

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



ZONING COMMISSION
District of Columbia

Office of the Director

CASE NO. 06-14

EXHIBIT NO. 13

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *EMcCarthy*
Ellen McCarthy, Director

SUBJECT: Preliminary Report – Zoning Commission Case No.06- 14
Consolidated Planned Unit Development
Square 3584, Lots 23, 811-813 New York and Florida Avenues, NW
“Washington Gateway”

DATE: June 2, 2006

I. APPLICATION AND OP RECOMMENDATIONS

This application by MidAtlantic Realty Partners (MRP or applicant), contract purchaser, requests consolidated review and approval of an office/hotel/residential/retail PUD for 13 lots and 8 parcels in Square 3584 in Northeast Washington. The Office of Planning (OP) strongly supports this project and recommends that the Zoning Commission schedule a public hearing for Case No. 06-14.

The Applicant is using New York Avenue, which has a 110 foot right of way, as the measuring point for all three buildings. The southeastern office building rises approximately 96 feet from the Applicant's chosen measuring point on New York Avenue. It will rise 130 feet from Florida Avenue, which has an 80-foot right of way. Although OP does not object to 130 foot heights on this site, from a planning perspective OP has reservations about the use of New York Avenue as the zoning height measurement point for this building. (*See pages 4 and 5 of this report for details*). OP recommends that the project be set down at 130 feet for this building so that the Applicant may have an opportunity to present its case for this building's height at a public hearing.

II. PROJECT APPLICATION SUMMARY

The site comprises approximately 3.1 acres in the triangle bounded by New York Avenue (U.S. Route 50), Florida Avenue and the right of way of Metro rail's Red Line. It includes the entire Square. The site borders the northeastern entry to the District's Central Employment Area and is across Florida Avenue from the New York Avenue Metro station. The site is currently occupied by a Sunoco gasoline station and two jumbo-billboards.



Illustration 1: Proposed Site Plan

The above site plan is oriented to the north. The illustration is taken from Sheet 201 of the Applicant's May 19, 2006 filing. New York Avenue is the divided highway at the top (northeast of central plaza). Florida Avenue is at the bottom (southwest of central plaza). The Metropolitan Branch Trail and the rail tracks are on the right (east of the central plaza). The applicant proposes to clear the site and construct a mixed use development consisting of:

- Two office buildings on the northeastern and south eastern portion of the site. They are labeled Office North Wing and Office South Wing on the Applicant's drawing above, although they are separate buildings.
- A residential/hotel building on the southeastern portion of the site. The components would be vertically separated and would have separate entries.

Each of the three buildings would be on a separate record lot. They would be grouped around a landscaped central plaza that could be entered from Florida Avenue or from an applicant-upgraded segment of the Metropolitan Branch (bicycle) Trail (MBT), which borders the site on the east. There would be a limited amount of ground floor retail. The design is modern, mixing glass and masonry buildings. It is intended seem as if the site is an extension of the existing

street grid, and is intended to be very open to the public from three sides. The proposed development is summarized in the following table:

TABLE 1: PROPOSED PROJECT OVERVIEW

SITE AREA (square feet)	134,665
OFFICE GSF	561,136
RESIDENTIAL GROSS SQUARE FOOTAGE	225,138
HOTEL GSF	110,344
RETAIL GSF	7,000
TOTAL GSF	903, 618
RESIDENTIAL UNITS	218 – 250
HOTEL ROOMS	170 (approx.)
TOTAL PARKING	681 spaces (approximately)
LOT COVERAGE	89,147 sf
% LOT OCCUPANCY	62%
FAR	6.7

The development would have the following elements:

- **Office Space:** There would be approximately 561,136 gross square feet in two buildings on the eastern side of the central plaza. The northern building will contain 384,624 gsf. The southeastern building will contain 178,512 gsf.
- **Residential:** Approximately 225,138 gross square feet of residential space, comprising 218 – 250 residential units and located at the intersection of New York and Florida Avenues.
- **Hotel:** Approximately 100,874 gsf, comprising approximately 170 rooms, attached to the northern part of the residential building, along New York Avenue.
- **Affordable Housing:** Without any displacement of current residents, the proposed project includes the reservation of approximately 6% of the residential space (13,067.76 sf) for housing affordable to households earning up to 80% of the Area Median Income (AMI).
- **Retail:** Approximately 7,000 square feet of locally-serving retail space facing Florida Avenue and the central plaza.
- **Landscaped Open Space:** A large central plaza with wide entrances and sidewalks from both Florida Avenue and the MBT. The central plaza, with its fountain, trellises and flanking retail, will be an amenity for the project and a benefit for the new nearby offices and residents. The site plan has been design to create an extension of the L'Enfant street grid by aligning the plaza entrance with 2nd Street, N.E., by leaving the end the vista open to New York Avenue and by creating a sculptural focal point at the end of this vista.

- **Metropolitan Branch Trail (MBT) Access:** The project will enhance the MBT with special landscape treatment and a generous connection between the trail and the central plaza, with its flanking retail spaces.
- **Parking & Loading:** 681 parking spaces including a 0.4 to 1 ratio of parking spaces to dwelling units.
- **Exemplary Design:** The crisp modernist design is both sleek and transparent in its most public face along New York Avenue; made more intimate, warm, colorful facing the central courtyard and Florida Avenue through the use of some brick veneer and building setbacks. The central plaza is generously landscaped, has a well-design modulation form public to private elements.

III. OUTSTANDING ISSUES

OP generally supports this project. It will strengthen the central area's office section, provide both permanent housing and transient accommodations and generate more tax revenue for the District than do the current uses of the site;

- The applicant will pay for a traffic signal at Florida Avenue and 2nd Street.
- The pedestrian environment will be improve;
- The new hotel and office uses will provide employment opportunities and there will be First Source agreement with the objective that 51% of new employees hired in connection with the development be District residents;
- Without any displacement of current residents, the project will create approximately 245 new housing units, and will devote 6% of its residential gsf to affordable housing;
- It will be generally consistent with the Comprehensive Plan, and the draft Industrial Land Use Study (ILU).

