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April 3, 2006

Carol Mitten, Chairperson
DC Zoning Commission
441 4th Street, NW
Second Floor
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2006 APR -3 PM 3:00

Re: **CSX Realty Development Corp. and FF Realty, LLC**
PUD and Zoning Map Amendment Application - Z.C. Case No. 05-23
Pre-Hearing Submission

Dear Chairperson Mitten and Members of the Commission:

Enclosed please find an original and twenty copies of FF Realty, LLC's (the "Applicant") pre-hearing submission for the above-referenced matter, as well as a check for \$46,989.50 as payment of the hearing fee.

This application was set down for a public hearing at the Zoning Commission's meeting on January 9, 2006. At that time, the Zoning Commission requested that the Applicant address the findings of the Office of Planning's Industrial Land in a Post-Industrial City study and the NoMA/New York Avenue Metro Area: Vision Plan and Development Strategy before filing its pre-hearing statement. The Office of Planning has issued the industrial land use study and has circulated the latter study in draft; the enclosed submission incorporates the findings of both studies. The enclosed pre-hearing submission highlights many of the key aspects of this PUD and, as requested, addresses the comments and direction received from the Zoning Commission and the Office of Planning.

This submission, together with the materials submitted to the Zoning Commission on July 28, 2005, satisfy the filing requirements for a consolidated PUD and Zoning Map Amendment application. Accordingly, we respectfully request the Zoning Commission establish a date for a public hearing on this application as soon as possible.

Chairperson Mitten and Members of the Commission

April 3, 2006

Page 2

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul T." followed by a stylized flourish.

Paul Tummonds

A handwritten signature in black ink, appearing to read "Christine" followed by a large, stylized flourish.

Christine Roddy

Enclosures

cc: Cleopatra Jones, ANC 5C
Stephen Cochran, OP
J.T. Engelhardt, Eckington Civic Association

FF DEVELOPMENT L.P. dba

D.C. Treasurer

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
3/27/06	032706	Public Hearing Fee #	46989.50	.00	46989.50
CHECK DATE	3/28/06	CHECK NUMBER	91400	TOTAL >	46989.50
				.00	46989.50

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

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FF DEVELOPMENT L.P. dba

Fairfield Development, L.P.
CORPORATE ACCOUNT
P. O. Box 5407
Arlington, TX 76005

Bank One
Bank One Texas, N.A.

32-61
1110 14010

DATE
March 28, 2006

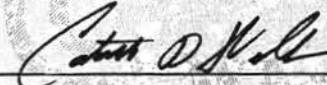
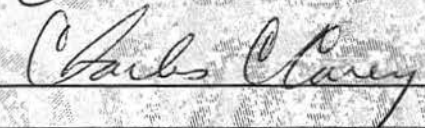
CHECK NO.
91400

AMOUNT
*****46,989.50

Pay: *****Forty-six thousand nine hundred eighty-nine dollars and 50 cents

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TO THE
ORDER OF
D.C. Treasurer

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FAIRFIELD AT CAPITAL COMMERCE CENTER



BY

FF REALTY, LLC

**PRE-HEARING SUBMISSION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT IN
CASE NUMBER 05-23**

April, 2006

DEVELOPMENT TEAM

APPLICANT:

FF Realty, LLC
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7200 Wisconsin Avenue
Suite 1108
Bethesda, MD 20814

ARCHITECTS, ENGINEERS AND CONSULTANTS:

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Chantilly, VA 20151
Civil Engineer

Stephenson & Good
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Alexandria, VA 22314
Landscape Architect

Gorove/Slade Associates, Inc
1140 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
Traffic Consultant

LAND USE COUNSEL:

Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037

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**CERTIFICATION OF COMPLIANCE WITH SECTION 3013
OF THE ZONING REGULATIONS**

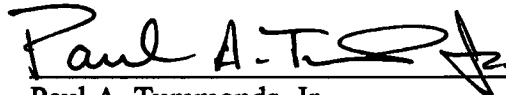
CSX Realty Development Corp. and FF Realty, LLC, hereby certify that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on April 3, 2006, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes to the project are expected to be submitted prior to the public hearing on this application.

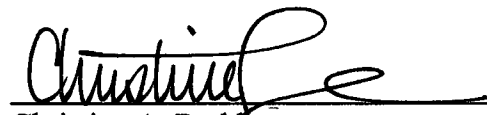
CSX Realty Development Corp. and FF Realty, LLC, also certify that certain modifications and refinements have been made to the project and materials provided to the Zoning Commission since the original submission in response to comments raised in meetings that have been held with members of the neighboring community, the Office of Planning, and in response to the comments of the Commission members at the January 9, 2006 public meeting. These modifications include: (i) an analysis of whether the proposed rezoning would constitute spot zoning, (ii) an analysis of the proposed development's compliance with the findings of the "NY/NoMA" and Industrial Land Use studies issued by the Office of Planning, (iii) a detailed description of community benefits and amenities to be included in project, (iv) additional detail regarding the retailers targeted for ground floor retail space, (v) an updated transportation and parking analysis prepared by Gorove/Slade Associates, Inc., the Traffic and Parking consultant on this project, (vi) updated landscaping plans, and (vii) updated design drawings. In all other respects, the project is the same as filed on December 20, 2005.

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3013.1(a)	Information Requested by the Commission Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission, Exhibits C, E, F
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3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1.0 hour
3013.2	Two Sets of Full Size Plans	Submitted Herewith
3013.3 and 3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site and Names And Addresses of the Owners of the Property to be Rezoned	Exhibit J
3013.4	Proposed First Source Employment Agreement with Department of Employment Services and Proposed Memorandum of Understanding with the Office of Local Business Development	Exhibit F
3013.6(b)	List of Leaseholders	N/A

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP


Paul A. Tummonds, Jr.


Christine A. Roddy

**LIST OF WITNESSES AND ESTIMATE OF TIME
REQUIRED TO PRESENT CASE**

WITNESSES:

Jay Johnson/Mark Coletta, Representative of Fairfield Residential, LLC.

Bob Keane, Architect, WDG Architecture – TO BE PROFFERED AS AN EXPERT WITNESS
IN THE FIELD OF ARCHITECTURE

Lou Slade/Robert Schiesel, Traffic Engineer, Gorove/Slade Associates, Inc. – TO BE
PROFFERED AS EXPERT WITNESSES IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 hour

LIST OF EXHIBITS

- Exhibit A:** Site Plans, Elevations, Sections, Landscape Plans, Floor Plans, and Façade Details
- Exhibit B:** Tabulation of Development Data
- Exhibit C:** Summary of Affordable Housing Program
- Exhibit D:** Environmental Impact Analysis
- Exhibit E:** Gorove/Slade Associates, Inc. Traffic Impact Analysis
- Exhibit F:** Proposed First Source Employment Agreement with Department of Employment Services and Proposed Memorandum of Understanding with the Office of Local Business Development
- Exhibit G:** Office of Planning's Industrial Land Use Study - Industrial Areas Policy Map
- Exhibit H:** Draft NY/NoMA Vision Plan and Development Strategy - Development and Neighborhood Character Areas
- Exhibit I:** Outlines of Witness Testimony
- Exhibit J:** Name and Mailing Address of Owners of Property within 200 Feet of Property
- Exhibit K:** List of Publicly Available Maps, Plans or Other Documents

I. INTRODUCTION

A. Summary of Requested Action

This pre-hearing statement supports the application of FF Realty, LLC (“**Applicant**” or “**Fairfield**”) to the Zoning Commission of the District of Columbia (“**Commission**”) for the consolidated review and one-step approval of a Planned Unit Development (“**PUD**”) and a corresponding amendment to the Zoning Map for the site. The project site consists of Lot 815 in Square 3576 (the “**Subject Property**”) and is a portion of the Capital Commerce Center development. The Subject Property is located in the Eckington neighborhood of Ward 5 and consists of approximately 187,958 square feet of vacant land. This PUD project proposes to develop an exciting mixed-use, predominantly residential, project on the Subject Property that will enhance and enliven the immediate area and serve as an appropriate buffer between the residential portion of the Eckington neighborhood to the north and west of the Subject Property, and the commercial and industrial uses to the south and west of the Subject Property. In total, the project will include approximately 625 - 675 new residential units with approximately 59,150 square feet dedicated to affordable housing and approximately 15,000 square feet of ground floor retail.

