

# **THE RESIDENCES AT CITY MARKET**

## **STATEMENT OF THE APPLICANT TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR A CONSOLIDATED PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT**

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<b>Exhibit</b>	<b>Description</b>
A	Architectural Plans and Elevations
B	Portion of Zoning Map
C	Building Plat Prepared by D.C. Surveyor's Office
D	Portion of Future Land Use Map
E	Portion of Generalized Policy Map
F	Certificate of Notice, Notice of Intent, and Property Owner List
G	DC Council Resolution No. R21-0374
H	HPRB Action
I	Historic Preservation Office Report
J	First Source Agreement
K	Certified Business Enterprise Agreement

## I. INTRODUCTION

1336 8th Street SPE LLC (the "Applicant") on behalf of the District of Columbia, the owner of the property located 1336 8<sup>th</sup> Street, N.W. (Square 399, Lot 68) (the "Property"), submits this statement and the attached documents in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and approval of a planned unit development ("PUD") and related Zoning Map amendment to rezone the Property from the MU-4 Zone to the MU-6 Zone.

The Property is located at the southwest corner of the intersection of 8<sup>th</sup> and O Street, NW, within the boundaries of ANC 6E-03. It has a land area of approximately 13,306 square feet and is a rectangular lot with approximately 141 linear feet of frontage on 8<sup>th</sup> Street, N.W., approximately 94.33 linear feet of frontage on O Street, N.W. and approximately 141 linear feet of frontage on a public alley to the west of the Property. As shown in the photographs and on the existing conditions survey included in the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the Property is currently improved with a surface parking lot that is used by members and employees of The Church of the Immaculate Conception located at 8<sup>th</sup> and N Streets. Surrounding uses include a mix of residential, retail, service, and hotel uses. The O Street Market, which was developed pursuant to Z.C. Order No. 07-26, is located across O Street to the north of the Property.

As shown on the Zoning Map attached hereto as Exhibit B, the Property is presently zoned MU-4 and is within the Shaw Historic District. The Applicant proposes to rezone the Property to the MU-6 Zone, which is consistent with the Comprehensive Plan's Future Land Use Map designation of the Property as Mixed-Use Medium-Density Commercial and Medium-Density Residential (*see* Exhibit D). The requested map amendment is also consistent with the

Comprehensive Plan's Generalized Policy Map designation of the Property as a Neighborhood Commercial Center. (See Exhibit E).

Pursuant to D.C. Council Resolution R21-0374, dated February 2, 2016, attached as Exhibit G, the District selected the Applicant to redevelop the Property with a mixed-use project that consists of approximately 87,248 square feet of residential floor area, generating approximately 80 units, and approximately 7,980 square feet devoted to non-residential uses. The non-residential floor area includes approximately 1,240 square feet of space for use by The Church of the Immaculate Conception (the "Project"). The Project will have a density of 6.56 floor area ratio ("FAR"), of which .6 FAR will be devoted to non-residential uses. The maximum building height for the Project will be 98 feet.

The Project has already been reviewed and conceptually approved by the Historic Preservation Review Board ("HPRB"). On June 2, 2016, the HPRB voted unanimously (6-0-0) to approve the Project concept and delegated final approval to staff. The HPRB's Action of June 2, 2016 is attached hereto as Exhibit H, and the HPO report recommending approval is attached hereto as Exhibit I.

As set forth below, this statement and the attachments meet the filing requirements for a PUD and Zoning Map Amendment application under Subtitle X, Chapter 3 of the District of Columbia Zoning Regulations.

## **II. PROJECT DESCRIPTION**

### **A. The Applicant**

The Applicant is a partnership between Roadside Development, LLC and Dantes Partners, LLC.

**Roadside Development, LLC**, a District of Columbia limited liability company, was formed over 15 years ago as a Washington, DC-based development company focused on the



creation of retail and mixed-use environments. Roadside has acquired, developed, constructed and managed more than 8.5 million square feet of mixed-use and retail projects, and has become one of the leading experts in mixed-use urban development in the metropolitan Washington, DC region.

Roadside is the developer of the CityMarket at O, located on the north side of O Street, across from the Property. CityMarket at O is a transformational project that consists of a 90-unit affordable senior building, 550 market-rate rental units, a 182-key hotel, and a 78,000 s.f. grocery store.

