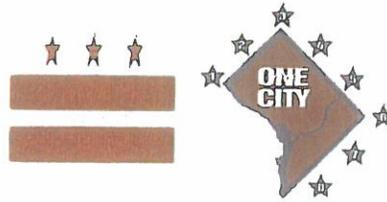


GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR



February 10, 2014

Mary Carolyn Brown  
Holland & Knight LLP  
800 17th Street, N.W., Suite 1100  
Washington, D.C. 20006

Re: McMillan Sand Filtration Facility – Square 3128, Lot 800  
Building Connection for Proposed Health Care Facility

Dear Ms. Brown:

This letter confirms our discussions on December 27, 2013, regarding the above-grade connection between two segments of the proposed Health Care Facility ("HCF") in the planned unit development ("PUD") for the McMillan Sand Filtration Facility, now pending before the Zoning Commission in Case No. 13-14. As described below, I conclude that the east and west segments of the HCF are connected at or above the main floor and thus constitute a single building for zoning purposes.

Background

The proposed HCF is located at the north end of the McMillan Sand Filtration site, with frontage on North Capitol Street, N.W., Michigan Avenue, N.W., and First Street, N.W., as shown on the attached drawing. The HCF is part of the larger PUD project recently submitted to the Zoning Commission. The property is owned by the District of Columbia and being developed by Vision McMillan Partners.

The 25-acre PUD site is part of the larger McMillan Park Reservoir historic landmark, which spans both sides of First Street, N.W. The redevelopment plan has been reviewed by the Historic Preservation Review Board and requires the retention of the above-grade historic resources, including the "North Service Court" and the associated storage bins, regulator houses, sand washings and filter portals, and service court walls. The North Service Court will be one of three east-west pedestrian and vehicular roadways through site. It will be activated with ground level retail and service uses in the buildings to either side. There is also the potential to use some of the historic structures for small retail space or booths. The elevation from the North Service Court to Michigan Avenue rises by approximately 12 feet.

## The Building Connection

The HCF is composed of two building masses connected at the grade level of the North Service Court, as shown on the attached drawings. At the Michigan Avenue level, which is one floor above the North Service Court level, a private street separates the two building segments into an east and west half. This private street, designated as Half Street, slopes downward from Michigan Avenue to the North Service Court. Principle entrances to the HCF are located on the main floor of the building at the North Service Court; retail shop entrances and a parking garage entrance are also located at this main level. Pedestrians can enter the west wing of the HCF on this level and walk through the building to the east wing, and vice versa, as shown on the attached drawing. Principle entrances to the HCF are also located at the Michigan Avenue level of the building. However, pedestrians cannot enter the west wing of the HCF on this level and walk through the building to the east wing. The east and west wings are separated at this level by Half Street.

## Analysis

Given the number of principal entrances at different levels of the building, you have asked me to confirm that the North Service Court level may be treated as the main floor of the building such that the HCF will constitute a single building for zoning purposes. Two definitions, as per 11 DCMR § 199.1, are key to my analysis: those of "building" and "main floor," as follows:

**Building** – a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be constructed as making the structure one (1) building.

**Main Floor** – the floor of the story in which the principal entrance of a building is located.

Based on the attached drawings, I conclude that the main floor of the HCF building is at the North Service Court level. There are numerous principal entrances to the building at that level, including the main doors to the east and west wings of the HCF, and access to retail shops and the parking garage. I also conclude that there is meaningful communication between the east and west wings of the HCF on this main floor of the building, which renders it a single building for zoning purposes.

## Conclusion

The Health Care Facility proposed in the PUD for the McMillan Reservoir constitutes a single building for zoning purposes because the main floor of the building is located at the North Service Court and it provides meaningful communication between the east and west wings of the

building. Based on the foregoing analysis, if the building is constructed as shown on the attached drawings, it will constitute a single building for zoning purposes.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachment: Plan Set dated 12-16-13

cc: Whayne S. Quin, Esq., Holland & Knight

File: Det Let re McMillan Site - Sq 3128, Lot 800 Building Connection to Brown 2-10-14