The Subject Property is currently located in the M Zone District. The M Zone District prohibits the construction of new residential development. The Applicant requests a Zoning Map amendment to the C-3-C Zone District for the Subject Property to accommodate the proposed residential and retail development. Rezoning the site to the C-3-C Zone District is consistent with the overarching goals and policies of the Comprehensive Plan of the District of Columbia as well as a study entitled “Industrial Land in a Post-Industrial City” issued by the Office of

Planning in March, 2006, and the NY/NoMA study issued in draft by the Office of Planning, as discussed in detail herein. The proposed lot occupancy, height and density of the project are significantly less than what the PUD guidelines allow for in the C-3-C Zone District.

B. The Applicant

Fairfield invests in, develops, renovates, and manages apartment communities throughout the United States. Over the past 28 years, Fairfield and its affiliates have been dedicated to the construction and management of high quality residential projects. Fairfield has consistently ranked as one of the top multifamily homebuilders in the United States, based on multifamily home construction starts. Fairfield bases much of its success as a developer on its intensive focus on market research and consumer preferences, and has always based site selection, design and construction on quality and affordability. Fairfield realizes that each project must blend into its neighborhood and submarket, and thus, each project is custom designed.

Dealing in both luxury and affordable homes, Fairfield has nearly 150 properties in 13 states and the District of Columbia. The firm has developed several residential properties in the Washington Metropolitan area, including a residential building at 1441 Rhode Island Avenue, NW in the Logan Circle neighborhood, which consists of approximately 157 residential units. In addition, Fairfield recently developed a transit-oriented development project of 417 residential units at 1021 Clarendon Boulevard in Rosslyn, VA in close proximity to the Clarendon and Courthouse Metro Stations. The proposed PUD project will be the Applicant's first large-scale mixed-use project in the District of Columbia.

C. Project Goals and Objectives

Consistent with the goals of the District, as outlined in the Comprehensive Plan, and utilizing leading principles of urban design, the Applicant desires to transform a vacant, underutilized, and environmentally contaminated site into a vibrant residential community that will contribute substantially to the vitality of the immediate area. In doing so, the Applicant seeks to create a transit and pedestrian-oriented project on a humanistic scale, that integrates the Subject Property with the surrounding neighborhood through the creation of an extended Q Street, provides a mix of residential unit types, and provides a significant ground floor retail component to an underserved neighborhood.

D. Discussion of “Spot Zoning” Issue

At the setdown hearing for this application, the Zoning Commission expressed concern that rezoning this site may constitute spot zoning. Spot zoning is the “wrenching of a small parcel from its environment for the benefit of a single owner and without the benefit to the public at large or the area affected.” Daro Realty, Inc. v. District of Columbia Zoning Comm’n, 581 A.2d 295, 299 (D.C. 1990) (citing Citizens Ass’n of Georgetown v. District of Columbia Zoning Comm’n, 402 A.2d 36, 40 (D.C. 1979)). There is a two-pronged test to determine if a parcel of land has been illegally “wrenched” from its environment: (1) when the Zoning Commission’s action “pertain[s] to a single parcel or a limited area-ordinarily for the benefit of a particular property owner or specially interested party,” and (2) the Zoning Commission’s action is “inconsistent with the city’s comprehensive plan, or if there is none, with the character and

zoning of the surrounding area, or the purposes of zoning regulation, i.e., the public health, safety, and general welfare.” Id.

The first prong of the analysis is not satisfied because the rezoning does not affect a “limited area” and is not for the benefit of a single interested party. The Applicant is requesting to rezone a site that is over 4 acres in size: a significant size that is difficult to characterize as “limited.” The previous cases where courts have found that the first prong of the analysis was satisfied involved significantly smaller parcels of land. The size of those parcels ranged from 14,000 square feet (Daro) to 3.17 acres (Citizens Ass’n of Georgetown). All but one of the cases involved parcels of land that were less than 2 acres in size. The parcel at issue is over 60,000 square feet larger than the biggest property previously challenged for spot zoning, and it is approximately 173,000 square feet larger than the disputed parcel in Daro. The parcel can hardly be defined as having a “limited area” and its significant size bolsters the fact that the first prong of the test is not satisfied.

Moreover, the feedback we have received from community members confirms that the rezoning requested in this application is not for the sole benefit of the Applicant. Residents throughout the area support the application and believe that the rezoning will help transform the Eckington community from an industrial center in the District to a community defined by its residential character. The Office of Planning’s “Industrial Land in a Post-Industrial City: District of Columbia Industrial Land Use Study” (“**Industrial Land Use Study**”) identifies the Subject Property as “an area for land use change.” The study states, “[a] very large site on Eckington Place has been proposed for rezoning for a planned residential development. This location near two major thoroughfares and a Metro, and on the northern edge of the NoMA initiative, is *the*

prime development site outside of Downtown. It no longer contains a large number of PDR uses and is appropriate for a change of use to accommodate this development.” (Industrial Land Use Study, p. 104 (emphasis included in the original)). Thus, the District as a whole stands to benefit from the rezoning of this site. The District will further benefit from the development in light of the amount of residential housing that will be eligible for taxation.

Even if the Zoning Commission were to find that the first prong of the test was satisfied, it is clear that the second prong is not. If a rezoning is in harmony with the comprehensive plan, the character of the surrounding property and the purposes of zoning regulations, courts repeatedly have found that it is not spot zoning. See Daro Realty Inc., 581 A.2d at 300 (citing Citizens Ass’n of Georgetown, 402 A.2d at 40). There is no dispute that the proposed rezoning of the subject site conforms with each of the above regulations.

The Industrial Land Use Study recently published by the Office of Planning supports the rezoning of this site to permit residential and retail uses. It recognizes the changing needs of the community in light of the introduction of the New York Avenue Metro station. As quoted above, the location of the site near two major roadways and a Metro station make it ideal for residential housing. The study specifically states that this site is “more appropriately zoned for residential and offices.” (Industrial Land Use Study, p. 105.) Similarly, a draft of the New York Avenue/North of Massachusetts Avenue (“NY/NoMA”) study encourages a “walkable, transit-accessible, dynamic and diverse mixed-use neighborhood with retail services,” “connections between new development, the new Metro station, and the existing nearby residential neighborhoods,” and “quality public space and pedestrian environment with community

amenities.” (Draft NoMA/New York Avenue Metro Area: Vision Plan & Development Strategy (“NY/NoMA Study”), p. 2).

