

450 5th Street, NW

By Judiciary Plaza LLC



APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR REVIEW
AND APPROVAL OF A MODIFICATION WITH HEARING TO AN APPROVED PLANNED
UNIT DEVELOPMENT

Square 489, Lot 21

May 9, 2025

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PREFACE

Judiciary Plaza LLC hereby submits this application to the District of Columbia Zoning Commission for review and approval of a modification to the Planned Unit Development and Zoning Map Amendment approved in Z.C. Order No. 213 (dated April 13, 1978), Order No. 252 (dated April 12, 1979), and Order No. 287 (dated June 14, 1979) for the property located at 450 5th Street, NW (Lot 21 in Square 489). The original PUD approved an office building with ground floor retail including approximately 400,000 square feet of Gross Floor Area, a Floor Area Ratio of 7.0, and a maximum building height of 120 feet. The entirety of the office building is currently leased to the United States Department of General Services.

The Applicant requests a Modification with Hearing of the PUD approved in ZC Order Nos. 213, 252, and 287 in order to convert the existing building to a residential building that will include approximately 500 residential units, with 8% of the residential Gross Floor Area reserved for Inclusionary Zoning units. The modified building will retain the maximum 120-foot height of the original building and will result in a slight increase in Gross Floor Area to approximately 412,000 square feet, for an FAR of 7.19. The modified building received conceptual design approval from the Commission of Fine Arts on February 20, 2025.

The overall design intent of the modified building is to introduce residential use within the civic/government building context while respecting the surrounding building heights, setbacks, and view sheds. The proposed architecture of the modified building seeks to maintain the character of depth and shadow in the existing facades and to incorporate similar qualities into the new facades. New compatible and classic materials, such as the proposed bronze metal panels, will weave through the existing and new facades in a manner that makes the new interventions feel seamless. Architectural details, such as operable windows, terraces, balconies,

and railings will provide the unspoken cues that this building now houses residential tenants. A thoughtfully designed landscape plan softens and shades the modified building's base. Private residential terraces, garden walls, trellis fences and textural paving will emphasize the building entrance ways and create a welcoming transition between the public and private realms.

The modified building implements the goals and policies of, and is not inconsistent with, the District of Columbia Comprehensive Plan, including when viewed through a racial equity lens. The modified building is consistent with the Property's designation as High Density Commercial on the Future Land Use Map. The modified building also furthers numerous policies of the District Elements of the Comprehensive Plan as well as the Central Washington Area Element.

I. INTRODUCTION

A. Background and Purpose of the Application

Judiciary Plaza LLC (the “**Applicant**”) hereby submits this application (the “**Application**”) to the District of Columbia Zoning Commission (“**Commission**”) for review and approval of a Modification with Hearing to the Planned Unit Development (“**PUD**”) approved in Z.C. Order No. 213 (dated April 13, 1978), Order No. 252 (dated April 12, 1979), and Order No. 287 (dated June 14, 1979) (collectively, the “**Order**”). The Order approved a PUD and Zoning Map Amendment application that resulted in the construction of an eleven-story office building, designed in the Brutalist style (the “**Building**”), on Lot 21 in Square 489 (the “**Property**”). Pursuant to the Order, the Commission approved a related Zoning Map Amendment from the former SP-2 Zone District to the former C-3-B Zone District. The SP-2 Zone was converted to the D-2 Zone District and the C-3-B Zone District was converted to the MU-8B under the 2016 Zoning Regulations. Pursuant to Subtitle Z § 102.4, this application has been analyzed under the 2016 Zoning Regulations and the MU-8B Zone.

B. The Applicant

Judiciary Plaza LLC has retained The Georgetown Company as a development advisor for the Building. Founded in 1978, The Georgetown Company has overseen over 25 million square feet of office, residential, retail, and recreational properties throughout the United States. It currently controls assets valued at over \$3 billion. The Georgetown Company has extensive experience repositioning older properties. In the District, The Georgetown Company’s portfolio includes: 370 L’Enfant Promenade, a 10-story office building in Southwest, and the under-construction Four Seasons Private Residences, located at the site of the former west steam heating plant in Georgetown.

II. SITE AND AREA DESCRIPTION

A. Property Location and Current Use

The Property contains approximately 57,250 square feet of land area. The Property is a rectangular-shaped lot located in the southwest corner of Judiciary Square bounded by 5th Street, NW to the east, 6th Street, NW to the west, and E Street, NW to the north. To the south of the Property is a currently vacant three-story building, constructed in 1941 and formerly occupied by the District of Columbia Recorder of Deeds. Four 1-3 story masonry buildings, constructed in the mid to late 19th century, occupy the southeastern corner of the square. The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 2C03. ANC 6E is situated across 5th Street, NW and, therefore, is an “Affected ANC” per the Zoning Regulations.

The Property is located within the Pennsylvania Avenue Historic District, but the Building is not deemed to be a contributing building to the historic district. The Commission of Fine Arts has review authority over the Property pursuant to the Shipstead-Luce Act.

The Building located on the Property is currently entirely occupied by two different divisions of the United States Department of Justice (“DOJ”) for office use. The ground floor of the Building contains no active retail use. The Building includes an underground parking garage accessed from 6th Street, NW, including approximately 242 parking spaces.

B. Surrounding Area and History

The Property is in a prime location for residential use. It is situated at the intersection of the Penn Quarter, Chinatown, Judiciary Square, and East End neighborhoods, just a few blocks north of the National Mall. The surrounding area is rich with amenities. Penn Quarter and

Chinatown host an abundance of restaurants. The National Gallery of Art and the National Archives are the closest museums, merely two blocks away, with other Smithsonian institutions located a short walking distance from the Property. The Capital One Arena and Shakespeare Theatre are one block north of the Property and Ford's Theatre is a 10-minute walk to the west.

The Property is remarkably well-served by transportation with the Judiciary Square Metro Station located a three-minute walk away and both the Archives and the Gallery Place Metro Stations located a six-minute walk away. In addition, the D6 bus route runs along E Street, NW and the priority 70 bus runs nearby along 7th Street, NW.

