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October 17, 2024

VIA IZIS

Mr. Anthony J. Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 23-29: Application of Martin’s View LLC (“Applicant”) for a Consolidated PUD & Map Amendment from the RA-1 to RA-2 Zone at 4337-4347 and 4353-4363 Martin Luther King Jr. Avenue SW, 201-211 and 200-210 Elmira St. SW (Parcels 252/0082, 252/0083, 252/0092, and 252/0086) (“Property”) – Applicant’s Proposed Order

Dear Chairperson Hood and Members of the Commission:

On behalf of the Applicant, pursuant to Subtitle Z § 601.1, we hereby submit the Applicant’s proposed Findings of Fact and Conclusions of Law, attached hereto as Exhibit A.

The Applicant looks forward to the Commission’s consideration of the Application at its public meeting on October 24, 2024. Please feel free to contact Cary Kadlecek at (202) 721-1113 or Derick Wallace at (202) 721-1120 if you have any questions regarding this submission.

Sincerely,

/s/ Cary R. Kadlecek
Cary R. Kadlecek

/s/ Derick Wallace
Derick Wallace

ZONING COMMISSION
District of Columbia
CASE NO. 23-29
EXHIBIT NO. 45

District of Columbia Zoning Commission
June 28, 2024
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Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document and accompanying materials were sent to the following by email on October 17, 2024:

Michael Jurkovic
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Erkin Ozberk
District Department of Transportation
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/s/ Derick Wallace

Derick Wallace

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-29

Z.C. Case No. 23-29

Martin’s View LLC

**(Planned Unit Development and Related Zoning Map Amendment @ Parcels 252/0082,
252/0083, 252/0092, and 252/0086)
[REDACTED], 2024**

Pursuant to notice, at its [REDACTED], 2024 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Martin’s View LLC (the “Applicant”) requesting review and approval of the following:

- (i) A consolidated Planned Unit Development (“PUD”) and related Zoning Map Amendment to the RA-2 Zone District for the property located at 4337-4347 and 4353-4363 Martin Luther King Jr. Avenue SW and 201-211 and 200-210 Elmira Street SW (Parcels 252/0082, 252/0083, 252/0092, and 252/0086) (the “Property”) to construct four residential multifamily buildings with underground parking, a child daycare, and a community service center (the “Project”);
- (ii) A variance from the maximum mechanical penthouse height limit of Subtitle X § 303.18; and
- (iii) Such other design and zoning flexibility as is set forth in the Conditions hereof.

The Commission considered the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PARTIES

- 1. Pursuant to Subtitle Z § 403.5(a), the Applicant is automatically a party to the Application.
- 2. Pursuant to Subtitle Z §§ 101.8 and 403.5(b), Advisory Neighborhood Commission (“ANC”) 8D is automatically a party to the Application as the ANC in which the Property is located.
- 3. The Commission received no requests for party status.

NOTICE AND SETDOWN

4. Pursuant to Subtitle Z §§ 300.7 and 300.8, on October 4, 2023, the Applicant mailed a Notice of Intent to file the Application to all property owners within 200 feet of the Property and to ANC 8D. (Exhibit [“Ex.”] 2B.)
5. Pursuant to Subtitle Z § 300.9, subsequent to the mailing of such notice but prior to filing the Application with the Commission, the Applicant presented the Application to ANC 8D at its October 26, 2024 public meeting. (Ex. 2, 2C, 12B.)
6. Pursuant to Subtitle Z §§ 400.9-400.12, on March 28, 2024, at its duly noticed public meeting, the Commission considered the Application and voted to set the case down for a public hearing. (Transcript of March 28, 2024 Regular Public Meeting [“Mar. 28 Public Meeting Tr.”] at 14-24.)
7. Pursuant to Subtitle Z §§ 402.1-402.2 and 402.6, on May 22, 2024, the Office of Zoning (“OZ”) mailed notice of the July 22, 2024 public hearing concerning the Application to:
 - (a) The Applicant;
 - (b) ANC 8D;
 - (c) The ANC 8D06 and 8D07 Single Member District Commissioners, whose district includes the Property;
 - (d) The Office of ANCs;
 - (e) The Ward 8 Councilmember, in whose district the Property is located;
 - (f) The Office of Planning (“OP”);
 - (g) The District Department of Transportation (“DDOT”);
 - (h) The Department of Buildings (“DOB”);
 - (i) The Office of Zoning Legal Division;
 - (j) The District Department of Energy and Environment (“DOEE”);
 - (k) The Chair and At-Large Members of the D.C. Council; and
 - (l) The owners of property within 200 feet of the Property.(Ex. 15, 16.)
8. Pursuant to Subtitle Z § 402.1(a), OZ published notice of the July 22, 2024 public hearing, concerning the Application in the May 31, 2024 issue of the *D.C. Register* (71 DCR 6493.) as well as on the calendar on OZ’s website. (Ex. 14.)
9. Pursuant to Subtitle Z §§ 402.3-402.4, 402.8-402.10, on June 12, 2024, the Applicant submitted evidence that it had posted notices of the public hearing on the Property on June 11, 2024, and, on July 17, 2024 submitted evidence that it had thereafter maintained notices. (Ex. 17 and 25.)

PROPERTY AND SURROUNDING AREA

10. The Property is located in the Southwest quadrant of the District in the Bellevue neighborhood in Ward 8. (Ex. 2.)

11. The Property consists of approximately 4.9 acres (213,748 square feet) of land area and is bisected by Elmira Street SW. The Property is bounded on the north by Leckie Elementary School; on the south by BridgePoint Hospital National Harbor; on the east by Martin Luther King Jr. Avenue SW; and on the west by Fort Greble Park. (*Id.*)
12. The Property is currently improved with four, 2-3 story apartment buildings containing a total of 156 apartments. (*Id.*)
13. The surrounding area is characterized primarily by a mix of moderate density residential, public education, institutional, and parks/open space uses. Immediately north of the Property is Leckie Elementary School, which is four stories. The property to the south is BridgePoint Hospital National Harbor, a three-story 178-bed facility serving Washington, D.C., Maryland, and Virginia. A variety of moderate and low-rise residential buildings – consisting mostly of semi-detached and row dwellings – are to the east of the Property, with some multifamily buildings to the southeast. Further east is Patterson Elementary School. Fort Greble Park is adjacent to and immediately west of the Property. (*Id.*)
14. The surrounding area is zoned primarily R-2 and RA-1, creating a circle of low-rise apartments with a diverse array of single-family residential buildings at the center. Properties further south beyond the hospital are zoned PDR-1. (*Id.*)

COMPREHENSIVE PLAN (TITLE 10A DCMR, THE “CP”)

15. The Comprehensive Plan’s Future Land Use Map (“FLUM”) designates the Property as Moderate Density Residential. The Framework Element describes the Moderate Density Residential land use category as defining “neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings...Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning [(“IZ”)] or when approved through a [PUD].”
16. The Comprehensive Plan’s Generalized Policy Map (“GPM”) designates the Property as a Neighborhood Conservation Area. The Plan’s Framework Element provides that Neighborhood Conservation Areas “have little vacant or underutilized land” and are “generally residential in character.” 10-A DCMR § 225.4. The guiding philosophy in NCAs is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. 10-A DCMR § 225.5. “Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity and displacement should emphasize preserving affordable housing and enhancing services, amenities, and access to opportunities.” *Id.* A small portion of the Property is also designated

Institutional; however, the Applicant noted its presumption that this designation is presumed to be a cartographic drafting error. (Ex. 2F, 32A5.)

17. The Comprehensive Plan includes the Property within the Far Southeast / Southwest (“FSS”) Area Element. (Ex. 2F.)
18. The Property is located in the Bellevue Small Area Plan (“Bellevue SAP”). The Bellevue SAP focuses on affordable rental and homeownership housing development, enhancing commercial development in the Bellevue neighborhood, promoting a self-sustaining community with educational and career development activities, and providing a mix of land uses and establishing visual consistency and compatible development along the South Capitol Street Corridor. (Ex. 2F.)

II. THE APPLICATION

THE PROJECT

19. The Project proposes to raze all four existing apartment buildings in phases and construct each new apartment building to accommodate current and future residents with updated units and amenities. The Project provides:
 - A maximum building height of 60 feet, plus a mechanical penthouse with a maximum height of 18.5 feet;
 - A maximum FAR of 2.592;
 - Approximately 821 residential units;
 - Approximately 276 below-grade parking spaces;
 - Approximately 275 long-term bicycle spaces and 42 short-term bicycle spaces;
 - An interior courtyard (“Social Garden”) located at the center of the site;
 - LEED Gold design;
 - A 5,500 square foot child daycare;
 - An Inclusionary Zoning affordable set-aside of 17% of the residential floor area reserved for households at or below 60% of the Median Family Income (“MFI”); and
 - A minimum of 8% of the total units as three-bedrooms.(Ex. 2, 21A, 21B1-21B9.)
20. As part of the Application, the Applicant seeks a PUD-related Zoning Map Amendment to the RA-2 Zone District to support the proposed buildings and site configuration, while achieving moderate density development that is compatible with the surrounding buildings and neighborhood. (Ex. 2 and 2F.)
21. The Project includes extensive landscaping, trees, and other plantings and bioretention features. Notably, the Project will take full advantage of its proximity to Fort Greble Park by highlighting the park with signage at the corner of Martin Luther King (“MLK”) Jr. Avenue SW and Elmira Street SW and improve the streetscape leading to the park’s entrance with new signage. Furthermore, the Project will create a one-way pedestrian friendly private driveway to encourage both pedestrian foot traffic and vehicular egress through the Project. (*Id.*)

22. The Project will transform the existing site by replacing outdated apartments buildings surrounded by surface parking lots with new, highly amenitized residential buildings. These new buildings will take full advantage of Fort Greble Park by not only encouraging additional pedestrian foot traffic with inviting landscaping, but also creating a central outdoor amenity space for residents that will highlight the importance of indoor-outdoor living. This emphasis on porosity and movement between the new residential buildings stems from the adjacent residential neighborhood, proximity to Fort Greble Park, and site configuration. The Project will continue to respect the neighborhood's character and offer a significant public benefit by offering an onsite child day care. (*Id.*)
23. The Project also achieves many other desirable public policy objectives: in furtherance of the Mayor's housing production goals, the Project adds approximately 665 net new residential units to this location. At least seventeen percent (17%) of the new units will be affordable (at 60% MFI and 50% MFI), and at least eight percent (8%) of the new units will be family-sized three-bedroom units. The streetscape and landscaping improvements enhance and substantially advance the collective vision for Bellevue as set forth in the SAP. (*Id.*)
24. Furthermore, in consultation with HousingToHome ("HTH"), the Applicant has developed a comprehensive phasing, relocation, and return plan. HTH is full-service company experienced in developing and implementing all aspects of tenant relocation and support plans for public and private housing developments in D.C. and many other communities in the United States. Under the plan current residents at the Property will be offered the opportunity to return to the new Project at their current rents, which may increase annually only as permitted under rent control laws. Current residents also will be given assistance with packing and moving, and with permanently relocating to elsewhere if that is what they choose. (*Id.*)
25. The Project has a total of approximately 553,928 square feet of GFA including the flexibility requested below, resulting in an FAR of 2.592 with an overall lot occupancy of approximately 54% (below the 60% permitted in the RA-2 zone). All four buildings will be five stories plus cellars and habitable penthouses. The Project will offer an array of studio, one-, two-, and three-bedroom units. The Project will have a total of approximately 821 units, and the total unit count for each building ranges between 195 and 213. The maximum height of each building is 60 feet. The Project ultimately includes a mix of: (i) approximately 548,128 square feet of residential GFA distributed across four buildings; (ii) up to approximately 66,964 square feet of penthouse habitable space across four buildings to be allocated among a mix of amenity space for the building (including a lounge and grilling areas) and residential units; and (iii) approximately 5,500 square feet for a child daycare. A vast majority of the Project's amenities are accommodated at the center of the Project in the "social garden," immediately surrounded by two buildings but available and accessible to residents of all four buildings. Outside of that, each building will have its own entrance and offer rooftop recreation space as well as grills and lounge seating. (*Id.*)

26. The Project's site plan organizes the four buildings with a common frontage on Martin Luther King Jr. Avenue SW, with Elmira Street SW and a private driveway separating the buildings. South of Elmira Street SW is one new building with its own underground parking and at-grade loading ("Building 1"). Immediately north of Elmira Street, are two buildings connected by the central courtyard and Project's amenity space – the "social garden" – and child daycare ("Buildings 2 & 3") that fronts on Martin Luther King Jr. Ave. Loading facilities will be shared by Buildings 2 & 3. To the north of Building 3 is a private driveway with landscaping and pedestrian facilities that serves as a vehicular exit from parking and loading facilities to Martin Luther King Jr. Ave. and pedestrian access to Fort Greble Park. North of the private driveway is the fourth new building ("Building 4"), which has its own loading facilities. One common underground parking level is below Buildings 2, 3, & 4 and the private driveway. Each Building will have its own lobby and entrance, but the lobbies will be visually connected across the Project to reinforce the overall connectivity of the Project. (*Id.*)
27. The Project will offer a range of unit types from studios to three-bedrooms. With this, the Project introduces a unit type distribution that does not currently exist at the Property. The Project offers studios and three-bedroom units, which are not offered or are very limited, respectively, at the existing buildings. Significantly, a minimum of 8% of the units in the Project, approximately 63 units, will be three-bedrooms. (*Id.*)
28. At grade, the Project's site plan activates the public realm and create a special place to connect pedestrians on Martin Luther King Jr. Avenue SW to Fort Greble Park through the Property. The Project's site plan responds to its important context, activates the surrounding public realm, and relegates all vehicular parking below grade. The Project does not include any new curb cuts. (*Id.*)
29. Further, the Project features a variety of landscape improvements at street level and makes dynamic additions to the entrance of Fort Greble Park. This will create an inviting and pedestrian friendly environment for residents and community members alike. The overall focus is to use vegetation that is varied, robust, and layered. The verdant and extensive landscape design is intended to extend the park feeling through the Property along both Elmira Street and the private driveway to MLK Jr. Ave. (*Id.*)
30. The Project is horizontally and vertically segmented with the buildings oriented east-west to create porosity from MLK Jr. Ave. to Fort Greble Park to the west. The Project central amenity area – the social garden – is housed in a large, partially sunken area between Buildings 2 and 3. This unique and dynamic space will house the amenities for all four buildings and includes a theatre, leasing office, business center, gym, basketball court, fitness studio, and outdoor amphitheater. Furthermore, the central social garden offers space for both the daycare users and residents to gather, play, and socialize. (*Id.*)
31. In all four buildings, residential use begins on the cellar floor and continues to the penthouse. The number of units per floor and the unit types vary between each building. For example, Building 1 has the most one-bedroom units, Building 3 has the most two-bedroom units, and Building 4 has the most three-bedroom units. Still, each building has

a similar distribution of total units throughout and offers a diverse set of options to current and future residents. The penthouse levels on Buildings 2 and 3 include approximately 1,389 and 1,689 square feet of exterior amenity space, respectively, plus a rooftop terrace and residential units. The roof is also designed to accommodate mechanical equipment, solar panels, green roofs, and vegetation. Approximately 2,000 square feet of solar panels will be on the roof of each building for a total of approximately 8,000 square feet of solar arrays. (*Id.*)