There are, however, three issues and one area of zoning relief that would need to be addressed prior to a public hearing, should the project be set down:

Transportation Issues

- The applicant and DDOT need to resolve where to locate the entrance to the loading docks and platforms. The design currently locates the entrance on Florida Avenue at the eastern edge of the project. The applicant has had extensive consultation with the District Department of Transportation (DDOT) about this location. DDOT would prefer the entrance to be either west of the line of 2nd Street, or off of the private entrance to the central plaza. DDOT is concerned that the location may be too close to the railroad overpass to allow for adequate site lines, and that this potential safety hazard will be exacerbated by westbound busses stopping to unload passengers for the New York Avenue metro station. However, it may be possible to address these concerns through signalization changes.

- The applicant will need to continue working with DDOT to ensure that traffic mitigation measures are adequate. The New York Avenue/Florida Avenue intersection currently operates at Level of Service F. The project is estimated to increase peak hours' trips at that intersection by approximately 3%.

Building Height Issue

- The applicant will need to further explain the buildings' measurement points and discuss the impact of the height of the southeastern building on Florida Avenue.

All three buildings are shown by the applicant as having lots fronting on New York Avenue¹. (See Attachment 4 to this OP report, submitted by the Applicant to OP on May 26, 2006).

- The northeastern office building will measure an average 130' on New York Avenue for zoning purposes and have 12 stories; due to grade changes it will measure 162' and 14 stories on the central plaza. (See Sheets 305 and 420 of Applicant's May 19, 2006 submittal);
- The southwestern residential and hotel building will measure 130 from New York Avenue and have 13 stories; due to both grade changes and steps-down toward Florida Avenue and the central plaza, the building will measure 114 feet and have 12 stories at the intersection and 11 stories at the central plaza. (See Sheets 305, 610 620 and 621 of the Applicant's May 19 submittal);
- The southeastern office building will measure 96' for zoning purposes and have 9 stories from the measuring point on New York Avenue; it will have 11 stories from the central plaza, and 12 stories from Florida Avenue, from which grade it will rise 130'. (See Sheets 305 and 520 of the Applicant's May 19 submittal).

OP does not object to 130' high buildings on the site *per se*. The sea-level elevation of the buildings will step down from New York Avenue to Florida Avenue. The rail tracks to the east will also mask some of the apparent height.

The southeastern building would be on a "panhandle" lot with a 5 foot by approximately 100 foot wide corridor from the building's frontage on the central plaza westward to New York Avenue. Technically, according to the site diagrams and measurements provided by the applicant, the southeastern office building could rise an additional 34 feet as measured from New York Avenue, which would then be 164 feet from the Florida

¹The portion of New York Avenue adjacent to the property is the western end of the New York Avenue "viaduct" that crosses the rail tracks. It rises approximately 40 feet going west from the intersection of New York and Florida Avenues to the point where it becomes steel and concrete structure crossing the tracks. It is permissible to measure buildings fronting on this section of New York Avenue from the elevation of the Avenue's earthen berm. The Avenue does not become an "elevated structure" until it actually crosses the rail tracks. Had the western rise been built on structure (as was the H Street bridge) rather than by using a berm, the measuring point for all three buildings would have been approximately 40 feet lower.

Avenue grade. From the Applicant's standpoint, the southeastern building's height has been kept 34 feet below that which could be legally achieved.

The Applicant's methods may meet the letter of the law with respect to the measurement of height for zoning purposes. OP believes the applicant will need to make a clear case for why its measuring methods are permissible and do not set an unwise precedent for the construction of other such tall buildings' fronting on Florida Avenue.

Despite its concerns, OP supports the Applicant's request to set down the application, so that the Applicant has an opportunity to present its justification for the height of this building. The Office of Planning (OP) believes this project could be of considerable benefit to the District.

Zoning Relief: The applicant will need to seek relief from residential recreation space requirements.

IV. SITE, ZONING, AND CONTEXT

A. Site (See Attachments 1 and 3)

The 697,873 square foot triangular site is in Ward 5 in Northeast Washington, and is generally bounded by New York Avenue, Florida Avenue and the Metro red line. Its 3.1 acres includes almost all of Square 3584 west of the Metrorail right-of-way. It is occupied by a gas station and two "jumbotron" billboards. Most of the land is vacant.

The site is on the northeastern edge of the central employment area and within the boundaries of the NoMA planning area. If approaching Washington from the northeast this would be the first site a visitor might consider "downtown" in the general sense.

B. Zoning (See Attachment 1)

The entire project area is zoned C-3-C, which permits a matter-of right FAR of 6.5 and a height of 90 feet, and a PUD FAR of 8.0 and a height of up to 130 feet, subject to Height Act limitations. It is just outside the North Capitol TDR Receiving Zone. The project area was rezoned from M to C-3-C in Zoning Commission Order No. 970 in 2003.

The surrounding zoning is C-M-1 to the east, across the rail tracks; M to the north, across New York Avenue, and; C-3-C to the southwest, across Florida Avenue. A large area of R-4 is to the southeast, separated from the project site by the rail tracks and a narrow strip of C-M-3 zoning.

C. Ownership

The land is owned by Sun Oil Company of Pennsylvania, GMK Title Holder, and D & H Title Holder III, WMATA, and the District Government. The applicant is under contract to purchase all of the sites within the parcel and has demonstrated authorization to represent the current owners for this PUD application.

D. Surrounding Area and Development Context)

The site is isolated from its surroundings to the north and east by the width of New York Avenue and its grade changes, as well as by the fences along the Metrorail, CSX, Conrail and Amtrak rights-of-way. The site is, however, physically and potentially functionally related to the NoMA area to the south.

