

500 Penn Street NE



APPLICATION FOR REVIEW AND APPROVAL OF
A CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND RELATED ZONING MAP AMENDMENT

June 22, 2017

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LIST OF EXHIBITS

| Description | Exhibit |
|---|----------------|
| Application Forms and Agent Authorization Letters | A |
| Certificate of Notice and Notice of Intent to File | B |
| Property Owner List | C |
| Surveyor's Plat | D |
| Architectural Drawings, Elevations, Sections, Streetscape Designs, Landscaping, Civil, Photos of Property and Surrounding Area, Site Plans, Maps, and Other Plans | E |

I. INTRODUCTION

A. Application Summary

This is the application of UM 500 Penn Street NE LLC and UDR, Inc. (together, the “**Applicant**”) to the District of Columbia Zoning Commission (“**Commission**”) for the Consolidated review and approval of a Planned Unit Development (“**PUD**”) and a related Zoning Map amendment to the MU-9 Zone District (the “**Application**”). The Application is for the construction of a new residential building with ground floor retail, underground parking, landscaping, and site improvements (the “**Project**”). The Project will provide new housing and retail options in an area of the city targeted for redevelopment.

The site of the Project is in the Union Market District (also known as the Florida Avenue Market) of northeast Washington. The Project has an address of 500 Penn Street NE and is formally designated as Square 3594, part of Lot 3 (the “**Subject Property**” or “**Property**”). The Property contains approximately 37,450 square feet of land area and is irregular in shape. The Property is primarily bounded by a new eight-story hotel to the north; Penn Street NE to the south; the remaining portion of a two-story former showroom building to the east; a 20-foot wide public alley to the west; and the intersection of Penn Street NE and 4th Street NE to the southwest. New York Avenue NE, which is a gateway into the Union Market District, is located approximately 210 feet to the northwest of the Property.

The Project will contain a total of approximately 320,113 square feet of gross floor area (8.55 FAR) in 130 feet (12 stories) of height plus a habitable penthouse. The Project will include street activating ground floor retail and a mix of residential unit types ranging from studios to three bedrooms. Nine percent (9%) of the residential floor area (including penthouse area) will be dedicated to affordable housing. Seventy percent (70%) of the affordable housing, equivalent

to 6.3% of the residential floor area, will be reserved for 60% MFI units, and 30% of the affordable housing, equivalent to 2.7% of the residential floor area, will be reserved for 50% MFI units. An underground parking garage with 145-230 spaces will serve the building's retail and residential uses. The design of the building will incorporate a portion of the existing red brick façade of the former showroom building on the Property fronting on Penn Street.

The Property is located in the PDR-1 Zone District and the Mixed-Use High Density Residential / High Density Commercial / Production, Distribution, and Repair Land Use category on the District of Columbia Future Land Use Map. The Subject Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5D.

In addition to the new residences and retail that the Project will bring to this site, the Project will offer many public benefits and amenities. The Applicant proposes benefits and amenities such as larger units (three bedrooms), affordable housing that will exceed that required by Inclusionary Zoning (“IZ”), and an employment-related program or agreement.

This application is not inconsistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10 DCMR (Planning and Development) § 100 et seq. (2006) (the “**Comprehensive Plan**”), and it furthers numerous goals and policies of the District of Columbia. Submitted in support of this application are completed application forms, a notice of intent to file a PUD (with property owner list and certification of mailing), and architectural drawings, plans, and elevations. As set forth below, this statement and the attached documents meet the filing requirements for a Consolidated Planned Unit Development application under Subtitle X, Chapter 3 of the District of Columbia Zoning Regulations.

B. Applicant

UDR, Inc. is a vertically integrated owner, operator, and developer of high-quality, mixed-use communities across the country. With over 50,000 apartment homes, and one million square feet of commercial space under ownership/management, UDR has a proven track-record as a best-in-class operator, providing stability for its residents as a long-term owner, with a commitment to customer service, quality and sustainability for over 45 years. Having a national presence has enabled UDR to bring best practices to its Washington, DC area portfolio, which is comprised of over 9,000 apartment homes. In addition to its operating platform, UDR has a track record for successful developments across the country, including 399 Fremont in San Francisco, CA, which was awarded “Best Project, Residential/Hospitality” by ENR California in 2016, as well as local developments Delray Tower in Alexandria, VA, and Capitol View on 14th in Washington, DC.

UM 500 Penn Street NE LLC is an entity of Edens GP, LLC (“**Edens**”). Edens develops, owns, and operates community-oriented shopping places in primary markets throughout the East Coast. Edens prides itself in introducing pioneering, innovative concepts, creating the right merchandise mix, delivering seamless construction projects, and maintaining ownership and management, and has done so on numerous projects up and down the East Coast for nearly 45 years. Edens has developed a strong national reputation through its commitment to enriching the communities it serves and its focus on building key relationships with neighbors, retailers and project partners. Three examples of the Edens innovative and well-planned approach can be found at Union Market at 1309 5th Street, NE, 1270 4th Street, NE, and Gateway Market (The Edison), and also in the Mosaic District at Lee Highway & Gallows Road in Merrifield, VA.

Each local project has achieved great success and garnered accolades for Edens' vision and unique introduction of new retail concepts.