32. Providing sufficient automobile parking, bicycle parking, and loading are important elements of the Project, and the Project includes a focus on bicycle parking spaces to minimize traffic impacts in the neighborhood. The Project contains approximately 276 vehicular parking spaces on a single level of below-grade parking to serve the Project. The below-grade garage in Building 1 includes approximately 53 vehicular parking spaces and a secure bicycle storage room for 65 long term bicycle spaces. The below-grade garage for Buildings 2-4 includes approximately 223 vehicular parking spaces and a secure bicycle storage room for 182 bicycle spaces. Building 1, Buildings 2 & 3, and Building 4 each have loading facilities: one 30-foot berth and one 20-foot service/delivery space. (*Id.*)
33. The Project includes a significant affordable housing proffer commitment. The Project will dedicate at least seventeen percent (17%) of the residential floor area to Inclusionary Zoning units. This IZ commitment translates to approximately 113,015 gross square feet of affordable units, significantly exceeding the IZ requirements for a matter-of-right project and representing one of the largest IZ commitments of any market-rate PUD to date. All of the IZ units will be set aside for households earning no more than 60% of the Median Family Income (“MFI”). These proffered 60% MFI IZ units are in addition to 50% MFI IZ units that would be required from the residential units being located in the penthouses. In addition, all existing tenants at the Property will have the option to return to the Project at the same rents they pay now – which are below market rates for the Project – and their rents may be increased annually only as much as allowed by rent control laws and regulations. (*Id.*)
34. The Project’s architectural design and detailing are intended to be bold and distinctive while taking cues from the surrounding neighborhood’s existing fabric. The proposed massing has been designed with the streetscape experience, neighboring buildings, and nearby Fort Greble Park in mind. The siting and design elements have been carefully selected to integrate this moderate density development in with its surrounding context of institutional buildings, a park, and single-family houses. (*Id.*)
35. All four residential buildings are designed by the same architect: Eric Colbert and Associates. Each building will have a unique identity to distinguish itself but also work together to create a common fabric and place for a new residential community. A red masonry palette will be used to bring more warmth to each building’s façade and blend with the neighboring residential buildings. (*Id.*)

36. The Project's detailing and materiality underscore its high-quality design. At the street level, where pedestrians interact with the buildings, it has a rich texturing of materials intended to create a tactile connection between passersby and the buildings themselves. A significant investment in greenery at the ground floor streetscape, façade, and canopy above helps to soften the ground plane and encourage pedestrians to linger. (*Id.*)
37. The Project has been designed to fit seamlessly into the existing residential community. For example, each building's façade includes a mix of masonry and metal to mirror the residential buildings across Martin Luther King Jr. Avenue SW. Furthermore, the Project uses red masonry to bring more warmth and appeal to each building's façade. It also creates a more residential feel and highlights the limited metal accents. Balconies are distributed evenly throughout the Project to offer outdoor space to residents, and the use of prefabricated balconies provides a consistent appearance between buildings. The Project's material selection and façade arrangements establish a cohesive and welcoming residential community across the entirety of the site and integrate seamlessly into the existing neighborhood context. (*Id.*)
38. The Project has been carefully configured to provide ample open space for both Project residents and residents of the surrounding neighborhood, as well as to highlight Fort Greble Park. To achieve this, the Project has an overall lot occupancy (54%) that is less than the maximum permitted (60%), and the rear and side yards are wider than required. Notably, the Project will be substantially separated from existing residential uses to the east by Martin Luther King, Jr. Avenue, which has a right-of-way width of 110 feet. (*Id.*; Ex. 40.)
39. The Project features a variety of landscape improvements at street level and makes improvements and additions to the entrance of Fort Greble Park. This will create an inviting and pedestrian friendly environment for residents and community members alike. The overall focus is to use vegetation that is varied, robust, and layered. The verdant and extensive landscape design is intended to extend the park through the Project down both Elmira Street and the private driveway to MLK Jr. Ave. The streetscape along Elmira Street SW will offer mature plantings with seasonal variety, as well as benches and other hardscape features. The private driveway to the north will have a similar design, while still respecting its more pedestrian friendly nature. Both spaces will frame Buildings 2 & 3 and the central amenity space housed at the center of them, which will also offer an array of foliage and greenery to complement the varied indoor and outdoor uses. Indeed, the Project makes a significant investment in the public space landscaping streetscape improvements on Elmira Street and on Martin Luither King Jr. Avenue. (Ex. 2 and 2F.)
40. The Project is designed to satisfy the standards for LEED Gold. The Project's level of sustainability is further evidence of its superior design and reflective of the Applicant's commitment to advance the District's sustainable development goals. Specific sustainable design features include approximately 2,000 SF of solar panels on each of the four buildings; and full electrification throughout each building. (*Id.*)

41. In addition to the standard design flexibility requested for the Project, the Application requests variance relief from the maximum mechanical penthouse height limit requirement of Subtitle X § 303.18 for only the elevator overruns and zoning flexibility to allow a community service center use. (*Id.*; Ex. 21, 21C)
42. The Application also requested flexibility for the phasing of the Project and validity of the order because of the multi-building character of the Project and the Applicant's desire to keep residents on-site throughout the redevelopment. Accordingly, the Applicant seeks approval of a phasing plan for the Project. The phasing plan begins with all residents in the Existing Building 1 relocating to vacant units Existing Buildings 2-4, to the extent available. Once new Building 1 is constructed, all residents in Existing Buildings 2-4 will relocate to the newly built Building 1. From there, Existing Buildings 2-4 will be razed, and construction of new Buildings 2 and 3 will commence. Building 4 will be constructed after Buildings 2 and 3 are completed. Finally, the original tenants from Existing Buildings 2-4 now living in new Building 1 will be given the option to relocate to other units in the Project. (*Id.*)
43. As part of the Project, the Applicant proffered numerous and significant public benefits and project amenities, as set forth in detail in the Conditions of this Order. The Applicant's proffered public benefits and amenities are as follows:
- (a) Superior Urban Design and Architecture. The Project's urban design, architecture, and landscaping are superior public benefits. The Project incorporates numerous design precepts that guide superior urban design in the District. The Project's high-quality design carefully echoes and respects the traditional design qualities of the existing residential development in the surrounding neighborhood to create a natural extension of the residential community. The orientation of the Project to create east-west porosity toward Fort Greble Park and allows for much greater light and air to properties to the east. (*Id.*)
 - (b) Superior Landscaping. The Project offers extensive landscaping and streetscape improvements along Martin Luther King Jr. Avenue SW and Elmira Street SW. Specifically, the landscape plan incorporates mature plantings and diverse vegetation with year-round seasonable interest to enhance the pedestrian experience and highlight the Project's proximity to Fort Greble Park. The Project features richly planted gardens along Martin Luther King Jr. Avenue SW and Elmira Street SW and includes extensive tree and other landscape plantings throughout the site. (*Id.*)
 - (c) Affordable Housing. The Project provides a substantial amount of permanent affordable rental housing. At least seventeen percent (17%) of the Project's residential GFA (approximately 113,015 square feet) is devoted to IZ units reserved for households earning up to 60% MFI. This is considerably greater than a matter of right development which would only require ten (10%) percent of residential GFA development (approximately 23,085 square feet) for IZ units. This IZ commitment is in addition to the IZ units at 50% MFI that are required from the penthouse habitable space. (*Id.*)
 - (d) Three Bedroom Units. The Project provides a substantial amount of family-sized rental units to the Bellevue neighborhood and the District at large. At least eight

- percent (8%) of the total units (approximately 63 units) are three-bedrooms. This not only increases the housing stock generally but increases the ability of families to live, work, and play in the District. (*Id.*)
- (e) On Site Daycare. The Project is also committed to providing an on-site child daycare, a much discussed and desperately needed resource as childcare costs continue to skyrocket. Approximately 5,500 square feet are reserved for the daycare in Buildings 2 & 3, which will serve residents and community members as well as members of the public. Currently, the daycare is expected to operate during normal business hours at least five days per week and 50 weeks per calendar year. (*Id.*)
 - (f) Environmental and Sustainability Benefits. The Project includes important sustainable design elements and achieves appropriate levels of environmental certification. The Project has been designed to meet environmental design standards at the LEED Gold level, and the Project will achieve the minimum GAR requirement. Specific sustainable benefits in the Project include extensive tree and landscape plantings, and approximately 8,000 square feet of rooftop solar panels. (*Id.*)
 - (g) Enhancements to Fort Greble Park and Signage. The Project takes full advantage of its proximity to Fort Greble Park by highlighting the park as a community resource and recreation space. For example, the Project includes wayfinding signage at the corner of MLK Jr. Ave. SW and Elmira Street SW and at the park's entrance to mark the park's entrance location. (*Id.*)
 - (h) Mid -Block Crossing on Elmira Street. The Project will provide a mid-block crossing from Building 1 to the central courtyard amenity space and daycare located in between Buildings 2 and 3. This will facilitate and encourage safe pedestrian access and be further coordinated with the District Department of Transportation during the public space permitting process. (Ex. 50.)
 - (i) Jobs Organization Space. The Project will provide a 1,000 square foot space for a community service center to be occupied by a locally based jobs partner nonprofit organization that will provide job-search and job-training assistance to residents and the broader neighborhood. (Ex. 40.)
 - (j) Cost Reductions for Returning Residents. The Applicant will provide a utilities subsidy of up to \$100 per month to all returning residents aged 65 and older, and parking will be offered to returning residents at a cost of 50% less than to other residents. (Ex. 43.)
 - (k) Community Benefits Agreement with ANC 8D. The Applicant and ANC 8D executed a substantial community benefits agreement on July 18, 2024. The elements include:
 - 1. Community Contribution.
 - a. Martin's View LLC will financially support locally-based community organizations to further impact in the Bellevue neighborhood and greater Ward 8. A total contribution of \$175,000 will be made across the following organizations:
 - i. \$100,000 contribution to Johnson Middle School Football Athletic Program
 - ii. \$25,000 contribution to CC Prep Academy
 - iii. \$25,000 contribution to The Well At Oxon Run
 - iv. \$25,000 contribution to Community of Hope

- v. Contributions will be paid in full at the closing of construction financing for Phase 1.
- 2. Construction Noise and Nuisance Issues.
 - a. Construction Management Plan.
 - b. Employee Parking plan for those working on constructing the Project..
 - c. Project Resident Parking. Martin's View LLC will include a provision in all leases for the Project that residents who have cars are required to park them in the Project's underground garage or at another off-street location, and are not permitted to park on nearby public streets. Further, the Applicant will assist residents of the blocks that are in close proximity to the Property — such blocks to be defined in consultation with the ANC — to establish Residential Permit Parking (“RPP”). Furthermore, upon completion of the Project, the Applicant will work with DDOT and DMV to remove every building in the Project from RPP eligibility so that Project residents are unable to obtain RPP permits.
- 3. Community Access to the Property.
 - a. Jobs Organization Space. The Project will include at least 1000 SF of finished space for use by a locally based jobs partner at no cost to to provide job-search and job-training assistance to Project and neighborhood residents.
 - b. Seamless Integration with Existing Community. The Applicant agrees to limit physical barriers (including but not limited to walls, gates, and fences that aren't required to ensure resident privacy) between the Project and the surrounding community to ensure seamless integration with the existing community.
- 4. Additional Benefits.
 - a. Exploration of design features to support the aging population at the Project. This may include, but not be limited to, handrails in corridors, and convertible unit designs.
 - b. One for one replacement of all existing units.
 - c. Commitment to honor rental rates, with standard CPI annual increases as allowed by rent control laws, of existing residents through relocation and return to a new unit of the same type as they currently occupy.
 - d. Temporary relocation and right of return for all residents in good standing. All moving expenses and rent differentials will be paid for by Martin's View LLC. Additionally, packing assistance will be provided for those in need.
 - e. Integration of senior-focused common spaces to support community-building among the growing senior population.
 - f. Enhanced security features, which include site monitoring, improved lighting, and secure building and parking access.
 - g. Collaboration with the Tenant Association throughout the development process. The Tenant Association will provide input on off-street parking, in-unit finishes, unit mix, and on-site management.

- h. Hiring at least 35% CBE eligible contractors with a preference for contractors in Ward 8 who consider hiring youth interested in architecture, construction, and engineering.
- i. Investing in and improving the access to Fort Greble Park to enhance a unique community resource and amenity.

(Ex. 26.)

APPLICANT'S SUBMISSIONS AND TESTIMONY

44. Initial Application. Pursuant to Subtitle Z §§ 300.1-300.4, 300.6, and 300.10-300.13, on December 22, 2023, the Applicant filed its initial application materials. (Ex. 1-2I7.)
45. Prehearing Submission. Pursuant to Subtitle Z §§ 401.1 and 401.3-401.4, on April 17, 2024, the Applicant filed a prehearing submission and supporting materials responding to the issues and comments raised by the Commission at the March 28, 2024 public meeting and by OP in its March 18, 2024 setdown report (*see* Ex. 10.) and providing additional and updated information regarding the Application. (Ex. 12-12G.) Specifically, the prehearing submission included:
 - (a) Tenant Relocation Plan and Project Phasing. In response to OP's request, the Applicant provided additional information on the tenant relocation plan and project phasing.
 - (b) Community Engagement and Public Outreach. In response to the Commission's request, the Applicant provided additional information on the ongoing community engagement efforts and outreach.
 - (c) Inability to Comply with the Mechanical Penthouse Height Limit. The Applicant provided additional information in support of its request for a variance from the mechanical penthouse height limit.
 - (d) Possibility of Adding Three-Bedroom Units. The Applicant provided additional information of the feasibility of adding additional three-bedroom units to the Project. The Applicant emphasized the current offer of 8% is a significant proffer.
 - (e) Creation of a Park Gateway and Renderings of Any Signage Directing Visitors to Fort Greble Park from Martin Luther King Jr. Avenue, SW. The Applicant provided additional information on the improved entrance to Fort Greble Park and complementary signage.
 - (f) Programming and Activation of Public Space Adjacent to the Project. The Applicant provided additional information on how it will activate the public space adjacent to the project by adding patios, benches, and lighting along the streetscapes.
 - (g) Depiction of Landscaping "Through the Seasons." The Applicant provided a planting palette and renders to showcase the plants through all four seasons.
 - (h) Stormwater Management Plan. The Applicant provided additional information on the stormwater management plan for the project. Notably, the stormwater retention for all four building exceeds that required by the District of Columbia's Department of Energy and Environment.
 - (i) Confirmation of Satisfaction of the Minimum Requirements for Bicycle Parking Spaces. The Applicant confirmed that the Project will provide the minimum number of required bicycle parking spaces.

- (j) Prehearing Materials. The Applicant provided additional prehearing materials required under the Commission’s Rules of Practice and Procedure and certification of the Applicant’s compliance with filing requirements.
46. Applicant’s Transportation Report. Pursuant to Subtitle Z §§ 401.7-401.78, on June 18, 2024, the Applicant filed a Comprehensive Transportation Review (“CTR”), prepared by Gorove Slade, regarding the Project. The CTR highlighted several positive design elements that minimize potential transportation impacts, including: the Project’s proximity to transit service and bicycle infrastructure; the Project’s location within a generally adequate pedestrian network along major walking routes; the Project’s loading facilities, which maintain loading activity within private property and provide loading circulation that allows head-in/head-out truck movements at all loading curb cuts from the public roadway network; the inclusion of secure long-term bicycle parking spaces that meet or exceed zoning requirements; the inclusion of short-term bicycle parking spaces along the frontage of the site that meet zoning requirements; and a Transportation Demand Management Plan (“TDM”) that reduces the demand of single occupancy, private vehicles during peak period travel times and shifts single-occupancy vehicular demand to off-peak periods. The Project is proposing to implement a TDM plan consistent with DDOT’s guidance. Some TDM proposals include unbundling the cost of vehicle parking from the lease for each residential unit; identifying transportation coordinators for the planning, construction, and operation phases of development; and providing at least 43 short- and 267 long-term bicycle parking spaces. (Ex. 19A1-A2.)
47. Applicant’s Supplemental Pre-Hearing Submission. Pursuant to Subtitle Z § 401.5, on July 2, 2024, the Applicant filed a supplemental submission with updated information regarding the Application. (Ex. 21.)
- (a) Additional Benefits and Amenities Proffer. The Applicant proposed to offer a new public benefit proffer in the form of a mid-block crossing on Elmira Street.
 - (b) Heritage Trees. The Applicant provided additional information on the status of both heritage trees. After the Urban Forestry Division visited and diagnosed both trees, they recommended removal instead of relocation, which the Applicant will carry out as part of the Project.
 - (c) Community Outreach. The Applicant provided updated and supplemental information regarding its outreach with the surrounding community, including the neighboring residents and ANC 8D.
 - (d) Mechanical Penthouse Flexibility and Variance Relief. The Applicant provided a rationale for variance relief from the mechanical penthouse height limit to allow the elevator overruns to be 18.5 feet tall.
 - (e) Expert Resume. The Applicant provided resumes for the expert witnesses, who are proffered as experts in architecture, landscape architecture, transportation planning and engineering, and urban planning.
48. Clarification of IZ Proffer. On July 11, 2024, the Applicant clarified and refined its IZ flexibility request. Notably, the Applicant updated the requested IZ flexibility language: “To satisfy the IZ development standards under Subtitle C § 1005 and the IZ floor area set aside requirements across the entire Project as opposed to individual phases or Buildings,

provided that at least 13% of the residential floor area per Building is devoted to IZ units.” (Ex. 22.)

49. Community Benefit Agreement. On July 19, 2024, the Applicant submitted an executed community benefit agreement between the Applicant and ANC 8D. (Ex. 26.)
50. Applicant’s Hearing Presentation and Testimony. In advance of the July 22, 2024 public hearing for the Application, the Applicant filed a presentation. (Ex. 32A1-A5.) At the public hearing, the Applicant presented the Application and proposed Project and addressed questions raised by the Commission.
- (a) The Applicant provided testimony from four (4) witnesses:
 - (i) Jesse Kaye of Martin’s View LLC, on behalf of the Applicant;
 - (ii) JB Lallement of Eric Colbert & Associates, as the Project’s architect, admitted as an expert in architecture;
 - (iii) Gabriela Canamar of LandDesign, the Project’s landscape architect, admitted as an expert landscape architecture;
 - (iv) Will Zeid of Gorove Slade, the Project’s transportation consultant, admitted as an expert in transportation planning and engineering; and
 - (v) Shane Dettman of Goulston & Storrs, the Project’s urban planner, admitted as an expert in urban planning. (Ex. 21D.)
 - (b) The Applicant’s presentation included a summary of the Project background; the Applicant’s outreach with OP, DDOT, and other District agency staff, and with the community, neighboring residents, and ANC 8D; the requested zoning and design flexibility; the proffered public benefits and amenities; the building design, site planning, and landscaping features; and information in response the Commission’s questions during the hearing.
 - (c) Notably, the Applicant’s presentation included expert testimony from the Applicant’s community engagement consultant. This portion of the presentation highlighted a focus on integrating current residents of the Property into the process, which allowed those residents to provide their feedback and have a meaningful impact on the development. Further, the broader community had multiple opportunities to engage with the Applicant’s team, all of whom were encouraged to provide feedback and suggestions. The community engagement consultant also addressed concerns related to relocation of current residents and the Project’s overall density.
- (Transcript of July 22, 2024 Public Hearing (“July 22 Hearing Tr.”) at pp. 9-136.)
51. Applicants Post-Hearing Submission. On August 30, 2024, the Applicant submitted a supplemental post-hearing submission to provide responses to comments raised by the Commission during the public hearing. Specifically, the Applicant provided additional information on the street and park signage, current occupancy rate, and zoning flexibility for the community service center. The Applicant also provided an update on community engagement efforts, including a summary of numerous engagements with the Bellevue Neighborhood Civic Association (“BNCA”). Finally, the Applicant provided rebuttal to concerns raised by a few opponents about the Project. (Ex. 40; ____)

- (a) Density and Scale of Project. The density and scale of the Project are appropriate and will not cause adverse impacts. While opponents did not offer any evidence and offered few details about why the density and scale of the Project would cause adverse impacts, the Applicant described with great specificity and support for the appropriateness of the density and scale without causing adverse impacts. In addition to the RA-2 zone, the height, and density being not inconsistent with the FLUM and the GPM, the Project will help address citywide housing needs through preservation and creation of affordable housing and provision of new market rate housing in a manner that is compatible with the existing scale and character of the surrounding area. The density and scale of the Project are also not inconsistent with Comp Plan policy guidance that speak to refurbishment of deteriorating housing; increases in density to address citywide housing goals and affordable housing needs; increases in density to promote mixed-income neighborhoods; and context sensitive design to avoid overpowering contrasts in scale. The Project successfully balances the need for greater density that is essential to addressing citywide housing needs without causing physical and economic displacement and to attracting neighborhood amenities, with the need to preserve the scale and character of moderate density areas. This is accomplished through the sensible placement of greater height and density on a site that is already planned and zoned for moderate density multi-family development in a manner that takes into consideration the scale of adjacent buildings, aligns with existing streets and sightlines, and takes advantage of considerable separation provided by adjacent rights-of-way. Due to these factors, the Project will not have unacceptable impacts on light, air flow, and the character of the existing neighborhood. To the extent there is any potential for impacts to the lower-scale residential area to the east, such impacts will be minimal due to the design of the Project and the width of MLK Jr. Ave. and the Project's significant open space. The Project will include significant open space to ensure that ample light and air are available to the Project and the surrounding properties. While the height of the Project (60 feet) will increase compared to the existing buildings on the site, the proposed height will not overwhelm the lower-scale residential uses due to the proposed site plan (i.e. shorter facades of buildings facing lower scale residential and ample open space around the buildings), and the Project will be only 2-3 stories taller than existing residential buildings to the east in any event. Any impacts will be further mitigated by separation provided by MLK Jr. Avenue, which has a right-of-way width of approximately 110 feet.
- (b) Parking Congestion. The Project will not have an unacceptable impact on parking availability and congestion in the neighborhood. The Project proposes a total of 273 below-grade vehicular parking spaces, which satisfies that required by the Zoning Regulations while providing a few spaces less than the maximum number of spaces recommended by DDOT. Therefore, the Project provides the optimal number of parking spaces. The Zoning Regulations would allow the Project to provide as few as 137 spaces – approximately half of the number of spaces proposed – so the Project will provide more than the zoning minimum to ensure sufficient on-site parking availability to Project residents. The Project's significant reservation of IZ indicates that automobile ownership and the associated need for parking will be less than for a similar project with more market rate units. Finally, the as part of the

Community Benefits Agreement with the ANC, the Applicant has committed to supporting the adjacent neighborhood with seeking RPP parking restrictions for neighborhood public streets, and the Project's residents would not be eligible to receive RPP permits per the terms of the Community Benefits Agreement.

- (c) Traffic Congestion. As found by the Applicant in its CTR and supported by DDOT in its report (Exhibit 24 in the case record), the Project's impacts on traffic, including those from the proposed daycare, in the surrounding area can be adequately mitigated with the TDM plan and other mitigation measures to which the Applicant has committed. The Applicant worked with DDOT to develop a robust TDM plan for the Project that will reduce reliance on vehicle ownership/use and mitigate traffic congestion near the Project resulting from this development. An updated TDM plan submitted to DDOT (consistent with that the Applicant agreed to during the July 22 public hearing) includes pedestrian improvements that will be funded and constructed by the Applicant to further mitigate any traffic impacts from the Project. Moreover, the proposed daycare will be relatively small at 5,500 SF, meaning that traffic impacts will be limited in any event. With approximately 821 dwelling units in the Project, it is likely that a large portion of the daycare's students will come from within the Project, which will result in the majority of pick-up/drop-off occurring as pedestrians rather than with automobiles. Otherwise, in order to mitigate any automobile traffic impacts from the daycare during pick-up/drop-off times, a short-term parking zone is proposed along the MLK Jr. Ave. frontage of the Project; this zone is proposed for only pick-up/drop-off times and will be available for other uses during the day. Further, the proposed curb extensions are part of the mitigations to which the Applicant agreed will frame in the curbside space to provide more efficient parking operations along the side of the road that will further mitigate any potential traffic congestion impacts.
- (d) Water and Sewer Infrastructure. Based on the Applicant's civil engineer's analysis, the current stormwater, sanitary, and water infrastructure system can sustain Project and the expected residents, and it will not overburden the system. Further, the DOEE stormwater requirements that will be incorporated into the Project will retain and detain water to reduce the flow exiting the site into the sanitary sewer system. There is a 10" sanitary sewer line under the sidewalk on the west side of MLK Jr. Ave. and an additional 10" sanitary sewer line on the east side of MLK Jr. Ave. The Project site is generally the only property that will drain into the existing 10" sanitary sewer on the west side, so this sanitary sewer line can accommodate the expected number of residents in the Project.
- (e) Costs To Returning Residents. One of the existing Property residents objected over expected cost increases for current Property residents returning to the Project. However, the returning residents will not assume significantly greater costs than they currently have, and the Applicant and the Project will minimize any additional costs. Their rents will be the same as they are currently paying, with annual increases only as permitted by rent control laws. Utility costs will not be high because the utility bills for residents are expected to be affordable due to the energy efficiency of the LEED Gold design and energy generated by the solar panels.

Further, D.C. offers utility discount programs, and the Applicant will assist eligible residents apply for these programs. Further, the Applicant will provide all returning residents aged 65 or older with a \$100 per month utility subsidy. Returning current residents will be offered parking at a discounted rate that is 50% less than will otherwise be charged to new residents in the Project. The Project will be a mixed income community with market rate and affordable units, but this will not result in materially higher costs to current residents who return or to residents in the broader community. As described above, current rents for returning residents will be retained while utility and parking costs will be limited. Furthermore, the Project's additional commitment to 17% of residential floor area devoted to IZ units will ensure that ample affordable and below-market rate units – a total of approximately 36% of the units when combined with the units for returning residents – are available in the Project for many Bellevue residents. Accordingly, there is no basis to conclude that property taxes or other costs to current Martin's View and/or Bellevue residents will materially increase.

- (f) Community Outreach. Before and during the public hearing process for this Application, the Applicant has actively participated in significant community outreach and engagement with the community that has had resulted in meaningful input into the Project, broad support, and almost no opposition. The Applicant engaged in a robust 13+ month community engagement and Project dissemination process that began with current residents. With respect to current Property residents, this engagement included nine (9) virtual meetings/presentations, six (6) scheduled in-person events, multiple virtual office hours, abundant calls and emails, and door-to-door knocking. In addition, the Applicant prepared and continuously updated a Project website that includes meeting and hearing information and video recordings available at all times. Further, the Applicant hosted multiple virtual meetings for the broader community and presented the Project and solicited feedback at no less than three (3) ANC 8D public meetings. The This consistent and substantial community engagement resulted in a letter of support from the ANC and a Community Benefits Agreement. From the onset, the Applicant met with current residents and interested members of the nearby community to inform and refine the Project and the package of public benefits ahead of filing this Application. The Applicant believed it was essential to have current Property resident and ANC buy-in in order to proceed with this filing. The current Property resident support is indicated by the petition in support, support letters as well as the fact that the Applicant solicited and responded to specific feedback from current residents (feedback that the Applicant specifically identified and responded to). Furthermore, the following the public hearing, the Applicant engaged the few opponents to discuss their concerns, and reported on how those concerns were addressed. Also, after the public hearing, the Applicant engaged extensively with the BNCA to work toward resolving their stated concerns. While the Applicant did not reach agreement with the BNCA, it did address all of their stated concerns. (Ex. 2, 12B, 21, 26, 37; Hearing Tr. 26-29; 70-74; 106-107.)

52. Draft Conditions. Pursuant to Subtitle X §§ 308.8 and 308.10, on October 31, 2024, the Applicant submitted its draft proffers and Conditions. (Ex. [REDACTED].)

53. Final Conditions. Pursuant to Subtitle X § 308.6, on [REDACTED], 2024, the Applicant submitted its final proffers and conditions reflecting revisions made in response to comments received from the Office of Zoning Legal Division. (Ex. [REDACTED].)
54. Draft Findings of Fact and Conclusions of Law. Pursuant to Subtitle Z § 601.1, on October 17, 2024, the Applicant submitted its proposed findings of fact and conclusions of law. (Ex. [REDACTED].)

III. JUSTIFICATION FOR RELIEF

RELIEF REQUESTED

55. The Application requested the Commission approve a PUD and related Zoning Map Amendment to the RA-2 Zone District to redevelop the Property with four residential multifamily buildings.
56. The Application further requested additional PUD-related zoning relief pursuant to Subtitle X § 303.14 for a variance from the maximum mechanical penthouse height limit of Subtitle X § 303.18. The request satisfies the standards for area variance relief.

(a) *Property is affected by an exceptional situation or condition.*

Several factors contribute to an exceptional and extraordinary condition in that the Property is prime for redevelopment given its size, the age and deterioration of existing structures, and the essential community facilities nearby. In addition, the Property's FLUM and GPM designations position the Property uniquely to provide a large amount of new residential units. These categories along with the maximum permitted PUD height of 60 feet encourages the site to be redeveloped from the existing 156 residential units to the proposed 821 units.

(b) *Strict application of the Zoning Regulations will result in a practical difficulty to the Applicant.*

There are practical difficulties in complying with the mechanical penthouse requirement because a building height of 60 feet—which is consistent with the goals of the Zoning Regulations and the Comprehensive Plan—cannot accommodate an elevator system that fits within a 15-foot mechanical penthouse height. The Project requires an elevator with overhead pulleys, the only viable option for the necessary travel distance. The additional height for the elevator overruns is necessary to accommodate the elevator mechanical equipment as well as space above the elevator cab to accommodate equipment maintenance workers. The maximum 15-foot height permitted in the RA-2 Zone does not allow for the necessary space atop the cab of the elevator to perform maintenance work. Without this elevator overrun, the Applicant would have to modify the Project to eliminate

the residential units on the penthouse because the elevator could not provide access to those unit, and this would result in a loss of 50% MFI IZ units.

(c) *The granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the zone plan.*

The elevator shafts are set back from the building roof at least 1:1 on both the courtyard and rear yard sides. In addition, the elevator shafts are even further setback at least 2:1 from the building roof edges facing the public streets, private driveways, and public park. Thus, any potential visual impacts of the additional 3.5 feet of elevator overrun is more than adequately mitigated by exceeding the necessary setbacks. The intent of the penthouse setback requirements and height limit is to decrease visibility and reduce visual clutter. The more than adequate setbacks of the mechanical penthouses along with the minor relief requested of only 3.5 feet, is therefore consistent with the intent of the Zoning Regulations. (Ex. 21)

57. The Application also requested approval of a community service center use pursuant to Subtitle X § 303.1(b).

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER ADOPTED PUBLIC POLICIES RELATED TO THE PROPERTY (SUBTITLE X § 304.4(a))

58. Comprehensive Plan. The Applicant provided evidence that the Application complies with Subtitle X § 304.4(a) and is not inconsistent with (i) the Comprehensive Plan as a whole, including its maps, District Element policies, and Area Element policies, or (ii) other public policies related to the Property.

(a) FLUM. The Project is not inconsistent with the FLUM's Moderate Density Residential designation for the Property.

(i) The Framework Element describes the Moderate Density Residential designation as: "[N]eighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings...Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply."

(ii) Through the PUD process, the Applicant proposes to rezone the Property to the RA-2 Zone District, which is specifically referred to in the Framework Element as being consistent with the Moderate Density Residential FLUM designation for the Property. Moreover, the density of the Project is well within the range that is contemplated in an RA-2 PUD. Specifically, the maximum density permitted in the RA-2 zone is 1.8 FAR (2.16 FAR with IZ) and 2.592 for a PUD. The Project has a maximum density of 2.592 FAR. (Ex. 2 and 2F.)

- (b) GPM. The Project is not inconsistent with the Property's Neighborhood Conservation Area designation on the GPM.
- (i) The Framework Element describes Neighborhood Conservation Areas category as those that "have little vacant or underutilized land and are generally residential in character." 10-A DCMR § 225.4. The Framework Element further provides that "[m]ajor changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by [Comprehensive Plan] policies and the [FLUM]." *Id.* "The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs . . . The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area . . . Densities in Neighborhood Conservation Areas are guided by the [FLUM] and [Comprehensive Plan] policies." *Id.* § 225.5. (Ex. 2 and 2F.)
 - (ii) The Project is compatible with the diversity of land uses and building types found in the surrounding area, as well as with the scale and character of the neighborhood. Generally, the prevailing character and scale of the area surrounding the Property is residential with several institutional buildings within the vicinity. Consistent with the established character of the area, the Project consists of four multifamily residential buildings that contain approximately 821 units, which consistent with the Neighborhood Conservation Area designation, will enhance the neighborhood with appropriately scaled development that will address citywide housing needs, particularly affordable housing. (*Id.*)
 - (iii) Consistent with the Framework Element's guiding principle for NCAs, the Project will help address citywide housing needs through preservation and creation of affordable housing and provision of new market rate housing in a manner that is compatible with the existing scale and character of the surrounding area. The Project will maintain the diversity of uses in the neighborhood, avoid displacement of existing residents, and broaden the socio-economic characteristics of the area that can help attract long sought after basic neighborhood amenities. (Ex. 40.)
- (c) Racial Equity. The Project advances racial equity for the following reasons:
- (i) The proposed Project will redevelop a currently underutilized site with approximately 821 units of rental housing, including approximately 63 units with three bedrooms, and approximately 156 IZ units (17% of the residential GFA) reserved for households earning no more than 60% of MFI, providing more affordable housing than is otherwise required under IZ for matter-of-right development. In addition, there will be no displacement, as all existing residents will be invited to return to the Project at current rents, and the Applicant intends to keep all returning residents on site during construction of the Project. The Project's new and affordable

- housing will create new rental opportunities for Ward 8 and the District as a whole. (Ex. 2 and 2F.)
- (ii) The Project and Application proffer numerous other public benefits in addition to the significant affordable housing commitment, including high quality building design and site planning that is superior to what is required as a matter of right project and will complement the existing residential and institutional development surrounding the Property, a daycare, park wayfinding, and public space improvements. (*Id.*)
 - (iii) The Project is being pursued through the PUD process, which includes prolonged and significant outreach to and engagement with the current Property residents, surrounding community, including neighboring residents and ANC 8D, allowing existing resident, community, and neighbor feedback to be incorporated into the Project design and configuration, as well as additional proffers. (*Id.*)
- (d) Land Use Element. The Project will support the growth and revitalization of the Bellevue neighborhood and MLK Jr. Avenue corridor by providing increased housing along a designated priority bus corridor and within walking distance to several neighborhood amenities and community facilities near the mixed-use node at South Capitol Street and Atlantic Street. The new housing will provide greater sustainability and improve healthy living conditions for residents through a LEED Gold designed project that incorporates site-specific climate resilience design strategies. The Project will facilitate redevelopment of the Property at the height and density that is consistent with the FLUM, and compatible with the use and scale of the surrounding context. The Project will maintain the moderate density residential character of the Property, while adding several elements that will positively contribute to the identity and design character of the site and the Bellevue neighborhood. The increased housing on the site will accommodate expected population growth and the desire for greater mixed-income housing in Ward 8. The new market rate housing will help relieve pressure on the existing housing stock, namely naturally occurring affordable housing stock, while the increase in affordable housing on the Property will advance affordability, racial equity, and access to opportunity. In addition, the provision of child daycare will assist working families living in the Project and in the neighborhood. The Project will provide high-quality, modern housing for existing and new residents that will foster an inclusive neighborhood that will give existing and new residents a sense of belonging, civic pride, and sense of stewardship over their new community. The density and scale of the Project are consistent with Land Use Element policies regarding development along corridors and neighborhood conservation, enhancement, and revitalization. As discussed below, the Project respects the character, scale, and integrity of the adjacent neighborhood through building design, open space, and buffers while balancing against the District's broader need for housing, and especially affordable housing. *See* Land Use Element Policies LU-1.1.2, LU-1.1.A, LU-1.4.6, LU-1.5.1, LU-2.1.1, LU-2.1.3, and LU-2.1.8. (Ex. 2, 2F, and 40.)
- (e) Transportation Element. The Project takes advantage of a priority bus corridor by increasing density for new housing. Further, the Project will support bicycle travel

by providing a substantial amount of secure on-site bicycle parking within the Project's ground-floor and below-grade parking garage. Also, the Project will encourage the deployment of EV charging stations by installing the infrastructure necessary to make a minimum of five (5) below-grade parking spaces EV ready. The Project proposes a total of 273 below-grade vehicular parking spaces, which satisfies that required by the Zoning Regulations while providing a few spaces less than the maximum number of spaces recommended by DDOT. Therefore, the Project provides the optimal number of parking spaces, as found by the Applicant in its CTR (and supported by DDOT), to address the Project's parking need and prevent adverse parking impacts in the surrounding neighborhood. Finally, the as part of the Community Benefits Agreement with the ANC, the Applicant has committed to supporting the adjacent neighborhood with seeking RPP parking restrictions for neighborhood public streets, and the Project's residents would not be eligible to receive RPP permits per the terms of the Community Benefits Agreement. *See* Transportation Element Policies T-1.1.2, T-1.1.7, T-2.3.B, T-3.1.1, T-3.2.D, T-3.4.1, and T-5.2.2. (*Id.*)

- (f) Housing Element. the Project will facilitate the redevelopment of an underutilized site along a priority bus corridor and in walking distance to neighborhood amenities with new mixed-income housing while avoiding displacement of existing residents. The production of housing that results from the Project will aid the District in achieving its housing production targets and equity goals for the Far Southeast / Southwest Planning Area, as set forth in the Housing Element and the 2019 Housing Equity report, which includes the new affordable housing that will be provides in excess of what the IZ regulations would otherwise require under existing zoning. the additional market rate housing facilitated by the proposal has the potential to increase the socioeconomic diversity of the FSS Planning Area and help provide a balance of housing opportunities. At the same time, the new dedicated IZ affordable housing, which will substantially exceed the number of IZ units that would otherwise be required under existing zoning on the Property, will help offset the rising cost of housing and minimize the potential for displacement of District residents in the FSS Planning Area. Notably, the Project will contain approximately 63 three-bedroom units, an increase of approximately 525% in the number of family-sized units on the Property. The Project also considers potential housing for older adults with approximately 123 of the new constructed units being ANSI A accessible. *See* Housing Element Policies H-1.1.1, H-1.1.2, H-1.1.3, H-1.1.5, H-1.1.9, H-1.2.1, H-1.2.2, H-1.2.3, H-1.2.7, H-1.2.9, H-1.2.10, H-1.2.11, H-1.3.1, H-1.3.2, H-1.4.6, H-2.1.1, H-2.1.2, H-2.1.3, H-2.1.4, H-2.1.6, H-2.1.9, H-4.3.2, and H-4.3.3. (*Id.*)
- (g) Environmental Protection Element. The Project design will mitigate potential impacts on the natural environment and help advance District's overall resilience to climate change through LEED Gold design and integration of several climate resilient design strategies. The Project will help mitigate urban heat island effect by reducing the overall amount of impervious surface on the site – which contains large surface parking areas – most notably through the relocation of all existing surface parking on the site to below-grade parking and the introduction of lush, green landscaping throughout the redeveloped site. The proposed buildings will

contain numerous sustainability measures that will improve the overall environmental quality of housing, and the sustainability of the site and the District. The Project will promote the efficient use of energy through high-efficiency building systems and substantial use of rooftop solar panels. Future development facilitated by the proposed rezoning will also result in substantial improvements to the quality of the public space surrounding the Property, which from an environmental protection perspective means improvements to street trees and implementation of sustainable landscape practices that will increase the overall amount of planted space and reduce the amount of impervious space on the Property. *See* Environmental Protection Element Policies E-1.1.1, E-1.1.2, E-2.1.2, E-2.1.3, E-3.2.3, E-3.2.6, E-3.2.7, E-4.2.1, E-4.2.1, E-4.4.1, E-5.1.6, E-5.1.9, and E-6.7.2. (*Id.*)

- (h) Educational Facilities Element. The Project will contain space devoted to a new child daycare facility within the ground floor of Building 2, facing MLK Avenue SW. The new day care use will provide residents, both on-site and in the neighborhood, with convenient access to a quality child development facility in an area needing more childcare and that is immediately adjacent to the high-priority bus corridor that directly connects to Metrorail. Further, the Applicant is proffering as a public benefit to reserve a 1,000 square foot space in the Project to be occupied by a locally based jobs partner nonprofit organization that will provide job-search and job-training assistance to residents of the Project and the broader neighborhood. *See* Educational Facilities Element Policies EDU-4.1.1, EDU-4.1.2, and EDU-4.1.3 (*Id.*)
- (i) Urban Design Element. The Project will facilitate the Applicant's effort to redevelop the existing outdated buildings lacking amenities on the Property with new, sustainably designed multi-family buildings with ample amenities that will greatly enhance the urban design quality of the site. The Applicant's project, and associated improvements to the adjacent public space / streetscape, will reinforce the form and identity of MLK Jr. Avenue, which is one of Washington's primary long-established roads. The overall site plan of the Project will remove multiple curb cuts along MLK Jr. Avenue and align a proposed private driveway into the site with the right-of-way of Darrington Street, which exists on the east side of MLK Jr. Avenue. The streetscape design along MLK Jr. Avenue, SW, and along the proposed private drive and segment of Elmira Street that traverse the site, continue to reflect the moderate-density residential character of the surrounding area (narrow sidewalks, building setbacks and landscaped public parking area, street trees and landscaped areas). The Project will also strengthen the visual quality of the MLK Jr. Avenue corridor. The orientation, massing, and articulation of the proposed buildings are responsive to the lower-scale residential uses to the east of MLK Jr. Avenue, and to Fort Greble Park to the west while also being consistent with the institutional buildings to the north and south. The Project design maintains the general site plan of the existing Martin's View development while accommodating additional height and density that will allow the Applicant to preserve existing affordable housing, and deliver new affordable and market rate housing (UD-2.2.1: Neighborhood Character and Identity). The Project's density and scale are similar to the scale and massing of the existing school to the north and

hospital to the south, and will be substantially separated from existing residential uses to the east by Martin Luther King, Jr. Avenue, which has a right-of-way width of 110 feet. *See* Urban Design Element Policies UD-1.4.1, UD-2.1.2, UD-2.1.6, UD-2.2.1, UD-2.2.3, UD-2.2.4, UD-2.2.5, UD-2.2.7, UD-2.3.5, UD-3.2.1, UD-4.2.1, and UD-4.2.4. (*Id.*)

- (j) Parks, Open Space, & Recreation Element. The Property's adjacency to Fort Greble Park played a role in the overall development of the Project's site plan. Specifically, the east-west orientation of the proposed buildings will increase physical and visual connectivity to the park from MLK Jr. Avenue. While vehicular and pedestrian access to the park is provided along Elmira Street, there currently is no signage or wayfinding along MLK Jr., Avenue to help direct park visitors on how to access the park and recreation facilities that exist at Fort Greble. As part of the Project, the Applicant will install wayfinding signage at the intersection of MLK Jr., Avenue and Elmira Street, and it will work with the DPR to design and install signage at the Elmira Street entrance to the park. Further, the extensive landscaping and hardscaping along Elmira Street is intended to be a park-like extension of Fort Greble Park. *See* Parks, Open Space, & Recreation Element Policies PROS-1.2.2 and PROS-3.1.6 (*Id.*)
- (k) Bellevue Small Area Plan. The Project is consistent with the housing recommendation of the Bellevue SAP. The Project will provide new market rate and affordable housing opportunities for new and existing Bellevue residents, including residents that currently reside on the Property. The Project has been designed in coordination with OP, and with the community through an extensive engagement process. (*Id.*)
- (l) Far Southeast / Southwest Area Element. The Project will replace a deteriorating and outdated 1940s apartment complex lacking modern amenities with a new, sustainably designed apartment buildings with numerous amenities. Specifically, the Project will replace the existing buildings with a LEED Gold design project that will include on-site storm water retention and rooftop, extensive use of green roofs, and rooftop solar panels. The Project will also incorporate several resilient design strategies that protect residents against extreme heat and power outages, including, but not limited to, building form and envelope measures that maximize thermal insulation, cool or reflective roof materials, maximization of natural daylighting and ventilation, passive solar shading, 100% building electrification, and use of gardens and other drought-tolerant landscaped areas. *See* Far Southeast / Southwest Area Element Policies FSS-1.1.14, FSS-R-1.1.16, and FSS-2.6.3. (*Id.*)

59. Mayor's Housing Order. The Project advances the Mayor's Order 2019-036 on housing which sets a goal of creating 36,000 new housing units by 2025, including 12,000 affordable housing units. (*Id.*)

NO UNACCEPTABLE PROJECT IMPACTS ON THE SURROUNDING AREA OR THE OPERATION OF CITY SERVICES (SUBTITLE X § 304.4(B))

60. The Applicant provided evidence that the Application complies with Subtitle X § 304.4(b); that is, the Project will not create unacceptable impacts on the surrounding area:

- (a) Zoning and Land Use Impacts. The Project will not have unacceptable zoning or land use impacts on the surrounding area and any impacts are instead either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the Project. The PUD-related Zoning Map amendment to the RA-2 zone is consistent with the Property's Moderate Density Residential designation on the FLUM. The proposed residential use is the most appropriate for the site given its location and neighborhood context. The scale, configuration of the development, and traditional material selections, consisting primarily of red masonry, are also appropriate for the neighborhood. It also accomplishes objectives of the GPM designation mostly as a Neighborhood Conservation Area, which encourages maintenance of neighborhoods and redevelopment consistent with the existing scale and character of the area. The density and scale of the Project are also not inconsistent with Comp Plan policy guidance that speak to refurbishment of deteriorating housing; increases in density to address citywide housing goals and affordable housing needs; increases in density to promote mixed-income neighborhoods; and context sensitive design to avoid overpowering contrasts in scale. For example, the Far Southeast and Southwest Area Element specifically encourages the replacement of deteriorating apartment complexes in the Bellevue neighborhood with mixed-income housing that avoids resident displacement. The density and scale of the Project are consistent with Land Use Element policies regarding development along corridors and neighborhood conservation, enhancement, and revitalization. The Project successfully balances the need for greater density that is essential to addressing citywide housing needs without causing physical and economic displacement and to attracting neighborhood amenities, with the need to preserve the scale and character of lower-density areas. This is accomplished through the sensible placement of greater height and density on a site that is already planned and zoned for moderate density multi-family development in a manner that takes into consideration the scale of adjacent buildings, aligns with existing streets and sightlines, and takes advantage of considerable separation provided by adjacent rights-of-way (namely, 110-foot wide MLK Jr. Ave.). The Project's height, open space, and orientation/site plan will not overwhelm or cause unacceptable impacts on any nearby properties, especially the residential properties to the east. Due to these factors, the Project will not have unacceptable impacts on light, air flow, and the character of the existing neighborhood.
- (b) Housing Market Impacts. The Project's addition of new housing is a favorable impact. The Project adds new, high-quality housing, including significant family-sized units, to an existing stabilized neighborhood. The Project's provision of larger units, including approximately 63 three-bedroom units, serves the important goal of better meeting the need for family-sized units in this area and in the District as a whole. By implementing a robust relocation, phasing, and return plan, the Project will not displace any existing residents and is unlikely to create any adverse impacts on the surrounding housing market. Instead, the addition of the Project's new rental units will help buffer increasing housing costs, as increases in supply are widely understood to dampen price increases. Furthermore, it will create additional housing opportunities for Ward 8 residents in a neighborhood that may otherwise have been

unavailable to them. The mixed income nature of the Project – with a 17% IZ commitment – will ensure that this new housing will be available to all District and Bellevue residents.

- (c) Construction-Period Impacts. During the construction period for the Project, impacts on the surrounding area are capable of being mitigated. The Applicant has experience successfully completing construction projects without disturbing neighbors. The Applicant will work closely with nearby property owners and residents to manage and mitigate any construction impacts associated with the Project's development and will maintain regular communication and coordination throughout the Project's construction. Furthermore, as part of the CBA with the ANC, the Applicant has committed to a construction management plan to mitigate construction impacts.
- (d) Open Space, Urban Design and Massing Impacts. The Project has been carefully configured to provide open green space for current and new residents as well as highlight Fort Greble Park. To achieve this, the Project encourages vehicular and pedestrian traffic through the existing Elmira Street SW and egress through the proposed private driveway to the north. The Project's extensive landscaping and tree plantings along Elmira Street SW and the private driveway are intended to extend the park eastward and will transform the site from its current state to have a strongly favorable impact on the overall area. In addition, the social garden in the center of the Project will provide ample outdoor recreation and gathering space with lush plantings and improvements for an enhanced experience for residents and their guests.
- (e) Transportation and Mobility Impacts. The Project will not have any unacceptable impacts on the public transportation facilities or roadways that it relies on for service. Instead, the Project's transportation impacts are either capable of being mitigated or acceptable given the quality of public benefits arising from the Project. In consultation with DDOT, the Applicant undertook a CTR for the Project. Notably, in its report, DDOT found that the Project is meeting zoning for vehicle parking and is in line with DDOT's preferred parking maximum for a project of this size, mix of uses, and distance from transit (up to 291 spaces). Further, DDOT found that the TDM Plan is sufficiently robust to support non-automobile ownership lifestyles and encourage alternatives to auto travel subject to minor revisions to which the Applicant agreed to implement. While certain impacts were identified, these impacts can successfully be mitigated. The Project's vehicular traffic impacts will be mitigated by nearby transit and be further mitigated by the Applicant's TDM plan, which incorporates several measures recommended by DDOT and agreed to by the Applicant that are designed to enhance the pedestrian experience and mitigate traffic impacts. The Property is well-served by transit and vehicular infrastructure. The Project also contains enough parking to accommodate the parking demand of residents without over-parking the site given its location and proximity to transit options. Furthermore, the Project makes reasonable accommodation for those who choose to or must own cars and ensures that parking demand does not adversely interfere with the on-street parking supply. Bicycle usage is also thoughtfully integrated into the design of the Project. The Applicant

has also committed to assisting the nearby residential neighborhood establish Residential Permit Parking and exclude the Project from RPP eligibility, to ensure an absence of on-street parking impacts.

- (f) Economic Impacts. The Project will have favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 8 and the District as a whole by providing housing for additional residents. The Project will provide approximately 821 new high-quality rental units, including approximately 63 three-bedroom units, that will help meet the existing housing shortfall in the District, including the need for family-sized and affordable housing. The Project's moderate and site-appropriate intensification of land use on the Property has positive tax revenue effects for the District. Density is a key factor to attracting higher-quality retail and service amenities to a neighborhood. In addition to a neighborhood's income profile, accessibility, safety, and existing competition, retailers are also often attracted to neighborhoods with higher population density because they offer a steady flow of potential customers. This is especially true for the more well known mid- to large-size grocery stores. Population density and the resulting steady stream of customers is critical to these stores due to profit margins in the grocery industry historically being well below other retail sectors. For the current residents who opt to return to the Project, they will not assume significantly greater costs than they currently have for the reasons described above. To the extent there are any adverse economic effects from the Project, such effects are more than offset by the Project's numerous public benefits.
- (g) Cultural and Public Safety Impacts. The Project will have favorable impacts on the culture of the surrounding area. The Project adds new residents from a mix of income levels who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The redevelopment of the Property helps revitalize the neighborhood and signifies investment and stewardship of the neighborhood with new residents. The Project itself represents an improvement in public safety by creating more "eyes on the street" for Martin Luther King Jr. Avenue SW and Elmira Street SW, which will have a positive effect on crime deterrence.
- (h) Public Facilities and/or District Services Impacts. The Applicant submitted evidence that the Project will not result in any negative impacts to public facilities and infrastructure or District services. Furthermore, in addition to being reviewed by OP and DDOT, the Application was circulated by OP to numerous other District agencies and authorities for review, including the Metropolitan Police Department, the DHCD, the Washington Metropolitan Area Transit Authority, FEMS, DOEE, DC Water, DPR, the Department of Public Works, DC Public Library, and DC Public Schools, all of which were also invited to submit written comments on the Project. No agency comments were submitted raising issues or concerns regarding the Project's impact on public facilities or services. The average daily water demand for the Project can be met by the existing District water system. The proposed sanitary sewer connections for the Project are from within the existing distribution system and will be coordinated with DC Water during the permitting process. The Project has been designed to achieve high levels of on-site stormwater retention. The requisite inlets and closed pipe system are designed and constructed

to be in compliance with the standards set by DOEE, DC Water, and DDOT. Based on the Applicant's civil engineer's analysis, the current stormwater, sanitary, and water infrastructure system can sustain Project and the expected residents, and it will not overburden the system. Further, the DOEE stormwater requirements that will be incorporated into the Project will retain and detain water to reduce the flow exiting the site into the sanitary sewer system. Solid waste and recycling materials generated by the Project will be collected regularly by the District Department of Public Works. Electricity for the Project will be provided by the Potomac Electric Power Company ("Pepco") in accordance with its usual terms and conditions of service. All electrical systems are designed to comply with the D.C. Energy Code. Transformers will be installed on the Property or covered in the adjacent public space in accordance with Pepco's and DDOT's design guidelines. The Applicant further provided evidence that the Project will not have an unacceptable impact on area schools or public parks, recreation centers, or library services.

- (i) Environmental Impacts. The Project will not have any unacceptable impacts on the environment, and instead will have mostly favorable impacts. The Project is designed to achieve high levels of environmental performance as evidenced by its satisfaction of the LEED Gold design standards. The Project will include bioretention, significant tree and other plantings, and rooftop solar in furtherance of sustainability objectives. The Project's delivery of high-quality environmental design as well as usable outdoor spaces is a net improvement to the existing residential use.
- (j) Public Schools. The Project will not have an unacceptable impact on schools in the District given the size of the Project, its mix and type of units, and the capacity for the District's nearby schools to take on additional students. The Project is within the boundaries of Leckie Education Campus at 4201 MLK Jr. Avenue SW; Hart Middle School at 601 Mississippi Avenue SE; and Ballou High School at 3401 4th Street SE. DCPS data for nearby neighborhood public schools as of the 2021-22 school year (the latest year for which data are publicly available) are as follows: Leckie Elementary has a capacity for 530 students and enrollment of 303 students; Hart Middle School has a total capacity for 1105 students and enrollment of 421 students; Ballou High School has a capacity for 914 students and enrollment of 636 students. In addition, several private and charter schools are near the Project, all offering educational options to residents who may seek alternatives to the neighborhood public schools. The Applicant expects that the school network will be able to accommodate, without any unfavorable impacts, the school-age children that may reside at the Project.
- (k) Parks/Recreation Centers/Library Services/Emergency and Health Services. The Project will have no adverse impacts on District services, such as parks, recreation centers, public library, and emergency and health services. To the extent the Project's future residents are new to the District, they will be contributing new tax dollars, both in the form of income taxes and through the indirect payment of property taxes associated with the Project, that facilitate the provision of District-run services. To the extent the Project's future residents are existing District residents, they have no net new impact. The Project will include open green space in the form of the central amenity space/social garden and streetscape design along

Elmira Street SW and the proposed private driveway. More broadly, Fort Greble Park is to the west of the Project and offers ample recreational and outdoor space for existing and future residents. In addition, DPR plans to renovate Fort Greble Park and Recreation Center shortly before the Project commences construction. On balance, the Project is unlikely to have any adverse impacts on the District's park services and is instead likely to be a net positive contributor to park services, especially with the Elmira Street improvements leading to the park and the signage for the park. William O. Lockridge / Bellevue Neighborhood Library is a nearby library. There are approximately 26 public library branches or other public facilities in the District. That equates to roughly one library branch per 26,000 residents. It is not likely that an additional 665 residential units (many of which will likely be occupied by existing District residents) would result in any adverse over-use or other adverse impacts on the District's library resources. The calculus for recreation centers is similar. There are approximately 70 public recreation centers in the District, for a ratio of approximately one center per 9,600 residents. It is similarly unlikely that the Project's additional 665 residential units would result in any adverse over-use or other adverse impacts on the District's recreation centers. The District has approximately 33 engine companies spread around the District. As stated above, the Project alone does not require any increase in the number of stations or Fire and Emergency Services ("FEMS") personnel. Both FEMS and the Metro Police Department were invited to the interagency meeting hosted by OP, neither agency attended, nor did they submit any written comments to OP.

(Ex. 2, 10, 23, and 40.)

INCLUDES PUBLIC BENEFITS AND PROJECT AMENITIES THAT ARE NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN, SMALL AREA PLAN, OR OTHER ADOPTED PUBLIC POLICIES RELATED TO THE PROPERTY (SUBTITLE X § 304.4(c))

61. The Applicant provided evidence that the Application complies with Subtitle X § 304.4(c). The Applicant also provided evidence that the Project's public benefits and project amenities are not inconsistent with the Comprehensive Plan or other public policies and such benefits and amenities satisfy the criteria of Subtitle X § 305. As discussed in detail below, the proffered benefits exceed what could result from a matter-of-right development, are tangible, measurable, and able to be delivered prior to issuance of the certificate of occupancy, and benefit either the immediate neighborhood or address District-wide priorities. *Id.* §§ 305.2, 305.3. The majority of the benefits accrue to the benefit of the area of ANC 8D, the ANC in which the Project is located. *Id.* § 305.4. (Ex. 2.)
62. The Application, as amended, enumerated the following benefits and amenities, superior to a matter-of-right project, organized under the categories defined by Subtitle X § 305.5:
 - (a) Superior Urban Design and Architecture (*Id.* § 305.5(a)). The Project's high-quality design carefully echoes and respects the traditional design qualities of the existing residential development in the surrounding neighborhood to create a natural extension of the residential and institutional community. (*Id.*)
 - (b) Superior Landscaping (*Id.* § 305.5(l)). The Project offers extensive landscaping and streetscape improvements along Martin Luther King Jr. Avenue SW and Elmira Street SW. (*Id.*)

- (c) Affordable Housing (Id. § 305.5 (g)(1)). The Project provides a substantial amount of permanent affordable rental housing. Seventeen percent (17%) of the Project's residential floor area (approximately 113,015 square feet) is devoted to IZ units reserved for households earning up to 60% MFI. This is in addition to the IZ units reserved for households earning up to 50% derived from the residential units in the habitable penthouse, as well the guaranteed below-market existing rent for returning existing residents. (*Id.*)
- (d) Three Bedroom Units (Id. § 305.5 (f)(3)). The Project provides a substantial amount of family-sized rental units to the Bellevue neighborhood and the District at large. At least eight percent (8%) of the total units (approximately 63 units) are three-bedrooms. (*Id.*)
- (e) On Site Daycare (Id. § 305.5(i)). The Project is also committed to providing an on-site child daycare, a much discussed and desperately needed resource as childcare costs continue to skyrocket. The Project will devote 5,500 square feet to a child daycare. (*Id.*)
- (f) Environmental and Sustainability Benefits (Id. § 305.5(k)(5)). The Project has been designed to meet environmental design standards at the LEED Gold level, and the Project will achieve the minimum GAR requirement. The Project includes bioretention, extensive tree and landscape plantings, and approximately 8,000 square feet rooftop solar. (*Id.*)
- (g) Signage and Wayfinding for Fort Greble Park (Id. § 305.5(q)). The Project takes full advantage of its proximity to Fort Greble Park by highlighting the park as a community resource and recreation space. The Project includes wayfinding signage at the corner of MLK Jr. Ave. SW and Elmira Street SW and at the park's entrance to highlight the park's location. (*Id.*)
- (h) Mid-Block Crossing on Elmira Street (Id. § 305.5(o)). The Project will provide a mid-block crossing on Elmira Street from Building 1 to the central courtyard amenity space and daycare located in between Buildings 2 and 3. This will facilitate and encourage safe pedestrian access and be further coordinated with the District Department of Transportation during the public space permitting process. (Ex. 21.)
- (i) Jobs Partner Space (Id. § 305.5(q)). The Project will provide a 1,000 square foot space to be occupied by a locally based jobs partner nonprofit organization that will provide job-search and job-training assistance to residents and the broader neighborhood. (Ex. 40.)
- (j) Cost Subsidies for Returning Residents (§ 305.5(q)). The Applicant will provide a utilities subsidy, up to \$100 per month, to all returning residents aged 65 and older. Also for returning residents, parking will be offered at a 50% reduction in price below what other residents will pay. (Ex. 43.)
- (k) Community Benefits Agreement with ANC 8D (Id. § 305.5(q)). The Applicant and ANC 8D executed a substantial community benefits agreement on July 18, 2024. (Ex. 26.)

SATISFACTION OF THE PUD ELIGIBILITY STANDARDS

- 63. The Applicant provided evidence that the Application complies with the purposes of a PUD set forth in Subtitle X § 300.1:

- (a) Superior to Matter-of-Right Development. The Project's proposed residential use, public benefits, and the community engagement process that accompanied this application all exceed what would be provided under matter-of-right standards. The Project provides more housing than what could be constructed without a PUD and related Zoning Map Amendment because the existing RA-1 zoning imposes greater site constraints with respect to height, density, and lot occupancy that would foreclose the proposed development configuration, which allows the Project to balance achieving a moderate level of density without requiring excessive height or massing in order to do so. Furthermore, the Project will deliver new, high quality housing with numerous amenities to a location that lacks much of either. Accordingly, the PUD and related Zoning Map Amendment enable the Project to achieve approximately 553,928 square feet (2.592 FAR) of development, of which at least 17% will be set aside as affordable (IZ) housing, well in excess of what would be achievable under current zoning. The Project's development supports the significant package of public benefits, which exceeds what would be provided in a matter-of-right development. Finally, the Project is undergoing a comprehensive public review process with multiple opportunities for current Property resident, neighbor, community group, ANC, and public agency participation and engagement. Those opportunities, and future ones, would not exist for a matter-of-right development of the Property.
- (b) Protects and Advances the Public Health, Safety, Welfare, and Convenience. The Project advances and protects the intent and purposes of the Zoning Regulations. Through the development of underutilized land into appropriately scaled residential development, the Project affirmatively improves major public interests and priorities, in particular, housing and affordable housing and high-quality, environmentally sustainable design. Moreover, for the reasons discussed below, the Project will not adversely affect public safety and public infrastructure, and any adverse impacts on the surrounding community will be mitigated and substantially outweighed by the overall benefits the Project will achieve. The Project satisfies the goals and objectives for the District as set forth in the Comprehensive Plan.
- (c) Does Not Circumvent the Intent and Purposes of the Zoning Regulations. The development of underutilized property with new housing, affordable housing, a daycare, sustainable features, and extensive landscaping advances the public health, safety, welfare, and convenience goals of the District by converting an underutilized lot into a more productive and appropriate use with a modern and environmentally sustainable development. Accordingly, the Project advances these purposes of the Zoning Regulations. The proposed Zoning Map Amendment to the RA-2 zone for the Project is consistent with the purposes of the Zoning Regulations. Broadly, the RA-2 zone is intended to permit moderate density residential development. 11-F DCMR § 101.5. Here, the RA-2 zone is appropriate for the Property, which is located within an existing moderate density neighborhood surrounded by residences and institutional buildings (a hospital and a school), and it is designated for such use on the Future Land Use Map. The RA-2 zone allows for a broad mix of residential uses and thus is suitable for the proposed multifamily residential use. Moreover, the Project's proposed use, height and density are consistent with the character of the RA-2 zone, while also maintaining the character

of development reflected in the existing surrounding mixed institutional and residential community. The Project's development of currently underutilized land commensurate with the RA-2 standards further encourages the stability of the neighborhood and strengthens the surrounding Bellevue area more broadly.

(Ex. 2.)

IV. RESPONSES TO THE APPLICATION

OP

64. Pursuant to Subtitle Z §§ 400.5 and 405.3, on March 18, 2024 OP filed a report recommending that the Commission set the Application down for a public hearing. (Ex. 10, the "OP Setdown Report"). The OP Setdown Report stated that the Project would be not inconsistent with the maps and policies of the Comprehensive Plan and, specifically, would not be inconsistent with the Property's Neighborhood Conservation Area designation on the GPM and Moderate Density Residential designation on the FLUM. The OP Setdown Report also included the following comments:
- (a) OP recommended that the Applicant create a park gateway at the intersection of Emira St. and Martin Luther King Jr. Avenue for Fort Greble Park, which the Applicant incorporated into the updated plans submitted with its prehearing submission (Ex. 10.);
 - (b) OP requested additional details on the tenant relocation plan, which the Applicant provided in its prehearing submission (*Id.*);
 - (c) OP recommended that the Applicant provide some outdoor amenities outside the confined courtyard, which the Applicant incorporated into the updated plans submitted with its prehearing submission (*Id.*);
 - (d) OP expressed concerns about the interior sunken courtyard, including how residents from all four buildings will access the space and how much light and air will be able to reach the space at various times of the year, which the Applicant responded to in its prehearing submission with additional drawings and explanation (*Id.*); and
 - (e) OP requested confirmation that the number of bicycle parking spaces will meet the minimum requirements for the proposed use, which the Applicant responded to in its prehearing submission. OP also noted that it would review the requested IZ flexibility further and provide a recommendation prior to the hearing (*Id.*).
65. Pursuant to Subtitle Z §§ 405.6 and 405.7, on July 12, 2024 OP filed a hearing report recommending that the Commission approve the Application. (Ex. 23, the "OP Hearing Report").
- (a) The OP Hearing Report summarized OP's comments on the Application and the Applicant's responses.
 - (b) The OP Hearing Report recommended approval of the requested flexibility from the mechanical penthouse height limit and the Applicant's requested design flexibility.
 - (c) The OP Hearing Report stated that OP supported the Project's site plan, massing, and architecture, including the design changes incorporated in response to OP's and the Commission's feedback.

- (d) The OP Hearing Report re-summarized OP's analysis of the Project under the various Citywide and Area Elements of the Comprehensive Plan and restated that the Project is not inconsistent with the Comprehensive Plan.

66. At the July 22, 2024 public hearing, OP testified in support of the Application and summarized its comments in its prior reports. (July 22 Hearing Tr. at pp. 78-79.)

DDOT

67. On July 12, 2024, DDOT filed a report (Ex. 24) expressing no objection to the Application subject to the Applicant implementing the TDM measures set forth in the Applicant's Transportation Statement. The Transportation Statement highlighted several positive design elements that minimize potential transportation impacts, including: the Project's proximity to transit service and bicycle infrastructure; the Project's location within a generally adequate pedestrian network along major walking routes; the Project's loading facilities, which maintain loading activity within private property and provide loading circulation that allows head-in/head-out truck movements at all loading curb cuts from the public roadway network; the inclusion of secure long-term bicycle parking spaces that meet or exceed zoning requirements; the inclusion of short-term bicycle parking spaces along the frontage of the site that meet zoning requirements; and a TDM plan that reduces the demand of single occupancy, private vehicles during peak period travel times and shifts single-occupancy vehicular demand to off-peak periods. The Project is proposing to implement a TDM plan consistent with DDOT's guidance. As mitigation to some identified adverse traffic impacts, DDOT recommended that the Applicant install a missing crosswalk and curb ramps on the northern leg of the Martin Luther King Jr. Avenue and Darrington Street SW interaction and install a raised mid-block crossing on Elmira Street SW between Buildings 1 and 2, subject to draining and engineering limitations to be identified during design, and incorporate high-contrast materials in the mid-block crossing of the curbless private driveway between Buildings 3 and 4, to which the Applicant agreed. These proposed improvements are subject to DDOT review and approval during public space permitting. (Ex. 19A1-A2, 24; Hearing Tr. 23-26; 60-62.).

68. At the July 22, 2024 public hearing, DDOT testified in support of the Application and confirmed the Applicant's coordination with DDOT on the Project's transportation impacts and agreement on the proposed TDM plan and traffic calming measures and that they continued to have no objection to approval of the application. (July 22 Hearing Tr. at pp. 80-83.)

OTHER DISTRICT AGENCIES

69. The OP Hearing Report stated that OP had referred the Application to relevant government agencies for comment and had convened an interagency meeting with Applicant, which was attended by DHCD, DOEE, FEMS, DC Water, DPR, and DDOT. No other agency comments were submitted in OP's report. (Ex. 23.)

ANC

70. Pursuant to Subtitle Z § 406.2, on July 23, 2024, ANC 8D submitted a report (Ex. 37, “ANC Report”) stating that at its properly noticed public meeting on June 27, 2024, at which a quorum was present, the ANC voted 4-2-0 in support of the Application. In an earlier letter that it submitted on June 25, 2024, ANC 8D stated that it supports the Application with reservations about the size and scope of the Project and its impact on traffic, travel, and rental pricing. On September 19, 2024, ANC 8D clarified its engagement process and its support for the Application, by highlighting efforts to engage the community and “capture the voices of as many Martin View’s tenants and community residents” as possible, while affirming support of the Project despite community concerns. (Ex. 20, 37, 41)

ORGANIZATIONS AND INDIVIDUALS IN SUPPORT

71. On July 19, 2024, Living World Church submitted a letter stating that it supported the Project and its “sustainable investment” in the Bellevue community. (Ex. 31.)
72. Also on July 19, 2024, current residents of the Property submitted a petition in support of the Project. (Ex. 33.)
73. The following nearby residents of the Property submitted letters in support of the Application: Lexieann Smith, Zina Moore, Michael Reed, and Jonathan Steel. These letters highlight the addition of housing units, particularly affordable housing units, improvements to Fort Greble Park, and addition of amenity spaces as positive contributions to the Bellevue community. (Ex. 27-30.)

ORGANIZATIONS AND INDIVIDUALS IN OPPOSITION

74. At the July 22, 2024, hearing, the following individuals provided testimony in opposition to the Project: Frederick Nelson, Anna Hamilton, Wanda Nettles, and Sheila Bunn.
75. On July 22, 2024, Wanda Nettles submitted a letter and provided testimony that expressed concerns over the increase of units from 159 to 821 and the lack of parking in relation to the number of proposed units. (Ex. 34.)
76. On July 23, 2024, Sheila Bunn submitted testimony in opposition. In her letter, Ms. Bunn expressed the following concerns about the following: increased traffic congestion and limited parking; preservation of the community’s character; relocation of long-term residents; the number of affordable and market rate units; and strain on infrastructure and public services. Ms. Bunn also testified on behalf of the BNCA to the same at the July 22 public hearing. (Ex. 36.)
77. On July 24, 2024, Anna Hamilton submitted written testimony. In her letter, Ms. Hamilton highlighted the following concerns: the number of affordable housing units; amount of available parking; light and noise impacts; displacement of current residents; removal of green space; and strain on public infrastructure. Ms. Hamilton testified to the same at the July 22 public hearing. (Ex. 38.)

NCPC

78. The Commission referred the Application to NCPC on [REDACTED], 2024, for review and comment. (Ex. [REDACTED].)

CONCLUSIONS OF LAW

AUTHORITY

1. Pursuant to the authority granted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve: (a) a PUD consistent with the requirements of Subtitle X, Chapter 3, and Subtitle Z; (b) a PUD-related amendment to the Zoning Map pursuant to Subtitle X § 303.12, Subtitle X, Chapter 5 and Subtitle Z; (c) related zoning flexibility pursuant to Subtitle X §§ 303.1 and 303.13.

STANDARD OF REVIEW FOR APPROVAL OF A PUD AND RELATED ZONING MAP AMENDMENT

2. Public Review. Pursuant to Subtitle X § 300.5, “A comprehensive public review by the Zoning Commission of a PUD is required in order to evaluate the flexibility or incentives requested in proportion to the proposed public benefits.”
3. Land Area and Contiguity. Pursuant to Subtitle X §§ 301.1 and 301.5, the minimum area for a PUD in the applicable RA-2 zone is one (1) acre, all of which must “be contiguous, except that the property may be separated only by public streets, alleys, or rights-of-way.”
4. PUD Purpose. Pursuant to Subtitle X §§ 300.1 and 300.2, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a building superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits and project amenities; (c) protects and advances the public health, safety, welfare, and convenience; and (d) does not circumvent the intent and purposes of the Zoning Regulations.¹

¹ The RA zones provide for residential areas suitable for multiple dwelling unit development and supporting uses. The RA zones are intended to: permit flexibility by allowing all types of residential development; promote stable residential areas while permitting a variety of types of urban residential neighborhoods; promote a walkable living environment; allow limited non-residential uses that are compatible with adjoining residential uses; encourage compatibility between the location of new buildings or construction and the existing neighborhood; and ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. 11-F DCMR § 101.2. In addition, the purposes of the RA-1 through RA-5 zones are to: permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones. *Id.* § 101.3. More specifically, the RA-2 zone provides for areas developed predominantly with moderate-density residential development. *Id.* § 101.5.

5. Comprehensive Plan. Pursuant to Subtitle X §§ 300.1, 300.2, and 304.4(a), the Commission must find that the PUD “is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.” The Commission is directed to review the Application against the Comprehensive Plan “as a whole.”² The Comprehensive Plan Act of 1984 (D.C. Law 5-75; D.C. Official Code § 1-306.01(b)) established the Comprehensive Plan’s purposes are:
- (a) To define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development;
 - (b) To guide executive and legislative decisions on matters affecting the District and its citizens;
 - (c) To promote economic growth and jobs for District residents;
 - (d) To guide private and public development in order to achieve District and community goals;
 - (e) To maintain and enhance the natural and architectural assets of the District; and
 - (f) To assist in conservation, stabilization, and improvement of each neighborhood and community in the District.
6. Impacts. Pursuant to Subtitle X § 304.4(b), the Commission must find the Application “does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”
7. Benefits and Amenities. Pursuant to Subtitle X § 304.4(c), the Commission must find the PUD “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” Pursuant to Subtitle X §§ 305.2, 305.3, 305.4, and 305.12, the PUD’s benefits and amenities must “benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions,” in majority part “relate to the geographic area of the Advisory Neighborhood Commission in which the application is proposed,” and “meet the following criteria: (a) Benefits shall be tangible and quantifiable items; (b) Benefits shall be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; (c) Benefits may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need.” Moreover, a PUD “may qualify for approval by being particularly strong in only one (1) or a few categories [of public benefits] but must be acceptable in all proffered categories and superior in many.”

² *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016) (“The Comprehensive Plan is a broad framework intended to guide the future land use planning decisions for the District. Even if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan *as a whole*. The Comprehensive Plan reflects numerous occasionally competing policies and goals and except where specifically provided, the Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole. If the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain why they are outweighed by other, competing considerations.”) (internal citations and quotations omitted.)

8. PUD Balancing Test. Pursuant to Subtitle X § 304.3, in reviewing a PUD application, the Commission must: “Judge, balance, and reconcile the relative value of the 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.” Pursuant to Subtitle X §§ 303.11 and 303.12: “The amount of flexibility from all other development standards not addressed by this section shall be at the discretion of the Zoning Commission”, and “[a] PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”
9. Evidentiary and Evaluative Standards. Pursuant to Subtitle X § 308.6, “the applicant shall carry the burden of justifying” the Application according to the applicable standards. Moreover, “the Commission must address each material contested issue of fact.”³

SATISFACTION OF PUD ELIGIBILITY STANDARDS

10. Land Area and Contiguity. The minimum area included in a PUD in the RA-2 Zone District must be no less than one (1) acre, and all such area must be contiguous or separated by a public street or alley. The Property constitutes approximately 4.9 acres (213,748 square feet) which is contiguous or separated by a public street. Accordingly, the Commission concludes that the Application satisfies the contiguity requirements and minimum area requirement of Subtitle X §§ 301.1 and 301.5 for a PUD. (FF ¶ 10-14.)
11. Public Review. Based on the July 22, 2024 public hearing (*see* July 22 Hearing Tr.) and the Commission’s review of the record, the Commission undertook “[a] comprehensive public review . . . of [the Application] . . . to evaluate the flexibility or incentives requested in proportion to the proposed public benefits” in satisfaction of Subtitle X § 300.5. Further the Applicant engaged in prolonged, extensive, robust engagement process about the Project with existing Property residents, the surrounding community, and the ANC 8D to ensure public participation and significant input. The Applicant, participated in at least 20 meetings with the community, the ANC, and existing Property residents. Additionally, the Applicant conducted multiple door-to-door and phone efforts to further engage the community and maintained a dedicated website to disseminate Project information. Following the public hearing, the Applicant engaged in significant dialogue with the BNCA. (FF ¶ 50.)
12. PUD Purpose. The Commission concludes that the Project satisfies the purposes of a PUD:
 - (a) The Project is superior to a matter-of-right development because it provides more housing and affordable housing than what could be constructed on the Property without a PUD and related Zoning Map Amendment. The existing RA-1 zoning imposes greater site constraints with respect to height and lot occupancy that would foreclose the proposed development configuration. The amount of housing and affordable housing included in the Project exceed the amount and depth of affordability that would be required in a matter-of-right development pursuant to the Zoning Regulations’ IZ requirements. The Project’s construction supports a significant package of public benefits and project amenities as outlined above,

³ *Barry Farm Tenants and Allies Ass’n. v. D.C. Zoning Comm’n.*, 182 A.3d 1214, 1224 (D.C. 2018) (citations omitted).

which exceed what would be provided in any matter-of-right development. Finally, the Project is underwent a thorough public review process with opportunities for existing resident, neighbor, community group, and public agency participation. Those opportunities would not exist for a matter-of-right development of the Property. (FF ¶ 63(a).)

- (b) The Project offers a commendable number and quality of meaningful public benefits and project amenities. The Project's high-quality design carefully echoes and respects the traditional design qualities of the existing residential and institutional development in the surrounding neighborhood to create a natural extension of the residential community. The Project features richly planted gardens along Martin Luther King Jr. Avenue SW and Elmira Street SW and includes extensive tree and other landscape plantings throughout the site, including in the central courtyard amenity space. The Project offers extensive landscaping and streetscape improvements along Martin Luther King Jr. Avenue SW and Elmira Street SW. Specifically, the landscape plan incorporates mature plantings and diverse vegetation to encourage pedestrian traffic and highlight the Project's proximity to Fort Greble Park. The Project provides a substantial amount of permanent affordable rental housing. Seventeen percent (17%) of the Project's residential GFA (approximately 113,015 square feet) is devoted to IZ units reserved for households earning up to 60% MFI. This is considerably greater than a matter of right development which would only require ten (10%) percent of residential GFA development (approximately 23,085 square feet) for IZ units. This IZ commitment is in addition to the IZ units at 50% MFI that are required from the penthouse habitable space. The Project provides a substantial amount of family-sized rental units to the Bellevue neighborhood and the District at large. At least eight percent (8%) of the total units (approximately 63 units) are three-bedrooms. This not only increases the housing stock generally but increases the ability of families to live, work, and play in the District. Furthermore, all returning residents will be guaranteed their existing rent rates (with increases allowed by rent control laws), which is below market rate for the rest of the building, adding another dimension of affordability to the Project. The Project is also committed to providing an on-site child daycare, a much discussed and desperately needed resource as childcare costs continue to skyrocket. Approximately 5,500 square feet are reserved for the daycare, which will serve residents and community members as well as members of the public. Currently, the daycare is expected to operate during normal business hours at least five days per week and 50 weeks per calendar year. In addition to reserving a space for a jobs partnership to provide job services for residents and neighbors. Further, the Project includes important sustainable design elements and achieves appropriate levels of environmental certification. The Project has been designed to meet environmental design standards at the LEED Gold level. Specific sustainable benefits in the Project include extensive tree and landscape plantings, and approximately 8,000 square feet of rooftop solar. The Project takes full advantage of its proximity to Fort Greble Park by highlighting the park as a community resource and recreation space. The Project includes wayfinding signage at the corner of MLK Jr. Ave. SW and Elmira Street SW and at the park's entrance to mark the park's location. The Project will also include a

mid-block crossing on Elmira Street. The Applicant has made further commitments to minimize costs on returning residents, such as discounted parking, the lower energy costs from a LEED Gold building, subsidized utilities up to \$100 per month for seniors (aged 65+), and assistance with District programs for utilities. (FF ¶ 43.)

- (c) The Project protects and advances the public health, safety, welfare, and convenience. The Project redevelops outdated housing stock in need of improvement with new housing and affordable housing rich with amenities and life-enhancing features in an established but underdeveloped area of the District. (FF ¶ 63(b).)
- (d) The Project does not circumvent the intent or purposes of the Zoning Regulations. The Project and proposed Zoning Map Amendment to the RA-2 zone are consistent with the purposes of the Zoning Regulations. The RA-2 zone is intended to permit moderate density residential development, 11-F DCMR § 101.5, and the RA-2 zone is appropriate for the Property, which is located within an existing moderate density residential neighborhood. The RA-2 zone allows for a broad mix of residential uses and thus is suitable for the proposed multifamily residential use. The Project's proposed use, height and density are consistent with the character of the RA-2 zone, while also maintaining the intensity of development reflected in the existing surrounding rowhome community. The Project's redevelopment of an underutilized site commensurate with the RA-2 standards further encourages the stability of the neighborhood and strengthens the surrounding Bellevue area more broadly. (FF ¶ 63(c).)
- (e) The project will not have unacceptable impacts on neighboring properties. The Project successfully balances the need for greater density that is essential to addressing citywide housing needs without causing physical and economic displacement and to attracting neighborhood amenities, with the need to preserve the scale and character of lower-density areas. This is accomplished through the sensible placement of greater height and density on a site that is already planned and zoned for moderate density multi-family development in a manner that takes into consideration the scale of adjacent buildings, aligns with existing streets and sightlines, maximizes open space, and takes advantage of considerable separation provided by adjacent rights-of-way (namely, 110-foot wide MLK Jr. Ave.). Due to these factors, the Project will not have unacceptable impacts on light, air flow, and the character of the existing neighborhood. To the extent there is any potential for impacts to the lower-scale residential area to the east, such impacts will be minimal due to the design of the Project and the width of MLK Jr. Ave. The Project will include significant open space to ensure that ample light and air are available to the Project and the surrounding properties. While the height of the Project will increase compared to the existing buildings on the site, the proposed height will not overwhelm the lower-scale residential uses due to the proposed site plan (i.e. shorter facades of buildings facing lower scale residential and ample open space around the buildings), the fact that the Project is only 2-3 stories taller, and the separation provided by MLK Jr. Avenue, which has a right-of-way width of approximately 110 feet. For the reasons described above, the Applicant has adequately responded to the opponent's stated concerns with the Project and finds

that any potential adverse impacts on neighboring properties or the community identified by the opponents will be directly mitigated or offset by the numerous and significant public benefits that the Project will deliver. (FF ¶ 60; Hearing Tr. 30-37.)

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER ADOPTED PUBLIC POLICIES RELATED TO THE PROPERTY (SUBTITLE X § 304.4(a))

13. The Commission concludes that pursuant to Subtitle X §§ 300.1, 300.2, and 304.4(a), the Application is not inconsistent with the Comprehensive Plan and with other public policies and active programs, when the Comprehensive Plan is considered as a whole, for the following reasons:
- (a) FLUM. The Project is not inconsistent with the FLUM's Moderate Density Residential designation. The RA-2 zone is specifically contemplated by this FLUM designation, and the density of the Project is well within the range that is contemplated in an RA-2 PUD and the height and massing of the Project is compatible with the existing residential and institutional structures in the vicinity. (FF ¶ 58(a).)
 - (b) GPM. The Project is not inconsistent with the Property's Neighborhood Conservation Area designation on the GPM. The Project is compatible with the range of land uses (institutional, park, and residential) and building types found in the surrounding area and with the scale and character of the neighborhood. The prevailing character and scale of the area surrounding the Property is residential with several institutional buildings within the vicinity. The redevelopment of the Property for primarily residential use is consistent with the GPM designation. (FF ¶ 58(b).)
 - (c) Land Use Element. The Project is not inconsistent with the Land Use Element, which is the Element that should be given the greatest weight. 10-A DCMR § 300.3. The Project redevelops outdated housing stock in a transit-rich and established neighborhood. The Project contributes to the area's housing and affordable housing stock, including the need for larger, family-sized units, and promotes sustainability objectives as called for in the Land Use Element. (FF ¶ 58(d).)
 - (d) Other District-Wide Elements. The Application is also not inconsistent with other District-wide Elements, including the Transportation, Housing, Environmental Protection, Educational Facilities, Urban Design, and Parks, Open Space, & Recreation Elements. The Commission recognizes that the Project may result in modest inconsistencies with individual policy objectives, but overall the Project advances the objectives of the other Elements, a conclusion in which OP concurs and to which the Commission gives great weight. (FF ¶ 58(e-j).)
 - (e) Far Southeast / Southwest Area Element. The Application is also consistent with the Far Southeast / Southwest Area Element. The Project will redevelop an underutilized site near transit with a residential development containing 821 rental units with public space improvements. The additional housing will quell increasing housing costs and bring new residents to an already established neighborhood. (FF ¶ 58(l).)

- (f) Bellevue SAP. The Application is not inconsistent with the Bellevue Small Area Plan. The Project will provide new market rate and affordable housing opportunities for new and existing Bellevue residents, including residents that currently reside on the Property. The Project has been designed in coordination with OP, and with the community through an extensive engagement process. (FF ¶ 58(k).)
- (g) Racial Equity Analysis. The Application is not inconsistent with the Comprehensive Plan when viewed through the lens of racial equity. The Project redevelops outdated rental housing in need of improvement with new housing, including family-sized units, and it provides considerably more guaranteed affordable housing than is otherwise required for a matter-of-right project. The Project's new and affordable housing will create new housing opportunities, and the Project and Application proffer other public benefits as well, including building design and site planning that is superior to what is required as a matter of right project and will complement the existing residential development in surrounding the Property; significant sustainability benefits including LEED Gold design; and public space improvements to the adjacent property and Fort Greble Park. The Project provides new and affordable housing in along a priority bus route in the Bellevue neighborhood. Furthermore, the Project is being pursued through the PUD process, which includes significant outreach with the current Property residents, the surrounding community, including the neighboring residents and ANC 8D, allowing current resident, community, and neighbor feedback to be incorporated into the Project design and configuration. (FF ¶ 58(c).)
- (h) Mayor's Housing Order. The Application is not inconsistent with the Mayor's Housing Order to add units and affordable units. The Commission concludes there is no inconsistency with such Order and the Project's delivery of approximately 821 rental housing units, including IZ units. (FF ¶ 59.)
- (i) Benefits and Amenities. As discussed above, the Project's numerous public benefits and project amenities are also consistent with the Comprehensive Plan and Mayor's Housing Order. The Comprehensive Plan and Mayor's Housing Order identify new, family-sized, and affordable housing, and the Project delivers those items as benefits. The Project's architecture and site planning benefits are also consistent with the relevant planning guidance. The Project's proposed landscaping and sustainability as well as provision of three-bedroom units and on-site child daycare and jobs partnership space are also all consistent with the applicable planning and policy documents. (FF ¶ 43.)
- (j) Overall. The Commission concludes that the Application is not inconsistent with the Comprehensive Plan, including the GPM and FLUM designations for the Property, as discussed above.

PROJECT IMPACTS – FAVORABLE, MITIGATED, OR ACCEPTABLE (SUBTITLE X § 304.4(b))

- 14. The Commission concludes that for the reasons given below and pursuant to Subtitle X § 304.4(b), the Application does not result in any unacceptable impacts on the surrounding area or District services or facilities that cannot be mitigated or that are not acceptable given the Project's benefits and amenities:

- (a) Zoning and Land Use Impacts. The Commission concludes that the Project has no unacceptable zoning or land use impacts on the surrounding area. The PUD-related Zoning Map amendment to the RA-2 zone is consistent with the Property's Moderate Density Residential designation on the FLUM. The proposed moderate density residential use on a large site adjacent to a park is the most appropriate for the site given its location and neighborhood context. The apartment building scale, configuration of the development, and traditional material selections, consisting primarily of red masonry, are also appropriate for the surrounding neighborhood. It also accomplishes objectives of the GPM designation mostly as a Neighborhood Conservation Area, which encourages maintenance of neighborhoods and redevelopment consistent with the existing scale and character of the area in order to provide more housing for the District. (FF ¶ 60(a).)
- (b) Housing Market Impacts. The Commission concludes that the Project's addition of new housing is a favorable impact by replacing outdated housing stock with new, high-quality rental housing units to an existing stabilized neighborhood and the addition of housing of diverse sizes and for varied income levels. The Project will make a significant contribution of new permanently affordable housing that will allow residents from varied income levels to remain in or locate to the neighborhood without straining the existing housing market. The Project's provision of larger units, including approximately 63 three-bedroom units, serves the important goal of better meeting the need for family-sized units in this area and in the District as a whole. By implementing a robust relocation and return plan, the Project does not displace any existing residents and is unlikely to create any adverse impacts on the surrounding housing market. Instead, the addition of the Project's new rental units will help buffer increasing housing costs, as increases in supply are widely understood to dampen price increases. The Commission acknowledges that there may be additional costs for returning residents, but the features of the building (LEED Gold), the Applicant's commitments to offset/subsidize some of those costs, and the District programs to assist with utilities and related costs will adequately offset any potential adverse impact on these returning residents. (FF ¶ 60(b).)
- (c) Construction-Period Impacts. The Commission concludes that any potential construction-related impacts that the Project may generate on the surrounding area during the development period are capable of being mitigated. The Commission credits the Applicant's statement that it has experience successfully completing construction projects without disturbing neighbors and that the Applicant will work closely with abutting property owners and residents to manage and mitigate any construction impacts associated with the Project's development and will maintain regular communication and coordination throughout the Project's construction. Further, the Applicant's commitment to a construction management plan will provide assurance that construction impacts will be mitigated to the greatest extent possible. (FF ¶ 60(c).)
- (d) Open Space, Urban Design and Massing Impacts. The Commission concludes that the Project's reconfiguration to provide open green space, reduce impervious surfaces, and highlight Fort Greble Park is a favorable impact. the Project encourages vehicular and pedestrian traffic through the existing Elmira Street SW and egress through the proposed private driveway to the north. The Project's extensive landscaping and tree plantings along Elmira Street SW and the private driveway are intended to extend the park eastward and will transform the site from its current state to have a strongly

- favorable impact on the overall area., in addition to the extensive landscaping that will be included along MLK Jr. Ave. Furthermore, the Project’s significant open space, its site planning, its moderate height and massing commensurate with its surroundings, in addition to its wide separation from the nearest residential properties, means that impacts on light and air available to neighboring properties will be minimized and not unacceptable. (FF ¶ 60(d).)
- (e) Transportation and Mobility Impacts. The Commission concludes that the Project will not have any unacceptable impacts on the transportation and parking facilities that surround the Property and that, to the extent there are any potential transportation impacts, such impacts are capable of being mitigated by the Applicant’s TDM plan and other commitments. The Property is well-served by transit and vehicular infrastructure. Multiple Metrobus lines also service the Bellevue neighborhood, and it is expected that many of the Project’s residents will use public transit. The Project’s favorable pedestrian, bicycle, and transit access help mitigate any expected traffic concerns. The Project also contains approximately 276 underground parking spaces to accommodate the parking demand of residents without over-parking the site given its location and proximity to transit options. Furthermore, the Project makes reasonable accommodation for those who choose to or must own cars and ensures that parking demand does not adversely interfere with the on-street parking supply. The Project provides sufficient off-street parking to serve building residents, but not so much parking as to induce unnecessary driving, in addition to helping ensure that Project residents do not park on neighboring streets. Bicycle usage is also thoughtfully integrated into the design of the Project, with long- and short-term bicycle parking conveniently provided underground and adjacent to roadways. (FF ¶¶ 60(e).)
- (f) Economic Impacts. The Commission concludes that the Project will have favorable economic impacts on the neighborhood and District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 8 and the District as a whole by providing housing for additional residents at a mix of income levels, which includes many permanently affordable units. The Project will provide approximately 821 new high-quality rental units, including approximately 63 three-bedroom units, that will help meet the existing housing shortfall in the District, including the need for family-sized and affordable housing. In addition, the mix of market rate, IZ affordable, and returning resident units will ensure a mix of incomes necessary for retail and other benefits to the neighborhood overall. The Project’s moderate and site-appropriate intensification of land use on the Property has positive tax revenue effects for the District. To the extent there are any adverse economic effects from the Project – none have been identified – such effects are more than offset by the Project’s significant public benefits. (FF ¶¶ 60(f).)
- (g) Cultural and Public Safety Impacts. The Commission concludes that the Project will have favorable impacts on the culture of the surrounding area. The Project adds new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The redevelopment of the Property helps revitalize the neighborhood and signifies investment and stewardship of the neighborhood with new residents. The Project itself represents an improvement in public safety by creating more “eyes on the street” for Martin Luther King Jr. Avenue SW and Elmira Street SW, which will have a positive effect on crime deterrence. (FF ¶¶ 60(g).)

- (h) Public Facilities and/or District Services Impacts. The Commission concludes that the Project will not result in any unacceptable negative impacts to public facilities and infrastructure or District services. The Project was reviewed by numerous District agencies — specifically, OP, DDOT, the Metropolitan Police Department, For the reasons described above, the infrastructure and city services that will serve this Project are adequate, and no agency that did or had the opportunity to review the Project identified any adverse impacts on public facilities or District services from the Project. The Commission acknowledges objections from a nearby resident in this regard, but the Commission finds that the evidence clearly supports the conclusion that there will not be adverse impacts. (FF ¶¶ 60(h).)
- (i) Environmental Impacts. The Commission concludes that the Project will have mostly favorable impacts on the environment. The Project is designed to achieve high levels of environmental performance as evidenced by its satisfaction of the LEED Gold design standards. The Project will include bioretention, tree and other plantings, and rooftop solar in furtherance of sustainability objectives. The Project’s delivery of high-quality environmental design as well as usable outdoor spaces is a net improvement to the existing residential use in an old building with large impervious surface parking. (FF ¶¶ 60(i).)
- (j) Public Schools. The Commission concludes that, due to the Project’s size, mix, and type of units and the capacity for the District’s nearby schools to take on additional students, the Project will not have any unacceptable impacts on schools in the District. The Commission credits the Applicant’s testimony that the school network will be able to accommodate, without any unfavorable impacts, the school-age children that may reside at the Project. (FF ¶¶ 60(j).)
- (k) Parks/Recreation Centers/Library Services/Emergency and Health Services. The Commission concludes that the Project will have no adverse impacts on District services, such as parks, recreation centers, public library, and emergency and health services. To the extent the Project’s future residents are new to the District, they will be contributing new tax dollars, both in the form of income taxes and through the indirect payment of property taxes associated with the Project, that facilitate the provision of District-run services. To the extent the Project’s future residents are existing District residents, they have no net new impact. The Project will include open green space in the form of the central amenity space/social garden and streetscape design along Elmira Street SW and the proposed private driveway. More broadly, Fort Greble Park is to the west of the Project and offers ample recreational and outdoor space for existing and future residents. In addition, DPR plans to renovate Fort Greble Park and Recreation Center shortly before the Project commences construction. On balance, the Project is unlikely to have any adverse impacts on the District’s park services and is instead likely to be a net positive contributor to park services. As stated above, no agency identified adverse impacts on emergency or health services. (FF ¶¶ 60(k).)
- (l) Overall. In summary, the Commission concludes that, taken as a whole, the Project is unlikely to result in unacceptable impacts and any resulting adverse impacts are fully capable of being mitigated. None of the impacts are unacceptable in light of the proposed mitigation, particularly when considered against the exemplary public benefits and project amenities proffered by the Project.

BENEFITS AND AMENITIES (SUBTITLE X § 304.4(c))

15. The Commission concludes that for the reasons given below the Project's benefits and amenities satisfy the relevant criteria:
- (a) Specific Benefits and Amenities. Each of the Project's benefits and amenities is specifically described. (FF ¶ 62.)
 - (b) Not Inconsistent with the Comprehensive Plan. As described above, the Application is not inconsistent with the Comprehensive Plan nor are the benefits and amenities inconsistent with the Comprehensive Plan or other public policies applicable to the Property. (FF ¶ 61.)
 - (c) Relative to Matter-of-Right Development. The Project's benefits are superior to a matter-of-right development of the Property. The Project provides more affordable units, at deeper levels of affordability, than would be possible or required as a matter of right. Likewise, the Project's sustainability features are superior to any matter-of-right development, and the Project's other benefits would not be possible or required as part of a matter-of-right development. (FF ¶ 61.)
 - (d) Relate to Geographic Area of ANC. The Project's benefits relate primarily to the area of ANC 8D. (FF ¶ 62.)
 - (e) Tangible and Quantifiable. Each of the Project's benefits is tangible and/or quantifiable. (FF ¶ 62.)
 - (f) Measurable and Satisfied Prior to Certificate of Occupancy. Each of the Project's benefits is capable of being delivered or arranged prior to the issuance of a full Certificate of Occupancy for the proposed multifamily residential use. (FF ¶ 62.)
 - (g) Primarily Benefiting Neighborhood or Serving a Critical City-Wide Need. The Project's benefits primarily benefit the neighborhood around the Property (e.g., by avoiding displacement and by providing sustainable buildings), but some benefits serve a critical city-wide need (e.g., affordable housing open to all residents of the District). (FF ¶ 62.)
 - (h) Acceptable in All and Superior in Many. The Project's design, landscaping, site planning, affordable housing, sustainability, and other benefits are superior. All of the Project's benefits are acceptable. (FF ¶ 62.)
 - (i) Overall. In sum, the Commission concludes that the Project's benefits and amenities satisfy the applicable criteria.

PUD BALANCING (SUBTITLE X §§ 304.3, 308.6)

16. The Commission concludes that the requested zoning flexibility from the mechanical penthouse height limit requirement of Subtitle X § 303.18 to permit a height of 18.5 feet for only the elevator overruns, as well as the requested design flexibility and project phasing, are balanced by the significant and numerous proffered benefits and amenities resulting from the Project, including, superior urban design, architecture, and landscaping, site planning and efficient land utilization, housing, affordable housing, three-bedroom units, on-site child daycare, no displacement of current residents, environmental and sustainable benefits, public space improvements, and special value to the neighborhood not required for a matter-of-right development. (FF ¶ 58-63.)

17. The Commission concludes that the benefits more than outweigh the requested flexibility and other development incentives, which are relatively modest in this case, and the potential few adverse effects of the Project that are not otherwise favorable or adequately mitigated. Indeed, the Applicant has addressed the objections from the few opponents by incorporating changes or by demonstrating how the Project already addresses or offsets such potential impacts. (FF ¶ 58-63.)
18. The Commission concludes that the Project was reviewed in a robustly public process, and that the Applicant engaged in significant and meaningful engagement with current Property residents, the surrounding community, community organizations (especially the BNCA), and the ANC. (FF ¶ 50.)
19. The Commission concludes that the Applicant has carried its burden of justifying the request set forth in the Application by providing substantial evidence, reasonably acceptable, as to each element of the Commission’s review of the Application as set forth above. The Commission concludes that the plans and drawings filed by the Applicant are expertly prepared and highly credible. (FF ¶¶ 58.) The Commission also evaluated the testimony and written evidence of the Applicant’s expert witnesses and finds them all credible. (FF ¶¶ 50(a).)
20. In addition, the Commission has made findings on “each material contested issue of fact.” In particular, the Commission notes that it is not its function to consider all the possible alternatives to development of the Property, but rather to evaluate whether the PUD satisfies the applicable standards for the Application (including whether the Project “results in unacceptable project impacts on the surrounding area”).⁴ Still, the Commission has evaluated the Project’s potential impacts and the interpretation and application of various provisions of the Comprehensive Plan and Zoning Regulations.

GREAT WEIGHT TO RECOMMENDATIONS OF OP

21. The Commission is required to give “great weight” to the recommendation of OP pursuant to Section 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. *See Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).
22. The Commission finds OP’s detailed analysis of the Application, its overall conclusion that the Application satisfied the PUD requirements and is not inconsistent with the Comprehensive Plan, and its ultimate recommendation to approve the Application persuasive and concurs with OP’s recommendation. (FF ¶¶ 65.)

GREAT WEIGHT TO THE WRITTEN REPORT OF ANC 8D

⁴ *See Spring Valley-Wesley Heights Citizens Ass’n v. District of Columbia Zoning Comm’n*, 88 A.3d 697, 715 (D.C. 2013) (“It was not the function of the Commission to consider all the possible alternatives to development of the East Campus; its only task was to evaluate whether the proposed site will become objectionable to neighboring properties”).

23. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n*, 141 A.3d at 1087. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
24. The ANC 8D Report stated that ANC 8D voted to support the Application, with some noted concerns. The Zoning Commission acknowledged and explained how the Applicant addressed these concerns above. The ANC 8D reports in the record satisfy the requirements under Subtitle Z § 406.2, so the ANC’s statements on the Application should be afforded the consideration to which they are entitled under the Zoning Regulations. The ANC filed both a letter explaining its support, with some concerns, and, subsequently, a Form 129 Report indicating its satisfaction of the regulatory requirements. Importantly, the ANC also filed a detailed explanation of its position and its public process regarding its support for this application. The Commission finds the ANC’s support for the Project persuasive and agrees that the Application merits approval. (FF ¶¶ 70; Ex. 20, 35, 41.)

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and, therefore, **APPROVES** the Application, subject to the following guidelines, conditions and standards for:

- (a) A consolidated PUD and related Zoning Map Amendment to the RA-2 Zone District;
- (b) A variance from the mechanical penthouse maximum height requirements of Subtitle X § 303.18;
- (c) A community service center use for a jobs training and assistance nonprofit organization; and
- (d) Such other design flexibility as is set forth in the Conditions hereof.

A. Project Development

1. The Project shall be built in accordance with the plans and elevations dated July 2, 2024 (Ex. 21B1-21B9.), as updated by the plans dated August 30, 2024 (Ex. 40-40A) (collectively, the “**Final Plans**”), and as modified by the guidelines, conditions, and standards herein.
2. The Property shall be developed with four multifamily residential buildings with a daycare and community service center (for a jobs partner nonprofit organization) with a total of approximately 821 residential units and approximately 276

underground parking spaces, and having a maximum height of 60 feet (excluding penthouses) and overall FAR of 2.592.

3. The Project shall be developed pursuant to the RA-2 Zone District, as permitted through a PUD, except as set forth herein or modified hereby as shown in the Final Plans, and with variance relief from the mechanical penthouse height limit of Subtitle X § 303.18.
4. The Project shall have zoning flexibility (variance relief) from the maximum mechanical penthouse height limit, as shown on pages A21-A22 of the Plans, to allow mechanical penthouses that are 18.5 feet tall for only the elevator overruns.
5. The Project shall have design flexibility as follows:
 - a. Interior Components. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings as shown on the plans approved by the Order.
 - b. Exterior Materials – Color. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;
 - c. Exterior Details – Location and Dimension. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights.
 - d. Number of Residential Units. To provide a range in the approved total number of residential dwelling units plus or minus ten percent (+/-10%), provided that (1) the total square footage of the Project’s residential dwelling units shall not be reduced, and (2) the percentage of gross floor area square footage reserved for affordable housing shall not be reduced.
 - e. Parking Layout. To make modifications to the parking configuration, including layout, and to vary the number of parking spaces plus or minus ten percent (+/-10%) so long as the number of automobile and bicycle parking spaces is at least the minimum number of spaces required by the Zoning Regulations.
 - f. Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Review Division or the Public Space Committee.
 - g. Sustainable Features. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below the minimum required for LEED Gold.

h. GAR Calculation and Satisfaction. To vary the features to satisfy the GAR requirement and to satisfy the GAR requirement across the entire Project as opposed to individual phases or Buildings, and satisfaction of the GAR requirement shall be determined upon completion of all four Buildings in the Project.

i. Unit Type Distribution. To vary unit types and sizes contained in the Project and in individual Buildings, provided that at least eight percent (8%) of all units in the Project are three-bedrooms.

j. Inclusionary Zoning (“IZ”) Units. To satisfy the IZ development standards under Subtitle C § 1005 and the IZ floor area set aside requirements across the entire Project as opposed to individual phases or Buildings, provided that at least 13% of the residential floor area per Building is devoted to IZ units.

B. Public Benefits

1. **For the life of the Project,** the Applicant shall set aside at least 17% of the residential floor area as affordable housing (Inclusionary Zoning units) reserved for households earning at or below 60% MFI.
2. **For the life of the Project,** the affordable housing for the Project shall be administered by the DC Department of Housing and Community Development through the IZ program. The affordable housing shall comply with all development standards, tenancy regulations and implementation requirements for IZ units as set forth in DCMR Chapter 10 of Title 11-C and Chapter 22 of Title 14.
3. **For the life of the Project,** the Inclusionary Zoning units in the Project shall be in accordance with the following chart, subject to the flexibility noted herein: [*see chart below*]

Residential Unit Type	Residential GFA/% of Total	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	664,792 SF (includes cellar)		Life of Project	Rental	NA
Market Rate	551,777 SF	Market	Life of Project	Rental	This includes the units for returning residents that will be rented at current rents (below market) for as long as

					those returning residents live in them.
IZ	113,015 SF / 17%	60% MFI	Life of Project	Rental	NA

The Inclusionary Zoning Covenant required by D.C. Official Code § 6-1041.05(a)(2) (2012 Repl.) shall include a provision or provisions requiring compliance with all the terms of this Condition.

4. **For the life of the Project**, the Applicant shall devote at least 8% of the total units in the Project as three-bedroom units.
5. **For the life of the Project**, the Applicant shall reserve at least 5,500 square feet in Buildings 2 & 3 for a child daycare.
6. **For the life of the Project**, the Applicant shall reserve at least 1000 square feet in the Project for a jobs training and jobs assistance nonprofit organization, at no cost to the organization.
7. **For as long as they live in the Project**, returning residents aged 65 and older (as of the date the Applicant files the first raise permit application) will receive a utilities subsidy, up to \$100 per month.
8. **For as long as they live in the Project**, returning residents will be offered parking at a rate 50% less than otherwise available to other Project residents.
9. **Prior to the issuance of a final certificate of occupancy for the Project**, the Applicant shall install a wayfinding sign for Fort Greble Park at the corner of MLK Jr. Ave. SW and Elmira Street SW and an entrance sign at the west end of Elmira Street at the entrance to Fort Greble Park. The final designs and locations of the signs are subject to final review and approval by DDOT public space permitting authorities and the Department of Parks and Recreation, as applicable.
10. **Prior to the issuance of a final certificate of occupancy for the Project**, in accordance with the requirements in Subtitle X § 305.5(k)(5), the Applicant shall provide the Zoning Administrator with evidence that the Project will meet the minimum standards necessary for LEED Gold certification, but the Project does not need to achieve actual LEED certification.
11. **Prior to the issuance of a final certificate of occupancy for the Project**, the Project shall include at least 8,000 square feet of rooftop solar panels.

C. **Transportation Management**

1. **Prior to issuance of the final Certificate of Occupancy for the Project and for the life of the Project**, the Applicant shall adhere to the following Transportation Demand Management plan measures:

- a. Provide welcome packets to all new residents that, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
- b. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident for initial sale.
- c. Provide at least 42 short- and 275 long-term bicycle parking spaces in accordance with the minimums required by the Zoning Regulations.
- d. The Applicant shall provide evidence to the Zoning Administrator demonstrating completion of the following public space improvements subject to DDOT public space permitting, review, and approval where necessary subject to public space permitting and draining and design limitations:
 - i. Install the missing crosswalk and curb ramps on the northern leg of the Martin Luther King Jr. Avenue and Darrington Street SW inter section;
 - ii. Install a raised mid-block crossing on Elmira Street SW between Buildings 1 and 2 and incorporate high-contrast materials in the mid-block crossing of the curbless private driveway between Buildings 3 and 4;
 - iii. Implement the TDM Plan as proposed in the June 10, 2024 CTR (Exhibits 19A1, 19A2) and revised as of July 19, 2024, for the life of the project, unless otherwise noted with the revisions requested in the Transportation Demand Management section of this report; and
 - iv. Provide the truck turning diagrams referenced in the CTR to demonstrate that trucks can enter and exit the public roadway network with head-in and head out movements, consistent with DDOT standards.

D. **Miscellaneous**

1. No building permit shall be issued for the Project until the Applicant has recorded a covenant binding the Property in the land records of the District of Columbia by the Applicant for the benefit of the District of Columbia that is satisfactory to the Office of Zoning Legal Division and to the Zoning Administrator (the "PUD

Covenant”). The PUD Covenant shall bind the Applicant and all successors in the title to construct and use the Property in accordance with this Order, as may be amended by the Commission. The Applicant shall file a certified copy of the PUD covenant with the Office of Zoning.

2. The PUD shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit for Building 1. Construction on Building 1 must begin within three years of the effective date of this Order. Then, within two years after the completion of Building 1, defined as the date of issuance of a final certificate of occupancy, an application shall be filed for a building permit for Buildings 2 and 3. Construction on Buildings 2 and 3 must begin within three years after the completion of Building 1. Finally, within two years after the completion of Buildings 2 and 3, defined as the date of issuance of a final certificate of occupancy, an application shall be filed for a building permit for Building 4. Construction on Building 4 must begin within three years after the completion of Buildings 2 and 3.
3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-1401.01 et al (Act), the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, familial responsibilities, matriculation, political affiliation, genetic information, disability, source of income or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

Vote (, 2024):

In accordance with the provisions of Subtitle Z § 604.9, this Order shall be final and effective upon publication in the *D.C. Register*; that is, on _____.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION

SARA BARDIN
DIRECTOR
OFFICE OF ZONING