Although recently occupied predominantly by federal office buildings and courthouses, Judiciary Square has a history of residential use. Anchored by the construction of the Old City Hall, now occupied by the D.C. Court of Appeals, the neighborhood's proximity to Capitol Hill and other government buildings made it ideal for residential development. In the middle of the 19th century, known as the "City Hall Neighborhood," the area was home to Chief Justice Roger B. Taney, who resided at the southwest corner of D and 3rd Street, Daniel Webster, whose home and office were located near 5th and D Street, and other prominent legislators, government officials, and attorneys. The transition from residential to commercial use took place towards the end of the 19th and beginning of 20th centuries with construction of the National Building Museum, formerly the Pension Building, as well as several courthouses and government buildings.¹

¹ Application for Historic Landmark or Historic District Designation, Judiciary Square Historic District, available at: <https://dcpreservation.org/wp-content/uploads/2021/11/Judiciary-SQ-full-NOM.pdf>.

C. Background Regarding Approved PUD

Pursuant to the Order, the Commission approved development of the Property as a mixed-use office and retail project with underground parking (the “**Approved PUD**”). The Approved PUD included approximately 400,000 square feet of gross floor area (“**GFA**”) with a floor area ratio (“**FAR**”) of 7.0, a building height of 120 feet, the maximum permitted under the Height of Buildings Act of 1910, and a roof structure with a height of 18’-6”. The Approved PUD provided off-street vehicle parking spaces located below grade and accessed from 6th Street, NW.

D. Recent District Plans and Policies Addressing Downtown DC

In 2024, Mayor Bowser called for the preparation and release of two important plans for the redevelopment of Downtown DC, the Downtown Action Plan (“**Action Plan**”) and the Gallery Place Chinatown Task Force (“**Task Force**”). Relevant policies and guidelines from the Action Plan and the Task Force that are relevant to this Property are discussed below.

Downtown Action Plan

The Action Plan describes the dire state of Downtown D.C.’s economic future if meaningful steps are not taken to counter the fallout from the high office and commercial vacancy rates. The post-pandemic effects on the office market are permanent. The Action Plan notes that nearly three-quarters of companies in Downtown D.C. expect their work-from-home policies to remain the same a year from now, meaning the drastically low office occupancy rate in the District is likely to remain. Because of the high vacancy rate downtown, annual tax generation has fallen by \$243 million since 2019 and is expected to fall by another \$193 million without intervention.

As the Action Plan notes, Downtown D.C. contains only 14 million square feet of residential space compared with 126 million square feet of office space, offering less housing for its employees than the downtowns of almost every other major city in the U.S. There are fewer than five housing units for every 100 employees in Downtown D.C. When compared to other regional submarkets, such as Bethesda or National Landing, Downtown D.C. has “90% fewer rental apartments and grocery stores, 80% fewer gyms and fitness studios, 50% fewer daycare centers, and 40% fewer restaurants relative to the size of its office inventory.” Without action to facilitate the necessary evolution of downtown, the underutilized space and decreased activity “are poised to fuel a self-reinforcing cycle of declining investment, property values, and tax revenues.”

The Action Plan lays out five foundational elements, one of which is “building a residential base.” Emphasizing the importance of facilitating residential conversions downtown, the Action Plan sets forth a goal of adding 15,000 new residents in the area. To further this goal of building a residential base, the Action Plan highlights the numerous outdated office buildings prime for repositioning, specifically referencing the excess of unrenovated, 1980’s buildings, like the Property. The Action Plan calls for improving the ability for housing conversions and creating “appealing residential nodes that can make [downtown] more inclusive, multigenerational, and equitable.” By focusing on creating a new residential base downtown, the new residents will support the commercial sector and generate new tax revenue.

The Action Plan calls for “streamlining approval processes and preventing regulatory barriers” to increase the ease with which these residential projects can be built. With respect to the IZ program, the Action Plan promotes more flexible affordability requirements that enable Downtown D.C. to meet the needs of the market beyond traditional affordable housing units.

The Plan notes that Downtown D.C. has a scarcity of units at 100% and 120% MFI levels relative to other comparable submarkets.

The Project is the perfect template for the residential revitalization the Action Plan foresees for downtown. A large, outdated, office building with vacant ground floor retail can be transformed into a vibrant community that offers new patrons to the surrounding businesses. As the Action Plan discusses, in order for these residential projects to succeed, streamlined approval processes with flexible approaches to affordability are key. The Project meets the required 8% set aside requirement, but offers a mix of affordability levels that more closely aligns with the District's goals as outlined in the Action Plan. The proposed mix of half of IZ units at 60% MFI and half at 80% MFI advances the policy of promoting more flexible affordability requirements. Given the alarming projections outlined in the Action Plan, without a concerted effort to revolutionize Downtown D.C., the city faces a great economic risk. The Project will be an exemplar of the transformation to vibrancy and growth envisioned by the Action Plan.

Gallery Place Chinatown Task Force

The Property is located directly to the east of the border outlined in the Gallery Place Chinatown Task Force. Nevertheless, the Project will greatly contribute to furthering the goals of the policy. For example, the Task Force highlights Judiciary Square as the future “Judiciary Gardens,” envisioning a green urban garden and “horticultural destination of national significance.” Noting the proximity of Judiciary Square to the Smithsonian museums and the Capitol One Arena, the Task Force perfectly illustrates how ideal the Property's location is for residential use. Furthermore, the Project will feature a thoughtful landscaping, advancing the “Botanical Streets” concept and helping to counter the urban heat island effect, a consequence of expansive hardscaping in the area.

The Taskforce also reiterates the importance of growing the residential community downtown. Noting the 5,560,000 square feet of potential office conversion and infill, the Task Force highlights the potential to add approximately 7,550 new residential units, amounting to approximately 16,500 new residents, to Gallery Place Chinatown. The Project offers a new residential community right next door to “Judiciary Gardens.” The lush landscaping of the Project will connect to the gardens across the street and greatly improve the pedestrian experience. The new residents can enjoy the expansive open space right in their backyard while also having the benefit of an amenity-rich neighborhood with a bustling commercial corridor. The Project is set to be a paragon of the revitalization of downtown DC from empty to bustling and thriving.

III. THE PROJECT

The Applicant seeks approval of a modification of the PUD for a change in use from office to residential (the “**Project**”). The design and development goals of the Project are:

- To politely, but confidently, introduce residential use within a civic/government downtown context, and to preserve as much of the existing building and façade as possible;
- To maintain the character of depth and shadow in the existing building and to incorporate similar qualities into the new facades;
- To weave new, but classic, materials like champagne bronze through the existing and new facades, so the new interventions feel seamless and timeless;
- To add human scale with details like operable windows, balconies and railings; and
- To knit the building landscape with the surrounding civic parks, private residential terraces, garden walls, fences and paving will define the public and private realms and will signal that the building is now residential.

