

**STATEMENT OF
JEMAL'S UP AGAINST THE WALL, LLC
IN SUPPORT OF AN APPLICATION
FOR CONSOLIDATED REVIEW OF A PLANNED UNIT
DEVELOPMENT**

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1000 F STREET, N.W.

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ZONING COMMISSION
District of Columbia

CASE NO. 07-18

EXHIBIT NO. 4

PREFACE

This statement and the attached documents are submitted to the Zoning Commission for Douglas Development Corporation, on behalf of Jemal's Up Against the Wall LLC (the "Applicant"), in support of its request for consolidated review and approval of a planned unit development ("PUD") on certain property consisting of approximately 11,790 square feet located at the southwest corner of the intersection of 10th and F Streets, N.W. The proposed PUD will consist of approximately 91,188 square feet of gross floor area devoted to office space and approximately 6,218 square feet of gross floor area for retail uses. The maximum allowable floor area ratio ("FAR") for a PUD in the DD/C-4 District is 6.0. However, the Applicant seeks an increase in the FAR to 8.26, which is less than the 8.5 FAR permitted in the underlying C-4 District. The additional density allows the Applicant to construct a building that respects the historic character of the surrounding area, efficiently utilizes the property, is compatible with newer developments in the surrounding area and provides adequate space for office and retail tenants.

The PUD is located in the Pennsylvania Avenue National Historic Site and includes the retention and rehabilitation of the significant parts of the building located at the corner of 10th and F Streets, N.W. The concept design of the proposed PUD was reviewed and approved by the Historic Preservation Review Board (the "HPRB") on July 27, 2006. Since that time, in response to community input, the Applicant is also retaining the façade of the Waffle Shop located at 522 10th Street, N.W., and will relocate the Waffle Shop to a future planned unit development in Squares 450 and 451.

Notice of intent to file this application was mailed on November 27, 2006, to Advisory Neighborhood Commission 2C and to the owners of all property owners within 200 feet of the Property, in accordance with Section 2406.7 and Section 2406.9 of the Zoning Regulations.

DEVELOPMENT TEAM

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I. Introduction

Jemal's Up Against the Wall, LLC (the "Applicant") is pleased to submit this statement and the attached documents to the Zoning Commission of the District of Columbia for consolidated review and approval of a planned unit development for property which includes Lots 18, 19, 818, 819, 820, 821 and a portion of the alley to be closed in Square 347 (the "1000 F Street PUD"). The Applicant proposes to develop the aforementioned property in Square 347 with a mixed-use development consisting of approximately 91,186 square feet of gross floor area devoted to office use and approximately 6,218 square feet of gross floor area for retail space. With the planned unit development process, the Applicant is able to accomplish more historic preservation, offer preferred uses at the ground floor and abate the presence of an adult bookstore that detracts from the adjacent historic landmarks, tourism to the nearby Ford's Theatre and the Pennsylvania Avenue National Historic Site (the "Pennsylvania Avenue NHS"), and the efforts to establish Central Washington as a regional retail destination. The 1000 F Street PUD offers a number of public amenities, most notably the retention and rehabilitation of the significant portions of the existing building located at 10th and F Streets, N.W., and the rehabilitation and relocation of the Waffle Shop to Squares 450 and 451. For the reasons stated below, the Applicant requests that the Zoning Commission grant this application for consolidated review and approval of the 1000 F Street PUD.

A. Project Overview

The 1000 F Street PUD is a mixed-use development consisting of approximately 91,186 square feet of office use and approximately 6,218 square feet of retail use. The site for the 1000 F Street PUD contains approximately 11,790 square feet of land area and includes Lots 18, 19,

818, 819, 820, 821 and a portion of the alley to be closed in Square 347. The 1000 F Street PUD will be located at the southwest corner of 10th and F Streets, NW.

The project site, which is zoned DD/C-4 District, is part of the Pennsylvania Avenue NHS. The building has been meticulously designed to respect the character and significance of the Pennsylvania Avenue NHS, which includes the historic Ford's Theatre and Peterson House. The building will be constructed to a maximum height of 120 feet with a total floor area ratio (FAR) of approximately 8.26.

B. Summary of Requested Action

To accomplish the development of this high quality mixed-use project, the Applicant requests: (1) a waiver from the minimum area requirement for a PUD application; (2) flexibility from the Zoning Regulations to allow a FAR of 8.26 in the DD/C-4 District; (3) flexibility from the off-street parking requirements of the Zoning Regulations; (4) flexibility from the off-street loading requirements of the Zoning Regulations so that the Applicant may provide one loading platform of 200 square feet and one 20 foot deep service/delivery space; and (5) flexibility from the Zoning Regulations to permit open courts with a width less than 12 feet.

The Applicant requires a waiver from the minimum area requirement for a PUD application because the site area for the proposed development is less than the required minimum area of 15,000 square feet and because the PUD process is the appropriate mechanism for a mixed-use development such as the proposed project.

