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VIA IZIS AND HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

**Re: Z.C. Case No. 16-11 - Post-hearing Submission
Consolidated PUD & Related Map Amendment @ Square 2890, Part of Lot 849**

Dear Members of the Commission:

On behalf of Park View Community Partners and the District of Columbia (the “Applicant”), we hereby submit the following information requested by the Zoning Commission at the December 5 and 8, 2016 public hearing regarding the proposed planned unit development (“PUD”) and Zoning Map amendment on part of Lot 849 in Square 2890 (the “PUD Site”).

1. Updated Architectural Plans and Elevations

At the public hearing, the Zoning Commission requested a number of revisions to the Architectural Plans and Elevations to clarify certain aspects of the project. In response, the Applicant hereby submits at Exhibit A revised Architectural Plans and Elevations (the “Revised Plans”) that supersede the plans previously submitted to the record at Exhibits 6A, 17A, and 35A. The Revised Plans include the following updates:

1. Revisions to establish internal consistency and eliminate discrepancies throughout the drawings, such as adjusting the property line for the PUD Site, confirming square footages and unit counts, adding the layout of the multifamily building courtyards on all relevant sheets, and confirming and making consistent all references to building materials;
2. Revised architectural design motif for the townhomes to better integrate them into the existing architectural context (Sheets A23, A26). The revised design elements include revised materials and materials palette that incorporate a warmer color scheme; further defined brick detailing that includes brick banding and brick soldier courses; revised window mullion design that creates windows of a vertical proportion for a more residential character; and revised window panel material to brick with banding;

3. Revised materials and materials palette for the apartment house and senior building that create a warmer residential character (Sheets A08-A11, A14-A21). The materials shown on Sheets A24-A26 are the final proposed building materials for these buildings. In addition, the Applicant added balconies to the apartment house along Georgia Avenue and reduced the amount of glass at the corner of the senior building to provide more privacy (Sheets A09, A10, A17, A25).
4. Enlarged views of the following elements on the apartment house and senior building: (i) courtyards (Sheets L03-L06); (ii) fences and gates surrounding the courtyards (Sheets L03, L05, L09); (iii) residential balconies (Sheets A08, A14, A15, A18, A24); (iv) brise soleil (Sheet A24); and (v) rooftop terrace (Sheets A06, L07);
5. A signage plan for the retail component of the apartment house, showing the general signage locations and dimensions (Sheet A08);
6. Diagrams showing that trash will be collected from a path along the rear of the townhomes that leads to the alley easement; trash receptacles will sit along the wall of the last (farthest north) townhouse on this easement and can be accessed from the private street (Sheets G20, L09);
7. Additional renderings showing how the project fits within the existing context (Sheets A20A-A20C);
8. The Applicant has studied the feasibility of incorporating solar panels into the project. However, as described in the letter attached hereto as Exhibit B, prepared by Wiles Mensch Corporation, the Applicant cannot incorporate solar panels into the project because doing so would decrease the retention value and storage capacity of the proposed green roofs, which cannot be decreased due to the 1.2” rainfall retention requirements imposed by DOEE for stormwater management. Moreover, as indicated in the letter attached hereto as Exhibit C, prepared by Torti Gallas Urban, incorporating solar into the project is not feasible due to (i) the wide variety of building and construction types, which each requires its own tailored approach to solar and greatly reduces economies of scale; (ii) the limited amount of roof area available for solar, given mechanical, green roof, and other space requirements; and (iii) the limited return for solar on building components that do not have available roof area, such as townhomes.

