

1412 CHAPIN STREET, N.W.

**STATEMENT OF
G.K.D. 1412 CHAPIN STREET, LLC AND
DANTES PARTNERS, LLC
IN SUPPORT OF AN APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND RELATED MAP AMENDMENT**

September 25, 2009

ZONING COMMISSION
District of Columbia

CASE NO. 09-15
EXHIBIT NO. 3

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PREFACE

This statement and the attached documents support the application of GKD 1412 Chapin Street, LLC and Dantes Partners, LLC (collectively, the “Applicant”) to the Zoning Commission for consolidated review and approval of a Planned Unit Development (“PUD”) and Zoning Map Amendment for the property known as Square 2661, Lot 152 (the “Subject Property”). The Subject Property is located at 1412 Chapin Street, N.W. and is currently vacant (unimproved). The Applicant seeks to rezone the Subject Property from R-5-B to C-2-B to allow the development of a five-story residential building which will provide up to 44 units of workforce housing to families earning no more than sixty percent (60%) of the Area Median Income (AMI). The new building will be constructed to an FAR of 5.36 and a height of 57 feet (the “Project”). The Applicant seeks a waiver of the minimum lot area requirements for a PUD, pursuant to 11 DCMR 2401.2. The project is entirely residential in nature and of exceptional merit as all residential units are being reserved for workforce housing.

This PUD application is consistent with the District of Columbia Comprehensive Plan (10 DCMR § 100 *et seq.* (2006))(the “Comprehensive Plan”), as well as the city’s expressed interest in providing new affordable, workforce housing for its residents. The Project will benefit the District by transforming a vacant parcel into new affordable housing units and by connecting and enhancing a vibrant residential neighborhood.

Submitted in support of this application are completed application forms, a copy of the notice of intent to file a PUD which was sent to surrounding property owners (including the certification of mailing and list of property owners), architectural drawings, plans, and elevations of the proposed project, and a map depicting the existing and proposed Zone Districts for the

Subject Property and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

DEVELOPMENT TEAM

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<u>Description</u>	<u>Exhibit</u>
Notice of Intent to File, Certificate of Service, and List of Property Owners within 200 feet of Subject Property	A
Application Forms	B
Compliance with Consolidated PUD Requirements	C

Submitted in Separate Volume

Zoning Map

Future Land Use Map

Photographs of the Subject Property and Surrounding Area

Architectural Drawings and Elevations

Surveyor's Plat

I. **INTRODUCTION**

A. Summary of Requested Action

This document supports the application of G.K.D. 1412 Chapin Street, LLC and Dantes Partners, LLC to the Zoning Commission for the District of Columbia (“Commission”) for the consolidated review and one-step approval of a consolidated PUD and related Zoning Map amendment. The Subject Property is known of record as Lot 152 in Square 2661, and is located in the Columbia Heights neighborhood of Ward 1. The Subject Property comprises 9,000 square feet of land area and is currently vacant. The Applicant proposes to construct a new residential development with 100% of the units set aside for moderate-income, affordable housing. In total, the Project will contain up to 44 units of residential housing in approximately 48,258 square feet of gross floor area.

The Subject Property has been vacant since a fire destroyed an apartment building on the site in 1996. The parcel immediately south of the Subject Property is also vacant. Immediately to the east, the former Nehemiah Shopping Center site awaits development through an approved PUD (Zoning Commission Case No. 06-24) (the “Level 2 PUD”) which will eventually bring approximately 225 units of market rate and affordable housing and approximately 16,000 square feet of retail to that site, which fronts on 14th Street. The redevelopment of the Subject Property will transform this currently vacant corner and connect the residential developments along the western portion of Chapin Street to the 14th Street corridor. The Project will reinforce the existing character and scale of Chapin Street and provide a buffer between the high-density development of the PUD at 14th Street and Chapin and the lower-scale residential buildings on the western portion of the block.

The Subject Property is currently classified within the R-5-B Zone District, but is recommended for Medium-Density Residential on the Future Land Use Map. The Applicant requests a Zoning Map Amendment to the C-2-B Zone District to accommodate the height and density of the Project. The Applicant will also use the PUD process to achieve relief from certain other requirements of the Zoning Regulations detailed herein, and seeks a waiver from the minimum area requirements for Planned Unit Developments in commercial zones. The Map Amendment and additional relief requested herein are essential to permit the redevelopment of the Subject Property in a manner consistent with the recommendations of the Comprehensive Plan, and to fully connect the existing residential developments along Chapin Street to shopping and transportation on 14th Street. The rezoning of the Subject Property to the C-2-B Zone District is therefore consistent with the overarching goals and policies of the Comprehensive Plan, as discussed in detail herein.

B. The Applicant.

The Subject Property is owned by G.K.D. 1412 Chapin Street, LLC (“G.K.D.”). G.K.D.’s managing member, Carlos Perdomo, is President and CEO of Keystone Plus Construction, a District of Columbia-based general contracting firm, which has been performing and managing general construction projects since 1989. Keystone Plus Construction is a Certified Business Entity and has been named one of *Hispanic Business Magazine*’s “Top 500 Largest Hispanic Companies in the United States” for the past three years. Mr. Perdomo founded Keystone Plus Construction and has transformed the company from a small trade contractor to a large general contracting and construction management firm.

G.K.D. has partnered with Dantes Partners, a local developer specializing in affordable housing, to create the plan for redevelopment of the site. The principals of Dantes Partners have

over 6 years of experience in developing affordable housing in the District of Columbia and providing consulting services in the areas of public/private deal structuring and negotiations, predevelopment planning and oversight, community outreach, market analysis, project and asset management debt/equity underwriting, and portfolio due diligence. Dantes Partners' development expertise include determining highest and best use for a site, repositioning and rehabilitation, and infill development.

Dantes Partners was recently selected through a competitive bidding process to serve as a technical real estate finance consultant to support the Deputy Mayor for Planning and Economic Development and her staff. Under this contract, Dantes Partners is responsible for analyzing the feasibility and economic impact of various District of Columbia financing vehicles including Conduit Revenue Bonds, Tax-Increment Financing, Tax Abatements, Special Assessment Financing, and Payments in Lieu of Taxes. Dantes Partners is also a certified minority-owned Local Small Disadvantage Business Enterprise ("LSDBE") in the District of Columbia.

C. Development Timetable.

The Applicant intends to start construction by mid-2010, and expects that the total construction period will last approximately nine (9) to twelve (12) months.

**II.
SITE LOCATION, ZONING, AND LAND USE**

A. Site Description

The Subject Property consists of approximately 9,000 square feet of land area and is bounded by Chapin Street to the north, two twenty-foot (20') wide public alleys on the east and south, and an apartment building on the west. The Subject Property is located entirely within the

R-5-B Zone District. Across the public alley to the west is the Level 2 PUD, which is located in the C-2-B Zone District.

The Subject Property is located on a hill, sloping from the highest point at the northwest corner of the site to the lowest point at the southeast corner, with a fall of approximately 13 feet in elevation across just 60' feet in width.

B. Zoning and Approval History of the Site

On February 20, 2001, in Case No. 16669, the Board of Zoning Adjustment ("BZA") approved area variances from the height, lot occupancy, floor area ratio, and rear yard requirements of the R-5-B zone to allow for the construction of a new apartment building on the Subject Property, which had been previously occupied by the 6-story Berkshire apartment building. Constructed in 1900 and occupying nearly 100% of the lot, the Berkshire was destroyed by fire in late 1996. The Order in BZA Case No. 16669 became final on March 29, 2001, and expired when permits to construct the approved development were not obtained prior to March 28, 2003. The Applicant was not able to begin construction due to litigation concerning the ownership of the property and inability to obtain construction financing, which was due in part to that pending litigation.

In 2006, the Applicant sought to renew the relief approved in BZA Case No. 16669, and therefore filed a new application with the BZA, which was assigned Case No. 17460 but the application was withdrawn.

The Subject Property is zoned R-5-B. It is immediately adjacent to the C-2-B zone, which runs along 14th Street.

C. The Surrounding Area

The Subject Property straddles the southern edge of Columbia Heights and the northern boundary of the U Street Corridor, just west of 14th Street, and east of Meridian Hill Park, in an area which has seen substantial amounts of redevelopment in the past decade.

Chapin Street has a mixture of housing types, but three- and four-story apartment buildings and flats predominate. Across the alley to the east and south is the Level 2 PUD. That approved PUD consists of approximately 225 dwelling units, a portion of which will be affordable housing, and 16,000 square feet of retail. It also includes a two-level underground parking garage with approximately 158 parking spaces and 18 surface retail parking spaces. The floor area ratio for the PUD will be 6.0, and the building will be 90 feet tall, with nine stories, but set back from the property line to provide light, air and views.

The Subject Property is well-served by public transportation, including Metrobus lines, the U Street-Cardozo Metrorail Station, which is located approximately six (6) blocks southeast of the Subject Property at U and 13th Streets, and the Columbia Heights Metrorail Station, which is approximately 6 blocks north of the site at 14th and Irving Streets. In addition, 15th Street is a major designated bicycle route.

D. Matter-of-Right Development Under Existing Zoning

As indicated above, the Subject Property is currently zoned R-5-B, which is deemed by the Comprehensive Plan to be consistent with moderate-density and medium-density residential development. R-5-B permits development up to 50 feet in height, with a maximum density of 1.8 FAR, a maximum lot occupancy of no more than 60%, and a rear yard of no less than 15 feet. Off-street parking is required at a minimum ratio of 1 parking space per two residential units. No side yard is required, but if one is provided, it must be a minimum of 8 feet in width. The

rear yard requirement is a minimum of 15 feet. As a result of the density bonus granted for Inclusionary Zoning, the total permitted density of the site is 2.16 FAR, provided that 10%, or .18 FAR, is developed as affordable housing. Clearly, the Project more than meets the minimum, since 100% of the units will be affordable.

E. Matter-of-Right Development Under Proposed Zoning

The Project would result in a map change to C-2-B, which would achieve zoning consistency with the medium density land use designation, and reflect its proximity to the mixed-use medium density residential/medium density commercial Future Land Use Map designation, as well as reflect the Generalized Policy Map Main Street Mixed-Use Corridor designation. In addition, the Applicant is requesting relief from the lot occupancy and side yard restrictions, which would return the Subject Property to the approximate footprint it had before the fire destroyed the original building.¹ In addition, given that the Project is aimed at workforce income levels, and that the area is rich in transit access, the Applicant requests a reduction in parking spaces and relief from the loading dock requirement.

**III.
DESCRIPTION OF CONSOLIDATED PUD**

A. Project Design

As shown on the architectural plans, elevations, and drawings attached as Exhibit G, the Project has been designed to bridge the gap between the existing mix of architectural styles on the block and the striking modern architecture and materials proposed in the Level 2 PUD. The Project will consist of a building 57 feet in height with 48,258 square feet of gross floor area on five (5) floors, arranged around a large courtyard on the western portion of the building.

¹ The original building was 51,560 GSF over 6 floors or approximately 8,593 per floor.

Consistent with the goals of the District of Columbia as outlined in the Land Use Element of the Comprehensive Plan, the Applicant seeks to increase the District's stock of workforce housing, develop the Subject Property in a sustainable fashion, and to fill in the long-standing vacancy on this portion of Chapin Street, N.W. in a development of a height and mass compatible with both the existing and forthcoming buildings in the surrounding neighborhood.

The Project will provide up to 44 units: nine (9) studios, 26 one-bedroom, and nine (9) two-bedroom apartments, on five (5) floors. Some south- and east-facing units will include balconies. Common elements providing recreation space to residents include a roof terrace, a second-floor courtyard terrace, and a community room on the ground floor. Sixteen (16) vehicle parking spaces will be provided in an underground garage, which is to be accessed from the south. A loading delivery space and bicycle parking will also be located within the garage, adjacent to the elevator lobby.

The Project will have a maximum height, measured from the curb opposite the front of the building on Chapin Street, of 57 feet and an overall floor area ratio (FAR) of 5.36. As described in detail below, the Applicant seeks a waiver from the rear yard requirements, and flexibility to allow up to 100% lot occupancy (on the ground floor), and fewer off-street parking spaces, and fewer loading facilities than are required by the Zoning Regulations.

B. Exterior Façade Materials

Designed to provide a transition between the modern architecture of the Level 2 PUD and the more traditional brick and stone apartment buildings along the south side of Chapin Street, the Project will employ a mixture of brick and stone veneers and metal panels. On the rear, fiber siding and pre-cast stone and stone veneer will contrast with colored metal paneling. Painted aluminum window systems will be incorporated throughout. Materials were chosen to create a

project of superior quality and design that is reflective of the prominent site and location and use. Starting at the base, there is rusticated masonry base, giving it a solid base and permanence. There is a band that separates the rusticated base and the main material of the upper 4 floors. The band will be an elegant precast band with the main material of a panelized facade. The cornice line is of substantial depth and also serves to break up the facade and of repetitive bays and balconies. The bays are designed with a series of panels and strong lines to create detailed bays. The materials are carried throughout the facade and follow the building on all three sides. The rear (south) facade is also made of similar materials and lines to create detailed panels carried to the rear of the building.

C. Site Circulation

Parking and loading will be accessed through the garage, the entry to which will be located off the 20' wide public alley running east-west in Square 2661. The entrance to the building will be located on Chapin Street, leading to the lobby, main elevators, community room, laundry facilities, and a management office. Two sets of internal stairways, one adjacent to the elevator and one in the rear of the building, will provide emergency egress. A trash chute will be located toward the rear of the building, emptying in a trash room located on the garage level.

D. Flexibility Under the PUD Guidelines

1. Waiver of Minimum Area Requirements.

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD Regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the BZA. Moreover, 11 DCMR § 2401.2(b) allows the Zoning Commission to waive up to 50% of the minimum area requirement (in this case, a minimum of 15,000 square feet) provided that

the development is of exceptional merit, in the best interests of the City or country, and at least 80% of the gross floor area of the development will be used exclusively for dwelling units and uses accessory thereto. The Subject Property is just 9,000 square feet, requiring a waiver of 40% of the minimum area required for a PUD.

The Project is of exceptional merit and in the best interests of the City, in that all of the proposed dwelling units will be set aside for moderate-income housing, as that term is defined in the Zoning Regulations. The Applicant plans to target households earning 60% of the AMI. In 2008, that figure was \$102,700; thus, the proposed development will target households earning approximately \$61,000 or less per year—a sector that is grossly underserved in this particular neighborhood. Columbia Heights has a large proportion of low-income housing and a large proportion of high-end market rate units, but few units devoted to workforce housing, which is so desperately needed in the District. The Project will provide units and amenities nearly comparable to market-rate units in the area, and will result in significant community benefits as described further herein. Finally, the development meets the requirements of 11 DCMR § 2401.2(b) in that it is located outside of the Central Employment Area and 100% of the gross floor area of the building will be devoted to residential uses and uses accessory thereto, such as parking and common areas for residential recreation.

2. Relief from Lot Occupancy.

11 DCMR § 2405.4 allows the Commission to approve a lot occupancy that is greater than the maximum permitted in the underlying zone. Maximum lot occupancy for residential buildings in the C-2-B Zone District is 80%. Given the limited size of the Subject Property, without a waiver of the lot occupancy requirements to allow 100% lot occupancy on the ground floor, the Applicant cannot achieve the density recommended for the Property under the

Comprehensive Plan. The large central courtyard proposed for the western side of the building will result in the average lot occupancy for a typical floor of 86.6%, just 6.6% more than what would be allowed as a matter of right; however, in order to accommodate that courtyard and maintain common facilities for residents of the building on the ground floor without losing a significant number of units in the building the ground-floor lot occupancy is proposed at 100%. The former Berkshire apartment building located on the Property was, according to assessment records, developed at nearly 100% lot occupancy. Under the C-2-B zoning which is being sought, the project could occupy 100% of the site on the ground floor, if there were commercial uses on that floor. Given the residential use immediately across Chapin Street and to the west, it would be inappropriate to develop the Property with ground-floor commercial uses, but clearly, 100% lot occupancy on the ground floor, which includes “non-residential” uses such as a lobby, front desk, laundry and community room, does not undermine the integrity of the zone plan.

