

FAIRFIELD AT CAPITAL COMMERCE CENTER



BY

FF REALTY, LLC

**APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

July, 2005

ZONING COMMISSION
CASE NO. 05-23
EXHIBIT NO. 3
ZONING COMMISSION
District of Columbia
CASE NO. 05-23
EXHIBIT NO. 3

DEVELOPMENT TEAM

APPLICANT:

FF Realty, LLC
c/o Fairfield Residential
7200 Wisconsin Avenue
Suite 1108
Bethesda, MD 20814

ARCHITECTS, ENGINEERS AND CONSULTANTS:

WDG Architects, PLLC
1025 Connecticut Avenue, N.W.
Suite 430
Washington, D.C. 20036
Project Architect

William H. Gordon Associates, Inc.
4501 Daly Drive
Chantilly, VA 20151
Civil Engineer

Stephenson & Good
815 North Royal Street
Suite 200
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

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	Summary of Requested Action	1
B.	The Applicant.....	2
C.	Project Goals and Objectives	2
E.	Development Timetable.....	3
II.	THE PROPOSED PUD PROJECT	3
A.	Site Location	3
B.	Project Description.....	5
C.	Development Parameters Under Existing and Proposed Zoning.....	10
D.	Flexibility under the PUD Guidelines.....	11
III.	PLANNING ANALYSIS.....	12
A.	Introduction.....	12
B.	Land Use Impact	12
C.	Zoning Impact	13
E.	Facilities Impact.....	14
IV.	EVALUATION STANDARDS.....	15
1.	Housing and Affordable Housing	15
2.	Urban Design and Architecture	16
3.	Site Planning.....	17
4.	Effective and Safe Vehicular and Pedestrian Access	17
6.	First Source Employment Program.....	19
7.	Local Business Opportunity Program.....	20
8.	Comprehensive Plan	20
V.	COMPLIANCE WITH THE COMPREHENSIVE PLAN.....	21
A.	Compliance with Major Themes.....	22
1.	Stabilizing the District's Neighborhoods	22

2.	Respecting and Improving the Physical Character of the District.....	22
3.	Preserving and Ensuring Community Input.....	23
B.	Compliance with Major Elements.	23
1.	Housing Element	23
2.	Urban Design Element.....	24
3.	Land Use Element.....	25
4.	Generalized Land Use Map	27
5.	Ward 5 Element	27
VI.	CONCLUSION	27

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
Application Forms	A
Certificate of Notice	B
Notice of Intent to File	C
List of Owners of Property within 200 feet of the Subject Site	D
Compliance with Consolidated PUD Requirements and Environmental Analysis	E
Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area	F
Tabulation of Development Data	G
Preliminary Findings of Traffic and Parking Consultant	H
Surveyor's Plat of the Property with the Proposed PUD Project	I

PREFACE

This statement and the attached documents support the application of CSX Realty Development Corp. and FF Realty, LLC (the “**Applicant**”)¹ to the Zoning Commission in support of an application for the consolidated review and approval of a Planned Unit Development and a related amendment to the Zoning Map of the District of Columbia for the property known as Lot 815, Square 3576, to allow the construction of a mixed-use, predominantly residential, project. The property that is the subject of this application is bounded by Eckington Place, NE and Harry Thomas Way, NE and includes 187,958 square feet of land area. In total, approximately 675 - 700 residential units, with a significant affordable housing component of approximately 35,000 – 40,000 square feet, and approximately 9,730 square feet of ground floor retail will be created as a result of this project.

This PUD and Zoning Map Amendment application is consistent with the District of Columbia Comprehensive Plan, 10 DCMR, (the “**Comprehensive Plan**”), as well as numerous goals and policies of the District of Columbia. This project will benefit the District by providing significant new housing opportunities within the context of a transit-oriented development in the Eckington neighborhood. The project will also help to enliven the area with the development of a high quality residential project, with prominent street level retail uses along Eckington Place and the Capital Commerce Center “Gateway” off of Harry Thomas Way.

Submitted in support of this application are completed application forms, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings plans and elevations, and a map depicting the Zoning District for the property and the surrounding area. As set forth below, this statement and the attached documents meet the filing

¹ FF Realty, LLC is the contract purchaser of the property from CSX Realty Development Corp.

requirements for a PUD and Zoning Map Amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

and is acting as agent for the property owner for the purposes of this application.

I. INTRODUCTION

A. Summary of Requested Action

This document 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 675 - 700 new residential units (with approximately 35,000 – 40,000 square feet of affordable housing), and approximately 9,730 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 District for the Subject Property to accommodate the proposed residential and retail development. Rezoning the site to the C-3-C District is consistent with the overarching goals and policies of the Comprehensive Plan of the District of Columbia, 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 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, complete with ground floor retail, substantial landscaping and open space, and extensive passive recreation space.

