

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 15-14  
Z.C. Case No. 15-14  
District of Columbia Water and Sewer Authority  
(Consolidated PUD and Related Map Amendment  
@ Squares 744S and 744SS)  
February 8, 2016**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on October 26, 2015, to consider applications for a consolidated planned unit development (“PUD”) and related zoning map amendment filed by the District of Columbia by and through the District of Columbia Water and Sewer Authority (“DC Water” or “Applicant”). The Commission considered the applications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

**FINDINGS OF FACT**

**The Applications, Parties, and Hearings**

1. On June 8, 2015, the Applicant filed an application with the Commission for consolidated review of a PUD and a related map amendment to rezone part of Lot 805 in Square 744S and part of Lot 801 in Square 744SS (“Property”) from the CG/W-2 Zone District to the CG/CR Zone District.
2. The proposed project contemplates the development of a new office building headquarters for DC Water on the Property (“Project”). The new building will wrap around two sides of DC Water’s existing O Street Pumping Station, which is located on the Property and will remain in full operation throughout construction of the new headquarters building and after its completion. The Project will have an overall density of 1.39 floor area ratio (“FAR”) and will include approximately 160,634 square feet of gross floor area. The building will have a maximum height of 100 feet and will include 20 off-street parking spaces on the Property and a minimum of 50 additional off-street parking spaces located on property owned or controlled by DC Water or otherwise in close proximity to the Property.

3. By report dated July 17, 2015, the District of Columbia Office of Planning (“OP”) recommended that the application be set down for a hearing. At its public meeting held on July 27, 2015, the Commission voted to schedule a public hearing on the application.
4. The Applicant submitted a prehearing statement for the Project on August 14, 2015 and a hearing was timely scheduled for the matter. (Exhibits [“Ex.”] 13-14J.) A description of the proposed development and the notice of public hearing in this matter were published in the *D.C. Register* on September 4, 2015. (Ex. 15.) On August 25, 2015, the notice of the public hearing was mailed or emailed to all owners of property located within 200 feet of the Property, Advisory Neighborhood Commission (“ANC”) 6D (the ANC in which the Property is located), and the Ward 6 Councilmember. (Ex. 17.)
5. On October 9, 2015, Forest City Washington (“Forest City”) submitted a request for party status in support of the Project. (Ex. 21.) Forest City is the developer of an approved PUD on property located adjacent to and north and west of the Property. Pursuant to Z.C. Order No. 13-05, the Commission approved Forest City’s PUD and zoning map amendment for the western portions of Lot 805 in Square 744S and Lot 801 in Square 744SS, to be developed with a mix of uses including a movie theater, parking garage, two apartment buildings, retail, arts, and entertainment uses. Forest City’s party status request indicated its support for the Project and its interest in ensuring that the final Project, including the building and its surroundings, is fully compatible with the approved PUD on the Forest City’s property.
6. The parties to the case were the Applicant, ANC 6D, and Forest City.
7. The Commission convened a hearing on October 26, 2015, which was concluded that same evening. At the hearing, the Applicant presented the following witnesses in support of its applications: George Hawkins on behalf of DC Water; Sven Shockey of Smithgroup Architects; and Erwin Andres of Gorove/Slade Associates. The Commission accepted Sven Shockey as an expert in architecture and design, and noted that it had previously accepted Erwin Andres as an expert in transportation. At the public hearing, the Commission also granted party status to Forest City.
8. Anne Fothergill and Jennifer Steingasser of OP, and Ryan Westrom of the District Department of Transportation (“DDOT”) testified in support of the application with certain comments and conditions.
9. By letter dated October 1, 2015, ANC 6D submitted a letter to the record in support of the application. (Ex. 19.)
10. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission, and responses thereto

from the parties. The Commission also requested proposed findings of fact and conclusions of law from the Applicant.

11. On November 9, 2015, the Applicant submitted a post-hearing filing in response to comments from the Commission made at the public hearing. (Ex. 31-31C.) The post-hearing filing included: (i) revised architectural plans and elevations that included additional information and revisions requested by the Commission; (ii) a description of the Applicant's communications with Forest City subsequent to the public hearing; (iii) a detailed response to DDOT's written and oral comments; and (iv) draft findings of fact and conclusions of law.
12. On November 16, 2015, Forest City submitted a letter stating that it was negotiating several issues with the Applicant, that they were making progress toward resolving those issues, and requesting that the Commission delay considering proposed action on the case until the Commission's December 14, 2015 public meeting to allow Forest City and the Applicant to completely resolve their issues, and to leave the record open to allow the Applicant, Forest City, OP, DDOT, and the ANC to submit additional information regarding the resolution of the issues. (Ex. 32.)
13. On November 30, 2015, the Applicant submitted a letter stating that it was revising the design of its project in a number of ways to resolve the issues identified by Forest City. (Ex. 34.) The western boundary line of the PUD was shifted east so that it was consistent with the property line shown in Z.C. Case 13-05. The proposed building was also moved to the east. The proposed 1½ Street streetscape geometry was also changed as a result of the eastward shift, and was consistent with the improvements shown in Z.C. Case No. 13-05. Attached to the letter were revised architectural plans showing the changes to the project's design. (Ex. 34A1-34A13.) The Applicant stated that as a result of these changes, it was no longer necessary to include conditions in the order related to the 1½ Street streetscape, and all the legal issues raised by Forest City related to potentially overlapping PUDs were resolved. The letter further stated that because of these changes, the Applicant requested additional zoning relief from the side yard requirements of the Zoning Regulations. The letter also stated that the Applicant believed that the loading and grading conditions requested by Forest City were no longer necessary, and instead requested that the Commission grant the Applicant additional design flexibility through the PUD to adjust the grading along the portion of the site adjacent to the Forest City parcel. Finally, the letter proposed a modification to the proposed interim parking condition.
14. On December 7, 2015, Forest City submitted a letter stating that in light of the revisions the Applicant made to the project, and the Applicant's willingness to work with it to address loading/service and grading issues, it fully supported the application. (Ex. 35.)

