

BEFORE THE  
ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA

PARCEL 2  
MCMILLAN RESERVOIR SLOW SAND FILTRATION SITE  
(SQUARE 3128, LOT 800)  
NORTHWEST WASHINGTON, D.C.

APPLICATION FOR  
A SECOND-STAGE PUD

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June 8, 2015

## EXECUTIVE SUMMARY

This statement and attached documents are submitted by JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the District of Columbia through the Office of the Deputy Mayor for Planning and Economic Development, the owner of the property described below (collectively the “Applicant”), in support of an application to the Zoning Commission of the District of Columbia (the “Commission”) for a second-stage Planned Unit Development (“Second-Stage PUD”) for development of a mixed-use apartment building in accordance with the Zoning Commission's approval in Zoning Commission Case No. 13-14 (“Order No. 13-14”). This application is submitted in accordance with Chapters 24 and 30 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended (“Zoning Regulations”).

The subject property includes the land known as Parcel 2 (“Parcel 2” or the “Property”) of the planned redevelopment of the former McMillan Reservoir Slow Sand Filtration Site (the “PUD Site”). The redevelopment project divides the PUD Site, which is currently known as Square 3128 Lot 800, into seven distinct parcels. The PUD Site contains approximately 1,075,356 square feet (24.69 acres), and is bound by Michigan Avenue, NW to the north, Channing Street, NW to the south, North Capitol; Street, NW to the east, and First Street, NW to the west. Parcel 2 is located along the western edge of the PUD Site bound by First Street to the west, with North Service Court and Half Street, both private streets, to the north and east, respectively. The land known as Parcel 5 of the PUD Site abuts the Property to the south, which has already received Consolidated PUD approval for construction of four story townhomes. Parcel 2 encompasses approximately 66,654 square feet (sf) of land area, including easements and the area of Three Quarter Street, also a private street, which bisects the Property from north

to south. Excluding easements and Three Quarter Street results in an effective land area of approximately 48,178 square feet.

The Second-Stage PUD application requests approval of a 236 dwelling unit apartment building with ground floor retail. The building is fully compliant with the First-Stage PUD approval set forth in Order No. 13-14. As proposed, the building will have a maximum height of 82'6". The total gross floor area of the building will be approximately 243,050 square feet (224,278 residential, 18,772 non-residential), resulting in a total *actual* floor area ratio (FAR) of 3.64, and, excluding easements and private streets, an *effective* FAR of 5.04.

As set forth below, this statement and the attached documents meet the filing requirements for a second-stage PUD under Chapter 24 of the District of Columbia Zoning Regulations.

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## **DEVELOPMENT TEAM**

**Applicant:** JAIR LYNCH Development Partners, on behalf of Vision  
McMillan Partners and the District of Columbia

**Developer:** JAIR LYNCH Development Partners  
1508 U Street, NW  
Washington, DC 20009

**Land Use Counsel:** Holland & Knight LLP  
800 17<sup>th</sup> Street, NW  
Suite 1100  
Washington, D.C. 20006

**Second-Stage PUD Architect  
for Northwest Building:** MV+A  
1200 G Street, NW  
Washington, DC 20005

**Traffic Consultant:** Gorove/Slade Associates, Inc.  
1140 Connecticut Avenue, N.W.  
Suite 700  
Washington, D.C. 20036

## LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural and civil plans and drawings	A
Second-Stage PUD application form	B
Zoning map showing location of site	C
Surveyor's plat and subdivision exhibit of proposed record lots	D
Zoning Commission Order No. 13-14	E
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## I.

### INTRODUCTION

JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the District of Columbia through Office of the Deputy Mayor for Planning and Economic Development, the owner of the property described below (collectively the “Applicant”), in support of an application to the Zoning Commission of the District of Columbia for a second-stage Planned Unit Development (“Second-Stage PUD”) for development of a mixed-use, multi-family apartment building in accordance with the Zoning Commission's approval in Zoning Commission Case No. 13-14 (“Order No. 13-14”). This application is submitted in accordance with Chapters 24 and 30 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended (“Zoning Regulations”).