The Project will help to revitalize Judiciary Square, repurposing an aging office building into a vibrant residential building with thoughtfully designed landscaping that will enhance the

frame surrounding Judiciary Square. The Property is situated in an ideal location for residential use with a host of amenities in close walking distance. Although this area is currently comprised mostly of civic and government office buildings, the location is ripe for residential use. With numerous transportation options nearby and centered in the artistic and cultural heart of the District, the burgeoning residential community downtown will enjoy a walkable lifestyle with rich neighborhood amenities.

The Commission of Fine Arts reviewed the Project on February 20, 2025, and granted conceptual design approval. Redevelopment of the Property will also require review by the Historic Preservation Review Board (“**HPRB**”). The Applicant and members of its design team met with Historic Preservation Office Staff during the CFA review process and continue to keep them updated of any design changes. The Applicant has filed a conceptual design review application with the Historic Preservation Office and expects that HPRB will address the application in June/July of 2025.

A. Project Description

The Project will continue to orient to face 5th Street and Judiciary Square, with an entry vestibule opening up to Judiciary Park. The 6th Street side of the Project will also feature a recessed entrance as well as the existing below grade garage entrance and two loading entrances, in keeping with the quieter experience of 6th Street, NW. The east and west entrances will connect through the main floor lobby.

The Project preserves much of the existing massing, as shown page 07 of architectural plans attached hereto as Exhibit B (“**Plans**”), but it removes portions along the 5th Street frontage to allow for sunken courtyards that maximize light and air and shallower floor depths conducive

to residential use. The new construction stretches and extends to add prominence and to simplify overhangs and setbacks for a more consistent and elegant massing. The Project also adds massing into the upper story setbacks, creating the appearance of four pillars, adding an elegant prominence to the design that echoes the characteristic courthouse features of Judiciary Square. The Project will retain the Building's maximum height of 120 feet², extending that height into the eastern façade that is currently set back.

The Project will provide approximately 242 vehicle parking spaces in the existing below grade garage. The garage entrance is accessed via 6th Street on the southern end of the western façade. Two loading entrances are located mid-block and on the northern end of the block. The Project will provide the required loading berths, service/delivery spaces, and bicycle parking spaces.

The existing arcade at the 1st & 2nd floors will be enclosed and infilled with residential balconies, windows and doors. The new cellar courtyards feature large 12' x 12' planters and seating for residents. Private residential terraces, garden walls, fences, and paving will define the public and private realms and signal the new residential use of the Building. The surrounding plantings will knit the building landscape together with the surrounding civic parks. The Project will include extensive tree and landscape plantings. The Applicant commits to LEED Certification.

B. Public Benefits

The Project offers a robust package of public benefits and amenities, including:

² The 2016 Zoning Regulations establish a maximum height of 90 feet for a PUD in the MU-8 Zone. Therefore, the Approved PUD is non-conforming as to building height. While the Project does not propose a maximum building height that is greater than 120 feet, it does propose new areas of the building that will have a height of 120 feet.

- Superior Urban Design and Architecture (X § 305.5(a)): The Project features high quality urban design that retains the characteristics of the original building's massing and prominent framing of Judiciary Square while integrating modern elements such as the champagne bronze metal panels and cutouts that maximize light and air.
- Superior Landscaping and Preservation of Open Spaces (X § 305.5(b)): The Project's landscape plan provides an important connection to the adjacent Judiciary Park, continuing the tree canopy and greenery that enhances the pedestrian experience. This improvement of the surrounding open space also reactivates the underutilized block that serves as an important connection between the National Mall and the Penn Quarter retail offerings.
- Site Planning and Efficient and Economical Land Utilization (X § 305.5(c)): The Project converts existing soon-to-be vacant office use with hundreds of new mixed-income residential units. The revitalization of the Property will increase the tax revenue it generates and activate the surrounding area with new residents.
- Historic Preservation (X § 305.5(e)): The Project retains much of the character of the existing building, a non-contributing structure in the Pennsylvania Avenue National Historic Site. The design honors the history of Judiciary Square by maintaining the character of depth and shadow of the existing façades while incorporating new elements, including warmer materials and variations to the 5th Street facing façade that update and revitalize the appearance of the building.
- New Housing (X § 305.5(f)): The Project will provide approximately 500 new residential units downtown in an area where residential use is in short supply amongst the numerous office buildings. This new residential use on a formerly commercial lot will revitalize the area, bringing new clientele to surrounding businesses and additional foot traffic to the surrounding institutions and parks. The Project will set aside 8% of units as affordable, half reserved at 60% MFI and half reserved at 80% MFI. Providing new affordable units on a lot where there are currently none offers a significant benefit to the District. The provision of affordable housing in the high-cost downtown area where housing is in high demand is a significant public benefit.

C. Flexibility Requested

The PUD process allows greater flexibility than is possible under strict application of the Zoning Regulations. Under Subtitle X §§ 303.1, 303.11, and 303.13, the Zoning Commission retains discretion to grant flexibility with respect to the development standards. The Applicant requests relief from the following development standards:

- Open Court – The newly created open court along 5th Street requires flexibility from the minimum width requirements. The open court width requirement for a court of this height is 40.2 feet. The proposed court will have a width of 27 feet, but satisfies all building code requirements related to the provision of light and air to the new residential units. The proposed 27 foot-wide court is driven by the structural system of the existing building. Creating a court with a width of approximately 40 feet is not possible with the existing structural system. In order to create a court that satisfies the minimum width requirements that fit within the building’s existing structural system, the court width would need to be approximately 56-57 feet wide. Creating such a court would result in the loss of significant residential density and would not be as aesthetically pleasing as the proposed façade along 5th Street, NW. Therefore, the Applicant requests this flexibility.
- Building Height – As noted in Footnote 2 above, the existing Building includes a non-conforming building height of 120 feet. While the Project will not exceed a measured building height of 120 feet at any location, there will be new portions of the structure that are located above the 90-foot height limit allowed for a PUD in the MU-8 Zone. To the extent that it is necessary to seek flexibility from Subtitle C, §202.2(b)³, the Applicant requests such flexibility. Granting the flexibility is an integral factor in achieving the design goals of the Project by removing portions of the existing Building to allow for shallower floor depths and providing abundant light and air to the new residential units. The additional building height along 5th Street, NW will not result in any adverse impacts on neighboring properties and provides the sufficient density to make the residential

³ Subtitle C, §202.2(b) states: “Enlargements or additions may be made to the [nonconforming] structure; provided that the addition or enlargement itself shall: (b) neither increase nor extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined”.

conversion financially viable. As noted above, the Commission of Fine Arts has granted conceptual design approval to the Project's height and massing.

