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goulston&storrs
counsellors at law

Allison C. Prince
aprice@goulstonstorrs.com
202-721-1106

Christine A. Roddy
croddy@goulstonstorrs.com
202-721-1116

April 30, 2012

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: Zoning Commission Case No. 04-14B: Pre-Hearing Statement

Dear Chairperson Hood and Members of the Commission:

Florida Rock Properties and MRP Realty hereby submit this pre-hearing statement in support of their Planned Unit Development (“PUD”) and PUD-related map amendment to the CG/C-3-C Zone District for property located in Square 708, Lot 14.¹ The Applicant heard the comments and concerns the Commission voiced at its public meetings on January 30, 2012, and February 13, 2012, and has made every effort to address them in the enclosed proposal. Since the setdown meetings, the Applicant has taken another look at the proposed PUD and has further defined the vision of the project. The attached plans speak directly to the Commission’s comments regarding the need for a compelling retail vision and a strong architectural presence. They also provide more information on the comparison between the PUD approved in Case No. 04-14 and the pending proposal.

Retail Vision

One of the resounding comments heard at the setdown meeting was that the proposal lacked a retail vision. The Commission noted that the first phase was missing an important opportunity to establish retail at an iconic destination in the District. The Commission was particularly concerned with the lack of retail along Potomac Avenue and feared that it could create a dead zone between the Ballpark and the riverfront. The Applicant has completely re-evaluated its retail vision and has formulated a plan to allow retail to thrive and to enable this site to be a preferred dining destination in the District. The Applicant is confident that retail will be successful at this location, specifically in the first phase of the PUD, because:

¹ The PUD-related map amendment to the C-3-C Zone District was initially approved in 1998 pursuant to Order No. 850. The Zoning Commission subsequently adopted the Capitol Gateway Overlay and applied it to this property in 2005 (see Order No. 971); accordingly, the proper rezoning of the Property is CG/C-3-C.

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EXHIBIT NO. 1
EXHIBIT NO. 19

- (1) The retail will have a built-in audience in the patrons to Nationals Park. There are approximately 82 home games at Nationals Park and the Park has a seating capacity of 41,506 seats. This presents a tremendous opportunity for the project; if the retail tenants can attract just a small fraction of game attendees, they will generate significant support for the retail.
- (2) Yards Park, to the east, is constructing 2,800 residential units and 1.8 million square feet of office space. The influx of individuals in the waterfront area will support the proposed retail.
- (3) There are a limited number of waterfront destinations in the Washington area, namely Georgetown, Alexandria, and National Harbor. The site's unique location will attract visitors. Waterfront destinations are a limited resource and the variety of restaurants will attract diners.
- (4) The site is located along a major commuter corridor, South Capitol Street, that attracts approximately 100,000 cars per day. The cafes and restaurants will be attractive to those passing the site who are looking for a quick bite to eat on the way home or to meet family or friends for an evening on the water.

In order to capitalize on each of these markets, the Applicant has reconsidered its retail proposal. The initial first phase proposal included residential uses along Potomac Avenue and potential retail space along the plaza and esplanade. In all, approximately 12,520 square feet of ground floor retail was initially proposed for the residential building but has since been increased to 18,650 with an additional 8,130 SF of outdoor dining retail, for a total of 26,780 square feet. The Applicant has consulted with retail experts and has determined that retail must play a pivotal role in the project in order to establish this important site as a dining destination in the District.

Retail, in combination with the Esplanade and the public alley will create a fluid connection between the waterfront and the Ballpark by encouraging pedestrian traffic throughout the entirety of the site. By converting residential space on Potomac Avenue to retail, pedestrians will be encouraged to round the corner from the Ballpark and continue on to the waterfront. The Applicant will seize the opportunity to capture the "baseball market" by offering a convenient and beautiful transition to the waterfront. In addition to providing a much needed nexus between the Ballpark and the waterfront, the retail along Potomac will provide an east-west connection as well. Upon the complete build-out of the PUD, pedestrians will be encouraged to walk along Potomac Avenue to the neighboring site to the east. Just as the Anacostia Riverwalk Trail ties the southeast waterfront together, Potomac Avenue will be the first link in the chain connecting the physical improvements along the Anacostia River.

