

BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

WASHINGTON GATEWAY
AT FLORIDA & NEW YORK
AVENUES, N.E.

PUD
MODIFICATION
APPLICATION

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STATEMENT OF THE APPLICANT

MIDATLANTIC REALTY PARTNERS, LLC

MAY 17, 2010

Holland & Knight

ZONING COMMISSION
District of Columbia

CASE NO. 06-141B
EXHIBIT NO. 3

DEVELOPMENT TEAM

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Landscape Architects	Oculus 1754 T Street, NW Washington, D.C. 20009
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I. INTRODUCTION

This statement and attached documents are submitted on behalf of MidAtlantic Realty Partners, LLC, with the consent of the property owners -- G9 MRP Washington Gateway, LLC, the District of Columbia and the Washington Metropolitan Area Transit Authority (collectively, the "Applicant") -- in support of an application for the modification of an approved planned unit development ("PUD") in conformity with Chapter 24 of the District of Columbia Zoning Regulations (Title 11, DCMR) before the Zoning Commission for the District of Columbia. The PUD Modification application forms are attached as Exhibit A.

The subject property is located east of the intersection of New York and Florida Avenues, N.E., on Lots 23, 811, 812 and 813 in Square 3584 in Ward 5, and has a land area of approximately 134,665 square feet. The property is zoned C-3-C and is located within the NoMA/Northwest One Policy Focus Area of the Central Washington Area Element in the Comprehensive Plan.

Pursuant to Zoning Commission Order No. 06-14, issued February 12, 2007, attached as Exhibit B, the Zoning Commission approved the Washington Gateway PUD -- a mixed-used development consisting of approximately 229,690 square feet of residential; approximately 120,443 square feet of hotel; approximately 601,896 square feet of office; and approximately 7,000 square feet of retail. The approved project has a maximum building height of 130 feet and floor area ratio ("FAR") of 7.06. Also, it is required to have a minimum parking ratio of 0.6 space per residential dwelling unit; 0.25 space per guest room for the hotel use plus one parking space for each 300 square feet of floor 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 are to be reserved for use by a car-sharing service.

Zoning Commission Order No. 06-14 became effective on June 29, 2007. The approval was valid for two years from said date; and construction of the originally approved project was to commence no later than June 29, 2010. Pursuant to Zoning Commission Order No. 06-14A, the Zoning Commission granted a two-year extension of the PUD – extending the PUD approval to June 29, 2011, and extending the date for construction to commence to June 29, 2012. A copy of Zoning Commission Order 06-14A is attached as Exhibit C.

The Applicant seeks to modify the PUD in order to have the option of constructing residential units in lieu of the hotel use approved for the project – replacing approximately 177 hotel rooms with up to 160 dwelling units, for a total of approximately 430 dwelling units in the project (the "PUD Modification"). Under the this option, the height of the residential/hotel building will remain at 130 feet, but that section of the building originally intended for the hotel use would contain one less story. Further, should the Applicant proceed with the development option, up to eight percent of the gross floor area of the additional dwelling units will be reserved for persons whose income does not exceed 80 percent of the area median income. A copy of the plans for the PUD Modification is attached as Exhibit D. Except for the proposed optional residential units, the PUD will be developed as previously approved, including an office building consisting of 601,896 square feet on the eastern portion of the Property; approximately 7,000 square feet of retail, primarily fronting on Florida Avenue; and amenities as approved pursuant to Z.C. Order No. 06-14.

As set forth below, this statement and the attached documents meet the filing requirements for a PUD application.

II. PROJECT DESCRIPTION

A. Site Location and Description.

The Property is a triangular-shaped site consisting of 134,665 square feet and bounded by New York and Florida Avenues, N.E., and the Metrorail Red Line. It is designated mixed use High Density Residential/High Density Commercial on the Comprehensive Plan Future Land Use Map. The High Density Residential land use category defines neighborhoods and corridors where high-rise (8 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 relevant section of the Future Land Use Map is attached as Exhibit E.

