

# RIA BLOCK 7



## MID-CITY FINANCIAL CORPORATION

APPLICATION TO THE  
DISTRICT OF COLUMBIA ZONING COMMISSION FOR  
SECOND-STAGE REVIEW AND APPROVAL OF A  
PLANNED UNIT DEVELOPMENT AND MODIFICATION  
OF ZONING COMMISSION ORDER NO. 14-18

SEPTEMBER 22, 2016

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## **EXHIBITS**

- Exhibit A**      Application Forms for a Second-Stage Planned Unit Development and Modification to an Approved Order
- Exhibit B**      Letters from the Applicant Authorizing this Application
- Exhibit C**      Certificate of Notice and Notice of Intent to File a Zoning Application
- Exhibit D**      Certificate of Compliance with Subtitle Z, Chapter 3
- Exhibit E**      Property Owner List
- Exhibit F**      Zoning Commission Order No. 14-18
- Exhibit G**      Tenant Relocation and Construction Phasing Plan
- Exhibit H**      Surveyor's Plat of the Property
- Exhibit I**      Architectural Drawings, Renderings, Sections, Streetscape Designs, Landscaping, Civil, Other Plans, and Tabulation of Development Data

## PREFACE

This statement and the attached documents support this application (“**Application**”) of Mid-City Financial Corporation, Brentwood Associates Limited Partnership, and MCF Brentwood SC, LLC (collectively, the “**Applicant**”) to the Zoning Commission for the second-stage review and approval of a Planned Unit Development and the modification of the first-stage order to which this Application succeeds, Z.C. Order No. 14-18 (collectively, a “**PUD**”).

The property that is the subject of this Application consists of approximately 2.62 acres, and is formally designated as Square 3953, Lots 1-3 (“**Block 7**”). Block 7 is currently occupied by multi-family residential apartment buildings that are part of the Brookland Manor apartment complex and is located at the intersection of Saratoga Avenue, NE and 14th Street, NE. The Subject Property is generally bound by Saratoga Avenue, NE to the north, 14th Street, NE to the east, a 16-foot wide public alley to the south, and Brentwood Road, NE to the west.

This Application proposes to redevelop Block 7 with: (i) a four-story apartment building containing approximately 131 units with associated ground floor level amenity space and 68 below-grade parking spaces (“**Building A**”), and (ii) a four-story residential building containing approximately 200 seniors-only independent living units with associated ground floor level amenity space and 50 below-grade parking spaces (“**Building B**” and together with Building A, the “**Project**”). Building A will have 169,342 square feet of Gross Floor Area (“**GFA**”), a maximum height of 49 feet 4 inches, and an FAR of 2.97. Building B will have 172,266 square feet of GFA, a maximum height of 51 feet, and an FAR of 3.0. The overall FAR for Block 7 is 2.98.

Upon completion, the Project is anticipated to include as many as 265 units that will be deeply affordable and reserved for occupants eligible to participate in the federal Section 8 affordable housing program, it being understood that as the Applicant undertakes additional stages of the overall redevelopment (named “**RIA**”) approved pursuant to the first-stage PUD, some of such affordable units may be reallocated to other buildings in the RIA development so that the ultimate affordability mix on Block 7 is approximately 68 percent affordable units (19 percent (25 units) of Building A and 100 percent (200 units) of Building B).

This PUD is not inconsistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10 DCMR (Planning and Development) § 100 et seq. (2006), nor any adopted goals and public policies and active programs of the District of Columbia related to the site.

Submitted in support of this Application are completed application forms, letters from the owner of Block 7 and the Applicant authorizing representation in this Application, a notice of intent to file a PUD (with property owner list and certification of mailing), certificates confirming compliance with the notice and other requirements of Subtitles X and Z of the Zoning Regulations, materials required by the Zoning Commission in the order approving the first-stage PUD, and architectural drawings, plans, and elevations for the Project. As set forth below, this statement and the attached documents meet the filing requirements for a Second-Stage Planned Unit Development application under Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations.

## I. INTRODUCTION

### A. *Summary of Requested Action*

The Application. This statement and the documents attached as exhibits hereto support this application (the “**Application**”) of Mid-City Financial Corporation, Brentwood Associates Limited Partnership, and MCF Brentwood SC, LLC (collectively, the “**Applicant**”) to the District of Columbia Zoning Commission for the second-stage review and approval of a planned unit development and the modification of Zoning Commission Order No. 14-18 (the “**First-Stage Order**”), the first-stage order to which this Application succeeds, (collectively, a “**PUD**”) for the property known as “Block 7” of the Brookland Manor apartment complex (Square 3953, Lots 1-3, collectively, the “**Property**”).

This Application is the first of what will ultimately be multiple second-stage PUD applications arising out of the First-Stage Order. The key elements of this phase entail creating a building dedicated to affordable senior housing and giving the Applicant flexibility to relocate existing tenants into new units on-site as later phases progress. The instant proposal will redevelop the Property with two buildings, each four stories and each containing residential uses only. One building will contain approximately 131 apartment units and the other will contain 200 senior independent living units (together, the “**Project**” or “**Block 7**”). Construction of the Project will establish a high quality of architecture that will carry through to later phases.

Because this Application is a second-stage review of a PUD, pursuant to Subtitle X, Section 302.2, the Zoning Commission’s review is focused on a detailed site plan review of the Project to determine its transportation management and mitigation requirements, final building and landscape design and materials, and compliance with the First-Stage Order. The First-Stage Order established the overall development envelope, mixture of uses and unit sizes, the affordable housing requirements, and compatibility with adopted public policies of the District.

This Application demonstrates that the Project complies with the findings and conditions of the First-Stage Order, subject to the modifications thereof sought in this Application.

Brookland Manor and the First-Stage Order. This Application is the first of at least four anticipated second-stage PUD applications arising out of the First-Stage Order. The First-Stage Order was approved in the fall of 2015 and established the framework for the comprehensive redevelopment of the Brookland Manor apartment complex and the adjacent Brentwood Village Shopping Center (collectively, the “**Site**”, to be renamed “**RIA**” in recognition of the property’s location on Rhode Island Avenue, NE), which are located at the intersection of Rhode Island and Montana Avenues, NE. The sprawling Brookland Manor apartment complex includes nineteen garden apartment buildings, ranging in height from 2-4 stories, and is spread over approximately 18 acres of land in Northeast DC. The 535-unit apartment complex was built as a planned community as part of the Garden City movement of the 1930-1940’s.

Although the existing apartment buildings are meticulously maintained and the grounds are kept free of trash and litter, the existing apartment buildings and adjacent strip shopping center suffer from three broad sets of problems that necessitate systematically demolishing the entire complex and the adjacent shopping center and redeveloping the entire site anew. First, the existing apartment buildings are now 75 years old and have significant engineering and design features that cannot be easily addressed or fixed. The low-quality buildings comprising the shopping center have similarly come to the end of their useful existence. Second, the urban design of the apartment buildings, shopping center, and the adjacent public streets and public spaces are obsolete and exacerbate problems of crime and loitering that plague the neighborhood. That is, although ample green space surrounds the nineteen apartment buildings, this green space is highly undefined, creates numerous blind corners and darkened recesses in the buildings, and

lacks clear understanding as to ownership or utility. Consequently, these open spaces do not provide the existing residents or their guests with a sense of safety, and there is no readily identifiable “defensible space” in the complex. Furthermore, the existing street configuration does not allow for safe and efficient pedestrian and vehicular access through the property. Internal streets lead to dead ends and do not connect with the surrounding neighborhood. From a contemporary urban design perspective, these buildings do not provide strong edges along the adjacent streets. Likewise, the adjacent Brentwood Village Shopping Center is obsolete. It was designed for automobiles rather than pedestrians and no longer provides quality retail or services that support the needs of the nearby residents. Third and finally, the apartment complex includes an intense concentration of low income residents with only a small number of market rate tenants amongst the existing residential units. Such concentration of poverty is widely regarded as perpetuating cycles of poverty. Other projects that have deconcentrated low income housing in the District and elsewhere have been celebrated successes for interrupting the self-reinforcing nature of poverty and crime.

The application approved as part of the First-Stage Order identified six, interrelated objectives to address the three problems identified above. The initial application sought to (i) preserve on a greater than one-for-one basis the number of affordable units currently in the Brookland Manor apartment complex, (ii) create a truly mixed-income community with a wide variety of housing types and sizes, (iii) rectify decades-old urban design mistakes by creating a safer, more inviting and more attractive project that better connects to the surrounding community, (iv) prioritize pedestrian activity and communal and usable green spaces, (v) introduce enhanced retail opportunities including a full-service grocery store, and (vi) be a project representative of community and tenant input and dialogue.



The instant Application represents the first phase in what will be a multi-year effort to implement these goals and realize the vision of redeveloping the Site as RIA.

Block 7. The Property contains approximately 114,485 square feet (2.62 acres of the Site) and is located along the southern border of the Site. The Property is bounded by Saratoga Avenue, NE to the north, 14<sup>th</sup> Street, NE to the east, Brentwood Road, NE to the west, and a public alley to the south. Today, the Property contains 64 apartment units in three separate three-story buildings. Immediately north and east of the Property opposite Saratoga Avenue, NE and 14<sup>th</sup> Street, NE, respectively, are other apartment buildings that are part of Brookland Manor and that will be redeveloped during later phases pursuant to subsequent second-stage PUD applications. West of the Property across Brentwood Road, NE is the Israel Baptist Church. South of the Property are two- and three-story apartment buildings fronting on Bryant Street, NE and Downing Street, NE and separated from the Property by an existing 16-foot wide public alley (to be expanded to 20 feet as part of the Project).

The Property is the portion of the Site closest to the Red Line's Rhode Island Avenue-Brentwood Metrorail station, which is within one half mile of the Property. Numerous bus lines serve the Property, including the D8 which has a stop immediately adjacent to the Property along Brentwood Road, NE and nine separate lines with stops near the Site along Rhode Island Avenue, NE.

The Property is entirely within the area designated Moderate Density Residential uses on the Future Land Use Map of the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (2006) (the “**Comprehensive Plan**”).

Pursuant to the First-Stage Order, the Property was approved to be rezoned to the R-5-B Zone District, which is now the RA-2 zone under the 2016 Zoning Regulations.<sup>1</sup>

The Project includes (i) a four-story apartment building containing approximately 131 mixed-income units with associated ground floor level amenity space and 68 below-grade parking spaces (“**Building A**”), and (ii) a four-story residential building containing approximately 200 seniors-only independent living units with associated ground floor level amenity space and 50 below-grade parking spaces (“**Building B**” which together with Building A, comprise the Project). Building A will have 169,342 square feet of Gross Floor Area (“**GFA**”), a maximum height of 49 feet 4 inches, and a floor area ratio (“**FAR**”) of 2.97. Building B will have 172,266 square feet of GFA, a maximum height of 51 feet, and an FAR of 3.0. The overall FAR for Block 7 is 2.98.

Upon completion, the Project is anticipated to include initially approximately 265 units (80 percent of the total units delivered as part of this phase) that will be deeply affordable and reserved for occupants eligible to participate in the Section 8 program administered by the U.S. Department of Housing and Urban Development (“**HUD**”).<sup>2</sup> As the Applicant undertakes future phases of the overall redevelopment approved pursuant to the First-Stage Order, some affordable units in Building A may be reallocated to other buildings in the RIA development so that the ultimate affordability mix on Block 7 is less than it will be upon completion. All of the senior independent living units in Building B will be affordable upon completion and will remain so thereafter.

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<sup>1</sup> This Application will henceforth refer to the nomenclature of the 2016 Zoning Regulations, and apply the applicable development standards and criteria of the 2016 Zoning Regulations to the redevelopment of the Property, except where explicitly modified in the First-Stage Order or where flexibility is requested here.

<sup>2</sup> In general, residents eligible for housing under the Section 8 program earn 30 percent or less of the area median income although the specific HUD requirements for resident income levels vary and may change over time.

Compliance with the First-Stage Order. The First-Stage Order described the approved

plans for Block 7 as follows:

Block 7 is proposed to be rezoned to the [RA-2 zone]. Twenty-eight two-over-two residential units are proposed along Brentwood Road, N.E. and Saratoga Avenue, N.E. A five-story building, with a height of approximately 60 feet, and approximately 217,332 square feet of space is also proposed along Saratoga Avenue, N.E. and will have frontage on the community green [“**Community Green**”<sup>3</sup>]. This building is expected to include up to 286 units of housing, with a senior housing component that will consist of approximately 150-200 units. The total amount of density proposed on this Block is 3.0 FAR.

See First-Stage Order, Findings of Fact ¶ 39 (internal citations omitted).

The Project complies with the general parameters established for Block 7 in the First-Stage Order, but differs slightly in the following ways: (i) the Project as proposed here is one story shorter (but occupies a greater portion of the lot) than approved in the First-Stage Order in order to transition more harmoniously with the existing multi-family buildings to the south of the Site; (ii) the two-over-two units have been replaced with a traditional apartment building to build more replacement housing in an early phase of the overall redevelopment of the Site to reduce resident inconvenience and provide the Applicant with greater flexibility in undertaking future relocation of existing tenants; and (iii) the location of the seniors’ building has been swapped with the two-over-two (now multi-family) building to improve the relationship of the building massing to the Community Green while allowing for access to said Green from both buildings.

These proposed modifications are entirely consistent with the overall massing, development envelope, policy objectives, character and appropriateness of the First-Stage Order,

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<sup>3</sup> With respect to the Community Green, Paragraph 36 of the First-Stage Order, Findings of Facts recites that “The proposed community green is envisioned as the heart and soul of the new Brentwood Village. It will be encircled by new vehicular streets with a one-way, counter-clock wise, circulation pattern. The buildings which surround the community green will have active ground-floor uses and windows on the upper floors of the residential units to help provide positive surveillance of the community green and a safe public environment. The community green is expected to be used for active and passive recreation activities. A fountain and/or sculpture feature is proposed for the north end of the community green, at the point where the pedestrian walk and the community green come together. The southern portion of the community green will have an orchard, open green space, and a playground.” Internal citations omitted.

and were undertaken following detailed studies of the Project's site plan, architecture, landscaping and transportation. The Applicant believes these design alterations will improve the overall quality of the community in this first phase of RIA and make the relocation process smoother for existing tenants. Thus, as part of this Application, the Applicant seeks a modification of the First-Stage Order pursuant to Subtitle Z, Section 704 of the Zoning Regulations to accommodate these modest changes.

Community Outreach. The Applicant has committed to a robust community and public agency outreach process. The Property is within the boundaries of Advisory Neighborhood Commission ("ANC") 5C, and the overall Site (though not the Property itself) is immediately across Rhode Island Avenue, NE from ANC 5B, and the Applicant is in regular contact with commissioners in both ANCs. As part of the First-Stage Order, the Applicant engaged in significant community outreach to the ANCs, its neighbors, and its tenants as part of the PUD process. As a result, dozens of tenants, neighbors and neighboring institutions and organizations submitted letters in support. The Applicant is committed to the same extensive community outreach as part of the instant Application.

The Applicant has also met with officials from the District of Columbia Office of Planning ("OP"), Department of Transportation ("DDOT"), Housing Authority, and Office of the Deputy Mayor for Planning and Economic Development, as well as the Ward 5 Councilmember, and officials from HUD.

The Applicant's outreach to tenants, neighbors, the ANCs, and the government agencies has been extensive and productive, and the Applicant will continue such outreach for the remainder of the public process.

***B. The Applicant***

The Applicant, Mid-City Financial Corporation, is the general partner of Brentwood Associates, the Property owner.<sup>4</sup> Mid-City was founded in 1965 by the late Eugene F. Ford, Sr. Mr. Ford was a native Washingtonian and spent more than a half century building, owning, and managing multi-family housing with the vast majority of the housing being affordable to people of low and moderate incomes. As a development company, Mid-City has constructed and rehabilitated more than 15,000 units of market rate and affordable housing. Mid-City owns a portfolio containing over 50 apartment communities in twelve states serving a wide range of families. Mr. Ford also founded Edgewood Management Corporation in 1973. Edgewood Management Corporation is a multi-family property management company managing over 200 properties with 32,000 apartments in seventeen states. Edgewood Management Corporation is the largest affordable housing operator in Washington, DC.

Mr. Ford viewed the planned revitalization of the Brookland Manor community into the new RIA as a legacy of his long commitment to the preservation and development of high quality affordable housing in the District of Columbia and passed away shortly after final approval of the First-Stage Order. Mr. Ford's son, Eugene F. Ford, Jr., now serves as the Chairman of the Board and Controlling Stockholder of Mid-City and as Chairman of the Board for Edgewood Management Corporation.

The Applicant's expert staff of real estate professionals has extensive experience delivering and managing high quality housing projects in the District, in partnership with their network of third-party service providers.

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<sup>4</sup> Mid-City Financial Corporation acquired the Brentwood Village Shopping Center in December 2015 and the shopping center is currently vacant.

### **C. Summary of Public Benefits to Be Provided as part of the Project**

The Project will provide significant public benefits and project amenities pursuant to the requirements for a PUD. Most significantly, the Project contributes a large number of affordable units, including 200 senior independent living units, in a location that is proximate to an existing Metrorail station and adjacent to a Priority Corridor Network Metrobus Route and numerous additional Metrobus options. A summary of these public benefits and amenities is provided here, and detailed descriptions of each are addressed below in Section IV. Public benefits include:

- *Superior urban design, architecture, and landscaping* – the Project incorporates numerous urban design precepts that guide attractive urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the buildings on the Property; moreover, the high quality of design, materials, and finishes proposed for the Project celebrates the redevelopment and emergence of Brookland Manor as RIA, establishes a baseline for future phases of RIA, signals the Applicant’s commitment to delivering high-quality housing and retail development, and sets expectations about future development nearby;
- *Site planning, and efficient and economical land utilization* – the Block 7 site plan is an integral piece of the overall Site (though capable of standing independently until future phases occur) and will create residential densities on the Property that are appropriate given the proximity to transit options and given the establishment of the Community Green amenity nearby;
- *Housing and affordable housing* – the Project will have a total of approximately 331 new residential units (and a net of 267 units), of which 200 units will be independent living units reserved for seniors earning eligible to participate in the federal Section 8 program, an additional 65 units will be initially reserved as affordable to families, and 18 units will be three-bedroom units; in total, the Project provides a multiple of affordable housing above what would be required through a matter-of-right development;
- *Employment and training opportunities* – the Applicant has committed to enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”) as part of each phase of the overall Site redevelopment, including as part of this Application;
- *Social services and facilities* – the Applicant currently provides and will continue to provide as part of the Project, a number of programs that are designed for the children and seniors that live in the community: existing programs for children include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer camp, and meal programs to ensure that no child goes

home hungry; existing seniors programs include brown-bag lunches and other events designed to bring Brookland Manor’s senior community together; collectively, these programs will be retained and enhanced in the new RIA community;

- *Building Space for Special Uses* – the Project will include ground floor community rooms and a variety of programs and services for tenants;
- *Environmental and sustainable benefits* – the Project will contribute to the satisfaction of the LEED-ND Silver requirements for the overall redevelopment of the Site and has been designed in accordance with the Enterprise Green Communities criteria;
- *Uses of Special Value to the Neighborhood* – as part of the First-Stage Order, the Applicant has also agreed:
  - to ensure that existing qualified Brookland Manor residents, at the time that the redevelopment commences, will have the ability to return to RIA;
  - to manage the onsite relocation of residents to minimize the impact on educational, social, emotional, and employment needs of individuals and families and phase the overall redevelopment of RIA (including building out its infrastructure) in a manner that is most efficient; and
  - to implement a robust construction management for each phase of the redevelopment, including for this Project; and
- *Other ways in which the PUD substantially advances the Comprehensive Plan* – as set forth more fully below, the Project substantially advances a number of themes and policies of the Comprehensive Plan.

Overall, the Project will be an attractive, place-making development anchor establishing the bright future for RIA and the surrounding Brentwood, Brookland, Langdon, and Woodridge neighborhoods.

