

REPORT TO THE ZONING COMMISSION

**CASE NO. 08-34
RETURN TO L'ENFANT
AIR RIGHTS OVER THE CENTER LEG FREEWAY**

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HOLLAND & KNIGHT LLP**

DECEMBER 6, 2010

- I. Introduction
- II. Nature of application:
 - A. Preliminary (first stage) review of planned unit development for the entire site
 - B. Consolidated (combined first and second stage) review of planned unit development for:
 - 1. Infrastructure including construction of the platform and all below-grade parking, concourse and service levels
 - 2. The proposed mix of uses, the height and density of each building in each block, and the site plan for the overall project
 - 3. Landscaping and streetscape design for the entire project, subject to the approval of DDOT for areas in public space and to refinement when second stage plans are presented for the Center and South Blocks
 - 4. North Block office building
 - C. Map amendment from HR/C-3-C to C-4 for the entire site
- III. Site location
 - A. Air rights over the Center Leg Freeway between Massachusetts Avenue and E Street, N.W.
 - B. Downtown area, within 700 feet of the Judiciary Square Metrorail Station and within 2,000 feet of the Union Station and Gallery Place Metrorail Stations

ZONING COMMISSION
District of Columbia
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CASE NO. 08-34
EXHIBIT NO. 4

IV. Site description

- A. Large property bounded generally by Massachusetts Avenue on the north, 2nd Street on the east, E Street on the south and 3rd Street on the west
- B. Includes the air rights over the Center Leg Freeway (I-395)
- C. Also includes adjacent land:
 - 1. At the southeast corner of Massachusetts Avenue and 3rd Street
 - 2. On the east side of 3rd Street at F Street
- D. Covers all of Square 564, all of Square 566 except Lots 849 and 850 and all of Square 568 except Lot 43
- E. Rights-of-way of F and G Streets pass through the site but are not included in the site
- F. Site area: 254,670 square feet
- G. Overall dimensions:
 - 1. Massachusetts Avenue to E Street (north-south): approximately 1,100 feet
 - 2. 2nd to 3rd Streets (east-west): approximately 335 feet
- H. Existing conditions:
 - 1. Interstate highway, depressed approximately 24 feet below the surrounding street network, with two travel lanes in each direction, additional shoulder lanes and exit and entrance ramps
 - 2. District's computer center and parking area at the southeast corner of Massachusetts Avenue and 3rd Street
 - 3. Lillian and Albert Small Museum of the Jewish Historical Society on the east side of 3rd Street between the Freeway entrance ramp and G Street
 - 4. Parking area used by the Holy Rosary Church
- I. Abutting streets:
 - 1. Massachusetts Avenue: 120 feet wide
 - 2. 2nd Street: 90 feet wide

3. 3rd Street: 110 feet wide
4. E Street: 90 feet
5. F Street: 100 feet
6. G Street: 90 feet

V. Description of the surrounding area (see aerial photo, following)

A. General area: Downtown East

B. Remainder of subject squares:

1. West side of Square 566:
 - a. Office building (8 stories) at the southeast corner of 3rd and G Streets owned and occupied by the Federal government
 - b. Holy Rosary Church and related facilities (2 stories) on the east side of 3rd Street at F Street
2. Southwest corner of Square 568: Office building (11 stories) at 501 3rd Street

C. To the north:

1. On the north side of Massachusetts Avenue: open space area bounded by Massachusetts Avenue, H and 2nd Streets
2. Further to the north:
 - a. Office building (8 stories) at 251 H Street
 - b. Parking deck over the Center Leg Freeway
 - c. Apartment house (8 stories) at 200 K Street

D. To the east:

1. On the east side of 2nd Street:
 - a. Georgetown University Law School
 - (1) Library (4 stories) between Massachusetts Avenue and G Street (the latter closed)