The Property is also within the NoMA/New York Avenue Metro Land Use Change Area on the Comprehensive Plan Generalized Land Use Policies Map. The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and to promote the adaptive reuse of existing structures. Many of the change areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities. The relevant section of the Generalized Land Use Policies Map is attached as Exhibit F.

The zoning district for the Property is C-3-C, which is intended for medium-high density development, including office, retail, housing, and mixed use development in a compact area. 11 DCMR §740.8. The relevant section of the District Zoning Map is attached as Exhibit G.

B. Description of Surrounding Area.

The area surrounding the Property is designated in the High Density Commercial land use category to the south, southwest, and west and in the Production and Technical Employment land use category to the north and east. The surrounding zoning is C-M-1 to the east, across the rail tracks; M to the north, across New York Avenue, and C-3-C to the southwest, across Florida Avenue. A large area of R-4 is to the southeast, separated from the Property by the rail tracks and a narrow strip of C-M-3 zoning. The New York Avenue-Florida Avenue-Gallaudet University Metrorail Station (the "Metrorail Station") is located within one block of the Property, between M and N Streets, N.E. The opening of this station has helped to spur development in the area, which can best be described an area that has transitioned from warehouses, vacant land, and limited commercial service uses to an area with an increasing concentration of high-rise office and, more recently, proposed residential, uses. Several technology companies have constructed buildings to the north of the Property on Squares 3582 and 3516. The General Services Administration constructed a new building for the Bureau of Alcohol, Tobacco and Firearms across Florida Avenue to the south of the Property on Square 710. Other recent and planned developments that are, or will be, complimentary to the PUD and/or the development option proposed herein are:

DEVELOPMENT OR PROJECT	LOCATION	APPROX. NUMBER OF DWELLING UNITS	COMMERCIAL SQUARE FOOTAGE
ATF Headquarters	Square 710		438,000
Constitution Square Phase 1	Square 711	440 Units + 204 Hotel Units	985,000
Constitution Square Phase 2	Square 711	500 Units	400,000
Archstone Phase 1	Square 673	435 Units	
Archstone Phase 2	Square 673	469 Units	2,800
Camden Apartments	Square 673	730 Units	10,000
Eckington 1	Square 3576	575 Units	1,500
Eckington 2	Square 3581	550 Units	1,500
1100 First Street	Square 673		350,000

DEVELOPMENT OR PROJECT	LOCATION	APPROX. NUMBER OF DWELLING UNITS	COMMERCIAL SQUARE FOOTAGE
1150 First Street	Square 673		350,000
Sentinel Square I	Square 674		410,000
Sentinel Square II-IV	Square 674		880,000
Loree Grand	Square 749	212	3,600
Union Place II	Square 749	500	12,000
The Washington Center	Square 774	95	

C. Project Design and Components.

The PUD has four primary components – (i) the overall master plan and design concept, (ii) the residential/hotel building, (iii) the plaza, and (iv) the office building. With the exception of the possibility of constructing residential units in lieu of the originally approved hotel units, the design of the project elements remain as originally approved, as discussed below.

1. PUD Master Plan. The Washington Gateway PUD will be highly visible as the northern anchor of the NoMA area. For this project, the fundamental concepts of gateway, street, and plaza are used to create an urban transformation in a place that has long been left to automobiles and warehouse commercial activity. Due to the complex site grading and traffic conditions, the typical structure and spatial volumes of street and city block are creatively designed to create an on-site urban street and plaza experience. The northern end of the plaza opens volumetrically to form a gateway from New York Avenue into NoMA, while the buildings along New York Avenue create a gateway on a different scale for commuters and visitors arriving to the District from the northeast.

The master plan for the PUD is designed to create a connection between the urban street grid of NoMA to the south and New York Avenue to the north. A spatial axis of street-scaled proportions provides a visual connection from Florida Avenue to New York Avenue as a continuation of 2nd Street, and a grand stair provides a literal pedestrian connection from Florida

to New York Avenue through the new plaza. The master plan carefully locates spaces between buildings to allow views of daylight and a sense of connection between the project and the area outside of the project, including the graceful connection from the Washington Gateway plaza to the Metropolitan Branch Trail.

Additionally, the PUD incorporates a network of pedestrian connections through beautiful urban spaces. Pedestrians may arrive to the project by Metrorail and walk along an improved Metropolitan Branch Trail into a new plaza without crossing Florida Avenue. Pedestrians may also cross Florida Avenue at street level, at a new signalized intersection, and enter the project along a gentle slope into the plaza. A new sidewalk will provide access to the residential/hotel building, a new loggia will provide cover to the south wing of the office building, and there will also be a connecting roof between the north and south wing of the office building which provides covered access to the north wing. Finally, pedestrians may ascend a monumental stair from the plaza to New York Avenue.

Vehicular ingress and egress for the Washington Gateway PUD will be from both New York and Florida Avenues. A new signalized intersection at Florida Avenue will provide controlled access to and from the project. From New York Avenue, traffic will be limited to right turn in and right turn out.

2. Residential/Hotel Building. Under the PUD Modification, residential units will be constructed in lieu of hotel rooms, making the building on the west side of the Property an apartment house with a maximum of 430 dwelling units. A tower element and dramatic triangular glass volume will identify the residential building for the PUD, and mark its prominent location at the intersection of Florida and New York Avenues. Its location opens up to dramatic views toward Downtown, creates an architectural landmark for the project, and signifies 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 creates 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.

3. The Plaza. The plaza for the project is 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 creates a clear spatial backdrop for the plaza while the residential/hotel building deflects around the plaza to create depth and proportion to the plaza, distinguishing it from the street that leads into it. The primary entrance to the plaza will be from Florida Avenue. The main roadway surface will be concrete 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 woven 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 serve as a 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 Metropolitan Branch Trail Atrium along the Trail. The court in front of the entry to the north section of the office building is separated from the plaza

traffic by a serpentine wall and landscape elements, and will be open to the public as well as occupants of the office building. Above the seating area, adjacent to the north section of the office building, is 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.

4. Office Building. The office building will be situated on the eastern portion of the Property. It will consist of approximately 594,167 square feet of gross floor area¹, and extend 130 feet from the measuring point on New York Avenue, stepping down along the Florida Avenue side of the building. The Metropolitan Branch Trail Atrium will be located within the office building. The north section of the office building has 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 creates 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 integrates into the fabric and scale of existing and proposed neighboring buildings. A roof terrace was designed at the southeast corner of the office building to activate it and create a greater sense of appropriate scale. The south façade of the office building will have retail frontage along Florida Avenue that wraps around into the plaza.

¹ The PUD was originally approved for approximately 601,896 square feet of office use. However, the current building plans for the project depict 594,167 square feet of office use.

D. Matter of Right Development Under C-3-C Zoning and PUD Regulations

1. C-3-C Regulations. The Property is zoned C-3-C, which is intended for medium-high density development, including office, retail, housing, and mixed use development in a compact area. 11 DCMR §740.8.

As a matter of right, property in the C-3-C District can be developed with a maximum FAR of 6.5, all of which may be used for residential, office, retail, hotel or other permitted uses, and a maximum lot occupancy of 100%. 11 DCMR §771.2; 11 DCMR §772.1. The maximum building height in the C-3-C District is 90 feet and the minimum depth for a rear yard is 2 1/2 inches per foot of height but not less than 12 feet. 11 DCMR § 770.1; 11 DCMR §774.1. In the C-3-C District, the minimum parking requirements for the proposed uses are as follows: for residential uses, 1 parking space per 4 dwelling units; for hotel uses, 1 parking space for each 4 rooms usable for sleeping plus 1 parking space for each 300 square feet of floor area in either the largest function room or in the largest exhibit space, whichever is greater; and for office use in excess of 2,000 square feet, 1 parking space for each additional 1,800 square feet of gross floor area. 11 DCMR §2101.1. A roof structure, among other requirements, must be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located and may not exceed 18 feet, 6 inches in height above the roof upon which it is located. 11 DCMR §770.6. Finally, the Zoning Regulations require an office building in the C-3-C District with more than 200,000 square feet of gross floor area and cellar area to have 3 loading berths with a depth of 30 feet, three loading platforms at 100 square feet, and at least one service/delivery loading space at a depth of 20 feet. 11 DCMR §2201.1. A multiple dwelling with 50 or more units is required to have one loading berth with a depth of 55 feet, one loading platform at 200 square feet, and at least one service/delivery loading space at a depth of 20 feet. 11 DCMR §2201.1. A hotel with 30 to 200 rooms is required to have one loading berths with a depth of 30

feet, one loading platform at 100 square feet, and at least one service/delivery loading space at a depth of 20 feet. 11 DCMR §2201.1.

2. PUD Regulations. In conjunction with the C-3-C zoning for the Property, the PUD and the PUD Modification would also be governed by the provisions of Chapter 24 of the Zoning Regulations. Chapter 24 requires a minimum lot area of 15,000 square feet. Also, for a PUD in the C-3-C District, the permitted building height increases from 90 feet to 130 feet and the permitted maximum FAR increases from 6.5 to 8.0, all of which may be used for residential office or another permitted use. 11 DCMR §2405.1 – 2405.2.

E. Tabulation of Development Data

The Washington Gateway PUD, including the proposed PUD Modification, complies with the above requirements as follows:

Zoning Standard	Approved PUD	Proposed PUD Modification
Lot Area	134,665 s.f.	No Change
Max Gross Floor Area	951,120	No Change
Max. FAR	7.06	No Change
Height	130 feet	No Change
Lot Occupancy	55%	No Change
Number of Residential Units	Approx. 229,690 s.f. or a approx. 270 dwelling units	Approx. 350,133 s.f. or approx. 430 dwelling units
Affordable Housing/Inclusionary Zoning	8% of residential GFA	No change
Parking - Residential	0.6 space per residential dwelling unit	No change
Parking - Hotel	0.25 space for guest room for the hotel use, plus one parking space for each 300 s.f. of floor area in either the largest function room or largest exhibit space,	None

Zoning Standard	Approved PUD	Proposed PUD Modification
Parking - Office	whichever is greater one space for each 1,800 s.f. of gross floor area of office use	No change
Loading – Residential	1 loading berth with a depth of 55', 1 loading platform at 200 s.f., 1 service/delivery loading space at a depth of 20'	No change
Loading – Hotel	1 loading berth with a depth of 30 feet, 1 loading platform at 100 s.f., 1 service/delivery loading space at depth of 20'	None
Loading - Office	3 loading berths with a depth of 30', 3 loading platforms at 100 s.f., 1 service/delivery loading space at a depth of 20'	No change

F. Flexibility Under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. Like with the approved PUD, the proposed PUD Modification requires flexibility from that section of the Zoning Regulations that requires the penthouse to setback from all exterior walls a minimum distance of 18 feet; 6 inches. The penthouse structure meets this requirement except on the southeast corner where it has a setback of 12 feet, 6 inches, which is due primarily to the narrowness of the building. The penthouse has been designed to be the minimum size necessary to house all of the required rooftop equipment, services and access. The building is designed to step back from Florida Avenue and curve at New York Avenue, in order to make it more architecturally appealing, but these elements also significantly reduce the building width. The reduced setback for the penthouse is necessary in order to accommodate exterior cladding, structure, equipment and the required clearances; and

the visual impacts are mitigated by the fact that this section of the penthouse faces the interior courtyard for the project.

While the Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location while at the same time provide 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 flexibility from the requirements for roof structures, the Applicant respectfully requests flexibility in the following areas:

1. 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.
2. 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.
3. 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.
4. 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.

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 Property. By doing so, the Applicant consolidates the review of the project within the purview of the Zoning Commission while, at the same time, providing opportunities for input from

various agencies and the community. The Applicant engaged the community, the ANC, the Department of Transportation, and the Office of Planning in the initial approval process for the PUD and, as a result of those discussions, committed to donate \$50,000 to the Commission on the Arts and Humanities to support the Florida Avenue Underpass project and \$50,000 to various other community programs and initiatives. As evidenced by the letters attached as Exhibit H, all of the commitments were fulfilled shortly after the PUD approval became effective.

Through the PUD process, interested parties will have the opportunity to participate in the review and approval process for the PUD Modification also. Thus, the use of the PUD process gives the community and District agencies an opportunity to work with the Applicant in order ensure a well-planned development. Furthermore, the PUD process locks in the Applicant's commitments and ensures that the public benefits and project amenities will be completed for the area.

B. PUD Requirements Under Chapter 24 of the Zoning Regulations

The PUD, including the proposed development option, will continue to meet the area requirements under section 2401.1(c), and the height and FAR provisions of sections 2405.1 and 2405.2. The additional residential units, if constructed, will have a positive impact on surrounding area and will not have an unacceptable impact on the operation of city services and facilities. As discussed in the memo from Wells & Associates, attached as Exhibit I, the additional residential units will not have a greater impact on traffic then the originally approved PUD. Finally, as discussed below, the development option is not inconsistent with the Comprehensive Plan.

C. Public Benefits and Project Amenities

The PUD guidelines require the Zoning Commission to evaluate specific public benefits and project amenities of 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.

As stated above, the Applicant made the following contributions in support of various community programs and initiatives, which were part of the PUD amenities and benefits package:

- (i) \$50,000 contribution to the District of Columbia Commission on the Arts and Humanities for the arts-related project for the Florida Avenue underpass.
- (ii) \$25,000 contribution to City Year to cover the 5-year operating costs for the Young Heroes Program.
- (iii) \$10,000 contribution to Emery Elementary School Student Activity Fund for field trips, educational celebrations, audio/visual upgrades and technology upgrades.
- (iv) \$10,000 contribution to the Harry Thomas Community Service Center for the purchase and installation of a scoreboard.
- (v) \$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.

The PUD, including the PUD Modification proposed herein, offers a number of project amenities, as follows:

1. Mixed-Use Development. Under the existing C-3-C zoning, the Property can be developed as an office project with a maximum FAR of 6.5. In lieu of a development that is wholly office, the Applicant proposes a mixed-use development that includes residential, office, and retail uses, and possibly a hotel, in the type of live-work environment encouraged in the NoMA Vision Plan.

2. Housing and Affordable Housing. The single greatest benefit to the area and the District as a whole is an increase in the amount new housing and home ownership opportunities proposed under the PUD Modification, consistent with the goals of the Comprehensive Plan and the Mayor's housing initiative. Specifically, the number of residential units for the project would increase from approximately 270 to 430. Further, the Applicant proposes to devote an area equal to 8% of the residential gross floor area for those persons whose income does not exceed 80% of the area median income. The construction and distribution for the affordable units, the affordability control period, and the method for selecting the occupants/purchasers of the units will be in accordance with the Planned Unit Development Inclusionary Housing Commitment Standards, dated December 4, 2006, submitted by the Applicant, and marked as part of Exhibit No. 38 of the original PUD record, and attached hereto as Exhibit J.

3. New York Avenue Sidewalk. The entire length of the sidewalk on New York Avenue along the Property, approximately 680 linear feet, will be widened from approximately four feet to 23 feet. Beyond the standard improvements, the sidewalk will have upgraded paving, additional landscaping, and a garden overlook between the residential/hotel building the and north office section that will provide pleasing views into the plaza below.

4. New York Avenue Connecting Stair. The PUD includes a monumental stair connecting New York Avenue to the plaza below and the surrounding city streets. The stair

lands in a courtyard space in front of the north section of the office building, which will be an attractive space framed by a sinuous masonry wall and a garden with landscape elements, upgraded paving and benches.

5. Florida Avenue Sidewalk. Although the property line for the PUD is six feet north of the curb along Florida Avenue, the buildings will be set back at least nine feet behind the property line to create a sidewalk along Florida Avenue that is at least 15 feet wide at its narrowest point. In addition to the standard improvements, the sidewalk, which extends 450 linear feet along the property line, will include upgraded paving and an enhanced landscape area in front of the residential/hotel or residential apartment building.

6. Florida Avenue Outdoor Seating Area and Retail. Along the majority of the southern face of the residential/hotel building, the sidewalk on Florida Avenue is further widened to a maximum of 35 feet (29 feet behind the property line), to create an outdoor seating area for the public. The outdoor seating area will be anchored by a two-story building base with retail amenities. The widened sidewalk also draws people to the plaza by creating a larger and more attractive visual corridor into the site.

7. Retail on Florida Avenue at the Office Building. The southern base of the office building along Florida Avenue will contain retail uses. The base of the office building is notched to allow the public to flow into the plaza, and the first two stories of the building are pulled back along the western edge to provide a covered walkway to the plaza, the Metropolitan Branch Trail and New York Avenue.

8. Metropolitan Branch Trail – Bicycle Path Upgrades. The existing Metropolitan Branch Trail is a paved asphalt surface in good condition, but it runs through an abandoned field with rocks and dirt on one side and a chain link fence separating the Metropolitan Branch Trail

from the railroad tracks. The Applicant proposes to upgrade the entire portion of the Metropolitan Branch Trail adjacent to the Property and, in addition, provide a continuous concrete wall base with decorative metal fence along a significant portion of the Metropolitan Branch Trail adjacent to the PUD. The Metropolitan Branch Trail upgrades will facilitate the pedestrian and cyclist connection to the PUD and the city streets. Other upgrades include the planting of trees and other landscaping that will wind through a new gentle curve created in the Metropolitan Branch Trail. The north section of the office building base will have smaller scale bay window expressions to make riders' experience more interesting.

9. Metropolitan Branch Trail – Pedestrian Connection to the Metrorail Station. In order to encourage a separation of bicycle and pedestrian traffic, special paving will be installed along the Metropolitan Branch trail, from the south property line to the Metropolitan Branch Trail Atrium. The path will be designated specifically for people walking from the Metrorail Station to the PUD or through the PUD to the streets beyond.

10. Metropolitan Branch Trail Atrium – Connection from Trail to City. A significant feature of the PUD is a three-story atrium that functions as a connector between the Metropolitan Branch trail and the plaza, and serves as special place dedicated to pedestrians and urban cyclists. The Metropolitan Branch Trail Atrium 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. An oversized elevator and stair with a bike channel will allow cyclists and pedestrians to conveniently get from the Metropolitan Branch trail to the plaza and to the streets beyond.

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

connection from the Metropolitan Branch Trail will all lead to the plaza. The plaza will have benches throughout so pedestrians and occupants of the project can enjoy the plaza space. As required by Z.C. Order No. 06-14, public access to the plaza from the New York Avenue stair will be from 7:00 a.m. to 7:00 p.m., and from the Metropolitan Branch Trail Atrium and the stairs and elevators to the plaza from 6:00 a.m. to 9:00 p.m.

12. Sustainable Design. The project includes a number of sustainable design features concentrated on elements that reduce or eliminate storm water discharge into the District's combined sewer system, including a planted green roof on the residential/hotel 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; Filterra stormwater bioretention filtration system at catch basins around the perimeter of the site; and the use of native plant species. Also, the PUD will further environmental objectives by (1) providing reserved parking for a car-share plan (e.g. ZipCar or FlexCar); (2) creating a significant connection to the Metrorail Station and the Metropolitan Branch Trail, thus promoting bicycle and pedestrian activity and reducing the number of vehicular trips; and (3) clearing the Property of the gas station, underground tanks, and contaminated soil within the excavation area.

13. Employment and Training Opportunities. In order to further the District of Columbia's policies relating to the creation of employment opportunities, the Applicant entered into a First Source Employment Agreement with the Department of Employment Services ensuring 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 of Columbia residents. A copy of the First Source Employment Agreement is attached as Exhibit K.

IV. COMPLIANCE WITH COMPREHENSIVE PLAN

The proposed PUD Modification advances the purposes of the Comprehensive Plan, is 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. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b) (§ 1-301.62).

As discussed in more detail below, the proposed PUD Modification significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality mixed use development that will increase the housing supply, add new retail uses, create additional employment opportunities, and generate significant tax revenues for the District.

B. Future Land Use Map (Adopted Pursuant to The Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, March 8, 2007))

The District of Columbia Comprehensive Plan Future Land Use Map designates the Property in the High Density Residential and High Density Commercial mixed land use

category. The High Density Residential land use category defines neighborhoods and corridors where high-rise (8 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 additional residential units proposed herein and the PUD overall are consistent with the Future Land Use Map's designation of the Property.

C. Compliance with Guiding Principles of the Comprehensive Plan

The project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities.

1. Managing Growth and Change

The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city and that divisions in the city--physical, social and economic are overcome. The proposed PUD Modification is consistent with a number of the goals set forth in this element. First, the project will help to attract a diverse population by increasing the residential housing supply and allocating up to eight percent of the residential floor area for persons with incomes no greater than 80 percent of the Area Median Income. Second, the project is designed to create a connection between the urban grid of NoMA to the south and New York Avenue to the north, advancing the principle that large sites should become part of the City's urban fabric through the continuation of street patterns where they meet existing neighborhoods. (§217.5) Third, the

Property is located at the intersection of New York and Florida Avenues and one block from the Metrorail Station -- advancing the principle of promoting infill opportunities along corridors and near transit stations as a component of reinvigorating and enhancing neighborhoods. (§217.6)

2. Creating Successful Neighborhoods

Among the guiding principles for creating successful neighborhoods is the production of new affordable housing. (§218.3) Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§218.8) The proposed development furthers each of these guiding principles with the construction of market-rate and affordable housing. In addition, through the review and approval process for the PUD Modification, the ANC will have the opportunity to ensure that the project continues to provide a positive impact to the immediate neighborhood.

3. Connecting the City

Among the guiding principles in this element are enhancing the connections between different transportation modes, improving traveler safety, and increasing system efficiency. (§220.1) Also, investments in the transportation network to serve local access needs for pedestrians, bicyclists, transit users, and others to move around and through the City. (§220.2) The PUD will advance these principles with improvements to the sidewalks along New York and Florida Avenues and the upgrades to the Metropolitan Branch Trail. Those improvements include, but are not limited to, an atrium, a bicycle path, and a separate pedestrian path for people walking from the Metrorail Station to the PUD or through the PUD to the streets beyond.

4. Building Green and Healthy Communities

The proposed development is fully-consistent with the guiding principles of the building green and healthy communities element and will incorporate sustainable site, water efficiency,

energy optimization, and other measures to help reduce harmful effects on the natural environment. (§§221.2 and 221.3) As discussed earlier, the project will include a number of sustainable design features. Also, it promotes environmental objectives by providing parking for a car-sharing program, connecting the Metrorail Station and the Metropolitan Branch Trail and clearing the Property of the gas station, underground tanks and contaminated soil within the excavation area.

D. Land Use Element

For the reasons discussed below, the project supports the following policies of the Land Use Element:

1. Policy LU-1.2.2: Mix of Uses on Large Sites;
2. Policy LU-1.2.6: New Neighborhoods and the Urban Fabric;
3. Policy LU-1.3.4: Design to Encourage Transit Use;
4. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods; and
5. Policy LU-2.2.4: Neighborhood Beautification.

First, the PUD and PUD Modification propose a mix of uses on the Property, which is consistent with the Property's land use designation as mixed High Density Residential and High Density Commercial. Second, the project is designed as an extension of the urban grid of NoMA to the south and New York Avenue to the North. Third, the project includes enhancements to the Metropolitan Branch Trail that will improve pedestrian and bicycle access to the Metrorail Station. Fourth, the PUD will bring additional housing to the area and commercial development that is compatible with much of the recent development that has occurred in proximity to the Property without disrupting the nearby Eckington neighborhood. Finally, the PUD will beautify the Metropolitan Branch Trail and Florida and New York Avenues through the installation of lighting, landscaping, pavers and the like. The Applicant also contributed \$50,000 to the

Commission on the Arts and Humanities for the beautification/enhancement of the Florida Avenue underpass.

E. Transportation Element

Several components of the PUD advance objectives and policies set forth in the Transportation Element of the Comprehensive Plan, including Action T-1.1.B, which requires transportation demand management measures and transportation support facilities such as crosswalks, bus shelters, and bicycle facilities in large development projects and major trip generators, including projects that go through the PUD process. (§403.14) As discussed above, the PUD includes improvements to the sidewalks along New York and Florida Avenues, upgrades to the Metropolitan Branch Trail bicycle path and a pedestrian connection between the Metropolitan Branch Trail and the Metrorail Station. According to the Office of Planning report submitted to the Zoning Commission for the original PUD application, dated June 2, 2006, the Property is also accessible to the X and 90 series bus lines that run along Florida Avenue in front of the site; the 80 and P6 bus lines on North Capitol Street, two blocks west of the Property; and the D series bus line on K Street, four blocks to the south of the Property. For these reasons, the PUD also advances Policy T-2, which encourages providing transportation choices that are more efficient and environmentally friendly than driving such as walking, bicycling, and public transit. (§406.1) Finally, the PUD advances that section of the Transportation Element addressing transportation system efficiency and management by providing reserved parking for a car-sharing program (§414.10).

F. Housing Element

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10 DCMR §501.1. The proposed PUD Modification will help achieve this goal by

providing additional new housing in a location that is consistent with the District's land use policies and objectives and by providing a mixed-use project with housing on commercially zoned land in proximity to the Metrorail Station. (§§503.2; 503.4) In addition, the project includes both market-rate and affordable housing units, advancing the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods. (§504.8). Finally, the affordable units will meet the same high-quality architectural standards provided for the market-rate housing and will be indistinguishable from market rate housing in their exterior appearance. (§503.6)

G. Urban Design Element

The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identify 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.

The PUD supports the urban design objectives of the Comprehensive Plan. The master plan for the project is organized around an interior street and plaza, which are the basic elements of successful urban activity. The street rises gently as a tree-lined avenue from Florida Avenue into the project, creating a place that is easy to access. Like many great plazas, a single tower element punctuates the defining walls of the space, while other buildings define its overall spatial boundary.

Within the plaza of the PUD, significant hardscape and landscape features create a pedestrian scale of spaces to walk, meet, and linger, including the opportunity for an outdoor café near the lobby of the north wing of the office building. A fountain will provide lively sheltering screen from automobiles entering the site. The third level connecting roof between the

north and south wings of the office building and canopy at the residential/hotel building similarly articulate arrival points within the overall space.

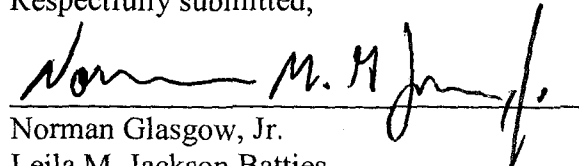
H. NoMA/Northwest One Policy Focus Area

The Property is included in NoMA/ Northwest One Policy Focus Area. The PUD, including the proposed PUD Modification, is consistent with the policies for this area. For example, Policy CW-2.8.1 aims to promote NoMA's development as an active mixed use neighborhood that includes residential, office, hotel, commercial, and ground floor retail uses. A diverse mix of housing serving a range of household types and incomes is also encouraged. (§1618.9). Also, policy CW-2.8.3 encourages a wide array of transportation options for NoMA, with a particular emphasis on walking, bicycling, and improved transit connections and improvements for pedestrian safety and enhanced access to the Metrorail Station. (§1618.11).

**V.
CONCLUSION**

For the foregoing reasons, the Applicant submits that the proposed PUD Modification and Modification Plans meet the standards of Chapter 24 of the Zoning Regulations and the standards for approval. Accordingly, the Applicant requests that the Zoning Commission approve the PUD Modification for set down of a public hearing as described herein.

Respectfully submitted,



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