2. Details and Confirmation of Park Development

The Zoning Commission requested that the Applicant provide a condition regarding the timing for future use and development of the Park. In order to ensure that area proposed for a park will in fact be used for park and recreation purposes, the Applicant proposes the following condition to be part of the Zoning Commission order:

“Prior to the issuance of a Building Permit for the multi-family building, the Applicant shall demonstrate to the Zoning Administrator that DMPED will convey the PUD Site to Park

View Community Partners pursuant to a 99 year ground lease. The ground lease will contain a provision wherein DMPED agrees that a minimum of 44,000 square feet of land area of land in Square 2890 identified as a public park shown on Sheet G10 of the Architectural Plans and Elevations, dated January 9, 2017, and included as Exhibit __ in the record, will only be used for park and recreation uses for the term of the ground lease. The Applicant shall have the right to use a portion of the park area as a temporary staging area during construction of the Project.”

The Applicant believes this proposed condition ensures that the Park area will be used for park and recreation purposes.

3. Maintenance of Private Street

The private street on the PUD Site will be maintained by the Applicant. The Applicant proposes the following condition to be included in the Zoning Commission order to ensure adequate maintenance of the private street:

“For the life of the Project, the Applicant shall maintain the private street consistent with DDOT standards.”

4. Updates on Residential Use at the PUD Site

A. Residential Use of the Site

The Zoning Commission requested that the Applicant provide a further explanation regarding why residential use is appropriate for the PUD Site, given the PUD Site’s designation on the Future Land Use Map as a Local Public Facility. The following information supplements the information included in the record as Exhibits 35B and 196-197 and the testimony presented at the public hearings on this application by the Applicant’s expert in zoning and land use planning (Exhibit 233).

The Future Land Use Map does not show density or intensity on Local Public Facilities sites, but provides that “if a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be comparable in density or intensity to those in the vicinity.” 10A DCMR § 226(h) (emphasis added). Properties in the vicinity of the PUD Site are designated as mixed-use on the Future Land Use Map for Moderate Density Commercial and Medium Density Residential. The corresponding zone districts for these designations include R-5-B and C-2-B, which are the zone districts that the Applicant proposes for the PUD Site. Thus, the Applicant’s proposal to provide medium density residential development on the PUD Site is comparable to the uses and densities permitted in the vicinity.

The Applicant is proposing to rezone the PUD Site from the R-4 and C-2-A Districts to the R-5-B and C-2-B Districts in order to develop the site with primarily residential use. The proposed zones and use are appropriate for the Local Public Facilities designation given the existing and approved surrounding zone districts, residential uses, and densities. *See* Applicant’s Comprehensive Plan Analysis (Ex. 35B) and the testimony of the Applicant’s expert in land use

planning (Ex. 233). There are several existing and approved residential buildings in the immediate vicinity of PUD Site, including (i) an approved residential building 3212-3216 Georgia Avenue (one block to the north of the PUD Site) approved as a PUD in Z.C. Order No. 13-10; (ii) an approved residential building at 3221-3335 Georgia Avenue (two blocks to the northeast of the PUD Site) approved as a PUD in Z.C. Order No. 10-26; and (iii) an approved residential building at 3232 Georgia Avenue (two blocks north of the Subject Property) approved as a PUD in Z.C. Order No. 08-26. Thus, the residential use and density proposed for the PUD Site is consistent with other recent developments in the immediate vicinity of the PUD Site.

Moreover, the Comprehensive Plan notes that mixed-use categories on the Future Land Use Map applies on “[c]ommercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future.” 10A DCMR § 225.19(b). In this case, the PUD provides for increased height and density for the specific purpose of providing new housing and affordable housing along the Georgia Avenue commercial corridor. Doing so is also specifically encouraged by the Comprehensive Plan’s Housing Element (*see, e.g. Policy H-1.1.4* – “Promote mixed use development, including housing, on commercially zoned land, particularly... along Main Street mixed-use corridors.) Reviewing the Comprehensive Plan’s Citywide Elements is appropriate in this context, given 10A DCMR § 226.1(d), which states that “the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.” 10A DCMR § 226.1(d); *see also, e.g. Z.C. Order Nos. 14-19 and 15-14.*

In addition, attached hereto as Exhibit D is a letter from DMPED describing the relationship between the Bruce Monroe and Park Morton developments, and the need for the proposed residential use and density at Bruce Monroe to meet the New Communities Initiative principles and Comprehensive Plan policies regarding the important need for new housing and affordable housing in the District.

