

TESTIMONY OF ELLEN M. McCARTHY
Zoning Commission Case 12-07
December 6, 2012

1. Good evening, Chairman Hood and Members of the Commission. My name is Ellen McCarthy, and I am the Director of Planning and Land Use at the law firm of Arent Fox LLP. We are representing The Trump Organization with respect to the entitlement process for the redevelopment of the Old Post Office.
2. Tonight, I would primarily like to indicate our agreement that the proposed zoning classification, DD/C-4, is appropriate.
 - a. We agree with OP's analysis in determining that DD/C-4 is the appropriate zone for this property.
 - b. From a land use perspective, C-4 is a high-density designation that permits the existing and planned uses for the historic building.
 - c. In terms of height, the project is essentially consistent. Although the main building as it exists exceeds the maximum permitted height by 5 feet (135 feet), and the tower is 315 feet, there are no proposed changes that would create nonconformities, and redevelopment can proceed under the nonconforming structure provisions in Chapter 20 of the Zoning Regulations. Even the 135 foot height is not inappropriate for the area, as the C-5 zone, which applies on the north side of Pennsylvania Avenue, permits a maximum height of 160 feet.
 - d. In terms of density, the building is in conformance with C-4, which permits 8.5 FAR as a matter of right, up to 10.0 FAR on streets as wide as Pennsylvania Avenue. The current density is approximately 6.3 FAR, well within the limit. No significant new density is planned at this juncture; floor plates in the cortile may change, adding a modicum of FAR, but the structure of the building will remain and there is no plan to alter the footprint.
3. The proposed zoning is consistent with both the Comprehensive Plan and the Zone Plan. Mr. Jackson's excellent report explained the consistency with the Comp Plan and the C-4 zoning thoroughly, and I don't need to repeat that. I did just want to note that, in addition to being quite in conformance with the provisions of the C-4 zone (except for the height, as described above), the proposed DD zone is also quite appropriate.
4. As is evident in the purposes of the Downtown Development District (DD) attached as Appendix A, the rezoning of this parcel to the DD Overlay is totally consistent with the goals which the Commission established for the DD.
5. Last, I would like to note that the District Department of Transportation (DDOT) report is thorough and ultimately concludes, and we agree, that the proposed zoning will not have any adverse impacts on the surrounding neighborhood. DDOT does a complete job of

describing the proposal as it stands now, the desires for streetscape enhancements and pedestrian and vehicular access to the site, and we look forward to continuing to work with DDOT throughout the design phase to incorporate the necessary changes. DDOT has been extensively involved in both the Section 106 Consultation Process and National Environmental Policy Act compliance process in which the property owner, the General Services Administration, and the designated preferred developer, have also been full participants. .

Appendix A: The Purpose of the Downtown Development District

The Office of Planning report does an excellent job of indicating how the proposed zone, DD/C-4 is not inconsistent with either the Generalized Land Use Policies Map or the Future Land Use Map of the Comprehensive Plan.

In addition, as is quite apparent when reviewing the goals and objectives of the Downtown Development District provided below, it is quite evident that the DD overlay is entirely appropriate, in conjunction with the C-4 zone, to further provide for the use and envelope of the subject site:

1700.2 The purpose of the DD Overlay District is to help accomplish the land use and development policies of the Comprehensive Plan relating to the affected Downtown sectors. The adopted planning policies for this area are primarily contained in 10 DCMR, chapter 9, entitled "Downtown Plan Element," and 10 DCMR, chapter 11, entitled "Land Use Element," as amended.

1700.3 The most important general purposes include the following:

- (a) To create a **balanced mixture of uses** by means of incentives and requirements for critically important land uses identified in the Comprehensive Plan, including **retail, hotel, residential, entertainment, arts, and cultural uses**;*
- (b) To guide and regulate office development, which is generally favored by market forces over the other desired uses, so as to further the land use objectives for retail, hotel, residential, entertainment, arts, and cultural uses;*
- (c) To **protect historic buildings and places** while permitting sensitive and compatible new development subject to the historic preservation review process of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code, §§ 6-1101 to 6-1115 (2001)(formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))));*
- (d) To substantially achieve the specific land use and development policies for the following Downtown subareas: Retail Core, Gallery Place, Convention Center, Chinatown, Pennsylvania Avenue West, Pennsylvania Quarter, Mount Vernon Square, and Judiciary Square;*
- (e) To guide the design of buildings to be generally consistent with the urban design, street orientation and design, and historic preservation policies of the Downtown Plan Element of the Comprehensive Plan;*
- (f) To foster growth opportunities for and retention of small and minority businesses; and*
- (g) To provide **adequate and visually acceptable short-term parking and consolidated loading facilities having access primarily from streets other than F, G, and 7th Streets.***

(11DCMR§1700.2 – 1700.3)