- IZ MFI Levels – The Project will add approximately 500 new residential units, including an 8% affordable set aside, half of which will be reserved for households earning 60% of the Median Family Income (“**MFI**”) and the other half reserved at 80% MFI. The 8% set-aside satisfies the IZ set-aside requirement. However, the Applicant is requesting flexibility to have half of those units be reserved for households at the 80% MFI level. The Applicant believes that the provision of half of the affordable units at 80% MFI aligns with District goals aimed at incentivizing development of mixed-income housing in high-cost areas, particularly in Downtown. As described in further detail below, the Comprehensive Plan (“**Comp Plan**” or “**Plan**”) encourages mixed-income housing in Central Washington and the provision of affordable units at 80% MFI helps to meet these goals.

In addition, the District has recently implemented programs to encourage 80% MFI housing in high-cost areas. For example, the High-Area Needs Tax Abatement (“**HANTA**”) program, available within the Rock Creek West, Rock Creek East, Capitol Hill, and Upper Northeast allows housing units set aside to households earning on average 80% MFI or less. The Housing in Downtown (“**HID**”) tax abatement program is another recent District initiative that likewise permits affordable rental housing to be set aside at 80% MFI. The Applicant also notes the language in the Downtown Action Plan which calls for “streamlining approval processes and preventing regulatory barriers” to increase the ease with which these residential projects can be built. With respect to the IZ program, the Action Plan promotes more flexible affordability requirements that enable

Downtown D.C. to meet the needs of the market beyond traditional affordable housing units. The Plan notes that Downtown D.C. has a scarcity of units at 100% and 120% MFI levels relative to other comparable submarkets. This requested flexibility is consistent with these goals and policies of the Downtown Action Plan.

Given the recent plunge in new multifamily construction starts⁴, and the high cost to retrofit existing buildings for residential use, the provision of affordable units at 80% MFI helps to incentivize much-needed new residential development in Downtown. With the current upheaval in the DC real estate market, due in large part to the Federal Government's policies, now is as important a time as ever to incentivize people to live in D.C. with high quality residential design right at the heart of the city. By incentivizing people to live Downtown, the Project will infuse Judiciary Plaza with new life, echoing its residential history. Granting this flexibility to provide half of the IZ units at 80% MFI improves the financial viability of the Project and helps ensure that it can move forward in a timely manner.

In addition to the requested zoning flexibility, the Applicant seeks the following design flexibility as part of the PUD process, all consistent with the flexibility enumerated in Subtitle Z, § 702.8:

1. 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 building as shown on the plans approved by the order;

⁴ See *D.C. Housing Starts Drop 79% As Investors 'Move Their Money Elsewhere,'* Bisnow, dated April 23, 2025, which states: "Last year, 932 rental housing starts began construction in D.C., according to the Washington D.C. Economic Partnership's Annual Development Report. That was down 79% from the 4,374 units that started construction in 2023. Every year before that, going back to 2015, developers started on at least 5,000 units. D.C. has seen a dramatic slowdown in construction starts for all property types, but the pullback from multifamily developers risks further driving up the cost of housing as the city reckons with forecasts of a localized recession."

2. 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;
3. 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 would include, but are not limited to, doorways, canopies, railings, and skylights;
4. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), except that (1) the total square footage of the residential dwelling units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced;
5. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
6. 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 Division;
7. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations; and
8. 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 the LEED standard specified by the order.

D. Outreach Efforts

Representatives of the Applicant have discussed the Project with ANC 2C03 and ANC 6E08 Single-Member District Commissioners. The Applicant expects to make presentations to these ANCs at upcoming meetings, prior to the public hearing in this case.

E. Development Timetable and Potential Phasing of Construction and Occupancy

At the present time, the Applicant intends to construct the Project in one phase and expects occupancy to occur in phases, as the addition of 500 units into this sub-market at one time may be difficult to absorb. The Applicant requests the Commission provide the Applicant with the ability to occupy and potentially construct the Project in phases.

IV. THE APPLICATION SATISFIES THE PUD REQUIREMENTS

The Application satisfies the requirements of the Zoning Regulations for review and approval of a modification of an approved PUD. The Zoning Regulations set forth certain substantive and procedural requirements for a PUD modification and provide the criteria against which the Zoning Commission should evaluate such an application. The Application satisfies the requirements for a modification with hearing of a Second-Stage PUD and the requirements of a Second-Stage PUD generally. 11-X DCMR §§ 300, 301, 302.3, and 307.1. The Application (a) complies with the set down and approval criteria specifically applicable to a Second-Stage PUD (*Id.* §§ 302.2(b), 308.3, and 309.2); and (b) fulfills the requirements for a PUD generally (*Id.* § 300.1).

A. The Application Complies with the Setdown and Approval Criteria

The Commission should set this Application down for a public hearing, and approve it, because the Application satisfies the standards for a modification with hearing. Pursuant to Subtitle Z § 300.1, a PUD application, including a modification with hearing of an approved PUD, must meet all of the PUD requirements for both a first- and second-stage application. A first-stage PUD “involves a general review of the site’s suitability as a PUD . . . the appropriateness, character, scale height, mixture of uses, and design of the uses proposed; and

the compatibility of the proposed development with the Comprehensive Plan, and city-wide, ward, and area plans of the District of Columbia, and the other goals of the project.” 11-X DCMR § 302.2(a). A second-stage PUD must include “a detailed site plan review to determine transportation management and mitigation, final materials and compliance with the intent and purposes of the first-stage approval and [the Zoning Regulations].” § 302.2(b).

As described more fully in Exhibit F, this Application complies with all of the requirements for a first- and second-stage PUD. In accordance with the criteria for a first-stage PUD, the Plans and this statement describe the Project’s (i) suitability as a PUD, (ii) the “appropriateness, character, scale, height, mixture of uses, and design of the uses proposed,” and (iii) the Project’s compatibility with the Comprehensive Plan, especially when viewed through a racial equity lens. The Application complies with the requirements for a second-stage PUD as it includes (i) a detailed site plan that sets forth final building and landscape materials, and (ii) this statement explains the Project’s compliance with the intent and purposes of the Approved PUD and the Zoning Regulations in general. The Applicant has engaged Gorove Slade as traffic engineer for the Project, who will submit the appropriate traffic and parking analysis and recommendations prior to the public hearing.

In addition, the minimum area included within a proposed PUD must be no less than 15,000 contiguous square feet. 11-X DCMR § 301. The Property consists of approximately 57,250 square feet of contiguous land area and therefore complies with this requirement.

