

PARKSIDE

BLOCK F: PARCEL 9A

APPLICATION FOR REVIEW AND APPROVAL OF A MODIFICATION OF SIGNIFICANCE TO A SECOND-STAGE PLANNED UNIT DEVELOPMENT



October 14, 2022

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DEVELOPMENT TEAM

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I. INTRODUCTION AND BACKGROUND

A. OVERVIEW

This statement and the documents attached as exhibits hereto support the application (“**Application**”) of Parkside Residential LLC (“**Applicant**”) to the District of Columbia Zoning Commission for a Modification of Significance of an approved Second-Stage Planned Unit Development (“**PUD**”). This Application seeks to convert a previously-approved office building to a multifamily residential building with ground floor commercial uses and below-grade parking.

The property that is the subject of this Application is Parcel 9A of the Parkside PUD, which is a part of Block F, as it was referred to in Z.C. Order No. 05-28, and a part of Parcel 9, as it was referred to in Z.C. Order No. 05-28Q (Square 5056, Lots 865, 866 and 867) (“**Property**”). See Exhibit B at Sheet A1.01. More specifically, Block F is comprised of a single record lot that is made up of Parcels 8, 9 and 10, with Parcel 9 being located at the center of the block. See Exhibit B at Sheet P1.04.

Blocks 8 and 10 bookend Parcel 9 and were approved in Z.C. Case Nos. 05-28R/S and 05-28Y for twenty-five single-family townhomes and multifamily residential uses above ground floor commercial uses. The twenty-five previously-approved townhomes are all built, sold, and occupied. The Parcel 8 and 10 mixed use multifamily residential and commercial buildings are currently under construction with completion expected in 2023. Parcel 9 is further broken down into Parcel 9A and Parcel 9B, with a publicly accessible pedestrian promenade (“**Promenade**”) separating the two. Parcel 9B, a multifamily building with ground floor commercial uses, was the subject of a recent modification of consequence in Z.C. Case No. 05-28Z, and is currently pending receipt of a building permit. Parcel 9A is the subject of this application.

Parcel 9A was approved for residential use in the First-Stage PUD approved in 2007 but was subsequently approved for office use in a modification and Second-Stage PUD in 2017. The Applicant seeks to revert to residential use on Parcel 9A and files this Application for a modification of the Second-Stage approved use and design of the mixed-use multifamily residential above ground floor commercial building proposed for Parcel 9A (the “**Project**”).

In the First-Stage PUD, Parcels 9A and 9B were each approved as 75,600 square foot multifamily buildings that flanked a publicly accessible promenade that provided a through connection from the pedestrian bridge that connects the PUD to the Minnesota Avenue Metrorail Station to the one-acre park that was built as an amenity of the PUD in 2014. Each of the buildings approved for Parcel 9 under the First-Stage PUD had a maximum height of 90 feet along Kenilworth Terrace that stepped down to 72 feet along Parkside Place. The Applicant modified the First-Stage approval in 2017, and the Zoning Commission approved Parcel 9A for office use with ground floor commercial uses, while Parcel 9B remained a multifamily building, albeit with modest changes to the massing of the building. The gross floor area of the building on Parcel 9A increased to 123,494 square feet and maintained its height of 90 feet along Kenilworth Terrace but increased its height along Parkside Place to 77 feet, 8 inches. The Applicant is now proposing that the Project revert back to residential use on Parcel 9A, with a gross floor area of 122,085 square feet and a maximum height of approximately 83 feet along Kenilworth Terrace.

The Project retains the publicly accessible pedestrian Promenade approved in the First-Stage PUD and refined in the Second-Stage PUD and retains the below-grade parking garage.

Copies of the orders approving the First-Stage PUD (Z.C. Order No. 05-28), Second-Stage PUD (Z.C. Order No. 05-28Q), and modification of the Second-Stage PUD (Z.C. Order No. 05-28Z) are attached as Exhibit C-1. A summary of the Parkside zoning history is at Exhibit C-2.

B. HISTORY AND VISION OF THE PARKSIDE PUD

Parcel 9A is part of a greater PUD known as the “Parkside PUD” that is located in Ward 7. Prior to the approval of the Parkside PUD, the original Parkside neighborhood was laid out over 26 acres adjacent to National Park Service land east of the Anacostia River. After acquiring the site and creating a master development plan in the late 1980s, the Trust for Public Land, the then-owner, created a subdivision of twelve parcels of various sizes and configurations. Phase I was developed successfully in the early 1990s as 100 townhomes, which are now known as the Parkside Townhomes. Subsequently, an additional parcel was developed for the Cesar Chavez Charter School, a District of Columbia Charter School. The portion of the Parkside neighborhood remaining undeveloped after Phase I is 15.5 acres and developable subject to the First-Stage PUD approved in 2007 in Z.C. Order No. 05-28.

The Applicant and its affiliate Lano Parcel 12, both also affiliates of District developer CityInterests Development Partners (“**City Interests**”), purchased Parkside at the end of 2004 along with their partner, Bank of America Community Development Corporation. The First-Stage PUD concept and site plans for the entirety of the 15.5 acres were developed through a participatory planning process that solicited input from the community and ultimately was approved by the Zoning Commission in 2007. This participatory process continues today, as City Interests meets with ANC 7D on a monthly basis to ensure the community remains up-to-date on current plans and construction timetables within the Parkside PUD.

The Parkside First-Stage PUD approved a plan identifying ten “building blocks”. Accounting for modifications to the First-Stage PUD, Parkside is authorized for approximately three million square feet of gross floor area: 43,000 square feet for health care uses, 260,000 square feet for educational uses, 750,000 square feet for office uses, 50,000 square feet of retail uses, and

approximately 1,500-2,000 residential units. The healthcare clinic has been constructed and is operational. Approximately 38,000 square feet of retail uses and 615,000 square feet of office use have been approved through multiple Second Stage PUDs. Approximately 940 residential units have been constructed, are under construction, or pending permit. There are no Second-Stage approvals in place to fulfill the educational use. A central community park (“**Community Green**”) has also already been constructed on Block D. See Sheet P0.02 in Exhibit B.

The ultimate purpose of the Parkside community, including the Parkside PUD, and the vision of its creators is to support the transformative redevelopment of the Parkside neighborhood east of the Anacostia River. When completed, the Parkside PUD will be a mature mixed-use, mixed-income, transit-oriented urban community and will complement a mix of educational and social services present in the greater Parkside neighborhood that will allow the community to transform into a complete and sustainable place with the following amenities:

1. An education Conveyor Belt (*a la* the Harlem Children’s Zone), providing educational opportunities in the greater Parkside community from early childhood to young adulthood with the Educare Child Development Center, Neval Thomas Elementary School, Cesar Chavez Charter School, and an institution of higher learning and job training;
2. The federally anointed Promise Neighborhood, which received a \$25 million grant from the US Department of Education in December 2012, to serve Kenilworth-Parkside children and their parents through a buffet of programs designed to produce well-educated, skilled productive members of the Kenilworth-Parkside community;
3. Public green space in the Parkside Community Green connecting the Anacostia Riverwalk Trail to Fort Mahon Park and Downtown Ward 7;
4. A primary care health clinic providing much-needed medical services in Ward 7;
5. Affordable and work-force housing for over 500 families (including mixed-income rental and for sale units);
6. Up to 750,000 square feet of federal, District, and/or private office and up to 50,000 square feet of neighborhood retail uses to serve Parkside residents, tenants, employees, and patients; and

7. Jobs generated by Parkside offices, schools, and health facilities that will have a multiplier effect in the area and job training facilities that will equip more residents to find well-paying permanent employment.

Parkside's mix of planned real estate development and the establishment of robust and supporting social and educational services is unique in the District and contributes to the character and identity of the neighborhood. The Parkside PUD will further help revitalize Ward 7 and reinforce Ward 7 as a desirable place to live, work, and shop. Parkside will become a complete community integrated into the larger neighborhood centered at the Minnesota Avenue Metrorail Station. With its contribution of commercial and residential uses and connection to the existing park, the Project advances the vision for Parkside.

Parkside was adopted by America's Promise Alliance, a coalition of over 400 national organizations working collaboratively to bring comprehensive education and social services to underserved communities based upon the Harlem Children's Zone model. The Parkside community was also accepted into the federal Promise Neighborhood Program with a \$25 million grant from the US Department of Education in December 2012, which was the centerpiece of President Barack Obama's urban initiatives. The Promise Neighborhoods Program sought to engage all resident children and their parents into an achievement program based on tangible goals, including matriculation to college for each and every participating student, positive physical and mental health outcomes for children, and parenting classes. The program also provided employment training and counseling to provide meaningful employment opportunities for the parents.

The DC Promise Neighborhood Initiative formed a non-profit organization with a working group representing stakeholders, including Cesar Chavez Charter School, America's Promise Alliance, DC Appleseed, Georgetown University, Children's National Medical Center, Local Initiatives Support Coalition, and the Applicant's parent company, City Interests LLC. The District government endorsed the Kenilworth-Parkside application for the federal Promise Neighborhood Program.

C. THE APPLICANT

The owner of the Property and Applicant is an affiliate of City Interests, a Washington, DC developer specializing in urban redevelopment and the lead developer of the Parkside PUD. It focuses its development interests in neighborhoods east of the Anacostia River, as well as in other emerging markets. City Interests focuses on mixed-use, transit-oriented urban infill projects with innovative value creation strategies and an emphasis on public-private partnerships.

II. PROPERTY AND NEIGHBORHOOD DESCRIPTION

A. PROPERTY LOCATION AND CURRENT USE

Parkside is located in Ward 7, northwest of the intersection of Minnesota Avenue and Benning Road. Parkside is surrounded by the Anacostia River and Kenilworth Park to the northwest, the existing Mayfair Mansions residential apartment complex to the northeast, the Anacostia Freeway and the Orange Line tracks to the southeast, and the former Pepco plant to the southwest. Parcel 9 is located near the center of Parkside, is immediately adjacent to the Community Green and is surrounded entirely by other parcels in the PUD. Parcel 9A is bounded by Kenilworth Terrace, NE to the southeast, Parcel 8 to the southwest, Parkside Place, NE to the northwest, and Parcel 9B to the northeast. Parcel 9A is also approximately 37,988 square feet, is currently unimproved, and was rezoned from the R-5-A zone district to the C-3-A zone district pursuant to the First-Stage PUD.

B. SURROUNDING USES

Parcel 9A immediately abuts Parcel 8 and Parcel 9B. To the southwest of Parcel 9A is Parcel 8, which is currently improved with twelve townhomes along Parkside Place and a multifamily building is under construction along Kenilworth Terrace with completion expected in 2023. A private alley separates Parcels 8 and 9A. To the northeast of Parcel 9A is Parcel 9B. A building permit application has been filed for Parcel 9B for a mixed-use multifamily residential

building with non-residential ground floor uses and below grade parking. To the southeast of the Property, across Kenilworth Terrace, is Parcel 12, which is part of the Parkside PUD and is currently vacant; however, an application is pending with the Zoning Commission to allow interim, community activating uses onsite in Z.C. Case No. 05-28AB. The property to the northwest contains the Community Green, the one-acre public park that was provided as a benefit of the PUD. Each of these parcels is part of the Parkside PUD.

The Parkside PUD is adjacent to Kenilworth Avenue, and the Minnesota Avenue Orange Line Metrorail Station sits across the Anacostia Freeway from the neighborhood. Other nearby land uses include educational uses such as Educare, Neval Thomas Elementary School and the Cesar Chavez Public Charter School as well as the Parkside Townhomes, which were constructed in the 1990s prior to the First-Stage PUD.

Immediately west of Parkside is Pepco's 77-acre Benning Service Center. The Benning Service Center is the site of the former Benning Power Plant, which was closed in 2012 and demolished in 2015.¹ With the closure of the Plant, there are likely to be significant economic development opportunities on this site near the Property in the future.

C. TRANSIT AND VEHICULAR ACCESS

Parkside enjoys convenient access to Downtown and the Baltimore/Washington corridor via Highway 295. This six-lane highway provides immediate access to Route 50 and points east, to the Baltimore-Washington Parkway to Howard County and Baltimore, and to the Capital Beltway. The Minnesota Avenue Metrorail Station (Orange Line) is located immediately across Highway 295 from the Property, within walking distance over an existing pedestrian bridge that connects to the Metrorail Station. The Minnesota Avenue Station is seven stops (10–15 minutes) on the Orange Line

¹ See *Benning Service Center*, PEPCO, <http://benning-service-center.com/benning-service-center/> (last visited October 3, 2022).

from the Metro Center Station. In the opposite direction, the Orange Line runs to New Carrollton, a major employment center for Prince George's County, Maryland, which contains a major federal facility for the Internal Revenue Service, among other employers. Two Metrobus lines, the U5 and U6, serve Parkside directly, and numerous other lines serve the nearby Minnesota Avenue.

D. NEARBY RECREATION AND AMENITIES

Parkside is extremely well-served by outdoor space, with thousands of acres of nearby protected parkland, including Kenilworth Aquatic Gardens, Anacostia Park, the Anacostia River and the National Arboretum and Kingman Island, forming a large, continuous, green space and recreational complex. The Anacostia Riverwalk Trail is under active expansion for pedestrian and cyclist use. As noted above, the Parkside Community Green is immediately adjacent to the Property and located within the Parkside PUD.

