

**KELSEY GARDENS PROPERTY COMPANY, LLC
PLANNED UNIT DEVELOPMENT**

**STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR
REVIEW AND APPROVAL OF A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND MAP AMENDMENT
FOR A NEW MIXED-USE DEVELOPMENT
1500 BLOCK OF 7TH STREET, N.W.**

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EXECUTIVE SUMMARY

Kelsey Gardens Property Company, LLC (“Applicant”) -- a partnership between the Deliverance Church of God in Christ, a long-standing Shaw community presence, and Metropolitan Development, LLC, a locally-based development company with a proven track record in Prince George’s County at Branch Avenue and beyond -- submits this PUD Application for its seven 3-story townhouses and its mixed-use apartment / retail building (“Kelsey Gardens”) in Shaw’s burgeoning Seventh Street corridor. The PUD Application seeks conversion of the existing C-2-A zoning to C-2-C zoning, thereby enabling Kelsey Gardens to evolve from the existing, obsolete HUD project to a Class A mixed-use building with affordable housing that meets all of the applicable standards for granting the requested rezoning and PUD.

Most significantly, Applicant’s PUD provides the Shaw community with 54 Class A affordable housing units including family-friendly three and four bedroom units, all with rents at or under 60% of AMI. These units are guaranteed first to the returning, qualifying residents of the existing Kelsey Gardens development and then to other DC residents who qualify for affordable housing. Many of the returning residents have incomes significantly below the government’s 60% AMI threshold. The affordable housing units constitute over 20% of the total 261 units in the new Kelsey Gardens.

Additionally, Applicant’s PUD provides the Shaw community with almost 15,000 sq. ft. of sorely needed retail space to accommodate the neighborhood’s surveyed and otherwise articulated needs, including space targeted for a sit-down restaurant, a bank, and small local business opportunities. Ample parking, including 184 below-grade parking spaces, will free up street parking for Kelsey Gardens’ neighbors as well as the nearby, significantly under-served Convention Center.

Still further, the new and improved Kelsey Gardens design will provide over \$250,000 in amenities to the surrounding neighborhood. These needs were identified through intensive presentations communications and close coordination with all local ANC Commissioners, Ward 2 City Council member Jack Evans, the Kelsey Gardens Tenant Association and Tenant's Representative, various local Shaw community groups, DC Public Schools, DC Library, and Applicant's community outreach coordinator, Mr. Brig Owens. And in addition, the Kelsey Gardens design provides for significant alley widening and improvements, pedestrian friendly street frontage, Green Roof and LEED features.

Applicant's state-of-the-art design is the result of extensive consultations and coordination with the DC Office of Planning as well as input from the DC Department of Transportation. At least four re-designs resulted in extensive reductions in height, massing, and density, and alley easements to the City backing up to Applicant's townhouse neighbors. The design is sensitive to the needs of its neighbors and seamlessly melds with the neighboring heights and designs of all surrounding structures. Moreover, Applicant's seven townhouses recreate the Eighth Street neighbors' architecture. Likewise, the mixed-use building's façade mirrors Shaw's townhouse "feel" by creating the impression of multiple buildings instead of the monolithic "big box" look of all too many apartment and office buildings located throughout the District. The innovative design by the nationally renown architectural firm of Lessard Group, Inc. has met with the unanimous approval at each and every presentation to community leaders and groups.

Applicant's design naturally fits its neighborhood context by significantly stepping down to 40 feet from the 90 foot peak of the main building's façade to match its 40 foot low-rise neighbors to the north, by matching its taller neighbors to the south, and – at the recommendation

of DC's Office of Planning – by again significantly stepping down its backyard bays, down at their lowest point to 40 feet, so that they respect their townhouse neighbors to the west. This effect is synergized by Applicant's volunteering to widen and improve the existing alley to the west to enhance the flow and step-down to the Eighth Street townhouses backing up to the alley. Applicant's design minimizes any negative impact on pedestrian or vehicular traffic by relocating its garage and loading entrances to the alley, thereby enhancing the pedestrian experience by eliminating the need for curb cuts in its sidewalks.

The new Kelsey Gardens project is a bright spot delivering substantial new, affordable housing with a first-class architectural design, LEED features, significant financial support for several neighborhood programs, and DC resident and minority employment and contracting commitments. Favorable Zoning Commission review and approval of this PUD Application is requested to expeditiously schedule a public hearing on this stellar new project.

I. INTRODUCTION

Kelsey Gardens' Application to the District of Columbia Zoning Commission requests approval of a consolidated planned unit development ("PUD") and a zoning map amendment for the 1.08-acre site located between Q and P Streets on Seventh Street, N.W. and wrapping around to the west along P Street. The Project, in Ward 2 within Advisory Neighborhood Commission ("ANC") 2C, addresses many of the neighborhood's needs including developing 54 Class A affordable housing units. This Application includes a transit-oriented, mixed-use building with affordable and market-rate dwelling units as well as seven 3-story townhouses to further merge the stepped-down main building into the neighborhood. The Project's townhouses flow from the corner of Eighth and P Streets to the alleyway running behind the mixed-use apartment building and will serve as residential or office space. Applicant is purposefully foregoing any request to increase the height and density of the townhouse lot in recognition of the increases requested for its Seventh Street property.

