



PRESS HOUSE HOTEL

1225 3rd Street NE

APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR
APPROVAL OF A MODIFICATION WITH HEARING TO A
CONSOLIDATED PLANNED UNIT DEVELOPMENT

March 31, 2025

DEVELOPMENT TEAM

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EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Z.C. Order No. 15-28	A
Certified Surveyor's plat showing lots within the original PUD site that are included in the PUD modification request	B
Context map of overall PUD Site and Property	C
Photographs showing existing conditions of the Property	D
Plans and drawings showing proposed PUD modifications	E

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I. INTRODUCTION

Press House Pursuit LLC (“**Applicant**”), hereby submits this application (“**Application**”) to the District of Columbia Zoning Commission (“**ZC**” or “**Commission**”) for approval of a modification with hearing to a Consolidated Planned Unit Development (“**PUD**”). The Application involves the “301 N Street” part of the “Press House” PUD approved pursuant to Z.C. Order No. 15-28 (the “**Order**”). A copy of the Order is attached as **Exhibit A**. The specific properties that are subject to the proposed PUD modification include Lots 808, 812, 7000, and 7002 (all being part of Lot 25) in Square 772 (together referred to herein as the “**Property**”).¹ The Applicant is the contract purchaser of the Lots 812 and 7002, and will lease a portion of the ground floor and garage level of the adjacent building on Lots 808 and 7000, which contains the National Capital Press (“**NCP**”) Building. A certified Surveyor’s plat of the Property is attached as **Exhibit B**.

The Property is part of a larger PUD and development site that encompass the northern half of Square 772 (the “**Overall PUD Site**”). A map showing the location of the Overall PUD Site and Property is attached as **Exhibit C**. The Overall PUD Site contains approximately 69,240 square feet of land area and is bounded by N Street, NE and Florida Avenue, NE to the north, a public alley to the south, 4th Street, NE to the east, and 3rd Street, NE to the west. The Property contains approximately 24,013 square feet of land area and encompasses the western portion of the Overall PUD Site, along 3rd Street. As shown in the existing conditions photographs contained in **Exhibit D**, Lot 812 is currently vacant, and Lot 808 contains the NCP Building, a three-story structure that was constructed in 1931 (with additions constructed in 1947, 1949, and circa-1963) that was incorporated into the Approved PUD.

¹ The current survey address of the Property and likely future address of the proposed hotel is 1225 3rd Street, NE.

II. APPROVED PUD

Pursuant to Z.C. Order No. 15-28, the Commission approved a Consolidated PUD and related Zoning Map amendment to the C-3-C (now MU-9) zone. The Commission approved the redevelopment of the Overall PUD Site as a mixed-use residential and commercial project with underground parking and ground-floor retail (the “**Approved PUD**”). The Approved PUD contains two residential components, a hotel, office/retail space, and ground floor retail. As approved by the Commission, the Approved PUD has an overall density of approximately 6.67 floor area ratio (“**FAR**”), or approximately 461,721 square feet of gross floor area (“**GFA**”), and maximum heights of approximately 110 feet and 120 feet, not including penthouse.

The Approved PUD is comprised of four buildings that are organized into two parts for zoning purposes, referred to as the “West Building” (301 N Street) and the “East Building” (331 N Street), shown on Sheet G01 of **Exhibit E**. The East Building encompasses the entire eastern half of the Overall PUD Site and is approved for an 11-story, 120-foot residential building with approximately 276 residential units and ground-floor retail. The West Building of the Approved PUD contains the NCP Building at the northwest corner of the Overall PUD Site which was retained and approved for ground-floor retail and two floors of office and/or retail above. A smaller 11-story, 110-foot residential structure containing approximately 96 residential units and ground-floor retail was approved between the NCP Building and the East Building. Lastly, the Commission approved an 11-story, 110-foot hotel with approximately 175 rooms (or a residential condominium) at the southeast corner of the Overall PUD Site. The NCP Building, the hotel, and the smaller residential structure comprise the West Building.

As part of its approval of the Overall PUD, the Commission granted flexibility from penthouse setback, rear yard, court width and area, and loading requirements. The Commission

also granted overall minor design flexibility, including the ability to make minor adjustments to court-facing walls; to allow either office or retail on the upper two floors of the NCP Building; and to change the hotel to a residential condominium. Regarding construction, the Commission granted flexibility to construct the Approved PUD in three phases, “such that (1) the renovation of the [NCP Building] may be completed before (2) construction of the two residential buildings begins, and construction of the two residential buildings may be completed before (3) construction of the hotel building begins.” *See* Order at Condition 14. As of the date of this Application, and as shown in the photographs included in **Exhibit D**, the NCP Building and the two residential structures have been completed.

