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***goulston&storrs***  
counsellors at law

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Allison C. Prince  
aprice@goulstonstorrs.com  
202-721-1106

Christine A. Roddy  
croddy@goulstonstorrs.com  
202-721-1116

October 15, 2012

Anthony Hood, Chairperson  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW  
Suite 210-S  
Washington, DC 20001

Re: Zoning Commission Case No. 04-14B: Post-Hearing Statement

Dear Chairperson Hood and Members of the Commission:

The Zoning Commission requested additional information at the close of the hearing for the above-referenced case. The Applicant now addresses each of the items requested by the Commission as outlined below:

- Revisions to plans, including: (filed simultaneously herewith)
  - Detailed penthouse plan (with a reduction in the size of the penthouse);
  - Evaluation of tower element on northeastern side of Phase I building;
  - Lighting examples for each lighting element on site;
  - Railing details along Anacostia River;
  - Details for Florida Rock Alley;
  - Green roof;
  - Signage details;
  - Details of trash collection and deliveries; and
  - Details on panels on southern façade.
- Market research report in support of smaller unit types (Exhibit A);
- Conversations with United States Army Corps of Engineers (below);
- Details on the land swap (below); and
- Complete set of plans (submitted as a separate document).

Army Corps of Engineers

The Applicant worked with the Army Corps of Engineers in 2010 to replace the existing pier in the Anacostia River. The Corps approved a permit for the work, a copy of which is attached as Exhibit B. The Applicant is in the process of engaging the Corps once again to secure the requisite permits for the proposed marina.

ZONING COMMISSION  
District of Columbia

ZONING COMMISSION

CASE NO. 04-14B

DISTRICT OF COLUMBIA  
ZONING COMMISSION

EXHIBIT NO. 35

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Land Swap

Since the hearing, the Applicant has conferred with the General Counsel for the Office of Zoning to develop a solution to the land swap concerns raised by the District Department of Transportation. Phases III and IV of the proposed PUD cannot be constructed until a land swap takes place, giving the Applicant title to all of the land within the PUD area. Given the uncertainty with the timing of the land swap and the final configuration of the land to be exchanged, the Applicant is proposing a First Phase PUD for Phases III and IV. In the event the land exchange does not occur as it is currently envisioned, the Applicant and the Zoning Commission can reevaluate those phases when they come before the Commission for Stage II PUD approval. Accordingly, the Applicant has crafted, and the General Counsel for the Office of Zoning does not object to, the following language as a proposed condition of approval:

“For illustrative purposes, the First Stage plans for Phases 3 and 4 show some construction on land adjacent to but not entirely within the confines of Lot 14. These illustrative plans contemplate the land swap that has been discussed with DDOT since 2006 but has not been effectuated. This PUD order affects only Lot 14 and any construction on the adjacent property must be specifically included in the Second Stage PUD application.”

This language will allow the Commission to take action now on Phases III and IV with the assurance that the approval cannot be effectuated unless and until the land is exchanged. The Commission will have an opportunity to confirm the land exchange during the Second Stage PUD process.

Conclusion

We appreciate the Commission’s consideration of this PUD application, as well as the PUD extension request. Given the support this project has received from the community and District agencies, we respectfully request that you approve the application as proposed.

Sincerely,



Allison C. Prince



Christine A. Roddy

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Certificate of Service

A complete copy of the foregoing document was forwarded to the following addresses on October 15, 2012 by first class mail or hand delivery.

Karen Thomas  
Office of Planning  
100 4<sup>th</sup> Street, SW  
Suite E-650  
Washington, DC 20024

Advisory Neighborhood Commission 6D  
1101 4th Street, SW  
Suite W 130  
Washington, DC 20024

Jamie Henson  
District Department of Transportation  
55 M Street, SE  
Suite 400  
Washington, DC 20003

  
Christine Roddy