The PUD process outlined in Subtitle X, Chapter 3 of the Zoning Regulations serves as the best means of achieving the objectives of this first phase of development. The PUD process provides the necessary flexibility and density bonuses to allow the Applicant to redevelop the Site while providing the public benefits described above. The PUD process ensures that the Project is well-designed, contributes to the housing needs of the District and local needs of the neighborhood around the Site while making sure that the density and uses are appropriate and the architecture is compatible with the surrounding neighborhood.

***D. Development Timetable***

The Applicant intends to begin construction of the Project in the first quarter of 2018 and will take approximately 18-20 months to build. The Project is expected to be completed in the third quarter of 2019.

**II. THE PROPERTY AND THE PROPOSED PUD PROJECT**

***A. The Property: Location, Current Use, and Surrounding Area***

The Property is located in Ward 5 in the Northeast quadrant of DC, and consists of an elongated block bounded by Saratoga Avenue, NE, 14<sup>th</sup> Street, NE, and Brentwood Road, NE. Apartment buildings owned by the Applicant occupy the Property today. The vast majority of the residents of these three existing buildings have already been relocated to appropriate and comparable units elsewhere in Brookland Manor, and any remaining will be relocated, at the Applicant's expense, prior to commencement of construction of the Project.

Residential uses, including the other apartments comprising Brookland Manor and lower density apartment buildings and single-family rowhouses, make up the neighborhoods immediately to the north, south, and east of the Property. Two churches, a smaller number of detached single-family houses, and large-footprint commercial uses are situated west and southwest of the Property, which is located at the southwestern margin of the Site. The Property has excellent transit and vehicular access, with a Metrorail station and nearly a dozen Metrobus routes in operation nearby. Rhode Island and New York Avenues, NE are both just a couple of blocks from the site and afford easy access to downtown DC and regional highways.

The Brentwood Recreation Center and Park is a five-minute walk from the Property, and at least three other parks and/or recreation centers are within a ten-minute walk from the Property. A future phase of redevelopment of the Site will entail developing the RIA Community Green immediately adjacent to the Property. No work on the Green is proposed here.



The Project continues a recent trend of redevelopment around the Rhode Island Avenue-Brentwood Metrorail station: immediately to the east of the station, the mixed-use Rhode Island Row project with 270 residential units was approved as a PUD in 2008, and west of the station, a PUD for the redevelopment of Rhode Island Center is currently pending before the Zoning Commission.

***B. The Project***

The rationale for this first phase of the overall redevelopment to proceed as proposed is (i) to develop a mixed-income multi-family building that can accommodate residents relocated during future phases and the overall Site redevelopment, and (ii) to construct a senior independent living building, which was a top priority of tenants, community members, the ANCs, and OP as part of the approval of the First-Stage Order.<sup>5</sup>

Architectural drawings and plans (the “**Plans**”) depicting the design and layout of the Project are attached as Exhibit I.

Site Plan. The Block 7 site plan anticipates the future buildout of RIA, while managing to operate in harmony with the existing context until the overall RIA development is complete. Building A will ultimately function as the fulcrum for the overall Site, serving as the backdrop for the Community Green immediately to the north when approaching from either the Rhode Island Avenue pedestrian entrance or Montana Avenue, NE. Building B also has a ceremonial function, with its prominent presence on Brentwood Road, NE signifying the arrival into RIA from the west. The height and density of the two Buildings is fairly uniform across the Property, with embellishments, articulation, and materials used to create visual interest and significance.

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<sup>5</sup> The Applicant anticipates that the preponderance of the units will be occupied by existing Brookland Manor residents who are expected to stay on the property while all of the replacement housing is being constructed.

The two Buildings both form strong edges along each of the three surrounding streets, creating defensible boundaries and a strong sense of place and hierarchy.

Building A is built to the property line along both Saratoga Avenue, NE and 14<sup>th</sup> Street, NE with the Building's two courtyards placed at the rear. The courtyards provide semi-private space, including a swimming pool for residents in one, and private terraces in the other. Building B contains three courtyards, two of which are private to the rear of the site, and one of which is private but open to Saratoga Avenue, NE. The courtyards will have different functions and will give the residents of the building – all seniors – options: the courtyard at the front of Building B offers an opportunity to observe activity in the public realm, the courtyard in the middle at the rear offers a space for planting and provides views, and the third courtyard at the far west at the rear offers a quieter “backyard” for contemplation, relaxation, and entertaining. The break between the two Buildings affords the opportunity for a small park or plaza area for pedestrians. In total, the five courtyard areas along the southern facades of Buildings A and B break-up the building massing for the benefit of the neighboring multi-family buildings to the south.

Pedestrians are prioritized along each street frontage, and all parking and loading will occur internally from the rear of the two buildings along the existing public alley south of the Property. No new curb cuts, driveways, or alleys are proposed as part of Block 7.

Height and Mass. The Project's height and mass are appropriate relative to the existing context and the planned development of RIA. As noted above, Block 7 has an overall FAR of 2.98 and will contain 341,608 square feet of GFA, all of which will be devoted to residential uses. For comparison, the First-Stage Order authorized a maximum FAR of 3.0 for Block 7. Building A will have a maximum height of 49 feet 4 inches, which is less than the 60 foot maximum authorized in the First-Stage Order and in the RA-2 zone under a PUD. Building B

will have a maximum height of 51 feet, although as shown in the elevations beginning on page A15 of the Plans, Building B steps down in height at its midpoint along Saratoga Avenue, NE to account for the change in grade along that street.

Building B presents as two separate buildings in its materials and massing in order to break up the length of the Project's frontage along Saratoga Avenue, NE. The portion of the Building labeled as "Building B2" on the Page A01 of the Plans is taller and occupies the entirety of the Property's frontage along Brentwood Road, NE and Saratoga Avenue, NE, whereas the portion of Building B labeled as "Building B1" on the Plans steps down to account for the change in grade and wraps around a courtyard opening onto Saratoga Avenue, NE.

As noted above, the Applicant has proposed to reduce the height of Building A by one story relative to the approval in the First-Stage Order. Upon careful study of the Property, the Applicant determined that the proposed heights are more appropriate given the scale of the existing multi-family dwellings that are to the south of Block 7 and that are not part of the RIA redevelopment. Accordingly, the Applicant determined that in the interest of maintaining a harmonious urban relationship with these neighboring buildings it would reduce the Project's overall height and, in exchange, expand the footprint slightly. Hence, the Project now requires flexibility with respect to the lot occupancy requirements of the Zoning Regulations.

The Project's most prominent features – the tower at the entrance from Brentwood Road, NE and the embellishments atop the main entrance to Building A – are oriented to give the Project visual prominence from approaching vantage points. Building B serves as a face to the neighborhood as well as an entry point to the Project. The corner tower on Building B provides a beacon to the Project and is visible from the approach on Brentwood Drive from the south. The secondary access to Building B, located in the middle of Saratoga Avenue, NE, is marked by a

small pavilion and raised massing and sits at the terminus of the proposed new road that wraps the Community Green. The towers on Building A are located on axis with the proposed pedestrian entrance to the site from Rhode Island Avenue NE and are set into the center of a curved wall to create a strong face corresponding with the curve of the Community Green.

Other Development Standards. Building A will occupy 70 percent of its lot, and Building B will occupy 73 percent of its lot, for a total lot occupancy of 71 percent. The maximum lot occupancy in the RA-2 zone is 60 percent. Therefore, the Applicant requests flexibility from the lot occupancy requirements as set forth below in Section II.D.

Each Building individually, and the Block 7 Project overall will have a green area ratio (“**GAR**”) that satisfies the RA-2 zone’s minimum requirement of 0.4. The Buildings each have a rear yard that satisfies the minimum requirements, and neither Building provides any side yard (none is required in the RA-2 zone). Likewise, the Project’s courtyards all comply with the minimum requirements of the Zoning Regulations for the RA-2 zone.

Both Buildings will have rooftop terraces and enclosed mechanical penthouses, but no enclosed occupiable space. The rooftop structures all comply with the requirements of the Zoning Regulations, except for the elevator override at the western end of Building B. A portion of this override is not set back from the edge of the roof at the rear of the Building the minimum distance prescribed in the Zoning Regulations. The override is located as proposed to accommodate the drive aisle configuration in the Building’s garage, and has been located on a courtyard of the Building out of sight from any public way in order to mitigate any adverse impact from its non-compliance with the Zoning Regulations. Accordingly, the Applicant requests flexibility from the penthouse requirements of the Zoning Regulations for this limited purpose.

The Zoning Tabulations included on pages G06-G07 of the Plans provide a detailed overview of the Project’s parameters, which are summarized in the following table:

	RA-2: Matter of Right	RA-2: PUD	Proposed Project
FAR	1.8 (2.16 w/ IZ bonus)	3.0 <sup>6</sup>	2.98
Max. Building Height	50 feet	60 feet	Building A: 49’ 4” Building B: 51’
Lot Occupancy	60%		<b>Building A: 70%*</b> <b>Building B: 73%*</b>
Gross Floor Area	Building A: 102,546 sf 123,055 sf (w/IZ) Building B: 103,525 sf 124,230 sf (w/IZ)	Building A: 170,910 sf Building B: 172,542 sf	Building A: 169,342 sf Building B: 172,266 sf
GAR	0.4		Building A: 0.4 Building B: 0.4
Rear Yard	4 in./ft. (not less than 15 feet)		Building A: 17’ Building B: 17’
Side Yard	None required; but if provided: 3 in./ft. (not less than 8 feet)		Building A: None Building B: None
Penthouse	Per Subtitle C, Chapter 15		Building A: Per Subtitle C, Chapter 15 <b>Building B: Setback &lt; 1:1*</b>
Parking – Vehicle	Building A: 44 required Building B: 33 required		Building A: 68 Building B: 50
Parking – Bicycle	Building A: 44 long-term/7 short-term Building B: 58 long-term/10 short-term		Building A: 44 long/7 short <b>Building B: 10 long/10 short*</b>
Loading	Building A: 1 loading berth + 1 delivery platform Building B: 1 loading berth + 1 delivery platform		Building A: as required Building B: as required

\*Flexibility requested

Building Layout. Both Buildings feature double-loaded corridors with ground floor amenity and management space. Because of the change in grade across the Property, the first floor of the western end of Building B contains parking, and the main lobby and amenity space for that portion of the Building is at the same level as the second floor of Building A. both buildings have loading facilities and utility rooms on the ground level. Building A includes a ground level swimming pool.

Building A contains a mix of studios and 1-, 2-, and 3-bedroom units. The Building is proposed to include 3 studio units of approximately 500 square feet each; 60 1-bedroom/1-bath units ranging in size from 700 to 900 square feet; 50 2-bedroom/2-bath units ranging from 980 to

<sup>6</sup> As approved pursuant to the First-Stage Order.

1,370 square feet; and 18 3-bedroom/2-bath units ranging from 1,180 to 1,400 square feet. Building B contains primarily 1-bedroom/1-bath units (192 total, ranging from 570 to 700 square feet) with only 8 2-bedroom/2-bath units of approximately 850 square feet. The two Buildings will have ample dedicated amenity space for resident and community events.

Building B has many programmatic features characteristic of a seniors-only independent living building, and will meet or exceed the requirements of HUD's Section 231 Mortgage Insurance for Rental Housing for the Elderly. For example, Building B will contain a minimum of five percent (5%) fully accessible units in addition to containing two percent (2%) hearing and vision accessible units. All common areas of the Building will be ADA-compliant and the Building's garage will include designated handicapped parking spaces. In addition to these requirements and with the senior residents in mind, the Applicant envisions the building containing (i) multiple elevators; (ii) multiple major entrances; and (iii) communal laundry facilities on each floor, all designed to reduce walking distance for seniors. The Applicant also intends to use first floor amenity space for health and wellbeing social service programming designed for individuals sixty-two years or older. The Building's landscaping also reflects its expected demographics: the main courtyard as designed features a Japanese style rock garden, coy pond and other features to support the tranquility of an aging building population.

Façade, Details, and Materials. The Project has exemplary architecture and employs high-quality materials. Building A presents a four story Mediterranean revival building along the Community Green with two central tower pavilions as the focal point. The roof pavilions are joined by an arched colonnade that speaks to the architectural language of the building. The blonde brick material carried through the building complements the colors of the banding and details. Four tiers of balconies line the main façade that both inset and project to provide ample

outdoor space with views to the park. These balconies wrap the building along 14th Street, NE and around the southeastern corner to provide a welcoming entry to the Project. The banding at the second floor line brings prominence to the taller first floor and ties the building together across the many bays and balconies.

The massing and materiality of Building B is divided into two portions: the eastern portion sits lower as “Building B1” as shown on page A01 of the Plans, and the western portion sits higher as “Building B2” as shown on page A01. As the grade rises along Saratoga Avenue, NE, Building B2 presents a series of orange brick pavilions with dark bays. The traditional style of the entry, windows, and bays give Building B1 its dignified character. The strong cornice at the top wraps Building B1 and aligns with the cornice at the sill of the top floor windows of Building B2. This cornice line serves as a datum line for Building B2 creating a tripartite composition with a rusticated base, two story middle, and one story top with smaller arched windows. The red brick and arched windows give Building B2 an industrial and Romanesque style. The corner entry tower stands taller with a strong cornice, steep roof, and openings at the top to provide opportunities for views from the roof terrace. The rhythm of the three story bays with arched windows and dark panels bring the scale of the building down as it transitions to the smaller scale neighborhood to the south.

Landscaping. The Project will feature high quality landscaping. In particular, the Project will feature several aesthetically pleasing courtyards that complement the Buildings’ architectural facades and interior functions. The majority of the courtyards are located on the south faces of the two Buildings and will be designed primarily for passive uses and viewing. These courtyards will be landscaped with plants of high seasonal interest and quality, placed among a myriad of interesting ground plain textures from carefully selected pavers, gravels and

groundcovers. Building A will include a courtyard with a resident-accessible swimming pool and related outdoor amenities. Additional resident-accessible terraces are located on the roof and will feature more active uses, such as grilling, lounge seating, and gaming areas. A central courtyard between the two buildings allows for partial public access and includes seating among an alley of trees.

The streetscape landscape design of the three immediately surrounding street frontages will meet the District's green street standards with street trees and urban bio-swales containing plantings of a durable nature and requiring minimal maintenance. The Project's lawn/foundation planting areas will be landscaped to accentuate the building architecture and create year-round seasonal interest. The Project's hardscape will be selected to per the District's standards, with the areas near the Building entrances to feature specialty paving. With respect to the individual plantings themselves, the majority will be native, adaptive native or non-invasive plant species.

In response to comments from the District of Columbia Metropolitan Police Department raised during the first-stage PUD process regarding public safety along the walkways and interior courtyards of the development, the Project will include the installation of fencing in the courtyard area between the two Buildings to limit access to residents only. *See* First-Stage Order, Findings of Fact ¶ 73. Each of the courtyard spaces of the two Buildings will be designed for entry from within the Building with exterior fencing, thereby limiting such areas to residents only. From a broader urban design perspective, the two Buildings exemplify the "eyes on the street" philosophy with windows looking directly onto the public way. The design eliminates the currently existing "pockets" where individuals are not visible from the street and walkways.

Inclusionary Zoning/Affordable Housing. A significant objective of the Project is the preservation of the existing affordable housing units on the Property. As a result, the Project



readily achieves – and greatly exceeds – the minimum number of affordable units that would be required under the Zoning Regulations. The Applicant intends to maintain its contract with the HUD through the Section 8 program, and will accordingly comply with the requirements thereunder and in the First-Stage Order with respect to the provision of affordable housing as part of the Project.<sup>7</sup>

Of the Project’s 331 units, the Applicant expects that approximately 265 (80.3 percent of the total) will be affordable upon completion of Block 7. The affordable units in Building B will remain so in perpetuity, but the Applicant requests flexibility to rebalance affordable units initially provided in Building A to other portions of RIA upon completion of later phases, with the objective of avoiding a permanent disproportional concentration of low income residents in particular buildings.

Parking and Loading. Both Buildings contain segregated garage parking and separate at-grade loading. All entrances to parking and loading facilities are provided from the rear of the Property along the existing 16-foot wide public alley that will be improved as part of the Project and will become 20 feet wide. Building A contains 68 parking spaces (in excess of the 44 required under the Zoning Regulations), and Building B contains 50 (in excess of the 33 required). Both Buildings contain a single loading berth and a single delivery berth, as required under the Zoning Regulations.

Finally, Building A provides the requisite number of bicycle parking spaces (44 long-term and 7 short-term), but Building B provides only 10 each of long-term and short-term spaces. Thus, Building B complies with the short-term bicycle parking requirements – which spaces are most likely to be used by employees or visitors to the Building – but not with the

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<sup>7</sup> Because the Project will be subject to a Section 8 contract, the general Inclusionary Zoning requirements of the Zoning Regulations do not apply, except as provided in the First-Stage Order. *See* Subtitle C, Section 1001.6(a).

long-term parking requirements (58 such parking spaces are required). The Zoning Regulations do not distinguish age-restricted senior dwellings from ordinary multi-family dwellings for bicycle parking purposes even though such a distinction is made for vehicular parking. The Applicant expects that demand for bicycle parking will not arise to the level of requiring full build-out of the requisite number of spaces for Building B's senior residents, and accordingly requests relief from these requirements.

### ***C. Consistency with the First-Stage Order***

The Project is consistent with the general parameters established for Block 7 in the First-Stage Order, but differs slightly with respect to certain elements. Therefore this Application entails a modification of the First-Stage Order.

The elements of the Project that differ from the First-Stage Order include:

- Height. The Project proposed herein is one story shorter than the maximum approved for Block 7 in the First-Stage Order. This change accommodates a more harmonious transition between the Project and the existing multi-family buildings to the south of Block 7.
- Lot occupancy. To partially compensate for the reduced height, the Project's lot occupancy is slightly greater than contemplated under the First-Stage Order.
- Building Type. The Project replaces with a single multi-family building the two-over-two building proposed in the First-Stage Order. This change allows the Applicant to construct a greater amount of replacement housing in this first phase of the overall redevelopment of the Site in order to reduce resident inconvenience and provide the Applicant with greater flexibility in undertaking future relocation of existing tenants.<sup>8</sup> The number of units proposed for this Project and the total GFA exceeds the amount contemplated for Phase I under the First-Stage Order. Accordingly, one or more future phases of the RIA development will have fewer units and less GFA than previously contemplated in order to remain within the parameters approved under the First-Stage Order.

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<sup>8</sup> In addition, because this first phase of RIA will include neither two-over-two units nor townhouses, this phase of the redevelopment of the Site will not include any of the 11 townhouse or two-over-two "inclusionary units" (as such term is defined in the Zoning Regulations) contemplated pursuant to Subparagraph B.1.a of the First-Stage Order Decision. The overall Site will at all times, including during and after construction of Block 7, provide the requisite aggregate number of affordable units and will satisfy the other conditions of said Subparagraph B.1.

- Location of Senior Building. The location of the senior building and the two-over-two (now multi-family) building have been swapped to improve the relationship of the building massing to the Community Green while allowing for access to said Green from both buildings.
- Flexibility for Penthouse on Building B. Building B requires penthouse flexibility that was not contemplated in the First-Stage Order. As discussed below, this flexibility is required in order to accommodate design conditions in the Building's garage, and such conditions had not been studied at the time of the First-Stage Order. Moreover, the relevant regulations governing such relief were not effective at the time of the First-Stage Order. In any event the requested flexibility is minor in nature and not visible from the public realm.
- Alley and Parking Modifications. The Project will include minor deviations from the previously proposed configuration of the alley separating the Project from its neighbors to the south and from the proposed parking on the block. A north-south alley through Block 7 shown in the plans for the First-Stage Order has been removed. These changes are a result of the replacement of the two-over-twos (which contemplated above-grade parking) with a more traditional apartment building and follow more detailed study of the Property's circulation and loading. All parking and loading remains from the alley to the rear of the two Buildings.

These proposed modest modifications are consistent with the overall massing, development envelope, policy objectives, character and appropriateness of the First-Stage Order, and were undertaken following detailed studies of the Project's site plan, architecture, landscaping and transportation. Moreover, the Applicant believes these design alterations will improve the overall quality of the community in this first phase of RIA and make the relocation process smoother for existing tenants. Accordingly, the Project seeks a modification from the First-Stage Order pursuant to Subtitle Z, Sections 703 and 704 of the Zoning Regulations as set forth in Section V hereof.