D. Benefits of Using the PUD Process

The PUD process provides a means for creating a "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities." The use of the PUD process gives the community and District agencies an opportunity to work together with the Applicant to ensure a well-planned development. The PUD process will provide the Zoning Commission with an opportunity to review the design of the project in connection with its consideration of the request to rezone the site to the C-3-C District. Further, the Applicant has already begun to work closely with the community to address their goals for the development of the Subject Property and their concerns about potential adverse impacts that may arise. Therefore, the PUD process is the appropriate mechanism for guiding the development of the Subject Property.

E. Development Timetable.

The Applicant plans to start construction no later than April, 2006 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. Farther to the north and west of the Subject Property the area is comprised primarily of row-houses and the larger Eckington 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 less than a ten-minute walk to 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. The pedestrian connection to the Metro Station is expected to include both above and below ground components.

The Subject Property is currently vacant. A construction company occupied the northern portion of the Subject Property in the late 1920's. The Subject Property was partially occupied

by a railroad freight yard in 1928. 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 also 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.

B. Project Description.

The plans, elevations and drawings of the proposed PUD project are attached as Exhibit E. 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 proposed PUD project will consist of three separate buildings that include approximately 675 - 700 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 total gross floor area included in the proposed PUD is approximately 745,610 square feet (735,800 square feet for residential use and 9,730 square feet for retail use) for a total Floor Area Ratio ("FAR") of approximately 4.0. The lot occupancy of the PUD project is only 48%.

A landscaped private lane has been introduced on the northern and eastern portions of the Subject Property to create a separation between the PUD project and the properties to the north, as well as a separation between the two buildings on the western portion of the Subject Property and the third building which is located on the easternmost portion of the Subject Property that is bound by Harry Thomas Way as that street turns to the north. While this private lane will be located entirely on the Subject Property and will be maintained by the owners of the Subject Property, it will not be gated or blocked off in any manner and all members of the public will be able to drive their vehicles or walk into the Subject Property via this lane.

This project will also help enliven the area's streetscape appearance by providing approximately 9,730 square feet of ground floor retail at the intersection of Harry Thomas Way and Eckington Place. 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 intends to work with the surrounding community to find retailers that will help satisfy the retail needs of the existing neighborhood and future residents of the neighborhood. The Applicant has also agreed to provide space in the project for local

community organizations to hold their meetings. Along Harry Thomas Way and the interior private lane, a series of two-story townhouse style units with front stoops and entrances are introduced to further activate street life and convey a sense of openness to the street and surrounding neighborhood.

The focal point of this project is envisioned to be the building on the western portion of the Subject Property that will have frontage on both Harry Thomas Way and Eckington Place. This important intersection will be anchored by a visually stunning addition to the neighborhood that will have a façade consisting primarily of masonry with metal windows. Alternating glass bays and balconies are the primary articulation along Eckington Place. Façade materials will be brick with precast concrete and stone accents and trim. A glass corner on the building creates an eye catching feature at the Eckington Place/Harry Thomas Way intersection. This building will include a retail component at the ground level, with approximately 8,270 square feet of gross floor area, with residential units on the upper floors. The height of this building along Eckington Place is 110 feet and 11 stories as measured from the sidewalk at the corner of Eckington Place and Harry Thomas Way. As the building moves to the west, along its northern edge adjacent to the private lane, the height is reduced to 9 stories. This building will include approximately 236,103 square feet of gross floor area and approximately 229 units. A very large landscaped courtyard, consisting of 16,527 square feet, with private terraces for the ground floor units is also provided. Most units will include balconies that face the adjacent streets, or the interior courtyard.

The building in the center of the Subject Property will also include ground floor retail of approximately 1,460 square feet of gross floor area, and residential units above. This building

will consist of approximately 223,381 square feet of gross floor area and approximately 204 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. A portion of the building will have a height of 60 feet and six stories. As the building moves to the east and north along the proposed private lane, the height of the building increases to 110 feet and eleven stories. At the street level along the new private lane, a series of stoops and direct entrances to the residential units are proposed to help accentuate street level activity. The ground floor residents of this building will also have private terraces adjacent to the large interior courtyard. All residents of this building will have incredible views of the significant open space provided in the interior of the project.

