BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA

Application of United States of America
GSA Public Buildings Service by
Forest City SEFC, LLC
Square 771, Lot 807 (Parcel P2B) and Lot 808 (Parcel P2A)
355 and 385 Water Street, SE

Z.C. Application No. ________
ANC 6D SMD 07

STATEMENT OF THE APPLICANT

This statement is submitted on behalf of Forest City SEFC, LLC ("**Applicant**"), by its attorneys, Lyle M. Blanchard, Esquire and Kate M. Olson, Esquire, of Greenstein DeLorme & Luchs, P.C., in support of the application for Zoning Commission ("**Commission**") approval to modify a previously approved design review application ("**Z.C. Order 08-04A**") and to grant further zoning relief for the approved retail pavilions ("**Retail Pavilions**") on Lot 807, 385 Water Street, SE ("**Parcel P2B**"), and Lot 808, 355 Water Street, SE ("**Parcel P2A**"), in Square 771 (the "**Property**") in the Southeast Federal Center Overlay District ("**SEFC**") (the "**Application**").

I. NATURE OF RELIEF SOUGHT

The Application seeks Zoning Commission approval pursuant to the Commission's review standards and variance requirements pursuant to 11 DCMR §§1805.11 and 3103 to approve area variance relief from the floor area ratio ("**FAR**") (§ 931), lot occupancy (§ 932.2), side yards (§ 934) and floor-to-ceiling height (§ 1805.10) requirements in the Zoning Regulations for the approved Retail Pavilions on the Property.

II. JURISDICTION OF THE COMMISSION

This Commission has jurisdiction to grant this request at the Property pursuant to 11 DCMR §§ 1805, 1808 (Commission Review Standards), 1809 (Commission Review Procedures) and 3103 (Variance Relief) of the Zoning Regulations.

III. PROPERTY DESCRIPTION

The Property is zoned SEFC/W-0 (See attached Zoning Map, ***Exhibit A***) and is located within The Yards development (described in more detail below). The Property is generally bounded by Water Street to the north, 3rd Street to the west, 4th Street to the east (4th Street, south of Water Street, is a private street) and the Anacostia River to the south. The Property is located on land that is owned by the federal government, but was authorized for private development by an Act of Congress in 2000. (See, Southeast Federal Center Public-Private Development Act of 2000, Pub. Law 106-407 (2000)). See current site photographs attached as ***Exhibit B***.

IV. BACKGROUND - THE YARDS DEVELOPMENT

In 2004, the 42-acre riverfront property site, including several historically protected former-industrial buildings, was awarded for redevelopment by the General Services Administration ("**GSA**") to the Applicant. In 2007, construction and redevelopment began on several parcels. The development is known as "**The Yards**" and, upon completion of development, will contain approximately 5.5 million square feet of new development including over 2,800 units of residential housing, 1.8 million square feet of office space and up to 400,000 square feet of retail and cultural amenities. The Yards will also contain approximately 20 to 25 buildings upon full build-out and will generate substantial benefits for the District, including over $50 million in annual new tax revenues, over 3,700 new residents, sustainable design including the adaptive reuse of historic buildings and thousands of jobs for District residents. The Applicant created a multi-phased development plan with specific and contractual milestones that will result in a total transformation and revitalization of this riverfront site:

A. Phase One

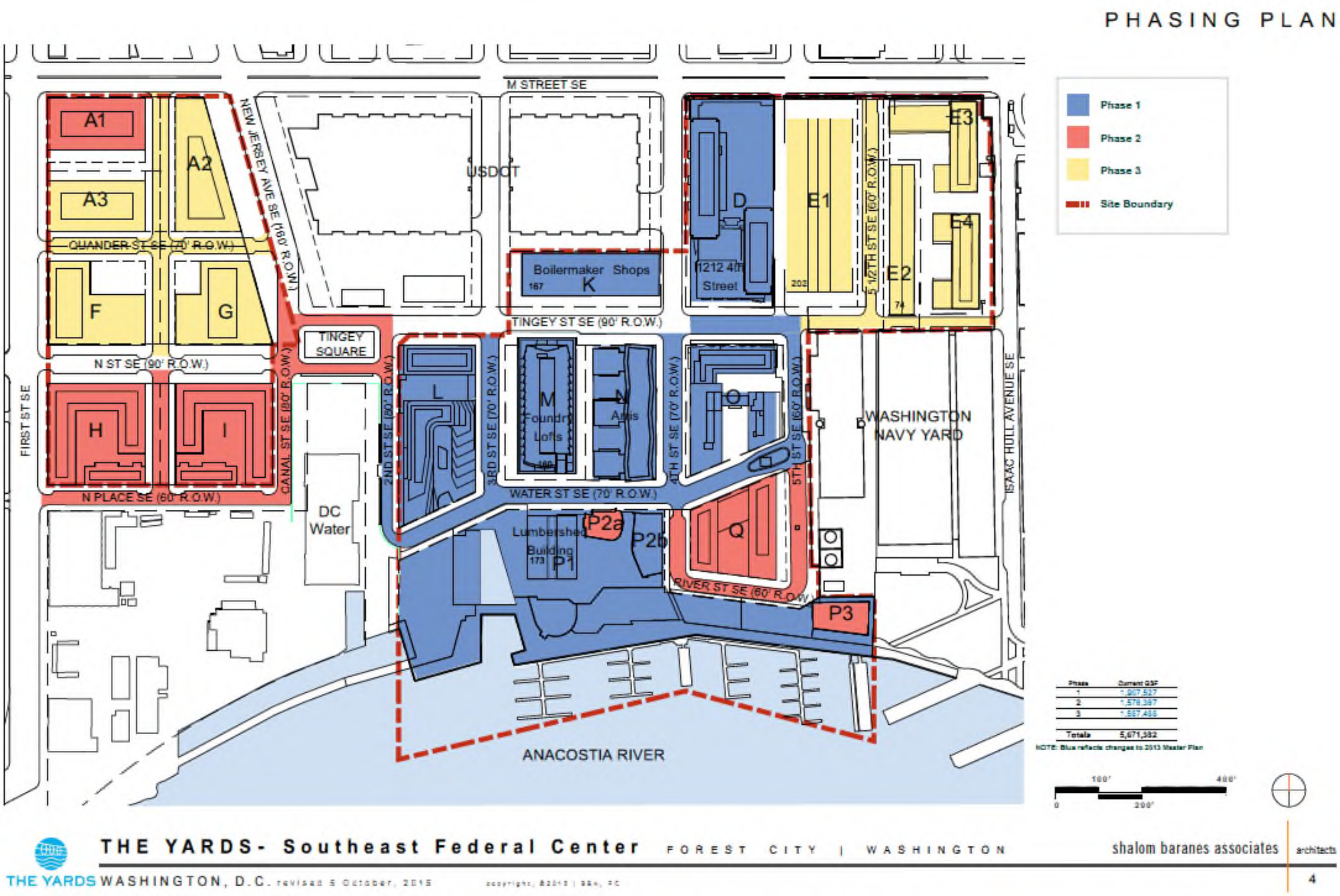
Phase One includes the adaptive reuse of several of the site's historic former industrial buildings (Foundry Lofts, Lumber Shed Building and Boilermaker Shops), revitalized residential and retail projects, as well as the first phase completion of The Yards Park and Marina. Parcel P2B is expected to be developed during this phase. This phase will consist of approximately 1.9 million gross square feet of development.

B. Phase Two

Phase Two includes development of several additional residential buildings, some containing additional retail space, located on the western portion of The Yards site and on the eastern portion of the site, just west of the Navy Yard. Parcel P2A is expected to be developed during this phase. This phase will consist of approximately 1.6 million gross square feet of development.

C. Phase Three

Phase Three development includes several additional office and residential buildings, some containing additional retail space. The Office and retail will be located on the western portion of the site, near First Street and New Jersey Avenue. Residential and retail will be located the eastern portion of the site, south of M Street and north of Tingey Street. This phase will consist of approximately 1.6 million gross square feet of development.



The Applicant has completed a significant portion of the development of The Yards including the following:

Name/Type of Project	**Location**	**Status**
"Foundry Lofts" -Residential	Parcel M	Completed; Occupied
"The Boilermaker Shops" -Retail	Parcel K	Completed; Occupied
"Lumber Shed"- Retail/Office	Portion of Parcel P	Completed; Occupied
"Twelve 12" – Residential/Retail	Parcel D	Completed; Occupied
"Arris" – Residential/Retail	Parcel N	Opens Early 2016
"Parcel O" – Condo/Rental/Retail	Parcel O	In Design Phase
"Parcel L" – Residential/Hotel/Retail	Parcel L	In Design Phase

Once each project is completed title is transferred from U.S. to the Applicant or its affiliate.

V. PREVIOUS ZONING APPROVALS

A. Z.C. Case 08-04 (May 2008)

In Case No. 08-04, the Applicant presented the overall design and layout of its proposed waterfront park ("**Waterfront Park**") on Parcel P along the Anacostia River and requested approval of certain structural elements within the park, as well as related relief required to construct the improvements ("**Phase I**"). The Commission approved Phase I of the waterfront park in Order No. 08-04. See Z.C. Order 08-04, attached as ***Exhibit C***.

B. Z.C. Case 08-04A (2009)

The Applicant filed an application, on behalf of GSA, for review and approval of exterior renovations to an existing building ("**Lumber Shed Building**"), the construction of the Retail Pavilions (on Parcels P2A and P2B)[1] and visual marker within its proposed Waterfront Park, pursuant to § 1805.11 of the Zoning Regulations ("**Phase II**"). Furthermore, pursuant to §§ 1805.11 and 1809.1 of the Zoning Regulations, the Applicant requested approval of uses in the SEFC/W-0 Open Space Area; special exception approval of retail and service uses in the W-0 Zone District for the renovated and new buildings; special exception approval of roof structures with respect to §§ 411.11 and 930.3; and variance relief from the parking, height, and waterfront setback requirements of the Zoning Regulations. The Commission approved the application in Order No. 08-04A. See Z.C. Order 08-04A, attached as ***Exhibit D***.

Subsequent to the publication of these zoning orders, the restoration and renovation of the historic Lumber Shed Building was completed and the visual marker was installed. However the two Retail Pavilions, although approved, have not yet been built. The Applicant requests that the Zoning Commission review and approve an updated design and additional zoning relief for the Retail Pavilions.

VI. PROJECT OVERVIEW

This Application seeks to modify Z.C. Order 08-04A just with respect to the approved Retail Pavilions.

A. Parcel P2B – WINERY/RESTAURANT/EVENT SPACE

The approved Retail Pavilion located on Parcel P2B will be used by DC Winery, LLC trading as District Winery ("**Winery**") as a boutique urban winery/restaurant/event space, the first of its kind in Washington D.C. The Alcoholic Beverage Regulation Administration ("**ABRA**") and the Alcoholic Beverage Control Board has approved the license for the Winery subject to a cooperative agreement with Advisory Neighborhood Commission 6D and contingent on obtaining a certificate of occupancy and related business license, inspections, and approvals. The proposed occupancy is 750 persons with 450 seats. The proposed program layout is attached

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[1] The Retail Pavilions were originally proposed for Lot 801. Lot 801 was subdivided in 2010 when title to The Yards Park was transferred to the District and the Retail Pavilions are now located on Lots 807 and 808.

as ***Exhibit E***. The site plan, elevations, and roof plan for the proposed building are attached as ***Exhibit F***.

The Winery will produce premium small batch wines served on the premises and occasionally sold in bottles for patrons to consume elsewhere. Guests will be able to tour the winery, taste wines at the wine bar, have dinner at the restaurant and reserve the second floor venue for a private event, such as a wedding receptions, corporate event or private function. The Winery is expected to open in the Fall of 2017.

B. Parcel P2A – RESTAURANT

The Applicant is working on securing a retail tenant(s) for Parcel P2A, which will most likely be a restaurant.

VII. ZONING RELIEF REQUESTED

Section 1809.1 permits the Commission to consider any requests for relief as part of its review. The requested relief for the P2B Retail Pavilion is set forth in the following table.

Standard	W-0	SEFC/W-0	Proposed Construction	Relief Required
Building Height (§930)	40 ft. for structures and buildings		31 ft. 10 in. (Two Story Bldg with Mezzanine)	No relief required.
Floor Area Ratio (§ 931)	0.5		1.57 without the second floor trellis 1.67 with the second floor trellis	**VARIANCE NEEDED**
Lot Occupancy (§ 932.2)	25%		90% (10,948 sq. ft.)	**VARIANCE NEEDED**
Rear Yard (§ 933)	No rear yard required for non-residential use		0.0 ft.	N/A
Side Yard (§ 934)	12 ft. minimum for each side yard		0.0 ft.	**VARIANCE NEEDED**

Standard	W-0	SEFC/W-0	Proposed Construction	Relief Required
Courts (§ 935)	<u>Open Court:</u> When provided, Minimum width of open court: 2.5 in. per foot of height (min of 6 ft.) <u>2.5 in. x 3.70</u> = 7.7 ft. 12 7.7 ft. required <u>Court Niche:</u> No portion of a court niche Shall be further than 3 ft. from a point where the court niche is less than 3 ft. wide.		<u>Open Courts</u> Northwest: 9 ft. 10 in. Southwest: 10 ft. 3 in. <u>Court Niche</u> East: 3 ft. 4 in.	No relief required.
Waterfront Setback (§ 938)	100 ft. min. setback from bulkhead		135 ft.	No relief required.
Roof Structures (§§ 930.3 & 411)	Section 930.3 requires compliance with §411. Section 411.3 requires all penthouses and mechanical equipment to be placed in one enclosure which must harmonize with the architecture and materials of building. 411.5 requires the enclosure wall to be of equal height.		Single Enclosing Wall of 10 ft. 2 in. of uniform height	No relief required.
Floor to Ceiling Height (§1805.10)		§1805.10 requires a minimum floor-to-ceiling height of 14 ft. for the ground floor level.	While most of the ground floor has an 18 ft. floor-to-ceiling height, a portion of the ground floor beneath the mezzanine has only a 9 ft. ceiling height.	**VARIANCE NEEDED**
Use in "Development Area" (§ 925)	Special exception required for commercial uses		Commercial retail use in a new building	*Received Special Exception per ZC Order 08-04A*

Standard	W-0	SEFC/W-0	Proposed Construction	Relief Required
Parking (§ 2101)	In excess of 3,000 sq. ft., 1 for each additional 750 sq. ft. of gfa	A stated district purpose is to discourage parking	No off-street parking spaces are provided	*Received Variance per ZC Order 08-04A*
Loading (§ 2201)	Only required for buildings greater than 20,000 sq. ft. of gross floor area per the DC Zoning Administrator. See ***Exhibit G***.		Retail Pavilion Buildings will each be less than 20,000 sq. ft.	No relief required
GAR (§ 3400)	Buildings located within the W-O District are exempt from GAR per the DC Zoning Administrator. See ***Exhibit H***.		N/A	N/A

Under the three-prong test for an area variance, an applicant must demonstrate (1) that the property is affected by an exceptional or extraordinary situation or condition, (2) that the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and (3) that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. (*Palmer v. D.C. Bd. of Zoning Adj*., 287 A.2d 535, 541 (D.C. 1972) and *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove "practical difficulties", an applicant must demonstrate first that compliance with the area restriction would be unnecessarily burdensome and second that the practical difficulties are unique to this particular property.

A. Exceptional Conditions

(1) Development Act of 2000, Master Plan MOU and Programmatic Agreement

The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land". Indeed, the Court repeatedly has rejected the idea that the exceptional situation and practical difficulty justifying a variance must arise from the physical aspects of the land. See *Monaco v. D.C. Board of Zoning Adjustment,* 407 A.2d 1091, 1097 (D.C. 1979).

The Property is subject to exceptional conditions that arise from the unique nature of the public-private partnership and related agreements that govern its development. While the Property is owned by the federal government, it was authorized for private development by an Act of Congress in 2000. (*See* Southeast Federal Center Public-Private Development Act of 2000, Pub. Law. 106-407 (2000) (the "**Act**").) The Applicant prepared a Development Plan for the entire Southeast Federal Center, which included Urban Design Guidelines and Minimum Design Standards (together, the "**Master Plan**") that were developed under the authority of the Act and approved by the GSA in its selection of the Applicant as the master developer for the SEFC. The Zoning Commission's approval of this Master Plan, through the implementation of the SEFC Overlay, was intended to ensure that future development of the Southeast Federal Center would proceed according to the Development Plan as well as the Urban Design Guidelines and Minimum Design Standards.

GSA and the Applicant have also entered into Memoranda of Understanding ("**MOUs**") with the National Capital Planning Commission and the U.S. Commission of Fine Arts regarding the development of the Southeast Federal Center. These MOUs reinforced the Development Plan, Urban Design Guidelines, and Minimum Design Standards as the baseline for future development of the Property, and set forth a process for continuing review and comment by these federal agencies on the development of the site. Finally, GSA and the Applicant entered into a Programmatic Agreement intended to ensure that the State Historic Preservation Officer, surrounding property owners, and other stakeholders receive an opportunity to review and comment on each proposed development and its impact on the SEFC's historic resources.

These regulatory and contractual obligations, which require an active pedestrian-oriented waterfront park with retail and service uses that will serve as a citywide destination, establish the "exceptional conditions" for the Property. As a result of the Overlay and agreements, development of the Southeast Federal Center must not be inconsistent with the Master Plan, which sets forth a series of specific design guidelines for the waterfront area. Specific guidelines include the promotion of land uses that activate the waterfront, such as waterfront-oriented retail and service uses; the siting of structures that interpret the historically important maritime context of the site; and the establishment of the waterfront park as a local, citywide, and regional destination. The guidelines promote buildings and land uses in the park that "reinforce the active nature of this key public destination."

(2) <u>Quit Claim Deed and Division of Lots</u>

Subsequent to the Zoning Commission's approval of Z.C. Case 08-04A in 2009, Lot 801 was divided into several assessment and taxation lots by GSA to facilitate the transfer of title of the parkland to the District of Columbia by Quit Claim Deed dated September 2, 2010. On or about September 1, 2010, the (DC) Office of Tax and Revenue recorded an Assessment and Taxation ("**A&T**") Plat which divided Lot 801 which was 248,660 sq. ft. into Lots 807, 808, 809 and 810. See the A&T Plat attached as ***<u>Exhibit I</u>***. Title for 810 (211,083 sq. ft.) was transferred to the District and title to the development parcels, Lots 807, 808 and 809 remained with the United States. Lot 809 is 18,598 sq. ft., Lot 808 is 6,879 sq. ft., and Lot 807 is 12,100 sq. ft. as shown in the following table.

Lot 810	211,083 sq. ft.
Lot 809	18,598 sq. ft.
Lot 808	6,879 sq. ft.
Lot 807	12,100 sq. ft.
Former Lot 801	248,660 sq. ft.

Lot 809 was already improved by the historic Lumber Shed building. Title to Lot 809 was subsequently transferred to Forest City in 2014 once the renovations approved by Z.C. Case 08-04A were complete.

The property considered in Zoning Commission Case No. 08-04A consisted of Lots 801 and 802 in Square 771, known as Parcel P. Lots 801 and 802 had a total lot area of 379,320 sq. ft. The Lumber Shed Building and the two Retail Pavilions accounted for just 14.3% of the underlying lot (Lot 801) and had a density of just 25,475 sq. ft. or 0.1 FAR. This was because the Lumber Shed building density was excluded from the density calculation pursuant to Section 1805.9 of the Regulations.

Due to the division of Lot 801 into multiple assessment and taxation lots, relief is now needed for lot occupancy, FAR and side yards. The following table shows how the entirety of Lot 801 allowed for development of the Retail Pavilions in Z.C. Case 08-04A and the current situation. However, to allow for the successful development of Lots 807 and 808 certain variances are necessary.

	SEFC/W-0	**Lot 801**	**Lot 807**	**Lot 808**
Lot Occupancy	25% per § 932.2	14.2%	88%	97.5%
Floor Area Ratio	0.5 per § 931.1	0.1	1.67	1.65
Side Yards	12 ft. per § 934	N/A	0 ft.	0 ft.

The transfer of title in 2010 to the District included the easement areas ("**Easement Areas**") on what became the District's land that lays adjacent to and in between the pads designated for the Retail Pavilions in Z.C. Case 08-04A. Lots 807 and 808 are now stand alone development pads surrounded by Easement Areas for dining and retail uses (including pedestrian and vehicular access from Water Street, utility access, loading and trash removal). The Quit Claim Deed describes the Easement Areas. See Easement Plan attached as ***Exhibit J*** which shows the Easement Areas.

The Development Plan, Master Plan, MOUs, Programmatic Agreement, and the subsequent transfer of title to the District for a substantial portion of Lot 801 are exceptional conditions that are the basis for the practical difficulty of complying with the lot occupancy, FAR, and side yard requirements.

B. Practical Difficulty

To satisfy the second element for an area variance standard, the Applicant must demonstrate "practical difficulty." The D.C. Court of Appeals has established that the applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property." *Gilmartin*, 579 A.2d at 1170. The Court of Appeals has held that the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." Id. at 1171. "Increased expense and inconvenience to applicants for a variance are among the proper factors for [the] BZA's consideration."

The SEFC/W-0 zone district includes an Open Space Area which is now Lot 810, the Yards Park, and a Development Area which is now Lots 807, 808 and 809. The purpose of the SEFC/W-0 zone district is to include retail uses in the Development Area pursuant to §1805.1. The practical difficulty of complying with the maximum 25% lot occupancy, maximum 0.5 FAR, and minimum 12 ft. side yard requirements all stem from the same set of exceptional circumstances. The U.S., District of Columbia and other agencies all agreed on the parameters for the Retail Pavilions. The Zoning Commission approved the conceptual plans for the proposed Retail Pavilions. The parties to the MOUs and Master Plan inadvertently missed creating one lot of record for the entire Parcel P and then creating lots to allocate density to the Development Area as contemplated in §§ 1805.7 and 1805.8 before transferring title to the District of Columbia for the park land. Even if an overall record lot for the entire Parcel P could be created now to allocate density, which would be extraordinarily difficult, time consuming and expensive involving multiple agencies and approvals, it would not resolve the issues of lot occupancy, and side yards. The most reasonable solution under the circumstances, is this request for relief.

(1) <u>FAR</u>

On P2B, the proposed FAR for the Winery is 1.57, without the second floor trellis and 1.67 with the trellis, which is the preferred alternative. The maximum potential FAR for P2A is 1.65 as currently designed. However, the maximum allowable FAR is only 0.1 for each lot. As described above, the two Retail Pavilions were combined to account for a density of just 25,475 sq. ft. or 0.1 FAR in the context of former Lot 801. Since Lots 807 and 808 are now stand alone development pads, the FAR must be calculated separately for each lot. It is not reasonably possible to develop the two retail pavilions on Lots 807 and 808, as previously approved, if the maximum FAR is now just 0.1. Compliance with the FAR standard is unnecessarily burdensome when applied to these Lots.

(2) <u>Lot Occupancy</u>

The lot occupancy requirement of 25% is very restrictive and will prevent the development of the Retail Pavilions on Parcels P2A and P2B (Lots 808 and 807) as envisioned in 2008 and as approved by Order No. 08-04A. The proposed lot occupancy of 88% for Lot 807, and 97.5% for Lot 808, is understandable given the context of the surrounding park land in Lot 810. If Lot 810 is taken into account, the lot occupancy of Lot 807 and 808 account for same 14.2% considered by the Zoning Commission in Case No. 08-04A.[2]

(3) <u>Side Yards</u>

Similarly, side yards of 12 ft. cannot be provided for Lots 807 and 808. The previously approved concept plans for the Retail Pavilions would be substantially reduced if normal 12 ft. side yards had to be provided. As noted above, the Easement Areas established in the Quit Claim Deed function as side yards so that Lots 807 and 808 can be occupied to the greatest

[2] The Applicant is in the process of subdividing Lots 807 and 808 into record lots to facilitate construction of the Retail Pavilions. The subdivision plats establishing the record lots should be recorded in late January or early February, 2016.

extent possible and allow for their intended development. The Easement Areas, along with the more than 100 feet of parkland south of Lots 807 and 808 to the Washington Ship Channel and the Anacostia River (as required by § 937), allow a significant amount of open space on all sides. Thus, by providing ample open space for light and air circulation, the intent of the Zoning Regulations is not impaired.

(4) Floor to Ceiling Height

Section 1805.10 requires a minimum floor-to-ceiling height of 14 ft. for the ground floor level. While most of the ground floor has an approximately 20 ft. floor-to-ceiling height to the second floor, a portion of the ground floor beneath the mezzanine has a 9 ft. ceiling height. See Ceiling Height Diagram, ***Exhibit F***. The mezzanine level is intended to be a transition floor. When there is a wedding at the Winery, the guests will go to the second floor for the wedding ceremony. Once the ceremony concludes, the guests will descend to the mezzanine level for drinks and conservation while the second floor is being set up for the reception. The impact of the reduced floor-to-ceiling height will not be adverse to the intent of Section 1805.10 because of the minimal size of the mezzanine and its location around the building core. The size of the mezzanine is approximately 2,204 sq. ft. or just 20.8% of the total gross floor area of the approximately 10,600 sq. ft. ground floor level.

C. No Detriment to the Public Good

Variances from the FAR, lot occupancy, side yard and floor-to-ceiling height requirements can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zone Plan. These variances will have no negative impact. The lot occupancy and FAR relief will not result in height over 40 ft. or density in excess of what was previously approved when the adjacent Yards Park was considered in totality. For all practical purposes this totality remains today and will continue in the future. The adjacent Easement Areas created by the Quit Claim Deed act as side yards that fulfill intent for sufficient light and air.

VIII. SUSTAINABLE DEVELOPMENT OBJECTIVES AND FLEXIBILITY REQUESTED

A. Sustainable Development Objectives

The Applicant is working with its tenant on the construction drawings to ensure that the building will be constructed in compliance with the District's Green Building Code and Stormwater Management requirements. To that end, while GAR does not apply in the W-0 zone, (see ***Exhibit H***) the building may end up having a green roof as discussions with the DC Department of Energy & Environment are still on-going. If a green roof is provided, the depth of the roof may change from what is currently shown on the elevations attached as **Exhibit F**. For these reasons, the Applicant requests the following flexibility with the design of the building.

B. <u>Flexibility Under SEFC Review Standards</u>

Although Section 1805.11 requires review and approval of all proposed structures in the SEFC/W-0 District, the Applicant seeks flexibility from these requirements in the following areas.

1. To vary the location and height of the enclosure around the mechanical equipment on the roof. The Commission granted relief from the one-to-one set back requirement for roof structures in the prior order (Z.C. Order 08-04A) under 411.11 and the proposed design of the single enclosure fence is intended to comply with Commission's proposed regulations in Z.C. Case No. 14-13.

2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings.

3. To vary the final selection of the exterior materials within the color ranges and material types proposed, based on availability at the time of construction without reducing the quality of materials.

4. To vary the final selection of any landscaping materials utilized, based on availability and suitability at the time of construction.

5. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

Please note that the Applicant has been working with the DC Department of Transportation ("**DDOT**") on the loading issues. Loading relief is not required in the W-0 Zone District for lots with buildings less than 20,000 sq. ft. of GFA.[3] However, the Applicant has met with DDOT and by removing the trash using the side yard and adjacent easement area, trash will be removed via supercan-like bins to a loading zone on what will become public space on Water Street. Please see the Trash Removal Plan attached as ***<u>Exhibit K</u>***.

IX. EXHIBITS

<u>Exhibit A</u>: Zone Map (annotated)

<u>Exhibit B</u>: Photos (annotated)

<u>Exhibit C</u>: Zoning Commission Order 08-04

<u>Exhibit D</u>: Zoning Commission Order 08-04A

<u>Exhibit E</u>: Program Layout Diagram (PD.24), dated August 21, 2015

[3] This was confirmed by the DC Zoning Administrator in email correspondence dated September 24, 2015. See ***<u>Exhibit G</u>***.

Exhibit F:	Site Plan and Elevations (ZNG 2) Ceiling Height Diagram (ZNG 1), dated November 12, 2015 and Roof Plan (PD.27), dated November 2, 2015
Exhibit G:	Email Correspondence with Matthew Le Grant, DC Zoning Administrator, regarding minimum loading requirements, dated September 24, 2015
Exhibit H:	Application for Exemption Status from Green Area Ratio signed by Matthew Le Grant, DC Zoning Administrator on November 5, 2015
Exhibit I:	Assessment and Taxation Plat, dated September 1, 2010
Exhibit J:	Easement Plan (ZNG 3), dated November 12, 2015
Exhibit K:	Trash Removal Plan (PD.26), dated September 16, 2015

X. CONCLUSION

For the reasons set forth above, the Applicant, by and through counsel, submits that the Application has satisfied all applicable zoning requirements and the requisite burden of proof for the Zoning Commission's approval pursuant to the Zoning Regulations and, therefore, should be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

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