

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**PREHEARING STATEMENT
IN SUPPORT OF APPLICATION FOR
FIRST STAGE PUD &
RELATED MAP AMENDMENT**

**Sursum Corda Cooperative Association, Inc.
Z.C. Case No. 15-20**

November 24, 2015

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CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on **November 24, 2015**; and, in accordance with Section 3013.8, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subsection</u>	<u>Description</u>	<u>Page/Exhibit</u>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Pgs. 6 - 25
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 25 Exhibit D
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 25 Exhibits E - J
3013.1(d)	Additional information introduced by the Applicant	N/A
3013.1(e)	Reduced plans	N/A
3013.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Pg. 25 Exhibit K
3013.1(g)	Estimated time required for presentation of Applicant's case	Pg. 26
3013.6(a)	Names and addresses of owners of all Property within 200 feet of the subject property and Sursum Corda heads of household	Pg. 26 Exhibit L
3013.10	Report by Traffic Consultant	Pg. 26
30134	Agreements with the District of Columbia	N/A

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Representative Floor plans for existing Sursum Corda 1, 2, 3 and 4 bedroom units	A
2015 Enterprise Green Communities Checklist	B
Draft LEED Checklist	C
List of witnesses prepared to testify on behalf of Applicant	D
Draft outline of testimony of Lonnie Duren, President, Sursum Corda Cooperative Board of Directors	E
Draft outline of testimony and resume of Aaron O'Toole, Esq., Klein Horning, LLP	F
Draft outline of testimony and resume of Mike Patton, Boggs & Partners Architects	G
Draft outline of testimony and resume of Trini Rodriguez, Parker Rodriguez	H
Draft outline of testimony and resume of Daniel VanPelt, Gorove Slade Associates	I
Draft outline of testimony and resume of Steven E. Sher, Holland & Knight LLP	J
List of maps, plans or other documents readily available that may be offered into testimony	K
Names and addresses of owners of property within 200' of the subject property and Sursum Corda heads of household	L
Description of services provided by Housing Opportunities Unlimited	M

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I. INTRODUCTION

This prehearing statement is submitted on behalf of the Sursum Corda Cooperative Association, Inc. (the "Applicant" or the "Cooperative"), the sole owner of the existing Sursum Corda property and buildings¹ in support of its application for a first stage planned unit development ("PUD") and related map amendment from R-4 to C-3-C for the approximately 6.7 acres bounded by M, First and L Streets and First Place, NW, and which is more particularly described as Square 620, Lots 248, 249, 250, 893, 894 and 895 (collectively, the "Property").

This prehearing statement supplements the original application statement filed on August 17, 2015, and addresses the comments raised by the Zoning Commission by the Applicant at its setdown meeting on November 9, 2015, and the comments raised by the Office of Planning ("OP") in its setdown report dated October 30, 2015. This prehearing statement also includes additional information from the Applicant, including items required under Section 3013 of the Zoning Regulations.

A. Project Overview

The development includes five buildings on five theoretical lots, to be constructed in two or three phases. Overall, the Property will be redeveloped with approximately 1,279,845 square feet of residential use, generating approximately 1,142 dwelling units, and approximately 49,420 square feet of non-residential uses. The overall FAR for the PUD is 4.63 where an FAR of 8.0 is permitted. Excluding the area for Pierce Street, which will be a private street, the FAR for the PUD is 5.25.

As part of the development, and as recommended in the Mid City East Small Area Plan, Pierce Street will be extended through the site dividing the site into a Northern Parcel and a Southern Parcel. The Southern Parcel will be developed as the first phase of the PUD, and will be improved with Lot/Building 1A, Lot/Building 1B, and Lot/Building 1C. The Northern Parcel will be improved with Lot/Building 2A/2B and Lot/Building 2C/2D. The development program for each building is as follows:

¹ Sursum Corda Cooperative Association, Inc. is one of the few such entities in the United States that continues to own and operate its property and buildings.

Lot/Building 1A. Theoretical Lot 1A has approximately 44,725 square feet of land area. It will be improved with Building 1A, which has approximately 184,775 square feet of residential floor area, generating approximately 164 dwelling units. Building 1A has 8 stories and a building height of 72.45 feet as measured from First Street, NW. The FAR for this lot is 4.13.

Lot/Building 1B. Theoretical Lot 1B has approximately 39,607 square feet of land area. It will be improved with Building 1B, which has approximately 194,900 square feet of residential floor area, generating approximately 166 dwelling units. Building 1B has 8 stories and a building height of 78 feet as measured from First Place, NW. The FAR for this lot is 4.92.

Lot/Building 1C. Theoretical Lot 1C has approximately 27,139 square feet of land area. It will be improved with Building 1C, which has approximately 92,910 square feet of residential floor area, generating approximately 100 dwelling units and approximately 8,315 square feet of non-residential uses. Building 1C has 6 stories and a height of 65.75 feet as measured from First Place, NW. The FAR for this lot is 3.73.

Lot/Building 2A/2B. Theoretical Lot 2A/2B has approximately 70,345 s.f. of land area. It will be improved with Building 2A/2B, which has approximately 393,800 square feet of residential use, generating approximately 339 dwelling units, and approximately 20,840 square feet of non-residential uses. Building 2A/2B has 6 to 11 stories and a height of 110 feet as measured from M Street, NW. The FAR for this lot will be 5.89.

Lot/Building 2C/2D. Theoretical Lot 2C/2D has approximately 62,261 s.f. of land area. It will be developed with Building 2C/2D, which has approximately 431,460 square feet of residential use, generating approximately 373 dwelling units, and approximately 20,265 square feet of non-residential uses. Building 2C/2D has 6 to 10 stories and a height of 107 feet as measured from M Street, NW. The FAR for this lot will be 7.25.

Specific details on the development program for each building, including the unit mix and building layout, will be provided in the second stage PUD applications for the respective phases of the project.

B. Procedural Background

The application for the first stage PUD and related map amendment was filed with the Zoning Commission on August 17, 2015. On November 9, 2015, the Zoning Commission voted unanimously to set down the application for public hearing.

The Applicant presented the application to ANC 6E at its regularly scheduled meeting on September 1, 2015, which was continued to the following meeting on October 6th. On November 23, the application was considered by ANC 6E's Planning and Zoning Committee meeting, which voted unanimously to support the first stage PUD application and related map amendment and the street closing application filed separately. The committee was not supportive of a reduction in the number of parking spaces for the PUD. ANC 6E will consider the committee's recommendation at its regularly scheduled meeting on December 1.

With the filing of this prehearing statement and the accompanying exhibits the Applicant respectfully requests that this case be scheduled for the next available public hearing of the Zoning Commission.

II. SUPPLEMENTAL INFORMATION ON THE APPLICATION

A. Information Requested by the Zoning Commission

At its meeting on November 9, 2015, the Zoning Commission voted unanimously to set down the Application for public hearing. In its discussion on the Application, the Zoning Commission sought clarification on the size of the development; asked questions about the process for converting the current Section 8 contract for Sursum Corda into vouchers and the process for the relocation and return of Sursum Corda households, the affordable housing program, and the sale and redevelopment of the Property. The Zoning Commission also had comments and requested additional information on the overall development program, massing and design of the PUD and the benefits and amenities package. Following are the Applicant's responses to the Zoning Commission.

Clarification on Size of Property

The Zoning Commission requested clarification on the size of the property covered under the application. The lots owned by the Applicant total 5.82 acres; all of the public streets internal to the site that will be closed – First Terrace, L Place and a portion of First Place total 1.36 acres; therefore the total site area is 7.18 acres. With the proposed street closures and street re-configurations, the resulting PUD will have an overall land area of 6.68 acres. This figure includes Pierce Street, which will be a private street; and it excludes First Place, the right-of-way to be vacated along the eastern and northern edge of the green space shown as “Lot 3”, and the right-of-way to be vacated adjacent to the park along the western edge of “Lot 1C” on the PUD plans.

Financial Feasibility of PUD

The Zoning Commission’s comments made reference to the redevelopment of the Property as part of the District’s New Communities Initiative. That is not the case. The Sursum Corda Cooperative, with support of its development partner, Winn Development Company (“Winn”), initiated the PUD Application and the proposed development program after the City Council adopted the Mid City East Small Area Plan (the “SAP”) in November 2014. The SAP requires the redevelopment of the Property to include 199 affordable units (which is equal to 17% of the total units proposed) at 60% AMI. The affordable housing requirement under the SAP is greater than the requirement under the Inclusionary Zoning Regulations, which calls for 8% of the gross floor area devoted to residential use to be reserved for households not exceeding 80% AMI. The costs of these units, particularly the 138 units² that will be reserved for the current heads of households and residents of Sursum Corda will be subsidized by (i) the number of market units programmed for the site and (ii) any potential governmental support available for affordable housing.

² The original applicant statement indicated a reservation of 143 units for current Sursum Corda households. However, as of the date of this filing, there are 138 occupied units at Sursum Corda.

Process for Voucher Conversion, Eligibility and Relocation

At the setdown meeting, the Zoning Commission asked for details on the relocation and return of Sursum Corda families and the processes for the Sursum Corda Cooperative to opt-out of its current project-based contract with the U.S. Department of Housing and Urban Development (“HUD”) and convert the contract to Section 8 vouchers. The processes are outlined below.

Voucher Conversion Process. In order to secure Section 8 vouchers for eligible households, the Cooperative will “opt out” of the current project-based contract, which is expected to expire on December 1, 2016. The important steps in the voucher conversion process are as follows:

- One-year notice: At least one year before expiration of the project-based contract, the Cooperative must provide a one-year notification to the members/tenants, the HUD contract administrator and the District of Columbia of the intent to opt-out of the Section 8 project based contract. The one-year notice was mailed on November 19, 2015.
- 120-day notice: Approximately 120 days before the expiration of the project-based contract, the Cooperative will give HUD another notice affirming its intent to opt-out. The project-based contract is expected to expire on December 1, 2016, which means the 120-day notice must be delivered no later than August 1, 2016.
- Eligibility determination: Once HUD has confirmed that the property is eligible for vouchers, DCHA will begin the process of determining if households are eligible for vouchers. Eligibility is discussed in greater detail below.
- Vouchers issued: Once a household is determined to be eligible, it will be issued a voucher.
- Relocation apartment: Each household will identify a relocation apartment, with the assistance of Housing Opportunities Unlimited (“HOU”) as discussed below, and DCHA will inspect the apartment.

Households that are currently assisted under the project-based Section 8 contract will continue to receive that assistance until they get a voucher, and then will receive assistance under the voucher. There will be no time during which the household does not receive Section 8 assistance. Until they relocate from Sursum Corda, for households that currently receive Section 8 assistance, the household’s contribution to the rent can only

be increased for reasons of increases in household income and/or changes resulting from annual income recertification.

Voucher Eligibility. Each Sursum Corda household currently receiving Section 8 assistance will be able to get a voucher so long as they are eligible. The voucher will cover the head of household and persons listed on the occupancy agreement. Following are the key voucher eligibility requirements:

- The most important eligibility requirement is income. The maximum permitted income is 80% AMI. Below is a list of 80% AMI by household size for 2015:

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$47,600	\$54,400	\$61,200	\$68,000	\$73,450	\$78,900	\$84,350	89,800

- Residents who already receive Section 8 assistance have already had their income certified by management, and will be certified again before vouchers are issued. Residents who do not currently receive Section 8 will need to be certified.
- Residents who have a Class A sex offense or who have been convicted for manufacturing methamphetamine are not eligible to receive vouchers.
- The amount of voucher assistance is based on the size of apartment that is appropriate for the family size, not necessarily the size of the apartment occupied by the household at the time the voucher is issued or the size of the relocation apartment that the family rents. Households can rent any size apartment they can afford with that voucher as long as there are not more than two people per bedroom in the unit they rent.

The Relocation Process. All Sursum Corda residents will need to relocate during the redevelopment of the Property. Moving costs will be paid for by the Cooperative from the proceeds of the sale of the Property. In addition, all eligible households will receive Section 8 vouchers. The vouchers will subsidize the rent paid by each head of household for a relocation apartment. The Cooperative intends to hire HOU, a firm that specializes in relocation, to assist each family in securing the voucher and locating relocation housing.

Once a household relocates with a voucher, the household will pay a portion of the rent and the voucher will cover the balance of the rent up to the “payment standard.” The portion of rent that the household pays is 30% of the household’s income. The 2015 payment standards (which are expected to increase in 2016) are:

Apartment Size	Payment Standard
studio	\$1,517
1 bedroom	\$1,599
2 bedroom	\$1,894
3 bedroom	\$2,536
4 bedroom	\$3,186
5 bedroom	\$3,665
6 bedroom	\$4,138

Residents who are not eligible for vouchers will be provided with relocation assistance from the Cooperative to help off-set any increase in rent at the relocation apartment.

Relocation Counseling. Housing Opportunities Unlimited will assist Sursum Corda Cooperative residents in their moves. The company has provided direct resident services and relocation assistance in public and subsidized housing as well as consulting assistance to housing entities for over thirty years. The company has worked in a diverse range of low- and mixed-income communities, and specializes in assisting communities that are in transition due to major redevelopment. A description of their services is attached as **Exhibit M**.

Affordable Housing Program and Unit Mix

The Zoning Commission asked for clarification on the affordable housing provided in the PUD. Information on the current and proposed mix of new units for Sursum Corda households was also requested.

Small Area Plan Requirements. Under the SAP, the PUD is to provide 199 dwelling units at varying income levels and types of subsidies not to exceed 60% of the AMI. The PUD proposes 1,279,845 square feet of residential use generating approximately 1,142 dwelling units. Therefore, the affordable units represent approximately 17% of the overall number of units for the PUD. All of the affordable units will remain affordable, with a blended affordability level not exceeding 60% AMI, for the life of the project.

Reservation of Units for Sursum Corda Households. The Applicant proposes to reserve 138 of the 199 affordable units to support the return of all of the current Sursum Corda households. Of these households, 75% are reported as extremely low income (up to 30% AMI) or very low income (up to 50% AMI). All of the Sursum Corda replacement units will be constructed during the first phase of the PUD on the South Parcel. It is unlikely that all of the Sursum Corda families will return to occupy a reserved unit in the PUD. The unclaimed reserved units will be converted to market rate units and a corresponding number of affordable units will be programmed for the North Parcel. This approach will allow for a more equitable distribution of affordable units throughout the PUD, which is preferred from a policy perspective. It also improves the overall economics for the South Parcel.

The Applicant will draft a declaration of covenants that includes the timing for the notice to residents about their opportunity to return to the redeveloped site and a plan identifying the location of the reserved Sursum Corda units. The draft declaration of covenants will be submitted to the Zoning Commission not less than 20 days prior to the public hearing.

The Zoning Commission requested a survey of the current unit mix at Sursum Corda. The information is provided in the table below.

			Number of Persons in Unit						
Existing Sursum Corda Units			1	2	3	4	5	6	7
No. of Units	No. of Bedrooms	Approximate Unit Size (s.f.)							
13	Studio		10	3	—	—	—	—	—
6	1 bdrm	434 s.f.	5	1	—	—	—	—	—
17	2 bdrm	878 s.f.	6	6	4	1	—	—	—
27	3 bdrm	1,093 s.f.	6	7	7	3	3	—	—
26	4 bdrm	1,287 s.f.	9	5	4	5	2	1	—
8	5 bdrm	1,445 s.f.	1	1	2	2	—	1	—
9	6 bdrm	1,639 s.f.	1	1	3	1	2	1	—

A table of the proposed mix of new Sursum Corda units is provided in the table below.

New Sursum Corda Units		
No. of Units	No. of Bedrooms	Approximate Unit Size (s.f.)
0	Studio	545 s.f.
28	1 bdrm	715 s.f.
55	2 bdrm	1,100 s.f.
55	3 bdrm	1,390 S.f.

The size of the units for the existing Sursum Corda units is based on the typical unit floor plans. Representative floor plans for the 1, 2, 3 and 4 bedroom units are attached as **Exhibit A** of this statement. Please note that the proposed new units, while

limited to three bedrooms, have larger square footages than their existing unit counterparts. The size of the units reserved for Sursum Corda families in the PUD will take into account the current number of people in each household with some “right sizing” so that the unit size/number of bedrooms reasonably correlates to the number of people reported in the household.

Remaining Units. As noted above, the 138 units reserved for Sursum Corda households (or lesser number if not all of the Sursum Corda households elect to return) will be constructed on the South Parcel during the first phase of the PUD. The remaining 61 affordable units (or greater number if additional units are transferred from South Parcel) will be constructed in the second or third phase of the PUD on the North Parcel. The location and unit mix for the remaining 61 affordable units will be reflected on an Affordable Units Plan submitted as part of the second-stage PUD application for the North Parcel.

Funding of Affordable Units and Redevelopment of Property

In order to facilitate the redevelopment of the Property as discussed above, the Sursum Corda Cooperative engaged Winn as its development partner to assist with the entitlement process. Their partnership is subject to a private development agreement that gives Winn the first right to purchase all or a portion of the Property. The parties may also agree to sell the Property to a third party developer. Upon the sale of the Property, which will be on terms acceptable to the current members of the Cooperative as the current owners of the Property, the Sursum Corda Cooperative will dissolve and the heads of household will be entitled to a disbursement from the proceeds from the sale of the Property in accordance with the development agreement between the cooperative and Winn.

Development Program, Massing and Design

Parking. The Zoning Commission commented on the number of off-street parking spaces proposed for the PUD. The original plans proposed 848 spaces where 347 spaces are required. In response, the Applicant proposes to reduce the number of parking spaces for the PUD by 102 parking spaces (12%) from 848 to 746. The revised number reflects a parking ratio of .6 spaces per residential unit. The parking for the retail/non-

residential uses represents the minimum requirements under the Zoning Regulations and the amount provided remains unchanged. The Applicant will provide an exhibit and plans reflecting the revised parking count will be submitted no less than 20 days prior to the public hearing on the Application.

Retail. The Zoning Commission asked the basis for the proposed location/configuration of the retail space and type of retail envisioned for the PUD. The PUD's retail component is located primarily on M Street, which is consistent with the recommendations of the SAP. While important to maintain an active ground plane, retail adjacencies, density and connectivity of retail is critical to retail success. Neither First Street, First Place, Pierce Street nor L Street are strong retail corridors, nor do we anticipate them maturing as such. M Street is the only corridor with any retail substance and a future that will be characterized by some sort of active retail environment. The degree to which M Street's retail character will take hold will be dictated by demand and the direction neighboring parcels are developed. The retail component at Sursum Corda is most likely to take the form of neighborhood goods and services that will amenitize the building and immediately adjacent parcels. Additional details about the retail program will be submitted as part of the second stage PUD application for the Northern Parcel.

Height. The Zoning Commission suggested that the Applicant consider the buildings' heights in relation to the Sibley townhouses to the east of PUD site and the townhouses across First Street. The Commission also requested a ground level perspective view of L Street to show how massing steps down to the Serverna. We respectfully note that the Sibley residential community is controlled by the DCHA, which issued a letter in support of the application. The letter, which is attached as Exhibit F of the Applicant's Statement, specifically states that the agency understands and supports the increased heights and density proposed in the PUD application. In seeking DCHA's support for the PUD, the Applicant provided DCHA with the heights and backs of the proposed buildings facing the Sibley residential community.

The Applicant will provide renderings that further depict the building heights in relation to the immediate surrounding community, no less than 20 days prior to the public

hearing on the application. The 20-day filing will also include a shadow study relating to the Sibley Community.

Green Space Along First Place. The Zoning Commission inquired about the green space along the east side of First Place depicted in the PUD plans. Said space is intended to serve as a buffer between the PUD and Mount Airy Baptist Church. In a letter, attached as Exhibit G of the Application Statement, the Church stated that it did not oppose the increase in height and density as presented in the PUD plans.

Non-Residential Uses in Building 1C. The Zoning Commission requested clarification on the proposed commercial/community/amenity use proposed for Building 1C, as shown on Sheet A-18 of the architectural drawings. Building 1C is designated for residential use with approximately 2,000 square feet facing the park intended as a meeting/community room for residents of the building. Further details on the layout and use of this space will be reflected in the second stage PUD application for the South Parcel.

Operation of Pierce Street. The Zoning Commission expressed concern about the logistics and operation of Pierce Street, and asked the Applicant to provide details on the functionality and operation of Pierce Street, particularly as it relates to the loading and vehicle circulation. In response to this concern, the Applicant has decided, subject to review and approval by DDOT, to (i) eliminate the loading dock on the south side of Pierce Street servicing Building 1A, and have the loading to Building 1A serviced through the entrance on L Street, and (ii) eliminate the second garage entry/exit to the below grade parking on the north side of Pierce Street and instead create a new means of access from First Place. These two modifications will significantly simplify the logistics and operation of vehicles on Pierce Street. The Applicant will provide an exhibit and revised plans reflecting these modifications no less than 20 days prior to the public hearing on the Application.

Building Design. The Zoning Commission stated that the angular nature of the buildings suggests a particular style that seems out of context based on massing.

The design features orthogonal and rectilinear building massing set against the perimeter streets to reinforce the street edges. It is juxtaposed with angular building

massing that bisects the site to frame an internal pedestrian promenade that extends from M Street down to L Street. The angled walls of the promenade create a dynamic pedestrian space that varies in width, character and use along its length.

The massing on the North Parcel promenade is widest at M Street in order to engage the street, allow views deep into the site, enhance retail exposure and provide flexible outdoor space for retail tenants. As the promenade continues south, the width of the space narrows and compresses to create a distinct threshold where it steps down to Pierce Street and opens on to a wide street plaza. The massing on the South Parcel promenade narrows at a threshold that marks the entrances to Buildings 1A and 1B from the street plaza. As the promenade continues south, the angled walls increase the width of the space to open to the corner park and mews before it terminates on axis with an iconic architectural façade feature on building 1C.

The juxtaposition of the orthogonal and angular building masses are key components to creating a vibrant pedestrian experience and exceptional architectural design. The two geometries can be successfully developed into a contextual and cohesive design. The architectural style and articulation of the facades of the buildings will be developed in future second stage applications.

Landscape Design. The Zoning Commission suggested that the Applicant consider “softening” the landscape design. The landscape architect will provide a response no less than 20 days prior to the public hearing on the application.

Project Benefits and Amenities

The Applicant expanded the PUD benefits and amenities package in order for it to be commensurate with the development flexibility obtained through the PUD process. Specifically, the proffers were expanded to include support for neighborhood uses and organizations. The proffers are listed below.

Affordable Housing

- The PUD will include the construction of 199 new affordable housing units on-site, the overall average of which will not exceed 60% AMI. Of the 199 new affordable units, 138 units will be constructed during the first phase of the development and will be reserved for the return of the current Sursum Corda residents.

Landscape and Open Space Improvements

- Construct and create and maintain of new green space at the corner of L Street and First Place. This green space will be constructed during the first phase of the development.
- Improve and maintain the public park at the corner of L Street and First Street, subject to the approval of Department of Parks and Recreation. If approved, the improvements will be made during the first phase of the development.
- Create a new pedestrian promenade through the center of the site from M Street to L Street. The southern half of the promenade will be constructed during the first phase of the development. The northern half of the promenade will be constructed during the second phase of the development.
- Construct and maintain the extension of Pierce Street, from First Street to First Place, which can be activated on the weekends for public markets and celebrations. The roadway will be constructed during the first phase of the development.

Transportation and Pedestrian Improvements

- Improve a 30-foot wide strip of the site frontage along First Street in order to effectively modify the existing sidewalk from a variable 6 to 8 feet in width to a sidewalk that is a minimum of 6' with landscaping and street trees. This improvement will be complete with the first phase of the development.
- Restore the historic street grid by (a) extending Pierce Street through the site between First Street and First Place (b) extending First Place from M Street to L Street, (c) improvements to the north side of L Street in order for it to function as a two-way drive aisle. All of the proposed roadway improvements will be completed during the first phase of the development.
- Install a Capital Bikeshare station adjacent to or in proximity to the site.

Sustainable Design Elements

- Reserve two parking spaces for a car-sharing service in the first phase of the development.
- Install two electric car charging stations in the garage in the first phase of the development.

Support of Neighborhood Uses and Organizations

- Contribution to the Boys and Girls Club #2 in the amount of \$250,000 to support the operation of its programs.
- Contribution to Perry School Community Services Center, Inc. in the amount of \$60,000 to support the operation of its programs.
- Contribution to the Walker-Jones Parent Teacher Association in the amount of \$25,000 to assist funding for school activities and the purchase of classroom equipment.
- Contribution of \$15,000 to the Girls in Action at the Sursum Corda Youth Center, 1175 First Terrace, NW to support the operation of its programs.
- Contribution to the Dunbar High School Parent Teacher Association in the amount of \$25,000 to assist funding for school activities and the purchase of classroom equipment.
- Donation of equipment and uniforms valued at \$10,000 to support programming at the RH Terrell Recreation Center.
- Donation of \$15,000 to support programming at the Northwest One Library.

Compliance with the Comprehensive Plan

The Zoning Commission asked the Applicant to discuss how the PUD comports with the Comprehensive Plan given the Property's designation as Moderate Density Residential and Low Density Commercial on the Future Land Use Map. The density and heights proposed under the PUD is informed by the Mid City East Small Area Plan (the "SAP") which provides for the land use designation on the Property to be changed to High Density Residential and Medium Density Commercial.

The development of the Property in accordance with the SAP is not inconsistent with the Comprehensive Plan, which recognizes small area plans as one of the three tiers

of planning for the District, and as providing supplemental guidance for the planning of particular neighborhoods. Chapter 1 of the Comprehensive Plan includes the following text:

The Three “Tiers” of Planning

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- a. Citywide policies*
- b. Ward-level policies*
- c. Small area policies.*

(10 DCMR §104.1)

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “small area plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, small area plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. (10 DCMR § 104.2)

Tier Three: The Small Area Plans

As noted above, small area plans are not part of the Comprehensive Plan. As specified in the DC Code, small area plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, small area plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. (10 DCMR § 104.8)

In the future, additional small area plans will be developed. The Implementation Element of this Comprehensive Plan outlines where and under what conditions such plans should be undertaken. Existing small area plans are cross-referenced in the Comprehensive Plan Area Elements and should be consulted for further detail about the areas they cover. (10 DCMR §104.9)

Implementation Element of the Comprehensive Plan

The development of the Property in accordance with the density and massing recommended in the SAP advances the following principles and policies in the Implementation Element of the Comprehensive Plan:

IM-1.2 Small Area Planning. Small Area Plans cover defined geographic areas that require more focused direction than can be provided by the Comprehensive Plan. The intent of such plans is to guide long-range development, stabilize and improve neighborhoods, achieve citywide goals, and attain economic and community benefits. The Comprehensive Plan Area Elements identify where small area plans should be prepared, with an emphasis on the Land Use Change Areas, Enhancement Areas, and business districts shown on the Comprehensive Plan's Generalized Policies Map. As these small area plans are completed, future amendments to the Comprehensive Plan should identify subsequent generations of small area plans. ANC and public involvement in the development of small area plans is desired and expected. 10 DCMR § 2503.1.

Policy IM-1.2.1: Small Area Plans. Prepare small area plans and other planning studies for parts of the city where detailed direction or standards are needed to guide land use, transportation, urban design, and other future physical planning decisions. The focus should be on areas that offer opportunities for new residential, commercial, and mixed use development, or areas with problems or characteristics requiring place-specific planning actions. Use the Comprehensive Plan Area Elements, the Generalized Policies Map, and land use monitoring activities to identify areas in the city where such plans are needed. Citizens shall have the right to petition or suggest small area plans to be proposed by the Mayor. 10 DCMR § 2503.2.

Policy IM-1.2.2: Protocol for Small Area Plans. Ensure that small area plans take a form appropriate to the needs of the community and reflect citywide needs, District and neighborhood economic development policies and priorities, market conditions, implementation requirements, competing demands, available staffing resources and time, and available funding. Such plans should address such topics as neighborhood revitalization and conservation needs and strategies, aesthetic and public space improvements, circulation improvements and transportation management, capital improvement requirements and financing strategies, the need for zoning changes or special zoning requirements, and other implementation techniques necessary to achieve plan objectives. Small area plans should be adopted by the Council and used to supplement the Comprehensive Plan. If necessary, Comprehensive Plan amendments

should be introduced to ensure internal consistency for the areas involved.
10 DCMR § 2503.

The Housing Element of the Comprehensive Plan

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. The proposed PUD will help achieve this goal by advancing the following policies:

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 DCMR § 503.4.

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 DCMR § 503.5.

Policy H-1.2.3: Mixed Income Housing. Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city already have substantial affordable housing. 10 DCMR § 504.8.

Policy H-2.1.1: Protecting Affordable Rental Housing. Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units. 10 DCMR § 509.5.

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 DCMR § 509.7.

The Urban Design Element of the Comprehensive Plan

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 DCMR § 901.1. The proposed PUD will help achieve this goal by advancing the following policies:

Policy UD-2.2.1: Neighborhood Character and Identity. Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations and additions to existing neighborhood context. 10 DCMR § 910.6.

Policy UD-2.2.4: Transitions in Building Intensity. Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 10 DCMR § 910.11.

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

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 DCMR § 910.16.

Policy UD-2.2.9: Protection of Neighborhood Open Space. Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas. 10 DCMR § 910.18.

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 DCMR § 910.15.

Purpose and Adoption of Small Area Plans

The purpose and process for the adoption of small area plans is set forth in Section 1-306.03 of the DC Code as follows:

§ 1-306.03. Mayor to propose ward plans; updated plans; public hearing; transmission to Council for adoption.

(a) Repealed.

(b) Repealed.

(c) (1) The Mayor shall prepare proposed small area action plans for selected geographical areas that require more specific land use analysis to incorporate the broadest range of planning techniques and solutions practical to achieve the District's goals and objectives. The proposed small area action plans may include specific zoning recommendations, capital improvements requirements, financing strategies, special tax, design, or other regulatory recommendations, and implementation techniques necessary for the realization of objectives and policies of the Comprehensive Plan.

(2) The Mayor shall make copies of each proposed small area action plan available to each affected Advisory Neighborhood Commission and make ample copies of each proposed small area plan available to the Council and the public. Each proposed small area action plan shall include small area maps that depict land use policies at the small area level that are not inconsistent with the adopted generalized District-wide land use maps or approved ward plans.

(3) The Mayor shall hold a public hearing on each proposed small area action plan in the appropriate area, not less than 30 days after the publication of the proposed small area action plan and not more than 90 days after the publication of the proposed small area action plan.

(4) Not more than 60 days after the completion of the public hearing required by this subsection, the Mayor shall transmit the revised small area action plan to the Council, with a proposed resolution, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The transmission shall include copies of the Mayor's public hearing records, and an executive summary that identifies the differences, and the rationale for the differences, between the revised small area action plan and the proposed small area action plan that had been the subject of a public hearing. If the Council does not approve or disapprove the revised small area action plan, in whole or in part, by resolution within this 45-day review period, the revised

small area plan shall be deemed approved. Once approved, the small area action plan shall provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comprehensive Plan.

See also the city Council's resolutions adopting small area plans; for example Resolution 15-460 adopting the H Street Strategic Development Plan, Section 3 (8): *The Plan will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan.*

Relevant Precedents

There are precedents in actions by the Zoning Commission taking into account small area plans that are different from the map designations on the Future Land Use Map. One of the most recent and a prime example is the adoption of the Walter Reed zones and mapping thereof (Zoning Commission Case No. 14-22), which extensively refers to the small area plan and which makes only very general conclusory reference to the Comprehensive Plan. The Future Land Use Map designates the site for Federal, which is of little utility in deciding how to zone the property if it is no longer a federally owned and used site. Also, in the Baywood Hotel case at 501 New York Avenue NE (Zoning Commission Case No. 11-25), the site was designated Production, Distribution and Repair (PDR) on the Future Land Use Map at the time the Zoning Commission approved a PUD and map amendment to C-3-C to allow two hotels on the site. In that case, Findings of Fact 38 and 39 discuss the Florida Avenue Market Small Area Plan and how the proposal is "fully consistent" with that plan.

B. Information Requested by the Office Of Planning

In its setdown report, OP requested that the Applicant provide the following information prior to the public hearing: details of the phasing plan, including approximate scheduling and development priorities; details regarding proposed green building initiatives; details of the affordable housing program, including a detailed relocation plan; transportation plan and TDM measure specifics.

Phasing Plan. The Applicant will provide additional information on the proposed phasing plan no less than 20 days prior to the public hearing on the Application.

Proposed Green Building Initiatives. The 2015 Enterprise Green Communities Criteria Checklist and a draft LEED Checklist are attached as **Exhibits B and C**, respectively. The final LEED Checklist will be submitted with the second stage PUD Application.

Affordable Housing Program. The affordable housing program for the PUD is discussed above.

Transportation Plan and TDM Measures. The Transportation Plan and TDM measures will be filed with the Zoning Commission no less than 20 days prior to the public hearing on the Application.

III. ADDITIONAL REQUIREMENTS OF SECTION 3013 OF THE ZONING REGULATIONS

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Sec. 3013(b) of the Zoning Regulation, a list of witnesses who may testify at the public hearing on behalf of the Applicant is attached as **Exhibit D**.

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who may be called to testify at the public hearing are attached as **Exhibits E through J**.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that may be offered into evidence at the public hearing is attached as **Exhibit K**.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Sec. 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 60 minutes, subject to the decision of the presiding officer at the public hearing.

E. Names and Addresses of Owners of Property Within 200 Feet of the Subject Property

In accordance with Section 3013.6 of the Zoning Regulations, a list containing the names and addresses of the owners of all of the property located within two hundred feet (200') of the PUD Site and the heads of household at Sursum Corda is attached as **Exhibit L.**

F. Report by Traffic Consultant

In accordance with Section 3013.10 of the Zoning Regulations, the traffic report for the PUD will be filed at least 20 days prior to the public hearing.

CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of Sursum Corda Cooperative Association, Inc., in order to provide additional information in support of its Z.C. Case No. 15-20. We respectfully request that the application be scheduled for hearing and remain hopeful of the Zoning Commission's favorable consideration of the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

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