

BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

HANOVER 8th STREET

SQUARE 3832 LOT 15
SQUARE 3835 LOT 804
3135 AND 3201 8th Street, N.E.
WASHINGTON, D.C.

APPLICATION FOR
A CONSOLIDATED PUD
AND ZONING MAP AMENDMENT

October 30, 2018

Table of Contents

	Page
I. INTRODUCTION	1
A. THE APPLICANT	1
II. SITE LOCATION, ZONING, AND LAND USE	1
A. SITE DESCRIPTION	1
B. ZONING	2
C. SURROUNDING AREA	2
D. MATTER-OF-RIGHT DEVELOPMENT UNDER EXISTING ZONING	4
E. MATTER-OF-RIGHT DEVELOPMENT UNDER PROPOSED ZONING	4
III. DESCRIPTION OF PROJECT	5
A. SUMMARY OF PROJECT	5
B. ZONING SUMMARY AND TABULATION OF DEVELOPMENT DATA	6
C. DESIGN APPROACH	7
D. CIRCULATION, PARKING AND LOADING	9
E. STREETScape AND LANDSCAPE	9
F. SUSTAINABLE DESIGN ELEMENTS	10
G. FLEXIBILITY UNDER PUD GUIDELINES	11
IV. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS	12
A. PUD REQUIREMENTS UNDER SUBTITLE X, CHAPTER 3 OF THE ZONING REGULATIONS	12
1. Area Requirements Under Subtitle X § 301.1	12
2. Height and FAR Requirements Under Subtitle X § § 303.3 and 303.7	12
3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)	13
4. Impacts of Project Under Subtitle X § 304.4(b)	15
B. PUBLIC BENEFITS AND PROJECT AMENITIES	15
1. Housing (11-X DCMR § 305.5(f)) and Affordable Housing (11-X DCMR § 305.5(g))	16
2. Arts Uses in Furtherance of the Brookland-CUA Small Area Plan (11-X DCMR § 305.5(r))	18
3. Transportation Features (11-X DCMR § 305.5 (o))	19
4. Uses of special value to the neighborhood or the District of Columbia as a whole (11-X DCMR § 305.5(q))	20
5. Environmental and Sustainable Benefits (11-X DCMR § 305.5(k))	22
6. Superior Landscaping, or Creation or Preservation of Open Spaces (11-X DCMR § 305.5(b))	22
7. Urban Design and Architecture (11-X DCMR § 305.5(a)); Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))	23
8. Streetscape Plans (11-X DCMR § 305.5(l))	23
V. COMMUNITY AND OFFICE OF PLANNING OUTREACH	24

VI. CONCLUSION.....25

DEVELOPMENT TEAM

Applicant: Hanover R.S. Limited Partnership
5847 San Felipe, Suite 3600
Houston, TX 77057

Land Use Counsel: Holland & Knight LLP
800 17th Street, NW
Suite 1100
Washington, DC 20006

Architect: KTG Y Architecture + Planning
8609 Westwood Center Drive #600
Tysons, VA 22182

Traffic Consultant: Gorove/Slade Associates, Inc.
1140 Connecticut Ave NW
Suite 600
Washington, DC 20036

Landscape Architect: GWH Landscape Architects
5847 San Felipe St, Suite 3600
Houston, TX 77057

Civil Engineer: Bohler Engineering
1331 Pennsylvania Ave N.W. #1250
Washington, DC 20004

Sustainability Consultant: Steven Winter Associates, Inc.
1825 Connecticut Ave NW #600
Washington, DC 20009

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Plans and Drawings for Consolidated PUD Application (the "Plans")	Submitted Separately
Authorization Letters	A
Applications to Amend the Zoning Map - Form 101	B
Applications for Approval of a Consolidated Planned Unit Development (PUD) - Form 103	C
Zoning Map	D
Surveyor's Plat	E
Generalized Policy Map	F
Future Land Use Map	G
Summary of Compliance with Comprehensive Plan	H
200-Foot Property Owners List and Two Sets of Labels	I
Certificate of Notice, Notice of Intent, and Property Owners List	J
Draft Construction Management Plan	K
Estimated quantities of potable water and of sanitary sewage and storm water to be generated	L

I.
INTRODUCTION

This statement and attached documents are submitted by Hanover R.S. Limited Partnership (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment. This application is submitted in accordance with Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations, 11 DCMR (September 2016), as amended (the “Zoning Regulations”).

A. The Applicant

The Applicant is Hanover R.S. Limited Partnership (“Hanover”), which is a private real estate investment and services company that specializes in the development of high-quality multifamily properties. As a vertically integrated real estate company, Hanover’s capabilities include in-house development, construction, architectural, quality assurance, legal, risk management, capital markets, asset management, property management, and financial operations. Hanover’s development history and pre-development pipeline account for more than 61,000 residential units, including approximately 2,900 units in the District of Columbia, Maryland, and Virginia region.

