

CONSISTENCY WITH THE DISTRICT ELEMENTS

OF THE

COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL

1. LAND USE ELEMENT

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

Policy LU-1.2.1: Reuse of Large Publicly-Owned Sites - Recognize the potential for large, government-owned properties to supply needed community services, create local housing and employment opportunities, remove barriers between neighborhoods, provide large and significant new parks, enhance waterfront access, and improve and stabilize the city's neighborhoods (10-A DCMR § 305.5)

The Project will redevelop this long vacant and underutilized site into new mixed-use neighborhood that capitalizes on the site's potential to address several planning priorities, and in particular those identified in the Mid-City East Planning Area. The project will provide a substantial amount of new housing, including affordable housing and senior affordable housing, which will help accommodate the population growth that is expected to continue in the Planning Area. In addition, the Project will help bridge the gap in available open space and recreation centers in this area of the District. Specifically, the Project will provide approximately 9.38 acres of open space and a 17,500 square feet of gross floor area ("GFA") recreation center that will contain an indoor pool. The Project will also remove physical barriers by opening up a site that has been closed off for decades and creating several new pedestrian, bicycle, and vehicular connections in the area. Finally, the Project will create many new jobs for District residents through the proposed healthcare facilities and retail, including the full-service grocery store.

Policy LU-1.2.2: Mix of Uses on Large Sites - Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map as more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses (10-A DCMR § 305.7)

As stated above, the Project will bring a wide range of uses to the PUD Site that are compatible with adjacent uses and will provide benefits to the neighborhood and the city

as a whole. These include residential, retail, commercial, and park and open space, which are all uses contemplated for the site on the FLUM. The designs of the proposed buildings are compatible with the adjacent uses and the Applicant has effectively placed the development on the site in a manner that avoids and/or mitigates adverse impacts. To minimize impacts to the rowhouses to the south along Channing Street, the new park and recreation center will be located at the southern end of the site. To further protect the adjacent neighborhoods and setting of the new park space and community center, the Applicant appropriately placed the taller healthcare facility building at the north end immediately across the street from the taller Washington Hospital Center (“WHC”) and Children’s National Medical Center (“CNMC”) campuses. Along North Capitol Street, the health care facility building has been set back from North Capitol Street such that there is approximately 260 feet of separation between the healthcare facility building and the rowhomes along the east side of North Capitol Street. Along North Capitol Street, the proposed buildings step down in height, and their massing has been carefully designed and articulated to be compatible with the surroundings.

Policy LU-1.2.4: New Methods of Land Regulation - Recognize the opportunity afforded by the District’s large sites for innovative land regulation (such as form-based zoning) and the application of sustainable design principles (green building and low impact development) on a large scale (10-A DCMR § 305.9).

The Applicant will employ sustainable design principles on a large scale by designing and certifying the Project to a LEED ND Gold standard. In addition., each individual building project be designed to a LEED Silver standard or equivalent. The site plan will include new LID storm water management strategies including greens roofs, cisterns, permeable pavement, and bioretention that will meet or exceed the District’s stringent storm water retention requirements. In addition, approximately 690 – 750 new trees will be providing on site which will assist in storm water management, air quality and water quality; substantially increase the city’s tree canopy, and provide habitat.

Policy LU-1.2.5: Public Benefit Uses on Large Sites - Given the significant leverage the District has in redeveloping properties which it owns, include appropriate public benefit uses on such sites if and when they are reused. Examples of such uses are affordable housing, new parks and open spaces, health care and civic facilities, public educational facilities, and other public facilities (10-A DCMR § 305.10)

The Project will provide all of the public benefit uses identified in this particular policy. The Project will provide approximately 134 new affordable dwelling units devoted to low-and moderate-income households; approximately 9.38 acres of new parks and open space (approximately 12 acres when including the historic service courts); and will also provide a new recreation center with an indoor pool.

Policy LU-1.2.6: New Neighborhoods and the Urban Fabric - On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings (10-A DCMR § 305.11).

The Project has been designed in a context sensitive manner and will be integrated into the surroundings. First, the Applicant will introduce a new grid of streets that is representative of the grid patterns of streets in the surroundings that will provide new connections around the site. In fact, the east-west connections that are proposed in the Project are reflective of the original platting of the PUD Site prior to its development as a water filtration facility. The design of the Project is anything but closed off and self-contained. Rather, the proposed site plan includes a substantial amount of new publicly accessible open space, easily accessible retail and service uses, recreation uses that will open up the site to the residents and visitors. Finally, the placement, massing, and architectural design of the buildings will complement the adjacent developed areas.

Policy LU-1.2.7: Protecting Existing Assets on Large Sites - Identify and protect existing assets such as historic buildings, historic site plan elements, important vistas, and major landscape elements as large sites are redeveloped (10-A DCMR § 305.12).

The Project will preserve the historic aboveground structures on the PUD Site. The aboveground structures will be integrated into the development plan for interpretative purposes and adaptive reuse. In addition, the plan will include the preservation of the entire Cell 14, and a substantial portion of Cell 28 which the public will be able to access. Regarding viewsheds, the Applicant has maintained the existing viewshed across the southern end of the site towards the Reservoir which is effective at conveying the spatial organization and openness of the site. The Applicant has also maintained a visual connection between the north and south service courts along new north-south streets, and to select landmarks from along the reestablished Olmsted Walk.

Policy LU-2.2.4: Neighborhood Beautification - Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements (10-A DCMR § 310.5).

As part of the Project, the public streetscape surrounding the site will be reconstructed to DDOT standards which will beautify the public space by including new sidewalks and light fixtures, enlarged tree boxes, healthy street trees, and new us shelters. In addition, the Project will substantially increase the amount and quality of landscaping on the PUD Site. Currently the site is devoid of any meaningful tree canopy and landscaping, and what does exist is in an unhealthy state and provides poor storm water retention capacity. It is expected that approximately 690 – 700 new trees and approximately 288,645 sf of landscaped areas will be provided as part of the Project.

In addition to the above described onsite improvements and improvements to public space immediately surrounding the site, the Applicant will contribute \$500,000 over a five-year period for fabricating, installing, repairing and restoring tree box fence enclosures; planting tree and ground cover plants; and installing certain neighborhood signage in coordination with the Bates, Bloomingdale, Eckington, Edgewood, and Hanover Area, and Stronghold Civic Associations.

Policy LU-2.3.2: Mitigation of Commercial Development Impacts - Manage new commercial development so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas. Before commercial development is approved, establish requirements for traffic and noise control, parking and loading management, building design, hours of operation, and other measures as needed to avoid such adverse effects (10-A DCMR § 311.4).

The transportation (traffic and parking) impacts of the commercial development that is proposed will be mitigated through the transportation demand management strategies and transit improvements contained within the Applicant's Transportation Performance Plan and Transit Implementation Plan (Exhibits 849B, and 862). In addition, any impacts related to loading (noise, odor, loading hours) will be managed and mitigated through the Applicant's loading and curbside management plan (Exhibit 832F)

To further manage the impacts of the proposed commercial component of the Project, the Applicant has, to the greatest extent possible, clustered the majority of the commercial and mixed-use density of the Project at the north end of the site, closest to the high-density development across Michigan Avenue at the WHC and CNMC campuses. This approach allows the Applicant to devote the entire southern portion of the PUD Site to open space and recreation uses, with building heights transitioning downward from north to south thereby minimizing impacts on views and shadow on the surroundings. As shown in the section drawings attached as Exhibit C, the distance between the healthcare facilities building and the rowhouses to the east along North Capitol Street is approximately 260 feet, a substantial distance. Aside from the frontage along Parcel 1, the remainder of the North Capitol Street frontage will be improved with moderate- to medium-height buildings that step down in height moving towards the proposed recreation center and residential neighborhood to the south. In addition to the reduction in height, the massing of the buildings along North Capitol Street has been informed by the row homes to the east. Finally, the reestablishment of Olmstead Walk and the additional open space provided around the Parcel 1 health care facilities will further mitigate visual impacts from the proposed commercial component of the Project.

Policy LU-2.3.3: Buffering Requirements - Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaping, fencing, screening, height step downs, and other architectural and site planning measures that avoid potential conflicts. (10-A DCMR § 311.5).

See response to Policy LU-2.3.2

2. TRANSPORTATION ELEMENT

“The overarching goal for transportation in the District is: Create a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents” (10-A DCMR § 401.1).

Policy T-1.1.2: Land Use Impact Assessment - Assess the transportation impacts of development projects using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network. Environmental and climate change impacts, including that of carbon dioxide, should be included in the assessment to land use impacts. (10-A DCMR § 403.8)

The potential transportation impacts of the Project have been extensively analyzed by the Applicant through the preparation of a full Transportation Impact Study (“TIS”), included in the case record as Exhibit 32D, which was prepared by Gorove/Slade Associates, Inc. in close coordination with the District Department of Transportation (“DDOT”). Consistent with this policy, the TIS was prepared using multimodal standards rather than traditional vehicle standards in order to more accurately measure and mitigate the impacts of the Project on the transportation network surrounding the PUD Site. Given the mixed-use nature of the Project, individual mode splits were applied to each of the proposed uses within the Project (residential, office and medical office, general retail, grocery, and recreation) (Exhibit 32D). In its report dated April 21, 2014, DDOT states that the Applicant utilized sound techniques to prepare the TIS (Exhibit 38).

With respect to environmental and climate change impacts, including impacts to carbon dioxide, as discussed more thoroughly in the Environmental Protection Element section, while the project is expected to generate a large number of new vehicle trips, the environmental impact of these trips, including carbon dioxide, will be mitigated by the Applicant through: (i) construction of transportation network improvements that will help improve circulation through and around the PUD Site, (ii) implementation of a loading and curbside management plan (Exhibit 832F3), (iii) adherence to a Transportation Performance Plan (“TPP”) (Exhibits 849B and 862), and (iv) completion of a detailed Transit Implementation Plan (TIP”). Collectively, the TPP and TIP will substantially help reduce carbon-generating trips through, among other things, improving access to transit, installation of Capital Bikeshare stations, providing onsite locations of car-sharing vehicles, providing transit benefits to residents and employees, and installing electric car charging stations. These environmentally-friendly transportation measures, in addition to the environmentally-sensitive design of the overall project and each individual building, most notably the substantial increase in onsite carbon storing tree canopy, will successfully mitigate any adverse environmental impacts the Project may, including carbon dioxide emissions.

Policy T-1.1.4: Transit-Oriented Development - Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. (10-A DCMR § 403.10)

The Project supports transit-oriented development through its many improvements to pedestrian circulation and access to public transportation. First, as a result of the Project, new east-west and north-south pedestrian connections will be established through the site. New traffic signals on North Capitol Street will provide safe and signalized crosswalks to help bus riders cross the street. In addition, the PUD Site is currently located along the Metrobus 80 route, a priority bus corridor that provides access to downtown, and the H routes which provide convenient crosstown access between Brookland and Friendship Heights. The Applicant will also support transit-oriented development through its commitment to provide a new shuttle service to the Brookland Metrorail Station until such time as the District implements a Circulator or street car line that would serve the PUD Site.

Action T-1.1.B: Transportation Improvements - Require transportation demand management measures and transportation support facilities, such as crosswalks, bus shelters, transit resource and information kiosks, and bicycle facilities in large development projects and major trip generators, including projects that go through the Planned Unit Development (PUD) Process. (10-A DCMR § 403.14)

In accordance with the TPP (Exhibits 849B and 862), the Applicant will implement a wide range of TDM strategies that are aimed at reducing the number of car trips and miles driven, and to increase the efficiency of the transportation system. In addition, the Applicant will work with DDOT on the design of roadway infrastructure for Michigan Avenue, North Capitol Street, and First Street related to improvements to signal design and timing; the design of new vehicular access points; improvements to public space, including curb and gutter, street trees and landscaping, street lights, and sidewalks; improvements to First Street, including a new bike lane, turn lanes and accommodations for truck maneuvers at the intersection of First Street and Evarts Street; and changes to bus stops adjacent to the PUD Site.