- (2) Law school (4 stories) between F and G Streets (both streets closed to traffic)
 - (3) Residences (12 stories) at the southeast corner of 2nd and F Streets
 - (4) Sport and Fitness Center (5 stories) on the south side of F Street between 1st and 2nd Streets
 - (5) International Law Building (6 stories) at the southwest corner of 1st and F Streets
 - (6) Parking lot and play area at the northeast corner of 2nd and E Streets
- b. Office building (9 stories) at the northwest corner of 1st and E Streets
2. Further to the east:
 - a. Office building (12 stories) at 500 New Jersey Avenue
 - b. Additional office buildings, mostly high rise
 - c. High rise hotels at 525 New Jersey Avenue (Washington Court), 520 North Capitol Street (Phoenix Park), 400 New Jersey Avenue (Hyatt Regency) and 415 New Jersey Avenue (The Liaison)
 - d. Central Post Office at 2 Massachusetts Avenue
 - e. Union Station and Columbus Plaza
- E. To the south:
1. On the south side of E Street
 - a. Center Leg Freeway depressed roadway, partially covered by a deck
 - b. U.S. Tax Court (5 stories) on the east side of 3rd Street between D and E Streets
 - c. Homeless shelter (3-4 stories) on the east side of 2nd Street between D and E Streets

2. Further to the south:
 - a. U.S. Department of Labor Building
 - b. U.S. District Courthouse
 - c. Other private and government office buildings
 - d. U.S. Capitol grounds and the Mall
- F. To the west:
1. Across 3rd Street:
 - a. High rise office buildings (Federal, District and private) between 3rd and 4th Streets and D and G Streets
 - b. High rise apartment houses between G Street and Massachusetts Avenue
 2. Further to the west:
 - a. Judiciary Square
 - b. National Building Museum
 - c. Government Accountability Office
 - d. North of H Street, mix of high-rise residential buildings with some office and hotels
 - e. South of H Street, high-rise office buildings
 - f. Verizon Center
 - g. Retail and service uses in older buildings along 7th Street

VI. Zoning

A. Subject site

1. Existing: HR/C-3-C

a) C-3-C

- (1) General commercial district permitting almost all retail, service and office uses, as well as hotel, residential and institutional uses
- (2) Maximum height: 90 feet
- (3) Maximum FAR: 6.5
- (4) Maximum percentage of lot occupancy for residential building: 100%
- (5) Minimum rear yard – 2½ inches per foot of height at the rear
- (6) Side yard – not required
- (7) Minimum required parking:
 - (a) For residential use: 1 space for each 4 dwelling units
 - (b) For office: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet
 - (c) For retail and service uses: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
- (8) Minimum required off-street loading:
 - (a) For apartment house with 50 or more 50 units: 1 @ 55 feet deep and 1 service/delivery loading space
 - (b) For office building with more than 200,000 square feet of gross floor area: 3 @ 30 feet deep and 1 service/delivery loading space

- (c) For retail and service uses with 30,000 to 100,000 square feet of gross floor area: 1 @ 55 feet deep, 1 @ 30 feet deep and 1 service/delivery loading space
 - (9) PUD guidelines for C-3-C
 - (a) Height: 130 feet
 - (b) FAR: 8.0
 - (c) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (d) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - b) HR Overlay
 - (1) Maximum height is that permitted by the Act of 1910 (130 feet on the subject property) if building includes at least 2.0 FAR for hotel or apartment house use
 - (2) Additional density of 2.0 FAR allowed for hotel or apartment house use
- 2. Proposed zoning: C-4
 - a) General commercial district permitting almost all retail, service and office uses, as well as hotel, residential and institutional uses (§§750 -756)
 - b) Maximum height: 130 feet if on a street at least 110 feet wide, 110 feet otherwise (§770)
 - c) Maximum FAR: 10.0 if on a street at least 110 feet wide, 8.5 otherwise (§771)
 - d) Minimum required rear yard – 2½ inches per foot of height at the rear, minimum 12 feet; for a corner lot abutting three or more streets, may be measured to the center line of the street at the rear (§774)
 - e) Side yard – not required (§775)

- f) Minimum required parking:
 - (1) For residential use: 1 space for each 4 dwelling units
 - (2) For office: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet
 - (3) For retail and service uses: 1 space for each 3,000 square feet of gross floor area in excess of 30,000 square feet
- g) Minimum required off-street loading:
 - (1) For apartment house with 50 or more 50 units: 1 @ 55 feet deep and 1 service/delivery loading space
 - (2) For office building with more than 200,000 square feet of gross floor area: 3 @ 30 feet deep and 1 service/delivery loading space
 - (3) For retail and service uses with 30,000 to 100,000 square feet of gross floor area: 1 @ 55 feet deep, 1 @ 30 feet deep and 1 service/delivery loading space
- h) PUD guidelines for C-4
 - (1) Height: 130 feet
 - (2) FAR: 11.0
 - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