A. Kelsey Gardens' Project History

Kelsey Gardens was originally developed by the Deliverance Church of God in Christ (441 Chaplin Street, S.E., Washington, D.C.) and financed under Section 236 of the National Housing Act as public-assisted housing. Metropolitan Development, LLC ("Metropolitan") (8521 Leesburg Pike, Suite 750, Vienna, VA 22182) began negotiations to acquire the property from the Church in 2004. While the previous owner negotiated pre-payment of the HUD mortgage, Metropolitan Development, LLC negotiated a relocation agreement with the tenants at Kelsey Gardens, whose rights were represented by a major DC law firm. The tenant agreement ensures that each and every one of the 54 affordable housing units at the present Kelsey Gardens will be replaced by Class A units in the same size and bedroom configurations, to be interspersed

throughout the new development. Applicant has guaranteed its returning tenants the absolute right to return to the new building as qualified affordable unit tenants or, if they no longer qualify for affordable housing, as market rate tenants. Applicant has also agreed to provide its tenants with financial contributions for their interim relocation as well as professional assistance in identifying interim housing and applying for governmental assistance. The value of the complete tenant assistance program exceeds \$543,000.

B. Applicant's Proven Track Record in Developing Diverse Properties

Kelsey Gardens Property Company, LLC represents a partnership between Metropolitan and Deliverance Church. This partnership enables the Church to continue to contribute to the Shaw community as well as to realize value from a long term asset.

The Church's long history in the District of Columbia began with its development of the original Kelsey Gardens Apartments over 30 years ago. Today, the local congregation of 300 loyal members meets at the Church's facility in Southeast Washington, DC at 441 Chaplin Street, SE. The Church's congregation actively participates in numerous local community and charitable activities. The Church sponsors food and clothing drives for local residents in need, supports HIV education programs, and promotes community accord by providing space for an outreach program by the Metropolitan Police Department to the local Hispanic community. The Church congregation's youth program includes Sunday School and a standing Monday Family Night.

The Church's partner, Metropolitan, is an experienced local residential developer with several successful, completed and thriving multifamily communities in challenged development sites in Prince George's County, MD; New Haven, CT; Apex, NC; and Dallas, TX. The firm has expertise in acquisition, land use, and development. Metropolitan focuses on creating residential

and mixed-use communities that cater to the demanding lifestyles, careers, and entertainment preferences of its residents. The company's ability to perform all of its acquisition, development and construction management services helps to explain its successful track record of delivering unique developments in challenging locations.

Recent, representative examples of Metropolitan projects include:

- MetroPlace at Town Center – Metropolitan has developed a 59 acre site and created a new community adjacent to the Branch Avenue Metro station in Prince George's County, MD, where previously, only barren land and a dump site could be found. MetroPlace includes 397 apartment units, 327 townhomes, and 86 condominium units complemented by an 8,000 square foot clubhouse, outdoor swimming pool, tennis court, hiking trail, playgrounds and picnic areas. This success story has spurred further development by others of residential, retail and additional services in the immediate vicinity. MetroPlace at Town Center represents Metropolitan's commitment and ability to develop high quality residential communities in high barrier to entry markets.
- Wintergreen at Westville – Located in New Haven, CT, Wintergreen is an urban infill redevelopment including 293 residential units. The project's design skillfully meets the challenges of its 8 acre site, including revitalization issues facing the Westville community. In designing an architecturally sensitive, functional and high quality community, Metropolitan has with Wintergreen demonstrated its ability to fold new developments into established, albeit depressed communities.

- Prairie Crossing – Located in Dallas, TX, Prairie Crossing demonstrates Metropolitan’s success in mixing residential and retail uses that exceed the single use value of a prior Mobile Oil corporate facility, converting the 24 acre site to 368 apartments, 192 townhome lots, 24,000 square feet of retail, and ample structured parking.

C. Applicant’s PUD Site Smoothly Merges Into the Surrounding Neighborhoods

The existing Kelsey Gardens apartment complex has fifty-four (54) HUD Section 8 rental apartments on Lot 67 and an unfinished parking lot on Lot 68 in Square 421. The primary development site -- Lot 68 -- consists of 42,750 square feet (0.98 acres) and faces Seventh Street between P to Q Streets; it backs onto a 10’ alley. The adjoining development site -- Lot 67 -- starts at the corner of Eighth and P Streets, NW and flanks the same alley, has a land area of 4,275 square feet, and will fit seven 3-story row townhouses for residential or office/retail use. Applicant has not designed or requested inclusion of Lot 67 into the main building and has instead chosen to use this land to assist in blending the development into the Eighth Street townhouse neighborhood. The total PUD site’s land area has 47,025 square feet or 1.08 acres.

The PUD site located on the Seventh Street NW corridor in the Shaw neighborhood has neighbors to the north and south that include high-rise apartments, Howard University buildings, traditional commercial store fronts, the Roadside/O Street Market site, the Kennedy Playground and others. The surrounding residential areas consist of apartment houses and rowhouses. The Washington Convention Center is two blocks to the south.

The Shaw/Howard University Metrorail Station is located one-and-one-half blocks north of Kelsey Gardens and the Mt. Vernon Square/Convention Center Metrorail Station is located three blocks to the south. The Property is also served by a number of Metrobus lines.

II. THE PUD PROJECT

A. Applicant's Overall Project Description

The PUD proposal consists of two structures. The first structure is a 261-unit apartment house that includes 54 affordable units, several ground floor amenities, and 15,000 square feet of ground level retail space conforming to the traditional Shaw neighborhood style. The building occupies the same site as the existing Kelsey Gardens Section 8 housing. The mixed-use building will range in height along the length of Seventh Street, NW from four stories at its northern end at Q Street to nine stories at the southern end of the building facing the Roadside Development, thereby smoothly blending the PUD into the adjacent neighborhood. The maximum height of the building measured at the roof is 90 feet from the average grade of P Street NW at the curb line. Its height is lower than its 95 foot high southern neighbor, Roadside/O Street Market.

Along P Street and behind the main building, Applicant's design also contains a second structure containing seven 3-story townhouses on the site of the vacant lot starting at the corner of Eighth and P Streets and running along P Street to the alley behind the Seventh Street building. Applicant is requesting flexibility in the townhouses' usage, depending on market conditions, for either residential or commercial use.

B. Applicant's Architectural Design Complements Its Neighbors

The multifamily building's design is guided by a conscious desire to complement the Shaw neighborhood and, therefore, the design breaks up the main building's façade into five sections along its Seventh Street frontage. These façade sections generate the impression of several buildings instead of one large monolithic structure. The impression of distinct sections is deepened by variations in color and surface treatments. And pitched roofs, roof height

variations, diverse window styles, and horizontal banding of materials likewise add architectural diversity and excitement to the building's facades.

The overall architectural style evolved from Applicant's sensitivity to the existing Shaw neighborhood style. Thus, the façades are generally fronted with brick, keeping in style with the traditional neighborhood architecture, and the building will include street level retail consistent with its neighbors both to the north and across Seventh Street. Moreover, the awnings on its storefronts will beckon pedestrians and businesses to the building's opportunities and will enhance the pedestrian experience as well as add architectural interest at the street level.

The architecture's most significant design concept are the P Street and Q Street elevations; the building's heights are designed along Seventh Street to transition from the older and less dense area north of the main building to the five foot higher Roadside Development / O Street Market site across P Street. Kelsey Gardens' Q Street elevations purposefully mirror the four story elevations of its neighbors north of the PUD site. Additionally, the main building's backyard design incorporates much lower bays which step down in height to four and five story projections. These bays thereby transition the building to the scale of the Eight Street townhouses' backyards located behind the PUD project along the Eighth Street alley. This transition is further softened by Applicant's proposed easements of 3,275 square feet of its backyard to the District for purposes of widening and improving the rear alley. The building's rear elevations are fully articulated and clad in a similar palette of materials, including brick, as the street front elevations for compatibility with the townhouses.

The design of the seven 3-story townhomes has been carefully crafted to complement the existing neighborhood homes. Including the matching heights of the new townhomes, additional consideration has been taken to assure compatibility with the neighborhood's scale and massing,

materials, design details for windows, doors, and roof, and rear parking. The combination of these design features will assist in enhancing the rich diversity of the community.

C. Applicant's Affordable Housing Includes Substantial Additional Support

The Project's 54 Class A affordable units range in size from one to four bedrooms. The units are distributed throughout the building. These units vary in size from 568 to 1,335 square feet of floor area with the following unit mix: 13 one-bedroom units, 23 two-bedroom units, 14 three-bedroom units and 4 four-bedroom units. The affordable units constitute approximately 21 percent of the main building's apartments and provide one-to-one replacement of the 54 former apartments on the site. These affordable units will be available to income qualified tenants earning at or below 60% of Area Median Income ("AMI") for 50 years. The incomes of many returning Kelsey Gardens' residents fall far below the government's maximum qualification guidelines. Vouchers will be accepted from income qualified tenants.

Applicant has contributed \$543,000 to the total amenities package for its current residents. For example, Applicant is providing \$10,500 per unit to all building tenants to aid in their costs of relocation. Moreover, Applicant is providing its tenants with professional assistance in applying for HUD Enhanced Housing Vouchers, a third party management firm to assist tenants in identifying suitable alternative housing during their temporary relocation, and an experienced tenant representative to ensure the identification, communication, and protection of the tenants' interests during the design and construction of the PUD project. All former tenants are guaranteed the right to move back to the newly constructed Class A main building as either income qualified or market rate tenants depending on their then-current individual financial

qualifications. Any remaining affordable units shall be made available to the qualifying public pursuant to the District's guidelines and regulations.

D. Applicant's Affordable Housing's Class A Design Matches The Building's Market Rate Housing Component

The design and construction quality of the affordable and market rate units will be indistinguishable. The 207 market-rate units range in size from 600 to 1195 square feet of floor area. The unit mix, as designed, includes 140 one-bedroom units and 67 two-bedroom units. Some models will include dens.

E. The Project's Retail Component and Amenities Support the Community's and Residents' Needs

The Project's retail spaces include approximately 14,696 square feet on the ground floor facing and opening onto Seventh Street. Ceiling heights for the retail use and amenity areas will vary from 17 feet at the north end of the building and 14 feet at the south end. Applicant's plans respond to the community's input, and contemplates retail uses including a sit down restaurant and a bank.

The main building residents' needs will be served by approximately 6,550 square feet of additional floor area on the ground level of the building. The planned amenities include a fitness room, cyber café, business center, and lounge. Outside, two landscaped courtyards facing the western neighbors' backyards and the roof areas of the four story and six story portions will serve as open space and passive recreation areas for the residents.

F. Applicant Has Included Ample Project Parking and Loading Facilities

A total of 184 underground parking spaces on one and a half levels are included with 16 dedicated retail spaces. The parking design includes 56 standard spaces, 124 compact spaces,

and 4 handicap spaces. The garage entrance and exit are located in the alley. The loading facilities are located closer to the southern end of the building, with access from the alley. Applicant will widen and improve the 10 foot alley to 20 feet from the P Street alley entrance through, to and including the parking and loading access points. Applicant will also widen the alley to 16 feet from the garage exit to Q Street. In doing so, Applicant will grant the District a 3,275 square foot easement in order to widen and improve the alley. Both the District's Department of Transportation and Office of Planning have been involved in this design, which forecloses the need for curb cuts or other impacts on pedestrian walkways.

G. The Building's Sustainable LEED Design

Applicant is designing the main building to meet USGBC Leadership in Energy and Environmental Design Certification. The building will include a Green Roof over 50% of the roof area. Other environmentally sensitive qualities of the building include water efficient landscaping, use of low VOC-emitting carpets and paints, management to minimize construction waste, and its location as a transit oriented development.

III. EXISTING AND PROPOSED ZONING

Applicant requests rezoning to the Project site from C-2-A to C-2-C District. The C-2-C District is designed to serve commercial and residential functions similar to the C-2-A District and with higher density residential and mixed uses. It is intended to be mapped in or near the Central Employment District. 11 DCMR 720.9-720.12. The Applicant's C-2-C District allowances in no location exceed 90 feet in height or a density of 6.0 FAR for its residential and 2.0 FAR for its nonresidential uses. Likewise, the Project does not exceed the maximum lot occupancy of 80%. It surpasses the minimum rear yard requirement of 15 feet when measuring the latter from the centerline of the abutting alley for the first 20 feet of the building height.

At its highest point, the mixed-use structure is 90 feet tall; the second structure is at its highest point 3½ stories above grade. The overall building's density calls for a 6.0 FAR. The requested PUD is critical in order to accomplish the multiple goals of the PUD as described above and in greater detail below. It is also needed to open up the site to avoid constructing a building that is too "boxy," and to provide a variety of heights and transitions to the neighboring communities. The density is needed to make the affordable housing and retail opportunities viable. The PUD offers substantial public benefits and amenities valued in excess of \$250,000 as specified with greater detail below, and tenant assistance in excess of \$534,000, all in further support of the requested increases to a C-2-C height and density.

IV. TABULATION OF DEVELOPMENT DATA

Pursuant to subsection 2403.11 of the Zoning Regulations, the PUD Applicant has submitted the following chart comparing the proposed C-2-C development with matter-of-right development under the existing C-2-A zoning.

DEVELOPMENT DATA CHART

Total PUD Site Area	47,025 S.F. (1.08 acres)
Required Minimum for PUD (C-2-C)	15,000 S.F.
Proposed Gross Floor Area (g.f.a.)	
Residential	267,423 S.F.
Retail	14,696 S.F.
Total	282,119 S.F.
Floor Area Ratio	
Proposed	6.0 FAR
Permitted under C-2-C	6.0 FAR
Permitted under C-2-A	2.5 FAR
Building Height	
Proposed	90 feet
Permitted -- C-2-C	90 feet
Permitted -- C-2-A	50 feet
Minimum Lot Width and Lot Area	None Required or Provided

Lot Occupancy	
Proposed	74 percent
Maximum Permitted - C-2-C	80 percent
Maximum Permitted - C-2-A	60 percent
Side Yard	None Required or Provided
Rear Yard	
Proposed	None
Required - C-2-C	15 feet*
Required - C-2-A	15 feet*
*May be measured from center line of alley and for the first 20' above grade	
Parking	
Proposed	184 Spaces
Required - C-2-A (1 per 2 units and 1 per 300 sf of retail minus 3,000 sf)	170 Spaces
Required - C-2-C (1 per 4 units and 1 per 750 sf of retail minus 3,000 sf)	81 Spaces
Loading Areas	
Provided	One 15'x 55' residential dock One 12'x 30' retail dock One 17' x 19' 323 sf residential loading platform One 8' x 20' 160 sf retail loading platform
Required - C-2-C	One 55' residential dock One 30' retail dock One 100sf loading platform
Required - C-2-A	One 55' residential dock One 30' retail dock One 100 sf loading platform °
Courts	
Proposed	Several open courts are provided along the alley elevation ¹
Required	None

¹¹ Applicant is requesting flexibility for any courts that do not meet minimum width or depth requirements.

V. PUBLIC BENEFITS OF THE PROPOSED PLANNED UNIT DEVELOPMENT

A. Applicant's PUD Meets The Evaluation Guidelines

Applicant's PUD Application meets the requirements of Section 2403 of the Zoning Regulations for evaluating and approving a PUD application. The overall goal of the PUD process is to "permit flexibility of development and other incentives, such as increases in building height and density; provided, that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare and convenience." 11 DCMR 2400.2. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions . . ." 11 DCMR 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR 2403.7.

The PUD Application addresses the Zoning Regulations' following categories of project amenities and public benefits that the Commission may consider in evaluating a PUD application: urban design, architecture, landscaping, effective and safe vehicular and pedestrian access, transportation management measures and other measures to mitigate adverse traffic impacts, employment and training opportunities, housing and affordable housing and uses of "special value to the neighborhood or the District of Columbia as a whole." 11 DCMR 2403.9. The Project qualifies for approval because it meets the Zoning Regulations' requirement. In fact, the design is particularly strong in several of the aforementioned categories, acceptable in all proffered categories, and superior in many, all as set forth in greater detail below. § 11 DCMR 2403.10.

B. Applicant Is Committed to Providing Multiple Public Benefits

(1) The Project's Class A Affordable Housing Promotes Inclusionary Zoning's Public Policy

Kelsey Gardens' affordable housing component includes 54 Class A affordable dwelling units. These units will replace, at a minimum, the exact square footage and number of bedrooms found in the existing, obsolete building to allow for a modern, safe, and green building to be built on the PUD site, resulting in a huge improvement in these residents' standards-of-living. These affordable units will first be available to the previous residents of Kelsey Gardens, preventing displacement of these long-time Shaw residents. They will be integrated throughout the building, mixing with the market rate units. Forty-one of the fifty-four units are 2 to 4 bedroom units designed to house families. And all fifty-four of the affordable units are set aside for residents with incomes below HUD's eligibility requirements, i.e., at or below 60% of the area median income. In fact, most if not all of Kelsey Gardens' returning residents have incomes far below the HUD limits.

Significantly, the proposed PUD supplies over one and one-half times the normal Inclusionary Zoning requirement for the site. As is already well-known, the recent adoption of Inclusionary Zoning regulations by the Zoning Commission, based on the analysis and proposals by the District's Office of Planning, reflects the great need for affordable housing in the City and the high priority given to this need within the District. Under IZ, eight percent of the matter-of-right density (6.0 FAR in C-2-C) or 50% of achievable bonus density must be developed with affordable units (20% bonus FAR). Matter-of-right development under C-2-C zoning would produce only 28,215 square feet of gross floor area devoted to affordable housing. Kelsey Garden's PUD greatly exceeds these acceptable levels; Kelsey Gardens' PUD provides 49,705 g.f.a. of affordable housing. And Kelsey Gardens' PUD provides other important benefits

including City design review, sustainable design, substantial ground floor retail space, D.C. resident and minority employment, business and job training opportunities and numerous contributions to community programs and organizations as detailed below.

Applicant's cost for including the affordable units is substantial, totaling approximately \$660 thousand in rent lost in the first year and a total of \$20 million of value lost over a 30 year lifetime of the Project. It bears repeating that Applicant's affordable housing commitment is for 50 years.

(2) The Project Will Be a Cutting Edge Green Building

The new main building includes significant green building and sustainability features, thereby delivering a green-living option in Shaw and a lower impact building to the District. The building is designed to achieve Leadership in Energy and Environmental Design (LEED) Certification under the standards of the New Construction 2.2 checklist. A Green Roof combined with solar reflective roofing will both reduce the amount of storm run-off to be filtered into the City's over-burdened wastewater treatment system and minimize the new building's impact on the District's urban heat island effect.

Additional LEED features include low-flow water fixtures to reduce water use and irrigation efficient landscaping to eliminate demand for water that together will result in key reductions in the use of the District's infrastructure. For residents, the building will use low-VOC finishing materials as well as energy-efficient fixtures and appliances. Natural and green cleaning products will be used by property management to maintain common areas. Literature and signage will educate residents on the sustainable nature of their new homes, and other ways to integrate green-practices into their lives.

(3) **The Project's Retail Uses Will Energize Seventh Street's Revitalization**

The redeveloped Kelsey Gardens will deliver close to 15,000 square feet of retail; Kelsey Gardens is committed to providing a retail mix beneficial to Shaw's residents including the development's new residents. Indeed, the Project's retail design complements the needs identified in Applicant's Shaw-area town meetings and the Shaw Main Streets' Fall, 2007 Survey. For example, the local residents' chief priorities include new sit-down restaurants, banks, art galleries, florists, and gift stores. The ground floor of the building has therefore been specifically designed to accommodate food services including, possibly, a new sit-down restaurant. The north end is intended to attract a bank to Seventh and Q Street.

Still further, the ground floor retail uses along the Seventh Street frontage of the building will add to the critical mass of retail uses along Seventh Street and maintain the continuity of ground floor retail uses -- an important factor in the success of Seventh Street as a Great Street pursuant to City and neighborhood planning objectives. The ground floor retail spaces will have high ceilings, traditional glass display windows, and store entrances onto the sidewalk. This ground floor streetscape design will be pedestrian-friendly and will complement the pattern of traditional storefronts as well as the other mixed-use buildings (existing and proposed) in the vicinity.

And Applicant is working directly with board members of the Shaw Main Streets organization to finalize Metropolitan Development's support of, for example, the Green Team, as discussed further below.

(4) **The Project Provides Effective and Safe Vehicular and Pedestrian Access and Much Needed Parking and Transportation Management Measures**

Applicant will provide access to the PUD parking and loading facilities from the existing public alley located to the rear of the site. And Applicant will grant the District an easement and will widen and improve the existing 10 foot alley as detailed above. This plan meets DDOT's most up-to-date recommendations for the Project.

Alternative transportation methods have also been incorporated into the main building's design, including the provision of ample bicycle storage and preferred parking for shared-car services and alternative fuel vehicles. Of course, the two buildings' proximity to Metro will positively affect any neighborhood traffic impact. And the two buildings' sidewalks will be pedestrian friendly and will contain no curb cuts.

(5) **The Project Promises Local Employment and Training Opportunities**

The Applicant's design substantiates its strong commitment to providing employment and business opportunities to the neighborhood. Just as an example, the Applicant will contribute up to \$25,000 for Green Team training or employment. The Green Team provides an opportunity for employment for local and transitional residents, who will be trained in relevant life and job skills, and charged with creating and maintaining clean and safe streets within the historic and commercial districts of Shaw. Moreover, the Applicant will enter into First Source and minority enterprise contracting agreements with the District government. Additionally, the Applicant will call upon its contractors to implement District standards for apprenticeship programs.

(6) **The Applicant Has and Will Make \$250,000 in Contributions to Support Uses and Services of Special Value to the Neighborhood**

The Applicant has conferred with multiple community organizations and leaders regarding the neighborhood's needs and has budgeted \$250,000 to substantiate its commitment to enhance and support uses and services of special value to the neighborhood. Examples of Applicant's public outreach include presentations to and approvals by the following:

- Kelsey Gardens Tenants' Association
- ANC Commissioner Brooks
- ANC Commissioner Curtis
- Ward 2 Councilmember Jack Evans
- DC Public Schools' Allen Lew
- DC Public Library's Project Manager Jeff BonVendio
- Shaw Main Streets
- ECCA President Leroy Thorpe
- Emmaus Services for the Aging
- Gibson Plaza Tenants' Association
- Green Team (presentation only, approval pending)

Applicant already supports and/or has identified for support several worthy neighborhood entities including the following:

(a) **Shaw Junior High Music Program**

Shaw Middle School has a proud and successful marching band tradition. The Band has been under-funded for over 20 years. ANC Commissioner Padro as well as Mr. Hoover, the band's director, have identified major band needs including new uniforms, instruments, and

maintenance for existing instruments. The Applicant will work with Mr. Hoover at Shaw Junior High to provide up to \$25,000 funding to address these needs.

(b) Watha T. Daniel Library

The Watha T. Daniel Library is the Shaw neighborhood's branch of the District Public Library system. This branch library is part of a modernization and capital construction program managed by the District Public Library. Preliminary conversations with ANC Commissioner Alex Padro and DC Public Library's Project Manager, Jeff BonVechio, have identified the need for public art work and program funding needs. Metropolitan will sponsor a youth focused program with a \$15,000 endowment for program funding over five years.

(c) Emmaus Services for the Aging

The Applicant will provide \$10,000 to the Emmaus Fund the Gap program as well as the Emmaus Services for the Aging's forum entitled "Where Have All the Flowers Gone: Affordable & Fair Housing Issues Facing Senior Citizens Living in the District of Columbia". The District's Emmaus Services for the Aging is a 30-year old 501c(3) non-profit organization providing advocacy and services that help seniors remain active, respected, independent, and vital members of their community. Emmaus programming targets health and wellness, recreation and socialization, and outreach and advocacy.

(d) Discretionary Community Events and Programming

Applicant has earmarked substantial sums for local events, programming, and organizations and will continue to do so after the new buildings are completed. The Applicant has already contributed Thanksgiving dinners for 100 Shaw residents in need during the 2007 holiday, and will do so again in 2008. The family dinner recipients were identified by ANC

Commissioner Alex Padro and ECCA President Leroy Thorpe. The meals were distributed in partnership with these organizations on the weekend before Thanksgiving.

(e) **Gibson Plaza Donation**

At the suggestion of ANC Commissioner Doris Brooks and ECCA President Leroy Thorpe, Applicant is researching the provision of technology and internet access to Gibson Plaza. Gibson Plaza is a long-time affordable housing community and a nearby Kelsey Gardens neighbor. The Applicant presented the Kelsey Gardens' redevelopment plan to the Gibson Plaza's Tenants Association in late 2007, and the Association, together with ANC Commissioner Brooks, unanimously voted to approve the Kelsey Gardens redevelopment plan.

VI. APPLICANT'S PUD IS CONSISTENT WITH THE DISTRICT'S PLANNING GOALS AND POLICIES

The proposed Project incorporates a three-story townhouse element along the P Street frontage of the PUD site west of the alley that runs behind the main building. This low-density townhouse element is underscaled relative to the "Medium-Density Residential" Future Land Use Map designation. Applicant sited the townhouses for maximum compatibility with the adjacent existing townhouse development fronting on Eighth Street. Given the immediate adjacency of existing townhouses to this portion of the site, Applicant opted to concentrate the PUD density along the Seventh Street frontage of the site. This approach allows the north-south public alley, which runs parallel to Seventh Street behind the PUD site, to transition to the Eighth Street townhouses from the main building. As previously indicated, Applicant is also widening this alley and incorporating numerous setbacks into the alley elevation's design.

A. The PUD Is Consistent with the 2006 Comprehensive Plan

Section 2403.4 of the PUD regulations states that PUDs shall be “not inconsistent” with the Comprehensive Plan. The proposed PUD is consistent with the Plan, including the aforementioned regulation, because it advances numerous policies and goals of the major Plan elements and maps.

The Applicant provides mixed use development consistent with the Future Land Use Map of the 2006 Comprehensive Plan’s designation of the southern part of the PUD site as “Medium Density Residential and Moderate Density Commercial” and the remainder of the PUD site’s designation as “Low Density Commercial and Moderate Density Residential.” These designations, along with the high-density residential and medium-density commercial designations for the Roadside/O Street Market site located immediately adjacent to the south, contemplate an orderly step down in density from the O Street Market Development to the lower mixed use neighborhood to the north.

The PUD’s design elegantly meets the objective of scaling down development density from south to north with its distinctive step-downs from nine-stories to six-stories and then four-stories along Seventh Street. Further, the proposed setbacks and step-downs along the western property line of the PUD site scale the PUD project down to the existing Eighth Street townhouses that back up to the alley and the main building’s rear façades. Moreover, the highly articulated “rear” elevations of the Project provide an attractive backdrop for the Kelsey Gardens neighbors’ backyards.

The “Generalized Policy Map” designates the Seventh Street portion of the PUD site as part of a “Main Street Mixed Use Corridor.” The key objective of the Plan for such corridors is “a pedestrian-oriented environment with traditional storefronts.” According to the Plan,

“[c]onservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs.” Further, “[a]ny development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” The proposed PUD amply supports the stated objectives of the “Main Street Mixed Use Corridor” designation with its ample ground retail spaces, transportation management plan and designed access for all associated vehicular traffic from the adjacent alley as opposed to the street.

The Comprehensive Plan’s policies favoring affordable housing, transit-oriented development and retail revitalization provide additional support for the proposed density on the PUD site. These policies are set forth in the following Plan Elements:

(1) Land Use Element

The Land Use Element of the Comprehensive Plan sets forth a number of “principles” related to development near rapid transit stations, including:

1.3 Transit-Oriented and Corridor Development.

The following principles are identified for application in the management of land around “all of the District’s neighborhood stations”:

- “A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses.”
- “A preference for diverse housing types, including both market-rate and affordable units . . .”
- “A priority for attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking.”
- “While transit-oriented development is most commonly thought of as a strategy for Metrorail station areas, it is also applicable along premium transit corridors and the city’s ‘Great Streets.’”

Comment: As stated previously, the PUD site is located on Seventh Street which has been identified as a “Great Street” and it is only 700 feet from an entrance to the Shaw/Howard

University Metrorail station. The mixed use building will therefore be well within a five-minute walk to the station. According to ridership studies by WMATA, an apartment house in such close proximity to a Metrorail station will generate a relatively high modal split, i.e., a high percentage of residents will commute by rapid transit rather than by private automobile. The proposed PUD is completely consistent with and helps carry out these transit public policy objectives set forth in the Land Use Element.

(2) **Housing Element**

Housing Element policies advanced by the proposed PUD include the following:

H-1.1.2 Production Incentives. *Provide suitable regulatory, tax and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for [mixed use rather than commercial-only development].* Comment: Applicant's PUD specifically requests conforming production incentives.

H-1.1.3 Balanced Growth. *Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs* Comment: Again, Applicant's PUD specifically requests conforming production incentives. The existing Kelsey Gardens site is woefully under-utilized in a neighborhood with urgent housing (and retail) needs. It comprises more than an acre of land and thus can yield a significant number of affordable and market rate housing units.

H-1.1.4 Mixed Use Development. *Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers and around appropriate Metrorail stations.* Comment: Applicant's proposed

development on the Seventh Street commercial corridor is within a five-minute walk of a Metrorail station. The purchasing power of the future residents will help support retail, service and entertainment businesses in the neighborhood, including support for the efforts of the Shaw Main Streets program.

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.* Comment: Applicant's PUD will enable the affordable apartments' residents to partake in the superior design quality of Kelsey Gardens as well as the high quality of the units and building amenities. As stated above, the affordable dwellings will be scattered throughout the building and they will not be distinguishable from the market-rate units except that some will have several more bedrooms than the market-rate units.

(3) Urban Design Element

The proposed PUD furthers policies set forth in the Urban Design Element:

UD-2.2.4: Transitions in Building Intensity. *Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designating larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.* Comment: Applicant's proposed design steps down in height from the high-rise Roadside/O Street Market project to the lower scale development north of the PUD site. It also significantly steps down in scale to the west

to respect the townhouse development across the alley on that side of the site. The second building matches the Eighth Street buildings' heights.

UD-2.2.8: Large Site Development. *Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades.* Comment: Applicant's design carefully follows the above-quoted design model by utilizing projecting bays, cornices, varied fenestration, and a variety of building materials and colors to break up the Project's façades.

(4) Environmental Protection Element

E-3.2: Promoting Green Building. *Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.* Comment: Applicant's Project includes Green Building and sustainability features including a Green Roof combined with solar reflective roofing, low-flow water fixtures, irrigation efficient landscaping, energy efficient fixtures and appliances, green cleaning products and a green living educational program for building residents.

B. The PUD Is Consistent with the Convention Center Area Strategic Development Plan

The Convention Center Area Strategic Development Plan ("Convention Center Area Plan") is a small area plan that was recently adopted by the Council to recommend strategies to address affordable housing, retail and other planning issues within the study area. Retaining affordable housing and obtaining new retail uses are key objectives of the plan. According to the Council Resolution approving the plan (a copy of which is attached hereto as Exhibit "A"), the

plan is intended to provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan.

The PUD site is included in the Convention Center Plan study area. The Plan identifies the study area as “a section of the District that is currently attracting new residents, includes many threatened affordable housing units, and is underserved by retail.” The Plan recognizes and directly meets the articulated goals for the study area including three that are directly relevant to the Kelsey Gardens PUD:

- “Maintain or increase existing number of affordable housing units”
- “Concentrate multi-unit buildings in areas with good access to mass transit”
- “Maximize development opportunities on sites suitable for multiple-unit buildings.”

The Convention Center Area Plan also establishes a number of retail development goals and recommendations addressed by the proposed PUD, including the following:

- Concentrate ground floor retail in locations that reinforce a traditional “main street” pattern of commercial development and creates a unified identity for the community and
- Locate retail in areas already zoned for commercial development.

The PUD’s ground floor retail uses will help to advance the goals of concentrating ground floor retail uses in locations that reinforce a consistent “main street” pattern and the policy encouraging mixed-use buildings as part of the revitalization. The PUD site is located in Sub-Area III: Retail Corridor designated in the Convention Center Area Plan. According to the plan, the “Vision” for this area is as follows:

New infill buildings have residential above ground floor retail. Larger projects include affordable units. Parking is located below grade or off alleys.

In addition, the PUD is directly responsive to the following “Recommendations” and “Design Guidelines”:

Recommendations:

- Provide incentives for affordable housing for all new development and encourage renewal of project-based Section 8 contracts; alternatively, redevelop with equivalent/increased number of affordable housing units
- Re-zone 7th Street between O Street and Rhode Island Avenue, 9th Street between M and O Streets, and O Street between 7th and 9th Streets to require that new development include ground floor retail (approximately 200,000 square feet of retail space in this Sub-Area)

Design Guidelines: GOAL: Encourage mixed-use development that provides a distinct setting for both neighborhood serving and destination retail.

- Retail space should have a minimum of 14’ ceiling height
- A majority of the ground floor shall be devoted to building entrances and projecting or flat storefronts that are predominantly clear glass
- Retail signs shall be designed to reinforce the architecture of the building and be pedestrian oriented
- Tripartite arrangement of building elevation encouraged
- Window and door placements should be consistent with those on surrounding buildings
- Material shall be of high quality, providing a sense of detail, scale and visual interest
- Through-wall HVAC units are not allowed on public elevations
- Encourage outdoor uses, such as cafes and vending
- Garage and service entrances should be from alleys, not front elevations

The proposed PUD project addresses and supports all of the above-quoted guidelines and recommendations. Further, the site is designated as one of the

potential sites for high and medium density residential development. The Sub-Area III Retail Corridor sections of the plan are attached hereto in their entirety as Exhibit "B."

C. The PUD Will Have a Positive Effect on the Surrounding Area

The third general test for PUD approval is the presence of an acceptable level of impact on the surrounding area and on public services and facilities. As already evidenced above, Applicant's PUD will have a powerful positive effect on the surrounding area. The original Kelsey Gardens apartments was a haven for drug dealers and a deteriorated structure. The new buildings will improve the visual quality and economic vitality to this location; and the returning and the new residents will together be many more "eyes on the street" to improve public safety. Management will of course provide much needed security to the area. The Kelsey Gardens Project will significantly stabilize and enhance the neighborhood.

The Project's Green Roof, water-saving landscaping and appliances will minimize impacts on the District's storm water management and sewerage facilities. Moreover, the PUD project provides an adequate amount of parking for its occupants and therefore will not burden the surrounding streets or public facilities.

VII. THE COMMUNITY SUPPORTS APPLICANT'S PLAN AND DESIGN

Applicant has devoted a great deal of time building a relationship with the Tenants Association at Kelsey Gardens. The Tenants Association is in full support of the proposed redevelopment of the site. This support is memorialized in a letter dated September, 2006, a copy of which is attached hereto as Exhibit "C."

ANC Commissioner Doris Brooks observed Applicant's presentation to the Gibson Plaza Tenants Association in December, 2007. The Association unanimously approved the plan and

Commissioner Brooks provided written support for the project. A copy of her letter is attached hereto as Exhibit “D.”

Applicant enjoys a positive relationship with neighborhood activist and President of the East Central Civic Association (ECCA), Leroy Thorpe. Mr. Thorpe helped to facilitate reviews by local residents and ECCA members of the project design, satisfaction in that process of initial confusion regarding possible displacement of long-time residents, and questions regarding affordable housing at the Project. Through a series of three presentations to the ECCA and the Gibson Plaza Tenants Association during the fall of 2007, Applicant directly addressed all of these and other issues, winning the unanimous support of all such associations. The ECCA provided a letter of support for the development in October, 2007, a copy of which is attached hereto as Exhibit “E.”

VIII. CONCLUSION

The new Kelsey Gardens PUD meets all of the legal requirements for set down and approval. It offers numerous important benefits to the Shaw neighborhood and the District of Columbia which are commensurate with the requested additional PUD density. Further, the PUD is fully consistent with the *Comprehensive Plan*, especially its affordable housing, “Great Streets,” urban design and Green policies. And, finally, the PUD will have a very positive stabilizing and energizing impact on the surrounding neighborhood and the City.

Regarding public benefits, in this difficult housing market, more than twenty percent of the building’s new units are well below-market permitting 54 Kelsey Gardens families to continue to live in their community in new accommodations notwithstanding prevailing displacement and gentrification trends in the neighborhood. Kelsey Gardens and all Shaw residents will also have new ground floor retail uses providing convenient goods and services while generating tax and employment benefits for the District. In response to community

desires, Applicant will seek out a restaurant tenant for the retail space located at the southern corner of the building. Applicant designed this space, with its high ceilings and access to a potential sidewalk café area, for restaurant use. Applicant will target other community serving commercial uses such as a bank for the remaining retail space.

Other public benefits include superior urban design and architecture, employment, job training and business opportunities for DC residents and minorities, Green Building, and numerous commitments to a broad base of important Shaw community institutions and programs.

The additional PUD density is commensurate with and necessary to subsidize the large affordable housing component in this costly concrete and steel construction, Class A project. Developing a new high-rise residential building in today's market characterized by a housing downturn and tight credit requires solid project economics to be financed and built. Applicant does not have the option of riding out the downturn and waiting for a future housing up-cycle. Moreover, Kelsey Gardens' tenants, many of whom are elderly, are anxiously awaiting their new accommodations in their own neighborhood. The project density is also appropriate at this location near Metro and it is artfully designed for seamless compatibility with the higher density, CBD perimeter development to the south and its lower density neighbors to the north, east, and west.

As required by DC law, the project is "not inconsistent" with the Comprehensive Plan. The Comprehensive Plan calls for an orderly step down in density across the PUD site from south to north. Kelsey Gardens' design provides this transition with distinctive, descending nine, six and, then, four story components from south to north. The lively building design also provides additional step downs and setbacks to the west and a low density townhouse component

on P Street to maximize compatibility with the neighboring Eighth Street townhouses. The step downs and setbacks as well as the varied fenestration, building materials and tripartite design serve to break up the Seventh Street building into smaller, more varied forms consistent with the Comprehensive Plan Urban Design's "Transitions in Building Intensity" and "Large Site Development" policies. The Project's retail component supports the Comprehensive Plan's "Great Streets" objectives for Seventh Street and its Green Building design and program further the District's environmental goals and objectives.

The PUD will have a very positive impact on Shaw and the District as a whole. The superior urban design and architecture will enhance the historic fabric of Shaw. The Green Building elements will reduce demand on the District's water, sewer and stormwater facilities. And the affordable housing, new retail and contributions to a broad range of established Shaw institutions and programs will benefit many Shaw residents who have previously endured decades of destabilizing economic and social forces threatening their community.

In summary, Applicant requests that the Zoning Commission schedule a public hearing to allow for interested public comment on this highly anticipated project for all of the foregoing and additional reasons:

1. The significant benefits to the Shaw neighborhood;
2. The PUD's consistency with the *Comprehensive Plan* including
 - a. 20% Affordable Housing;
 - b. "Great Streets";
 - c. Urban design with exciting, smoothly contextual architecture; and
 - d. Green policies;
3. Employment, job training, and retail opportunities;
4. Over \$543,000 in benefits to its pre-existing tenants; and
5. Over \$250,000 in benefits to its surrounding neighbors and community.