The last component of the PUD project is the building located to the east of the private road. This building will be solely residential, will include approximately 276,381 square feet of gross floor area, and approximately 259 residential units. This structure will also include a mixture of building heights with lower building heights of 60 feet and six stories, and have a height of 90 feet and nine stories along Harry Thomas Way as that street turns to the north. This building will also include a large interior courtyard (13,662 square feet), a terraced patio and lawn, significant landscaping, and private terraces for residents of the ground floor units. This building will also include a clubroom/amenities space for building residents. Based on conversations with representatives of the Office of Planning, this building's façade and appearance will be distinct and different from the other two buildings. The Applicant is reviewing ways in which to reflect the industrial nature of the Subject Property and the surrounding area to a greater extent than the other two buildings. The Applicant believes that

this treatment of the easternmost building will help the PUD project appear to have evolved over time with the surrounding neighborhood.

As discussed above, the maximum building height of any of the buildings is 110 feet. Significantly, the proposed project will have a lot occupancy of only 48%, 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 the three buildings will include landscaped recreation spaces and pools that all residents of the PUD project and their guests will be able to utilize. The project will include a total of 89,642 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 public plaza has been created between the buildings that meet near the intersection of Eckington Place and Harry Thomas Way. This public plaza will be located on private property yet will be accessible to all members of the public. 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. This public plaza will include significant landscaping and hardscape elements to create a true amenity for members of the public, as well as residents of this project and their guests. The vast interior courtyards will be a common amenity for all residents of the PUD project. These richly paved

and landscaped areas will create a sense of openness for the residents of the project as well as residents of the neighborhood that walk past the Subject Property.

Access to the below-grade parking garage of approximately 783 parking spaces for the entire project including the retail portion, will be along the landscaped private lane at the rear of the Subject Property, adjacent to the Washington Flower Center and the State Farm office, as well as from the private street that is introduced on the eastern portion of the Subject Property. There will be two entrances to the garage, one at the rear of building on the western edge of the Subject Property and the other at the rear of the building at the eastern edge of the Subject Property. All required loading berths, platforms, and spaces will also be accessed from this private lane. Approximately 25 parking spaces are provided at grade along the private lane.

The project will include approximately 35,000 – 40,000 square feet of residential use that will be considered workforce affordable housing. The affordable housing units will be spread throughout the three buildings and will include the same ratio of unit types as the market rate units in the project. The Applicant will work with the Office of Planning and the Department of Housing and Community Development to finalize the total amount of affordable housing provided in this project, and the income eligibility requirements for the purchasers of these affordable units.

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 PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment (“BZA”). The proposed PUD project will be built on a single record lot with multiple buildings. Pursuant to §2517.2 of the Zoning Regulations (exceptions to Building Lot Control (Other Than Residence Districts)) multiple buildings are permitted on a single record lot as a matter-of-right, provided that each building satisfies applicable Zoning requirements (such as use, height, bulk, and open spaces around each building). In order to locate the multiple structures on the Subject Property as proposed in this PUD project, it is necessary to obtain relief from Section 2517.2 of the Zoning Regulations. The Zoning Commission has the authority to grant this requested flexibility pursuant to Sections 2405.5 and 2405.6 of the Zoning Regulations.

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.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous 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 noted above, a pedestrian connection to the New York Avenue Metro Station is proposed along the train tracks adjacent to the CSX property and the Metropolitan Bike Trail. As part of its community benefits and amenities package, the Applicant proposes to make a financial contribution to the creation of a safe and effective pedestrian connection to the 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. Finally, the proposed mix of residential unit types and community-oriented retail use at the intersection of Eckington Place and Harry Thomas Way 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.

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.

D. Environmental Impact

As more specifically detailed in Exhibit E, 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 has engaged Gorove/Slade Associates to prepare a traffic and parking impact analysis for this PUD project. The preliminary analysis is attached as Exhibit H.

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

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning. The instant consolidated application will achieve the goals of the PUD process by creating a high quality residential development, with a significant affordable housing component, and much needed community-oriented retail space in the Subject Property, all of which will further several goals set forth by the District of Columbia.

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 675 - 700 new residential units in the Eckington neighborhood. In addition, the project will result in the creation of approximately 35,000 – 40,000 square feet of workforce affordable housing units for low and moderate-income residents. As noted above, the Applicant will work with the Office of Planning and the Department of Housing and Community Development to finalize the details of this large affordable housing component.

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. As shown in the detailed plans, elevations, and renderings included in Exhibit F, 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 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 at the intersection of Harry Thomas Way and Eckington Place, and along Harry Thomas Way with proposed entrances to the individual 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 provide not only residents and their guests with open and inviting spaces for entertainment and relaxation, but also members of the general public. These spaces include the large landscaped open spaces in the interior of the site, the landscaped pool areas on the rooftops of the buildings, and the public plaza near the intersection of Eckington Place and Harry Thomas Way. The introduction of the private lane helps break-up the massing of the project along Harry Thomas Way and creates a rhythm of development along Harry Thomas Way that is consistent with the general area. Note that the proposed PUD project has a lot occupancy of only 48%, while the Zoning Regulations allow a lot occupancy of 100% in the C-3-C District.