B. Area (see excerpt from on-line map, following)

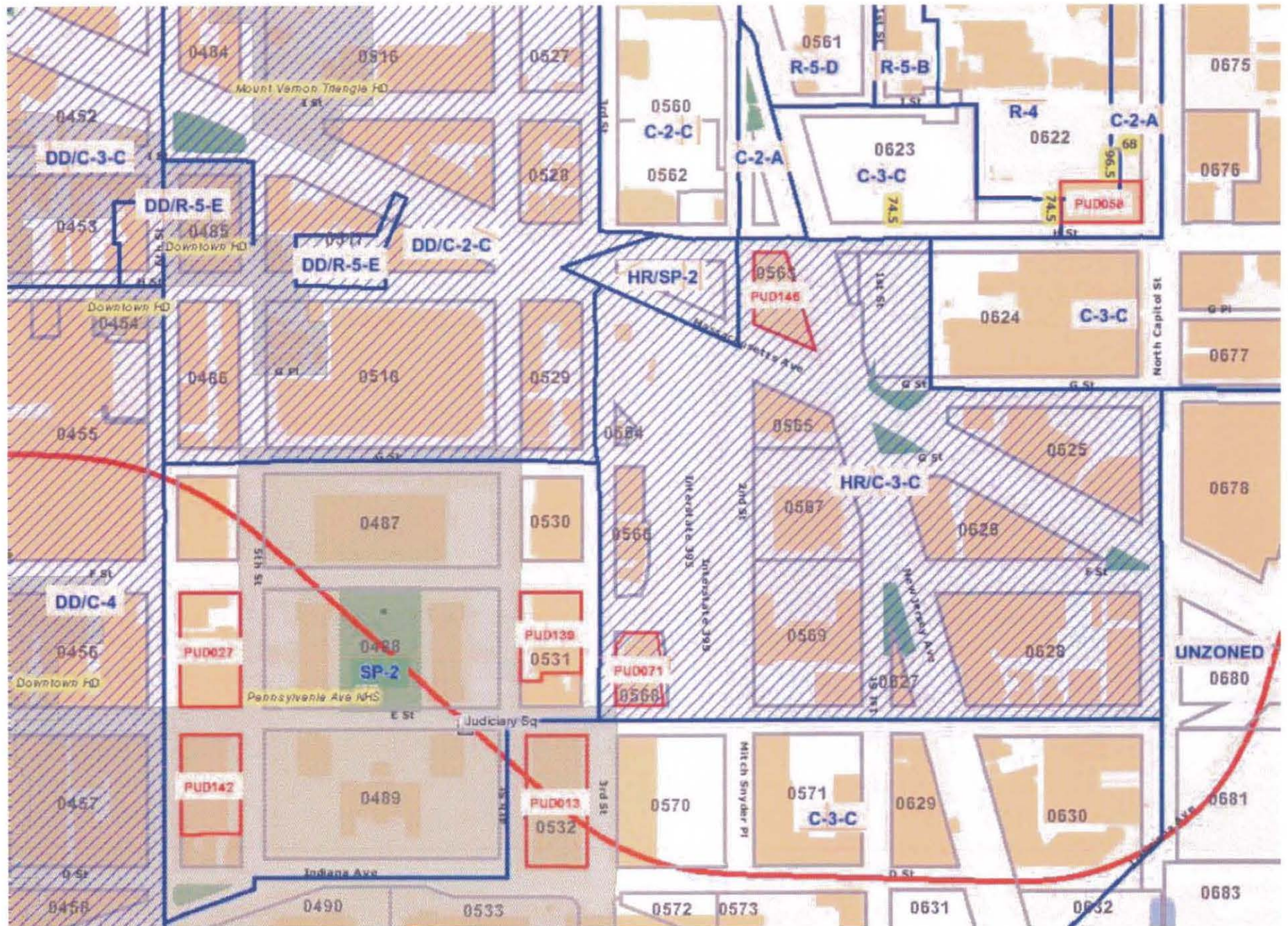
- 1. To the east: HR/C-3-C and C-3-C (included in the Downtown East Receiving Zone for transferable development rights)
- 2. To the south: C-3-C and unzoned (Federal)
- 3. To the west: SP-2, C-3-C and DD/C-2-C

