

REPORT TO THE ZONING COMMISSION

**CASE NO. 06-14
WASHINGTON GATEWAY**

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- I. Introduction
- II. Nature of application: consolidated review of planned unit development
- III. Site location (see aerial photo, attached)
 1. Site is located at the eastern corner of the intersection of New York and Florida Avenues, N.E.
 2. Site bounded by New York Avenue on the north, Florida Avenue on the south and the railroad/Metrorail right-of-way on the east
 3. New Metrorail station at New York Avenue located immediately south of subject properties
 4. NoMA area
- IV. Site description
 - A. Square 3584, lots 23, 811, 812, 813
 - B. Size
 1. Total area: 134,665 square feet
 - a) Lot 23: 13,578 square feet (Sun Oil Company)
 - b) Lot 811: 102,643 square feet (GMK Titleholder Inc. and D&H Titleholder III)
 - c) Lot 812: 10,381 square feet (WMATA)
 - d) Lot 813: 8,063 square feet (District of Columbia)

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EXHIBIT NO. 34

2. Total street frontage:
 - a) Approximately 691 feet on New York Avenue
 - b) Approximately 496 feet on Florida Avenue
- C. Existing site conditions
 1. Lot 23 – gasoline service station
 2. Lot 811 – vacant except for two billboards
 3. Lots 812 and 813 – Metropolitan Branch Trail
- V. Description of the surrounding area
 - A. NoMA/Union Station/North Capitol Street/Capitol City Industrial Park area
 - B. Area contains mostly commercial office and warehouse type uses and buildings; residential buildings proposed but not yet constructed
 - C. Immediately surrounding uses
 1. To the south:
 - a) Florida Avenue
 - b) Former D.C. Government Department of Public Works storage facility, now under construction for the offices of the U.S. Bureau of Alcohol, Tobacco and Firearms
 - c) Railroad/Metrorail rights-of-way
 2. To the west: office buildings and vacant land to be devoted to further office construction in the triangle bounded by New York and Florida Avenues and North Capitol Street
 3. To the north:
 - a) New York Avenue
 - b) Federal Express distribution warehouse
 - c) Other industrial type uses, including the Wholesale Flower Market, QWEST Communications, etc.

4. To the east:
 - a) Railroad/Metrorail rights-of-way
 - b) Florida Avenue Market

VI. Zoning

A. Zoning of the area (see attached maps)

1. Subject site: C-3-C
2. Larger area to the west and south is zoned C-3-C
3. Area to the northwest, north, northeast and east is M and C-M-2

A. Requirements of the C-3-C District

4. General commercial district permitting almost all retail, service and office uses, as well as hotel, residential and institutional uses
5. Maximum height: 90 feet
6. Maximum FAR: 6.5
7. Maximum percentage of lot occupancy for residential building: 100%
8. Minimum residential recreation space: 10% of the gross floor area devoted to residential use
9. Minimum rear yard – 2½ inches per foot of height at the rear
10. Side yard – not required
11. Minimum required parking
 - a) For office use: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet of gross floor area
 - b) For retail use: 1 space for 750 square feet in excess of 3,000 square feet of gross floor area
 - c) For hotel use: 1 space for each 4 rooms usable for sleeping plus 1 space for each 300 square feet in the largest function room or exhibit space
 - d) For apartments: 1 space for each 4 dwelling units

B. PUD guidelines for C-3-C

1. Height: 130 feet
2. FAR: 8.0
3. Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
4. Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

C. Zoning history

1. Subject property:
 - a) Zoned M in 1958
 - b) Rezoned to C-3-C in 2003 (Case No. 01-22, Order No. 970, effective May 23, 2003)
2. Larger area to the south:
 - a) Zoned C-M-3 and M in 1958
 - b) Multiple rezonings, culminating in area wide change to C-3-C in 1997 (Case No. 95-4, Order No. 821, August 4, 1997)
 - c) Downtown Development District receiving zone applied to the property south of New York and Florida Avenues in 1998 (Case No. 97-14Z, Order No. 860, October 19, 1998)

VII. Description of the proposed project

A. Uses

1. Office (approximately 580,000 square feet of gross floor area, including a small amount of retail)
2. Hotel – 140 to 195 rooms (approximately 120,000 square feet of gross floor area)
3. Apartment house – 230 to 250 units (approximately 230,000 square feet of gross floor area, including a small amount of retail)

- B. 2 Buildings
 - 1. Office
 - 2. Hotel/apartment house
- C. Height: 130 feet
 - 1. Measured from curb at center of each building on New York Avenue to top of parapet
 - 2. South wing of office building is at a height of 93 feet (37 feet lower than the height of the north wing)
 - 3. Florida Avenue wing of the hotel/apartment house building is at a height of 114 feet (16 feet lower than the height of the New York Avenue wing)
- D. Floor area ratio – 6.90 overall
 - 1. Commercial: 4.3
 - 2. Hotel: 0.89
 - 3. Apartment house: 1.71
- E. Parking – 589 accessible spaces to be provided
 - 1. Minimum of 0.6 space per unit
 - 2. Minimum of 1 space for each 4 rooms usable for sleeping plus 1 space for 300 square feet of floor area in the largest function room or exhibit space
 - 3. Minimum of 1 space for each 1,500 square feet of gross floor area
- F. Loading
 - 1. Two separate loading areas provided
 - a) On the plaza level for the office building
 - b) On the ground level of the hotel/apartment house
 - 2. Provided: 4 loading berths @ 30 feet, 1 loading berth @ 55 feet and 3 service delivery loading spaces
 - 3. All loading is front-in, front-out (all maneuvering occurs on-site)

G. Comparison to matter-of-right and PUD standards

1. Use: office, retail, hotel and apartment house (no change)
2. Height:
 - a) Matter-of-right: 90 feet
 - b) PUD guideline: 130 feet
 - c) Proposed: maximum of 130 feet with lower height on the south facing Florida Avenue (40 feet more than permitted as a matter-of-right and at the guideline under PUD)
3. FAR:
 - a) Matter-of-right: 6.5
 - b) PUD guideline: 8.0
 - c) Proposed: 6.9
4. Proposed total gross floor area of 929,601 square feet is approximately 54,279 square feet more than matter-of-right and 147,719 square feet less than the PUD guideline
5. Office FAR is 295,856 square feet less than matter-of-right

VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
1. Additional height is consistent with what is permitted as a matter-of-right under the TDR receiving zone to the south and west
 2. Height steps down to a lower level for portions of the two buildings which face Florida Avenue
 3. Traffic is acceptable, per Wells and Associates (essentially the same as the traffic which would be generated by a matter-of-right all commercial project)
 4. New York Avenue Metrorail access via connection to Metropolitan Branch Trail

- B. Project is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§2403.4): see section IX, below
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)
- D. Public benefits and amenities
 - 1. On-site amenities
 - a) Mixed use project (62% office, 13% hotel, 25% apartments)
 - b) Affordable housing
 - (1) Minimum of 6% of total residential square footage (13,781 square feet) will be devoted to housing affordable to households having a maximum of 80% of AMI
 - (2) 25% of increase in density (more than 100% of the pro-rated residential increase in density)
 - c) Sustainable design elements
 - (1) Stormwater bioretention filtration system
 - (2) Cistern for collection of rainwater for on-site irrigation
 - (3) Green roof on hotel/residential building
 - d) Site design elements
 - (1) Plaza and upgrades to plaza design elements
 - (2) Monumental stair connection between plaza and New York avenue sidewalk
 - e) Transportation elements
 - (1) Metropolitan Branch Trail atrium
 - (2) Bicycle locking stations
 - (3) Car sharing spaces

2. Public space improvements around site
 - a) Improvements to Metropolitan Branch Trail
 - b) Widening and enhancements to sidewalks along New York and Florida Avenues
3. Community benefits
 - a) \$50,000 contribution to D.C. Commission on Arts and Humanities to improve Florida Avenue underpass area for public art
 - b) \$25,000 contribution to the City Year Young Heroes program
 - c) \$10,000 contribution to the student activity fund at Emery Elementary School
 - d) \$10,000 contribution to the Harry Thomas Recreation Center for purchase and installation of a new scoreboard
 - e) \$5,000 contribution to North Capitol Main Street, Inc.'s Green Team initiative
 - f) DOES commitment
4. Total value of quantifiable benefits and amenities: +\$6 million

balanced against

E. Development incentives:

1. Maximum 40 foot increase in height
2. Increase of 54,279 square feet in total gross floor area, but a decrease of 295,856 square feet in office gross floor area

F. Areas of flexibility from C-4 or PUD standards:

1. Residential recreation space
 - a) 22,969 square feet (10% of residential gross floor area) required
 - b) 14,344 square feet (6.2%) provided
2. Roof structure setbacks on hotel/residential building:
 - a) Required setbacks of 1:1 from exterior walls

- b) Provided: at two of the corners, setbacks are 12 feet and 11 feet, rather than 18 feet, 6 inches

IX. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)
2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)
3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)
4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)
5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)
6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. “The primary dynamic of the District elements of the Plan is the overlapping of its elements’ goals. This overlapping is intentional.” (§112.1)
2. “District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly.” (§111.(a))
3. “The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements.” (§112.1(b))
4. “An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements.” (§112.1(c))

5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

C. Major Themes

1. Respect and improve the physical character of the District (§106)
2. Reaffirm and strengthen the District's role as the economic hub of the National Capital region (§109)

D. Land Use element and maps (Chapter 11)

1. Major policy: "Land Use Element does not identify or fix every use, height, and density on every block in the District. The text and the maps construct a guiding framework within which public and private land use decisions are to be made." (§1100.11)
2. Property included in Medium-High Density Commercial category (same category as applied to property to the west, southwest and south)
3. §1106.4 defines medium-high density commercial land use category to include "shopping and service areas that generally offer, as the predominant use, the largest concentration and variety of goods and services outside the historical core of the Central Employment Area"
4. Northeast Number 1 and Eckington Yards Special Treatment Area
5. Northeast No. 1/Eckington Yards Development Opportunity Area
 - a) "Areas that offer opportunities to accommodate new growth and development" (§1118.3)
 - b) Criteria for development opportunity areas (§1118.4):
 - (1) At or near selected Metrorail stations
 - (2) Significant amount of vacant or poorly used land
 - (3) Unrealized employment and economic development potential
 - (4) Improvement of neighborhood quality and stability
6. On the border of the Central Employment Area

E. Economic Development element (Chapter 2)

1. Major policy "to generate a high performance economy, create jobs for District residents, expand the revenue base through a strong, growing citizen-business-government partnership, and develop a program that moves from economic development planning through implementation and completion of projects" (§200.5)
2. Major policy to "generate new and productive uses of currently underused commercial and industrially zoned lands" (§200.10)
3. Goal to "retain and expand existing businesses" (§201.1)
4. Policy to "provide and support a variety of actions and strategies conducive to a positive climate for economic growth" (§204.2(a))
5. Policy to "stimulate well-planned economic activity centers along major commercial corridors, at selected Metrorail stations, at currently underused commercially and industrially zoned sites ..." (§206.2(a))

F. Housing element (Chapter 3)

1. Major policies
 - a) Central theme to "stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units" (§300.2)
 - b) Housing viewed as "key part of total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities" (§300.4)
2. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))
3. "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 ..." (§303.2(d))
4. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306.2(i))

G. Transportation element (Chapter 5)

“Support land use arrangements that simplify and economize transportation services ...” (§502.2(a)).

H. Urban design element (Chapter 7):

1. “Maintain and enhance the horizontal character of buildings within the District and retain and enforce [the Act of 1910] ... as the guiding design principle for protecting the skyline;” (§707.2(b))
2. “Retain the current maximum limit in accordance with the Height Act ... but ... encourage a more detailed articulation of building roof lines and facades” (§707.2(c))
3. “Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;” (§708.2(a))
4. “Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.” (§708.2(b))
5. “Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;” (§709.2(a))
6. Areas in Need of New and Improved Character (§712):
 - a) Objective to "encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity" (§712.1)
 - b) "Encourage well designed development in areas that are vacant, underused or deteriorated. These developments should have strong physical identities." (§712.2(a))
 - c) "Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment" (§712.2(b))
 - d) "Establish a new physical identity in areas having a strong negative image ..." (§712.2(e))
 - e) "Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas" (§712.2(g))

I. Ward 5 Plan (Chapter 16)

1. Ward 5 Planning Focus

"Capitalize on Metrorail station areas as focal points of commercial, retail and community services and activities" (§1601.1(d))

2. Economic Development:

"Enhance and expand the Ward's economic development activity and employment centers, particularly in the underused industrial and commercial areas." (§1605.1(a))

3. Housing:

"Stimulate the production of new housing" (§1608.1(b))

4. Transportation:

a) "Increase the use of mass transit while minimizing problems associates with parking around Metrorail stations and commercial areas" (§1614.1(a))

b) "Use the transportation system to support economic development" (§1614.1(d))

c) "Improve the pedestrian environment on major streets and roadways" (§1614.1(e))

d) "Promote alternatives to private passenger vehicles such as Metrorail, Metrobus, bicycling along bike routes and walking along pedestrian paths" (§1614.1(f))

5. Urban Design:

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" (§1620.1(a))

b) "Give special design attention to those areas within the ward that have a poor physical image, where new development can improve the neighborhood's visual qualities while providing needed services" (§1620.1(b))

6. Land Use:

- a) "Promote economic development in the ward's industrial corridors and commercial areas" (§1629.1(b))
- b) "Encourage and support an appropriate mix of uses in all economic development, where appropriate, including uses such as housing, parks, and open space" (§1629.1(c))

X. Compatibility with the area

- A. Use is consistent with the existing commercial character and the developing mixed use character of the immediate vicinity
- B. Height is same as permitted in area to the south and west
- C. Opportunity to anchor the north end of the high-rise NoMA corridor with mixed use
- D. Overall density is less than much of what is permitted and proposed
- E. Incorporation of street grid into project by aligning central axis with 2nd Street

XI. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Opportunity to replace all commercial development with mixed use including hotel and residential
- C. Project is within the applicable height and bulk standards of the Zoning Regulations
- D. Project is compatible with the existing and expected character of the area
- E. Benefits and amenities provided adequately balance the development incentives and flexibility requested
- F. Project should be approved