Policy T-2.3.3: Bicycle Safety - Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist. (10-A DCMR § 409.1)

As a result of the Project, the Applicant will remove barriers to bicycle travel and improve bicycle safety through and around the PUD Site. For example, the Project will resolve the narrow sidewalk condition along North Capitol Street by providing a new sidewalk that is a minimum of eight feet wide, which will provide space for cyclists riding on the sidewalk. In addition, the Project will also open up new north-south and east-west connections through the site, providing cyclists with new options for traveling around the area, including a new bike lane along First Street, NW.

Furthermore, the Project includes numerous onsite bicycle facilities. For example, the proposed health care facilities proposed on Parcel 1 of the PUD Site will provide

approximately 200 secure bicycle parking spaces within the below-grade garage, and 20 additional spaces along the surrounding sidewalks. In addition, the health care facilities will also contain shower and locker room facilities for use by office and retail employees. In addition, the mixed-use multi-family buildings proposed on Parcel 2 and Parcel 4 will also provide onsite secure, onsite bicycle parking for residents and retail employees. The building on Parcel 2 will provide approximately 87 secure bicycle parking spaces and the building on Parcel 4 will provide approximately 100 bicycle parking spaces. Both buildings will also provide bike racks along the surrounding sidewalks.

Action T-2.3.A: Bicycle Facilities - Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.
(10-A DCMR § 409.11)

See response to Policy T-2.3.3

Action T-2.3.D: Bicycle Sharing -Support the expansion of bicycle sharing kiosks throughout the District to develop a complete bicycle-sharing network and encourage bicycling.
(10-A DCMR § 409.14)

As part of the proposed TPP, the Applicant will provide funding for a minimum of 60 Capital Bikeshare docks within the PUD Site, and an additional 20 docks offsite at a nearby Metrorail station. The funding will include capital costs for one year of operations and maintenance. The Applicant will coordinate with DDOT on the final locations of the Capital Bikeshare docks which will be installed in coordination with the phasing of the Project.

Policy T-2.4.1: Pedestrian Network - Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city.
(10-A DCMR § 410.5)

The Project will provide numerous improvements to the pedestrian network surrounding the PUD Site. First, the streetscape surrounding the PUD Site will be reconstructed as part of the Project, and the narrow sidewalk condition along North Capitol Street will be widened to a minimum of eight feet. In addition, the Project will open up the PUD Site to the public, thereby creating many new pedestrian connections along the North and South Service Courts, and the new streets that will be constructed through the site. New traffic signals on North Capitol Street will also provide safe and signalized crosswalks. The Applicant will also reestablish Olmsted Walk, the historic tree lined pedestrian promenade that existed around the perimeter of the site.

Policy T-2.6.2: Transit Needs - Establish, expand, or continue assistance for transit dependent groups in the District, including the elderly, students, school age children, and persons whose situations require special services, including the homeless.
(10-A DCMR § 412.3)

The Project will provide new residential, employment, and recreation opportunities in close proximity to several Metrobus routes. In addition, the Applicant will

implement a robust private shuttle system that will operate between the PUD Site and the Brookland Metrorail Station until such time as the District implements a Circulator or street car line that would serve the PUD Site. The improved proximity to transit, and supplemental transit service provided by the proposed shuttle service, will assist new residents, and particularly the residents of the proposed senior affordable housing, to travel throughout the city without having to utilize a personal vehicle. In addition, the mixed-use nature of the Project will assist transit dependent residents of the Project by providing several neighborhood serving amenities (retail, grocery store, recreation center, park) all within walking distance. Finally, the improvements to transit will also increase access to the PUD Site for those wanting to visit the proposed park and community center, shop at the new retail and grocery store, or explore the outdoor walking museum.

Action T-2.6.B: Shuttle Services - Supplement basic public transit services with shuttle and minibuses to provide service for transit-dependent groups, including the elderly, people with disabilities, school age children, and residents in areas that cannot viably be served by conventional buses. (10-A DCMR § 412.5)

See response to Policy T-2.6.2

Policy T-3.1.1: Transportation Demand Management (TDM) Programs - Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system. (10-A DCMR § 414.8)

See response to Action T-1.1.B

Policy T-3.1.3: Car-Sharing - Encourage the expansion of car-sharing services as an alternative to private vehicle ownership. (10-A DCMR § 414.10)

As stated in the TPP, the Applicant will accommodate car-sharing company requests to provide parking spaces at a variety of on-street and off-street spaces throughout the PUD Site. The Applicant will provide a minimum of ten (10) spaces for use by car-sharing companies, with the final number of spaces determined by the market once the Project is complete.

Action T-3.2.D: Unbundle Parking Cost - Find ways to “unbundle” the cost of parking from residential units, allowing those purchasing or renting property to opt out of buying or renting parking spaces. (10-A DCMR § 415.8)

All residential parking, other than the proposed rowhouses on Parcel 5, will be unbundled from the costs of leasing apartments or purchasing condos. In addition, to the highest extent possible, all parking for office workers on site will, at minimum, be priced at market rates, defined as the average cost for parking in a 0.25 mile radius of the PUD Site (Exhibit 849B).

Policy T-3.4.1: Traveler Information Systems - Promote user-friendly, accurate, and timely traveler information systems for highways and transit such as variable message signs, Global Positioning System (GPS) traffic information, and real-time bus arrival information, to improve traffic flow and customer satisfaction. (10-A DCMR § 417.3)

As part of the Project, all office and residential building lobbies will include electronic display boards that show real-time transit and other alternate travel mode information.

3. HOUSING ELEMENT

The overarching goal for housing 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).

Policy H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (10-A DCMR § 503.2)

The Applicant will provide approximately 677 new residential units which will assist in meeting the needs of present and future District residents in a location that is specifically identified as being an opportunity for new housing in the Comprehensive Plan and in other District plans and policies. In addition, the new housing will substantially advance the District’s affordable housing goals by devoting approximately 20% of the proposed residential gross floor area, or approximately 134 dwelling units, as affordable units that will exist for the life of the Project.

Specifically with respect to location, the Land Use Element of the Comprehensive Plan identifies the PUD Site as one of ten large site locations that have great potential to address multiple District interests, including the need for additional housing. *See* 10-A DCMR § 305.5. In addition, the Mid-City East Element also recommends that new housing be located on the PUD Site. *See* 10-A DCMR § 2016.9. Finally, as shown in Exhibit I, the comprehensive housing strategy developed by the District in 2006, entitled “Homes for an Inclusive City,” identifies the McMillan Reservoir site as having potential to help the District reach its housing goals. Specifically, the 2006 housing strategy states “[t]o succeed in increasing the housing stock by 55,000 units, the District of Columbia government must move quickly to develop proposed ‘new neighborhoods’ along the Anacostia Waterfront and on other large publicly and privately owned sites. According to the Office of Planning’s most recent estimates, 12,000 units of new housing could be developed on large sites that are largely or entirely publicly owned such as the Southwest Waterfront, the McMillan Reservoir, Public Reservation 13, the St. Elizabeth’s East Campus and Poplar Point.”

Policy H-1.1.2: Production Incentives - Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing. (10-A DCMR § 503.3)

The Project is a mixed-use development that consists of approximately 1,030,000 GFA of health care use, approximately 924,583 GFA of residential use, approximately 94,170 GFA of retail use, approximately 17,500 GFA of community center use, and approximately 9.38 acres of new parks and open space.¹ As has been previously established, the PUD site requires significant predevelopment and infrastructure investment just to get the site stabilized and ready for construction. In addition, the Project involves a substantial amount of affordable housing and parks and open space. In light of the substantial predevelopment costs, and the significant amount of affordable housing and parks and open space proposed, there is a need for some additional building height on the north side of the PUD Site to accommodate the health care facilities that are critical to making the project viable. Notwithstanding this additional height, the density of the overall Project is well within the range permitted under the site's FLUM designation.

Policy H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. (10-A DCMR § 503.4)

As substantial amount of the Project's proposed building program consists of new housing. According to the site tabulations contained in Exhibit 849A1, Sheet 35, approximately 45% of the overall GFA of the project will be devoted to residential use, of which 20% will be devoted to affordable housing that will be devoted to low- and moderate-income households. The affordable housing will consist of a range of housing types including single-family townhomes and multiple-family dwelling units and senior dwelling units.

Policy H-1.1.4: Mixed-Use Development - Promote mixed-use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors, and around appropriate Metrorail stations. (10-A DCMR § 503.5)

The Project is consistent with the Comprehensive Plan goal of promoting mixed-use development along major corridors that includes housing on commercially zoned land. The Project will contain retail, residential, office, community, and parks and open space uses on commercially and residentially zoned land. In addition, the Project is located along North Capitol Street, one of the District's major corridors and most important gateways into the nation's capital.

¹ The approximate 9.38 acres of parks and open space consists of the proposed park on Parcel 6 (6.2 acres), Cell 14 (1 acre), the proposed healing gardens (0.75 acre), and Olmsted Walk (1.43 acres).

Policy H-1.1.5: Housing Quality - Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. (10-A DCMR § 503.6)

The design of the affordable housing that will be provided as part of the Project will be constructed to the same high-quality architectural standards as the market-rate housing using comparable materials and equipment that are durable, of good quality, and consistent with contemporary standards for new housing.

Policy H-1.1.7: New Neighborhoods - Accommodate a significant share of the District's projected housing demand in "new neighborhoods" developed on large sites formerly used for government functions. In addition to housing, these neighborhoods must include well-planned retail, public schools, attractive parks, open space and recreation, as well as needed supportive services. The new neighborhoods should include a variety of housing types, serving a variety of income levels. (10-A DCMR § 503.8)

The Project will transform the PUD Site, which the District has been trying to redevelop since acquiring the site in 1987, into a vibrant mixed-use neighborhood that weaves together well-planned housing, retail, office, open space, and recreation uses with the existing historic structures located along North and South Service Courts. Overall, the Project will consist of approximately 2,072,553 GFA, of which approximately 45% will be devoted to residential use. This substantial amount of new housing, of which 20% will be affordable housing devoted to low- and moderate-income households, will make a significant contribution toward the District meeting its housing and affordable housing goals. The new housing, including the affordable housing, will consist of a range of housing types including single-family townhomes and multiple-family dwelling units and senior dwelling units.

Policy H-1.2.4: Housing Affordability on Publicly Owned Sites - Require that a substantial percentage of the housing units built on publicly owned sites, including sites being transferred from federal to District jurisdiction, are reserved for low and moderate income households. (10-A DCMR § 504.11)

As stated above, approximately 20% of the total residential GFA proposed in the Project will be devoted to affordable housing comprising a variety of dwelling types. On Parcel 5, approximately 22 townhomes will be set aside as affordable with approximately nine of the townhomes set aside for low-income households earning no more than 50% MFI, and the remaining affordable townhomes set aside for moderate-income households earning no more than 80% MFI. On Parcel 4, approximately 85 dwelling units will be set aside as senior housing (55 years of age or older) for households earning no more than 50 - 60% MFI. Finally, approximately 27 dwelling units will be set aside as affordable on Parcel 2, of which two dwelling units will be devoted to low-income households earning no more than 50% MFI and the remaining affordable dwelling units devoted to moderate-income households earning no more than 80% MFI. All of the affordable dwelling units provided in the Project will either be constructed prior to, or concurrently with the market-rate units on a given

parcel, or constructed at a pace that is proportional with the construction of the market-rate units if the Project is constructed in phases. In addition, the affordable housing will remain set aside as affordable for so long as the Project exists.

Policy H-1.3.1: Housing for Families - Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments (10-A DCMR § 505.6).

As shown in Exhibit 32A2A35, the Project will include approximately 146 for-sale row dwellings that will contain three- and four-bedroom unit types.

Policy H-1.3.2: Tenure Diversity - Encourage the production of both renter-occupied and owner-occupied housing (10-A DCMR § 505.7).

The Project will include both renter-occupied and owner-occupied housing.

Policy H-1.4.6: Whole Neighborhood Approach - Ensure that the construction of housing is accompanied by concurrent programs to improve neighborhood services, schools, job training, child care, parks, health care facilities, police and fire facilities, transportation, and emergency response capacity (10-A DCMR § 506.12).

In addition to providing substantial new housing, the Project will also consist of approximately 94,170 GFA of new retail, including a new 58,705 GFA full-service grocery store, and approximately 1,030,000 GFA of new health care facility space. In addition, the Project will include a new 17,500 GFA community center with an indoor pool, and approximately 9.38 acres of new parks, open space, plaza and gardens. Furthermore, as part of the PUD benefits, the Applicant will: (i) contribute \$700,000 to the Community Foundation of the National Capital Region (“CFNCR”) to support workforce development initiatives, (ii) contribute \$300,000 to CFNCR to support scholarships for higher education training and job-related certifications, (iii) contribute \$125,000 to the D.C. Education Fund to be used to improve STEM teacher professional development and instruction, (iv) and contribute \$500,000 to the Partnership to hire high-school are residents and senior residents to provide guided tours of the McMillan site

Policy H-2.1.3: Avoiding Displacement - Maintain programs to minimize displacement resulting from the conversion or renovation of affordable rental housing to more costly forms of housing. These programs should include financial, technical, and counseling assistance to lower income households and the strengthening of the rights of existing tenants to purchase rental units if they are being converted to ownership units. (10-A DCMR § 509.7)

The Project will not result in any direct displacement of existing residents as the PUD Site is currently vacant. Further, the Project will introduce approximately 134 new affordable dwelling units devoted to low- and moderate-income households, including low-income senior households. The affordable housing provided will remain affordable for the life of the Project, and thus will actually help temper the effects of any displacement that is currently occurring in the neighborhood due to gentrification and increased investment by providing increased affordable housing options to residents that are unable to remain in their homes but wish to stay in their neighborhood.

Furthermore, with respect to displacement of residents living in existing affordable housing, the Project will have no role in whether these existing affordable dwelling units remain as affordable, or whether they are converted from rental to ownership. To the extent that this occurs as a result of normal market influences and the continued demand in the District's housing market, there is a wide range of programs offered by the District of Columbia government that are devoted to increasing the inventory of affordable housing and minimizing the potential for displacement caused by conversion of affordable housing to market-rate, conversion of rental housing to ownership, and increases in property values. The assistance provided by these programs comes in a variety of forms including, but not limited to, (i) limitations on property tax increases, (ii) tax relief to senior citizens and persons with disabilities, (iii) low-income homeowner tax abatements and tax credits, (iv) low-income property tax deferral, (v) local rent supplement program, (vi) tenant opportunity to purchase ("TOPA"), and (vii) home purchase assistance program ("HPAP").

Policy H-2.1.5: Long-Term Affordability Restrictions - Ensure that affordable housing units that are created or preserved with public financing are protected by long-term affordability restrictions and are monitored to prevent their transfer to non-qualifying households. Except where precluded by federal programs, affordable units should remain affordable for the life of the building, with equity and asset build up opportunities provided for ownership units. (10-A DCMR § 509.9)

The affordable housing that will be constructed as part of the Project will remain as affordable housing for the life of the Project.

Policy H-4.1.1: Integration of Special Needs Housing - Integrate special needs housing units throughout the city rather than segregating them into neighborhoods that already have high concentrations of such housing. (10-A DCMR § 515.3)

The Project will include new housing for residents with special needs, which the Comprehensive Plan considers to be individuals and families that are homeless, seniors, people with physical disabilities, people living with HIV/AIDS, people with mental illness, adults reentering the city from correctional facilities, and youth being discharged from foster care and the juvenile justice system. Specifically, the Project will provide approximately 85 senior affordable dwelling units that will be integrated into the Project such that residents of the senior affordable units will be in close walking distance to key health care services, recreation, and retail uses. In addition, senior residents will also have easy access to existing Metrobus routes that operate around the PUD Site, as well as to the private shuttle the Applicant will operate until such time as the District implements a Circulator or street car line adjacent to the site. Finally, the new senior affordable housing will allow long-time senior residents that may wish to downsize to a smaller, multi-family living arrangement while remain in their neighborhood.

Policy H-4.1.3: Coordination of Housing and Support Services - Coordinate the siting of special needs housing with the location of the key services that support the population being housed. The availability of affordable public transportation to reach those services also should be considered. (10-A DCMR § 515.5)

See response to Policy H-4.1.1

Policy H-4.2.2: Housing Choice for Seniors - Provide a wide variety of affordable housing choices for the District's seniors, taking into account the income range and health-care needs of this population. Recognize the coming growth in the senior population so that the production and rehabilitation of publicly-assisted senior housing that meets universal design standards becomes a major governmental priority. Acknowledge and support the establishment of Senior Villages throughout the city that allow seniors to remain in their homes and age in-place. (10-A DCMR § 516.8)

See response to Policy H-4.1.1

Policy H-4.2.3: Neighborhood-Based Senior Housing - Encourage the production of multi-family senior housing in those neighborhoods characterized by large numbers of seniors living alone in single family homes. This will enable senior residents to remain in their neighborhoods and reduce their home maintenance costs and obligations. (10-A DCMR § 516.9)

See response to Policy H-4.1.1

4. ENVIRONMENTAL PROTECTION ELEMENT

The overarching goal for environmental protection is: [p]rotect, restore, and enhance the natural and man-made environment in the District of Columbia, taking steps to improve environmental quality, prevent and reduce pollution, and conserve the values and functions of the District's natural resources and ecosystems (10-A DCMR § 601.1).

Policy E-1.1.1: Street Tree Planting and Maintenance - Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. (10-A DCMR § 603.4)

According to the District of Columbia Urban Tree Canopy Plan, prepared by the DDOT Urban Forestry Administration (“UFA”) in January 2013 (Exhibit J), the District’s tree canopy declined by 16% between 1973 and 1997, resulting in a 34% increase in storm water runoff and losses in ecosystem services provided by trees (such as cleaning the air and water) were estimated at \$1.2 million annually. Based on a 2009 analysis conducted by UFA, the District has an existing tree canopy of approximately 35% . The District’s *Vision for a Sustainable DC*, released in 2012, sets a goal of achieving a 40% tree canopy by 2032.

According to the Comprehensive Plan, the Mid-City East Planning Area, the area within which the PUD Site is located, “has a very high percentage of impervious surface coverage and lost much of its tree cover during the 1970s, 80s, and 90s. Tree planting is needed to reduce urban runoff, create shade, remove air pollutants, and create beauty in the neighborhoods” (10-A DCMR § 2007.2(k)). Redevelopment of the PUD Site is a major opportunity to help address this issue and help the District meet its tree canopy goal. In fact, as shown on Page 19, Figure 13 of the attached UFA Urban Tree Canopy Plan, the PUD Site is specifically shown as having some of the highest potential for new urban tree canopy. As part of the Project, the public streetscape surrounding the PUD Site will be reconstructed to DDOT standards and will include a substantial number of new street trees located in tree boxes that meet DDOT minimum standard sizes. In addition, street trees will also be planted along all of the private streets throughout the PUD Site, as well as on both sides of Olmsted Walk. Overall, approximately 690 - 750 new trees will be planted throughout the PUD Site and surrounding public space, and will meet LEED tree-lined and shaded block requirements for 70% of the blocks in the Project. This significant increase in tree canopy will provide shade; help reduce storm water runoff, help reduce energy costs and improve air and water quality; provide urban habitat; absorb noise; and create economic and aesthetic value in the surrounding neighborhood.

Finally, in addition to the above described onsite improvements and improvements to public space immediately surrounding the site, the Applicant will contribute \$500,000 over a five-year period for fabricating, installing, repairing and restoring tree box fence enclosures; planting tree and ground cover plants; and installing certain neighborhood signage in coordination with the Bates, Bloomingdale, Eckington, Edgewood, and Hanover Area, and Stronghold Civic Associations.

Policy E-1.1.3: Landscaping - Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce storm water runoff, and create a stronger sense of character and identity (10-A DCMR § 603.6).

The Project will substantially increase the amount and quality of landscaping on the PUD Site and the surrounding public space. As part of the Project, the streetscape surrounding the site will be reconstructed to DDOT standards which will enhance the public space aesthetic by including new pavement and light fixtures, enlarged tree boxes, and healthy street trees. In addition, currently the site is devoid of any meaningful tree canopy and landscaping, and what does exist is in an unhealthy state and provides poor storm water retention capacity. As shown in Exhibit 32A1A13, Sheets 38 – 43, in order to comply with Green Area Ratio requirements and meet LEED requirements, the Project will contain a substantial number of new landscaped elements that will beautify the site, establish a unique character for the McMillan site, and add capacity to reduce runoff. Specifically, according to the Green Area Ratio scoresheet included in Exhibit 32A1A13, Sheet 44, the Project will contain, among other notable elements, approximately 288,645 sf of landscaped areas, approximately 12,822 sf of bioretention facilities, approximately 690 - 750 new trees, approximately 11,000 sf of green roof, and approximately 58,724 sf of permeable paving.

Policy E-2.1.1: Promoting Water Conservation - Promote the efficient use of existing water supplies through a variety of water conservation measures, including the use of plumbing fixtures designed for water efficiency, drought-tolerant landscaping, and irrigation systems designed to conserve water (10-A DCMR § 609.3).

The overall Project will be design to LEED ND Gold or its equivalent. In addition, each individual building will be LEED Silver or Green Communities compliant, depending on whether it is residential or commercial. With respect to outdoor water efficiency, the Project's landscape water requirement will be reduced by at least 30% from a calculated baseline for the estimated peak watering month. In addition, in order to achieve the intended LEED of Green Communities rating, each building will be fitted with plumbing fixtures designed for water efficiency. Overall, it is expected that each building will reduce indoor water usage by an average of at least 20% compared to the LEED baseline water efficiency.

Policy E-2.2.1: Energy Efficiency - Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees (10-A DCMR § 610.3).

As already stated, the overall Project will be design to LEED ND Gold or its equivalent. In addition, each individual building will be LEED Silver or Green Communities compliant, depending on whether it is residential or commercial. With respect to exterior energy usage, as shown overall lighting concept included in Exhibit X, Sheets 85 – 93, the Project will utilize a variety of energy efficient exterior light standards. Overall, the Project will comply with LEED ND light pollution reduction requirements for exterior lighting, and the more stringent, largely residential requirements for uplighting and trespass lighting. In addition, as part of achieving the desired LEED rating, each building will be designed to optimize energy performance, including the potential for rooftop solar panels. At least 90% of the total building floor area will achieve a minimum average of at least 5% energy performance improvement, and all non-residential and multifamily buildings will target an average energy performance of 12% over the baseline standard.

Policy E-2.2.5: Energy Efficient Building and Site Planning - Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals (10-A DCMR § 610.7).

See response to Policy E-2.2.1

Policy E-3.1.1: Maximizing Permeable Surfaces - Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb storm water and reduce urban runoff (10-A DCMR § 613.2).

See response to Policy E-1.1.3

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - Promote an increase in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces (10-A DCMR § 613.3).

See response to Policy E-1.1.3

Policy E-3.2.1: Support for Green Building - Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities (10-A DCMR § 614.2).

The overall Project will be design to LEED ND Gold or its equivalent. In addition, each individual building will be LEED Silver or Green Communities compliant, depending on whether it is residential or commercial. In addition, upon completion the Project will achieve, at minimum, the applicable provisions of the Green Construction Code of 2013 Construction Code of the District of Columbia.

Policy E-4.2.3: Control of Urban Runoff - Continue to implement water pollution control and “best management practice” measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands (10-A DCMR § 619.8).

Currently, the PUD Site does not contain any storm water management, and runoff from the entire 24 acre site enters the District’s Combined Sewer System without any form of treatment. As part of the Project, a new storm water management system will be implemented on the site that will meet or exceed the District’s current storm water regulations through the use of sustainable low impact development (“LID”) strategies such as bio-retention, pervious pavers, storm water pond, green roofs, and underground cisterns. As shown in the conceptual storm water management calculations included on Exhibit 32A1A24, Sheet 116, the estimated required storm water retention volume for the Project is approximately 87,379 cubic feet, and the estimated storage/retention volume that will be provided onsite is approximately 88,171 cubic feet. As part of the Environmental Impact Screening process conducted by the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”), the DOEE Watershed Protection Division reviewed the Applicant’s conceptual storm water plan and stated that no significant adverse impacts are anticipated “provided the proposed erosion and sediment control and storm water management measures are implements.” (Exhibit F)

Policy E-4.3.2: Reduction of Vehicle Noise - Provide regulatory, mitigation, and monitoring measures to minimize exposure to noise from vehicular traffic, including buses, trucks, autos, and trains. Encourage the use of landscaping and sound barriers to reduce exposure to noise along freeways, rail lines, and other transportation corridors (10-A DCMR § 620.5).

The Project will install a significant number of street trees within public space around the perimeter of the PUD Site. In addition, an additional double row of trees will be installed around the perimeter of the site as part of Olmsted Walk. Combined, the street trees

and Olmsted Walk will help minimize exposure to noise from vehicular traffic. In addition, as part of the loading management plan for Parcel 4, which contains the new full-service grocery store, the grocery store tenant will be required to ensure that the loading dock meets the District's noise ordinance, and adhere to any restrictions imposed on loading hours.

Policy E-4.3.5: Noise and Land Use Compatibility - Avoid locating new land uses that generate excessive noise adjacent to sensitive uses such as housing, hospitals, and schools. Conversely, avoid locating new noise-sensitive uses within areas where noise levels exceed federal and District guidelines for those uses (10-A DCMR § 620.8).

The Project does not propose any uses that generate excessive noise. The existing uses that surround the PUD Site include residential, office, hospitals, and open space. These same uses are proposed as part of the Project.

Policy E-4.6.2: Clean City Programs - Improve environmental quality through programs that promote efficient trash removal, neighborhood clean-ups, and levying of fines and penalties for abandonment of personal property (including cars) and illegal dumping (10-A DCMR § 623.4).

As part of the Project the Applicant will establish a project association or business improvement district (the "Partnership") for the Project that will be responsible for the maintenance and improvements of the roadways, alleys, bicycle paths, historic walks, sidewalks, parks, historic resources, streetscapes, street furniture and fixtures, and signage within the PUD Site. The establishment of the Partnership will ensure that the parks, open spaces, and other public spaces throughout the PUD Site will be properly maintained and kept clear of trash.

Policy E-4.7.3: Light Pollution - Maintain regulations for outdoor lighting to reduce light pollution and conserve energy....(10-A DCMR § 624.6).

The Project will comply with LEED ND light pollution reduction requirements for exterior lighting, and the more stringent, largely residential requirements for uplighting and trespass lighting.

5. ECONOMIC DEVELOPMENT ELEMENT

The overarching goal for economic development in the District is to [s]trengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy (10-A DCMR § 701.1).

Policy ED-1.1.1: Core Industries - Continue to support and grow the District's core industries, particularly the federal government, professional and technical services, membership associations, education, hospitality, health care, and administrative support services. (10-A DCMR § 703.9)

The Project will provide approximately 1,030,000 square feet of gross floor area devoted to health care uses, one of the District's core industries. This additional space will substantially improve the District's inventory of first-class medical office space that meets modern standards. In addition, the location of the proposed medical office space immediately south of the Washington Hospital Center and Children's National Medical Center, the core of the District's system of health care facilities, will allow these important institutions to continue to grow and expand. Finally, the proposed health care facilities will help implement one of the six strategic initiatives set forth in "The Five-Year Economic Development Strategy for the District of Columbia (the "Economic Strategy"), a portion of which is attached as Exhibit K, which recommends development of a medical hub at the McMillan Reservoir site as part of a strategy to development a best in class global medical center within the District. According to the Economic Strategy, development of a medical hub at the McMillan Reservoir site will create a focal point for the District's medical institutions, deliver much needed expansion space for area health care facilities, and has the potential to add approximately 5,000 new jobs to the higher education and health care sectors.

Policy ED-1.1.5: Use of Large Sites - Plan strategically for the District's remaining large development sites to ensure that their economic development potential is fully realized. These sites should be viewed as assets that can be used to revitalize neighborhoods and diversify the District economy over the long term. Sites with Metrorail access, planned light rail access, and highway access should be viewed as opportunities for new jobs and not exclusively as housing sites (10-A DCMR § 703.13).

The PUD Site is identified in the Land Use Element as one of ten large sites within the District that have great potential to address multiple issues facing the city, including economic development, affordable housing, growing the retail sector, and the demand for more parks and open space. The Project will redevelop this longstanding vacant and underutilized site into new, mixed-use neighborhood that capitalizes on the site's economic development potential by bringing approximately one million GFA of health care facilities, and approximately 94,170 GFA of new retail and service uses. Consistent with the recommendation made in the Economic Strategy, the new healthcare facility building that will be constructed will advance the District's vision of creating a medical hub at the McMillan site. Finally, the preservation of the existing historic structures, outdoor walking museum, and the public art program have the potential to generate additional economic benefit by attracting visitors to the site to experience these cultural assets and stay longer to patronize the proposed retail space.

Policy ED-2.2.1: Expanding the Retail Sector - Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas (10-A DCMR § 708.4).

The Project will add significantly to the District's retail sector and provide much needed retail to this area of the District by providing approximately 94,170 GFA of new retail and service uses, including a new 58,705 GFA full-service grocery store.

Policy ED-2.2.3: Neighborhood Shopping - Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences (10-A DCMR § 708.7).

Excluding the new grocery store, the Project will provide approximately 35,465 GFA of new retail and service use that will help meet the basic goods and services demands of the surrounding neighborhood. Also, the Applicant will contribute \$750,000 over a ten year period to the Partnership for outdoor programming that may including the development of an outdoor market that will further expand the retail available to the neighborhood. Finally, the Applicant will also contribute \$225,000 to the Partnership to facilitate business start-ups by awarding grants or in-kind resources to small, local retail/service businesses looking to locate and operate on site to try out their retail/service concepts.

Policy ED-2.2.6: Grocery Stores and Supermarkets - Promote the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and other shopping services. Because such uses inherently require greater depth and lot area than is present in many commercial districts, adjustments to current zoning standards to accommodate these uses should be considered (10-A DCMR § 708.10).

According to a 2010 study entitled "When Healthy Food is Out of Reach: An Analysis of the Grocery Gap in the District of Columbia," prepared by D.C. Hunger Solutions and Social Gap, Ward 5, the ward in which the PUD Site is located, is one of the areas of the District considered to be underserved by full-service grocery stores, as so call "food desert." This finding is further supported by the D.C. Community Health Needs Assessment prepared by the D.C. Department of Health in February 2014, which found that Ward 5 has very limited access to "Category A" food options (farmers markets, organic food markets, large-scale and small-scale grocery stores), and an abundance of "Category B" food options (convenience stores, carry-outs, and traditional fast food restaurants)(Exhibit L). The Project will help address this imbalance by providing a new 58,705 GFA full-service grocery store. Furthermore, additional healthy food options will be provided to neighborhood residents through the community market established by the Partnership.

Policy ED-2.3.3: Amenities Beyond the Mall - Promote the development of cultural amenities beyond the Mall in an effort to more fully capitalize on the economic benefits of tourism (10-A DCMR § 709.7).

In addition to the positive impact the Project will have on housing, parks and open space, economic development, and community facilities, it will also contribute to the District through the cultural amenities it will create. After many years of being closed off to the public, the Project's rehabilitation and/or restoration of almost all of the historic above ground structures along the North and South Service Courts, and the preservation of Cell 14 and a portion of Cell 28 will provide an invaluable opportunity to highlight the history of the McMillan Reservoir site and the surrounding neighborhood through various forms of interpretation including the outdoor walking museum, interpretive center, mobile technology, and guided tours.

In addition, the Applicant's public art program will distinguish McMillan as a unique destination while also referencing the site's important history and the character of the community. Public art will be integrated into the site in thoughtful, innovative ways that define space, create a holistic art environment and make a strong aesthetic statement. Public art will be incorporated into the overall lighting and landscape plan, and certain elements such as the sand storage bins and regulator housing will be developed with a public art objective. In addition, functional elements such as manhole covers, benches, pavers, and playground equipment will be considered for public art opportunities, and will be closely coordinated with the architecture and landscape of the site to insure a cohesive approach.

Policy ED-2.4.1: Institutional Growth - Support growth in the higher education and health care sectors. Recognize the potential of these industries to provide employment and income opportunities for District residents, and to enhance the District's array of cultural amenities and health care options (10-A DCMR § 710.3).

See response to Policy ED-1.1.1

Policy ED-3.1.5: Public-Private Partnerships - Leverage the expenditure of public funds to produce private sector investments, including joint development on publicly-owned land and redevelopment in areas considered to be high risks by investors. Support the involvement of local community development corporations in commercial development and revitalization efforts within these areas (10-A DCMR § 713.9).

The Project involves a public-private partnership between the District and VMP aimed at jointly redeveloping the PUD Site, which has been owned by the District since 1987. Despite a longstanding interest in redeveloping the site, due to the significant investment necessary to prepare the site for redevelopment and the complexities of the required entitlement processes, the District has been unable to identify a private sector partner that was willing and able to commit to such a project. In fact, according to the D.C. Council Committee on Economic Development report, dated November 25, 2014, prepared for the disposition of Parcels 1 and 3 from the District to VMP, while attempts to redevelop the PUD Site began on 2007, the current proposal represents "the first real development package to be submitted by the Council" (Exhibit M). Through the partnership

between the District and VMP, the physical barriers to redeveloping the site can successfully and appropriately be addressed, and the District will finally be able to capitalize on the potential for this site to advance several of the Comprehensive Plan policies that pertain to this site and the Mid-City East Planning Area. These objectives include the need for increased housing, especially affordable housing; increased retail, especially a full-service grocery store; and increase parks, open space, and recreation.

Policy ED-3.2.6: Commercial Displacement - Avoid the displacement of small and local businesses due to rising real estate costs. Programs should be developed to offset the impacts of rising operating expenses on small businesses in areas of rapidly rising rents and prices (10-A DCMR § 714.11).

The Project will not result in any direct displacement of existing small and local businesses as the site is current vacant. Rather, the PUD site is in an area that has very little commercial presence, and the new retail, particularly the full-service grocery store, will provide highly-desired retail and neighborhood-serving amenities to new and existing residents. The Applicant will also provide several benefits that will support local commercial businesses including executing an agreement with the Department of Small and Local Business Development (“DSLBD”) to achieve 35% participation by Certified Business Enterprises (“CBE”) in the contracted development costs for the design, development, construction, maintenance, and security of the Project, and 20% CBE equity sponsorship participation. In addition, the Applicant has executed a First Source Employment Agreement with the District Department of Employment Services to utilize District residents for at least 51% of the new jobs created by the Project and, to the extent permitted by law, give first preference to Ward 1 and Ward 5 residents. In addition, as part of the First Source Agreement that Applicant will provide training, job fairs, and apprenticeship opportunities with construction trade organizations, or with healthcare facility and other organizations to maximize participation by District residents in the training and apprenticeship opportunities. Finally, the Applicant will contribute \$225,000 to the Partnership to facilitate business start-ups by awarding grants or in-kind services to small, local retail/service businesses looking to locate and operate on site to try out their retail/service concepts.

Policy ED-3.2.8: LSDBE Programs - Expand opportunities for local, small, and disadvantaged business enterprises through city programs, incentives, contracting requirements, and other activities (10-A DCMR § 714.13).

See response to Policy ED-3.2.6

Policy ED-4.1.5: Learning Outside the Classroom - Support greater opportunities for learning and student achievement outside the classroom, including tutoring and mentoring programs by the District’s major employers, non-profits, and volunteers; and a full array of after school programs (10-A DCMR § 716.10).

The Applicant will make a \$700,000 total contribution to the Community Foundation of the National Capital Region (“CFNCR”) to support workforce development initiatives to improve low-income workers skills, credentials, career prospects, earnings, and job placement, and another \$300,000 total contribution to CFNCR to support scholarships for

higher education training or job-related certification encouraging “legacy” career paths in engineering, landscape architecture, or on-site jobs in the medical field, with a preference for Ward 1 and Ward 5 residents, to the extent permitted by law. Finally, the Applicant will contribute \$500,000 to the Partnership to hire high-school age residents to provide guided tours of the McMillan site. In addition, the Applicant will

Policy ED-4.2.1: Linking Residents to Jobs - Promote measures which increase the number of District jobs held by District residents (10-A DCMR § 717.9).

See response to Policy ED-3.2.6

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-A DCMR § 717.20).

See response to Policy ED-3.2.6

Policy ED-4.2.3: Focus on Economically Disadvantaged Populations - Focus workforce development efforts on economically disadvantaged communities, particularly those with many unemployed or marginally employed residents. Assistance should also be focused on groups most in need, including persons with limited work skills, single mothers, youth leaving foster care, ex-offenders, and persons with limited English proficiency (10-A DCMR § 717.11)

See response to Policy ED-3.2.6

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-A DCMR § 717.20).

See response to Policy ED-3.2.6

6. PARKS, RECREATION, OPEN SPACE ELEMENT

The overarching goal for parks, recreation and open space is to [p]reserve and enhance parks and open spaces within the District of Columbia to meet active and passive recreational needs, improve environmental quality, enhance the identity and character of District neighborhoods, and provide visual beauty in all parts of the national capital (10-A DCMR § 801.1).

Policy PROS-1.1.3: Park Diversity - Provide a diverse range of recreational experiences in parks within the District of Columbia, including a balance between passive and active recreational uses, and a mix of local-serving, region-serving, and national recreational uses (10-A DCMR § 804.10).

The Project will provide a wide range of the recreational experiences within the parks and open spaces that are an integral component of the master plan for the site and the new recreation center. The large community parks space at the south end of the site will contain approximately 6.2 acres, which is ample space to accommodate a range of passive and active recreation activities. The Project will provide a large playground, spray fountain, pond, and amphitheater. Additional open space will be provided at the north end of the site in the form of a one acre park space at Cell 14, and approximately $\frac{3}{4}$ acres of healing gardens. These additional open spaces will be connected to the community parks space to the south by the reestablished Olmsted Walk, a tree lined pedestrian promenade that will run along the perimeter of the site. Finally, the Project also includes a new 17,500 GFA recreation center that will contain an indoor pool, a fitness center, catering kitchen, and multi-purpose meeting spaces that can accommodate a range of recreation activities.

Policy PROS-1.2.1: Closing the Gaps - Achieve a better distribution of parks in all neighborhoods of the city. This will require a priority on improving or expanding parks in: (a) more densely populated neighborhoods with limited open space; (b) areas that are more than $\frac{1}{2}$ mile from a neighborhood or community park (or a federal park that serves an equivalent function); (c) areas where substantial new housing growth is expected, based on the forecasts of the Comprehensive Plan; and (d) areas where the existing recreation centers and parks are in poor condition (10-A DCMR § 805.5).

The PUD Site is located within the Mid-City East Planning Area of the Comprehensive Plan, an area that is described in the Comprehensive Plan as being “in dire need of additional parkland” and having a shortage of recreational activities, particularly in the eastern part of the Planning Area. The Project will greatly improve these conditions by providing a new recreation center at the eastern edge of the Planning Area, and by providing devoting a substantial portion of the site, approximately 7.95 acres (9.38 acres including Olmsted Walk), to new parks and open space.

Policy PROS-1.3.6: Compatibility with Adjacent Development - Design and manage park activities and facilities including recreation centers in a way that is compatible with nearby residential and commercial uses (10-A DCMR § 806.8).

The design of the proposed parks and open space, as well as the new recreation center, are compatible with nearby residential and commercial uses. The recreation center, as well as a majority of the open space, are deliberately located at the south end of the site to provide convenient access to existing residential uses. In addition, the design of the large park is a response to the community’s preference for the space to be primarily a multi-purpose open space rather than divided up into courts and playing fields. Finally, the Partnership established by the Applicant will be responsible for ensuring that the parks and open space, historic walks and resources, signage, streetscapes and street furniture are properly managed and maintained.

Policy PROS-1.4.3: Parks on Large Sites - Include new neighborhood and/or community parks on large sites that are redeveloped for housing and other uses that generate a demand for recreational services. The potential for such parks to enhance the connectivity of parks and open spaces throughout the city should be an important planning and design consideration, particularly where multiple large adjacent sites are being redeveloped (10-A DCMR § 807.6)

A substantial portion of the PUD Site will be devoted to new parks and open space that will be publicly accessible at all times. In fact, the community's desire for more parks in the Planning Area was a critical planning consideration throughout the process of developing the master plan for the site. Overall, the Project will contain approximately 7.95 acres of parks and open space (9.38 acres including Olmsted Walk), which equates to approximately 32% of the entire PUD Site (38% including Olmsted Walk), a substantial percentage of this large site. In fact, not including the private streets proposed within the PUD Site, the percentage of the site devoted to parks and open space further increases to approximately 40% (47% including Olmsted Walk).

The parks and open space provided as part of the Project, along with Olmsted Walk, will enhance connections in the immediate vicinity of the PUD Site and, when considered together with the approximately 20 acres of publicly accessible open space proposed as part of the redevelopment of Zone A in the Armed Forces Retirement Home ("AFRH") Master Plan, will also enhance the connectivity of the District's system of parks and open space between the Bloomingdale neighborhood to the south and the Fort Totten neighborhood and Fort Circle Park system to the north.

Policy PROS-1.4.4: Parks on Surplus Land - Acquire and convert abandoned or tax delinquent land, surplus rail or road rights of way, and other land not in productive use into recreational use where feasible and appropriate, particularly in parts of the city that lack adequate access to parkland (10-A DCMR § 807.7).

The Project will devote a significant portion of the PUD Site, approximately 32% of the site acreage (38% including Olmsted Walk), to new parks and open space.

Policy PROS-2.1.1: Recreational Facility Development - Improve the physical and psychological health of District residents by providing a variety of recreational and athletic facilities, including playing fields, tennis courts, swimming pools, basketball courts, trails and paths, and open areas for other sports activities (10-A DCMR § 809.5).

The Project will provide a variety of recreational facilities including a new recreation center; indoor pool; outdoor playground, spray fountain, amphitheater; and a pond. In addition, the reestablishment of Olmsted Walk, preservation of the historic aboveground structures and select underground filter cells, and the outdoor walking museum that will tell the story of the McMillan Reservoir site will provide a unique recreational activity.

Policy PROS-2.1.3: Quality and Compatible Design - Require all park improvements to be of high design and construction quality, sensitive to the natural environment, and compatible with surrounding land uses (10-A DCMR § 809.8).

The design of the new parks and open space proposed as part of the Project has been developed through a rigorous design review process involving the Zoning Commission, HPRB, District agencies, and the community. As a result, the new parks and open space, including the proposed recreation center, will be reflective of high standards of design and construction quality that successfully relates to the surrounding context and provides substantial benefit to the health and welfare of the community and the environment.

Policy PROS-3.3.1: North-Central Open Space Network - Protect and enhance the historic open space network extending from McMillan Reservoir to Fort Totten. As future land use changes in this area take place, an integrated system of permanent open spaces and improved parks should be maintained or created (10-A DCMR § 814.5).

The parks and open space provided as part of the Project, along with Olmsted Walk, will enhance the historic open space network extending from McMillan Reservoir to Fort Totten. Through its partnership with VMP, the District will be able to redevelop this long-time vacant and underutilized publicly owned site into a vibrant, mixed-use environment that addresses several Planning Area and District-wide needs. With respect to parks and open space, as previously stated, the Project will provide approximately 7.95 acres of parks and open space (9.38 acres including Olmsted Walk), which not only will substantially improve the level of service of the park space within the Planning Area, it will also advance the creation of an open space network extending from McMillan Reservoir to Fort Totten. Further advancement of this concept will be realized through the implementation of AFRH Master Plan, which is considered one of the District's small area plans, which proposes approximately 20 acres of publicly accessible open space proposed in the southeastern portion of the AFRH campus (Exhibit N).

7. URBAN DESIGN ELEMENT

The overarching goal for urban design in the District is to [e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity 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-A DCMR § 901.1).

Policy UD-1.2.4: View Protection - Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods (10-A DCMR § 904.6).

The McMillan Master Plan takes both internal and external views into consideration into account the above views, addressing both city landmarks and the importance of views to the quality of life in the city and the identity of Washington and its

neighborhoods. As shown Exhibit 32A1A8, Sheet 25, the Project will maintain views across the southern portion of the PUD Site, which will preserve the existing visual relationship between the southern portion of the site and the South Service Court, and convey a sense of the spatial organization of the historic site. The large park at the southern end of the site, which retains the original McMillan plinth elevation, preserves the historic views to the west, south, and east. In addition, the Olmsted Walk that encompasses the site at its perimeter allows for the preservation of views externally from the PUD Site on all four edges. At the request of the HPRB to convey more of the three-part spatial organization of the site, the Applicant has also maintained visual connections between the North and South Service Courts along new north-south streets. Finally, in response to concerns raised by the National Capital Planning Commission (“NCPC”) regarding the impact of the Project on views of the U.S. Capitol from the Scott Statue at the Armed Force Retirement Home , the Applicant, working together with NCPC staff, reduced the height of the healthcare facilities building from 130 feet to the proposed 115 feet and shifted the west façade of the building to the east by 15 feet. As a result of these modifications, NCPC found the Project to be not inconsistent with the Federal Elements of the Comprehensive Plan.

Policy UD-1.4.2: City Gateways - Create more distinctive and memorable gateways at points of entry to the city, and points of entry to individual neighborhoods and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact (10-A DCMR § 906.8).

The PUD Site is located at a key point along the North Capitol Street corridor, an important gateway into the nation’s capital. Specifically, the intersection of North Capitol Street and Michigan Avenue is the northernmost point along the corridor that is on axis with the U.S. Capitol. To the north of the intersection, North Capitol Street follows a nonlinear alignment as it travels around the Veterans Affairs Medical Center and through Fort Totten. As a result, the intersection of North Capitol Street and Michigan Avenue serves as a point of entry where southbound travelers get their first glimpse of the U.S. Capitol. Thus, redevelopment of the PUD Site with a mixed-use development that provides high-quality design, carefully designed open spaces, cultural opportunities, and neighborhood-serving amenities would have a strong and positive visual impact on this important gateway corridor.

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-A DCMR § 910.6).

See response to Policy UD-2.2.4

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-A DCMR § 910.11).

The Project will strengthen the defining visual qualities of the surrounding neighborhood by transforming a site that is currently fenced off to the public, overgrown, and in severe disrepair into a vibrant mixed-use development that offers new open space; a community center with indoor pool; housing, including a substantial amount of affordable housing; high-quality health care facilities; and a new full-service grocery store, an amenity that is highly desired by the community. The designs of the overall Project has been developed with extensive input provided by District agencies, and in particular the HPO and HPRB, as well as the ANC and the community. In response to the extensive input gained throughout this process, the Project evolved substantially from its initial form which spread development out over a much larger portion of the PUD Site, to its current form which distributes height and density in a manner that responds to the surrounding context in a manner that relates to the scale of the existing buildings and avoids abrupt contrasts in scale.

Specifically, as shown on the Annotated Master Plan included in Exhibit 832A1, Sheet 6, the entire portion of the site located to the south of South Service Court will be devoted to open space and the community center, which will have a modest height of approximately 26 feet. Thus, the scale of site in relation to the existing rowhouses along Channing Street and along North Capitol Street across from the community center will remain essentially as it exists today. The higher height health care facilities have been located on the north side of the PUD Site along Michigan Avenue, across from the higher height buildings of the Washington Hospital Center, Children's National Medical Center, and the Veteran's Affairs Medical Center. The proposed health care facilities will have a maximum height of approximately 115 feet, which relates well to the taller buildings across the street that reach a maximum height of approximately 127'-6".

The height of the proposed buildings along the east side of the PUD Site taper down from north to south. As noted above, the community center at the south end of the site will have a modest height of approximately 26 feet, and is also substantially set back from North Capitol Street. North of the community center are the proposed row houses and mixed-use multi-family building. The proposed row houses will have an approximate height of 48 feet, which is similar in scale to the row houses along the east side of North Capitol Street. In addition, the row homes will be separated from the row homes to the east by approximately 155 feet, and will be screened by new street trees along North Capitol Street and the trees along Olmsted Walk.

The mixed-use multi-family building will have a maximum height of approximately 78'-7". In order to reduce the massing of the mixed-use multi-family building, and relate to the row houses to the east, the Applicant has located the main façade toward the interior of the PUD Site, along One-Quarter Street, with three narrow wings extending

toward North Capitol Street that are separated by two large open courtyards that have an approximate depth of 150 feet. In addition, the mixed-use multi-family building will be separated from the row homes to the east by approximately 155 feet, and, similar to the proposed row houses, will be screened by street trees and Olmsted Walk.

Finally, as stated above, the proposed health care facilities will have a maximum height of approximately 115 feet. Notwithstanding the taller height of these buildings, the transition between the health care buildings and the lower height row houses to the east is successfully achieved through building massing and substantial setbacks. First, as shown on the roof level plan included as Exhibit 832A3, Sheet 47, the massing of the east-facing façade of health care facilities will have an initial height of 101 feet, below the maximum permitted height, with the upper floor stepping back to a height of 115 feet (not including penthouse). In addition, the massing of the health care building is further reduced through façade articulation that incorporates several recesses, niches, carve outs, and a variety of materials. In addition, as shown in Exhibit C, there is a substantial buffer of approximately 260 feet between the proposed health care facilities and the rowhomes to the east, which is established by the width of North Capitol Street and preserved Cell 14, which will become a one acre park space. Additional buffering/screening will be provided by the street trees and Olmsted Walk.

Policy UD-2.2.5: Creating Attractive Facades - Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street (10-A DCMR § 910.12).

Each of the buildings proposed within the Project has been heavily influenced by the simple geometries, massing, and patterns of the site and the historic structures located within site, which will be restored and made an integral part of the development. These design influences include the raised plinth, the accented entries of the filter cell portals, the canted service court walls, and the pattern of the manhole covers and board formed concrete of the sand bins. As a result, the overall massing and fenestration of the proposed buildings creates a design cohesion throughout the site that is not overpowering, creates visual interest, ties together the historic fabric and new construction, and establishes an appropriate scale at the pedestrian level. To further strengthen design cohesion, all of the proposed buildings will follow a simple, unified palette of materials that is based upon type, texture, and color of materials found throughout the PUD site.

Policy UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs (10-A DCMR § 910.15).

See response to Policy UD-2.2.4

Policy UD-2.2.8: Large Site Development - Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades (10-A DCMR § 910.16).

See response to Policy UD-2.2.4

Policy UD-2.3.1: Reintegrating Large Sites - Reintegrate large self-contained sites back into the city pattern. Plans for each site should establish urban design goals and principles which guide their subsequent redevelopment (10-A DCMR § 911.2).

The block pattern established by the master plan for the PUD Site is in keeping with the surrounding area, while being sensitive to the spatial organization and circulation pattern of the historic site. While currently the site is completely closed off to the neighborhood, preventing any through circulation. As a result of the Project, this large site will be reintegrated into the surrounding neighborhood patterns and several pedestrian, bicycle, and vehicular connections will be established through the site.

Policy UD-2.3.2: Large Site Scale and Block Patterns - Establish a development scale on large sites that is in keeping with surrounding areas. “Superblocks” (e.g., oversized tracts of land with no through-streets) should generally be avoided in favor of a finer-grained street grid that is more compatible with the texture of Washington’s neighborhoods. This also allows for more appropriately scaled development and avoids large internalized complexes or oversized structures (10-A DCMR § 911.4).

See response to Policy UD-2.3.1

Policy UD-2.3.3: Design Context for Planning Large Sites - Ensure that urban design plans for large sites consider not only the site itself, but the broader context presented by surrounding neighborhoods. Recognize that the development of large sites has ripple effects that extend beyond their borders, including effects on the design of transportation systems and public facilities nearby (10-A DCMR § 911.6).

See responses to Policy UD-2.2.4 and Policy UD-2.3.1

Policy UD-2.3.4: Design Trade-offs on Large Sites - Balance economic development and urban design goals on large sites. In some cases, it may be appropriate to develop a site in a manner that does not capitalize on its full economic value in order to achieve an important urban design objective, such as creation of new waterfront open space or preservation of a historic landmark (10-A DCMR § 911).

The Project successfully balances economic development and urban design goals. The PUD Site is identified in the Land Use Element of the Comprehensive Plan as one of ten large sites within the District that have great potential to address multiple issues facing the city, including economic development, affordable housing, growing the retail sector, and the demand for more parks and open space. Through the proposed master plan for the PUD Site, the Applicant successfully addresses all of these issues in a positive way that also mitigates

impacts on the surrounding context. In order to address historic preservation concerns and the need for additional open space in this area of the city, the Applicant reduced the commercial and residential building program in favor of substantial open space and a larger community center. In addition, the Applicant further reduced the proposed commercial building program to address issues raised concerning surrounding viewsheds.

Policy UD-2.3.5: Incorporating Existing Assets in Large Site Design - Incorporate existing assets such as historic buildings, significant natural landscapes, and panoramic vistas in the design of redeveloped large sites. For sites that were originally planned as integrated complexes of multiple buildings, historic groupings of structures should be conserved where possible (10-A DCMR § 911.8).

The Project will retain and rehabilitate all of the existing above ground historic structures along North and South Service Courts, with some of these structures being rehabilitated to museum quality and other being adaptively reused for retail and service uses. In addition, the Applicant will preserve an entire underground filtration cell at the northeast corner of the PUD Site, Cell 14, which may be opened up for public viewing. The Applicant will also preserve a substantial portion of Cell 28, located at the southern end of the site adjacent to the community center. This particular filtration cell will be substantially stabilized and exposed to allow public access.

With respect to views, as shown Exhibit 32A1A8, Sheet 25, the Project will maintain views across the southern portion of the PUD Site, the location of the proposed park space, which will preserve the visual relationship between the southern portion of the site and the South Service Court, and between the PUD Site and the McMillan Reservoir to the west. In addition, because the elevated plinth at the southern portion of the site will be preserved, views toward the south and southwest will also be maintained. Finally, the Project will also maintain the visual relationship between Olmstead Walk and the surroundings, and between the North and South Service Courts, an important consideration during the HPRB review process, along the north-south streets provided within the site.

Policy UD-3.1.8: Neighborhood Public Space - Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas (10-A DCMR § 913.15).

As shown on the Annotated Master Plan included in Exhibit 832A1, Sheet 6, the Project includes several public spaces that will stimulate pedestrian street life and provide opportunities for community activities. These spaces include the passive open space in Cell 14 and the healing gardens at the north end of the site, the public gathering areas provided along North and South Service Courts, and the plaza located at the entrance to the community center. As discussed below, these spaces will be activated through the implementation of the Applicant’s design guidelines, public art program, outdoor walking museum, and through programming that is carried out by the Partnership.

Policy UD-3.1.12: Programming of Outdoor Space - Encourage the programming of outdoor space with events and activities (such as performances, arts, and farmers markets) that stimulate street life and active use (10-A DCMR § 913.19).

In collaboration with CulturalDC, the Applicant, through the Partnership, will implement the Public Art Master Plan that is included as Exhibit 17D10, which, among other things, will distinguish McMillan as a unique destination, while referencing the important history of the site and reflecting the character of the surrounding community. The public art program will activate the various outdoor spaces and create an experience that is unique to the PUD Site by drawing inspiration from the historic structures and key material found throughout the site. In addition, the Applicant will also contribute \$750,000 over a ten-year period to the Partnership for purposes of creating, including but not limited to, a community market, outdoor cafe, and space for art installations between the South Service Court and southern park space. In addition, this finding will also be used to activate elements within the South Service Court such as the regulator houses, for small business incubators; and the sand bins, for hanging gardens, water features and observation points.

Policy UD-3.1.13: Signage - Encourage high standards of signage throughout the District, particularly for signs that designate landmarks, historic districts, and other areas of civic importance (10-A DCMR § 913.20).

Signage throughout the PUD Site will be constructed in accordance with the Master Plan Design Guidelines included as Exhibit 17C. As they relate to signage, the design guidelines include limitations on the location, design, materials, and lighting of signage. In addition, the Applicant will utilize high-quality materials and design standards for the signage that will be placed throughout the PUD Site for the outdoor walking museum.

8. HISTORIC PRESERVATION ELEMENT

The overarching goal for historic preservation is to [p]reserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship (10-A DCMR § 1001.1).

Policy HP-2.2.3: Preservation Master Plans- Support public agency facility plans and campus plans as an opportunity to evaluate potential historic resources, promote their designation, and develop management plans for their protection and use (10-A DCMR § 1009.5).

The Applicant completed the McMillan Sand Filtration Plant: Historic Preservation Report (the “HP Report”) for the proposed redevelopment of the PUD Site to inform the public and assist the DC Historic Preservation Office (“HPO”), the Historic Preservation Review Board (“HPRB”), the Zoning Commission, and the DC Mayor’s Agent on Historic Preservation in decision-making related to the Project. This report identified and inventoried the site’s resources, evaluated relative significance based on the justification

provided in the National Register of Historic Places listing for the McMillan Park Reservoir Historic District, and recommended general preservation treatment. Using the HP Report as guidance, a preferred treatment approach was assigned to each identified resource on the site based on the combination of its relative level of significance and integrity. The HP report is included in the case record as Exhibits 538A – 538C.

In May 2016, the Applicant completed the McMillan Sand Filtration Plant Historic Preservation Plan (the “HPP”), which integrated information and findings from the HP Report, and provided specific treatment recommendations for all historic resources that would be preserved. The HPP includes an update on the existing condition of each contributing resource, and provides recommended treatment for adaptive reuse based on the four treatment approaches provided in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Finally, the HPP includes a process for handling changes in conditions that may occur during construction which has been approved by the HPRB. The HPP is attached at Exhibit N.

Action HP-2.2.B: Preservation Review of Major Plans- Integrate historic preservation in the preparation and review of proposed facility master plans, small area plans, campus master plans, appropriate planned unit development and special exception applications, and other major development initiatives that may have an impact on historic resources. Identify specific historic preservation concerns through consultation with the [Historic Preservation Office] (“HPO”) as an integral member of the planning team (10-A DCMR § 1009.7).

The Applicant has consulted with HPO on all aspects of this project. As the McMillan Site is part of the larger McMillan Park Reservoir Historic Landmark, any construction or demolition on the site is subject to a variety of preservation-related reviews on the local level. The HP Report explains the historic significance of the PUD Site, evaluates the historic integrity of the site, provides guidance and recommendations for preservation of the within the context of redevelopment, and guides the preservation-related approval process for the McMillan Redevelopment Project. Further, throughout the design process the Applicant has incorporated recommendation from its qualified preservation specialists. Finally, in order to ensure a meaningful preservation strategy is coordinated with HPO and implemented throughout construction, the Applicant full intends to incorporate the HPP into all required reviews as the project moved forward.

Policy HP-2.4.1: Rehabilitation of Historic Structures: - Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation suitable from the particular historic environment (10-A DCMR § ¶1011.4).

Based upon extensive evaluation of the existing conditions of the PUD Site, the Project strikes an appropriate balance between historic preservation and new development. Using the guidance provided in the HP Report, and extensive community outreach and review by the HPRB, the Applicant identified the historic resources on the site that can be preserved, and those that cannot based on their deteriorated condition and structural integrity. This information was used to refine the Project to maximize retention of the historic above-

ground resources. After several revisions and refinements, the final concept plan as received HPRB approval.

Policy HP-2.4.3: Compatible Development- Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail (10-A DCMR § 1011.8).

The Project provides compatible development that does not obscure the historic significance of the PUD Site. As stated above, the Applicant is preserving almost all of the above-ground historic structures located along North and South Service Courts, and is preserving Cell 14 in its entirety and a large portion of Cell 28. The proposed site plan shifts the higher-height, higher-density uses to the north end of the site, thereby freeing up the entire southern portion of the site for new open space, and preserving the visual connection to the South Service Court. In addition, as a result of comments received during the HPRB review process, additional north-south streets were added to the Plan in order to maintain a visual connection between the North and South Service Courts, and a sense of the existing three-part spatial organization of the site.

Policy HP-2.5.6: Historic Open Space - Retain landscaped yards, gardens, estate grounds, and other significant areas of green space associated with historic landmarks whenever possible. If development is permitted, retain sufficient open space to protect the setting of the historic landmark and the integrity of the historic property. In historic districts, strive to maintain shared open space in the interior of blocks while balancing the need to accommodate reasonable expansion of residential buildings (10-A DCMR § 1012.7).

The Project retains sufficient historic integrity to convey the McMillan site's significance to the history of public works, water purification, and landscape design.

Action HP-2.5.A: Protecting Historic Landscapes - Promote the protection of historic landscapes through documentation, specific recognition in official designations, and public education materials. Work cooperatively with federal and city agencies and private landowners to promote the preservation of historic landscapes as integral components of historic landmarks and districts, and to ensure that new construction is compatible with the setting of historic properties (10-A DCMR § 1012.8).

Despite the lack of remaining original planting material, there remains more substantial evidence of the built resources associated with Olmsted, Jr.'s designed landscape. Original plans and small physical remnants of the pedestrian path remain to allow the route of the path to be legible. Only one of the original sets of corner stairs is still extant, but the locations of the other three sets of stairs are indicated by depressions in the topography, as well as scattered remnants of material.

Presently, all structures that were built on the McMillan Site for the specific purpose of facilitating water purification are non-operational, and the Site is not planned to be used again for its intended purpose. However, the forms of the extant structures still convey their original functions within the filtration plant. The adjacency to the McMillan Reservoir further reinforces the retention of the Site's character as part of a functioning water purification plant. Therefore, the Site retains a high degree of integrity of feeling as a public works facility. The retention of the original spatial relationships and topography is a key component of the proposed Master Plan. The siting, massing, and design of the new construction are intended to be compatible with the site's organization and reinforce an understanding of its association with the adjacent reservoir.

9. COMMUNITY SERVICES AND FACILITIES ELEMENT

The goal for community services and facilities is to [p]rovide high-quality, accessible, efficiently managed, and properly funded community facilities to support the efficient delivery of municipal services, protect public health and safety, and enhance the well-being of current and future District residents (10-A DCMR § 1101.1).

Policy CSF-1.1.1: Adequate Facilities - Construct, rehabilitate, and maintain the facilities necessary for the efficient delivery of public services to current and future District residents (10-A DCMR § 1103.6).

The Project will not adversely affect the facilities necessary for the efficient delivery of public services. As part of DCRA's Environmental Impact Screening process, the District of Columbia Department of Public Works ("DPW") and DC Water reviewed the Project. DPW stated that the Project will not cause negative environmental impacts, provided that the Applicant is in compliance with applicable laws and regulations governing solid waste management during all phases of the Project. Similarly, DC Water reviewed the Project and indicated that no long term environmental impacts are anticipated beyond the period of construction. Copies of the letters from DPW and DC Water are included in Exhibit F. Finally, attached as Exhibit H are letters from Washington Gas, Verizon, and Comcast, which each indicate that adequate capacity exists to be able to provide service to the PUD Site.

Policy CSF-1.1.3 Retention of Publicly-Owned Land - Retain District-owned property for community facility uses. Wherever feasible, the District should use short- or long-term leases for lands not currently needed so as to preserve the District's long-term supply of land for public use (10-A DCMR § 1103.9).

In order to address the need for additional open space and recreation facilities in the Mid-City East Planning Area, the District will retain ownership of a substantial portion of the PUD Site for the new 17,500 GFA recreation center and 6.2 acre park.

Policy CSF-1.1.5: Barrier-Free Design - Require that all District public facilities accommodate the needs of persons with physical disabilities to the greatest extent possible (11-A DCMR § 1103.11).

The Project will be designed and constructed in accordance with all applicable accessibility requirements, including the requirements of the Americans with Disabilities Act. (“ADA”).

Policy CSF-1.1.6: Location of Facilities - Ensure that the planning, siting, and design of new public facilities is consistent with all Comprehensive Plan goals and policies, including the Future Land Use Map and the Policy Map (10-A DCMR § 1103.12)

The new recreation center, and the approximately 9.38 acres of open space and Olmsted Walk will substantially address the substantial demand for park space and new recreation facilities in the Mid-City Planning Area of the District. This is consistent with the Mid-City East policies that encourage a substantial portion of the PUD Site being devoted to open space, and a new recreation center in the eastern portion of the Mid-City East Planning Area. This is also consistent with the Parks, Open Space and Recreation portion of the PUD Site’s FLUM designation.

Policy CSF-2.1.1: Primary and Emergency Care - Ensure that high quality, affordable primary health centers are available and accessible to all District residents. Emergency medical facilities should be geographically distributed so that all residents have safe, convenient access to such services. New or rehabilitated health care facilities should be developed in medically underserved and/or high poverty neighborhoods, and in areas with high populations of senior citizens, the physically disabled, the homeless, and others with unmet health care needs (10-A DCMR § 1106.12).

The Project will not result in an overconcentration of health care facilities. Rather, consistent with the policies of the Community Services and Facilities Element, the Project will help ensure that high-quality, affordable primary health centers are available and accessible to all District residents, including those with special needs, by providing approximately 1,030,000 GFA of modern, state-of-the-art health care facility space that will address a number of District planning objectives. First, a large percentage of the proposed health care facility space is expected to be occupied by the systems currently operating in the adjacent WHC campus in order to help ease space constraints on their respective main campuses, modernize their facilities, continue to expand upon the range of services provided, and continue to grow and remain competitive in the health care sector. These healthcare systems’ need for additional facility space is directly tied to the evolution and growth of the District as well as their collective need to replace aging spaces with newer facilities that meet modern design standards and better match the current needs of a health care provider. Thus having the proposed healthcare facilities located in close proximity to the operations on the main campus that the new space is supporting is critically important.

The proposed health care facilities will also help address a designated health care deficiency that exists in this area of the District. According to information published by the DC Department of Health’s Primary Care Bureau (the “DCPCB”), the agency responsible for

assessing and ensuring designation of areas within the District that have a shortage of health care providers, the McMillan site is located in one of nine designated Health Professional Shortage Areas (HPSAs) in the District. According to DCPCB's website, HPSAs are used by the federal government to recognize shortages of health care providers for geographic areas, populations or facilities, and to prioritize the allocation of federal and local resources to address these shortages. HPSA's are designated by the Health Resources and Services Administration (HRSA), an agency of the U.S. Department of Health and Human Services, and once designated are rated on a scale of 0 – 25, with higher scores indicating greater need. According to the HPSA maps available on DCPCB, the PUD Site is located within the Low Income (LI) Columbia Heights/Ft. Totten/Takoma [primary care] HPSA which has a score of 18 (Exhibit O). The Project has the potential to help address this issue and reduce the shortage of low income primary care facilities that are available within this portion of the District.

Finally, the proposed health care facilities will help implement one of the six strategic initiatives set forth in “The Five-Year Economic Development Strategy for the District of Columbia (the “Economic Strategy”), a portion of which is attached as Exhibit K, which recommends development of a medical hub at the McMillan Reservoir site as part of a strategy to development a best in class global medical center within the District. According to the Economic Strategy, development of a medical hub at the McMillan Reservoir site will create a focal point for the District's medical institutions, deliver much needed expansion space for area health care facilities, and has the potential to add approximately 5,000 new jobs to the higher education and health care sectors.

10. EDUCATIONAL FACILITIES ELEMENT

The overarching goal for educational facilities in the District is to [t]ransform the educational environment in the District of Columbia, providing facilities that inspire excellence in learning, create a safe and healthy environment for students, and help each individual achieve his or her fullest potential (10-A DCMR § 1201.1).

Action EDU-1.1.B: Developer Proffers and Partnerships for School Improvements - Establish mechanisms for developer proffers and public-private partnerships to meet school facility needs through the development process (10-A DCMR § 1203.10).

The Applicant will contribute \$125,000 to the D.C. Education Fund to be used to improve STEM teacher professional development and instruction, (iv) and contribute \$500,000 to the Partnership to hire high-school are residents and senior residents to provide guided tours of the McMillan site

11. INFRASTRUCTURE ELEMENT

The overarching goal for infrastructure is to [p]rovide high-quality, efficiently managed and maintained, and properly funded infrastructure to serve existing development, as well as future change and growth (10-A DCMR § 1301.1).

Policy IN-2.2.1: Improving Stormwater Management - Ensure that Stormwater is efficiently conveyed, backups are minimized or eliminated, and the quality of receiving waters is sustained. Storm water management should be an interagency process with clear lines of responsibility with regard to oversight, guidelines, and resources (10-A DCMR § 1307.3).

Currently, the PUD Site does not contain any storm water management, and runoff from the site enters the District’s Combined Sewer System without any form of treatment. As part of the Project, a new storm water management system will be implemented on the site that will meet or exceed the District’s current storm water regulations through the use of sustainable low impact development (“LID”) strategies such as bio-retention, pervious pavers, storm water pond, green roofs, and underground cisterns. As shown in the conceptual storm water management calculations included on Exhibit 32A1A24, Sheet 116, the estimated required storm water retention volume for the Project is approximately 87,379 cubic feet, and the estimated storage/retention volume that will be provided onsite is approximately 88,171 cubic feet. The DOEE Watershed Protection Division has reviewed the Applicant’s conceptual storm water plan and has stated that no significant adverse impacts are anticipated “provided the proposed erosion and sediment control and storm water management measures are implemented.” (Exhibit F)

12. ARTS AND CULTURE ELEMENT

The overarching goal for arts and culture is to [s]upport and encourage arts and cultural venues, programs and learning experiences in the District of Columbia that inspire a vibrant cultural life for all segments of the population. Enhance the city’s diverse artistic and cultural traditions through decisions affecting the physical environment (10-A DCMR § 1401.1)

Policy AC-2.1.1: Emphasizing Important Places with Art - Use public art to strengthen the District’s identity as a local cultural and arts center. Public art should accent locations such as Metro stations, sidewalks, streets, parks and building lobbies. It should be used in coordination with landscaping, lighting, paving and signage to create gateways for neighborhoods and communities (10-A DCMR § 1406.3).

Public art will be incorporated into the overall Project lighting and landscape plan, with consideration for the PUD Site’s historical features and highlighting the importance of water, movement, recycled materials, and scale. Character-defining elements will serve as themes for public artworks, and certain existing elements (such as the sand bins and regulator houses) will be adaptively reused and programmed with a public art objective.

Policy AC-2.2.1: Using Art to Create Identity - Use art as a way to help neighborhoods express unique and diverse identities, promoting each community’s individual character and sense of place (10-A DCMR § 1407.2).

See response to Policy AC-2.1.1

Policy AC-3.2.1: Promoting Cultural Amenities - Promote the development of cultural amenities “beyond the Mall” in an effort to more fully capitalize on the economic benefits of tourism for District residents, businesses, and neighborhoods (10-A DCMR § 1410.4).

The rehabilitation and/or restoration of almost all of the historic above ground structures along the North and South Service Courts, and the preservation of Cell 14 and a portion of Cell 28 will provide an invaluable opportunity to highlight the history of the McMillan Reservoir site and the surrounding neighborhood through various forms of interpretation. In addition, the Applicant’s public art program will distinguish McMillan as a unique destination that possesses a sense of place that can only exist on the PUD Site. These cultural amenities have the potential to create economic benefit generated from residents and visitors patronizing the retail along North Service Court while they are visiting the unique historic features and public art on display throughout the site.

13. MID-CITY AREA ELEMENT

Policy MC-1.1.7: Protection of Affordable Housing - Strive to retain the character of 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 (10-A DCMR § 2008.8).

The Project will have no impact on existing affordable housing, and will provide approximately 134 new affordable dwelling units devoted to low- and moderate-income households, including low-income senior household. Approximately 22 of the proposed townhouses will be set aside as affordable, with approximately nine of the townhomes set aside for low-income households earning no more than 50% MFI, and the remaining affordable townhomes set aside for moderate-income households earning no more than 80% MFI. In addition, approximately 85 dwelling units will be set aside as senior affordable housing (55 years of age or older) for households earning no more than 50 - 60% MFI. Finally, approximately 27 additional dwelling units will be set aside as affordable, of which two dwelling units will be devoted to low-income households earning no more than 50% MFI, and the remaining affordable dwelling units devoted to moderate-income households earning no more than 80% MFI. All of the affordable dwelling units provided in the Project will either be constructed prior to, or concurrently with the market-rate units on a given parcel, or constructed at a pace that is proportional with the construction of the market-rate units if the Project is constructed in phases. In addition, the affordable housing will remain set aside as affordable for so long as the Project exists.

Policy MC-1.2.4: New Parks - Explore the possibility for new neighborhood parks within the Mid-City area, particularly in the area around the proposed Howard Town Center, and on the McMillan Reservoir site. Additionally, pocket parks and plazas such as those planned for the Columbia Heights Metro station area should be encouraged elsewhere in the Planning Area, particularly near higher density development. The dearth of parks in the Mid-City area is a serious problem that must be addressed as its population grows—all recreation areas must be retained and new recreation areas must be provided wherever possible (10-A DCMR § 2009.4).

The Project includes a contiguous 6.2 acre community park, and an additional 1.75 acres of parks and plazas. In addition to multi-purpose recreation areas, the new park space will also include a playground and spray fountain, amphitheater, and a pond. In addition, a new 17,500 GFA recreation center will be provided which will contain multi-purpose space, an indoor pool, a fitness center, and an outdoor terrace that overlook the playground and large community park.

Action MC-1.2.C: Recreation Center - Pursue development of a new recreation center in the eastern part of the Planning Area, serving the Bloomingdale/Eckington/LeDroit Park community. This area was recognized to be particularly deficient for such uses in the 2006 Parks Master Plan (10-A DCMR § 2009.9).

The Project includes a new recreation center located right at the eastern edge of the Mid-City East Planning Area. The recreation center will consist of approximately 17,500 GFA, and include an indoor pool, fitness center, multi-purpose community room, catering kitchen, and an outdoor terrace. Other recreation facilities that will be provided include a new 6.2 acre park, playground, spray park, and outdoor amphitheater.

Policy MC-2.6.1: Open Space on McMillan Reservoir Sand Filtration Site - Require that reuse plans for the McMillan Reservoir Sand Filtration site dedicate a substantial contiguous portion of the site for recreation and open space. The open space should provide for both active and passive recreational uses, and should adhere to high standards of landscape design, accessibility, and security. Consistent with the 1901 McMillan Plan, connectivity to nearby open spaces such as the Armed Forces Retirement Home, should be achieved through site design (10-A DCMR § 2016.5).

A substantial portion of the PUD Site will be devoted to new parks and open space that will be publicly accessible at all times. Overall, the Project will contain approximately 7.95 acres of parks and open space (9.38 acres including Olmsted Walk). The most notable feature of the new open space is the contiguous 6.2 acre park that will be located to the south of South Service Court and span almost the entire width of the site from North Capitol Street to First Street. Based upon input provided by the community, the southern park has been designed primarily as a multipurpose space that can accommodate both passive and active recreation. In addition to the large park at the south end of the PUD Site, approximately 1.75 additional acres of open space will be provided at the north end of the site.

The open spaces proposed at the north and south of the PUD Site will be connected by Olmsted Walk, an historic tree lined pedestrian walkway around the perimeter of the site that will be restored and integrated into the Project design. The reestablishment of Olmstead Walk will enhance connections through and around the PUD Site, and, consistent with the 1901 McMillan Plan, improve connectivity to nearby open spaces such as the AFRH, which is proposing approximately 20 acres of new publicly accessible open space as part of the approved AFRH Master Plan.

Policy MC-2.6.2: Historic Preservation at McMillan Reservoir - Restore key above-ground elements of the site in a manner that is compatible with the original plan, and explore the adaptive reuse of some of the underground “cells” as part of the historic record of the site. The cultural significance of this site, and its importance to the history of the District of Columbia must be recognized as it is reused. Consideration should be given to monuments, memorials, and museums as part of the site design (10-A DCMR §2016.6).

The Project will restore almost all of the above-ground elements located along the North and South Service Courts, including the regulator houses, sand bins, and stationary sand washers, some of which to their original condition. In addition, the Plan incorporates the entire Cell 14 which will be stabilized and made available as a one acre open space, with the potential for public access to the underground filter cell in the future. The Applicant will also preserve and adaptively reuse a substantial portion of Cell 28, which is located adjacent to the new recreation center, and will also restore Olmsted Walk around the perimeter of the site. These elements, in addition to the proposed outdoor walking museum, programming, and site tours, will be successful in communicating the cultural significance of the site, and its importance to the history of the District.

Policy MC-2.6.3: Mitigating Reuse Impacts - Ensure that any development on the site is designed to reduce parking, traffic, and noise impacts on the community; be architecturally compatible with the surrounding community; and improve transportation options to the site and surrounding neighborhood. Any change in use on the site should increase connectivity between Northwest and Northeast neighborhoods as well as the hospital complex to the north (10-A DCMR § 2016.7).

The Project is of substantially high-quality, both architecturally and in overall site planning, and will be compatible with the surrounding community. The Project will minimize and mitigate impacts to parking and traffic by providing sufficient onsite parking, implementing a strong set of TDM strategies, improving access to public transportation, and constructing improvement to the surrounding transportation network. The Project will also improve connectivity (pedestrian, bicycle, and vehicular) between the Northwest and Northeast neighborhoods and the hospital complex to the north by opening up several new connections through the site.

With respect to noise, the Project is not expected to have an adverse impact on surrounding residential uses. As previously discussed, the Applicant has concentrated the commercial portion of the Project at the north end of the site and has set back the healthcare facilities on Parcel 1 from the rowhouses along the east side of North Capitol Street. The

substantial physical separation will mitigate any potential for noise impacts on residential uses. In addition, the substantial amount of new tree canopy that will be provided onsite, particularly the street trees planted in the surrounding public space and double row of canopy trees along Olmsted Walk, will further buffer the site from noise generated by the Project.

Policy MC-2.6.4: Community Involvement in Reuse Planning - Be responsive to community needs and concerns in reuse planning for the site. Amenities which are accessible to the community and which respond to neighborhood needs should be included (10-A DCMR § 2016.8).

Throughout the multi-year process of developing the proposed Project design the Applicant maintained a close working dialog with the community, which included at least eight different neighborhoods, three affected Advisory Neighborhood Commissions (“ANCs”), and countless numbers of interested persons and stakeholders. As shown in the community engagement log included as Exhibit 32F, during this time the Applicant either attended or hosted over 200 meetings, in addition to responding to individual inquiries and feedback via email, telephone or in-person conversations.

Policy MC-2.6.5: Scale and Mix of New Uses - Recognize that development on portions of the McMillan Sand Filtration site may be necessary to stabilize the site and provide the desired open space and amenities. Where development takes place, it should consist of moderate- to medium-density housing, retail, and other compatible uses. Any development on the site should maintain viewsheds and vistas and be situated in a way that minimizes impacts on historic resources and adjacent development (10-A DCMR § 2016.9).

Due to the unstable condition of the below grade infrastructure that exists on the site, significant investment is necessary to prepare the site for any kind of development, including parks and open space. Therefore, in order to overcome the substantial predevelopment costs and provide the open space, retail, and affordable housing desired by the District and the community, development on the site must be of a nature that can maintain its viability. With respect to density, as discussed in detail as part of the analysis of the Project for consistency with the FLUM, the overall density of the Project, not including private streets, is well within the density permitted as a matter of right in the C-2-A zone, the most restrictive of the three commercial zones considered to fall within the moderate density commercial land use designation of the FLUM. Furthermore, the density of the Project continues to be consistent with the FLUM even if the land area of North Service Court (Parcel 7) and the land area of the large park, community center, and South Service Court (Parcel 6) are excluded from the density calculation. Specifically, after excluding the land area for these parcels the resulting density would be 4.4 FAR, of which 2.4 FAR is devoted to nonresidential uses (office and retail). These densities are consistent with what is permitted under a C-3-A PUD.

Finally, as has been previously discussed, in order provide the substantial open space at the south end of the site, preserve viewsheds, and minimize impacts to historic resources, the Applicant concentrated development in the northern portion of site, adjacent to the higher height and density buildings of the WHC and CNMC. This "cluster development" approach to the Project is commonly used in a PUD to develop a site plan that meets project

objectives while also relating to the existing context. In order to concentrate the development as far north as possible so as to free up as much open space as possible to the south, the height of the health care facilities building proposed on Parcel 1 needs to be slightly higher than is typical of a moderate-density commercial development. This slightly higher height is also a result of the preference expressed by the community for more open space around the health care facilities building and the specialized medical and mechanical equipment requirements for medical office buildings which require higher than normal floor to ceiling heights. The location of the slightly higher healthcare facilities building successfully relates to the high-density development that is located to the north at the hospital complex. The need for flexibility in building height is not uncommon in large-scale PUDs where there is a need to make adjustments to a development in response to site conditions and surrounding context. The Comprehensive Plan contemplates the occasional need for this kind of flexibility and considers it appropriate and not inconsistent with the FLUM. Specifically, the FLUM Guidelines state "...[i]t should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited."