

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Ellen McCarthy, Director

SUBJECT: Final 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: November 20, 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 the Zoning Commission approve the application, subject to the provision of the additional information listed in the final section of this report.

II. APPLICATION CHANGES SINCE SETDOWN

The major change to the application since it was set down is to develop as one office building what had been shown previously as two office buildings. This has increased the office square footage slightly, from 561,136 GSF to 569,468 GSF, and the project's overall FAR from 6.7 to 6.9. The height of the building face on Florida Avenue has also increased to 129 feet, in order to align floor heights from north to south. The change to a single office building was made in response to the reservations OP expressed in its setdown report about using New York Avenue as the measurement point for the height of what had been the southern office, by use of a narrow “panhandle” subdivision line from New York Avenue to the building.

III. PROJECT APPLICATION SUMMARY

As presently proposed, the structure is clearly one building, functioning with floor plates that extend from New York Avenue to Florida Avenue and, therefore, sufficiently addressing 1910 Height Act concerns.

The site comprises approximately 3.1 acres in the triangle bounded by New York Avenue, Florida Avenue, and the right of way of Metrorail'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.

ZONING COMMISSION
District of Columbia

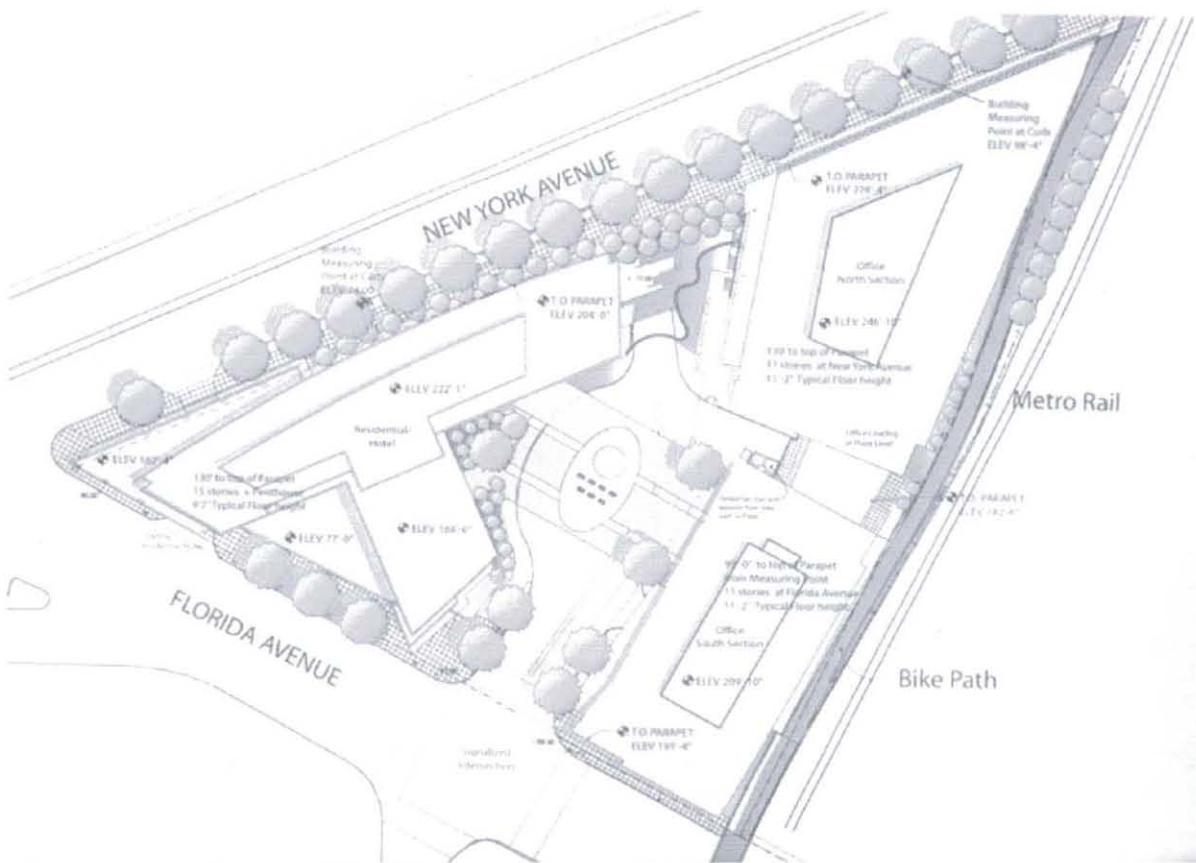


Illustration 1: Proposed Site Plan

The above site plan is taken from Sheet 101 of the Applicant's November 9, 2006 filing. The applicant proposes to construct a mixed use development consisting of:

- One office building on the eastern side of the site, stretching from New York Avenue on the north to Florida Avenue on the south;
- A residential/hotel building on the western side of the site. The hotel and residences would be vertically separated and would have separate entries;
- A landscaped central plaza that could be entered from Florida Avenue, New York Avenue, or from an applicant-upgraded segment of the Metropolitan Branch (bicycle) Trail (MBT), which borders the site on the east.

The buildings would be on separate record lots. There would be 7,000 square feet of ground floor retail. The design is modern -- mixing glass curtain walls, aluminum and masonry. The site plan is intended to suggest the extension of the existing street grid, and is intended to be very open to the public from all three sides.

Through this PUD application, the applicant is requesting an increase of 0.4 FAR over the 6.5 matter of right FAR, as well as a 40-foot increase in height, from the 90 feet permitted as a matter of right, to 130 feet.

The proposed development is summarized in the following table:

TABLE 1: PROPOSED PROJECT OVERVIEW

SITE AREA (square feet)	134,665
OFFICE GSF	579,468
RESIDENTIAL GROSS SQUARE FOOTAGE	229,690
HOTEL GSF	120,443
RETAIL GSF	7,000
TOTAL GSF	929, 601
RESIDENTIAL UNITS	230 - 250
HOTEL ROOMS	140 - 195
TOTAL PARKING	598 spaces (approximately)
LOT COVERAGE	74,066 sf
% LOT OCCUPANCY	55%
FAR	6.9

The development would have the following elements. Square footages are approximate:

- Office Space: 579,468 gross square feet in one building on the eastern side of the central plaza. The building would be set-back at its mid-point, to reduce its apparent bulk; would have a three-story enclosed plaza at the base of the mid-point to allow connections from the Metropolitan Branch (bicycle) trail to the development's central plaza; and would notched at the top of the mid-point to give greater variety to the office building's roof line.
- Residential: 229,690 gross square feet of residential space, comprising 230 – 250 residential units located at the intersection of New York and Florida Avenues.
- Hotel: 120,443 gsf, comprising 149-195 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 (13,781.4 sf) for housing affordable to households earning up to 80% of the Area Median Income (AMI). This is equivalent to 25% of the total density gained through this PUD. (The applicant had originally proffered 4 % in January 2006. The current percentage is closer to the 8% minimum requirement the Zoning Commission passed in July 2006, but that has not yet taken effect).
- Retail: 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. There will be smaller parks and two elevated terraces adjacent to the central plaza. The site plan has been designed 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. There will be a publicly accessible staircase between the plaza and New York Avenue.
- 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. There will be steps with a bicycle channel and an elevator that will connect with the plaza and with the private underground bicycle parking area and showers.
- Parking & Loading: There would be at least 598 parking spaces overall. The 159 residential spaces would be 90 more than required and would provide a 0.6 to 1 ratio of parking spaces to dwelling units. There would be approximately 377 spaces for office use (100 more than required), 59 spaces for hotel use, 9 spaces for retail use, and 23 bicycle parking spaces. Parking would be entered from three points:
 - New York Avenue, north of Florida Avenue – right in / right out for the hotel/residential building;
 - Central Plaza, NW side – entrance and exit for the hotel/residential building via a new traffic light the applicant will install at Florida Avenue and 2nd Street;
 - Central Plaza, SE side – entrance and exit for the office building via a new traffic light at Florida Avenue and 2nd Street.

Loading would be as required by the Zoning Regulations and would be entered from two points:

- Florida Avenue, east of New York Avenue – right in, right out for the residential/hotel building;
 - Central Plaza, east side under the bicycle terrace for the office building, via a new traffic light at Florida Avenue and 2nd Street. .
- Exemplary Design: The crisp modernist design has a warm neutral palette in its most public face, along New York Avenue. It becomes more intimate and colorful facing the central courtyard and Florida Avenue through the use of a redder brick and more varied building setbacks. The façade details are more refined than at setdown and both the curtain walls and the masonry portions contain greater variety. The central plaza is generously landscaped, and moves easily from public to private elements.

OP strongly supports this project.

IV. DISCUSSION OF PREVIOUSLY OUTSTANDING ISSUES

At setdown, OP raised three issues and one area of zoning relief that would need to be addressed prior to a public hearing.

A. Transportation Issues

- The applicant and the District Department of Transportation (DDOT) needed to resolve where to locate the entrance to the loading docks and platforms. This has been resolved. The design has been revised to locate the loading entrance for the hotel/residential building on Florida Avenue, west of 2nd Street, at a distance from both New York Avenue and the railroad overpass that is acceptable to DDOT. The loading entrance for the office building will be off the central plaza, tucked underneath a terrace that is at the Metropolitan Branch Trail level. There are now no parking or loading entrances located east of the line of 2nd Street. This addresses DDOT's concern that there be adequate site lines from the railroad underpass, and that a potential safety hazard be avoided for westbound busses stopping to unload passengers for the New York Avenue Metrorail station.
- The applicant needed 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 2.26% in the AM and 2.35% in the PM. OP has been in contact with DDOT about the proposed project's impact. It is OP's understanding that DDOT accepts that the increased traffic that would be generated by the project would be able to be adequately absorbed through the implementation of all mitigation measures and *all* Transportation Demand Management (TDM) measures listed on pages 46-50 of the applicant's November 9, 2006 transportation impact study. DDOT will file a report with the Commission.

B. Building Height Issue

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

The setdown proposal showed three buildings having lots fronting on New York Avenue. OP noted that it did not object to 130' high buildings on the site *per se*. OP was concerned about the use of 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 five in order to achieve a 130 foot height for what was, at the time of setdown, the southernmost of two office buildings. Because of this concern the applicant has revised its plans and combined the two office buildings into one larger office building. This eliminates OP's concern about the appropriateness of the method used to measure the building's height.

The 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.

Absent the concern about the panhandle subdivision, there remains the issue of whether the proposed 130-foot building height along Florida Avenue is appropriate from a visual standpoint. Due to re-grading 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 buildings.

Under the November 9, 2006 plans (see Sheet 104):

- The western building will contain a hotel on its northern end and residences on its southern end. The building measures 130 feet in height from New York Avenue for zoning purposes. The hotel portion measures 142 feet and has 15 floors at the plaza level due to grade changes. The residential portion has a central, masonry section that arcs back from New York Avenue as it approaches Florida Avenue. This has 15 stories along portions of New York Avenue, 13 stories at the plaza level and 13 stories along Florida Avenue. There is also a glass curtain wall section that comes to a point at Florida and New York Avenues. Due to the combination of grade changes and building step-downs this section will be 12 stories at the intersection. Another curtain wall section of the residential portion will have 11 stories at the central plaza;
- The eastern building will contain offices with limited ground floor retail. It will measure an average 130’ in height for zoning purposes along New York Avenue, where it will contain 11 stories, 162’ and 14 stories on the central plaza due to grade changes, and 129’ and 11 stories on Florida Avenue due to the architect’s stepping down the height of the building as it gets closer to Florida Avenue.

The building-by-building details of the applicant’s proposal are shown on Sheet 305 of the Applicant’s November 9, 2006 filing. Additional height information can be found on site plan Sheet 104 and on section Sheets 610, 611 and 612.

OP believes that the applicant’s proposed height and massing are appropriate for location. The absolute elevation of the office building will step down from New York Avenue to

Florida Avenue. Portions of the top story facing Florida Avenue will be pulled back from the principal façade in order to be able to see to the sky from the street, through the grid of the façade. The existing and proposed conditions surrounding the site will also help to lessen some of the apparent height of the proposed office building's southern elevation. These conditions include the width and rising elevation of New York Avenue; the width and elevation of the rail tracks to the east; and the lower heights of the existing and planned development on the south side of Florida Avenue. Together these will give the proposed development adequate "breathing room" and will ensure that there will be no tunnel effect on Florida Avenue.

C. Zoning Relief Issues:

1. The applicant needed to seek relief from residential recreation space requirements. The residential/hotel building would provide 14,344 square feet of recreation space (6.2%) where 22,969 square feet (10%) are required. OP believes that the requested reduction is more than compensated for by: the combination of the quality of central plaza with its fountain, benches and side parks; the bicycle atrium and trail-level terrace; the enhancement of the Metropolitan Branch Trail (MBT) design; and, connection of the MBT to the central portion of the project. Further, the applicant has added private balconies and terraces for some of the units since the previous design. OP further notes that the Zoning Commission has recently voted to eliminate the recreation space requirement.
2. Since setdown, the applicant has also filed for relief from roof structure setbacks in two locations: the southeast corner of the residential penthouse would be setback twelve feet rather than 18'6" from the parapet, and the hotel portion of the penthouse would be setback only 11 feet from the parapet facing the central court. OP believes that the latter relief is unobjectionable given its distance from the public way. With respect to the relief for the residential portion of the roof structure, OP requests that the applicant provide more detailed information to OP prior to the public hearing. The location of the requested relief is not clearly marked in the submitted plans. Additional details are also needed for the treatment of the top stories and roof structures.

V. SITE CONTEXT

A. Site (See Attachments 1 and 3)

The 134,665 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. 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.

C. Surrounding Area and Development Context

The site currently appears 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 related to the NoMA area to the south.

The areas to the north and east are developed with 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, complementary 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 gsf (6)		Duplex townhouses on R St
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
Gateway Market and Residences PUD	P	160,000 gsf (116 units w/ 20% affordable)	54K gsf office 39K gsf retail	Proposed mixed use PUD on DHCD-owned former site at Wholesale Market

D. Transportation

The New York Avenue Metrorail Station is 1 block south of the site and is operating at below capacity levels. 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 blocks to the south.

For vehicular traffic, the project would have a single full entry/exit point from Florida Avenue, approximately ½ block east of New York Avenue, and another right-in/right out entry/exit on New York Avenue, north of Florida Avenue. Both avenues operate over capacity and regularly reach Level of Service F at their intersection. 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 the applicant has agreed 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.

E. Historic Properties: There are no nearby historic structures or districts.

VI. 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. 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 11/09/06.

TABLE 3: PROJECT DATA Revised 11/09/06 [134,665 SF lot]	C-3-C Base	C-3-C PUD	Project Design
Gross Square Feet (GSF) – Aggregate Total	875,322	1,077,320	929,601 Commercial, Residential, Hotel & Retail
<i>Lot Area – Office Bldg. = 86,630</i>			
Gross Square Feet (GSF) - Commercial -	563,095 SF	693,040SF	579,467 SF
<i>Lot Area - Residential = 48,035</i>			
Gross Square Feet (GSF) - Residential & Hotel	312,228 SF	384,280 SF	350,133 SF
Number of Dwelling Units & Hotel Rooms			250 DU; 195 hotel rms.
Floor Area Ratio (FAR) - Aggregate	6.5	8	6.9
Floor Area Ratio (FAR) - Commercial			6.7
Floor Area Ratio (FAR) - Residential & Hotel			7.3
Building Height	90'	130'	130' measured from NY Avenue
Lot Occupancy (for non-res. uses)	100%	100%	55%
Roof Structures	18'-6" P	18'-6"	18'-6" Penthouse max. height
Parking Total	349	349	681
Parking (Office Use)	277 required	277 required	377 provided
Parking (Residential Use)	63 required	63 required	153 provided
Parking (Hotel Use)	59 required	59 required	59 provided
Parking (Retail use)	9 required	9 required	9 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 < 8,000 SF)	none (Retail is < 8,000 SF)	none (Retail is < 8,000 SF)
Residential Recreation Space	10% of GFA	10% of GFA	14,344 SF (6.2%)

VII. CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF § 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.

In OP's opinion the proposal is consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400.

A. Relationship to the Comprehensive Plan (10 DCMR)

1. Consistency with Major Themes

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

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 be expected to go to DC residents
Develop Living downtown	Site is now mostly vacant and unkempt. Project would provide attractive gateway to downtown.
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
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; Approximately 50 to 700 new jobs are expected to go to District residents; residential and bicycle transportation opportunities will be augmented; approximately 7,000 square feet of new retail will be created in an underserved area.

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): *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): *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): *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 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 now applies:

§ 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 semi-transparent oblique angles on New York Avenue address the relatively high-speed context of the transportation corridor. Its red-brick elements add color and ties 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.

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 transmitted to the City Council for review. 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. OP 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. Final 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 applicant and DDOT have worked to bring the applicant's design into alignment with the study's recommendations. It is now consistent with the DDOT recommendations for intersection changes.

C. Evaluation of Quantitative Standards *(cf. Tables 1 and 3 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 6.9, the proposal would comply with the standards. The proposal is only 0.4 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 office building and the hotel and residential building comply with the standards for a C-3-C PUD.
4. In DDOT's opinion, the project includes sufficient traffic mitigation and transportation demand management plans, provided *all* plans included in Section 4 the Transportation Impact Study submitted by the applicant on November 9, 2006 are adequately implemented.

5. At a 0.6 to 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 meet hotel parking standards, and would provide over one-third more parking for office uses than is required. The provision of retail parking is also acceptable .

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

D. Requested Zoning Relief

As discussed in Section IV.C of this report, the Applicant has requested zoning relief in two areas.

- Residential recreation space relief, because the project would provide 6.2% of the total residential GFA in a zone where 10% is required;
- Roof structure setback relief in two locations.

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".

In its initial filing, the applicant described 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; and
- 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 spaces 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.

In its setdown report OP concurred with the applicant's evaluation of the project's amenities and public benefits in relation to the additional 40 feet of height and 0.4 FAR requested by the project's PUD application. However, OP asked the applicant to:

- Provide additional refinements prior to the public hearing;
- Itemize the elements of the proposed project that are over and above what would normally be provided for a matter-of-right Class A office/residential/retail project on this site.

The applicant has worked very closely with OP to refine the design and benefits/amenities package since setdown. The final proposal, with the breakdown of the elements that would not be provided in a matter of right project is included in the table on pages 16 and 17 of the applicant's November 9, 2006 filing. Of these, OP believes the following elements exceed what would be provided as a matter of right:

Table 6. Physical Amenities Exceeding a Typical Matter of Right Project

Benefit/Amenity Provided	Estimated Cost
Metropolitan Branch Trail (MBT) Improvements	\$500,000
Bike Trail/Pedestrian Atrium Connection, including atrium, terrace, stairs, bike channel elevator, air pump, water fountain – including upgrades requested by OP	\$1,100,000
Widening and enhancing sidewalks along New York and Florida Avenues	\$300,000
Upgrading central plaza paving and landscaping, as requested by OP	\$650,000

Monumental stair connection between central plaza and NY Ave., as requested by OP	\$350,000
Filtterra bioretention filtration system	\$130,000
Cistern collecting rainwater for on-site irrigation	\$180,000
Green roof on residential/hotel building	\$319,200
24 hour access car-share spaces (unspecified #)	\$60,000
Bicycle locking stations	\$20,000
Total	\$3,109,200

There are also several desirable elements the applicant proposes to provide that are difficult to quantify. These include the changes to refine and enliven the project's perimeter facades; the provision of 7,000 square feet of retail space (including the public's use of bathroom facilities); a First Source Employment Agreement, space equivalent to 15 residential units affordable to households earning 80% of the AMI, and the use of native plants and species

Finally, the applicant filed a letter with the Zoning commission on November 16, 2006 indicating that it intends to provide contributions for several off-site public benefits:

Item	Recipient	Status	Amount
Artwork/artistic lighting for Fl Avenue underpass	DC Commission on Arts and Humanities	Needs letter of confirmation from proposed recipient	\$50,000
Operating Costs	City Year Young Heroes Program	Needs confirmation from proposed recipient and program details	\$25,000
Student Activity Fund	Emery Elem. School	Same as above	\$10,000
Green Team Initiative	North Capitol Main Street, Inc.	Same as above	\$5,000
Total			\$90,000

VII. AGENCY REFERRALS AND COMMENTS

No agency comments have been submitted to OP, although the DDOT has indicated it intends to file a memorandum stating it has no objection to the application as long as certain measures to which the applicant and DDOT have already agreed are required by the Zoning Commission.

VIII. COMMUNITY COMMENTS

ANC 5C has reviewed the project but was not scheduled to consider this project until November, 21, 2006.

VIII. SUMMARY RECOMMENDATION

In OP's opinion, this project would:

- Enhance revitalization efforts at the edge of the central business district;

- Strengthen and expand the central area's office uses, provide both permanent housing and transient accommodations and generate more tax revenue for the District than do the current uses of the site;
- Help overall traffic flow in NoMA through the traffic signal at Florida Avenue and 2nd Street that the applicant will pay for;
- Improve the pedestrian and bicyclists' environment on the site's perimeter and interior;
- Provide employment opportunities and a First Source agreement with the objective that 51% of new employees hired in connection with the development be District residents;
- Create affordable housing without the expenditure of public funds;
- Be consistent with the Comprehensive Plan and the final draft NoMA plan.

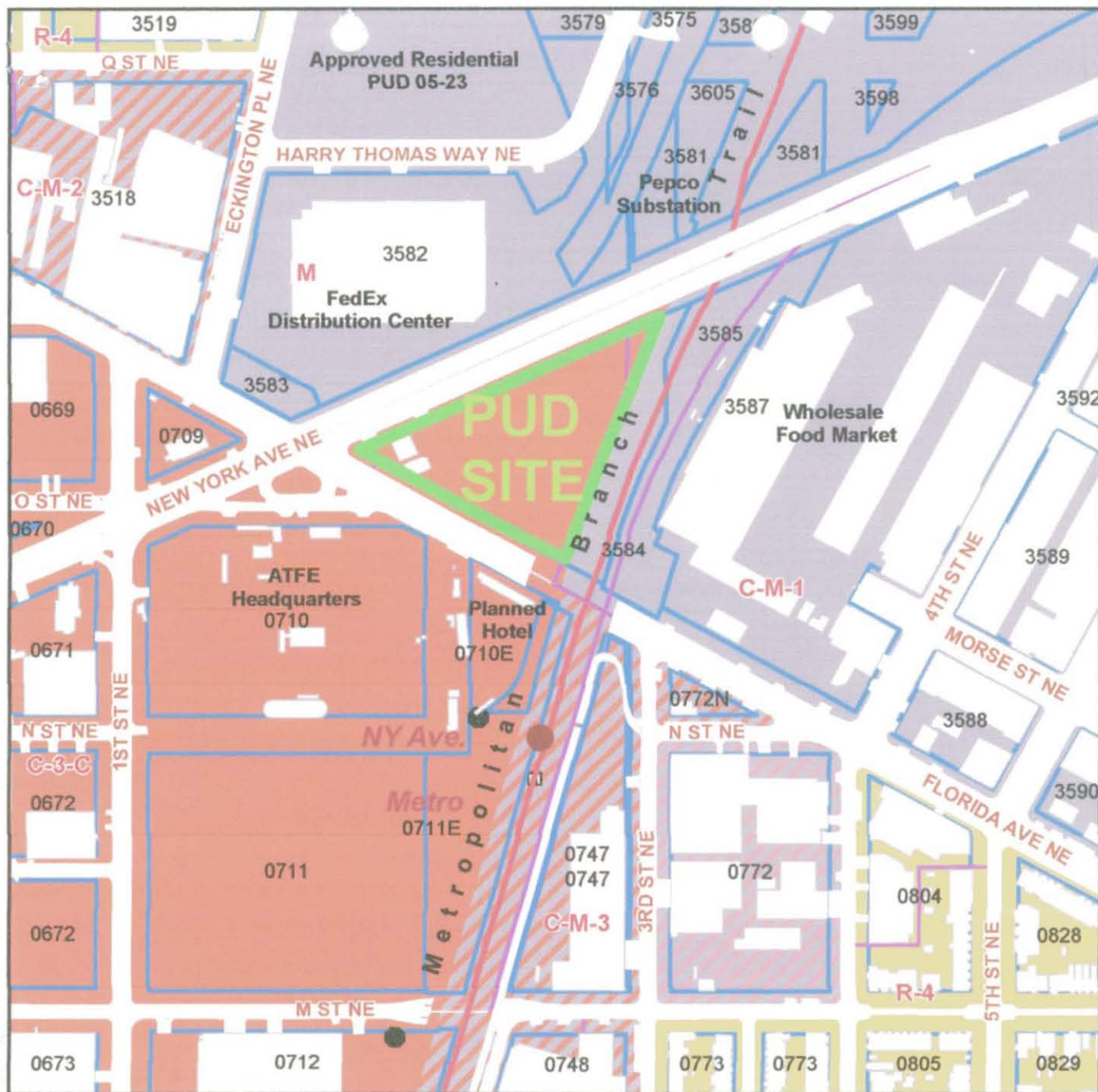
OP, therefore, strongly recommends that the Zoning Commission approve this application, subject to the resolution of the following details prior to Zoning Commission final action:

- Submission of more specific, detailed information about the location of and justification for the residential roof structure setback request;
- Submission of more detailed elevations for the roof structures of each building;
- Agreement to provide all traffic mitigation and TDM measures that may be stipulated by DDOT;
- The provision of additional information about proposed off-site public benefits and amenities contributions, and the submission of any necessary letters of commitment for the proposed recipients of the contributions;
- Clarification of the number of car-sharing spaces to be provided;
- The submission of a letter of intent from DDOT with respect to permission for the upgrade of the Metropolitan Branch Trail, as proposed by the applicant;
- Floor plan diagrams showing the equitable distribution of affordable units throughout the residential portion of the project, with the possible exception of the top floors;
- Submission of a Memorandum of Understanding with respect to the distribution, resident selection, control periods, etc. of the affordable units;
- Inclusion of the following hours of public access to certain features as part of the Zoning Commission's final order:
 - New York Avenue Staircase: 7 a.m. to 7 p.m.
 - MBT Atrium and Stairs and Elevator to Central Plaza: 6 a.m. until 9 p.m.
 - At least one bathroom during normal retail hours.
- Submission of maximum proposed dimensions for signage shown on Sheet 173, for eastern wall of hotel, which is visible from inbound New York Avenue;
- Clarification of the applicant's LSDBE commitment.

