

committed to being responsible for the cost associated with the relocation and the cost to return after construction.

As part of each second-stage submission, the Applicant should provide additional information on phasing, which should include the approximate scheduling and development priorities at that time.

One-to-one replacement of deep subsidies.

The proposal would have a total of 1,760 units and would retain the existing 373 Section 8 units. The Applicant projects that at the beginning of construction there will be 424 occupied units which would be considered the replacement units. The replacement units would consist of 373 Section 8 apartment units and 51 “market rate units” with rents paid using the DC Housing Voucher Program. OP recommends that additional units be provided to accommodate residents with DC Housing Vouchers as well as additional IZ units which would equate to, or be more in line with the 535 units that are within the current buildings. In addition, the Applicant should provide information regarding affordability deeper than 50% AMI should the development not retain the Section 8 subsidy.

Options for funding if federal funds are not renewed.

The Applicant states that if the commitment of HUD to retain the Section 8 contracts does not materialize, the option would be to reserve at least 20% of the proposed 1,760 units for affordable households at Inclusionary standards as follows:

- 165 units (10%) at up to 80% of AMI;
- 164 units (10%) at up to 50% of AMI; and
- 11 for sale townhomes (10% of 114) for families at up to 80% of AMI.

This option does not include the replacement of any of the affordable housing that is currently on the site. OP is not supportive of any proposal that would lessen the level of affordability that currently exists.

Provide a Table showing Existing and Proposed Unit Size by bedroom.

The Applicant provided a table showing the existing bedroom sizes and square footages for each unit type. However, a similar table was not provided for the proposed development within each phase. The Applicant states that the unit sizes are not available at this time but would be provided at each Stage 2 review as the buildings are designed in detail. (Ex. 75A.)

Size of units, number of bedrooms, and AMI.

The current development contains four and five bedroom units but the proposal has not committed to providing any four or five bedroom units. The Applicant states that a study was recently conducted, and using the HUD guidelines of two persons per bedroom, there are 13 existing households which would require four bedrooms and no household would require five bedrooms. The building with the larger units would remain on the site until the later phases at which time they can be “right sized” to accommodate the larger families. The Applicant provided a table to demonstrate existing household size. The proposed unit sizes, number of bedrooms of each and the corresponding AMI level would be provided at each Stage 2 development.

Clarify the number of Inclusionary Zoning units required and proposed.

The Applicant proposes 424 apartment units, of which 373 units would be replacement units under the Section 8 Program and 11 rowhouses would be IZ units, six at up to 50%, of AMI and five at up to 80% of AMI. The Applicant should provide a breakdown of the gross floor area of the IZ units and their bedroom sizes.

Provide reason behind not having active play fields or playgrounds within the development.

At Exhibit 15B, is a map showing the locations of recreation centers and park/fields in the neighborhood, most within a 10 minute walk from the property and are sufficient to serve the residents. However, in a recent study, conducted by OP and Department of Parks and Recreation these facilities were found to have inadequate services. The Applicant has stated that the influx of residents to Brookland Manor would have a positive impact and lead to improvements at these facilities, but has not committed to making these improvements or indicated who would. OP maintains that the Applicant should provide an analysis of existing facilities in the neighborhood and demonstrate that these would adequately serve the new residents.

67. The Commission has included conditions in this Order requiring the Applicant to provide the additional information requested by OP regarding phasing, proposed unit sizes, number of bedrooms, and corresponding AMI level in the appropriate second-stage applications. The Commission has addressed OP’s concerns regarding the one-to-one replacement of deep subsidies in paragraphs 97 and 98 below. The Applicant amended its commitment if the Section 8 contracts did not materialize and/or continue from the commitment stated in OP’s report to the commitment listed in the chart above in paragraph 52(a). The Commission believes that this amended proffer is sufficient for the reasons stated in paragraphs 97 and 98 below.

68. DDOT submitted its report to the Commission on March 6, 2015. The purpose of DDOT's first-stage review is to provide an overview of the potential safety and capacity impacts of the proposed action on the District's transportation network and, as necessary, propose additional mitigations that are commensurate with the action. The transportation analysis for the first-stage PUD process generally identifies potential impacts to the transportation network related to the land uses and density of the Site. Due to the size of this project, the details of vehicle parking access have not yet been fully defined, but will be more fully defined through second-stage submissions. One of the most critical elements of DDOT's review of project traffic on a project like this is of vehicular parking levels and access points. As such, DDOT will expect a full evaluation of transportation facilities as part of the second-stage process, and as necessary an updated suite of proposed mitigations. (Ex. 34, pp. 1-2.)
69. The DDOT report noted that after an extensive, multi-administration review of the case materials submitted by the Applicant, DDOT finds:

Site Design

- A robust network of public and private streets is proposed, with an added link connecting 15th Street N.E. to Rhode Island Avenue;

The new street network has the potential to disperse site traffic in a way that minimizes the action's impact on the external road network and improves connectivity to the adjacent neighborhoods;
- Sufficient bicycle and pedestrian connections are proposed through the site;
- Loading for the retail and multi-family residential is generally proposed to occur from existing or proposed public and/or private alleys, which is consistent with DDOT standards and approach;
- The proposed ROW layout for the Site as shown in the March 3, 2015 submittal is consistent with DDOT standards; and
- As design level details for vehicle access are defined in Stage 2, additional traffic analysis will be required.

Travel Assumptions

- The action is expected to generate a significant number of new vehicle, transit, bicycle, and pedestrian trips; and
- The number of vehicle trips generated by the site is reasonable; but

- The amount of vehicle parking for the residential units is somewhat high relative to other recent projects.

Analysis

- The Applicant utilized sound methodology to perform the analysis;
- The action is expected to minimally increase travel delay in most locations and significantly impact operations for at least five intersections, as outlined in the body of this report;
- The Applicant expects site generated transit trips can be served with existing transit service. However, adjacent bus service has not been shown to have the necessary capacity, and Metrorail's service requires a relatively long walk from portions of the development or transferring modes; and
- The additional bicycle demand will necessitate on-street bicycle facilities along with bikeshare service and facilities. (Ex. 34, p. 2.)

70. DDOT noted that the Applicant has proposed the following mitigations which DDOT finds appropriate:

- Committed to build all public streets to DDOT ROW and design standards;
- Appropriately mitigated traffic impacts at Montana Avenue and Saratoga Avenue by committing to signalization of the intersection;
- Committed to creation of a modified intersection at 15th Street and Rhode Island Avenue and Brentwood Road. A new signal is also anticipated for this location;
- Committed to adjusting the geometries of various intersections and turn movements to mitigate potential impacts. These adjustments should be further developed during the second-stage processes. As needed, additional changes may be requested;
- Potential impacts to bicycle travel are mitigated by the addition of:
 - Two Capital Bikeshare stations; and
 - Multimodal street design of Saratoga Avenue to include bicycle facilities; and
- Offer a good general TDM plan that should be refined and augmented during subsequent second-stage submissions.

As the project proceeds into second-stage applications, the following or similar potential mitigations may also be necessary:

- Additional traffic and safety impact mitigations for impacted intersections not addressed previously. Including at:
 - Montana Avenue & 18th Street/W Street; and
 - Rhode Island Avenue & Montana Avenue/14th Street;
 - Additional analysis to verify existing transit service has capacity to accommodate future demand, and identify new demands that may warrant transit adjustments;
 - Details on long-term and short-term bicycle parking facilities and for pedestrian and bicycle facilities are expected in second-stage process;
 - Improve pedestrian connections to major nearby offsite destinations;
 - Commit to inclusion of non-auto incentives for Capital Bikeshare membership and carshare membership to all residential tenants and commercial employees;
 - Adjustments to improve connectivity and safety, such as updated geometry and operations for Brentwood Road north of the site and coordination with the Fire Department to potentially add an alley at the rear of their property and/or relocate their driveway; and
 - Fund a transit study examining the proposed extension of a Rhode Island bus to downtown (as found in Appendix 4 of the Final Recommendations of *The Metrobus Rhode Island Avenue-Baltimore Avenue Line Study* by WMATA, 2014) [Estimated cost: up to \$100,000].
71. The phasing of these improvements or additional analysis will be finalized during the second-stage process. Added detail for the above mitigations or additional mitigations may be necessary upon an updated scoping and analysis as part of the second-stage PUD process.

Continued Coordination

Given the complexity and size of the action, the Applicant is expected to continue to work with DDOT on the following matters:

Project Process

- For each subsequent second-stage PUD submission, DDOT expects the Applicant to update its CTR for the specific second-stage action while also presenting updated analysis for the entire PUD. It is expected that each submission will present findings in terms of the entire PUD, which may include elements already completed;

- Street closure and rededication will require coordination with DDOT and Council action;
- Coordination is expected to determine curbside management, to include at least metered parking, building entrance zones, potential Residential Permit Parking blocks, loading zone restrictions, etc.; and
- Coordination is expected to locate a relocated bus stop site on Rhode Island Avenue and any other transit adjustments.

Design Elements

- All roadway infrastructure should be designed according to DDOT standards;
 - Site design refinements should be coordinated with DDOT such that:
 - Vehicle access minimizes potential impacts to the roadway network;
 - Utility vaults are located in private space; and
 - Loading vehicle movements are accommodated on private space;
 - In particular, DDOT will want to analyze the design and operations of new proposed intersections on Brentwood Road, N.E. and Montana Avenue, N.E.;
 - Further design development is expected for the proposed operational and geometric changes intended to mitigate impacts;
 - Public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, and other features within the public rights-of-way, are expected to be designed and built to DDOT standards;
 - Careful attention should be paid to pedestrian and bicycle connections through and along the Site's perimeter and adjacent infrastructure;
 - Locations for Capital Bikeshare stations;
 - Signal implementation and modification will be coordinated as part of the second-stage PUDs to optimize performance of the road network while providing ample pedestrian crossing time; and
 - TDM plans for each building. (Ex. 34, pp. 3-4.)
72. The District's Department of Energy and Environment ("DOEE") filed a report dated March 2, 2015. The report noted that DOEE representatives met with the Applicant's development team to review the development plan and offer suggestions. The DDOE report noted that "Given the project will be built out over the next 10-15 years, and that many of the regulatory standards will be updated in that time, we recommend that the

project set high standards and goals for the project that design for the future.” The DOEE report recommended that all parcels in the master plan be designed to meet or exceed the quality and environmental standards set out in the Anacostia Waterfront Development Zone (AWDZ). The DOEE report also recommended that all buildings in the second-stage PUD applications meet the LEED-Gold requirements and that the full development project satisfy the stormwater management requirements of the AWDZ. (Ex. 30.)

73. The Metropolitan Police Department (“MPD”) provided a report to OP regarding the project. The MPD report requested that DDOT should “be consulted regarding the impact and plan for the anticipated increased traffic in the area”. DDOT has submitted its report in this case and the Applicant has agreed with all of the mitigation measures noted in the DDOT report. The MPD report also requested that the Applicant “consider enhanced lighting and security features a priority to ensure increased public safety along the walkways and interior courtyards of the development.” The Applicant responded that in the design of all of the second-stage PUD applications, these issues will be addressed. (Ex. 105; Ex. 104, p. 8.)
74. DC Water provided OP with an e-mail regarding the project. DC Water noted that it has reasonable capacity in the water and sewer systems in the vicinity of the development to support the project. DC Water also noted that it is likely that the Applicant can arrange the water and sewer systems on site to provide adequate service on site and connections to the public system. In regard to the proposed closure of a portion of 14th Street, N.E., DC Water stated that while it has facilities in the portion of 14th Street, N.E. to be closed, it expects the Applicant will either relocate these existing facilities to existing rights of way, or will provide appropriate easements. In response to these comments, the Applicant noted that its civil engineering firm met with DC Water representatives to discuss these issues, and that it agreed with DC Water’s conclusion that “there are practical options that would be acceptable to DC Water”. The Applicant noted that these issues are typically resolved during the Street Closing and Dedication process, which is occurring concurrently with this PUD process. (Ex. 105; Ex. 104, p. 7.)

ANC 5C Report

75. ANC 5C submitted a letter into the record of this case, dated March 12, 2015, which noted ANC 5C’s unanimous support for this application, with 18 conditions. ANC Commissioner for 5C05, Commissioner Regina James, presented the report of the ANC and testified in support of the application. Ms. James noted the support that this project has in the community and the Applicant’s willingness to listen to the concerns and issues of the community regarding providing housing for seniors. (Ex. 58; 5/11/15 Tr., pp. 64-70.)
76. At the request of the Commission, the Applicant provided its response to each of these conditions. The Applicant noted that these conditions can be generally grouped into six categories: (i) development of the senior citizens building; (ii) tenants’ right to return;

(iii) construction management issues; (iv) employment, contracting, and retail issues; (v) sale of the townhouses; and (vi) the renaming of Saratoga Avenue. The Applicant noted that it believes that the specific issues raised in many of these conditions will be appropriately addressed in the second-stage PUD applications. The Applicant responded to the ANC's conditions as follows:

- Development of the Senior Citizens Building (Condition Nos. 1-2) – The Applicant is committed to developing a senior citizens building on the Subject Property as the first project. The Applicant believes that the preponderance of the units will be occupied by existing Brookland Manor residents, who will be able to stay on the Brookland Manor property until the senior citizens building is ready for occupancy. However, to the extent that additional capacity is available, the Applicant is willing to provide existing residents of the Brentwood neighborhood first preference to those remaining units. The design, interior layout, and facilities included in the senior citizens building will be determined in the second-stage PUD review;
- Tenants' Right to Return (Condition No. 3) – The Applicant will allow all qualified Brookland Manor residents, at the time that the redevelopment commences, the ability to return to the new Brentwood Village;
- Construction Management (Condition Nos. 4-9, 17) – The Applicant has submitted into the record of this case a general construction management plan that will guide construction activity. The Applicant fully expects that more refined construction management agreements will be implemented for each specific second-stage PUD application. These specific construction management agreements will address the issues noted by the ANC;
- Employment, Contracting, and Retail Opportunities (Condition Nos. 10-13, 15) – The Applicant has agreed to enter into a First Source Employment Agreement with the Department of Employment Services. The Applicant will also work with small business owners to contract for their services in the development of this project and their ability to open retail stores in the project. In regard to the prohibition of an “ABC Establishment” in any portion of the project, the Applicant will work with the ANC to confirm which types of “ABC” establishments they do not want to see in the project. The Applicant believes that the inclusion of restaurants is an important component of this project, and restaurants will want to obtain an ABRA license. The Applicant also has no ability to determine whether 5th District MPD officers will be able to work part-time in the retail portion of the project. The Applicant requests that the issue of MPD officers working part-time in the retail portions of the project not be included as a condition of the Commission's approval;

- Sale of the Townhouses (Condition Nos. 14-16) – The Applicant agrees to provide all realtor listings for the townhouses to ANC 5C and the Ward 5 Councilmember’s Office. The Applicant is proposing that 10% of the townhouses will be reserved as Inclusionary Zoning units, which will be attractive to first-time homeowners and DC employees (including teachers, police officers, and fire fighters); and
- Renaming of Saratoga Avenue, N.E. (Condition No. 18) – The Applicant is fully supportive of any actions that ANC 5C or the Brentwood community decides to take with regard to the renaming of Saratoga Avenue, N.E. and will work with ANC 5C to facilitate the approval of that through appropriate city agencies and processes. (Ex. 75, pp. 8-9.)

77. The Commission finds that these commitments are adequate to address the issues and concerns expressed in ANC 5C’s report.

ANC 5B Report

78. ANC 5B submitted a letter in support of the project, with conditions, dated April 24, 2015. The letter attached the ANC’s resolution listing its issues and concerns. The first issue was the ANC’s belief that the project does not provide sufficient public benefits and amenities, and it suggested that the Applicant should provide additional benefits in the form of a playground, recreation facilities, and/or youth centers to provide youth focused recreational opportunities. The second issue was an opposition to the encroachment of commercial uses into areas away from Rhode Island Avenue that are marked residential on the Future Land Use Map. The third issue was that a development timeline should be required as a part of the Commission’s first-stage PUD approval. The fourth issue was that the Applicant should provide a written, well-defined and definitive tenant relocation plan as a condition of a first-stage PUD order. The fifth issue was that the Applicant should be required to guarantee to qualified tenants a right of return to the premises upon completion of the development based on the full number of 525 affordable units in existence today, and that the Applicant should provide an alternative affordable housing proposal in the event that the HUD does not renew its Section 8 contract with Brookland Manor in 2017. The final issue was that the Commission should preserve the maximum amount of affordable housing possible within the development.

79. In response to the first issue, the Commission finds that the project’s public benefits are a sufficient trade-off for the requested zoning relief under the circumstances. As described more fully elsewhere in this Order, the Commission believes that the ability to extend commercial uses along the frontage of the proposed community green and along the northern side of Saratoga Avenue are significant benefits of the project, and will encourage a walkable neighborhood community. As to the third issue, this Order includes a condition setting forth what the Commission believes is an appropriate

development timeline. This Order also requires the Applicant to abide by the tenant relocation plan it submitted into the record, and to provide additional information regarding its tenant relocation commitments with its future second-stage PUD applications, and the Commission believes this adequately addresses the ANC's concern. Regarding the fifth issue, the Commission disagrees with the ANC that the Applicant should be required to provide 525 affordable units on the Subject Property because it believes the proffered public benefit of affordable housing, in conjunction with the other public benefits of the project are sufficient to justify approval of this PUD application and the Applicant provided a sufficient alternative in the event the Section 8 program is not renewed. Finally, the Commission believes the affordable housing provided is sufficient to justify approval of the project.

Parties and Persons in Support

80. There were no parties in support of the application.
81. The Ward 5 Councilmember, Kenyan McDuffie, submitted a letter in support of the application. Councilmember McDuffie's letter noted that the Applicant has worked with a diverse coalition of community interests and has struck a responsible balance in ensuring that existing residents are able to participate in the renewed community. Councilmember McDuffie also noted that the redevelopment of this property into a mixed-income, mixed-use community will also create economic opportunity in Ward 5. He concluded that this truly transformative endeavor will bring much needed retail to the Rhode Island Avenue corridor. (Ex. 80.)
82. Dianne Camp, a Brookland Manor resident since 1965, provided written and oral testimony in support of the project. In Ms. Camp's written testimony she stated that she believed that the new Brentwood Village community is exactly the type of mix of incomes, mix of residential types, creation of open spaces, and mix of residential and retail uses that are needed in her community. She noted that the proposed new streets and buildings, with restaurant and retail uses on the ground floors, and central community green will create a safe environment that will allow her and her neighbors to walk freely through our neighborhood. Ms. Camp also thought that the different types of housing (townhouses, a senior citizens building, two-over-two condominium buildings, and apartment buildings) offered to people of varying incomes will allow the new Brentwood Village to be a really inclusive neighborhood that will allow the existing residents of Brookland Manor to stay, and will allow them to have new neighbors who are interested in being a positive force for the future of her neighborhood. (Ex. 44; 5/7/15 Tr., pp. 145-148.)
83. Jose Barrios, ANC 5B04 Commissioner (which is on the north side of Rhode Island Avenue, northwest of Brookland Manor), and Michael Morrison ANC 5B03 Commissioner (which is directly across the street from the development between 13th and 14th Street) testified in support of the project. They noted that the overall project would

benefit the nearby community. Mr. Barrios and Mr. Morrison noted that ANC 5B passed a resolution in support, while indicating some concerns, which are discussed above. (5/7/15 Tr., pp. 131-133, 148-150.)

84. Kyle Todd, on behalf of the Friends of Rhode Island Avenue, Northeast – managing the Rhode Island Main Street program, testified in support of the project. Mr. Todd noted that approval of the first-stage PUD program will create tremendous new opportunities for retail dining and other neighborhood amenities, and will provide opportunities for new jobs, and a much needed boost to the residential density for the entire corridor. Mr. Todd also noted the Applicant's commitment to the community over the last several decades and the efforts that Mr. Meers has undertaken to reach out and work with area residents, surrounding civic associations, and ANCs. (5/7/15 Tr., pp. 133-135.)
85. Maya Chaplin-Glover, a Brookland Manor resident, testified in strong support of the project. She noted that this project would create a mixed-income and mixed-use development project like those seen in the rest of the city. Ms. Chaplin-Glover noted that Brookland Manor has had a concentration of low incomes for too long and if the property was integrated economically with a mix of incomes, there would be more opportunity for its residents. (5/7/15 Tr., pp. 135-137.)
86. John Iskander, a resident of 20th Street, N.E., testified in support of the project. Mr. Iskander noted that he was originally opposed to the project but changed his mind based on the Applicant's reduction in height and massing of the buildings along Rhode Island Avenue, N.E. Mr. Iskander commended the Applicant for listening to, and addressing, his concerns. Mr. Iskander concluded that the transformation of Brookland Manor is very worthwhile and will benefit all of the community. (5/7/15 Tr., pp. 161-164.)
87. Approximately 34 letters in support of the project were filed in the record of the case. These letters were from individual residents, organizations, and churches (Isle of Patmos Baptist Church, Israel Baptist Church). In general, these letters noted the benefits that the project will bring to the community and the need for change from the current activity which occurs in and around Brookland Manor.

Party in Opposition

88. The Residents Association presented written and oral testimony into the record of this case. At the May 11, 2015 public hearing, the Residents' Association presented testimony from Will Merrifield, a staff attorney with the Washington Legal Clinic for the Homeless and the authorized representative of the Residents Association, and residents of Brookland Manor including Minnie Elliott (President of the Brookland Manor/Brentwood Resident Association) and Dr. Edward Ameen (a trained psychologist who works with homeless youth).

89. Mr. Merrifield noted the Residents Association's testimony was meant to highlight their concerns in order to achieve a truly equitable redevelopment that does not result in the loss of one unit of current affordable housing and maintains current bedroom sizes and subsidy levels at the property. The Residents Association noted these issues are relevant to the Commission because the proposed public benefits offered are not offset by the loss of affordable housing the PUD would create. The Residents Association also argued that the proposal is inconsistent with the Comprehensive Plan and that it seeks to demolish and will not replace apartments that are currently occupied by families who live in three-, four-, and five-bedroom units. The Residents Association's argument was that the Applicant should be required to provide 535 units of affordable housing, at the current levels of subsidy, and the current mix of three-, four-, and five-bedroom units in the PUD project. (Ex. 96; 5/11/15 Tr., pp. 6-14.)
90. Minnie Elliott, President of the Brookland Manor/Brentwood Resident Association, presented testimony regarding the lack of a family friendly development plan, the lack of transparency in the development of a playground/pool/community center, the misuse of the word affordable, and problems with the tenant relocation plan. (5/11/15 Tr., pp. 15-20.)
91. Reverend Dr. Loretta Washington, Vice President of the Brookland Manor/Brentwood Resident Association and a long-time Brookland Manor resident, testified that she would like to see 535 units of affordable housing continue to be provided in the new PUD project, all families remain on site, and at least 10% of the families on site be hired and trained prior to ground-breaking. (5/11/15 Tr., pp. 21-25.)
92. The Residents Association also presented testimony from Yvonne C. Johnson, a Brookland Manor resident, and read into the record submissions from Kelvin Brooks (current Brookland Manor resident) and Marjorie Thomas-Barnes (past Brookland Manor resident). Ms. Johnson raised concerns regarding the children at Brookland Manor and their ability to stay at the property. Mr. Brooks and Ms. Thomas-Barnes raised concerns regarding the ability of families to remain on the property. (5/11/15 Tr., pp. 25-26, 34-40.)

Persons in Opposition

93. Farisha Walsh, Dorothy Davis, Katrina Johnson, and Keisha Howard (all Brookland Manor residents), noted concerns about their ability to remain at Brookland Manor following the redevelopment of the property and the anxiety that is shared by some of their fellow Brookland Manor residents. (5/7/15 Tr. pp. 140-144, 164-169)

Contested Issues

Tenant Relocation and Construction Phasing Plan

94. The Applicant's tenant relocation and construction phasing plan, consists of the following priorities:
- Minimize construction impacts to the residents to ensure that a safe environment exists;
 - Manage the onsite relocation of residents to minimize the impact on educational, social, emotional, and employment needs of individuals and families;
 - Building out the project's infrastructure in the most efficient manner possible; and
 - Phasing the improvements in a way that maximizes the project's ultimate success, including the creation of 373 new affordable apartments in a revitalized community.

The Applicant noted that as construction progresses, most existing households will be relocated on site once prior to moving into a new building. A few families may have to be relocated twice as dictated by available accommodations and construction scheduling. The commitment is to ensure that each of the new buildings has at least 10% affordable units, noting that there may need to be some right-sizing (getting back down to 10% where it starts above that level) based upon construction phasing. The Applicant's current plans do not contemplate off-site relocations during construction. The Applicant acknowledged that it is responsible for the payment of costs or expenses associated with the relocation of tenants on-site or off-site. (Ex. 104B.)

95. The Applicant additionally committed to allow all households that reside at Brookland Manor at the commencement of the redevelopment in early 2018 with the right to return to the new Brentwood Village community. The Applicant expects that there will be 424 occupied units at the time that the redevelopment commences in 2018. The expected turnover of 60 units, from 484 occupied units (as of 6/2/15) to 424 (as of 1/1/18), will come from normal turnover, and is based on historic results (78 units turned over in 2012, 79 in 2013, and 47 in 2014). (Ex. 104, p. 6.)
96. The Applicant's proposed Construction Phasing Plan will consist of three phases, described as follows:

- **Phase 1 – Development of Block 7:** Phase 1 will include the development of up to a 200-unit senior citizen (limited to residents aged 62+) building and 28 for-sale units in Block 7. There will also be a smaller 86-unit market-rate building that will assist with tenant relocations. The senior citizen building in Phase 1 will consist of approximately 185 one-bedroom apartments and 15 two-bedroom apartments. The 28 for-sale units in Phase 1 will be either “two over two” or townhouse units.

In order to construct a new senior citizen building and to manage the relocation of existing tenants on-site, the existing buildings must have vacancy and that vacancy in turn needs to be concentrated. Block 7 is the chosen location for the senior citizen building because it is in a central location, is proximate to the community green, and the parcel that will house the senior citizen building currently only has three buildings with 64 units.

The Applicant anticipates that Block 7’s three existing buildings will be vacant when construction starts in early 2018 with all of those residents relocated at ownership expense to an appropriate home on the property.

The Block 7 multifamily buildings are scheduled for completion in 2019, and at that point approximately 286 apartments will be available as a relocation source (compared with the 64 units that currently occupy Block 7’s three buildings). The ultimate size of the senior building will be determined based upon a survey of the 62+ age resident population to assess their needs and preferences. The expectation is that the building will be sized somewhere in the 150-200 unit range and will be occupied principally by existing residents with most having Section 8 assistance.

- **Phase 2A – Development of Blocks 2 and 3:** Completion of the Block 7 buildings will vacate 209+ units in the existing buildings. The existing buildings which are located on what will become Blocks 2 and 3 in a total of 142 units of which a smaller number will be occupied at the start of construction in 2019 (as many of the residents aged 62+ currently reside in buildings which are located on Blocks 2 and 3 and will have since been relocated to the new senior citizen building). For those not relocating to the senior building, the Applicant will relocate those residents at the Applicant’s expense to a comparable unit on the Subject Property. On site relocations will clear all existing units in these blocks to permit construction. This phase will contain 569 apartments, including 71 affordable units. At completion of this Phase 2A, 280 of the 373 affordable units will have been replaced with new units.
- **Phase 2B – Development of Blocks 5, 6, and 8:** The existing Brookland Manor buildings located on future Blocks 5, 6, and 8 contain 184 apartments. All

existing residents in this phase will be relocated elsewhere on the site to permit construction – this could include the senior citizen building in Phase 1, the multi-family buildings in Phase 2A, or any of the existing buildings in Phase 3. Again, relocations will be done at the Applicant’s expense with relocations to a comparable unit. Phase 2B will contain 262 apartments and 72 townhouses. As many as 66 of the 262 units will be reserved as affordable units when these buildings are constructed as this will need to be an affordable relocation source of housing until the Phase 3 buildings are delivered. At the completion of this phase, 346 of the 373 affordable units will have been replaced with new units.

- **Phase 3 – Development of Blocks 1 and 4:** This final phase will contain a total of 543 units, 529 apartments, and 14 townhouses. Of the final 543 units, 27 affordable units will be completed, bringing the total number of affordable units to 373. It is important to note that in order to achieve the minimum 10% affordability levels in these buildings, affordable units will need to be relocated from the Phase 2A and 2B buildings to the Phase 3 buildings. (Ex. 104B.)

Affordable Housing

97. OP and the Residents Association and its representatives have asked the Applicant to provide 535 new units of affordable housing in this project. The OP report also noted that an alternate replacement schedule with affordability deeper than 50% AMI should be considered if the development does not retain the Section 8 subsidy. OP also noted that it was not supportive of any proposal that would completely eliminate the level of affordability that currently exists on the property. The Applicant presented information into the record that it expects that a total of 424 households will reside at Brookland Manor upon the commencement of redevelopment in early 2018: 373 Section 8 affordable units and 51 market-rate units (most occupied by tenants assisted by DC Housing Choice Vouchers). Brookland Manor does not currently include 535 “affordable” units, rather Brookland Manor includes 373 Section 8 units and 117 “market”-rate units with individual tenants paying their rents with supplemental financial assistance in the form of DC Housing Choice Vouchers. The Applicant argued that its commitment to maintaining the Section 8 contracts in the new Brentwood Village is a significant amenity of the PUD project and protects the level of affordability which currently exists at Brookland Manor. The Applicant also noted that it was not aware of any developer that is able to provide levels of affordability below 50% of AMI without some form of financial subsidy, whether that subsidy comes from the Federal Government or the District Government. The Applicant noted that this affordable housing commitment is more robust in percentage and depth of affordability than any privately owned and funded development in the city. (Ex. 104, p. 6.)
98. The Applicant noted that it remains committed to retaining the Section 8 contract on the Subject Property, so the existing 373 units (with deep affordability) at Brookland Manor

will remain in the new Brentwood Village. The Applicant stated that it will provide for 22% (373 of the total 1,646 multi-family units) of the new rental accommodations to be reserved as affordable units with AMI levels that are significantly below 50% of AMI. An additional 11 for-sale townhouses or two-over-two units will be reserved as affordable units that will satisfy the Inclusionary Zoning standards. At the end of the build-out of the new Brentwood Village community, the affordable units will be approximately 22% of the total number of units. In support of the Applicant's affordable housing commitment across the site, the senior citizen building will be 100% assisted, each multi-family building will have at least 10% of the units reserved as affordable housing, and 10% of the for-sale residential units (townhouses or two-over-two units) will be reserved as affordable dwellings. (Ex. 104, p. 6.) Finally, the Applicant amended its proffer so that in the event the Section 8 contract does not materialize or is not renewed, the Applicant will provide the alternative affordable housing benefits stated in Findings of Fact No. 52(a).

Proposed Unit Size

99. The Applicant presented written testimony that its decision not to construct four and five bedroom units in the new Brentwood Village is entirely consistent with local and national practices in the development and operation of affordable housing communities. It is also based on the Applicant's own experience as the largest operator of affordable housing units in Washington, D.C. (Ex. 104.)
100. In its rebuttal testimony, the Applicant noted the 2014 Quadel Consulting and Training, LLC report, which was commissioned by the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") to review the existing New Communities Initiative and provide recommendations for moving that program forward. The Quadel report considered the issue of one-for-one replacement of unit types and noted that "it was not intended to entail the construction of housing developments that mirror the unit mix of the public housing" and went on to conclude that "it is generally not economical to build replacement four, five, and six bedroom apartments". The Applicant concurs with these conclusions. (Ex. 104.)
101. The Applicant also notes the national research that it found on this issue. The Applicant determined that multifamily housing providers across the country are not building four- and five-bedroom apartments. This is best articulated by the President of the National Multi-Housing Council, Douglas M. Bibby, who submitted a letter to the Commission in February 2015 where he stated that:

I am President of the National Multi-Housing Council ("NMHC") which is the largest trade association for the apartment industry. NMHC's members own and operate literally millions of rental apartment units across the country. NMHC is the primary resource for industry research, insight, analysis and expertise on

apartment industry issues. After due inquiry, I am not aware of any of our members building new 4BR and 5BR family apartments anywhere in the country. There are practical, social, market, and economic reasons why rental units of this type are not feasible and are not being produced by NMHC's members. (Ex. 104.)

102. The Applicant also identified its years of practical experience at Brookland Manor and other properties which has led it to the conclusion that the larger unit types (in the apartment flat configuration) are significantly impactful on the families who live there and the residents of the surrounding community. In many instances where there are more than six people occupying a one apartment flat, the housing configuration is not ideal in that there are relatively small common areas within the homes and those areas are inadequate in serving the educational, social, and emotional needs of family members. (Ex. 104.)

Creation of a Community Center on the Subject Property

103. The OP Supplemental Report requested that the Applicant provide an analysis of existing recreation centers and park/fields in the neighborhood and demonstrate that these would adequately serve the new residents. The Applicant's expert in architecture and urban planning noted that there are a number of recreation centers and recreation fields within a 10 minute walk of the Brookland Manor community, so the design of the community green was to create something that is different from the sports fields and recreation centers that are already available in the neighborhood. The Applicant's expert in architecture and urban planning concluded that the community green will be complimentary to the inventory of public spaces in the surrounding community and not the same as those existing public spaces.

Satisfaction of the PUD and Zoning Map Amendment Approval Standards

104. In evaluating a PUD application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects." (11 DCMR § 2403.8.) The Commission agrees with the Applicant's testimony and written materials that the development of the new Brentwood Village will be a transformative project that will benefit the existing Brookland Manor residents and members of the surrounding community. The Commission finds that the mix of retail and residential uses provided in this application, along with the mix of market-rate and affordable housing units provided in different residential unit types, the large public open spaces provided in the community green and the pedestrian walk, the significant infrastructure improvements proposed, and the high levels of urban design found in this project are properly deemed to be significant project amenities and public benefits. Given the significant amount and quality of the project amenities and public benefits included in this PUD and related Zoning Map

amendment application, the Commission finds that the development incentives to be granted for the project and the related rezoning are appropriate. The Commission also finds that the requested areas of flexibility from the requirements are consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations and are fully justified by the superior benefits and amenities offered by this project.

105. The Commission finds that the project is acceptable in all proffered categories of public benefits and project amenities and is superior in public benefits and project amenities relating to urban design, site planning, infrastructure improvements, and the provision of housing and affordable housing. The Commission finds that the creation of a mixed-income and mixed-use project on the Subject Property will provide significant economic benefits to the District of Columbia as well as new housing and job opportunities to existing and future residents of the District.
106. The Commission credits the written submissions and testimony of the Applicant and OP that the proposed PUD and rezoning to the C-2-A and R-5-B Zone Districts are appropriate and that the proffered amenities and benefits are acceptable. The Commission also credits the testimony of the Applicant and OP that the proposed PUD project and rezoning of the Subject Property are not inconsistent with the Comprehensive Plan. This Commission has spent considerable time considering how its decisions are to be guided by the various maps, guidelines, policies, and elements that make up the Comprehensive Plan. This Commission has appropriately determined that the Comprehensive Plan provides it with a series of tools that help guide decisions regarding consistency with the Comprehensive Plan. The FLUM, the GPM, or specific elements and policies are not in and of themselves determinative of whether a project or proposed zone district is consistent with the Comprehensive Plan. Rather, the Commission looks at the Comprehensive Plan in its entirety. In this case, the Commission finds that the proposed PUD and related map amendment of the Subject Property to the C-2-A and R-5-B Zone Districts is appropriate given the FLUM designation of the Subject Property and the project's satisfaction of numerous policies enumerated in the Comprehensive Plan. The Commission's conclusion is consistent with OP's recommendations to approve the project and the PUD-related Zoning Map amendment.
107. The Commission finds that the Applicant has adequately addressed all of the outstanding issues raised in OP's Supplemental Report. In particular, the Commission believes that the Applicant has appropriately addressed OP's issue regarding the need to include a recreation center or playing field on the Subject Property. The Commission agrees with the Applicant's desire to have the community green be reserved for a playground and more open, passive recreation spaces while encouraging the residents of the new Brentwood Village to go outside of their community to visit and use the existing recreation centers in the immediate community.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. (11 DCMR § 2405.)
3. The development of the project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design and that would not be available under matter-of-right development.
4. The application meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The application meets the contiguity requirements of § 2401.3.
6. The Commission notes the materials submitted by the Applicant which depict the project in the context of the surrounding neighborhood. Based on these materials, the testimony of the project urban planner and architect, and OP’s conclusions on this subject, the Commission finds that the proposed height and density of the buildings in the project will not cause a significant adverse effect on any nearby properties. The Commission notes that the second-stage PUD applications, which will provide greater architectural detail, will further allow the Commission to address any issues regarding impacts of the project.
7. The Commission finds the public benefits and project amenities provided by the project are significant and appropriate given the additional height and density that is granted by this first-stage PUD application. The Commission agrees with the Applicant’s conclusion that this will be a transformative project for the neighborhood. The creation of new retail uses along Rhode Island Avenue, N.E., including a grocery store, will bring positive economic activity and job opportunities to the area. The significant infrastructure improvements (including the public space improvements along Rhode Island Avenue,

- N.E. that are not immediately adjacent to the Subject Property) proposed by the Applicant, the creation of large public open spaces, and the dedication of large amounts of private property for public purposes are appropriately deemed to be public benefits and project amenities of the project.
8. The Commission agrees with the Applicant's analysis that Brookland Manor does not currently include 535 "affordable" units, rather Brookland Manor includes 373 Section 8 units and 117 "market"⁴ rate units with individual tenants paying their rents with supplemental financial assistance in the form of DC Housing Choice Vouchers. The Commission agrees that the Applicant's commitment to maintaining the Section 8 contracts in the new Brentwood Village is a significant amenity of the PUD project and protects the level of affordability which currently exists at Brookland Manor. At the end of the build-out of the new Brentwood Village community, the affordable units will be approximately 22% of the total number of units. The Commission finds that the Applicant's decision to retain the Section 8 contract on the Subject Property and provide 373 units of housing for residents who make significantly less than 50% of AMI is a significant project amenity of this first-stage PUD application.
 9. In regard to the Residents Association's arguments that the Applicant should be required to provide four and five bedroom units in the project, the Commission notes the information that the Applicant submitted into the record regarding the existing demographics of the Brookland Manor residents that occupy the four- and five-bedroom units, the research that they undertook to determine that they are not aware of any development elsewhere in D.C. or in the entire country that includes four- and five-bedroom units in multi-family developments, the Quadel report which addressed the meaning of one-for-one replacement of units in New Communities projects, and the Applicant's own experience that larger unit types are significantly impactful on the families who live in those units and on the surrounding community. The Commission concludes that it is not necessary for the Applicant to include four- and five-bedroom units in the project.
 10. The Commission regards the Applicant's tenant relocation and construction phasing plan as a commendable public benefit. The plan includes the following priorities: minimizing construction impacts to the residents and ensuring that a safe environment exists; managing the on-site relocation of residents to minimize the impact on educational, social, emotional and employment needs of individuals and families; building out the project's infrastructure in the most efficient manner possible; and phasing the improvements in a way that maximizes the project's ultimate success. The Commission also recognizes that the Applicant has committed to allow all households that reside at Brookland Manor at the commencement of the redevelopment in early 2018 with the

