

BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

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

**PREHEARING STATEMENT
IN SUPPORT OF PUD MODIFICATION**

**MIDATLANTIC REALTY PARTNERS, LLC
Z.C. Case No. 06-14B**

DECEMBER 21, 2010

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ZONING COMMISSION
District of Columbia
CASE NO. 06-14B
EXHIBIT NO. 19

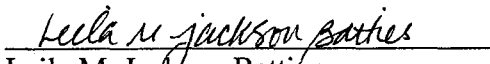
CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on December 21, 2010, and, in accordance with Section 3013.8, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning	Pgs. 5 - 7
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 7 Exhibit B
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 7 Exhibits C-F
3013.1(d)	Additional information introduced by the Applicant - Table of Development Data	Pgs. 3 - 4
3013.1(e)	Reduced plans	Exhibit A
3013.1(f)	List of maps, plans, or other documents readily available that will be offered into evidence	Pg. 8 Exhibit G
3013.1(g)	Estimated time required for presentation of Applicant's case	Pg. 8
3013.6(a)	Names and addresses of all property owners within 200 feet of the subject property	Pg. 8 Exhibit H
3013.10	Report by Traffic Consultant	Pg. 9

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Drawings	A
List of witnesses to testify on behalf of Applicant	B
Outline of testimony and bio of Matthew Robinson, MidAtlantic Realty Partners	C
Outline of testimony and resume of Marius Radulescu, SK&I Architectural Design Group	D
Outline of testimony and resume of Chris L. Kabatt, P.E. Wells + Associates	E
Outline of testimony and bio of Steven E. Sher, Holland & Knight LLP	F
List of Maps, Plans or Other Documents Readily Available	G
Names and addresses of owners of property within 200' of the subject property	H

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I. INTRODUCTION

This prehearing statement is submitted on behalf of MidAtlantic Realty Partners, LLC, with the consent of the property owners – CK MRP Washington Gateway, LLC,¹ the District of Columbia, and the Washington Metropolitan Transit Authority ("WMATA") (collectively, the "Applicant") in support of its application for a modification to the planned unit development approved east of the intersection of New York and Florida Avenues, N.E., in Square 3584, on Lots 23, 811, 812, and 813, in Ward 5 (the "Property"), pursuant to Z.C. Order No. 06-14 (the "Approved PUD"). The total area of the Property totals 134,665 square feet, with the ownership and size of each lot as follows:

LOT	OWNER	AREA
23	CK MRP Washington Gateway, LLC	13,578 s.f.
811	CK MRP Washington Gateway, LLC	102,643 s.f.
812	WMATA	10,381 s.f.
813	District of Columbia	8,063 s.f.

This prehearing statement addresses the comments and concerns raised by the Office of Planning and the Zoning Commission at set down on July 26, 2010, and includes items required under Section 3013 of the Zoning Regulations.

¹ CK MRP purchased Lots 23 and 811 from G9 MRP Washington Gateway, LLC.

A. Project Overview

1. The Approved PUD

The Approved PUD, referred to as "Washington Gateway," is a mixed-use project consisting of approximately 601,896² square feet of commercial use (office/retail); approximately 229,690 square feet of residential multi-family use; and approximately 120,443 square feet of hotel use. The residential and hotel uses were proposed in one building with the residential multi-family portion housing 230 to 270 apartment units and the hotel portion of the building containing 140 to 195 hotel rooms and a 2,000 square foot meeting space. Of the residential gross floor area, 6.2% is dedicated for residential recreation space and 8% is devoted for persons whose income does not exceed 80% of the area median income. Under Zoning Commission Order No. 06-14, the residential/hotel building has a minimum parking requirement of .6 parking space per each dwelling unit and .25 parking spaces per hotel room, plus one parking space for every 300 square feet in the largest function or exhibit space of the hotel.

2. Proposed Modification to Approved PUD

The Applicant is seeking a modification of the Approved PUD in order to have the option of constructing and operating (a) the approved residential/hotel building, or (b) eliminating the hotel component of the building and constructing and operating a single apartment building with approximately 346,405 square feet, which includes approximately 5,000 square feet of ground floor retail, and a maximum of 430 dwelling units. Under this proposed option, the building height will remain at 130 feet, but the portion of the building that was originally intended for the hotel use would have one less story. Also, the percentage of affordable housing will remain at 8%. The proposed PUD modification option -- the apartment building -- generates a need for 40 more parking spaces, which will be provided for within the project.

² Of the total gross floor area, 594,896 square feet is office use and approximately 7,000 square feet is retail use.

The residential building proposed under the PUD Modification requires relief from Section 770.6 of the Zoning Regulations, which requires the penthouse to be setback from all exterior walls a minimum distance of 18 feet, 6 inches. Specifically, the Applicant proposes a setback of 16 feet, 1 inch on the southeast corner of the building; and a setback of 10 feet, 11 inches and 10 feet, 1 inch, respectively, along the south side of the building. The reduced setbacks are necessary to accommodate the penthouse, which has been designed to minimize the size necessary to house all of the required rooftop equipment, service and access, but is largely impacted by the narrowness of the building. Specifically, the width of the building has been reduced by a foot -- 64 to 63 feet -- from what was depicted in the Approved PUD.

3. Table of Development Data

The table below provides a comparison of what is permitted under the regulations for PUD's in the C-3-C District, the Approved PUD, and the requested PUD Modification Option.

PROJECT DATA	<u>C-3-C PUD</u>	<u>Approved PUD</u>	<u>Requested PUD Modification Option</u>
<u>Lot Area</u> Residential: 48,035 s.f. Office: 86,630 s.f. Total: 134,665 s.f.			
Gross Square Feet Aggregate Total Office, Residential and Retail Use	1,077,320	951,120	938,157
Floor Area Ratio Aggregate³	8	7.06	6.97 (8.0 on Lots 23 and 811 as may be permitted under the regulations)
Building Height	130'	130' measured from NY Avenue	130' Same as Approved PUD

³ The densities in the Approved PUD and the PUD Modification Option are achieved through the development of Lots 23 and 811 only, which are owned by CK MRP Washington Gateway, LLC.

Gross Square Feet Office Building	693,040 SF	594,896 office 7,000 retail 601,896 total SF	591,753 office 7,000 retail 601,896 total SF
Gross Square Feet Residential & Hotel Building	384,280 SF	229,690 residential 120,443 hotel 350,133 total GSF	346,405 GSF 0 SF hotel
Number of Dwelling Units & Hotel Rooms		230-270 DU 140-195 hotel rms.	430 DU max. 0 hotel rooms
Affordable Dwelling Units @ 80% AMI		8% of residential GFA; approx. 18,375 GSF	8% of residential GFA; approx. 27,712 GSF
Roof Structures	18'-6"max height 1:1 setback	18'-6" max. height Relief: setback of 6' on SE corner; 12' on south side of res/hotel building	18'-6" max. height Relief: setback of 16'-1" on SE corner and 10'-11" and 10'-1" on south side of apt. building
Parking Total	349	558 (incl. 2 for car sharing)	589 (incl. 2 for car sharing)
Parking - Office (1/1800 gsf)	277 required	331	331 (1/1800 GSF)
Parking - Residential .6/ DU, based on max. no. of units	63 required	162	258
Parking - Hotel .25/ sleeping room + 1/300 s.f. for largest exhibit/function space	59 required	56	N/A
Parking - Retail	9 required	9 provided	9 provided
Loading Berths - Office	3 @ 30'deep 1 @ 20'	3 @ 30' deep 1 @ 20'	3 @ 30' deep 1 @ 20'
Loading Berths - Residential	1 @ 55' deep 1 @ 20'	1 @55' deep 1 @ 20'	1 @55' deep 1 @ 20'
Loading Berths - Hotel	1 @ 30' 1 @ 20'	1 @ 30' deep 1 @ 20'	None
Loading Berths - Retail	none (< 8,000 SF)	none (< 8,000 SF)	none (< 8,000 SF)

B. Procedural Background

The application for the PUD Modification was filed with the Zoning Commission on May 17, 2010. On July 26, 2010, the Zoning Commission unanimously voted to set down the application for public hearing. With the filing of this prehearing statement, and the accompanying exhibits, the Applicant respectfully requests that this case be scheduled for the next available hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Issues Raised By The Zoning Commission

At its meeting of July 26, 2010, the Zoning Commission voted unanimously to set down the Application for public hearing. However, in its discussion on the Application, the Zoning Commission requested (i) more detailed comparisons of the proposed and approved buildings; (ii) an illustration of how the proposed residential building relates to the office building approved for the eastern portion of the Property; and (iii) information on the utilization of the roof top. Following is the Applicant's response to these comments.

1. Comparison of Proposed and Approved Buildings

A comparison of the proposed and approved buildings is provided on Sheets 254 - 255 of the drawings attached as Exhibit A.

2. Relation to Approved Office Building

An illustration of how the proposed apartment building relates to the approved office building is contained on Sheet 242 of the drawings attached as Exhibit A.

3. Utilization of Roof Top

The Applicant is proposing approximately 10,000 square feet of green roof area as generally depicted on Sheet 209 of the drawings attached as Exhibit A.

B. Issues Raised By the Office Of Planning

In Section IV of its setdown report dated July 16, 2010, the Office of Planning ("OP") made recommendations relating to (1) the building design; (2) the distribution of affordable units and unit types; (3) roof structure screening; and (4) enhancements to the loading berths, as discussed below.

1. Design

In its report to the Zoning Commission, OP recommended that the Applicant refine the treatment of the ground level façade at the corner of New York and Florida Avenues in order to reduce the visual impact of loading docks and "blank walls," and to provide a more welcoming and interesting treatment. Additionally, the OP report states that, for the New York Avenue façade, additional consideration is needed of the balance among the glass corner block, the expanse of tan brick, the contrasting window treatments within the tan brick façade, and the shades of darker brick on the lower levels.

The Applicant will present the material samples for the building at the public hearing on the application. In response to the OP recommendations above, the Applicant has added landscape planters and decorative signage at the New York Avenue / Florida Avenue intersection. Additionally, the Applicant is proposing a protruding glass bay on the eastern side of the curving New York Avenue façade to asymmetrically balance the glass corner on the western side. These changes are reflected on Sheet 251 of the drawings attached as Exhibit A.

2. Distribution of Affordable Units and Unit Types

The OP report states that the plans need to indicate how the expanded number of affordable units will be equitably distributed on all but the top floors; and recommends the Applicant specify the types and approximate square footages of the proposed units.

The additional residential floor area achieved through the proposed modification option will comply with the Inclusionary Zoning requirements set forth in 11 DCMR 26. The mixture of affordable unit types shall be comparable to the mixture of market rate unit types. The proportion of affordable studios and one-bedroom units will not exceed the proportionate mix of market rate studio and one-bedroom units. Additionally, the

expanded number of affordable units shall be distributed vertically and horizontally, except for the top three floors, and no floor shall be comprised of 100% affordable units. The internal square footage of the affordable units will be comparable to that of the market rate units.

3. Roof Structure Screening

The OP report states the roof structure for the proposed modification of the residential/hotel building would appear to be larger than the original building design. Therefore, the Applicant should consider bringing more interest to the design of the screening.

In response, the Applicant has modified the roof structure screening to reduce the amount of surface area and decrease the overall length of the roof screen. The changes are reflected on Sheets 209 and 251 of the drawings attached as Exhibit A.

4. Loading Berths

In its report, OP encourages the Applicant to improve the design of the garage doors and loading dock gates near the New York / Florida Avenue intersection.

In response, the Applicant has proposes to use a frosted glass loading dock along Florida Avenue. The changes are reflected on Sheet 253 of the drawings attached as Exhibit A.

III. ADDITIONAL REQUIREMENTS OF SEC. 3013
OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013.1(b) of the Zoning Regulations, a list of witnesses prepared to testify at the public hearing on behalf of the Applicant is attached as Exhibit B.

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who will be called to testify at the public hearing are attached as Exhibits C through F.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that will be offered into evidence at the public hearing is attached as Exhibit G.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Sec. 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 30 minutes, subject to the decision of the presiding officer at the public hearing.

E. Agreements with the District of Columbia

The Applicant entered into a First Source 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 fifty-one percent 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 was previously submitted as Exhibit K of the Applicant's statement filed with the Office of Zoning on May 17, 2010.

F. Names and Addresses of Owners of Property Within 200 Feet of Property

In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the PUD Site is attached as Exhibit H.

G. Report by Traffic Consultant

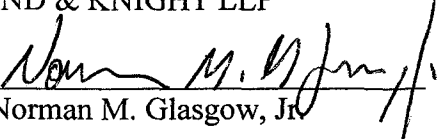
In accordance with Section 3013.10 of the Zoning Regulations, the report prepared by Wells & Associates was previously submitted as Exhibit I of the Applicant's statement filed with the Office of Zoning on May 17, 2010.

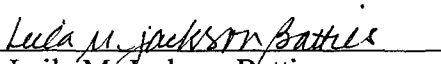
IV. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of MidAtlantic Realty Partners, LLC in order to provide additional information in support of its application to modify the Washington Gateway PUD approved at New York and Florida Avenues, N.E., in Square 3584, Lots 23, 811, 812 and 813, pursuant to the decision in Zoning Commission Case No. 06-14. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's approval of the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Norman M. Glasgow, Jr.

By: 
Leila M. Jackson Batties

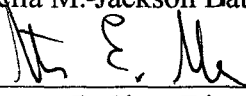
By: 
Steven E. Sher, Director of Zoning
and Land Use Services

Exhibit A