

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

MIDATLANTIC REALTY PARTNERS, LLC

**PREHEARING STATEMENT
IN SUPPORT OF APPLICATION FOR
A MODIFICATION TO
THE WASHINGTON GATEWAY PUD**

Z.C. CASE NO. 06-14D

October 27, 2016

Submitted by:

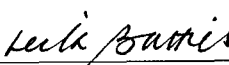
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CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Subsection Z, § 401 of the Zoning Regulations, ten (10) copies of the following items were filed with the Zoning Commission on October 27, 2016; and, in accordance with Subsection Z, §401.5 of the Zoning Regulations, 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>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	Pgs. herein
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Exhibit C
401.1(c)	Summary of testimony of witnesses or reports and area of expertise	Exhibits D-G
401.1(d)	Additional information introduced by the Applicant	Pgs. herein
401.1(e)	Reduced plans/Revised Architectural Drawings	Exhibit A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit H
401.1(g)	Estimated time required for presentation of Applicant's case	Pgs. herein
401.3(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Exhibit I
401.8	Report by Traffic Consultant	Pgs. herein

Respectfully submitted,
HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised architectural plans and elevations	A
Zoning Administrator correspondence regarding single building	B
List of witnesses prepared to testify on behalf of Applicant	C
Draft outline of testimony of Matthew Robinson, MidAtlantic Realty Partners, LLC	D
Draft outline of testimony and resume of Jeff Barber of Gensler Architect	E
Draft outline of testimony and resume of Don Hoover of Oculus Landscape Architect	F
Draft outline of testimony and resume of Chris L. Kabatt, P.E. Wells + Associates, Traffic Consultant	G
List of maps, plans or other documents readily available that may be offered into testimony	H
Names and addresses of owners of property within 200' of the subject property	I

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I. INTRODUCTION

This prehearing statement is submitted on behalf of MidAtlantic Realty Partners, LLC, (the “Applicant”) in support of its application for a modification of significance for a previously approved planned unit development (“PUD”) for the property located at east of the intersection of New York and Florida Avenues, NE (Square 3584, Lots 814, 815, 820, 821, 822) (the “Property”). The Property is within the boundaries of ANC 5E-03.

This prehearing statement supplements the original application statement filed with the Zoning Commission on July 18, 2016, and addresses the comments raised by the Zoning Commission at its setdown meeting on October 17, 2016, and the comments raised by the Office of Planning (“OP”) in its setdown report dated October 7, 2016. This prehearing statement also includes additional information from the Applicant, including items required under Subsection Z, §401 of the Zoning Regulations.

A. Project Overview

The Property consists of approximately 134,665 square feet of land area. It is within the MU-9 Zone and currently improved with an apartment house – the Elevation at Washington Gateway – and related amenities. The Property and the said improvements are the subject of ZC Order No. 06-14¹, which granted approval of a consolidated PUD that included two buildings. One building originally contained a mix of residential and hotel uses. The other was an office building divided into a North Tower and South Tower. Pursuant to ZC Order No. 06-14B, the Applicant was granted the option of constructing residential units in lieu of the hotel use. The Applicant now seeks to modify the PUD in order to (i) convert the North Tower of the office building to residential use and (ii) reconfigure and redesign the South Tower of the office building, and (iii) have the option of changing the office use to residential use so long as the building massing and façade design does not change from what is shown in the plans for this modification application (the “Revised Plans”).

B. Procedural Background

This application was filed with the Zoning Commission on July 18, 2016. On October 17, 2016, the Zoning Commission voted to set down the application for a public hearing.

¹ ZC Order No. 06-14 was amended by ZC Order Nos. 06-14A, 06-14B and o6-14C.

With the filing of this prehearing statement and the accompanying exhibits and hearing fee, the Applicant respectfully requests that this case be scheduled for the next available public hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information Requested by the Zoning Commission

At its meeting on October 17, the Zoning Commission voted to set down the Application for a public hearing. In its discussion on the application, the Commission agreed with the comments in the OP report dated October 7. The Commission also asked for more information on the affordability levels for the proposed modification and suggested that the project have more affordable housing at deeper affordability levels than currently proposed by the Applicant.

The Applicant will reconsider its affordable housing proffer and provide an updated discussion on this component of the project in the filing submitted to the Zoning Commission no less than 20 days prior to the public hearing on the application.

B. Information Requested by the Office of Planning

OP recommended that the Applicant address why it would not consider the change from office to residential use in the South Tower a modification of significant, and why it would be acceptable to retain the same exterior building design for such significantly different uses. Also, OP suggested that the Applicant discuss how the all-residential alternative will remain consistent with the intent of the original PUD. The Applicant will provide a response to these comments in the filing submitted to the Zoning Commission no less than 20 days prior to the public hearing on the application.