15. On December 7, OP submitted a report stating that it had participated in the discussions that lead to the changes stated in the Applicant's November 30<sup>th</sup> letter, that OP had no objection to the proposed additional zoning relief requested, and that OP supported conditions in the PUD order clarifying the responsibilities and encouraging coordination between the Applicant and Forest City for the two developments in the future. (Ex. 36.)
16. On December 7, 2015, DDOT submitted a report stating that it reviewed the Applicant's post-hearing submissions and supported the changes offered therein. (Ex. 37.)
17. At its public meeting held on December 14, 2015, Commissioners May and Turnbull stated they believed the rooftop embellishment was a parapet that violated the Height Act, and that the railing shown in the plans was also a likely Height Act violation. After a consultation with the Applicant, the Commission's Secretary indicated that the Applicant would revise its plans to remove the parapet, and to change the railing design. The Commission took proposed action to approve with conditions the PUD and related map amendment, and requested that the Applicant submit revised plans showing changes that conformed to the Applicant's statements to the Commission's Secretary.
18. On December 21, 2015, the Applicant submitted an additional post-hearing submission. (Ex. 39-39B.) The submission attached a revised roof plan showing removal of a rooftop embellishment, and substitution of a three-foot, six-inch safety railing that is set back from the exterior walls a distance that is at least equivalent to its height. The Applicant also attached its list of final proffers and draft conditions required by 11 DCMR § 2403.16.
19. On January 4, 2016, the Applicant submitted its final list of proffers and draft conditions required by 11 DCMR § 2403.20. (Ex. 40.)
20. The application was referred to NCPC pursuant to § 492 of the District of Columbia Home Rule Act. Through an action taken on January 7, 2016, the NCPC found that the PUD and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 41.)
21. The Commission took final action to approve the PUD on January 25, 2016.

### **The Property and Surrounding Area**

22. The Property has a combined land area of approximately 119,875 square feet and is located adjacent to the Anacostia River. The Property is partially improved with surface parking and the O Street Pumping Station, which is a 20,000 gross square foot, two-story brick building operated by DC Water. The Property is bounded by N Place and Canal Street to the north, the Anacostia River to the south, and private property to the east and west, all located in the southeast quadrant of the District. As part of redevelopment of the

Property, the Applicant proposes to maintain the O Street Pumping Station and construct the new office building around the existing structure.

23. The Property is surrounded by a variety of uses and properties that have been either recently constructed or approved for redevelopment. Of these projects is the Forest City redevelopment, approved pursuant to Z.C. Order No. 13-05 and located directly adjacent to and north and west of the Property. Upon completion, the Forest City PUD will consist of a movie theater, parking garage, two apartment buildings, and retail, arts, and entertainment uses, with all buildings rising to a maximum height of 110-130 feet. Other nearby redevelopment projects include the Florida Rock redevelopment to the southwest of the Property, which will consist of two residential buildings, a hotel building, and an office building, with heights ranging from 95 feet to 130 feet (Z.C. Order No. 04-14B), and the Ballpark Square redevelopment to the northwest of the Property, which will consist of a new residential, hotel, and office building with ground-floor retail, and a maximum building height of 130 feet (Z.C. Order No. 12-05).

### **Existing and Proposed Zoning**

24. The Property is presently zoned CG/W-2. The purpose of the Waterfront (“W”) Districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, office, retail, recreational, arts and cultural, and other miscellaneous uses. (11 DCMR § 900.4.) The W-2 Zone District permits office use as a matter of right. (11 DCMR § 901.1(p).) The W-2 Zone District permits as a matter of right a maximum building height of 60 feet and a maximum density of 4.0 FAR, not more than 2.0 FAR of which may be used for non-residential purposes. (11 DCMR §§ 930.1 and 931.3.)
25. The Applicant proposes to rezone the Property to the CG/CR Zone District in connection with this application. The CR Zone District is intended to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. (11 DCMR § 600.1.) The CR Zone District permits office use as a matter of right. (11 DCMR § 601.1(q).) As a matter of right, property in the CR Zone District can be developed with a maximum building height of 90 feet and a maximum density of 6.0 FAR, not more than 3.0 FAR of which may be used for non-residential purposes. (11 DCMR § 630.1 and 631.1.) PUDs in the CR Zone District can be developed to a maximum building height of 110 feet and with a maximum density of 8.0 FAR. (11 DCMR §§ 2405.) The CR Zone District also requires that at least 10% of the lot area located immediately adjacent to the main entrance to the principal building or structure must serve as a transitional space between the street or pedestrian right-of-way and the building or structure. (11 DCMR § 633.) Rear yards are only required for residential buildings. 11 DCMR § 636.1. Side yards are not required for any use, but if a side yard is provided, it must have a minimum width of three inches per foot of building height, but not less than eight feet. (11 DCMR § 637.)

26. The parking and loading requirements for buildings are based upon the proposed use of the property. An office building in the CR Zone District is required to provide one parking space for each additional 1,800 square feet of gross floor area in excess of 2,000 square feet. (11 DCMR § 2101.1.) An office building with 50,000-200,000 square feet of gross floor area, is required to provide two loading berths at 30 feet deep, two loading platforms at 100 square feet, and one service/delivery space at 20 feet deep. (11 DCMR § 2201.1.)

### **PUD Project Description**

27. As a multi-jurisdictional regional utility, DC Water provides drinking water and wastewater services to more than 600,000 residential, commercial, and governmental customers, plus 17.8 million annual visitors in the District of Columbia. DC Water also conveys and treats wastewater for 1.6 million customers in Montgomery and Prince Georges counties in Maryland, and Fairfax and Loudoun counties in Virginia. DC Water operates the Blue Plains Advanced Wastewater Treatment Plant (“Blue Plains”), the largest advanced wastewater treatment plant in the world, on a site that covers 150 acres at the southern tip of Washington, DC.
28. Currently the administration functions for DC Water are located in a five-story building at the Blue Plains campus, known as the Central Operations Facility (“COF”). The COF has reached its capacity, necessitating the use of much valued land at Blue Plains for the placement of office trailers, rather than for its intended use as a critical treatment facility. To alleviate the overcrowding at the COF and to free-up land for the expansion and improvement of the plant’s processing operations, DC Water needs to construct a new headquarters building. This proposed new building will consolidate and relocate all administration-related personnel into one centrally located facility.
29. The Applicant proposes to build a new office building headquarters for DC Water on the Property, in accordance with the architectural plans and elevations dated October 6, 2015 (Ex. 20A1-A10), as modified by the supplemental plans dated November 30, 2015 (Ex. 34A1-A13), and the supplemental roof sheet plan dated December 21, 2015 (Ex. 39A) (together, the “Plans”). The Project is located to the west of the historic DC Water Main Pumping Station and to the east of the National's Ballpark. The Project will be DC Water’s most sustainable construction project ever and will provide a visible connection to the community that DC Water serves. The proposed development will anchor DC Water’s new campus along the Anacostia River, which embraces DC Water’s relationship to the watershed and reflects DC Water’s stewardship of both the natural and built environments.
30. The Project will be located along the north side of the Anacostia River between First Street to the west and the historic Main Pumping Station to the east. The O Street



Pumping Station on the Property will remain in full operation throughout the construction of the new building and after its completion, and will be surrounded by the new construction to allow containment of the operation beneath and inside of the new office building.