⁴ At the time of the public hearings in this case, there were 490 residential units that were occupied at Brookland Manor.

right to return to the new Brentwood Village community. The Commission notes that the Applicant's plan will require that most existing households will be relocated on site once prior to moving to a new building and that a few families may have to be relocated twice as dictated by available accommodations and construction scheduling. The Commission also notes that the Applicant's current plans do not contemplate off-site relocations during construction and the Applicant acknowledges that it is responsible for the payment of any costs or expenses associated with the relocation of tenants on-site or off-site. The Commission finds that the proposed tenant relocation plan and construction phasing plan appropriately addresses the concerns raised by the Residents Association and protects the rights of the existing residents of the Subject Property.

11. The Commission concludes that the Applicant's commitment to a LEED-ND Silver certification is appropriate at this point in the process of development of the project. The Commission does not find it necessary to require that each development parcel be designed to meet or exceed the quality and environmental standards set out in the AWDZ. In addition, the Commission does not find it necessary to require that the full development project satisfy the AWDZ stormwater management requirements. When each second-stage application is brought before the Commission, the Commission will review the sustainability measures proposed in that specific building or parcel.
12. The application seeks a PUD-related zoning map amendment to the C-2-A and R-5-B Zone Districts. The application also seeks limited flexibility from the Zoning Regulations regarding the timing of filing subsequent second-stage PUD applications. The Commission finds the requested relief to be minimal and allows for the creation of a project that has numerous benefits and amenities.
13. The Commission finds that rezoning the site is consistent with the Comprehensive Plan. The PUD is fully consistent with and fosters the goals and policies stated in the elements of the Comprehensive Plan. The project is consistent with the major themes and city-wide elements of the Comprehensive Plan, including the Housing, Urban Design, Land Use, Environmental, Economic Development, and Transportation Elements. The PUD is also consistent with the more specific goals and policies of the Upper Northeast Area Element.
14. The Commission agrees with the Applicant's analysis that the mixed-use FLUM designation follows the existing land uses on the site, the mixed-use moderate-density commercial/moderate-density residential land use designation is located on the portion of the site that currently includes the strip shopping center, with the boundary of the mixed-use designation being the one block of 14th Street to the rear of that shopping center. The Commission agrees with the statements of the Applicant and OP that the FLUM is not a zoning map and is not parcel specific. The Commission finds that the proposed urban design and site planning of the project removes the one block of 14th Street right-of-way to create a completely new and safer site plan which allows for 15th Street to extend all

the way to Rhode Island Avenue. The Commission also agrees that the ability to extend commercial uses along the frontage of the proposed community green and along the northern side of Saratoga Avenue are significant benefits of the project, and will encourage a walkable neighborhood community. For these reasons, the Commission concludes that approval of this first-stage PUD and Zoning Map amendment application is not inconsistent with the FLUM designation for the Subject Property.

15. In regard to the Generalized Policy Map designation for the Subject Property, the Commission agrees with the Applicant's analysis that the existing Brookland Manor is in fact underutilized and more importantly of an era of urban design that has been shown to create unsafe environments for its residents. The Commission notes the submissions of numerous Brookland Manor residents and members of the community which stated that the existing land uses and community character should not be maintained, and that the planning process for the new Brentwood Village needs to occur with a sense of urgency. For these reasons, the Commission concludes that approval of this first-stage PUD and Zoning Map amendment application is not inconsistent with the Generalized Policy Map designation for the Subject Property.
16. The Commission is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)) to give great weight to the affected ANC's recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. D.C. Official Code § 1-309.10(d)(3)(A) and (B). As is reflected in the Findings of Fact, ANCs 5B and 5C voted to support the application with conditions. The Commission considered this advice and for each issue and concern discussed why the advice was or was not persuasive in Findings of Fact Nos. 75 through 79.
17. The Commission is also required to give great weight to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04). The Commission gives OP's recommendation to approve the application great weight, and concurs with OP's conclusions.
18. The PUD project and the rezoning of the Subject Property will promote orderly development of the Subject Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
19. The applications for a PU and related Zoning Map amendment are subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for first-stage review of a planned unit development and related Zoning Map amendment to the C-2-A and R-5-B Zone Districts for the Subject Property (Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel 143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7). The approval of this PUD is subject to the following guidelines, conditions, and standards.

A. PROJECT DEVELOPMENT

1. The PUD project shall be developed in accordance with the plans prepared by Perkins Eastman marked as Exhibits 76A-76M and supplemented by drawings submitted on June 8, 2015 as Exhibit 104A of the record (“Approved Plans”), as modified by guidelines, conditions, and standards herein.
2. The PUD shall be a mixed-use development devoted to residential retail, recreational, and other uses as shown on the Approved Plans. The total amount of gross floor area approved in the PUD project is approximately 1,928,303 square feet (approximately 1,746,459 square feet of residential gross floor area and approximately 181,844 square feet of retail gross floor area) and the project will have an overall density of 2.8 FAR.
3. The maximum building height on Blocks 1, 2, and 3 shall not exceed 65 feet. The maximum building height on Block 4 shall not exceed 60 feet. The maximum building height for the multi-family buildings on Blocks 5 and 6 shall not exceed 60 feet and the maximum building height for the townhouses on Blocks 5 and 6 shall not exceed 45 feet. The maximum building height for the buildings on Block 7 shall not exceed 60 feet. The maximum building height for the townhouses on Block 8 shall not exceed 45 feet.

B. PUBLIC BENEFITS

1. **For so long as the project exists**, the Applicant shall provide the following affordable housing:⁵
 - a. If the Section 8 contract remains, the Applicant’s affordable housing obligations shall be as follows:

⁵ Although this condition assumes that the Zoning Administrator will approve a request of the Applicant made pursuant to 11 DCMR § 2603.3(f) to exempt the multi-family buildings from the Inclusionary Zoning Regulations set forth in Chapter 26, nothing herein shall be construed as a decision on the Commission’s part that such an exemption should or should not be granted.

- (1) There shall be at least 384 affordable units, of which 373 shall be Section 8 units and 11 shall be “inclusionary units” within the meaning of 11 DCMR § 2602;
 - (2) Of the 373 Section 8 units, 150 to 200 of such units shall be in the Senior Building, which shall contain no other type of unit;
 - (3) The remaining Section 8 units shall be in the multi-family buildings; provided that at least 10% of each multi-family building’s units shall be the Section 8 units; and
 - (4) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI;
- b. If the Section 8 program is abolished by the Federal Government or the contract is not renewed for the project and if a change in underwriting standards is approved, some form of property tax relief is granted for the units, and DC Housing Trust Funds are provided, the Applicant’s affordable housing obligations shall be:
- (1) The Applicant shall provide at least 340 affordable units of which 329 shall be non-IZ units reserved for households earning no more than 60% of AMI and 11 shall be “inclusionary units” within the meaning of 11 DCMR § 2602;
 - (2) Of the 329 non-IZ units, 150 to 200 of such units shall be in the Senior Building, which shall contain no other type of unit;
 - (3) The remaining non-IZ units shall be in the multi-family buildings; provided that at least 10% of each multi-family building’s units shall be non-IZ units; and
 - (4) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI;

- c. If the Section 8 program is abolished by the Federal Government, or the contract is not renewed for the project and if no change in underwriting standards is approved, no form of property tax relief is granted for the units, and DC Housing Trust Funds are not provided, the Applicant's affordable housing obligations shall be:
 - (1) The Applicant shall provide at least 340 affordable units of which 329 shall be non-IZ units and 11 shall be "inclusionary units" within the meaning of 11 DCMR § 2602;
 - (2) Of the 329 non-IZ units:
 - (A) 165 shall be reserved for households earning no more than 50% of AMI and 164 shall be reserved for households earning no more than 80% of AMI;
 - (B) 150 to 200 of the non-IZ units shall be in the Senior Building, 50% of which shall be reserved for households earning no more than 50% of AMI and 50% shall be reserved for households earning no more than 80% of AMI; and
 - (C) The remaining non-IZ units shall be in the multi-family buildings; provided that at least 10% of each multi-family building's units shall be non-IZ units. Within each multi-family building 50% of the non-IZ units shall be reserved for households earning no more than 50% of AMI and 50% shall be reserved for households earning no more than 80% of AMI; and
 - (3) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI.
2. The Applicant shall abide by the terms of the tenant relocation and construction phasing plan as detailed at Exhibit 104B of the record in this case.
3. The Applicant shall abide by the terms of the construction management agreement as detailed at Exhibit 23E of the record in this case.

4. The development of either Block 2 or Block 3 shall include a grocery store. **Prior to the issuance of a certificate of occupancy for any building on either Block 2 or Block 3**, the Applicant shall provide sufficient evidence to the Zoning Administrator that space has been reserved in either Block 2 or Block 3 for a grocery store.
5. The Applicant shall provide the Pedestrian Walk between Blocks 1 and 2 with the features stated at Exhibit 2, at page 10 and Exhibit 76A-76M, and the Community Green with the features stated at Exhibit 2, at page 13 and Exhibit 104.
6. The Applicant shall pay for sidewalk repaving at the following locations along the eastbound sidewalk of Rhode Island Avenue, N.E.:
 - a. Two locations between Washington Place, N.E. and 10th Street, N.E.;
 - b. One location between Bryant Street, N.E. and 12th Street, N.E.; and
 - c. Two locations between Brentwood Road, N.E. and Montana Avenue, N.E.
7. The Applicant shall pay for the restriping of the crosswalks located at the intersections of Rhode Island Avenue, N.E. and the following streets: 10th Street, N.E.; Bryant Street, N.E.; 12th Street, N.E.; Saratoga Avenue, N.E.; Douglas Street, N.E.; Brentwood Road, N.E.; 14th Street, N.E.; and Montana Avenue, N.E.
8. The Applicant shall pay for the ADA ramp reconstruction at the intersection of Rhode Island Avenue, N.E. and Bladensburg Road, N.E.
9. **Prior to the issuance of a certificate of occupancy for the buildings approved in the second-stage PUD application that includes buildings with frontage on Rhode Island Avenue, N.E.**, the Applicant shall provide evidence that these improvements in public space have been made, as described in Condition Nos. B.6 through B.8.
10. The applicants in all second-stage PUD applications shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES").

C. Second-Stage Applications

1. In addition to the information requested by 11 DCMR § 2406.12, the Applicant shall submit the following with each second-stage application:

- a. Updated information regarding the phasing of the project, which shall include the approximate scheduling and development priorities at that time;
- b. For each second-stage application that includes a multi-family building, the following:
 - (1) A table showing the bedroom sizes and square footages for each unit type similar in format to the table in Exhibit 75A containing this information for existing units;
 - (2) For the affordable units the applicant shall:
 - (A) Indicate the number and location of the units; and
 - (B) Provide a table indicating the proposed unit sizes, number of bedrooms of each and the corresponding AMI level;
- c. For each second-stage application that includes townhouses or two-over-two units, the Applicant shall:
 - (1) Indicate the number and location of the inclusionary units; and
 - (2) Provide a table demonstrating the proposed inclusionary unit sizes, number of bedrooms of each, and the corresponding AMI level;
- d. For the second-stage application for the Senior Building the Applicant shall:
 - (1) Indicate the number of units; and
 - (2) Provide a table indicating the proposed unit sizes, number of bedrooms of each, and the corresponding AMI level;
- e. A progress report regarding the status of the tenant relocation process and construction phasing plan detailed at Exhibit 104B;
- f. A detailed description of the programs for children and seniors that will be provided in that project;⁶

⁶ The management of Brookland Manor currently provides its residents with a number of programs that are designed for the children and seniors that live in the community. The existing programs for children include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer

- g. A copy of the fully executed First Source Employment Agreement with DOES; and
- h. A progress report regarding the construction of the Pedestrian Walk and Community Green.

D. Transportation Mitigation Measures

- 1. The Applicant will abide by the following Transportation Mitigation measures:
 - a. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install a traffic signal at the intersection of Saratoga Avenue and Montana Avenue;
 - b. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2A**, incorporate 15th Street extended as the fourth leg of the intersection of Rhode Island Avenue with Brentwood Road;
 - c. During the second-stage PUD application for Phases 2A and 2B, work with DDOT and WMATA to relocate the bus stop, determine the need for separate right and left turn lanes on 15th Street extended, and determine if a left turn lane from Rhode Island Avenue onto 15th Street extended is necessary;
 - d. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install lane marking and striping changes at two intersections: Rhode Island Avenue and Montana Avenue, and 18th Street and Montana Avenue;
 - e. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install lane markings, striping, and signing improvements as needed to establish an official bike route between 12th Street and 18th Street through the site; and
 - f. Coordinate with DDOT during all second-stage PUD applications on the following issues:
 - (1) Amount and size of loading facilities;

camp, and meal programs to ensure that no child goes home hungry. The seniors programs include periodic brown-bag lunches and other events designed to bring Brookland Manor's senior community together. The Applicant has agreed that these programs will be retained and enhanced in the new Brentwood Village community.

- (2) Maneuvering analyses of trucks to and from loading facilities;
- (3) Amount of off-street parking (this may require an inventory and occupancy count of on-street facilities to help determine the appropriate amount of parking and potential spillover impacts);
- (4) Layout of internal streets, including curbside management;
- (5) Transportation Demand Management plans for each building;
- (6) Amount of secure off-street bicycle parking in each building;
- (7) Locations and amount of on-street bicycle racks; and
- (8) Locations for Capital Bikeshare stations.

E. MISCELLANEOUS

1. The Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (“DCRA”) shall not issue any building permits for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, DCRA. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The change of zoning from the R-5-A and C-2-A Zone Districts to the C-2-A and R-5-B Zone Districts shall be effective upon the recordation of the covenant discussed in Condition No. E.1, pursuant to 11 DCMR §3028.9.
3. The first-stage PUD shall remain valid until August 1, 2023 provided that a second-stage PUD application for the construction of the Senior Building is filed no later than one year from the effective date of this Order. The filing of each second-stage PUD Application and the Commission’s approval thereof will vest the Commission’s approval of Z.C. Case No. 14-18, with respect to the property that is the subject of the second-stage application, even if other second-stage applications are not filed by the expiration date.
4. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender

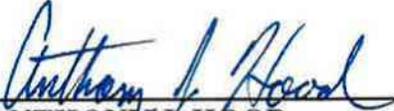
identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On June 29, 2015, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application at its Public Meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On September 10, 2015, upon the motion of Commissioner Miller, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its Public Meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen to adopt by absentee ballot.)

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on November 6, 2015.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-18A
Z.C. Case No. 14-18A
Mid-City Financial Corporation
(Second-Stage Approval for a PUD and Modification of an
Approved First-Stage PUD @ Square 3953, Lots 1-3)
May 22, 2017

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held public hearings on February 23 and March 16, 2017 to consider an application from Mid-City Financial Corporation (“Applicant”) for second-stage approval of a planned unit development and modification of an approved first-stage planned unit development (collectively, the “PUD”). The Commission considered the application pursuant to Title 11 of the District of Columbia Municipal Regulations (“Zoning Regulations”), Subtitles X and Z. The public hearing was conducted in accordance with the provisions of Chapter 4 of Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

PUD History, Application, and Hearings

1. The property that is the subject of this PUD includes Lots 1-3 in Square 3953 (“Property” or “Block 7”) of the Brookland Manor apartment complex in the Brentwood neighborhood of Ward 5. (Exhibit [“Ex.”] 1H.) The Property is a contiguous block bounded by Saratoga Avenue, N.E. to the north, 14th Street, N.E. to the east, a 16-foot-wide public alley to the south, and Brentwood Road, N.E. to the west. (*Id.*) The Property is approximately 111,807 square feet (2.62 acres) in area. (Ex. 24E at G07.) The Applicant proposes to redevelop Block 7 with: (i) a four-story apartment building containing approximately 131 units with associated ground-floor level amenity space and 68 below-grade parking spaces (“Building A”), and (ii) a four-story residential building containing approximately 200 seniors-only independent living units with associated ground-floor level amenity space and 48 below-grade parking spaces (“Building B” and together with Building A, the “Project”). (*Id.*)
2. In an order effective as of November 6, 2015, the Commission approved the first-stage PUD application in Z.C. Order No. 14-18 (“First-Stage Order”). The First-Stage Order also granted a PUD-related map amendment for the property to the R-5-A zone, which became the RA-1 Zone District effective September 6, 2016.¹

¹ Because the First-Stage Order became effective prior to that date, the R-5-A designation remains for the Property.

3. On August 4, 2016, the Applicant delivered a notice of its intent to file a zoning application to all owners of property within 200 feet of the perimeter of the Property as well as to Advisory Neighborhood Commissions (“ANC”) 5B and 5C. (Ex. 1C.) The Applicant filed the Application for this PUD on September 22, 2016, and the Application was accepted as complete by the Office of Zoning on September 28, 2016. (Ex. 2, 4.) The Applicant certified the Application satisfied the PUD filing requirements. (Ex. 1D, 12C.) The Office of Zoning referred the Application to the ANCs, the Councilmember for Ward 5, and the District Office of Planning (“OP”), and notice of the filing of the Application was published in the *D.C. Register*. (Ex. 5-9.) The notice mailed to ANC 5C was returned as undeliverable. (Ex. 11.)
4. On November 4, 2016, OP delivered a report (“OP Setdown Report”) on the Application recommending that the Commission set it down for public hearing and requesting additional information from the Applicant. (Ex. 10.)
5. At a public meeting on November 14, 2016 (“Setdown”), OP presented the OP Setdown Report. (November 14, 2016 Transcript [“Tr. 1”] of the Commission’s Regular Public Meeting at 39-41.) At that time, the Commission requested additional information from the Applicant. The Commission confirmed that ANC 5C received actual notice of the Application. (*Id.* at 45.)
6. On December 8, 2016, the Applicant filed its pre-hearing statement (“PHS”), which included updated plans and information in response to the requests from OP and the Commission. (Ex. 12.) On January 24, 2017, the Applicant filed an initial comprehensive transportation review for the Project, which review was supplemented by that certain technical memorandum dated February 10, 2017 (collectively, the “CTR”). (Ex. 19-20, 40 at 15.)
7. Notice of the public hearing for Z.C. Case No. 14-18A was published in the *D.C. Register* on December 30, 2016 (64 *D.C. Reg.* 65395) and was mailed to the ANC and to owners of property within 200 feet of the Property. (Ex. 14-16.) On January 13, 2017, the Applicant posted notice of the public hearing at the Property. (Ex. 17.) On February 17, 2017, the Applicant filed an affidavit describing the maintenance of such posted notice. (Ex. 62.)
8. OP requested comments on the Project from District agencies and received comments from the District Department of Energy and the Environment (“DOEE”), the District Department of Transportation (“DDOT”), DC Water, the Department of Housing and Community Development (“DHCD”), and the Fire and Emergency Medical Services Department (“FEMS”). (Ex. 34 at 16.) DOEE and DDOT provided written comments separately. (*Id.*)
9. On February 3, 2017, the Applicant filed a supplemental statement (“20-Day Statement”) providing additional information requested from OP, attaching letters in support, and providing an updated set of architectural plans, drawings, and renderings. (Ex. 24.)

10. Prior to the public hearing, OP, DOEE, DDOT, and the Urban Forestry Administration (“UFA”) each submitted a final report (respectively, the “OP Final Report,” “DOEE Report,” “DDOT Report,” and “UFA Report”). (Ex. 33-35, 40-41.) DDOT requested, and the Commission granted, a waiver from the requirement that DDOT file its report 10 days before the public hearing. (Ex. 35.)
11. The ANC’s are automatically a party to this proceeding. (11-Z DCMR § 403.5(b).) Neither ANC filed a report on this Application.
12. On February 9, 2017, the Brookland Manor/Brentwood Village Residents Association (“Association”) filed a request for party status in opposition to the Application. (Ex. 30.) No other requests for party status were filed.
13. On February 16, 2017, the Applicant filed a response to the Association’s request for party status and objected to the scope of the Association’s proposed testimony. (Ex. 38.)
14. On February 23, 2017, the Commission conducted a public hearing on the Application, which was held in accordance with Subtitle Z of the Zoning Regulations. (February 23, 2017 Transcript [“Tr. 2”] of the Commission’s Public Hearing of Case No. 14-18A at 3.) On behalf of the Applicant, the Commission accepted Sarah Alexander, a Ward 5 resident, as an expert in architecture and Robert Schiesel as an expert in traffic engineering. (Tr. 2 at 5-6, 20.)
15. As a preliminary matter prior to the Applicant’s testimony, the Commission voted to grant the Association party status and discussed the appropriate scope for the Association’s testimony. (*Id.* at 7-12.) The Commission requested that the Association’s presentation focus on the Application, but the Commission noted that persons or organizations providing testimony in opposition to the Project would not have their testimony limited. (*Id.* at 11.) The Commission denied the Applicant’s request to limit the Association’s testimony. (*Id.* at 12.)
16. At the hearing, the Applicant provided testimony from Ms. Alexander and Mr. Schiesel. (Tr. 2 at 20-35.) ANC 5C and the Association each cross-examined the Applicant’s testimony. (Tr. 2 at 58-89.)
17. OP presented its report at the hearing. (Tr. 2 at 90-92.) DDOT rested on the record. (*Id.* at 93.) The Association cross-examined OP. (*Id.* at 93-98.)
18. At the hearing, 12 persons or organizations spoke in support of the Application. (Tr. 2 at 100-26.) Neither the ANC nor the Association cross-examined those speaking in support of the Application. (*Id.* at 126.)
19. At the February 23 hearing, the Association presented its testimony. (Tr. 2 at 129-64.) The Applicant did not cross-examine the Association. (*Id.* at 164.) The ANC did cross-examine the Association. (*Id.* at 164-66.)

20. One person spoke in opposition to the Application at the February 23, 2017 hearing, which was continued to March 16, 2017. (*Id.* at 166-75.) On March 16, 2017, the Commission resumed the public hearing on the Application to hear opposition testimony. (March 16, 2017 Transcript [“Tr. 3”] of the Commission’s Public Hearing of Case No. 14-18A at 3.) Neither the Applicant nor the ANC cross-examined any persons or organizations speaking in opposition to the Application. (*Id.*) Commissioner Shapiro confirmed he had reviewed the entire record prior to his involvement in the March 16, 2017 hearing. (May 22, 2017 Transcript [“Tr. 4”] of the Commission’s Regular Public Meeting at 17.) