

Z.C. Case No. 18-21  
Consolidated PUD and Related Map Amendment  
Hanover R.S. Limited Partnership  
Square 3832, Lot 15 and Square 3835, Lot 804

Testimony of:

Shane L. Dettman  
Director of Planning Services, Holland & Knight LLP

1. Good evening Mr. Chairman and members of the Commission.
2. My testimony this evening on Case No. 18-21 will focus on the PUD's consistency with the District Elements of the Comprehensive Plan, including the Future Land Use Map and Generalized Policy Map.
3. For the sake of the record, the standard of review for a PUD is found in Subtitle X § 304 of the Regulations, which states that in deciding a PUD the Commission shall judge, balance, and reconcile the relative value of public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.”
4. In applying that standard, the Commission must find that the application:
  - Is not inconsistent with the Comprehensive Plan and with other adopted policies and programs related to the site;
  - Does not result in unacceptable impacts on the area or on city services and facilities, but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of benefits provided; and
  - Includes specific benefits and amenities that are not inconsistent with the Comprehensive Plan or with other adopted policies and programs.
5. For this application, the other adopted document applicable to the site is the 2009 Brookland-CUA Small Area Plan.

6. In terms of the project's consistency with the Comprehensive Plan, I start with a summary of the recommendations that pertain to the site in the Brookland-CUA Small Area Plan.
7. As the Commission knows, under the Home Rule Act zoning shall not be inconsistent with the Comprehensive Plan, and that small area plans, while not formally part of the legislatively adopted Comprehensive Plan, are indeed adopted by the Council and provide supplemental guidance to the Comprehensive Plan by providing detailed direction for defined areas.
8. The stated purpose of the Future Land Use Map is to "represent the land use policies set forth in the Land Use Element."
9. As shown on the 2006 version of the Comprehensive Plan Future Land Use Map, the area between 8<sup>th</sup> Street, NE and the CSX / WMATA tracks from Monroe Street to Rhode Island Avenue was designated as PDR. This designation is consistent with recommendations that were made in a 2006 Industrial Land Use Study prepared by the Office of Planning.
10. However, in March 2009 the Council adopted the Brookland-CUA Small Area Plan which contains land use change recommendations for the area south of the Brookland-CUA Metrorail station, and specifically states that "development south of Kearny Street should consist of low to moderate density residential and limited commercial facilities."
11. The design of the proposed PUD also incorporates other recommendations of the Small Area Plan, such as:
  - New infill residential development;
  - Moderate density with building height between 60 – 70 feet and upper story setbacks that help transition to adjacent development;
  - Improved streetscape, landscape, and lighting;
  - Provide adequate parking;
  - Integration with the Metropolitan Branch Trail; and
  - Buffering and screening from CSX/WMATA tracks and PDR uses.

12. As part of the 2013 Comprehensive Plan amendment cycle, the Small Area Plan's recommendation for mixed-use development consisting of low to moderate density residential and limited commercial use was incorporated into the Future Land Use Map where the designation for the area between 8<sup>th</sup> Street, NE and the CSX / WMATA tracks from Kearney Street and Franklin Street was changed to Mixed Use (Low Density Commercial / Moderate Density Residential), which is consistent with the recommendation in the Small Area Plan for "low to moderate density residential and limited commercial use."
13. For the ensuing reasons, the proposed PUD is not inconsistent with this mixed-use designation on the FLUM.
14. As discussed in the Comprehensive Plan analysis submitted as part of the initial application, a "Mixed Use" designation on the FLUM is not intended to be interpreted in terms of its separate land use designations. Rather, "Mixed Use" on the FLUM is a distinct land use category assigned to areas where the mixing of two or more land uses is encouraged.
15. The general density and intensity of development in "Mixed Use" areas is determined by the specific mix of uses shown, and if the desired outcome is to emphasize one use over the other the FLUM will indicate this by assigning a slightly higher density to a particular use. Thus, given the slightly higher density assigned to residential use the desired outcome would be mixed use development that leans more toward residential over commercial use.
16. The proposed MU-4 zone district is expressly identified as corresponding to the Low Density Commercial land use designation on the FLUM. Further, the MU-4 zone is consistent with the FLUM's desired outcome for mixed-use development containing greater residential than commercial density in that it favors residential development by allowing all permitted density to be devoted to residential while limiting the amount density that can be devoted to non-residential.
17. The MU-4 zone is described within ZR16 as being intended to "permit moderate-density mixed-use development" and "be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops." As seen on the FLUM the area immediately west of the

Site is designated as Moderate Density Residential, and the area is zoned for and developed with moderate densities.

18. As to height and density, under a PUD the MU-4 zone permits a maximum overall density of 3.6 FAR, of which 2.01 FAR can be devoted to non-residential; a maximum building height of 65 feet; and a maximum penthouse height of 12 feet (habitable) and 18'-6" (mechanical). The proposed project not only complies with each of these development standards, as discussed below, also incorporates several design gestures that will mitigate any potential impact the height of the project may have on existing residential development to the west of 8<sup>th</sup> Street.
19. Before moving on from the FLUM it is worth noting that the height permitted under an MU-4 PUD and what is proposed is only marginally different than the permitted PUD under existing PDR-1 zoning, and the density permitted under an MU-4 PUD and what is proposed is notably lower than what is permitted under existing zoning.
20. Specifically, under a PUD the PDR-1 zone permits a maximum height of 60 feet, which is only 5 feet lower than the height of the proposed project. The maximum PUD penthouse heights are the same for both PDR-1 and MU-4. As for density, a PUD in the PDR-1 zone permits a maximum density of 4.2 FAR, compared to the 3.6 FAR maximum density of the proposed project.
21. The site is located within a Neighborhood Conservation Area on the Comprehensive Plan Generalized Policy Map. The guiding philosophy for this type of area is to conserve and enhance established neighborhoods. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the FLUM.
22. The proposed PUD is not inconsistent with the GPM. Consistent with the residential land uses to the west, the proposal will enhance the surrounding neighborhood by redeveloping the Site with a new residential use at a scale that is consistent with the FLUM and that which is contemplated in the Small Area Plan, and appropriate given the Site's proximity to Metrorail. The proposal will further enhance the

neighborhood by replacing an incompatible, underutilized industrial use with a high-quality, context-sensitive residential use that will buffer nearby residential uses from the CSX\WMATA tracks. Finally, the architectural character of the proposal is compatible with the residential uses to the west while also possessing some industrial influences in response to the Site's land use history and the CSX\WMATA tracks to the east.

23. As discussed in the detailed Comprehensive Plan analysis that was submitted with the initial application, the proposed PUD is not inconsistent with the policies contained in the Citywide Elements and the Upper Northeast Area Element. Provided below is a brief summary of the PUD's consistency with some of the most notable Comprehensive Plan policies.
24. Upper Northeast Area Element: The proposed PUD will replace an incompatible land use with a compatible, transit-oriented, residential development that is consistent in density and height with the Future Land Use Map, and consistent with specific design-related recommendations of the Small Area Plan. The redevelopment of the Site will also buffer the existing lower-scale residential uses to the west of 8<sup>th</sup> Street from the CSX/WMATA tracks to the east, and provide substantial improvements to public space and other publicly accessible open space (Policies UNE-1.1.1, UNE-1.1.2, UNE-1.1.3, UNE-1.1.11, UNE-1.2.1)
25. Land Use Element: Being only 0.3 miles from the Brookland-CUA Metrorail station, the proposal is consistent with Land Use Element policies that promote transit oriented development and the importance of capitalizing on investments made in Metrorail by maximizing the use of land around transit stations. (Policies LU-1.3, LU-1.3.1, LU-1.3.2, LU-1.3.3, and LU-1.3.4). The PUD is also consistent with Land Use Element policies pertaining to infill development and neighborhood enhancement. Specifically, the PUD will redevelop a long underutilizes and incompatible property that detracts from the character of the surroundings with a new moderate-density residential development that has been designed in a manner that avoids sharp contrasts in scale and complements the character of the area (Policies LU-1.4.1, LU-1.4.3, LU-2.1.3, and LU-2.2.4)
26. Housing Element: Despite the Site's land use designation supporting moderate-density mixed-use development, as currently zoned the

construction of new housing is not permitted on the Site. To meet the continuing demands for more housing in the District, while at the same time addressing other District land use needs, it is critical to take full advantage of opportunities to development new residential in proximity to transit. The proposed PUD will do exactly that by allowing residential development on a site where currently it is not allowed, at a moderate density and height that balances proximity to transit with the scale of existing development to the west. The PUD will result in approximately 377 new dwelling units at a range of sizes, with affordable units that are constructed to the same high-quality standards as market rate units that are targeted to income levels between 30% - 80% MFI (Policies H-1.1.1 H-1.1.3, H-1.1.5, and H-1.2.3)

27. Transportation Element: The proposed PUD amplifies the principles of successful transit oriented development. The development of over 300 units of new market rate and affordable housing in such close proximity to Metrorail and the Metropolitan Branch Trail will not only help address the District's housing demands, but at the same time help reduce the potential for increased congestion in the city. The ability for future residents of the project to utilize transit, combined with the proposed improvements to bicycle storage and parking, public space, lighting, trees, benches, paving, and landscaping, will provide several transportation-related improvements. Further, any potential for unfavorable impacts to transportation will be adequately mitigated through TDM and loading management plans. Finally, the project will provide substantial improvements to pedestrian circulation and safety in the area through the reconstruction of adjacent public space, including new sidewalk where none currently exist, and other pedestrian amenities including an publicly accessible plaza with seating and drinking fountain (Policies T-1.1.4, T-2.3.1, T-2.3.3, T-2.4.1, T-2.4.2, T-3.1.1)
28. Urban Design Element: The proposed PUD will greatly improve the urban design qualities of the Site and surrounding area, and incorporates several proven design strategies that will effectively mitigate any potential for adverse impacts as to height. The project will improve neighborhood character and identity by strengthening the spine of development along the east side of 8<sup>th</sup> Street. This is accomplished through the replacement of an incompatible industrial use with a new mixed-use development at a moderate density and height that balances proximity to transit with the scale of existing development to the west.

Additional improvements to neighborhood character will be gained through substantial improvements to public space. Finally, the project effectively uses the following design strategies to successfully relate the project to the scale and massing of existing buildings:

- Breaking the development into multiple buildings;
- Building facades facing 8<sup>th</sup> Street step back in height at a ratio of one half (1/2) to one above 50 feet, a specific recommendation from the Small Area Plan
- Providing large open courtyards facing 8<sup>th</sup> Street that orient the bulk of the project massing towards the CSX/WMATA tracks and away from 8<sup>th</sup> Street; and
- Utilizing bays, stoops, townhouse massing, and material differentiation to breakdown façade to complement existing building heights across 8<sup>th</sup> Street

(Policies UD-2.2.1, UD-2.2.5, UD-2.2.7, UD-3.1.11)

29. Based on the foregoing testimony, I find the proposed PUD, including the proffered benefits and amenities, and the related map amendment to be not inconsistent with the Comprehensive Plan.
30. The requested MU-4 zone falls squarely within the Mixed Use (Low Density Commercial / Moderate Density Residential) land use designation of the Site, and the height, density, scale of the project fall squarely within the development parameters of an MU-4 PUD.
31. The design of the project, and specifically the steps taken by the project architect to mitigate any potential for impacts on residential uses to the west of 8<sup>th</sup> Street, is consistent with the intent of the Neighborhood Conservation Area designation on the Generalized Policy Map. It is also consistent with those policies of the Land Use and Urban Design Elements of the Comprehensive Plan relating to infill development and neighborhood character and enhancement.
32. Furthermore, the PUD will not result in unacceptable impacts on area or city services. Any potential for transportation impacts will be mitigated through the TDM and loading management plans included in the transportation analysis, and which have been deemed to be appropriate

by DDOT. As contained in the Office of Planning's report, several other District agencies have expressed no objection to the PUD. Overall, to the extent there are impacts created by the PUD, I believe such impacts will either be favorable or mitigated.

33. That concludes my testimony.