

BEFORE THE

ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

PARCEL 1
SOUTHWEST WATERFRONT
(SQUARE 0473, LOTS 854 & 856)
SOUTHWEST WASHINGTON, D.C.

Z.C. CASE NO. 11-03C

PREHEARING STATEMENT OF THE APPLICANT
FOR A
SECOND-STAGE
PLANNED UNIT DEVELOPMENT

NOVEMBER 5, 2015

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DEVELOPMENT TEAM

Applicant & Developer	Wharf District Master Developer LLC 690 Water Street, SW Washington, DC 20024
Property Owner	District of Columbia Office of the Deputy Mayor for Planning and Economic Development 1350 Pennsylvania Ave., NW, Suite 307 Washington, D.C. 20001
Architect (Parcel 1)	Kohn Pedersen Fox Associates 11 West 42 nd Street New York, NY 10036
Architect of Record (Parcel 1)	FOX Architects 1121 14 th Street, NW, 3 rd Floor Washington, DC 20005
Architect (Market Shed)	McGraw Bagnoli Architects 2031 Florida Avenue, NW Washington, DC 20009
Landscape Architect	Landscape Architecture Bureau 714 7 th Street, SE Washington, DC 20003
Civil Engineer and Surveyor	A. Morton Thomas & Associates, Inc. 10 G Street, NE, Suite 430 Washington, DC 20002
Traffic and Transportation	Gorove/Slade Associates, Inc. 1140 Connecticut Avenue, NW, Suite 700 Washington, DC 20036
Retail Consultant	Streetsense 3 Bethesda Metro Suite 140 Bethesda, MD 20814
Structural Engineer (Parcel 1)	Thornton Tomasetti 2000 L Street, NW, Suite 600 Washington, DC 20036
Structural Engineer (Market Shed)	Ehlert Bryan Engineers 1451 Dolley Madison Blvd, Suite 220 McLean, VA 22101-3812

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LIST OF EXHIBITS

Exhibit	Description
A	Responses to Zoning Commission and Office of Planning comments.
B	Pages from approved First-Stage PUD showing view corridor from Banneker Overlook to the Washington Channel
C	Supplemental and Revised Architectural Plans and Drawings
D	List of the Applicant's Witnesses and Estimated Time Required For Presentation of Applicant's Case
E	Outline of Testimony of Shawn Seaman on behalf of Wharf District Master Developer LLC
F	Outline of Testimony and Resume of Douglas Hocking on behalf of Kohn Pedersen Fox Associates
G	Outline of Testimony and Resume of Jonathan Fitch on behalf of Landscape Architecture Bureau
H	Outline of Testimony and Resume of Robert Schiesel on behalf of Gorove/Slade Associates, Inc.
I	Outline of Testimony and Resume of Shane L. Dettman on behalf of Holland & Knight LLP.
J	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
K	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property

CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this application, one original and seven copies of which were filed with the Zoning Commission on October 5, 2015, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

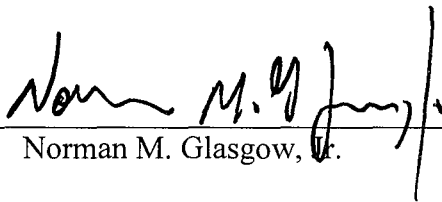
<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Zoning Commission and Office of Planning	Exhibits A, B, & C
3013.1(b)	List of Witnesses	Exhibit D
3013.1(c)	Outline of Testimony of Applicant's Witnesses and Resumes of Experts	Exhibits E-I
	Shawn Seaman Wharf District Master Developer LLC	Exhibit E
	Doug Hocking Kohn Pedersen Fox Associates	Exhibit F
	Jonathan Fitch Landscape Architecture Bureau	Exhibit G
	Robert Schiesel Gorove/Slade Associates, Inc.	Exhibit H
	Shane L. Dettman Holland & Knight LLP	Exhibit I
3013.1(e)	Supplemental and Revised Architectural Plans and Drawings	Exhibit C
3013.1(f)	List of Maps, Plans or other Documents Readily Available To the Public That May Be Offered Into Evidence	Exhibit J

3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit D
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit K

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: 
Norman M. Glasgow, Esq.