The proposal from the Applicant to rezone the land and the suggestion from the Office of Planning to allow a rezoning is consistent with numerous aspects of the Comprehensive Plan, including stabilizing the Eckington neighborhood, respecting and improving the District neighborhoods, and preserving and ensuring community input. This proposal is consistent with the City’s goal of providing new housing on vacant sites, encouraging well-designed developments in vacant areas, and encouraging the expansion of residential uses in mixed-use neighborhoods to help maintain the residential character of the area even if through rezoning. Compliance with these themes and elements is discussed in more detail below.

Another indication that the Subject Property is not being “wrenched” from its environment is that it is located amidst residential, commercial and industrial uses. Row-houses are located near the Subject Property, as well as a State Farm Insurance Agency office, the Washington Flower Center, a Federal Express shipment center, XM Satellite Radio’s headquarters office building and a PEPCO transmission facility. When considered in context, it is clear that the proposed rezoning would not isolate the Subject Property or any of the surrounding uses.

Finally, rezoning this site would bolster the underlying intent of the Zoning Regulations. This project takes advantage of its location near a Metro station and proposes additional housing for District residents (approximately 59,148 square feet of which will be affordable.) It will include a retail component that is attractive to area residents and will provide safe and reliable pedestrian and bicycle access to the Metropolitan Branch Trail, which will in turn connect

residents with the New York Avenue Metro Station. This development will enhance the existing neighborhood and provide access to services and amenities previously unavailable to neighborhood residents.

D. Development Timetable

The Applicant plans to start construction in 2007 and expects that the total construction period will last approximately forty-eight months.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 187,958 square feet of land area and is bound by Eckington Place, NE and Harry Thomas Way, NE. The Subject Property includes a grade change of approximately 8 feet with the lowest level of the Subject Property found at the southern edge along Harry Thomas Way. Directly to the north of the Subject Property are the Washington Flower Center, a self-storage facility (the Storage Place), a State Farm Insurance Agency office, and parking lots associated with these commercial uses. To the west and south of the Subject Property, across Eckington Place, are the headquarters of XM Satellite Radio and a parking lot. The area further to the north and west of the Subject Property is comprised primarily of row-houses and the Eckington residential neighborhood. Directly to the east of the Subject Property across Harry Thomas Way is a seven acre undeveloped site and the railroad tracks leading into and out of Union Station. To the southeast, across Harry Thomas Way is a PEPCO transmission station. Directly across Harry Thomas Way to the south of the Subject Property, and spanning the entire length of the block, is a Federal Express shipment facility. The new

headquarters of the Bureau of Alcohol, Tobacco, and Firearms will be located a few blocks south of the site along N Street, NE between 1st and 2nd Streets.

The Subject Property is approximately ¼ mile away from the recently opened New York Avenue Metro Station. A pedestrian connection to the New York Avenue Metro Station, adjacent to the Metropolitan Branch Trail, is proposed along the train tracks adjacent to the CSX property. As a part of its benefits and amenities package, the Applicant proposes to establish a pedestrian and bicycle connection between the extended Q Street and the Metropolitan Branch Trail, thus facilitating safe access to the Metro station.

The Subject Property is currently vacant. A construction company occupied the northern portion of the property in the late 1920s. In 1928, it was partially occupied by a railroad freight yard. By 1960, and through 1989, all of the Subject Property was used as a railroad freight yard with several long rectangular buildings located next to the train tracks that were aligned from the northeast to the southwest. As a result of these prior uses, the Subject Property includes contaminated soil that will need to be properly disposed of in an off-site location.

The Subject Property is located in the Production and Technical Employment (“PTE”) Land Use category as shown on the District of Columbia Generalized Land Use Map. The Federal Express building, the land area immediately abutting the railroad tracks, and the seven acre undeveloped site that borders the Subject Property to the east and south also are located in the PTE Land Use category. The area to the west of the Subject Property is included in the Moderate Density Residential Land Use category. McKinley Technical High School and the Hyde Leadership Charter School are located to the northwest of the Subject Property along 2nd Street, NE and are located in the Local Public Facilities Land Use category. The properties to the

south and west of the Subject Property across Eckington Place are located in the mixed-use Medium-High Density Commercial/PTE Land Use category. Despite these classifications for many of these properties, the District is contemplating a change for the future development of the area. As discussed in further detail below, the Office of Planning recommends in its Industrial Land Use Study that the western portion of New York Avenue/Florida Avenue, currently located in the C-M-2 and M Zone Districts, should be rezoned to allow residential development. (Industrial Land Use Study, p. 104.) The Office of Planning has recommended that the Comprehensive Plan's Land Use Policy Map be revised to reflect these proposed changes.

B. Project Description

Through the PUD and Zoning Map amendment process, the Applicant will create a unique and inviting mixed-use project. The Applicant has endeavored to create a project that is cognizant of the surrounding mix of uses and scale of buildings and is true to the new urbanism ideals of walkable, mixed-use communities with a strong sense of place. The site plans, sections, elevations, façade and entrance details, landscape plans, and various views of the proposed project are attached as Exhibit A.

The Applicant proposes to extend Q Street through the center of the Subject Property to better integrate the project into the existing Eckington neighborhood. This undertaking will establish the street grid system in this area and improve community access through the project. The Applicant intends to construct the extended Q Street to the District Department of Transportation standards and then dedicate the street to the District of Columbia through the public street dedication process.

The proposed PUD project will consist of three separate condominium buildings that include approximately 585 - 636 residential units, which are currently intended to include a mix of studios, one-bedroom, one-bedroom with den, two-bedroom, and two-bedroom with den units. The PUD project will also include approximately 27 piggyback townhome units on the north side of the extended Q Street and 5 four-story single-family townhomes along Eckington Place to the north of Q Street. The total gross floor area included in the proposed PUD is approximately 755,035 square feet (739,951 square feet for residential use and 15,084 square feet for retail use) for a total Floor Area Ratio ("FAR") of approximately 4.01.

This project will help enliven the area's streetscape appearance by providing approximately 15,000 square feet of ground floor retail along Harry Thomas Way, Eckington Place, and Q Street (on the south side of the street). The Applicant envisions community-oriented retail uses, rather than destination-oriented retail uses, in this retail space to better serve the residents of the project and the surrounding neighborhood while minimizing the amount of vehicular traffic that comes to the site. The Applicant is working with the surrounding community to find retailers that will help satisfy the retail needs of the existing neighborhood and future residents of the neighborhood, such as a full-service restaurant, a dry cleaners, and a coffee shop. The Applicant has also agreed to provide meeting and office space in the project for local community organizations. This space will include approximately 1,200 square feet and will have an entrance and window space on Harry Thomas Way.

The proposed massing and heights of the buildings that are proposed in the PUD project are intended to appropriately relate to the surrounding buildings and uses, and also create a sense that the buildings on the Subject Property were developed over a period of time, rather than

through a single project. This perception is supported through the use of different building materials and finishes. The proposed building on the southwestern portion of the Subject Property (“**Building #1**”), at the intersection of Eckington Place and Harry Thomas Way, has been designed to look like three distinct buildings. The western-most section relates to the existing headquarters building for XM Satellite Radio as well as the Federal Express facility to the south along Harry Thomas Way with its extended windows and subdued brick color. Continuing east along the building, it continues to reflect the “warehouse” character of the area, but with a deeper brick color and additional windows, allowing more light into the residential units. The building will have alternating glass bays and extended windows on the portion fronting Eckington Place. As the building wraps around onto Harry Thomas Way, there will be alternating glass bays and balconies. Façade materials will be brick with precast concrete and stone accents and trim. Details of the representative color schemes, materials and fixtures are shown in Exhibit A.

