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**ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

Zoning Commission Case No. 04-14C/01-31TE/98-17F/95-16P

POST-HEARING SUBMISSION

**SECOND-STAGE PLANNED UNIT
DEVELOPMENT APPLICATION
AND MAP AMENDMENT**

100 POTOMAC AVENUE, SE

FLORIDA ROCK PROPERTIES, INC.

**Holland & Knight LLP
2099 Pennsylvania Avenue, NW
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Washington, D.C. 20006**

November 17, 2006

**ZONING COMMISSION
District of Columbia**

**CASE NO. 04-14C ZONING COMMISSION
EXHIBIT NO. 50B District of Columbia
- CASE NO.04-14
EXHIBIT NO.50B**

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LIST OF EXHIBITS

Updated Architectural Plans and Drawings	Submitted Separately
Rendering Photographs of Stadium <i>Provided by HOK</i>	A
Stadium Context Model Photograph <i>Provided by HOK</i>	B
Updated Letter from Structural Engineer	C
Supplemental Report from City Street Properties	D
Draft Final Agreement for First Street Plaza	E
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Updated Traffic Impact Analysis	G

I.
INTRODUCTION

This Post-Hearing Statement and attached documents (the "Post-Hearing Submission") are submitted by Florida Rock Properties, Inc. (the "Applicant"), the owner of the property at 100 Potomac Avenue, S.E. (the "PUD Site"). The Applicant filed its request for review and approval of a second-stage application for a Planned Unit Development ("PUD") and amendment to the District of Columbia Zoning Map under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended (the "Zoning Regulations") on May 21, 2004, as modified on August 26, 2004 (collectively, the "PUD Submissions"). The Applicant then filed its prehearing submissions, and modifications thereto, on May 2, 2005, November 18, 2005, and August 25, 2006 (collectively, the "Prehearing Submissions").

The Zoning Commission held a hearing to consider this second-stage application on September 18, 2006. As part of that hearing, the Office of Planning and District Department of Transportation ("DDOT") each filed a report in support of the proposed project, but each agency raised certain questions related to the proposed project as presented in the Prehearing Submissions. During the Zoning Commission's consideration of this case, the Commission also raised matters for further review by the Applicant, the Office of Planning, and DDOT. This Post-Hearing Submission sets forth the Applicant's responses to those questions and matters, including discussion of design modifications and refinements, justification for the appropriateness of the mix of uses that were fixed in the first-stage approval

through the approved design guidelines made part of Zoning Commission Order No. 910-B (the "Design Guidelines"), updates relating to the amenities and benefits package, and specific responses to questions and issues raised by DDOT.

II.
DESIGN MODIFICATIONS AND REFINEMENTS

Since the hearing, the Applicant has continued to work with the Office of Planning, the Anacostia Waterfront Corporation ("AWC"), and DDOT to further refine the design of the project as it relates to the various contexts. The proposed modifications and refinements are presented to address the following issues:

- The east end of the East Office Building and the view sheds from the Stadium concourse level, the top of the Stadium's Grand Staircase on Potomac Avenue and the viewing platforms and ramps on the south face of the Stadium, as shown in the renderings attached as Exhibit A.
- The quantity of parking spaces provided for each phase of the project and the project as a whole.
- The nature of the bike path as it crosses through the open, pedestrian areas of the Esplanade.
- The nature of the architectural embellishments and roof structures of the various buildings in the project.
- The nature of the retail storefront areas along Potomac Avenue, the Esplanade and along the pedestrian/retail allee.
- The specific views of the PUD project and the Stadium from various vantage points.

A. East Office Building

1. Summary of Changes to the East End of East Office of Building

The massing of the east end of the East Office Building has been modified to provide for increased and enhanced view corridors from the Stadium, including the Grand Staircase, the concourse level and the many viewing platforms and ramps on the south face of the Stadium. Each of these elements are depicted in the renderings included as Exhibit A.

The length of the podium level (the ground and second floor) of the east end has been reduced by 34 feet. On top of the podium level, floors three, four and five have been set back an additional 34 feet (for a total of 68 feet), creating a terrace above the second level and thereby increasing the width of the view shed from the Stadium Grand Stair and concourse level by 152% as compared to the prior design. This terrace above the second level is located at approximately elevation 34 feet, which is approximately five feet less than the elevation point for the pedestrian viewing height (approximately elevation 39 feet) of an adult who is exiting from the Grand Staircase (approximately elevation 34 feet). Thus, stadium patrons standing at the top of the Grand Staircase will have an excellent view over the terrace to the Anacostia River. Floor six and seven are further turned, to create additional vistas from the north and to reduce the apparent bulk in relation to the streetscape and the Stadium. Drawing No. 42 illustrates these changes.

The revised design presents a more open architectural expression which, in combination with the revised massing, creates a more sculptural, faceted and

prismatic end to the East Office Building in keeping with the goal of creating an architectural “attraction” at this location. In addition, in this area of the façade, a combination of the vision glass found in the rest of the East Office Building is composed with areas of patterned ceramic frit coated spandrel glass to effect a unique play of transparent, translucent and opaque glass areas.

Facing the First Street right-of-way extended, the façades of the ground and second floor levels have been visually lightened by removing the heavy masonry piers under the projecting curving façade on the third through fifth floors. The glass curtain wall from the Potomac Avenue façade wraps the corner and passes beneath the projecting curved façade above. At the sixth and seventh floors, the light, glassy façade steps back along the Potomac Avenue frontage and wraps the corners onto the stepped back (in accordance with the design guidelines) façade on the east facing façade and continues on the southeast facing facade on the Esplanade.

The southeast face of the east end of the East Office Building incorporates a curving projection off the curving form of the primary building wall to create a covered outdoor dining area at the ground level while stepping back above the sixty-five foot line in conformance with the Design Guidelines. The configuration of the intersecting planes of the upper and lower masses of the façade near the eastern corner has been modified to more clearly articulate the component elements. As with the Potomac Avenue and First Street corner, these transparent elements wrap the corner, resolving their varying geometries against a tower-like element at the

intersection with the masonry clad portion of the building that is further articulated and emphasized by a projecting metal and glass series of bay windows crowned by a trussed architectural embellishment. This element will be illuminated at night, subtly marking the entrance to the public access elevators to the underground parking below. The Applicant has incorporated into the Anacostia River face of the East Office Building minor reconfigurations of the massing and fenestration at the west end of the façade to strengthen the geometry of the corner and gain back some of the FAR area lost as a result of the east end reconfiguration.

As a result of these changes, the retail areas are provided on the ground floor for the whole (now reduced) footprint and on the second floor only at the east end of the East Office Building as before. The basement level retail at the east end has been eliminated to allow for a reconfiguration of parking resulting from the parking garage modifications, as discussed below in Section B. While this change represents a reduction of approximately 15,000 square feet in the overall amount of retail being provided in the project, the two above-grade retail spaces provide more viable retail areas and animate the streetscape while at the same time create more view corridors to the river from the Grand Staircase of the Stadium.

2. Summary of Modifications to Potomac Avenue Elevation of the East Office Building

The Potomac Avenue Elevation of the East Office of Building has been modified as follows:

- The spandrel condition between the ground and second floors has been changed to create a taller appearing expression of the retail bays east of the parking entry bay.
- The curving portion of the third through fifth floors that projects beyond the primary façade plane has been extended toward the west, over the parking entrance bay to further extend the horizontal expression of this element making it more akin to similar elements of the Stadium design at the west end of Potomac Avenue.
- The lighter, more transparent, expression of the east end of the 6th and 7th floors has been adjusted to better harmonize with the façade adjustments described above.

B. Modifications to Below-Grade Parking Garage

The below-grade parking configuration has been modified to achieve several goals. First, the Applicant has reduced the total number of parking spaces for the PUD project as a whole by 314 spaces. The revised parking numbers, as shown on Drawing Number 1, meet or slightly exceed the number of parking spaces required by the Zoning Regulations and are the absolute minimum number of spaces required by the market for each of the uses. These modifications have also reduced the extent of parking that must be built below the water table and have improved the impact of hydrostatic uplift on the parking in relation to the extent of building above, as is set forth in the letter from the structural engineer attached as

Exhibit C. The reduction of parking is also possible as a result of the design modifications of the east end of the East Office Building.

In order to achieve this reduction in parking, the below-grade section of the East Office Building has been modified to extend the parking eastward beyond the new building footprint to the east property line of the PUD Site. In order to achieve these revisions, the basement level of retail has been eliminated. The viability of this retail had been questioned by the Office of Planning, and the structural benefits and resultant changes to the design of the east end of the East office Building more than outweigh the elimination of this below-grade retail space. In addition, the ramping throughout this garage has been reconfigured to work with the revised configurations of Phase Two of the PUD project (Residential Building) and Phase Three of the PUD project (West Office Building). In order to provide for optimal traffic conditions on Potomac Avenue, all cars are required to exist from the East Office Building, except during baseball games or other emergency conditions.

In Phase Two of the PUD project, one level of parking (approximately 115 parking spaces) has been eliminated from the parking garage beneath the Residential Building. Approximately 14 of the spaces eliminated had previously been allocated for commercial use in this phase. Thus, the total number of spaces now provided for the residential use is 248 parking spaces, which is the absolute minimum number of spaces needed from a market approach. In addition, the ramps have been reconfigured to facilitate the linkage of the West Office Building parking levels with the East Office Building so that the predominant exiting from

the commercial parking would occur through the East Office Building parking exit way, as discussed above.

In Phase Three of the project, the Applicant has eliminated almost a full level of parking at the lowest level (approximately 100 spaces). The ramps have also been reconfigured to link the East Office Building to facilitate the primary egress being from that building's entry/exit way. Similarly, beneath the Hotel Building, the Applicant has eliminated a level of parking (approximately 55 spaces) and reconfigured the top level of parking to consolidate spaces required for largest function space on that level.

C. Refinements to the Bike Path Through the Esplanade

The Applicant has met with DDOT, AWC, and the Office of Planning and has made the modifications to the design of the bike paths through the project to ensure the workability of the Esplanade for both pedestrians and bicyclers. The pavement throughout the bike paths has been changed from the continuous asphalt to an interlocking paver system similar to the pedestrian areas but of a contrasting color. The path will be divided into two directional zones by a contrasting lighter integral color paver divider "stripe" for directional clarity on the path. This divider stripe will incorporate small reflectors for greater ease of viewing at dusk and dark. Bollards have been incorporated to define further the bike path visually in the areas where the bike path traverses the pedestrian zone. Finally, signage will be incorporated at strategic points to clearly identify the bike path from the pedestrian zone and to prevent the use of bike path only areas for pedestrian movement.

The Applicant has reviewed the proposal for the bike path with the Office of Planning, AWC, and DDOT, including the appointed DDOT Bicycle Coordinator. At that meeting, the Office of Planning, AWC, and DDOT were supportive of the proposed changes, and it is the Applicant's understanding that these modifications would resolve the issues raised by DDOT regarding the allocation of space throughout the Esplanade.

Furthermore, DDOT had requested, as an alternate amenity, that the Applicant construct an interim bike trail. In discussions with DDOT, AWC, and Office of Planning, the Applicant has determined that an interim trail is not feasible due to the planned modification of the existing Frederick Douglass Bridge as well as the future construction of the replacement bridge. A bike trail that extends further west through these construction areas would create an unsafe condition for bicycle riders. Furthermore, the Applicant has proposed a phasing plan which provides for connections from the bike path to Potomac Avenue at each phase, such that riders will be easily directed to a continuation of designated bike routes along Potomac Avenue. The construction of Phase Four of the PUD project is anticipated to coincide with the completion of the new bridge. Thus, at such time as it is safe to proceed further west, the final connections of the bike path will be constructed. Therefore, an interim trail is not necessary nor practical.

D. Other Refinements, Changes and Clarifications

The Applicant has made the other refinements, changes and clarifications to the architectural plans submitted herewith:

- Measuring Point: As the design of the PUD project has progressed, the information about the final grading of Potomac Avenue and the South Capitol Street Oval/Rotary has been in flux. Accordingly, the measuring points for the Residential Building, West Office Building and Hotel Building have changed to reflect revised street grading and streetscape information from DDOT. The new measuring points are shown on Drawing Nos. 22, 23 and 24.
- Height of PUD project in relation to the Stadium: Drawings Nos. 22 and 24 have been revised to incorporate sections through the Stadium in relation to the PUD and show the exact change in height for the PUD project and the Stadium. Section A on Sheet 22 shows that the distance of the PUD from the Stadium's main wall is more than two times the height of the PUD's East Office Building at the closest point and nearly two times the PUD's height at the Stadium's ramp tower element. Section A on Sheet 24 illustrates that the Stadium's main wall is nearly three times the height of the PUD's West building away from the PUD. From both drawings, it is evident that the Stadium is the dominant massing in relation to the Potomac Avenue Streetscape.
- Architectural Embellishments: These elements have been further clarified dimensionally on the Roof Plan, Drawing No.18 as follows:
 - *Architectural Embellishment of East Office Building on Potomac Avenue Façade:* The "Telecommunication Equipment Screen Wall" above main entrance on Potomac Avenue has been provided to address

with two issues important to the visual character of the project: (i) telecommunication equipment; and (ii) the “skyline” of the building on Potomac Avenue. This screen wall which will provide a screen wall for telecommunications equipment (such as antennae, switchgear, etc). while serving to give more interest and articulation to the Potomac Avenue façade. In no event will the Applicant incorporate telecommunications equipment that will project above the screen wall. Even as an architectural embellishment, its height above the measuring point is less than would be permitted by the Height Act of 1910 for the main building, not including the normal eighteen feet, six inches afforded mechanical equipment penthouses.

- *Architectural Embellishment on Southeast Façade of East Office Building along Esplanade:* This element, as was described earlier, creates an inverted cascade, stacked series of bay windows crowned and suspended by a truss element that recalls the PUD Site's waterfront history. Projecting off the façade at a strategic point, the assembly acts as a counterpoint to the horizontality of the complex as well as a subtle marker of the location of pedestrian access to the below-grade parking garage.
- *Architectural Embellishment on West Office Building Main Entrance:* This screen wall/embellishment crowns and marks the corner while providing a screen wall for telecommunications equipment (such as

antennae, switchgear, etc). As with the East Office Building, this element is within the height permitted by Height Act of 1910 for the main building, not including the additional eighteen feet, six inches permitted for mechanical penthouses.

- Roof Structures: These elements have been further clarified dimensionally on the Roof Plan, Drawing No. 18. Specifically, zoning flexibility is needed for the roof structures on the Hotel Building because they do not comply with the technical requirements of Sections 411 and 770 of the Zoning Regulations. The Hotel Building includes multiple roofs structures in order to provide access to the roof level for emergency egress, as required by the Building Code. These two stair towers are approximately 13 feet in height, but neither is set back a distance 1:1. In addition, the main roof structure incorporates multiple heights, with the tallest portion being eighteen feet six, inches, with a step down in height to approximately 16 feet. This portion of the roof structure with reduced height is also not set back 1:1 from the exterior edge of the roof upon which it sits due to the required location of the roof structure on the roof. The overall design of the roof structures for the Hotel Building, however, have been designed such that each structure serves an aesthetic as well as practical function of balancing the strong horizontality of the hotel guestroom block with a vertical counterpoint at strategic locations.

- Additional Visual Depictions Showing View of the PUD in Relation to its Setting: The revised plans include the following rendered views of the PUD Site and the Stadium:
 - *View from the Anacostia River looking Northwest toward the FRP Site and Stadium (Drawing No. 36):* This drawing illustrates the view from the Anacostia River toward the PUD Site and the Stadium. The view shows that, while the PUD project presents a lively presence on the waterfront, the view of the Stadium and its grand stair is framed by the PUD project as a centerpiece in the overall composition. Taken together, the PUD project and the Stadium create a powerful and vibrant attraction on the waterfront.
 - *View from the new Frederick Douglass Bridge looking north toward the FRP Project and the Stadium (Drawing No. 37):* This view illustrates that the Stadium and PUD project together command the near Southeast waterfront as a lively, attractive destination that combines the sports and entertainment venue with a high-energy, mixed-use waterfront zone. It also illustrates that the view corridors of the PUD project afford many different and varied views to and from the Stadium.
 - *View from the east side of the South Capitol Street Oval looking North toward the Stadium (Drawing No. 38):* This view illustrates the approach to the Stadium district and how the West Office Building

frames the eastern edge of the view of the Stadium Plaza on the southwest corner of the Stadium site. The massing of the West Office Building marks this important corner intersection and allows glimpses through the open corner at the lower floors to the Stadium beyond.

- *View from the Stadium Viewing Platform looking Southeast toward the Anacostia River (Drawing No. 39):* This view illustrates the vista from the viewing platforms and ramps as well as the Grand Staircase, and how the PUD project provides an attraction while at the same time framing the view of the First Street plaza, the Anacostia River and Anacostia neighborhood of Washington beyond.
- *View from First Street, SE, toward the Anacostia River and the PUD project:* This view shows the unimpeded view from the west sidewalk of First Street, SE of the First Street Plaza, the historic Pump House, and the Anacostia River. As with many of the views, the PUD project frames the vista while providing an attraction to Stadium patrons and the general public.
- Revised and Refined Elevations Showing Character of Retail Storefronts: Drawing No. 33A details the East Office Building elevation at the retail storefront level, showing the changes in the smaller scale elevations described above. Drawing No. 33B provides a new combined drawing showing both the East Office Building and the West Office Building fronting on Potomac Avenue with the Residential Building in the background. The

drawing, which will be available at a larger scale at the continuation of the hearing, has been rendered to illustrate the retail environment at the street level as well as the character of the materials for the buildings. It should be noted that the retail bays have been designed to provide a flexible framework for various retailer who may lease space in the building, as contemporary retail environments have moved away from the rigid dictation of stylistic standards and graphics to a freer and more vibrant expression that allows the retailers to utilize their corporate imagery and branding.

- Approved Baseball Stadium Plan: The Applicant made repeated attempts to acquire accurate information in digital form from the architects for the Stadium. While the plans provided were similar, these plans did not appear to be the exact plans shown in the Stadium zoning submittal. Accordingly, the Applicant has attempted to re-create the footprint outline from the printed plans publicly available and has modified the revised architectural plans (numbered 1,2,4,5,6,7,8 and 12) to reflect the plan approved by the Commission as closely as possible.
- Revised Parking and Loading Tabulation: The architectural plans have been revised to show the final proposed parking and loading tabulations by phase on Drawing No. 1.
- Deletion of Items: The architectural plans have been revised to delete the following: (i) all references to the marsh walkway near the First Street plaza;

and (ii) the water taxi dock, which has been eliminated from the project as discussed below.

III. **MIX OF USES**

In the first-stage PUD approval, the Zoning Commission approved what it deemed to be an appropriate mix of uses, including office, retail, residential and hotel uses for this area. As a result of the location of the Stadium immediately to the north of the PUD Site, the allocation of commercial uses has changed to reflect an increased retail presence; however, the overall balance of uses between residential (apartment house and hotel) and commercial (office and retail) has been maintained from that approval and in accordance with the design guidelines made part of the same.

This mix of uses continues to be appropriate for the PUD Site, both in terms of viewing the site on its own and viewing the site as part of the larger context of the surrounding area. As indicated in the supplemental report from City Street Properties, attached hereto as Exhibit D, developed neighborhoods thrive only when there is a balance of residential and commercial uses as well as retail that serves them both. In those neighborhoods in which there are predominantly residential uses, the retail lacks customers to serve during the weekday and early evening; on the other hand, with solely office uses, a community lacks evening and weekend traffic. Too much reliance on either one leads to an adverse impact for the total development. Accordingly, the Applicant is proposing a mix of uses approved as

part of the first-stage approval as set forth in the Design Guidelines and that is both appropriate to its site and to the overall Stadium district.

IV.

ADDITIONAL INFORMATION REGARDING PUBLIC BENEFITS AND PROJECT AMENITIES

The PUD and Prehearing Submissions set forth in detail the Applicant's proffered amenities and benefits related to this project. At the hearing and through the Office of Planning report, additional information was requested as to the implementation and specific details related to the First Street plaza, the proffered LEED certification, and the viewing pier proposes at the west end of the esplanade. Additional information is provided as follows:

A. Landscaping of First Street Terminus (First Street Plaza)

As part of its revised public benefits and project amenities, the Applicant agreed – as presented at the hearing – to landscape approximately 39,000 square feet of land area at the terminus of First Street to create the First Street plaza which would serve a critical public space needed for visitors to both the Stadium and to the waterfront. At the time of the hearing, the Applicant proposed to design and construct the First Street plaza and maintain it for a period of five years at an estimated cost of approximately \$3,487,200. The Applicant agreed to collaborate with the AWC in this effort, looking to AWC as the designated agent of the District in this regard.

The First Street plaza is an important amenity to the Stadium district because it provides the truest connection – and is the critical link – between the

Stadium and the Anacostia waterfront. Therefore, the Applicant has worked intensively with AWC in the time since the hearing to finalize an agreement which sets forth the Applicant's participation in the development of the First Street plaza, the disbursement of the Applicant's funds for that project, and the details regarding the specific application of those funds. A copy of this agreement in draft form is attached as Exhibit E. The Applicant and AWC anticipate both receiving board approval on this agreement (or one in a substantially similar form) from their respective boards prior to the hearing scheduled for November 27, 2006, with the intent of submitting an executed agreement at that time.

In sum, this agreement provides for the following:

- The Applicant will participate with others having an interest in the success of the plaza as part of an advisory panel to AWC for the planning of the First Street plaza and on its subsequent operations and maintenance.
- The AWC will be responsible for assembling the necessary land for the First Street plaza, including land from DDOT, the DC Water and Sewer Authority, and possibly the DC Department of Parks and Recreation, depending upon
 - If the second-stage approval is granted by the Zoning Commission, the Applicant will provide \$350,000 for funding to assist AWC in the development of a plaza design, with the funds to be provided to AWC at such time as the order approving the second-stage application is effective.

- Thereafter, the Applicant will provide \$2,637,200 to AWC for development and construction of the First Street plaza concurrent with the issuance of a building permit for Phase One of the PUD project.
- The remaining \$700,000 would be available for maintenance of the First Street plaza after construction is completed, unless in the interim a business improvement district is established with the authority and funding to operate and maintain the plaza, in which case these remaining monies would be re-directed toward and become part of the construction support package the Applicant would be making available to AWC.

In addition, the total amount to be contributed to this amenity has increased by \$200,000, for a total contribution of \$3,687,200. In light of the comments from DDOT, and in consultation with the Office of Planning and AWC, the Applicant has eliminated the water taxi dock from the proposal and re-allocated these funds set aside for the water taxi dock to the funds that will be available to AWC for design, construction and maintenance of the First Street plaza, pursuant to the draft agreement attached as Exhibit E.

B. Environmental Features

The Applicant has agreed to develop the project as an environmentally “green” structure, with the goal of being able to achieve a U.S. Green Building Council LEED (Leadership in Energy and Environmental Design) certification. Attached as Exhibit F is a report from the Applicant’s LEED consultant that provides detail on how each phase of the project seeks to qualify for and achieve

LEED certification. As noted in the report, through the project's proposed biofiltration program – including "green roof" technology – developed in conjunction with the design of the landscaped areas and other base building elements of the PUD project, the Project can achieve LEED certification.

The Commission has requested additional information as to the enforcement mechanism for such certification since LEED certification as currently awarded is not available in most instances until some time after a certificate of occupancy is issued for a project. For the PUD project, the Applicant has already registered the project with the United States Green Building Council. If the Applicant is unable to achieve certification prior to a certificate of occupancy for each phase of the Project, the Applicant agrees to post a bond, letter of credit, escrow account, or other similar security ("Security") prior to the issuance of a certificate of occupancy, in an amount equal to 1% of the construction cost for that phase of the PUD project, as determined solely by the Applicant. At such time as the Applicant achieves certification from the USGBC, the Security would be released to the Applicant. In the event that the Applicant does not achieve certification for that phase of the PUD project at the later of 30 months after the date of the certificate of occupancy for that phase or the date that the USGBC determines the building will not obtain certification for that phase, the Security would be released to the District, in accordance with then applicable laws of the District.

C. Pedestrian Viewing Pier

The Applicant proposes to construct a pedestrian viewing pier extending into the Anacostia River as the western end of the Esplanade which will be constructed as part of Phase Four of the PUD project. As described in the Prehearing Submissions, this wooden pier structure will have a concrete deck and will be approximately seventy-five feet in length and approximately ten feet in width. The pier will have a coated steel guardrail around its entire edge and is intended to provide pedestrians an opportunity to view the Anacostia River. The Applicant believes that the pier as proposed will offer a unique opportunity for visitors to the site to view the Anacostia River, and the Applicant does believe that further modifications are necessary to ensure its value to the PUD project.

V.

RESPONSES TO TRANSPORTATION ISSUES

By report dated September 18, 2006, and through testimony at the hearing, DDOT expressed general support for the PUD project, while noting concerns about certain elements of the proposal. The Applicant had worked extensively with representatives from various divisions of DDOT prior to the hearing. However, due to the timing of the submission of the report, a full response was not possible at the hearing.

Since the hearing, the Applicant and its transportation consultant Gorove/Slade have had continuing discussions with DDOT representatives on DDOT's concerns, and in response as taken the following steps:

- Eliminated the curb cut (and thus vehicular access) from the proposed traffic oval at the west approach to the Frederick Douglass Bridge into the project adjacent to the proposed hotel building (Phase Four of the PUD Project).
- Restricted ingress to and egress from the driveway of the proposed West Office Building (Phase Three of the PUD Project) located along Potomac Avenue, SE, to right turn in/right out for all vehicular traffic.
- Provided for the point of controlled access to the portion of the below-grade parking garage served by the driveway/ramp of the proposed West Office Building to be located at the foot of the driveway ramp, approximately 110 feet from the curb cut, to avoid queuing for entry to this driveway/ramp off of Potomac Avenue so that there will be no adverse traffic impact to Potomac Avenue traffic and travel of the traffic oval beyond.
- Provided an updated Traffic Impact Analysis from Gorove/Slade which is directly responsive to DDOT's concerns regarding the methodology and data measuring points. This updated Traffic Impact Study concludes – as did the initial report – that the PUD Project at completion will have a negligible impact on traffic flows and circulation. The updated Traffic Impact Analysis is attached as Exhibit G.
- Has agreed to provide a comprehensive Transportation Management Plan for both parking management and truck management, with potential elements as set forth in the updated Traffic Impact Analysis. The Plan

provides for measures to be implemented by the Applicant at each phase of the project as well as provides for parameters monitoring and evaluation to ensure the success of the plan and its proposed programs.

- Would participate in a program set up in conjunction with other property owners in the vicinity of the Navy Yard Metro stop or set up by a business improvement district that might be established for the near Southeast area to support of a local shuttle bus service to provide for access to the Navy Yard Metro stop from the PUD site.
- Has reduced the reduced the total parking spaces provided in the project from 1,368 spaces – which was approved by the Commission in the First-Stage approval – to 1,054 parking spaces. This parking reduction is discussed in detail above in Section II(B), and the parking provided continues to adequately serve the proposed project.
- Has continued to incorporate the proposed like-kind land exchange on the west and southwest edges of the property line, based on the Applicant's understanding from meetings with Office of Planning and DDOT that this like-kind land exchange can go forward as soon as the Environmental Impact Study is complete and DDOT has acquired the necessary land.

VI. **CONCLUSION**

For the foregoing reasons, the Applicant submits that the PUD plan, as set forth in this Post-Hearing Submission, the Prehearing Submissions, and the PUD Submissions meets the standards of Chapter 24 of the Zoning Regulations; is

consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the first-stage approval in Order No. 850; is in substantial compliance with the Design Guidelines set forth in Order No. 910-B; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a second-stage PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be adopted by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the second-stage PUD application and confirm zoning of the PUD Site as C-3-C.

Respectfully submitted,

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