The First-Stage Order, attached here as Exhibit F, lists the information that the Zoning Commission determined must be filed in the application for any succeeding second-stage PUD, including this Application. See First-Stage Order, Decision ¶¶ C-D. These information requirements are satisfied in this Application as follows:

<b>Reference to First-Stage Order Decision</b>	<b>Description of Obligation</b>	<b>Location in this Application</b>
C.1.a	Updated information regarding the overall Site phasing, timing and development priorities	<u>Section I.D</u> , <u>Section II.C</u> , and <u>Exhibit G</u>
C.1.b, d, and e (C.1.c is inapplicable to this Application)	Tables of information summarizing bedroom counts, unit sizes, income levels, and progress reports on the tenant relocation process and construction phasing plan	<u>Exhibit G</u>
C.1.f	Programs for children and seniors provided as part of the Project	<u>Section IV.A.5</u>
C.1.g	Copy of the fully-executed First Source Employment Agreement with DOES	To be provided
C.1.h	Progress report regarding construction of the Site's pedestrian walk and Community Green	Not applicable in this phase of the Site as construction will commence in future phases; <u>see Section II.A</u>
D.1.f (D.1.a-e are inapplicable to this Application)	Coordinate with DDOT regarding loading, off-street parking, street layouts, TDM plans, bicycle parking and storage, and Capital Bikeshare	<u>Section III.B.6</u>

***D. Flexibility under the PUD Guidelines***

Zoning Commission Jurisdiction to Grant Flexibility. The PUD process was created to allow greater flexibility in planning and design than is possible under strict application of the Zoning Regulations. Under Subtitle X, Sections 303.1, 303.11, and 303.13, the Zoning Commission retains discretion to grant flexibility with respect to development standards. As part of this Application, the Applicant hereby requests the Zoning Commission grant flexibility with respect to (i) the lot occupancy requirements for both Buildings A and B, (ii) the penthouse requirements for Building B, and (iii) the bicycle parking requirements for Building B (the senior independent living building).<sup>9</sup>

<sup>9</sup> For a project in the RA-2 zone not undergoing review as a PUD, deviations from the lot occupancy, penthouse, and bicycle parking requirements are allowed as a special exception. *See* Subtitle F §§ 308.1, 5205.1 and Subtitle C § 807.2.

Lot Occupancy Flexibility. Under Subtitle F, Section 304.1, the maximum lot occupancy for lots in the RA-2 is 60 percent, and the Project proposes to exceed that amount by 11 percent in the aggregate. Therefore, the Project requires flexibility from Subtitle F, Section 304.1.

Penthouse Flexibility (Building B). Pursuant to Subtitle C, Section 1502.1(d), penthouses must be setback at a ratio of one to one from the side building wall of the roof upon which it is located. The penthouse enclosure of the elevator override on the western end of Building B is not setback at a ratio of one to one from the side building wall of the closed court upon which it is located. Accordingly, this portion of the Project's penthouse requires flexibility from Subtitle C, Section 1502.1(d).

Long-Term Bicycle Parking Flexibility (Building B). Pursuant to Subtitle C, Section 802.1, long-term bicycle parking spaces must be provided at the rate of 1 space for each 3 dwelling units in a residential apartment, except that the rate is reduced to 1 space for each 6 units after the first 50 such spaces. The Zoning Regulations do not distinguish age-restricted units from unrestricted units for the bicycle parking requirements. For the 200 units in Building B, the Zoning Regulations would require 58 long-term parking spaces, but the Project proposes just 10 such spaces. (Ten additional short-term bicycle parking spaces are provided at Building B.) As a result, Building B requires flexibility from the long-term bicycle parking requirements.

The Zoning Commission Should Grant the Requested Flexibility. The requested flexibility is appropriate given the public benefits and amenities provided as part of the Project, the context surrounding the Project site, and the general consistency of the Project with the zoning standards for similar relief under a matter-of-right development.

The Applicant seeks minor flexibility from the lot occupancy and penthouse requirements, and reasonable relief from the bicycle parking requirements in a seniors-only

building. In return, the Project provides superior design, efficient usage of the site, a considerable amount of affordable housing, and robust a package of additional benefits.

The minimal flexibility requested results in a Project with a multitude of benefits and does so without adversely affecting neighboring properties or the community generally. Instead, the Project made possible by the requested flexibility will likely enhance such neighboring property by replacing the existing buildings with a well-designed and contextually appropriate redevelopment. Any effects on the neighboring properties from the request lot occupancy relief is significantly mitigated by the Buildings being less than the maximum height allowed in the RA-2 and by the high-quality improvements in urban design and architecture, including breaking up the southern facades with five courtyards and also contributing land towards the widening of the alley to the south. The Project also significantly improves the pedestrian experience and urban design-related safety of Block 7 such that the lot occupancy relief is well-warranted. The requested flexibility with respect to the penthouse is truly de minimis. The non-conforming penthouse is not visible from the public realm and hidden from view from any neighbors. As a result, the negative effects of the requested relief are purely academic. Finally, the requested flexibility with respect to the bicycle parking is mitigated by the transit options proximate to the site, the expectation that Capital Bikeshare stations will be installed nearby as part of future phases of the redevelopment of the Site, and the age-constrained demographics of the occupants of the building requiring such flexibility. The modest requested flexibility is minor in absolute terms, and such a modest amount of flexibility will not tend to adversely affect the use of any neighboring property.

The requested flexibility is generally in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps even if not strictly in compliance with the technical

specifications of the code. The Project still provides ample open space at the ground level in keeping with the general objectives of the lot occupancy requirements. When viewed in conjunction with the planned development of the Community Green that will be developed across Saratoga Avenue, NE, the minor flexibility in lot occupancy on Block 7 itself is generally in keeping with the purpose of the Zoning Regulations.

The requested penthouse flexibility is also in harmony with the purpose and intent of the Zoning Regulations. The Applicant balances the need for an efficient garage layout with the need to maintain adequate setbacks for penthouse mechanical space. To accommodate the garage-level drive aisle requirements, the elevator is located slightly closer to a rear open court than the code contemplates. The location of the nonconforming penthouse minimizes any disharmony with the purposes and intent of the Zoning Regulations, which is to prevent penthouses from being visually overwhelming from the public realm and to minimize shadow impacts on adjacent buildings and public spaces. The requested relief is consistent with these objectives.

Finally, the Project provides a nonconforming number of bicycle parking spaces, however, this too is in keeping with the purpose and intent of the Zoning Regulations. Inexplicably, the Zoning Regulations have a vehicle parking requirement that acknowledges that residents of seniors-only buildings are less likely to require car parking, but the bicycle parking requirement does not make this concession. The Applicant has elected to provide a slightly higher number of vehicle parking spaces than bicycle parking spaces in Building B in anticipation of its senior residents being less likely than a general population of apartment-dwellers to require bicycle parking. Accordingly, the Applicant requests the Zoning Commission exercise its discretion under Subtitle X, Chapter 3 to grant the requested flexibility.

### **III. PUD EVALUATION STANDARDS**

The Project and this Application satisfy and exceed the requirements of a second-stage PUD pursuant to the First-Stage Order.

The Zoning Regulations at Subtitle X, Sections 301, 302.2, 304, and 305 and at Subtitle Z, Sections 300.12(j) and 703.10 set forth certain substantive and procedural requirements for a second-stage PUD and PUD modification and the criteria against which the Zoning Commission is to evaluate and make a determination on this PUD application. This Section III describes how the Project satisfies the area requirements of Subtitle X, Section 301 of the Zoning Regulations to proceed as a PUD and identifies the Project's impacts with respect to Subtitle X, Section 304.4(b). Section IV hereof describes the Project's benefits and amenities in light of the provisions of Subtitle X, Sections 304.4(c) and 305. Section V hereof addresses the requirements for consistency with the Comprehensive Plan, First-Stage Order (subject to the modification sought herein), intent and purpose of the Zoning Regulations, and the PUD process as required pursuant to Subtitle X, Sections 302.2 and 304.4(a) and Subtitle Z, Sections 300.12(j) and 703.10.

As set forth below in this Section III, the Project satisfies the area requirements for a PUD. In addition, the PUD Evaluation Standards, at Subtitle X, Section 304.4, provide that the Zoning Commission must find that the proposed development “[d]oes not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.” The Project readily satisfies this standard for the reasons set forth in Sections III.B and C below.



**A. PUD Area Requirement**

The Project satisfies the requirements in Subtitle X, Section 301 of the Zoning Regulations that a PUD must include an area of at least one acre in the RA-2 zone and that all of the property be contiguous except as separated by streets and alleys. As noted above, the Property is approximately 2.62 acres, and the entire Site is approximately 20 acres. In addition, all of the property comprising the PUD is contiguous. Accordingly, the Project satisfies the PUD area requirement.

**B. Project Impact on Residents of Brookland Manor and the Surrounding Area**

The impact of the Project on existing residents of Brookland Manor and the surrounding area either will be favorable or capable of being mitigated because the Project will: (i) bring much-needed new and affordable housing to the neighborhood, including dedicated affordable senior housing; (ii) be consistent with the surrounding land uses in the vicinity; (iii) proactively address needs and concerns of existing Brookland Manor residents and neighbors during development; (iv) provide formalized community-serving outdoor space amenities that improve the pedestrian experience adjacent to the Property and that will provide safe outdoor opportunities for residents; (v) gently transition in height between the Property and the neighboring two- and three-story buildings to the south; (vi) offer a high-quality neighborhood design and architecture that are both complementary to and enhance the existing fabric of the surrounding residential streets; (vii) promote the goal of walkable, bikeable, and transit-oriented development; and (viii) improve the alley to the south of the Property.

**1. Housing Impacts**

The Project's housing impacts will be favorable for the surrounding neighborhoods and the District as a whole because the Project helps address a dire housing shortage. The Project will deliver 200 units of much-needed affordable senior independent-living housing, which is a

housing type of particular policy focus in the District. The provision of such senior housing as part of the Project will allow many existing residents of Brookland Manor to remain in the neighborhood and “age in place” in a community with a robust set of social programs, community activities, and strong public transit access.