In addition to creating a presence as a dining destination on the water that will attract visitors to the development, retail use along Potomac Avenue will also provide residents much-needed services. Approximately 18,650 square feet of interior retail use and 8,130 square feet of

exterior retail area are being proposed in the first phase of development, an increase of 14,260 square feet from the proposal considered at setdown. Each of the four facades of the building will feature retail uses, thus creating distinct retail spaces for residents and visitors alike to enjoy. Specifically, the Applicant is proposing approximately 3,500 square feet of service uses along Potomac Avenue and a full-service restaurant adjacent to the plaza so that it can benefit from the prime outdoor seating area. The remaining approximately 10,000 square feet square feet of retail use will be located along the waterfront side of the building and will be dedicated to service uses, cafes, and another full service restaurant. The Applicant believes this mixture of uses will be the most successful when the development is first constructed so that there is retail to serve the residents, as well as restaurants to attract visitors.

Additional retail was also provided to the other three phases of the development. The PUD included a total of 36,370 square feet of retail use. The instant proposal includes 64,500 square feet of retail use (including 16,140 square feet of outdoor retail space) an increase of 28,130 square feet. The increase in the proposed retail use for each phase of the development is highlighted in the chart below:

	Retail at Setdown	Current Proposal
Phase One	12, 520 s.f.	18,650 s.f. (+8,130 s.f. of exterior space)
Phase Two	5,850 s.f.	5,630 s.f.
Phase Three	8,000 s.f.	11,470 s.f.
Phase Four	10,000 s.f.	12,610 s.f.
Total	36,370 s.f.	48,360 s.f. (64,500 s.f. including exterior space)

Details of the Applicant's retail vision are attached as Exhibit B.

Architectural Vision

At the setdown meeting, the Commission noted that the proposal lacked an architectural vision. It further voiced concern that the development turned its back on South Capitol Street, undermining the importance of the site. The Applicant took another look at the proposed PUD and made some significant changes to the architectural features of the first phase and to the site plan of the latter phases. Details of the Applicant's architectural vision is attached as Exhibit C.

The architect is faced with the challenge of designing a building that relates to its unique context: the Ballpark to the north, the Anacostia River to the south, and potential future development along the waterfront. The variety of adjacent uses elicits a variety of architectural responses. Accordingly, the architect has employed different techniques and materials on the four facades of the first phase building to best integrate with the context of the site, all the while establishing the building as an architectural accomplishment in its own right with four fully developed facades. The southern façade, which faces the Anacostia River, incorporates extensive glass and exaggerated features to capture the natural elements of the waterfront. It provides a feeling of openness from both the exterior and the interior of the units. The wide expanses of glass maximize the light entering the units and highlight the views of the River. It also provides a link between the activity of the Esplanade and the activity taking place in the individual units. The transparency of the façade activates the building and complements the lively nature of the exterior elements of the building.

By contrast, the northern, western and eastern sides of the building incorporate more masonry in the façade through the use of oversized paneling. The paneling on the façade punctuates the elevation and creates horizontal and vertical points of visual interest. The units are slightly more reserved and private so as not to compete with the public nature of the Ballpark. Nevertheless, the façade does incorporate more glass than the previous iteration and it includes more balconies to establish a presence along Potomac Avenue.

The site plan was crafted with the goal of opening the site to the waterfront, while also highlighting the southern approach to the Capitol. The proposed site plan accomplishes both feats by organizing the buildings in Phases Three and Four with an inward focus on a central courtyard, while maintaining a strong street wall along South Capitol Street. The opening in the Phase Two building creates a fluidity linking the first phase with the other three phases; all four buildings face and interact with the Anacostia River through the positioning of the buildings and through the landscaping. The design and materials of the buildings in Phases Two through Four will be defined during the Second Stage PUD process.

Despite the connection with the Anacostia River, Phases Three and Four also relate to South Capitol Street. Plans are currently underway to establish a traffic oval at the northern base of the Frederick Douglass Bridge. Phases Three and Four will directly abut the traffic oval and in accordance with good urban planning, the building facades will be pulled directly to the lot line to create a strong street wall along the eastern edge of the street. Nevertheless, the specific details of the buildings' designs will be determined once the traffic oval is finalized and the phases come back before the Commission for review and approval of a Second Stage PUD.

Comparison with Zoning Commission Case No. 04-14

The Commission requested additional information comparing the PUD approved in Case No. 04-14 and the modifications currently pending before the Commission. Included in the plans

filed simultaneously herewith is a comparison of the height and bulk of the two proposals and of the site plan. Significant improvements have been made to the mixture of uses as well as the site plan, namely that the PUD will provide additional residential use, including additional affordable housing, and that the site plan better integrates with its waterfront context. The chart below details some of the technical differences between the two projects:

	ZC Case No. 04-14	ZC Case No. 04-14B
Floor Area Ratio (Entire PUD)	4.4 (1,115,400 s.f.)	4.6 (1,164,640 s.f.)
Phase One		4.2 (299,560 s.f.)
Total Office Gross Floor Area	464,937 s.f.	313,705 s.f.
Total Retail Gross Floor Area	64,200 s.f. (plus 16,640 s.f. of circulation space)	48,360 s.f. (plus 16,140 s.f. of outdoor retail space)
Total Residential Gross Floor Area	236,405 s.f.	536,935 s.f.
Total Affordable Housing Gross Floor Area	29,000 s.f.	42,955 s.f.
Total Hotel Gross Floor Area	278,400 s.f.	270,760 s.f.
Maximum Height	130'	130'
Phase One	92'	94.85'
Lot Occupancy	52.67%	44.42%
Phase One		45.57%
Rear Yard		29'10" – 60'5"
Phase One		29'10" – 51'6"
Side Yard	10'-40'	0' (west) – 178'6" (east)
Phase One		0' (east) - 42 feet (west)
Parking	1,010 spaces	1,144 spaces
Phase One	212 spaces	286 spaces
Loading	2 – 55' berths, 9 - 30' berths; 5 - 20' service and delivery spaces; 2 –	4 – 40' berths; 4 – 20' service and delivery spaces; 4-200 s.f.

Phase One	200 s.f. platforms, 7 – 100 s.f. platforms	platforms 1 – 40’ berth, 1 -20’ service and delivery space, 1 – 200 s.f. platform
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Importantly, many of the attributes of Case No. 04-14 will be preserved, including the civic space on the eastern end of the site plan. The view corridor between the Ballpark’s grand staircase through First Street to both the Esplanade and Diamond Teague Park will also remain a focal point of the PUD. The project will continue to preserve the beautifully landscaped Esplanade along the southern end of the site, which will include a bike path. Similar to the approved PUD, a sense of place will be achieved through the physical improvements on the property as well as the public spaces, retail vision, and waterfront experience. Another important feature of the original PUD that will be preserved is the public benefits and amenities package. In fact, many of these benefits and amenities will be enhanced under the proposed PUD: (1) the amount of affordable housing will be nearly doubled, (2) the Applicant is enhancing the landscaping and sustainable features of the esplanade and has already made the \$800,000 payment to Diamond Teague Park; (3) the PUD is designed to be sustainable and will continue to include a biofiltration plan to manage stormwater run-off and it will meet the LEED standards for certification; (4) the PUD will employ transportation management measures that will be developed in coordination with DDOT; and (5) the development will abide by the First Source and LSDBE Memorandum of Understanding executed in Case No. 04-14.

Comprehensive Plan

The project is not inconsistent with the Comprehensive Plan. In fact, it furthers many of the city-wide elements, including the following land use, urban design, housing, environmental and transportation policies:

Policy LU-1.1.5: Urban Mixed Use Neighborhoods: Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas:

- Mount Vernon Triangle
- North of Massachusetts Avenue (NoMA)
- Downtown East
- South Capitol Street corridor/Stadium area
- Near Southeast/Navy Yard

The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements. Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture and public spaces. Housing, including affordable housing, is particularly encouraged and should be a vital component of the future land use mix.

Policy LU-1.2.8: Large Sites and the Waterfront: Use the redevelopment of large sites to achieve related urban design, open space, environmental, and economic development objectives along the Anacostia Waterfront. Large waterfront sites should be used for water-focused recreation, housing, commercial, and cultural development, with activities that are accessible to both sides of the river. Large sites should further be used to enhance the physical and environmental quality of the river.

Policy LU-1.3.2: Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

Policy LU-2.4.5: Encouraging Nodal Development: Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Policy LU-2.4.10: Use of Public Space within Commercial Centers: Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged.

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Policy UD-1.2.1: Respecting Natural Features in Development: Respect and perpetuate the natural features of Washington's landscape. In low-density, wooded or hilly areas, new construction should preserve natural features rather than altering them to accommodate development. Density in such areas should be limited and setbacks should be provided as needed to protect natural features such as streams and wetlands. Where appropriate, clustering of development should be considered as a way to protect natural resources.

Policy UD-1.2.4: View Protection: Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods.

Policy UD-1.3.1: DC as a Waterfront City: Strengthen Washington's civic identity as a waterfront city by promoting investment along the Anacostia River, creating new water-related parks, improving public access to and along the shoreline, and improving the physical and visual connections between the waterfront and adjacent neighborhoods.

Policy UD-1.3.2: Waterfront Public Space and Access: Develop public gathering spaces along the waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers, and to take full advantage of site topography and waterfront views. Design treatments should vary from "hardscape" plazas in urban settings to softer, more passive open spaces that are more natural in character.

Policy UD-1.3.3: Excellence in Waterfront Design: Require a high standard of design for all waterfront projects, with an emphasis on shoreline access, integration of historic features and structures, an orientation toward the water, and the creation of new water-oriented public amenities.

Policy UD-1.3.4: Design Character of Waterfront Sites: Ensure that the design of each waterfront site responds to its unique natural qualities. A range of building forms should be created, responding to the range of physical conditions present. New buildings should be carefully designed to consider their appearance from multiple vantage points, both in the site vicinity and at various points on the horizon.

Policy UD-1.3.6: "Activating" Waterfront Spaces: Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.

Policy UD-1.3.7: Neighborhood Connectivity: Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline

Policy UD-1.4.1: Avenues/Boulevards and Urban Form: Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city.

Policy UD-1.4.2: City Gateways: Create more distinctive and memorable gateways at points of entry to the city, and points of entry to individual neighborhoods and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact.

Policy UD-1.4.3: Avenue/Boulevard Vistas and View Corridors: Protect views and view corridors along avenues/boulevards, particularly along streets that terminate at important civic monuments or that frame distant landmarks. Vistas along such streets should be accentuated by creating more well-defined street walls, improving landscaping, and requiring the highest architectural quality as development takes place.

Policy UD-1.4.5: Priority Avenues/Boulevards: Focus the city's avenue/boulevard design improvements on historically important or symbolic streets that suffer from poor aesthetic conditions. Examples include North and South Capitol Streets, Pennsylvania Avenue SE, and Georgia Avenue and the avenues designated by the "Great Streets" program.

Policy UD-3.1.8: Neighborhood Public Space: Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the "activation" of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas.

Policy H-1.1.1: Private Sector Support: Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.4: Mixed Use Development: Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

Policy H-1.1.5: Housing Quality: Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate

housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.

Policy E-1.1.3: Landscaping: Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.

Policy E-1.2.1: River Conservation: Improve environmental conditions along the Anacostia River and other water bodies, including shorelines, wetlands, islands, tributaries, and the rivers themselves. Particular attention should be given to eliminating toxic sediments, improving river edges to restore vegetation and reduce erosion, enhancing wetlands and wildlife habitat, creating new wetlands, and reducing litter.

Policy E-3.1.1: Maximizing Permeable Surfaces: Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.

Policy E-4.2.3: Control of Urban Runoff: Continue to implement water pollution control and “best management practice” measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands.

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Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.

Policy T-1.2.3: Discouraging Auto-Oriented Uses: Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.

Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning: Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks.

Policy T-2.3.2: Bicycle Network: Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks and other key destinations. Eliminate system gaps to provide continuous bicycle facilities.

Policy T-2.4.1: Pedestrian Network: Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city.

Policy T-2.4.2: Pedestrian Safety: Improve safety and security at key pedestrian nodes throughout the city. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, and pedestrian count-down signals.

The site is located in the Lower Anacostia Waterfront/Near Southwest Area Element, which calls for the creation of new mixed use neighborhoods on vacant or underutilized waterfront lands. Policy AW-1.1 Guiding Growth and Neighborhood Conservation sets forth general policies and actions to guide growth and neighborhood conservation decisions within the Area Element, which includes taking the following actions with which the PUD is consistent:

- New waterfront neighborhoods (Policy AW-1.1.2);
- Waterfront Commercial Development (Policy AW-1.1.3);
- Waterfront Development Amenities (Policy AW-1.1.4);
- River Basins as a Planning Guide (Policy AW-1.1.5);
- Pedestrian Orientation of Waterfront Uses (Policy AW-1.1.6);
- Multi-Modal Waterfront Streets (Policy AW-1.1.7);
- Barriers to Shoreline Access (Policy AW-1.1.8).

The Area Element also prioritizes Conserving and Enhancing Community Resources, which includes the following policies that are consistent with the PUD proposal:

- Waterfront Sports and Recreation Destinations (Policy AW-1.2.3);
- Anacostia RiverParks (Policy AW-1.2.4).

Finally, the Comprehensive Plan identifies four areas within the Anacostia Waterfront Planning Area as "policy focus areas" to provide additional development guidance. The South Capitol Street/Buzzard Point, site of the new Washington Nationals Ballpark and a still active waterfront industrial district, is one of the four policy focus areas. The following policies have been established to promote this focus area:

- Ballpark Entertainment District (Policy AW-2.2.2): Leverage the construction of the Washington Nationals Ballpark to catalyze development of the South Capitol Street corridor with retail, high density residential, entertainment and commercial uses;

-
- South Capitol Open Space (Policy AW-2-2.5): Create additional open space in the South Capitol Street corridor, including an oval traffic rotary and South Capitol “commons,” and a new waterfront park along the Anacostia shoreline;
 - Buzzard Point (Policy AW-2.2.7): Support the long-term redevelopment of Buzzard Point with mixed medium-to high-density commercial and residential uses. Recognize the opportunity for innovative design and architecture in this area, and for the creation of a unique urban waterfront.

The pending PUD furthers many of the development objectives outlined in the Area Element of the Comprehensive Plan and is fully consistent with the short term and long term goals for the area.

Exhibits

Exhibit A – Vision Statement
Exhibit B – Retail Vision Statement
Exhibit C – Architectural Vision Statement
Exhibit D – Transportation Study

Conclusion

The attached plans depict a development that exemplifies the attributes of the southeast waterfront. It pulls together the contrasting uses of the Ballpark and the waterfront and creates a sense of place that will attract visitors as well as serve the residents and tenants of the buildings. The attached plans provide the details the Commission requested at the public setdown meetings and we ask that a public hearing be scheduled as soon as possible. Also enclosed is a check made out to the DC Treasurer in the amount of \$46,157.57, which is 26% of the original hearing fee of this case.

Sincerely,



Allison C. Prince



Christine A. Roddy

Certificate of Service

A complete copy of the foregoing document was forwarded to the following addresses on April 30, 2012 by first class mail or hand delivery.

Karen Thomas
Office of Planning
100 4th Street, SW
Suite E-650
Washington, DC 20024

Advisory Neighborhood Commission 6D
1101 4th Street, SW
Suite W 130
Washington, DC 20024

Martin Parker
District Department of Transportation
55 M Street, SE
Suite 400
Washington, DC 20003



Christine Roddy