3. Relief from Rear Yard Setback.

The Zoning Commission has the authority, pursuant to 11 DCMR § 2405.5, to approve a yard or court which does not satisfy the minimum requirements of the underlying zone, “depending on the exact circumstances of the particular project.” Again, given the limited site area, relief from the rear yard setback is necessary to provide efficient development of the building in accordance with the recommendation of the Comprehensive Plan that this site be developed as medium-density residential. Complying with the minimum rear yard setback, which is to be measured from the center line of the alley below a horizontal plane 20 feet above the finished grade at the rear of the building and from the property line above that 20-foot plane

(11 DCMR §§ 774.7(a), (b)), would result in a loss of ten (10) units in the building and at least four (4) parking spaces below the number proposed.

4. Relief from Parking and Loading Requirements.

The Zoning Commission is empowered to reduce or increase the number of off-street parking and loading facilities depending on the uses and the location of the project. 11 DCMR § 2405.6. The Applicant requests flexibility from the strict parking and loading requirements in order to efficiently develop the Subject Property. Specifically, as designed, the Project contains one fewer space than is required for the number of units proposed. These spaces are located in a parking garage which is partially below-grade and accessed from the alley along the south. Based on the proximity of the Subject Property to Metrorail (approximately four blocks from both the Columbia Heights and U Street/Cardozo Metrorail Stations) and the proposed income-levels (and concomitant car ownership rates) of the prospective tenants, the Applicant submits that the reduction of one parking space will have no detrimental effect on the Project or the surrounding neighborhood. The Applicant has discussed the proposed number of parking spaces informally with staff at the District Department of Transportation (DDOT), who expressed general support for the reduction of parking spaces for the Project, based on the preliminary information provided by the Applicant at our meeting and the location of the Subject Property in relation to transit options.

The Applicant further requests flexibility from the Zoning Regulations with respect to loading requirements. Based on the number of units proposed in the Project, the Zoning Regulations would require one (1) loading berth at a depth of 30 feet, one (1) loading platform of at least 100 square feet in area, and one (1) delivery space at least 20 feet deep. The Applicant proposes no loading berths or platforms, but has included one loading/delivery space in the

parking garage which is to be approximately 14 feet wide and 19 feet deep and located immediately adjacent to the elevator lobby. The space will be available for reservation by tenants for move-ins and move-outs through the management office. The Applicant anticipates that this space will be sufficient to accommodate the loading needs of the residents of the building. Because the largest unit is a two-bedroom apartment consisting of 899 square feet, the Applicant does not anticipate a regular need for truck parking on the premises. Likewise, because the Project is 100% residential, there will be no ongoing need for delivery spaces to accommodate trucks, such as would be required for retail or office uses.

E. Tabulation of Development Data

See chart on following page.

TABULATION OF DEVELOPMENT DATA

	R-5-B Matter of Right	C-2-B Matter of Right	C-2-B PUD Guidelines	Project
Minimum lot area	N/A	N/A	15,000	9,000
Total FAR	2.16	3.5 total 1.5 non-residential	6.0 total 2.0 non-residential	5.36 total all residential
Gross Floor Area	19,440 sf	31,500 sf (maximum) 13,500 sf (maximum nonresidential)	54,000 sf (maximum) 18,000 sf (maximum nonresidential)	48,258 sf all residential
Height	50 feet	65 feet	Same as C-2-B matter-of-right	57 feet
Lot Occupancy	60%	80%	Same as C-2-B matter-of-right	100% at ground floor, typical floor is 86.6% occupied Relief Requested
Rear Yard	15 feet	15 feet	Same as matter-of-right	None provided Relief Requested
Side Yard	Not required	Not required	Not required	None provided
Courts (closed)				
Area:	Twice the square of the minimum width, but not less than 350 sf	At least twice the square of the minimum width, not less than 350 sf	Same as matter-of-right	1,207 sf
Width:	4" per foot of height, minimum 15 feet	4" per foot of height, minimum 15'	Same as matter-of-right	51'
Parking	1 for every 2 dwelling units	1 for every 3 dwelling units (17 spaces)	Same as C-2-B matter-of-right	16 spaces Relief Requested
Loading	1 loading berth @ 30' deep 1 loading platform @ 100 sf 1 delivery space @ 20' deep	1 loading berth @ 30' deep 1 loading platform @ 100 sf 1 delivery space @ 20' deep	Same as C-2-B matter-of-right	1 delivery space @ 19 feet deep Relief Requested
Affordable housing	Greater of 10% of gross floor area or 75% of bonus density utilized for inclusionary units	Greater of 8% of gross floor area or 50% of bonus density utilized for inclusionary units	Same as C-2-B matter-of-right	100%

The estimated quantity of potable water, sanitary sewage, and storm water run-off will be submitted prior to the set-down hearing in this case.

IV.
PLANNED UNIT DEVELOPMENT IS THE APPROPRIATE MECHANISM FOR THIS PROJECT

A. Benefits of the PUD Process

The PUD process is the appropriate mechanism for guiding the development of this site. It allows the project to be developed within the purview of the Zoning Commission, while at the same time providing opportunities for input from various agencies and parties. Through the PUD process, the Office of Planning and other District agencies will have the opportunity for greater participation in the fulfillment of the District's planning objectives for this area. Similarly, the adjacent property owners and area residents will have the opportunity to express their views about the proposed development in a public forum. Several variances from the strict application of the Zoning Regulations which would be required to develop the Subject Property under the existing zoning classification in a manner consistent with the recommendations of the Future Land Use Map and Comprehensive Plan. The PUD process is more appropriate because a comprehensive review by all stakeholders of the areas of flexibility requested. Accordingly, the use of the PUD process gives the community and the District an opportunity to work with the Applicant to ensure a well-planned development. Finally, the Project will provide exceptional project amenities and public benefits to the community and the District of Columbia that would not be provided if the Subject Property were developed as a matter-of-right, or with numerous variances (granted by the Board of Zoning Adjustment), which would otherwise be required.

B. Area Requirements Under 2402.1(c)

The land area of the Subject Property is just 9,000 square feet, which is 60% of the minimum area requirement of 15,000 square feet for a PUD in the C-2-B District. 11 DCMR §

2401.1(c). Therefore, a waiver of 40% of the minimum area requirement is requested to achieve the density on the site recommended by the Comprehensive Plan. As discussed above, the Project is of exceptional merit, in the best interests of the District, and will devote 100% of the gross floor area proposed to residential uses. As such, the Applicant submits that it has met the requirements for a waiver of the minimum area requirement contained in 11 DCMR § 2401.2.

C. Height and FAR Requirements Under Sections 2405.1 and 2405.2

The Project has been evaluated under the PUD guidelines for the C-2-B Zone District. As noted above, a PUD in the C-2-B District permits development of approximately 54,000 square feet of gross floor area on the site, or 6.0 FAR. The development could include up to 2.0 FAR, or 18,000 square feet, of commercial uses, including both office and retail uses. Instead, the Project will have a maximum density of approximately 5.36 FAR (48,258 sf) and will devote all gross floor area to residential and related uses. The PUD will be 57 feet in height, and thus complies with the 65-foot height limitation for a PUD in the C-2-B Zone District.

D. Impacts of the Proposed Project on the Surrounding Area Under Section 2403.3

11 DCMR § 2403.3 provides that “the impact of the project on the surrounding area and on the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of the public benefits in the project.” The impacts of the proposed PUD will not be unacceptable on the surrounding area or upon the operation of city services and facilities. In fact, the Project will have a positive impact on the immediate area. The Project constitutes appropriate residential in-fill development in an area recommended for medium-density residential, adjacent to a corridor containing commercial and institutional uses. The design complements these surrounding uses, and provides a transition from the somewhat lower-density

residential uses on the western portion of Chapin Street to the higher-density development along 14th Street.

The Project will likewise have no unacceptable impact on traffic. As will be demonstrated by the Applicant's traffic consultants, the Subject Property is well-served by public transportation, including Metrorail and Metrobus. The site is located within walking distance of two Metrorail stations, which are both served by the Green Line. The Subject Property is served by several Metrobus lines running along 14th Street. Residents of the Project will therefore have a full range of convenient transportation options.

E. Consistency with Comprehensive Plan under section 2403.4

The District of Columbia Comprehensive Plan Future Land Use Map designates the Subject Property as medium-density residential, adjacent to, and perhaps incorporating a mixed-use zone with a medium-density commercial and medium-density residential classification. However, the current zoning designation is R-5-B, which is generally regarded as a zoning designation consistent with the moderate-density residential land use designation, as well as some medium-density areas. Both C-2-B and R-5-C are also considered appropriate medium-density zones. As the Comprehensive Plan Framework Element points out, there are twice as many zoning classifications as land use classifications, so there is flexibility in determining what zone is consistent with the land use. The site abuts the C-2-B zone district, which is considered to be consistent with a medium-density land use designation.

The 14th Street Corridor is designated on the Generalized Land Use Policy Map of the Comprehensive Plan as a Main Street Mixed-Use Corridor. The Comprehensive Plan defines these as "traditional commercial business corridors" where the service area "can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods". It goes on

to state that “Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” 10 DCMR § 223.14.

Fourteenth Street was a traditional neighborhood mixed residential/commercial corridor that was severely impacted by the civil disturbances in DC in 1968. The District acquired substantial portions of property along the street through the Redevelopment Land Agency, but the weakness of the market and lack of focused development strategies led to stagnation for almost 40 years, when the imminent opening of the Green Line Metrorail stations and a related strengthening of the market for multifamily residential in the District led to a resurgence of redevelopment. That redevelopment, however, has been more evident in the so-called “Uptown Arts Overlay” along 14th Street from Logan Circle north to V Street, and then slightly further to the north of the site in the heart of Columbia Heights. The Project, along with others recently approved in the vicinity, will help to bridge the “gap” between those two centers of redevelopment activity.

Because of its proximity to two Metrorail stations, increased density is appropriate on the Subject Property, consistent with the Comprehensive Plan’s emphasis on transit-oriented development and the transit, bicycle and pedestrian-rich street environment.

V.

THE PROPOSED PROJECT MEETS THE STANDARDS OF THE PUD REGULATIONS

A. PUD Requirements Under the D.C. Zoning Regulations

The Project has been evaluated relative to the PUD standards of Chapter 24 of the Zoning Regulations and the PUD guidelines for the C-2-B Zone District. The Property contains 9,000

square feet of land area, which is within 50% of the minimum area required for a PUD and therefore eligible for waiver subject to 11 DCMR § 2402.2. The Project meets the requirements for waiver of minimum area under that section. In accordance with the PUD guidelines, the project will not exceed 65 feet in height and will have an overall FAR of 5.36.

B. Public Benefits and Project Amenities

The PUD guidelines define public benefits 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 occur under the matter of right provisions.” 11 DCMR § 2403.6. A project amenity is further defined as “one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.” 11 DCMR § 2403.7. In evaluating the merits of a PUD application, the Zoning Commission shall “judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR § 2403.8.

The minor flexibility requested in the instant PUD application will achieve the goals of the PUD process by providing an exceptional development of high-quality affordable housing to the surrounding area, designed for moderate-income families, which are underserved in this market, providing public benefits to both the surrounding area and the District as a whole. The provision of affordable housing, particularly high-quality, workforce housing, is precisely the type of public benefit the PUD process was designed to encourage. In fact, the Housing Element of the Comprehensive Plan specifically cites the provision of affordable housing as a “public

benefit” which should be considered as such for the purposes of zoning incentives, such as PUDs. The proposed PUD will provide the following superior public benefits and amenities for the District:

1. Affordable Housing

The most significant feature of the Project is the introduction of 44 units of high-quality workforce housing into the City’s affordable housing stock. One hundred percent (100%) of the development will be set aside for households earning approximately 60% of the AMI. In addition to furthering the general housing objectives and policies of the Zoning Regulations and the Comprehensive Plan, the Project will help satisfy the growing demand for housing in this rapidly-changing neighborhood.

The affordable housing provided by the Project is nearly 20 times the gross floor area of affordable housing that would be required under the IZ provisions of Chapter 26 of the Zoning Regulations if the project were being developed as a matter-of-right under the current R-5-B zoning classification, and nearly 15 times the gross floor area of affordable housing that would be required under the requested C-2-B zoning if developed as a matter of right.

2. Environmental Benefits

11 DCMR § 2403.9(h) states that environmental benefits are considered to be public benefits and project amenities of a PUD. The Project will provide a number of environmental benefits that improve the sustainability of the site. The Project will be constructed in accordance with the 2008 Enterprise Green Criteria and will include a lushly landscaped roof garden, high-emissive roofing (reducing heat island effects), privately-metered electrical services, individually-controlled heating and air conditioning units, non-vinyl and non-carpet floor coverings for improved indoor air quality, and reduction in parking below the minimum required

by zoning (if flexibility is approved by the Zoning Commission). The Project has been designed to utilize as much natural light as possible, reducing energy needs during daytime hours. Finally, as discussed below, the Applicant will provide residents with transit incentives and indoor bicycle racks to encourage alternatives to car ownership.

3. Transportation Management Measures

The Applicant proposes numerous Transportation Demand Management measures as suggested in informal meetings with the District Department of Transportation. For example, the Applicant proposes to provide each resident with a one-time, complimentary \$50.00 SmartTrip fare card for use on Metro, a one-time membership fee subsidy in DC SmartBike for each unit, and a one-time membership fee subsidy for participation in Zipcar for each residential unit upon initial move-in. Additionally, the Project will have 41 indoor bicycle parking spaces.

4. First Source Employment Opportunities

In furtherance of Mayor's Order No. 83-265 and D.C. Law 5-93, the Applicant will work with the Department of Employment Services ("DOES") to execute a First Source Employment Agreement in order to achieve the goal of utilizing District residents for at least 51% of the jobs created by the PUD project. The Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for employees whose jobs are created by the PUD.

5. Local Business Opportunities

The Applicant will enter into a Memorandum of Understanding with the D.C. Department of Small and Local Development in order to achieve, at a minimum, the goal of 35% participation by small, local, and disadvantaged businesses in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. This memorandum contributes significantly to the District's goal of

ensuring adequate opportunities for small and local businesses to participate in development projects throughout the City. It should be noted that both partners in the development are certified business enterprises.

6. Partnership with Mentoring Works2, Inc. ("MW2")

MW2 is a community-based non-profit 501(c)(3) organization dedicated to transforming the lives of at-risk, inner-city youth through a mentoring program that matches vetted, trained adults with youth in need and offers a safe location for tutoring, mentoring, and social engagement. Through weekly community dialogue with parents, youth, local police, and community leaders, MW2 assesses the needs of the Shaw/Columbia Heights neighborhood and creates specific youth mentoring programs to address these needs. The Applicant proposes to partner with MW2 to provide an opportunity for youth participating in MW2's programs to follow the PUD process from design and development to completion of construction. This is similar to MW2's partnership with the D.C. Department of Parks and recreation, wherein MW2 youth participants, staff, mentors, community members and volunteers teamed up to transform the Parkview Recreation Center into a safe and inviting arena for youth to congregate and get much needed support. Through that project, MW2 mentored youth in several conceptual areas, including: (1) the care and sustenance of the environment, (2) program planning, (3) collaborative teamwork, and (4) pride in personal investment in community improvement. Upon completion of the Project, the Applicant will continue to work with MW2 and to provide a location for MW2 volunteers to provide regular after-school homework help and tutoring in the community space within the PUD.

VI.
COMPLIANCE WITH THE D.C. COMPREHENSIVE PLAN

A. Purposes of the Comprehensive Plan.

The D.C. Code provides that the District Elements of the Comprehensive Plan are designed to:

- (a) Define the requirements and aspirations of District residents, and accordingly influence social, economic, and physical development;
- (b) Guide executive and legislative decisions on matters affecting the District and its citizens;
- (c) Promote economic growth and jobs for District residents;
- (d) Guide private and public development in order to achieve District and community goals;
- (e) Maintain and enhance the natural and architectural assets of the District; and
- (f) Assist in the conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Code § 1-301.62 (2001).

The proposed development significantly advances these purposes by promoting the District's social, economic, and physical development through the provision of new, affordable housing units, the stabilization of a neighborhood marred by several vacant lots, maintaining and enhancing the architectural assets of the District, promoting sustainable building design, and providing jobs for District residents and training opportunities for District youth, particularly for those in the Columbia Heights neighborhood.

B. Compliance with Citywide Elements.

1. Land Use Element

The Land Use Element of the Comprehensive Plan contains strong endorsement of the concept of channeling increased density in the areas around Metro stations and adjacent to “premium transit corridors”, including Lower 14th Street. In particular, the Comprehensive Plan encourages development within ½ mile of Metrorail stations, with a preference for mixed-use where there is commercial zoning, and the inclusion of affordable housing in new developments.

Policy LU-1.3.3: Housing Around Metrorail Stations

Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 10 DCMR § 306.12 (emphasis added).

There is also an emphasis on developing vacant sites (Policy LU-2.2.3).

A substantial section of the Comprehensive Plan is devoted to an explanation of the principles that should be reflected in new developments. The proposed project is strikingly consistent with this guidance.

Managing Growth and Change: Guiding Principles 10 DCMR § 217

The following principles acknowledge that the benefits and opportunities of living in the District are not available equally and that divisions in the city – physical, social and economic – must be overcome to move from visions to reality.

6. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 10 DCMR § 217.6 (emphasis added).

10. The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. **The preservation of existing affordable housing and the**

production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 10 DCMR § 216.3 (emphasis added).

As indicated above, the site is adjacent to a designated “Main Street Mixed-Use Corridor.” These are defined in the Plan as follows:

Main Street Mixed use Corridors: These are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (*e.g.*, 14th Street Heights or Barracks Row) to multiple neighborhoods (*e.g.*, Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. **Conservation and enhancement of these corridors is desired to foster economic and housing opportunities** and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 10 DCMR § 223.14 (emphasis added).

2. Future Land Use Map

The Future Land Use Map designates the area for Medium Density Residential and Medium Density Commercial. The Medium Density Residential designation is used to “define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas” 10 DCMR § 225.5. The Medium Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial uses. The Corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B.” 10 DCMR § 225.10.

Not only is the proposed zoning not inconsistent with the Future Land Use Map and the Generalized Land Use Policy Map, but it is quite consistent with the additional guidance provided specifically for this area in the “Mid-City Element” of the Comprehensive Plan. Indeed, in section 226 of the Plan, “Guidelines for using the Generalized Policy Map and the

Future Land Use Map”, the Plan notes that, “The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide and area elements, as well as approved Small Area Plans.

C. **Compliance with Area Elements.**

The Mid-City Area Element observes that the Mid-City, which ranges from Mount Pleasant and Columbia Heights on the north to Kalorama, Shaw-Cardozo and LeDroit Park on the south, is one of the most diverse areas in the city, but it has been subject to substantial amounts of change recently:

Parts of the Mid-City have changed rapidly during the last ten years. Some 2,000 housing units were added between 2000 and 2005, and about 1,500 units are in some stage of construction today. While this change has been welcomed by some, it has also created concerns about a loss of community identity and the displacement of residents. Homeowners have faced sharp increases in property taxes, and many renters have faced soaring rents and low vacancies. The median sales prices of a home in the Columbia Heights zip code rose a staggering 63 per cent between 2004 and 2005 alone. Clearly these kinds of increases are not sustainable and over the long will threaten the diversity that makes the Mid-City neighborhoods so unique. 10 DCMR § 2000.6

In the section on PLANNING AND DEVELOPMENT PRIORITIES, the Plan notes the importance of increasing housing opportunities for a diverse set of residents. There are several aspects of guidance that are directly relevant to the proposed project:

- (b) Housing opportunities should be increased for people at all income levels so that Mid-City can remain a diverse neighborhood. The city-wide run-up in housing prices has particularly impacted the Mid-City, as costs have soared beyond what many local residents can afford. . . . **Preserving the existing stock of affordable units is important, either through rehabilitation or replacement of subsidized housing projects with new affordable units.**
- (c) **New condos, apartments and commercial development should be directed to the areas that are best able to handle increased density, namely areas immediately adjacent to Metrorail stations or along high volume transit corridors.** These areas are generally located around

14th and Park, **along the 14th Street corridor**, along U Street – especially around the Metro station. . .

- (k) The Mid-City needs “greening.”. . . Future development should incorporate green roofs and other methods to reduce resource consumption, conserve energy and water, and be more environmentally-friendly.

10 DCMR § 2007 (emphasis added).

Other guidance from the Mid-City area element is directly relevant to the proposed project.

MC – 1.0 General Policies

Policy MC-1.1.7 Protection of Affordable Housing

Strive to retain the character of the Mid-City as a mixed income community by protecting the area’s existing stock of affordable housing units and promoting the construction of new affordable units. 2008.8

Policy MC-1.1.8 Traffic and Parking Management

. . . Consistent with the Transportation Element of the Comprehensive Plan, provide alternatives to automobile use – including improved transit and innovative personal transportation options – for existing and new residents to reduce the necessity of auto ownership, particularly where parking and traffic problems exist. 10 DCMR § 2008.9

MC-1.2 Conserving and Enhancing Community Resources 2008

Policy Mc-1.2.1: Cultural Diversity

Maintain the cultural diversity of the Mid-City by encouraging housing and business opportunities for all residents, sustaining a strong network of social services for immigrant groups, **and retaining affordable housing within the Planning Area.** 10 DCMR § 2008.1 (emphasis added).

MID-CITY POLICY FOCUS AREAS

MC-2.2 14th Street Corridor / Columbia Heights 10 DCMR § 2012

South of Columbia Heights, medium-density mixed use development is proposed on many blocks extending south from Irving Street to U Street. Redevelopment over the next ten years will reshape the corridor from auto-oriented commercial uses, including several “strip” shopping centers and warehouses, to an attractive urban residential street. **Special efforts should be made to refurbish and preserve subsidized housing along the corridor, and to establish appropriate transitions to scale and density between the corridor and the less dense residential areas on the west and east.** 10 DCMR § 2012.5 (emphasis added).

D. Housing Element

The Housing Element of the Comprehensive Plan acknowledges the major recommendation of the Comprehensive Housing Strategy Task Force in 2006, that the city must increase its supply of housing, with special attention to affordable housing. The Task Force established a goal of 55,000 units over the next 15 years, of which 19,000 are to be affordable. Under “Policies and Actions”, the Comprehensive Plan begins with the importance of expanding supply:

H-1.1 Expanding Housing Supply

Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, **the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health.** The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. 503.1

10 DCMR § 503.1. The Comprehensive Plan goes on to specify the importance of affordable housing, as part of that increase in housing production:

Policy 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. 10 DCMR § 504.6.

The Project is a direct embodiment of these goals. The Application seeks to expand the envelope of the building in order to provide an increase in the housing supply at the workforce housing price level, in a corridor with excellent transit access, which means that, not only will the increased number of units not result in congestion, but the ready access to transit ensures that transportation costs will not add an undue burden to family finances. The Comprehensive Plan goes on to encourage that the new housing be built proximate to Main Street corridors, and with a quality of design equivalent to the market rate units in the vicinity.

Most importantly, it should be noted that the Housing Element of the Comprehensive Plan encourages granting zoning incentives for the creation of affordable housing, and specifically states that affordable housing should be considered an eligible public benefit when these zoning incentives are being considered:

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. . .

10 DCMR § 504.14 (emphasis added)

E. Economic Development Element

The applicants' proposal to partner with MentorWorks2, Inc. will not only provide an important benefit to the youth in the neighborhood, but the connection with the design and building of the project will provide a personalized introduction to the world of construction and

development that is consistent with goals set in the Economic Development Element of the Comprehensive Plan:

Comprehensive action is needed on multiple fronts to address the issue of long-term unemployment. Continued efforts are needed to improve education, job training, and job readiness so that residents are equipped with the education and skills necessary to enter and remain in the workforce in jobs and careers that provide sufficient wages. Job readiness requires more than just reading, writing, and arithmetic skills; it also requires essential life skills – so-called “soft skills”, such as problem-solving, interacting with others, behaving responsibly; and organizing time effectively. 10 DCMR § 715.5

In addition, the applicants’ are both certified local businesses themselves, and are committed to strict compliance with both the First Source hiring agreement and the goals established for use of local, small and disadvantaged businesses:

Policy ED-4.2.12: Local Hiring Incentives

Maintain requirements for resident job training and placement for projects built and/or operated with any form of public subsidy/loan, grant or other incentives. Promote incentives for similar training and hiring programs by the private sector. 10 DCMR § 717.20

F. Urban Design Element

The Urban Design Element of the Comprehensive Plan sets goals to keep infill projects at an appropriate scale, mediating between larger projects and smaller, more residential buildings, a goal which the proposed building at 1412 Chapin definitely embraces. It proposes the use of good quality materials, and building design that is sensitive to its context, in particular, keeping consistency in the streetwall and proportions. A review of the Project reveals close attention paid to this guidance from the Comprehensive Plan, as provided below:

Regardless of neighborhood identity, overpowering contrasts in scale, height, and density should be avoided as infill development occurs. High quality materials that are durable and rich in texture and details should be encouraged. Firmly

established building forms and landscape elements should be reinforced. These guidelines may seem self-evident, but they have not been consistently followed in the past. Even alterations and additions are not always sympathetic to architectural character, sometimes with jarring results. 10 DCMR § 910.4

The design of commercial and mixed use development also should be harmonious with its surroundings. This does not mean new buildings must duplicate adjacent buildings; rather it means that new construction should respect basic block characteristics like building alignment, access, proportion of openings (windows and doors), exterior architectural details (cornices, parapets, etc.), and heights. Signage, awnings, and other exterior elements should be designed as an integral part of each structure and should avoid negative effects on the visual environment. Buildings should also provide for the comfort, safety, and enjoyment of their users, avoiding excessively windy conditions and providing sunlight or shade as is appropriate on each site. 10 DCMR § 910.5.

Policy UD-2.2.1: Neighborhood Character and Identity

Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 10 DCMR § 910.6

Policy UD-2.2.4: Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 10 DCMR § 910.11

VII. **CONCLUSION**

For the foregoing reasons, the Applicant submits that the consolidated PUD application meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits; and advances important goals and