

DEVELOPMENT OF THE
MARINA VIEW RESIDENTIAL SITE



BY
MARINA VIEW TRUSTEE, 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 NO. 05-38

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District of Columbia

CASE NO. 05-38 05-38
EXHIBIT NO. 26 26
ZONING COMMISSION
District of Columbia
CASE NO.05-38
EXHIBIT NO.26

DEVELOPMENT TEAM

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CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

Marina View Trustee, LLC hereby certifies that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on October 11, 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.

Marina View Trustee, LLC (the "Applicant") also certifies that certain modifications and refinements have been made to the project since the original submission to the Zoning Commission. These changes have been made in response to comments raised in meetings that have been held with the Office of Planning and in response to the comments of the Commission members at the March 13, 2006, and July 24, 2006, public meetings. These modifications and refinements are detailed below.

In response to comments made by the Commission at the March 13, 2006, Public Meeting, the Applicant revised the project design to reduce the height of the two proposed new buildings from 120 feet to 112 feet. In addition, the Applicant filed revised plans that reshaped the footprint of the new buildings in order to enhance the scale relationship between the proposed and existing buildings. Finally, the Applicant submitted further details on the historic preservation component of the project. These changes were presented to the Commission in a Supplemental Submission dated June 16, 2006.

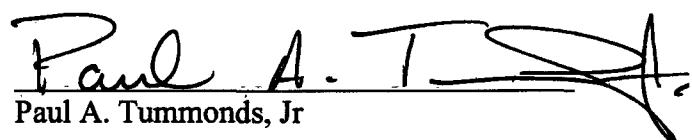
At the July 24, 2006, Special Public Meeting, the Zoning Commission considered the June 16, 2006, submission. Noting the Applicant's reduction of height, the Commission voted to set down the PUD and Zoning Map amendment for a public hearing on a consolidated basis. The Commission again requested further information on the proposed historic preservation component of the project. In response to other comments made by members of the Commission during the July 24, 2006, meeting, the Applicant has provided additional information and made further refinements. These modifications include:

- (a) Information regarding the historic preservation component of the project;
- (b) Revisions to and clarifications of the project's design;
- (c) Removal of the residential units on the mechanical penthouse level of the existing buildings and reduction in the size of the mechanical penthouse enclosure; and
- (d) Information on the amenity status of the recreation building.

In all other respects, the project is the same as filed on November 30, 2005.

<u>Sub-Section</u>		<u>Page</u>
3013.1(a)	Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission; Exhibit A
3013.1(b)	List of Witnesses	Pre-Hearing Submission
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for the Record: Outline of Testimony of Representative of the Applicant Outline of Testimony of the Project Architect Outline of Testimony of the Landscape Architect Outline of Testimony of the Architectural Historian Outline of Testimony of the Traffic Engineer	Exhibit F Exhibit F Exhibit F Exhibit F Exhibit F
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission; Exhibit A
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit E
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1 hour
3013.3 and 3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site	Exhibit C
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 I

Respectfully submitted,
Pillsbury Winthrop Shaw Pittman LLP


Paul A. Tummonds, Jr.

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Andrew Montelli and/or Jay Johnson, Representative of the Applicant

Phil Esocoff and/or Linda Palmer, Project Architect, Esocoff & Associates Architects – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Donald Richardson, Landscape Architect, Zion Breen & Richardson – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF LANDSCAPE ARCHITECTURE

Anne H. Adams, Architectural Historian, Pillsbury Winthrop Shaw Pittman LLP – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF HISTORIC PRESERVATION

Lou Slade, Traffic Engineer, Gorove/Slade Associates – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 HOUR

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area	A
Historic Preservation Office Staff Report	B
List of Owners of Property within 200 feet of the Subject Site	C
Compliance with Consolidated PUD Requirements	D
List of Publicly Available Maps and Documents	E
Outlines of Witness Testimony	F
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Environmental Analysis	H
Draft First Source Employment Agreement with the Department of Employment Services and Memorandum of Understanding with the Office of Local Business Development	I
Newsletters prepared by the Applicant distributed to the Marina View Tenants	J

I. INTRODUCTION

This document supports the application of Marina View Trustee LLC (the “**Applicant**”) 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 Lots 50 and 853 in Square 499 (the “**Subject Property**”). Since the submission of the initial site plan, and in response to the comments and concerns of the Zoning Commission, the Applicant has worked with the Office of Planning to refine various aspects of the PUD project. These refinements result in a project that now includes two new 112-foot buildings on the Subject Property and the renovation of the two existing buildings (designed by noted architect I.M. Pei, known as Marina View Towers). In total, the project will include approximately 540-570 residential units and approximately 8,900 square feet of ground floor retail space. Approximately 11,541 square feet of workforce affordable housing will be provided in the project. The Applicant will provide the opportunity for residents of the existing Marina View Towers to purchase or lease units in the new buildings at a discounted rate.

The Subject Property is currently located in the R-5-D Zone District and the Medium Density Commercial land use category on the Generalized Land Use Map. The Applicant requests a Zoning Map amendment to the C-3-C District for the Subject Property to accommodate the height of the proposed residential development and its ground floor retail components. 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.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 135,263 square feet of land area and is bounded by M, 6th and K Streets, SW. Directly to the east of the Subject Property is the Waterside Mall, which consists of approximately 13.42 acres at 401 M Street, SW. The Waterside Mall property, approved as a first-stage PUD in 2003,¹ will be redeveloped into a medium-high density mixed-used complex of offices, apartments, and retail establishments. Pursuant to the first-stage PUD approval, 222,429 square feet of the Waterside Mall site, situated at its four corners, were rezoned to the C-3-C Zone District, and the approved plans call for a building height of 112 feet. Directly to the west of the Subject Property, across 6th Street, SW, is the Arena Stage, the fifty-year old performing arts center that will soon undergo a major building expansion, and the new Arena Stage will measure 93.5 feet at its highest point. North of the Arena Stage and across from the northern end of the Subject Property are Waterside Towers, a medium density residential complex. Directly to the north of the Subject Property, across K Street, SW, is the west end of Town Center Park, a significant landscaped public park with a lovely water feature. Directly to the south of the Subject Property are a mixture of medium and moderate density residential buildings in the Tiber Island Residential Complex.

¹ Z.C. Order: Order No. 02-38 (First-Stage PUD – Waterfront) (July 31, 2003).

Current plans for the Southwest Waterfront, detailed in the Development Plan and Anacostia Waterfront Initiative Vision for the Southwest Waterfront (“**Anacostia Waterfront Initiative**”), call for the establishment of Maine Avenue as the sole means of road access to the waterfront. Maine Avenue will be reconceived as a “great urban boulevard” and transformed into a “pedestrian-friendly environment” that is “integral to the Southwest community.”² The intersection of M Street and Maine Avenue, just west of the Subject Property will therefore be both an important vehicular connection and a prime pedestrian/mass transit point of access to the revitalized waterfront from the Waterfront Metro station at 4th and M Streets, SW. Additionally, the Anacostia Waterfront Initiative calls for dense mixed-use development along the waterfront, including 9-12 story buildings. An illustration of existing and proposed building heights in the area of the Subject Property is included as page 17 of Exhibit A.

The residential zones surrounding the Subject Property permit a mix of development. The R-5-D districts to the south and west permit “urban residential development” of high height and medium-high density. The maximum height allowed is 90 feet, the maximum FAR is 3.5, and maximum lot occupancy is 75%. The R-3 districts to the south permit row dwellings with a maximum height of 40 feet, and maximum lot occupancy of 40%; in the Tiber Island project, these housing units are integrated with the larger structures.

The Subject Property is located in the Medium Density Commercial land use category as shown on the District of Columbia Generalized Land Use Map. The property to the east, including the Waterside Mall, is also located in the Medium Density Commercial land use

² The Southwest Waterfront Development Plan, Development Plan and AWI Vision for the Southwest Waterfront, February 6, 2003, at 4-6

category. The properties to the west and south, including the Arena Stage site, are located in the Medium Density Residential category. The property immediately to the north is located in the Parks, Recreation, and Open Space land use category, and further to the north are properties in the Medium Density Residential Category.

B. Project Description

1. Project Design

The architectural drawings, plans, and elevations depicting the updated design and layout of the proposed project are attached as Exhibit A. The centerpiece of the project remains the construction of two new residential structures at the north and south ends of the Subject Property, replacing existing surface parking lots. The two new buildings will hold approximately 285-315 residential units and the existing structures, designed by well-known architect I.M. Pei, will include approximately 255 units. The new south building will provide approximately 8,900 square feet of ground floor retail along M Street with a 14-foot ceiling height. This retail space provides an incredible opportunity for a restaurant at the intersection of M and 6th Streets, facing the Arena Stage. The southern building will transform this block of M Street from a bleak walk alongside a parking lot into a bustling urban streetscape for both residents and visitors alike.

The new buildings will now rise to approximately 102 feet, with an additional top floor set back at one-to-one ratio on the M, K and 6th Street sides of the new structures, for a total building height of 112 feet.³ Approval of the 112-foot tall buildings allows for a ground level clearance height of approximately 14 feet in the new south building to allow for more

³ The measuring point used for this calculation of building is the midpoint of the Subject Property's frontage along M Street.

marketable, and ultimately more successful, retail space. On the northern building, the greater clearance height at the ground level allows for taller residential units (which will help with the marketing of units that will have bedrooms at the grade level) and the opportunity to allow these units to be converted to commercial, arts-related, or other community service use if the market exists for such uses along K Street. The stepping down in height from the 130-foot Waterside Mall office tower to the 112-foot proposed residential height (with setbacks at 102 feet) to the 90-foot height of the existing Pei buildings, is typical of the stepping skyline arrangements of mid-twentieth century Modernist urban design.

As previously noted in the June 16, 2006, supplemental submission, the Applicant has also reshaped the footprint of the two new buildings, particularly along the sides that face the existing Pei buildings, in order to enhance the scale relationship between the proposed and existing buildings. As a result of the design changes, the existing Pei buildings will read more properly as “buildings in the round,” consistent with Pei’s original design for the two towers. Most significantly, the two new buildings now feature a contraflective “S” curve that creates a more slender, graceful, and delicate three-dimensional building form. This change, when coupled with the reduction in height, creates a more dynamic relationship between the new and existing buildings. Further, the sinuous curve serves as a lively counterpoint to the flat, highly ordered, regular grid of Pei’s facades. Like the stepping heights of the buildings, this contrast is also an element of Modernism.

The new structures are primarily glass and masonry piers with perforated metal panels used as balcony rails and sun screens. The alternating balcony design reduces the scale of the new buildings, yet also allows for two-story high clearance at many balconies. It is a design motif

common to many of the mid-century modern buildings in Southwest that give this neighborhood its unique architectural character. The glazing system proposed, and the perforated metal panels, are contemporary additions to the architectural language of this neighborhood. This sympathetic and careful integration of old and new architectural materials and expressions is a well-regarded approach to historic preservation.

Each set of buildings will also contain an underground parking facility. The point of entry on 6th Street will be a ramp that leads down to an underground “auto court” rotary to allow traffic to circulate for both self parking and valet parking. The parking garages will hold approximately 573 parking spaces, one space for every residential unit and eight dedicated retail parking spaces. The building is also designed to be friendly to cyclists. Air-conditioned bicycle rooms and maintenance areas will be located adjacent to the auto courts in order to make the use of bicycles convenient. The project will include approximately 565 bicycle storage spaces, approximately one bike space for every residential unit. Finally, bicycle access will be safe and secure as the driveways into the auto court will include designated bike/pedestrian lanes.

The structures and embellishments on the roofs of the new buildings have been further refined and enhanced. Along M Street, and at the easternmost edge of the new building, the trellis and support elements on the top floor have been removed. Environmentally sensitive “green” materials and techniques will be employed for the roof and landscaping design for all four buildings in the project. The roofs of the new buildings will also serve as recreational open spaces. Each new building will feature an irregularly-shaped pool at its west end, oriented towards the Washington Channel and waterfront. Pool and sun deck areas will also be provided on the roofs of the buildings.