I. INTRODUCTION

This Prehearing Statement and the attached documents are submitted by Wharf District Master Developer LLC, on behalf of the District of Columbia through the Office of the Deputy Mayor for Planning and Economic Development (DMPED), the owner of the property described below (collectively the “Applicant”), in support of its application to the Zoning Commission of the District of Columbia (the “Commission”) for second-stage Planned Unit Development approval of a mixed-use building containing office and retail and service uses, associated open space, and a standalone, one-story retail building (the "Second-Stage PUD"), in accordance with the Zoning Commission's approval in Zoning Commission Case No. 11-03 ("Order No. 11-03").

The subject property collectively includes the land area comprising Parcel 1, Market Square and Market Shed (the “Subject Property”) of the planned redevelopment of the Southwest Waterfront. The redevelopment project divides the Southwest Waterfront into eleven mixed-use building parcels and contains approximately 991,113 square feet, or 22.75 acres (the “PUD Site”). The PUD Site is bounded by the Washington Channel of the Potomac River on the southwest and Maine Avenue on the northeast between 6th and 11th Streets, SW. The Maine Avenue Municipal Fish Market is located immediately northwest of the PUD Site. The Subject Property is located at the northern end of the PUD Site and has a total land area of approximately 57,549 square feet, with Parcel 1 encompassing approximately 32,229 square feet, and Market Square, within which Market Shed will be located, consisting of approximately 25,320 square feet.

Pursuant Order No. 11-03, the Zoning Commission approved a mixed-use development comprising approximately 3,165,000 GFA of landside development, or an aggregate 3.87 floor area ratio (FAR), excluding the private streets within the PUD Site. The First-Stage PUD also includes approximately 114,000 GFA of waterside development, equating to an approximate density of 0.68 FAR. Generally the range of landside uses approved by the Commission includes

mixed-income and market rate residential, with a considerable amount of housing set aside for households earning no more than 30 percent and 60 percent of the Washington area median income (“AMI”); office; hotel; retail and service; and cultural and entertainment uses. The landside development also includes more than twelve acres of parks and open space. The approved waterside development will feature four public or private use piers, as well as maritime-related commercial development.

With regard to the map amendments related to the First-Stage PUD, the Commission approved rezoning of the PUD Site to C-3-C, with the exception of Parcel 11, which was rezoned to R-5-B, and Parcel 10, which maintained its existing zoning of W-1. In addition, the W-1 District was extended into the Washington Channel to new pierhead lines.

The Commission also approved the phased redevelopment of the PUD Site, and zoning flexibility for lot occupancy on Parcel 11, as well as flexibility in the precise mix of uses in the overall redevelopment project. Since approving the First-Stage PUD, the Commission has granted second-stage PUD approvals to Parcels 2, 3, 4, and 11 (Z.C. Case No. 11-03A), and for Parcel 5 (Z.C. Case No. 11-03B). Both of these second-stage approvals also included approval of components of the waterside development, piers, parks and open spaces, ancillary buildings, and other adjacent spaces.

The Second-Stage PUD application requests approval of the Parcel 1 Building, a mixed-use building containing office and retail and service uses with approximately 245,712 square feet of gross floor area (GFA) and 7.6 floor area ratio (FAR). The building will also contain approximately 11,292 GFA (0.35 FAR) of habitable penthouse space, which the Applicant is requesting flexibility for. As proposed, the building will have a maximum height of 130 feet. The Applicant also requests Commission approval of Market Square, an active, open-air plaza located

to the northwest of the Parcel 1 Building, which includes Market Shed, a one-story building containing approximately 3,050 GFA (0.1 FAR) of retail uses. Parking for the Parcel 1 Building will be located within a portion of the below-grade garage that has already received Commission approval, and is currently under construction. Loading facilities will be located within the ground-floor of the building.

The Applicant originally filed its application statement and supporting documents with the Commission on August 17, 2015 (the "Initial PUD Submission"). The Initial PUD Submission sets forth in detail the proposed development, project design, initial requested areas of zoning and design flexibility, and a discussion of how the project meets the applicable review and approval requirements.

The Office of Planning, by report dated October 9, 2015, recommended that the Commission schedule a public hearing on the application. At the public meeting on October 19, 2015, the Commission voted to set down the application as a contested case. This Prehearing Submission includes the information requested by the Commission and the Office of Planning within a narrative and set of supplemental and revised architectural drawings attached hereto as Exhibits A – C. The drawings contained in Exhibit C include the sheets contained in the Applicant's initial application that have been modified in response to comments provided by the Commission and OP during setdown. These modified sheets are highlighted in the table of contents. In addition, Exhibit C includes an appendix containing new drawings prepared in response to comments regarding the Applicant's request for flexibility to permit a 20-foot penthouse height and to modify the proposed façade material, and information pertaining to the comment regarding the portion of the Maine Avenue façade adjacent to the loading area.

II. ISSUES/CONCERNS RAISED BY THE COMMISSION AND THE OFFICE OF PLANNING

At its public meeting of October 19, 2015, the Commission voted to schedule a public hearing for the application. During the Commission's deliberations, the Commissioners requested additional information regarding the design and programmatic intent of Market Square and Market Shed, including information regarding the relationship of the low-scale Market Shed structure to the higher-scale Parcel 1 Building, and the relationship of the current proposal to views of the Washington Channel from Banneker Overlook. The Commission also asked for information regarding the primary pedestrian circulation to and through Market Square and between the Parcel 1 Building and the Fish Market.

The Commission and the Office of Planning (OP) made similar comments and requests on certain items. First, there were comments made regarding the Applicant's request for roof structure setback flexibility and compliance with the 1910 Height of Building's Act (the "Act"). Specifically, OP noted in its setdown report that while it supported the proposed design, setback relief above the Height Act limit of 130 feet could not be granted through zoning. The Applicant has provided information clarifying that for purposes of measuring compliance with the Act, the requested relief can be granted without violating federal law.

The Commission and OP also both requested the Applicant to evaluate the portion of the Maine Avenue façade adjacent to the loading area to see if this corner of the building could be activated with a small retail use, and to provide an update on the Applicant's implementation of certain public benefits and amenities, including the status of implementing the Workforce Intermediary Program (WIP), effectiveness of efforts thus far to employ CBE firms for construction activities, and for a status on the Environmental Assessment being prepared for the temporary staircase from Banneker Overlook to Maine Avenue.

A summary of all comments and requests made by the Commission and OP, as well as the Applicant's response such comments and requests is attached as Exhibits A & B. In addition, the Applicant has prepared a set of supplemental and revised architectural plans and drawings which are included as Exhibit C of this Prehearing Statement. As noted above, the drawings contained in Exhibit C include sheets contained in the Applicant's initial application that have been modified, and new drawings prepared in response to comments provided by the Commission and OP during setdown.

III. ADDITIONAL REQUIREMENTS OF SEC. 3013 OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013.1(b) of the Zoning Regulations, a list of potential witnesses prepared to testify at the public hearing on behalf of the Applicant is attached as Exhibit D.

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of those persons who may be called to testify at the public hearing, and resumes for those witnesses that may be proffered as experts in their respective professions, are attached as Exhibits E – I.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Section 3013.1(f) of the Zoning Regulations, and attached hereto as Exhibit J, the Applicant provided a list of maps, plans, and other documents that are readily available to the general public and which may be offered into evidence at the public hearing.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Section 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is forty (40) minutes.

E. Names and Addresses of Owners of Property Within 200 Feet of Property

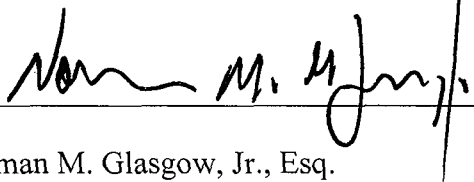
In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the Subject Property is attached as Exhibit K.

IV. CONCLUSION

For the foregoing reasons, the Applicant submits that the proposed Second-Stage PUD meets the standards of Chapter 24 of the Zoning Regulations and the standards for approval. Accordingly, the Applicant requests that the Commission approve the application.

Respectfully submitted:

HOLLAND & KNIGHT LLP

By: 

Norman M. Glasgow, Jr., Esq.