In addition, the Project will provide approximately 131 additional units of mixed-income housing that will facilitate future phases of development on the Site. The immediate impact of the mixed-income units is that they will accommodate the relocation of existing Brookland Manor residents as future phases of RIA proceed. In the longer term, these units will contribute to the overall housing shortage in the District as well as the need for affordable units and 3-bedroom units. Aside from facilitating future phases of RIA’s development, perhaps the most significant favorable housing impact of Building A over time is the development of a truly mixed-income building where residents of market-rate and affordable units share common spaces and amenities in the spirit of reversing some of the negative impacts of the concentrated poverty affecting Brookland Manor today. As a result, the Project will have an overall favorable impact on the surrounding area and the District as a whole from a housing perspective.

## 2. Land Use Impacts

From a land use perspective, the Project will create no unacceptable impacts on surrounding neighborhoods. The Project’s mix of senior and multi-family uses are entirely appropriate in context given the existing uses on the Property and the nearby multi-family and commercial uses. Block 7 is surrounded exclusively by other multi-family or institutional uses. The nearest single-family uses are more than a block away, and the intervening, existing multi-family uses gently step down in density and height from Block 7 to those single-family streets.

Given the Project’s proximity to Metrorail transit and the busy bus services along Rhode Island Avenue, NE, and given the overall approvals in the First-Stage Order for additional

commercial activities on the Site, the density on the Property will have positive impacts on the surrounding neighborhoods. The Project will help transform the RIA community, and Brentwood generally, into more of a mixed-use, transit-oriented neighborhood. Accordingly, the overall land use impacts of the Project will either be favorable or capable of being mitigated.

### 3. Development-Period Impacts on Residents and Neighbors

During the development period for Block 7, the Project's impacts on residents and neighbors are capable of being mitigated. As part of the materials submitted in the application for the First-Stage Order, the Applicant prepared a tenant relocation plan and a construction management plan. An updated tenant relocation plan is included with this Application as part of Exhibit F. The construction management plan was referenced the First-Stage Order as Exhibit 23E and will be updated and refined based on the input of the Brookland Manor tenants and immediate neighbors as this Application proceeds through the public hearing process.

### 4. Open Space, Urban Design, and Massing Impacts

The Project favorably improves upon the existing conditions with respect to the relationship between the buildings, open spaces, and the public realm.

The current relationship between the Brookland Manor buildings and the surrounding open spaces and public realm is a source of considerable concern from a public safety perspective. The existing buildings and open spaces form partially-enclosed and semi-obscured areas that create uncomfortable conditions for pedestrians and facilitate illicit outdoor activities. The existing buildings are not strongly oriented toward the street, and as a result, create irregularly shaped open spaces highly undefined and create numerous blind corners and darkened recesses. There is no clear understanding as to the ownership or utility of these open spaces.

The Project greatly improves upon these conditions by being oriented along the surrounding streets with definite edges and an unambiguous expression of control over green

spaces. The Project's edges are highly designed and integrated into the Buildings' overall function. The proposed courtyards fall into a clear taxonomy, courtyards to the rear of the Buildings are generally private and function as "outdoor rooms." Courtyards to the front of the Buildings serve practical purposes rather than as amorphous in-between spaces.

In addition, to the extent the Project facilitates the development of future phases of RIA, including the development of the Community Green (which, unlike Brookland Manor's existing green spaces, will become the type of inviting passive recreation area needed in the Brentwood neighborhood), the Project will have a significantly favorable impact on open space in the neighborhood.

Finally, the Project's massing provides clear indications of the creation of the RIA community, with significant gestures at entry points into the redevelopment. The existing condition of Block 7 is relatively indistinct from the surrounding blocks from a massing perspective. To address this concern, minor variations in the massing along Block 7 create visual interest and uniqueness that will establish a sense of place. In general, the Project's impact from an open space, urban design, and massing perspective is entirely favorable.

##### 5. Design and Aesthetic Impacts

The Applicant anticipates the Project's design and architecture having a significantly favorable outcome, no unacceptable impacts, and becoming a point of resident and community pride. The Project incorporates the highest-quality architecture and exemplary design. The materials and design details for both Buildings are significant improvements over the existing conditions. Upon completion of the Block 7 redevelopment, the new Buildings will appear fresh and emblematic of new investment without appearing overly contemporary or out-of-place. Instead, the Project will usher in a new architectural vocabulary that will establish a high baseline of quality of design and finishes expected for projects along Rhode Island Avenue, NE.

The Project's overall design and its details strongly reinforce and strengthen the character of the surrounding residential areas. Block 7's design will be favorable for the neighborhood.

#### 6. Transportation and Mobility Impacts

The proposed Project will not have an adverse impact on the public transportation facilities or roadways that it will rely on for service. The Project's vehicular traffic impacts are strongly mitigated by its transit options, and the Project achieves the right balance of mobility. The Property is well-served by transit and vehicular infrastructure, and the Project's relatively small scale will not introduce adverse impacts on either system. The Rhode Island Avenue-Brentwood Metrorail station is a half mile walk from the Property, and that station is relatively underutilized relative to other stations in the WMATA system.<sup>10</sup> Numerous Metrobus lines also service the Property, including a Priority Corridor Network route, and it is expected that many of the Project's residents will use public transit.

The Property has a WalkScore of 81 and a TransitScore of 70 (which indicates "Excellent Transit" with "transit convenient for most trips").<sup>11</sup> The Project's favorable walkability and transit access help mitigate any expected traffic concerns.

The Project also contains 68 parking spaces in Building A (a ratio of approximately 0.5 spaces per unit) and 50 (a ratio of 0.25) in Building B to accommodate the parking demand of residents. Bicycle usage will also be coherently integrated into the design of the Project, with long-term spaces in a dedicated storage room in the garage of Building A and the required short-term spaces provided elsewhere in public space. (As noted above, the Project will provide less than the required long-term bicycle parking for the seniors-only building, owing part to the expected

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<sup>10</sup> The Rhode Island Avenue-Brentwood Metrorail station is among the bottom half of all stations in the WMATA system in terms of average daily ridership since 2010 with 5,748 average weekday trips from 2010-2015, an average daily ridership that ranks 52nd out of 88 stations in operation in that span.

<sup>11</sup> The WalkScore and TransitScore are based on an algorithm using geographic datapoints to rank a neighborhood's non-vehicular mobility. See WALK SCORE, <http://www.walkscore.com> (last visited August 28, 2016).

demographics of that Building). The Project's physical form—no new curb cuts, new construction facing the street, on-street parallel parking, a tree-lined streetscape—mitigates traffic impacts by promoting and encouraging active mobility over driving. At the same time, the Project makes reasonable accommodations for those who choose to or must drive without interfering with the parking supply of neighboring residents. The Project provides sufficient new off-street parking to serve new residents, but not so much parking as to induce unnecessary driving.

As part of the Project, the Applicant will improve access and circulation to Block 7 via the existing public alley along the southern boundary of the Property. These alley improvements will allow the Project to prioritize pedestrian access along each of the main streets surrounding Block 7 and to create a permeable boundary between the Project and the Community Green.

The Applicant has engaged Gorove/Slade as transportation analyst for the Project. Gorove/Slade prepared a detailed transportation impact study as part of the first-stage application and proposed transportation mitigation measures incorporated into the First-Stage Order. Many of these measures will be implemented in later phases pursuant to the First-Stage Order, but Gorove/Slade will prepare a detailed Comprehensive Transportation Review for the transportation impacts of the Project as contemplated in the First-Stage Order. To the extent the Project creates transportation or mobility impacts on the neighborhood or District more generally, they are either capable of being mitigated or acceptable given the benefits provided by the Project.

### ***C. Project Impacts on City Services and Project Environmental Impacts***

The Project will not have an adverse impact on the public facilities and District services that it will rely on for service.

### 1. Water Demand

The proposed project will contain approximately 341,608 square feet of new residential space. The average daily water demand for this project can be met by the existing District water system. The proposed connection for the fire and residential water supply will be made within the existing distribution system and will be coordinated with DC Water. The Applicant anticipates the two Buildings will have individual water meters.

### 2. Sanitary Sewer Demand

The proposed connection for the sanitary sewer connections for the Project will be made within the existing distribution system and will be coordinated with DC Water.

### 3. Stormwater Management

The Project has been designed to achieve high levels of on-site stormwater retention. The proposed bio-retention basin planters, green roofs, and permeable pavement are designed to exceed District Department of Energy and Environment (“**DOEE**”) stormwater management retention and detention requirements. The requisite inlets and closed pipe system will be designed and constructed in compliance with the standards set by DOEE, DC Water, and DDOT.

### 4. Solid Waste Services

Solid waste and recycling materials generated by the Project will be collected regularly by a private trash collection contractor.

### 5. Electrical Services

Electricity for the new Buildings will be provided by the Potomac Electric Power Company (“**Pepco**”) in accordance with its usual terms and conditions of service. All electrical systems will be designed to comply with the D.C. Energy Code. Transformers will be installed on the Property in accordance with Pepco’s design guidelines.

#### 6. Energy Conservation

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the building.

#### 7. Erosion Control

During excavation and construction, erosion on the Property will be controlled in accordance with District of Columbia law.

#### 8. Public Schools

The Project is highly unlikely to have an unacceptable impact on schools in the District given the size of the Project, its mix and type of units, and the capacity for the District's nearby schools to take on additional students. The Project is expected to be occupied primarily by seniors and existing residents of Brookland Manor. As a result, there is unlikely to be a material net new impact on the District's school system. In addition, several other private and charter schools are in the general vicinity of the Project, offering educational options to residents who may seek alternatives to the neighborhood public schools. Moreover, in the city as a whole, the population of school-age children is declining while the population of childless households is increasing. Because of these trends, the nature of the Project's demographics, and the variety of school choices nearby, the Applicant expects that the school network will be able to accommodate, without any unfavorable impacts, the school-age children that may reside at the Project.



#### IV. PUBLIC BENEFITS AND PROJECT AMENITIES

##### A. *Identification of Specific Public Benefits and Project Amenities*

The PUD Evaluation Standards, at Subtitle X, Section 304.4(c) require the Zoning Commission to find that the proposed development “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.”

Section 305.2 provides:

Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.

Section 305.4 requires that a majority of the public benefits of the proposed PUD relate to the geographic area of the ANC in which the application is proposed.