B. Distribution of Residential Units

The Zoning Commission asked for information regarding how the affordable and public housing replacement units will be distributed within the apartment portion of the proposed project. The Applicant hereby confirms that the workforce affordable units and the public housing units will be evenly distributed throughout the apartment house on all floors, except for the top two floors and the penthouse, which will be reserved for market-rate units.

C. Breakdown of Replacement Public Housing Units

There are 174 public housing units at Park Morton. Currently 137 units are occupied by Park Morton families. To date, 27 replacement units have already been built for Park Morton residents at The Avenue, located at 3506 Georgia Avenue NW (delivered in 2012), leaving 147 replacement units to be constructed at Bruce Monroe and Park Morton.

A chart showing the distribution of the replacement unit follows:

	Total Unit Yield	Public Housing Replacement Units	Phasing of Current Households
Phase 1 - Bruce Monroe	273	90	90
Phase 2 - Park Morton Apartment House	148	43	43
Phase 3 - Park Morton Stacked-flats and Townhomes	41	14	4
Total	462	147	137

D. Affordable and Public Housing

As indicated at the Zoning Commission hearings, the 111 workforce affordable units located on the PUD Site will remain affordable for households earning up to 60% of the AMI for 99 years.

E. DCHA Right to Return Resolution No. 16-06

As stated at the public hearing, DCHA’s Resolution No. 16-06 “To Adopt Relocation and Re-entry Policies for New Communities Initiative Developments” establishes a relocation strategy for DCHA residents relocating either temporarily or permanently from or within New Communities developments. *See* Resolution 16-06 attached hereto as Exhibit E. In order to ensure the Applicant’s compliance with Resolution 16-06, the Applicant proposes the following condition to be included in the PUD Order:

“During development of the Project, and for the life of the Project, the Applicant shall comply with the applicable relocation and re-entry requirements for the public housing replacement units set forth in Resolution 16-06, as adopted and enforced by DCHA.”

F. Construction Phasing and Construction Management Plan

The PUD will be constructed in a single phase, with construction of the townhomes, apartment building, and senior building during the same time frame. In addition, as requested by the Commission, the Applicant has prepared a Construction Management Plan (Exhibit F), with which it will abide throughout construction of the PUD.

5. Update on Discussions with Bruce Monroe Park Neighbors

Following the public hearing, the Applicant conducted two meetings with the Bruce Monroe Park Neighbors (the “Park Neighbors”), represented by Tonya Williams and Austin Badger. The following provides a summary of both meetings:

Meeting #1 – Tuesday, December 20, 2016.

The Park Neighbors presented their key issues, which included: (i) a lack of information regarding a permanent plan for the park; (ii) better building aesthetics that should complement the existing neighborhood fabric; (iii) a desire for less density at Bruce Monroe; (iv) a desire for a more equal distribution of density (units and future occupants) between Bruce Monroe and Park Morton; (v) a desire for more park space which can be achieved with a smaller building footprint at Bruce Monroe; and (vi) traffic and parking impacts. The meeting progressed with a review of the items on the list above, as follows:

- **Permanent plan for the park** – All parties agreed upon the importance of providing a permanent plan for the park. DMPED emphasized that it was working to develop language that confirms the timing of development of the park. The Applicant also re-emphasized that the design/programming of the park would occur during a community-engagement process to be initiated in early 2017.
- **Density** – The Applicant explained the need for density at Bruce Monroe in order to achieve the number of replacement units needed for Park Morton families and to fulfill the Build First and mixed-income principles of the New Communities Initiative. The Park Neighbors expressed their desire for a reduction in the number of floors in the Bruce Monroe apartment house in order to achieve the preferred density. This request stemmed largely from the Park Neighbors' concern about the number of inhabitants that would ultimately reside at Bruce Monroe. The Applicant described why the proposed density is consistent with the Comprehensive Plan, and explained how the proposed density was necessary to achieve the public housing replacement unit target and the Build-First principles of NCI. The Applicant provided the various schemes for the Bruce Monroe site that were evaluated during the master planning process with the Park Neighbors for their review in order to better understand how the Applicant arrived at the final site plan concepts.
- **Desire for more park space** – The Park Neighbors requested the removal of the eight townhomes in order to increase the size of the park. The Applicant explained that removing the townhomes would remove housing units for larger families at Park Morton who require three-bedroom units.
- **Traffic** – The Park Neighbors expressed concern about increased traffic and potential loitering of vehicles and people once the alley is connected to the new private street. The Park Neighbors asked if the Applicant would consider blocking vehicular access to the alley from the new private street. The Applicant agreed to evaluate the feasibility of this strategy with its architect and DDOT and report back. However, DDOT subsequently indicated that it does not support putting a barrier between the alley and the private street because doing so would hamper improved connectivity in the alley system. DDOT supports the alley connection because it will facilitate alley operations for the structures that currently use the existing dead-end alley. Furthermore, DDOT indicated that maintaining the alley/street connection is not anticipated to induce significant numbers of

new trips in the alley, since all non-local traffic would be expected to use the streets not the alleys.

- **Parking Impacts** – The Park Neighbors expressed concern about a loss of street parking due to the future increase in residents at Bruce Monroe. The Applicant agreed to consider restricting Residential Parking Permits (“RPPs”) for the market-rate units in order to mitigate any potential impacts to on-street parking. Since then, the Applicant has committed to restricting all market-rate units from obtaining RPPs, as further described in this letter.

Meeting #2 – Thursday, January 5, 2017.

The Applicant presented new information to the Park Neighbors regarding improvements to the building aesthetics via proposed new façade colors, confirmation of the Applicant’s agreement to restrict market-rate tenants of the apartment portion of the building from obtaining RPPs, and a draft Construction Management Plan to help mitigate concerns and inconvenience during construction.

- **Building Aesthetics** – The Applicant presented a new brick/masonry color palette, which reflects a warmer slate/cream brick combination to replace the original gray/white palette initially proposed in the PUD submission. The Park Neighbors noted that the new palette was an improvement but expressed a desire for a palette that included more red brick to echo the existing fabric of some of the neighboring townhomes. The Applicant noted the variety of brick colors used throughout the neighborhood, and emphasized its desire to bring a modern feel to the building while preserving traditional elements of the neighborhood through the incorporation of balconies and smaller window heights.
- **Parking** – The Applicant expressed its commitment to prohibit market rate tenants from obtaining Residential Parking Permits in an effort to mitigate any potential impacts on on-street parking in the neighborhood.
- **Construction Management Plan** – The Applicant reviewed key items in the Construction Management Plan in order to highlight efforts the Applicant will take to mitigate construction impacts to existing neighbors near the site. Park Neighbors expressed an interest in improvements/repairs that could occur in the alley if possible.

Comments regarding building height and density, unit distribution between Bruce Monroe and Park Morton, and the elimination of townhomes at Bruce Monroe in order to expand the park space were raised again by the Park Neighbors and discussed at length. Additionally, because of the Park Neighbors’ inquiry about other phasing scenarios and building programs at Park Morton in order to reduce the density at Bruce Monroe, there was a lengthy review of the original PUD submission site plan, the site plan included in the Small Area Plan, and the current site plan for the Park Morton site, and a discussion of the issues and concerns that resulted in, and are resolved and addressed by, the Park Morton site plan that exists today.

As discussed during that meeting, attached hereto as Exhibit D is a letter from DMPED explaining why the density at Bruce Monroe is necessary to accomplish the Build-First and one-for-one replacement goals of the city.

The Applicant also notes that it has engaged in extensive community outreach regarding development of the PUD Site for the past several years. As evidence of such, and as requested by the Zoning Commission, the Applicant hereby submits Exhibit G, which includes sign-in sheets from community engagement meetings, meeting flyers, and project fact sheets distributed to the public over the course of the past two years regarding the project.

6. Employment Proffer

Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant will make the following commitments as part of the PUD:

- a. First Source Employment Agreement – The Applicant will enter into a First Source Employment Agreement with the District Department of Employment Services, consistent with the First Source Employment Agreement Act of 1984, to ensure that District residents are given priority for new jobs created by municipal financing and development programs (*see* signed First Source Employment Agreement attached hereto as Exhibit H);
- b. Certified Business Enterprise Agreement – The Applicant will enter into a Certified Business Enterprise Agreement with the District Department of Small and Local Business Development to ensure that a preference is made to District-based firms pursuing District government issued procurement opportunities (*see* signed CBE Agreement attached hereto as Exhibit I); and
- c. Section 3 – Prior to commencing construction of the PUD, the Applicant will enter into a Section 3 Plan (part of the Housing and Urban Development Act of 1968). The Section 3 Plan will benefit low-income and very low-income District residents and/or businesses. The Section 3 Plan for all phases of the Bruce Monroe and Park Morton developments will be included in the general contractor’s contract and will be monitored by the Applicant and DHCD or DCHA. The Applicant will work with the general contractor to contract with Section 3 businesses and to hire Section 3 individuals. The general contractor will identify and contact local and small business assistance groups in Ward 1 and throughout the District of Columbia to notify them of contracting opportunities. The following is a list of steps that will be required of the general contractor to ensure Section 3 compliance, and the same will be included in the construction contract:
 - a. The general contractor will execute the First Source Employment Agreement with DOES and will utilize DOES as a source to recruit Section 3 residents and businesses for the job openings. All subcontractors with contracts over \$100,000 working on the project will

execute this agreement as well, and will use the resource to hire qualified workers;

- b. The general contractor will hold job fairs and will maintain a database of perspective Section 3 residents. These job fairs may be held at the PUD Site or in an adjacent location;
- c. The general contractor will contact ANC 1A and ANC 1B in Ward 1 as well as other ANCs and local organizations to create community interest;
- d. The general contractor and the Applicant will work with DCHA to reach out to Park Morton residents regarding project updates and job opportunities;
- e. The general contractor will utilize the DHCD Google website to identify Section 3 businesses that would be qualified to perform as subcontractors;
- f. The general contractor will hold pre-bid meetings for Section 3 and CBE subcontractors at its office or at the PUD Site;
- g. All subcontractors with a contract greater than \$100,000 will complete a DHCD Section 3 Opportunities Plan;
- h. The general contractor will look for subcontractors who may qualify as Section 3 businesses and will assist them in their certification process with DHCD; and
- i. The general contractor will maintain records that document the process and steps followed to encourage utilization of Section 3 job training, employment, contracting, and economic opportunities by Section 3 residents and business concerns.

Moreover, the Applicant notes that Dantes Partners, a member of the Applicant team, is a Section 3 business and is committed to extending opportunities to other Section 3 businesses. Conditions will be included in the Zoning Commission order that require the Applicant to provide proof to the Zoning Administrator of its compliance with these three employment commitments prior to obtaining a building permit for any of the buildings within the PUD.

7. Flexibility to Provide Compact Parking Spaces

Section 2116.1 of the Zoning Regulations requires parking spaces to be located on the same lot as the building that it serves. Section 2115.1 provides that all required parking spaces must be a minimum of 9 feet width and 19 feet in length. Section 2115.2 provides that any accessory parking area containing 25 or more required parking spaces may designate up to 40%

of the parking spaces for compact cars. In this case, the Applicant proposes to provide 16 surface parking spaces located on the private street within the PUD Site, eight of which will be reserved for the eight townhome units, and all of which will be compact in size and measure 7' x 20'. Thus, flexibility from Sections 2116 and 2115 is required because the parking spaces are not located on the same lot as the townhomes that they serve, the parking area contains less than 25 spaces, and because all 16 spaces will be compact in size and measure 7' x 20'.