The areas to the north and east are Production, Distribution and Repair (PDR) uses such as the Florida Avenue Market, the Eckington rail marshalling yards, and the FedEx distribution center and new Pepco substation in the Capital Commerce Center. There are several recent and planned developments to the south and west that are or will be similar to the proposed development. These are listed in the following table.

TABLE 2: NEARBY PROJECTS

DEVELOPMENT OR PROJECT	COMPLETED (C), UNDER CONST. (UC), PLANNED (P),	RESIDENTIAL SQUARE FEET &/OR (APPROX. NUMBER OF UNITS)	COMMERCIAL SQUARE FOOTAGE	TYPE
175 R Street	C	—	131,905	Warehouse renovation
XM Satellite Radio	C		N/a	Office @ Florida Avenue & Eckington Place
Enron / XM	C		62,000	Office, under contract for XM expansion
Pepco Substation	UC		n/a	Industrial
Capitol Overlook	C	12,000 (6)		Duplex townhouses on R Street
Fairfield Residential @ Eckington	P	739,000 gsf (625-675 units w/ 6% affordable)	15,000 sf	Residential & local retail in Capital Commerce Center
GSA Federal Offices	UC		438,000	ATFE HQ
The Eckington	P		165,000 (incl. 17,00 retail)	Hotel to east of ATF

E. Transportation

The New York Avenue Metro Station is 1 block south of the site and is currently operating under capacity. X and 90 series bus lines run along Florida Avenue in front of the site. The 80 and P6

lines run forth south on North Capitol Street, 2 blocks to the west. The D series lines run east-west on K Street, 4 standard-blocks to the south.

For vehicular traffic, the project would have a single entry point, from Florida Avenue, approximately ½ block east of New York Avenue. Both avenues operate over capacity and regularly reach Level of Service F at their intersections. The PUD is estimated to increase peak hours' trips at that intersection by approximately 3%, which is equivalent to increases that would be generated by matter of right development. DDOT is planning to change the geometry and permitted turning movements of this intersection so that it functions as a "virtual circle". While the Department projects that this will improve traffic flow, the roads and intersection will still operate below generally acceptable levels. DDOT believes that a traffic light at 2nd Street and Florida Avenue, NE, which it will require the applicant to install, will also help with circulation in and out of NoMA.

Pedestrians and cyclists will have access to the site from both Florida Avenue and from the eastern entrance to the project's plaza, off of the Metropolitan Branch Trail. There may also be a pedestrian entrance to the plaza from New York Avenue.

F. Historic Properties

This site is not within or adjacent to a historic district, or designated historic structures.

V. PUD APPLICATION

Section II of this report provides a description of the project. The following table summarizes what is permitted by the existing zoning; what would be permitted with a PUD under C-3-C zoning, and what the applicant proposes. This table uses data submitted by the applicant on 05/26/06.

TABLE 3: PROJECT DATA, Applicant-Revised 05-26-06 [134,665 SF lot]	C-3-C Zoning	C-3-C PUD	Project Design
Gross Square Feet (GSF) – Aggregate Total	875,322	1,077,320	903,618 Commercial, Residential, Hotel & Retail
<i>Lot Area - North Wing Office = 43,004</i>			
Gross Square Feet (GSF) - Commercial - North Wing	279,526 SF	344,032 SF	384,624 SF
<i>Lot Area - South Wing Office = 45,001</i>			
Gross Square Feet (GSF) - Commercial - South Wing	292,507 SF	360,008 SF	178,512 SF
<i>Lot Area - Residential = 44,005</i>			
Gross Square Feet (GSF) - Residential & Hotel	286,033 SF	352,040 SF	340,482 SF
And Number of Dwelling Units			245 DU; 155 hotel rms.
Floor Area Ratio (FAR) - Aggregate	6.5	8	6.7
Floor Area Ratio (FAR) - Commercial - North Wing			8.9 (384,624 SF / 43,004 SF)
Floor Area Ratio (FAR) - Commercial - South Wing			4.0 (178,512 SF / 45,001 SF)
Floor Area Ratio (FAR) - Residential & Hotel			7.7 (340,482 SF / 44,005 SF)
Building Height	90'	130'	Applicant measures 130'
Lot Occupancy (for res. uses)	100%	100%	62%
Roof Structures	18'-6" P	18'-6"	18'-6" Penthouse max. height
Parking Total	349	349	681
Parking (Office Use)	243 required	243 required	470 provided
Parking (Residential Use)	61 required	61 required	109 provided
Parking (Hotel Use)	45 required	45 required	102 provided
Parking (Retail use)	0 required	0 required	0 provided
Loading			
Loading Berths (North Office use)	3 @ 30' 1 @ 20'	3 @ 30' 1 @ 20'	3 @ 30' deep 1 @ 20' deep
Loading Berths (South Office use)	2 @ 30' 1 @ 20'	2 @ 30' 1 @ 20'	2 @ 30' deep 1 @ 20' deep
Loading Berths (Residential use)	1 @ 55' 1 @ 20'	1 @ 55' 1 @ 20'	1 @ 55' deep 1 @ 20' deep
Loading Berths (Hotel use)	1 @ 30' 1 @ 20'	1 @ 30' 1 @ 20'	1 @ 30' deep 1 @ 20' deep
Loading Berths (Retail use)	none (Retail is under 8,000 SF)	none (Retail is under 8,000 SF)	none (Retail is under 8,000 SF)
Residential Recreation Space	10% of GFA	10% of GFA	16,134 SF (7.4%)

Site Plan and Uses

The site plan places three buildings around a central plaza on a triangular parcel. The northeastern and southeastern buildings are for offices and retail. The southwestern building contains hotel, residential and retail uses.

Due to regrading of New York Avenue in the mid-20th century, there is an approximately 40 foot height decrease between the project's northeastern and southwestern boundary points. There is an additional five foot drop from the New York/Florida intersection and the project's southeastern edge along Florida Avenue. These grade changes have significant impacts on the heights and number of stories of the separate buildings. The building-by-building details of the applicant's proposal are shown in the following Table 4. See also *Illustration 1* in this report.

TABLE 4: INDIVIDUAL BUILDING TABULATIONS, as submitted by applicant to OP on 05-30-06 (Source: Gensler, S K& I, H&K)

Building	Location	Proposed Use	Number of Stories	Bldg. Height (Feet)	SF of Office	SF of Residential	Approx. Number of Units	SF of Retail
North Office Building: Sub-Total 384,624 SF	New York Avenue and Metro Branch Trail and Tracks	Commercial Office	14	130' (Meas. Pt. on NY Ave.)	384,624			
South Office Building: Sub-Total 178,512 SF	Florida Avenue and Metro Branch Trail and Tracks - Lot extends to New York Avenue	Commercial Office	12	96' (Meas. Pt. on NY Ave.)	178,512			2,000
Residential / Hotel: Sub-Total 340,482 SF	New York Avenue and Florida Avenue	Residential Units and Hotel	15	130' (Meas. Pt. on NY Ave.)		220,138 SF Residential 115,344 Hotel	245 units Residential 155 rooms Hotel	5,000
Total 903,618 SF					561,136	335,482		7,000

- The northeastern building measures 130' from the building-face parallel to New York Avenue and 227' from the central plaza. It will be 12 stories at the northeastern prow and 14 stories at the plaza.
- The southeastern building measures 96' from the measuring point of the building's western front as it is visible from New York Avenue, and 130' from its southern end on Florida Avenue. It will be 11 stories at the plaza and 12 stories at Florida Avenue.
- The southwestern western building will contain hotel on its eastern end and residences on its western end and southern wing. It measures 130 feet from New York Avenue and 142' from the plaza. The hotel has 15 floors at the plaza level. The residential portion has 14 stories at the intersection of New York and Florida Avenues, and 13 stories at the plaza level and along Florida Avenue.

The plaza aligns itself as a northern extension of 2nd Street. There is central oval with a fountain and seating area. Vehicular traffic enters from the south and bears left to the garage entrance under the hotel, at the eastern end of the hotel/residential building. Pedestrians and cyclists enter from broad walkways and ramps from Florida Avenue, the Metropolitan Branch Trail, and possibly via steps from New York Avenue.

There is also a right-in-right-out parking access point on New York Avenue, under the residential portion of the southwestern building.

These vehicular and pedestrian access points and circulation routes are illustrated on Sheet 112 of the Applicant's May 19, 2006 filing.

VI. CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF SECTION 2400

The objectives of a PUD are:

- To permit flexibility of development in return for
- The provision of superior public benefits in proportion to the flexibility requested,
 - Provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations,
 - Or results in an action inconsistent with the Comprehensive Plan.

The PUD must also advance and protect the public health, safety, welfare and convenience. If there is an adverse impact, it must be mitigated.

The proposal appears to be generally consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400, with the principal exception of potential traffic impact. It will, however, require refinement and the provision of additional information at or before the public hearing – particularly a thorough traffic study including mitigation and transportation demand management measures, and the provision of supplemental discussion regarding the height of the southeastern office building.

Details about the information required are noted in the final section of this report.

A. Relationship to the Comprehensive Plan (10 DCMR)

1. *Consistency with Major Themes*

In OP's opinion, the proposal would further the following **Major Themes** of the Comprehensive Plan, as outlined and detailed in **Chapter 1 - General Provisions Element**:

Table 5: Consistency With Major Themes of Comprehensive Plan

Theme	Discussion
Stabilize/improve neighborhoods	Would add office, residential, hotel and retail uses as well as a significant open space at the southeastern end of the New York Avenue Development Opportunity Area identified in the Comprehensive Plan.
Increase quantity/quality of employment opportunities.	Applicant estimates 2390 permanent office and hotel jobs, of which 20-30% (500) would go to DC residents
Develop Living downtown	Site is now mostly vacant and unkempt. Project would provide attractive gateway to downtown.
Preserve/promote cultural/natural amenities	N/A
Respect/improve physical character	Application includes active retail, residential, hotel and office that will improve streetscape,
Ensure community input	Project reviewed by and supported by ANC
Preserve historic character	N/A
Strengthen DC as economic hub	Applicant estimates approx. 2400 jobs, 370 residents and approximately \$10 M in taxes generated each year at site w/in walking distance of Metrorail.
Enhance public safety	Site primarily vacant. Development and path connection will also enhance safety of Metropolitan Branch Trail and walk to Metro, and increase "eyes on street" at a now-vacant site.
Provide for diversity and overall social responsibilities	6% of residential GSF will be devoted to moderate income housing.

2. *Elements and Policies of the Comprehensive Plan with Which the Project Appears to Be Not Inconsistent*

The Comprehensive Plan includes a number of specific elements of relevance to this application, including ones related to Economic Development, Housing, Transportation, and Land Use. The relevant policies include those that encourage the attraction of new residents; the protection of stable neighborhoods, the minimization of development impact on the physical character of a community; and the retention of an adequate amount of viable industrially-zoned land within the District.

Chapter 2, the Economic Development Element clearly supports job development at targeted areas outside of downtown.

§206.1: The economic development outside the Central Employment Area objective is to create and expand economic activity and employment centers in target areas outside the Central Employment Area.

Discussion: The applicant estimates that the \$290 million project will bring 2390 jobs, 370 residents and will generate approximately \$10 million a year in taxes. The project is located within the New York Avenue Corridor Development Opportunity Area.

Chapter 3, the Housing Element policies support the construction of housing on this site, which is near Metro and provides 6% of its residential development to moderate income residents.

- § 302.2 (d) states: *Designate, as residential development 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;*
- § 302.2 (e) states: *Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused... with particular emphasis upon the needs of low-and moderate-income residents;*
- § 303.3 (d) states: *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; tie provision of housing into large-scale commercial developments where zoning benefits are sought; and give zoning preferences to mixed-use sites that include housing near appropriate Metrorail.*

Chapter 5, the Transportation Element includes the following objective in support of denser housing and mixed-use development:

§ 502.1 (a): 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.

Discussion: This project promotes higher density mixed use development at a strategic location near a major entrance to the District, 1 ½ - 2 blocks from Metrorail, and adjacent to major cross-town bus lines.

Chapter 11, the Land Use Element includes the following policies and objectives to support residential neighborhoods:

The Land Use Element encourages a substantial amount of new housing primarily near Metrorail Stations. The site was not near a metro station either when the current Comprehensive Plan was developed, or when it was last amended, but it is now. The following objective would seem to apply:

§ 1134. The objectives for Metrorail station area development are to concentrate planning and development attention on Metrorail station areas which offer opportunities for redevelopment and new growth, particularly in those station areas that have large amounts of vacant or poorly utilized land, and to maximize development where possible, thus promoting increased ridership for the transit system, assisting the District to perform its critical role as the urban center for the region, providing substantially increased amount of housing and jobs, and generally enhancing the District's economic development efforts.

Chapter 16, the Ward 5 Element contains many policies, objectives and action statements that support the proposed project.

§1605.1 (a) Ward 5 Objectives for Economic Development: Enhance and expand the ward's economic activity and employment centers, particularly in the underused industrial and commercial areas.

Discussion: The site is underused, was industrially zoned at the time of the Comprehensive Plan's adoption, and has since been rezoned to a commercial/mixed-use category.

§1608.1(c) Ward 5 Objectives for Housing: Provide incentives for housing at desired locations such as the Fort Totten Metrorail Station Special Treatment Area and the Rhode Island Avenue Metrorail area;

Discussion: When the Comprehensive Plan was adopted, the New York Avenue Metrorail stations did not exist. It seems consistent to apply this policy to the New York Avenue Metrorail station.

§ 1620.1 (a): Promote a physical environment that upgrades the ward's aesthetic qualities, enhances neighborhood stability, emphasizes neighborhood identity and function, and physically enhances the gateways and entrances into the city;

Discussion: The proposed project would develop a major architectural composition at the northeastern entrance to central Washington. Its sleek horizontal lines and transparent oblique angles on New York Avenue address the relatively high-speed context of the transportation corridor. Its red-brick elements add color to this entrance and tie in with both the nearby industrial and residential uses. The plaza will add a significant publicly-accessible space for a newly developing part of the city, and will be a welcome destination for users of the Metropolitan Branch Trail.

Overall, the project generally addresses Ward 5 objectives through the provision of new residential, business, and neighborhood serving retail development.

B. Relationship to Other Policies and Plans

1. NoMA (North of Massachusetts Avenue) Draft Plan

The proposed development responds to a number of the urban design, transportation, place-making and mixed use objectives of the draft plan, which has been on OP's website for the last six months and will be printed for public review in late June. The Applicant has been working closely with the NoMA planning team and the project has been incorporated into the draft plan's recommended development framework.

2. Draft District Industrial Land Use Policy (OP)

The site is adjacent to areas that were studied, but was not itself subject to the study, as it is already commercially zoned.

3. Draft New York Avenue Corridor Study (District Department of Transportation)

This study proposes major reconfiguration of the New York and Florida Avenues intersection, but does not address land use. The application is generally consistent with the draft DDOT recommendations for intersection changes. Both the applicant and DDOT are working to bring the applicant's design into complete alignment with the study's recommendations.

C. Evaluation of Quantitative Standards (See also Tables 1, 3 and 4 of this report)

1. In the existing C-3-C zone, a PUD has a 15,000 square foot minimum lot area. This project meets that standard [Section 2401.1(c)].
2. The maximum Floor Area Ratio may not exceed 8.0 for a PUD in the C-3-C zone. At an FAR of 6.7, the proposal would comply with the standards. The proposal is only 0.2 FAR over the by-right FAR.
3. The maximum height may not exceed 130 feet for a PUD in the C-3-C zone, provided this complies with the Height Act. At a maximum of 130 feet high on rights of way of at least 110 feet, the northeastern office building and the southwestern hotel and residential building clearly comply with the standards for a C-3-C PUD. The 130 height, on Florida Avenue, of the southeastern office building is problematical, as was discussed on pages 5 and 6 of this report.

4. Both OP and DDOT require more information to evaluate the traffic impact. The addition of approximately 410 vehicles to the morning peak hour and 424 vehicles to the evening peak will have an impact on surrounding intersections, some of which currently operate at level of service F. The application does not yet include sufficient traffic mitigation or transportation demand management plans.

5. At a 0.4: 1 ratio, the project's provision of residential parking appears to be more than adequate for a site so close to Metrorail. The project would provide twice the parking required for hotel and office uses. The provision of retail parking is not clear.

For more details, please see Table 3 of this report.

D. Requested Zoning Relief

The Applicant has requested no zoning relief. However, it appears that the project will need residential recreation space relief, because it is providing 7.4% of the total residential GFA in a zone where 10% is required.

E. Amenities and Benefits in Relation to the Degree of Flexibility Requested

Public Benefits and Project Amenities

Public benefits are defined in Section 2403.5 as "superior features...that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under...matter or right..." Amenities are defined in Section 2403.7 as including "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors".

The applicant describes the following as elements of its amenities package:

- Exemplary site planning, architecture and landscape design, with high quality materials. The central plaza is generously landscaped, has a well-design modulation form public to private elements, and greatly enhances pedestrian connections to the Metropolitan Branch Trail (MBT), NoMA, the New York Avenue Metro and the Eckington neighborhood through the provision of access to and upgrades to the Metropolitan Branch trail and the widening and landscaping of surrounding sidewalks and public spaces.;
- Retail proposed to serve as catalyst for activity within the proposed plaza and along Florida Avenue;
- Bike racks and showers for office workers traveling by bicycle;

The applicant considers the following to be some of the many public benefits of the project:

- The dramatic aesthetic improvement of the northeastern entrance to central Washington;

- The development of a catalysts for further development of the area;
- The reservation of 6% of the residential gsf for affordable housing for 20 years, renewable;
- The use of low impact development practices, such as the Filterra water system at catch basins to reduce stormwater runoff requiring public filtering, and a below grade cistern to collect rainwater on-site for irrigation;
- The environmental decontamination of the site from the removal of underground gas tanks and possible cleanup on other formerly industrially-used portions of the site;
- The widening of sidewalks and streetscape improvements along Florida and New York Avenues;
- Upgrades to the Metropolitan Branch Trail, including decorative fencing, landscape elements, paving upgrades and lighting;
- Provisions of upgraded network of pedestrian connections to/from the New York Avenue Metrorail station to Galludet University, the Metropolitan Branch Trail, the Capital Commerce Center and the Eckington neighborhood;
- The provision of parking for Zip Car or Flex Car;
- First Source Employment and Training Opportunities that have the objective of having 51% of new employees hired in connection with the project being District residents.

OP concurs with the applicant's evaluation of the project's amenities and public benefits in relation to the additional 40 feet of height and 0.2 FAR requested by the project's PUD application. OP will continue to work with the applicant to provide additional refinements and clarification prior to the public hearing.

VII. AGENCY REFERRALS AND COMMENTS

This application will be referred to the following District government agencies for review and comment if it is set down for a public hearing:

1. Department of Public Works;
2. Metropolitan Police Department;
3. Fire and Emergency Medical Services Department;
4. Department of Housing and Community Development;
5. Department of Transportation;
6. District of Columbia Public Schools;
7. WASA;
8. Department of the Environment, and;
9. Department of Community and Regulatory Affairs (DCRA).

VIII. COMMUNITY COMMENTS

ANC 5C has not yet reviewed this project.

IX. SUMMARY RECOMMENDATION

OP recommends that the application be set down for a public hearing.

The Office of Planning (OP) believes this project would be of considerable benefit to the District.

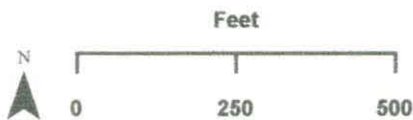
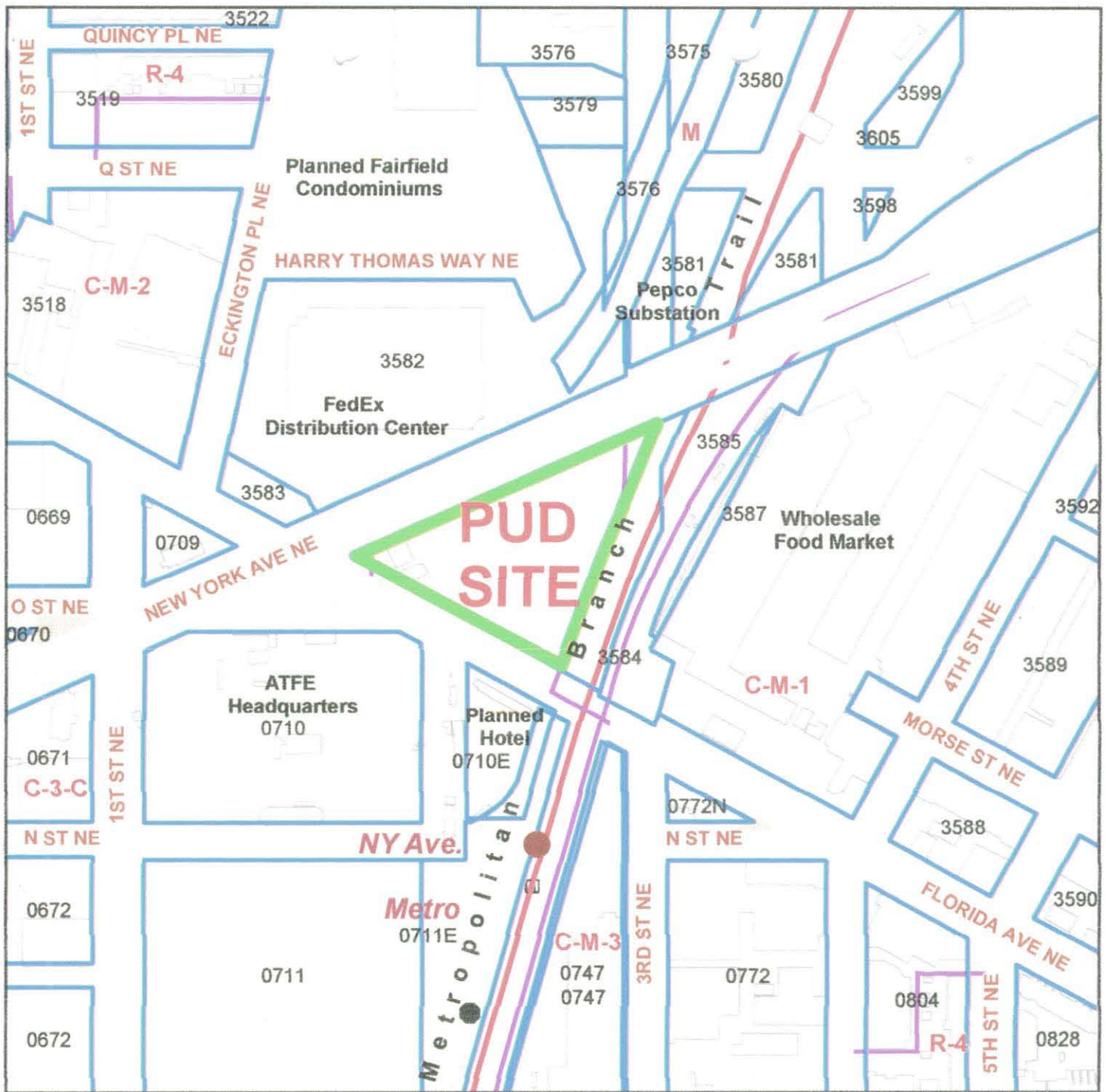
- Its location, height, density and mix of uses capitalizes on the investment that has been made in the New York Avenue Metro Station;
- The crisp modernist design creates an attractive and colorful entrance to the central business district, where now there is a gas station, two billboards and 2 acres of vacant land;.
- The project will strengthen the central area's office section, provide both permanent housing and transient accommodations and generate more tax revenue for the District than do the current uses of the site;
- The central plaza, with its fountain, trellises and flanking retail, will be an amenity for the project and a benefit for the new nearby offices and residents;.
- This retail will be continued on Florida Avenue, across the street from the northern entrance to the Metro;
- The project will enhance the Metropolitan Branch Trail with special landscape treatment and a generous connection between the trail and the central plaza;
- The site plan creates an extension of the L'Enfant street grid by aligning the plaza entrance with 2nd Street, N.E., by leaving the end the vista open to New York Avenue and by creating a sculptural focal point at the end of this vista;.
- The applicant will pay for a traffic signal at Florida Avenue and 2nd Street.
- The pedestrian environment will be improve;
- The new hotel and office uses will provide employment opportunities and there will be First Source agreement with the objective that 51% of new employees hired in connection with the development be District residents;
- Without any displacement of current residents, the project will create approximately 245 new housing units, and will devote 6% of its residential gsf to affordable housing...
- It would be generally consistent with the Comprehensive Plan, and the draft Industrial Land Use Study (ILU).

Issues related to traffic, loading dock location and building height calculations and impacts (as detailed in Section III of this report) would need to be addressed prior to a public hearing, should the project be set down. The applicant will also need to seek relief from residential recreation space requirements.

EMcC/slc

Attachments (4)

1. Location and Context Map, Including Existing Zoning,
2. Comprehensive Plan Generalized Land Use Designations
3. Proposed PUD Site Boundaries
4. Diagram of Lots, Yards and Courts: Applicant Revision Sent to OP May 26, 2006



District of Columbia ZC Case No. 06-14

Washington Gateway - MidAtlantic Realty Partners New York and Florida Avenues

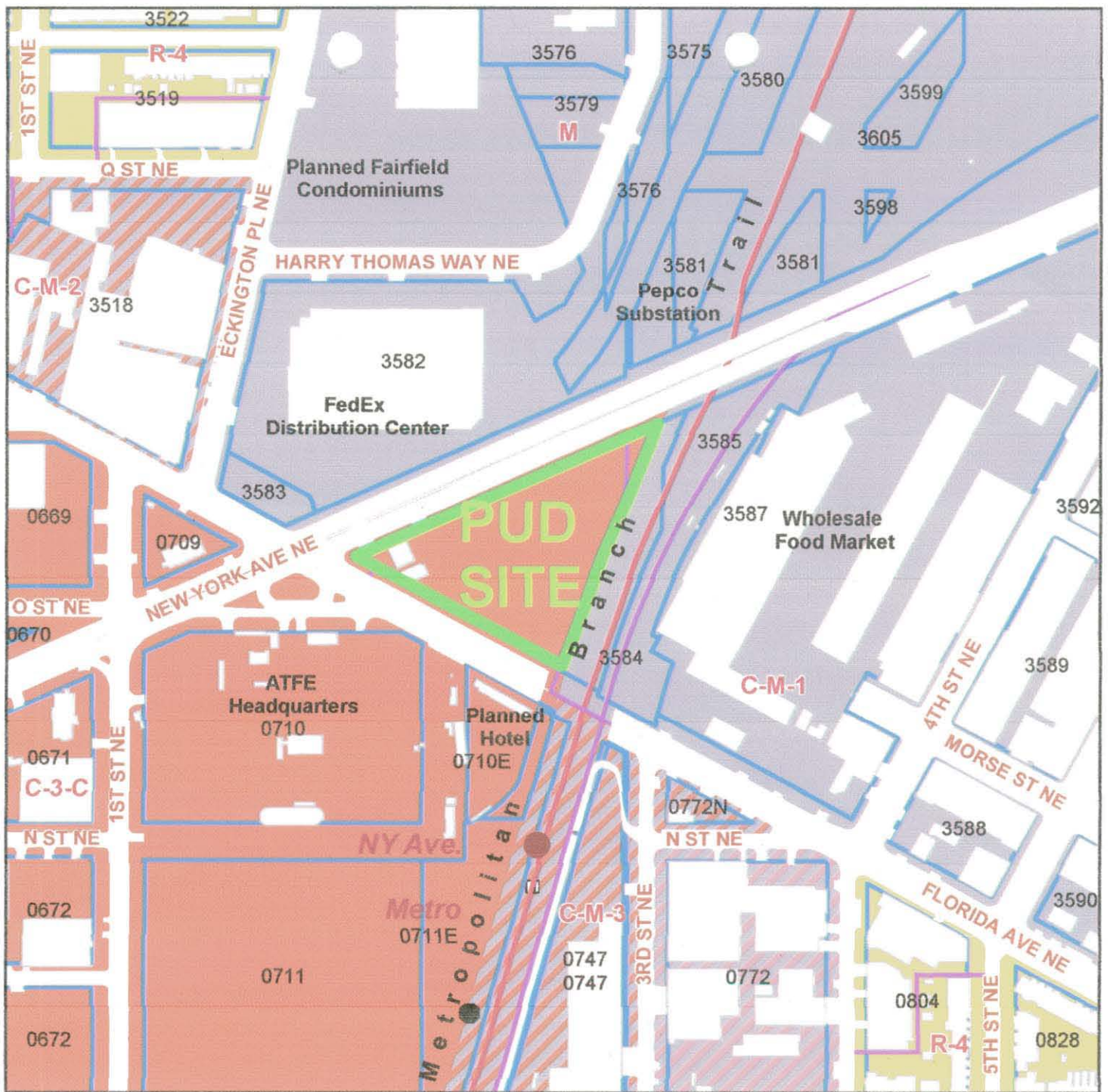
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 24, 2006

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.

- Property Squares
- Zoning Districts
- Street Centerlines
- Water
- Metro Stations
- Metro Station Entrances
- Roads
- Buildings w/out Firewalls

Attachment 1 Location Map



**District of Columbia
ZC Case No. 06-14
Washington Gateway - MRP
New York & Florida Avenues**

**Attachment 2
Generalized Land
Use Map**

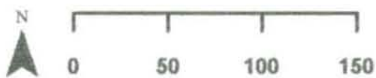
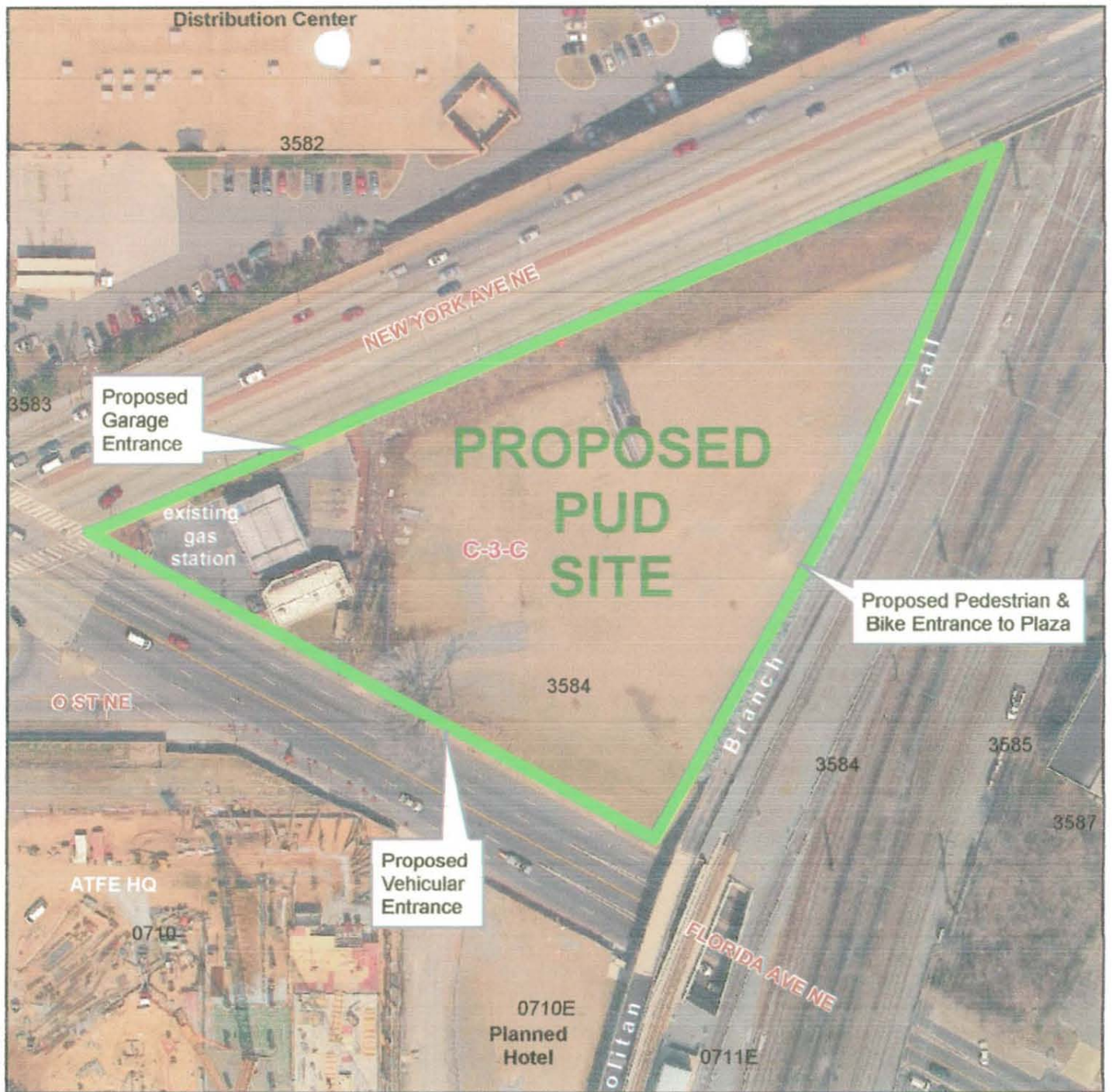
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 24, 2006

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.



Residential-Low Density
Residential-Moderate Density
Residential-Medium Density
Residential-High Density
Commercial-Low Density
Commercial-Moderate Density
Commercial-Medium Density
Commercial-Medium-High Density
Commercial-High Density
Institutional
Federal
Local Public Facilities
Parks, Recreation, and Open Space
Production and Technical Employment
Mixed Use
Water
NO DATA



District of Columbia ZC Case No. 06-14

Washington Gateway - MidAtlantic Realty Partners New York and Florida Avenues

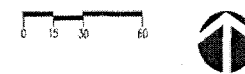
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 24, 2006

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.
Oblique imagery © Pictometry International



Attachment 3 Site Map



Attachment 4: Proposed Lot Lines, Courts and Yards