

## **ATTACHMENT A**

### **CLOSING STATEMENT OF APPLICANT**

**Zoning Commission Case No. 05-39  
PUD and Map Amendment – St. Martin's Apartments**

1. This is a rare opportunity to provide a high-quality 100 percent workforce housing development as an integral part of a mixed-income and mixed-density neighborhood. The 178-unit project in itself is mixed-income in terms of having approximately 70 percent of the units in the mid-affordable income range and 30 percent in a lower income as was described by testimony. The development holds the only hope of continuing a broad mix of income levels of residents in the community since, as recognized by virtually every speaker, because of the sky-rocketing real estate market, many of our solid citizens cannot continue to afford housing in the area – a neighborhood otherwise being devoted to market-rate housing and with an increasing gentrification.

2. As shown by photographs presented to the Commission, this neighborhood has a broad variety of building types where apartments buildings, institutional buildings and row dwellings are co-mingled together. We believe that the architects have successfully designed a new community that includes elements of the surrounding building forms, such as rowhouse-type entrances and landscaping, a predominance of brick finishes, and careful attention to scale by varying the facades and reducing the height below what could be built as a matter of right today. The project even incorporates the old with the new by retaining the convent in the new design – a strong historic preservation component endorsed by the D.C. Preservation League. This new community provides a transition from the institutional buildings, such as McKinley, which is taller than the proposed project, to the rowhouses on Todd Street. It does this by having a more unified apartment building-like design on T Street, while appearing to be a line of rowhouses on Todd Place.

3. An apartment building form for this site is absolutely essential for carrying out the mission for this project architecturally and socially. Only with an apartment style building can there be both interior and exterior common spaces that provide the residents with amenities that are sought after even in market rate projects. These include the library, a game room, two interior courtyards, two roof terraces, common parking areas including some in excess of demand which can be used by the community. Yet, as the walk-around DVD animations establish, the interface with surrounding row dwellings, apartments and institutional development is extremely compatible by virtue of the configuration, materials, texture and form. By installing a sidewalk where there is none, providing landscaping and individual ground floor unit entrances, the Todd Place design fosters interaction between the building's residents and their row house neighbors. A row dwelling form simply cannot accommodate or include the same level of amenities to serve residents of this project. The alternative scheme suggested by ECRD had none of these features and clearly had not been thought out. Among other things, there was no vehicular access to the site in ECRD's plan, no acknowledgement of the extensive excavation that would be required for a two-level garage, or any recognition of the visual barrier

created along the streetscape by retaining walls, steeply sloping small front yards, or front porches that would rise two-stories above the ones across the street. In contrast, the scale of this project fits comfortably within the streetscape to create a warm, welcoming, neighborly community.

4. This proposed PUD has been underway with extensive neighborhood and community outreach for over two years. We are extremely pleased with the support from ANC 5-C, and Edgewood Civic Association, the local Ecumenical Council, and the overwhelming number of residents who took the time to come to the public hearings. We also believe that those in opposition have assisted in clarifying and refining the project to make it even better. Their comments as well as comments from supporters drove the revised design, specifically resulting in a decreased density and height, increased parking, re-grading of the hill, enclosed courtyards, and ground-floor units accessible from the street. We note that the actual testimony before the Commission was supportive of the nature of the project and was focused more on design and traffic than in previous outreach discussions.

5. As to traffic and parking, we refer you to the supplemental information which is being filed at the same time as this statement demonstrating the lack of adverse impacts, an opinion endorsed by the District's Department of Transportation. The additional parking spaces that are provided to the community are an important benefit of this PUD, which would not otherwise be available in a matter of right project or the sample proposal suggested by ERCD.

6. Finally, we are extremely pleased with the strong support of the Office of Planning in this matter. Their report is very extensive and helpful as we proceeded to refine the project. We especially want to comment on the work the Office of Planning has done to ensure neighborhood participation and to work through the Historic Preservation landmark designation issue with the DC Preservation League and the Historic Preservation Office. From a planning standpoint, including the relationship to both the existing and proposed Comprehensive Plan, this project meets all tests. We call your attention to the attached statement by Steven Sher, Urban Planner, summarizing the technical and substantive compatibility of the project with the Plan.

7. This project is one of the more meaningful PUDs that has come before the Zoning Commission. It is a rarity for a private landowner to donate its land and bring a million dollar contribution from a Foundation to achieve a public good that the District needs. The Zoning Commission's decision in this case will send a positive signal to other such owners about the District's receptivity to such mission-driven development. This is a project that the Commission, the neighborhood and the city can be proud of, and we respectfully request your early approval.