C. Architect

Eric Colbert & Associates was founded in Washington, DC by Eric Colbert in 1981. The award-winning local firm has extensive experience with all building types, including apartment and office buildings, retail establishments and single family homes, and has built an impressive reputation in all aspects of historic preservation and new construction.

Eric Colbert & Associates has completed many residential projects in the Washington area in the last 25 years. The majority of those are in historic districts. Two thirds of the firm's projects are new construction, while one third are a combination of historic rehabilitation and compatible additions. The majority of its projects are in the old urban neighborhoods where the historic districts are located.

The firm is the recipient of numerous awards. The firm's Northern Exchange project is a recent award winner for the conversion of an early telephone exchange building into residential condominiums. The Room & Board project converted a historic automobile showroom into a modern furniture store. Many of the firm's apartment projects have won American Institute of Architect awards, including the 300-unit Allegro apartment building on 14th Street, the Rainbow Lofts condominium project on the 1400 Block of Church Street, and the apartment building on 16th Street at Church Place.

II. SITE AND AREA DESCRIPTION

A. Project Site

The Property is an irregularly-shaped parcel that is part of a single record lot that contains a one and two story brick building formerly used by the Maurice Electric Supply Company (“**Maurice Electric**”). The eastern side of the record lot contains the two-story portion of the building, which previously functioned as the showroom for Maurice Electric and was the first portion of the building to be constructed (“**Showroom Building**”). The western side contains the one-story portion, which functioned as the warehouse for Maurice Electric and was constructed as a later addition to the Showroom Building (“**Warehouse**”). The Showroom Building was originally constructed circa 1957 as a bottling plant for the Rock Creek Ginger Ale Bottling Corporation and reflects the industrial character of the neighborhood. Maurice Electric purchased the Showroom Building and Warehouse in 1987 and used the space as their distribution hub for the Washington, DC area. When the family that owned Maurice Electric sold their business to US Electric Supply in 2008, the distribution hub was relocated to Landover, MD as part of a larger consolidation. As part of that sale, US Electric Supply shrunk their footprint to approximately half the building, leaving the balance of warehouse space unoccupied. Ultimately, US Electric Supply relocated their DC operations to V Street NE and the building was sold to Edens in 2014.

The Subject Property is the western portion of the record lot presently containing the Warehouse and part of the Showroom Building. For the Project, the unoccupied Warehouse will be demolished. However, the 2-story portion of the façade of the Showroom Building will be retained and incorporated into the design to maintain the character of the neighborhood.

B. Surrounding Area

The surrounding area is mostly a mix of industrial, commercial, and institutional uses. However, many mixed-use residential and retail redevelopment projects are under construction or nearing completion.¹ The Property is located at the north end of the Union Market neighborhood close to the intersection of New York Avenue/4th Street/Penn Street; this makes the location of the Project particularly prominent since it will anchor the north end of the Union Market district and will be one of the first projects visible to those entering the neighborhood from New York Avenue.

The bulk of the Union Market District, is located to the south and southwest. However, many high-density mixed-use residential and/or commercial projects are planned or approved for the Union Market District that will transform it into an active residential, retail, wholesale, and industrial district.² The Union Market Historic District, which contains terminal/wholesale buildings in the market and includes only a portion of the larger Union Market District, extends south of Penn Street along 4th and 5th Streets NE. The renovated Union Market building, which was one of the first and catalytic redevelopments in the neighborhood, is located to the southeast of the Property. Further south across Florida Avenue, other high-density mixed-use projects are planned or approved.³

The area directly to the north of the Property is comprised of a new eight-story hotel, and another 11-story hotel with arts space is planned for the parcel immediately across the alley from the Property.⁴ Both hotels front on New York Avenue NE. A small commercial building

¹ E.g., 1270 4th Street NE and 320 Florida Avenue NE

² E.g., ZC Case Nos. 14-12, 15-24, 15-27, and 16-10.

³ E.g., ZC Case Nos. 15-22, 15-28, and 16-09.

⁴ ZC Case No. 15-19.

located at the corner of 4th Street and New York Avenue is also located across the alley from the Property.

Directly east of the Property and located in the re-purposed Maurice Electric Showroom Building is alternative industrial office space. On the other side of the Maurice Electric Showroom Building, are re-purposed warehouses containing a movie theater, and a gelato factory and retail space.

Directly south of the Property across Penn Street are a motel and a surface parking lot. The Union Market Historic District is located further south of those two uses.

Further afar from the immediate neighborhood, the mix of uses are diverse. Further to the east are a National Park Service maintenance facility and Brentwood Park, and Gallaudet University is located beyond that. Across New York Avenue to the north and west, the neighborhood is largely industrial with train tracks occupying most of the land.

The architectural style of the neighborhood is eclectic and is evolving with the multiple new projects. Most of the existing industrial and commercial buildings have a very functional style. Many of the planned new projects have a contemporary and/or industrial style. The Project intends to maintain the character and grit of the neighborhood while adapting the Property into new residential and retail uses.

The immediate neighborhood includes a mixture of zones. Most properties immediately surrounding the Property are zoned PDR-1, though most of the new projects have been rezoned to C-3-C (MU-9) as components of their PUD applications. Also, the National Park Service area and park to the east are zoned RF-1.

III. PROJECT DESCRIPTION

The Project will consist of a redevelopment of the Property into a new and architecturally distinguished multifamily residential building with activating ground floor retail and below-ground parking, as shown on the plans in Exhibit E (“**Plans**”). The Project will be a principal anchor to the north end of the Union Market District that will add housing and retail to the site and will improve the adjacent public realm; thus, the Project will be an important part of the development of the Union Market District into a cohesive mixed-use neighborhood.

At its ground floor, the Project will include approximately 23,568 square feet of retail space, a residential lobby, and back-of-house functions. The ground floor will occupy approximately 100% of the lot. The retail area will be comprised of two spaces separated by the residential lobby. The retail space on the west side of the lobby will contain approximately 17,751 square feet, and the retail space on the east side of the lobby will contain approximately 5,816 square feet. Each retail space will have the ability to be further divided if warranted by particular retailers. The residential lobby will contain a front desk, package rooms, a mail room, and the elevator lobby. The trash room, loading area, and entrance to the parking area all will be located at the rear of the ground floor. The trash room and loading area will also be directly accessible from the retail spaces and the residential lobby.

The entrances to the loading area and the parking garage entrance will be at the rear of the ground floor on the building’s west side from the alley. The parking entrance will be a ramp to the parking spaces below grade. The loading entrance will be adjacent to the parking entrance.

Above the ground floor will be 11 stories of residential plus a habitable penthouse and roof deck. This residential portion of the building will be a “T” shape, in plan view, with large

courts along both the east and west sides of the building to provide ample light and air to the residential units. The maximum lot occupancy of the residential portion of the building will be approximately 74.3%. These courts, which will be on the roof of the ground floor retail, residential lobby, and service areas, will be partially accessible as outdoor space from the second floor. The second floor will contain the residential leasing center, a fitness/recreation room for residents, and residential units. The third through twelfth floors will contain residential units. Unit types will be studios, one-bedrooms, two-bedrooms, and three-bedrooms. In total, the Project will contain 295-325 residential units. Approximately 18% of the units will be studios, 38% will be one-bedrooms, 38% will be two-bedrooms and/or one-bedrooms plus dens, and 6% will be three-bedrooms. Unit sizes will range from approximately 550 square feet to approximately 1,500 square feet.

Above the twelfth story will be a habitable penthouse plus roof deck. The penthouse will contain approximately 3,788 square feet of community recreation space – a lounge and a party room – plus approximately seven residential units (comprising approximately 8,247 square feet).⁵ The communal recreation space and roof deck will be on the south side of the building to give residents exceptional views of downtown Washington. The roof deck will surround a pool that will be available to all residents. Also surrounding the penthouse will be a green roof in the areas that are inaccessible to residents. The roof of the penthouse will also contain an extensive green roof. The penthouse will have a maximum height of 20 feet, of which 12 feet will be for the habitable space; the additional height will be for mechanical equipment. The penthouse and roof deck guard rails will be set back from the roof edges the required distances, and the penthouse will otherwise conform to the applicable penthouse regulations.

⁵ The Applicant will provide the required affordable housing or contribution to an affordable housing trust fund in accordance with Subtitle C § 1505 for the penthouse habitable space.

The Project will contain three below-grade levels of parking to serve both the residential and retail uses. The residential spaces will be access-controlled, but the retail spaces will be available to the public. The total number of parking spaces will be between 145-230. In addition, the first below-grade level will include two secure bicycle storage rooms for at least 78 long-term bicycle spaces. The bicycle storage room on the west side of the building will provide the bicycle parking for the residents. The bicycle storage room on the east side of the building will provide bicycle parking for the retail use (employees). The bicycle storage rooms will be accessed via the parking ramp from the alley.

The composition of the Penn Street façade will include two central projecting bays with a setback center portion that will punctuate the residential lobby below. These central glass bays will divide the façade into two segments. On the east side, the first and second floors will consist of the old Maurice Electric Showroom Building façade. The goal of incorporating the Maurice façade is to preserve and enhance the existing Union Market structures with new construction that captures the feeling of and complements the existing industrial fabric. The new structure above the Maurice façade will be set back to enhance the presence of this commercial edifice. On the west side of the central bays will be a two-story masonry façade element that will balance the old Maurice façade on the east side will have the appearance five retail bays to create better a pedestrian scale. The building's retail base is primarily comprised of brick, steel and concrete, which underscores the industrial/commercial feel of the Market. The retail portion of the facades would include dramatic industrial canopies along with substantial green wall elements. Above the second floor, generous balconies will provide depth to the façade and will capitalize on the excellent views to the south.

The organization of the ground floor program will provide a sense of neighborhood activity and security at the street level. The residential entrance and retail storefronts along Penn street will provide a strong street presence and will enliven the streetscape and promote pedestrian activity. The overall streetscape is intended to be an accessible amenity shared and enjoyed by the entire neighborhood. The Project also will include public realm improvements to the public space adjacent to the Property, as shown on the Plans, that will conform to the Union Market Streetscape Guidelines under development by DDOT and Edens.

Another important feature of the Project will be the high-quality design of the building along the alley to the west. The building’s architectural elements at the retail base will also be incorporated into the alley façade. These design features will help activate the alley.