4. To the north: HR/SP-2, C-3-C, C-2-C, DD/C-2-C and C-2-A

C. History

1. Subject property
 - a) Zoned SP in 1958
 - b) Rezoned to C-3-B (now C-3-C) (Case No. 77-34, Order No. 216, June 16, 1978)
 - c) Hotel Residential (HR) Overlay added (Case Nos. 80-3 and 804, Order No. 334, March 27, 1981)
 - d) Approval of consolidated PUD and map amendment from unzoned to C-3-C to construct three office buildings, a hotel and an apartment house on a deck in the air rights over the Center Leg Freeway for the Washington Development Group (Case No. 89-19C, Order No. 664, July 20, 1990)
 - e) PUD modified and reapproved, but eventually expired
2. Surrounding area
 - a) 1958 zoning
 - (1) SP in the area around Judiciary Square
 - (2) C-3-B (now C-3-C):
 - (a) East of 2nd Street
 - (b) South of D Street
 - (c) North of I Street
 - (d) North of H Street (west of 6th Street)
 - (3) C-4 west of 6th Street and south of H Street
 - b) Mount Vernon East rezoning: changed the area north of Massachusetts Avenue from C-3-B to SP and C-2-C (Case No. 72-25, Orders No. 50 and 58, August 11 and December 8, 1972)





- c) Judiciary Square rezoning: changed the area bounded by 2nd, 3rd and D Streets and Massachusetts Avenue from SP to C-3-B (now C-3-C) (Case No. 77-34, Order No. 216, June 16, 1978)
- d) Hotel/Residential Incentive District: created and mapped in the area (Case Nos. 80-3 and 804, Order No. 334, March 27, 1981)
- e) Downtown Development (DD) District: created and mapped in the area (Case No. 681, Order No. 89-25, January 16, 1991)
- f) Planned unit developments in the area:
 - (1) Consolidated PUD for the office building at 3rd and E Streets (Case No. 85-7C, Order No. 489, August 8, 1986)
 - (2) Consolidated PUD for the office building at 2nd and H Streets and New Jersey and Massachusetts Avenue (Case No. 80-7C, Order No. 324, November 28, 1980)
 - (3) Consolidated PUD and map amendment from unzoned to C-3-B (now C-3-C) for an office building in the square bounded by 3rd, 4th, D and E Streets (Case No. 85-18C, Order No. 494, August 1, 1986)
 - (4) PUD and map amendment from SP-2 to C-3-B (now C-3-C) for an office building in the square bounded by 3rd, 4th, E and F Streets (Case No. 78-15, Order No. 311, April 16, 1980)

VII. Description of the proposed project

A. First-stage (preliminary) approval

1. Three buildings

- a) North Block: office building with ground floor retail and service uses
- b) Center Block: apartment house and office building, both with ground floor retail and service uses; facilities for the Holy Rosary Church

- c) South Block: office building with ground floor retail and service uses and relocated Adas Israel Synagogue building (now the Lillian and Albert Small Museum operated by the Jewish Historical Society) and expanded facilities for the Society
2. Overall parameters:
- a) Office - total of approximately 1,957,395 square feet
 - b) Retail and service: total of approximately 75,000 square feet of gross floor area with the option for more on the ground floor
 - c) Residential
 - (1) Total of 150 units (180,384 square feet of gross floor area)
 - (2) 50 units will be affordable to households making no more than 80% of the Area Median Income
 - d) Institutional
 - (1) Jewish Historical Society - total of approximately 50,000 square feet of floor area in the relocated synagogue and the new adjoining space
 - (2) Holy Rosary Church - total of approximately 23,000 square feet of floor area on the PUD site for the annex, rectory and covered parking
3. Height: all buildings are 130 feet, except:
- a) Holy Rosary Church facilities at the northeast corner of 3rd and F Streets - 2 stories
 - b) Jewish Historical Society facilities:
 - (1) Historic synagogue - 2 stories
 - (2) Additional space in segments of the building which are 4, 5 and 7 stories
4. Floor area ratio: 8.98 (2,285,761 square feet of gross floor area)
- a) 1,957,395 square feet of office (7.69 FAR)

