

**BEFORE THE ZONING COMMISSION OF THE
DISTRICT OF COLUMBIA**

**APPLICATION FOR A CONSOLIDATED PUD
AND ZONING MAP AMENDMENT**

**1 Hawaii Avenue NE
Washington, DC 20011
Parcel 0124/0077**

January 4, 2019

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DEVELOPMENT TEAM

Owner/Applicant: Wesley Hawaii LLC
5515 Cherokee Avenue, Ste. 200
Alexandria, VA 22312

Architects: Bonstra Haresign Architects
1728 14th Street NW, Ste. 300
Washington, DC 20009

Traffic Consultant: Gorove/Slade Associates
1140 Connecticut Avenue NW, Ste. 600
Washington, DC 20036

Civil Engineer: Vika Capitol
4910 Massachusetts Avenue NW, Ste. 16
Washington, DC 20016

Landscape Architect: Jennifer Horn Landscape Architecture
2221 S. Clark Street
Arlington, VA 22202

Land Use Counsel: Cozen O'Connor
1200 19th Street NW, 3rd Floor
Washington, DC 20036

LIST OF EXHIBITS

| DESCRIPTION | EXHIBIT |
|---|---------|
| Application Forms 103 and 101 | A |
| Agent Authorization Letter | B |
| Certificate of Notice, Notice of Intent to File, and List of Owners of Property Within 200 Feet of Subject Site | C |
| Architectural Drawings, Elevations, Civil Drawings, and Photographs of the Subject Property and Surrounding Area; Tabulation of Development Data; Transportation & Loading Plans; Landscaping Plans | D |
| Tabulation of Zoning Development Data | E |
| Zoning Map | F |
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PREFACE

This statement and the attached documents support the application of Wesley Hawaii LLC to the Zoning Commission for the consolidated review and approval of a Planned Unit Development and related Map Amendment to the Zoning Map of the District of Columbia.

This Planned Unit Development and related Map Amendment application (the “Application”) is consistent 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 numerous other goals and policies of the District of Columbia. Submitted in support of this application are completed application forms, a notice of intent to file PUD (with property owner list and certification of mailing), architectural drawings, plans, and elevations, and a map depicting the Zoning District for the property impacted by this application and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a Planned Unit Development and Zoning Map Amendment application under Subtitles X and Z of the District of Columbia Zoning Regulations (Title 11, District of Columbia Municipal Regulations).

I. INTRODUCTION

This statement is submitted by Wesley Hawaii LLC (the “Applicant”) in support of its application to the Zoning Commission for approval of a consolidated Planned Unit Development (“PUD”) and related amendment to the Zoning Map of the District of Columbia from the RA-1 zone to the RA-2 zone (“Map Amendment”) for the Applicant’s property located at 1 Hawaii Avenue NE (Parcel 0124/0077)¹ (the “Property”). The Applicant’s proposal for the Property will consist of a residential development that is 100% affordable.² As set forth below, this application is submitted in accordance with the requirements of Title 11, Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations of 2016 (the “Zoning Regulations”).

II. THE PROPOSED PROJECT

A. The Applicant

The Applicant is an affiliate of Wesley Housing Development Corporation (“Wesley”), a Virginia-based non-profit company that specializes in developing, managing and operating affordable housing communities in the Washington, D.C. metropolitan region. Wesley prides itself on providing service-enriched housing that offers residents a variety of supportive services to assist with life’s everyday needs, such as employment-based skills, child care and education, and nutrition counseling. In addition to the approximate 1,000 units Wesley owns and operates in Virginia, Wesley is currently rehabilitating an 80-unit affordable apartment building in the District’s Brookland neighborhood.

In March 2018, the Applicant acquired the Property from Sanford Capital. Sanford Capital received negative publicity due to “years of racking up housing code violations” and defending

¹ The Property is a parcel, but the Applicant is currently undergoing the subdivision process to obtain a record lot.

² Subject to the Applicant being awarded affordable housing financing from DHCD.

“lawsuits alleging deplorable conditions” in many of its District buildings.³ Facing bankruptcy and foreclosure proceedings, Sanford Capital sold all of its inventory. In connection with the sale of the Property, a Tenant Opportunity to Purchase Act (“TOPA”) notice was issued to the 1 Hawaii Ave NE Tenant Association (the “Tenant Association”), comprised of the existing tenants living in the 34-unit, two-story apartment building (the “Existing Building”) at the Property. The Tenant Association chose to exercise its TOPA rights in conjunction with a development partner that could handle the purchase and obtain financing for the transaction as well as manage, operate and rehabilitate the Property.

During Summer 2017, the Tenant Association interviewed several candidates, including the Applicant. The Applicant was interviewed by the Tenant Association on three separate occasions. On August 29, 2017, the Tenant Association selected the Applicant and assigned its TOPA rights to the Applicant in order to complete the acquisition and negotiated renovation of the Property. In accordance with the terms of the TOPA assignment, the Tenant Association negotiated and executed a Development Agreement that outlined several commitments and obligations of the Applicant regarding the Property, including, but not limited to, rent protections, non-displacement guarantees, immediate, critical repairs to the Existing Building, dedicated management of the Property and, in the event of rehabilitation and redevelopment of the Property, closely managed relocation services.

The Applicant acquired the Property in March 2018 and began to operate the building. After purchasing the Property, the Applicant has taken a variety of actions geared toward improving the living conditions for residents, as follows: installed a building-wide security camera system, turned three previously-vacant apartments into habitable space, repaired six additional

³ See Nirappil, Fenit. “D.C. Cuts Off Taxpayer Subsidies to Landlord Sanford Capital After Years of Controversy.” May 10, 2018. The Washington Post. Retrieved from <http://www.washingtonpost.com>.

apartments (plumbing, electrical, painting, etc.), addressed critical safety features in the dwelling units, installed new laundry machines, repaired water lines in the building, secured the maintenance shop to deter theft, and repaired the radiator heating system.

In addition to these broader improvements, the Applicant has focused on consistent and direct interaction with the residents of the Existing Building. There are currently 24 tenants in the Existing Building, with nine vacant units. The Applicant has provided timely responses to residents' maintenance requests, something in which Wesley takes great pride. The Applicant placed an on-site property manager at the Existing Building to help residents resolve outstanding issues and answer questions. The Applicant also schedules regular meetings with the Tenant Association to update them on improvements to the Existing Building, as well as keeping residents abreast of the Applicant's plans for the future. The Applicant has updated the Tenant Association on building operations and development progress on a monthly basis over the past year. Now that the Applicant has successfully addressed the critical repair needs of the Existing Building, the meetings have transitioned to bi-monthly or quarterly frequencies, with a focus on the PUD planning process, temporary relocation, and feedback on the new building.

Accordingly, the Applicant seeks approval from the Zoning Commission to construct a new building at the Property for the use and enjoyment of the Tenant Association and expand opportunities for new residents who will create a vibrant residential community. The Applicant believes this new building will continue the momentum of the Applicant's attention to the Existing Building and create a new building that will be a source of pride for the Fort Totten/Pleasant Hill neighborhood.

B. The Property

The Property is comprised of a triangular-shaped lot that has a land area of 26,400 square feet. The Property is unique in that it is an island circumscribed by public rights-of-way on all

three sides. The Property is bound by Rock Creek Church Road NW⁴ to the west, Hawaii Avenue NE to the east, and Allison Street NW to the south. Rock Creek Church Road NW varies in width from a 92-foot-wide right-of-way at the northern end of the Property to 101-foot-wide right-of-way to the south. *See* Tab D, Sheet C.01. Hawaii Avenue NE is a 120-foot-wide right-of-way, and Allison Street NW is a 90-foot-wide right-of-way. *See* Tab D, Sheet C.01.

The Property also has unique topography, with a significant ridge at the Property's western and southern lot lines that slopes downward toward the middle of the Property. *See* Tab D, Sheet C.01. There are building restriction lines along all three of the Property's lot lines. *See* Tab D, Sheets C.01, C.08. The building restriction area along Allison Street NW and Hawaii Avenue NE is 15-foot wide, and the building restriction area along Rock Creek Church Road NW is 20-foot wide. *See* Tab D, Sheets C.01, C.08. In conjunction with the building restriction lines, the Property's topography creates a bowl-like feature with a building in the middle. *See* Tab D, Sheet C.03.

The Property is in the RA-1 zone district and is improved with the Existing Building that was constructed in approximately 1940⁵ (the "Existing Building"). A copy of the Zoning Map is attached at Tab E. Unfortunately, the Existing Building has fallen into disrepair and is reaching the end of its useful life. As more fully described below, the Applicant proposes to raze the Existing Building and build a new residential apartment building that includes modern amenities, common space for residents, and an overall improved aesthetic.

⁴ Rock Creek Church Road NW becomes North Capitol Street just north of the Property.

⁵ Per Property Information Verification System ("PIVS").

It should also be noted that the Property is not in an historic district and is not subject to the jurisdiction of the U.S. Commission of Fine Arts.⁶ Further, the Property is not subject to a Small Area Plan.⁷

C. The Surrounding Area

The Property is located in the Fort Totten/Pleasant Hill neighborhood of Ward 5. The Property is nestled between Rock Creek Cemetery to the northwest and the U.S. National Cemetery to the south. Beyond the U.S. National Cemetery is the Armed Forces Retirement Home campus. To the northeast across Hawaii Avenue NE is a moderate-density neighborhood developed primarily with two-story, single-family rowhomes. Fort Totten Park, which is federally-owned park land, is located two blocks east of the Property. To the southeast is a moderate-density neighborhood that features a mix of single-family homes and multi-family, garden-style apartment buildings. The campus of Catholic University lies further to the east and southeast of the Property.

The surrounding area is predominantly zoned for residential uses. The RA-1 zone in which the Property is located extends to the southeast down Hawaii Avenue and includes the aforementioned single-family homes and apartment buildings. Directly to the east and northeast of the Property is an R-3 zone district, which encompasses both a residential neighborhood and Rock Creek Cemetery. The U.S. National Cemetery to the south is not zoned because it is federally-owned land.

D. Transit Systems

The Property is well-served by public transportation facilities and the Existing Building does not provide any parking on the site. There are two Metrobus stops on the Property that

⁶ Pursuant to the Shipstead-Luce Act of 1930, as amended.

⁷ Pursuant to the Office of Planning's website.

provide access to lines 60 and H8. There is a third Metrobus stop in the public property framed by Allison Street and Rock Creek Church Road just southwest of the Property, which also offers access to buslines 60 and H8.

Notably, the Property is half-a-mile from the Fort Totten Metrorail Station, which offers a number of additional transit options. The Fort Totten station is a hub station with three Metrorail lines: red, green and yellow. Additionally, there are several buslines that have stops at the Fort Totten station, including lines 60, 64, 80, E2, E4, F6, K2, K6, K9, R1 and R2. There is a Capital Bikeshare station and a Zip Car at the Fort Totten station as well. In totality, the transportation options at the Property and in the nearby vicinity at the Fort Totten station make the Property very accessible through public transit systems.

E. Description of the Proposed Project

The Applicant proposes to raze the Existing Building and construct a new residential apartment building at the Property (the “Project”).⁸ The proposed Project will include 78 dwelling units, all of which will be affordable. The dwelling units will range in size from studios to three-bedroom units, with 12 studios, 38 one-bedrooms, 10 two-bedrooms, and 18 three-bedrooms.

The Project is intended to be financed with District Department of Housing and Community Development (“DHCD”) funding. Under DHCD guidelines, the Applicant will offer rental units at varying levels of affordability as low as 30% Median Family Income (“MFI”), but not to exceed 80% MFI. The affordability requirements under DHCD funding will expire after 40 years pursuant to an affordability covenant recorded in the land records against the Property (the “Affordability Covenant”); yet, the Applicant will continue to conform with the current Inclusionary Zoning (“IZ”) set aside requirements under Subtitle C § 1000, et seq. after the 40-

⁸ Subject to the Applicant being awarded affordable housing financing from DHCD.

year period. To that end, the proposed architectural plans identify the units that will be subject to current IZ requirements after the Affordability Covenant is released. Further, as part of the Development Agreement, the Applicant has agreed to strictly limit rent increases for existing tenants. Given current levels of rent, many, if not all, of the existing tenants will enjoy affordability levels akin to less than 50% MFI.⁹ Pursuant to the Affordability Covenant, at least 34 units at the Property will be maintained at affordability levels no greater than 60% MFI. Thus, for new units created through the Project, and any units leased to new tenants, the Applicant will lease units between 30% MFI and 80% MFI, while maintaining a building-wide average affordability at 60% MFI.¹⁰

From a design perspective, the Project will largely replicate the T-shaped nature of the Existing Building due to the Building Restriction Line limitations and the triangular shape of the Property. *See Tab D*, Sheet A1.00. The Project will have frontage on Hawaii Avenue NE, and the building's entrance will be located at the Property's northern corner at the juncture of Hawaii Avenue NE and Rock Creek Church Road NW. The massing of the building is respectful of the neighborhood to the east of the Property by featuring two, varied building heights. The bar portion of the Project facing Hawaii Avenue NE will be four stories plus a cellar level, and in the center of the Property the stem portion of the building will five stories. The T-shaped footprint creates a large open space along Rock Creek Church Road that highlights the park-like character of the road and adjacent Rock Creek Cemetery. This area will be extensively landscaped and contain an outdoor amenity terrace for residents.

⁹ A majority of the existing tenants receive rental subsidies and have affordable rents less than 30% MFI.

¹⁰ A covenant is recorded against the Property from the building acquisition phase. The covenant requires that at least 34 units at the Property be maintained at affordability levels no greater than 60% MFI.

Along Hawaii Avenue NE, the Project will form a slender four-story masonry mass following the street edge that will create a strong, urban street wall. The planned masonry is an iron spot brick with a deep, rich red tone that relates to the existing red brick townhomes across Hawaii Avenue. The overall mass is also modulated by a series of six, evenly-spaced, four-story bays that create a rhythm evocative of historic DC townhomes. Each bay is composed of two nested volumes with distinct materials. The wider volume of the bay is a dark grey metal panel system with floor-to-ceiling windows; the remaining volume is taupe-colored stucco with a joint pattern identical to the adjacent metal panel. Each end of the masonry mass on Hawaii Avenue is designed with bays that terminate the north and south view corridors. There will be areaways located along Hawaii Avenue to provide light to the cellar level units, which will be described more below.