A description of the Project’s many public benefits and project amenities is provided below. The Project’s many superior public benefits and project amenities are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs, as described in Section V below.

This PUD will achieve the goals of the PUD process by providing high quality residential development on the Property with significant public benefits to the neighborhood and the District as a whole to a greater extent than would be possible from development of the site under the matter-of-right provisions of the Zoning Regulations. The Applicant anticipates that the majority of the public benefits will relate to the geographic area of the ANC in which the Project is located.

1. Superior urban design, architecture, and landscaping (Subtitle X § 305.5(a) and (b))

The Project’s urban design and landscaping are superior public benefits. Subsections 305.5(a) and (b) of Subtitle X list urban design and landscaping as categories of public benefits

and project amenities for a project proceeding under a PUD. The Project incorporates numerous urban design precepts that guide attractive urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the existing buildings on the Property. Indeed, a primary objective of the RIA redevelopment overall (and by extension the Project individually) is to address many of the urban design ills that plague Brookland Manor and that contribute to crime and other social concerns in the neighborhood. *See also* First-Stage Order, Findings of Fact ¶ 52(b).

Examples of the Project’s superior design and architectural elements include its strong orientation to the surrounding streets, the prioritization of pedestrians over vehicles, and the thoughtful site planning as part of the integrated redevelopment of the Site. The urban design responds to its context by lining the building massing along Saratoga Avenue, NE to the north and breaking up the massing through the use of open courtyards along the alley to the south. This strategy creates a comfortable pedestrian experience along Saratoga Ave, NE and a frontage along the park and to the proposed higher density development to the north. The open courtyards along the alley present shorter frontages to the smaller scale development of the neighborhood buildings to the south.

Moreover, the high quality of design, materials, and finishes proposed for the Project announces the redevelopment and emergence of RIA and establishes a baseline for future phases of the Site’s redevelopment, signaling the Applicant’s commitment to delivering high-quality housing and retail development. Ultimately, the Project will re-calibrate expectations about the quality of design and architecture for future development nearby.

2. Site planning, and efficient and economical land utilization (§ 305.5(c))

The proposed site plan is another superior benefit of the Project. Pursuant to Subtitle X, Section 305.5(c) of the Zoning Regulations, “site planning and efficient and economical land

utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The benefits of the Project’s site plan and efficient land utilization are captured in the Project’s overall density and absolute number of new residential units provided. At an FAR of just under 3.0, the proposed density is appropriate for the Property given the proximity to transit options while not overbearing the lower density residential neighborhoods to the north, south, and east of the Site.

Given the considerable economic development opportunities emerging along Rhode Island Avenue, NE and in Northeast DC generally, the transportation options, and the services and stores to become available as a result of the redevelopment of the Site, preserving and replacing a significant number of deeply affordable residential units at this location is warranted and a benefit of the Project. Moreover, the Project represents efficient and thoughtful site planning in the context of the Applicant’s plans for the Site generally. The Project is an opportunity to establish a dedicated building for Brookland Manor’s senior residents and to provide flexibility to allow other Brookland Manor residents to be relocated to a new building on site during future phases of construction.

The Project’s site plan efficiently eschews any surface parking and provides infill development compatible with the surrounding blocks. Construction of the Project sets the stage for future development of the Site, and the Project has been designed to be the fulcrum for such future development. The Project’s site planning is a superior public benefit.

3. Housing and affordable housing (§ 305.5(f), (g))

Perhaps the Project’s single most significant public benefit is its provision of approximately 331 new residential units (a net of 267 new units), up to 265 of which will be

affordable immediately upon completion.<sup>12</sup> Pursuant to Subsections 305.3(f) and (g) of Subtitle X, the production of housing that exceeds the amount that would have been required through matter-of-right development under existing zoning and affordable housing above what is required under the Inclusionary Zoning provisions of the Zoning Regulations are public benefits.

The District faces a shortage of virtually every kind of housing product, but the need for additional affordable housing in established neighborhoods, affordable senior housing, and affordable housing near transit is particularly severe. The Project makes a significant contribution of new affordable units on a site that is transit-accessible, part of an exciting new development, and well-positioned to take advantage of economic opportunities that emerge in the Brentwood neighborhood in the future.

The housing proposed as part of the Project exceeds the amount possible through a matter-of-right redevelopment pursuant to the applicable limits in the underlying zone (i.e., the RA-1 zone here) by approximately 217,965 square feet. Under existing zoning there is no residential minimum for the underlying RA-1 zone. The following table sets forth the possible housing yield under a matter-of-right project relative to the amount of housing proposed in this Application:

<b>RA-1 Zoning – Matter-of-Right Housing</b>	<b>Project’s Proposed Housing</b>
Building A: 51,273 sf (61,527 sf w/ IZ)	Building A: 169,342 sf
Building B: 51,762 sf (62,115 sf w/ IZ)	Building B: 172,266 sf
Total: 103,036 sf (123,643 sf w/ IZ)	Total: 341,608 sf
The Project provides <b>217,965</b> sf of housing above amount achievable as a matter-of-right.	

<sup>12</sup> As noted above, the Applicant requests flexibility to reallocate some of the units in Building A to other buildings on the Site following completion of future phases of RIA in order to avoid concentration of affordable units in a single building, except for Building B, which will remain affordable for its senior residents even upon the completion of future phases. The First-Stage Order provides that the overall redevelopment of RIA shall provide for at least 384 units, of which 150 to 200 shall be provided in Building B (referred to as the “Senior Building” therein). See First-Stage Order, Decision ¶ B.1.

In addition, the affordable housing proposed substantially exceeds the amount that would be required under the Inclusionary Zoning provisions of the Zoning Regulations. The Project will simultaneously modernize and preserve a significant amount of affordable housing reserved for households eligible to participate in HUD’s Section 8 program.

The Project’s proffer of affordable housing is superior in two ways: first, it is a deeper level of affordability than is ordinarily required, and second, it is a greater quantity of affordable gross floor area than is ordinarily required to be provided. Taking these two benefits in turn, first, by reserving the Project’s units for families eligible to participate in the Section 8 program (which generally involves residents earning less than 30 percent of the area median income), the Project provides housing at a deeper level of affordability than is currently required under the Inclusionary Zoning regulations and a deeper level of affordability than has been proposed as part of amendments to such regulations. Second, the proposed affordable housing is a greater amount than would be provided through matter-of-right development, as shown in the following table:

<b>Existing Zoning – Matter-of- Right Affordable Housing</b>	<b>Project’s Affordable Housing</b>
IZ Required: Greater of 10% of gross floor area of 75% of achievable bonus density =	IZ Provided: Building A – 65,192 sf <sup>13</sup> Building B – 172,266 sf
<b>15,455 sf</b> of affordable housing required	<b>237,458 sf</b> of affordable housing provided <sup>13</sup>
50% ( <b>7,728 sf</b> ) to be affordable at 50% AMI <sup>14</sup> 50% ( <b>7,728 sf</b> ) to be affordable at 80% AMI	100% to be affordable to Section 8-eligible residents (i.e., generally less than 30% AMI)

<sup>13</sup> As noted above, the Applicant anticipates that initially approximately 65 of the 131 units in Building A will be reserved as affordable units to accommodate relocation of existing tenants during future phases of redevelopment on the Site. Following the completion of future phases of RIA, some affordable units in Building A will be reallocated elsewhere on the Site, with the objective of avoiding a permanent disproportional concentration of low income residents in particular buildings. However, the Applicant is committed to retaining 25 affordable units in Building A (i.e., approximately 19 percent of the Building’s units). Accordingly, the Applicant hereby requests the flexibility necessary to reallocate such units in Building A, and the numbers provided here are solely for the purpose of illustrating that the ultimate amount of affordable housing provided as part of the Project will substantially exceed the matter-of-right requirement (i.e., by a factor of 15 or more). Building B is anticipated to remain affordable for senior residents even upon completion of future phases.

<sup>14</sup> Pursuant to Subtitle C, Section 1003.3 of the Zoning Regulations in effect as of the date of this Application.

Finally, the Project includes two types of housing – senior housing, and three bedroom units – that the Zoning Regulations specifically identify as constituting public benefits. The Project includes 200 units of senior housing (with all such units being affordable, and most anticipated to house existing residents of Brookland Manor, allowing them to remain on site as RIA is introduced) and 18 units of three-bedroom housing. Taken together, the Project’s housing and affordable housing are superior public benefits and vastly exceed what would be possible through a matter-of-right development.

4. Employment and training opportunities (§ 305.5(h))

In addition to superior affordable housing opportunities, the Project will also create employment benefits. Subtitle X, Section 305.5(h) provides that employment and training opportunities are also public benefits. The Applicant has committed to enter into a First Source Employment Agreement with DOES as part of each phase of the overall Site redevelopment, including as part of the redevelopment of Block 7 pursuant to this Application.

5. Social services and facilities (§ 305.5(i))

The Applicant’s and Mr. Ford’s mission to provide high quality affordable housing has always extended to providing meaningful services and facilities for the residents of those units. Subtitle X, Section 305.5(i) provides that the provision of social services and facilities for the duration of the PUD may qualify as public benefits.

The Applicant currently provides, and will continue to provide, a number of programs that are designed for the children and seniors that live in the community. Existing programs for children living in Brookland Manor include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer camp, and meal programs to ensure that no child goes home hungry. Existing programs for Brookland Manor’s senior

residents include brown-bag lunches and other events designed to bring Brookland Manor's senior community together. Collectively, these programs will be retained and enhanced in the new RIA community.

The Applicant has retained a not-for-profit entity to survey the existing Brookland Manor residents to determine their needs and aspirations with respect to community and social programming. Upon the completion of the needs assessment, the Applicant will prioritize its resources and direct them where they will have the greatest potential to improve lives. The Applicant expects that the new programs will commence long before the new buildings are open.

6. Building Space for Special Uses (§ 305.5(j))

The Project will also provide amenity space in each of the two Buildings for residents of Block 7. Pursuant to Subtitle X, Section 305.5(j), building space for special uses including, but not limited to, community educational or social development, promotion of the arts or similar programs and not otherwise required to be provided constitutes a public benefit. Buildings A and B will each provide such amenity spaces. These amenity spaces will support the Applicant's strong commitment to providing services for children and seniors and will give residents of the two Buildings safe indoor and outdoor places to gather in community, recreate, and relax.