III. PROPOSED PUD MODIFICATION

The hotel is the last remaining component of the Approved PUD that has not been constructed and, therefore, is the subject of this Application. As described below, the Applicant seeks Commission approval of a modification with hearing to (i) redesign certain exterior architectural elements of the hotel structure; (ii) add hotel as a permitted use to a portion of the ground floor of the NCP Building, (iii) increase the hotel guest room count to 189 units (with flexibility to vary the number of units by +/- 10%), and (iv) modify the design of the hotel penthouse and add an eating and drinking establishment within the penthouse. Plans and drawings showing the proposed modifications are attached hereto as **Exhibit E** (the “**Modification Plans**”).

The requested modifications are necessary to facilitate construction of the hotel and completion of the Approved PUD. The proposed modifications to the Approved PUD do not materially change the underlying facts on which the Commission based its previous approval. Additionally, the Application does not materially change the benefits and amenities required under Order. The Approved PUD will continue to benefit the District by advancing the redevelopment

of the Property with a mixed-use development that includes new market rate and affordable housing, office, lodging, and neighborhood serving retail uses. Finally, as demonstrated in the Comprehensive Plan (“**Comp Plan**”) evaluation included herein, the scope of which is limited to the proposed modifications, the Application does not do anything to disturb the Commission’s prior determination under the Order that the Approved PUD is not inconsistent with the Comp Plan when read as a whole.

Submitted in support of this Application are the required materials, including a certification of mailing and a copy of the Notice of Intent to File that was mailed to surrounding property owners and parties, and architectural drawings, plans, and elevations of the proposed modifications to the Approved PUD. This statement and the attached documents meet the filing requirements for an application for a modification of a PUD under of Subtitle X, Chapter 3; Subtitle Z § 300; and Subtitle Z § 704 of the District of Columbia Zoning Regulations (the “**Regulations**”).²

A. Redesign Exterior Architectural Elements

The Applicant is proposing a modest redesign of certain exterior architectural elements of the hotel structure, some of which are in direct response to interior programmatic needs of hotel operators that were unknown at the time the PUD was originally approved. All design related changes are consistent with, and in furtherance of, the aesthetic direction approved for this building in the Approved PUD. As shown in the Modification Plans, the Applicant is proposing to redesign the north, south, and west facades of the hotel, while still maintaining a dark- to medium-grey brick as the primary façade material. On the north, the windows of the hotel are narrowed while maintaining their two-story expression. On the west façade, which serves as the front entrance to

² In accordance with Subtitle A § 102.4, this application shall be subject to and evaluated under the 2016 Zoning Regulations despite the original PUD being reviewed and approved under the 1958 Zoning Regulations. All references to the Zoning Regulations herein shall be to the 2016 Zoning Regulations unless otherwise stated.

the hotel along 3rd Street, the recessed windows and shallow terraces on the upper guest room floors will be replaced with a fixed window system that is only slightly recessed from the west façade. On the south, modifications to the window pattern on the ground floor are proposed (i.e. fewer windows that are larger in size and interact with the public space and alley to a greater degree), while the window pattern on the upper guest room floors will remain generally consistent with the current approved plans. Finally, additional brick banding is proposed on the north and south facades of the hotel to increase articulation and add visual interest to these two prominent faces of the structure. The roof plane is also architecturally enhanced, as discussed in more detail below.

B. Addition of Hotel Use to Portion of NCP Building Ground Floor

Under the Order, the ground floor of the NCP Building is approved for approximately 10,850 GFA of retail and commercial use. Unfortunately, since its completion, nearly all of this retail and commercial space has sat vacant due to the strong lingering weaknesses in the retail sector since the pandemic. Fortunately, the District continues to see strong demand in the hospitality sector, including demand for hotels with meeting space. As such, as shown on Sheets G02 and A02 of the Modification Plans, the Applicant is requesting the ability to modify the permitted uses of the NCP Building's ground floor to allow up to approximately 10,000 GFA of hotel use, including function rooms, exhibit spaces, and/or commercial adjuncts, if the future hotel operator is able to utilize such space.

C. Increase Hotel Guest Room Count and Related Flexibility

Under the Order, the Commission approved an 11-story hotel with approximately 175 hotel guest rooms (or residential condominiums) at the southeast corner of the Overall PUD Site. As noted above, the Applicant is the contract purchaser of the hotel portion of the Approved PUD and is currently in discussions with a small number of potential hotel brands to occupy the building.

The Applicant is currently targeting a guest room count of 189 units, but the actual number of guest rooms could vary depending on the hotel brand that is ultimately chosen. As such, in addition to requesting an increase in the number of guest rooms to 189 units, the Applicant is also requesting to modify Condition 3 of the Order to add the following area of minor design flexibility:

- j. To vary the number of hotel guest rooms by +/- 10%, provided that such variation does not substantially alter the exterior configuration or appearance of the building.**

Such flexibility reflects similar flexibility already permitted for residential units in the Approved PUD in Condition 3(g) of the Order.

D. Modification of Penthouse Design and Use

The Applicant is requesting to modify the hotel penthouse design and use to accommodate the programmatic and mechanical needs of the hotel operator. Under the Order, the hotel penthouse contains enclosed and unenclosed mechanical space, and approximately 2,400 GFA of amenity space. As shown on Sheets G11–G13 of the Modification Plans, the Applicant is proposing to modify the design of the hotel’s penthouse by pulling its footprint away from 3rd Street and widening the footprint in the north-south direction. These adjustments to the penthouse footprint will allow for a larger outdoor terrace space on the west side of hotel roof while also accommodating a new eating and drinking establishment within the penthouse that will contain a bar and dining area, kitchen, and restrooms. The proposed eating and drinking establishment will occupy approximately 2,700 GFA of penthouse habitable space.³ While the footprint of the penthouse will be widened toward the north and south, it will continue to be set back 1:1 from the edges of the roof upon which it is located. On the west, the penthouse will be set back from the

³ The proposed eating and drinking establishment will trigger a contribution to the Housing Production Trust Fund (“HPTF”) pursuant to 11-C DCMR § 1507.

edge of the roof along 3rd Street by approximately 33 feet, nine (9) inches – significantly more than the required 1:1 setback. A 1:1 setback is currently not provided along the east side of the penthouse nor is one required under the penthouse regulations since this side of the penthouse borders, and is built to, a side lot line where the adjacent East Building (331 N Street) is constructed to the same building height.

As shown on Sheets G11, G12, G14, and A30 in the Modification Plans, in addition to modifying the penthouse footprint, the Applicant also proposes to modify the penthouse's architectural design. As proposed, the hotel penthouse facades have typical storefront windows and doors and are clad in dark metal panel. The proposed penthouse employs a window wall system that encloses the perimeter of the new eating and drinking establishment. The window wall system rises vertically to a uniquely shaped parabolic glass roof that overhangs the penthouse walls to provide a modest amount of weather protection for hotel patrons. The result is intended to be a more light-filled and open space to draw patrons, guests, and nearby residents and workers to the rooftop venue.

IV. SPECIAL EXCEPTION FOR PENTHOUSE EATING AND DRINKING ESTABLISHMENT

As part of the Application, the Applicant is requesting special exception relief to permit an eating and drinking establishment within the hotel's penthouse and on the penthouse level outdoor terrace. The relief is request pursuant to Subtitle C § 1501.1(d), which requires the Applicant to satisfy the general special exception standard set forth in Subtitle X § 901.2. As demonstrated below, the proposed rooftop eating and drinking establishment fully satisfies these applicable standards.

- A. The proposed penthouse eating and drinking establishment will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

The proposed eating and drinking establishment will be in harmony with the general purpose and the intent of the Zoning Regulations, and with the approved MU-9 (formerly C-3-C under ZR58) PUD-related zoning. The MU-9 zone is intended to permit high-density mixed-use development including office, retail, and housing with a focus on employment and residential use. *See* 11-G DCMR § 101.14. Eating and drinking establishments, including restaurants, bars, and lounges are permitted as a matter-of-right in the MU-9 zone. *See* 11-U DCMR § 512.1(e). Therefore, the proposed eating and drinking establishment is in harmony with the general purpose and intent of the Zoning Map.

The proposed penthouse-level eating and drinking establishment is also in harmony with the general purpose and intent of the Zoning Regulations. Pursuant to Subtitle A § 101.1, the Zoning Regulations establish the “minimum requirements...for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

- i. Provide adequate light and air;
- ii. Prevent undue concentration of population and overcrowding of land; and
- iii. Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.”

The proposed eating and drinking establishment will not have any impact on light and air nor overcrowd the Property since it will be located within a penthouse that is already part of the Approved PUD and will not cause any increase in population or measurable intensity of use of the Property. Further, the proposed rooftop eating and drinking establishment will not create any

unfavorable conditions to transportation, civic activity, recreation, or education, and could likely create, albeit modest, favorable conditions to business and industry.

- B.** The proposed penthouse eating and drinking establishment will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The proposed eating and drinking establishment will not adversely affect the use of neighboring properties. The intensity of the proposed use is nominal and will be appropriate in the mixed-use development in which it is located. The establishment will occupy approximately 1,300 GFA. The limited size and location of the establishment at the roof level will mitigate its potential impact on the neighborhood and will ensure its compatibility with adjacent uses. In addition, the proposed establishment is surrounded by other high- or medium-density mixed-use developments that provide a buffer for the lower-scale residential rowhomes to the east and south, which are located a minimum of 400 feet from the Property. Finally, the proposed eating and drinking establishment will be subject to all applicable District noise control laws and review by the D.C. Alcoholic Beverage and Cannabis Administration (“**ABCA**”) which will further mitigate potential for adverse effects on neighboring properties related to noise and hours of operation.

V. THE MODIFIED PUD CONTINUES TO MEET THE STANDARDS AND REQUIREMENTS FOR PUD APPROVAL

The PUD, as modified by this Application, continues to satisfy the criteria by which the Commission must evaluate a PUD. Pursuant to Subtitle Z § 704.4, the scope of the hearing for the proposed PUD modification shall be limited to the impact of the modification on the subject of the original application and shall not permit the Commission to revisit its original decision. Thus, in this instance the Commission must evaluate the potential impacts of the proposed extension of the hotel use into a portion of the NCP Building ground floor, and modifications to certain hotel architectural elements and the hotel penthouse on the current Approved PUD. As set forth below,

the proposed modifications are consistent with the intent of, and will have no impact on, the Commission's prior findings, conclusions, and approval under the Order. The Approved PUD, as modified by this Application, will continue to satisfy the three elements of the PUD evaluation standard set forth in 11-X DCMR § 304.4. Specifically, the Approved PUD, as modified, will continue to: (i) be not inconsistent with the Comprehensive Plan and other relevant public policies and programs, (ii) not result in any unacceptable impacts on the surrounding area or on the operation of District services and facilities, and (iii) include specific public benefits that satisfy the relevant requirements. Further, the Approved PUD, as modified by this Application, will not have any impact on the Commission's finding that "the development incentives for the height, density, flexibility and related rezoning to C-3-C are appropriate and fully justified by the public benefits and project amenities proffered," nor conclusion that "[t]he Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted" *See* Order at Finding of Fact 67 and Conclusion of Law 6.

A. Not Inconsistent with the Comprehensive Plan and Other Relevant Public Policies and Programs

As stated above, the Commission has already determined that the Approved PUD is not inconsistent with the Comp Plan. As such, consistent with the scope of the Commission's review of the proposed PUD modification under the 2016 Zoning Regulations, the following Comp Plan evaluation is limited to the Comp Plan consistency of the modifications proposed to the Approved PUD, and specifically its hotel component, and, if at all, how the proposed modifications impact (positively or negatively) the Commission's prior Comp Plan determination made under the Order.

i. Racial Equity and the Comprehensive Plan

As part of its Comp Plan analysis, the Commission must consider the Application through a racial equity lens. 10-A DCMR § 2501.8. Equity is a primary focus of the Comp Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating/increasing access to opportunity. The Framework Element states that equity is both an outcome and a process, and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. 10A DCMR § 213.6. The Comp Plan emphasizes that considerations of equity, and particularly racial equity, must be part of a District agency's evaluation and implementation of Comp Plan policies and actions.

The Commission considers racial equity as an integral part of its analysis as to whether a proposed zoning action is “not inconsistent” with the Comp Plan. 10A DCMR § 2501.8. The focus of the racial equity lens component of a Comp Plan evaluation can depend upon the type and scope of zoning action being sought, the location of the zoning action, and the extent to which the zoning action can address localized and citywide equitable development issues. For example, in this case, the proposed zoning action is a modification to a previously approved PUD that has already gone through extensive community engagement during the initial PUD proceeding. **As such, the focus of the racial equity lens component of the Applicant's Comp Plan evaluation is limited to the specific aspects of the proposed PUD modification, and not a full re-evaluation of the overall Approved PUD's Comp Plan consistency.**

ii. Evaluation of Comprehensive Plan Policy Guidance

Per Part I (Racial Equity Analysis Submissions – Guidance Regarding the Comprehensive Plan) of the Commission's Racial Equity Tool, the Applicant conducted an evaluation of the

Application’s consistency with relevant policies of the Comp Plan. **Overall, the Applicant finds the proposed modifications to the Approved PUD to be not inconsistent with the Comp Plan. Regarding racial equity, the Applicant finds that the potential impacts and outcomes of the proposed modification will largely be neutral as they relate to racial equity, with the potential for modest positive outcomes in housing and access to economic opportunity.**

In accordance with guidance provided by the D.C. Court of Appeals, the Applicant was careful to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies. **Upon review, the Applicant did not identify any potential inconsistencies between the proposed modifications and applicable Comp Plan policies that would warrant a balancing against Comp Plan consistencies.**

Table 1 below identifies the specific Comp Plan policies that are advanced by the proposed PUD modification, including specific policies identified in the Office of Planning’s Equity Crosswalk. The table is followed by a brief narrative that addresses each applicable Comp Plan element.

Table 1: Summary of Comp Plan Policies Advanced by the Proposed PUD Modification	
Policies in <u>bold underlined</u> text denote policies that are specifically referenced in the OP Equity Crosswalk as being explicitly focused on advancing equity.	
	<u>Central Washington Area Element</u>
CW-1.1.1, CW-1.2.2, CW-2.8.1, CW-2.8.4	
	<u>Land Use Element</u>
LU-1.2.1, LU-1.2.3, LU-1.2.4, LU-1.4.2, LU-2.4.11	
	<u>Housing Element</u>
H-2.1.4	
	<u>Economic Development Element</u>
ED-1.1.2, ED-2.3.1, ED-2.3.3, ED-2.3.4, ED-2.3.8, ED-2.3.9	
	<u>Urban Design Element</u>
UD-4.2.5, UD-4.3.4	
	<u>Historic Preservation Element</u>
HP-2.5.2, HP-2.5.5	

- Central Washington Area Element

The PUD modification is not inconsistent with the policies of the Central Washington Area Element as it will facilitate the completion of a mixed-use development that integrates and activates an important historic resource without impacting lower-scale neighborhoods that are in proximity to the NoMa neighborhood. The Application will help advance the Applicant's plans to construct the hotel component of the Approved PUD, thus completing a substantial mixed-use development at the north end of NoMa and the District's Central Employment Area ("CEA") that contains residential, office, hotel, and retail uses (CW-1.1.1, CW-2.8.4). The proposed potential extension of hotel use into a portion of the NCP Building's ground floor will help further preserve this architecturally unique historic resource through appropriate adaptive reuse while activating the building, the streetscape, and the surrounding area (CW-1.2.2). Consistent with the Commission's prior evaluation, the hotel and eating and drinking establishment will not have any impact on lower-scale rowhouse neighborhoods that abut the NoMa neighborhood since the Approved PUD is largely surrounded by other larger-scale mixed-use developments that provide an adequate buffer (CW-2.8.4).

- Land Use Element

The proposed PUD modification is not inconsistent with the policies of the Land Use Element as it will facilitate the completion of the hotel component of the Approved PUD in a location that is centrally located and has buildings of similar scale and a wide mix of uses. The construction of the hotel with its rooftop eating and drinking establishment will help sustain the CEA and support the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center

(LU-1.2.1, LU-1.2.3, LU-1.2.4). The Property is an ideal location for the hotel use given its proximity to Metrorail (approximately 700 feet) which will promote use of transit by hotel guests, meeting attendees, and patrons of the rooftop eating and drinking establishment (LU-1.4.2). The location of the hotel is also appropriate in terms of impacts on surrounding areas. Located at the northern edge of the CEA and the NoMa neighborhood, the hotel and eating and drinking establishment are largely surrounded by other larger-scale mixed-use developments that provide an adequate buffer from the lower-scale rowhouse neighborhood to the south (LU-2.4.11).

- Housing Element

While the proposed PUD modification will not directly result in the construction of affordable housing, the proposed rooftop eating and drinking establishment will trigger an affordable housing contribution to the HPTF under the penthouse regulations. The contribution will aid the District's efforts to maintain programs aimed at preventing short- and long-term displacement resulting from, among other things, major rehabilitation efforts, the loss of rental housing due to demolition or conversion, and financial hardships created by increases in housing costs (H-2.1.4).

- Economic Development Element

The proposed PUD modification will enhance economic linkages by facilitating construction of the hotel component of the Approved PUD, thus further growing the District's hospitality industry, and leveraging its potential to provide new employment opportunities, including entry-level jobs and opportunities for upward advancement, to District residents and increase demand for local goods and services, including from businesses owned by historically marginalized groups (ED-1.1.2, ED-2.3.1, ED-2.3.8, ED-

2.3.9). The hotel, including the proposed rooftop eating and drinking establishment, will help distribute the economic benefits of the District's tourism industry by providing a new transient lodging option to visitors that is located beyond the National Mall and near other lesser-known places of interest such as Union Market and H Street NE, thus enriching the local cultural and commercial landscape (ED-2.3.3, ED-2.3.4).

- Urban Design Element

The proposed PUD modification is not inconsistent with applicable policies of the Urban Design Element. Through construction of the hotel component of the Approved PUD, policies supporting activation of ground floor and the pedestrian realm, and creation of engaging facades will be further advanced. Additionally, the modified penthouse design, and specifically its sculptural roof form and expanded roof terrace will add visual appeal that directly advances policies that promote interesting roof lines and rooftop penthouses (UD-4.2.5, UD-4.3.4).

- Historic Preservation Element

The proposed PUD modification is not inconsistent with the policies of the Historic Preservation Element as it will activate a substantial portion of the NCP Building ground floor which has sat vacant since its renovation and rehabilitation. As previously stated, the historic NCP Building is an integrated component of the Approved PUD and is currently approved for ground floor retail or office use and two floors of office use above (HP-2.5.5). While the upper floors of the building are actively used for office space, the ground floor retail and commercial space have remained vacant. As part of the PUD modification, the Applicant is requesting to modify the uses that are permitted in the ground floor of the NCP Building to allow up to 10,000 GFA of hotel use, including function rooms, exhibit space,

and/or commercial adjunct. The proposed extension of hotel use into the NCP Building’s ground floor will further advance the adaptive reuse of this historic property by activating space that has long sat vacant (HP-2.5.2).

1. Racial Equity as a Process

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10-A DCMR § 213.7. As a process, a racial equity lens is employed when those most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission’s Racial Equity Tool emphasizes community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Commission shall be accompanied by a discussion of efforts taken by applicants to engage the community early in the zoning process. The information contained in **Table 2** addresses the questions set forth in **Part II (Community Outreach and Engagement)** of the Racial Equity Tool. As demonstrated below, the Applicant has engaged with the community, and it will continue to do so during the PUD modification process.

Table 2: Community Outreach and Engagement
Description of affected community (including defining characteristics).
The Approved PUD is located at the north end of the NoMa neighborhood, just south of the Union Market area and Gallaudet University, and approximately 0.62 miles north of Union Station. Medium- and high-density mixed-use development surrounds the Property on all sides. Lower-scale residential rowhomes are located further to the east and south. The NoMa–Gallaudet University Metrorail station is located approximately 700 feet to the west and south, on the opposite side of the CSX and WMATA tracks.
Characteristics of the affected community that influenced outreach plan / efforts.
To date, the Applicant has engaged with the Single Member District (“SMD”) representative from ANC 6C that has jurisdiction over the Property. Per ANC 6C standard practice, the Applicant will meet with the full ANC 6C after the Application is filed. The Applicant has also engaged with property owners and residents in the immediate vicinity of the Property, including LCOR, the property owner to the immediate south of the Property, and representatives from Two Rivers Public Charter School, which is located approximately one block east of the Property.

<p>Additionally, the Applicant has been coordinating with the NoMa Business Improvement District (“NoMa BID”) to inform and gain input from the NoMa business community. The ANC 6C SMD and the NoMa BID have expressed preliminary support for the proposed PUD modification, and have not expressed any concerns thus far.</p>
<p>Community outreach timeframe / dates of major meetings and points of engagement</p> <p>The following is a list of meetings and discussions the Applicant has had with ANC 6C, the NoMa BID, and other neighbors thus far:</p> <ul style="list-style-type: none"> • September 20, 2024: Meeting with LCOR (property owner to the south) • September 25, 2024: Meeting with NoMA Business Improvement District • November 1, 2024: Meeting with ANC Single Member District 6C07 • November 19, 2024: Meeting with Two Rivers Public Charter School • March 18, 2025: Meeting with ANC Single Member District 6C07
<p>Members of the affected community that would potentially benefit by the proposed zoning action.</p> <p>The proposed PUD modification will facilitate construction of the hotel portion of the Approved PUD, which could benefit the affected community by providing access to construction-related jobs and permanent employment opportunities in the hospitality industry, including indirect opportunities at businesses that support the hotel. The proposed rooftop eating and drinking establishment could create additional opportunities.</p>
<p>Members of the affected community that would potentially be burdened by the proposed zoning action.</p> <p>The proposed rooftop eating and drinking establishment could potentially result in a minor increase in the number of vehicle trips to the Property, although given the proximity to other eating and drinking establishment destination in NoMa and Union Market it is likely that the large majority of patrons of the rooftop eating and drinking establishment will be hotel guests or patrons that already reside in the area or who come to the site by Metro. Additionally, the proposed rooftop eating and drinking establishment could result in a modest increase in noise, however, any such increase is unlikely to negatively impact residential areas since the Property is buffered by existing larger-scale developments and the venue will be subject to ABCA approval and related restrictions.</p>
<p>Potential positive outcomes of the proposed zoning action identified by the affected community.</p> <p>To date, the affected community has not identified any potential positive outcomes that could result from the proposed modifications to the Approved PUD.</p>
<p>Potential negative outcomes of the proposed zoning action identified by the affected community.</p> <p>To date, the affected community has not identified any potential negative outcomes that could result from the proposed modifications to the Approved PUD.</p>

Table 2: Community Outreach and Engagement (continued)
Changes / modifications made to the proposed zoning action that incorporate / respond to input received from the affected community.
The affected community has not provided specific input regarding changes / modifications to the proposed modifications to the Approved PUD.
Input received from the affected community not incorporated into the proposed zoning action.
The affected community has not provided specific input that has not been incorporated into the proposed modifications to the Approved PUD.
Efforts taken to mitigate potential negative outcomes identified by the affected community.
To date, the affected community has not identified any potential negative outcomes that are specifically related to the proposed modifications to the Approved PUD that require mitigation.

iii. Racial Equity as an Outcome

As an outcome, racial equity is achieved when race no longer determines one's socioeconomic outcomes, and when everyone has what they need to thrive no matter where they live or their socioeconomic status. 10-A DCMR § 213.9. **Table 3** considers the proposed PUD modification relative to any anticipated positive and negative impacts and/or outcomes to racial equity. Upon consideration, any impacts / outcomes resulting from the proposed PUD modification are largely anticipated to be neutral as they relate to racial equity, with the potential for modest positive outcomes in housing and access to economic opportunity.

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Table 3: Evaluation of Zoning Action Through a Racial Equity Lens

Direct Displacement	The proposed PUD modification, including the new penthouse-level eating and drinking establishment, will not cause direct residential or commercial displacement as the Property is currently vacant, including the ground floor space located within the NCP Building.
Indirect Displacement (Economic and Cultural)	<p>The proposed PUD modification, including the addition of a rooftop eating and drinking establishment, will not lead to indirect economic or cultural displacement within the Property or immediate area.</p> <p>Indirect displacement occurs when new uses significantly alter neighborhood dynamics or raise property values and rents, resulting in long-standing residents or businesses having to move out or close down. In this case, the hotel use that is already part of the array of uses approved by the Approved PUD is not the type of use that is believed to cause increased residential property values. Additionally, the hotel use will benefit area businesses through increase patronage by hotel guests.</p> <p>The proposed rooftop eating and drinking establishment that is being requested as part of the PUD modification is unlikely to alter these anticipated outcomes on indirect displacement.</p>
Housing	The proposed PUD modification, including the new penthouse-level eating and drinking establishment, will not cause direct residential or commercial displacement as the Property is currently vacant, including the ground floor space located within the NCP Building. In fact, the HPTF contribution generated by the rooftop venue will assist in maintaining or constructing affordable housing.
Physical	<p>The proposed PUD modification will not result in direct physical improvements to the surrounding environment, public realm, or transportation network. However, if approved, the construction of the hotel component of the Approved PUD, which has already been evaluated by the Commission, will result in physical improvements to the public realm, and will result in increased vehicle and pedestrian trips to the Property since it is currently vacant.</p> <p>The proposed rooftop eating and drinking establishment that is being requested as part of the PUD modification is unlikely to alter these anticipated outcomes. The establishment could lead to a minor increase in visitor traffic to the hotel, which could cause a negligible increase in demand on nearby transportation infrastructure.</p>

Access to Opportunity	<p>The proposed PUD modification will facilitate construction of the hotel portion of the Approved PUD, which could benefit the affected community by providing access to construction-related jobs and permanent employment opportunities in the hospitality industry, including indirect opportunities at businesses that support the hotel. The proposed rooftop eating and drinking establishment could create additional opportunities.</p> <p>The construction of the hotel and new rooftop eating and drinking establishment will not directly impact access to schools, parks, or other community amenities, nor will it alter public infrastructure or pathways that would impact access to these resources.</p>
Community	<p>To date, the Applicant has engaged with ANC 6C to inform property owners and residents in the immediate community of the proposed PUD modifications. Additionally, the Applicant has been coordinating with the NoMa Business Improvement District (“NoMa BID”) to inform and gain input from the NoMa business community. Such engagements have indicated support for the proposed PUD modification and have not yielded any concerns with the proposed modification application thus far. The Applicant has also engaged nearby owners such as Two Rivers Public Charter School. The Applicant will continue to engage the community and its neighbors during the PUD modification process and throughout construction.</p>

B. No Unacceptable Impacts on the Surrounding Area, the Environment, or in the Operation of District Services or Facilities

The proposed PUD modification will not cause any unacceptable impacts. In fact, the proposal is unlikely to result in any measurable impacts beyond what was already been considered by the Commission during its review of the Approved PUD.

C. The Proposed PUD Modification Continues to Provide the Previously Approved Specific Public Benefits

Pursuant to the Order, the Commission approved a set of public benefits and project amenities for the Approved PUD. *See* Order at Conditions 4–9. The table below summarizes each of the currently approved public benefits, as well as how the Application modifies the approved

public benefits. As demonstrated in the table, the proposed modifications to the Approved PUD do not impact any of the previously approved public benefits.

Approved Benefit Category and Requirement	Status of PUD Benefit and Impact of Proposed PUD Modification
<u>Urban Design, Architecture, and Landscaping:</u>	No change/Satisfied. The Approved PUD, as modified by the Application, will continue to provide superior urban design, architecture, and site planning.
<u>Site Planning and Efficient Land Utilization:</u>	No change/Satisfied. The Application does not impact the overall site plan and land utilization of the approved PUD.
<u>Historic Preservation:</u>	No change/Satisfied. The Approved PUD, as modified by the Application, will continue to retain, and rehabilitate the NCP Building.
<u>Streetscape Improvements:</u> <ul style="list-style-type: none"> · TDM plan · Approximately 230 bicycle parking spaces, shower and changing facilities, and 2,000 square foot dedicated bike storage room at grade accessed directly from alley · Elimination of curb cuts on 3rd, 4th, and N Streets 	No change/Satisfied. The Application does not impact this public benefit.
<u>Housing:</u> Approximately 329,509 GFA of housing, including approximately 5,761 GFA of residential penthouse space. Approximately 297,858 square feet of GFA of this total will be market rate housing, and approximately 26,361 square feet will be affordable housing.	No change/Satisfied. The Application does not impact this public benefit. The development of the building as a hotel use was contemplated in the Approved PUD. The residential components of the Approved PUD have been constructed.
<u>Affordable Housing:</u> Minimum of eight percent of 329,509 square feet of residential gross floor area as Inclusionary Zoning (“IZ”) units for the life of the project. Of the IZ units, a minimum of 13,411 square feet shall be reserved for households with incomes not exceeding 50% of the AMI. A minimum of 12,950 square feet shall be reserved for households with incomes not exceeding 80% of the AMI. All of the units reserved for households with incomes not exceeding	No change/Satisfied. The Application does not impact this public benefit. The development of the building as a hotel use was contemplated in the Approved PUD. The residential components of the Approved PUD have been constructed.

50% of the AMI shall be two-bedroom units except for the IZ Unit(s) resulting from the 461 square feet of gross floor area required to be set aside as a result of the habitable penthouse, which may be other unit types.	
<u>Environmental:</u> Attain LEED Gold certification and two EV charging spaces in the parking garage.	<p>No change/Satisfied. The Application does not impact this public benefit. The hotel building will attain LEED Gold certification as required. As shown on sheet A42 of the Modification Plans, the hotel will achieve LEED Gold certification.</p> <p>No change/Satisfied. The EV charging stations required under the Order are installed in the parking garage for the residential component of the Approved PUD.</p>
<u>Uses of Special Value:</u> <ul style="list-style-type: none"> · Design and installation of interactive art in public space along N Street (min. \$100,000) · Contribution to Two Rivers Public Charter School for building and/or property improvements (min. \$100,000) · Contribution to NoMa BID for study of a new NoMa – Gallaudet Metrorail station entrance (min. \$50,000) · Reservation of 3,000 square feet of retail space for “maker” use. 	<p>No change/Satisfied. The Application does not impact this public benefit.</p> <p>No change/Satisfied: The art required along N Street has been installed in accordance with public space permit number #PA203998.</p> <p>No change/Satisfied. Contribution to Two Rivers Public Charter School has been provided.</p> <p>No change/Satisfied. On March 8, 2021, the Zoning Administrator indicated the condition regarding Metrorail entrance study had been satisfied.</p> <p>No change/Satisfied. The Approved PUD will continue to have at least 3,000 square feet of retail space that can be devoted to “maker” uses, as defined in the Order.</p>

D. The PUD Modification Satisfies the Evaluation and Balancing Criteria Required for Commission Review of a PUD

The proposed PUD modification does not trigger the need for the Commission to rebalance the relative value of the public benefits with the degree of development incentives requested and any potential adverse effects since the proposed PUD modification does not request any additional development incentives. **Rather, pursuant to Subtitle Z § 303.13, the Applicant is requesting a special exception to permit the proposed penthouse eating and drinking establishment as relief, subject to applicable standards and criteria, as discussed above in Section IV, rather than flexibility that is weighed against the Approved PUD's public benefits.**

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the Application meets the standards of Chapter 3 of Subtitle X, and Chapters 3 and 7 of Subtitle Z of the Zoning Regulations for a modification to the Approved PUD, and thus respectfully requests approval of this Modification with Hearing. The request is consistent with the intent of the Commission in approving the Approved PUD and will not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map or affect neighboring properties. Accordingly, approval of the modification with hearing is appropriate. Accordingly, the Applicant respectfully requires the Commission to set the Application down for a public hearing at its earliest convenience.

Respectfully submitted,

GOULSTON & STORRS PC

/s/ Jeff Utz

Jeff Utz

Date: March 31, 2025