EMcC/slc

Attachments

1. Location and Context Map, Including Existing Zoning,
2. Comprehensive Plan Generalized Land Use Designations
3. Proposed PUD Site Boundaries



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

**Attachment 2
Generalized Land
Use Map**

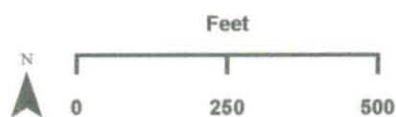
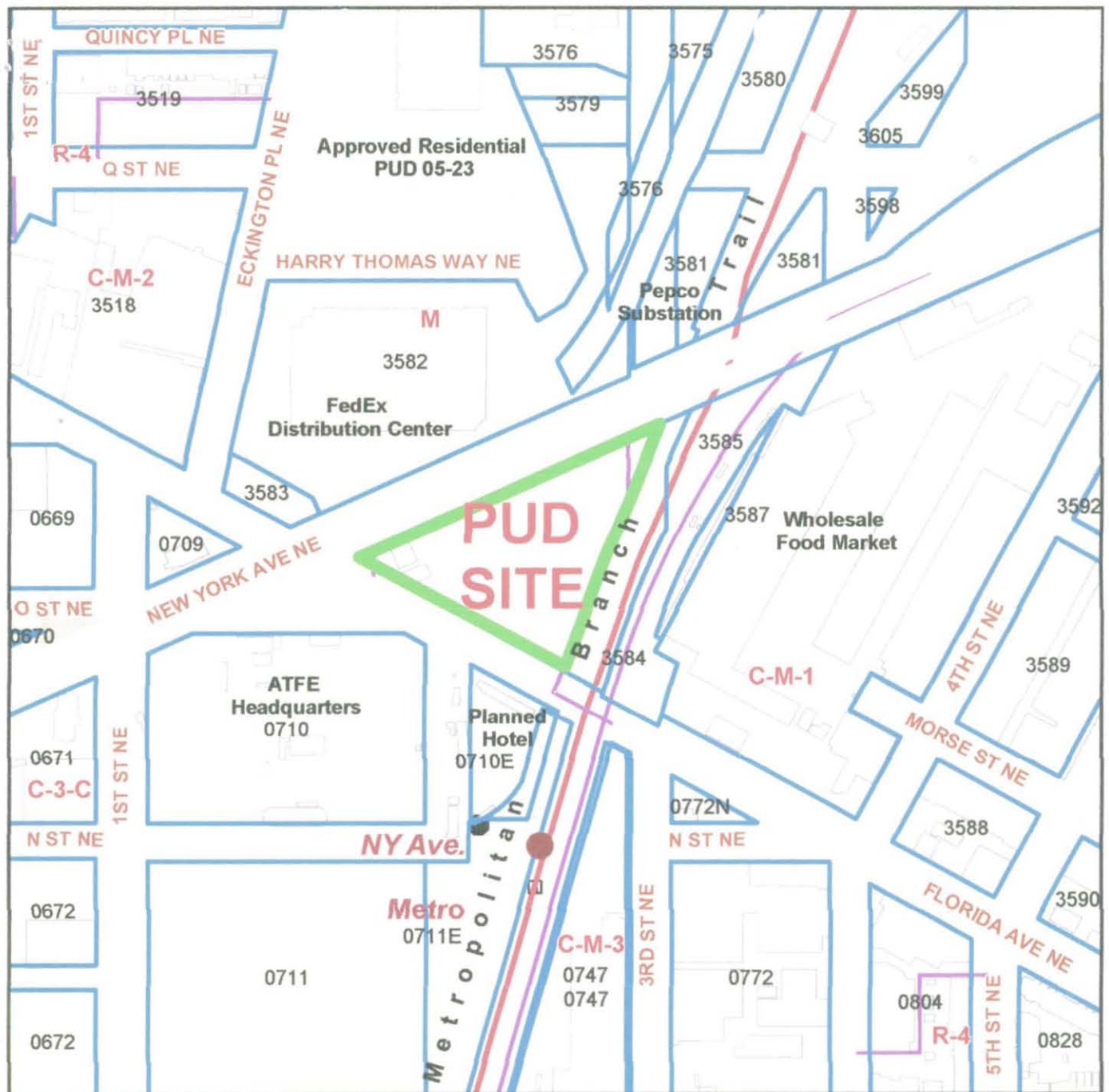
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November 20, 2006

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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

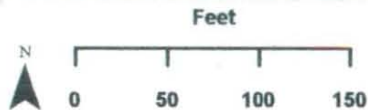
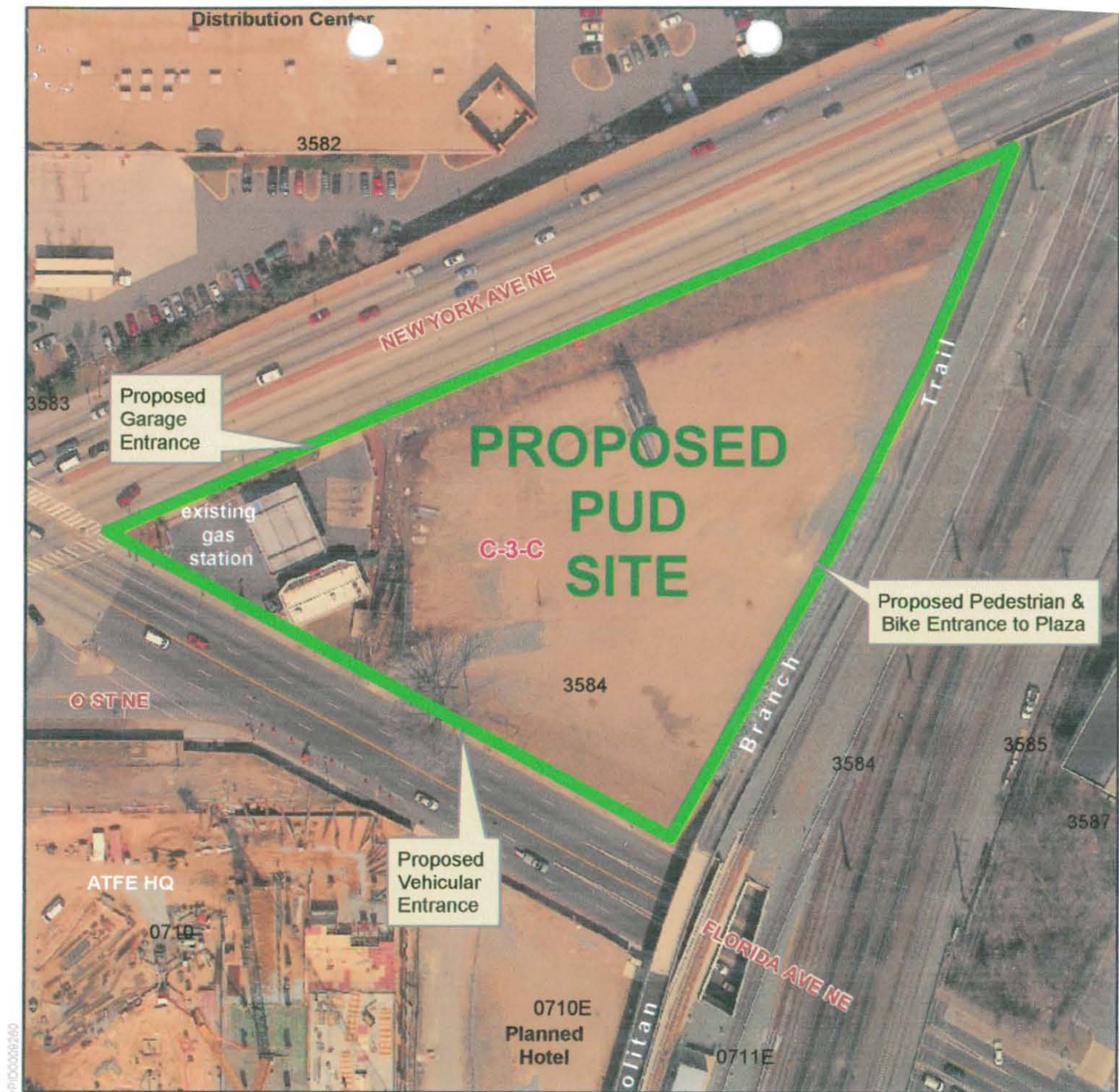
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Anthony A. Williams, Mayor

Office of Planning ~ November 20, 2006

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Attachment 1 Location Map



District of Columbia ZC Case No. 06-14

Washington Gateway - MidAtlantic Realty Partners New York and Florida Avenues

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District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 24, 2006

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Attachment 3 Site Map