## **ATTACHMENT TO CLOSING ARGUMENT**

### **PUD COMPLIANCE WITH EXISTING AND PROPOSED COMPREHENSIVE PLAN**

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The current Comprehensive Plan is as shown in Title 10 of the D.C. Municipal Regulations, last amended in 1998, and effective April 27, 1999. That plan also includes two maps, a Generalized Land Use Map and a Generalized Land use Policies Map, both of which are dated January 2002. The Council for the District of Columbia has adopted a new Comprehensive Plan, including a Future Land Use Map and a Generalized Policy Map. That plan is pending before Congress under the mandatory 30-day layover period, as with any other piece of legislation passed by the Council; it is not likely to be in effect by the time the Commission considers action on the subject case. Nonetheless, we believe that the proposed PUD and zoning map amendment from R-4 to R-5-B is not inconsistent with either the existing plan or the new plan.

#### Existing Plan

The Generalized Land Use Map includes the subject property in the moderate density category. The Plan describes this category as one where "row houses and garden apartments are the predominant uses; may also include low density housing." The existing plan does not contain a direct correlation between zone districts and the various land use categories. As part of its deliberations on the Comprehensive Plan Amendments Act of 1989, Chairman David A. Clarke addressed a memo to the other members of the Council in which he wrote:

[t]he executive branch has maintained, and the Committee [of the Whole] agrees that, since the land use maps of the Comprehensive Plan are generalized, they cannot be directly translated into existing zoning districts and zoning density ranges.

Following the adoption of the Comprehensive Plan amendments Act of 1989, the Office of Planning created a "Zoning Consistency Chart" which provided for a sense of that correlation; that chart indicated that R-5-B was consistent with either Moderate or Medium Density Residential. Broad areas of the city which are shown as moderate density residential are included in the R-4, R-5-A and R-5-B Districts. The Zoning Regulations themselves describe R-5-B as permitting a "moderate height and density." (*See* 11 DCMR §350.2.)

Furthermore, it is not inconsistent with the Plan to have a higher density zone district at one point within an area broadly identified as moderate density if the "predominant" density is moderate. In this area of the city, a broad swath bounded by Rhode Island Avenue on the north, Florida Avenue and Q Street on the south and industrial properties along the railroad right-of-way on the east (but not including the educational campuses on the south side of T Street) is included in the moderate density category. Approving the subject PUD and rezoning to R-5-B is not inconsistent with the existing Comprehensive Plan, especially in light of the characteristics of the

site which distinguish it from other property in the area (e.g., it is not now developed with rowhouses, it is predominantly vacant, its existing topography sets it apart from the rest of the neighborhood and it confronts the larger institutional presence in the form of the schools on the south side of T Street).

There is nothing on the existing Generalized Land Use Policies Map which relates to the subject property. In its previous submissions, including the application and the report of its land planner, the Applicant has addressed those parts of the Comprehensive Plan other than the Land Use Map which support the subject applications.

### New Plan

The Future Land Use Plan continues to designate the subject property in the Moderate Density Residential category. The Future Land Use Map describes moderate density residential as one that:

[d]efines the District's row house neighborhoods as well as its low-rise garden apartment complexes. Also applies to areas characterized by a mix of single family homes, 2-5 unit buildings, row houses, and low-rise apartment buildings. In some older inner city neighborhoods with this designation, there may also be existing multi-story apartments.

In the new Framework Element, for the first time, the Comprehensive Plan itself describes zoning districts in the context of land use categories. "The R-3, R-4, R-5-A zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations." The Framework Element is also instructive in its Guidelines for Using the Generalized Policy Map and the Future Land Use Map:

- (a) The Future Land Use Map is not a zoning map. ... By definition, it is to be interpreted broadly.

\* \* \*

- (c) The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block – there may be individual buildings that are higher or lower than these range within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.

\* \* \*

- (e) The designation of an area with a particular land use category does not automatically mean that the most intense zoning district described in the land use definitions is automatically permitted. A range of densities and

intensities applies within each category, and the use of different zone districts within each category should reinforce this range.

- (f) Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation.

(Emphasis added).

On the new Proposed Generalized Policy Map, the subject property is located in a Neighborhood Conservation Area. Those areas are described on the Map as follows:

- (a) Areas with very little vacant or underutilized land;
- (b) Primarily residential in character;
- (c) Maintenance of existing land uses and community character is anticipated over next 20 years;
- (d) Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing;
- (e) Major changes in density not expected but some new development and reuse opportunities are anticipated;
- (f) Diversity of land uses and building types should be maintained; and
- (g) New development should be compatible with existing scale and architectural character.

We believe that the proposed PUD and the change of zoning to R-5-B are not inconsistent with the new Comprehensive Plan's application of the Moderate Density Residential category to the subject property and its inclusion in the Neighborhood Conservation Area designation. In addition to the discussion above, the Applicant notes that the Land Use Element, the Housing Element and the Mid-City Area Element contain policies which support the development of infill sites with compatible development and particularly for projects which help preserve neighborhood diversity by including low and moderate income housing.