# CAPITOL GATEWAY MARKETPLACE

## APPLICATION TO THE D.C. ZONING COMMISSION FOR A CONSOLIDATED PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT

## REVISED APPLICATION
## STATEMENT OF THE APPLICANT

**Z.C. Case No. 12-16**

**February 4, 2013**


**Submitted by:**

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**c/o A&R DEVELOPMENT CORP.**
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## PREFACE

This Revised Application Statement of the Applicant (the "Statement") and the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A are submitted on behalf of CG Marketplace, LLC for review and approval of a consolidated PUD and related map amendment from the R-2 and R-5-A Zone Districts to the C-2-A Zone District for various lots in Squares 5276, 5272, 5277, and 5246.[1]

CG Marketplace, LLC ("Applicant") is a single purpose entity controlled by the D.C. Housing Authority ("DCHA"), which owns the site, and an affiliate of A&R Development Corp. ("A&R").

The property that is the subject of this application is located in northeast Washington on two vacant DCHA-controlled sites located along the north frontage of East Capitol Street and divided east-west by 58th Street, N.E. The property is legally identified as Square 5276, Lots 812, 813, and 23-121; Square 5272, Lot 51; Square 5273, Lot 67; Square 5277, Lots 22-33 and 805; and Square 5246, Lot 110 (the "PUD Site"). The PUD Site has a total area of approximately 521,734 square feet or 11.9 acres. It is located in Ward 7 and within the boundaries of Advisory Neighborhood Commissions ("ANC") 7C and across East Capitol Street from ANC 7E. The proposed project, known as Capitol Gateway Marketplace (the "Project"), is a mixed-use development comprised of retail, restaurant, residential, and office uses, and is intended to further implement the previously approved Capitol Gateway Estates PUD.

As set forth below, this Statement and the attached Plans meet the filing requirements for a consolidated PUD application and zoning map amendment under Chapter 24 of the District of Columbia Zoning Regulations.

[1] The Architectural Plans and Elevations attached hereto as Exhibit A replace those plans included as Exhibits 3A1 through 3A6 in the record of Zoning Commission Case No. 12-16.

## DEVELOPMENT TEAM

| | |
|---|---|
| **Applicant & Master Developer** | CG Marketplace LLC, c/o<br>A&R Development Corp.<br>1040 Park Ave., Suite 300<br>Baltimore, MD 21201 |
| **Property Owner** | District of Columbia Housing Authority<br>1133 North Capitol Street N.E.<br>Washington, DC 20002 |
| **Architect & Master Planner** | Perkins + Will<br>1250 24th Street, N.W., Suite 800<br>Washington, DC 20037 |
| **Walmart Architect & LEED Consultant** | Massa Montalto Architects<br>3297 Rt. 66<br>Neptune, NJ 07753 |
| **Landscape Architect** | Carvalho Good, PLLC<br>1025 Connecticut Ave., N.W., Suite 1060<br>Washington, D.C. 20036 |
| **Civil Engineer & Landscape Architect** | Bowman Consulting Group<br>14020 Thunderbolt Place, Suite 300<br>Chantilly, VA 20151 |
| **Sustainability Consultant** | Sustainability Services<br>1 Victoria Falls Court<br>Sparks, MD 21152 |
| **Transportation Consultant** | Gorove/Slade Associates, Inc.<br>1140 Connecticut Ave., N.W., Suite 700<br>Washington, DC 20036 |
| **Land Use Counsel** | Holland & Knight LLP<br>800 17th Street, N.W., Suite 1100<br>Washington, DC 20006 |

# I. INTRODUCTION

## A. Overview

This Project includes the commercial component and additional residential uses for the previously approved Capitol Gateway Estates PUD, a 40 acre mixed-use redevelopment of a dilapidated DCHA public housing project funded in part through the federal HOPE VI program. The Capitol Gateway Estates PUD application included the following components to be developed by A&R and affiliates:

(1) A 151 unit senior apartment building located immediately to the north of the proposed PUD Site;

(2) A mixed-income residential community containing 228 dwelling units, including 14 single-family houses, 136 semi-detached houses, 64 rowhouses and 28 units in 7 four-unit apartment buildings;

(3) The redevelopment of the former high-rise public housing site located on the south side of East Capitol Street adjacent to the Maryland-D.C. line; and

(4) The redevelopment of the PUD Site with a grocery store and additional retail uses.

The first two project components were approved by the Zoning Commission pursuant to Z.C. 03-03/02-5; and 03-03A and 03-03B. They are highly successful, completed projects. However, the retail and high-rise apartment building components were withdrawn prior to approval by the Zoning Commission due to market and funding issues.

The current application includes the development of a full-service WalMart store which includes a much desired grocery component that will include fresh produce; a mixed-use building with approximately 283 residential units (plus or minus 10%) and approximately 23,962

square feet of retail use; a 21,900 office building; and a 8,880 square foot sit-down restaurant site.

The Project's components have been developed in response to comments from various community groups regarding the desire for new, high-quality sit-down restaurant, retail, and office uses in Ward 7, and feedback from the Office of Planning regarding the need for additional residential density on the PUD Site given its close proximity to the Capitol Heights Metrorail station. Accordingly, the Applicant believes the Project meets the PUD standards and will help to implement the commercial and additional residential components of the overall Capitol Gateway Estates PUD.

**B. The Applicant and Development Team**

The Applicant is a single purpose entity controlled by DCHA and A&R. DCHA is the owner of the PUD Site. A&R and its affiliates will be developing the proposed Project. A&R is an experienced and capable developer who is anxious to bring the long awaited Project to fruition. As the lead developer of the Capitol Gateway Estates PUD, A&R has a long history with the site. A&R also has extensive experience in working with DCHA on a number of other successful Hope VI projects (all are also PUDs) in Southeast, Washington including the following:

- Glenncrest – a completed 17-acre residential development with 211 units for sale and rent in a mix of townhomes and four-unit walk-up grandhomes (Z.C. Order No. 05-24, 05-24A and 05-24B).

- Wheeler Creek (former Valley Green/Skytower public housing projects) – a completed 25-acre residential development in Washington Highlands which

includes 214 townhomes, a 13,000 square foot community building and 100-unit senior building (Z.C. Order No. 851).

- Highlands Addition – A&R was also recently selected by DCHA to develop the Highlands Addition PUD project, which will consist of multi-family housing units in the Washington Highlands neighborhood of Southeast Washington, DC. The project is a partnership between A&R and DCHA and is envisioned to be developed in phases. Each phase of the project will designate a number of housing units to replace 118 public housing units presently existing throughout the larger site.
- Rhode Island Row – A&R, in partnership with Urban Atlantic, is currently developing a $107 million public-private partnership mixed-use development at the Rhode Island Metro Station. The project, also a PUD, includes 274 apartments, 68,000 square feet of retail space, and a new Metro commuter garage. The developer has delivered roughly 1/5 of the residential units and has signed leases with CVS, Chipotle, DMV, Sprint, T-Mobile, Carolina Kitchen, and Sala Thai. The project is on schedule to be fully stabilized by the 3rd quarter of 2013.

A&R and its affiliates have an exemplary track record in achieving and surpassing the District's Certified Business Enterprise ("CBE") and First Source employment goals. For example, with respect to its most recent project -- Rhode Island Row -- thus far approximately 35% of the construction contracting has been awarded to CBE businesses. In addition, approximately 21% of the total workforce have been District residents and 5% have been Ward 5

residents. Of the new hires, 82% have been District residents and 29% have been Ward 5 residents.[2] A&R is committed to achieving similar results for this exciting new development.