In its setdown report, OP also requested that the Applicant provide additional information on the project, as discussed below.

1. Zoning Administrator determination that towers qualify as a single building.

The email correspondence between the Applicant and the Zoning Administrator confirming that the lobby between the north and south towers constitutes a meaningful connection such that they are considered a single building is attached as Exhibit B.

2. Rear Yard. Sheet A-101 of the plans attached as Exhibit A has been revised to identify the rear yard and rear yard dimension.

3. **Short-term bicycle spaces.** The number of short term bicycle parking spaces are reflected on the updated Zoning Summary on Sheet G-002 of the plans attached as Exhibit A.

4. **Location and setback of rooftop guardrails.** The location and setback of rooftop guard rails are shown on Sheet A -206 of the architectural drawings enclosed as Exhibit A.

5. **Affordable housing requirement pertaining to occupiable penthouse.** The Applicant will provide a discussion on the affordable housing for the project in the filing submitted to the Zoning Commission no less than 20 days prior to the public hearing on the Application.

6. **Transportation, Parking and Loading.** The Applicant will provide an updated assessment of the transportation impacts, as required by DDOT, no less than 30 days prior to the public hearing on the application.

7. **Project Design.** The architectural drawings on Sheet Sheets A-216 and A-217 of the plans attached as Exhibit A provide additional details on the retail frontage along Florida Avenue. Sheet L-403 provide additional details on the fencing and landscape space for the ‘townhouse’ units facing the Metropolitan Branch Trail. The Applicant will provide the materials for the project no less than 20 days prior to the public hearing on the Application

The North Tower has been designed to provide an appropriate scale for both pedestrians and vehicles coming into the core of the District of Columbia. The building is treated as a dark brick building with an undulating the metal and glass ‘bay window’ treatment that has been attached at the northeast corner. This varied bay window treatment is a distractive feature that addresses the vehicular scale. On the ground level, the dark brick base is broken up by a series of a tan brick portals. These provide a human scale for pedestrians and help to emphasize the dramatic grade differences along New York Avenue. The streetscape also responds to pedestrian use by continuing the street trees and planting zone along New York Avenue, followed by a 8-foot clear sidewalk, and then a 9-foot planting zone adjacent to the building. The planting zone adjacent to the building is removed in the location between the existing residential building and North Tower to signify the location of the New York Avenue stair that allows pedestrian access to the plaza.

8. **Sustainability.** OP recommended that the Applicant explain why it is not proposing to develop both towers, under either alternative, to a LEED Gold standard, and whether

the buildings would be LEED-eligible or LEED-certified. The Applicant is proposing to develop any residential component of the project (the North Tower and/or the South Tower) to a LEED Silver v4 certification level and any office component of the project (the South Tower) to a LEED Gold certification level. LEED Gold certification for the residential uses would be cost prohibitive.

9. **Bicycle Lobby.** OP requested that the Applicant specify the hours during which entrance of the bicycle lobby would be open to the public, and provide details on the staffing, information and potential services that would keep the facility an active and safe environment. The bicycle lobby shall be open to the public between the hours of 6:00 A.M. and 9:00 P.M. Additional detail on the staffing and services will be provided in the filing submitted to the Zoning Commission no less than 20 days prior to the public hearing on the application.

III. ADDITIONAL REQUIREMENTS OF SECTION 3013 OF THE ZONING REGULATIONS

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

In accordance with Subsection Z, §401.1(b) of the Zoning Regulation, a list of witnesses who may testify at the public hearing on behalf of the Applicant is attached as Exhibit C.

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

The Applicant will proffer three expert witnesses at the public hearing:

1. Jeff Barber of Gensler
2. Don Hoover of Oculus
3. Chris Kabbatt of Wells + Associates

All have been previously accepted as expert witnesses by the Zoning Commission. In accordance with Subsection Z, §401.1(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 may be called to testify at the public hearing are attached as Exhibits D through G.

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

In accordance with Subsection Z, §401.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that may be offered into evidence at the public hearing is attached as Exhibit H.

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

In accordance with Subsection Z, §401.1 of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 45 minutes, subject to the decision of the presiding officer at the public hearing.

E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property

In accordance with Subsection Z, §401.3 of the Zoning Regulations, a list containing the names and addresses of the owners of all of the property located within two hundred feet (200') of the Property is attached as Exhibit I.

F. Report by Traffic Consultant

In accordance with Subsection Z, §401.8 of the Zoning Regulations, the traffic report for the PUD will be filed at least 30 days prior to the public hearing.

IV. CONCLUSION

In accordance with Subsection Z, §401 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 request for a modification of significance for a previously approved PUD at the Property. We respectfully request that the application be scheduled for hearing and remain hopeful of the Zoning Commission's favorable consideration of the application.

Respectfully submitted,

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