Building #1 will include a retail component at the ground level, comprised of approximately 15,000 square feet of gross floor area, and residential units will be located on the upper floors. Building #1 will also include direct street level access to duplex residential units, thereby further animating the streetscape. The height of this building along Eckington Place is 70 feet and 7 stories as measured from the sidewalk at the corner of Eckington Place and Harry Thomas Way. As the building moves to the east, along Harry Thomas Way, the height increases to 90 feet and 9 stories. This building will include approximately 212,435 square feet of gross floor area and 175 units.

The building on the eastern edge of the Subject Project (“**Building #2**”) will consist entirely of residential units. It will include approximately 211,842 square feet and contain approximately 190 units. To convey a humanistic scale, the building’s frontage along Harry Thomas Way will include a series of bays and balconies with a façade consisting of masonry and metal windows, as well as varying building height. The building’s design embraces the industrial character that has long been a part of the area, while adapting it to the existing residential nature of the Eckington community. There is a horizontal component to the design of Building #2, which contrasts nicely with Building #1, which has a vertical character to its façade. A portion of Building #2 will have a height of 90 feet and nine stories. As the building moves to the east and around the curve in Harry Thomas Way, the height of the building increases to 110 feet and eleven stories. Direct access to the duplex residential units from the street level will be available in this building as well, thus, activity along the street will continue past the retail and further east on Harry Thomas Way.

The building located at the corner of Harry Thomas Way and the north side of Q Street (“**Building #3**”) will also be solely residential. It will consist of approximately 265,224 square feet of gross floor area, and approximately 239 residential units. The building is primarily 110 feet tall with 11 stories, however; a portion of the building will be 90 feet tall with 9 stories. The industrial design of the building will complement the building to its south as well as the surrounding area. The building is comprised of varying layers of brick, glass and metal. The brick façade faces the interior of the project, while the glass façade fronts Harry Thomas Way. Along the glass façade of the building, there is a metal panel that adds an element of texture and incorporates a new design, supporting the perception that the buildings were constructed over a

period of time. Building #3 is set back from the extended Q Street to allow for extensive green space for the residents. Private terraces will unfold onto the lawn, allowing residents to incorporate the lawn into the everyday use of their residential units. A large plaza abutting Q Street will be open to the public. Landscape details for this plaza are included in Exhibit A.

Finally, townhouses will line the northern side of the extended Q Street and will wrap around onto the northern corner of Eckington Place. The townhouses to the north of the extended Q Street will be piggybacked two-floor townhouses, creating a row of 40 foot tall, 4 story townhouses. The townhouses lining Eckington Place will be single-family, 4 story townhouses. The Applicant will provide garages for each of the houses, with additional parking available immediately to the north. The façade of the townhouses will consist of masonry and metal window frames. The townhouses will consist of 65,534 square feet and will comprise 32 residential units.

As discussed above, the maximum building height of all of the buildings is 110 feet. Significantly, the proposed project will have a lot occupancy of only 47.43% (which includes the area of the proposed streets), while the C-3-C Zone District allows a lot occupancy of 100% as a matter-of-right. The proposed project is considerably smaller than what is permitted under the C-3-C District PUD Guidelines (maximum FAR of 8.0, a maximum building height of 130 feet, and a maximum lot occupancy of 100%).

The roofs of Buildings #1-3 will include landscaped recreation spaces, club rooms, and pools that residents of these buildings and their guests will be able to utilize. The project will include a total of 45,300 square feet of residential recreation space. In addition, while not seeking LEED certification, the Applicant intends to incorporate “green roof” technologies into

the design of these roof areas to reduce the heat island effect and assist with the stormwater retention requirements of the District of Columbia Department of Health.

The proposed project will include extensive landscape and hardscape improvements on private and public property. A large plaza has been created on the north side of the extended Q Street, immediately before Q Street dead-ends into Harry Thomas Way as well as on the north side of each of the buildings to the south of the extended Q Street. These plazas will be a common amenity to the residents of each respective building. The richly landscaped area will create a sense of openness for the residents as well as residents of the neighborhood who walk past it. The two plazas on the south side of the extended Q Street will provide circular drives, which are an added convenience for both the residents of the Project, who can take advantage of door to door access to their building, and to the residents of the greater community, as they will help with the flow of traffic on Q Street. The Applicant believes that the depth of the circular drives and the adjacent landscaped areas are sufficient to provide a warm and inviting urban presence along Q Street. Another added benefit that the Project will provide members of the greater community includes an attractive brick plaza that is immediately adjacent to the extended Q Street. This plaza will be accessible to all members of the public and the Applicant envisions this area will be used by patrons of the retail shops and/or restaurants, as well as members of the neighborhood that may be walking to or from the nearby New York Avenue Metrorail Station.

The Applicant has devised a landscaping plan that will complement the residential character and high quality of this project. The sidewalks along the extended Q Street will be lined with trees and the circular drives will be marked with concrete pavers. Residential entries comprised of brick pavers will punctuate the streetscape for the length of the street. Green

“fences” are located at the entrances and exits of the circular drives and featured plantings will highlight Q Street at the intersection with Harry Thomas Way. The large plaza to the south of Building #3 will be shaded to some extent by trees; the open lawns will have detailed landscaping and will be lined further by trees. Brick piers 4’ to 5’ in height with rod iron fencing will line the plaza, separating it from the public street.

There will be below-grade parking available for each of the larger buildings. The parking garages will provide a total of approximately 875 spaces for both residents, their guests, and for visitors to the retail portion of the project. Access to the garage for Buildings #1 and #2 will be from a new north-south street that is located at the approximate mid-point of the Subject Property’s frontage along Harry Thomas Way. At this time, the Applicant does not intend to dedicate this small street to the District. Access to the parking garage below Building #3 will be from an alley from Harry Thomas Way, north of the extended Q Street. Finally, the townhouses along Eckington Place and the extended Q Street will provide garages with each unit, as well as additional parking in the lot located to the north of units. Two-car garages will be provided for those townhouses on Eckington Place. All required loading berths, platforms, and spaces will be provided inside Buildings #1-3.

Approximately 59,148 square feet of the space allocated for residential use will be dedicated to affordable housing. This equates to approximately 8% of the total square footage of the PUD project dedicated to residential use, which is consistent with the Zoning Commission’s Inclusionary Zoning policy. As OP noted in its set-down report, this is “one of the largest and longest –lasting offers of any PUD.” The affordable housing units will be spread throughout Buildings #1-3 and will include the same ratio of unit types as the market rate units in the project.

Attached as Exhibit C, is a document that outlines the income eligibility requirements for the purchasers of the affordable units as well as details of the affordable housing program.