31. The new building is designed as a world-class headquarters that integrates efficient building systems with the Property itself to create a dynamic workplace environment. The design is a bold, innovative statement on the Anacostia River shoreline that reflects DC Water's mission to provide reliable and cost-effective water and wastewater services in accordance with best practices. The headquarters showcases its building systems, inviting its employees to become stewards of the environment through the building's educational opportunities. Moreover, the Project supports continued operation of the O Street Pumping Station and uses the residual heat from sewage that is pumped to Blue Plains to heat and cool the new building, demonstrating innovation and the depth of DC Water's commitment to sustainability.
32. The Property features an entry drive, autocourt, pedestrian circulation paths, and lush plantings. The autocourt incorporates ADA parking and features channels or "runnels" that allow for rainwater collection. A long wood esplanade/boardwalk runs along the building's south façade, connecting it to the autocourt and other site features. A metal grating promenade conceptually terminates Canal Street and is intended to be used as an observation platform from which to view the river.
33. The building's skin is carefully calibrated to respond to daylighting, views, and energy efficiency, and to highlight its sculptural form. The south façade is primarily a glass and aluminum curtain wall. Two areas of the curtain wall facing southwest feature a second layer of tinted glass that reduces unwanted solar gain, as determined by an energy model. The north façade is a variegated green rainscreen panel system with punched windows as needed for the interior program. A perforated version of the panel is used to face the loading area on the west side of the Property. The building skin extends above the roof to incorporate a roof terrace guardrail. The roof plan includes mechanical penthouse elements, stairwell access, a trellis, pavers, and a vegetated roof, and offers panoramic views of the river.
34. Loading is facilitated on the west side of the building off of the future 1½ Street, S.E. An operable door provides access to a loading yard with docks for the new office building and the O Street Pumping Station. Fourteen on-site parking spaces are located along the closed Canal Street, one of which is ADA-accessible, and six additional ADA parking spaces are located in the autocourt. Pedestrians will be able to access the Property from a checkpoint at the intersection of Canal Street and N Place. An emergency egress is located on the west side of the building at the future 1½ Street.

35. The building and Property together represent integrated, sustainable, and resilient design. The Project is expected to achieve LEED-Platinum and an even higher threshold, making it one of the most sustainable office buildings in the region. The building's ground floor is set one foot above the 500-year flood plain, and low impact development ("LID") planters and native plantings will promote infiltration and reduce runoff. The building skin is optimized for views and daylighting while preventing glare and unwanted solar radiation. Mechanical systems are anticipated to use pump station wastewater as a source of heat recovery. Furthermore, 100% of the rainwater on the building's roof will be collected in a cistern to be used for toilet flushing in the building.

### **Security Constraints**

36. The Property is deemed an "essential component" in supporting the United States government. (*See* Homeland Security Act of 2002, which directs the Department of Homeland Security to ensure the protection of the nation's critical infrastructure and key resources.) DC Water distributes drinking water and collects and treats wastewater for more than 600,000 customers in the District, and provides wholesale wastewater treatment services for a population of 1.6 million in parts of Maryland and Virginia. In addition, the new headquarters building will house command leadership staff, finance, procurement, and other critical support elements that are necessary to the successful operations of the organization. Protection of these vital assets is of highest priority. By incorporating the new headquarters building into existing DC Water infrastructure, and by concentrating a greater number of resources in the same location, DC Water will be able to better protect all of its facilities.
37. As a result of the critical infrastructure and key resources that will be located at the Property, the proposed development incorporates security measures and access restrictions, which impact operation and design of the new building and the surrounding area. The property lines, adjacent roads, and walkways all require direct observation and controlled access, which will be provided through a variety of security measures and the creation of "buffer zone" expansion capabilities when threat levels increase. Given these serious security considerations, people accessing the Property will have to be cleared through security at guarded check-points, and all visitors will need to be cleared through security to access the walkways to the building. There will be limited vehicular traffic onto the Property, all of which will be checked and tagged for access. Moreover, all DC Water employees will participate in regularly scheduled evacuation exercises and will be trained on safety, security, and evacuation procedures for the various operational environments in which they may work.

### **Zoning Relief Requested**

38. The Applicant requested relief from the public space at ground level requirements of 11 DCMR § 633, which requires that in the CR Zone District an area equivalent to 10% of



the total lot area shall be provided for all new development (§ 633.1). This space is to be located immediately adjacent to the main entrance to the principal building to serve as a transitional space between the street or pedestrian right-of-way and the building (§ 633.2), and is required to be open and available to the general public on a continuous basis (§ 633.5).

39. In this case, the Property incorporates significant open space; however, due to the importance of protecting critical infrastructure and key resources located at the Property and within the headquarters building, the Applicant is unable to provide the required public open space at the entrance to the building. Moreover, the Property will be protected by security zones, guarded check-points, and other best practice security measures, and will not be open and available to the general public on a continuous basis. The Commission finds that relief from 11 DCMR § 633 will not result in any negative impacts. The Project's design and program is cognizant of the urban design that the District hopes to achieve for the Property. Although the Project will be secured through security buffers and check-points, these features will not prevent the public from being able to access the building for public meetings, business, or planned tours and events. By securing the Property, DC Water will be able to continue serving safe and reliable drinking water to city residents and visitors, and will be able to better protect its facilities by concentrating its resources in a single location.
40. The Applicant requested relief from the parking space requirements of 11 DCMR § 2101.1, which requires 69 on-site parking spaces for the proposed office use. However, the Applicant proposes to provide 20 on-site parking spaces and a minimum of 50 additional parking spaces located on property owned or controlled by DC Water or otherwise in proximity to the Property. The Commission finds that the proposed number of parking spaces for the Project is sufficient to meet the anticipated parking demand for the building. The Property is located in close proximity to multiple public transportation options, including Metrorail, Metrobus, car-share locations, and Capital Bikeshare docks. The PUD will include on-site bicycle parking to adequately serve anticipated demand, as well as shower and changing facilities to encourage employees to bike to work. The Applicant will also provide an expansive transportation demand management ("TDM") plan that will help facilitate alternative commuting options. Moreover, the Commission finds that the Project is consistent with the Comprehensive Plan's goals of investing in transit-oriented development, improving pedestrian facilities, and providing multi-modal corridors that incorporate and balance a variety of mode choices. Based on the foregoing, the Commission finds that the proposed number of parking spaces will satisfy the Project's parking demand.
41. The Applicant requested relief from the roof structure requirements of the Zoning Regulations because there are multiple roof structures, requiring flexibility from 11 DCMR § 411.3 and both roof structures will have multiple heights, requiring relief from 11 DCMR § 411.5. The Commission finds that the number and location of the roof

structures is driven by the layout and design of the office use within the building and the need to wrap the new building around the existing O Street Pumping Station. The roof structures are separated due to the Building Code requirement to provide separate means of egress to the roof, and to break up massing. Each roof structure is only as tall as it needs to be, and provides the required 1:1 setback from exterior walls. The roof structures are two heights in order to minimize their visibility. Although a single height could theoretically be provided for the structures, doing so would be unduly restrictive and unreasonable, given that it would add unnecessary massing to the roof and would undermine the purpose of the Regulations, which is to exercise a degree of architectural control over roof structures. (See 11 DCMR § 411.) Moreover, the proposed roof structures are clad in quality materials that match the façade materials of the overall building and integrate well into the overall building design. Thus, the Commission finds that the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

42. The Applicant also requested relief from 11 DCMR § 3202.3, which requires the existence of a record lot as a prerequisite to obtaining a building permit. Instead of subdividing the Property into a new record lot prior to obtaining a building permit, the Applicant proposed to record a Plat of Computation that will be consistent with the boundaries of the Property. The Commission finds this to be a reasonable request, since the Project is part of a larger overall redevelopment plan for Squares 744S and 744SS, which DC Water is undertaking with Forest City. The approved Forest City PUD includes the creation of various new record lots and the creation of a new street (1½ Street). In order to establish the proposed street network and to ensure that the future record lots are platted appropriately, Forest City and DC Water will have to coordinate the subdivision process. However, at the time of its Zoning Commission hearing, DC Water anticipated beginning construction of the Project before Forest City is ready to begin the subdivision process. The Commission therefore finds it reasonable to grant flexibility so that DC Water may move forward with its proposed development rather than waiting for Forest City to begin the subdivision process.
43. The Applicant also requested relief from 11 DCMR § 637.2, which requires a side yard of a minimum of 25 feet for the building. The proposed building is only three feet from the western property line. The request is reasonable because of the location of the existing O Street Pumping Station, and other existing infrastructure facilities, and the proposed 1 ½ Street geometry and improvements. The project includes ample open space to the north, east and south of the building, and the project's low lot occupancy results in ample open space on the site.

#### **Design Flexibility Requested**

44. The Applicant also requested flexibility in the following areas:

- a. 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 building;
- b. To vary the location and arrangement of parking (vehicular and bicycle) spaces;
- c. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the Project is not below 80 points under the LEED-Platinum rating standards;
- d. 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 without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: curtain wall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit; and
- e. To adjust the grading along the portion of the site adjacent to the southern edge of Forest City's proposed movie theatre site if DC Water determines such adjustments are necessary and do not materially change DC Water's approved PUD plans and do not adversely impact the operations of DC Water's facilities.

### **Project Benefits and Amenities**

45. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a)) – The Project will be a welcoming, iconic, and highly sustainable headquarters office building for DC Water. The new building will wrap the O Street Pumping Station on two sides with a modern six story structure that provides a unique and aesthetically pleasing view from the Anacostia River. The building will be a civic landmark, expressing the current state-of-the-art in sustainable architecture and site design, while celebrating the Property's location along the Anacostia River. Furthermore, the Project exemplifies the Applicant's commitment to improving water quality and conserving energy through the implementation of extensive low impact development, water conservation techniques, and innovative stormwater management features.
46. Site Planning and Efficient and Economical Land Utilization (11 DCMR § 2403.9(b)) – The Project will include environmentally sensitive development of a class-A office space constructed around and over a portion of the O Street Pumping Station, thus demonstrating an efficient use of industrial space in a dense urban environment.

47. Environmental Benefits (11 DCMR § 2403.9(h)) – The Applicant will ensure environmental sustainability through the implementation of sustainable design features and strategies to enhance the Property’s transit-rich location. The Project provides a host of environmental benefits consistent with the recommendations of § 2403.9(h), including the following:
- a. The building will achieve LEED-Platinum certification under the USGBC’s LEED for New Construction v2009;
  - b. The Property will capture 100% its rainwater and will reuse it for 100% of the non-potable purposes on the Property. The techniques used in capturing and reusing rainwater will be featured in the main lobby as a teaching tool;
  - c. The Applicant will install bioswales to allow water to infiltrate onto the Property and reduce the heat island effect relative to the existing paved condition;
  - d. The Project will incorporate alternative energy technologies;
  - e. The building will maximize daylighting and views and minimize the use of electric lighting; and
  - f. The Applicant will utilize reclaimed materials in all areas, particularly with wood elements.
48. Transportation Benefits (11 DCMR § 2403.9(c)) – The Applicant incorporated a number of elements designed to promote effective and safe vehicular and pedestrian access to the Property, convenient connections to the Navy Yard Metrorail station and nearby Metrobus routes, and on-site amenities such as vehicle and bicycle parking. In addition, the Applicant will undertake the following improvements:
- a. Provide 20 off-street vehicle parking spaces on the Property and a minimum of 50 additional off-street parking spaces on property owned or controlled by the Applicant, or otherwise in close proximity to the Property. The property located to the immediate north of the Property (identified as “Parcel F1” in Z.C. Case No. 13-05) is currently improved with DC Water facilities and utilized for DC Water purposes, including parking, and will continue to provide such DC Water uses until such time as DC Water, the District, and Forest City reach a mutually agreeable document governing access to their respective development sites, parking, and other issues related to the relocation of the existing DC Water facilities in order for development to move forward on the land;
  - b. Provide a minimum of 16 covered and secure bicycle racks on the Property;

- c. Identify a TDM leader for planning, construction, and operations, and provide DDOT/Zoning Enforcement with annual TDM Leader contact updates;
  - d. Post all TDM commitments on DC Water intranet, publicize availability to employees and allow employees to see what commitments have been promised;
  - e. Provide a bicycle repair facility within the guard booth/bicycle storage area;
  - f. Provide two showers and individual storage space within work areas for use by employees;
  - g. Provide a TransitScreen or similar device displaying real-time transportation schedules;
  - h. Expand its SmarTrip Transit Benefits Program to cover employees working at the Property, which provides a monthly, \$75 transit subsidy for employees that participate;
  - i. In the event that Forest City does not file a building permit for the development of Parcel F1, approved pursuant to Z.C. Order No. 13-05, prior to the issuance of a Certificate of Occupancy for the Project, then DC Water will construct pedestrian improvements meeting DDOT's minimum standards along the south side N Place, S.E. from First Street, S.E. to the closed portion of Canal Street, S.E.;
  - j. In the event that Forest City does not file a building permit for the development of Parcel F1, approved pursuant to Z.C. Order No. 13-05 (or any extension thereof) by February 7, 2018, DC Water will perform a signal warrant analysis post-occupancy of the Project to verify the need for a signal at N Place, and if warranted, DC Water will install a signal at this location in coordination with DDOT; and
  - k. Prior to any construction by Forest City on Parcel F1, DC Water will work with Forest City and the District to ensure that any parking spaces located on Parcel F1 serving DC Water are relocated (at no expense to DC Water) by Forest City or the District to a location in close proximity to the Property, and that the parking spaces are located such that there are adequate pedestrian improvements for employees to access the Property.
49. Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I)) – The Applicant will undertake the following actions to enhance the public's experience at the Property:

- a. Welcome residents and visitors to the Property who have DC Water business to conduct, such as attending a Board of Directors meeting, applying for or interviewing for a job, attending a DC Water community event, or attending a procurement meeting;
- b. Install interpretative and educational displays in the main lobby and windows into the O Street Pumping Station to create an active, colorful, and thoughtful experience. Displays will include community news and will advertise for Yards Park and Capital Riverfront BID events; and
- c. Provide scheduled, guided tours of the building to learn about DC Water operations in the community and the history of the Historic Main Pump Station, which is presently not open to the public.

### **Comprehensive Plan**

50. The Comprehensive Plan Future Land Use Map designates the Property in the mixed-use Medium-Density Commercial and Medium-Density Residential land use categories. The Medium-Density Commercial category is used to define areas where buildings are generally larger and/or taller than those in moderate-density commercial areas but generally do not exceed eight stories in height. The C-2-B, C-2-C, C-3-A, and C-3-B Zone Districts are generally consistent with this land use category, although other zones may apply in some locations. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four-to-seven stories) apartment buildings are the predominant use. Pockets of low and moderate-density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the medium-density designation, although other zones may apply in some locations.
51. The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (*See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 13-05; Z.C. Order No. 11-13; and Z.C. Order No. 10-28.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Future Land Use Map is to be interpreted broadly. (10A DCMR § 226.1(a).) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited. (*Id.* at § 226.1(c); *see also* Z.C. Order No. 13-05, Finding of Fact No. 51.) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the



citywide elements and the area elements, as well as approved Small Area Plans. (10A DCMR § 266.1(d).)

52. In evaluating the proposed map amendment, the Commission finds that the Property should be viewed in context and not as an isolated parcel. Accordingly, when taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the Property from the CG/W-2 Zone District to the CG/CR Zone District in order to construct a new headquarters office building for DC Water is consistent with the Comprehensive Plan's designations of the Property. The Commission finds that the proposed development of the Property reflects the density anticipated by the Future Land Use Map.
53. Furthermore, the Commission finds that the proposed CG/CR zoning classification will enable the Property to be developed with a maximum building height of 100 feet and a maximum density of 1.3 FAR, which is consistent with the amount of commercial density permitted in medium density commercial zones. The proposed zoning is consistent with the Property's location near a Metrorail station, and the rezoning is necessary to permit a use and density appropriate for the Property's strategic, transit-oriented location. Moreover, the rezoning of the Property to the CG/CR Zone District will be congruous with the adjacent Forest City PUD and will permit an appropriate mix of uses and densities for the surrounding area.
54. The Property is located in the Land Use Change Area category on the District of Columbia Comprehensive Plan Generalized Policy Map. The Commission finds that the Project is consistent with the policies intended for Land Use Change Areas, since the new office building will integrate well with the new residential, retail, and recreational uses in the surrounding area and will draw additional employees and visitors to the emerging neighborhoods along the Anacostia Riverfront. The Project will incorporate the existing O Street Pumping Station while facilitating development of a major new workplace in a high-quality environment that includes exemplary site and architectural design.
55. The Property is also located within the Central Employment Area ("CEA"), which is the business and retail heart of the District and the metropolitan area. The CEA has the widest variety of commercial uses, including but not limited to major government and corporate offices, and draws patrons, workers, and visitors from across the region. (10A DCMR § 223.21.) The Commission finds that the Project's proposed use, height, and density are particularly appropriate given its location in the CEA.
56. The Commission finds that the Project is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set forth in the Comprehensive Plan. The Commission also finds that the Project furthers numerous policies and objectives of the Comprehensive Plan, as discussed below:

- a. *Policy LU-1.2.7: Protecting Existing Assets on Large Sites:* The Project will preserve and protect the existing O Street Pumping Station on the Property, and incorporate the new office building around the existing structure as the Property is redeveloped;
- b. *Policy LU-1.2.8: Large Sites and the Waterfront:* Redevelopment of the Property along the Anacostia waterfront will help achieve related urban design, open space, environmental, and economic development objectives. The Project will significantly improve the Property, and enhance the physical and environmental quality of the river;
- c. *Policy LU-1.3 Transit-Oriented and Corridor Development:* The PUD exemplifies the principles of transit-oriented development. The Property is located within convenient walking distance of multiple Metrobus routes and the Navy Yard Metrorail station. The location of the Project will minimize the necessity of automobile use and will maximize transit ridership while respecting the character and needs of the surrounding area. More specifically, the Project is consistent with *Policy LU-1.3.8*, which encourages the siting, retention, and modernization of public facilities such as government offices near transit stations;
- d. *Policy LU-2.2.4: Neighborhood Beautification:* This policy encourages projects to improve the visual quality of the District's neighborhoods. The Project architect designed the building to enhance the overall visual aesthetic of the neighborhood, which will be a major improvement to the current site condition. The Project also includes a significant amount of landscaped areas, which will greatly enhance the sustainability of the site and the views of the Property from the waterfront;
- e. *Policy T-1.1.4: Transit-Oriented Development:* The Project is an excellent example of transit-oriented development due to its close proximity to multiple Metrobus routes and the Navy Yard Metrorail station and its location in a mixed-use neighborhood;
- f. *Policy T-1.3.1: Transit-Accessible Employment:* The Project will support transit-oriented and transit-accessible employment and will maximize the use of major transportation investments, such as the Metrorail, to enhance the overall efficiency of the regional transportation system. The Project will include transportation incentives for employees to reduce vehicle dependence;
- g. *Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning and Action T-2.3-A: Bicycle Facilities:* The Project carefully integrates bicycle and pedestrian safety considerations. The Project will include secure bicycle parking on the Property to encourage employees to bike to work;

- h. The Project includes street tree planting, landscaping, energy efficiency, and several methods to reduce stormwater runoff, and is therefore fully consistent with the Environmental Protection Element. Moreover, the Commission finds that the Project is consistent with numerous policies set forth in the Environmental Protection Element, including the following:
  - i. Encouraging the planting and maintenance of street trees in all parts of the city (*Policy E-1.1.1*);
  - ii. Encouraging the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity (*Policy E-1.1.3*);
  - iii. Promoting the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses (*Policy E-2.2.1*); and
  - iv. Promoting tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction (*Policy E-3.1.2*);
- i. The Project is also consistent with the Economic Development Element of the Comprehensive Plan since the PUD will strengthen and promote the District's economy by supporting the District government workforce. The Project will help leverage the strengths of its economy and the region's skilled labor force and provide new employment opportunities to District residents. Consistent with *Policy ED-1.1.5: Use of Large Sites*, the PUD will ensure that the Property's economic development potential is fully realized such that it will help revitalize the neighborhood and diversify the District economy, particularly given its location with convenient Metrorail access. The Project will also help further *Policy ED-2.1.1: Office Growth* by accommodating growth in government along the Anacostia Waterfront;
- j. The Project is also consistent with the Urban Design Element of the Comprehensive Plan, since the Applicant has aligned the Project with the character of the surrounding neighborhood. Consistent with *Policies UD-2.2.1: Neighborhood Character and Identity* and *UD-2.2.7: Infill Development*, the PUD will strengthen the architectural quality of the immediate neighborhood by relating the Project's scale to the existing context, including both existing and approved development projects. In addition, the Project includes elegant, visually-interesting, and well-designed building façades that eschew monolithic or box-like forms and long blank walls that detract from the quality of the streetscape. See *Policy UD-2.2.5*; and

- k. The Project is also fully consistent with many of the policies and actions set forth in the Infrastructure Element, including improving water quality and modernizing the aging water distribution system. *See* 10A DCMR § 1300.4. The PUD will support *Policy IN-1.1.1: Adequate Water Supply* by allowing for the construction of the new headquarters building for DC Water, such that DC Water can provide a safe and adequate water supply to serve current and future District needs. The Project will also further *Policies IN-1.2.1: Modernizing and Rehabilitating Water Infrastructure* and *IN-1.2.2: Ensuring Adequate Water Pressure* by ensuring that DC Water has adequate facilities to repair and replace aging infrastructure; to upgrade the water distribution system to meet current and future demand; and to ensure that DC Water can provide adequate water supply and pressure to all areas of the District. Furthermore, with respect to wastewater and stormwater systems, the PUD will provide new office facilities such that DC Water will be able to ensure that the following policies will be implemented safely and effectively, as envisioned by the Comprehensive Plan: (i) *Improving Wastewater Collection (Policy IN-2.1.1)*; (ii) *Investing in our Wastewater Treatment Facilities (Policy IN-2.1.2)*; (iii) *Sludge Disposal (Policy IN-2.1.3)*; and (iv) *Improving Stormwater Management (Policy IN-2.2.1)*.
57. The Property is located within the boundaries of the Lower Anacostia and Near Southwest Area Element. The Commission finds that the proposed PUD is consistent with and advances many goals and policies of the Lower Anacostia and Near Southwest Area Element that are intended to guide growth and neighborhood conservation decisions. For example, as called for in *Policies AW-1.1.2: New Waterfront Neighborhoods* and *AW-1.1.3: Waterfront Area Commercial Development*, the Project will provide a new use on underutilized waterfront land and will establish new office space for government activities. More specifically, the Property is located in the Near Southeast policy focus area in the Anacostia Waterfront Planning Area, which requires a heightened level of direction and guidance. The Commission finds that the PUD is consistent with the goals of this focus area because it will help create an identity in the Near Southeast that celebrates the area's history and integrates two existing DC Water pumping stations. *See Policy AW-2.3.7: Near Southeast Historic Identity*.

### **Office of Planning Reports**

58. By report dated October 16, 2015, OP recommended approval of the PUD and related Zoning Map amendment, subject to several conditions to which the Applicant agreed at the public hearing. (Ex. 23.) In its report, OP stated that the PUD and map amendment would not be inconsistent with the maps and written elements of the Comprehensive Plan, and asserted that the Project would further many major policies from various elements of the Comprehensive Plan, including the Land Use, Transportation, Environmental Protection, Economic Development, Urban Design, Infrastructure, and Lower Anacostia Waterfront/Near Southwest Area Elements.

59. By report dated December 7, 2015, OP stated that it had participated in the discussions that lead to the changes stated in the Applicant's November 30<sup>th</sup> letter, that OP had no objection to the proposed additional zoning relief requested, and that OP supported conditions in the PUD order clarifying the responsibilities and encouraging coordination between the Applicant and Forest City for the two developments in the future. (Ex. 36.)

### **DDOT Reports**

60. By report dated October 23, 2015, DDOT stated that it had no objection to the requested PUD, with a number of conditions. (Ex. 25.) Following the public hearing, the Applicant met with DDOT to review DDOT's proposed conditions and to provide the information requested by DDOT. As a result of these meetings, the Applicant agreed to the following conditions:
- a. The Applicant shall provide a bicycle repair facility within the guard booth/bicycle storage area;
  - b. The Applicant shall provide two showers and individual storage space within work areas for use by employees;
  - c. The Applicant shall provide a TransitScreen or similar device displaying real-time transportation schedules;
  - d. The Applicant shall expand its SmarTrip Transit Benefits Program to cover employees working at the Property which provides a monthly, \$75 transit subsidy for employees that participate;
  - e. In the event that Forest City does not file a building permit for the development of Parcel F1 approved pursuant to Z.C. Order No. 13-05 prior to the issuance of a Certificate of Occupancy for the Project, then DC Water will construct pedestrian improvements meeting DDOT's minimum standards along the south side N Place, S.E. from First Street, S.E. to the closed portion of Canal Street, S.E.;
  - f. In the event that Forest City does not file a building permit for the development of Parcel F1 approved pursuant to Z.C. Order No. 13-05 (or any extension thereof) by February 7, 2018, DC Water will perform a signal warrant analysis post-occupancy of the Project to verify the need for a signal at N Place, and if warranted DC Water will install a signal at this location in coordination with DDOT; and
  - g. Prior to any construction by Forest City on Parcel F1, DC Water will work with Forest City and the District to ensure that any parking spaces located on Parcel F1 and serving DC Water are relocated (at no expense to DC Water) by Forest City or the District to a location in close proximity to the Property, and that the parking

spaces are located such that there are adequate pedestrian improvements for employees to access the Property.

61. The Commission finds that based on the conditions listed above, the Applicant adequately addressed each of DDOT's concerns.
62. On December 7, 2015, DDOT submitted a report stating that it reviewed the Applicant's post-hearing submissions and supported the changes offered therein. (Ex. 37.)

### **ANC Report**

63. By letter dated October 1, 2015 (Ex. 19), ANC 6D recommended approval of the PUD and related map amendment. The ANC letter asserted that the Project includes substantial public benefits and amenities, and noted support for the requested areas of zoning flexibility, which would "have no adverse impacts on the surrounding community, and the project has been designed as a world-class, iconic, and highly sustainable development." The ANC stated that the Project "would be in the overall best interests of the community and affected stakeholders," and recommended that the Commission approve the Project.

### **Forest City**

64. Forest City testified in support of the application at the public hearing, and also provided a written statement in support. (Ex. 29.) At the public hearing Forest City asserted that DC Water had addressed all of its concerns prior to the public hearing, and that the only outstanding issues related to: (i) the future 1½ Street, which runs north-south from the Anacostia River, in between the Property and the Forest City PUD; and (ii) the shared loading and service area located between the Property and the future movie theater located on Forest City's land adjacent to the Property.
65. Subsequent to the public hearing, the Applicant had multiple communications with Forest City to address their concerns. As a result of these communications, and as shown the Plans submitted November 9, 2015, the Applicant revised the project in a number of ways to resolve the issues identified by Forest City. (Ex. 34A1-34A13.) The western boundary line of the PUD was shifted east so that it was consistent with the property line shown in Z.C. Case No. 13-05. The proposed building was also moved to the east. The proposed 1½ Street streetscape geometry was also changed as a result of the eastward shift, and was consistent with the improvements shown in Z.C. Case No. 13-05. The Applicant stated that as a result of these changes, it was no longer necessary to include conditions in the Order related to the 1½ Street streetscape, and all the legal issues raised by Forest City related to potentially overlapping PUDs were resolved.



66. Forest City submitted a letter dated December 7, 2015 stating that as a result of the understanding it reached with the Applicant, it supported the application.
67. The Commission finds that the changes made to the project stated in the Applicant's November 30, 2015 letter resolve the concerns raised by Forest City, and will enable both projects to move forward. (Ex. 34.)

### **CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the Property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD complies with the development standards of the Zoning Regulations. The proposed office use is appropriate for the Property and the impact of the Project on the surrounding area and the operation of city services is acceptable, given the quality of the public benefits in the Project. Accordingly, the Project should be approved.
5. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
6. The Applicant's request for flexibility from the Zoning Regulations is not inconsistent with the Comprehensive Plan. The Commission also concludes that the project benefits and amenities are reasonable trade-offs for the requested development flexibility in accordance with 11 DCMR §§ 2400.3 and 2400.4.

7. Approval of this PUD is appropriate because the proposed development is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The proposal to rezone the Property from the CG/W-2 Zone District to the CG/CR Zone District is not inconsistent with the Property's designation on the Future Land Use Map and the Generalized Policy Map.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2012 Repl.)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 6D's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review and approval of a planned unit development and related map amendment from the CG/W-2 Zone District to the CG/CR Zone District for part of Lot 805 in Square 744S and part of Lot 801 in Square 744SS. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

#### **A. Project Development**

1. The Project shall be developed in accordance with the architectural plans and elevations dated October 6, 2015 (Ex. 20A1-20A10), as modified by the supplemental plans dated November 30, 2015 (Ex. 34A1-34A13), and the supplemental roof sheet plan dated December 21, 2015 (Ex. 39A) (together, the "Plans"), and as modified by the guidelines, conditions, and standards of this Order.

2. In accordance with the Plans, the Applicant shall develop the Subject Property with a new office building consisting of approximately 160,634 square feet of gross floor area (1.43 FAR) and a maximum building height of 100 feet, not including the roof structures. The PUD shall include 20 off-street parking spaces on the Property and a minimum of 50 additional off-street parking spaces located on property owned or controlled by DC Water or otherwise in close proximity to the Property.
3. The Applicant shall have zoning relief with the PUD in the following areas:
  - a. To not provide the required public space at ground level adjacent to the entrance of the building due to the enhanced security measures that must be undertaken at the Property;
  - b. To provide 20 off-street parking spaces located on the Property and a minimum of 50 additional off-street parking spaces located on property owned or controlled by DC Water, or otherwise in close proximity to the Property;
  - c. To provide two roof structures, both of which are not set back at a 1:1 distance from the surrounding enclosing walls, and one of which has multiple heights;
  - d. To obtain a building permit based upon a plat of computation in lieu of a record lot as required pursuant to 11 DCMR § 3202.3; and
  - e. To permit a three-foot side yard from the western property line in lieu of a 25-foot side yard required by 11 DCMR § 637.2.
4. The Applicant shall also have design flexibility with the PUD in the following areas:
  - a. 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 building;
  - b. To vary the location and arrangement of parking (vehicular and bicycle) spaces;
  - c. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the Project is not below 80 points under the LEED-Platinum rating standards;

- d. 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 without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: curtain wall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit; and
- e. To adjust the grading along the portion of the site adjacent to the southern edge of Forest City's proposed movie theatre site if DC Water determines such adjustments are necessary and do not materially change DC Water's approved PUD plans and do not adversely impact the operations of DC Water's facilities.

**B. Public Benefits**

1. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a)) – **For the life of the Project**, the Project shall be developed in accordance with the Plans, as modified by the guidelines, conditions, and standards of this Order. In accordance with the Plans, the Applicant shall develop the Property with a new office building consisting of approximately 160,634 square feet of gross floor area and a maximum building height of 100 feet, not including roof structures. The Project shall include the landscape and sustainability features included on Sheets L01-L22 of the Plans (Ex. 20A2-20A3), the landscape elements shown on the Green Area Ratio (“GAR”) Scorecard on Sheet A502 of the Plans (Ex. 20A9), and the sustainability features included on the LEED Scorecard on Sheet A501 of the Plans (Ex. 20A9).
2. Environmental Benefits (11 DCMR § 2403.9(h)) – The Applicant shall provide the following environmental benefits:
  - a. **Prior to the issuance of a building permit**, the Applicant shall register the Project with the USGBC to commence the LEED certification process under the USGBC's LEED for New Construction v2009 standards, and shall submit evidence to the Zoning Administrator that the building has been designed to include a sufficient number of points to achieve LEED-Platinum certification. Within 12 months after the issuance of the Certificate of Occupancy, the Applicant shall submit a completed certification application to USGBC for review for LEED-Platinum

certification by the Green Building Certification Institute or similar organization;

- b. **For the life of the Project**, the Property shall capture 100% of its rainwater and shall reuse it for 100% of the non-potable purposes on the Property. The techniques used in capturing and reusing rainwater shall be featured in the main lobby as a teaching tool;
- c. **Prior to the issuance of a Certificate of Occupancy for the building and for the life of the Project**, the Applicant shall submit to DCRA evidence that it has:
  - i. Installed bioswales on the Property, incorporated water efficient landscaping, and incorporated water use reduction techniques;
  - ii. Incorporated alternative energy technologies, such as optimized energy performance indicators, enhanced commissioning, and/or refrigeration management systems;
  - iii. Incorporated features to maximize daylighting and views and to minimize the use of electric lighting;
  - iv. Incorporated low-emitting, recycled, and regional building materials; and
  - v. Utilize reclaimed materials in the construction of the building.

3. **Transportation Benefits (11 DCMR § 2403.9(c))**

- a. **Prior to issuance of a Certificate of Occupancy for the building and for the life of the Project**, the Applicant shall undertake the following activities to promote effective and safe vehicular, bicycle, and pedestrian access to the Property:
  - i. Provide 20 off-street vehicle parking spaces on the Property. The Applicant shall also have the flexibility to provide a minimum of 50 off-street parking spaces on property owned or controlled by DC Water within the boundary of the “Existing DC Water Campus Boundary,” as shown on Sheet G.02 labeled “Contextual Site Plan” of the Plans dated October 6, 2015 (Ex. 20A1) or otherwise in close proximity to the Property;

- ii. Provide a minimum of 16 covered and secure bicycle racks on the Property, as shown on Sheets L02, L03, and A425 of the Plans dated October 6, 2015 (Ex. 20A2, 20A8);
  - iii. Identify a TDM leader for planning, construction, and operations, and provide DDOT/Zoning Enforcement with annual TDM Leader contact updates;
  - iv. Post all TDM commitments on DC Water intranet, publicize availability to employees and allow employees to see what commitments have been promised;
  - v. Provide a bicycle repair facility within the guard booth/bicycle storage area;
  - vi. Provide two showers and individual storage space within work areas for use by employees;
  - vii. Provide a TransitScreen or similar device displaying real-time transportation schedules; and
  - viii. Expand its SmarTrip Transit Benefits Program to cover employees working at the Property which provides a monthly, \$75 transit subsidy for employees that participate;
- b. In the event that Forest City does not file a building permit for the development of Parcel F1 approved pursuant to Z.C. Order No. 13-05 prior to the issuance of a Certificate of Occupancy for the Project, then DC Water will construct pedestrian improvements meeting DDOT's minimum standards along the south side of N Place, S.E. from First Street, S.E. to the closed portion of Canal Street, S.E.;
  - c. In the event that Forest City does not file a building permit for the development of Parcel F1 approved pursuant to Z.C. Order No. 13-05 (or any extension thereof) by February 7, 2018, DC Water will perform a signal warrant analysis post-occupancy of the Project to verify the need for a signal at N Place, and if warranted DC Water will install a signal at this location in coordination with DDOT; and
  - d. Prior to any construction by Forest City on Parcel F1, DC Water will work with Forest City and the District to ensure that any parking spaces located on Parcel F1 and serving DC Water are relocated to a location in close proximity to the Property, and that the parking spaces are located such that



there are adequate pedestrian improvements for employees to access the Property.

4. Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I)) - **Prior to the issuance of a Certificate of Occupancy for the building and for the life of the Project**, the Applicant shall submit to DCRA evidence that the Applicant has undertaken the following actions:
  - a. Established guidelines such that the Property will be open to visitors who have official DC Water business to conduct;
  - b. In the main building lobby of the Project, installed interpretative and educational displays for the posting of community news and events and provided windows into the O Street Pumping Station; and
  - c. Created a program that provides scheduled, guided tours of the building to educate the public about DC Water operations in the community and the history of Main Pump Station.

C. Miscellaneous


1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
3. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 15-14. Within such time, an application must be filed for a building permit for the construction of the Project as specified in 11 DCMR § 2409.1. Construction of the Project must commence within three years of the effective date of Z.C. Order No. 15-14.

4. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identification or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On December 14, 2015, upon a motion by Vice Chairperson Cohen, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On February 8, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on March 11, 2016.

  
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**ANTHONY J. HOOD**  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
**SARA A. BARDIN**  
DIRECTOR  
OFFICE OF ZONING