At the July 24, 2006, Zoning Commission Special Public Meeting, concerns were raised regarding the potential introduction of residential units on the mechanical penthouse level of the Pei buildings and the overall size of the mechanical penthouses. The Applicant has removed the proposed residential units on this level of the Pei buildings and has reduced the overall size of the mechanical penthouse enclosures. Based on additional research of the existing mechanical structures in these buildings, the Applicant has determined that those mechanical structures have an existing height of 17 feet. As shown on page 33 of Exhibit A, the Applicant is proposing to locate all of the existing and needed mechanical structures into a single enclosure. The height of the penthouse enclosure will be approximately 104 feet, rather than the 100 feet which was shown in the June 16, 2006, submission to the Zoning Commission.

A key component of the Modern development pattern that characterizes Southwest Washington is the “tower in the park” rhythm of tall residential structures with generous and varied open space. The Applicant has engaged the landscape architecture firm Zion Breen & Richardson (“ZBR”), which was known as Zion Breen when it prepared the original landscape plan for the Subject Property, to renovate and update its original landscape plan. As shown in the landscape plans attached as Exhibit A, ZBR has designed a large green space in the center of the Subject Property (the “Great Lawn”) to replace the existing pool and return the landscape plan to what was originally intended. The proposed landscape plan also proposes two new ‘vest pocket’ parks located between the existing Pei buildings and the Applicant’s proposed residential buildings.⁴ ZBR has also designed a new linear garden flanking 6th Street between the Pei

⁴ Zion Breen designed Paley Park in New York City, broadly regarded as the definitive example of such urban retreats.

buildings that will be a quiet oasis, open to the public during the day. Two small pavilions that define the ends of this space will allow for vending of light refreshments. The Applicant hopes to find local vendors to operate these concession stands.

An eight foot wide east-west path that parallels the Green Lawn will allow pedestrians and bicyclists to traverse the site in an east-west direction to access Metro and the future developments to the east, thus repairing the disconnect in the public rights-of-way lost when L Street was closed in the center of this square. In the previous plan presented to the Commission this east-west path was approximately 12 feet wide and was designed to allow occasional vehicular traffic. In consultation with the Office of Planning and the Historic Preservation Office Staff, the Applicant has decided to prevent any vehicular traffic from using this path. The Applicant believes that the reduced width of the path and the removal of any potential conflicts between pedestrians, bicyclists and vehicles is an improvement to the previous site plan.

The north/south service drive on the east side of the Subject Property will be paved in a manner that allows it to feel comfortable for pedestrians as well as cyclists to traverse with defined pedestrian crossings areas. It will help reestablish the neighborhood pathway that historically was once 5th Street, SW. The Applicant is currently engaged in discussions regarding the relationship of the proposed PUD to the adjacent Waterside Mall with the owners of that property. While the loading for the Applicant's mainly residential use project will be quite modest, loading facilities for the adjacent Waterside Mall property are also proposed to be accessed off of this service drive.

On the east end of the Great Lawn an amenities building for the project will be constructed. The amenities building will help frame the Great Lawn and will also provide a

visual barrier to the potential loading docks of the Waterside Mall project. The Applicant anticipates that this building will include fitness facilities and a large swimming pool with lap lanes⁵. The amenities building may also include multi-purpose community rooms that can be reserved by residents of the project for social events and can be used by the tenant and homeowner associations for official meetings. Based on comments from the existing residents of Marina View Towers, the Applicant will include a playroom for children to use when the weather does not permit families and children to use the extensive outside greenspace of the project.

The Applicant and its architects continue to coordinate design and planning components of this project with the owner and architects of the adjacent Waterside Mall property. The Applicant is working to create the shared use of the service drive on the easternmost portion of the Subject Property with the adjacent project. This shared drive will help further the efficient and safe vehicular traffic and loading operations in the square and establish clearly defined pedestrian crossing areas. In addition, the Applicant is working with the Waterside Mall owner to create a consistent street frontage along M Street for pedestrians. The Applicant will continue to work on these issues, and any other relevant issues, in order to allow for comprehensive and coordinated development of these projects.

2. Historic Preservation

As noted previously, the existing Marina View Towers, along with the two structures on the east side of the Waterside Mall complex known as Town Center Plaza, were designed by I.M.

⁵ The Applicant previously proposed the possibility of providing memberships to the fitness facilities to members of the surrounding neighborhood. In response to concerns that were raised about the legality and appropriateness of such a proposal, the Applicant will not be pursuing this issue further.

Pei. While they are not among his most well-known designs, the structures are important because they contribute to the greater pattern of Modern architecture and urban planning that characterizes Southwest Washington. These buildings are currently not designated as individual historic landmarks, nor are they deemed to be contributing buildings in a historic district.

The Applicant has discussed the historic character of the Pei buildings and Southwest neighborhood extensively with representatives of the Office of Planning, the Historic Preservation Office, and the District of Columbia Preservation League (“DCPL”). All parties consider these buildings to represent a significant contribution by I.M. Pei to the modern architectural character of Southwest Washington. After consultation with representatives of the Historic Preservation Office, the Applicant has submitted the proposed project to the Historic Preservation Review Board (“HPRB”) for concept design review of potential historic property. While no Southwest Historic District formally exists, HPRB will evaluate the proposed PUD as if the historic district existed and the Pei buildings were contributing buildings to that historic district. As a public benefit and community amenity of the PUD, the Applicant has engaged the services of an architectural historian to help perform the background research necessary to formally establish a Southwest historic district.

On October 5, 2006, HPRB reviewed the project. A copy of the Historic Preservation Office Staff Report for that HPRB meeting is attached as Exhibit B. The Staff Report recommended that HPRB endorse the concept plan for the project as compatible with the historic character of the I.M. Pei Towers and a potential Southwest Historic District. In addition, the Staff Report noted:

In sum, the staff finds the concept design both extremely thoughtful and highly successful as compatible design in this context. It should serve as a real model for how to integrate substantial new construction within the Southwest environment. (emphasis added. P. 6 of the Staff Report.)