## II. SITE DESCRIPTION AND SURROUNDING AREA

The PUD Site consists of two vacant parcels which are divided by 58th Street, N.E. along the north frontage of East Capitol Street. The primary site, located to the east of 58th Street, has a land area of approximately 459,917 square feet or 10.56 acres and slopes from east to west rising approximately 48 feet from the parcel's southeast corner to its southwest corner along East Capitol Street. This portion of the PUD Site consists of Square 5276, Lots 812, 813, and 23-121; Square 5272, Lot 51; Square 5273, Lot 67; Square 5277, Lots 22-33 and 805. The PUD Site also includes a smaller parcel located to the west of 58th Street, N.E. This parcel, which will be developed to include a sit-down restaurant, consists of Lot 110 in Square 5246 and has a land area of 61,817 square feet or 1.4 acres. The Applicant will ultimately subdivide the eastern portion of the site into a single lot of record and is seeking approval pursuant to Section 2517 of the Zoning Regulations to create 3 theoretical lots for this portion of the PUD Site -- one for the WalMart parcel, one for the mixed-use building, and one for the office building.

The PUD Site fronts on East Capitol Street, which is a major corridor providing access to the Downtown central business district. As noted in the Comprehensive Plan, East Capitol Street is one of the major boulevards into the city, but needs new development and good urban design to help reestablish the city's avenues and streets as positive elements of city form. The surrounding area is generally residential in character and is characterized by single family and duplex houses. Immediately to the north of the PUD Site is the 151 unit senior building that was

[2] In order to maximize local hiring, prior to construction starting, A&R and the contractor established a partnership with the District Department of Employment Services (DOES) wherein DOES accepted applications from and pre-screened District residents interested in employment opportunities on the project. When a new position becomes available, the Contractor notifies DOES and requests pre-screened applicants to refer to the Subcontractor.

developed by the Applicant pursuant to the overall Capitol Gateway Estate PUD. To the northwest and south of the PUD Site, existing housing types include single-family, duplex, and small walk-up multifamily buildings also developed pursuant to the Capitol Gateway Estates PUD.

Several public facilities are located in the immediate vicinity of the PUD Site. The PUD Site is approximately 500 feet from the Capitol Heights Metrorail Station (Blue Line). Further, Metrobus routes 96, 97 & U8 (DC buses) and A12 & A14 (serving DC and Maryland) operate along East Capitol Street and Southern Avenue (Blue Line) and supplement the Metrorail system. In addition, the Watts Branch Park borders, which includes the Watts Branch Playground, primarily defines the north-northeastern edge of the PUD Site. Two public schools – the Evans Middle School and the Maya Angelou Charter School are located on East Capitol Street to the west of the PUD Site.

## III. EXISTING AND PROPOSED ZONING

The PUD Site is currently zoned R-2 and R-5-A with a portion of the site (lots 22-33 in Square 5277) unzoned. R-2 is a low density single family residential zone and R-5-A is a low density apartment house zone. The rezoning of the PUD Site to the C-2-A District is not inconsistent with the Comprehensive Plan and is in fact consistent with and implements many of the elements of the Comprehensive Plan.

1. The Future Land Use Map

The Future Land Use Map of the Comprehensive Plan designates the majority of the PUD Site for Low Density Commercial uses, and the corresponding zone districts identified in the Comprehensive Plan are C-1 and C-2-A. 10 DCMR § 224.13. The proposed map amendment to C-2-A will allow the matter-of-right development of residential and commercial

uses on the PUD Site, and is consistent with the PUD Site's designation on the Future Land Use Map.

2. The Generalized Policy Map

The Generalized Policy Map designates the PUD Site within a Neighborhood Enhancement Area and as an Enhanced/New Neighborhood Center. The Comprehensive Plan provides that Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant residentially zoned land that present opportunities for compatible small-scale infill development, including new single family homes, townhomes, and other density housing types. 10 DCMR § 223.6. The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development "fits-in" and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land use designation on the Future Land Use Map. 10 DCMR § 223.7.

The Generalized Policy Map also designates the PUD Site within an Enhanced/New Neighborhood Center Area. Neighborhood Commercial Centers are intended to meet the day-to-day needs of residents and workers in the adjacent neighborhoods, and typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. 10 DCMR §223.15. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. Id.

The Applicant's proposal to rezone the PUD Site to C-2-A and to develop the PUD Site with a full-service WalMart store which includes a grocery component, a mixed-use building with approximately 283 residential units (plus or minus 10%) and approximately 23,962 square feet of retail use, a 21,900 office building, and a sit-down restaurant site is fully-consistent with

and will help to implement the policies for the PUD Site as both a Neighborhood Enhancement Area and an Enhanced/New Neighborhood Center as specified in the Generalized Policy Map.

3. Proposed C-2-A Zoning Requirements

The Applicant is proposing to rezone the PUD Site to C-2-A. C-2-A is a moderate density commercial zone designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. 11 DCMR §720.2. C-2-A Districts are mapped in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers. The C-2-A zone is appropriate in this location near the Capitol Heights Metrorail Station and the surrounding low and medium density residential uses. C-2-A Districts include the following zoning requirements:

- A maximum matter-of-right height of 50 feet with no limit on the number of stories (§770.1).

- A maximum matter-of-right FAR of 2.5, all of which may be devoted to residential use, but not more than 1.5 of which may be devoted to non-residential uses (§771.2).

- Under the PUD provisions, a maximum height of 65 feet with no limit on the number of stories (§2405.1), and a maximum FAR of 3.0, all of which may be devoted to residential use, but not more than 2.0 of which may be devoted to non-residential uses (§2405.2).

- A development of 10 or more new residential dwelling units is subject to the Inclusionary Zoning (I.Z.) regulations. 11 DCMR § 2602.1. The I.Z. regulations provide "bonus density" of 20% for developments subject to the I.Z. requirements. (§ 2604.1).

- An inclusionary development located in the C-2-A District must devote the greater of 10% of the gross floor area being devoted to residential use or 75% of the bonus density utilized for inclusionary units. 11 DCMR § 2603.1. Developments located the C-2-A District must set aside 50% of the inclusionary units for eligible low-income households and 50% of the inclusionary units for eligible moderate-income households. (§ 2603.3).

- A maximum lot occupancy of 75% for buildings subject to the I.Z. requirements (§2604.2).

- A minimum rear yard depth of 15 feet (§774.1).

- If provided, a side yard at least two inches wide per foot of building height, but not less than six feet (§775.5).

- Where a court is provided for a building or portion of a building devoted to nonresidential uses, at any elevation in the court, the width of court shall be a minimum of three inches per foot (3 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than twelve feet (12 ft.) (§776.1). In the case of a closed court for a building or portion of a building devoted to nonresidential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than two hundred fifty square feet (250 ft.$^2$). (§776.2).

- Where a court is provided for a building or portion of a building devoted to residential uses, at any elevation in the court, the width of court shall be a minimum of four inches per foot (4 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than fifteen feet (15 ft.) (§776.3). In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than three hundred fifty square feet (350 ft.$^2$) (§776.4).

- In the case of a building devoted to both residential and nonresidential uses, the minimum width and area of a court shall be computed as follows: (a) When the residential and nonresidential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building; and (b When the residential and nonresidential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building in §§ 776.3 and 776.4. (§776.5).

- With respect to roof structures, the provisions of § 411 regulate roof structures in the Commercial Districts (§777.1).

- For a retail establishment in excess of 3,000 square feet, 1 off-street parking space for each additional 300 square feet of gross floor area and cellar[3] floor area (§2101.1).

[3] A ***cellar*** is defined as that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade. A ***basement*** is defined as that portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.

- For an apartment house or multiple dwelling, 1 off-street parking space for each 2 dwelling units (§2101.1).

- Parking spaces shall not be located in the following areas: (a) between a building restriction line and a lot line abutting a street; or (b) except in an Industrial District or a building used solely as a parking attendant shelter, between a lot line abutting a street and the more restrictive of either a building façade or a line extending from and parallel to a building façade (§2116.4).

- The off-street loading requirements for a retail or service establishment other than a grocery store are:

    a) For a retail establishment with 5,000 to 20,000 square feet of gross floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (no service/delivery loading space is required) (§2201.1).

    b) For a retail establishment with more than 20,000 to 30,000 square feet of gross floor area, two loading berths at 30 feet deep, two loading platforms at 100 square feet, and one service/delivery space at 20 feet deep.

    c) For a retail establishment with more than 30,000 to 100,000 square feet of gross floor area, one loading berth at 30 feet deep, one loading berth at 55 feet deep, one loading platform at 100 square feet, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep.

    d) For a retail establishment with more than 100,000 square feet of gross floor area, one loading berth at 30 feet deep, two loading berths at 55 feet deep, one loading platform at 100 square feet, two loading platforms at 200 square feet, and one service/delivery space at 20 feet deep.

- The off-street loading requirements for an apartment house or multiple dwelling with 50 or more dwelling units are one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep (§2201.1).

## IV. PROJECT DESCRIPTION

### A. Mixed-Use Building Site

As the first building visible upon entering the District of Columbia from the east, the mixed-use building and site function as a symbolic and literal gateway and landmark. The building's overall design and site planning reflects a number of important goals:

- Augmenting existing diverse neighborhood resources with an affordable housing product and desirable retail venues;
- Creating a streetscape environment that is pleasant, safe, active and effective as a pedestrian experience for walking, shopping, socializing and conducting business;
- Designing according to smart growth principals with increased density on an underutilized site with infrastructure in place and in close proximity to the Metro, shopping and the workplace; and
- Integrating architecture that is appropriate in scale and character for a mixed-use corridor, but respectful of the adjacent smaller scale residential fabric.

As shown on the Plans, this building consists of four residential stories above a podium that includes two levels of parking. Retail space and the residential lobby line the parking structures southern façade, and address the site's natural grade through a series of cascading outdoor terraces along East Capitol Street. The site's natural grade is also incorporated into the building's design to provide separate dedicated entrances and parking areas for the retail and residential components. Loading and other services are arrayed along the building's east side, which will be exposed to minimal vehicular and pedestrian traffic

The building's massing responds to its mixed-use character as well as its context and topography. The richest materials and most sensitive massing are deployed along the south

façade in an effort to create a memorable and welcoming "gateway" gesture as well as an engaging, seamless urban façade along East Capitol Street. A variety of materials and finishes are employed in order to break down the large bulk of the building into a smaller, more residential scale. The eastern half of the building also steps back substantially to create a welcoming urban plaza, as well as additional retail frontage. Façade materials on the southern side of the building include several colors and finishes of metal panel as well as a variety of sizes and finishes of masonry and cementitious cladding systems. The residential levels involve a contemporary interpretation of traditional "bay window" massing, and appear to float above the retail podium for most of the length of the south façade. This gesture culminates in a "tower" element with an exaggerated parapet at the southeast corner of the building, forming a landmark "anchor" which engages the various building volumes as well as acting as a focal point for the overall building mass.

Moreover, the building incorporates a variety of architectural treatments in order to break down the building's bulk and acknowledge the differing characters of each side of the building. To that end, the building's north, east, and west sides offer a similar but more subdued and simpler massing and material palette as compared to the building's more dominant south side. While the residential floors on these sides appear to float above the ground floor as they do on the south façade, they are instead suspended above the parking areas which are screened from view by vertical planted walls. In addition, the staggered bay window massing is simplified, although a variety of volumetric breaks, changes in materials, and window treatments are introduced in order to add interest to the architectural composition and refine the scale of these facades.

**B. WalMart Site**

Located at the corner of two major public streets, the large format retail building has been designed to physically mark the corner at the intersection of East Capitol Street and 58th Street while simultaneously helping to create an inviting and comfortably defined street space. A key design objective is to maintain a human scale and provide a pleasant pedestrian experience. To do this effectively, the design incorporates vegetation buffers on the street edge, pedestrian amenities in areas of circulation, and the use of glass along the main portions of the building. The glazing shares the multiple functions of separating the store from public gathering areas and providing voids within the mass.

The building attempts to mediate the considerable change in grade on the PUD Site by locating a parking garage under the building. Much of the parking, therefore, will be below grade and hidden from views along the eastern perimeter of the building. The building design also uses the natural slope of the site to create pedestrian entrances at both the high and low ends of the site. The scale of the façade along East Capitol Street is further reduced by the use of a variety of building materials and colors such as brick, aluminum, glazing, and Trespa panels. The materials were selected to fit within the context of the surrounding community and within the overall development itself.

Once a customer has entered through the vestibule doors, the connection with the exterior and East Capitol Street is maintained. The multi-story vestibule is designed with a glass storefront to maintain a visual connection and to allow natural light into the building. This creates a comfortable and safe transition space as one moves from the exterior into the store itself. The architectural design developed for the large format store thereby accomplishes a strong connection to the surrounding community and provides a safe and animated pedestrian experience both inside and outside the store entrance.

The architectural massing, scale and façade materials are appropriate to meet the requirements of maintaining a strong corner. The aesthetic composition of the massing, scale and materials has also been composed in a manner that meets the needs of a neighborhood made up of primarily single, low-density and multi-family housing.

The large format retail building will have a maximum height of approximately 56 feet (from the lowest point on the site to the highest point on the building) and a gross floor area of approximately 135,551 square feet. As indicated above, approximately 337 parking spaces on the East Parcel will be located within the large format building.

The WalMart store to occupy the building will sell a wide range of groceries and household items including fresh produce and organic food. It will also include a full service pharmacy.

**C. <u>Office Site</u>**

In response to the need for office space for businesses, such as local real estate and insurance offices, doctors and dentists, and similar tenants as indicated by the PUD Site's designation as an Enhanced/New Neighborhood Center Area on the Generalized Policy Map, the Project includes an office building designed and sized for these types of tenants. The proposed office building has been designed as a small "jewelbox" and occupies a portion of the northern edge of the PUD Site. Although it is modest in size, the office building functions as a central part of the overall arrangement and composition of the PUD Site, and is sited in a way that allows it to be seen from all major entrances to the PUD Site, and to participate on an equal footing with the larger buildings onsite. The office building occupies a prominent corner of the PUD Site, addressing the urban court area to its west, and the WalMart and mixed-use building to its south. As such, it uses a prominent metal panel-clad corner feature to acknowledge its context and draw pedestrians to the center of the PUD Site from the periphery. This corner

feature frames an oversized glass “window,” providing views to the urban court and the surrounding site.

The remainder of the office building envelope is clad in a material palette that invokes the finishes of the larger surrounding buildings, without attempting to upstage them. Masonry or cementitious cladding—similar to that employed on the mixed-use building but in a more restrained finish—clads the remainder of the office building volume and frames smaller glazed openings which allow access to light and views.

The office building is perched a full level above the office parking area, providing cover and shade for the parking below as well as adding to the overall bulk of the building, establishing a scale compatible with that of the larger buildings onsite.

**D. Restaurant Site**

The Project includes a sit-down restaurant site in response to requests from the community for a sit-down restaurant in the neighborhood, as stated in numerous community meetings, and as noted in the Comprehensive Plan. The restaurant pad forms the western end of the PUD Site, and is composed of a single-story restaurant building of approximately 8,800 square feet and surface parking. The surface parking lot has been designed to meet the District's proposed new surface parking lot zoning regulations and includes approximately 3.551 square feet of landscaped area and 17 canopy trees.

The restaurant building faces East Capitol Street, both to complete the Project’s continuous urban façade and engage the public realm, and to screen the surface parking lot from view. The exterior finish palette (masonry or cementitious cladding with metal panels used as accents and at focal points) complements the overall material palette of the Project without attempting to compete with the other buildings included in the development.

A generous outdoor seating area lines the restaurant's east and south sides, further engaging the public realm and enlivening the project's periphery. This will further broaden the project's range of activities and reinforce its identity as a vibrant, lively gateway to the District of Columbia. The north, east, and west perimeter of this portion of the PUD Site will be generously landscaped, which will help to screen and provide a buffer between the surface parking lot and adjacent properties.

## V. TABULATION OF DEVELOPMENT DATA

The Tabulation of Development Data for this consolidated PUD is included in the Plans attached hereto as Exhibit A.

## VI. FLEXIBILITY UNDER PUD GUIDELINES

### A. Overview

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Thus, the Applicant seeks flexibility from several provisions of the Zoning Regulations. As permitted under section 2403, the Commission may grant such flexibility in its discretion.

### B. Theoretical Lots

Section 2517.1 of the Zoning Regulations permits two or more principal buildings or structures to be erected as a matter-of-right on a single subdivided lot that is not located in, or within 25 feet of, a residence district. As shown on the Plans, the eastern portion of the PUD Site includes Square 5276, Lots 812, 813, and 23-121; Square 5272, Lot 51; Square 5273, Lot 67; Square 5277, Lots 22-33 and 805. The Applicant will ultimately subdivide the eastern portion of the PUD Site into a single lot of record, and is therefore seeking approval pursuant to Section 2517.1 to create 3 theoretical lots - one for the WalMart parcel, one for the mixed-use building, and one for the office building. In addition, the Applicant is seeking flexibility since

the PUD Site is within 25 feet of a residence district, and as described in more detail below, is seeking flexibility from the building height requirement for a portion of the mixed-use building.

**C. Parking for Office Building**

The Applicant requests flexibility from the off-street parking requirements for the office building included in the Project. The off-street parking requirement for a "general" office in the C-2-A District in excess of 2,000 square feet is 1 off-street parking space for each additional 600 square feet of gross floor area and cellar floor area. However, the off-street parking requirement for a "medical and dental, clinic, or veterinary hospital" office in the C-2-A District is twice the number of spaces required for general office if the space devoted to medical or dental use is 25% or more of the gross floor area and cellar floor area of the entire structure, for that portion of the structure devoted to medical and dental offices.

As shown on the Plans, the office building includes 21,900 square feet of gross floor area, which yields a parking requirement of 33 off-street parking spaces if the office is leased to "general" office uses, whereas 66 off-street parking spaces would be required if the office building includes medical, dental, or similar uses.

Consistent with the Generalized Policy Map's designation of the PUD Site as an Enhanced/New Neighborhood Center Area, the Applicant intends to market the office space to "general" and "medical" office tenants. However, the Applicant can only provide 36 off-street parking spaces for the office building parcel due to the size and dimensions of this parcel. Thus, the Applicant is requesting flexibility to provide 32 off-street parking spaces for the office building.

The PUD Site is well-serviced by Metrobus routes 96, 97 & U8 (DC buses) and A12 & A14 (serving DC and Maryland) which operate along East Capitol Street and Southern Avenue (Blue Line). In addition, the PUD Site is approximately 500 feet from the Capitol Heights

Metrorail Station (Blue Line). Thus, the Applicant anticipates that the requested parking flexibility will not have any adverse impacts since the existing transit access to the PUD Site and the PUD Site's convenient urban location will result in significant utilization of transit and pedestrian modes of transportation.

**D. Loading for Office and Mixed-Use Buildings**

The Applicant requests relief from the off-street loading requirements for the office and mixed-use building included in the Project. Section 2201.1 of the Zoning Regulations includes the following requirements:

- For an office building in the C-2-A District with 20,000 to 50,000 square feet of gross floor area and cellar floor area, 1 loading berth at 30 feet deep, 1 loading platform at 100 square feet, and 1 service/delivery space.
- For a retail establishment in the C-2-A District with more than 20,000 to 30,000 square feet of gross floor area, 2 loading berths at 30 feet deep, 2 loading platforms at 100 square feet, and 1 service/delivery loading space.
- For an apartment house or multiple dwelling with 50 or more dwelling units, 1 loading berth at 55 feet deep, 1 loading platform at 200 square feet, and 1 service/delivery loading space at 20 feet deep.

The project includes an office building with a total of 21,900 square feet of gross floor area, which generates a requirement to provide 1 loading berth at 30 feet deep, 1 loading platform at 100 square feet, and 1 service/delivery space. In addition, the proposed mixed-use building includes 23,962 square feet of the retail gross floor area and 283 residential units, which yields a loading requirement of 2 loading berths at 30 feet deep (retail), 2 loading platforms at 100 square feet (retail), 1 service/delivery loading space (retail), 1 loading berth at 55 feet deep

(residential); 1 loading platform at 200 square feet (residential); and 1 service/delivery space at 20 feet deep (residential).

However, due to the anticipated needs of the office, residential, and retail uses, the Applicant is seeking flexibility to provide no separate loading facilities for the office building, and to provide the following loading facilities for the mixed-use building: 2 loading berths at 30 feet deep; 1 loading platform at 100 square feet; 1 loading platform at 200 square feet; and 2 service/delivery spaces.

This requested flexibility is in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and to minimize curb cuts and pedestrian conflicts to the greatest extent possible. Although dedicated loading facilities are not provided for the office building, a loading zone will be provided on-site to accommodate any deliveries to this building. Moreover, with respect to the mixed-use building, given the nature and size of the residential units, it is unlikely that the building will be served by 55 foot tractor-trailer trucks. In addition, the loading areas are likely to be used by the residents primarily when they move in or out of the building, and any subsequent use by residents is generally infrequent and can be coordinated to ensure that the loading facilities are well-managed. Likewise, the use of the retail loading facilities will be coordinated in a manner that causes the least amount of conflict. Therefore, the loading facilities provided will be able to accommodate both the residential and retail uses, and there will not be a need for additional loading spaces since the Applicant can coordinate deliveries.

**E. <u>Building Height for Mixed-Used Building</u>**

The Zoning Regulations permit a maximum matter-of-right height of 50 feet with no limit on the number of stories in the C-2-A District, and a maximum height of 65 feet with no limit on the number of stories under the PUD regulations. 11 DCMR §770.1 and §2405.1. As

shown on the elevations for the mixed-use building, the building has a height of 62'-9" as measured to the top of the roof, but the Applicant is requesting flexibility from the building height requirement since a portion of the building has a height of 72'-9" feet as measured to the top of the parapet.

The additional height is not being used to increase the floor area or habitable space of the building, but is rather being requested in order to reinforce the building's role as a prominent and symbolic architectural gateway into the District of Columbia from Maryland. The area of increased parapet height occurs at the southeast corner of the building, which is the most prominent and dramatic architectural component of the building The length of the raised parapet area accounts for less than 12% of the building's perimeter.

**F. Roof Structures for Office and Mixed-Use Buildings**

The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on the roof plan sheets included in the Plans, the mixed-use building includes multiple roof structures (§411.3 and §770.6(a)), and the roof structures cannot be setback from all exterior walls a distance equal to their height above the roof (§§ 411.2 and 770.6(b)). In addition, the roof structure on the office building is located along the southern edge of the building's roof, and thus is not setback from all exterior walls a distance equal to its height above the roof (§§ 411.2 and 770.6(b)).

Each roof structure is a necessary feature for the proposed buildings. With respect to the mixed-use building, the multiple roof structures have been separated due to the building code requirement to provide separate means of egress for buildings, as well as the desire to break up massing on the roof. The location and number of the roof structures for the mixed-use building is driven by the layout and design of the residential units within the building. Likewise, the location of the roof structure on the office building is driven by the layout and design of the

office floor plates. In addition, the Applicant is providing the greatest setbacks possible given the size of the roofs and the internal configuration of the proposed buildings. The requested roof structure designs will not adversely impact the light and air of any adjacent buildings since the roof elements have been located to minimize their visibility. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

**G. Flexibility Regarding "Retail" Uses for Mixed-Use Building**

As shown on the Plans, the Applicant proposes to include approximately 23,962 square feet of ground floor retail use in the mixed-use building. The Applicant intends to market the proposed retail areas to a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores -- such as eating establishments, coffee shops, branch banks, barbershops, and similar uses -- which will help to improve the mix of goods and services available to residents in the surrounding neighborhood. Therefore, due to the broad definitions of "Prepared Food Shop"[4] and "Fast Food Restaurant"[5] in Section 199 of the Zoning Regulations, the Applicant

[4] Section 199 of the Zoning Regulations defines a "**Prepared Food Shop**" as follows:

a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.

[5]Section 199 of the Zoning Regulations defines a "**Fast Food Establishment**" as follows:

a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply:
(a) The premises include a drive-through;
(b) Customers pay for the food before it is consumed. One characteristic that would satisfy this element would be building permit plans that depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or
(c) Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas.

A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use

is seeking approval pursuant to Section 712.1 and Section 733.1 of the Zoning Regulations in order to enable the Applicant to potentially lease a portion of the retail space to a tenant type such as FroZenYo, Panera Bread, Starbucks, or similar tenants if such retailers express interest in the space once this building is competed. Moreover, as shown on the Plans, the mixed-use building and its retail spaces have been designed to include adequate trash facilities, lighting, parking, and loading facilities.

**H. Phasing of Parcels**

The Applicant intends to move forward with the development and construction of the Project in multiple phases due to market conditions. The Applicant would like to move forward with as many of the project components as quickly as possible. However, due to current market conditions, the Applicant is requesting that the Zoning Commission approve the following phasing plan for the Project:

1. **Phase 1**- Phase 1 includes the building pad for WalMart, all associated infrastructure work including underground utilities, streets (stone base and asphalt binder course), overhead electric poles and lines, the stormwater management basin, retaining walls, curbs, and vertical construction of WalMart. The Applicant anticipates filing a building permit for Phase 1 no later than December 1, 2015, and starting construction no later than December 1, 2016.

2. **Phase 2**- Phase 2 includes construction of the mixed-use building, restaurant, and all associated sidewalks, parking lots, the urban plaza, and associated hardscape and landscaping features. The Applicant will maintain this portion of the PUD Site as seeded, balanced, and secured until construction of the Phase 2 components commence. The Applicant anticipates filing a building permit for Phase 2 no later than December 1, 2016, and starting construction no later than December 1, 2017.

3. **Phase 3**- Phase 3 includes the construction of the office building, parking area, urban court, and associated hardscape, landscape, and sidewalk improvements. The Applicant will maintain this portion of the PUD Site as seeded, balanced, and secured until construction of the Phase 3 components commence. The Applicant anticipates filing a

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providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast-food establishment.

building permit for Phase 3 no later than December 1, 2017, and starting construction no later than December 1, 2018.

## I. Other Minor Flexibility

The Applicant has made every effort to provide a significant level of detail in the plans. Nonetheless, some additional flexibility is necessary that cannot be anticipated at this time. Specifically, the Applicant requests flexibility in the following areas:

1. To be able to provide a range in the number of residential units of plus or minus 10% from the 283 depicted on the Plans.

2. To reallocate or reconfigure the number of parking spaces provided, so long as the total amount of parking provided meets the applicable Zoning Regulations.

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

4. 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 materials;

5. To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction; and

6. To make minor refinements to exterior details and dimensions, including 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.

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

## A. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the PUD 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. Accordingly, the use of the PUD process gives the community and District agencies an opportunity to work with the Applicant to ensure a well-planned development.

**B. PUD Requirements under Chapter 24 of the Zoning Regulations**

1. Area Requirements under Section 2402.1(c)

The PUD Site has a total area of approximately 521,734 square feet or 11.9 acres, which exceeds the minimum area requirement of 15,000 square feet set forth in 11 DCMR §2401.1(c).

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

The PUD regulations permit a maximum building height of 65 feet and a maximum FAR of 3.0 (with a maximum of 2.0 commercial) in the C-2-A District. 11 DCMR §§ 2405.1 and 2405.2. The Project's overall FAR is 1.05 and the commercial FAR is approximately 0.47. Thus, the Project is within the PUD FAR requirements.

As described above, the Applicant is requesting flexibility from the maximum building height requirement for a portion of the mixed-use building. However, all of the remaining components of the Project have building heights less than 65 feet.

3. Impacts of the Project under Section 2403.3

The Project will have a positive impact on the surrounding area. Overall, the proposed development will significantly improve the existing area by virtue of the exceptional architectural design and the replacement of vacant parcels with new restaurant, retail, residential, and office uses that will increase the vitality of the neighborhood. In addition, the Project's design carefully considers the nearby uses and accordingly, will have a minimal impact on the surrounding area. Moreover, the Project will not have an unacceptable impact on traffic, will

provide adequate parking for the proposed uses, and will add to the walkability and vitality of East Capitol Street. The Project will introduce a new streetscape experience, while activating what is currently a dormant, under-utilized portion of East Capitol Street.

4. Not Inconsistent with Comprehensive Plan under Section 2403.4

As discussed at length below, the Project is not inconsistent with the Comprehensive Plan, but rather will help to implement many of the policies for the PUD Site included in the Comprehensive Plan.

**C. Public Benefits and Project Amenities**

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions...." 11 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 attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR 2403.7. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." 11 DCMR 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with furthering the policies and goals of the Comprehensive Plan.

This Project will help to achieve a number of the goals of the PUD process by creating a development with thoughtful, high-quality, environmentally-friendly design, including an

affordable housing component, and landscaping and open spaces areas. These and the other significant public benefits and amenities, as described in more detail below, reflect and implement the goals of the PUD process, the surrounding community and the District.

2. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a)) and Site Planning, and Efficient and Economical Land Utilization (Section 2403.9(b))

The Project implements a number of urban design and architectural best practices, and will assist in the further development of East Capitol Street into an enhanced neighborhood center with high-quality restaurant, retail, residential, and office uses. The overall design and configuration of the Project responds to its unique identity as a gateway to the District of Columbia from Maryland, creating a vibrant, urban experience for residents and visitors alike. A large, open plaza situated at the southeast corner of the PUD Site will frame a landmark piece of artwork signifying entry to the District, and will serve as a gathering place for the many residents, guests, and retail patrons that the Project will attract. This plaza also serves as the main entry point to the mixed-use building, and is ringed with retail spaces opening directly onto the plaza and East Capitol Street.

As the first visible component of the Project when entering the District from the west, the mixed-use building acknowledges its landmark status through the incorporation of rich materials, generous windows, and sensitive massing that maximizes views for residents and responds to its urban context. The mixed-use building has also been designed in a manner that will help to create a continuous and active urban façade spanning several blocks along the north side of East Capitol Street.

The PUD Site offers a number of additional amenities to residents and visitors. For example, a generously landscaped pedestrian promenade situated between WalMart and the mixed-use building terminates in a large urban court at the north end of the PUD Site. Pervious

pavers in this area allow for vehicular access to the adjacent parking areas, and also allow the court to serve as a gathering area for residents and visitors during off-hours.

The urban court also serves as a formal entrance for a three-story office building, which is sited above an open, landscaped parking area. The office building's material palette complements that of the other buildings onsite, and its scale and siting work with the adjacent WalMart and mixed-use buildings to form a strong, coherent, and lively urban assemblage that will draw residents and visitors from the periphery to the site's active core.

The Project is further activated by a restaurant at the western portion of the PUD Site, which completes the continuous retail façade along East Capitol Street. The restaurant building is oriented to face East Capitol Street and is situated as close to the sidewalk as possible in order to fully engage the urban realm. The building's massing and material palette complement those of the other buildings onsite, and a generous, landscaped outdoor seating area further integrates the building into the surrounding urban fabric.

A small landscaped enclave at the PUD Site's southwest corner houses another public art element, delineating the western edge of Project.

3. Transportation Features (Section 2403.9(c))

The proposed development will include a number of elements designed to promote effective and safe vehicular and pedestrian access, transportation management measures, and connections to public transit services. For example, the project includes a total of 88 bicycle spaces located throughout the PUD Site. In addition, the Applicant has committed to work with DDOT to identify a location on the PUD Site for the installation of a Bike Share Station.

4. Employment and Training Opportunities (Section 2403.9(e))

Expanding employment opportunities for local residents is a priority of the Applicant. Therefore, the Applicant will be entering into a First Source Employment Agreement with the Department of Employment Services.

5. Housing and Affordable Housing (Section 2403.9(f))

The single greatest benefit to the area, and the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan and the Mayor's housing initiative. The mixed-use building in the Project will contain approximately 298,316 square feet of gross floor area dedicated to residential uses. Moreover, 10% percent of the gross residential floor area will be devoted to affordable units. Half of the affordable units will be set aside for eligible low-income households, (i.e., families earning up to 50% of the Area Median Income), and the remaining half of the affordable units will be set aside for eligible moderate-income households (i.e., families earning up to 80% of the Area Median Income). The affordable units will be dispersed throughout the building, but consistent with prior decisions of the Zoning Commission, not including the top floor of the building.

6. Environmental Benefits (Section 2403.9(h))

The Project exhibits many characteristics of exemplary urban design and green building practices, and demonstrates the Applicant’s commitment to utilizing innovative sustainable design practices. Specifically, the Applicant has focused on streetscape improvements and enhancements to the public space, vehicular and pedestrian improvements, transportation demand management measures, environmental benefits, and the provision of special uses such as ground floor retail. The Applicant has consulted several community groups who have suggested several key sustainability measures which will be implemented in the development of the program. More detail on the specific sustainable initiatives will be provided 21 days prior to the

public hearing; however, some of the sustainable features incorporated into the Project include the following:

**Overall Site Initiatives:**

1) **Erosion Control** - Sediment and erosion control will be implemented during excavation and construction per the District Department of Environment standards and specifications. Additionally, the Project will adhere to all applicable regulations regarding stockpiles and dust mitigation.

2) **Stormwater Management** - The Project will implement both stormwater quality and quantity best practices and low-impact development stormwater management systems aimed at slowing urban runoff and reducing pollution, including flow of sediment and nutrients into streams, rivers & wetlands. The Project encourages natural filtration of stormwater runoff to the greatest extent possible by the use of multiple bioretention components including a bioretention facility, multiple bioswales, rain gardens, select vegetative roofs, porous paved walkways, curb cuts to direct street runoff to bioretention areas, pervious-surfaced courtyards, bioretention strips along streets and landscaped islands in parking areas. Lastly, the Project will meet or exceed the stormwater requirements of the District Department of Environment Watershed Protection Division.

3) **Sustainable Landscaping** - The Project design includes extensive sustainable landscaping, contributing to the stormwater management site objectives. These contributions significantly reduce heat islands, improve air quality & provide critical shading to public hardscape areas. Selected native & adaptive species include: Willow Oak, Honey Locust, Switch, Fountain Grass, Barberry, Witch Hazel and Sweetspire. No irrigation system will be required, eliminating water consumption for landscaping. The landscaping offering has been selected to be aesthetically pleasing to pedestrians and to create an urban park-like environment. The tree plantings and landscaping will also beautify the public realm including, streetscapes, plazas creating a stronger sense of character and identity.

4) **Public Transportation** - Exemplary access to public transportation is available approximately 500 feet from the PUD Site at the Capitol Heights Metro Station which provides Metrorail, Metrobus, and car sharing via ZipCar. The Project promotes pedestrian access from public transportation for residents as well as retail employees and shoppers, with a large, open plaza at the southeast corner of the PUD Site facing the Metro station. The Capitol Heights Metro Station provides access to an estimated 4,000 public transportation rides per day via the blue line. In addition, Metrobus serves the site directly from East Capitol Street via the 96 and 97 lines and from the Capitol Heights Metro Station via the 24, 25, A12, F14, U8, and X9 lines.

5) **Reduce Heat Island Effect** - All buildings will have white albedo roofs. Walkways within the marketplace will utilize pervious pavers with a high SRI. Covered parking

is provided for 75% of vehicles. This is an urban design initiative which reduces heat island effect, reduces light pollution & contributes to reduction of stormwater runoff.

6) **Community Connectivity** - Integrated connectivity with the community is a principal factor of the Project, and thus the Applicant is improving the streetscape and pedestrian experience along East Capitol Street adjacent to the PUD Site. Additionally, the Project brings services that have been lacking in the surrounding community, i.e. grocery store, affordable housing, a sit-down restaurant, and neighborhood-serving retail.

7) **Pedestrian Safety** - As an aid in curbing pedestrian crossing of East Capitol Street, a landscape barrier will be constructed along the median of East Capital Street from Southern Avenue to the intersection of 58th Street and East Capitol Street.

8) **Promote Bicycle Commuting & Recreational Use** - In addition to the onsite bicycle share station, the Applicant has committed to work with DDOT to identify a location on the PUD Site for the installation of a Bike Share Station.

9) **Construction Waste** - The Project will divert 75% of construction waste from landfills thru recycling & salvageable materials.

10) **Storage and Collection of Recyclables** - To facilitate the reduction of waste generated by building occupants which is disposed via landfills, the project will provide easily-accessible dedicated area(s) for the collection and storage materials for recycling. Materials must include at a minimum paper, corrugated cardboard, glass, plastics and metals that is hauled to and disposed of in landfills.

11) **Sustainable Construction Practices** - The Project will endeavor to follow sustainable construction practices where possible, including the following measures

- on-site tower cranes will have electric or diesel motors with industry standard pollution control devices;
- trucks on or near the site for purposes of construction, utilize D.C.'s heavy-duty diesel idling control measures regarding truck idling;
- stockpiles on site will be handled and addressed based on typical, industry standards; and
- adequate dust mitigation measures will be followed according to DC standards.

**Building Initiatives**

1) **No Smoking Buildings** - All buildings in the Project will be designated non-smoking to prevent exposure of occupants to environmental tobacco smoke. This will also be a policy during construction.

2) **Water Use Reduction** - Through the use of low flow fixtures and water closets, potable water use will be reduced by a minimum of 20%.

3) **Sustainable Building Materials** - The buildings will use materials with recycled content and regionally sourced. Material examples include but are not limited to steel, drywall, insulation, ceiling tiles, concrete, and flooring.

4) **Energy Conservation** - The will be constructed in full compliance with the D.C. Building Code. Conformance to standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the structure. This will be accomplished through high efficiency HVAC units, energy efficient lighting including LED, window glazing, envelope structure & insulation, occupancy sensors, and Energy Star appliances in all residential units.

5) **Non Ozone Depleting Refrigerants** - The project is anticipated to reduce environmental impact of high efficiency HVAC by using non-ozone depleting refrigerants.

6) **Daylight Harvesting** - Daylight harvesting will be featured in the WalMart building throughout the sales area, which is 75% of the regularly occupied space. The system automatically adjusts the lighting based on the sunlight available and is interlocked with the interior lighting to properly maintain an even level of lighting on the sales floor. Daylight Harvesting can reduce up to 75% of the electric lighting energy used in a Supercenter during daylight hours. Each daylight harvesting system saves an average of 800,000 kwh per year. That translates to enough energy to provide electric power for 73 single family homes (11,020 kwh average annual usage) for an entire year.

7) **Low Emitting Materials & Finishes** - In order to reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants, the project will utilize low-emitting materials and finishes. Examples may include paint, coatings, adhesives and sealants.

8) **Air Quality & Ventilation** - To enhance the indoor air quality of the buildings, thus contributing to the comfort and well-being of the occupants, indoor air quality performance will meet or exceed ventilation rates prescribed in the ASHRAE standards.

9) **Open Space** - Open space interior courtyards are a featured in the mixed-use building incorporating nature space in the urban environment, with landscaping and gathering places. A large, open public plaza situated at the southeast corner of the Project will welcome residents and guests alike to the site, as well as potentially hosting community activities and events.

10) **Controllability of Lighting & Thermal Comfort** - The residential portion of the mixed-use building will allow for control of lighting and HVAC systems in all regularly occupied spaces.

11) **Daylight Views from Residential Units** - The residential building orientation and space planning allows views to the outdoors from regularly occupied spaces which enhances overall occupant comfort and well-being.

12) **Tenant Guidelines**- Tenant guidelines for unfinished retail space will be provided to educate tenants about the sustainable features of the base building, to set guidelines for build-out, and to provide ways tenants might enhance the sustainability of their tenant space.

13) **Indoor Air Quality Management during Construction** - In order to benefit the health of everyone who works on the PUD Site during construction as well as the eventual occupants, the Project buildings will integrate an Indoor Air Quality(IAQ) Management Plan following the SMNCA best practices. These practices include Housekeeping, HVAC Protection, Source Control, Pathway Interruption and Scheduling.

## VIII. COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

### A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b) (¶ 1-301.62).

As discussed in more detail below, the Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision

of a high-quality mixed use development that will increase the housing supply, add new retail uses, create additional employment opportunities, and generate significant tax revenues for the District.

**B. Compliance with Guiding Principles of the Comprehensive Plan**

The project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities.

1. Managing Growth and Change.

The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. The Project is fully-consistent with a number of the goals set-forth in this element. Specifically, the project will help to attract a diverse population with the inclusion of a mix of housing types for households of different incomes. (§§217.2 and 217.3). The Applicant's proposal to develop a significant amount of residential and retail use is also consistent with the Comprehensive Plan's acknowledgement that the growth of both residential and non-residential uses is critical, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (§217.4). In addition, as shown on the Plans, the Project also helps connect the PUD Site to the rest of the neighborhood and the overall urban fabric by developing a vibrant mixed-use development on East Capitol Street. (§§217.5 and 217.6).

2. Creating Successful Neighborhoods

The guiding principles for creating successful neighborhoods include both improving the residential character of neighborhoods and encouraging commercial uses that contribute to the neighborhood's character and make communities more livable. (§§218.1 and 218.2). In

addition, the production of new affordable housing is essential to the success of neighborhoods. (§218.3) Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§218.8). The Project furthers each of these guiding principles with the construction of market-rate and affordable housing, as well as commercial uses that will create additional housing, retail and employment opportunities. In addition, as part of the PUD process, the Applicant will be working with Advisory Neighborhood Commissions 7C and 7E, the Capitol View Civic Association, Northeast Boundaries, and the Ward 7 Councilmember to ensure that the development provides a positive impact to the immediate neighborhood.

3. Increasing Access to Education and Employment

The Increasing Access to Education and Employment element includes a number of policy goals focused on increasing economic activity in the District, including increasing access to jobs by District residents (§219.1); encouraging a broad spectrum of private and public growth (§219.2); supporting land development policies that create job opportunities for District residents with varied job skills (§219.6); and increasing the amount of shopping and services for many District neighborhoods (§219.9). The Project is fully consistent with these goals since the proposed retail area will help to attract new jobs to the District, as well as to this specific neighborhood.

4. Connecting the City

The Project will help to implement a number of the guiding principles of this element. As shown on the Plans, the project includes streetscape improvements to provide improved mobility and circulation through the project, as well as the overall neighborhood. (§220.2) In addition, the access points for the required parking and loading facilities have been designed to

appropriately balance the needs of pedestrians, bicyclists, transit users, autos and delivery trucks as well as the needs of residents and others to move around and through the city. *Id.* Moreover, the Project and streetscape improvements along East Capitol Street will also help to reinforce and improve this portion of the city. (§220.3).

5. Building Green and Healthy Communities

The proposed development is fully-consistent with the guiding principles of the building green and healthy communities element since the project's proposed landscaping plan will help to increase the District's tree cover, and the proposed development will minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (§221.2 and 221.3) In addition, the project, which includes LEED elements, will also help to facilitate pedestrian and bicycle travel.

**C. Far Northeast & Southeast Area Element**

The PUD Site is located within the Capitol View/Northeast Boundary Policy Focus Area of the Far Northeast & Southeast Area Element of the Comprehensive Plan. As indicated in the Comprehensive Plan:

- many residents in this area must travel long distances for shopping, education, and basic services (10 DCMR §1700.4);
- the area needs a variety of new housing choices and more density is appropriate on land within one-quarter mile of the Capitol Heights Metro station (10 DCMR §1707.2(b)and §1713.2); and
- the neighborhood is underserved by retail stores and services, including the "basics" such as sit-down restaurants, banks, hardware stores, drug stores, and movie theaters (10 DCMR §1707.2(c)).

Moreover, ***Policy FNS-1.1.2: Development of New Housing***, calls for encouraging new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. (§1708.3). In addition, Policy FNS-2.3.1: Northeast Boundary Neighborhood, recommends leveraging the development of the Capitol Gateway Estates PUD to achieve additional reinvestment in the Northeast Boundary neighborhood, particularly the rehabilitation of existing housing and the development of new mixed income family housing on vacant lots. (§1713.4).

The Project is consistent with and will help to address and implement a number of the policy goals identified in the Far Northeast & Southeast Area Element since the development will include a full-service WalMart store which includes a much desired grocery component that will offer fresh produce; a mixed-use building with approximately 283 residential units (plus or minus 10%) and approximately 23,962 square feet of retail use; a 21,900 office building; a 8,880 square foot sit-down restaurant site; and new streetscape improvements that will help to activate this portion of the East Capitol Street corridor.

**D. <u>Land Use Element</u>**

For the reasons discussed below, the project supports a number of the policies of the Land Use Element:

1. <u>Policy LU-1.2.2: Mix of Uses on Large Sites</u>

The Project, which includes restaurant, residential, retail, and office uses on a large site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole. In addition, as discussed above, the proposed mix of uses on the PUD Site is consistent with the Comprehensive Plan Future Land Use Map's designation of the PUD Site.

2. Policy LU-1.3 Transit-Oriented and Corridor Development

The Project exemplifies the principals of transit-oriented development. The PUD Site is steps from the Capitol Heights Metrorail station which is to the east of the site. Further, Metrobus routes 96, 97 & U8 (DC buses) and A12 & A14 (serving DC and Maryland) operate along East Capitol Street and Southern Avenue (Blue Line). The Project includes restaurant, residential, retail, and office uses, as well as a great design, all of which will help to increase the vitality of this portion of East Capitol Street. In addition, the Project is consistent with the following principles:

- A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;
- A preference for diverse housing types, including affordable units; and
- A priority on attractive, pedestrian-friendly design.

3. Policy LU-1.3.4: Design to Encourage Transit Use

The Project has been designed to encourage transit use and helps to enhance the safety, comfort and convenience of passengers walking to local buses along East Capitol Street since the Project incorporates streetscape improvements, including lighting and landscaping, and includes ground floor retail uses that will activate and animate the street frontages.

4. Policy LU-1.4.1: Infill Development

The Project is consistent with the goal of encouraging infill development on vacant land within the city, particularly in areas where there are vacant or underutilized lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. The development complements the established character of the area and does not create sharp changes in the physical development pattern.

5. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

In designing the Project, and consistent with this policy element, the project architect has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character, and restoring the environment.

6. Policy LU-2.2.4: Neighborhood Beautification.

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. As shown on the Plans, the project includes a number of neighborhood beautification elements, such as landscaping and tree planting. Moreover, development of the PUD Site will be an improvement to the current condition with the addition of a new, well-designed buildings. In addition, the proposed uses will help activate the street level of the project and, importantly, remove several large vacant lots.

7. Policy LU-2.3.2: Mitigation of Commercial Development Impacts

The Project has been designed so that it does not result in unreasonable or unexpected traffic, parking, litter, view obstruction, odor, noise, or vibration impacts on surrounding residential areas.

8. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

In designing the Project, and consistent with this policy element, the project architect has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character, and restoring the environment.

**E. Transportation Element**

The PUD Site is located on East Capitol Street which is a major transit corridor. Thus, in light of its location, the proposed project is uniquely situated to help further several policies and actions of the Transportation Element of the Comprehensive Plan, including:

1. Policy T-1.1.4: Transit-Oriented DevelopmentThe proposed project is an example of transit-oriented development and includes various transportation improvements, including the construction of new mixed-uses along a major transportation corridor, bicycle parking and storage areas, and sidewalk improvements.

2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian PlanningAs shown on the Plans, the project architect has carefully considered and integrated bicycle and pedestrian planning and safety considerations in the development of the project.

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

This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bike racks as amenities within the development that accommodate and encourage bicycle use. Specifically, the Applicant will be providing a total of 88 bicycle parking spaces located throughout the Project.

**F. Housing Element**

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

1. Policy H-1.1.1: Private Sector Support

The Project helps to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the project will contain

approximately 298,316 square feet of gross floor area devoted to residential uses, which represents a substantial contribution to the District's housing supply. The provision of new housing at this particular location, moreover, is fully consistent with the District's land use policies.

2. Policy H-1.1.4: Mixed Use Development

The Project is consistent with the goals of promoting mixed use development, including housing on commercially zoned land, particularly in neighborhood commercial centers. This Project represents exactly the type of mixed-use development contemplated by Policy H-1.1.4.

3. Policy H-1.1.5: Housing Quality

Ten percent of the residential uses will be devoted to affordable housing. Consistent with this policy goal, the affordable units will meet the same high-quality architectural standards provided for the market-rate housing and will be indistinguishable from market rate housing in their exterior appearance.

4. Policy H-1.2.3: Mixed Income Housing

The Project is mixed-income and includes both market-rate and affordable housing units. Thus, the Project will further the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods.

**G. Environmental Protection Element**

The Environmental Protection Element addresses the protection, restoration, and management of the District’s land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:

1. Policy E-1.1.1: Street Tree Planting and Maintenance - encourages the planting and maintenance of street trees in all parts of the city;

2. Policy E-1.1.3: Landscaping - encourages 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;

3. Policy E-2.2.1: Energy Efficiency - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use and shared parking strategies to reduce unnecessary construction of parking facilities;

4. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction; and

5. Policy E-3.1.3: Green Engineering - has a stated goal of promoting green engineering practices for water and wastewater systems.

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the project includes street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element.

**H. Economic Development Element**

The Economic Development Element of the Comprehensive Plan indicates that the addition of 125,000 jobs during the next 20 years will create the demand for a number of uses, including real use, in a variety of settings with a variety of building types. (§706.1). The Economic Development Element also includes a number of policy recommendations regarding the promotion of retail development, including the following:

1. Policy ED-2.2.3: Neighborhood Shopping

The Project is consistent with this principle since the development includes the creation of additional shopping opportunities in a neighborhood commercial district that will help to better meet the demand for basic goods and services. In addition, the proposed development of

appropriately-scaled retail development on the PUD Site will help to create new and unique shopping experiences. (§708.7).

2. Policy ED-2.2.5: Business Mix

The Applicant intends to market the proposed retail areas to a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores, which will help to reinforce existing and encourage new retail districts in the immediate neighborhood and help to improve the mix of goods and services available to residents. (§708.9).

**I. Urban Design Element**

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

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

10 DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to integrate the proposed construction with the character of the surrounding neighborhood. For example, consistent with Policy UD-2.1.3, the Project incorporates variations in height, massing, and architectural quality to ensure that the project respects the scale of adjacent residential neighborhoods. (§909.10). The architects have also incorporated greater architectural detailing at the ground floor retail levels to help improve the visual image of the streetscape. (§909.12). In addition, the project includes attractive, visually-interesting and well-designed building facades that eschew monolithic or box-like forms, or long blank walls which detract from the human quality of the street. See Policy UD-2.2.5, §310.12. Also, the Applicant has provided significant setbacks along East Capitol Street.

## IX. CONCLUSION

For the foregoing reasons, the Applicant submits that the application meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be set down for a hearing by the Zoning Commission.

Respectfully submitted,

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