Flexibility is appropriate in this case. Locating an off-street parking space on each townhome lot is not practical because the townhomes do not have rear vehicular access. The Applicant designed the townhomes without a rear alley in order to minimize traffic adjacent to the existing row dwellings to the west of the PUD Site. Providing a parking space at the front of the townhomes is also not practical because doing so would create an unwanted physical and visual barrier between the townhomes, the public park, and the other buildings on the PUD Site, thus upsetting the PUD Site's continuity. Providing parking on the private street in front of the townhomes will be convenient to its occupants and will not have any adverse impacts on the neighborhood, and results in more spaces being provided than would be if all spaces were full size.

Moreover, providing all of the 16 spaces as compact spaces will maximize efficiency of the private street. The compact spaces are only compact in terms of their width, not their length, which is necessary in order to meet the drive aisle width requirements for the new private street. Decreasing the street width in order to increase the width of the compact spaces would have the adverse effect of (i) reducing the rear yard depths for the adjacent townhomes (to the west of the street), and/or (ii) reducing the width of the sidewalk adjacent to the park (to the east of the street). Therefore, the requested flexibility allows for the most efficient use of the PUD Site, will not have any adverse effects, and will allow the Applicant to most effectively provide parking for the project's residents.

8. Withdrawal from Residential Parking Permit Eligibility

In response to the concerns raised by the Park Neighbors regarding the potential loss of on-street parking, the Applicant commits to restricting residents of the market-rate units in the apartment portion of the building from obtaining RPP permits. The apartment house will have a Georgia Avenue address, which is a commercial street and therefore not permitted to be zoned for RPP. Nonetheless, the Applicant commits that it will not seek or support any change to designate the apartment house as becoming RPP-eligible, and proposes the following condition to be included in the Zoning Commission order:

“Prior to the issuance of a Certificate of Occupancy for the apartment house, and for the life of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has:

- a. Established a Georgia Avenue address for the apartment house, and for the life of the Project, the Applicant shall not seek or support any change to designate the apartment house as becoming RPP-eligible;
- b. Recorded a covenant among the Land Records of the District of Columbia

prohibiting market-rate tenants of the apartment house from obtaining an RPP;

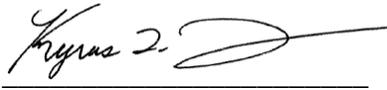
- c. Included in the residential leases for the market-rate units in the apartment house a provision that prohibits market-rate tenants from obtaining an RPP from the DMV, under penalty of lease termination and eviction; and
- d. Included in the residential leases for the market-rate units in the apartment house a provision that requires written authorization from each market-rate tenant allowing the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for its unit.”

9. Support from District Agencies

In addition to having support for the project from the Office of Planning and DDOT, the project has also been reviewed and approved by the Department of Housing and Community Development (letter attached at Exhibit J); the Department of Energy and the Environment (email attached at Exhibit K); Fire & EMS Department (email attached at Exhibit L); and DC Water (email attached at Exhibit M). As set forth in Exhibits J-M, representatives from each agency respectively indicated that the Project would not have any adverse effects on housing, the environment, fire safety, or water utility service.

Thank you for your attention to these matters. We look forward to your further consideration of this project at the January 30, 2017 public meeting.

Very truly yours,

By: 

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Jonathan D. Rogers, DDOT (with enclosures, via hand delivery)
ANC 1A (with enclosures, via U.S. Mail)
Rashida Brown, ANC 1A10 (with enclosures, via U.S. Mail)
ANC 1B (with enclosures, via U.S. Mail)
Park Neighbors c/o Tonya Williams and Austin Badger (with enclosures, via U.S. Mail & Email)
Park Morton Resident Council (with enclosures, via U.S. Mail)