A. Zoning Overview

The Zoning Tabulations Sheet included as page 03 of the Plans provides a detailed overview of the proposed building and the requirements and restrictions of the MU-9 zone. The following table illustrates the zoning parameters of the proposed Project:

| | <u>Proposed</u> | <u>Allowed/Required by PDR-1 MOR</u> | <u>Allowed/Required by MU-9 MOR</u> | <u>Allowed/Required by MU-9 PUD</u> |
|---|------------------------|---|--|--|
| <u>Height</u> | 130’ | 50’ | 90’ | 130’ |
| <u>Number of Residential Units</u> | 295-325 | NA | No maximum | |
| <u>FAR</u> | 8.55 | 3.5 | 7.8 | 9.36 |
| <u>Square Footage</u> | 320,113 | 131,345 | 292,711 | 351,253 |

| | | | | |
|---|---|---|--|------------------------------|
| <u>Residential Lot Occupancy</u> | 74.3% | NA | 100% | |
| <u>GAR</u> | 0.2 | 0.3 required | 0.2 required | |
| <u>Parking</u> | 145-230 spaces | 128 spaces: 99 spaces for residential (1 per 3 dwelling units in excess of 4) and 29 spaces for retail (1.33 spaces per 1000 sf in excess of 3000 sf) | | |
| <u>Bicycle Parking</u> | At least 78 long-term spaces At least 22 short-term spaces | Residential: 76 long-term spaces (1 per 3 dwelling units) ⁶ and 15 short-term spaces (1 per 20 dwelling units) Retail: 2 long-term spaces (1 per 10,000 square feet) and 7 short-term spaces (1 per 3500 square feet) | | |
| <u>Loading</u> | 2 30-foot berths and 1 20-foot space | 2 30-foot berths and 1 20-foot space | | |
| <u>Affordable Housing</u> | 9% of residential floor area | NA | Greater of 8% of residential floor area or 50% of achievable bonus density | 8% of residential floor area |

B. Zoning Flexibility Requested

The Applicant requests the following relief from strict application of the following provision of the Zoning Regulations through the flexibility allowed by the PUD process:

1. The rear yard requirement in Subtitle G § 405.3. The parcel is irregularly-shaped and narrows to the rear. If a rear yard is provided, then this condition does not allow for a design that provides a significant amount of light and air to all units and to surrounding properties. As proposed, one bar of the Project will extend northeast to the property line. This allows for a “T”-shaped building layout that

⁶ Above 50 spaces, the requirement is one space per six units.

will allow for more light and air to both the Project and to the surrounding buildings from large open spaces. As designed, the building will have generous courts on both its east and west sides that allow for much more open space than if the building were designed to the side property lines. The resulting court on the east side of the building will be approximately 126 feet long and 32 feet wide, and the court on the west side will be approximately 126 feet long and 63 feet wide at its deepest point. In addition, the building will have a density of 8.55 FAR and a maximum lot occupancy above the first floor of only 74.3%, both of which are well below what is allowed and provide for the significant open space.⁷ Thus, the requested relief does not result in greater bulk or density but allows for a better design with more open space than a building with a conforming rear yard might otherwise have. The Commission has the authority to grant this relief under Subtitle X § 303.1.

C. Design/Implementation Flexibility Requested

In addition to the relief requested from the Zoning Regulations, the Applicant seeks flexibility in the implementation of the Project, including:

1. To vary the number of residential units from 295-325.
2. To vary the distribution of unit types.
3. To vary the number of automobile parking spaces from 145-230 and to remove one level or expand the third level of underground automobile parking.

⁷ This lot occupancy is on only the second floor. Above the second floor, lot occupancy does not exceed 68.9%.

IV. THE APPLICATION MERITS APPROVAL PURSUANT TO THE PUD EVALUATION STANDARDS

The Zoning Regulations, at 11-X DCMR § 304.1 *et seq.*, set forth the evaluation standards for Commission approval of PUD applications. The PUD must not have an unacceptable impact on the surrounding area and the operation of city services and facilities, it must not be inconsistent with the Comprehensive Plan and other adopted public policies and programs, and it must offer project amenities and other public benefits that are superior to what would likely be provided under matter-of-right development. The Project's impact on the surrounding area and city services and facilities is discussed below. Consistency with the Comprehensive Plan is addressed in Section IV.C, and public benefits and project amenities are described in Section IV.D.

A. Project Impact on the Surrounding Area

The PUD Evaluation Standards, at 11-X DCMR § 304.4(b), state: “The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

The Applicant submits that the impact of the Project on the surrounding area will be favorable because it will: 1) bring new market rate and affordable housing to the neighborhood; 2) provide residential units that are larger than typical; 3) bring new retail to the neighborhood; 4) promote the goal of infill development; and 5) advance the policies intended to create an active, mixed-use neighborhood.

Moreover, the Project's proposed height and massing are appropriate for the location and are consistent with the Comprehensive Plan's goals and policies for this area. The Project will create a distinguished mixed-use building that will activate the street and neighborhood.

The Project will create new housing units in a range of types, including three bedrooms, in a transit-oriented location. In addition, the Applicant estimates that 600 construction jobs will be generated from the construction of the Project. The site of the Project is well-suited for new, high-density development. In particular, this site is ideal for a high-density residential building with ground floor retail. This location is highly desirable for residents because of its close proximity to transit, retail, services, and Downtown. The Project will promote the envisioned character of the Union Market district as an active mixed-use neighborhood.

B. Project Impact on City Services and Facilities

The proposed Project will not have an adverse impact on the public facilities that it will rely on for service, as described below.

i. *Transportation and Parking*

The Applicant engaged a transportation consultant to further study the area's traffic conditions, Project's traffic generation, and potential impacts on traffic/transportation conditions. The Applicant will submit its comprehensive transportation review ("**CTR**") once this case is set down for a public hearing, and it will continue to work with DDOT to refine the Project's transportation-related elements and impacts. Nevertheless, the Property is proximately located to a number of alternative modes of transportation: it is approximately 0.4 mile (10-15 minute walk) from the NoMa – Gallaudet U. Metrorail station, it is served by Metrobus lines on Florida Avenue, a Capital Bikeshare station is located just southeast of the site at 6th Street and Neal

Place, the Metropolitan Branch is located a few blocks to the west, and a future cycle track is planned along 4th Street NE.

The Project will be appropriately parked with between 145-230 parking spaces in three below-grade levels. In addition to the vehicle spaces, the Project will include secure bike storage areas in the first below-grade level that will accommodate at least 78 bicycles. The Applicant expects to satisfy the demand for both vehicular and bicycle parking on-site.

ii. *Water/Sewer Demand*

The water and sanitary service usage resulting from the Project will have an inconsequential effect on the District's delivery systems. The site is currently served by all major utilities. The Project's proposed storm water management and erosion control plans will minimize impact on the adjacent properties and existing storm water systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project. In addition, the Applicant will confer with DC Water to ensure that the Project will not have an unacceptable impact on the water and sewer systems.

Further, as more specifically detailed in section IV.E of this statement, no adverse environmental impact will result from the construction of this Project.

iii. *Public Schools*

Regarding the impact on the District of Columbia Public Schools (“**DCPS**”) system, the Project is within the boundaries of the Wheatley Education Campus at 1299 Neal Street NE and Dunbar High School at 101 N Street NW. In addition, several other schools are in the general vicinity of the Project, offering schooling options to residents who may seek alternatives to the neighborhood public schools, including Two Rivers Public Charter School, Center City Public Charter School, and KIPP DC – College Preparatory Public Charter School.

In the city as a whole, the population of school-age children is declining while the population of childless households is increasing. Due to these trends and the relatively convenient access to charter schools in the vicinity, the Applicant expects that the public school network will be able to accommodate the school-age children who may reside at the Project. In addition, the Applicant, either directly or in coordination with the Office of Planning, will confer with DCPS to ensure that the Project will not have an unacceptable impact on the public schools.

iv. *Other City Services*

The Applicant will consult with the relevant District agencies, including but not limited to the Metropolitan Police Department, Fire and Emergency Management Services, Department of Energy and Environment, and Department of Housing and Community Development. The Applicant will consult with the relevant agencies to ensure that they have reviewed the Project to determine that it will not have an unacceptable impact.

C. The Application is “Not Inconsistent with the Comprehensive Plan and with other Public Adopted Policies [...] Related to the Subject Site.” 11-X DCMR § 304.4(a).

i. *Comprehensive Plan*

The proposed PUD and Zoning Map amendment are not inconsistent with the Comprehensive Plan and will advance numerous goals and policies enumerated in the Comprehensive Plan for the National Capital adopted in 2006 (the “**Comprehensive Plan**”).

The purposes of the 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 (D.C. Code § 1-245(b)).

Generally, the Project will advance these purposes by furthering the social and economic development of the District through the construction of a new mixed-use residential and retail project on underutilized land, providing desired new retail in an emerging retail locale, providing new market-rate and affordable residential units, activating an important block among a redeveloping neighborhood, and concentrating density in a neighborhood targeted for such development.

ii. *Compliance with Citywide and Area Elements*

The Project will serve the goals of several of the citywide elements of the Comprehensive Plan, as follows:

a. Future Land Use Map

The Future Land Use Map (“**FLUM**”) designates the Property for mixed-use High Density Residential / High Density Commercial / Production, Distribution, and Repair land use. The proposed MU-9 zone is not inconsistent with such a designation, and this zone is necessary to allow the construction of such a high quality mixed-use project. Further, the proposed Project – with an FAR of approximately 8.55, a maximum height of 130 feet, high-density residential use, and retail use – is consistent with the FLUM designation for the Property.

b. Generalized Policy Map

The Generalized Policy Map (“**GPM**”) includes the Property in the Multi-Neighborhood Centers category. This GPM category contains the following description: “Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities.” The Project will promote the policy of providing

these uses to serve a multi-neighborhood area. Therefore, the Project will not be inconsistent with the Property's designation on the GPM.

c. Land Use Element

The Plan devotes a great deal of attention to the preeminence of transit-oriented development. The Project will advance the following policies of the Land Use Element:

- **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.
- **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.
- **Policy LU-1.3.3: Housing Around Metrorail Stations** – Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.
- **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.
- **Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods** – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create

successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.