The subject property includes the land known as Parcel 2 (“Parcel 2” or the “Property”) of the planned redevelopment of the former McMillan Reservoir Slow Sand Filtration Site (the “PUD Site”). The redevelopment project divides the PUD Site, which is currently known as Square 3128 Lot 800, into seven distinct parcels. The PUD Site contains approximately 1,075,356 square feet (24.69 acres), and is bound by Michigan Avenue, NW to the north, Channing Street, NW to the south, North Capitol; Street, NW to the east, and First Street, NW to the west. Parcel 2 is located along the western edge of the PUD Site bound by First Street to the west, with North Service Court and Half Street, both private streets, to the north and east, respectively. The land known as Parcel 5 of the PUD Site abuts the Property to the south, which has already received Consolidated PUD approval for construction of four story townhomes. Parcel 2 encompasses approximately 66,654 square feet (sf) of land area, including easements and the area of Three Quarter Street, also a private street, which bisects the Property from north

to south. Excluding easements and Three Quarter Street results in an effective land area of approximately 48,178 square feet.

**A. Pending Subdivision Application**

Following the Zoning Commission's approval of the Consolidated and First-Stage PUDs, a subdivision application was submitted to the DC Surveyor. Having been referred by the Historic Preservation Review Board, the subdivision application is currently under review by the Mayor's Agent for Historic Preservation who completed the public hearing on June 3, 2015. As shown in Exhibit D, the requested subdivision divides the PUD Site into six separate record lots, with Parcels 2 and 3 of the McMillan redevelopment residing within a single record lot. Following completion of the subdivision, Parcels 2 and 3 will be treated as two separate theoretical building sites for purposes of zoning.

**B. Summary of Overall Project Approved in Order No. 13-14**

By Order No. 13-14, the Zoning Commission approved a First-Stage PUD (the "First-Stage PUD"), Consolidated PUD (the "Consolidated PUD"), and a zoning map amendment for redevelopment of the PUD Site as a large, mixed-use development consisting of office, retail and service, apartment house, attached one-family dwelling, community center, and open space uses. The overall redevelopment of the PUD Site was approved to contain a combined gross floor area of approximately 2,070,753 square feet, and an actual overall floor area ratio (FAR) of 1.92 (2.36 FAR excluding easements and private rights-of-way). The redevelopment project divides the PUD Site into seven distinct Parcels. The portions of the site included in the Consolidated PUD include Parcels 1, 4, 5, 6. & 7. The First-Stage PUD includes Parcels 2 and 3.



Parcel 1 was approved for a healthcare facility comprised of approximately 860,000 square feet of healthcare uses and a minimum of 15,000 square feet of ground floor retail. The healthcare facility has an approved building height of 115 feet, a lot occupancy of 55%, and an overall density of 4.08 FAR.

Parcel 4 was approved for a multi-family apartment building containing a neighborhood-serving grocery store and approximately 258,235 square feet of gross floor area devoted to residential use comprised of approximately 196 market-rate units and 85 senior-affordable units for seniors earning between 50 – 60% AMI. The Parcel 4 building has an approved height of 77 feet.

Parcel 5 received consolidated approval for 146 attached row dwellings, with approximately 350,000 square feet of gross floor area and a maximum building height of 48 feet (three to four stories).

Parcels 6 and 7 are approved primarily as parks and open space. Parcel 6 will include, among other things, 6.2 acres of green space, a large portion of the restored Olmstead Walk, which will run the perimeter of the site, a 17,500 square foot community center, and the South Service Court. Parcel 7 encompasses the North Service Court which will provide east-west circulation through the PUD site and of which all above ground historic structures will be preserved.

**C. Summary of Second-Stage PUD Application**

This application seeks second-stage PUD approval of the mixed-use, multi-family apartment building on Parcel 2. As shown in the architectural drawings attached as Exhibit A, the proposed building will have a height of 82’6” (seven stories) measured from the level of the curb along First Street to the highest point of the roof. Approximately 18,772 gross square feet of

retail and service uses will occupy the northern portion of the ground floor adjacent to North Service Court. The remainder of the building, approximately 224,278 gross square feet, will consist of dwelling units. Approximately 236 dwelling units are proposed. The proposed building will have a total actual FAR of 3.64, and a total effective FAR of 5.04. The effective FAR excludes the land area encompassed by easements and private streets. A total of 222 parking spaces will be provided on two levels of below grade parking. The Second-Stage PUD application is fully consistent with the First-Stage PUD approval in Order No. 13-14.

**D. The Applicant**

The Applicant for the Second-Stage PUD is JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the District of Columbia through Office of the Deputy Mayor for Planning and Economic Development.

**II.**

**SITE LOCATION, ZONING, AND LAND USE**

**A. Site Description**

The Property encompasses approximately 66,654 square feet (1.53 acres) of the PUD Site, which is known as the former McMillan Reservoir Slow Sand Filtration Site and consists of approximately 584,655 square feet (24.69 acres). The Property is situated along First Street, NW, which is the western boundary of the PUD Site, just south of North Service Court. Half Street, a private street that will run north-south generally through the middle of the PUD Site from Michigan Avenue to South Service Court, forms the eastern boundary of the Property. Abutting the Property to the south is Parcel 5 of the PUD Site, which was included in the Zoning Commission's consolidated PUD approval for 146 attached row dwellings.

**B. Zoning**

Pursuant to Order No. 13-14, the Zoning Commission approved a map amendment to zone the PUD Site C-3-C and CR. The C-3-C Zone District was approved for the northern portion of the PUD Site (Parcel 1) for a depth of 277 feet as measured from the middle of the curb along Michigan Avenue, NW. The CR Zone District was approved for the remainder of the PUD Site, including Parcel 2. Prior to the approved map amendment, the site was “unzoned” as it was formerly owned by the United States Government; and therefore, not subject to local zoning. The PUD site was acquired by the District of Columbia Government in 1987.

**C. Matter-of-Right Development Under Approved Zoning**

The CR Zone District is a mixed use (commercial and residential) major business and employment center that permits medium-high density development for employment and mixed-uses. The uses permitted as a matter-of-right include office, residential, and retail. The CR District permits matter-of-right development to a height of ninety feet, with no limit on the number of stories, and a FAR of 6.0 of which a maximum of 3.0 FAR can be used for non-residential uses. 11 DCMR §§ 630.1 and 631.1. The PUD guidelines for the CR District permit a height of 110 feet, with no limit on the number of stories, and a FAR of 8.0, of which a maximum of 4.0 FAR can be used for non-residential uses. 11 DCMR §§2405.1, 2405.2. The CR Zone District has a 75% maximum lot occupancy requirement for residential uses; there is no lot occupancy limitation for non-residential uses.

With regard to parking, the requirement for an apartment house within the CR Zone is one space for each three dwelling units. For retail development, parking is required at a rate of one space for every 750 square feet of gross floor area in excess of 3,000 square feet.

Within the CR Zone, apartment houses with greater than 50 dwelling units have a loading requirement of: one loading berth at 55' deep, one service delivery space at 20' deep, and one loading platform with a minimum area of 200 square feet. For retail and service uses in the CR Zone ranging between 5,000 and 20,000 square feet of gross floor area, the loading requirement is one loading berth at 30' deep and one loading platform with a minimum area of 100 square feet. However, pursuant to 11 DCMR § 2201.2, for any use that occupies 90% or more of the gross floor area of a building, loading shall be calculated as if the greater use occupies the entire building. In this instance, the proposed residential use occupies approximately 92.3% of the total gross floor area of the building; and therefore, required loading for the Second-Stage PUD has been calculated in accordance with § 2201.2.

### III.

#### **DESCRIPTION OF SECOND-STAGE PUD**

The Applicant requests approval for a second-stage PUD, as shown in the Second-Stage PUD plans submitted herewith and described in detail below. The project includes a seven-story multi-family apartment building with ground floor retail. The overall gross floor of area of the building will be approximately 243,050 square feet of gross floor area, with approximately 18,772 square feet of gross floor area devoted to retail use. The project will include approximately 236 residential dwelling units, including a variety of types and sizes. The maximum height of the residential building will be 82'6".

**A. Parcel 2 Building Design**

The design of the proposed apartment building is consistent with the multi-family residential use that was approved in Order No. 13-14, and substantially lower than the 110' maximum height that was approved. Since receiving first-stage approval, the architectural concept has been further developed in a manner that conforms to the approved master plan and design guidelines. The building design also draws upon the historic architectural character of the PUD Site as well as the design vocabulary reflected in the Commission approved multi-family grocery building, rowhouse development, and healthcare facility.

The proposed building is based upon the same simple massing strategy used for the other buildings throughout the PUD Site. The massing of the proposed building is expressed as a series of linear bars sitting above a two-story podium. As described in the approved master plan design guidelines, this straightforward approach reflects the PUD site's logical organization of spaces and the simple forms of the historic structures.

The footprint and detailing of the building's lower two levels is conceived as a podium upon which the remaining five stories of the building rest. The concept of the podium is consistent with the other buildings fronting along both sides of North Service Court which will contribute to the design cohesion outlined in the master plan design guidelines. Conceptually, the notion of the podium is intended to evoke the McMillan site's underground plinth and vaulted filter cells upon which the above ground structures along the two service courts rest. The form of the podium also takes cues from the above ground historic structures. Similar to the buildings approved for Parcels 1 and 4, the podium wall for the proposed building is slightly angled, or canted, to reflect the canted walls of the existing service courts.

Above the podium, the building massing is expressed as a series of connected rectangular bars. Similar to the buildings that will be constructed on Parcels 1, 3, and 4, the floors of the

proposed building above the podium are setback approximately 15 feet from North Service Court to further express the podium concept and provide additional space around the historic structures. The form of the building generally takes the shape of two opposing “U” shapes that are connected over Three Quarter Street above the second floor, creating a framed passageway between North and South Service Court that evokes the historic portal passageways that provided access into the underground filtration cells and the prominent openings of the above ground sand bins.

The proposed façade articulation and material palette have been guided by the master plan design guidelines, informed by other buildings approved for the PUD Site, and architectural characteristics of the site’s historic features. To maintain the cohesion of the PUD Site as a single place, the proposed material palette and treatment is consistent with other approved buildings. The primary color of the building is white, expressed through a metal panel system; a secondary building color of charcoal grey is conveyed through charcoal masonry and metal; and the use of wood for balcony railings, accent mullions, and select areas of cladding provides a tertiary accent.

The application of materials to the building facades takes queues from the historic McMillan site, as does the façade articulation and window patterning. At the podium level, a grey stone will be used consistent with other buildings along North Service Court. Above the podium, charcoal grey brick and the white metal panel system are applied in a manner that appears as if the metal panels drape over the darker masonry building, similar to how the grassy landscape of the McMillan site drapes over the underground plinth and filter cells. Finally, the banding and striping of the façade design relate to the patterning observed on the sand bins left behind from when they were constructed, and the simple window pattern picks up on the gridded

and diagonal patterns found throughout the McMillan site. Overall, this approach is consistent with the master plan design guidelines which encourage a “systematic layering and variation of façade elements.” As further discussed herein and set forth in Exhibit F, the Historic Preservation Review Board granted concept approval at its April 30, 2015, public hearing.

**B. Sustainable Design Elements**

The Applicant continues to commit to a variety of sustainable design features, which include, among other items, storm water management, landscaped courtyards, and erosion and sedimentation control. A detailed list of these sustainable design features is included in the Green Communities Scorecard prepared by the Applicant and set forth in Exhibit A. These sustainable design features are consistent with the low impact techniques described in Order No. 13-14.

**C. Circulation, Parking and Loading**

Circulation for the entire PUD Site operates in the manner reviewed and approved by Order No. 13-14. For the Parcel 2 building, access to loading and below-grade parking will be located along Three Quarter Street. Two loading facilities are proposed for the building, one on either side of Three Quarter Street, which will be shared by the retail and residential uses. Required loading has been calculated in accordance with 11 DCMR 2201.2, which stipulates that when a use occupies 90% or more of a building the required loading shall be derived as if the use occupies the entire building. Therefore, based upon the requirement for apartment houses with 50 or more dwelling units, the proposed building is required to provide one loading berth at 55 feet deep, 1 service delivery space at 20 feet deep, and one 200 square foot loading platform. As discussed below, the Applicant is requesting flexibility from required loading to provide two loading berths –at depths of 40 feet and 30 feet – in lieu of the required 55 foot loading berth. It

is expected that trucks accessing the loading facilities will most likely arrive via North Capitol Street and approach the Property from the south along Evarts Street.

The below-grade parking garage will provide approximately 222 parking spaces on two levels, with parking for the retail use located on a portion of the first level and the residential parking located on the remainder of the first level and the entire second level. Parking for the two uses will be separated through the use of an access controlled gate arm, or similar type of system. The parking requirement for the building is approximately 22 spaces for the retail component and 79 for the residential component. As proposed, approximately 67 spaces will be provided for the retail, and 155 spaces will be devoted to the residential. Access to the below-grade garage will be provided via a two-way ramp located on the east side of Three Quarter Street.

**D. Streetscape**

The streetscape design for the proposed building is consistent with what is depicted in the master plan that was approved by the Commission for the entire PUD site. The design of the sidewalks and curbside planting area will utilize a palette of materials and fixtures that is consistent with what the Zoning Commission has approved and with District Department of Transportation standards. Along First Street, the Second-Stage PUD accommodates the Olmstead Walk.

**E. Flexibility Under PUD Guidelines**

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In this application, the Applicant has attempted to comply with all aspects of the Zoning Regulations for the CR Zone District.



However, the Applicant must request flexibility for residential lot occupancy (§ 634), side yard (§ 637), loading (§ 2301.1), and roof structure setback (§ 630.4).

Regarding lot occupancy, while there is no lot occupancy limitation on non-residential uses in the CR Zone, residential uses are limited to 75% measured on a horizontal plane located at the lowest level where residential uses begin, which for the proposed building occurs on the first floor where there are dwelling units. As shown in the zoning tabulation included on Sheet 4 of Exhibit A, the actual and effective lot occupancies for levels 2 – 7 are all below the 75% residential maximum, as is the actual lot occupancy for the first level. However, the effective lot occupancy on the first level measures 84% as a result of excluding the easements and private streets and the slightly larger building footprint to create the two level podium along North Service Court.

The Applicant is also requesting flexibility from the side yard requirements of § 637 which stipulates that a side yard need not be provided, however, if one is provided it must meet the requirement of 3-inches per foot of building height and a minimum of eight feet. The building provides non-compliant side yards along the north and south sides. Along the north, the building is setback slightly from the property line to provide additional space for pedestrian circulation and outdoor seating along North Service Court. Along the south, an average side yard of approximately 7'3" is provided to afford some relief between the proposed building and the lower-height townhomes to the south, and to provide a modest patio / balcony space to the dwelling units along the south side of the building.

As stated above, the Applicant is requesting flexibility from the loading requirements of § 2201.1. The Applicant has thoroughly studied the proposed loading and has determined that the needs of the building can be met. Provision of a 55 foot loading berth would be impractical

considering the 50 foot width of Three Quarter Street will not provide adequate maneuverability for a 55 foot vehicle to access the loading facility. Furthermore, considering the mixed use nature of the building, modest amount of retail, and the scale of Three Quarter Street, the provision of two smaller loading berths rather than the one larger berth is a more appropriate solution to adequately service the building. The sufficiency of the number of loading berths and the ability for trucks to access the loading facility has been reviewed by the Applicant, and both have been found to be acceptable.

Finally, the Applicant is requesting flexibility from the roof structure setback requirement of § 630.4(b). As shown on Sheet 5 of Exhibit A, the building will have two elevator core / mechanical penthouses located on the roof of the building. The Applicant is still in the process of developing the elevator and mechanical systems for the building; and therefore, the final height of the penthouses is not yet determined. Assuming a maximum roof structure height of 18'6", the maximum currently permitted by the Zoning Regulations, the roof structure proposed on the west side of the building would not be properly setback from the south wall of the open court facing First Street by a distance of approximately seven feet.

**F. Tabulation of Development Data**

Pursuant to § 2406.11(e), a tabulation of development data for the Second-Stage PUD is located on Sheet 4 of Exhibit A submitted herewith.

**G. Additional Information**

On April 30, 2015, the District of Columbia Historic Preservation Review Board (the "HPRB") reviewed a revised concept of the proposed building. According to its action, the HPRB found the building's height, massing, material palette, and detailing to be compatible with

the previously approved McMillan redevelopment master plan. The HPRB also approved the bridge spanning Three Quarter Street, which had been reduced in size in response to previous HPRB comments, and asked the Applicant to continue studying the design of the bridge and its relationship to the rest of the building. The HPRB's staff report and action are attached as Exhibit F.

At its November 18, 2014, meeting, Advisory Neighborhood Commission 5E (the "ANC") voted in support of the Second-Stage PUD. In its resolution of support, the ANC noted that the proposed building "is substantially in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the elements, guidelines, and conditions of the first-stage approval," and is consistent with the PUD site master plan and design guidelines approved by the HPRB. The ANC's resolution expressing support for the Second-Stage PUD is attached as Exhibit G.

#### IV.

### **STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS**

#### **A. PUD Requirements Under Chapter 24 of the Zoning Regulations**

##### **1. Area Requirements Under Section 2402.1(c)**

The PUD Site is approximately 1,075,356 square feet (24.69 acres) in land area. The Property is part of the overall PUD Site, and encompasses approximately 66,654 square feet of land area. Both the Property and the PUD Site exceed the minimum land area requirement of 15,000 square feet to qualify for a Planned Unit Development.

**2. Height and FAR Requirements Under Sections 2405.1 and 2405.2**

The Second-Stage PUD conforms to the PUD guidelines for the CR Zone District. As noted above, the CR District permits as a matter-of-right a maximum building height of 110 feet, and a maximum density of 8.0 FAR, of which 4.0 FAR can be devoted to non-residential uses. The First-Stage PUD did not specifically place further limitations with regard to height or FAR beyond what is permitted as a matter-of-right on the Property.

As proposed, the Second-Stage PUD will have a height of 82'6" measured from the level of the curb along First Street opposite the middle of building to the highest point of the roof. The proposed height is well below the maximum permitted under Order No. 13-14. Roof structures will extend above the roof level to a maximum height of 18'6" as permitted by the Zoning Regulations.

The proposed building will have a total actual FAR of 3.64 (5.04 effective FAR after excluding easements and private rights-of-way), well within the 8.0 FAR maximum that is permitted under the PUD standards. Calculated by use, the building will have an actual residential FAR of 3.36 (4.66 effective FAR), and a 0.28 non-residential FAR (0.39 effective FAR).

**3. Impacts of Project Under Section 2403.3**

Pursuant to Order No. 13-14, the Commission found the Consolidated-PUD and First-Stage PUD, including the multi-family building proposed for Parcel 2, to be not inconsistent with the Comprehensive Plan for the National Capital, will provide numerous positive public benefits and project amenities, and that the benefits and amenities appropriately balanced and reconciled any potential adverse effects that may result from the redevelopment of the PUD Site.

**4. Not Inconsistent with Comprehensive Plan Under Section 2403.4**

As discussed in Order No. 13-14, the Commission determined the redevelopment of the PUD Site, including development of Parcel 2, to be not inconsistent with the Comprehensive Plan for the National Capital (*See* Findings of Fact Nos. 159 – 173). With regard to land use designation and density, the Commission found the proposed uses and overall FAR for the PUD Site to be consistent with the medium-density residential, moderate-density commercial, parks, recreation, and open space land use designations depicted for the site on the Comprehensive Plan Future Land Use Map. The Commission found the 2.36 effective FAR proposed for the PUD Site, of which 1.29 FAR will be office and retail, to be well within and below the density permitted as a matter-of-right under C-2-A. Further, the Commission found that the distribution of the density across the PUD Site, with development concentrated on the northern parcel (Parcel 1) while devoting portions of the southern end of the site for parks, recreation , and open space, was also consistent with the Comprehensive Plan land use designation and appropriate fit within the flexibility afforded by the PUD process.

With regard to other areas of the Comprehensive plan, the Commission found the redevelopment of the PUD Site to be consistent with the Mid-City Area Element of the Comprehensive Plan, the area in which the PUD Site is located. Specifically, the Mid-City Element stipulates that reuse plans for the McMillan Reservoir Sand Filtration site shall dedicate a substantial contiguous portion of the site to open space for active and passive recreational uses that are physically and visually connected to nearby open spaces and the community. The Commission found that the approved master plan for the PUD Site included a substantial amount

of parks and open space that provided the community with opportunities for many different recreational activities.

**B. Public Benefits and Project Amenities**

The Overall Project provides a very wide range of important public benefits and project amenities which are described in detail in Finding Nos. 79 through 94 of Order No. 13-14. Generally, the benefits and amenities include construction of substantial new housing, including senior and affordable housing; preservation and restoration of many of the PUD Site's historic resources; approximately 500,000 square feet of parks, open space, and landscaping; superior urban design, architecture, and site planning; public art; a 17,500 square foot community center; approximately 860,000 square feet of healthcare uses; participation in CBE and First Source Employment; minimum LEED-Gold ND certification; approximately 98,000 square feet of retail, including a much needed neighborhood-serving grocery store; and substantial contributions toward workforce development, education, and community programs, and neighborhood improvement. These public benefits and project amenities have not changed since issuance of Order No. 13-14.

The Applicant will implement those amenities specific to Parcel 2, and participate / contribute to successful fulfillment of other amenities as required. Specific to Parcel 2, the Applicant is required to set aside approximately 25 units, or approximately 21,314 square feet of total gross floor area, for households earning up to 80% AMI. The amount of affordable housing provided by the Applicant on Parcel 2 contributes significantly to achieving a 20% split of affordable units across the PUD Site. In addition, the proposed building will be designed in accordance with Green Communities criteria to a level that is equivalent to LEED-Silver.

V.

**AREAS OF FLEXIBILITY**

The Applicant has made every effort to provide a level of detail that conveys the architectural design of the proposed building, and that does not require flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary to address potential issues that arise during construction and other issues that cannot be anticipated at this time.

In addition to the technical areas of zoning flexibility described above, the Applicant requests additional flexibility in building design for the following areas:

1. To adjust the size and/or number of dwelling units  $\pm 5\%$  to accommodate fluctuations in market conditions, including corresponding changes to required parking so long as the total minimum number of parking spaces for the residential use is provided as required by § 2101.1 of the Zoning Regulations; and
2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building; and
3. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total minimum number of parking spaces, for both retail and residential uses, is provided as required by § 2101.1 of the Zoning Regulations; and
4. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and
5. To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals; and
6. To periodically modify the artistic / material treatment of the interior feature wall along the north side of the portion of the building spanning Three Quarter Street. Treatment of the feature wall shall not include commercial or non-

commercial advertising of any kind, and shall also not include electronic or illuminated media, treatments, or materials; and

7. To vary the location, attributes and general design of the streetscape within public space to comply with the requirements of and the approval by the District Department of Transportation Public Space Division; and

8. To locate retail entrances in accordance with the needs of the retail tenants and to vary the façades as necessary; and

9. To design and locate building signage, including all retail signage, in accordance with the District of Columbia sign regulations in effect at the time of permit.

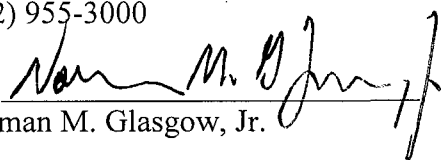
## VI.

### CONCLUSION

For the foregoing reasons, the Applicant submits that the application meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a second-stage PUD; provides significant public benefits and project amenities consistent with what has been approved in Order No. 13-14; and advances important goals and policies of the District of Columbia. Therefore, the Applicant respectfully requests that the Zoning Commission approve the Second-Stage PUD application for the Property.

Respectfully submitted,

HOLLAND & KNIGHT LLP  
2099 Pennsylvania Avenue, NW, Suite 100  
Washington, D.C. 20006  
(202) 955-3000

By:   
Norman M. Glasgow, Jr.