

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**SUPPLEMENTAL STATEMENT  
IN SUPPORT OF AN APPLICATION FOR A  
CONSOLIDATED PLANNED UNIT  
DEVELOPMENT**

**MIDATLANTIC REALTY PARTNERS, LLC  
Z.C. CASE NO. 06-14D**

**December 29, 2016**

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## I. INTRODUCTION

This prehearing statement is submitted on behalf of MidAtlantic Realty Partners, LLC, (the “Applicant”) in support of its application for a modification of significance for a previously approved planned unit development (“PUD”) for the property located east of the intersection of New York and Florida Avenues, NE (Square 3584, Lots 814, 815, 820, 821, 822) (the “Property”). The Property is within the boundaries of ANC 5E-03. The public hearing on the Application is scheduled for January 19, 2017.

This prehearing statement supplements the original application statement filed with the Zoning Commission on July 18, 2016, and the prehearing statement filed with the Zoning Commission on October 27; and addresses the comments raised by the Zoning Commission at its setdown meeting on October 17, 2016, and the comments raised by the Office of Planning (“OP”) in its setdown report dated October 7, 2016, and during subsequent meetings with the Applicant.

The Property consists of approximately 134,665 square feet of land area. It is within the MU-9 Zone and is currently improved with an apartment house – the Elevation at Washington Gateway – and related amenities. The Property and the said improvements are the subject of Z.C. Order No. 06-14<sup>1</sup>, which granted approval of a consolidated PUD with two buildings. One building originally contained a mix of residential and hotel uses. The other was an office building that had a North Tower and South Tower. Pursuant to Z.C. Order No. 06-14B, the Applicant was granted the option of constructing residential units in lieu of the hotel use. The Applicant now seeks to modify the PUD in order to (i) convert the North Tower of the office building to residential use with approximately 370 units, (ii) reconfigure and redesign the South Tower of the office building, and (iii) have the flexibility to change the South Tower to residential use on the condition that the Applicant comes back to the Zoning Commission to review and approve the changes in the building façade for the residential use.

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<sup>1</sup> ZC Order No. 06-14 (2007) was amended by ZC Order Nos. 06-14A (2009), 06-14B (2011) and 06-14C (2011).

## **II. SUPPLEMENTAL INFORMATION ON THE APPLICATION**

### **A. Updated Architectural Drawings**

The updated set of architectural drawings for this application is attached as Exhibit A. This set replaces and supersedes the drawings previously filed by the Applicant. The architectural drawings were revised as follows:

- Updated/Revised Zoning Table – Sheet G-002.
- Stoop Units at the Metropolitan Branch Trail (the “Trail”) – Sheets L-201 and A-309 shows additional detail on the configuration of the residential stoops, the built in planters and the residential gates.
- Materials – Sheets A-109 and A-110 have been added to give additional information and specifics on the proposed building materials for both the North and South Towers.
- Penthouse and Rooftop Guard Rails – Sheets A-113 and A-114 have been added to give additional information on the locations of rooftop guardrails and penthouse structures that demonstrate the 1:1 setback.
- Trail Connection Lobby – Plans, section, and elevations have been revised to show the changes to the Trail Connection Lobby described above. Sheets A-209 through A-212 show detailed plans and renderings of the proposed design.
- Signage – Sheet A-311 show proposed building signage locations for both the North and South Towers.

### **B. Development Flexibility**

Based on the revised architectural drawings, the Applicant seeks flexibility for the project as follows:

South Tower. The Applicant seeks flexibility to convert the South Tower from office to residential use. If granted and the Applicant proceeds with the residential option, the Applicant shall obtain Zoning Commission approval of the architectural plans for said use prior to the issuance of a building permit for the construction of an apartment house in the South Tower.

The Applicant intends to maintain the mixed use nature of the project so long as the market conditions permit. This flexibility is requested in the interest of efficiency and providing certain assurances for investors. Further, while the change in use constitutes a modification of significance, the proposed residential option would generate fewer vehicular trips during the morning and evening peak hours than the office use.

Loading. Under Subsection B, Chapter 9, the office use requires three 30-foot loading berths and one 20-foot loading berths; the application requires flexibility to have two 30-foot loading berths instead. Also, for the retail use, the Regulations require one 30-foot loading berth; the application requires flexibility to not have a loading berth specifically designated for the retail use.

Additional Development Flexibility. The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for the Property, while at the same time creating a design that does not require flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, in addition to zoning flexibility requested above, the Applicant respectfully requests flexibility in the following areas:

1. To provide a range in the number of units in the North Tower of 370, plus or minus 10 percent.
2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms provided that the variations do not change the exterior configuration of the building;
3. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
4. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and

5. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, conies, railings, roof, skylights, architectural embellishments and trims, or any other minor changes to comply with the District of Columbia Construction Codes or that are otherwise necessary to obtain a final building permit or any other applicable approvals.

**C. Affordable Housing**

The original PUD was approved prior to the effective date of the Inclusionary Zoning regulations. Notwithstanding, as part of the original PUD benefits and amenities package, the Applicant agreed to set aside 8% of the residential units in the residential component of the building be reserved project for households with incomes not exceeding 80% of the area median income (“AMI”). When the PUD was modified in 2011 under ZC Order No. 06-14B, approving residential units in lieu of the hotel use, the Applicant again proffered that 8% of the residential units under the PUD modification would be reserved for households with incomes not exceeding 80% of AMI. All of the affordable units for Phase 1 of the PUD were constructed; and the estimated cost of the subsidized units is approximately \$3.8 million.

The residential use proposed under this PUD Modification will comply with the current inclusionary zoning requirements, which require the following:

- 8% of the residential gross floor area for households with incomes not exceeding 80% of AMI.
- 8% of the floor area for non-communal penthouse habitable space be set aside for households with incomes not exceeding 50% AMI.
- 8% of the floor area for non-residential penthouse space be set aside for households with incomes not exceeding 50% AMI or contribution to the Housing Production Trust Fund.

Under the existing PUD approval, the 600,000 square feet of office use approved for the North and South Towers are exempt from the Inclusionary Zoning Regulations. Under the proposed PUD Modification, the North Tower has approximately 339,543 square feet of residential gross floor area and no non-communal penthouse habitable space. Therefore, approximately 27,164 square feet of residential gross floor area in the North Tower will be reserved for households within incomes not exceeding 80% AMI. The proposed mix and location of the inclusionary zoning units are depicted on Sheet A-310 of the architectural drawings. The South Tower is currently programmed for office use with 5,203 square feet of habitable penthouse space.

Because of the amount of habitable penthouse space exceeds 1,000 square feet, it triggers an affordable housing requirement. Subsection C, §1505.2. The Applicant will make a monetary contribution to the Housing Production Trust Fund, in accordance with §1505.12 - §1505.16, in order to satisfy this affordable housing obligation. If the Applicant were to convert the South Tower to a residential use, approximately 44,496 square feet would be reserved for affordable units.

**D. PUD Benefits/Amenities**

The originally approved PUD included a number of important and substantial project benefits and amenities, with an estimated value of approximately \$8 million. With this PUD Modification, the Applicant will expand the PUD benefits and amenities package to include extended hours for the Trail Connection Lobby and maintenance of light fixtures and landscaping along the Trail. We submit that the following list of PUD benefits and amenities for the project overall is commensurate with the development achieved through the PUD process, including the subject modification.

1. Completed Benefits/Amenities

Housing and Affordable Housing. The original PUD predated Inclusionary Zoning. Notwithstanding, the Applicant reserved 8% of the residential floor area in Phase 1 of the PUD – 33 units -- for households with incomes not exceeding 80% of the area median income (“AMI”). The cost of these subsidized units is approximately \$3.8 million.

Traffic Signal. The Applicant installed a new traffic signal at the intersection of Florida Avenue and 2<sup>nd</sup> Street. This signal provides controlled access to and from the project and also allows for improved vehicular and pedestrian connections across Florida Avenue. The cost of this improvement was approximately \$250,000.

New York Avenue Connecting Stair. The Applicant constructed a monumental stair that connects New York Avenue to the plaza below and the surrounding city streets. The stair is frequently used by the community to connect to New York Avenue and Union Market. The cost of this improvement was approximately \$350,000.

Widened Sidewalks. To encourage and enhance pedestrian activity around the Property, the Applicant widened the sidewalks along Florida Avenue and New York Avenue. The wider sidewalks also allows for the improved streetscape including street trees and additional planting zones on New York Avenue. The cost of this improvement was approximately \$150,000.

The Plaza – Destination and Connection. The stair from New York Avenue, the generous sidewalks, retail space along Florida Avenue and the connection from the Metropolitan Branch Trail lead to the plaza, which serves as a gathering place for residents of the project. Public access to the plaza from the New York Avenue stair is from 7:00 a.m. to 7:00 p.m., and from the Metropolitan Branch Trail Atrium to the plaza from 6:00 a.m. to 9:00 p.m. The cost to construct the plaza was approximately \$650,000.

Contributions to Community. The Applicant made the following contributions in support of various community programs and initiatives, which were part of the PUD amenities and benefits package:

1. \$50,000 contribution to the District of Columbia Commission on the Arts and Humanities for the arts-related project for the Florida Avenue underpass.
2. \$25,000 contribution to City Year to cover the 5-year operating costs for the Young Heroes Program.
3. \$10,000 contribution to Emery Elementary School Student Activity Fund for field trips, educational celebrations, audio/visual upgrades and technology upgrades.
4. \$10,000 contribution to the Harry Thomas Community Service Center for the purchase and installation of a scoreboard.
5. \$5,000 contribution to North Capitol Main Street, Inc. for the development of a database of the commercial/retail properties in the organization's service area.

Sustainable Design. The project includes a number of sustainable design features concentrated on elements that reduce or eliminate stormwater discharge into the District's combined sewer system, including a planted green roof on the residential building; high reflectivity, low "heat island effect" sustainable roof material design on the office building; rain

water harvesting from the office building roof, which will capture rain water in cisterns for re-use in irrigation, window washing, and other uses, in lieu of potable water; stormwater bioretention system at catch basins around the perimeter of the Subject Property; and the use of native plant species. The PUD also provides reserved parking for a car-share program and promotes bicycle and pedestrian activity by creating connections to New York Ave and the Metropolitan Branch Trail. The cost of the stormwater management system, green roof and car sharing space totaled approximately \$690,000.

Employment and Training Opportunities. In order to further the District's policies relating to the creation of employment opportunities, the Applicant entered into a First Source Employment Agreement with the Department of Employment Services to ensure cooperation with the Department for employee recruitment for jobs created by the PUD with the objective that 51% of the employees hired in connection with the development of the project are District residents. The First Source Agreement applies to all phases of the PUD.

Interim Metropolitan Branch Trail Connection. Phase 1 of the PUD included a temporary connection between the plaza and Metropolitan Branch Trail. This critical connection has already greatly increased pedestrian connectivity within the community and in particular has provided the Eckington community to the north a direct connection to NoMa and the Union Market neighborhood.

2. Previously Proffered Benefits/Amenities to Be Delivered

The following project benefits and amenities were part of the originally approved PUD and have an estimated value of \$1.7 million. They will be delivered with the construction of the North and South Towers.

Trail Connection Lobby. As described above, the project integrates the Trail by creating a bicycle/pedestrian connection through the previously-approved office building into the plaza. The Trail Connection Lobby will be accessed from the bike path on the second floor of the South Tower. Inside the lobby, a grand stair with a bike trough will mediate the grade difference to allow riders to easily access the plaza located on the ground floor. In addition to bike storage, the lobby



will have space designated for information about the trail and surrounding neighborhoods, station maps, an automatic bike tire pump, drinking fountain, plants, and approximately 32 short-term bicycle spaces. The estimated cost of this amenity is \$1.2 million.

Based on feedback at multiple meetings with DDOT and different community organizations, the Applicant has redesigned the lobby to be an open air lobby instead of fully enclosed. The revised lobby design (Sheets A-209 through A-212) allows for a more public feel and eliminates the potential conflicts with bicycle riders and pedestrians trying to navigate through doors. A central grand stair remains the major focus within the space; however, the riser and tread dimensions have been modified to create a more gradual slope that will be also easier to bicyclists to push their bikes up one of the four bike ramps that have been provided. The Applicant intends to create more functional bicycle repair areas with built in wheel stands, install an emergency call box, and provide WiFi access within the Lobby. In order to signify the location of the Trail Connection Lobby, the Applicant will install a thermoplastic decorative design on the trail directly in front of the lobby.

Metropolitan Branch Trail Improvements. The Applicant will improve the paving, landscaping and lighting along the Metropolitan Branch Trail. Pole lighting will be installed along the Trail along the frontage of the North Tower. (Sheet L-301.) The lighting near the North Tower will be connected to DDOT's planned electrical power service and maintained by DDOT. Also, light fixtures will be mounted on the South Tower fronting the Trail. (Sheet L-30.1) This lighting will be connected to the South Tower's electrical service and shall be maintained by the Applicant. The estimated cost of these improvements is \$150,000.

Widened Sidewalks. The Applicant will each extend the widened sidewalks and enhanced streetscapes along Florida and New York Avenues. The estimated cost of these improvement is \$150,000.

### 3. Benefits/Amenities Proposed With Modification

The Applicant is proposing to expand the PUD community benefits and amenities as follows:

LEED Gold Certification. The existing PUD approval does not require LEED certification for any portion of the project. Under this PUD Modification, the office building programmed for the South Tower will achieve LEED Gold certification. The residential buildings for the PUD will achieve LEED Silver certification.

Lobby Hours of Operation. Under the original PUD approval, the lobby was to be open to the public from 6 A.M. to 9 P.M. As part of the PUD Modification the hours of operation will be extended to Midnight. During non-operating hours, the lobby will be secured by overhead doors that are concealed within the architecture of the building. (Sheet A-211.)

Maintenance of Improvements Along Trail. The Trail improvements and associated landscaping proposed along the frontage of the North and South Towers will be maintained by the Applicant.

**F. Architecture for North Tower**

The architecture of the North Tower along New York Avenue is a response to the reality of the site's pedestrian experience. This particular stretch of New York Avenue is dominated by vehicles unlike streets in neighborhoods such as Capitol Hill or Shaw that allow for casual promenades. The architecture celebrates the urban movement -- people, bikes, cars, and trains traveling from one destination to another. The glassy undulating nature of the top ten floors are both a literal and figurative reflection of the hustle and bustle that surrounds the building. This subtle yet impactful gesture draws attention to the importance of the project as a downtown "gateway" as people enter and leave the city through various modes of transportation.

To enhance the pedestrian experience along New York Avenue, the scale of the dark and heavy masonry base is broken down by the modulation of light-colored brick frames that connects to the townhome rhythm along the Trail. Additional details such as lighting fixtures and Juliette balconies are placed along the façade to help retain a more residential quality. Along the ground plane, a generous landscape buffer is created as the existing sidewalk is widened for more separation between building face and street, generating a more comfortable experience for the

pedestrian. Further importance is given to New York Avenue with the location of an entrance, allowing access to the building directly from the sidewalk.

**F. Traffic Analysis for North Tower**

Attached as Exhibit B is a memo from the Applicant's traffic consultant, which provides an operations analysis for the residential use in the North Tower.

**G. Community Outreach**

1. ANC 5E

The Applicant was scheduled to introduce the project to ANC 5E during its meeting on June 21, 2016. However, the presentation was deferred due to other projects going over their allotted time. A separate meeting was held with the Single Member District Commissioner for the project on September 8, 2016, and then the project was then presented to the full ANC on September 20, 2016. On November 18<sup>th</sup>, the Applicant met with the incoming ANC Single Member District Commissioner. A vote by ANC 5E is expected during the meeting on January 17<sup>th</sup>.

2. Eckington Civic Association

Although the project is not within the boundaries of the Eckington Civic Association ("ECA"), the Applicant met with the organization on May 2 and September 12, 2016. A third meeting with is scheduled for January 9<sup>th</sup>. The majority of the issues raised by the ECA have been related to the design and hours associated for the Trail Connection Lobby. The Applicant is meeting the ECA's development committee subgroup on January 5<sup>th</sup>.

3. Other Groups

The Applicant has also done outreach with other stakeholders, including the NOMA Business Improvement District (April 13, 2016) and the Washington Area Bicyclist Association (WABA) (November 8, 2016). The Applicant will meet with the Single Member District

Representative for ANC 6C-D6, which is located immediately to the south of the project across Florida Avenue.

### III. CONCLUSION

In accordance with Subtitle Z, Section 401.5 of the Zoning Regulations, this statement is submitted on behalf of MidAtlantic Realty Partners, LLC, in order to provide additional information in support of its application for a PUD modification at the Property. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's favorable consideration of the application.

Respectfully submitted,

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