- **Policy LU-2.2.4: Neighborhood Beautification** – Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.
- **Policy LU-2.4.1: Promotion of Commercial Centers** – Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.
- **Policy LU-2.4.5: Encouraging Nodal Development** – Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.
- **Policy LU-3.1.4: Rezoning of Industrial Areas** – Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas

The Project will implement the policies above that promote future growth and infill mixed-use development in an industrial location identified for such changes. The Project will support transit-oriented development and provide more housing and retail near a Metrorail station. The Project will promote nodal commercial development, and revitalization and beautification of the Union Market district.

d. Transportation Element

The Project will promote the following Transportation Element policies:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.
- **Policy T-1.2.3: Discouraging Auto-Oriented Uses** – Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb

cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.

- **Policy T-2.4.1: Pedestrian Network** – Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.

The Project will advance transit-oriented development since it will contribute multiple new housing units in a central part of the city close to a Metrorail station, services, and retail. The Property’s central location and proximity to transit and bicycle facilities, as well as new services, make it a prime location for additional density. In addition, the Project will incorporate many features, embodied in its transportation demand management plan, to discourage automobile use. Further, the construction of new sidewalks and other public space improvements around the Property will promote better pedestrian accessibility in the Union Market district in general.

e. **Housing Element**

The proposed PUD will advance the following goal and policies of the Housing Element:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.
- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.
- **Policy H-1.1.3: Balanced Growth** – Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.
- **Policy H-1.1.5: Housing Quality** – Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and

recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.

- **Policy H-1.3.1: Housing for Families** – Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.

The Project will expand the District of Columbia’s housing supply in a neighborhood and on a site well-suited to accommodate significantly more housing. The Project will feature high-quality architecture and site design, such that all affordable units throughout will be indistinguishable. The Project will similarly implement the policy of mixed-use development, and the additional residents will support the services and retail uses in the Union Market district. Furthermore, many of the units will be family-sized two- and three-bedroom units.

f. Environmental Protection Element

The Project will advance the following policies of the Environmental Protection Element:

- **Policy E-1.1.3: Landscaping** – Encourage 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-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

The Project’s LEED Gold design will exceed the regulatory requirements for sustainable design and will feature many green elements, such as multiple green roofs and green walls. Also, the public realm will be landscaped consistent with the Union Market district public realm design guidelines that promote sustainability. Further, the new landscaping and water retention features will reduce stormwater runoff significantly more than the existing impermeable improvements.

g. Urban Design Element

The Project will promote the following policies of the Urban Design Element:

- **Policy UD-2.2.1: Neighborhood Character and Identity** – Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.
- **Policy UD-2.2.3: Neighborhood Centers** – Undertake strategic and coordinated efforts to create neighborhood centers, civic buildings, and shopping places that reinforce community identity.
- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.
- **Policy UD-3.1.1: Improving Streetscape Design** – Improve the appearance and identity of the District’s streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street “furniture”, and adjacent building facades.
- **Policy UD-3.1.7: Improving the Street Environment** – Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.

The Project will implement policies to strengthen the Union Market district character and identity through exemplary architecture and public space improvements. By retaining and incorporating the façade of the existing Maurice Electric Showroom Building into the design, the Project will reflect the neighborhood’s history and will maintain the intended (partial) industrial character of the Union Market district. The Project will enhance the appearance of a prominent site in the Union Market district and will be an important piece of its future character that will help foster additional redevelopment.

h. Upper Northeast Area Element

The Project will implement the following policies of the Area Element:

- **Policy UNE-1.1.6: Neighborhood Shopping** – Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street NE in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail

development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area's Metro stations.

- **Policy UNE-1.1.9: Production, Distribution, and Repair Uses** – Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.
- **Policy UNE-1.2.1: Streetscape Improvements** – Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways.
- **Policy UNE-2.1.2: Capital City Market** – Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed.
- **Policy UNE-2.1.4: Northeast Gateway Urban Design Improvements** – Improve the image and appearance of the Northeast Gateway area by creating landscaped gateways into the community, creating new parks and open spaces, upgrading key streets as specified in the Northeast Gateway Revitalization Strategy, and improving conditions for pedestrians along Florida Avenue and other neighborhood streets.

The Project will advance important policies of the Upper Northeast Area Element by creating a mixed-use building with new housing, retail, and streetscape improvements in a high-quality design. In particular, the Project will support the policy of redeveloping the Union Market district with new uses, including retail and housing. The Project's design will complement the industrial character of the area and will contribute new retail/shopping options for the neighborhood.

iii. *Florida Avenue Market Small Area Plan*

In addition to implementing policies from the general Comprehensive Plan, the Project will advance goals and policies from the Florida Avenue Market Small Area Plan (“FAMSAP”). The Project will contribute to the goal of a mixed-use neighborhood that serves a variety of purposes, including the creation of a unique retail and residential neighborhood. The Project

will advance the goal of expanding the number and variety of retail business, which are likely to be food or food-related. The design of the Project, as envisioned, will complement the “new, modern-style” of buildings constructed or anticipated in the vicinity, but it will incorporate an element – preservation of an existing façade – that will tie it to the Market’s history. The LEED Gold design will promote the goal of sustainability. Furthermore, the Project’s program and contemporary architecture with street- and alley-activating features, such as extensive ground-floor glazing, will promote polices for high density development, appropriate urban design, and a vibrant public realm. The Project will promote the goals of neighborhood connectedness and creating a mix of uses in a neighborhood that is and will continue to grow as a hub of commerce and activity. Finally, the public realm adjacent to the Project will be improved consistent with DDOT’s Public Realm Design Guidelines that will implement the guidance for Penn Street in the FAMSAP.

iv. *Ward 5 Works Industrial Land Transformation Study*

The Project will be compatible with the Ward 5 Works: Ward 5 Industrial Land Transformation Study (the “**Ward 5 Works Study**”). The Project will advance many of the goals and objectives of the Ward 5 Works Study by providing support for the Production, Distribution, and Repair uses in the Florida Avenue Market area and by incorporating the industrial aesthetic.

The Ward 5 Works Study encourages creating “great spaces” within Ward 5 by improving the physical appearance and enhancing connectivity as well as by retaining the industrial feel of the Florida Avenue Market. The Project will contribute to the creation of this great space and will maintain the Market’s industrial aesthetic. The Project will provide much-needed and desired retail and residential uses along the northern edge of the Market and will incorporate the façade of the existing Showroom Building into the Project’s design as well as

have an overall industrial style of design to maintain the industrial character of the neighborhood.

The Ward 5 Works Study calls for the Florida Avenue Market to be a creative hub. The Project will support this goal by providing retail that can become part of the creative hub, as well as by providing housing, including affordable housing, for employees and customers of the creative hub.

The Ward 5 Works Study also focuses on projects that provide community amenities, particularly through projects with amenities that “improve the quality of life in the area and support local businesses and residents.” Accordingly, as described in greater detail below, the Project will provide significant community benefits, including larger (three bedroom) residential units, affordable housing, and LEED Gold design, employment and training opportunities, among others. Therefore, the Project will improve the quality of life for residents, both of the Project and of the overall area.

Further, the Ward 5 Works Study encourages the District to allow retail outlets within these industrial areas. The Project will be consistent with this objective by incorporating significant ground floor retail that will create a vibrant, active streetscape at an entry point to the Florida Avenue Market.

Finally, the Ward 5 Works Study highly encourages green development in previous industrial areas. Accordingly, the Project will advance this goal, as discussed in detail below, by being designed to satisfy the LEED Gold standard and by including many environmentally-sustainable features.

D. The Project will Provide Superior Public Benefits and Project Amenities

The PUD Evaluation Standards, at 11-X DCMR §§ 305.1 – 305.12, require the Commission to “evaluate the specific public benefits and project amenities of the proposed development.” Subtitle X § 305.2 continues:

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.

The Project will provide superior public benefits and project amenities, as described below, that warrant its approval.

v. *Review of Project under Subtitle X § 305.12*

The PUD evaluation standards, at 11-X DCMR § 305.12, provide that “a project may qualify for approval by being particularly strong in only one (1) or a few” of the public benefits and project amenities listed in Subtitle X § 305.5, “but must be acceptable in all proffered categories and superior in many.” The Applicant submits that the Project will provide superior public benefits and project amenities in these categories. The Applicant’s benefits and amenities are in the following categories:

a. Housing (X § 305.5(f))

Pursuant to Subtitle X § 305.5(f), housing that provides units with three (3) or more bedrooms is a public benefit of a PUD. The Project will include approximately 17 three (3) bedroom units, which will be approximately 6% of the total number of units.

b. Affordable housing (X § 305.5(g))

Subtitle X § 305.5(g) lists affordable housing, beyond what is required, as a public benefit and project amenity for a PUD. The Project will dedicate 9% of the residential floor area

to affordable units. Seventy percent (70%) of the affordable residential floor area (equivalent to 6.3% of the residential floor area) will be reserved for 60% MFI units, and 30% of the affordable residential floor area (equivalent to 2.7% of the residential floor area) will be reserved for 50% MFI units. This will amount to more affordable units and at a deeper level of affordability than required.

c. Urban design and architecture (X § 305.5(a))

Subtitle X § 305.5(a) lists urban design and architecture as a public benefit and project amenity for a PUD. As shown in the detailed plans, elevations, and renderings included in the Plans, the Project exhibits the characteristics of exemplary urban design and architecture.

The Project will have a superior urban design that reflects the history of the Union Market district in a contemporary and unique style that will be well-suited for the future of the neighborhood. The ground floor retail, which will occupy nearly all of the Penn Street frontage, will include the façade of the existing Showroom Building on the east side and punctuated retail bays with extensive glazing on the west side to create the appearance of multiple retailers that will foster greater street activation. Furthermore, the “T” shape plan of the building is an innovative approach to allowing significantly more light and air to the Project and to neighboring projects than a more conventional site plan. The court on the east side of the building also will allow for ample light and air in anticipation of the development of the adjacent lot to the east.

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

Pursuant to Subtitle X § 305.5(c), "Site planning, and efficient and economical land utilization" are public benefits and project amenities for a PUD.