The Applicant has met with members of the community on several occasions to discuss the community amenities package to be offered with the project. A major component of the amenities package is the proposed connection from the extended Q Street to the Metropolitan Branch Trail, which will connect residents to the New York Avenue Metro station. Residents have indicated that a safe connection to the Metropolitan Branch Trail is a very high priority for the community. To this end, the Applicant has been in contact with the District Department of Transportation to discuss the design standards for such a connection. The Applicant has also been in contact with PEPCO regarding the establishment of an easement across their property to allow for such a connection, which PEPCO is required to provide in accordance with a condition of Large Tract Review Case No. 2004-04. In total, the Applicant's community amenities package includes the following components.

- Pedestrian/Bicycle Connection to the Metropolitan Branch Trail – DDOT estimates that the trail will cost approximately \$80/linear foot to construct a 10 foot wide trail and lighting and call boxes will cost an additional \$170/linear foot. Based on the proposed 220 feet needed to connect Harry Thomas Way to the Metropolitan Branch Trail, the proposed cost of this amenity will be \$55,000.
- Community Meeting/Office Space – The Applicant will provide approximately 1,200 square of community meeting/office space with a high visibility location along Harry Thomas Way.
- Proposed Retail Operators - In response to community input, the Applicant will seek a mix of retail uses that may include: a full service restaurant with alcohol service and possibly a sidewalk café, a coffee shop, a drycleaner, and a restaurant/small grocery store that will cater to the surrounding neighborhood residents or office employees (similar to a Marvelous Market/Au Bon Pain/High Noon).
- Proposed Signage in the Eckington Neighborhood – Based on input from residents of the surrounding Eckington Neighborhood, the Applicant has agreed to

contribute \$15,000 for signage to be located in the Eckington neighborhood that includes signs providing historical information about the neighborhood.

- Harry Thomas Recreation Center – The Applicant will make a contribution of \$15,000 to the Harry Thomas Recreation Center (located at 1743 Lincoln Road, N.E.) to be used for annual banquets.
- Street Lamp Post Flower Baskets – Based on input from ANC 5C02 Commissioner, the Applicant will make a contribution of \$15,000 for the purchase and maintenance of approximately 60 street lamp post flower baskets that will be located throughout the Eckington neighborhood.

C. Development Parameters Under Existing and Proposed Zoning

The Subject Property is located in the M (Industrial) Zone District. The M District does not permit the construction of new residential buildings. Thus, it is necessary to rezone the Subject Property in order to construct a residential project on the site. The M District, as a matter-of-right, permits a maximum building height of 90 feet and a maximum FAR of 6.0.

The C-3-C District, as a matter-of-right, permits a maximum height of 90 feet, a maximum lot occupancy of 100% for residential uses, and a maximum FAR of 6.5, all of which may be residential FAR, non-residential FAR or a combination of both. The PUD guidelines for the C-3-C District allow a maximum lot occupancy of 100% for residential uses and a maximum FAR of 8.0, all of which may be residential FAR, non-residential FAR or a combination of both. The PUD guidelines also allow a building height of 130 feet.

D. Flexibility under the PUD Guidelines

The Applicant is requesting flexibility from the strict application of the following requirements of the Zoning Regulations.

- Roof Structures – While the Applicant intends to maintain a 1:1 setback for the roof structures from all edges of the buildings, the Applicant does not intend to

create a single roof structure for each building. Due to the size of these buildings, satisfying the requirement to have a single roof structure on each building would result in a needlessly large roof structure.

- Retail Loading – The Applicant is not providing dedicated loading docks for the retail portion of the project. Due to the size of the retail component of the project and the likely retail operators, the Applicant believes that it is likely that deliveries to the retail uses will be made from the adjacent streets.
- Recreation Space – Pursuant to 11 DCMR § 773.3, at least 10% of the gross floor area devoted to residential use shall be provided as residential recreation space, which equates to approximately 72,645 square feet of the Subject Project. The extension of Q Street diminishes the amount of recreation space previously available in this project. With this new design, the Applicant is providing approximately 19,550 square feet of indoor recreation space and 25,570 square feet of outdoor recreation space for a total of 45,300 square feet.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will achieve numerous planning and development goals of the District of Columbia.

B. Land Use Impact

In September 2002, the DC Office of Planning produced a report “Trans-Formation: Recreating Transit-Oriented Neighborhood Centers in Washington, D.C.”. This report notes that

“Transit-Oriented Development in the District of Columbia is a land use strategy to accommodate new growth, strengthen neighborhoods, expand choices and opportunities by capitalizing on bus and rail assets to stimulate and support vibrant, compact, diverse and accessible neighborhood centers within an easy walk of transit.” Mayor’s Task Force of Transit Oriented Development (2002). Trans-Formation p. 2.

OP’s report noted six key design principles “that can create vibrant centers focused on transit, while enhancing unique neighborhood characteristics.” These design principles include: (i) Connectivity; (ii) Quality public realm; (iii) Pedestrian-friendly environment; (iv) Attractive

architecture and design; (v) Mix of uses; and (vi) Creative parking management. As noted throughout this statement, the proposed PUD project incorporates all of these design principles to create a truly Transit-Oriented Development (“TOD”).

The proposed PUD project will create a significant residential development on a large vacant parcel that is immediately surrounded by commercial and light industrial uses in close proximity to the New York Avenue Metrorail Station and numerous Metrobus lines along New York and Florida Avenues. As part of its community benefits and amenities package, the Applicant proposes to make a financial contribution for the creation of a safe and effective pedestrian and bicycle connection to the New York Avenue Metro Station. The PUD project includes significant enhancements to the areas adjacent to the Subject Property that will create a safe and inviting pedestrian environment. The proposed height and massing of the project are compatible with the surrounding structures and the proposed extension of Q Street will better connect the project with the surrounding neighborhood, integrating it with the existing community. Finally, the proposed mix of residential unit types and community-oriented retail use will encourage an active and attractive physical environment. For all of these reasons, the Applicant believes that the proposed PUD project is consistent with TOD principles and will have a beneficial land use impact on the surrounding area and neighborhood.

In fact, a draft of the NY/NoMA study prepared by the Office of Planning places the creation of a “walkable, transit-accessible, dynamic and diverse mixed-use neighborhood” as a top priority for the NY/NoMA area. (Draft NoMA/New York Avenue Metro Area: Vision Plan & Development Strategy, p. 2.) According to the study, the NY/NoMA is a desirable location for a residential neighborhood because of its proximity to public transportation. Id. The study also encourages a mix of commercial and residential uses to help revitalize the community. Id. at 26.

As discussed in more detail below, this project exhibits several of the planning principles stated in the study.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. The proposed C-3-C Zone District is not inconsistent with the PTE land use designation for the Subject Property and the surrounding Generalized Land Use Map designations (Medium-High Density Commercial/PTE). The Applicant notes that the seven acre parcel bordering the Subject Property's southern and eastern boundaries will remain in the M Zone District. As mentioned above, this land is entirely vacant and is adjacent to the train tracks leading into and out of Union Station. The Federal Express facility to the immediate south of the Subject Property also remains in the M Zone District. Thus, the Applicant believes that the rezoning of the Subject Property will not create any adverse zoning impacts, as there will continue to be a significant amount of land in the immediate area that will remain available for PTE-type uses. Moreover, adding a large residential community to this southern end of the Eckington neighborhood is entirely consistent with the District's planning goals for the future of this area of the City.

The Office of Planning's Industrial Land Use Study envisions the Subject Property being rezoned for residential use to take advantage of its location near New York and Florida Avenues and the New York Avenue Metro Station. (Industrial Land Use Study, p. 104.) The study supports the proposition that maintaining this property as an undeveloped industrial site conflicts with the District's policies regarding transit oriented development. OP acknowledges that rezoning this site is key to realizing many of the District's development objectives.

D. Environmental Impact

As more specifically detailed in Exhibit D no adverse environmental impact will result from the construction of this project. In fact, as noted above, the approval of this PUD project will result in an improved environmental situation on the Subject Property, as the existing contaminated soils from the prior rail freight yard use, will be removed.

The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems through the introduction of a underground filtration system that will retain and filter all run-off on-site, before release into the public storm water system. While the project will not be requesting LEED certification, it will provide numerous environmental benefits, such as: the provision of significant landscaping at grade and on the various roof levels of the buildings; insulation with an R-Value of R-13 walls and R-20 roof; and insulated/low-E glass.

E. Facilities Impact

The proposed project will not have an adverse impact on the public facilities that it will rely on for service. As previously mentioned, the Subject Property is located within easy walking distance of the New York Avenue Metrorail Station. In addition, numerous Metrobus lines service the immediate area. Bicycle usage by residents of the project has been coherently integrated into the design of the project. The Applicant will provide designated spaces in the parking garage for car sharing services such as Zip Car or Flex Car.

IV. EVALUATION STANDARDS

The standards that the Zoning Commission uses to evaluate a PUD application are outlined in §2403 of the Zoning Regulations. Pursuant to §2403.3, the Zoning Commission is required to determine that:

The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

As discussed in this statement, the proposed PUD project satisfies the evaluation standards of §2403 of the Zoning Regulations.

A. Public Benefits and Project Amenities

1. Housing and Affordable Housing

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. This project will create approximately 625 - 675 new residential units in the Eckington neighborhood. In addition, approximately 59,148 square feet of residential space will be dedicated to workforce affordable housing units. As previously noted this is one of the largest affordable housing components ever provided in a PUD project. This affordable housing component fully satisfies the Inclusionary Zoning standards recently adopted by the Zoning Commission.

2. Urban Design and Architecture

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. The proposed project exhibits all of the characteristics of exemplary urban design and architecture. The project has been thoughtfully designed to interact

with the surrounding neighborhood and its mix of uses, as well as reflect the former industrial use of the Subject Property and the surrounding area. The proposed massing and height of the project creates an appropriate humanistic scale for pedestrians along the street frontages of Eckington Place and Harry Thomas Way and the extended Q Street, and maintains a significant setback from the nearest residential neighbors. The proposed project will provide animated street level activity through the introduction of community-oriented retail use along Harry Thomas Way and Eckington Place, and along all street frontages with proposed entrances to the individual duplex residential units. Moreover, the Subject Property is highly visible to people coming into the District of Columbia via New York Avenue. The proposed project will convey an attractive and significant presence along the New York Avenue corridor. A presence that reflects the industrial past of the area, as well as the burgeoning residential future of the Subject Property and the immediate area.

3. Site Planning

Pursuant to Section 2403.9(b) of the Zoning Regulations, “site planning, and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed project has been designed to establish the street grid system in this area, underscoring the site planning and urban design of this development. Extending Q Street through the project improves access through the Subject Project and allows for additional ground floor retail and ground floor access to the residential units, further enlivening the project. The extended Q Street will be lined with trees and green spaces for residents to enjoy. The introduction of Q Street helps break-up the massing of the project and creates a rhythm of development along Q Street that is consistent with the general area.

4. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to Section 2403.9(c), state that “effective and safe vehicular and pedestrian access” can be considered public benefits and project amenities of a project. The proposed project will provide several vehicular points of entry and exit into the parking garages, as detailed previously in this statement. Providing access to the parking garages via an alley or incidental street rather than directly from Harry Thomas Way, Eckington Place or the extended Q Street diminishes possible pedestrian and vehicular conflict.

As noted in the traffic and parking study performed by Gorove/Slade Associates, attached as Exhibit E, the proposed mixed-use development will not have a negative impact on the surrounding roadway network. (Traffic Impact Analysis, p. v.) The Applicant’s traffic consultants estimate the project will generate approximately 139 morning peak trips (29 in and 110 out) and 214 evening peak hour trips (129 in and 85 out) and a total of 2,698 daily trips generated by the development. (Traffic Impact Analysis, pp. 27-28.) The Traffic Impact Analysis concludes that there would be little or no significant change in the levels of service of those intersections included in the traffic study. Id. at 30. The Subject Project is proximately located to several roadways: Rhode Island Avenue, NE, 2nd Street, NE, 3rd Street, NE, 4th Street, NE, Q Street, NE, R Street, NE, and Eckington Place, NE. Id. at 6, 7. It is also conveniently located near the New York Metrorail station, on 5 Metrobus routes, and close to the 11-mile, non-motorized Metropolitan Branch Trail. Id. at 9. The accessibility of the site limits its effect on the existing community.

In response to issues raised by members of the Zoning Commission, the Traffic Impact Analysis addresses the intersection of Eckington Place, Florida Avenue and New York Avenue.

(Traffic Impact Analysis, p. 11.) In a meeting with representatives of the District Department of Transportation (“DDOT”) the Applicant’s representatives were informed that DDOT is currently working on the New York Avenue Corridor Study to develop roadway improvements to address short term and long term solutions to traffic constraints on New York Avenue. DDOT has proposed the creation of a “virtual traffic circle” for the Florida Avenue, New York Avenue, Eckington Place intersection to ease congestion at this intersection. (See Figure 7 of the Traffic Impact Analysis for a depiction of DDOT’s proposed design concept for the virtual traffic circle.) DDOT anticipates that construction of the virtual traffic circle will be underway in Fall 2006 to resolve the issue, thus the construction of the Subject Project in 2007 will not impede DDOT’s proposed solution to this issue. It should also be noted that the proposed project will contribute only 1% or less of the traffic going through the Florida Avenue, New York Avenue intersection. Id. at 18.

Area residents have also expressed concern regarding the influx of Federal Express delivery trucks on R Street. (Traffic Impact Analysis, p. 14.) This problem exists despite the residential development; however, traffic calming or traffic routing measures could be implemented to ease the use of R Street during peak hours. Id. Ultimately, the project will not aggravate any existing traffic conditions; the project will have a very slight impact on area traffic.

With regard to parking, the project is proposing to provide approximately 875 new parking spaces (830 will be for residents and guests and approximately 45 for the retail portion of the project). The ratio of spaces to units will be greater than one, which is adequate for the proposed development. (Traffic Impact Analysis, p. v.) This ratio is also consistent with

recently approved developments and it satisfies the requirements promulgated in the Zoning Regulations. Id. at 27.

5. Uses of Special Value

According to Section 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The Applicant’s community amenities package is discussed in detail on page 14. The proposed project will result in the direct financial contribution of \$100,000 worth of benefits for the surrounding Eckington neighborhood.

The addition of approximately 625 - 675 new households and almost 15,000 square feet of retail use will result in the generation of significant additional tax revenues in the form of recordation, transfer, property, income, sales, use and employment taxes for the District. Because the property will be built on a vacant site, all of these taxes represent new revenues for the District.

6. First Source Employment Program

According to Section 2403.9(e), “employment and training opportunities” are representative public benefits and project amenities. Therefore, the Applicant will voluntarily enter into an agreement to participate in the Department of Employment Services (“DOES”) First Source Employment Program to promote and encourage the hiring of District of Columbia residents. A sample First Source Agreement is attached as Exhibit F.

7. Local Business Opportunity Program

Pursuant to Section 2403.9(e), the use of local firms in the development and construction of the project is a representative public benefit and project amenity. Therefore, the Applicant

will enter into a Memorandum of Understanding (“MOU”) with the Office of Local Business Development (“OLBD”) to use the resources of the OLBD to utilize local business enterprises in the development of this project. A sample MOU is attached as Exhibit F.

8. Comprehensive Plan

According to Section 2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

9. Public Benefits of the Project

In evaluating a PUD application, the Zoning Commission is required to “judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” (See §2403.8). In addition, §§2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed.

The proposed PUD project has been sensitively designed to mitigate any adverse effects on neighboring properties or the surrounding community. The proposed PUD project provides significant and tangible project amenities and public benefits that far outweigh the development incentives and flexibility from the strict application of the Zoning Regulations that are requested. The only way that a residential project can be developed on the Subject Property is through an amendment to the Zoning Map. Moreover a consolidated PUD and Zoning Map amendment

application allows the Zoning Commission a level of design review and approval that is not available for a matter-of-right project. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Zoning Commission, including:

- Exemplary architecture and site planning – A mix of residential unit types, no thru-wall vents or EIFS, complete architectural treatment of all sides of the building, extension of Q Street as a public thoroughfare through the center of the project and introduction of a lively and interactive streetscape.
- Affordable housing - This project will provide one of the largest amounts of affordable housing in a single PUD project.
- Environmental remediation - This project will remove an environmentally contaminated site from the area and create a “clean” site that is suitable for residential use.
- Significant Community Amenities Package - This project provides financial contributions of \$100,000 that will provide targeted and tangible benefits to residents of the surrounding community.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies enumerated in the District of Columbia Comprehensive Plan, (“**Comprehensive Plan**”) D.C. Law 12-275, 10 DCMR (Planning and Development) § 100 et seq. (1998).

The purposes of the District of Columbia Comprehensive Plan Act are to:

(1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization and improvement of each neighborhood and community in the District (D.C. Code § 1-245(b) (1994 Supp.)).

The proposed project significantly advances these purposes by furthering the social and economic development of the District through the creation of approximately 625 - 675 new residential units (with approximately 59,148 of the residential square feet dedicated to affordable

housing) and the construction of approximately 15,000 square feet of retail on a vacant site within easy walking distance of the New York Avenue Metro Station.

A. Compliance with Major Themes

Three major themes that are applicable to this project were adopted as part of the Comprehensive Plan. The Applicant's proposal is consistent with these themes as follows:

1. Stabilizing the District's Neighborhoods

The creation of approximately 625 - 675 new residential units will help stabilize and enhance the existing Eckington neighborhood. Further, the significant retail component will help to strengthen the neighborhood by providing retail opportunities in an area that suffers from a general lack of retail activity. The Applicant has received significant community input on the types of retail uses that are preferred for this project. The Applicant will diligently pursue leasing the retail space to the types of retailers noted on page 14. The creation of a significant mixed-use development on the Subject Property is also very likely to serve as the catalyst for additional commercial and residential redevelopment in the immediate area. The influx of these new residents in this neighborhood will provide the critical mass of customers needed to patronize the proposed retail uses.

2. Respecting and Improving the Physical Character of the District

The proposed project, with the extension of Q Street, has been designed to improve the site's integration with the surrounding neighborhood. As previously discussed, the Subject Property is a vacant property that was last used as a railroad freight yard. As a result of this prior use, contaminated soil exists on the Subject Property that will be required to be removed and disposed of in an environmentally sensitive manner.

The Subject Property currently provides zero benefit to the physical character of the immediate neighborhood or the District of Columbia. The proposed site plan will vastly improve the pedestrian experience around the neighborhood by creating a direct pedestrian route through the project via Q Street to the pedestrian and bicycle connection to the New York Avenue Metro Station. In addition, the plan dramatically improves the streetscape on all three sides of the square.

3. Preserving and Ensuring Community Input

The Applicant has engaged in a comprehensive dialogue process with various community organizations and individuals, including presentations to ANC 5C, the Eckington Civic Association, and a smaller working group of community residents. The Applicant will continue to work with representatives of these groups, as well as the surrounding neighborhood, up to and through the public hearing in this case.

B. Compliance with Major Elements

The Comprehensive Plan also contains 11 major elements. The proposed project furthers the objectives and policies of several of these elements as follows:

1. Housing Element

The Comprehensive Plan includes the following goals with regard to the production of new housing:

“Encourage the private sector to provide **new housing** to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives” (10 DCMR § 302.2(a));

“Review and recommend **suitable regulatory zoning**, tax and financing incentives under appropriate controls to meet housing production goals, particularly for low-income, **moderate income** and elderly households” (10 DCMR § 302.2(b)); and

“Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized, or unused, . . .” (10 DCMR § 302.2(e)).

The Comprehensive Plan includes the following goals of the District with regard to the production of low and moderate-income housing:

“Provide zoning incentives, as appropriate to developers prepared to build low-and moderate-income housing, such as permitting additional densities in exchange for incorporating low-and moderate-income housing in development projects” (10 DCMR § 303.2(d)); (Emphasis added.)

The creation of approximately 625 - 675 residential units on this currently vacant and underutilized property fully satisfies all of the above-noted provisions of the Housing Element of the Comprehensive Plan. As previously stated, the project will dedicate 8% of the total square footage of the residential component of the project to workforce affordable housing. The inclusion of these affordable units in the project is entirely consistent with the provisions of the Comprehensive Plan noted above.

2. Urban Design Element

The Subject Property is a vacant and underutilized site, while the stable and established Eckington residential neighborhood is located in close proximity to the Subject Property. The Comprehensive Plan notes that it is the goal of the District to:

“Encourage in-fill development to be complementary to the established character of the area. In-fill development in stable areas shall not create sharp changes in physical pattern which might lead to deterioration.” (10 DCMR § 711.2(a))

“Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;” (10 DCMR § 712.2(a))

“Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas.” (“Encourage

well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;" (10 DCMR § 712.2(g))

The proposed project exhibits all of the characteristics of exemplary urban design and architecture. The construction of prominent residential buildings with ground floor retail, as well as townhouse units, will complement the established residential neighborhood that is close to the Subject Property. In addition, this large-scale development on the Subject Property will create an important link between the established Eckington neighborhood and the New York Avenue Metrorail Station.

3. Land Use Element

The Land Use Element enumerates the District's goal of assuring the:

"efficient use of land resources within legal, economic, fiscal, environmental, and other public policy constraints to meet neighborhood, community, and District –wide needs, and to help foster other District goals." (10 DCMR § 1101.1)

The Comprehensive Plan includes the following objectives with regard to residential neighborhoods:

- "(a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique;
- (b) To enhance other neighborhoods and achieve stability;
- (d) To encourage development of adequate neighborhood shopping and support services in all sections of the District;" (10 DCMR § 1102.1)

The Comprehensive Plan includes the following policies with regard to residential neighborhoods:

- "(a) Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses;
- (b) Encourage the retention and expansion of residential uses in mixed-use neighborhoods to help maintain the residential character of these areas, **through modification of land use and related regulations when necessary;**" (10 DCMR § 1104.1) (Emphasis added.)

The Subject Property is also located in the Northeast No. 1/Eckington Yards Special Treatment Area as shown on the Generalized Land Use Policies Map. The Comprehensive Plan notes:

“Special treatment areas are areas that exhibit unique physical, social, or functional characteristics and features and require case-specific planning actions. Special treatment areas may be defined by functional criteria, such as by the need for well-targeted and coordinated planning program initiatives to achieve common objectives, or may be designated in order to encourage specialized activities. (10 DCMR § 1118.2)

The policies established for the Northeast Number 1 and Eckington Yards special treatment area are as follows:

- (c) Evaluate the need for effective design standards and targeted public improvements; and
- (d) Identify economic development strategies that can be packaged to meet development objectives.”

While the Subject Property is currently located in the M Zone District, its proximity to the established Eckington residential neighborhood makes the above-mentioned provisions of the Land Use Element entirely appropriate to this project. The introduction of residential and community-oriented retail use on this former industrial site is consistent with these policies and objectives. The proposed mixed-use project will enhance and stabilize the southern edge of the Eckington neighborhood. The use of the PUD and Zoning Map amendment process to create the proposed PUD project is also consistent with the goals and policies for the Northeast No. 1/Eckington Yards Special Treatment Area.

4. Generalized Land Use Map

As previously mentioned, the Generalized Land Use Map includes the Subject Property in the PTE land use category. It should be noted that while the Generalized Land Use Map typically is helpful in determining appropriate uses and density in areas of the city, it is not intended to serve as

a “general” zoning map nor does it mandate a parcel-by-parcel limitation on permitted development. As discussed above, the proposed mixed-use project is not inconsistent with this land use category and there is considerable land in close proximity to the Subject Property, adjacent to the railroad tracks leading to Union Station, that is more appropriate for PTE related uses.

Moreover, the Industrial Land Use Study recently issued by the Office of Planning designates the Subject Property as an area ripe for land use change. See Industrial Areas Policy Map prepared by the Office of Planning as a Part of the Industrial Land Use Study, attached as Exhibit G. The study states that the project site is “*the* prime” development site outside of Downtown. (Industrial Land Use Study, p. 104). It is appropriate to rezone because it no longer contains a large number of production, distribution and repair businesses. Id. Consequently, the Office of Planning specifically recommends that the Subject Property allow residential and mixed-use transit-oriented development. Id. at p. 106.

The Office of Planning has developed a series of criteria for determining whether a land use change is appropriate for a particular site. It presumably conducted the same analysis when it concluded that a zoning change was appropriate for the Subject Property. OP recommends analyzing a site’s land use, transportation, and environmental context to determine if a different use would be appropriate given adjacent land uses, the accessibility of the site, and the extent to which the site is contaminated. OP also suggests reviewing existing conditions to determine what complications may arise from displacing existing uses. Finally, OP considers whether redevelopment would eliminate a unique building or site from the District’s portfolio and if the site would be needed for public service purposes in the foreseeable future. Given that this site

neighbors residential uses, is near the New York Avenue Metro Station, and is underutilized and undeveloped, it as a prime candidate for rezoning.

To that end, the Office of Planning recommends amending the Comprehensive Plan and the Comprehensive Plan's Land Use Policy Map to make it consistent with the Industrial Land Use Study. Specifically, the Comprehensive Plan should reflect that the Subject Property has been designated for land use change. (Industrial Land Use Study, p. 113).

5. Ward 5 Element

The Ward 5 Element of the Comprehensive Plan seeks to emphasize development and rehabilitation measures that contribute to an orderly process of neighborhood revitalization (10 DCMR § 1601.1(b)), encourage the creation of new job opportunities and the effective use of the inventory of commercial land (10 DCMR § 1601.1(c)), encourage and promote development around Metro Stations (10 DCMR § 1605.1(c)), ensure that neighborhoods like Eckington benefit from new and rehabilitated housing and increased retail (10 DCMR § 1600.4) and encourage new and rehabilitated affordable housing for area residents (10 DCMR § 1609.1(a)). The proposed PUD is consistent with all of these provisions of the Ward 5 Element of the Comprehensive Plan.

This project is also consistent with the NY/NoMA study being prepared by the Office of Planning. Preliminary drafts of the plan indicate that there are six planning principles guiding the study:

- Plan for a “walkable, transit-accessible, dynamic and diverse mixed-use neighborhood”;
- Strengthen “connections between new development, the new Metro station, and the existing nearby residential neighborhoods”;

- Improve “quality public space and pedestrian environment with community amenities”;
- Guide “redevelopment that address the unmet needs of existing nearby communities and preserve their integrity”;
- Use “environmentally friendly and energy conserving construction”; and
- Establish “market strength, reinforced by a strong identity and a high standard of design.”

(NY/NoMA Study, p. 2.) The design, location, and the proffered amenities make the proposed PUD project consistent with each of the above principles. Specifically, the NY/NoMA study calls for innovative architecture that responds to the industrial character of the community. The bold design relates to the industrial history of the community, emphasizes the appeal of the industrial style as residential housing, and creates attractive green spaces. The retail component of the project will contribute to the dynamic, walkable nature of the development, while the connection to the Metropolitan Branch Trail provides easy access to public transportation.

OP acknowledges that a critical mass of residents will be key to revitalizing the area and suggests that zoning tools should be utilized to assist in the revitalization effort. In fact, the NY/NoMA Study anticipates the construction of Fairfield’s residential project at the site. Draft of NY/NoMA Study, p. 11. The study designates the site area as “North NoMA Neighborhood – Transition Area C.” NY/NoMA Study, p. 26. It proposes that land located in the M Zone District within the designated transition area, be rezoned to medium to high density commercial and residential uses. See Draft Land-Use and Development Goals: North NoMA Neighborhood-Transition Area C, attached as Exhibit H. The study recommends embedding residential townhouses in the base of the larger buildings, as the proposed project does; the multiple entrances will animate pedestrian activity in the community and enhance the streetscape. The

proposed project is also consistent with the Office of Planning's recommendation to balance the density of the construction to relate to the existing residential uses, as well as the industrial uses.

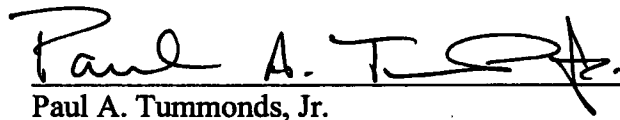
VI. CONCLUSION

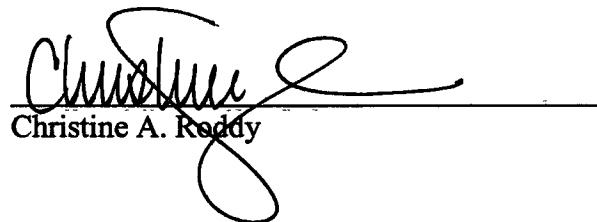
For the foregoing reasons, the Applicant submits that the consolidated PUD and Zoning Map amendment applications meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment; provide significant public benefits; and advance important goals and policies of the District of Columbia.

Therefore, the consolidated PUD application and Zoning Map amendment should be approved and adopted by the Zoning Commission.

Respectfully submitted,

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