7. Environmental and sustainable benefits (§ 305.5(k))

Subtitle X, Section 305.5(k) provides that environmental benefits are also public benefits to the extent such environmental benefits exceed the standards required by zoning or other regulations. The Project will comply with the requirements of the Enterprise Green Communities checklist as shown on page G12 of the Plans.<sup>15</sup> The Project will provide a number of

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<sup>15</sup> The Applicant has elected instead to proceed with certification under the Green Communities program, which is specifically designed for mixed-income and low income buildings and is particularly appropriate here given the Project's inclusion of the entirely-affordable senior building, in lieu of the U.S. Green Building Council's LEED program for this Project. Simply, the Enterprise program is more appropriate given the expected demographics of

environmental benefits that improve sustainability of the site, contribute to the sustainability of the neighborhood, and support healthy living for the Buildings’ residents.

8. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (§ 305.5(q))

As part of the public process that preceded the First-Stage Order, the Applicant worked with residents, community members, the ANCs, and OP to identify additional public benefits of special significance to Brookland Manor’s existing residents and neighbors. Subtitle X, Section 303.5(q) lists uses of special value to the neighborhood as public benefits of a PUD.

As part of the First-Stage Order, the Applicant agreed:

- to ensure that existing qualified Brookland Manor residents, at the time that the redevelopment commences, will have the ability to return to the new RIA;
- to manage the onsite relocation of residents to minimize the impact on educational, social, emotional, and employment needs of individuals and families and phase the overall redevelopment (including building out its infrastructure) in a manner that is most efficient; and
- to implement a robust construction management for each phase of the redevelopment, including for this Project.

The Applicant will continue to engage with neighbors, residents, the ANCs and other important stakeholders regarding these benefits.

9. Comprehensive Plan (§ 305.5(r))

The Project provides additional benefits through its consistency with the Comprehensive Plan. According to Section 305.5(r) of Subtitle X, public benefits and project amenities include “other ways in which the proposed planned development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As

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the Buildings. The Applicant continues to pursue LEED-ND Silver for the RIA development overall. This commitment to achieving a high level of sustainability at the building scale addresses DOEE’s recommendation that all buildings approved pursuant to second-stage PUDs achieve individual certifications. *See* First-Stage Order, Findings of Fact ¶ 72.



described in greater detail in Section V hereof, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

***B. Requirements of Public Benefits under a PUD***

Subtitle X, Section 305.4 requires that the public benefits proposed as part of a PUD application (i) benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from a matter-of-right development of the Property, (ii) be tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy, and (iii) relate to the geographic area of the ANC(s) in which the Property is located. The public benefits proposed as part of this Application satisfy the three conditions listed above.

The Project's public benefits and project amenities listed in Section IV.A above generally would not be required and instead would be economically infeasible under a matter-of-right development of the Property. Only a project the scale of the one proposed herein could afford the high quality urban design, architecture, landscaping, amount of affordable housing and level of affordability, and the employment and social benefits proposed here. A developer of matter-of-right units on the Property would have no incentive or reason to provide any of the uses of special value enumerated above.

Each of the public benefits listed in Section IV.A hereof is tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy.

Similarly, the benefits all relate to the geographic area of the ANC. Accordingly, the proposed package of public benefits and project amenities satisfies the requirements of Subtitle X, Sections 304.4(c) and 305.

**V. CONSISTENCY WITH THE COMPREHENSIVE PLAN, GENERAL PURPOSE AND INTENT OF THE ZONING REGULATIONS, AND FIRST-STAGE ORDER**

In order to approve this Application, the Zoning Commission must find that the PUD is “not inconsistent with the Comprehensive Plan and with other public adopted policies . . . related to the subject site.” Subtitle X, Section 304.4(a). Likewise, as a second-stage PUD, the Zoning Commission is obligated to consider whether this Application is in “compliance with the intent and purposes of the first-stage approval, and [the Zoning Regulations].” Subtitle X, Section 302.2(b). This Section V also identifies how this Application’s plans are “in accordance with the intent and purposes of . . . the first-stage approval,” pursuant to Subtitle Z, Section 300.12(j), as modified by the modest changes to the First-Stage Order requested herein pursuant to Subtitle Z, Section 704.

**A. *This Application is Not Inconsistent with the Comprehensive Plan and the Zoning Regulations***

The proposed second-stage PUD, including its proposed package of public benefits and project amenities, is not inconsistent with the Comprehensive Plan and meets numerous goals and policies enumerated in the Comprehensive Plan generally as well as in the Upper Northeast Area Element.

The Project is not inconsistent with the Comprehensive Plan. The purposes of the Comprehensive Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. *See* DC Code § 1-306.01(b). Generally, the Project advances these purposes by furthering the social and economic development of the District

through the construction of new affordable residential units on underutilized land, offering a design that prioritizes transit and pedestrian activity over automobiles, and improving the urban design and landscaping, surrounding the Property.

As part of the First-Stage Order, the Zoning Commission found that the proposal for the Site, including the proposal for Block 7 (with which the Project hereby complies) was consistent with the Comprehensive Plan. *See* First-Stage Order, Conclusions of Law ¶ 13 (“The Commission finds that rezoning the site is consistent with the Comprehensive Plan. The PUD is fully consistent with and fosters the goals and policies stated in the elements of the Comprehensive Plan.”).<sup>16</sup> The Zoning Commission devoted twelve pages of its Order enumerating the myriad ways in which the first-stage application was consistent with the Comprehensive Plan. *See id.* Findings of Fact ¶¶ 53-62. Given the extensive findings in the record, and the clear conclusions of law in the First-Stage Order, and the consistency between the instant Project and the First-Stage Order, the Applicant confidently asserts that the Project is not inconsistent with the Comprehensive Plan.

This Application is also in compliance with and not inconsistent with the general intent and purpose of the Zoning Regulations. The general intent and purpose of the Zoning Regulations is, *inter alia*, to promote the “public health, safety, morals, convenience, order, prosperity, and general welfare.” *See* Subtitle A, Section 101.1. The Project exemplifies orderly,

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<sup>16</sup> More particularly the Zoning Commission found “that the testimony of the Applicant and OP that the proposed PUD project and rezoning of the Subject Property are not inconsistent with the Comprehensive Plan. This Commission has spent considerable time considering how its decisions are to be guided by the various maps, guidelines, policies, and elements that make up the Comprehensive Plan. This Commission has appropriately determined that the Comprehensive Plan provides it with a series of tools that help guide decisions regarding consistency with the Comprehensive Plan. The FLUM, the GPM, or specific elements and policies are not in and of themselves determinative of whether a project or proposed zone district is consistent with the Comprehensive Plan. Rather, the Commission looks at the Comprehensive Plan in its entirety. In this case, the Commission finds that the proposed PUD and related map amendment of the Subject Property to the C-2-A and R-5-B Zone Districts is appropriate given the FLUM designation of the Subject Property and the project’s satisfaction of numerous policies enumerated in the Comprehensive Plan. The Commission’s conclusion is consistent with OP’s recommendations to approve the project and the PUD-related Zoning Map amendment.” *Id.* Findings of Fact ¶ 106.

well-planned development that is undertaken on behalf of the best interests of the residents of the District with respect to the above-cited objectives. The Project complies with all of the specific development standards set forth in the Zoning Regulations, except where flexibility is hereby requested, which flexibility is expressly contemplated as part of the PUD process.

Pursuant to Subtitle X, Section 300.1, the purpose of the PUD process is:

to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) Results in a project superior to what would result from the matter-of-right standards; (b) Offers a commendable number or quality of meaningful public benefits; and (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.

The Project achieves substantial public benefits in a manner far superior to a matter-of-right project that would not occur but for this PUD. As noted above, the Project protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. For all of the reasons set forth herein, the Project advances these general purposes of the Zoning Regulations.

***B. This Application Is in Compliance with and Not Inconsistent with the First-Stage Order***

This Application is in compliance with and not inconsistent with the First-Stage Order notwithstanding the modifications to such First-Stage Order sought herein. The First-Stage order established the overall massing, development envelope, mix of uses and unit types, affordable housing requirements, policy objectives, character and appropriateness of the redevelopment of the Site, and the Project is in compliance with these elements of the First-Stage Order. Moreover, the modifications requested herein are not inconsistent with such First-Stage Order. Indeed, the modifications will allow the overall redevelopment of the Site to proceed in a more orderly way, will better advance the objectives of the Project approved by the First-Stage Order, and will better protect the interests of residents and neighbors than previously contemplated.

**VI. CONCLUSION**

For the foregoing reasons, the Applicant submits that the enclosed Application meets the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of the included applications; provides significant public benefits; and advances important goals and policies of the District of Columbia. Therefore, this Application should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the Application down for a public hearing at the earliest possible date.

Respectfully submitted,

GOULSTON & STORRS

/s/ Paul A. Tummonds  
Paul A. Tummonds, Jr.

/s/ David A. Lewis  
David A. Lewis

## APPENDIX

### List of Publicly Available Information pursuant to Subtitle Z, Section 203.7:

1. Exhibits attached herewith (available via the DC IZIS Case Report upon filing)
2. Future Land Use Map and Generalized Policy Map of the District of Columbia (available at <http://planning.dc.gov/page/comprehensive-plan-future-land-use-maps> and <http://planning.dc.gov/page/comprehensive-plan-generalized-policy-maps> respectively)
3. District of Columbia Comprehensive Plan (available at <http://planning.dc.gov/page/comprehensive-plan>)
4. Metrobus and Metrorail Maps (available at <http://www.wmata.com/rail/maps/map.cfm>)
5. WMATA Records Available for Public Review (available at [http://www.wmata.com/about\\_metro/public\\_rr.cfm](http://www.wmata.com/about_metro/public_rr.cfm))
6. Orders of the District of Columbia Zoning Commission and Board of Zoning Adjustment (available at <https://app.dcoz.dc.gov/Search/GlobalSearch.aspx>)
7. WalkScore (available at [https://www.walkscore.com/DC/Washington\\_D.C.](https://www.walkscore.com/DC/Washington_D.C.))
8. Section 231 Mortgage Insurance for Rental Housing for the Elderly (available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips))