of Columbia.

I therefore request that the Zoning Commission not approve this project until the Applicant has met the burden of proof, alters the design of the Consolidated PUD in such a way that it is not inconsistent with the Comprehensive Plan, and conforms it with a coherent definition of superior urban design and architecture required for the amenity public benefit. I have full confidence that the design team can meet this standard, if permitted by the Applicant.

**CONTENTS OF THE STATEMENT IN OPPOSITION**

- A. Evidence for several public benefits is inadequate;
  - A.1 The superior architecture and urban design benefit is not formalized in a quantifiable or measurable way, such as through listed products that establish color range and product quality, or specified dimensions for façade relief;
  - A.2 The superior value of proposed environmental and sustainability benefits is not shown beyond what could be built under the 2017 DC Construction Codes.
  
- B. Applicant does not show the design of the Consolidated PUD rises to the standard of “superior urban design and architecture” at X305.5(a);
  - B.1 Applicants assertions of contextual and historical reference are unsupported;
  - B.2 Applicant’s execution of historical references does not follow patterns of those references and similar projects judged superior architecture and urban design;
  - B.3 The “cut out” does not achieve its intended purpose, and Applicant does not show why other methods of reducing the visual appearance of mass were not used;
  - B.4 The design fails to take advantage of its unique waterfront site and is therefore not oriented to the water;
  - B.5 The design is derivative of, but not superior to certain projects in other neighborhoods and therefore reduces the uniqueness of DC’s neighborhoods.
  
- C. Inconsistency of the Consolidated PUD with policies of the Comprehensive Plan;
  - C.1 LU-2.1.1: Variety of Neighborhood Types;
  - C.2 E-1.2.1: River Conservation;
  - C.3 E-2.2.1: Energy Efficiency;
  - C.4 UD -1.3.3: Excellence in Waterfront Design;
  - C.5 AW-1.1.5: River Basins as a Planning Guide.

Respectfully,  
**Neil Flanagan**  
ANC 5E05

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## **A EVIDENCE OF BENEFIT AND NON-INCONSISTENCY IS INADEQUATE.**

The application of for the Consolidated PUD represents that the project will provide several public benefits in the form of “public amenities.” The Applicant has failed to clearly meet the burden of proof with its statements and drawing sets submitted in evidence. Evidence for these claims may be tacitly or diffusely present in the drawings. However, section X-304.2 of the Zoning Regulations specifically places the burden of proof for granting approval on the Applicant. Further, they require that public benefits be tangible and quantifiable, per X-305.3(a) and measurable per X-305.3(b). In this section, I show how the Applicant has failed to meet the burden of proof.

The Zoning Regulations define a public benefit as a “superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent that would likely result from development on the site under the matter-of-right provisions of this title.” And the amenity as “one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.”

In its submission materials, the Applicant claims several benefits. In this section, I will focus on two that exemplify the evidentiary deficiencies of the application. The first is the claimed benefit of superior architecture and urban design, and second is the claimed benefit of higher levels of sustainability.

The first section refers to multiple regulations outside of the Zoning Regulations, identified by including the DCMR title ahead of the references. Citations without “DCMR” and with “ZR” refer to the Zoning Regulations.

### **A.1 The superior architecture and urban design benefit is not formalized in a quantifiable or measurable way**

The Applicant asserts the project will produce a superior urban design and architecture amenity. However, its evidence for this is not outlined in a tangible and quantifiable way, per X-305.3(a) and measurable per X-305.3(b). Combined with the Applicant’s request for minor flexibility in exterior details and exterior materials, parties to the PUD have no way to validate whether minor changes made after approval are not substantive.

In many other PUD and Design Review projects, the Commission has accepted as a form of assurance specific details, specific products, and specific dimensional requirements. For example, a design resembling the Subject Project in color and fenestration was considered for Southeast Federal Center Design Review in Zoning Commission Case 17-07. The Commission approved a package of drawings that specified granular details for the design. These included extensive dimensional statements about façade relief, the kinds of materials to be used, and performance standards that addressed concerns about harm to wildlife. Additionally, this package showed specific buildings that were used as design references,

allowing the Commission to judge whether the Applicant had responded to the context as they asserted.

The Commission cannot approve the Consolidated PUD until the Applicant provides tangible, quantifiable, and measurable definition of the “superior architecture and urban design” public amenity. I urge the Commission to require a drawing set exceeding the level of detail in the approved set in Case 17-07, as the size of this PUD, the map amendment, and the amount of relief exceed the modest relief provided under DR in Case 17-07.

## **A.2 The superior value of proposed environmental and sustainability benefits is not shown to exceed what could be built under the 2017 DC Construction Codes.**

For several items claimed as public amenities, the Applicant has failed to provide proof that the environmental or sustainable benefits “exceed the standards required by zoning or other regulations” per X-305.2 and X-305.5(k). The Supplemental Statement in Support claims he project meets X-305.5(k)(2) with the following language.

*Riparian oriented plant material has been selected for areas in close proximity of the waterfront to help to mitigate stormwater runoff and tolerate flood events. Bioretention planters have also been included and strategically placed around the site in order to collect, filter, and detain runoff in close proximity to each planter. In addition, extensive and intensive green roof systems have been incorporated on terraces of the building.*

Then, in the prehearing statement, the Applicant lists the following as a benefit:

*Applicant agrees to... install green roof elements, a community garden and/or other similar sustainable design features... on top of the Building 1 West Tower and Building 2.*

However, the Applicant does not provide evidence that this exceeds what would be required by zoning or other regulations. Evidence for this claim might take the form of a table comparing retention calculations with the minimums of the Stormwater Management Regulations, DCMR 21-5. A similar tabular comparison would also demonstrate that the amount of green area exceeds the requirements of the Zoning Regulations’ Green Area Ratio, ZR Subtitle C, Chapter 6. Without this evidence, the Applicant has not met the burden of proof for approval of these public amenities.

In the Supplemental Prehearing Statement, the Applicant commits to LEED Gold *equivalent* construction. The Applicant includes LEED scorecards in the First-Stage and Consolidated PUD submittal, meeting the requirement that it be quantifiable. However, a scorecard by itself does not show how this project will be better than what could be built matter-of-right, per X-305.2. (Additionally, the same scorecard appears in both submittals, but certain energy-generating features are not present in the Consolidated PUD.)

The building will be built to a standard no lower than what is required in the 2017 District of Columbia Construction codes, DCMR Chapter 12. That includes the Energy Conservation Code (DCMR 12-I) and Green Construction Code (DCMR 12-K), which offer a number of “compliance paths,” or ways of meeting the code, including the LEED family of

certifications. Per section 302.4 of DCMR 12-K, the default compliance path is the LEED family of certifications, either registered with USGBC or used as a reference standard for review by DCRA. (Per Exhibit 30, the client does not proffer to actually certify the project as LEED.)

To ascertain the value of this amenity in line with Zoning section X-305.2 and X-305.5(a,b,k), the Applicant must show how the proffered LEED Gold-*equivalent* exceeds the mandatory green construction features required by DCMR 12-K or an Alternative Compliance Path per DCMR 12-A 101.12.5, both in net credits and also how the specific distribution of excess credits advances the policies of the District of Columbia.

With regard DCMR 12-I, a superior project must exceed the requirements of the Prescriptive Path. The architectural drawings of the Consolidated PUD show total glazed area that exceed 40%, not permissible under the Prescriptive Path, per Table 5.5, so the Applicant must intend to follow the alternative Performance Path.

The Performance Path is generally used in the District of Columbia to overcome the 40% glazed area limit, as it allows designers to compensate for the drastically less thermally efficient glazed facade assemblies by increasing the efficiency of other building systems. Compliance via the Performance Path is validated by simulating a theoretical “baseline” building roughly complying with the Prescriptive Path and likewise simulating the proposed design. The performance of building systems or the façade in the proposed design is adjusted until the simulation of proposed design returns an equal or lower “energy cost budget” than the simulation of the theoretical baseline building.

The result of this approach is often unsatisfactory, where the real structure grossly exceeds the energy usage of similar buildings built to the Prescriptive Path. Yet, these buildings can still score very high in ratings systems like LEED because they receive credits for simulated performance and the higher efficiency building systems. For the purposes of meeting the burden of proof for ZR X-305.5, the Commission must exclude from the calculation of public amenity those LEED-equivalent credits earned in the course of using the Performance Path to complying with DCMR 12-I, unless the Applicant shows that the proposed design exceeds the energy performance of the simulated baseline building by providing the energy model to the Commission or a third-party energy auditor.

In all cases, if for the Applicant to assert these public amenities, they must provide tangible, quantifiable, and measurable evidence that the proposed design substantively exceeds the code requirements possible matter-of-right. Alternatively, the Applicant could choose to certify the project using one of the Alternative Compliance Paths listed in DCMR 12-A 101.12.5 as a benefit not specifically enumerated, per ZR X-305.6.

(In many regards, the weak incentives of sustainability amenities are due to the negligence of the executive branch of the District of Columbia. No doubt OP and DOEE have been aware the performance requirements of the DC Green Building Act of 2013 and their update in the 2017 Construction Codes. Yet the executive has not submitted text amendments to reflect increased matter-of-right requirements and new, superior sustainability certifications, a state they may wish to correct.)

**B. PROPOSED DESIGN OF THE CONSOLIDATED PUD DOES NOT RISE TO THE STANDARD OF SUPERIOR URBAN DESIGN AND ARCHITECTURE.**

The Applicant asks the Commission to approve the project partially on the grounds that it provides an amenity public benefit of superior urban design and architecture, X-305.5(a).

Analysis of the conformance of the Consolidated PUD to this standard is hampered by the lack of a definition of “superior urban design and architecture.” We therefore must look to projects approved by this commission as Planned Unit Developments, second to those approved by this commission under the various conditions of Design Review, and third, to buildings approved by other processes that demand superior design in the District of Columbia, particularly the Historic Preservation review process, as this project application claims inspiration from historic context of the area.

**B.1 Applicant’s assertions of contextual and historical reference are unsupported**

In the Applicant’s Supplemental Statement (Exhibit 10), they assert that the design originates in historical references and contextual compatibility:

The Project is inspired by the architectural character of Historic Boathouse Row and the tradition of industrial buildings formally located along the waterfront in this part of the city. The goal is to create an authentic design solution that will honor the past while simultaneously expressing a modern industrial aesthetic.

This language expands upon comments in the Statement in Support (Ex. 3):

The envelope design for Building 1B can be seen as juxtaposition between the past and present... The element to the west reads like a traditional masonry bar building... The element to the east reads like a modern industrial building... the connecting element between these two unique facades reads like metal and glass warehouse building façade... traditional masonry with punched openings exists on the north and west facades, facing the city.

Through these statements, the Applicant is making a series of claims about the appropriateness of the design through reference to the historic character of the site. In most cases, no evidence is provided, and where it is, the reasoning is confused.

The Supplemental Statement says that it is “inspired by the architectural character of Historic Boathouse Row and the tradition of industrial buildings formally located along the waterfront in this part of the city.”

The first claim is perplexing; Boathouse Row consists of several one- or two-story buildings not exceeding a couple of thousands of square feet. The historic buildings are generally constructed out of wood and resemble residential buildings. Newer buildings are prefabricated metal industrial structures. They are generally finished in white or off-white. None of these features are present in the proposed structure, which is a mid-rise multifamily

building clad in dark metal panels, large expanses of glass, and brick. The Applicant has no reasonable grounds to claim this inspiration.

The second claim, to “the tradition of industrial buildings formally located along the waterfront in this part of the city,” again is unsupported by the statement, such as via photographs of buildings that once stood in the area. Certainly, visual examination of the historically industrial north bank of the Anacostia River yields few examples of buildings that look remotely like this one.

Looking for red brick buildings, the imitation warehouses of the podium do resemble the now-demolished buildings that housed the Anacostia Community Boathouse prior to the 11<sup>th</sup> Street Bridge reconstruction. Those storefronts do resemble those of the DC Water garage at 1<sup>st</sup> Street SE, and Navy Yard Building 111. However, finding buildings that resemble the mid-rise portion of the building is more challenging. Building 200 has many features, but it is defined by minimal ornamentation and horizontal strip windows.

The closest analogue for the west façade appears to be Navy Yard Building 157, which has a relatively high glazing ratio, references to Classical proportions in its simple pilasters, and red brick. However, that building is shorter, smaller, and lacks its distinctive upper-level cantilever. The proposed project is ten stories taller and more strongly expresses western classical features. In this way, it resembles 19<sup>th</sup>-century vertical warehouses in other cities, however, no such buildings were built to this height in the District of Columbia.

No clear analogues can be found for other features of the building. Facades consisting of a grid that strongly expresses the tectonic (column-floor) relationship in a plain and functional way are present, but they do not use dark metal cladding and do not feature two-story ganged windows, which are more common on residential buildings of the reference period.

Indeed, confusion about historical and contemporary industrial architecture runs through the Applicant’s statement. In the Statement of Support and the Supplemental Statement, the Applicant asserts that the eastern half of Building 1A expresses a “modern industrial aesthetic” while the southeast façades of western portion of the building and connecting element have “metal and glass warehouse building façade.”

The Applicant does not explain what a “modern industrial” aesthetic is, nor provide examples. Does this term refer to industrial buildings built under the influence of the Modern Movement (c.1900-1960)? If so, no examples are provided to indicate this. Reviewing multistory industrial buildings in the Navy Yard, the ones built contemporaneously with the Modern Movement feature a simple tectonic expression of each floor, in concrete or brick, with horizontal windows resulting in low glazing ratios, and not “two-story frameworks” of ganged windows, executed in metal-faced polymer panel. The Design Review of Southeast Federal Center Parcel L2 (Case 16-16) established that a simple single-story expression of concrete panels and infill was a suitable tribute to industrial buildings from the Modern Movement period. None of those features are present in the eastern portion of the Subject Project, although the plain tectonic expression and horizontal aspect are present in the areas identified as having a “metal and glass warehouse” characteristics.

If the term “modern industrial” instead refers to contemporary industrial architecture, the Applicant provide neither evidence that this is true, nor that it is desirable. The same applies to the “metal and glass warehouse” features. A review of recently constructed industrial, distribution, and flex buildings in the DC area does not return buildings with high glazing ratios and multiples stories of relatively low ceiling heights. Further, while the reference to historic buildings has precedent, why is referencing contemporary industrial buildings appropriate for multifamily residential? The Applicant has failed to show what these terms mean, and why they lead to superior urban design and architecture.

The Applicant asserts that the design of the Consolidated PUD constitutes superior urban design and architecture because it draws on the “tradition of industrial buildings formally located along the waterfront in this part of the city” draws on historical architecture. Examination of this claim shows that the claim is not supported by the application, and often contradicted by examination of the context. As a result, the Applicant has not met the burden of proof for X-305.5(a).

## **B.2 Applicant’s execution of historical references does not follow patterns of those references and similar projects judged superior architecture and urban design.**

Even if the Commission were to admit the appropriateness of the references to historic masonry, “modern industrial” aesthetic, and “metal and glass warehouse,” the execution of these references and imagined histories does not follow the logic of these references themselves. Further, the Commission has not recently found that the recreation of historic references rises to the definition of “historic architecture.” Therefore, the Applicant has not shown that their project rises to the level of “superior urban design and architecture.”

In many past projects, the Commission and similar review agencies have found that retention of historic structures contributes to high quality architecture. For example, in ZC Case 14-07, the Commission held that a building resembling the eastern portion of Building 1E in massing and the presence of a masonry base met the requirements of X305.5(a). In the order, the Commission found that the design that “will enhance and celebrate the industrial characteristics of the Union Market district” and “incorporate portions of the existing warehouse façade.”

In that case, the *preservation* of the existing warehouse façade advanced the preservation and neighborhood elements of the Comprehensive Plan. The Commission has likewise found preservation as a contributor to the quality and amenity of projects, and incentivized retention of both designated landmarks and non-designated existing structures throughout the Zoning Regulations, such as in C-601.3, H-902.2, and I-807. Generally, where the Commission has sought to reproduce historic patterns, they have set it out as a minimum through quantifiable and measurable design standards, such as in Hill East, defined in great detail at K-420 or for Design Review at X-604 , rather than a subjective look and feel.

The Commission must then review the project on its own terms: whether it reproduces the patterns and characteristics of a juxtaposition between past and present, where successive structures were inserted in, around, and on top of existing structures. Thanks to the above-

mentioned zoning requirements and the District's strong Historic Preservation regulations, there are many projects to consider.

The Commission can consider several projects on 14<sup>th</sup> Street NW that incorporated and rehabilitated existing 1-2 story buildings at their base, similar to the Subject Project. These were approved subject to design review under DC's Historic Preservation laws, and so can be understood as reflecting superior design. 2114-2124 14th Street, NW, HPA 18-136, and the second is 1701-1711 14th Street, NW, HPA 16-379.

In these projects, the full height new construction is infilled between or around the existing structures, following the physical need to preserve those structures and differentiate the new construction in line with Historic Preservation standards. In the Subject Project, we see the exact opposite: the massing of the residential building rises from behind the imagined historic facades.

In general, the massing of the "new" and "old" parts of the building match, rather than contrast, as can be seen with the haphazard termination of historic elements on the Second Floor. While at the second floor, the articulation of cast stone trim and brick continues, above that, the façade changes to the "metal and glass warehouse" treatment. This implies that the majority of the façade of the building above was removed, rather than that the site was infilled.

This correspondence is rare where buildings designed for industrial or commercial buildings are converted to multifamily residential. Rather, the exigencies of preserving buildings and adapting those of one type for another more often lead to alternating rhythms, reveals, and tension between old and new in buildings approved by the Historic Preservation Office. In the Subject Project, the parallel patterning of the "new" and "old" only serves to highlight that the "historic" elements are a scenography.

The proposed design of the subject PUD does not emulate designs where infill and retention occurred, particularly those deemed to have superior urban design and architecture. Therefore, on the terms set out by the Applicant, the Subject Project fails to rise to the level of superior urban design and architecture.

### **B.3 The "cut out" does not achieve its intended purpose, and Applicant does not show why other methods of reducing the visual appearance of mass were not used.**

The opening in the mass of a building clad in dark, orthogonal metal, to create a "cut-out" in the words of the Supplemental Statement and a "connecting element" in the Statement of Support resembles the defining features of the Atlantic Plumbing Parcel C project at 945 Florida Avenue NW, as well as a second building in that project at Parcel B. The resemblance is so strong, it cannot go unremarked that personnel of Applicant Felice Development Group worked on the Atlantic Plumbing Parcel C building.

These features have not been shown to be superior urban design and architecture amenities as Atlantic Plumbing was not subject to any PUD or design review. Nevertheless, it appears to have influenced a number of buildings in the District of Columbia and can be used to

identify whether the application if its features in the Subject Project are superior or inferior to the by-right Atlantic Plumbing project. If they are not used in a superior way, then the Subject Project cannot be held to offer the superior urban design and architecture amenity.

In the case of Parcel C, the primary purpose of the opening serves to provide a public, non-motorized right-of-way extending W street from Florida Avenue NW to 9<sup>th</sup> Street NW and continue a historic view corridor. The opening furthered long-term goals of the Urban Design Elements of the Comprehensive Plan and the 2005 DUKE plan, calling for reconnection of streets in the area.

If the architects of Parcel C simply wanted break up the mass of a homogenous building, there are a number of other strategies. The chosen design of a public court with an opening under a residential connecting element, then, is specifically suited to its location, mid-block in a gridded, urban area, at the end of an existing view corridor and right of way. Further the design suits its variegated program, dividing the project's hotel and apartment uses and vastly expanding the amount of ground-level retail. The parti draws on the site and offers multiple layers of mutual private and public amenity.

A less visually similar project with an opening that was actually subject to a PUD reinforces the importance of view corridors and public access to the superior architecture of a "connecting element." In Case 16-09, the Commission found that a project provided a public amenity under X305.5(a) by including a "cut-out." However, the supportive finding was not for the bridge element in and of itself, but for the opening, which served as a public space that provided access to the NoMA-Gallaudet metro station, and as the termination of an existing view corridor formed by a public street.

A building with a residential connecting element over an opening has been approved by the Historic Preservation Office, in case HPA 18-136. There, the opening and bridge sits directly over a historic structure. Indeed, the reason for the bridge arises from the need to preserve historic fabric.

In comparison to these projects, the design of subject property's cut-out lacks the motivations and relationships that constitute public amenities. The cut-out in the subject property does not provide a public right-of way. It does not increase the amount of street activity, nor does it differentiate between two uses. Rather, it seems to introduce circulation problems into the building, decidedly not contributing to private amenity.

Visually, the Applicant's renderings of the view from L Street show very limited porosity, forming a small opening that can be seen through only from a narrow section of the block. It does not terminate a historic or otherwise existing view corridor. In order to break up the massing, the appearance of an opening is extended by highly glazed areas. This hides how small the opening really is and downplays what porosity it actually provides. Further, the porosity is occluded by bridges.

Finally, the connecting element does not assist in the preservation of historic fabric. In fact, it does not even create that appearance, as is over the highly glazed lobby, rather than one of

the historicist brick facades, as would be expected in a genuine use that advances the preservation goals of the Comprehensive Plan.

In light of this analysis, the design of this project's "cut out" and "connecting element" fail to meet the level of design that the Commission and other agencies of the District of Columbia have identified as superior previously. Further, this feature does not have the motivations and relationships of model projects. Therefore, the cut-out feature does not contribute to "superior urban design and architecture" and other ways to reduce the appearance of the bulk of the project that are motivated by distinct site conditions should be employed.

#### **B.4 The design fails to take advantage of its unique waterfront site and is therefore not oriented to the water.**

The site of the project is an extraordinary rarity in the District of Columbia, requiring a transition from the historic and formal urban grid to the urban wild of the Anacostia River. Rarer still, this horizontal transition is paired with a change in grade from the urban streets to waterfront landscape. Both features offer the Applicant opportunities to use design strategies that would be inappropriate in most other neighborhoods; elements of the Comprehensive Plan and Anacostia Waterfront Framework Plan may require them.

The Applicant asserts in the Supplemental Statement that the design is specifically informed by the transitional condition, writing:

The overall massing solution for the development was created to respond to the various contextual edges that border the Property. This includes the orthogonal grid to the north facing Capitol Hill, the diagonal orientation of Virginia Avenue to the south, and the irregular waterfront edge to the east along Water Street.

The Commission must then examine whether the Applicant has "respond[ed] to the contextual edges that border the Property" in a way that is superior to what could be built as a matter-of-right. I take no exception to the response to the orthogonal grid and diagonal avenue. Rather, it is the transition to the "irregular waterfront edge" that is unsuccessful, and moreover, is executed in a way that is inconsistent with the Comprehensive Plan.

First, the physical and visual relationships of the Anacostia River corridor must be established. The river forms an uneven and irregular edge that cuts through the L'Enfant-Ellicott grid at an angle. In contrast to their Baroque L'Enfant-Ellicott city, focal and axial relationships are rare, occurring only where the river bends and spaces between buildings perpendicular to the River. Rather, the principal views from the Anacostia River corridor will be panoramic in nature, and primarily experienced in motion, as users travel up and down the river, trails, or roadways of the Anacostia Waterfront.

Buildings must therefore contribute to this panorama and add to the irregular but cohesive walls of the "Anacostia Basin" subarea of the Anacostia Waterfront Plan. That basin is identified as a transition between the urbanized lower Anacostia and the wilded upper river.

Examining the Subject Project, the design of the Consolidated PUD does not respond to the irregular waterfront edge. At the lower level plaza, the Applicant has not demonstrated that the plaza is oriented toward the waterfront. Above the Second Floor, this project is visibly not oriented towards the water.

The lack of orientation in the upper levels is most clearly shown in the difference between the east and west portions of Building 1E. In the Consolidated PUD, the Applicant has architecturally articulated the two portions as separate buildings. The western portion is irregular in shape, responding to the Virginia Avenue diagonal in a way that doubles as an oblique response to the river, and then returning toward the river along the grid. The subdued horizontal aspect of the façade treatment makes this possible.

The eastern portion does not continue these relationships, instead reinforcing the orthogonal massing with the façade treatment. framed balconies, combined with a rectangle of what appears to be window wall or storefront glazing and a consistent, orthogonal massing, reinforces the symmetry of the eastern portion of Building 1E around Court C6. This focus and symmetry imply an axis through the center of the court, and the cohesion of the massing typical of a building firmly situated within the orthogonal grid, and at the termination of an axial view corridor. The site of the project features neither, or if it does, the Applicant has not provided evidence of such an axis.

Building 2, if it is ever built, may reduce the prominence of the orthogonal geometry of Building 1E, especially when viewed from the East Bank of the Anacostia. (The Applicant has not provided renderings of this view. However, the fingers of Building 1E protrudes at least 40 feet beyond Building 2, meaning that the blockish form of the building will still dominate. A façade without symmetrical or axial relationships on the river-facing façade would better respond to the irregular context, thereby provide superior urban design and architecture and advance the policies of the Anacostia River Framework Plan.

Second, the way the façade treatment meets the ground misses the unusual opportunities the change in grade affords and undermines the Applicant's extensive and costly efforts to reduce the visual appearance of the building. Applicant employs a brick façade at the base of the north and eastern facades of the eastern portion of Building 1E, establishing a "base," without an underlying functional reason.

The brick treatment rise two stories, ending at the same height as the curtainwall at the entrance and the double-height storefronts on the retail base of the western, brick façade. In the lobby and the retail areas, this double-height articulation follows the double height interiors of non-residential functions. In the eastern portion of the building, residential uses extend to grade with no double height spaces. There is no functional reason to match the height and material of the base at this location.

Whereas the design prominently varies materials to de-emphasize continuity, this shared datum between three façade treatments reinforces at the pedestrian level that the different treatments are part of a single, extremely long structure. Further, this brick base ends abruptly at the Southeast corner to meet the more developed architecture of the lower retail plaza, heightening the arbitrariness of this treatment and deemphasizing the grade change.

Third, the Applicant's extensive and costly efforts to reduce the visual bulk of the building are undermined by the uniform roofline. While the Applicant varies the height and treatment of multiple façade elements, all portions of the project end at a single roofline. This approach may be appropriate for a site fully situated in an urban fabric. The Commission and other design review agencies have repeatedly expressed the value of uniform roof and cornice lines in forming the cohesion of urban fabric. However, this approach does not orient the building to the irregular Anacostia River edge and does not break up the visual bulk of the building.

The placement of the east-west penthouse over two façade treatments and the "cut out" forms yet another datum that undermines the Applicant's efforts to reduce the visual bulk of the building.

Fourth, the Applicant has not shown, in drawings or renderings, that the lower retail plaza is oriented to the waterfront, as asserted in their Supplemental Statement. While I personally believe that the space will be attractive, site plans show that one of the Boathouse Row buildings will significantly block views and physical access from the plaza to the waterfront. The Applicant must show how the design of this space achieves the orientation in spite of the existing structures.

Applicant has designed a project that may be appropriate for a site fully situated within an urban fabric. They have not taken advantage of unique site conditions that could be used to reduce the visual bulk of the building and produce a richer riverfront. They have not demonstrated that the building offers "superior urban design and architecture."

#### **B.5 The design is derivative of, but not superior to, certain projects in other neighborhoods and therefore reduces the uniqueness DC's neighborhoods.**

A theme runs through the analysis of the Subject Project in this section, that of the design reproducing elements of historic buildings and other projects without consideration of the reasons for those features or the unique conditions of this site. Derivative works are not inherently bad; borrowing is a cornerstone of architectural traditions and a way of responding to context. Only when the appropriation of those features is less responsive to the context and function of the project that borrowing fails to yield "superior architecture and urban design" and undermines the diversity of neighborhoods

Features cited by the Applicant as contributing to the superior design of the building closely resemble those of several projects completed in the Florida Avenue Market area and as part of the Atlantic Plumbing project in a formerly industrial area near Howard University and U Street. These features are specifically the historicist brick base, the "glass warehouse" façade treatment, and the employment of an opening in the residential mass of the building. These features, likewise, have been reproduced in yet other projects ahead of the project in this case. For each feature, the application of these features in the Subject Project is less apt and suited to the specific conditions of the project site.

For the reasons outlined in this section, the Consolidated PUD does not meet the burden of proof for the “superior urban design and architecture” amenity at ZR X-305.5(a) and may be inconsistent with elements of the Comprehensive Plan.

**C. INCONSISTENCY OF THE CONSOLIDATED PUD WITH POLICIES OF THE COMPREHENSIVE PLAN**

Applicant has failed to show the design of the Consolidated PUD is not inconsistent with several elements of the Comprehensive Plan, including those claimed as compensatory for other inconsistencies, and that the design addresses the requirements of other adopted plans, as outlined below.

**C.1: Inconsistency with Policy LU-2.1.1: Variety of Neighborhood Types.**

For reasons outlined in Sections B.1, B.4, and B.5 of this document, Applicant has failed to show that the project maintains a diversity of neighborhood types, and that it preserves and enhances the positive elements that create the identity and character of each neighborhood.

**C.2: Inconsistency with Policy E-1.2.1: River Conservation**

The proposed design of the Consolidated PUD features extensive glazing along the Anacostia River, with unspecified reflectance and bird strike protection features. The project site is extremely close to several habitats identified in the 2015 Wildlife Action Plan as significant to avian wildlife. Section 4.6 of the Wildlife Action Plan identifies glass and buildings as a major threat to wild bird conservation and habitats.

The Applicant has failed to demonstrate that the project is not inconsistent with the habitat protection elements of this policy.

The commission has, in previous projects such as Case 17-07, considered design for bird protection a response to riverfront habitats and a superior feature of the design. Likewise, the 2017 Green Construction Code provides an elective standard for bird protection at DCMR 12-K Appendix A104.2, A104.3, and A104.4. The project could show consistency, and balance other inconsistencies by improving the bird safety of the project, such as reducing glazed area facing the river.

**C.3: Inconsistency with Policy E-2.2.1: Energy Efficiency.**

For reasons outlined in section A.2, the Applicant has failed to show that the project promotes the efficient use of energy and contributes to the reductions in per capita energy consumption by DC residents.

Additionally, the Applicant has proffered the installation of on-site solar generation in a future phase of the PUD, which may advance the additional use of renewable energy. However, the amount of onsite solar generation is roughly 1% of building energy. To demonstrate consistency with this element of the Comprehensive Plan the Applicant must demonstrate that the money spent on photovoltaics will yield more energy generation than

spending an equal sum on improving the thermal envelope, reducing glazing, adding shading, etc. that would *reduce* energy consumption, in line with the Sustainable DC 2.0 plan.

**C.4: Inconsistency with Policy UD-1.3.3: Excellence in Waterfront Design.**

As outlined in sections A.1, B.1, B.2, B.4, and B.5 of this document, the Applicant has failed to demonstrate that the project integrates historic features and structures, and that the plaza and buildings are oriented toward the water.

**C.5: Inconsistency with Policy AW-1.1.5: River Basins as a Planning Guide**

As outlined in Section B.1 and B.4 of this document, the Applicant has failed to demonstrate that the project is not inconsistent with this policy of the Lower Anacostia/Near Southwest Area Element.

**Applicant must demonstrate consistency with the Comprehensive Plan.**

The Applicant has not yet demonstrated that the Consolidated PUD is *not inconsistent* with several policies of the Comprehensive Plan, including ones it claims where the project offers superior features that balance out other inconsistencies.

For the reasons outlined in this section, I ask the commission to not approve the Consolidated PUD until the Applicant has brought the project into consistency with the Comprehensive Plan and met the burden of proof.