**Dantes Partners, LLC**, a District of Columbia limited liability company, will lead the affordable housing effort for the PUD. Dantes Partners, formed in 2006, has extensive experience in analyzing and structuring financing for mixed-income residential projects with significant affordable housing requirements. Roadside partnered with Dantes Partners at The Hodge on 7th (part of the CityMarket at O) to bring affordable senior living to Shaw, which has enabled seniors in Shaw to age in place.

## **B. Project Components**

As shown on the Plans attached hereto as Exhibit A, the Applicant proposes to redevelop the Property with a mixed-use Project. The Project will have a density of 6.56 FAR, of which .6 FAR will be devoted to non-residential uses, and a maximum building height of 98 feet. The Project will include approximately 87,248 square feet devoted to residential use, generating approximately 80 units, and approximately 7,980 square feet devoted to non-residential uses. The non-residential floor area includes approximately 1,240 square feet of space for use by The Church of the Immaculate Conception.

Since the Project is located within 0.5 miles of the Mt. Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail station, the minimum vehicle parking requirement identified

is reduced by 50%. Therefore, instead of 28 parking spaces, the Project is only required to have 14 parking spaces. (See Subsection C, Sections 701.5 and 702.1(a).) The Project will have 20 parking spaces in a below grade parking garage. Vehicular access to the garage and to the associated loading facilities will be from the public alley immediately west of the Property so as to minimize vehicular-pedestrian conflict. The Project's ground level retail/commercial use is intended to activate the surrounding streets.

The Project includes significant public space improvements, including streetscape improvements such as shade trees and ground plane planting, decorative planters for seasonal display, street lights, bicycle racks and seating. The proposed public space amenities related to retail uses include sidewalk café space along O Street defined by moveable planters. Townhouse gardens will be fenced and provide visual continuity through a similar pattern of planting and hardscape improvements as is found to the south in front of the existing townhouses.

Vehicular access to the parking ramp and loading facilities will occur from the adjacent alley, which will result in the elimination of the existing curb cut on 8<sup>th</sup> Street. This will minimize vehicular and pedestrian conflicts, improve the pedestrian character of the street, and provide an opportunity for additional street parking. The Project will include both long-term and short-term bicycle spaces consistent with the requirements of the Zoning Regulations.

The Property is well served by several mass transit options, including the Mt. Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail station and eight Metrobus and Circulator routes, within 0.2 miles of the Property. The Property is also located within 3.5 blocks of three existing Capital Bikeshare stations and is presently surrounded by walkable connections to all of the aforementioned forms of transit. As a result of the redevelopment of the Property, all public space surrounding the Project will be improved to promote a pedestrian-friendly environment with an

activated streetscape. All adjacent curb ramps and crosswalks will be improved to current DDOT accessibility standards if they do not currently comply.

Under the Applicant's LDDA with the District, the Applicant is required to set aside 30% of the total residential units as affordable units. Half of the affordable units will be reserved for households earning up to 50% of the median family income (“MFI”) and half of the affordable units will be reserved for households earning up to 80% of MFI. All of the affordable units will be multifamily units; none of the units at the ground level along 8<sup>th</sup> Street will be set aside as affordable. The amount of floor area that will be set aside for the affordable units is 14,451 square feet, which equals 24.3% of the gross residential floor area for the Project.

### **C. Project Design**

Architecturally assembled from a collection of forms, each with its own unique expression, the Project serves as a bridge from the existing two and three story row houses in the neighborhood to the larger Shaw developments, including CityMarket at O. The Project appreciates the existing 8th Street townhouse architecture through a purposeful tapering and varying of heights among the mixed-use components of the Project.

At its highest elevation, the building will utilize thin light colored brick frames with expansive areas of glass providing residents in the tallest portion of the building with light-filled spaces from which to enjoy expansive views of the city. Some of the residential units will enjoy projected, private balconies and living spaces as well as freely accessible rooftop gardens offering special moments for residents to interact with neighbors.

Lower tiered residential units serve as a link to the materials that typify the neighborhood by the use of elongated and highly variegated, mid-tone bricks to give this portion of the building welcoming warmth and texture by creating a pronounced horizontal grain to the building. This particular brick is especially vibrant, adding a palpable feeling of presence to the building. Ample,

punched openings provide abundant light and air for its residents while also offering them a chance to escape outside onto their private exterior balconies overlooking 8th and O Streets.