B. The Application Fulfills the Requirements for a PUD Generally

The purpose of the PUD process is to provide for higher quality development that (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a

commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. *Id.* § 300.1. A comprehensive public review is required to evaluate the balance between the flexibility requested and public benefits offered. *Id.* § 300.5. As set forth below, the Project satisfies each of these standards.

1. The Project is Superior to the Development of the Property under Matter-of-Right Standards

The Project's public benefits and community engagement greatly exceed what is achievable developing the Property matter-of-right. Specific aspects of the Project that are superior to a matter-of-right development include:

- Housing/Affordable Housing: The Project will provide a substantial amount of new housing, approximately 500 units, where none currently exist, including affordable housing. The Project will reserve 8% of the Building's residential gross floor area as affordable housing at 60% MFI and 80% MFI. This new residential use will transform a soon-to-be vacant office building in a prominent location downtown with access to multiple transit options and within walking distance to a number of neighborhood amenities, including museums, parks, restaurants, and entertainment.
- Superior Design and Landscaping: The Project transforms an underutilized Brutalist building on an important block. While honoring the civic and government office building context and retains much of the massing that helps to frame Judiciary Square while at the same time incorporating materials that update the Building's appearance and create visual interest in the façade. The surrounding landscaping will connect with the adjacent park area, enhancing the pedestrian experience on this prominent avenue that connects the National Mall to the entertainment corridor of Penn Quarter.
- Community Engagement: The Project is undergoing a comprehensive public review process with multiple opportunities for community input in the PUD Modification and Historic review processes. The Applicant has been in communication with both ANC 2C and 6E and will present the Project to these groups at upcoming meetings.

2. The Project Offers a Commendable Number and Quality of Meaningful Public Benefits

The Project delivers significant public benefits to the community. It aligns with District policies aimed at spurring construction of affordable housing in high-cost areas, including Downtown. By replacing a soon-to-be vacant office building with new residential units and a sustainable redesign of the existing building, including thoughtfully designed landscaping that will enhance the perimeter of Judiciary Square, the Project will breathe new life into the important downtown neighborhood.

3. The Project Protects and Advances the Public Health, Safety, Welfare, and Convenience, and is Not Inconsistent with the Comprehensive Plan

The Project protects and advances public policies and protects the intent and purposes of the Zoning Regulations, as detailed throughout this statement. The Project redevelops an aging office building and replaces office use, which is not currently in high demand, with a substantial amount of new housing, which is very much in high demand. The Property's location is ideal for residential use with an abundance of amenities in extremely close walking distance as well as public transportation options.

The Project furthers important goals in District policy, particularly as set forth in the 2024 Downtown Action Plan and the Gallery Place Chinatown Task Force. The Project supports both of these policies by converting an outdated, underutilized office building from the 1980's to hundreds of new residential units within the District's Downtown area with high quality architectural design and lush landscaping, enhancing the cityscape of downtown. By increasing residential use downtown, the Project will bolster the residential base that supports the commercial sector and will generate additional tax revenue for the District. The Project will attract hundreds of new residents to an underutilized but important block. Those residents will help to revitalize Judiciary Square and patronize the numerous businesses nearby in Penn

Quarter and Chinatown. The Project advances the Comprehensive Plan’s racial equity goals by providing new transit-oriented housing, including affordable housing, in an opportunity-rich neighborhood with access to opportunity while resulting in no displacement.

4. The Project Will Undergo a Comprehensive Public Review that Evaluates the Project’s Flexibility and Incentives in Proportion to the Project’s Public Benefits

The PUD process involves a comprehensive public review involving a number of stakeholders, including the affected ANCs, District agencies, and the Zoning Commission itself. The Applicant has already diligently pursued this process, starting with meetings with the District Office of Planning in the summer and fall of 2024. The Applicant has also engaged with both affected ANCs and will continue the engagement with the ANCs and District agencies throughout the application process. The Applicant requests that the Commission proceed to undertake a comprehensive public review of the Project and set the Application down for public hearing.

V. THE PROJECT CONTINUES TO SATISFY THE PUD EVALUATION CRITERIA

The PUD, as modified by this Application, satisfies the criteria by which the Commission evaluates a PUD. The original PUD pre-dates the Comprehensive Plan. Pursuant to Subtitle Z § 704.04, the scope of the hearing for a proposed PUD modification shall be limited to the impact of the modification. In reviewing a Modification with Hearing of an approved PUD, the Zoning Commission must find that the application “(a) is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site; (b) does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead any impacts are be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and (c) includes

specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” 11-X DCMR § 304.4.

A. The Project is Not Inconsistent with the Comprehensive Plan

Pursuant to Subtitle X § 304.4(a), the Zoning Commission must find that a PUD is not inconsistent with the Comprehensive Plan. The Project is not inconsistent with the Comprehensive Plan, particularly when viewed through a racial equity lens.

1. Racial Equity and the Comprehensive Plan

Racial equity is a primary focus of the Comp Plan, particularly with respect to zoning actions. As part of its Comp Plan analysis, the Commission must evaluate the Application through a racial equity lens. 10-A DCMR § 2501.8. The Framework Element states that equity is both an outcome and a process, and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. *Id.* § 213.6. As stated in the Framework Element, “the District’s policies and investments should reflect a commitment to eliminating racial inequities. Addressing issues of equity in transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes through a racial equity lens will allow the District to address systemic and underlying drivers of racial inequities.” *Id.* § 213.10. In the context of zoning actions, the Plan highlights certain priorities, including affordable housing, improving access to opportunity, and avoiding displacement that should be considered when analyzing an application’s impacts on racial equity.

2. Evaluation of Comprehensive Plan Policy Guidance

Table 1: Summary of Comp Plan Policies Advanced by the Proposed PUD Modification
Policies in <u>bold underlined</u> text denote policies that are specifically referenced in the OP Equity Crosswalk as being explicitly focused on advancing equity.
Central Washington Area Element
CW-1.1.1, CW-1.1.3, CW-1.1.4, <u>CW-1.1.5</u> , CW-1.1.9, CW-1.1.11, CW-1.1.12, CW-1.1.16, CW-1.1.20, CW-1.1.23, CW-1.2.1, CW-1.2.8, CW-2.5.1, CW-2.5.5, CW-2.5.6
Land Use Element
LU-1.2.1, LU-1.2.2, LU-1.2.3, LU-1.2.4, LU-1.2.11, LU-1.4.2, LU-1.4.3, LU-1.4.5, LU-1.4.6, LU-2.1.1, <u>LU-2.1.2</u> , LU-2.1.3, LU-2.1.4, LU-2.1.10, LU-2.1.12, LU-2.1.13, 2.2.4
Transportation Element
T-1.1.4, T-1.1.7, T-1.4.1, T-2.4.1, T-2.5.5, T-3.1.1
Housing Element
H-1.1.1, H-1.1.4, H-1.1.5, H-1.1.6, H-1.1.8, <u>H-1.2.2</u> , H-1.2.5, H-1.2.11, <u>H-2.1.4</u>
Environmental Protection Element
E-1.1.2, E-2.1.2, E-2.1.3, E-2.1.5, E-3.2.7, E-4.1.2, E-4.2.1, E-5.1.9, E-7.1.1, E-7.1.3
Economic Development Element
ED-2.2.2, ED-2.2.3, ED-3.1.1
Parks, Recreation, and Open Space Element
PROS-1.2.1, PROS-1.3.3, <u>PROS-1.3.7</u> , PROS-3.3.3, PROS-4.3.1, PROS-4.3.3, PROS-4.3.4
Urban Design Element
UD-1.1.3, UD-1.1.7, UD-1.4.3, UD-2.1.1, UD-2.1.2, UD-2.2.1, UD-2.2.2, UD-2.2.3, UD-2.2.4, UD-2.2.7, UD-4.2.1, UD-4.2.2, UD-4.2.3, UD-4.2.4

Central Washington Area Element

The Project is not inconsistent with the Comp Plan’s Central Washington Area Element. The proposed development will help sustain Judiciary Square as the “hub of the metropolitan area” and contribute to a “vibrant urban development” (CW-1.1.1). By introducing non-office use to the Property, the Project will diversify the uses in Judiciary Square (CW-1.1.3). The Project avoids displacement and will provide new affordable housing (CW-1.1.5). The design respects the characteristic Central Washington features of the existing building while adding new elements, such as cut outs in the massing to bring in more light and softening the landscaping around the building’s perimeter to enhance the pedestrian experience (CW-1.1.11, CW-1.1.12, CW-1.1.16, CW-1.1.20, CW-1.2.1). The PUD process will also encourage the involvement of

nearby Central Washington residents in the planning of the Project through community engagement (CW-1.2.8).

As the Comp Plan explains, the challenge for Judiciary Square/Downtown East is a weak sense of identity due to few residents and un-activated public spaces. 10-A DCMR § 1615.2. However, given its location, the area has the “potential to be an iconic neighborhood.” *Id.* § 1615.3. The Project furthers the Comp Plan goals for Judiciary Square by improving the streetscape and pedestrian connections with active ground floor uses and well-designed landscaping (CW-2.5.1). Introducing residential use to the Property will help strengthen the mix of uses in the area and help further the placemaking goals for Downtown East (CW-2.5.5, CW-2.5.6). By replacing a mostly inactive office building with residential uses, the Project furthers the Comp Plan’s goals for Central Washington.

Land Use Element

The Project is not inconsistent with the Comp Plan’s Land Use Element. The Project advances the Plan’s goal for continued vitality of Central Washington with reinvestment in a central District building and enhancement of the pedestrian environment surrounding the Property while avoiding displacement (LU-1.2.1). The Property is located within the Central Employment Area (“CEA”), which includes core federal facilities. The Land Use Element states that the CEA should include “the greatest concentration of the District’s private office development, and higher-density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses” (LU-1.2.2). The Project introduces high density residential use to diversify this concentrated mix of uses in the CEA and further the Land Use Element’s goal to improve the balance in the mix of uses to “help to achieve Washington DC’s aspiration for an even larger living downtown” (LU-1.2.3). The Project also helps to establish the Downtown

East area as a new mixed-use neighborhood with high-quality design and attention to the surrounding pedestrian network (LU-1.2.4).

The Project also provides a substantial amount of new housing in a transit-adjacent location. Three major Metrorail Stations – Judiciary Square, Archives-Navy Memorial-Penn Quarter, and Gallery Place-Chinatown – are in close walking proximity to the Property, making the location highly accessible to three out of six of the Metro lines. The Comp Plan emphasizes the importance of transit-oriented development, particularly mixed-income development. The Property’s location will minimize the need for vehicle use and maximize transit ridership (LU-1.4.2, LU-1.4.3, LU-1.2.11). Furthermore, the Project’s design incorporates enhancements to the surrounding pedestrian network that will improve access to these Metro Stations (LU-1.4.5, LU-1.4.6).

The Project will help to revitalize Judiciary Square with new residents. The underused building will be rehabilitated and adaptively reused rather than demolished, preserving the existing character of the surrounding area and honoring the characteristic design of Judiciary Square (LU-2.1.1, LU, 2.1.2, LU-2.1.3, LU-2.1.4, 2.1.12). Through the PUD process, the Project will provide high-quality development with active ground floor design and thoughtfully designed landscaping, enhancing the pedestrian network (LU-2.1.10, LU-2.1.13, LU-2.2.4).

The Project has a potential inconsistency with the Land Use Element in that it replaces government office use, which the Plan encourages for Judiciary Square. However, the DOJ lease is expiring; thus, the Building would otherwise become vacant. The Project improves the Building’s design and will re-activate its ground floor uses. Furthermore, the Project will help to diversify the uses in Judiciary Square, another goal of the Comp Plan. The Square has been

predominantly office use and therefore has become less active than it once was due to the lowered demand for office space. The revitalization of this important corner will help establish Judiciary Square as an “iconic neighborhood” and “hub of the metropolitan area.”

Transportation Element

The Project furthers the goals of the Transportation Element by locating hundreds of new residential units in close proximity to three major Metrorail Stations. The accessibility offered by the Project cannot be overstated. In addition to the Metro access, the Property is nestled between the vibrant Penn Quarter and Chinatown neighborhoods, offering easy pedestrian access to a rich supply of neighborhood amenities. The Project will include a bicycle storage room with capacity for 167 bikes (including 9 cargo bikes) as well as 25 short-term bicycle parking spaces around the perimeter of the Building near each main building entrance (T-1.1.4, 1.1.7). The Project incorporates extensive landscaping, improving the surrounding sidewalks and creating a visual connection with the adjacent Judiciary Park (T-1.4.1, T-2.4.1, T-2.5.5).

Housing Element

The Project is not inconsistent with the Comp Plan’s Housing Element. The Project will provide a mix of high-quality market rate and affordable housing near Metrorail Stations in Central Washington (H-1.1.1, H-1.1.4, H-1.1.5, H-1.1.6, H-1.1.8, H-1.2.11). Approximately 40 of the units will be reserved at or below 80% MFI, contributing to the Plan’s goal of approximately 20,000 new units by 2030 at that affordability level (H-1.1.2, H-1.2.5). The Project will accomplish these housing goals while avoiding displacement (H-2.1.4).

Environmental Protection Element

The Project provides important sustainable features into its design that will further the goals of the Environmental Protection Element. The Project incorporates substantial plantings,

including native species plantings, at the perimeter of the Building and on the penthouse. This extensive landscaping will help reduce the urban heat island effect (E-1.1.2, E-4.1.2). The Project's landscape plan includes the planting of approximately 75 trees (E-2.1.2, E-2.1.3, E-2.1.5). The Applicant commits to LEED Certification for the Project (E-3.2.7, E-4.1.2, E-7.1.1, E-7.1.3).

Economic Development Element

The Project will further the goals of the Economic Development Element by providing new clientele to surrounding businesses and services. The Property's location will extend the retail corridor of Penn Quarter and provide a connection between Penn Quarter and the National Mall. The Project's substantial supply of new housing will also provide a strong customer base for the ground floor and surrounding retail, restaurant and service uses (ED-2.2.2, ED-2.2.3, ED-3.1.1).

Urban Design Element

The Project furthers numerous goals of the Urban Design Element, especially its engaging façade design, enhancement of the surrounding public space, and respect for the existing framing and upper-story setbacks of the other buildings that surround Judiciary Square. The Project's superior urban design will both honor the character of the existing building while breathing new life into the Building through cutouts in its massing that will maximize sunlight and air. The Project's design will enhance the view corridor of the DC Court of Appeals, which the Plan calls out as a "Significant National and Civic View Corridor" (UD-1.1.3). The landscape plan will enhance the surrounding public space with a park-like character, featuring a tree canopy and lush plantings (UD-1.1.7, UD-2.1.1), helping to frame Judiciary Square (UD-1.4.3, UD-2.1.2). The Project will strengthen the identity of Judiciary Square, expanding its mix

of uses with residential (UD-2.2.1). The landscape's lush greenery will connect with the adjacent park, improving the public space (UD-2.2.2, UD-2.2.3, UD-2.2.4, UD-2.2.7). The Project's superior urban design provides more expressive massing through the cutouts that create visual interest while extending the upper floors to create a pillar-like appearance that gestures to the surrounding courthouse context (UD-4.2.1, UD-4.2.3, UD-4.2.4). The engaging landscaping will enhance the pedestrian experience (UD-4.2.2). Creating engaging facades is a major principle of the Urban Design Element. The ground floor design will feature main entrances at both the east and west facades, connecting to an interior lobby, activating the facades. Terraces and balconies will also encourage social interaction and engagement (UD-4.2.6).

3. Racial Equity as a Process

Racial equity is a process aimed at involving those most impacted by structural racism in the implementation of institutional policies and practices that impact their lives. 10-A DCMR § 213.9. The information contained in *Table 2* addresses the questions set forth in Part II (Community Outreach and Engagement) of the Racial Equity Tool. As demonstrated below, the Applicant has engaged and will continue to engage with the community during the PUD modification process.

Table 2: Community Outreach and Engagement
Description of affected community (including defining characteristics).
The Approved PUD is located in Judiciary Square at the eastern end of Penn Quarter and to the west of the East End neighborhood. The immediate area consists predominantly of government office buildings and courthouses.
Characteristics of the affected community that influenced outreach plan / efforts
As a result of the above, the Applicant's outreach to the community has been through the duly elected ANC Commissioners.
Community outreach timeframe / date of major meetings and points of engagement
Representatives of the Applicant have contacted ANC representatives regarding the Project. The response has been supportive.
Members of the affected community that would potentially benefit by the proposed zoning action

The proposed PUD modification will facilitate redevelopment of the Property from office to residential use. The Project will benefit the affected community by providing new housing and new residents to the area. The Project will revitalize the important location, reactivating the ground floor and enhancing the pedestrian experience. The Property's proximity to the numerous neighborhood amenities will benefit the new residents that will have ease of access to museums, restaurants, theatres, and more.
Members of the community that would potentially be burdened by the proposed zoning action
In the near term, construction on the site could potentially disturb the neighboring office users. The Project will bring in hundreds of new residents that could cause traffic impacts. The Project will feature approximately 242 below grade parking spaces. However, given the Property's close proximity to several major Metrorail Stations, many residents may choose not to have a car.
Potential positive outcomes of the proposed zoning action identified by the affected community
To date, the affected community has not identified any potential positive outcomes that could result from the proposed modifications to the Approved PUD.
Potential negative outcomes of the proposed zoning action identified by the affected community
To date, the affected community has not identified any potential negative outcomes that could result from the proposed modifications to the Approved PUD.
Changes / modifications made to the proposed zoning action that incorporate / respond to input received from the affected community
The affected community has not provided specific input regarding changes / modifications to the proposed modifications to the Approved PUD.
Input received from the affected community not incorporated into the proposed zoning action
The affected community has not provided specific input that has not been incorporated into the proposed modifications to the Approved PUD.
Efforts taken to mitigate potential negative outcomes identified by the affected community
To date, the affected community has not identified any potential negative outcomes that are specifically related to the proposed modifications to the Approved PUD that require mitigation.

4. Racial Equity as an Outcome

As an outcome, racial equity is achieved when race no longer determines one's socioeconomic outcomes, and when everyone has what they need to thrive no matter where they live or their socioeconomic status. 10-A DCMR § 213.9. *Table 3* evaluates the anticipated impacts on racial equity of the proposed PUD modification. As shown, the proposed modification of the

PUD will have positive impacts in its creation of new housing, including affordable housing, while avoiding displacement, as well as providing access to opportunity by locating residential units where none previously existed in close proximity to transit and a plethora of neighborhood opportunities.

Table 3: Evaluation of Zoning Action Through a Racial Equity Lens	
Direct Displacement	The Project will not cause direct residential or commercial displacement. The current office tenant, the Department of Justice, has chosen not to renew their lease and commencement of construction will not begin until they vacate.
Indirect Displacement (Economic and Cultural)	The Project will not lead to indirect economic or cultural displacement. The new residential uses will instead provide new clientele for the surrounding businesses.
Housing	The Project will offer approximately 500 new residential units, including market rate and affordable units.
Physical	The Project will improve the perimeter of the Building with lush landscaping that connects to the adjacent park, enhancing the pedestrian experience. The new residential use will result in increased vehicle and pedestrian trips to the Property.
Access to Opportunity	The Project will add new residential units in close proximity to three major Metrorail Stations, providing access to jobs and other opportunities for the new residents.
Community	The Applicant will continue to engage with adjacent community members.