The portion of the building facing Rock Creek Church Road and Allison Street is intended to relate to the Hawaii Avenue facade, but with subtle differences. The brick is a variegated ocher color that is characteristic of the residential townhouse fabric to the west of the site. The façade design and material palette is simplified, relying on the patterning of window openings to create rhythm and visual interest. The fifth floor level rises from the masonry base and transforms into a bay that extends to grade at the southwest corner of the site.

The ground floor will feature 11 residential units as well as common space. *See Tab D, Sheet A1.02.* The northern, four-story bay contains the main entry to the building and has tall, inviting windows at the ground level. The entry level is located approximately three feet below the main floor elevation to reduce the grade differential and offer a welcoming entrance for pedestrians on to Hawaii Avenue and Rock Creek Church Road. A generous stair leads from the sidewalk to a curved entry terrace. An accessible walkway also connects the entry terrace to the

sidewalk along Rock Creek Church Road. The southern bay is similarly detailed but without the ground level window openings.

A core design principle of the Project is “active design,” whereby the building is designed to encourage as much physical activity and overall healthy lifestyles as possible. To that end, the Project team has worked to imbue as many active spaces into the Project as possible. The ground floor will have a large, multi-purpose amenity room for residents that leads out onto an amenity terrace facing west toward Rock Creek Cemetery. There is a resident lobby and leasing office on the ground floor as well as a laundry room and trash room. The ground floor also has a loading berth that will be accessed via a curb cut and driveway from Allison Street NW.¹¹

On the cellar level, the Project will have seven dwelling units and 12 vehicular parking spaces. *See Tab D*, Sheet A1.01. The 12 vehicular parking spaces meet the minimum required parking for a residential building with 78 units pursuant to Subtitle C § 701.5.¹² As with loading, the parking area will be accessed from the curb cut and driveway off Allison Street NW. The cellar level will house mechanical and utility equipment and will also have a bike room for long-term bicycle storage and laundry facilities.

Only a portion of the cellar level will contribute to the Project’s total FAR. Pursuant to the newly-enacted text amendment in Zoning Commission Case No. 17-18, a “cellar” is defined as “that portion of a story party below grade where the finished floor of the ground floor is less than five feet (5 ft.) above the adjacent natural or finished grade, whichever is the lower elevation.”

Due to the Property’s unique topography, the portion of the Project’s cellar level that is more than

¹¹ Though the Existing Building with 34 units has no parking, there is a curb cut from Rock Creek Church Road NW. However, pursuant to preliminary discussions with the District’s Department of Transportation, the Applicant will locate a new curb cut on Allison Street NW to provide access for parking and loading. The Applicant recently filed an application for concept review with DDOT’s Public Space Committee.

¹² The Project’s minimum parking requirement is reduced by 50% because the Property is located within one-half mile of the Fort Totten Metro Station pursuant to Subtitle C § 702.1(a).

five feet above adjacent grade varies throughout the site.¹³ The Applicant has provided a diagram with large, red hash marks along the building façade to demonstrate the locations where the adjacent natural or finished grade is more than five feet below the ground floor. *See Tab D, A6.04.*¹⁴ Pursuant to the perimeter-wall method that has been codified in ZC Case No. 17-18, this results in 3,830 gross square feet contributing to the Project’s floor-area-ratio (“FAR”), which is equivalent to .15 FAR.

Floors two through four will be entirely residential units. *See Tab D, Sheets A1.03-A1.04.* These floors will have 17 units and the internal layout of each floor will largely be the same. Each floor will have laundry and trash facilities. The fifth floor is a partial story along the stem of the T-shaped building. *See Tab D, Sheet A1.05.* The fifth floor will have nine dwelling units. There is no habitable penthouse planned for the proposed Project, although mechanical equipment will be located on the fifth floor rooftop. *See Tab D, Sheet A1.06.* The roof above the fourth and fifth stories will not be accessible for residential use; however, the fourth floor roof will have an extensive green roof feature.

In total, the proposed Project will have approximately 68,238 square feet of gross floor area. This gross floor area will yield an FAR of approximately 2.58. The Project will not exceed the maximum permitted building height of 60 feet. The Project will have a rear yard of 28 feet.¹⁵

¹³ The Zoning Administrator has confirmed, in writing, that applying multiple, varied elevations for the finished floor of the ground floor is permissible pursuant to the text amendment in ZC Case No. 17-18.

¹⁴ ZC Case No. 17-18 also provides exceptions to finished or natural grade, including window wells that project no more than four feet from the building façade. For the Project, the exception to grade is applied along Hawaii Avenue NE, where the Applicant has proposed window wells that project no more than four feet. Accordingly, natural grade is used for the cellar calculation on this portion of the Project.

¹⁵ The rear yard is measured as an “arc” at the southern tip of the Property. Pursuant to Subtitle B § 318.4, a rear yard can be measured as an “arc” opposite the front lot line “where a lot does not have a rear lot line, such as when the side yards converge at a point, or where the rear lot lines intersect at an angle less than 90 degrees.” Here, the Project’s frontage is located on Hawaii Avenue NE, with the side lot lines along Allison Street NW and Rock Creek Church Road NW converging at the southern tip of the Property. As such, the rear yard of 28 feet is measured as an arc.

The Project will also have 48 long-term bicycle spaces and 8 short-term bicycle spaces. The full development data and zoning tabulations can be found in the charts attached at Tab F.

F. Development Parameters

1. Development Under Existing Zoning

The Property is currently in the RA-1 zone, which is intended for areas with low- to moderate-density development, such as detached dwellings, rowhouses and low-rise residential buildings. *See* Subtitle F § 300.2. The RA-1 zone permits a maximum FAR of 0.9, which increases to 1.08 with Inclusionary Zoning (“IZ”). *See* Subtitle F § 302.1. The maximum building height in the RA-1 zone is 40 feet with 3 stories. *See* Subtitle F § 303.1. For a PUD in the RA-1 zone, the permissible FAR increases to 1.29 with IZ, and the maximum building height is 60 feet. *See* Subtitle X §§ 303.3, 303.7. The RA-1 zone also permits a maximum lot occupancy of 40%. *See* Subtitle F § 304.1.

2. Development Under Proposed Zoning

As part of this application, the Applicant proposes to rezone the Property to the RA-2 zone. Similar to the RA-1 zone, the RA-2 zone is intended for moderate-density residential buildings. *See* Subtitle F § 300.3. However, the RA-2 zone allows for greater density than the RA-1 zone, which would allow the Applicant to better utilize the Property for the proposed affordable residential development. Of particular note, the matter-of-right RA-2 zone allows an FAR of 1.8, increasing to an FAR of 2.16 with IZ. *See* Subtitle F § 302.1. The RA-2 zone allows a lot occupancy of 60% as well. *See* Subtitle F § 304.1. The RA-2 matter-of-right standards also permit a maximum building height of 50 feet with no limitation on the number of stories. *See* Subtitle F § 303.1. Further, a PUD in the RA-2 zone would provide an FAR up to 2.59 with IZ and an increase in building height to 60 feet. *See* Subtitle X §§ 303.3, 303.7.