C. The Applicant

The 1000 F Street PUD will be developed by Jemal's Up Against the Wall, LLC. The managing member of Jemal's Up Against the Wall, LLC is Douglas Development Corporation ("Douglas Development"), which has extensive experience in the Nation's capital creating dynamic mixed-use projects similar to the proposed PUD. In 2002, Douglas Development

successfully redeveloped the famed Woodward and Lothrop building located at the northeast corner of 11th and F Streets, N.W., immediately north of the current project. Douglas Development successfully developed the Atlantic Building, a mixed-use development consisting of office and retail space, which sits at the southeast corner of the intersection of 10th and F Street, N.W. The company is well-known for its sensitivity toward the preservation of historic buildings and compatible architecture throughout the District of Columbia, and retained Shalom Baranes Associates, an award-winning architectural firm specializing in historic preservation projects, to create an exceptional contextual design that respects the historic character and architecture of the Pennsylvania Avenue NHS while creating a dynamic mixed-use development that complements newer developments in the surrounding area.

II. Project Description

A. Site Location and Description

The 1000 F Street PUD is located at the southwest corner of the intersection of 10th and F Streets, NW. The site area consists of Lots 18, 19, 818, 819, 820 and 821 in Square 347 (the "Subject Property"). Square 347 is bounded by F Street to the north, 10th Street to the east, 11th Street to the west and E Street to the south. The site area also includes the closure of a small portion of the alley which abuts the western edge of the proposed development. The site is currently occupied by an adult bookstore, two souvenir shops, a diner and office space for the Downtown DC Business Improvement District. The land area is approximately 11,790 square feet. A ten foot wide public alley abuts the western edge of the property.

The site area is zoned DD/C-4 and is located within the Pennsylvania Avenue NHS and the Shop District. The District of Columbia Comprehensive Plan Generalized Land Use Map identifies the site as part of the High Density Commercial Land Use category, which includes a mix of employment, retail, office, cultural and entertainment centers.

B. Description of the Surrounding Area

The Subject Property is part of the Central Employment Area and the Downtown Plan Area, as defined on the Generalized Land Use Policies Map. The Subject Property is located within two blocks of the Metro Center Metrorail Station and within short walking distance of the Gallery Place/Chinatown Metrorail Station.

The Property is located within the Pennsylvania Avenue NHS, which is roughly bounded by 3rd Street NW on the east, Constitution Avenue on the south, East Executive Avenue on the west, and E and F Streets on the north. The Pennsylvania Avenue NHS is considered the heart of the Nation's capital, encompassing Pennsylvania Avenue between the Capitol and the White

House. Having served as the route of inaugural parades, funeral processions and other significant public ceremonies, Pennsylvania Avenue NHS is one of the District's premier tourist destinations. As part of the Pennsylvania Avenue NHS, the proposed project will enhance the tourist experience along 10th and F Streets, N.W., with its rehabilitated historic facades, inviting streetscape and abatement of less desirable uses.

To the east of the property, on 10th Street, is the historic Ford's Theatre, where President Abraham Lincoln was shot by John Wilkes Booth. One lot south of the property is the historic Petersen House, where President Lincoln died. Immediately to the north of the property, on F Street, is the Woodward & Lothrop building, which was rehabilitated by the Douglas Development Corporation in 2002.

The property is also surrounded by a number of newer developments, such as the Atlantic Building and Carroll Square. The Atlantic Building, which was developed by Douglas Development, is immediately to the east of the property and consists of approximately 309,545 square feet of office and retail space. Carroll Square, which is being developed by Akridge and is currently under construction, is located at the northeast corner of 10th and F Streets and is an eleven-story mixed-use building consisting of office and retail uses.

C. Project Design and Components

The proposed project at 1000 F Street, N.W., is the last corner site to be developed at the intersection of 10th and F Streets, N.W., joining the recently completed rehabilitation of the former Woodward and Lothrop Department Store, the construction of Carroll Square and the Atlantic Building. Additionally, the site is within the Downtown Development District of the Zoning Regulations.

The 1000 F Street PUD includes the rehabilitation of a historically significant corner commercial building at 1000 F Street and the demolition of the remaining five structures on the

site, all of which have been deemed non-contributing structures to the Pennsylvania Avenue NHS by HPRB. The plans for the site envision a new eleven-story office building with a gross floor area of approximately 97,404 square feet of space, a floor area ratio of approximately 8.26 and a height of 120 feet as measured from F Street. The proposed development will include approximately 6,000 square feet of gross floor area devoted to ground level retail and a below-grade parking garage with approximately 23 zoning-compliant spaces and 39 vault spaces. The office building entrance will be located on F Street and the garage entrance and service area for the building will be accessed from the alley along the west side of the site.

The proposed stepped massing of this project has been designed to mitigate the transition between the 120 ft. high-rise structures to the west and north of the property along F Street and the low and mid-rise historic structures along 10th Street to the south. To balance the sense of scale between the proposed new construction and the historic buildings, the architectural design includes masonry planes with double-height fenestration wrap metal and glass volumes. Additionally, the two floors, which are capped with a strong horizontal brow of open metal work and located directly above the corner building, are setback along the eastern edge of the property to further balance the sense of scale between the proposed construction and the historic buildings.

At the street level, the restored facades of the historic corner building, with its chamfered corner entrance, will mark the primary retail entrance. Additional retail entrances can be accommodated along F and 10th Streets in portions of the new construction based on the tenant's needs. A projecting canopy will provide clear identification for the office entrance whose location at the northwestern corner of the site will allow for maximum contiguous retail street frontage. New sidewalk paving, curbs, gutters and street trees will continue the recently

completed improvements along F and 10th Streets. Brick pavers are proposed along 10th Street and concrete pavers along F Street, with granite curbs and brick gutters. Lastly, tree plantings include Chinese Elm trees along F Street and Bloodgood London Planetrees along 10th Street.

D. Matter-of-Right Development Under the DD/C-4 Regulations and PUD Guidelines

The property is located within the DD/C-4 District. The C-4 District is designed for the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area. 11 DCMR §750.1. The C-4 District permits high-density residential and mixed-use developments. 11 DCMR §750.2. As a matter of right, in the C-4 District, the property can be developed with a maximum FAR of 8.5 and a maximum percentage of lot occupancy of 100 percent. 11 DCMR §§771, 772. The maximum permitted building height in the C-4 District is 110 feet. 11 DCMR §770.1. In the C-4 District, the width of an open court shall be a minimum of three inches per foot of height, measured from the lowest level of the court to that elevation and, in no case, be less than twelve feet. 11 DCMR §776.1.

The DD Overlay is designed to create a balanced mixture of uses by means of incentives and requirements for critically important land uses and to guide and regulate office development so as to further the land use objectives for retail, hotel, residential, entertainment, arts, and cultural uses. 11 DCMR §§1700.3(a), (b). Within the DD Overlay, the permitted on-site FAR for any permitted use is 6.0 for Square 347, Lots 18, 19, 800 through 803, and 818 through 826. 11 DCMR §1707.4(c).

Under the PUD guidelines, a structure in the C-4 District may be constructed to a maximum height of 130 feet and a maximum FAR of 10.0. 11 DCMR §§2405.1, 2405.2. However, the DD Overlay provisions state that flexibility from the guideline FAR for a PUD may be granted only after the applicant has demonstrated to the Zoning Commission that

transferable development rights have been purchased to the maximum feasible extent prior to the request for additional density in excess of that amount. 11 DCMR §1700.7(c).

E. Flexibility Under the PUD Guidelines

To accomplish the development of this high quality mixed-use project, the Applicant requests under the PUD Guidelines: (1) a waiver from the minimum area requirement for a PUD application; (2) flexibility from the Zoning Regulations to allow a FAR of 8.26 in the DD/C-4 District; (3) flexibility from the off-street parking requirements of the Zoning Regulations; (4) flexibility from the off-street loading requirements of the Zoning Regulations so that the Applicant may provide one loading platform of 200 square feet and one 20 foot deep service/delivery space; and (5) flexibility from the Zoning Regulations to permit open courts with a width less than 12 feet. The Zoning Commission may grant such flexibility without the need for special exception approval from the Board of Zoning Adjustment or compliance with the special exception standards that might otherwise apply. 11 DCMR §2405.8.

1. Minimum Area Requirement (Section 2401)

The Applicant requests a minimum area waiver from section 2401.1(c) of the Zoning Regulations. Pursuant to section 2401.1(c) of the Zoning Regulations, the minimum area required to apply for Zoning Commission under the PUD process is 15,000 square feet for developments located outside of a residential district, such as this PUD. Here, the proposed project has a land area of approximately 11,790 square feet, which is less than the minimum area requirement of 15,000 square feet. The Applicant therefore requests a waiver from this requirement in order for the exceptional project to proceed.

The Zoning Commission may waive not more than 50% of the minimum area requirement provided that:

- (a) The Commission shall find after public hearing that the development is of exceptional merit and in the best interest of the city or country; and
- (b) The Commission shall find one of the following:
 - (1) If the development is located outside the Central Employment Area, at least eight percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto; or
 - (2) If the development is to be located in a portion of the Central Employment Area which is in an HR Overlay District, the development shall contain a minimum floor area ratio of 2.0 devoted to hotel or apartment house use. 11 DCMR §2401.2.

Pursuant to section 2401.2(a) of the Zoning Regulations, the 1000 F Street PUD is of exceptional merit and in the best interest of the city and the country. The design and scale of the 1000 F Street PUD respect the historic character of the Pennsylvania Avenue NHS, improve the aesthetic of the existing neighborhood, and provide a more visitor-friendly environment adjacent to two of the United States' most historic landmarks—Ford's Theatre and the Petersen House. Sections 2401.2(b)(1) and 2401.2(b)(2) do not apply to the proposed development because the proposed development is located inside the Central Employment Area and is not within the HR Overlay District.

2. Floor Area Ratio (Section 1707.4)

The Applicant requests relief from the FAR requirement of section 1707.4 to permit a FAR of 8.26 in Square 347 for the project. Section 1707.4 of the Zoning Regulations states that the permitted on-site FAR for any permitted use shall be 6.0 for Square 347, lots 18, 19, 800 through 803, and 818 through 826.

Although the DD Overlay provisions govern the Subject Property, the underlying C-4 District permits a matter-of-right maximum FAR of 8.5 and a maximum FAR under the PUD guidelines of 10.0. The FAR of the proposed development is 8.26, which is less than the matter-of-right FAR permitted in the underlying C-4 District and significantly less than the maximum FAR permitted in the underlying C-4 District under the PUD guidelines.

The Applicant has requested relief from the FAR requirement of section 1707.4 to allow the construction of an exceptional mixed-use development that respects the historic character of the Pennsylvania Avenue NHS and that provides a more visitor-friendly streetscape near two of the United States' most historic landmarks. The FAR limitation under the DD Overlay for Square 347 significantly hinders appropriate and efficient redevelopment of the site, which must incorporate the existing corner building into the design and provide setbacks to maintain the historic features of the existing façades and the surrounding historic landmarks. The proposed FAR of 8.26 will allow the Applicant to construct a mixed-use development that efficiently utilizes the property, is compatible with historic landmarks and new developments, and provides adequate space for office and retail tenants.

3. Roof Structure (Section 770.6)

The proposed development requires flexibility from the roof structure requirements of section 770.6 to permit a mechanical penthouse that does not meet the setback requirements of section 770.6(b). That section provides that if housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be setback from all exterior walls a distance at least equal to its height above the roof upon it is located. The proposed development has a mechanical roof structure that is 18 feet 6 inches in height, which requires that the mechanical roof structure be set back 18 feet 6 inches from all exterior walls. The mechanical penthouse is set back more than 18 feet 6 inches from the northern and eastern exterior walls. The mechanical penthouse is not set back from the southern and western exterior walls. In order to balance the sense of scale between the proposed development and the surrounding historic buildings and to limit the view of the mechanical penthouse from the street, it is necessary to push the penthouse as far back from the street elevations as possible. A waiver from the setback requirements of section 770.6 is necessary to allow the Applicant to construct a

mixed-use development that respects the historic character of the Pennsylvania Avenue NHS and is in scale with the surrounding neighborhood.

4. Off-Street Parking (Section 2101)

The Applicant also requests flexibility from the off-street parking requirements of section 2101.1 of the Zoning Regulations to allow the Applicant to meet its required provision of off-street parking spaces with 23 zoning-compliant parking spaces. Under section 2101.1 of the Zoning Regulations, the Applicant is required to provide 45 zoning-compliant parking spaces. The proposed development provides 21 standard parking spaces, two handicap parking spaces, eight compact parking spaces and 37 vault parking spaces, or, equivalently, 68 parking spaces.

Only the 21 standard parking spaces and two handicap spaces comply with the required parking provisions of the Zoning Regulations. 11 DCMR §§2115, 2116. The eight compact parking spaces do not count toward the Applicant's required provision of off-street parking because they do not comply with the grouping requirement of section 2115.4.¹ The 37 vault parking spaces likewise do not satisfy the strict requirements of the parking provisions because they will be located in the area between a building line and lot line abutting a street.

The Applicant cannot provide any additional zoning-compliant parking spaces because of the unique L-shape of the property. The site configuration limits the amount of space available to devote to zoning-compliant spaces because there is inefficient space for access and driveways within the parking garage. Thus, the Applicant requires flexibility from the off-street parking provisions of the Zoning Regulations to allow the Applicant to meet its off-street parking requirement through the provision of 23 zoning-compliant parking spaces. The spirit and intent

¹ Section 2115.4 of the Zoning Regulations states that "[p]arking spaces shall be visibly marked as 'compact car' or 'small car' parking spaces and shall be placed in groups of at least five (5) contiguous spaces with access from the same aisle."

of the Zoning Regulations are met because 68 parking spaces will be provided which exceeds the amount of parking required under section 2101.1 of the Zoning Regulations.²

5. Off-Street Loading (Section 2201)

The proposed development requires flexibility from the off-street loading requirements of the Zoning Regulations so that the Applicant may provide one loading platform of 200 square feet and one 20 foot deep service/delivery space to meet its demand for off-street loading. The loading provisions of the Zoning Regulations require that the proposed development provide one 30 foot loading berth, one 100 square foot loading platform and one 20 foot service/delivery space. The site area for the proposed development is 11,780 square feet, which is too small to accommodate one 30 foot loading berth, one 100 square foot loading platform and one 20 foot service/delivery space. Due to the size of the site and the configuration of below-grade parking, the Applicant is unable to provide a 30 foot loading berth. The proposed facilities, however, will be sufficient to accommodate the needs of the building.

6. Open Courts (Section 776)

The Applicant requests flexibility from section 776 of the Zoning Regulations to allow two non-compliant open courts. Section 776 of the Zoning Regulations states that where a court is provided for a building or portion of a building devoted to nonresidential uses, at any elevation in the court, the width of court must be a minimum of three inches per foot of height, measured from the lowest level of the court to that elevation and, in no case, can the width of court be less than twelve feet. The proposed development provides a total of seven open courts, of which two have a width of court less than twelve feet. The open court at the Level 6 measures nine feet six

² The Applicant notes that presently there is no requirement to provide parking for contributing buildings in a historic district or any addition thereto. However, the Zoning Commission is considering text amendments that may eliminate this waiver. Out of an abundance of caution, the Applicant seeks flexibility from the parking requirement in the event the new amendments become effective while this Application is under consideration.

inches, which is less than the required twelve feet. The open court at Level 10 measures five feet, which is clearly less than the required width of court. The two non-compliant open courts provide subtle architectural details that add to the massing and scale of the proposed development. The massing and scale of the proposed development are critical to the proposed development's compatibility with the historic structures within the Pennsylvania Avenue NHS and newer developments across 10th and F Streets. Accordingly, the Applicant seeks flexibility from the court requirements of the Zoning Regulations.

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS

A. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the Subject Property. Under the PUD process, the Applicant is able to develop the Subject Property with an exceptional mixed-use project that respects the historic character of the neighborhood and satisfies the purposes of the DD overlay. The Zoning Commission, through the PUD process, can ensure the appropriate development of the Subject Property by encouraging participation and comment from the Advisory Neighborhood Commissions, other members of the affected community and District agencies. Thus, the PUD process is appropriate mechanism for the proposed development.

B. Impact of the Project Under Section 2403.3

The 1000 F Street PUD will have a favorable impact on the surrounding area for several reasons. First, the 1000 F Street PUD will rehabilitate the southwest corner of 10th and F Street, by rehabilitating the existing façade of the building located in Lot 19 of Square 347 and providing an exceptionally designed mixed-use development which respects the historic character of the Pennsylvania Avenue NHS and is harmony with newer developments in the surrounding neighborhood. Second, by removing the adult book store in Lot 819 of Square 347, the proposed development will create an appropriate atmosphere that complements Ford's Theatre and the Peterson House and that welcomes visitors of all ages to two of the United States' most significant historic landmarks. And third, the proposed development will not have an adverse impact on traffic in the surrounding area because the proposed development is a Transit Oriented Development with very low vehicular trip generation.

C. Public Benefits and Project Amenities

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. When deliberating the merits of a PUD application, the Zoning Commission is required to “judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR §2403.8. As discussed below, the 1000 F Street project offers public benefits and project amenities that the PUD process encourages and that will not create any adverse effects on the affected community.

**1. Urban Design, Architecture, Landscaping and Open Spaces
(Section 2403.9(a))**

The PUD provides an appropriate urban design solution for the development of a new office building with ground floor retail located in a historic district. The proposed mixed-use development restores the existing façade of the building located at the corner of 10th and F Streets, NW. The scale, massing and architectural details of the proposed development are consistent with the structures located in the surrounding area. The historic preservation of the existing façade of the building located at the corner of 10th and F Streets, NW provides an architectural amenity for the project.

**2. Site Planning and Efficient and Economical Land Utilization
(Section 2403.9(b))**

The 1000 F Street PUD provides an efficient and economical utilization of the existing land area in order to create an exception mixed-use project. The site plan has been designed to respect the surrounding historic landmarks, while complementing newer developments in the surrounding neighborhood.

3. Transportation Features (Section 2403.9(c))

The Subject Property is currently improved with a number of office and retail uses consisting of approximately 22,770 square feet of space. The proposed mixed-use development will provide approximately 91,186 square feet of office space and approximately 6,218 square feet of retail space. Because the proposed development has convenient access to Metrobus transit services and is in close proximity to the Metro Center Metrorail Station and the Gallery Place – Chinatown Metrorail Station, the proposed development will be considered a Transit Oriented Development with very low vehicular trip generation. The 1000 F Street PUD is also in close proximity to bicycle lanes along 10th Street and a signed bicycle route along 13th Street. The proposed development also includes an upgrade of the abutting sidewalk which will provide a public benefit for current and future users of the area.

A full and detailed traffic impact assessment is being undertaken in accordance with the District's Department of Transportation's Large Tract Review guidelines. Based on a preliminary assessment of the transportation features of the proposed development, the proposed development is unlikely to have any appreciable adverse impacts on the local area transportation system.

4. Historic Preservation (Section 2403.9(d))

The Subject Property is located within the Pennsylvania Avenue NHS. The 1000 F Street PUD includes the retention and rehabilitation of the existing façade of the building located at the corner of 10th and F Streets, N.W. and massing that respects the surrounding historic landmarks. On July 27, 2006, the design of the 1000 F Street PUD received concept approval from the Historic Preservation Review Board.

In addition to the restoration of the existing building façade, the Applicant also offers as a public amenity, for this PUD and a future planned unit development of Squares 450 and 451, the

dismantling, restoration and relocation of the Waffle Shop, which is currently located along 10th Street, N.W., (the “Waffle Shop”) to Squares 450 and 451. The Applicant met with the D.C. Preservation League, the Committee of 100 and the Art Deco Society to discuss the manner in which the Waffle Shop could best be preserved. After extensive discussions, the Applicant and these preservation groups jointly determined that the Waffle Shop would be a more appropriately incorporated in the proposed development at Squares 450 and 451 and that its existing location across from Ford's Theater and just one door down from the Petersen House detracts from the character of the historic district. The restoration and relocation of the Waffle Shop complements an already superior historic preservation amenity package.

5. Employment and Training Opportunities (Section 2403.9(e))

In order to further the District’s policies relating to the creation of employment opportunities, the Applicant will commit to making a bona fide effort to utilize local, small or disadvantaged business enterprises certified by the Department of Small and Local Business Development to achieve, at a minimum, the goal of 35% participation in the contracted development costs in connection with the proposed project. The Applicant will also enter into a First Source Agreement with the Department of Employment Services so that, at a minimum, 51% of the employees hired in connection with the proposed project are District residents.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 1000 F Street PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, and supports the elements listed in the Comprehensive Plan for the District and the Central Washington area.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold:

(1) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) guide executive and legislative decisions on matters affecting the District and its citizens; (3) promote economic growth and jobs for District residents; (4) guide private and public development in order to achieve District and community goals; (5) maintain and enhance the natural and architectural assets of the District; and (6) assist in conservation, stabilization and improvement of each neighborhood and community in the District. D.C. Code §301.62(b).

The proposed development advances these purposes by promoting the social, physical and economic development of the District, generally, and Ward 2 through the provision of office space and preferred retail within the DD Overlay, the preservation of the significant portions of a contributing historic building, and enhancing the Pennsylvania Avenue NHS by delivering a PUD whose scale and massing have been designed to complement surrounding the historic area and creates a respectful setting for two of the most significant national landmarks—the Ford's Theater and the Petersen House—in the city.

B. The Future Land Use Map and the Generalized Policy Map

The Future Land Use Map designates the subject property for high density commercial uses. The proposed mixed-use development, with a total density of 8.26 FAR devoted to office and ground-floor retail uses, is wholly consistent with this designation. The proposed project is also compatible with numerous policies of the Central Washington Area Element of the

Comprehensive Plan referred to on the Generalized Policy Map, and several Citywide Elements, as discussed in detail below.

C. Compliance with the Citywide Elements of the Comprehensive Plan

The proposed project is consistent with a number of the citywide elements of the recently adopted Comprehensive Plan, and will substantially advance their stated goals and policies.

1. Land Use Element

The Comprehensive Plan provides that “[b]ecause the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced.” 10 DCMR § 300.2.

The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries.

10 DCMR § 302.1. The proposed project will advance this important goal by complying with a number of the policies set forth in the Land Use Element of the Comprehensive Plan.

Policy LU-1.1.1: Sustaining a Strong City Center

Provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural and residential center.

Promote continued reinvestment in central city buildings, infrastructure, and public spaces; continued preservation and restoration of historic resources; and continued efforts to create safe, attractive, and pedestrian-friendly environments.

10 DCMR § 304.6.

The proposed project contemplates the construction of a mixed-use development that will include over 91,000 square feet of gross floor area devoted to office uses and approximate 6,200 square feet of gross floor area devoted to retail uses. This reinvestment in central city buildings will provide for the continued vitality of Central Washington as a thriving business and retail

center. The entire street frontages of the two-story historic building at the southwest corner of 10th and F Streets, N.W., will be retained and rehabilitated. The buildings will continue to read as separate structures with no new floors added above the historic resources. These existing historic resources will be carefully integrated into the new building, thus preserving the quality and character of the Pennsylvania Avenue NHS in which the project is located.

Policy LU-2.1.4: Rehabilitation Before Demolition

In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition. 10 DCMR § 309.9.

The proposed project retains and rehabilitates the only two historic buildings on the site. The proposed project also includes the rehabilitation and relocation of the Waffle Shop to Squares 450 and 451. The remaining, non-contributing buildings will be replaced with a modern design that complements the surrounding landmarks and historic properties redeveloped under the District's historic preservation review process. These historic buildings will house retail uses and represent precisely the type of rehabilitation and adaptive reuse encouraged by Policy LU-2.1.4.

2. Economic Development Element

The 1000 F Street PUD will further the goals and policies of the Economic Development Element of the Comprehensive Plan by providing the District with more office and retail space, increasing the District's tax revenue, and renovating two structures located in one of the District's premiere tourist destinations.

The overarching goal of the Economic Development Element of the Comprehensive Plan is to:

[s]trengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the

success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy.

10 DCMR §701.2. The proposed project will further this important goal by complying with a number of the policies set forth in the Economic Development Element of the Comprehensive Plan.

Policy ED-2.1.1: Office Growth: Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. 10 DCMR § 707.5.

Policy ED-2.1.5: Infill and Renovation: Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space. 10 DCMR § 707.9.

The 1000 F Street PUD, through its renovation of two existing structures, will add 91,186 square feet of office use to the District's current provision of office space. This addition will support growth in numerous service-sector office industries, while simultaneously making more efficient and productive use of the property.

*Policy ED-2.2.1: Expanding the Retail Sector
Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 10 DCMR § 708.5*

*Policy ED-2.2.2: Downtown Shopping
Strengthen Downtown Washington as a regional retail destination in order to capitalize on its status as a transit hub and its historic role as the cross-roads and central marketplace for the Washington metropolitan area. Downtown should be developed and promoted as a regional retail destination of choice, with multiple traditional and non-traditional retail anchors, a well-programmed variety of consumer goods, retailers, specialty shops, retailers unique to the Washington region, and a wide variety of restaurants and entertainment venues. 10 DCMR § 708.6.*

The proposed project offers 6,218 square feet of retail use at street level. This provision of retail space will allow the District to capitalize on the spending power of District residents,

workers and visitors. The proposed project contemplates a change in the retail program at street level. Until recently, when the Applicant encouraged their early departure to demonstrate its goodwill in advancing the city's planning goals, a souvenir shop and an unseemly adult bookstore occupied the ground floor of the existing structures. Through its abatement of the inappropriate adult bookstore, the proposed project will help promote Downtown as a regional retail destination of choice for a more inclusive population of patrons. The elimination of the adult bookstore also supports the development of an increasingly robust tourism and convention industry by complementing the Ford's Theatre and the Petersen House with retail use and massing that is appropriate and respectful of the historical significance of these two landmarks.

3. Historic Preservation Element

The 1000 F Street PUD will advance the goals and policies of the Historic Preservation Element of the Comprehensive Plan by providing a mixed-use development which leverages the historic character of the existing building façade and the Pennsylvania Avenue NHS, while simultaneously offering office and retail uses that are compatible with the demands of today.

The overarching goal for Historic Preservation Element of the Comprehensive Plan is to:

[p]reserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship.

10 DCMR § 1001.1. The proposed project will advance this important goal by complying with a number of the policies set forth in the Historic Preservation Element of the Comprehensive Plan.

Policy HP-2.4.1: Adaptation of Historic Properties for Current Use

Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. 10 DCMR § 1011.5.

Policy HP-2.4.3: Compatible Development

Preserve the important features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements, open space and other standard that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. 10 DCMR § 1011.6.

The proposed development has been designed to respect the important historic features of the Pennsylvania Avenue NHS while incorporating new office and retail uses that are compatible with the historic features of the historic district. The 1000 F Street PUD includes the preservation of the existing building façade located at the corner of 10th and F Streets, N.W. The scale and massing of the 1000 F Street PUD have been designed to be compatible with and complementary to other structures in the Pennsylvania Avenue NHS.

Policy HP-3.3.1: Promotion of Historic Preservation

Use historic preservation to foster civic pride and strengthen communal values. Increase public awareness of historic preservation, promote appreciation of historic places and support preservation activities of interest to residents and visitors. 10 DCMR § 1018.2.

The Applicant has undertaken significant measures to preserve historically important buildings and structures associated with the property. In addition to the restoration of the existing building façade, the Applicant offers, as a public amenity for both this PUD and a future planned unit development for Squares 450 and 451, the relocation of the Waffle Shop to Squares 450 and 451. As part of the relocation, the Waffle Shop will be dismantled, restored and reassembled in Squares 450 and 451. The Applicant met with the D.C. Preservation League, Committee of 100 and the Art Deco Society to discuss the historic preservation of the Waffle Shop and to support preservation activities of interest to District residents and visitors. The Applicant and the preservation organizations agreed that the Waffle Shop would be a more appropriate use in Squares 450 and 451 and would enhance the development taking place there.

The rehabilitation of the existing building façade and the relocation of the Waffle Shop are representative of the Applicant's dedication to historic preservation.

4. Urban Design Element

The proposed project will advance the goals and policies of the Urban Design Element of the Comprehensive Plan. The overarching goal of Urban Design Element of the Comprehensive Plan is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

10 DCMR § 901.1. The proposed project is consistent with the overarching goal of the Urban Design Element and will enhance the beauty of the city by protecting its historic design legacy and harmoniously integrating new construction with existing buildings and the natural environment. The proposed project will also support this goal by complying with two of the policies set forth in the Urban Design Element of the Comprehensive Plan.

Policy UD-2.1.1: Design Character

Create a more coherent design character for Central Washington by improving the physical linkages between the monumental core, the business sub-districts on the perimeter of the National Mall, and the expanding mixed use areas to the east and southeast of Downtown. Urban design strategies should focus on making the entire area more walkable, discouraging monolithic architecture, improving signage and streetscape features, and adding new land uses which make the area more lively, interesting and dynamic. 10 DCMR §909.7.

Policy UD-2.1.4: Architectural Excellence

Promote excellence in the design of Downtown buildings and landscapes. Particular attention should be focused on ground floor (street) levels, with greater architectural details used to improve visual image. 10 DCMR § 909.10.

The 1000 F Street PUD has been designed to maintain the positive physical image of the Pennsylvania Avenue NHS and to be complementary in scale and character, thus helping to create a more coherent design character for Central Washington. The 1000 F Street PUD

includes the preservation of the existing façade of the building located at the corner of 10th and F Streets, N.W., which will help to secure a strong, positive physical identity. Additionally, the scale and massing of 1000 F Street PUD have been designed to complement and respect the historic landmarks within the Pennsylvania Avenue NHS and other adjacent and nearby structures. The proposed project, through its integration of the existing building façade with new construction, is an example of excellence in the design of Downtown buildings. The rehabilitation of the existing building façade and the abatement of the adult bookstore will magnify the architectural details of the existing façade and will improve the visual image of the building at the street level. The 1000 F Street PUD will also enhance the District's aesthetic qualities in a functionally-efficient manner which incorporates a new mixed-use development that respects the historic character of the Pennsylvania Avenue NHS and is compatible with other structures in the surrounding area.

D. Compliance with the Elements of the Comprehensive Plan Concerning Central Washington

In addition to the citywide elements, the Comprehensive Plan includes ten geographically based "area elements." The subject property is located within the Central Washington area. As discussed below, the proposed project is consistent with the objectives and policies of the Central Washington Area Element.

*Policy CW-1.1.2: Central Washington Office Growth
Retain Central Washington as the premier office location in Greater Washington region.
10 DCMR § 1708.3.*

As noted earlier, the proposed development offers 91,186 square feet of office use within the Central Washington Area. The provision of office space within the 1000 F Street PUD will help the District maintain Central Washington as the premier office location in Greater Washington and meet the challenge of suburban office parks.

Policy CW-1.1.6: Capturing Visitor and Employee Spending

Capture a greater share of the demand for goods and services generated by the more than 400,000 persons working in Central Washington, and the millions of tourists who visit the area each year by supporting additional retail and restaurant development. This will generate substantial jobs, tax revenues, and social and economic benefits of the city. 10 DCMR § 1708.7.

Policy CW-1.1.8: Promote Central Washington Retail

Develop and promote Central Washington as a regional retail destination. Particular emphasis should be placed on sustaining a concentrated regional shopping area at: (a) the F and G Street corridors between 7th and 15th Streets, N.W. 10 DCMR § 1708.9. As stated earlier, the

The proposed project offers 6,218 square feet of retail use at street level, which will allow the District to capitalize on the spending power of District residents, workers and visitors. The abatement of the adult bookstore will help promote Downtown as a regional retail destination of choice for a more inclusive population of patrons. The elimination of this unseemly use will also support the development of an increasingly robust tourism and convention industry by complementing the Ford's Theatre and the Petersen House with retail use and massing that is appropriate and respects the historical significance of these two landmarks. Improved retail and a restored building façade will help capture visitor and employee spending in Central Washington and promote Central Washington as an inviting, regional retail destination.

Policy CW-1.2.2: Preservation of Central Washington's Historic Resources

Protect and enhance Central Washington's historic resources by continuing the current practices of: (a) preserving the area's historic buildings and districts; (b) requiring that renovation and new construction is sensitive to the character of historic buildings and districts; (c) applying design incentives and requirements to encourage preservation, adaptive reuse and appropriate relationships between historic development and new construction; (d) encouraging the adaptive reuse of the historic and architecturally significant buildings; and (e) preserving the original L'Enfant Plan pattern of streets and alleys, especially alleys that provide for off-street loading, deliveries and garage access. 10 DCMR § 1709.2.

As noted earlier, the proposed project will protect and enhance Central Washington's historic resources by restoring the existing building façade and adaptively reusing a historic and architecturally significant building.

Policy CW-2.1.1: Strengthening the Retail Core

Strengthen the traditional retail core along F and G Streets between 9th and 15th Street, N.W. Encourage the extension of the retail core eastward to 6th Street, N.W., to create synergy between this area and Gallery Place. 10 DCMR § 1711.6.

Policy CW-2.1.2: Promoting Central Washington Shopping

Facilitate District and private sector efforts to market the Central Washington Retail Core as a shopping destination for District residents as well as for tourists and suburban residents, and to promote Central Washington as a preferred alternative to suburban shopping malls. 10 DCMR § 1711.7.

As stated earlier, improved retail and a restored building façade will help strengthen the retail core along F Street, N.W., and will promote Central Washington as an inviting, regional retail destination. The elimination of inappropriate uses, the creation of a respectful architectural design and the rehabilitation of the existing building façade will help market the Central Washington Retail Core as a shopping destination for District residents and employees as well as suburban residents and tourists.

Policy CW-2.1.5: Pedestrian Movement in the Retail Core

Emphasize and encourage pedestrian movement in the Downtown Retail Core, particularly along F, G and H Streets, N.W. Future development in this area should create and support street-level activity. 10 DCMR § 1711.10.

The 1000 F Street PUD encourages pedestrian movement along F Street, N.W., through its provision of appropriate retail use at street level that will draw a wide range of retail patrons, unlike the previous adult bookstore use. The new development and its extensive streetscape improvements will make this section of F Street, N.W., more attractive to a broader base of District residents, workers and visitors. The change in the retail program and the restored building facade will promote and support street-level activity around the proposed project.

V. CONCLUSION

For the reasons stated above, the proposed development meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Zoning Commission grant the application.

Respectfully submitted,

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