Commercial uses predominate along Minnesota Avenue to the northeast and southeast of the Property, and the heart of the Benning neighborhood to the southeast includes a series of retail shops. However, a key component of the Parkside PUD is the introduction of new retail and other commercial space along Kenilworth Terrace. Approximately 38,000 square feet of commercial uses have been approved through a Second Stage application in the Parkside PUD, and the first ground floor commercial spaces are under construction as part of the mixed-use buildings on Parcels 8 and 10, which will deliver in 2023.

III. PROJECT DESCRIPTION

A. OVERVIEW

The Applicant seeks to modify the PUD approvals for the Property to allow multifamily residential use on Parcel 9A. The Project includes approximately 119,225 square feet of multifamily residential use, 9,614 square feet of commercial space, and 52 below-grade parking spaces. The Project has a maximum height of 81 feet, five inches along Kenilworth Terrace and

steps down to 70 feet, two inches along Parkside Place. This step down is consistent with the step down approved for Parcel 9B and relates with the townhomes on Parcel 8, which are approximately 43 feet tall, as well as those diagonally across Parkside Place. Twenty percent (20%) of the Project’s residential units will be reserved as workforce housing for households with an annual income between 80-120% MFI. This is consistent with the benefits and amenities package approved in the First-Stage PUD, which requires that over the entirety of the Parkside PUD, 20% of the residential units be reserved as affordable, 20% be reserved as workforce and the remainder be available at market rates. (As described in the summary of the Parkside PUD public benefits at Exhibit C-3, all of the affordable units at Parkside, 284 total, have already been delivered.)

Parcel 9A also includes the 14,860 square foot, landscaped, publicly accessible pedestrian Promenade between Parcels 9A and 9B. The Promenade connects those parcels southeast of Kenilworth Terrace and the Parkside Community Green to the northwest. Attached as Exhibit B are plans depicting the proposed Project and adjacent landscape. A zoning tabulation chart comparing the First-Stage approval with the proposed Second-Stage application is provided below:

	Approved for Parcels 9A and 9B per First-Stage PUD (Z.C. Case No. 05-28Q)	Proposed for Parcel 9A only in this Application	Proposed for Parcels 9A and 9B combined
Land Area	54,423 sf	37,988 sf	54,423 sf
Lot Occupancy	55.4%	48%	56.4%
Gross Floor Area	207,759 sf	119,225 sf	206,265 sf
FAR	3.81	3.14 (.25 non-residential)	3.79 (.26 non-residential)
Height	90’ with step down to 77’-8”	81’-5” with step down to 70’-2”	85’ with step down to 74’-10”
Parking	151 spaces	52 spaces	93 spaces
Zone District	C-3-A	C-3-A	C-3-A

The Project includes approximately 127 residential units. The unit mix includes studios, one-bedroom units, and two-bedroom units. Approximately 25 units (i.e., 20% of the units) are to be set aside as workforce housing for households with an annual income between 80-120% MFI.

Site Plan. The Project complements the residential building on Parcel 9B that is currently pending receipt of a building permit and the in progress Parcels 8 and 10. See Exhibit B at Sheet A1.01. The two buildings on Parcels 9A and 9B are designed to flank the Promenade which provides a through connection to the one-acre Community Green from the pedestrian bridge providing access to the Minnesota Avenue Metrorail Station. An interim design for a portion of the Promenade was approved with Parcel 9B earlier in 2022 per Z.C. Order No. 05-28Z, and this Application proposes the final landscape plans for the entirety of the Promenade. The Project's proposed height of 81 feet, 5 inches along Kenilworth Terrace frames the Promenade, draws attention to the Community Green, and reinforces the grid otherwise established in the Parkside community. The Project has a rectilinear configuration with a step down in height along Parkside Place that complements the existing townhomes. See Exhibit B at Sheet A5.06.

Height and Mass. The Project's height and mass are consistent with the prior PUD approvals and appropriate relative to the existing context and the planned development of the Parkside PUD. See Exhibit B at Sheet A0.01. The building is stepped back at the upper levels on the Community Green side of the Project, in a gesture to the lower-scale residential character of that portion of the neighborhood. See Exhibit B at Sheet A5.06. Contrastingly, the building rises to its full posture on Kenilworth Terrace, with the intent that the Project will contribute a strong presence on that street in anticipation of future commercial phases on Parcel 12. See Exhibit B at Sheet P0.02. The Project is similar in height to the residential building on Parcel 9B, which creates a symmetry on either side of the Promenade. When complete, Parcels 9A and 9B together, will

have a total FAR of 3.79 and a total gross floor area of 206,265 square feet, which is comparable to what was approved in Z.C. Order No. 05-28Q as modified by Z.C. Order No. 05-28Z.

Other Development Standards. The Project is otherwise consistent with the Zoning Regulations and First-Stage PUD with respect to other development standards, except as noted below. The Project occupies approximately 56.4 percent of the overall lot area, which is slightly greater than what was contemplated (55.4 percent) in the First-Stage PUD for the combination of Parcels 9A and 9B. Neither front nor rear yards are required for the Project because the Property is a through lot, and none are provided here. A 25-foot side yard separates the Project from Parcel 8 and the 80-foot-wide Promenade separates the Project from the residential building on Parcel 9B. The Project also complies with all court and GAR requirements.

Building Layout. The rectilinear form of the building creates significant efficiencies for the Project overall. The Project has its main residential lobby entrance from the Promenade, a design that encourages pedestrians to engage with the common space between the two buildings. Commercial uses front on Kenilworth Terrace, emphasizing the overall commercial nature of that street, while residential amenity space fronts on Parkside Place, in a nod to the more residential nature of Parkside Place. See Exhibit B at Sheet A1.01. Bike storage is provided in the first level of the below-grade garage.

The Project contains a mix of studio, 1-bedroom, and 2-bedroom units and has ample dedicated amenity space for resident events, including an outdoor terrace at the third and seventh floors. While the penthouse level does not include outdoor amenity space, the penthouse incorporates solar panels in an effort to maximize the sustainable features of the building. See Exhibit B at Sheet A1.06.

Façade, Details, and Materials. The design of the building creates a connection between function, massing, and building expression through the thoughtful application of materials, detailing, and scale. The design and chosen materials complement the surrounding context while anticipating the overall development of the neighborhood as it transitions from a smaller scale, less dense residential community into an active, safe, mixed-use and urban-focused environment the closer one gets to Kenilworth Avenue. See Exhibit B at Sheet A3.01-A3.05.

The building incorporates warm, grey-toned materials, with brick framing the lower levels of the structure and aluminum siding and vertical-oriented corrugated metal presenting on the upper levels of the building. A green screen is proposed for the east elevation, facing the Promenade. Detail regarding the proposed plantings and maintenance of the screen will be included in a subsequent filing.

Landscape. The Project features vegetation both at grade and on the upper level terraces of the building. See Exhibit B at Sheet L1.02. The central landscape feature at grade, and indeed the organizing principle of the site plan, is the pedestrian Promenade through the center of Parcel 9. The iteration of the Promenade approved previously accommodated both vehicles and pedestrians; however, the Applicant is now proposing to limit its use to only pedestrians. The Promenade creates the vital pedestrian linkage between the Community Green and the proposed pedestrian walkway over Kenilworth Avenue. The Promenade features a mix of hardscape and landscaped features to create visual interest while still facilitating pedestrian traffic through the site. It features street trees and other ground level vegetation, which serve dual purposes of beautification and stormwater control. Street trees and vegetation also line Parkside Place and Kenilworth Terrace adjacent to the Project. Vegetation is to be provided on the terraces and rooftop level as a green amenity for building occupants and for the environmental benefits.

Parking and Loading. The Project includes a unified below-grade garage expected to contain approximately 93 parking spaces, which is reduced from the 151 parking spaces approved in Z.C. Order No. 05-28Q. See Exhibit B at Sheet A1.03. The garage includes a two-way entry and exit on each Parcels 8 and 10, an entry on Parcel 9A and an exit on Parcel 9B. The garage below Parcels 9A and 9B is fully integrated and knockout panels are provided to allow for connection to the garages provided below Parcels 8 and 10, as desired.

Loading occurs via a private service alley between Parcel 9A and Parcel 8. Trucks will enter the private alley from Parkside Place and exit onto Kenilworth Terrace. The loading area is located under roof and within the Project. No back-in or back-out maneuvers are anticipated to take place on public space.

Sustainability. The Project meets GAR requirements, in part through incorporating a green roof and solar panels. The Project is also designed to comply with LEED Gold v4 and to incorporate solar panels.

B. CONSISTENCY WITH PRIOR PUD APPROVALS

The Project is consistent with the parameters of the First-Stage PUD and Second-Stage PUD except as modified here or modified previously by Z.C. Order No. 05-28Z. See Exhibit B at Sheet P1.04. Although the Applicant proposes to modify the building approved in Z.C. Order No. 05-28Q, it does not propose further modifications to the First-Stage PUD conditions of approval. The Applicant will propose modifications to the approved Conditions of Z.C Order 05-28Q in a subsequent filing.

The Zoning Commission has the authority to grant flexibility to development standards, allow modifications to previous orders, and approve relief that would otherwise require relief from

the Board of Zoning Adjustment. The Applicant is proposing the following modifications to the approval granted in Z.C. Order No. 05-28Q:

1. *Use:* The Zoning Commission previously approved an office building for the Property (after originally approving residential use). The Applicant now proposes to revert to the originally approved multi-family residential use.
2. *Parking:* A total of 151 parking spaces were approved for Parcels 9A and 9B in Z.C. Order No. 05-28Q. Parcel 9A now proposes only 52 parking spaces, which when combined with the approved amount for Parcel 9B brings the total number of spaces in the combined garage below Parcel 9 to 93 spaces. This is a reduction of 59 parking spaces relative to the Second-Stage PUD approval. Nevertheless, the number of parking spaces provided exceeds the requirement of the (2016) Zoning Regulations.
3. *Commercial Gross Floor Area:* The Zoning Commission previously approved nearly 11,000 square feet of commercial uses for Parcel 9A. However, only approximately 9,614 square feet of commercial uses are provided in the proposed residential building, reflecting a decrease of approximately 1,385 square feet.

These modest modifications are consistent with the overall vision of the Parkside PUD and the massing approved previously. The Project's residential use fits in seamlessly with the multifamily buildings being constructed on Parcels 8 and 10 and the multifamily building on Parcel 9B pending receipt of a building permit. The Project's proposed level of parking continues to meet the needs of future residents, as will be demonstrated in the Comprehensive Traffic Review that will be submitted prior to the public hearing. Finally, the modest reduction in the level of commercial uses is a result of providing residential amenity space along Parkside Place. However, Kenilworth Terrace, which is the focal point of commercial uses in the Parkside PUD, remains lined with commercial uses.

C. DEVELOPMENT INCENTIVES AND ZONING AND OTHER FLEXIBILITY REQUESTED

In addition to the modifications noted above, the Applicant seeks flexibility with the design of the Project as follows and consistent with previous Parkside Second-Stage PUDs and other applications recently approved by the Zoning Commission. No new zoning flexibility is sought.

- a. Parking Number and Layout. To modify the total number of parking spaces by $\pm 10\%$ and to modify the garage layout to increase efficiency and/or to accommodate its expansion to connect with adjacent properties.
- b. Streetscape Design. To vary the location, attributes, and general design of the public streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division.
- c. Interior Components. To vary the interior partitions and configurations upon final construction drawings so long as the exterior configuration or appearance of the building is not changed. Residential unit number, types and sizes may vary within the range proposed.
- d. Exterior Materials. To vary the final selection of the exterior materials within the color ranges and material types (maintaining the same general level of quality) proposed based on availability at the time of construction provided such colors and materials are within the color ranges and material types shown on the plans approved by the order.
- e. Exterior Details. To make minor refinements to exterior details, dimensions, and locations or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building or its systems.
- f. Signage. To vary the final design of the signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions.
- i. Retail Spaces. Retail storefronts, signage, and associated features and fixtures in public space are subject to change upon individual retailer modifications subject to any required approval by the Public Space Committee and in full compliance with applicable signage restrictions under the D. C. Building Code and consistent with the indicated sign dimensions.
- j. Residential Units. To modify the number of residential units by $\pm 10\%$.
- k. Sustainability. To vary the features, means and methods of achieving the required GAR, including modification to location/orientation and type of green roof, paver areas and solar panels as necessary to meet stormwater requirements and sustainability goals.
- l. Landscape. To modify species in the plant palette during subsequent design phases and availability upon final completion.
- m. Courtyards and Rooftop. To vary the configuration and layout of the exterior courtyards and rooftop, so long as the courtyards and rooftop continue to function in the manner proposed and the overall design intent, general locations for landscaping and hardscaping, and quality of materials are maintained.

D. PROJECT GOALS AND OBJECTIVES OF USING THE PUD PROCESS

The PUD process provides ANC 7D, the surrounding community at large, and various District agencies and stakeholders the tools to ensure that the Project is well-designed and best meets the needs of the community and the District in a manner superior to a matter-of-right development. The PUD process continues to allow the public to provide input on whether the proposed design is consistent with the First-Stage PUD and complementary to the existing neighborhood and the community’s vision for Parkside. The Project provides high-quality housing and an improved public realm, all in close proximity to transit and activated with ground level commercial uses. The PUD process provides the participatory public framework for realizing the potential of this parcel and for providing benefits and amenities that enhance the surrounding community.

E. COMMUNITY OUTREACH

The Applicant meets with ANC 7D monthly to provide updates on the development and construction of the Parkside PUD and to hear any concerns or questions from the community. It presented this application to the ANC at its September public meeting and will continue to engage the ANC as the application progresses through the zoning process. The Applicant has also met with the Office of Planning (“OP”) to solicit its feedback on the Application. The Applicant will continue to meet with the community and District agencies.

F. DEVELOPMENT TIMETABLE

The Applicant anticipates commencing construction on the Project in Q4 2023 and expects construction will take approximately 20 months with substantial completion for delivery by Q3 2025.

IV. THE PROJECT HAS NO UNACCEPTABLE IMPACTS ON THE SURROUNDING AREA OR THE OPERATION OF DISTRICT SERVICES AND FACILITIES

The Project does not result in unacceptable impacts on the surrounding area or on District services or facilities. Any impacts of the Project are either favorable, capable of being mitigated, or, as described more fully below in Section VII.C, acceptable given the quality of the Project Public Benefits.

A. ZONING AND LAND USE IMPACTS

From a land use perspective, the Project creates no unacceptable impacts on surrounding neighborhoods. Any impacts from the Project's proposed residential land use are either favorable, capable of being mitigated, or acceptable given the quality of the significant public benefits included as part of the Project. The Project's mix of commercial and multi-family residential uses is entirely appropriate given the proximity to transit and highway access, the ongoing development efforts in the neighborhood, and the extensive planning and community support for the First-Stage PUD. The Project's height and mass are an appropriate transition from the approved greater densities closer to the Anacostia Freeway and the Metrorail station to the less intense residential uses to the northwest.

The continued contribution of new, high-quality multi-family housing units to Ward 7 will have additional positive impacts on the surrounding areas and will support the proposed commercial as well as provide a foundation to support future commercial uses on Parcel 12. To the extent there are any ancillary unfavorable impacts arising out of the Project, such impacts are either mitigated by the Project's design or offset by the quality of the public benefits associated with this Project and the Parkside PUD as a whole.

Finally, the thoughtful design of the Promenade will have positive environment and community impacts. It will encourage pedestrian traffic through the site and the use of PUD's other amenities, namely the Community Green and the pedestrian bridge.

B. HOUSING IMPACTS

The Project's addition of new housing is a favorable impact. The Project continues the trend of creating new high-quality, transit-accessible housing units, available to families of varying income levels. Such units are in high demand across the District and the need for such units is particularly dire in Ward 7. The addition of new housing will have favorable impacts on surrounding areas by adding residents who will support the proposed retail uses. The Project's inclusion of workforce- and market-rate units has favorable impacts because it will help establish Parkside as a mixed-income community and not one that overly concentrates affordable housing.

C. ECONOMIC IMPACTS

The Project has no unacceptable economic impacts, and its economic impacts are generally favorable. The Project generates multiple sources of direct revenue for the District, including property tax revenue, sales tax revenue from its commercial establishments, and income tax from its new residents. In addition, the Project generates secondary benefits, such as sales tax revenue associated with its new residents. The Project also has positive economic impacts on nearby neighborhood-serving businesses because the Project adds many new residents who will patronize such businesses.

The Project is unlikely to have any adverse impacts on nearby property values. The Project infills a vacant lot with residential and supporting commercial uses, consistent with the Comprehensive Plan. The Project will attract retailers, and the jobs that come with them; and patrons, and the tax revenue that is associated with their purchases. The Project provides job

opportunities at a site that is accessible by transit, further stabilizing and positively affecting the Ward 7 economy and the District's economy.

D. OPEN SPACE, URBAN DESIGN, AND MASSING IMPACTS

The Project favorably improves upon the existing conditions with respect to the relationship between the proposed building, proposed and existing open spaces, and the urban design of the Project. The existing conditions include a vacant block that does little to contribute to the adjacent Community Green. The Project will have favorable impacts on the Community Green by providing ground level uses and new residents to activate the public realm. In addition, the Project creates a strong, obvious connection between the Metrorail station and Parkside's Community Green. Finally, the Project has favorable impacts on the surrounding area as serving as a keystone link between the multi-family buildings on Parcels 8, 9B and 10 and establishing the context for the future, higher-density phases along Kenilworth Avenue.

E. TRANSPORTATION AND MOBILITY IMPACTS

The proposed Project will not have an adverse impact on the public transportation facilities or roadways that it will rely on for service. The Project's vehicular traffic impacts are capably mitigated by its transit options, and the Project achieves the right balance of mobility. The Property is well-served by transit and vehicular infrastructure, and the Project's relatively small scale will not introduce adverse impacts on either system. The Minnesota Avenue Metrorail station is less than a quarter-mile walk from the Property, and that station is relatively underutilized relative to other stations in the WMATA system.² Numerous Metrobus lines also service the Property, including a Priority Corridor Network route, and it is expected that many of the Project's residents

² The Minnesota Avenue station is among the bottom of stations in the WMATA system in terms of average daily ridership with approximately 2,140 riders per day for the period between 2010 and 2022. The average daily ridership of the station ranks 79th out of 91 stations in operation.

will use public transit. The Property has a BikeScore of 73 (which indicates it is “Very Bikeable”) and a WalkScore of 59, which indicates some errands can be accomplished on foot.³ The Project’s favorable transit access help mitigate any expected traffic concerns.

The Project will also contain approximately 93 below-grade parking spaces to accommodate the parking demand of residents and visitors. Bicycle usage will also be coherently integrated into the design of the Project, with long-term spaces in a dedicated storage room and the required short-term spaces provided elsewhere in public space. The Project’s physical form—loading and garage access from alleys, new construction facing the street, a tree-lined streetscape—mitigates traffic impacts by promoting and encouraging active mobility over driving. At the same time, the Project makes reasonable accommodations for those who choose to or must drive without interfering with the parking supply of neighboring residents. The Project provides sufficient new off-street parking to serve new residents, but not so much parking as to induce unnecessary driving.

The alley improvements anticipated will allow the Project to prioritize pedestrian access along each of the main streets surrounding Parcel 9 and to create a permeable connection between the Project and the Community Green.

The Applicant has engaged Gorove/Slade as transportation analyst for the Project. Gorove/Slade prepared a detailed transportation impact study as part of the First-Stage application and proposed transportation mitigation measures incorporated into the First-Stage PUD. Many of these measures have been or will be implemented in other phases of Parkside’s development pursuant to the First-Stage PUD, but Gorove/Slade will prepare a detailed Comprehensive Transportation Review for the transportation impacts of the Project as contemplated in the First-Stage Order. To the extent the Project creates transportation or mobility impacts on the

³ The WalkScore and TransitScore are based on an algorithm using geographic datapoints to rank a neighborhood’s non-vehicular mobility. *See* WALK SCORE, <http://www.walkscore.com> (last visited October 3, 2022).

neighborhood or District more generally, they are either capable of being mitigated or acceptable given the quality of the public benefits provided by the Project.

F. ENVIRONMENTAL AND DISTRICT UTILITY IMPACTS

The Project has no unacceptable impacts on the environment or District utilities that are not capable of being mitigated. The Project is designed to meet stormwater management and GAR requirements. Its delivery of high-quality, environmental design and functional outdoor spaces is an improvement and is superior to what could otherwise be achieved as a matter-of-right project.

G. PUBLIC FACILITIES: PUBLIC SCHOOLS, LIBRARIES, AND PARKS

The Project has no unacceptable impacts on public facilities such as schools, libraries, or parks, and the Project's impacts are generally favorable or capable of being mitigated.

The Project is highly unlikely to 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. In addition, several private and charter schools are near the Project, offering educational options to residents who may seek alternatives to the neighborhood public schools. Moreover, in the city as a whole, the population of school-age children is declining while the population of childless households is increasing. Because of these trends, the nature of the Project's demographics, and the variety of school choices nearby, 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.

H. PUBLIC HEALTH AND SAFETY IMPACTS

The Project has no unacceptable public health or safety impacts. The Project protects and advances the public health by being designed in a high-quality manner and in compliance with all applicable construction codes. The Project includes bicycle facilities and other transportation

demand management measures that together discourage automobile use and protect and affirmatively advance public health. Similarly, it prioritizes outdoor spaces for its residents to support the mental health of its residents and the neighboring community. The Promenade provides areas of respite while simultaneously facilitating access to the Community Green.

The Project will also comply with all building and fire codes, minimizing the need for Fire and Emergency Services. The new residential units will also add more “eyes” on the street on a site that is currently underutilized. The increased activity and visibility will help deter crime.

The average daily water demand for this Project can be met by the existing District water system. The proposed connection for the fire and residential water supply will be made within the existing distribution system and will be coordinated with DC Water. The building will have its own water meter. The proposed sanitary sewer connection will be made within the existing distribution system and will be coordinated with DC Water. Solid waste and recycling materials generated by the Project will be collected regularly by a private trash collection contractor.

I. CONSTRUCTION-PERIOD IMPACTS

During the development period for Parcel 9A, the Project’s impacts on neighbors are capable of being mitigated, and the Applicant has significant experience successfully completing construction projects in infill locations without disturbing neighbors.

V. **THE PROJECT’S PUBLIC BENEFITS MEET THE OBJECTIVES OF THE PUD PROCESS.**

The objective of the PUD process is to encourage high-quality development that provides a commendable number of quality public benefits and amenities by allowing greater flexibility in planning and design than may be possible under matter-of-right zoning. 11-X DCMR §§ 300.1 and 305.2. The public benefits must be designed such that (i) each public benefit is tangible and quantifiable; (ii) each public benefit is measurable and able to be completed or arranged prior to

issuance of a certificate of occupancy; (iii) the benefits as a whole primarily benefit a neighborhood or area of the District or service a District-wide need; (iv) a majority of the public benefits relate to the geographic area of the ANC in which the application is proposed; and (v) the public benefits are not inconsistent with the Comprehensive Plan and other adopted public policies (the “**Public Benefits Criteria**”). *Id.* §§ 304.4(c), 305.3, 305.4.

The Project’s proposed uses, public realm improvements and massing are consistent with the vision for Parkside and the PUD process is the appropriate means to realize the Project. This process provides the community and the tools to ensure the Project is well-designed and best meets the needs of relevant stakeholders. The Applicant presented the design at the ANC’s September public meeting and will continue to work with the community as the Application proceeds.

It is important to note that the First-Stage PUD provided a robust package of public benefits, which were strengthened as part of the Second-Stage PUD. Those benefits are all either fully delivered or significantly in progress. This Application advances the previously-approved benefits package. See Exhibits C-3 and C-4.

A. SUPERIOR URBAN DESIGN AND ARCHITECTURE (11-X DCMR § 305.5(A))

The Project’s urban design and architecture are superior public benefits. Subsections 305.5(a) and (b) of Subtitle X list urban design and landscape as categories of public benefits and project amenities for a project proceeding under a PUD. The Project incorporates numerous design precepts that guide superior urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of Parcel 9A. For instance, the Project’s urban design prominently frames the pedestrian Promenade leading to the Community Green and creates a strong sense of arrival in the Parkside neighborhood.

The Project similarly includes elements of superior architectural and urban design. For example, the Project presents a thoughtful ground floor design that integrates seamlessly with the Promenade. The Project also utilizes high quality façade materials and finishes.

B. SUPERIOR LANDSCAPE DESIGN (ID. § 305.5(b))

The Project also features superior landscape in the Promenade and residential building terraces. The streetscape design includes plantings to improve the pedestrian experience. With respect to landscape, the Project employs a palette of vegetation and fixtures that is simultaneously appropriate for the neighborhood and representative of the Project’s place-making objectives.

C. SITE PLANNING AND EFFICIENT LAND UTILIZATION (ID. § 305.5(c))

The proposed site plan is another superior benefit of the Project. Pursuant to Subtitle X, Section 305.5(c) of the Zoning Regulations, “site planning and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The benefits of the Project’s site plan and efficient land utilization are captured in the Project’s overall density, introduction of commercial uses, and absolute number of new residential units provided. The Project’s greater height and density near transit nodes exemplifies economical land utilization. The proposed development serves as a transition from the commercial uses along Kenilworth Avenue and the residential uses along Parkside Place and its design is of the appropriate massing and height to establish this transition. The Project also improves land that has been vacant for decades, and its development will make it a significant contribution to establishing a community within the Parkside PUD. The proposed density is appropriate for the Property given the proximity to transit options while not overbearing the lower density residential neighborhoods to the north, south, and east of the Site.

The Project is designed to benefit from proximity to nearby protected areas, the Anacostia River and natural grades and perhaps most importantly, the major transportation corridor to the southeast, including the Minnesota Avenue Metrorail Station and the Anacostia Freeway. The site plan is designed to infill and continue the urban build out of the Parkside neighborhood. It will connect the existing Parkside Townhomes with the fabric of the city and will establish a true mixed-use and transit-oriented development in the heart of Ward 7.

D. HOUSING AND AFFORDABLE HOUSING (ID. §§ 305.5(f), 305.5(g))

The Project includes a greater number of housing units than could be developed on the site as a matter-of-right and reserves 20 percent of the units as workforce housing units. Pursuant to Subsections 305.5(f) and (g) of Subtitle X, the production of housing that exceeds the amount that would have been allowed through matter-of-right development under existing zoning is a public benefit.

The District faces a shortage of virtually every kind of housing product, but the need is particularly severe for housing—especially workforce housing—near transit. The Project makes a significant contribution of new residential and new workforce units on a site that is transit-accessible, part of an exciting mixed-income development, and well-positioned to take advantage of economic opportunities that emerge in the Parkside neighborhood in the future.

Although the Project that is the subject of this Application does not include any affordable housing units, the overall Parkside development approved pursuant to the First-Stage PUD includes a significant contribution of affordable and workforce housing units. The overall PUD reserves: (i) 20 percent of the total residential component as affordable units to households having an income not exceeding 80 percent of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size), and (ii) a further 20 percent of the total residential

component for workforce housing targeted to households that have an income between 80–120 percent of the Area Median Income. Although this phase of the overall Parkside PUD includes market-rate and workforce units only, the Parkside PUD as a whole provides a diverse number of housing options for households at different price points. This Project, with its addition of commercial uses and its keystone site plan, is central to making possible the development of affordable units in other phases of the Parkside PUD.

E. ENVIRONMENTAL AND SUSTAINABLE BENEFITS (ID. § 305.5(k)(5))

The Project includes innovative sustainable design elements and will achieve appropriate levels of environmental certification. Subtitle X, Section 305.5(k) provides that environmental benefits are also public benefits to the extent such environmental benefits exceed the standards required by zoning or other regulations. The overall Parkside PUD has been designed to exceed the standards for LEED-ND certification. This Project will be designed to achieve the LEED-Gold standard for the residential building and incorporates rooftop solar panels.

F. TRANSPORTATION INFRASTRUCTURE AND MASS TRANSIT IMPROVEMENTS (ID. § 305.5(o) and (p))

The Project includes transportation and mass transit infrastructure benefits in the form of a dedicated public easement for pedestrian activity where the Promenade is located. The Parkside PUD also included a \$3 million contribution to the pedestrian walkway to the Metrorail Station. Subtitle X, Section 305.5(o) provides that transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the Project, including, provision of a public easement for a pedestrian walkway that is not otherwise required, constitutes public benefits for a PUD. Similarly, Subtitle X, Section 305.5(p) provides that mass transit improvements, including construction of improvements to Metrorail station entrances, also constitute public benefits for a PUD. As noted above, a central organizing element of the Project's design is the construction of

the pedestrian Promenade through the center of Parcel 9. This Promenade is already subject to a public pedestrian easement and therefore satisfies the public benefit requirement of the Parkside PUD.

As part of the First-Stage PUD application, the Applicant agreed to contribute to the construction of a new pedestrian bridge between the Parkside neighborhood and the Minnesota Avenue Metrorail Station. The Applicant has committed 25 percent of the cost of the bridge not to exceed \$3 million to ensure that this bridge be constructed to improve access to this site. The Applicant has completed its \$3 million contribution, the pedestrian bridge has been constructed and is currently used by the community to access the Metrorail station.

G. USES OF SPECIAL VALUE TO THE NEIGHBORHOOD OR DISTRICT OF COLUMBIA AS A WHOLE (ID. §305.5(q))

As part of the public process leading to the First-Stage PUD and Second-Stage PUD, the Applicant worked with residents, community members, the ANC, and OP to identify additional public benefits of special significance to residents and neighbors. Subtitle X, Section 303.5(q) lists uses of special value to the neighborhood as public benefits of a PUD. The Project provides a multifamily development to bring full time residents and retail options to Parkside. The Project also serves as an important transition between future commercial uses on Parcel 12 and lower density residential uses on the PUD Property. The Project enhances a site that has been vacant for decades and will connect the existing Parkside Townhomes, senior housing, Community Green, and the multifamily units with the greater community. See Exhibit C-3 for a full list of public benefits associated with the Parkside PUD.

VI. THE PROJECT IS NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN, INCLUDING WHEN EVALUATED THROUGH A RACIAL EQUITY LENS

In order to approve an application for a PUD, the Commission must find that the PUD is “not inconsistent with the Comprehensive Plan and with other adopted public policies . . . related

to the subject site.” 11-X DCMR § 304.4(a). The Project is not inconsistent with the Comprehensive Plan or other adopted public policies related to Parkside. As part of the approval of the First-Stage PUD, the Commission made extensive findings regarding the consistency of the First-Stage PUD with the Comprehensive Plan. See Exhibit C-1. Since the approval of the PUD, the Council of the District of Columbia amended the Comprehensive Plan. Exhibit C-4 includes a supplemental summary of the Project’s consistency with the Comprehensive Plan, including an analysis of the Project’s consistency with the Comprehensive Plan through a racial equity lens.

VII. THE PROJECT SATISFIES THE PUD REQUIREMENTS AND EVALUATION STANDARDS

This Application fulfills the requirements for a modification of significance of a Second-Stage PUD and the requirements of a Second-Stage PUD generally, *see* 11-X DCMR §§ 300.1, 300.2, 300.5, 301.1, 301.5, 307.1, and 11-Z DCMR § 704.3, complies with the set down and approval criteria specifically applicable to a Second-Stage PUD, *see* 11-X §§ 302.2(b), 308.3, and 309.2, and satisfies the evaluation and balancing criteria required for Commission review of a PUD generally. *See id.* §§ 303.1, 303.11, 303.12, 304.1, 304.2, 304.3, 304.4, and 305.

A. THIS APPLICATION SATISFIES THE REQUIREMENTS FOR A MODIFICATION OF A SECOND-STAGE PUD

As set forth in the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that the project that is the subject of the PUD (i) results in a project superior to what would result from the matter-of-right standards; (ii) offers a commendable number or quality of meaningful public benefits; (iii) protects and advances the public health, safety, welfare, and convenience, does not circumvent the intent and purposes of the Zoning Regulations, is not inconsistent with the Comprehensive Plan and does not result in action inconsistent therewith; and (iv) undergoes a comprehensive public review by the Commission in accordance with the procedural requirements for a PUD in order to

evaluate the flexibility or incentives requested in proportion to the proposed public benefits. 11-X DCMR §§ 300.1, 300.2, 300.5, and 307.1. As set forth below, the Project satisfies each of the above PUD requirements.

In addition to the foregoing requirements, the minimum area included within a proposed PUD must be no less than 15,000 square feet, and all such area must be contiguous. 11-X DCMR § 301. Parcel 9A, at 37,988 square feet, satisfies the area requirements.

- i. The Project is superior to the development allowed under the matter-of-right standards.

The Project's mix of uses, public benefits, and the community engagement process all exceed what would be provided under matter-of-right standards. Specific aspects of the Project that are superior to a matter-of-right development include:

- Housing/Affordable Housing – The Application proposes additional transit-oriented workforce and market rate housing for Ward 7. Though the Application does not include affordable housing, the level of affordable and workforce housing provided through the PUD exceeds what is otherwise required as a matter-of-right.
- Public Benefits – The Project's construction as part of the overall Parkside PUD supports the significant package of public benefits that accompanied that approval, which exceed what would be provided in a matter-of-right development.
- Community Engagement – Finally, the Project is undergoing a comprehensive public review process with multiple opportunities for neighbor, community group, and public agency participation.

- ii. The Project's public benefits are commendable in number and quality.

The Commission found that the public benefits provided in the Parkside PUD are commendable and commensurate with the flexibility that was requested, as detailed in the First-Stage and Second-Stage PUD orders. This Application helps fully realize the approved benefits, such as the housing, workforce housing, employment opportunities and the open space and streetscape improvements. These public benefits fulfill goals set forth in the Comprehensive Plan, the priorities of District agencies and stakeholders, and the preferences, needs and concerns of the

ANC. Accordingly, the public benefits package is a meaningful and robust series of commitments that satisfy the intent and purposes of the PUD process.

- iii. The Project protects and advances public health, safety, welfare, and convenience and does not circumvent the purposes of the Zoning Regulations.

As detailed in this statement, the Project advances and protects the intent and purposes of the Zoning Regulations, which are set forth in Subtitle A, Section 101 of the Zoning Regulations. Through the development of a vacant parcel proximately located to various transportation options, such as Metro, bus lines, and bike paths, the Project affirmatively improves major public interests and priorities such as housing, sustainable design, and provides a significant amount of open space for use by the public. The development of underutilized property with new housing, retail and service uses advances the public health, safety, welfare and convenience goals of the District by converting underutilized lots to productive use, avoiding the health and safety problems often associated with vacant land, and providing residential and commercial uses and publicly accessible outdoor space that together promote public welfare and convenience. The Project advances the purposes of the Zoning Regulations and satisfies the specific priorities set forth in the Comprehensive Plan.

The approved C-3-A zoning for the Project continues to be consistent with the purposes of the Zoning Regulations for the same reasons as identified in the First-Stage PUD. Broadly, the C-3 zone districts are intended to provide substantial amounts of employment, housing, and mixed uses and the Project's mix of uses, height and density are consistent with the character of the C-3-A Zone District.

- iv. The Project will undergo a comprehensive public review that evaluates the Project's flexibility and incentives in proportion to the Project Public Benefits.

The Commission undertook a comprehensive public review of the Parkside PUD, and the Commission concluded, based on such review, that it warranted approval. The Applicant will work

with the appropriate District agencies and community to confirm that the Project is in accordance with the Commission's previous approvals. The Applicant requests that the Commission proceed to undertake a comprehensive public review of and set down this application for public hearing in accordance with the foregoing standard.

B. THE PROJECT SATISFIES THE EVALUATION CRITERIA FOR A MODIFICATION OF A SECOND-STAGE PUD.

The procedural regulations in the Zoning Regulations applicable to a modification of significance of a Second-Stage PUD establish provide (i) that a modification of a second-stage PUD shall meet the requirements for, and be processed as, a second-stage PUD application, 11-Z DCMR § 704.3; (ii) that a Second-Stage PUD must undergo a detailed site plan review to determine final transportation management and mitigation, final building and landscape design review, and review for compliance with the First-Stage PUD and the Zoning Regulations, 11-X DCMR § 302.2(b); (iii) that if a Second-Stage PUD complies with all of the requirements of a First-Stage PUD, then the Commission must schedule a public hearing on the Second-Stage PUD application, *id.* § 308.3; and (iv) that if an application for a Second-Stage PUD is in accordance with the purposes of the Zoning Regulations, the PUD process, and the First-Stage PUD approval, then the Commission must grant approval to such Second-Stage PUD, *id.* § 309.2.

i. This Application Meets the Requirements for a Second-Stage PUD.

This Application for a modification of significance of a Second-Stage PUD meets the requirements for a Second-Stage PUD generally.

ii. This Application Provides the Information Necessary for a Second-Stage PUD.

The plans at Exhibit B include detailed site plans along with proposed building and landscape designs for the Commission to review. A Comprehensive Transportation Review will be filed in the record prior to the public hearing.

- iii. This Application Complies with All of the Requirements of the First-Stage PUD and Should Be Set Down for Public Hearing.

As set forth above, the Project is consistent with the Parkside PUD vision and, as such, the Applicant asks the Commission to set it down for a public hearing. A summary of the conditions of the Parkside PUD, and the applicability of such conditions to the instant application will be provided in a subsequent filing.

- iv. This Application Is in Accordance with the Purposes of the Zoning Regulations, the PUD Process, and Should be Approved.

As described above, this application is in accordance with the purposes of the Zoning Regulations and the First-Stage PUD. The Applicant intends to advance this application through the PUD process.

C. THE PROJECT SATISFIES THE PUD BALANCING TEST

Pursuant to Subtitle X, Sections 303.12 and 304.3, in deciding on this application, the Commission must, according to the specific circumstances of the instant application, judge, balance, and reconcile the relative value of: (i) the Project's public benefits, (ii) the development incentives, including the Zoning Map amendment and zoning and other flexibility requested as part of the Project, and (iii) any potential adverse effects of the Project.

The Project satisfies the foregoing PUD balancing test. The Zoning Commission has previously concluded that the Parkside PUD's public benefits justify the Zoning Map amendment from the R-5-A Zone District to the C-3-A Zone District and the standard design flexibility that the Applicant seeks. This modification only further enhances the previously-approved benefits. The Commission previously approved residential use on Parcel 9A and the Applicant seeks to revert back to that use. Except as noted otherwise, this Application meets all zoning requirements and is consistent with the approval granted in the First-Stage and Second-Stage PUD orders. Given that the Commission found that the Parkside PUD's public benefits are commendable and

commensurate with the flexibility requested and no additional flexibility is being requested, it stands that the Application continues to meet the balancing test. The Project’s modest potential adverse effects—all studied in depth as part of the First-Stage and Second-Stage reviews—are all more than justified by the Project’s provision of housing, sustainable design, and streetscape improvements. The Applicant believes that the relative value of the Project and its public benefits warrants granting the requested PUD approval. The Project does not present any new impacts that were not evaluated as part of the robust First-Stage and Second-Stage PUD processes.

VIII. CONCLUSION

This Application provides substantial evidence that the Project: (i) is in accordance with the Parkside PUD approval and complies with the requirements of the Zoning Regulations applicable to Zoning Commission review and approval of a modification of a Second-Stage PUD application; (ii) is consistent with the Comprehensive Plan and other adopted public policies, including when viewed through a racial equity lens; (iii) provides significant public benefits that would not be provided by matter-of-right development; (iv) enhances the health, welfare, safety, and convenience of the citizens of the District of Columbia; and (v) satisfies all other applicable criteria for the review and approval of a modification of a Second-Stage PUD by the Commission.

For the foregoing reasons, the Applicant requests that the Commission at its earliest convenience set this application down for a public hearing.

Respectfully submitted,

GOULSTON & STORRS PC

/s/ Christine Roddy

/s/ David Lewis

/s/ Lee Sheehan