On October 5, 2006, HPRB adopted a “consensus endorsement of the project”. The Applicant will not be required to return to HPRB until final building permit stage plans are ready to be reviewed and approved.

The Applicant has chosen to preserve the two existing Pei buildings for both historic preservation and environmental reasons. There are a number of factors and attributes of these buildings that would ordinarily lead a developer to the conclusion that demolition of these structures is the only option. The buildings’ concrete frames have deteriorated and are unprotected from the freeze/thaw cycle. More importantly, their exterior glazing—which is essentially the entire exterior envelope of the buildings—consist of uninsulated single-pane glass panels in thermally inefficient window frames. Further, the geometric structure of the building—its column spacing, floor plate configuration and floor-to-floor heights—make introduction of code compliant mechanical, electrical and plumbing (MEP) systems difficult and expensive, and the typical floor-to-floor heights allow for only eight-foot ceilings. Finally, features of the individual units⁶, common areas, rooftop spaces⁷, and mechanical,⁸ plumbing and electrical systems, do not meet current building codes, ADA requirements or market expectations.

⁶ For example, the kitchens and baths are not fully ADA and/or FHA compliant, only one small casement window is operable in a typical unit, and all the units lack balconies, which is contrary to market expectations.

⁷ The roof is not a “green roof” and lacks the elevator service and access features necessary to make it accessible by the tenants for their enjoyment.

⁸ The mechanical system is an outmoded “two-pipe” system that allows for either heating or cooling but not both at the same time.

The Applicant intends to renovate the exterior of the Pei buildings by replacing the exterior glass walls and windows with insulated glass panels and windows in thermally efficient frames in the same geometric configuration.⁹ The Applicant also intends to repair the exposed concrete so that the renovated buildings should appear as they did originally. The Applicant proposes to expand the lobbies in each structure by replacing the existing glass walls with new curved glass walls that are sympathetic to Pei's design, but are clearly new interventions. This modest expansion will allow for a functional attractive lobby, while maintaining the arcade as an open and attractive loggia, consistent with the original design. The Applicant also proposes to update the new mechanical penthouse level in a simple volume at the top of each tower that are similar in size to the rectangular penthouse enclosure shown in the original Pei drawings. Surrounding the penthouse will be a "green" roof with low to mid-height planting and meandering pathways to allow the residents to enjoy and maintain the garden. Larger, heavier plants are not recommended due to the structural capacity of the existing building frame.

Mitigating the deficiencies in the existing Pei buildings detailed above will be significantly more expensive than demolition and replacement, and, were it not for historic preservation and environmental considerations, the most reasonable approach would be to demolish the existing Pei towers. Even before the current interest in environmentally responsible architecture, modern architects understood how to build responsibly. The Pei buildings, however,

⁹ Given Washington's brutal summers and cold winters, Pei's single-paned, glass-walled buildings stand apart from those designed by local firms that perhaps better understood the local climate. The new glass panels help adapt Pei's original design to the D.C. climate.

appear to have been constructed as inexpensively as possible.¹⁰ As a result, the adaptive reuse of the Pei towers is particularly expensive because of their materials and design.

Moreover, the overall planning and layout of the Subject Property as well as the entire superblock that includes Marina View Towers, the Waterside Mall, and the Town Center Plaza (the companion buildings to the east of Waterside Mall that were also designed by Pei) represent a departure from the L'Enfant Plan. As detailed above, the proposed PUD endeavors to reintroduce elements of the L'Enfant Plan to the Subject Property, by creating safe and attractive pedestrian pathways, both through the site around the Great Lawn (restoring the east-west route of L Street SW) and along the eastern end of the site adjacent to the Waterside Mall (restoring the north-south route of 5th Street SW).

However, historic significance is not necessarily about architectural merit alone. The D.C. Historic Landmark and Historic District Preservation Act states that its purpose is to: "effect and accomplish the protection, enhancement, and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, economic, political, and architectural history."¹¹ The Subject Property, as part of the Waterside Mall complex, contains distinctive elements of the city's social and architectural history, as it represents a major, if flawed, effort at city revitalization. Pei's buildings also represent a stage in the career of a talented architect who went on to design, among other notable

¹⁰ For example, the Brookings Institution building, constructed in 1954, was thoroughly renovated in 1995 when it, like the Pei towers, was a little over 40 years old. There, the limestone veneer exterior walls and insulated operable windows were all still reusable with reasonable reconditioning. The Brookings building, like many others that preceded Pei's Marina View towers, were more thoughtfully and responsibly designed, which enables their current adaptive reuse.

¹¹ Historic Landmark and Historic District Protection Act of 1978, D.C. Code § 6-1101 (emphasis added).

structures, the East Building of the National Gallery of Art. Likewise, the central garden by Zion Breen is significant due to that firm's overall accomplishments.

Given the central role that open space played in the planned design of Southwest Washington, the Applicant believes that significant attention should be given to the preservation and renovation of the original planned open space. The resulting composition of five buildings (three existing, including the 130-foot Waterside Mall tower, and two new) surrounding a central garden, is completely compatible with the theoretical planning and architecture principles which underpin the mid-century redevelopment of Southwest Washington. The two new buildings do not negatively impact the contributing historic aspects of Marina View Towers. Rather, they replace surface parking lots which detract from the tower-in-the-park model, with new residential uses and additional greenspace. Construction of the new structures enables the proper restoration of the existing Pei structures and integrates the historic buildings into an attractive and active residential community.

The redevelopment proposed by this PUD mitigates the deficiencies of existing buildings and site planning, and preserves Pei's buildings and site design as important landmarks in Washington's social history and architectural development. In addition, HPRB and the Historic Preservation Office staff have reviewed and approved the concept plan proposed by the project. Accordingly, the Applicant believes that it is entirely appropriate to consider the preservation of the existing Pei buildings and site plan to be consistent with Section 2403.9(d) of the Zoning Regulations, which states that "historic preservation of private and public structures, places, or parks" are to be considered public benefits and project amenities.

3. Project Summary

The total gross floor area included in the PUD project is approximately 592,471 square feet for a total Floor Area Ratio (“FAR”) of 4.38. This includes approximately 550,360 square feet for the residential units, approximately 33,172 square feet for the residential service and residential amenity space, and approximately 8,939 square feet of retail space. (See p. 35 of Exhibit A.) As mentioned previously, both new buildings will have a height of 112 feet, with the top floor set back at a ratio of one-to-one along the M, K and 6th Street frontages of each structure. The proposed project will have a lot occupancy of approximately 50% and will include approximately 564 parking spaces. The proposed project has a height and FAR that is significantly less than what is permitted under the C-3-C District PUD Guidelines (maximum FAR of 8.0 and a maximum building height of 130 feet).

Approximately 11,541 square feet of the space allocated for residential use will be dedicated to affordable housing. This equates to approximately 15% of the residential bonus density that is achieved through the PUD process. The affordable housing units will be spread throughout the new and existing buildings and will include the same ratio of unit types as the market rate units in the project. Attached as Exhibit G, 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 will also provide the existing residents of Marina View Towers the opportunity to purchase or lease residential units in the project at a discounted rate.

C. . 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 PUD project will be built on a single record lot with multiple buildings. Pursuant to Section 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.

Pursuant to Section 2201.2 of the Zoning Regulations, for any use that occupies 90% or more of the gross floor area or cellar floor area of a building, loading berths shall be calculated as if the greater use occupies the entire building. This means that the 8,900 square feet of retail use does not require its own loading berth, delivery space and loading platform. Therefore, the proposed project requires one loading berth at 55 feet deep, one delivery space, and one loading platform of 200 square feet. The project will satisfy all of these requirements except for the provision of a 55 foot loading berth. Thus, flexibility is requested. The Applicant believes that the three 30 foot loading berths provided in this project will adequately serve the loading needs for the residents and the retail tenants.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia in revitalizing the Southwest Waterfront and, specifically, the M Street SW corridor.

B. Land Use Impact

1. Transit-Oriented Development

In September 2002, the DC Office of Planning produced a report entitled “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 mixed-use development along M and 6th Streets, SW, at the nexus of the Waterfront-SEU Metro station and the primary southern

access point to the Southwest Waterfront; numerous Metrobus lines also service the area. The PUD project replaces existing surface parking lots along M Street, resulting in significant enhancements to the Subject Property that will create a safe and inviting pedestrian environment. The proposed height and massing of the project is consistent with recently approved PUD projects in the area, such as the approval of the Waterside Mall PUD which rezoned a portion of that property to the C-3-C Zone,¹² existing residential and commercial development, and the District's planning goals for the future of this area of the City. The site plan also complements the "tower in the park" rhythm of building height and mass that distinguishes the Southwest neighborhood. Moreover, the current plans for the revitalization of the Southwest Waterfront call for 9–12 story buildings along the redeveloped Waterfront.¹³ Finally, the proposed mix of residential and retail use along M and 6th Streets 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.

2. Building Height

In response to the Commissioners' concerns about the proposed 120-foot height of the new structures in the original proposal, the Applicant has removed one story from each new tower, reducing the height of the two new structures to 112 feet. Further, the Applicant will continue to provide a one-to-one setback on the top floor along M, K and 6th Streets. This type of setback, which is an established and effective method for diminishing the apparent height of

¹² Z.C. Order: Order No. 02-38 (First-Stage PUD – Waterfront) (July 31, 2003). A total of 222,429 square

buildings in the District, provides a layered façade that sets up a cornice line at approximately 102 feet.

The Applicant believes that this height is both necessary and appropriate for the PUD project. When seen in their urban design context, the height and massing of the proposed new buildings permits them to define urban spaces and reinforce the original street-oriented L'Enfant Plan. The new structures must differentiate themselves from the existing Pei buildings, which rise to approximately 90 feet. Careful shaping and architectural detailing, combined with the reduction in height, provide adequate scaling effects that make the new structures compatible with the existing Pei buildings.

Further, the new structures must relate to the neighboring Waterside Mall office tower, which rises to 130 feet. The height of the new buildings will also be the same as the 112-foot tall residential and office structures at the adjacent Waterside Mall complex, which were granted first-stage PUD approval by the Commission in Case No. 02-38. In that case, the Zoning Commission noted:

25. The height of the buildings will range from renovations with additions at 56 feet; new construction at seventy-nine (79) and 112 feet; and renovation of two (2) existing office towers at 130 feet. **The new residential buildings are proposed to be 112 feet high, as are the two (2) office buildings on M Street. The reason for the height of 112 feet is to allow for extra height (12 feet) at the ground floor level to make the space optimal for retail establishments.** (Z.C. Order No. 02-38, p. 5, emphasis added.)

The proposed building height of 112 feet for the new structures is entirely consistent with the Zoning Commission's first-stage approval of Case No. 02-38. Indeed, the 14-foot slab height for

feet on the four corner parcels of the site were rezoned to C-3-C. Id. at 14.

¹³ See AWI Development Plan, *supra* note **Error! Bookmark not defined.**, at 4-16 – 4-18.

retail provides the potential for true Class A retail space. Within the same 112-foot high building envelope, this project has achieved an additional 2 feet of retail height as compared to the proposed structures at Waterside Mall.

The Applicant also believes that the 112-foot height is consistent with the historical character of urban development and design in Southwest Washington and future plans for the Southwest Waterfront. Both the Historic Preservation Office staff and HPRB have reviewed and approved the proposed heights of these buildings. The proposed 112-foot tall buildings are consistent with other 9-10 story residential buildings in the immediate area, including towers in Tiber Island across M Street to the south and Waterside Towers across 6th Street to the west. The two new buildings will also be shorter than the proposed 11-12 story towers envisioned at the intersection of M Street and the Southwest Waterfront, as proposed in the Southwest Waterfront plan (which has been approved by the City Council as a Small Area Plan to the DC Comprehensive Plan).

The new structures respond to the width of M Street, which is 120 feet wide at the intersection with 6th Street, and 6th Street, which is 100 feet wide. The Applicant believes, in particular, that the 112-foot tower along M Street is appropriate to anchor and define this major L'Enfant boulevard.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. The existing R-5-D Zone District is certainly not consistent with the Subject Property's Medium Density Commercial land use designation. The

proposed C-3-C Zone District is consistent with the Medium Density Commercial land use designation for the Subject Property and will abut two C-3-C Zone District portions of the recently-adopted Waterside Mall PUD project.

D. Environmental Impact

As more specifically detailed in Exhibit H, no adverse environmental impact will result from the construction of this project. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project. "Green Building" materials and techniques will be employed wherever feasible. The reuse of the existing buildings' concrete shells contribute to the overall environmentally friendly features of the project. Improving the thermal and acoustical properties of the existing building enclosures will reduce overall energy costs and improve the quality of urban living space for the residents. The new buildings will be designed to provide a thermally efficient exterior building enclosure. The creation of the landscaped spaces including the rooftop amenity spaces will assist in reducing the urban heat island. Recycled rainwater will be used to water the less drought resistant plant species that may be specified. Providing plentiful and readily accessible bicycle parking will encourage the use of alternative transportation. The use of more energy efficient mechanical systems with some centralized components is planned. The Applicant's architect has a LEED Accredited Professional on staff.

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 two blocks from the Waterfront-SEU Metro station at 4th and M Streets, SW, and it is expected that residents and visitors alike will utilize the nearby mass transit hub. Bicycle usage by residents of the project has been coherently integrated into the design of the project. Secure bike storage spaces will support and encourage bicycle use.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application.

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 on the Subject Property, while preserving existing potentially historic structures, all of which will further several goals set forth by the District of Columbia for the Southwest Waterfront.

1. Housing and Affordable Housing

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. This project will create approximately 540-570 new and upgraded residential units. It will also create approximately 11,541 square feet of workforce affordable housing.

2. Historic Preservation of Private or Public Structures, Places, or Parks

According to Section 2403.9(d) of the Zoning Regulations, “historic preservation of private and public structures, places or parks” should also be considered to be a public benefit and project amenity. Through the PUD and Zoning Map Amendment process, the Applicant will be able to preserve the historically and architecturally significant I.M. Pei buildings on the Subject Property, and integrate those structures into an aesthetically pleasing residential development designed for the needs of a 21st century urban community. Additionally, the Applicant has engaged the services of an architectural historian to perform necessary background research that is a prerequisite for the establishment of a Southwest historic district.

3. Urban Design, Architecture, Landscaping, or Creation or Preservation of Open Spaces

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 A, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. Currently, surface parking lots run the length of the Subject Property along M and K Streets as well as significant portions of 6th Street. Massing the new buildings along M, K, and 6th Streets creates a more appropriate urban development pattern that visually defines the

adjacent streets and public spaces, while preserving significant open space within the center of the Subject Property. The southern building, in particular, integrates mixed-use design with ground floor retail opportunities. It is oriented along a significant east-west corridor and will create an attractive streetscape for pedestrians exiting the Metro Station and headed for the Arena Stage or the Southwest Waterfront. Eliminating the existing surface parking and replacing it with multiple ground level retail and residential entrances reduces the sidewalk and street to a human scale and helps remake the public space into an active pedestrian thoroughfare.

Moreover, given the size of the current M and 6th Street intersection, and the future importance of its connection with Maine Avenue (as Maine Avenue becomes the sole route along the Waterfront), a corner-based structure will promote that intersection as a safe, viable public zone for pedestrian traffic to and from the Metro. The structure will actually slow traffic on M Street and create the sense that this is an integrated urban roadway and boulevard, not a suburban arterial bypass. Such a transformation is wholly consistent with District plans for the Southwest Waterfront.¹⁴

4. Site Planning, And Efficient and Economical Land Uses

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 takes advantage of its site location along a significant link between a mass transit hub and cultural and recreational destinations by placing retail at the ground floor street level. The proposed project has been designed to provide residents and their

¹⁴ See AWI Development Plan, *supra* note **Error! Bookmark not defined.**, at 4-2, 4-6, 5-8.

guests with open and inviting spaces for entertainment and relaxation. These spaces include the Great Lawn and fitness facility at the center of the project, the outdoor plazas and public spaces along 6th Street, and the rooftop pools and sun decks. Note that the proposed PUD project has a lot occupancy of approximately 50%, well below the R-5-D maximum of 75% and the C-3-C maximum of 100%.

Indeed, the proposed project creates an ensemble of well-defined outdoor spaces for various purposes:

- 1) M Street, SW: The M Street right-of-way is now properly defined by a building of appropriate size and scale. This accomplishes the important urban design goals of defining the public realm as envisioned in the L'Enfant plan and marking the western terminus of M Street at the nexus of Maine Avenue and the Waterfront.
- 2) K Street, SW: Along K Street, the project defines the K Street edge of the public park to the north with a building of appropriate scale to that important urban space.
- 3) 6th Street, SW: The project design creates a garden open to the public along 6th Street between the Pei buildings to enrich the urban experience. Pavilions flanking the space will house facilities for serving light refreshments from local vendors. These facilities will also mark the entry point to the interior of the site.
- 4) The Great Lawn: At the project's core, a central green that is gated but visually open to view as the public traverses the site. This site is primarily for the use of residents, though it remains available for activities by non-residents by arrangement.
- 5) The Vest-Pocket Parks: These spaces will serve as a communal space primarily for the residents of each pair of buildings, and be tranquil courts for passive recreation. They will serve as a visual amenity visible from the adjoining lobbies. The central focus of these spaces will be a glass pyramid located directly above and providing natural light to the auto court below. Wall fountains at the east end of these spaces and groves of trees will create two urbane spaces with dappled light and the sound of water.
- 6) The Rooftops: Four well-landscaped roof terraces, with pools on the two new buildings, are established for the enjoyment of the residents of each building. The landscaping of these roofs will also provide the environmental benefit of reducing the urban heat island effect.

5. 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 points of entry and exit into two shared parking garages for the north and south ends of the Subject Property. These garage access ramps are located along 6th Street, SW and allow for traffic circulation via an underground “auto court” rotary. The service road that transverses the back of the development will be accessible from K Street and M Street.

The project provides separate pedestrian entrances and exits for both residents and shoppers along M and K Streets, reflecting the effort to transform these streets into public pedestrian thoroughfares. These separate and distinct entrances/exits will mitigate any potential pedestrian and vehicular conflicts. The Subject Property, only two blocks from the Waterfront-SEU Metro station, will be integrally connected to the District’s mass transit system, and, as previously discussed, will also enhance Metro access and service to the neighborhood itself. The Applicant is working with the adjacent Waterfront Mall site owners to improve the pedestrian experience in the east service drive, provide defined pedestrian crossing areas and allow for public access across both properties to the Metro station. Replacement of the existing surface parking lots along M and K Streets will transform the existing suburban-style roadways into urban streetscapes that are inviting and safe for pedestrian use.

6. 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:

- Completion of background research required as a condition precedent to the establishment of a Southwest historic district;
- Retail and restaurant options on the ground level of the new south building along M Street;
- Local retailers where possible; and
- Access to the park pavilion and public space areas.

The Applicant will continue to work with the Marina View Tenants Association, neighborhood organizations, and ANC 6D to identify other opportunities to support the neighborhood.

7. Revenue for the District

Again, Section 2403.9(i) states that “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 addition of approximately 540-570 new and upgraded households and accompanying retail uses in the new buildings 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.

8. 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 draft agreement is attached as Exhibit I.

9. 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 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 draft agreement is attached as Exhibit I.

10. 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.

11. Public Benefits of the Project

Sections 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 only way that ground floor retail can be developed on the Subject Property is through an amendment to the Zoning Map. 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/superior architecture (no thru-wall vents, complete architectural treatment of all sides of the buildings, extensive soft and hardscape elements of the landscape plan.);
- affordable housing;
- transit-oriented development;
- ground floor retail establishments;
- historic preservation (including background research necessary for the creation of the Southwest historic district); and
- significant open space and public space.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies enumerated in the Comprehensive Plan.

The purposes of the Comprehensive Plan 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 540-570 new and upgraded residential units (with approximately 11,541 square feet of workforce affordable housing), including the renovation of approximately 255 residential units, and the construction of approximately 8,900 square feet of retail over existing surface parking lots, supplementing existing residential and open space development on the Subject Property and enhancing the urban environment in the immediate neighborhood.

A. Compliance with Major Themes

Five 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 540-570 new and upgraded residential units will help stabilize and enhance the existing Southwest neighborhood. Further, the significant retail component will help to strengthen the neighborhood by providing shopping and dining opportunities in an area that suffers from a general lack of retail activity. This retail will also benefit the neighboring Arena Stage. The Applicant hopes to find community-oriented retail tenants that will serve the needs of the project residents and their neighbors. The creation of this 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. The proposed development would preserve the historically significant structures and open space, while replacing unattractive surface parking lots with retail, restaurant, and residential opportunities that befit the urban character of the immediate neighborhood. A potential restaurant at this location will be a significant amenity to the Arena Stage, as well as residents of the neighborhood.

The site plan dramatically improves the streetscape on three sides of the Subject Property by eliminating the discouraging and inhospitable surface parking lots. The surface parking lots currently provide 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 Subject Property and it enlivens the sidewalk along M Street with ground floor retail and residential access to the buildings. The activity will visually draw pedestrian traffic from the nearby Waterfront Metro station to cultural, recreational, and retail opportunities at the Arena Stage and along the waterfront.

3. Preserving Historic Character

This project demonstrates respect for the historic character of Southwest Washington. It respects and preserves the architecturally significant Marina View Towers designed by I.M. Pei and landscaping designed by Zion Breen which reflect the historic development patterns of mid-20th century Washington. At the same time, the site plan takes them out of their 1960s auto-centered context and integrates them into a more modern and appropriate 21st century urban development. This ensures the long-term stability of the site and gives the Pei buildings renewed vitality on the redeveloping waterfront. The project creates a network of open space and residential towers as a dynamic urban environment evocative of the “tower in the park” residential development that has historically characterized Southwest Washington. Finally, as a public benefit of the proposed PUD, the Applicant will engage an architectural historian to perform the background research required for the creation of a Southwest historic district.

4. Preserving and Promoting Cultural and Natural Amenities

The improved streetscape along M Street will boost Metro service and pedestrian access to the Arena Stage across from the Subject Property and to the Southwest Waterfront itself. Additionally, under the proposed redevelopment plans for the Southwest Waterfront, a major civic park will be established at the terminus of M Street, providing District residents with another recreational destination at the gateway to the waterfront. By replacing the inhospitable parking lots along M Street with an attractive residential building and inviting ground-level retail opportunities, this project will help make M Street, SW into a prime view and access corridor.

5. Preserving and Ensuring Community Input

The Applicant will continue to engage in a dialogue process with various community organizations and individuals, the Marina View Towers Tenants Association, and the Arena Stage. The Applicant has established and posted “office hours” that allow Marina View Towers residents the opportunity to talk with representatives of the Applicant about the project. In addition to posting relevant information and plans for the project in the lobby of one of the buildings, the Applicant has also prepared newsletters that describe the project and the PUD process. Copies of the newsletters are attached as Exhibit J. 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. Anacostia Waterfront Initiative: Southwest Waterfront Development Plan

The Development Plan and AWI Vision for the Southwest Waterfront sets the following planning and policy goals for the Southwest Waterfront:

Land Use, Density and Building Massing

Many areas of Washington, DC are characterized by buildings of constant height and material, resulting in a uniform and orderly appearance. While this consistency is appropriate for the monumental core and business areas of the District, the Southwest Waterfront is designed to include buildings of varied height and massing, which will create interesting spaces and street frontages, with open views between and around buildings.