III. FLEXIBILITY UNDER PUD GUIDELINES

A. Retaining Wall Height

The Applicant requests flexibility for a proposed retaining wall that is approximately 11 feet in height. The retaining wall buttresses the driveway where it accesses the internal parking level at the southern portion of the Property. *See Tab D*, Sheet A1.00. The retaining wall is located between the Building Restriction Line and the Property line on that part of the site. Under Subtitle C § 1401.5, a retaining wall located between a property line and a building line shall not exceed forty-two inches in height. Retaining walls that do not meet the requirements of Subtitle C § 1401 are permitted by special exception. *See* Subtitle C § 1402.1.

The proposed retaining wall is driven by the unique topography of the site. The bowl-shaped site slopes down considerably from the sidewalk, a feature that becomes particularly acute at the southern end of the Property. *See Tab D*, Sheet C.03. The topographical condition is compounded by the triangular site that is relatively narrow at the southern tip, requiring a 12% ramp for access to the garage level. Full compliance with the 42-inch height requirement would be unreasonable because it would necessitate a leveling of the site and a severe change in elevation from the adjacent sidewalk.

The retaining wall height will not have an adverse effect on neighboring properties because the Property is an island surrounded by public rights of way that provide a sufficient buffer. Additionally, the retaining wall is located on a portion of the Property that is adjacent to a cemetery, not residential homes. The retaining wall and driveway will be further buffered by trees and other landscaping elements at the Property.

B. Loading Vertical Clearance

The Applicant requests flexibility from the minimum vertical clearance for a loading berth. The Applicant's proposed loading berth, which is located on the southern-facing portion of the

ground level, has a clearance of approximately 10.5-feet in height. *See Tab D, Sheet A3.01.* Under Subtitle C § 905.2, all required loading berths must have a minimum vertical clearance of 14 feet. The Applicant's loading berth is fully compliant with the other size and layout requirements governing loading.

The vertical clearance of the loading berth is driven by the Property's topography. The portion of the Property where the loading berth is accessed is significantly higher than the segment along Hawaii Avenue NE. To maintain a consistent floor-to-floor clearance height, the loading berth must match the ceiling height for the residential units on the ground level. Currently, the project is designed so that the residential units have an approximate clearance of 8'2". To provide a full 14-foot clearance would necessitate either removing the residential unit above the proposed loading berth or raising the entire ground floor level. Accordingly, strict compliance with the vertical clearance requirement for the loading berth would create practical difficulties for the Applicant.

Flexibility from the vertical clearance requirements will not create any adverse impacts for neighboring properties or residents of the Project. The proposed loading berth will meet the needs of this all-residential Project. The loading berth provides sufficient clearance for a 26-foot-long Uhaul truck, which is approximately 8'3" in height. The 26-foot-long truck is recommended for three-bedroom apartments, which is the largest unit size at the Project.¹⁶ The Project does not need to accommodate larger trucks because there is no retail component or any other use proposed for this Project. While trash trucks vary in size, the Applicant and its traffic consultant, Gorove/Slade, can work with the private trash company to ensure that the trucks servicing the Project can access the loading berth.

¹⁶ *See* <https://www.uhaul.com/Truck-Rentals/26ft-Moving-Truck/>

C. Width of Driveway

The Applicant requests flexibility for the width of the driveway accessing the internal parking garage. The Applicant proposes a driveway for two-way traffic that varies in width from 24-feet at the curb cut on Allison Street NW to approximately 14 feet in width closer to the garage entrance. See Tab D, Sheets A.100, C.03. Pursuant to Subtitle C § 711.6, a driveway within 20-feet of a street lot line must be at least 20-feet wide for two-way traffic.

The narrowing of the driveway is due to the Property's unique shape as well as the Building Restriction Lines, both of which limit the potential location for a driveway and garage access. Further, the Applicant must meet its stormwater and bioretention requirements on the Property; however, District regulations do not allow the Applicant to locate required bioretention area within the Building Restriction Lines. Thus, the Applicant added a bioretention area along the driveway, which contributes to the narrowing of the driveway from 24-feet to 14-feet.

The proposed driveway width will not adversely impact residents of the Project or the surrounding neighborhood. The driveway allows for two-way ingress and egress into the garage. The average width of a car is 6-6.5 feet, which means that 14 feet is sufficient for cars to enter and exist simultaneously. Given that there will be 12 parking spaces, the traffic volume to the parking garage will be relatively minimal. The driveway widens significantly closer to Allison Street, providing residents with additional space to maneuver.

D. Minimum PUD Land Area Requirement

Under Subtitle X § 301.1, a PUD in the RA-2 zone must have a minimum land area of 1 acre (43,560 square feet). Here, the Property has a total land area of 26,400 square feet, which is approximately 60% of the required 1 acre. However, under Subtitle X § 301.2, the Zoning Commission may waive up to 50% of the minimum land area requirement for "Zone Group 1," which includes the RA-2 zone, provided that the Zoning Commission finds the proposed

development is of “exceptional merit” and is in the best interest of the District of Columbia or the country. Additionally, the development must meet one of the criteria enumerated under Subtitle X § 301.2, including that the “development is to be located outside the Central Employment Area, [and] at least 80% of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.” *See* Subtitle X § 301.2(c).

The Project meets the requirements of Subtitle X § 301.2 to reduce the minimum land area for the PUD because the Property is located outside of the Central Employment Area and 100% of the Project’s gross floor area will be dedicated to dwelling units and uses that are accessory to the dwelling units. Further, as described throughout this application, the Project is of “exceptional merit” and in the best interests of the District of Columbia because it will be a fully affordable redevelopment comprised of a variety of unit sizes, including three-bedroom units. The Project is to be of excellent quality with modern appliances and amenities. The Project will provide additional residential units in a location that offers direct access to the Metrorail and Metrobus. Accordingly, the Applicant respectfully submits that it meets the requirements for flexibility from the minimum PUD land area.

E. Design Flexibility

The Applicant has made every effort to provide a level of detail that conveys the architectural and design features of the Project. However, the Applicant requests some flexibility to account for potential issues that may arise during permitting or construction. The Applicant requests the following flexibility for design-related issues:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration of the building;

2. To vary the number, location, and arrangement of parking spaces for the Project, provided that the total parking is not reduced below the minimum level required for the PUD;
3. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
4. To vary the number of residential dwelling units by an amount equal to plus or minus 10% from the number depicted on the architectural plans approved by the Zoning Commission; and
5. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the Department of Transportation's Public Space Division.

IV. PLANNING ANALYSIS

A. Introduction

In order to approve a PUD, the Zoning Commission must find that the proposed development:

- (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
- (b) Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and
- (c) Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site. *See* Subtitle X § 304.4.

For the reasons explained below, the Project is not inconsistent with the Comprehensive Plan, will not result in unacceptable impacts to the surrounding area of city facilities, and will provide substantial public benefits.

B. The Project is Not Inconsistent with the Comprehensive Plan

As to the first criteria under Subtitle X § 304.4(a), the proposed Project is not inconsistent with the designation for the Property in the Future Land Use Map (“FLUM”) and the Generalized Policy Map (“GPM”) and advances numerous city-wide and area element policies in the Comprehensive Plan. The citywide elements of the Comprehensive Plan are intended to

(1) define the requirements and aspirations of District residents, and accordingly, influence social, economic and physical development; (2) guide executive and legislative decisions and matters affecting the District and its citizens; (3) promote economic growth in jobs for District residents; (4) guide private and public development in order to achieve District community goals; (5) maintain and enhance the natural and architectural assets of the District; and (6) assist in conservation, stabilization and improvement of each neighborhood and community in the District. *See* D.C. Code § 1-306.01(b).

The Project will promote these goals by increasing the supply of affordable, family-sized housing in a thoughtfully-designed building that respects the character of the surrounding neighborhood while providing for the needs of residents.

C. Compliance with Citywide Elements of the Comprehensive Plan

1. Land Use Maps

The Comprehensive Plan’s FLUM designates the Property for “Parks, Recreation, and Open Space.” A copy of the FLUM is attached at Tab G. This designation is defined to include:

the federal and District park systems, including the National Parks, the circles and squares of the L’Enfant city and District neighborhoods, the National Mall, settings for significant commemorative works, certain federal buildings such as the White House and the US Capitol grounds, and museums, and District operated parks and associated recreation centers. It also includes permanent open space uses such as cemeteries, open space associated with utilities such as the Dalecarlia and McMillan Reservoirs, and open space along highways such as Suitland Parkway. This category includes a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation). This category includes a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation). *See* 10A DCMR § 225.17.

The Property, the Existing Building, and the current residential use do not fit within the designation of “Parks, Recreation and Open Space.” Therefore, the FLUM incorrectly designates the Property. In this regard, it should be reiterated that the Comprehensive Plan’s Framework Element dictates that the FLUM “does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards.” *See* 10A DCMR § 226.1(a). Therefore, the FLUM should be interpreted broadly. *Id.*

In preliminary meetings with the Office of Planning regarding the Project, the Applicant proffered that the FLUM designation for the Property was likely a mistake or omission during the adoption of the most recent Comprehensive Plan. The Property is privately-owned and not part of the federal or District park systems; however, the Property is directly adjacent to two cemeteries. The Property has been under separate, private ownership since at least 1961.¹⁷ Per PIVS, the Property has been improved with an apartment building for at least 85 years and was not used as a park or open space during that period. In this context, it should be noted that the first iteration of the Comprehensive Plan and the FLUM were adopted in 1984, at which time the Property was a privately-owned apartment building. *See* D.C. Code § 1-306.02. As such, the Property’s residential, apartment use and private ownership interest significantly pre-dates the adoption of both the FLUM and the Comprehensive Plan. Though the Applicant is subdividing the Property to obtain a record lot, the Property is a parcel, as is Rock Creek Cemetery and the U.S. National Cemetery, which may have given rise to the FLUM designation. Given the Property’s location next to two cemeteries, which are *correctly* designated for “Parks, Recreation and Open Space” in the FLUM, it is likely that the Property was mistakenly “lumped in” with the cemeteries.

¹⁷ *See* Deed dated November 20, 1961 that is recorded as document number 1961036283 in the land records of the District of Columbia. As referenced in the Deed, the grantor’s ownership interest arises from the death of the grantor’s wife. As such, it is likely that the Property was in separate, private ownership well before 1961, though the November 1961 deed is the oldest available deed for the Property in the electronic land records database.

Under § 226.1(h) of the Comprehensive Plan, the FLUM “does not show density or intensity on institutional and local public sites.” *See* 10A DCMR § 226.1(h). Yet, “[i]f a change in use occurs on these sites in the future . . . the new designations should be comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements. . .” *See* 10A DCMR § 226.1(h). Here, the Property’s FLUM designation does not provide for density or intensity of use because it falls under the “Parks, Recreation and Open Space” category.

To that end, during the Office of Planning’s “open call” for map amendments, a resident proposed an amendment to the FLUM to designate the Property as “Moderate Density Residential.” A copy of the proposed amendment is attached at Tab H. Indeed, the Comprehensive Plan envisions that the FLUM’s designation is “not intended to freeze future development patterns,” and may be periodically updated. *See* 10A DCMR § 226.1(k). While the proposed amendment is still under review, it reflects that a more appropriate FLUM designation for the Property would be the “Moderate Density Residential” designation, as the Applicant indicates herein. The surrounding residential squares are designated for “Moderate Density Residential.”

The Comprehensive Plan describes the “Moderate Density Residential” designation as follows:

This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. *See* 10A DCMR § 225.4.

The current RA-2 zone was previously designated as the R-5-B zone district under the Zoning Regulations of 1958. Further, the RA-2 zone is specifically intended for “moderate-density residential” uses. *See* Subtitle F § 300.3. As such, the proposed development, with a Map Amendment to the RA-2 zone, is directly consistent with a “Moderate Density Residential” pending designation for the Property.

Importantly, such a FLUM designation would bring the Property into line with the adjacent swath of residential neighborhoods to the northeast and southeast, both of which are identified as “Moderate Density Residential” in the FLUM. *See* Tab G. These residential areas are zoned RA-1 and R-3, and are defined by a range of single-family homes to low-rise apartment buildings. At four to five stories, the proposed Project would be minimally taller than these nearby buildings; however, any impact on adjacent properties is mitigated by several factors, including that the Property is an island surrounded by public rights-of-way on each side and the cemeteries abutting two sides of the Property. Due to these naturally-occurring public buffers, the Project is not inconsistent with a “Moderate Density Residential” designation in the FLUM.

The Property is designated as a “Neighborhood Conservation Area” in the GPM. A copy of the GPM is attached at Tab I. This designation is for areas that are “primarily residential in character,” where the expectation is for “maintenance of existing land uses and community character.” *See* 10A DCMR § 223.4. While “major changes in density over current (2005) conditions are not expected . . . some new development and reuse opportunities are anticipated.” *Id.* As such, the “guiding philosophy of Neighborhood Conservation Areas is to conserve and enhance established neighborhoods.” *See* 10A DCMR § 223.5.

The proposed Project, with the RA-2 Map Amendment, is not inconsistent with the GPM’s designation for the Property because the Project maintains the current residential use of the

Property and creates a new building for the existing tenants. Further, the Project proposes a reasonable increase in density and massing from the Existing Building in order to provide more modern unit layouts, additional affordable units for the community, and amenities. In sum, the Project will conserve and enhance the residential character of the Fort Totten/Pleasant Hill neighborhood.

2. *Land Use Element*

The Comprehensive Plan’s Land Use Element “integrates the policies and objectives of all the other District Elements,” and, as such, “should be given greater weight than the other elements as competing policies in different elements are balances.” *See* 10A DCMR § 300.3. The overarching goals of the Land Use Element are to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. *See* 10A DCMR § 302.1.

The proposed Project and the corresponding Map Amendment are not inconsistent with these goals because the Project will advance the following policies in the Land Use Element:

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

LU-2.1.2: Neighborhood Revitalization

Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need.

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.

LU-2.1.5: Conservation of Single Family Neighborhoods

Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale.

LU-2.2.4: Neighborhood Beautification

Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

The proposed Project provides for redevelopment of the Existing Building that is aging and in need of significant upgrades. The Project has been designed to accomplish the dual goals of increasing the affordable housing supply in the District while respecting the character of the Pleasant Hills/Fort Totten neighborhood. Accordingly, the Project proposes an increase in density and massing from the Existing Building that is respectful and maintains the neighborhood’s moderate-density, residential character. The proposed Project complements the established character of the area because it will maintain the existing residential use in a building that physically resembles nearby apartment buildings.

The proposed Project will improve the visual quality of the Property and the neighborhood through a revitalization of the Existing Building as well as improvements to the Property’s landscaping, lighting and pedestrian facilities. The Project has been designed to highlight the open, green space around the Property.

3. *Housing Element*

H-1.1.3: Balancing 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.

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.

H-1.2.1: Affordable Housing Production as a Civic Priority

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

H-1.2.6: Non-Profit Involvement

Actively involve and coordinate with the nonprofit development sector, increasing their capacity to produce affordable housing. Enter into partnerships with the non-profit sector so that public funding can be used to leverage the creation of affordable units.

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.

H-2.1.1: Protecting Affordable Rental Housing

Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units.

H-2.1.3: Avoiding Displacement

Maintain programs to minimize displacement resulting from the conversion or renovation of affordable rental housing to more costly forms of housing. These programs should include financial, technical, and counseling assistance to lower income households and the strengthening of the rights of existing tenants to purchase rental units if they are being converted to ownership units.

H-2.1.5: Long-Term Affordability Restrictions

Ensure that affordable housing units that are created or preserved with public financing are protected by long-term affordability restrictions and are monitored to prevent their transfer to non-qualifying households. Except where precluded by federal programs, affordable

units should remain affordable for the life of the building, with equity and asset build up opportunities provided for ownership units.

The Applicant proposes a building that is thoughtfully-designed with residents' needs in mind, including greatly improved fixtures in the units, an amenity room and terrace on the ground level for recreation and socialization, and an on-site resident services coordinator. The proposed Project is comprised of 100% affordable units for low- to moderate-income residents. The Applicant will expand the number of rental housing units at the Property and maintain the level of affordability for residents in the Existing Building. The Project will also be family-friendly with 18 three-bedroom units.

The Applicant has worked closely with the Tenant Association of the Existing Building to establish a relationship and ensure that residents' needs are met. Further, the Applicant has agreed with the Tenant Association that it will temporarily relocate all existing tenants to an off-site building during construction of the Project. During such relocation, tenants will pay the same rent, and the rent would be abated should the relocation last more than 20 months. The tenants will be relocated within the District of Columbia to units that are either comparable or larger than the units at the Existing Building. The Applicant will use good faith effort to relocate tenants to units that are no more than two miles from the Property. Finally, the Applicant has agreed to pay for all moving costs and expenses pertaining to any tenant relocation.

4. Transportation Element

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.

T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks.

The Project proposes only one curb cut on Allison Street that provides access to vehicular parking spaces within the building. The Project will also include both short-term and long-term bicycle parking. As part of the Project, the Applicant will improve the surrounding streetscape, including improving pedestrian facilities around the Property.

5. *Environmental Protection Element*

E-1.1.1: Street Tree Planting and Maintenance

Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods.

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.

E-2.2.1: Energy Efficiency

Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees.

E-2.2.3: Reducing Home Heating and Cooling Costs

Encourage the use of energy-efficient systems and methods for home insulation, heating, and cooling, both to conserve natural resources and also to reduce energy costs for those members of the community who are least able to afford them.

E-3.1.1: Maximizing Permeable Surfaces

Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.

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

E-3.1.3: Green Engineering

Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated.

The proposed Project will be environmentally-friendly with a robust landscape plan and an energy-efficient building. The Applicant is committed to achieving an Enterprise Green Communities certification in order to meet the requirements of the Green Building Act. The roof over the fourth story has been designed as a green roof that will reduce stormwater runoff. The Applicant's landscape plan will highlight the open space on the Property and the existing street trees around the Property.

6. *Urban Design Element*

UD-1.4.1: Avenues/Boulevards and Urban Form

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city.

UD-1.4.5: Priority Avenues/Boulevards

Focus the city's avenue/boulevard design improvements on historically important or symbolic streets that suffer from poor aesthetic conditions. Examples include North and South Capitol Streets, Pennsylvania Avenue SE, and Georgia Avenue and the avenues designated by the "Great Streets" program.

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.

UD-2.2.7: Infill Development

Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.

UD-2.2.8: Large Site Development

Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades.

UD-2.2.9: Protection of Neighborhood Open Space

Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas.

The Project accomplishes the dual goals of rehabilitating a large site with an aesthetically pleasing design that is harmonious with the surrounding neighborhood character. For all intents and purposes, the Property is located on North Capitol Street NW, which technically ends at the Property, but resumes just south of the U.S. National Cemetery. As such, the Property is located on a major arterial street, and the Project is designed to improve the aesthetic value of this gateway to the city. The Applicant has chosen to incorporate the Project's main entrance at the corner of North Capitol and Hawaii to accentuate the Project as commuters drive down North Capitol into the District.

The Project has been designed in a way to strengthen the qualities of the surrounding neighborhood. The Project will greatly improve upon the Existing Building while incorporating design elements that allow the Project to relate directly to the nearby rowhomes. As set forth above, the four-story massing along Hawaii Avenue creates a strong street wall, and the masonry directly relates to the brick townhomes across the street. The Applicant has sensitively designed the building so the fifth story is setback from the Hawaii Avenue façade. In acknowledgment of adjacent open spaces, the Applicant has also maintained significant open space on the large site and will incorporate a robust landscaping plan to ensure the positive aesthetic qualities of the Property.

D. Compliance with Rock Creek East Area Element of Comprehensive Plan

The Property is located in the Rock Creek East Planning Area as designated in the Comprehensive Plan.¹⁸ The Project is consistent with the general character of the Rock Creek East Planning Area, which is “an attractive residential community containing many stable low and moderate density neighborhoods.” *See* 10A DCMR § 2200.2. Further, the Project's proposed

¹⁸ The Property is within the Rock Creek East Planning Area but is located on the borderline with the Upper Northeast Planning Area.

affordability responds to the “increase in housing costs” that has “made the area much less affordable for Rock Creek East’s working families and for its large population of low and moderate income seniors.” *See* 10A DCMR § 2200.8. In addition to these planning goals, the Project and Map Amendment are not inconsistent with specific policies in the Rock Creek East Planning Area, as follows:

RCE-1.1.1: Conservation of Low Density Neighborhoods

Maintain and conserve the attractive, stable neighborhoods of the Rock Creek East Planning Area. Any new development in the Planning Area should be attractively designed and should contribute to the community’s positive physical identity.

RCE-1.1.2: Design Compatibility

Ensure that renovation, additions, and new construction in the area’s low density neighborhoods respects the scale and densities of adjacent properties, avoids sharp contrasts in height and mass, and preserves park like qualities such as dense tree cover and open space.

RCE-1.1.5: Housing Renovation

Strongly encourage the rehabilitation and renovation of existing housing in Rock Creek East, taking steps to ensure that housing remains affordable for current and future residents.

RCE-1.1.6: Development of New Housing

Encourage the retention of existing subsidized housing units within the Rock Creek East Planning Area, along with other measures to increase housing choices and improve housing affordability for area residents. This should include the production of new mixed income housing along Georgia Avenue, and the encouragement of mixed income housing in the industrially zoned area west of Georgia Avenue between Upshur and Shepherd, and on District-owned land along Spring Road near the Petworth Metro Station. A particular emphasis should be placed on providing low cost affordable housing for seniors.

The proposed Project will conserve the nearby stable neighborhoods by maintaining a residential use at the Property. The Project has been designed that it is respectful and in harmony with the low density neighborhood across Hawaii Avenue. Any contrast in height and massing between the proposed Project and these neighborhoods is minimized by the rights-of-way that surround the Property. In particular, Hawaii Avenue NE is 120-feet-wide and provides a natural buffer between the Property and the low density neighborhoods. The Project will also preserve

and enhance the existing open space and landscaping at the Property to enhance the residential feel of the neighborhood.

Given that a large portion of the existing tenants are seniors, the Project's proposed affordability levels will provide low cost affordable housing for that demographic.

V. THE PROJECT WILL HAVE A FAVORABLE IMPACT ON THE SURROUNDING AREA

The proposed Project will have a favorable impact on the surrounding area because it will offer 100% affordable residential units while simultaneously rehabilitating and beautifying the Property. The modest increase in density proposed by the Project will be balanced by the considerable increase in affordable housing units at the Property, all of which will be offered between 30% and 80% MFI. The Applicant has also agreed with the Tenant Association to strictly limit any future rent increases for existing tenants. Further, given the prevalence of seniors currently living in the Existing Building, this affordable housing stock will be available to a vulnerable population.

To that end, the Applicant was selected by the Tenant Association to rehabilitate, manage and operate the Existing Building. The Applicant has already entered into a written agreement with the Tenant Association that the Applicant will assist in relocating existing tenants during the construction process. Importantly, once the Project is constructed, all 24 existing residents will be offered units at the same level of affordability that they currently enjoy. As such, the Applicant's relocation plan will help to mitigate any impacts of the Project on existing residents.

For the broader community, the Applicant proposes a modern and up-to-date building that will significantly improve upon the aesthetic qualities of the Existing Building. As an island, the Property is highly visible to passersby and an improved aesthetic can be a source of pride for the community. As part of the Project, the Applicant will also improve the Property's landscaping

and abutting pedestrian facilities. This will encourage walkability around the Property as well as improved access for bicyclists.

The Applicant's proposed design is respectful of the surrounding neighborhoods. The Applicant has purposefully designed the building so that the section closest to residential homes across Hawaii Avenue is only four stories. The five story portion of the building is setback from Hawaii Avenue and does not face or abut residences. Further, the proposed Project will align with the overall character of the Pleasant Hill/Fort Totten neighborhood, which has several moderate-density apartment buildings.

A. Facilities Impact

The existing public utilities around the Property are sufficient to meet the needs of the Project, even with the expanded unit count. The Project will not create any undue impact on the public school system because the Project proposes a relatively modest increase in density over the Existing Building. Further, the existing tenants are entitled to rent an apartment at the Project once it is constructed, and many of the existing tenants are seniors that would not have school-age children. Therefore, the Project will not result in unacceptable impacts on the operation of city services and facilities.

Nonetheless, the Applicant will also consult with other District agencies regarding the proposed Project, including, but not limited to, the Metropolitan Police Department, Fire and Emergency Management Services, and the Department of Energy and Environment. The Applicant has already worked closely with DHCD to finance the acquisition of the Property and will continue to do so during this process. Accordingly, the Project can be found as favorable to the surrounding area given the quality of benefits offered through the Project.

B. Environmental Impact

No adverse environmental impact will result from the construction of the Project. The Project will attain sufficient points to achieve Enterprise Green Communities certification and will incorporate a series of sustainable features that will minimize the impact of the development. The Project has a substantial green roof and will also meet the Green Area Ratio and stormwater management requirements.

C. Traffic Impact

The Project will not have an adverse impact on traffic or pedestrian facilities. There is no off-street parking for the Existing Project, and the Project will provide 12 parking spaces as well as a loading berth. The Project will result in removing cars from the street where existing tenants were likely to park. Further, the Project is accessible through multiple forms of public transportation, including numerous bus lines and the Fort Totten Metrorail Station. As part of the Project the Applicant will make improvements to sidewalks and pedestrian facilities, which will make the Property more pedestrian-friendly. The Project will also provide the requisite short- and long-term bicycle parking.

VI. THE PROJECT WILL OFFER SPECIFIC PUBLIC BENEFITS

The proposed Project will offer a range of public benefits and amenities that benefit the surrounding neighborhood and the public generally. The public benefits offered through the Project are significantly greater than what would result from a by-right project at the Property. *See* Subtitle X § 305.2. Of particular note, the PUD process will allow the Applicant to provide significantly more affordable housing units through the Project. As described below, these benefits further the goals set forth in the Zoning Regulations and the Comprehensive Plan. Accordingly, the proposed Project will provide the following benefits enumerated under Subtitle X § 305.5:

A. Superior Urban Design and Architecture (Subtitle X § 305.5(a))

Subtitle X § 305.5(a) lists urban design, architecture and landscaping as a public benefit or project amenity of a proposed PUD. The detailed renderings, plans, and elevations of the Project at Tab D demonstrate that the proposed Project exhibits all the characteristics of exemplary urban design and architecture. To begin, the proposed Project replicates the general T-shaped nature of the Existing Building at the Property. However, the Existing Building largely underutilizes the Property. The Existing Building does not take advantage of the density permitted even in a by-right scenario under the RA-1 zone. The Existing Building also lacks modern amenities and infrastructure that are common for residences, from appliances to common space to laundry facilities.

Accordingly, the proposed Project will substantially improve both interior and exterior design and architectural elements. The building's entrance will be located at the corner of the Property facing north in order to accentuate the building's features for vehicles travelling south on North Capitol Street into the city. The entranceway features an exterior landing with large windows to highlight the Project's front entrance. *See* Tab D, Sheet A5.01. The Project will provide important amenity/common space for residents, including an outdoor terrace, to encourage a community feel at the Property. There will also be a large, welcoming lobby directly off the front entrance.

The Project's façade facing Hawaii Avenue NE has been designed in such a way to harmonize with the rowhomes across the street; the building is purposefully designed so that its lowest height is along Hawaii Avenue NE. The proposed Project will make use of four-story bay projections along Hawaii Avenue. Where the Existing Building has zero parking spaces, the Project will provide 12 vehicular parking spaces in the cellar level by making use of the Property's

topography. This will offer residents an additional design amenity that is not present in the Existing Building.

B. Superior Landscaping, or Creation or Preservation of Open Spaces (Subtitle X § 305.5(b))

In consultation with its architecture team and landscape architect, the Applicant has proposed a robust landscaping plan that takes advantage of and harmonizes with the Property's location near the open spaces in the abutting cemeteries. *See Tab D*, Sheets L1.01-L1.07. The Applicant proposes substantial improvements to the existing landscaping at the Property, including green plantings throughout the site. In particular, the Applicant has designed the amenity terrace as an inviting space for residents to enjoy the outdoors. *See Tab D*, Sheet L1.04. The Building Restrictions Lines at the Property ensure that open space is substantially preserved.

C. Site Planning and Efficient and Economical Land Utilization (Subtitle X § 305.5(c))

The creation of a tiered Project is an example of appropriate site planning as well as efficient and economical land use as a benefit pursuant to Subtitle X § 305.5.(c). The Project transforms a uniquely-shaped triangular plot of land that is topographically challenging and restricted by three Building Restriction Lines into a well-designed, modern apartment building. Further, the Project is strategically oriented so that the massing, height and density of the building is pushed away from the rowhomes along Hawaii Avenue NE.

D. Housing (Subtitle X § 305.5(f))

The Project will provide housing that well exceeds the amount required or permitted through a by-right development at the Property. The Project proposes to double the existing 34 units at the Property. Further, the Project will have 18 units with three bedrooms and two baths. This is a significant increase over the Existing Building, which has no three-bedroom units. A by-right development at the Property would yield significant fewer family-sized units.

E. Affordable Housing (Subtitle X § 305.5(g))

The Project will be 100% affordable and will maintain a building-wide average affordability at 60% MFI. The proposed 78 units of affordable housing greatly exceed the number of affordable units that would be provided with a matter-of-right development at the Property. Under the existing RA-1 zone, approximately 23,760 square feet of gross floor area¹⁹ could be constructed at the Property, which would yield only 2,376 square feet as an IZ set aside. Thus, the Project will offer significantly more affordable units at a significantly lower income threshold than what is required under the Inclusionary Zoning set aside. Importantly, the affordability feature will be extended to existing tenants as well. There will be no permanent displacement of existing tenants as a result of the Project. The Applicant has agreed with the Tenant Association that all current tenants at the Existing Building will be entitled to rent a unit at the Project regardless of whether that tenant's income exceeds the Project's affordability limits. To that end, the Applicant has agreed that rent for existing tenants will not be increased beyond what is allowable under D.C. Code §§ 42-3502.08(h) and 3502.24. This provision will ensure that there is no displacement of existing tenants due to affordability factors.

F. Social Services and Facilities (Subtitle X § 305.5(i))

In addition to providing affordable dwelling units, the Applicant will provide on-site residential services at the Project, which can be considered a public benefit under Subtitle X § 305.5(i). The on-site residential services will offer a range of services and educational programs that will include housing stability programs, adult education, and health and wellness classes. There will be an on-site coordinator at the Project to help organize and administer the services for residents.

¹⁹ The maximum permitted FAR in the RA-1 zone is 0.9.

G. Environmental and Sustainability (Subtitle X § 305.5(k))

Pursuant to Subtitle X § 305.5(k), certain aspects of a PUD application’s environmental management system are considered public benefits. The Applicant is fully committed to providing a high-quality development that is sensitive to the natural environment. The Applicant will implement a number of strategies to enhance the sustainable nature of the Property and to promote a healthy, desirable, and comfortable lifestyle that will benefit the Project’s residents and minimize the building’s impact on the environment. These sustainability features include a commitment to achieving the Enterprise Green Communities certification for the Project.

H. Uses of Special Value (Subtitle X § 305.5(q))

Throughout the past year, the Applicant has worked closely with the tenants at the Existing Building to improve the management and operation of the Existing Building and to plan for the Applicant’s intended rehabilitation of the Existing Building. Accordingly, the Applicant has already negotiated and agreed to a relocation plan for existing tenants to ensure that all 24 existing tenants can find temporary housing during the construction phase as well as that the existing tenants can return once the Project is completed.

During construction of the Project, the Applicant has agreed that tenants will be relocated to off-site units identified by the Applicant. The relocation units will be comparable or larger-sized units in comparison to the tenant’s unit at the Existing Building. All the relocation units will be within the District of Columbia, and the Applicant will use best efforts to find temporary accommodations that are no more than two miles from the Property. The Applicant will pay for all expenses related to relocation, such as moving costs and transfer of utilities.

The Applicant has also agreed to employ a “relocation specialist” who will work directly with existing tenants during the relocation process. The Applicant and the relocation specialist will meet with existing tenants no later than the time permits are processed to construct the Project.

These meetings are intended to establish a clear line of communication between the Applicant and each individual tenant. The relocation specialist will then help with the myriad of issues related to relocation such as transportation and, in the event of a family with children, school placement. The relocation specialist will also coordinate residents' moving-specific needs like packing and storage.

Finally, upon completion of construction of the Project, the Applicant has agreed with the Tenant Association that all existing tenants²⁰ will have substantially similar rent amounts as in the Existing Building. In sum, the Project provides a use of special value to the neighborhood because the Applicant has worked closely with the Tenant Association to ensure minimal disruption to existing tenants during relocation, and to guarantee that the existing tenants will return to a significantly improved building with substantially similar rental payments. Overall, the Applicant's agreement with the Tenant Association will avoid any involuntary displacement of existing tenants.

VII. COMMUNITY AND OFFICE OF PLANNING OUTREACH

The Applicant began its community outreach well in advance of mailing the Notice of Intent. In addition to the regular meetings with the Tenant Association, as described above in Section II(A) herein, the Applicant has attended numerous ANC meetings and met personally with ANC Commissioners. In April 2018, the Applicant met with ANC 5A SMD Commissioner Washington for an introductory tour of the Existing Building. In June 2018, the Applicant attended meetings of ANC 4D and ANC 5A to introduce itself as the new owner of the Property. In August 2018, the Applicant held individual meetings with Commissioner Washington as well as ANC 4D

²⁰ This provision of the Applicant's agreement with the Tenant Association only applies to "Existing Tenants" as that term is defined in the agreement. The Applicant is entitled to charge higher rent for new tenants, although such rent must still be in accordance with the affordability levels established herein.

Commissioner Lampkin. The Applicant held a community meeting on September 17, 2018 to discuss the Project with tenants at the Existing Building and nearby neighbors. On October 8, 2018, the Applicant hosted ANC 5A's Executive Committee at the Property to present the Project and tour the Existing Building. On October 16, 2018, the Applicant presented a general overview of its plans for the Property at a public meeting of ANC 4D.

On October 19, 2018, the Applicant mailed a Notice of Intent to file the subject application to all owners of property located within 200 feet of the Property as well as to Advisory Neighborhood Commission 5A ("ANC 5A") and Advisory Neighborhood Commission 4D²¹ ("ANC 4D") in accordance with Subtitle Z § 300.7. Thereafter, on October 24, 2018, the Applicant presented initial renderings of the Project to ANC 5A and the neighborhood at ANC 5A's public meeting. During the meeting, the Applicant has received feedback and comments on the proposed design for the Project as well as on the Applicant's community benefits package. The Applicant looks forward to continuing work with the community and attending additional ANC and neighborhood meetings.

VIII. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed application meets the standards set forth under Subtitle X, Chapter 3 of the Zoning Regulations. The proposed PUD and Map Amendment are consistent with the purposes and intent of the Zoning Regulations, Maps, and Comprehensive Plan; will enhance the health, welfare, safety and convenience of the citizens of the District; will provide significant public benefits; and will advance important goals and policies in the District of Columbia. As such, the PUD and Map Amendment should be approved.

²¹ The Property is located on a street that serves as the boundary line between two ANC's. As such, the Applicant mailed the Notice of Intent to ANC 4B, which is in the abutting ANC to the west of Rock Creek Church Road NW.

Accordingly, the Applicant respectfully requests that the Zoning Commission set down the PUD application and related Map Amendment for a public hearing at the earliest date available.

Sincerely,
COZEN O'CONNOR



Meridith H. Moldenhauer



Eric J. DeBear