- b) 74,814 square feet of retail and service uses (0.29 FAR)
 - c) 180,384 square feet of residential (0.71 FAR)
 - d) 73,168 square feet of institutional (0.29 FAR)
5. Lot Occupancy: 91% overall
6. Open spaces/gathering places
- a) North Block
 - (1) Pedestrian way
 - (2) Center Plaza
 - (3) West Plaza
 - (4) East Plaza
 - b) G Street Garden
 - c) Courtyard adjacent to Holy Rosary Church
 - d) Center block plaza in South Block
7. Parking (provided at zoning minimum requirements):
- a) Total provided: 1,178 spaces in a consolidated garage with 3 access points from 3rd and F Streets
 - b) Residential: 38 spaces
 - c) Office: 1,115 spaces
 - d) Retail and service: 25 spaces
8. Bicycle parking:
- a) Required (5% of the number of spaces required for office, retail and service uses): 57
 - b) Total provided: 440 spaces on the B-1 level of the garage

- 9. Loading:
 - a) 55 foot berths: 1
 - b) 30 foot berths: 8
 - c) Service/delivery loading spaces: 4
 - d) Consolidated underground loading area with access from E Street serving all three blocks with front-in/front out access

B. Consolidated approval:

- 1. Construction of the entire infrastructure platform to grade, including the below grade parking, concourse and service levels
- 2. Mix of uses, height and density for each building and the site plan for the overall project
- 3. Landscaping and streetscape design for the overall site
- 4. Construction of the North Block building:
 - a) Uses: office with ground floor retail and service uses in three components of a single building connected through the covered pedestrian way and Central Plaza
 - b) Height: 130 feet
 - c) Gross floor area: 8.79 FAR on its own lot (3.71 FAR on the overall site)
 - (1) 910,471 square feet of gross floor area for office
 - (2) 34,191 square feet for retail and service uses
 - (3) 944,662 square feet total
 - d) Open pedestrian way (covered in part) running north-south through the block from Massachusetts Avenue to the Central Plaza with an east-west connection parallel to Massachusetts Avenue to the East Plaza and the West Plaza

C. Comparison to matter-of-right and PUD standards for C-4

1. Uses: office, retail and service, residential and institutional all permitted as a matter-of-right
2. Height:
 - a) Matter-of-right: 130 feet
 - b) PUD guideline: 130 feet
 - c) Proposed: 130 feet
3. FAR:
 - a) Matter-of-right: 10.0
 - b) PUD guideline: 11.0
 - c) Proposed: 8.98, of which 0.71 is residential
4. Proposed total gross floor area of 2,285,761 square feet is increase in total GFA of approximately 121,000 square feet over the current HR/C-3-C matter-of-right
5. Proposed nonresidential gross floor area is increase of approximately 450,000 square feet over the current C-3-C District
6. Proposed nonresidential gross floor area is 260,942 square feet less than permitted as a matter-of-right under the proposed C-4 zoning

VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
1. Project re-establishes the street grid at existing street grade and covers the existing "trench" created by the depressed freeway
 2. Project is new primarily office construction with retail and service, residential and institutional uses not significantly different from existing development in the area
 3. Traffic will have no unacceptable impact on levels of service at build-out, per report by Wells & Associates and concurrence of DDOT