The approach of the Southwest Development Plan is designed to be consistent with the architectural character of the surrounding Southwest neighborhood, and to extend many aspects of this character to the waterfront. In contrast with other parts of the city, the Southwest was designed in the 1960's as a community of mixed height buildings widely spaced in open pedestrian areas. The combination of low townhouses with mid-rise (9-12 story) residential towers created a sense of spatial openness with an abundance of light and mature greenery.

Southwest Waterfront Development Plan, at 4-16

New Public Spaces

[A] proposed major public space is a new Civic Park at the southeast end of the [waterfront] site near the intersection of M Street and Maine Avenue. . . . [T]he Civic Park will serve as a cultural hub connecting these activities to each other and to the neighborhood.

The location of the Civic Park in the alignment of M Street preserves an important vista over the Washington channel, while providing a dignified terminus for M Street.

Southwest Waterfront Development Plan, at 4-10.

Metro Connections

Although the Southwest Waterfront is short distance from both the L'Enfant Metro station at L'Enfant Plaza and the Waterfront Metro station at Waterside Mall, the walk from either station to the Washington Channel is bleak and uninviting.

An active and lively Southwest Waterfront will draw pedestrian traffic from these subway stations regardless of the quality of the walk, but as the Southwest Waterfront develops, improving the pedestrian environment between these stations and Maine Avenue will be a crucial step in reconnecting the District to its waterfront.

Southwest Waterfront Development Plan, at 5-8

2. 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));

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

“Designate, as residential opportunity areas, sites where significant housing development can appropriately occur and encourage multi-unit housing development near selected Metrorail stations, at locations adjacent to Downtown, and adjacent to proposed employment centers and office areas.” (10 DCMR § 302.2(d)).

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)).

The creation of approximately 285-315 new residential units on the Subject Property fully satisfies all of the above-noted provisions of the Housing Element of the Comprehensive Plan. In addition, the development enhances and stabilizes the existing 255 residential units in the two Pei buildings. As previously stated, the project will provide approximately 11,541 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.

3. Urban Design Element

It is the goal of the District to:

“Preserve and enhance the outstanding physical qualities of District neighborhoods.” (10 DCMR § 702.1(b));

“Create and enhance relationships between the rivers and District residents, develop urban waterfronts and water-related recreation in appropriate locations, and establish attractive pedestrian connections from neighborhoods to activities along the waterfronts.” (10 DCMR § 706.1(c));

“Create an environment in the public space that attracts people and stimulates redevelopment and commerce.” (10 DCMR § 709.2(d));

“Promote design features such as storefront windows, multiple entrances to retail, and unenclosed sidewalk cafes to encourage pedestrian activity along the streets.” (10 DCMR § 709.2(i));

“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 special design quality around Metrorail stations to create aesthetically pleasing physical concentrations of activity and development.” (10 DCMR § 713.2(g)); and

“Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers.” (10 DCMR § 713.2(h)).

As shown in the detailed plans, elevations, and renderings included in Exhibit A, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The construction of two prominent residential buildings with approximately 8,900 square feet of ground floor retail and residential amenities will complement the existing historically significant buildings and established residential neighborhood that surrounds the Subject Property. The ground floor retail stores and building itself will activate the streetscape along M Street between the Waterfront Metro station at 4th and M Streets and Arena Stage and the waterfront itself to the west.

4. Transportation Element

The Comprehensive Plan states the following policy goals with respect to transportation:

“It is the goal of the District to provide appropriate, energy-efficient, cost-effective, and convenient public transportation services within the District . . . as a means of enhancing the functions and quality of life for those who live, work, and visit in the District.” (10 DCMR § 501.1); and

“Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations” (10 DCMR § 502.2(a)).

This project provides a mixed-use development with ground floor retail two blocks from the Waterfront-SEU Metro station. The location near the Metro ensures that mass transit will be a

desirable and preferred option for its residents. Moreover, the availability of ground floor retail in the new South building along M Street, close to the Metro, will establish the project as a center for the neighborhood. Finally, the proximity to the Waterfront Metro station will improve the function and appeal of that station itself as a prime means of access for the Arena Stage and waterfront.

5. Land Use Element

With regard to land use, the Comprehensive Plan states the following policy goal:

“Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs. These policies must also ensure that the historic, cultural, and design qualities that make neighborhoods unique and desirable are maintained and enhanced. Adequate recreational opportunities and access to cultural and educational facilities are also necessary ingredients of neighborhood vitality.” 10 DCMR § 1100.2(a)

This project will preserve existing historical residential structures indigenous to the neighborhood, yet also add new residents and accompanying retail and residential opportunities that benefit the entire neighborhood. The project will also advance the creation of a Southwest historic district.

6. Preservation and Historic Features Element

The Comprehensive Plan states the following historic preservation goal:

“The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.” (10 DCMR § 801.1).

The Subject Property currently contains two buildings of architectural and historical significance that reflect the unique impression that modernist design trends of the early 1960s left on Southwest Washington, D.C. The buildings are flanked, however, by surface parking lots to

their north and south, that interrupt the urban character of the surrounding neighborhood. This project will preserve the significant buildings and replace the dated parking lots with two new residential buildings that integrate the old and new structures, stabilize the site, and ensure the preservation of this facet of District history for years to come through the creation of a Southwest historic district.

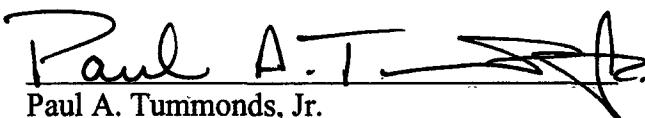
VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the consolidated PUD and Zoning Map Amendment application meets 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.

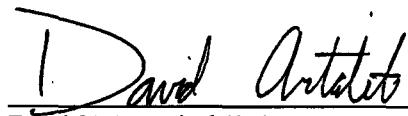
Accordingly, the Applicant respectfully requests the Zoning Commission approve this PUD and Zoning Map Amendment application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



Paul A. Tummonds, Jr.



David M. Avitabile*

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Date: October 11, 2006

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2006, a copy of the Applicant's pre-hearing submission was hand delivered to the following:

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