B. No Unacceptable Impacts on the Surrounding Area, the Environment, or on the Operation of District Services or Facilities

The Zoning Commission must find that the Project 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. 11-X DCMR § 304.4(b). As described below, any impacts of

the Project are favorable, capable of being mitigated, or acceptable given the quality of public benefits offered by the Project.

Zoning and Land Use Impacts: The Property is located within the High-Density Commercial designation on the Future Land Use Map. The Project continues to be suitable for the MU-8B zoning approved in the Approved PUD (as the C-3-B Zone under the Zoning Regulations of 1958). The Project consists of high-density residential development and therefore is consistent with the zoning and will have a favorable impact.

Housing Impacts: The Project offers approximately 500 new residential units, including approximately 40 affordable units. Judiciary Square consists mostly of non-residential uses, including office buildings and retail. The Project will have a favorable impact by providing new housing and establishing residential use in the area.

Economic Impacts: The Project will have favorable economic impacts on the area by providing new clientele to the surrounding businesses. The Project will revitalize a mostly dormant block with hundreds of new residents and a reimagined ground floor retail. The Project will enhance the pedestrian experience and provide an important connection between the National Mall and the Penn Quarter offerings. In addition, the Project will generate tax revenue for the District in what would otherwise become a vacant building.

Open Space, Urban Design, and Massing Impacts: The Project features superior urban design that both honors the original massing and upper-story setbacks of the building while cutting into the depth to create a more engaging façade and to maximize sunlight and air. The landscape plan incorporates a lush tree canopy to provide shade and other plantings to engage with the park to the east. Ground floor terraces and courtyards and inset balconies provide

additional light and air. The penthouse will feature a green roof and other community amenities. The design brilliantly honors the Building's role in framing Judiciary Square while simultaneously updating the architecture and highlighting open space. Therefore, the Project will have a positive impact on open space, urban design, and massing.

Transportation and Mobility Impacts: The Project will retain the existing 242 below-grade parking spaces. Given the Property's proximity to numerous transit options and its walkability, the new residential use is unlikely to have a negative impact on parking. The Project will likely generate a significant increase in pedestrian traffic in the surrounding area. However, this foot traffic will help support the nearby businesses and institutions.

The Property has a Walk Score of 98, a Transit Score of 100, and a Bike Score of 90.⁵ The Property's prime location and access to transit will mitigate any potential traffic impacts from the new residents.

Environmental and District Utility Impacts: The Project will not create any unacceptable impacts on the environment or District utilities that are not capable of being mitigated.

Public Facilities: Public Schools, Libraries, and Parks: The Project is unlikely to have any unacceptable impacts on nearby public facilities, such as public schools, libraries, or parks. The in-boundary schools for the Property include the Walker-Jones Education Campus at 1125 New Jersey Avenue, NW and Dunbar High School at 101 N Street, NW. Walker-Jones Education Campus had a programmatic capacity of 699 for SY22-23 with utilization of only 48% and an

⁵ 450 5th Street Northwest, WALK SCORE, <https://www.walkscore.com/score/450-5th-st-nw-washington-dc-20001>.

estimated utilization for SY27-28 of 40%. Dunbar High School had a programmatic capacity of 1148 in SY22-23 with a utilization of 76% and an estimated utilization for SY27-28 of 123%.⁶

Judiciary Park is located immediately across 5th Street, NW to the east of the Property. John Marshall Park is located one block to the southeast of the Property and the National Law Enforcement Officers Memorial is located to the northeast across E Street, NW. The expansive National Mall is located a mere quarter-mile to the south of the Property. The new residents the Project brings into the area are unlikely to have adverse impacts on these public parks. There is a massive amount of public parks available in close walking distance to the Property, yet another reason this Property is prime for residential use.

The Martin Luther King Jr. Memorial Library is located approximately 0.4 mile from the Property and will offer new residents an abundance of learning opportunities and exhibits. It is unlikely that the Project will have an adverse impact on the library.

Public Health and Safety Impacts: The Project promotes public health by improving the surrounding pedestrian network, thus making the area more walkable. The Project also incorporates outdoor terraces and inset balconies as well as rooftop amenity space, encouraging residents to be outside to improve their mental well-being. The Building is currently underused with vacant ground floor retail. The Project will revitalize the Property, making the surrounding area safer.

⁶ 2023 Master Facilities Plan School Recommendations, available at: <https://dcgov.app.box.com/v/mfp2023schoolrecs>.

Construction Period Impacts: To the extent the construction has any adverse impacts on neighboring properties, the Applicant has extensive experience successfully developing projects and is capable of mitigating any potential adverse impacts.

C. The Project Provides Specific Public Benefits

The Zoning Commission must find that a proposed PUD “includes 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.” 11-X DCMR § 304.4(c). The public benefits (i) shall be tangible and quantifiable items; (ii) shall be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; (iii) may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need; and (iv) a majority of public benefits should relate to the geographic area of the ANC in which the property is located. *Id.* §§ 305.3; 305.4.

The Project provides substantial public benefits, most importantly, its provision of approximately 500 new residential units, including approximately 40 new affordable units. This significant amount of mixed-income housing in a prime location Downtown will revitalize an underutilized, soon-to-be vacant property. The Comp Plan refers to Judiciary Square’s “weak” sense of identity due to its low number of residents, but envisions its potential as an “iconic” neighborhood. The Project will strengthen Judiciary Square by providing new residents that will enjoy increased access to opportunity given the numerous transit options nearby and abundance of neighborhood amenities while in turn supporting the surrounding retail businesses and entertainment venues, contributing to a vibrant Downtown.

VI. CONCLUSION

For the foregoing reasons, this Application complies with the standards of the Zoning Regulations applicable to approval of a Modification with Hearing of an approved PUD; is not inconsistent with the Comp Plan and other adopted public policies; and provides a robust package of public benefits. The Applicant requests that the Commission set this application down for a public hearing at its earliest convenience.

Respectfully submitted,

GOUSLTON & STORRS PC

/s/ Paul A. Tummonds, Jr.
Paul A. Tummonds, Jr.

/s/ Lee S. Templin
Lee S. Templin