4. Proposed height and density is not out-of-scale with existing development and what should be expected in Downtown
- B. Project is not inconsistent with the Comprehensive Plan (§2403.4): see section IX, below
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)
- D. Public benefits and project amenities
 1. Construction of Platform over the Center Leg Freeway and Re-Opening of F and G Streets
 - a) F Street
 - (1) Originally a major east-west thoroughfare in the L’Enfant Plan to be re-opened as a through street to vehicular, pedestrian and bicycle traffic
 - (2) Width of 100 feet to match the existing right-of-way to the east and west
 - (3) Streetscape design of F Street includes tree-lined sidewalks of precast concrete pavers with continuous pedestrian zones, a variety of plantings, bicycle stations, retail on each edge and streetlights
 - (4) Traffic-calming street designs will promote pedestrian activities and allow for periodic closing of the street to vehicular traffic on weekends
 - b) G Street
 - (1) To be re-opened to pedestrian and bicycle traffic
 - (2) Designed as a landscaped area having a width of 90 feet
 - (3) To be lined on each side with retail, and will include paved walkways surrounding raised planted areas of shade trees and groundcover
 - (4) To become an active, mixed-use pedestrian thoroughfare flanked by retail, commercial office and residential uses.

- c) Creation of three new city blocks over what is now an active highway to re-knit the East End of downtown Washington with Capitol Hill; current highway is a chasm approximately 24-foot deep separating these neighborhoods
- d) Improvement to the existing interstate highway and the local transportation system, including increasing intersection capacity and pedestrian convenience and safety along Massachusetts Avenue, F Street, and G Street
- e) Full cost of the platform, including F and G Streets, is estimated to be in excess of \$200 million, not including the costs of site acquisition and approvals; approximately \$10 million is associated with the F and G Street

2. Environmental Benefits

- a) Cutting-edge sustainable design that will set a new standard for urban infill and air rights development projects; Applicant is working with the USGBC to write a program for these types of developments, with a focus on improving existing air and water quality issues at the site
- b) Water collection and re-use system, such that all rainwater and ground water entering the site will be captured, processed and re-used throughout the buildings on site; also possible to accommodate water from adjacent sites
- c) Development of an electrical co-generation plant that will have the ability to service not only this development, but also approximately 5-8 million square feet of nearby, existing development
- d) Eco-chimneys to provide for air filtration from the below-grade parking garage and service corridor
- e) Green roofs on every building in the development to reduce the heat island affect and mitigate storm water run-off
- f) A USGBC LEED Platinum standard for the core and shell of the office buildings and LEED Gold for the residential building

3. Housing and Affordable Housing

- a) Residential building with approximately 180,000 square feet of gross floor area (approximately 150 units).

- b) Minimum of 50 units set aside for affordable housing.
 - c) Housing will be affordable to individuals earning no more than 80% of the AMI within the District of Columbia and paying no more than 30% of the family's household income for rent or housing ownership costs; affordable restrictions will remain for a period of forty years from the date that the first unit in the residential building is occupied
4. Historic Preservation
- a) Relocation of the historic Adas Israel Synagogue to corner of F and 3rd Streets, allowing for superior siting, more appropriate orientation, and enhanced visibility and access
 - b) Provision of a site to accommodate museum space and additional office space for the Jewish Historical Society in the South Block, with the Applicant contributing a multi-million dollar amount toward the construction of the new JHS museum.
5. Uses of Special Value to the Neighborhood
- a) Re-construction of the Holy Rosary Church's existing Annex and Rectory, both of which currently sit in the right-of-way of F Street, which will re-establish the historic relationship of the Church, the Annex, and the Rectory to the configuration that existed prior to construction of the freeway back in the 1960's
 - b) Applicant will pay all costs associated with the construction of the new Annex and Rectory and will make a multi-million dollar series of cash contributions to the Church
6. Urban Design, Landscaping and Creation of Open Spaces
- a) Creation of three new city blocks that will link neighborhoods in the District that have historically been separated by a vast canyon
 - b) Ground floor retail to line the newly created streetscapes, to attract visitors, residents and office workers into a heretofore inaccessible part of the District
 - c) Important public open spaces, including the G Street Garden between the North and Center Blocks and the Central Plaza located in the North Block.

- d) \$50,000 contribution to Casey Trees to improve the existing park at 2nd Street and Massachusetts Avenue, located immediately to the north of the Site
7. Transportation Management Measures
- a) Centralized below-grade loading and parking facilities with limited curb cuts to minimize impacts on pedestrians and vehicles
 - b) Transportation Management Program for all office tenants
 - c) Incorporation of a Capital Bikeshare Station within the project to be paid for by the Applicant
8. First Source Employment Opportunities and Certified Business Enterprises
- a) First Source Employment Agreement under which the Applicant will fill 51% of all new jobs resulting from the construction of the project with District residents, and will fill 67% of all new apprenticeship positions with District residents
 - b) Certified Business Enterprises will represent twenty percent of the developer's equity in the project
 - c) In accordance with the Certified Business Enterprise Utilization and Participation Agreement into which the Applicant has entered, Applicant will contract with Certified Business Enterprises for at least 35% of the construction contract dollar volume of the project

balanced against

E. Development incentives:

- 1. Total density is approximately 121,000 square feet more than the total permitted as a matter-of-right under the current HR/C-3-C zoning, 450,000 square feet more than the nonresidential density permitted as a matter-of-right under C-3-C, but 260,942 square feet less than the proposed C-4 matter-of-right
- 2. No change in height permitted as a matter-of-right

- F. Areas of flexibility from C-4 standards: size of loading berths and platforms
 - 1. Requirement: 2 berths @ 55 feet; 4 berths @ 30 feet one; 3 service/delivery loading spaces; 2 platforms @ 200 square feet; 4 platforms @ 100 square feet
 - 2. Provided: 1 berth @ 55 feet; 8 berths @ 30 feet; 4 service/delivery loading spaces; 1 platform @ 200 square feet; 8 platforms @ 100 square feet

- IX. Consistency with the Comprehensive Plan
 - A. Comprehensive Plan Amendment Act of 2006, DC Law 16-300, effective March 8, 2007
 - 1. Includes 14 city-wide elements, 10 area elements and an implementation element
 - 2. Also includes a Future Land Use Map and a Generalized Policy Map which cover the whole city

 - B. Amendments pending in the Comprehensive Plan Amendment Act of 2010, Bill 18-867, approved on second reading by the Council on November 23, 2010

 - C. Framework element – guiding principles
 - 1. Managing growth and change
 - a) "Change in the District is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness." (§217.1)
 - b) "Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples." (§217.3)
 - c) "The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income." (§217.4)

- d) "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs." (§217.6)
- e) "Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality." (§217.7)

2. Increasing access to education and employment

"An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems." (§219.2)

3. Connecting the city

"Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs." (§220.3)

4. Building green and healthy communities

- a) "As the nation's capital, the District should be a role model for environmental sustainability. Building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment." (§221.3)
- b) "Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel." (§221.4)

D. Framework element – the Land Use Maps

1. The Generalized Policy Map purpose "is to categorize how different parts of the District may change between 2005 and 2025" (§223) (see excerpt of the Map, following)
 - a) Includes subject property in Central Washington area
 - b) Includes property in Central Employment Area:

"The Central Employment Area is the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and hotels, restaurants, and other hospitality uses. The Central Employment Area draws patrons, workers, and visitors from across the region." (§223.21)
2. The Future Land Use Map (see excerpt of the Map, following) – includes property in high density commercial category, described as follows:

"This designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It 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." (§224.14)
3. Maps are intended to provide generalized guides for development and conservation decisions (§226.1)
 - a) Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards
 - b) By definition Map is to be interpreted broadly
 - c) Future Land Use Map is generalized depiction of intended uses in the 20 year horizon
 - d) Densities within any given area are across-the-board; individual buildings may be higher or lower
 - e) Density bonuses through PUDs may result in heights that exceed typical ranges

4. Proposed density is compatible with what is allowed and has been built

XI. Conclusions

- A. Overall plan to "fill in the trench" created by the current depressed freeway, re-establish the L'Enfant Plan grid and re-knit together the areas on both sides of the project is a substantial benefit to the city
- B. Plan has been carefully designed to create a sense of place and to establish an iconic presence on a site devoid of any presence right now
- C. Project is not inconsistent with the Comprehensive Plan and, in fact, furthers many of the specific goals and policies of the Plan
- D. Rezoning to C-4 is consistent with the Future Land Use Map and establishes a density framework that provides enough leverage to underwrite the substantial costs to create the infrastructure platform on which the project will be constructed
- E. Project is within the applicable height and bulk standards of the Zoning Regulations
- F. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided
- G. PUD allows the Zoning Commission to condition approval to what is specifically proposed
- H. Project should be approved