

WASHINGTON GATEWAY
PLANNED UNIT DEVELOPMENT

**PREHEARING STATEMENT OF
MIDATLANTIC REALTY PARTNERS
IN SUPPORT OF AN APPLICATION
FOR CONSOLIDATED REVIEW OF A PLANNED UNIT DEVELOPMENT**

ZONING CASE NO. 06-14

July 21, 2006

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**ZONING COMMISSION
District of Columbia**

CASE NO. 06-14
EXHIBIT NO. 17

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

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on July 21, 2006, and, in accordance with Section 3013.8, the application shall not be modified less than twenty days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning	Pgs. 5 -11
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 13 Exhibit C
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3013.1(f)	List of maps, plans, or other documents readily available that will be offered into evidence	Pg. 13 Exhibit K
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3013.4	First Source Employment Agreement	Pg. 13
3013.6(a)	Names and addresses of all property owners within 200 feet of the subject property	Pg. 14 Exhibit L

Respectfully submitted,

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LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Sheet 104-R2-Site Plan Revised Sheet 310-R2-Development Data	A
Supplemental report by Wells & Associates	B
List of witnesses to testify on behalf of Applicant	C
Outline of testimony of Frederick Rothmeijer, MidAtlantic Realty Partners	D
Outline of testimony of Michael Patrick, Gensler	E
Outline of testimony of Sami Kirkdil, SK&I Architects	F
Outline of testimony of Don Hoover, Oculus	G
Outline of testimony of Martin Wells, Wells & Associates Traffic Consultant	H
Outline of testimony of Eric Smart, Bolan Smart & Associates, Inc.	I
Outline of testimony of Steven E. Sher, Holland & Knight LLP	J
List of maps, plans, or other documents readily available	K
Names and addresses of owners of property within 200' of the subject property	L

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I. INTRODUCTION

This prehearing statement is submitted on behalf of MidAtlantic Realty Partners (the "Applicant") in support of its application for consolidated review and approval of the Washington Gateway planned unit development (the "Application"). It addresses the comments and concerns raised by the Office of Planning and the Zoning Commission, and provides additional information by the Applicant about the proposed development. This prehearing statement also includes items required under Section 3013 of the Zoning Regulations.

A. Project Overview

The Washington Gateway PUD is a mixed-use development consisting of residential, hotel, office and retail uses. It will be located on a triangular parcel of land east of the intersection of New York and Florida Avenues, N.E., adjacent to the WMATA and railroad rights-of-way (the "Property"). The residential and hotel uses will be in a building situated on the southwestern portion of the Property. The building will have approximately 220,138 square feet of residential, approximately 115,344 square feet of hotel and approximately 5,000 square feet of retail in order to accommodate 218 to 250 dwelling units and approximately 170 hotel rooms. Six percent of the dwelling units will be reserved for persons whose income does not exceed 80% of the area median income. There will be two office buildings in the PUD. The north office building will extend 14 stories and contain 384,624 square feet. The south office building will extend 12 stories and contain 176,512 square feet of office and 2,000 square feet of retail. The total PUD will consist of approximately 903,618 square feet of gross floor area with a floor area ratio of approximately 6.7.

In addition to affordable housing, other project benefits and amenities for the Washington Gateway PUD include widening the sidewalk along Florida Avenue from 6 feet to 15 feet through building setbacks; providing significant pedestrian connectivity to and from New York and Florida Avenues, the Metrorail, and the Metropolitan Branch Trail; improving the Metropolitan Branch Trail; signaling the Florida Avenue and 2nd Street intersection; installing bicycle racks and shower accommodations for cyclists;

creating a great urban space in an existing underdeveloped area; providing employment and training opportunities for District residents; and incorporating "green" building practices in the project design.

B. Procedural Background

The Application was filed with the Zoning Commission on March 3, 2006. On June 12, 2006, the Zoning Commission unanimously voted to schedule the Application for public hearing. With the submittal of this prehearing statement, the Applicant respectfully requests that the Application be scheduled for the next available hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Issues Raised By The Office Of Planning

In its report dated June 2, 2006, the Office of Planning requested the Applicant provide additional detail regarding the location of the entrance to the loading area(s), traffic mitigation measures, the lot configuration and building height and relief from the residential recreation space requirement.

Following are the Applicant's responses to the issues raised by the Office of Planning:

1. Location of Entrance to Loading Area(s)

It has proven infeasible to carry out the original intention to provide a single entry to a single below grade loading area. Therefore, the PUD now includes a smaller, dedicated loading area for each building, as depicted on the diagrams attached as Exhibit A. Delivery and trash vehicles for the office buildings will drive into the plaza and then into their respective loading zones. Access to the loading area for the residential/hotel building will be directly from Florida Avenue, however, to the west of the newly signalized 2nd Street and Florida Avenue intersection.

The bike path will be reconfigured to align with a pedestrian terrace over the office loading entry area. There will be stairs from the bike path for pedestrian access to

the plaza and a smooth ramped zone next to the stairs for bikes to be rolled from the bike path to the plaza.

2. Traffic Mitigation Measures

A supplemental report from the traffic consultant, Wells & Associates, attached as Exhibit B, includes a discussion on the vehicular trips generated by the PUD and mitigation.

3. Lot Configuration and Building Height

The proposed development consists of three buildings that are separated above ground but built on a common base that will contain parking, loading and other service functions. Because the proposed buildings are not connected by a means of communication at or above the level of the main floor, by definition, the two office buildings and the residential/hotel building are not considered to be a single building.

Section 2517 of the Zoning Regulations allows *as a matter-of-right* more than one building on a single subdivided lot in a commercial district that is not within twenty-five feet of a residential district. Under this section, the number of principal buildings is not limited, provided that each building meets the requirements of the Regulations, such as use, height, bulk and open space around each building. Alternatively, the Property can be divided into three separate record lots.

Each of the proposed buildings would fit on a lot (whether a theoretical building site or record lot) that meets all of the requirements of the Regulations, as follows:

- The residential/hotel building is on a triangular lot with frontage on both New York and Florida Avenues. New York Avenue is 120 feet wide. The maximum height permitted in a PUD under the C-3-C District is 130 feet and the maximum height permitted under the Act of 1910 is 130 feet. Where a building fronts on more than one street, the street that permits the higher height shall be used for the point of measurement. The residential/hotel building would have a maximum height of 130 feet measured from the curb opposite the middle of the front of the building on New York Avenue (elevation 74) to the high point of the parapet (elevation 204). The top of the parapet of the southeast wing of the building

extending toward Florida Avenue, which is part of the apartment house, is at elevation 188. This is a height of 114 feet above the measuring point on New York Avenue and approximately 130 feet above the curb elevation on Florida Avenue. There is no minimum lot width or lot area in a C-3-C District. The lot occupancy is permitted to be 100 percent. The rear yard is provided at the southeast side of the building opposite to the front, meeting the minimum requirement of 2-1/2 inches per foot of height at the rear. No side yard is required or provided. Two irregularly shaped open courts are provided; the diameter of the circle that can be inscribed in those courts meets the minimum width requirements (four inches per foot of height for a residential building).

- The north office building is on an interior lot with frontage on New York Avenue. New York Avenue is 120 feet wide. The maximum height permitted in a PUD under the C-3-C District is 130 feet and the maximum height permitted under the Act of 1910 is 130 feet. The north office building would have a maximum height of 130 feet measured from the curb opposite the middle of the front of the building (elevation 97) to the high point of the parapet (elevation 227). There is no minimum lot width or lot area in a C-3-C District. The lot occupancy requirement applies only to residential buildings and is permitted to be 100 percent, in any event. The rear yard is provided at the southeast side of the building opposite to the front, meeting the minimum requirement of 2-1/2 inches per foot of height at the rear. No side yard is required; the side yard provided on the northwest side of the building meets the minimum requirement (two inches per foot of height).
- The south office building is on an interior lot with frontage on New York and Florida Avenues. New York Avenue is 120 feet wide. The maximum height permitted in a PUD under the C-3-C District is 130 feet and the maximum height permitted under the Act of 1910 is 130 feet. Where a building fronts on more than one street, the street that permits the higher height shall be used for the point of measurement. The south office building as proposed would have a maximum

height of 96 feet, 4 inches, measured from the curb opposite the middle of the front of the building (elevation 89) to the high point of the parapet (elevation 185 feet, 4 inches). The building would have a height of 130 feet above the curb opposite the middle of the front of the building on Florida Avenue. There is no minimum lot width or lot area in a C-3-C District. The lot occupancy requirement applies only to residential buildings and is permitted to be 100 percent, in any event. The rear yard is provided at the northeast side of the building opposite the frontage on Florida Avenue and meets the minimum requirement of 2-1/2 inches per foot of height at the rear. No side yard is required; the side yard provided on the northwest side of the building meets the minimum requirement (two inches per foot of height).

4. Residential Recreation Space

The residential/hotel building for the Washington Gateway PUD has 16,374 square feet of residential recreation space (7.4%) where 22,887 square feet (10%) is required. This difference is nominal when considering that, in lieu of the residential recreation space, a significant portion of the roof will be used as a "green" roof to facilitate stormwater management. The project incorporates as much residential recreation space as possible in light of the overall project layout.

B. Issues Raised By The Zoning Commission

At its meeting of June 12, 2006, the Zoning Commission voted unanimously to schedule the Application for public hearing. The Zoning Commission requested information relating to the building façade and the design and operation of the plaza and proposed staircase, and clarification on traffic impact study.

Following are the Applicant's responses to the issues raised by the Zoning Commission:

1. New York Avenue Façades

The New York Avenue façades are designed to create an overall integrity of design, while distinguishing the residential/hotel building from the office buildings. The

façades are linked by massing, proportional relationships and some shared materials, but the overall materials palette for each project differs in a way that is appropriate for each use.

In massing, each building negotiates the sloped alignment of New York Avenue by stepping down from the bridge over the Metrorail lines to the intersection at Florida Avenue. The office building steps from a high tower expression at the western corner, to a lower horizontal expression that wraps the building as it nears the hotel. The residential building starts at a height related to the office building's lower roof height, and then steps down again as it approaches the Florida Avenue expression. In this way, the façade along New York Avenue maintains an appropriate scale with an articulated massing that provides an interesting overall massing composition.

The residential/hotel and office buildings are linked through the use of metal linear elements that frame the overall composition. The office building façade and the easternmost orthogonal portion of the residential building create a frame that highlights the curved masonry wall of the residential/hotel building. This masonry wall, with the finer level of detail and masonry openings, will provide a scale that is different from the office building and appropriate to the residential use.

Given its significant location on the site as the eastern gateway to the development, special attention has been paid to the massing of the residential/hotel building. The height of the building steps down from New York Avenue towards Florida Avenue. This creates an urban edge and buffer from the considerable volume and speed of traffic on New York Avenue while mitigating the scale of the intersection and the interior plaza. The double height retail podium angles away from Florida Avenue to open up views of the interior plaza; it is the main volume facing Florida Avenue. This creates an appropriate scale and space for lively pedestrian activity.

A tower element and a dramatic triangular glass volume identify and mark the prominent intersection at New York Avenue and Florida Avenue. This feature opens up dramatic views towards Downtown and creates an architectural landmark for the Washington Gateway PUD, signaling the emergence of NoMa as a dynamic and vibrant location. The window wall element wraps the corner from Florida Avenue and extends along New York Avenue as a projected bay, creating the identifying element of the

residential component of the project. This element relates to the curtain wall façades of the office towers while maintaining its own identity within the composition of the residential building. The window wall bay contrasts the flanking opaque walls and individual windows. The residential/hotel building uses masonry veneer, with a refined color palette as a dominant façade material, further setting it apart from the neighboring office towers. The rhythm and scale of the windows are distinctly different due to the programmatic differences between the office and residential uses.

2. Design and Operation of Plaza and Proposed Stair

The plaza serves the buildings around it both functionally and aesthetically. It is envisioned as an intensely active urban space that accommodates vehicular traffic movements while encouraging pedestrian activity. A tapestry of special pavements covers both vehicular and pedestrian zones as one seamless composition. Plantings are organized to help frame the spatial organization of the plaza and offer shade for pedestrians. The plaza provides a place for pedestrians to be dropped off and picked up at the office buildings and the residential/hotel building. Near the north office building, there is a small plaza and garden at the foot of the grand stairs, which can have tables and chairs for people to gather outside. In the center of the plaza there will be a decorative fountain that will be a focal point for the plaza and an attractive moment for those passing by. Large trees will provide a processional entry to the project through the plaza, and a grouping of trees and greenery will be arranged around the residential entry to provide shade, greenery and a more private sense of scale at that location.

At the northernmost end of the space is a dramatic serpentine wall. In sharp contrast to the sleek geometric lines of the buildings, the soft curves of the wall are offered as visual art. Functionally, the wall serves as a screen to parking garage access points and addresses the 24 feet of grade change that exists between the plaza and New York Avenue. Complementing the design composition of the serpentine wall and building architecture, a monumental stair connects the plaza to New York Avenue. Design of the stair intends it to be light and airy, an element that floats over the landscape below. Located between New York Avenue and the plaza is an intermediate terrace level

that can be accessed from the 2nd floor of the hotel. This space is envisioned as a lush garden space with a hardscaped terrace and outdoor seating.

The plaza allows entry into the underground parking areas via a portal to the north. It will also provide access to the loading areas for the office buildings.

3. Traffic Study

The supplemental report by Wells & Associates, attached as Exhibit B, clarifies the lane usage in the immediate vicinity of the Property and the assumptions on traffic improvements relevant to the PUD.

C. Additional Information by the Applicant

1. Project Benefits and Amenities

Following is a list of the PUD benefits and amenities:

Urban Design, Architecture, Landscaping and Open Space

- Exemplary architecture
- Strong pedestrian connection from plaza and Metropolitan Branch Trail
- Retail proposed to serve as a catalyst for activity within plaza and along Florida Avenue

Site Planning and Efficient and Economical Land Utilization

- Project is designed to provide significant network of pedestrian connections to/from New York Avenue-Florida Avenue – Gallaudet University Metrorail Station, Metropolitan Branch Trail and Florida Avenue.

Transportation Features

- Upgrades to the Metropolitan Branch Trail, including decorative fencing, landscape elements, paving upgrades and lighting.
- Widening of the sidewalk along Florida Avenue, adjacent to the property, from 6 to 15 feet.
- Bike racks and showers to be included on the ground level of the office building for persons traveling by bicycle.
- Signalized intersection at Florida Avenue and 2nd Street.

Employment and Training Opportunities

- Applicant will enter into First Source Agreement with the Department of Employment Services ensuring cooperation with the Department for employee recruitment for jobs created by the PUD, with the objective that 51% of the new employees hired in connection with the development of the project are District residents.

Housing and Affordable Housing

- 6% of the residential units within the project will be reserved for affordable housing.

Environmental Benefits / "Green Building" Practices

- Use of the Filterra water system at each of the catch basins surrounding the property, which minimizes the amount of filtering required by the District in the storm management process.
- Below-grade cistern to collect rainwater for on-site irrigation.
- Native plants and species that are more adaptable to the local/regional climate and have a better chance of sustaining without over compensation of fertilizer or irrigation.
- Parking for Zip Car
- Significant connection to the Metrorail station, which promotes bicycles and pedestrian activity, thereby reducing the number of vehicular trips.
- Environmental clean up of the site resulting from the removal of the gas station and underground tanks.

Uses of Special Value to the Neighborhood or the District as a Whole

- Removal of urban blight and development of property with a well-designed mixed use project that will serve as a catalyst for further redevelopment of the area.
- Improvements to the Metropolitan Branch Trail, which is used by many for non-motorized modes of transportation. Improvements include decorative fencing, landscape elements, paving upgrades and lighting.

III. ADDITIONAL REQUIREMENTS OF SEC. 3013
OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013.1(b) of the Zoning Regulations, a list of witnesses prepared to testify at the public hearing on behalf of the Applicant is attached as Exhibit C.

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who will be called to testify at the public hearing are attached as Exhibits D through J.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that will be offered into evidence at the public hearing is attached as Exhibit K.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Sec. 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is one hour, subject to the decision of the presiding officer at the public hearing.

E. Agreements with the District of Columbia

The Applicant will enter into a First Source Agreement with the Department of Employment Services ensuring cooperation with the Department for employee recruitment for jobs created by the Washington Gateway PUD, with the objective that fifty-one percent of the employees hired in connection with the development of the project are District of Columbia residents. Draft versions of the foregoing agreements will be submitted to the Zoning Commission not less than twenty days prior to the date of the public hearing on the Application.

F. Names and Addresses of Owners of Property Within 200 Feet of Property

In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the PUD Site is attached as Exhibit L.

G. Report by Traffic Consultant

In accordance with Section 3013.10 of the Zoning Regulations, a copy of the revised report prepared by Wells & Associates, traffic consultants, in connection with the Application will be submitted to the Department of Transportation not less than twenty (20) days prior to the public hearing on the Application.

IV. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of MidAtlantic Realty Partners in order to provide additional information in support of the application for the Washington Gateway PUD. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's approval of the Application.

Respectfully submitted,

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