II.
SITE LOCATION, ZONING, AND LAND USE

A. Site Description

The property that is the subject of this application includes 3201 8th Street, N.E. (Lot 15 in Square 3832) and 3135 8th Street, N.E. (Lot 804 in Square 3835) (collectively the “Site”). The Site has a total land area of 90,293 square feet and is bounded by the Washington Metropolitan Area Transit Authority (“WMATA”) tracks to the east and 8th Street, N.E. to the west. Kearny

Street, N.E. is located to the northwest of the Site, and Irving Street, N.E. is located to the southwest of the Site.

The southern portion of the Site is presently improved with a vacant industrial building that was most recently use by a nonprofit. The northern portion of the Site (3201 8th Street) is occupied by industrial uses. Approximately one-half of the property is a machine laydown yard leased by a construction rental company. The remaining property contains two free-standing, light-weight sheet metal warehouse buildings. These building are used predominantly to store construction equipment and building supplies. Individual warehouse bays within these structures are leased to trade contractors in the construction business.

B. Zoning

The Site is currently zoned PDR-1. This application includes a request to rezone the Site to MU-4 in order to bring the Site into compliance with its designation on the Future Land Use map as well as the residential neighborhood surrounding the Site. To the north of the Brookland Artspace Lofts, the zoning is PDR-1. To the northwest and west, the zoning is RF-1.

The Brookland Artspace Lofts project directly to the north of the Site was rezoned as part of a PUD from the C-M-1 zone district to the C-2-B zone district (the PDR-1 zone to MU-5-A zone under the current zoning regulations). Along Michigan Avenue, and adjacent to the Brookland-CUA Metrorail Station, is the Monroe Street Market PUD, which included a Zoning Map amendment from the R-4, R-5-A, and C-M-1 Zone Districts to the C-2-B Zone District along Michigan Avenue and the R-5-B Zone District for the rowhome portion of the property (the R-4, RA-1, and PDR-1 to the MU-5-A and RA-2 under the current zoning regulations).

C. Surrounding Area

Directly to the north of the Site is the District Artspace Lofts, which was approved as a PUD (Z.C. Case No. 09-08, subsequently modified by Z.C Case Nos. 09-08A-B). The PUD

included new facilities for Dance Place, which has been located in the neighborhood since 1986. The District Artspace Lofts is four-story building that is 48 feet in height and includes open space between the buildings generally at the terminus of Kearney Street. Further to the north is the Brookland-CUA Metrorail station and adjacent to the Metrorail is Monroe Street Market, which was approved as a PUD (Z.C. Case No. 08-24, subsequently modified by Z.C Case Nos. 08-24B-C). The Monroe Street Market PUD included development on five separate “blocks” and includes buildings with a maximum height of 90 feet. These two PUDs, as well as the PUD that is the subject of this application, create a spine of development that traverse from Michigan Avenue to the Brookland-CUA Metrorail station and down 8th Street along the WMATA tracks.

To the northwest and west of the Site is the Edgewood neighborhood, which is predominantly residential in character. Existing industrial uses are clustered along the east side of 8th Street, which are incompatible with the longstanding residential neighborhood to the west. Further to the south along Edgewood Street (which is a continuation of 8th Street south of Hamlin Street) is the Tolson Campus of the Hope Community Public Charter School. Two additional schools (DC Prep Edgewood Elementary School and City Arts and Prep Public Charter School) are located south of Franklin Street. Since the majority of 8th Street between the Brookland-CUA Metrorail station and the school is industrial uses, the streetscape along 8th Street does not include sidewalks to provide a connection between the schools to the south and the Metrorail station and Dance Place to the north, which serve the schools’ transportation and after-school enrichment needs.

The area is served well by various transportation options. The Brookland-CUA Metrorail station is located 0.3 miles to the north of the Site. The Metropolitan Branch Trail (“MBT”) generally traverses the western side of the WMATA tracks and Metrorail red line from Union

Station up to Franklin Street. The MBT turns west along Franklin Street and terminates at 7th Street. Because the MBT begins again at the intersection of Monroe Street and 8th Street, to the north of the Site, 8th Street serves as an unmarked portion of the MBT. As a result, the District Department of Transportation (“DDOT”) is studying options for implementing an extension of the MBT immediately adjacent to the Site. In addition, Michigan Avenue to the north of the Site is also well served by five Metrobus routes (80, H1, H2, H3, and H4).

D. Matter-of-Right Development Under Existing Zoning

The PDR-1 District is intended to permit medium-density commercial and Production Distribution, and Repair (“PDR”) activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. 11-J DCMR § 200.2. The PDR-1 District permits a maximum height of 50 feet, with a maximum height of 60 for a PUD. 11-J DCMR § 203.1; 11-X DCMR § 303.7. The PDR-1 District permits a maximum FAR of 2.0 for restricted uses and 3.5 FAR for permitted uses. 11-J DCMR § 202.1. The maximum FAR for a PUD in the PDR-1 District is 2.4 for restricted uses and 4.2 for permitted uses. 11-X DCMR § 303.3.

Multifamily residential use is not permitted in the PDR-1 District. New residential uses are limited to either: (1) an apartment unit for a caretaker watchman, or janitor employed on the premises; or (2) an apartment unit that is integrated with and accessory to an artist studio. 11-U DCMR § 801.1(v).

E. Matter-of-Right Development Under Proposed Zoning

Under the PUD, the Site will be rezoned to the MU-4 District to allow for the development of the multifamily residential buildings. The MU-4 Districts are intended to permit moderate-density mixed-use development. 11-G DCMR § 400.3(a). In addition, the MU-4

Districts are located in low- and moderate-density residential areas with access to main roadways or rapid transit stops. 11-G DCMR § 400.3(c).

The MU-4 District permits a maximum matter-of-right height of 50 feet, with no limit on the number of stories. 11-G DCMR § 403.1. The maximum permitted FAR is 2.5, with up to 3.0 FAR for inclusionary zoning (“IZ”) projects, and with a maximum non-residential FAR of 1.5. 11-G DCMR § 402.1. Under the PUD guidelines for the MU-4 District, the maximum height is 65 feet and the maximum FAR is 3.6, with a maximum non-residential FAR of 2.01. 11-X DCMR §§ 303.7 and 303.3.

III. DESCRIPTION OF PROJECT

A. Summary of Project

The PUD proposes the construction of two multifamily residential buildings separated by a landscaped entry plaza, with a total of approximately 375 units. While the buildings will function as a single residential development, the Project includes two separate buildings in order to break down the scale of the PUD and appropriately site the Project within the surrounding residential neighborhood. While each building includes its own residential lobby accessed from the landscaped entry plaza, the amenities for the buildings’ residents will be located primarily in the north building. This includes amenity space on the ground floor as well as third floor amenity space adjacent to the outdoor pool in the north building’s courtyard. The south building includes two outdoor courtyards above the second level, with landscaping, paving and seating.

The two buildings will include approximately 325,050 square feet of gross floor area, or 3.6 floor area ratio (“FAR”), calculated based on the overall Site. The maximum height of the both buildings is 65 feet as measured to the top of the parapet. Each building also includes setbacks at the 6th story and the courtyards above the second level fronting on 8th Street act as

additional setbacks, breaking up the façade along 8th Street. Both buildings in the Project include a habitable penthouse with a maximum height of 12 feet and a mechanical penthouse with a maximum height of 18 feet, 6 inches. All portions of the penthouses will be set back 1:1 in accordance with the Zoning Regulations and will comply with the other penthouse requirements set forth in Subtitle C, Chapter 15.

The Project includes approximately 186 parking spaces in a below-grade parking garage that will be shared among the two buildings. The parking garage will also include indoor bicycle storage facilities with parking for approximately 125 bikes. While the Project will function as a single residential development, each building will include one 30-foot loading berth and a related platform. A single 20-foot service-delivery space will be shared by the buildings. Access to the parking garage and loading facilities will occur from a curb cut along 8th Street, N.E. The parking garage will be accessed from the north side of the Site, and loading facilities will be located in the rear of the buildings along the WMATA tracks. All truck turning maneuvers will occur on the Site, allowing for front-in, front-out access for trucks to the public street.

B. Zoning Summary and Tabulation of Development Data

The Tabulation of Development Data for the Consolidated PUD is located on Sheet G08 of the Plans submitted herewith. Pursuant to 11-C DCMR § 302.4, multiple primary buildings may be erected on a single record lot provided that each building, and the buildings as a group, meet all of the development standards for the zone. As stated above, while the buildings will function as a single residential development, the Project includes two separate buildings. The development standards for the zone include height, side yard, rear yard, lot occupancy, courts and GAR (i.e., those standards that are identified in Subtitle G of the of the Zoning Regulations). As shown on the Site Plan included on Sheets G11 and G12 of the Plans, each building, and the buildings as a group, will comply with the development standards for the zone. The Project

complies with GAR for the overall Site; however, given the location of many of the green elements on the south portion of the Site and the paved driveway on the north portion of the Site, the GAR is not equally balanced for each building.

Pursuant to 11-X DCMR § 303.2 and consistent with past cases, FAR may be aggregated on the entirety of the Site within the PUD boundary, and each building does not have to individually comply with the FAR requirements. Accordingly, for this PUD, the Project complies with the maximum permitted FAR and has not calculated FAR based on “theoretical” lots.

Finally, based on the structure of Zoning Regulations, vehicle parking, bicycle parking, and loading are not identified within the “development standards” for the zone. Accordingly, compliance with each of these standards is evaluated based on the overall Site. As set forth in the Tabulation of Development Data on Sheet G08 of the Plans, the Project meets or exceeds each of these requirements.

C. Design Approach

The Project is designed within the framework Brookland-CUA Small Area Plan (“SAP”) and specifically within the recommendations of the Commercial Area South of Metro Station Subarea. Both buildings include six-foot step backs at approximately 50 feet in height as called for in the SAP. *See* SAP at pg. 52. The buildings are further stepped back at the penthouse level and the overall building scale is compatible with the spine of development that is clustered along Michigan Avenue and 8th Street to the north of the Site.

The Project includes two residential buildings, each having a two-story base that relates to the two-story rowhomes across 8th Street. While the two buildings are related in the architecture, they slightly vary in brick color to create distinct identities while fostering a coherent vision for the entirety of the Site. The brick layering and detailing provided on both

buildings further relate the Project to the surrounding rowhome aesthetic as does the inclusion of bays, stoops, canopies, wood doors and street level gardens. The inclusion of private stoops along with tiered foundation plantings at the base of both buildings further compliment the scale and character of the surrounding neighborhood. The Project also includes street entry units along 8th Street, N.E. that further activate and enliven the streetscape along 8th Street.

The north building is “U” shaped, and the south building is “E” shaped. The massing of both buildings is weighted towards the tracks, which shields the surrounding lower density residential uses in the vicinity of the Site from the WMATA tracks to the east. The building wings open towards the street to minimize the buildings’ scale and the double order fenestration helps to minimize the perceived height of the buildings. The buildings’ wings include asymmetrical composition, and the materials include glass and dark panel grid projections contrasting with recessed textured punched openings in the main brick facades. This asymmetrical theme is carried up and around the building facades and the dark grid is also carried through to the buildings’ penthouses in order to minimize the penthouse from view.

The proposed buildings will be separated by a landscaped entry plaza that aligns with Jackson Street and breaks up the massing of the Project. This plaza will be the focal point at the terminus of Jackson Street while also masking views of the WMATA tracks to the east. The plaza features a wedged geometry that widens from the WMATA tracks towards 8th Street. The leasing office and the amenity spaces of both buildings will be oriented towards the plaza to activate this space. The plaza width ranges from 30 feet and 55 feet similar to the Arts Walk at Monroe Street Market and includes approximately 5,150 square feet. The plaza will be well-lit and landscaped and will include seating for the public and buildings’ residents.

D. Circulation, Parking and Loading

The primary residential entrances are located in the central landscaped entry plaza separating the two buildings. All access to parking and loading for the Project is from a curb cut on the north side of the Site. A private driveway provides access to the parking garage entrance on the north side of the north building on the Site, and the loading facilities will be located along the eastern portion of the Site adjacent to the WMATA tracks. Locating the parking entrance and loading facilities away from 8th Street minimizes pedestrian and vehicular conflicts as well as conflicts with the MBT that may be located adjacent to the Site.

The below-grade parking garage provides approximately 186 parking spaces, which exceeds the 63 spaces required for the Project. 11-C DCMR § 702.1. The Project includes two loading berths at 30 feet, two 100 square foot platforms, and one service/delivery space at 20 feet. The loading berths have been designed to achieve front-in/front-out access from the public street for all loading vehicles.

The Project includes 125 long term bicycle parking spaces in an enclosed bike storage area in the below-grade garage and will include 20 short term bicycle parking spaces in the public space adjacent to the Site.

E. Streetscape and Landscape

The streetscape and landscape design for the Project fosters a pedestrian-friendly environment along the perimeter of the Site where one does not currently exist. The streetscape will include an 8-foot wide planting strip adjacent to the curb with ornamental trees to separate pedestrian and vehicular traffic. In addition, the streetscape will also include an 8- to 10-foot wide sidewalk with benches and bike racks that will promote safe pedestrian traffic.

The Project includes a variety of outdoor amenities to serve residents of the Project including a landscaped courtyard with a pool in the north building. The south building also

includes two additional landscaped courtyards. In addition, the Project includes a landscaped dog run in the rear of the south building that will be made available to the buildings' residents

Another important outdoor amenity is the landscaped entry plaza, which includes an outdoor seating area that is aligned with Jackson Street and open to the public. The design of the entry plaza includes specialty paving, custom seating, mounded planting islands and turf areas, all of which will create an inviting space filled with texture. Since the entry plaza will be open to the public, it will function as a neighborhood pocket park.

F. Sustainable Design Elements

The Project is designed to integrate a host of sustainable features including solar panels that will generate approximately 1% of the energy for the PUD. In addition, the Project is designed to LEED Gold standards under the LEED v4 Multifamily Midrise standard. *See* Sheet – G14 of the Plans. The LEED v4 Multifamily Midrise standard is tailored to the unique aspects of multifamily buildings and includes prescriptive requirements for onsite testing and performance. In addition to the standard LEED features and credit categories, the Multifamily Midrise standard requires mandatory compartmentalization, reduced duct leakage, and verified performance of exhaust and ventilation systems, all of which are unique in comparison with LEED BD+C for New Construction.

The GAR will be met by way of intensive and extensive green roof, bioretention, permeable pavers, grass and plantings, and solar panels. These best management practices will be implemented throughout the Project, both on and around the proposed buildings.

The Site itself is also located in a connected, previously-developed neighborhood with connections to existing infrastructure, services and public transportation options, such as the MBT, which is a vital artery for alternative forms of transportation and commuting throughout the District.

G. Flexibility Under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In this application, the Applicant has attempted to comply with all aspects of the Zoning Regulations for the MU-4 District. However, the Applicant seeks technical flexibility to allow the GAR requirements to be satisfied based on the entire Site, and not based on each individual building and theoretical lot, as would otherwise be required 11-C DCMR § 302.4. The minimum GAR of 0.3 is met for the Site, which is consistent with the Zoning Regulations. As permitted by 11-X DCMR § 303.1, the Commission may grant such flexibility in its discretion.

2. PUD Approval Flexibility

In addition, the Applicant has made every effort to provide a level of detail that conveys the architectural significance of the Project and only requires minimal flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary to address potential issues that arise during construction and other issues that cannot be anticipated at this time. Thus, the Applicant requests flexibility in the following areas:

- (1) To provide a range in the number of units of 375 plus or minus 10%;
- (2) To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms elevators, provided that the variations do not change the exterior configuration of the building;
- (3) To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
- (4) To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans;
- (5) To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of

exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

- (6) To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans; and
- (7) To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Plans.¹

IV.

THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS

A. PUD Requirements Under Subtitle X, Chapter 3 of the Zoning Regulations

1. Area Requirements Under Subtitle X § 301.1

The Site is approximately 90,293 square feet in land area, or 2.07 acres. For a PUD in the MU-4 District, the Zoning Regulations require a minimum land area of 15,000 square feet. 11-X DCMR § 303.1. As a result, the Site complies with the minimum area requirements.

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

The Project has been evaluated under the PUD guidelines for MU-4 District. A PUD in the MU-4 District permits development of up to 3.6 FAR, of which no more than 2.01 FAR may be devoted to non-residential use, and a maximum height of 65 feet. The Project will have a total FAR of 3.6 (approximately 325,050 square feet of gross floor area), all of which will be devoted to residential uses. The maximum height of each building is 65 as measured to the top of the parapet in accordance with 11-B DCMR § 307.1. Accordingly, the Project complies with the height and FAR guidelines for a PUD in the MU-4 District.

¹ The IZ plan will be submitted prior to the public hearing in accordance with 11-Z DCMR § 401.

3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)

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

The Future Land Use Map designates the Site as mixed-use for Moderate Density Residential use and Low Density Commercial use. For areas with a Mixed Use designation, the general density and intensity of development is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other, the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix. 10A DCMR § 225.19. The Applicant's proposal to rezone the Property to MU-4 is not inconsistent with the Future Land Use Map designation for the Property since the MU-4 zone is expressly identified as corresponding to the Low Density Commercial land use designation, but is also described within Zoning Regulations as being "intended to permit moderate-density mixed-use development" and "be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops." *See* 11-G DCMR § 400.3 (emphasis added). Furthermore, consistent with the Future Land Use Map's desired outcome for greater residential density on the Site than commercial density, the MU-4 zone favors residential development by limiting the permitted amount of non-residential density. *See* 11-G DCMR § 400.3(a).

The Site is located within the SAP's Commercial Area South of Metro Station Subarea, which states that development south of Kearny Street should consist of low to moderate density residential and limited commercial facilities. *See* SAP at pg. 52. As such, the Applicant's proposal, and specifically the proposed Zoning Map amendment, is consistent with the SAP since it consists of moderate density zoning and development with limited commercial facilities. The SAP references moderate density development as having building heights between 60 and

70 feet, with appropriate heights to transition to adjacent lower scale residential structures. *See* SAP at pgs. 47 and 52. Moreover, the SAP specifically calls for building setbacks of ½ to one above 50 feet, which the Applicant is providing. *Id.*

The SAP also encourages “work with community residents and ANCs to address design and scale issues of new development through the PUD process. *See* SAP at pg. A3, note 3. As is further discussed in Section V below, the Applicant has engaged in extensive community outreach, which has informed elements of the Project’s design as well as the proffered public benefits and project amenities. In fact, prior to submitting the Application, the Project and the related benefits and amenities received an 11-0 vote of support from the Edgewood Civic Association, which is the applicable civic association for this area.

The Generalized Policy Map identifies the Site within a Neighborhood Conservation Area. The guiding philosophy for Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map. 10A DCMR § 223.5. The proposed Zoning Map amendment will help implement the policies embodied in the Generalized Policy Map by allowing for a new residential development that is not inconsistent with the Future Land Use Map, consistent with the height and density contemplated in the SAP, and fits in well with surrounding development patterns and land uses.

A detailed discussion of the Project's compliance with the Comprehensive Plan, including with the Guiding Principles, the Major Elements and the Upper Northeast Area Element as well as with the SAP, can be found in the analysis attached as Exhibit H.

4. Impacts of Project Under Subtitle X § 304.4(b)

The Project will have a favorable impact on the surrounding area. Overall, the Project will benefit the area with the addition of residential units, including affordable housing, in an area designated for moderate-density residential use. The architectural design carefully considers the varied nearby uses and overall urban context. The Project supports the continued development of this neighborhood by providing two new residential buildings in lieu of underutilized industrial uses, which is incompatible with the surrounding residential neighborhood and the Site's designation on the Future Land Use Map. Moreover, the Site is well-served by public transportation, with close proximity to the Brookland-CUA Metrorail station. In addition, the Project is located adjacent to the MBT, which serves as a vital artery for bicycle transportation throughout the District.

The Applicant met with DDOT on September 12, 2018, regarding scoping for the Project as well as to discuss the proposed access for the Project and its relationship to the MBT. The Applicant will continue to work with DDOT on these issues. In accordance with 11-Z DCMR § 401.8 of the Zoning Regulations, the Applicant will submit a Comprehensive Transportation Review ("CTR") and transportation demand management ("TDM") measures no later than 30 days prior to the date of the public hearing and will serve a copy of the report on DDOT.

Finally, the District's existing water and sewer services are adequate to serve this facility.

B. 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 Site under the matter-of-right provisions...." 11-X DCMR 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-X DCMR § 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-X DCMR § 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 achieve a number of the goals of the PUD process by creating a mixed-income, transit-oriented development with a thoughtful, high-quality, design that are important neighborhood amenities. 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. The Applicant's proffered public benefits and project amenities have been developed in close coordination with Advisory Neighborhood Commission ("ANC 5E") and the Edgewood Civic Association and reflect the priorities identified by the surrounding community.

1. Housing (11-X DCMR § 305.5(f)) and Affordable Housing (11-X DCMR § 305.5(g))

The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. Overall, the Project will replace an underutilized industrial site with approximately 375 units. This amount of housing exceeds the amount that would have been provided if the Site was developed as a matter-of-right

under the existing PDR zoning as no multifamily residential use is permitted in PDR Districts. *See* 11-X DCMR § 305.5(f)(1).

Furthermore, the Applicant will set aside approximately 12% of the gross floor area (approximately 37,200 square feet of gross floor area) of the overall Project (i.e., based on the residential use provided in both the building and the penthouse) as affordable units at varying levels of the median family income (“MFI”), which will create a mixed-income community. Based on this gross floor area, it is anticipated that approximately 45 units will be set aside as IZ units. The affordable housing will be set aside as follows: 6% of the affordable gross floor area at 30% MFI, 14% of the affordable gross floor area at 50% MFI, 67% of the affordable gross floor area at 60% MFI, and 13% of the affordable gross floor area at 80% MFI.

As a result, the Project creates a greater amount of IZ units that are reserved at the deeper levels of affordability than is required by the Zoning Regulations. This affordable housing represents a substantial increase in the amount of affordable residential floor area when compared to the fact that no affordable housing would be generated if the Site was developed as a matter-of-right, or when compared to the base amount of affordable housing that would be required for a matter-of-right development in the MU-4 zone. *See* 11-X DCMR § 305.5(g) (“Affordable housing; except that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 22, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning.”) A detailed chart setting forth the Inclusionary Zoning Calculations is included on Sheet G09 of the Plans. The Applicant will provide an IZ unit location plan prior to a public hearing on this Application.

2. Arts Uses in Furtherance of the Brookland-CUA Small Area Plan (11-X DCMR § 305.5(r))

To foster artistic uses in the neighborhood as called for in the SAP, the Applicant will contribute \$75,000 to Dance Place. *See* SAP at pg. 52. Dance Place is an important arts-focused nonprofit in the neighborhood that offers performances, dance classes for adults and kids, and arts in education programs for youth.

The Applicant's contribution will help fund the Energizers Program that is centered on-site at Dance Place's home campus in Ward 5. This program targets African American youth from the surrounding neighborhood and includes an after school program, a teenage leadership program, as well as a creative arts camp during the summer months. The Applicant's contribution will be \$25,000 per year for three years (\$75,000 total). Specifically, the \$25,000 per year will fund eight scholarships for camp, 20 weeks of job training for 14 teenagers, and five scholarships for the Energizers Afterschool Program. The multi-year support ensures the continued delivery of these services and on-going value to the neighborhood, and the multi-year nature of the contribution is critical to Dance Place to ensure the funding provides the greatest amount of support to these programs. The Applicant intends to commence the initial contribution prior to the issuance of a building permit for the Project and will continue annual contributions for the following two years. The Applicant anticipates that, at a minimum, the first two years of contributions will be made prior to the issuance of a final certificate of occupancy for the PUD. Thus, the Applicant will comply with 11-X DCMR 305.3(d) such that no final certificate of occupancy for the PUD will be issued unless the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided. In the likely event that the construction timeframe and the fiscal years for Dance Place do not align in such a way as to allow the third annual contribution to be accepted and used by Dance Place prior to the

issuance of the final certificate of occupancy, the Applicant will fully fund an escrow account setting forth delivery of the funds for the final year and will provide evidence of that escrow account prior to the issuance of a final certificate of occupancy for the PUD in accordance with 11-X DCMR 305.3(d).

3. Transportation Features (11-X DCMR § 305.5 (o))

The Applicant is also working with DDOT to ensure that the Project coordinates with potential future improvements to the MBT that are planned for 8th Street adjacent to the Site. These improvements will improve the Trail's functionality. The Project itself is also an excellent example of "Smart Growth" in a neighborhood that is full of alternative transportation modes, including Metrorail, bicycle, and walking. The Project has been designed to create safe vehicular and pedestrian access and to use the existing public transportation network. In addition to its proximity to the MBT, the Project is proximate to multiple bus routes and has access to the Brookland-CUA Metrorail station.

The Applicant has studied the anticipated parking demand and has sought to provide the appropriate number of parking spaces to accommodate expected demand, which exceeds the base requirement under the Zoning Regulations. The Applicant will also provide TDM measures in excess of the mitigations required as a result of the Project.

Finally, based on discussions with the community, the Applicant has agreed to remove the PUD from the District's Residential Parking Permit ("RPP") program in order to alleviate on-street parking concerns of the surrounding neighborhood. The Applicant will include a rider in all residential leases that restricts residential tenants from obtaining RPPs.

4. Uses of special value to the neighborhood or the District of Columbia as a whole (11-X DCMR § 305.5(q))

As is further discussed below, the Applicant has closely coordinated its proffered public benefits and project amenities with ANC 5E and the Edgewood Civic Association. The Applicant has attended approximately nine meetings with representatives of the surrounding community and the below public benefits were specifically identified by community representatives as programs and organizations in need of additional funding. All monetary contributions proffered by the Applicant are in accordance with 11-X DCMR 305.3(d) since the Applicant agrees that no final certificate of occupancy for the PUD will be issued unless the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided.

- The Applicant will contribute \$10,000 to the Beacon House which engages over 300 boys and girls in the Edgewood neighborhood annually in an award-winning programs. The Applicant's contribution will support the Beacon House's summer camp, which serves approximately 90 children over five weeks. The camp seeks to address demand from the Edgewood community for a low-cost, high-quality summer camp and includes academic, athletic, arts, cultural and other lessons. The Applicant's contribution will cover the full cost of attendance for at least eight campers. The Applicant will make such contribution such that it can provide proof to the Zoning Administrator that the tuition has been funded prior to issuance of a certificate of occupancy for the Project.
- The Applicant will contribute \$24,000 for the creation of an Edgewood Street Festival. There is currently no street festival in the Edgewood neighborhood and the Applicant's contribution will fund a festival that will bring together the residents of

the surrounding neighborhood and highlight all that Edgewood has to offer. The contribution will be spread out over three years (\$8,000 per year), and the Applicant will establish and fully fund an escrow account prior to the issuance of the certificate of occupancy for the Project. The Applicant is currently working with community leadership to determine which local nonprofit would be most suited to organizing and managing the festival.

- The Applicant will contribute \$20,000 to a non-profit that supports the McKinley Tech Track Club (Fast Lane) to fund additional uniforms, meet fees, and specified travel expenses that are not currently covered by the Track Club's budget. The Applicant will continue to work with the nonprofit and Club's to specifically identify the exact items and services that will be funded through this contribution. The Applicant commits to providing proof to the Zoning Administrator that the finally-determined items and services have been or are being provided prior to issuance of certificate of occupancy for the Project.
- The Applicant will contribute \$20,000 to 1way2rise, a 501(c)(3) non-profit, which will fund tutoring services that will occur during the construction of the Project. The Applicant's contribution will fund tutoring programming that does not currently exist. The Applicant will continue to work with 1way2rise to specifically identify the tutoring number and type of tutoring services that will be funded through this contribution. The Applicant commits to providing proof to the Zoning Administrator that the finally-determined tutoring services have been provided prior to issuance of certificate of occupancy for the Project.

- The Applicant will contribute \$50,000 to the Hope Community Charter School, which will fund a combination of: (i) the construction of a sensory playground on the south side of the school; (ii) resurfacing and painting the basketball courts; (iii) the addition of a new basketball hoop system and pull up bar; (iv) and green-scaping of the school's campus. The Applicant will continue to work with Hope Community Charter School to provide additional details regarding these items. The Applicant commits to providing proof to the Zoning Administrator that the items have been or are being provided prior to issuance of certificate of occupancy for the Project.

At the request of the surrounding community, the Applicant has also developed an initial draft of a construction management plan to minimize the construction impacts on the surrounding residential community. A copy of the draft Construction Management Plan is attached as Exhibit K. The Applicant will continue to work with owners of property adjacent to the Site to address construction concerns that are raised.

5. Environmental and Sustainable Benefits (11-X DCMR § 305.5(k))

The Project is designed to integrate a host of sustainable features including solar panels that will generate approximately 1% of the energy for the PUD. In addition, the Project is designed to LEED Gold standards under the LEED v4 Multifamily Midrise standard, which is specifically tailored to the unique aspects of multifamily buildings and includes prescriptive requirements for onsite testing and performance. *See* Sheet G14 of the Plans.

6. Superior Landscaping, or Creation or Preservation of Open Spaces (11-X DCMR § 305.5(b))

Since 8th Street is largely populated with industrial uses, the surrounding neighborhood is devoid of significant open space. Accordingly, the Project includes a landscaped entry plaza that includes an outdoor seating area that is aligned with Jackson Street. The design of the entry plaza

includes specialty paving, custom seating, mounded planting islands and turf areas, which will be open to the public. As a result, this entry plaza function as a neighborhood pocket park.

7. Urban Design and Architecture (11-X DCMR § 305.5(a)); Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))

The Project was designed to be compatible with the adjacent residential community as the building design is also sculpted away from the neighboring residences to the north and west. Moreover, the buildings are set back at the 6th story feet in accordance with the SAP. *See* SAP at pg. 52. In addition, the replacement of an underutilized site with the Project constitutes a significant benefit since it increases safety in the Edgewood neighborhood and replaces a use that is not compatible with the surrounding residential community. The Project will also bring the Site into compliance with the goals of the Future Land Use Map and Comprehensive Plan, since the current PDR zoning is inconsistent with the Site's designations as Moderate Density Residential and Low Density Commercial on the Future Land Use Map.

8. Streetscape Plans (11-X DCMR § 305.5(l))

The Applicant has focused on creating a pedestrian-friendly streetscape, especially along 8th Street, N.E. The design proposal includes substantial streetscape improvements including new paving for the sidewalks, street lighting fixtures, new and replacement shade trees, and 19 bike parking spaces. Since the Site is presently improved with industrial uses, the streetscape adjacent to the Site is unimproved. In addition, a majority of the streetscape along 8th Street is also unimproved, which provides an unsafe environment for the students at the Hope Community Public Charter School and at those schools further to the south who commute to school via the Brookland-CUA Metrorail station or who use the after-school enrichment programs at Dance Place. As a result, the PUD will include substantial streetscape improvements that will help provide safe pedestrian access for students attending school in the vicinity of the Project.

The Applicant will also create a landscaped entry plaza in between the two residential buildings that will include seating for the public, as well as the buildings' residents.

V.
COMMUNITY AND OFFICE OF PLANNING OUTREACH

Pursuant to 11-Z DCMR § 300.7, the Applicant mailed a Notice of Intent to file the subject application to the owners of all property within 200 feet of the perimeter of the Site as well as to ANC 5E and the Edgewood Civic Association on August 30, 2018, more than 45 days prior to the date of this application². Before that notice was sent and since then, the Applicant has worked closely with ANC 5E and other community stakeholders, including the Edgewood Civic Association, to ensure that the Project provides a positive impact to the immediate neighborhood and is designed to be consistent with community goals. The Applicant has met with the relevant community stakeholders as follows:

- July 19: Meeting with Single Member District Representative Eddie Garnett
- July 22: Meeting with Michael Clark, President of the Edgewood Civic Association
- August 7, 20, and 30: Meeting with Michael Clark and Eddie Garnett
- September 18: Presentation to ANC 5E
- September 24: Presentation to Edgewood Civic Association
- September 25: Presentation to Single Member District Representative Meeting
- October 22: Presentation to Edgewood Civic Association

² In addition, the Applicant mailed the Notice of Intent to ANC 5B in the event that it was determined to be an "Affected ANC". An Affected ANC includes an ANC for which a street serves as a boundary line. 11-B DCMR § 100.2. In this case, the boundary line between ANC 5E and ANC 5B is the center of the WMATA tracks. Thus, a street does not serve as the boundary line between the two ANCs. Furthermore, based on historical Baist maps, it appears that there are intervening parcels on the east boundary of the Site. While we do not believe that ANC 5B is an Affected ANC, the Applicant provided the Notice of Intent and will provide a copy of the Application to them.

At its October 22, 2018, public meeting, the Edgewood Civic Association voted unanimously among the members in attendance (11-0) to support the Project, including the proffered public benefits and project amenities.

Finally, the Applicant initially met with the Office of Planning (“OP”) on June 14, 2018, and again October 4, 2018, to review the Project. In accordance with 11-Z DCMR § 300.11(e), the PUD’s design was informed by its discussion with OP. Most significantly, the Project includes two residential buildings in lieu of the one originally proposed in order to break down the massing and contextualize the Project with the surrounding neighborhood. The Applicant will continue to work with the OP throughout the process of review.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Subtitle X, Chapter 3 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be approved by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application and the concurrent change in zoning.

Respectfully submitted,

HOLLAND & KNIGHT LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
(202) 955-3000



By: _____
Christine M. Shiker



By: _____
Joseph O. Gaon