The Project will take advantage of the opportunity to create a new mixed-use development on an underutilized site in a transit-oriented location specifically targeted for such uses. The Project will capitalize on its location near a Metrorail station, New York Avenue, and myriad (planned) services and retailers to provide a mix of residential and retail uses of appropriate higher levels of height and density that the District has identified as goals for this neighborhood. Thus, the Project will efficiently use the land in and the Union Market district to provide an appropriate amount of residential and retail density that will support the continued growth of the neighborhood.

e. Environmental and sustainable benefits (X § 305.5(k))

According to Subtitle X § 305.5(k), "environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations..." are deemed to be public benefits and project amenities of a PUD. The Project will be designed to satisfy at least LEED Gold requirements. Also, the Project will include environmentally-sustainable features such as green roofs, green walls, and electric vehicle charging stations.

f. Employment and training opportunities (X § 305.5(h))

Pursuant to Subtitle X § 305.5(h), employment and training opportunities may be public benefits of a PUD. The Project will provide approximately 600 construction-related jobs while the Project is being built. Post-construction, the Project will provide sales, hospitality, management and maintenance job opportunities associated with a full-service residential building, as well as retail work opportunities associated with the ground floor retail component. In addition, the Applicant understands that the Department of Employment Services no longer accepts voluntary First Source Agreements, so the Applicant will work with local organizations to formulate an employment-related agreement and/or program for local residents.

g. Uses of special value (X § 305.5(q))

Subtitle X § 305.5(q) states that "uses of special value to the neighborhood or the District of Columbia as a whole" can be considered public benefits and project amenities of a PUD. The construction of new residences will result in the generation of additional tax revenues in the form of property and income taxes for the District.

In addition to those already described above, the Project will provide the following public benefits and project amenities that will be uses of special value:

1. Contribution of \$25,000 per year for three (3) years to a "Life Quality Enhancement Fund," which will provide street cleaning, and security for the Union Market district prior to the formation of a formal Business Improvement District.
2. Implementation of a transportation demand management plan, including:
 - a. Transit screen in residential lobby.
 - b. One (1) year memberships to a car share/bike share program for the first tenant of each residential unit.
 - c. Additional measures as may be agreed to with DDOT.

vi. *Public Benefits of the Project*

Subtitle X § 305.2 requires the Applicant to show how the public benefits offered are "superior features... that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter-of-right provisions..." The Applicant has addressed this issue in the text of the statement, particularly in Section IV.D above. It is only as a result of the zoning change and additional height and density provided through the PUD process that the Applicant is able to construct such

a well-designed project. Throughout the PUD process, the Applicant will work with the ANC and the larger community to define a benefits and amenities package commensurate with the Application.

E. Environmental Analysis for Second-Stage Application

i. *Water Demand*

The average daily demand for potable water from the Project is estimated to be approximately 130,000 gallons per day. This demand can be met by the existing District water system. The proposed connection for fire water supply will be made within the existing distribution system and will be coordinated with DC Water.

ii. *Sanitary Sewer Demand*

The average daily demand on the sanitary sewer system for the Project is estimated to be approximately 130,000 gallons per day. The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with DC Water.

iii. *Stormwater Management*

The Project will accommodate its storm water run-off with a stormwater management system in compliance with standards set by the Department of Energy and Environment. The proposed systems will be designed, constructed, and maintained in accordance with standards set by the Department of Energy and Environment.

iv. *Solid Waste Services*

Solid waste will be collected by a private company. All trash for the Project will be stored in the enclosed loading area at the rear of the building.

v. *Electrical Service*

Electricity for the Project will be provided by the Potomac Electric Power Company in accordance with its general terms and conditions of service. All electrical systems will be designed to comply with the District of Columbia Energy Code.

vi. *Energy Consumption*

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 amount of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings.

vii. *Erosion Control*

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

V. COMMUNITY OUTREACH

The development team has engaged in discussions about the Project with many stakeholders. Over more than one year, the Applicant has met multiple times with both the Office of Planning and the District Department of Transportation to discuss the Project. The Applicant also met twice with the ANC Single Member District representative and other property owners in the area. Additionally, the Applicant presented the Project to ANC 5D at its regularly scheduled meeting on June 13, 2017. Accordingly, the Applicant has complied with the ANC meeting requirement in Subtitle Z § 300.9. The Applicant will continue its communication with all stakeholders, including the ANC, to ensure the Project achieves the goals of the District of Columbia and of the community.

VI. LIST OF PUBLICLY AVAILABLE DOCUMENTS

- The Zoning Regulations and Zoning Map of the District of Columbia, available at dcoz.dc.gov.
- The Comprehensive Plan of the District of Columbia, available at planning.dc.gov/page/comprehensive-plan.

VII. CONCLUSION

The Applicant submits that the Project complies with the requirements of Subtitle X, Chapter 3 and related provisions of the Zoning Regulations applicable to Zoning Commission review and approval of a Consolidated PUD and related Map Amendment application; complies with the 1910 Height of Buildings; is consistent with the Comprehensive Plan; will provide significant public benefits that would not be provided by matter-of-right development; and will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia. The Applicant aspires to make this a distinguished project that will be a credit to its developers and to the community.

For the foregoing reasons, the Applicant submits that the proposed Consolidated PUD and related Zoning Map amendment application should be set down for a hearing by the Zoning Commission at its earliest convenience.

Respectfully submitted,
GOULSTON & STORRS, PC

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/s/ Cary Kadlecek
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