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May 5, 2016

VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

**Re: Request for Minor Modification
 Z.C. Case No. 04-24A and 04-24B
 Second-Stage PUD @ Square 3848, Lot 59**

Dear Members of the Commission:

On behalf of RI Station, LLC (the "Applicant"), we hereby submit this application for minor modifications to the above-referenced second-stage planned unit development ("PUD"), approved pursuant to Z.C. Order No. 04-24A.

This modification request is made pursuant to the Zoning Commission's authority established in Sections 2409.9 and 3030 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). Included with this filing is Z.C. Form 151-Application for a Minor Modification and a check in the amount of \$520.00 to cover the cost of the filing fee. The Applicant respectfully requests that the Zoning Commission consider this at application at its next public meeting.

A. Previously Approved PUD & Subsequent Modification

The first stage PUD and related map amendment were originally approved pursuant to Z.C. Order No. 04-24, dated September 15, 2005, effective October 7, 2005. A copy of the Order is attached hereto as Exhibit A.

ZONING COMMISSION
District of Columbia
CASE NO.04-24C
EXHIBIT NO.1

The Commission approved the second-stage PUD pursuant to Z.C. Order No. 04-24A, dated April 9, 2007, effective September 28, 2007. A copy of that Order is attached hereto as Exhibit B.

Z.C. Order 04-24A approved the construction of a mixed-use town center immediately adjacent to the Rhode Island Avenue-Brentwood Metro Station comprised of approximately 270 rental apartments with a gross floor area totaling approximately 322,000 square feet, and approximately 70,000 square feet of space devoted to retail uses. The approved development is organized around a “Main Street” running perpendicular to the Metrorail station, with three stories of residential apartments above ground-floor retail uses on both sides of Main Street. Seven thousand square feet of the retail floor area was set aside for non-credit, community businesses. The project also included approximately 531 garage and on-street parking spaces.

The second-stage PUD Order was subsequently modified pursuant to Z.C. Order No. 04-24B, dated May 12, 2008, effective May 7, 2011. A copy of that Order is attached hereto as Exhibit C. Z.C. Order No 04-24B approved a minor modification to Order No. 04-24A to replace up to 14,000 square feet of the 70,000 square feet of gross floor area set aside for retail uses with floor area dedicated to office use. The reason for the minor modification was that the District of Columbia government was interested in leasing office space for a community-service oriented use, such as a local Department of Motor Vehicles or Tax Payer Services office.

B. Minor Modification Requested

Section 3030.1 of the Zoning Regulations allows the Commission to approve “minor modifications and technical corrections to previously approved final orders, rulemaking, or other actions of the Commission, including corrections of inadvertent mistakes.” The Applicant respectfully requests that the Commission revise Condition 3 of Z.C. Order 04-24A to state the following:

3. The Project shall be a mixed use town center developed as depicted in the final plans approved in the second-stage application. The project will consist of approximately 370 rental apartments totaling approximately 322,000 square feet of gross floor area; 70,000 gross square feet of retail uses; additional ground floor uses for community businesses; and approximately 531 garage and on-street parking space. **Up to 21,000 gross square feet of the gross floor area reserved for retail uses may be used for customer service oriented office use such as a tax professional, a medical or dental office, an insurance provider, a local real estate office, or other similar use.**

As stated above, Condition 3 of Z.C. Order No. 04-24A was modified by Order No. 04-24B to state that “[u]p to 14,000 gross square feet of the gross floor area reserved for retail uses may be used for office use.”

The modification is only to square footage adjustments within the building envelope. The modification does not change any of the zoning parameters for the approved PUD (e.g., use, height, FAR, parking, building design). The minor square footage adjustment is necessary to accommodate businesses that are currently interested in leasing the ground floor commercial space.

The Applicant believes that the requested modification is consistent with the design standards and plans approved under the PUD. Each office space will include the following characteristics: (i) active storefront windows that would contribute to the lively pedestrian environment envisioned for the development; and (ii) no physical alterations to the approved site plan and/or approved traffic circulation patterns. The proposed increase in office uses is also consistent with the overall vision for the development approved under PUD order No. 04-24A. The Order described the development as a vibrant, Class A, mixed-use town center offering new community-serving commercial uses and high quality mixed income apartments. The proposed office uses will be consistent with Class A office uses elsewhere in the District. In addition, the office uses will increase the daytime population around the PUD and bring vitality and diversity to the "Main Street" by reducing the amount of vacant store frontage on the ground floor. Furthermore, the increased office use square footage will offer more patrons for the retail uses that are currently located on the Property. Any office uses will also be a customer service oriented use such as a tax professional, a medical or dental office, an insurance provider, a local real estate office, or other similar use.

C. Jurisdiction of the Zoning Commission and Compliance with Standards

Section 3030 of the Zoning Regulations provides for an expedited "Consent Calendar" procedure, allowing the Zoning Commission to make minor modifications and technical corrections to an approved PUD Order without need for a public hearing. Pursuant to Section 3030.2, "minor modifications" are those modifications of little or no consequence. This request does not affect the essential elements of the approval given by the Zoning Commission for the development including height, gross floor area, lot occupancy, setbacks, open spaces, parking or loading, or the public benefits and amenities. Accordingly, the request falls within the scope of this section.

As provided in Section 3030.13 of the Regulations, "all relief granted by the Commission under this section shall be consistent with the intent of the Commission in approving its original order, map, plan, rulemaking, or other action or relief proposed to be modified or corrected and shall not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map." As indicated by the information presented herein, the project is consistent with the intent of the Commission's original approval and the minor change requested will not substantially impair the intent, purpose or integrity of the zone plan.

D. Conclusion

The Applicant respectfully requests approval of this minor modification to the PUD Order. This request results in no changes to the overall height, density, use, manner of operation, parking or loading, exterior appearance or finish of the project, the public benefits and project amenities, or any other aspect of the approved project. As required by Section 3030.13, this minor modification is consistent with the intent of the Commission in approving the original PUD and will not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map. Accordingly, a minor modification is appropriate.

If the Zoning Commission determines that the proposed modification is not minor, then the Applicant respectfully requests that the Commission treat this filing as a prehearing submission and schedule a public hearing on the proposed modification application as expeditiously as possible

Respectfully submitted,

HOLLAND & KNIGHT LLP


Wayne S. Quin

Steven E. Sher
Director of Zoning and Land Use Services

Joseph O. Gaon*

Attachments

cc: Parties to the Original Case (see Proof of Service)
Jennifer L. Steingasser, Office of Planning (Via Hand Delivery; w/attachments)

* Not yet admitted to the District of Columbia Bar; admitted in NJ and NY only and practicing under the supervision of lawyers licensed to practice in the District of Columbia.

PROOF OF SERVICE

I hereby certify that on May 5, 2016 a copy of this Request for Minor Modification to a PUD (Zoning Commission Order No. 04-24A) was served on the following in accordance with 11 DCMR § 3030.6:

Advisory Neighborhood Commission 5B
1920 Irving Street, NE
Washington, DC 20018

(Via U.S. Mail)

Advisory Neighborhood Commission 5C*
PO Box 91902
Washington, DC 20090

(Via U.S. Mail)



Joseph O. Gaon
Holland & Knight LLP

*At the time this case was approved, ANC 5B was the ANC in which the property was located. However, the boundary lines have changed and the property is now located in 5C; therefore, we have also served a copy on ANC 5C.

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