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 two vehicular points of entry and exit into a shared parking garage for the entire project that is accessed from the private lane introduced on the Subject Property. This private lane removes the need for multiple curb cuts along the project’s frontage on Eckington Place and Harry Thomas Way. This private lane system is beneficial for traffic generation purposes as it separates the access points for the parking facilities and provides

several options for motorists to access or leave the Subject Property thereby mitigating potential pedestrian and vehicular conflicts.

As noted in the preliminary traffic and parking study performed by Gorove/Slade Associates, attached as Exhibit H, the proposed project will likely generate a total of 110 AM peak hour trips (less than 2 cars per minute), and 142 PM peak hour trips (approximately 2.4 cars per minute). Gorove/Slade Associates' preliminary analysis concludes that these additional trips can be adequately accommodated by the surrounding road network with little change in operating conditions. The preliminary study notes that the ability to distribute traffic to a number of adjoining neighborhood streets aids in limiting the vehicular impact of this development on streets to the north of the Subject Property. In regard to the on-going DDOT study of the future of the New York Avenue and Florida Avenue intersection, the study details that this project will likely generate less than 1% of the daily traffic that currently passes through that intersection.

In regards to the proposed parking impacts of the project, the Gorove/Slade Associates' preliminary analysis notes that the project will include approximately 800 parking spaces with 750 spaces for residents and guests and 50 spaces for the retail use. Since the Gorove/Slade Associates' preliminary analysis was prepared slight changes to the number and allocation of parking spaces have been made. These slight changes have no impact on the conclusions included in that preliminary analysis. The Gorove/Slade Associates' preliminary analysis notes that the proposed parking ratio of 1:1 parking spaces to units provided is entirely adequate and is commensurate with twelve recent residential developments constructed or proposed in the District of Columbia. The study also notes that based on 2000 Census Tract data, 50% of the households in the Census Tract that includes the Subject Property own automobiles.

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 has agreed to provide the following community benefits as a result of this project:

- Financial contribution for pedestrian connection to New York Avenue Metrorail Station;
- Contribution for improvements to Metropolitan Bike Trail;
- Creation of a public plaza on the Subject Property; and
- Creation of meeting space in the retail portion of the project for use by community organizations such as ANC 5C and the Eckington Civic Association.

The Applicant will continue to work with neighborhood organizations (such as the Eckington Civic Association) and ANC 5C to identify other opportunities to help improve the surrounding neighborhood.

The addition of approximately 675 - 700 new households and almost 9,730 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.

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.

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 deciding 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 - No thru-wall vents, complete architectural treatment of all sides of the building, introduction of a new private lane which is open to the public, yet paid for and maintained by the property owner.
- 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.

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 675 - 700 new residential units (with 35,000 – 40,000 square feet of affordable housing) and the construction of approximately 9,730 square feet of retail on a vacant site within easy walking distance of a 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 675 - 700 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 hopes to find community-oriented retail tenants that will serve the needs of the project's resident and their neighbors. 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 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 site by alternately addressing the sidewalk with buildings and open space. In addition, the plan dramatically improves the streetscape on all three sides of the square. Finally, the Applicant will work with DDOT and WMATA to facilitate the development of a pedestrian connection to the New York Avenue Metrorail Station.

3. Preserving and Ensuring Community Input

The Applicant has already begun a dialogue process with various community organizations and individuals, including presentations to ANC 5C and the Eckington Civic Association. The Applicant will work with representatives of these groups, as well as the surrounding neighborhood, to create a project that will be a benefit to the neighborhood and the District of Columbia.

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 675 - 700 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 provide approximately 35,000 – 40,000 square feet of 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))

As shown in the detailed plans, elevations, and renderings included in Exhibit F, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The construction of a prominent residential building with ground floor retail 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.

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.

VI. CONCLUSION

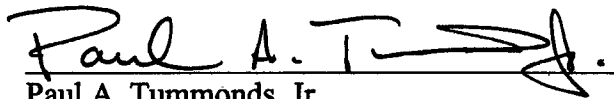
For the foregoing reasons, the Applicant submits that the consolidated PUD and Zoning Map amendment applications meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the

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.

Accordingly, the Applicant respectfully requests the Zoning Commission to set the PUD and accompanying Zoning Map Amendment applications down for a public hearing at the earliest possible date.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP


Paul A. Tummonds, Jr.

Date: July 28 2005