

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

STATEMENT OF THE APPLICANT

**WASHINGTON GATEWAY PHASE 2
AT FLORIDA & NEW YORK AVENUES, NE**

**MODIFICATION TO APPROVED
CONSOLIDATED PUD**

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A	PUD Modification Application Form
B	Z.C. Order No. 06-14
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L	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

This Statement of the Applicant and the attached documents are submitted on behalf of MidAtlantic Realty Partners, LLC (the “Applicant”), in support of its application to the Zoning Commission of the District of Columbia (the “Commission”) for the modification of an approved consolidated planned unit development (“PUD”) for the Property identified as Square 3584 Lots 814 and 815 and 820 – 822 (the “Property”), in accordance with Subsection A § 102.4 and Subsection X, Chapter 3 of the 2016 Regulations (“ZR16”) of the District of Columbia Zoning Regulations (Title 11, DCMR). This application is filed with the consent of the owners of the Property: Washington Metropolitan Area Transit Authority (Lot 814), the District of Columbia (Lot 815), Washington Gateway Apartments Venture LLC (Lot 820), CK MRP Washington Gateway II (Lot 821) and CK MRP Washington Gateway III (Lot 822). The PUD Modification application forms are attached as Exhibit A.

The Property is located with the boundaries of ANC 5E-03, east of the intersection of New York and Florida Avenues, NE and consists of approximately 134,665 square feet of land area. It is within the MU-9 Zone and currently improved with an apartment house – the Elevation at Washington Gateway – and related amenities. The Property and the said improvements are the subject of ZC Order No. 06-14¹, which granted approval of a consolidated PUD that included two buildings. One building originally contained a mix of residential and hotel uses. The other was an office building divided into a North Tower and South Tower. Pursuant to ZC Order No. 06-14B, the Applicant was granted the option of constructing residential units in lieu of the hotel use. The Applicant now seeks to modify the PUD in order to (i) convert the North Tower of the office building to residential use and (ii) reconfigure and redesign the South Tower of the office building,

¹ ZC Order No. 06-14 was amended by ZC Order Nos. 06-14A, 06-14B and 06-14C.

and (iii) have the option of changing the office use to residential use so long as the building massing and façade design does not change from what is shown in the plans for this modification application (the “Revised Plans”).

II. PROJECT DESCRIPTION

A. Site Location and Description of Surrounding Area

The Property is a triangular-shaped site consisting of 134,665 square feet of land area bounded by New York and Florida Avenues, NE, and the Metrorail Red Line. It is in the MU-9 Zone district, which is intended to: (a) permit high-density mixed use development including office, retail and housing, with a focus on employment; and (b) be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops. Subtitle G, § 400.8.² The relevant section of the Zoning Map is attached as Exhibit I.

The surrounding zoning is PDR-1 to the east, across the rail tracks; PDR-4 to the north, across New York Avenue; D-5 to the southwest, across Florida Avenue; and PDR-3 to the southeast, across Florida Avenue and the Metrorail tracks. The NoMa/Gallaudet University Metrorail Station (the "Metrorail Station") is located within one block of the Subject Property, between M and N Streets, NE.

The Property is located near the heart of NoMa, which is being developed with a wide variety of high-density commercial, residential, and mixed-use buildings. NoMa is located four blocks from Capitol Hill and directly to the north of Union Station. The area is experiencing growth and transformation and has seen sustained investment for over a decade. NoMa is well-served by

² Under the 1958 Zoning Regulations, the Property was in the C-3-C District, which was intended for medium-high density development, including office, retail, housing, and mixed use development in a compact area. 11 DCMR § 740.8.

multiple public transportation options, including Metrorail, Metrobus, car-share, Capital Bikeshare, and on- and off-street bicycle lanes.

B. Procedural History

Original PUD Approval

Pursuant to Z.C. Order No. 06-14, issued February 12, 2007, and attached hereto as Exhibit B, the Zoning Commission originally approved the PUD as a mixed-used project consisting of two buildings. One building contained approximately 229,690 square feet of residential use, generating 230 to 270 dwelling units, and approximately 120,442 square feet of hotel use, generating 140 to 195 hotel rooms. Eight percent of the residential floor area was reserved for households with incomes not exceeding 80% of the area median income (“AMI”). The second building, which was divided into a North Tower and South Tower, had approximately 601,896 square feet of office use. The approved PUD also included approximately 7,000 square feet of retail space primarily fronting on Florida Avenue. In total, the approved PUD consisted of approximately 951,120 square feet of gross floor area with a density of approximately 7.06 floor area ratio (“FAR”) and the maximum building height for the project is 130 feet. *See* Z.C. Order No. 06-14, Finding of Fact (“FF”) No. 15.