The building's layered approach is punctuated by the creation of three and a half story townhouses on 8th Street that display crisp, faceted window frames that echo the proportion and scale of the adjacent homes while also creating an elegant and contemporary expression. These townhouses help create a rich and varied mix of activities at the street level. They also provide a lively mix of housing options, each with its own access to exterior balconies, rooftop gardens and courtyard environments to create pockets of space that provide chances for casual interactions and gatherings among friends surrounded by planters, decks and benches. Adjacent to the townhomes will co-exist new and exciting retail opportunities to compliment Shaw's existing galleries, restaurants, cafes, boutiques, all headlined by the Giant at CityMarket at O.

At the street level, the paving and landscape features for the Project will marry up to those of CityMarket at O, helping to stitch 8th Street seamlessly together to the north, enhancing walkability and providing similar ground cover plantings, trees, bicycle racks and light fixtures.

Ultimately, the elegant design vision is meant to compliment and enliven the community while also providing exciting and amenable living and shopping opportunities at mixed incomes for the neighborhood.

#### **D. Matter-of-Right Development under Existing Zoning Requirements**

The Property is currently zoned MU-4. The MU-4 Zone is designed to permit moderate-density mixed-use development and provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. 11 DCMR Subtitle G § 400.3(a)-(b). The MU-4 Zones shall be located in Low and Medium Density Residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers. 11 DCMR

Subtitle G § 400.3(c). As a matter-of-right, property in the MU-4 Zone can be developed with a maximum density of 2.5 FAR and the maximum FAR for nonresidential use is 1.5 FAR. 11 DCMR Subtitle G § 402.1. The maximum matter of right building height in the MU-4 Zone is 50 feet. 11 DCMR Subtitle G § 403.1.

#### **E. Matter of Right Development Under Proposed MU-6 Requirements**

The Applicant proposes to rezone the Property to the MU-6 Zone, which permits the following development standards for a PUD:

- Height: 90 Feet. 11 DCMR Subtitle G § 303.7.
- Density: 6.0 FAR, and 7.2 FAR with the Inclusionary Zoning Bonus. The maximum FAR for non-residential use is 2.0. 11 DCMR Subtitle G § 402.1.
- Lot Occupancy: The maximum lot occupancy for residential use is 80%. 11 DCMR Subtitle G § 404.1.
- Rear Yard: The minimum rear yard is 15 feet. 11 DCMR Subtitle G § 405.2.
- Side Yard: No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft. 11 DCMR Subtitle G § 406.1.
- Parking:
  - Residential, multiple dwelling unit: 1 per 3 dwelling units in excess of 4 units
  - Retail/ use: 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.
  - Office: 0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft., except: a medical or dental office, clinic, or veterinary hospital: 1 per 1,000 sq. in excess of 3,000 sq. ft. 11 DCMR Subtitle C § 701.5
  - Within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by 50% for any Property which is located within 0.5 miles of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded. 11 DCMR Subtitle C § 702.1(a).
- Bicycle Parking:

- Residential Apartment: 1 space for each 3 dwelling units (long term); 1 space for each 20 dwelling units (short term)
- Retail: 1 for each 10,000 square feet of gross floor area (long term); 1 for each 3,500 square feet of gross floor area (short term)
- Office: 1 for each 2,500 square feet of gross floor area (long term); 1 for each 40,000 square feet of gross floor area (short term). 11 DCMR Subtitle C § 802.1
- Loading:
  - Residential More than 50 Units: 1 loading berth and 1 service/delivery space
  - Retail with 5,000 to 20,000 sq. ft. of gross floor area: 1 loading berth
  - Office with 20,000 to 50,000 sq. ft. of gross floor area: 1 loading berth and 1 service delivery space. 11 DCMR Subtitle C § 901.1
  - When two or more uses in different use categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the use category with the *highest requirement*, and *not the combination of requirements* for all use categories provided that all uses that require loading have access to the loading area. 11 DCMR Subtitle C § 902.2
- Green Area Ratio (“GAR”): The minimum required GAR for the MU-6 Zone is 0.3. 11 DCMR Subtitle G § 407.1.

**F. Tabulation of Development Data**

The tabulation of the Project's development data is included in the Plans attached hereto as Exhibit A.

**G. Flexibility under PUD Guidelines**

The PUD process was created to allow greater flexibility in planning and design than might otherwise not be possible under conventional zoning procedures. As permitted by 11 DCMR Subtitle X § 303.1, the Commission may grant such flexibility in its discretion. In addition to a waiver of the minimum land area requirements for a PUD in the MU-6 Zone, the Applicant seeks flexibility from the Zoning Regulations as discussed below.

1. Minimum Rear Yard Requirements. The Applicant requests flexibility to have a rear yard of six feet in lieu of the 15 feet that is required pursuant to Subtitle G § 405.2 of the Zoning Regulations. The reduced rear yard will not result in any adverse impacts to the open space on the Property or on nearby properties. There is ample open space, light, and air surrounding the building in all directions.

2. Minimum Open Court Width Requirements. The Applicant requests flexibility to have an open court with a width of one foot, where a minimum open court width of 10 feet is required under Subtitle G § 202.1 of the Zoning Regulations.

3. Minimum Open Court Width Requirements. The Applicant requests flexibility to have a closed court with a width of 15 feet, where a minimum open court width of 25 feet is required under Subtitle G § 202.1 of the Zoning Regulations. The closed court will have an area of 1,260 square feet.

4. Penthouse Setback Requirements. The Applicant requests flexibility to have a penthouse that is not setback a distance equal to its height from the side building wall that borders an open court. The elevator override will be setback a distance of 14 feet from the side building wall, where a setback of 20 feet is required under Subtitle C § 1502.1(5).

5. Maximum Lot Occupancy Requirements. The Applicant requests flexibility to have a building with a maximum lot occupancy of 100% at the lowest residential level, which is the street level of the Project, where a lot occupancy of 80% is permitted under Subtitle G § 404.1 the Zoning Regulations. However, the lot occupancy is reduced at the higher levels of the building. For example, at the second level of the building, the lot occupancy is 86.7% and at the fourth level of the building, the lot occupancy is 69%.

6. Minimum Loading Requirements. The Applicant requests flexibility to provide a 30 foot loading berth and a 100 square foot loading platform in lieu of a 30 foot loading berth and a 100 square foot loading platform and one service delivery space as required under Subtitle C § 901.1 of the Zoning Regulations. The Applicant's traffic consultant has evaluated the proposed loading and has confirmed that the proposed loading will be sufficient to accommodate the expected demand.

7. Proportionality of Affordable Units. The Applicant is required to set aside 30% of the total residential units, or 24 units, as affordable unit. Consistent with the Applicant's LDDA with the District, only multifamily units will be set aside to meet the 30% threshold; none of the ground level units along 8<sup>th</sup> Street will be set aside as affordable units.

8. Additional Areas of Flexibility. The Applicant has made every effort to provide the highest level of detail in the drawings to convey the quality and appropriateness of the Project's design and uses for this location. Nonetheless, some flexibility is necessary with respect to certain details. Thus, the Applicant requests modest flexibility in the following areas:

- (a) To be able to provide a range in the number of residential units of plus or minus 10%;
- (b) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- (c) To vary the sustainable design features of the Project, provided the total number of LEED points achievable for the Project is not below the LEED-Gold rating standards under the United States Green Building Council LEED for New Construction v2009.
- (d) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes in order to comply with all applicable



District of Columbia laws and regulations or that are otherwise necessary to obtain a final building permit;

- (e) In the retail and service areas, flexibility to vary the location and design of the ground floor components of the Project in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use and to accommodate any specific tenant requirements; and to vary the size of the retail area; and
- (f) To vary the features, means and methods of achieving (i) the code-required GAR of 0.3, and (ii) stormwater retention volume and other requirements under 21 DCMR Chapter 5 and the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control.

### **III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS**

#### **A. Standards Applicable to an Application for a Zoning Map Amendment**

The Zoning Act sets forth a number of criteria that must be applied by the Commission when adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital ... ." D.C. Code § 6-641.01 (2001). The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

D.C. Code § 6-641.02 (2001). The Commission must apply those standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the Property to the MU-6 Zone in conjunction with the PUD as requested herein will promote each of the purposes described above. Pursuant to Subtitle X § 303.12, “A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”

**B. PUD Process is Appropriate Mechanism for the Project**

The PUD process is the appropriate mechanism for guiding the development of the Property. It allows the Project to be developed within the statutory purview of the Zoning Commission while at the same time providing opportunities for input from various agencies and parties. Through the PUD process, the Office of Planning and other District agencies will have the opportunity for greater participation in the fulfillment of the District’s planning objectives for this area. Similarly, nearby property owners and area residents will have the opportunity to express their views about the proposed Project. Accordingly, the use of the PUD process gives the community and District agencies an opportunity to work with the Applicant to ensure a well-planned Project.

**C. PUD Requirements under Subtitle X, Chapter 3 of the Zoning Regulations**

*1. Area Requirements under Subtitle X § 301.1*

The Property has a land area of approximately 13,306 square feet where a minimum of 15,000 square feet of land area is required pursuant to 11 DCMR Subtitle X § 301.1. The Commission may waive not more than 50% of the minimum area requirements provided: (i) the Commission finds after a public hearing that that development is of exceptional merit and in the best interest of the District or country; and (ii) at least 80% of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto. 11 DCMR

Subtitle X § 301.2. As a result, the Applicant respectfully requests a waiver from the minimum land area requirements.

The Project is of exceptional merit and in the best interest of the city. The Project will significantly improve the existing area by replacing a surface parking lot with a mixed-use project that will activate the surrounding streets and is just three blocks from the Mt. Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail Station. Further, the Project will result in new affordable housing. Under its LDDA with the District, the Applicant is required to set aside multifamily units within the Project equal to 30% of the total residential units as affordable units. Half of the affordable units will be reserved for households earning up to 50% of the median family income (“MFI”) and half of the affordable units will be reserved for households earning up to 80% of MFI. The amount of floor area that will be set aside for the affordable units is 14,451 square feet, which equals 24.3% of the gross residential floor area for the Project.

At least 80% of the gross floor area of the Project is devoted to residential use. Specifically, 79,268 square feet of the 87,248 square feet of the floor area of the Project – or 91% -- is devoted to residential use.

2. FAR and Height Requirements under Subtitle X §§ 303.3 and 303.7

Subtitle X § 303.1 of the Zoning Regulations permits a maximum density for a PUD in the MU-6 Zone of 8.64 FAR. The maximum non-residential density for a PUD in the MU-6 Zone is 2.68. The Project has a density of 6.56 FAR, of which .6 FAR is devoted to non-residential use. Thus, the Project conforms with the PUD FAR allowances set forth in 11 DCMR Subtitle X § 303.1.

Subtitle X § 303.7 of the Zoning Regulations permits a maximum building height of 110 feet for a PUD in the MU-6 Zone. As shown on the Plans, the building has a maximum height of 98 feet, and therefore the Project conforms to the requirements of 11 DCMR Subtitle X § 303.7.

3. Impacts of the Project under Subtitle X § 304.4(a)

The Project will have a favorable impact on the surrounding area. Overall, the Project will significantly improve the area by virtue of the exceptional architectural design of the building; a design that carefully considers the nearby uses and overall urban context. The Project will provide new housing opportunities to District residents, including new affordable housing, and will help to continue the revitalization of the surrounding neighborhood by providing new retail opportunities, office space, and an improved pedestrian experience at the street level. Moreover, the Property is extraordinarily well-served by public transportation, including numerous Metrobus routes and is in close proximity to the Mt. Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail station. Therefore, the Project will generate a nominal amount of vehicular trips and will not have any unmitigated adverse traffic impacts on the surrounding neighborhood.

4. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(b)

As discussed at length below in Section IV, the Project is not inconsistent with the District of Columbia Comprehensive Plan.

**D. Public Benefits and Project Amenities**

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the Property under the matter of right provisions...." 11 DCMR Subtitle X § 305.2. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR Subtitle X § 305.10. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value

of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case."

11 DCMR Subtitle X § 304.3. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help to achieve a number of the goals of the PUD process by creating a mixed-use, mixed-income, transit-oriented development with a thoughtful, high-quality, environmentally-friendly design. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

1. Urban Design and Architecture; Landscaping and Open Space; Property Planning & Efficient & Economical Land Utilization (§ 305.5(a) – (c)). As a natural extension of CityMarket at O, the project will be a major catalyst to the continued revitalization of Shaw. Vehicular access to the parking ramp and loading facilities will occur from the adjacent alley, which will result in the elimination of the existing curb cut on 8<sup>th</sup> Street that currently serves the Property and also minimize vehicular and pedestrian conflicts, improve the pedestrian character of the street, and provide an opportunity for additional street parking.

Architecturally assembled from a collection of forms, each with its own unique expression, the Project serves as a bridge from the existing two and three story row houses in the neighborhood to the larger Shaw developments, including City Market at O. The Project appreciates the existing 8th Street townhouse architecture through a purposeful tapering and varying of heights among the mixed-use components of the Project.

At its highest elevation, the building will utilize thin light colored brick frames with expansive areas of glass providing residents in the tallest portion of the building with light-filled

spaces from which to enjoy expansive views of the city. Some of the residential units will enjoy projected, private balconies and living spaces as well as freely accessible rooftop gardens offering special moments for residents to interact with neighbors.

Lower tiered residential units serve as a link to the materials that typify the neighborhood by the use of elongated and highly variegated, mid-tone bricks to give this portion of the building welcoming warmth and texture by creating a pronounced horizontal grain to the building. This particular brick is especially vibrant, adding a palpable feeling of presence to the building. Ample, punched openings provide abundant light and air for its residents while also offering them a chance to escape outside onto their private exterior balconies overlooking 8th and O Streets.

The building's layered approach is punctuated by the creation of three and a half story townhouses on 8th Street that display crisp, faceted window frames that echo the proportion and scale of the adjacent homes while also creating an elegant and contemporary expression. These townhouses help create a rich and varied mix of activities at the street level. They also provide a lively mix of housing options, each with its own access to exterior balconies, rooftop gardens and courtyard environments to create pockets of space that provide chances for casual interactions and gatherings among friends surrounded by planters, decks and benches. Adjacent to the townhomes will co-exist new and exciting retail opportunities to compliment Shaw's existing galleries, restaurants, cafes, boutiques, all headlined by the Giant at CityMarket at O.

The roof terrace on top of the mid-rise portion of the building will serve as an outdoor amenity space and will be accessible to tenants. It will include a cooking and dining space, a fire-table lounge area, and more intimate seating areas. At the street level, the paving and landscape features for the Project will marry up to those of CityMarket at O, helping to stitch 8th Street

seamlessly together to the north, enhancing walkability and providing similar ground cover plantings, trees, bicycle racks and light fixtures.

Ultimately, the elegant design vision is meant to compliment and enliven the community while also providing exciting and amenable living and shopping opportunities at mixed incomes for the neighborhood.

2. Affordable Housing (§ 305.5(g)). The Applicant is required to set aside 30% of the total units within the Project as affordable units. Half of the affordable units will be reserved for households earning up to 50% of MFI and the other half of the affordable units will be reserved for households earning up to 80% of MFI. The amount of floor area that will be set aside for the affordable units is 14,451 square feet, which equals 24.3% of the gross residential floor area for the Project.

3. Employment and Training Opportunities (§ 305.5(h)). The Applicant has entered into First Source and Certified Business Enterprise agreements with the District. Copies of the agreements are attached as Exhibits J and K, respectively. It is estimated, based on the projected construction spending of the development program presented in the District RFP, the Project will create a total of 185 construction jobs and 17 permanent jobs. This includes 146 full-time and 39 part-time FTE employees. The Applicant's commitment to the CBE program would lead to 98 of these jobs being held by District-based CBEs. Further, at build out, the Project will generate a total of 17 permanent jobs, including 10 full-time FTE. Based on the Applicant's commitment to local hiring, it is anticipated that a minimum of 9 of these jobs will be filled by District residents.

4. Environment and Sustainable Benefits (§ 305.5(k)). The roof of the elevator overrun, the roof of the penthouse, and a portion of the penthouse level patio space will be planted with an extensive green roof system. Much of this terrace will be planted with ornamental trees,

shrubs, and ground plane plantings. The roof of the portion of the building that extends below grade will function as a planted courtyard with small terraces provided for two of the units that the interior courtyard. In addition to cooling the environment, the planted roof areas will be used to manage storm water runoff.

5. Transportation Infrastructure (§ 305.5(o)) As part of the Project, the Applicant will widen a portion of the adjacent alley by 5 feet (from 10 feet to 15 feet). When considered in conjunction with the additional 10 feet of alley being constructed as part of the PUD immediately to the west of the Property, the future alley will provide improved functionality for all alley users. In addition, a Transportation Demand Management (“TDM”) Plan will be developed to promote non-auto modes of transportation.

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

a. The residents of the Project will have the ability to opt-in to the luxury amenity package at City Market at O rather than pay amenity/activity fees. This will result in a savings for residents of approximately \$200 per month.

b. The reservation of 25 parking spaces at the parking garage at CityMarket at O for The Church of the Immaculate Conception. The estimated value of the reserved parking is \$750,000.

c. The Project will include approximately 1,240 square feet of space for use by The Church of the Immaculate Conception. The estimated value of this benefit/amenity is approximately \$960,000.

d. The Applicant will contribute \$100,000 to a “neighborhood retail promotion fund,” which will be utilized to promote, market and/or attract retail activity in the Shaw neighborhood.



e. The Applicant will contribute \$25,000 to the Department of Parks and Recreation, which is to be utilized to enhance programming for youth activities at the Kennedy Recreation Center.

#### **IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Project advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

##### **A. Purposes of the Comprehensive Plan**

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b).

The Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality residential Project with ground floor retail on the Property, without generating any adverse impacts.

##### **B. Future Land Use Map**

According to the District of Columbia Comprehensive Plan Future Land Use Map, the Property is designated in the mixed-use Medium-Density Commercial and Medium-Density Residential designations. The Medium Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the

moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 10A DCMR § 225.10. These zone districts correspond to the MU-5, MU-6, MU-7, and MU-8 Districts under the Zoning Regulations of 2016.

The Medium Density Residential designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply. 10A DCMR § 225.5. These zone districts correspond to the RA-2 and RA-3 Districts under the Zoning Regulations of 2016.

The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the Map is to be interpreted broadly. *Id.* Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here. *Id.* at § 226.1(c). The zoning of any given area should be guided by the Future Land Use Map, interpreted in

conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. *Id.* at § 266.1(d).

Thus, in evaluating the proposed map amendment, the Property should be viewed in context and not as an isolated parcel. When taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the Property from the MU-4 Zone to the MU-6 Zone in order to construct the mixed-use Project with significant new housing, affordable housing, and neighborhood-serving retail is consistent with the Comprehensive Plan's designation of the Property, particularly given the fact that the MU-6 Zone (previous C-2-B District) is specifically identified as a corresponding zone district in the Medium Density Commercial category.

**C. Generalized Policy Map**

The Property is located in the Neighborhood Commercial Center category on the District of Columbia Comprehensive Plan Generalized Policy Map. Neighborhood Commercial Centers are intended to meet the day-to-day needs of residents and workers in the adjacent neighborhoods. Their service area is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 10A DCMR § 223.15.

The proposed rezoning and PUD redevelopment of the Property is consistent with the policies indicated in the Neighborhood Commercial Center category, since the Project will provide community-serving retail that will meet the day-to-day needs of residents and workers in the proposed building.

#### **D. Compliance with Guiding Principles of the Comprehensive Plan**

The Project is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set-forth in the Comprehensive Plan.

##### **1. Managing Growth and Change**

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other goals, the growth of both residential and non-residential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. The Project is fully-consistent with each of these goals. Redeveloping the Property as a vibrant mixed-use building with residential, retail, and office uses will further the revitalization of the surrounding neighborhood. The proposed retail and office spaces will create new jobs for District residents, further increase the city's tax base, and help to reinvigorate the existing neighborhood fabric.

##### **2. Creating Successful Neighborhoods**

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development; from development of the Comprehensive Plan to implementation of the plan's elements. The Project furthers this goal since the Applicant has been working with ANC 6E to ensure that the Project provides a positive impact on the immediate neighborhood.

##### **3. Building Green and Healthy Communities**

A major objective for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. As discussed in more detail

above, the Project will include a substantial number of sustainable design features and will achieve a LEED-Gold certification.

**E. Land Use Element**

For the reasons discussed above, the Project supports the following policies of the Land Use Element:

*1. Policy LU-1.3 Transit-Oriented and Corridor Development*

The Project exemplifies the principals of transit-oriented development. The Property is located within convenient walking distance from the Mt. Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail station, which serves the Green and Yellow Metrorail lines, and is also located in close proximity to eight Metrobus and Circulator routes, with the 52, 53, 54, 63, 64, G2, and G8 routes and the DC Circulator, all having stops within 0.2 miles of the Property. The Property is also located within 3.5 blocks of three existing Capital Bikeshare stations. In addition, the Project is consistent with the following principles: (i) a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; and (ii) a preference for diverse housing types, including affordable units.

*2. Policy LU-1.3.4: Design to Encourage Transit Use*

The Project has been designed to encourage transit use and enhance the safety, comfort and convenience of passengers walking to the Metrorail station and local bus stops, since the Project incorporates ground floor retail uses that will activate and animate the street.

*3. Policy LU-2.2.4: Neighborhood Beautification*

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. As shown on the Plans, the Project architect designed the building to improve the visual aesthetic of the neighborhood. Moreover, the Project will be an improvement to the current

Property condition, which is a surface parking lot. The Project also includes landscaped and open spaces, which will greatly enhance the streetscape.

#### **F. Transportation Element**

The Applicant's proposal to develop a mixed-use building on the Property will help to further several policies and actions of the Transportation Element of the Comprehensive Plan, including:

##### **1. Policy T-1.1.4: Transit-Oriented Development**

As described above, the Project is an excellent example of transit-oriented development since it is located in close walking distance to a Metrorail station, multiple Metrobus and Circulator stops, and several Capital Bikeshare locations. The Applicant will also work with DDOT to develop an appropriate TDM plan for the Project that is based on the Subject Property's transit-oriented, infill location.

##### **2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning**

As shown on the Plans, the Project architect carefully considered and integrated bicycle and pedestrian safety considerations into the design of the Project. The Project incorporates secure, indoor bicycle parking, and the Applicant will work with DDOT to provide short-term bicycle parking adjacent to the building. The Applicant will also improve the public realm by planting trees and making other landscape and lighting improvements. Together, these physical enhancements to the streetscape will encourage bicycle and pedestrian activity and will bring additional revitalization to the area.

##### **3. Action T-2.3-A: Bicycle Facilities**

This element encourages new developments to include bicycle facilities. As stated above, the Project will include secure indoor bicycle parking and exterior bicycle racks that will accommodate and encourage bicycle use.

## **G. Housing Element**

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10 DCMR § 501.1. The Project will help achieve this goal by advancing the policies discussed below.

### *1. Policy H-1.1.1: Private Sector Support*

The Project helps meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the Project will contain approximately 83,470 square feet of gross floor area devoted to residential use (approximately 76 units). The Project is required to set aside 30% of the total units as affordable units. Half of the affordable units will be reserved for households earning up to 50% of the median family income ("MFI") and half of the affordable units will be reserved for households earning up to 80% of MFI.

The affordable units will significantly add to the District's affordable housing stock, and the provision of new housing at this particular location is fully consistent with the District's land use policies.

### *2. Policy H-1.1.3: Balanced Growth*

This policy strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the city, and recommends ensuring that a sufficient supply of land is planned and zoned to enable the city to meet its long term housing needs, including the need for low and moderate density single family homes as well as the need for higher-density housing. The Project supports this policy goal by developing new, high-density housing on underutilized land in a rapidly growing and changing mixed-use neighborhood.

### 3. Policy H-1.1.4: Mixed-Use Development

The Project is consistent with the goals of promoting mixed use development, including housing on commercially or industrially zoned land, particularly in neighborhood commercial centers.

## **H. Environmental Protection Element**

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element promotes specific environmental policies, including the following:

- Encouraging the planting and maintenance of street trees in all parts of the city (Policy E-1.1.1);
- Encouraging the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity (Policy E-1.1.3);
- Promoting the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses (Policy E-2.2.1); and
- Promoting tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction (Policy E-3.1.2).

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the Project includes street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and bicycle parking. Moreover, the Project will be located in a walkable, transit-oriented, infill location, thus minimizing the need for residents, visitors, retail patrons, and employees to use a car to access the Property. Moreover, the Project will be designed to achieve LEED-Gold equivalent status. Therefore, the Project is fully consistent with the Environmental Protection Element.



## **I. Urban Design Element**

The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to align the Project with the character of the surrounding neighborhood. Consistent with **Policy UD-2.2.1: Neighborhood Character and Identity**, and **Policy UD-2.2.7: Infill Development**, the Project will help strengthen the architectural quality of the immediate neighborhood by relating the Project's scale to the existing neighborhood context. In addition, as shown on the Plans, the Project includes elegant, visually-interesting and well-designed building façades to create stunning visual interest and contribute to the architectural quality of the neighborhood and streetscape. *See* **Policy UD-2.2.5: Creating Attractive Facades**. The Project is also consistent with the goals of **Policy UD-3.2.5: Reducing Crime Through Design**, since the Project will bring additional "eyes and ears" to the street, as well as improved lighting, clear lines of sight, and visual access, all of which will help to minimize the potential for criminal activity in the immediate area.

## **J. Near Northwest Area Element**

The Project is consistent with many of the policies of the Near Northwest Area Element.

## V. CONCLUSION

For the reasons stated above, the Applicant submits that the PUD and Zoning Map amendment applications meet the standards of Subtitle X, Chapter 3 of the Zoning Regulations and are consistent with the purposes and intent of the Zoning Regulations and Zoning Map. Accordingly, the Applicant requests that the Zoning Commission determine that the application has merit and that a public hearing on the application should be scheduled.

Respectfully submitted:

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