

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Norman M. Glasgow, Jr.
202.419.2460
norman.glasgowjr@hklaw.com

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VIA HAND DELIVERY

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

Re: Zoning Commission Case No. 14-08 (Portner Place, LLC - Consolidated PUD and Related Map Amendment @ Square 204, Lot 208) - Supplemental Prehearing Materials

Dear Members of the Zoning Commission:

On behalf of Portner Place LLC, as Applicant in the above-referenced case, we hereby submit this supplemental prehearing statement and attached documents in support of an application for approval of a planned unit development ("PUD") and zoning map amendment to rezone Lot 208 in Square 204 (the "Site") from the R-5-B District to the R-5-D and CR Districts. This statement includes information that supplements the original application filed with the Zoning Commission on May 23, 2014, as revised by the Applicant's prehearing statement filed on July 18, 2014.

As described in detail in the Applicant's initial application submission, and in the report filed by the Office of Planning, the Applicant's request to rezone the Site from the R-5-B District to the R-5-D and CR Districts is not inconsistent with the Comprehensive Plan, given the Site's designation as Medium Density Residential on the Comprehensive Plan Future Land Use Map and because the requested map amendment meets all applicable standards for approval. This supplemental prehearing submission supplements the record and includes revised development plans and additional information in further support of the application.

I. Revised Architectural Plans and Elevations

At its public meeting on June 30, 2014, the Zoning Commission voted to schedule a public hearing for the application and instructed the Applicant to provide a more simplified façade design. The Office of Planning also requested the Applicant to provide additional street-level renderings that provide more realistic detail as to the project's proposed materials and signage. As shown on the Revised Architectural Plans and Elevations (the "Revised Plans"), attached hereto as Exhibit A, the Applicant simplified the façade design and prepared more detailed renderings of the U and V Street frontages. Based on the recommendation from staff at

the Historic Preservation Office, attached hereto as Exhibit B, on May 1, 2014, the Historic Preservation Review Board voted unanimously to approve the revised project design (*see* May 1 HPRB Actions, attached as Exhibit C).

II. Revised Floor Area Ratio Calculation and Zoning Boundary Line

On September 3, 2014, the Applicant notified the Zoning Commission and owners of property within 200 feet of the Site of the revised FAR calculation and zone boundary line. Consistent with that modification, set forth below is a description of the revision.

In its prehearing statement, the Applicant proposed to divide the Site into Wing A to the north and Wing B to the south. Wing A was to be rezoned to the R-5-D District with a floor area ratio ("FAR") of 4.10 (91,012 square feet of gross floor area) and a maximum height of 75 feet, 8 inches. Wing B was to be rezoned to the CR District with an FAR of 7.52 (230,917 square feet of gross floor area) and a maximum height of 105 feet, 8 inches. The overall FAR was a total of 6.82. Due to a mathematical inaccuracy noted by the Applicant's architect in early September, 2014, the Applicant revised the FAR calculations for the PUD, such that the correct FAR for Wing A is 4.725 and the correct FAR for Wing B is 8.27. The overall FAR for the Site remains at 6.82.

The revision to the FAR calculations does not change the proposed building size, height, lot occupancy, configuration, or gross floor area, but simply amends the FAR computation. However, in order to stay within the maximum permitted FAR in the R-5-D and CR Districts, the Applicant shifted slightly the proposed zoning boundary line that bisects the Site. As originally proposed, the boundary line between the R-5-D and CR Districts was the same line that divided Wing A and Wing B. This line was located approximately 125 feet, 9 inches from the northern property line and approximately 194 feet, 3 inches from the southern property line, such that 16,473.25 square feet of land area was located in the R-5-D District to the north, and 30,696.75 square feet of land area was located in the CR District to the south. The Applicant now proposes to jog the zone boundary line such that approximately 19,262 square feet of land area is located in the R-5-D District and approximately 27,907 square feet of land area is located in the CR District.

III. Flexibility from FAR Requirements Section 2405.3

Due to the revisions to the Site's FAR described above, the Applicant requests that the Commission authorize an increase in FAR for the PUD Site. Pursuant to section 2405.3 of the Zoning Regulations, the Commission may authorize up to a five percent increase in the maximum FAR for a PUD, provided that the increase is essential to the successful functioning of the project, consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations. The Applicant requests the following FAR increase:

1. For the R-5-D District, an increase in FAR from 4.5, as permitted by 11 DCMR § 2405.2, to 4.725 FAR. This increase amounts to a difference of 0.225 FAR (five percent); and

2. For the CR District, an increase in FAR from 8.0, as permitted by 11 DCMR § 2405.2, to 8.27 FAR. This increase amounts to a difference of 0.27 FAR (3.37 percent).

The requested FAR increase is essential to the successful functioning of the project since it will allow the Applicant to maximize the number of affordable units in the PUD. The provision of 96 affordable units marketed to households earning between 50 and 60 percent of the area medium income ("AMI"), as proposed, substantially exceeds the amount of affordable housing that would be developed on the Site as a matter of right and at a significantly deeper subsidy. This new, high quality, affordable housing supply will benefit the immediate area, the District as a whole, and is consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. Furthermore, the density of the proposed building is appropriately dispersed on the Site and relates well to the surrounding buildings and the different character of the U and V Street frontages. Overall, the project will provide significant new housing opportunities to District residents and will help to rejuvenate the surrounding neighborhood by providing new retail opportunities and an improved pedestrian experience at the street level.

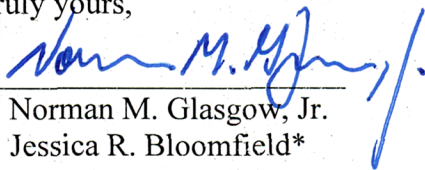
IV. Additional Items

In addition to the revisions to the Architectural Plans and Elevations, the FAR calculation, and the zone district boundary line, the Applicant also submits the following items:

1. A Traffic Impact Study, prepared by Gorove/Slade Associates, which reviews the transportation aspects of the PUD (Exhibit D); and
2. A resolution from ANC 1B, dated September 26, 2014, indicating that on September 4, 2014, at its duly noticed meeting at which a quorum was present, ANC 1B voted 8-0-0 to support the Applicant's request for approval of a consolidated PUD and zoning map amendment at the Site (Exhibit E)

Thank you for your attention to this matter. We look forward to making a full presentation at the October 27, 2014, public hearing on this application.

Very truly yours,

By: 
Norman M. Glasgow, Jr.
Jessica R. Bloomfield*

Attachments

cc: Advisory Neighborhood Commission 1B (w/attachments, via U.S. Mail)
Jennifer Steingasser, D.C. Office of Planning (w/attachments, via Hand)
Stephen Gyor, D.C. Office of Planning (w/attachments, via Hand)
Jamie Henson, D.C. Department of Transportation (w/attachments, via Hand)

* Admitted to practice in Pennsylvania. Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(8).