In addition, pursuant to Z.C. Order No. 06-14, the approved PUD was required to provide a minimum parking ratio of 0.6 spaces per residential dwelling unit; 0.25 spaces per guest room for the hotel use, plus one parking space for each 300 square feet of floor area in either the largest function room or largest exhibit space, whichever is greater; and one parking space for each 1,800 square feet of gross floor area of office use. At least two of the parking spaces were to be reserved for use by a car-sharing service. *See* Z.C. Order No. 06-14, Decision No. 4.

Extensions of Time

Z.C. Order No. 06-14 became effective on June 29, 2007. The approval was valid for two years from that date, and construction was required to commence no later than June 29, 2010. Pursuant to Z.C. Order Nos. 06-14A and 06-14C, attached hereto as Exhibits C and D, respectively, the Zoning Commission granted time extensions for the PUD, such that an application for a building permit was required to be filed by June 29, 2013, and construction was required to commence by June 29, 2014.

Previous Modification of PUD

Finally, pursuant to Z.C. Order No. 06-14B attached hereto as Exhibit E, the Commission approved modifications to the approved PUD that gave the Applicant the option of: (i) constructing and operating on the Property the previously approved residential/hotel building or (ii) eliminating the hotel component of the building and constructing and operating a single apartment building with approximately 346,405 square feet of residential floor area and approximately 5,070 square feet of ground floor retail. The modification required an increase of approximately 40 residential parking spaces, but maintained the parking ratio for the residential use at 0.6 spaces per dwelling unit. The general footprint, height, massing, materials, and color for the residential building was similar to the approved building. Finally, the garage doors near the intersection of Florida and New York Avenues were approved to employ frosted glass, and a frosted glass window was added to the brick veneer wall on Florida Avenue to the left of the loading dock. These refinements were made to reduce the visual impact of the loading dock and the blank walls, and to provide a more welcoming and interesting architectural treatment. *See* Z.C. Order No. 06-14B, FF Nos. 19-21.

Construction of Phase 1

On May 16, 2012, the Applicant received a building permit for the construction of the first phase of the PUD. The Applicant opted to construct the residential-only building in lieu of the residential/hotel building. The building, named Elevation at Washington Gateway, was completed in August of 2014 and was fully leased within 11 months. The first phase of the PUD also included the construction of the plaza, the central fountain, the traffic signal at the intersection of Florida Avenue and 2nd Street, the creation of the pedestrian and bicycle connection from the plaza to New York Avenue via a grand stair, the construction of a temporary connection from the plaza to the Metropolitan Branch Trail, and streetscape improvements (including wider sidewalks and street trees) along New York and Florida Avenues.

C. Approved Project Design and Components

The approved PUD has five primary components as described in ZC Order No. 06-14, FF Nos. 18 – 22:

Mixed-Use Development. Under the existing C-3-C zoning, the Property can be developed as a matter of right as an office project with a maximum density of 6.5 FAR. In lieu of an office development, the Applicant proposed a mixed-use development that will include residential, hotel, office, and retail uses, consistent with the live-work environment encouraged in the NoMA Vision Plan.

Public Space Infrastructure. As a result of the open space achieved through the PUD process, the project was designed with a significant public plaza. The master plan for the PUD evolved as an extension of 2nd Street, N.E., which, once constructed, will become the primary visual

and pedestrian access into the site from the south. In addition to the plaza, other public infrastructure improvements will include substantial upgrades to the sidewalks along Florida and New York Avenues; a monumental stair connecting New York Avenue to the plaza; significant upgrades to the Metropolitan Branch Trail (the “Trail”); connectivity between the Trail, the project, and the Metrorail Station; and a new Metropolitan Branch Trial Atrium (the “MBT Atrium”).

The Plaza. The plaza was designed to be similar to a European plaza where the space itself becomes a “figure” or “object” defined by the walls of the buildings around it. In the case of the PUD, the west façade of the office building will create a clear spatial backdrop for the plaza while the angled east façade of the residential/hotel building will create depth and proportion to the plaza, distinguishing it from the street leading into it. The primary entrance to the plaza will be from Florida Avenue. The main roadway surface will be pavers, such as tumbled precast pavers, in a patterned field. The sidewalks on either side of the entry roadway, in front of the office building and the residential/hotel building, will be upgraded pavers similar to London pavers. The large bands running east-west across the plaza will be stone pavers, with an inset oval shape of a different texture to define roadway lines. Precast pavers and stone pavers will be laid in the bands as shown in the architectural drawings. The center of the plaza will contain a fountain that will be illuminated at night and that will be visual focal point for the public, the residents, retail customers, and office tenants in the PUD. It will be visible from the overlook along New York Avenue and from the MBT Atrium along the Trail. The seating area in the garden court in front of the entry to the north section of the office building will be separated from the plaza traffic by a serpentine wall and landscape elements and will be open to the public as well as to occupants of the office building. Above the seating area adjacent to the north section of the

office building will be a mezzanine-level garden terrace with benches, paving, and landscaping that will serve as an outdoor recreation area for the hotel. It will be visible from New York Avenue, providing a visual amenity, and the trees and landscaping in the garden will provide relief from the overall change in grade from the plaza to New York Avenue.

Residential/Hotel Building. The residential/hotel building will be situated on the southwest portion of the Property and will consist of approximately 350,133 square feet of gross floor area. Of that, approximately 229,690 square feet will be for residential use and approximately 120,443 square feet will be for hotel use. A tower element and triangular glass volume will identify the residential/hotel building for the PUD and mark its prominent location at the intersection of Florida and New York Avenues, N.E. The configuration of the tower element will open up to dramatic views toward downtown, create an architectural landmark for the project, and signify the emergence of NoMA as a dynamic and vibrant location. The height of the building will be 130 feet on the New York Avenue side of the building, stepping down along the Florida Avenue side of the building, which will create an urban edge and buffer from traffic on New York Avenue. This design element will also help to minimize the scale of the New York Avenue/Florida Avenue intersection and the plaza on the interior of the PUD. The double-height retail podium, or the lower mass of the building, will face Florida Avenue, while other taller elements of the building will be set back. This will create a more pedestrian-friendly environment, because the apparent scale of the building will be reduced.

Office Building. The office building will be situated on the easternmost portion of the Property. It will consist of approximately 601,896 square feet of gross floor area, and extend 130 feet from the measuring point on New York Avenue, stepping down along the Florida Avenue side

of the building. The MBT Atrium will be located within the office building. The north section of the office building will have a prominent position as a gateway on New York Avenue for those coming into the city from the east. A glassy tower emphasizing the narrow point of the site will create a dramatic icon for the site at its northeast corner. A floating visual plane composed of a pattern of vertical and horizontal lines will create an element with strong visual interest, while making the first step down in scale toward the neighboring residential/hotel building. This same patterned façade element will occur on the east façade of the building. The south section of the office building will integrate into the fabric and scale of existing and proposed neighboring buildings. A roof terrace was designed at the southeast corner of the building to activate it and create a greater sense of appropriate scale. The south façade of the building will have retail frontage along Florida Avenue that will wrap around into the plaza.

Consistent with the modifications approved in Z.C. Order No. 06-14B, residential units were constructed in lieu of hotel rooms, and the residential building now contains 400 residential units and over 5,000 square feet of ground level retail fronting on Florida Avenue. A tower element and dramatic triangular glass volume identifies the residential building and marks its prominent location at the intersection of Florida and New York Avenues. The location of the residential building offers dramatic views toward Downtown, creates an architectural landmark, and signifies NoMa as a dynamic and vibrant location. The height of the residential building is 130 feet along New York Avenue and steps down along Florida Avenue, thus creating an urban edge and buffer from the traffic on New York Avenue. This design element also helps to minimize the scale of the New York Avenue/Florida Avenue intersection and the plaza on the interior of the PUD. The double-height retail podium, or the lower mass of the building, faces Florida Avenue while other

taller elements of the building are set back. This creates a more pedestrian friendly environment because the apparent scale of the building is reduced.

D. Proposed Modifications

As shown on the Revised Plans, the Applicant proposes to (i) convert the North Tower of the office building to residential use and (ii) reconfigure and redesign the South Tower of the office building, and (iii) the Applicant seeks the option to change the office use in the South Tower to residential use so long as the building massing and façade design does not change from what is approved under this proposed modification application.

North Tower

The North Tower will be 16 stories and contain approximately 339,541 square feet of floor area, generating approximately 372 units. The ground floor of the tower is below-grade other than the frontage on the plaza. The frontage facing the plaza will contain the lobby and amenities while parking, mechanical spaces, and bicycle parking will occupy the below-grade portion of the floor. On the second floor of the tower, a two-story residential amenity space faces the courtyard and activates space that has no north-facing windows since it is lower than New York Avenue. The roof of the tower is equipped with interior common amenity spaces and a series of exterior spaces designed as different rooms. The western portion of the roof is the main roof deck that will feature views of the Capitol and the Washington Monument. The eastern portion of the roof incorporates a pool terrace that will highlight views of Union Market. The southern portion of the roof opens up to community garden space.

The North Tower is configured to define a strong urban street edge along New York Avenue and the Metropolitan Branch Trail while bringing more light and air into the plaza by

setting back the massing of the building. The ground floor of the tower extends toward the plaza, establishing a district entrance to the residential component and creating a landscaped open space above. Architectural treatments and residential stoops are utilized along the Metropolitan Branch Trail to bring a pedestrian scale and then active residential and amenity uses line the Trail to increase its use.

The northeast corner of the Property marks a major entrance point into the urban core of Washington, DC; thus, the project name – Washington Gateway. To emphasize this corner, the residential portion of the building will use floor-to-ceiling glass and will vary the massing on alternating floors to create a fluid appearance. The treatment creates a dynamic series of alternating balconies/terraces and bay projections that highlight this important corner.

Brick is used at the base of the North Tower to provide a human scale and introduce detail elements such as stoops. A dark brick, similar to the one used for Phase 1 of the PUD, is used throughout the North Tower to provide a visual link between the different building components of the development and also provide a counterpoint to the light colored metal panels that are applied on top of the masonry skin. On the north and east facades of the tower, these metal panels start with a regular pattern that introduces more depth as the panels get closer to the northeast corner of the Property. At the north end of the plaza, a glass façade is framed in metal panels to provide a dynamic termination of 2nd Street and the plaza. The west façade of the tower is treated with decorative pattern of balconies that provide some visual interest without overpowering the other facades.

South Tower

The South Tower will be 13 stories and consists of approximately 221,691 gross square feet of floor area of office use. To better address the intersection of Florida Avenue and 2nd Street and in order to activate the plaza, the lobby has been located on the corner of the tower, such that office and retail space can be located on the ground floor fronting both Florida Avenue and the plaza. The massing of the South Tower is designed to step down along Florida Avenue while creating a series of terrace spaces that will activate the exterior of the project.

The South Tower is designed to attract creative tenants. More than just Class-A office space, the tower offers multiple amenities meant to encourage connections between co-workers, tenants, the community, and the surrounding context. The tower is conceptualized as a dark metal frame holding a grid of panelized light grey concrete as it spans vertically from plaza to roof. These materials have been chosen to echo the industrial, railway context of the surroundings. At the base of the South Tower, the corner lobby is highly visible and transparent to the street, while the rest of the ground floor space offers an inviting approach to passersby.

The south façade is the tower's face. It is articulated with a series of stepped terraces starting at level 11, and two two-story high loggias that allow the façade to be occupied and animated by building tenants. Warm wood elements on the façade set off the loggias and soffits, while the stone base is a direct nod to the adjacent train abutment and wall articulation. At the heart of the South Tower is the two-story, public bicycle lobby that provides a unique environment for the community to interact with the office building.

Metropolitan Branch Trail

A major focus of the development is to address the Metropolitan Branch Trail and integrate it into the project with a bicycle/pedestrian connection through the project into the plaza. This connection is critical to creating a link that allows convenient access from the Eckington neighborhood to the amenities of NoMA and Union Market. The proposed two-story bike lobby is located in the South Tower and is accessed from the bike path on the second floor of the tower. Inside the lobby, a grand stair with a bike trough will mediate the grade difference to allow riders to easily access the plaza located on the ground floor. In addition to bike storage, the lobby will have space designated for information about the trail and surrounding neighborhoods, station maps, an automatic bike tire pump, drinking fountain, and bicycle racks.

The Plaza

The plaza was constructed with the apartment house in the first phase of the PUD. Construction of the the North and South Towers will include an additional sidewalk and street trees along the eastern edge of the plaza, in accordance with the previous approvals. Also, the lobby of the North Tower will be set back from the plaza creating a small, densely landscaped forecourt that will provide more visual interest to the plaza design. The sidewalk in front of the loading dock will be treated as a curbless sidewalk, giving the impression of a continuous sidewalk for pedestrians.

Parking/Loading

As previously approved for the PUD, parking for the building would be accessed via the improvements already constructed with the first building. The main entrance to the garage is

located off of the plaza and a secondary entrance (right-in / right-out) is located off of New York Avenue. The North and South Towers will then connect underground to the garage that is already constructed underneath the plaza. Loading for the North and South Towers will be shared and located off of the plaza, as previously approved.

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

A. C-3-C District Under 1958 Regulations

Under the 1958 Regulations, the Property was zoned C-3-C, which was intended for medium-high density development, including office, retail, housing, and mixed-use development in a compact area (§ 740.8). As a matter of right, property in the C-3-C District can be developed with a maximum density of 6.5 FAR, all of which may be used for residential, office, retail, hotel or other permitted uses (§ 771.2), a maximum lot occupancy of 100% (§ 772.1), and a maximum building height of 90 feet (§ 770.1). A PUD in the C-3-C District was permitted a maximum building height of 130 feet (§ 2405.1) and an 8.0 FAR, all of which may be used for residential office or another permitted use (§ 2405.2).

B. MU-9 Zone Under 2016 Regulations

Under the 2016 Regulations, the C-3-C District converts to the MU-9 Zone. The MU-9 Zone is intended to: (a) permit high-density mixed use development including office, retail and housing, with a focus on employment; and (b) be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops. Subtitle G, § 400.8. The maximum permitted FAR in the MU-9 Zone is 6.5 FAR as a matter of right and 7.8 FAR utilizing the inclusionary zoning (“IZ) bonus. Subsection G, § 402.1. The maximum permitted

height in the MU-9 Zone is 90 feet; and the maximum permitted penthouse is 20 feet. Subsection G, § 403.2. The maximum permitted lot occupancy is 100%. Subsection G, §404.1. A rear yard is required at a distance of 2.5 inches per 1 foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. Subsection G, § 405.3. A side yard is not required, but if provided shall be at least 2 inches wide for each one foot of height of building, but not less than 5 feet. Subsection G, § 406.1.

Pursuant to Subsection X, Section 303.3, the Zoning Commission may increase the maximum total density permitted on the site by no more than 20% of that maximum matter-of-right permitted by the MU-9 Zone district. The 20% PUD related increase in density may be calculated using the matter-of-right density and IZ bonus density when the PUD includes a full allocation of the IZ units consistent with Subtitle C, Chapter 10. Subsection X, Sec. 303.4. Therefore, a PUD in the MU-9 Zone district could be developed at a density of 7.8 FAR based on the matter-of-right density or 9.36 FAR with the IZ bonus. Additionally, the maximum building height for a PUD in the MU-9 Zone district is 130 feet. Subsection X, Sec. 303.7.

A table that compares the C-3-C District standards with the standards for the MU-9 Zone is attached as Exhibit F.

C. Tabulation of Development Data

A tabulation of development data is included in the Revised Plans attached hereto as Exhibit B.

D. Flexibility under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In addition to having the option of changing the South Tower from an office to residential use, the Applicant seeks flexibility for the project as follows:

Loading. Under Subsection B, Chapter 9, the office and residential uses proposed under the PUD modification require 3 bays at 30' deep, two bays at 20' deep and 1 bay at 55' deep. To improve efficiency and utilization of the loading the proposed plan consolidates the loading docks for the two towers into a single loading dock containing 2 bays at 30' deep and 1 bay at 55'.

Additional Development Flexibility. The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for the Subject Property, while at the same time creating a design that does not require flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, in addition to zoning flexibility requested above, the Applicant respectfully requests flexibility in the following areas:

1. To provide a range in the number of units in the North Tower of 255, plus or minus 10 percent.
2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms provided that the variations do not change the exterior configuration of the building;
3. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;

4. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and
5. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, conies, railings, roof, skylights, architectural embellishments and trims, or any other minor changes to comply with the District of Columbia Construction Codes or that are otherwise necessary to obtain a final building permit or any other applicable approvals.

E. Public Benefits and Project Amenities

The PUD guidelines require the Zoning Commission to evaluate specific public benefits and project amenities for a proposed project. Public benefits are defined as “superior features of a proposed planned unit development 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 the matter of right provisions of this title.” 11 DCMR § 2403.6. “A project amenity is 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.” 11 DCMR § 2403.7. Furthermore, in deciding 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

Completed Benefits/Amenities

The originally approved PUD included a number of important and substantial project benefits and amenities, the majority of which were delivered with the construction of the apartment house in the first phase of the PUD. The project benefits and amenities that have been delivered total approximately \$6 million in value and include the following:

Housing and Affordable Housing. The original PUD predated Inclusionary Zoning. Notwithstanding, the Applicant reserved 8% of the residential floor area in Phase 1 of the PUD – 33 units -- for households with incomes not exceeding 80% of the area median income (“AMI”). The cost of these subsidized units is approximately \$3.8 million.

Traffic Signal. The Applicant installed a new traffic signal at the intersection of Florida Avenue and 2nd Street. This signal provides controlled access to and from the project and also allows for improved vehicular and pedestrian connections across Florida Avenue. The cost of this improvement was approximately \$250,000.

New York Avenue Connecting Stair. The Applicant constructed a monumental stair that connects New York Avenue to the plaza below and the surrounding city streets. The stair is frequently used by the community to connect to New York Avenue and Union Market. The cost of this improvement was approximately \$350,000.

Widened Sidewalks. To encourage and enhance pedestrian activity around the Property, the Applicant widened the sidewalks along Florida Avenue and New York Avenue. The wider sidewalks also allows for the improved streetscape including street trees and additional planting zones on New York Avenue. The cost of this improvement was approximately \$150,000.

The Plaza – Destination and Connection. The stair from New York Avenue, the generous sidewalks, retail space along Florida Avenue and the connection from the Metropolitan Branch

Trail lead to the plaza, which serves as a gathering place for residents of the project. Public access to the plaza from the New York Avenue stair is from 7:00 a.m. to 7:00 p.m., and from the Metropolitan Branch Trail Atrium to the plaza from 6:00 a.m. to 9:00 p.m. The cost to construct the plaza was approximately \$650,000.

Contributions to Community. The Applicant made the following contributions in support of various community programs and initiatives, which were part of the PUD amenities and benefits package:

1. \$50,000 contribution to the District of Columbia Commission on the Arts and Humanities for the arts-related project for the Florida Avenue underpass.
2. \$25,000 contribution to City Year to cover the 5-year operating costs for the Young Heroes Program.
3. \$10,000 contribution to Emery Elementary School Student Activity Fund for field trips, educational celebrations, audio/visual upgrades and technology upgrades.
4. \$10,000 contribution to the Harry Thomas Community Service Center for the purchase and installation of a scoreboard.
5. \$5,000 contribution to North Capitol Main Street, Inc. for the development of a database of the commercial/retail properties in the organization's service area.

Sustainable Design. The project includes a number of sustainable design features concentrated on elements that reduce or eliminate stormwater discharge into the District's combined sewer system, including a planted green roof on the residential building; high reflectivity, low "heat island effect" sustainable roof material design on the office building; rain water harvesting from the office building roof, which will capture rain water in cisterns for re-use in irrigation, window washing, and other uses, in lieu of potable water; stormwater bioretention system at catch basins around the perimeter of the Subject Property; and the use of native plant

species. The PUD also provides reserved parking for a car-share program and promotes bicycle and pedestrian activity by creating connections to New York Ave and the Metropolitan Branch Trail. The cost of the stormwater management system, green roof and car sharing space totaled approximately \$690,000.

Employment and Training Opportunities. In order to further the District's policies relating to the creation of employment opportunities, the Applicant entered into a First Source Employment Agreement with the Department of Employment Services to ensure cooperation with the Department for employee recruitment for jobs created by the PUD with the objective that 51% of the employees hired in connection with the development of the project are District residents. The First Source Agreement applies to all phases of the PUD.

Interim Metropolitan Branch Trail Connection. Phase 1 of the PUD included a temporary connection between the plaza and Metropolitan Branch Trail. This critical connection has already greatly increased pedestrian connectivity within the community and in particular has provided the Eckington community to the north a direct connection to NoMa and the Union Market neighborhood.

Benefits/Amenities to Be Delivered

The following additional project benefits and amenities, which were part of the originally approved PUD and have an estimated value of \$1.7 million, will be delivered with the construction of the North and South Towers:

Bicycle Lobby. As described above, the project integrates the Metropolitan Branch Trail by creating a bicycle/pedestrian connection through the previously-approved office building into the plaza. The proposed bike lobby is located in the South Tower, and the two-story enclosed connection will be accessed from the bike path on the second floor of the South Tower. Inside the lobby a grand stair with a bike trough will mediate the grade difference to allow riders to easily access the plaza located on the ground floor. In addition to bike storage, the lobby will have space designated for information about the trail and surrounding neighborhoods, station maps, an automatic bike tire pump, drinking fountain, plants, and bicycle racks. The estimated cost of this amenity is \$1.2 million.

Metropolitan Branch Trail Improvements. The Applicant will improve the paving, landscaping and lighting along the Metropolitan Branch Trail. The estimated cost of these improvements is \$150,000.

Widened Sidewalks. The Applicant will each extend the widened sidewalks and enhanced streetscapes along Florida and New York Avenues. The estimated cost of these improvement is \$150,000.

Benefits/Amenities Proposed With Modification

The Applicant is proposing to supplement the previously approved community benefits and amenities with the following:

Additional Sustainable Features. The Applicant is proposing to achieve LEED Gold certification for the office building and LEED Silver certification for the residential building.

Additional Affordable Housing. The project is exempt from Inclusionary Zoning. However, in order to expand the affordable housing opportunities through the PUD, the Applicant proposes to reserve 8% of the residential gross floor area for households with incomes not exceeding 80% of AMI. This will translate into approximately 30 units of affordable housing that would not be achieved without the PUD modification.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD modification is not consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

A. Future Land Use Map

The District of Columbia Comprehensive Plan Future Land Use Map designates the Subject Property in the High Density Residential and High Density Commercial land use categories. The High Density Residential land use category defines neighborhoods and corridors where high-rise (eight stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The High Density Commercial land use category defines the central employment district of the city and other major office employment centers on the downtown perimeter. This land use category is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed. The modified PUD and the previously approved overall PUD are consistent with the Future Land Use Map's designation of the Subject Property.

B. Compliance with Guiding Principles of the Comprehensive Plan

Pursuant to ZC Order No. 06-14, the Zoning Commission finds the originally approved PUD consistent with the elements and policies of the Comprehensive Plan set forth below. We submit that the proposed PUD modification is also consistent with the following elements and policies:

1. *Chapter 2, the Economic Development Element, supports job development in targeted areas outside of downtown. Section 206.1 states: 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. The Applicant estimated that the \$290 million project will bring 2,390 jobs and 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.*

2. *Chapter 3, the Housing Element, includes policies in support of construction of housing on the Property, which is near the Metrorail Station and will provide eight percent of its residential development to moderate-income residents. The relevant sections read as follows:*

§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; and

§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.

3. *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.

4. *Chapter 11, the Land Use Element, encourages a substantial amount of new housing, primarily near Metrorail Stations. Section 1134 states: 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.*
5. *Chapter 16, the Ward 5 Element, contains many policies, objectives, and action statements that support the proposed project. For example, § 1605.1(a) of the Ward 5 Objectives for Economic Development reads: Enhance and expand the ward's economic activity and employment centers, particularly in the underused industrial and commercial areas. The Property is underused, was industrially zoned at the time of the Comprehensive Plan's adoption, and has since been rezoned to a commercial category.*

Also, § 1608.1(c) of the Ward 5 Objectives for Housing states: Provide incentives for housing at desired locations such as the Fort Totten Metrorail Station Special Treatment Area and the Rhode Island Avenue Metrorail area. The PUD will provide housing within one block of the New York Avenue Metrorail Station. Although the station did not exist when the Comprehensive Plan was adopted, the project's proximity to the station will further the objective of the Comprehensive Plan.

Finally, § 1620.1(a) reads: 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. The proposed project will 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 will address the relatively high-speed context of the transportation corridor. Its red-brick elements will add color and will tie in with both the nearby industrial and residential uses. The plaza will add a significant publicly accessible space for a newly developing part of the city, and will be an attractive destination for users of the Metropolitan Branch Trail.

V. CONCLUSION

For the reasons stated above, the Applicant submits that the proposed modifications to the approved PUD meet the standards of Subtitle X, Chapter 3 of ZR16 and the standards for approval. Accordingly, the Applicant requests that the Zoning Commission approve the proposed PUD, as modified, and as described herein.

Respectfully submitted:

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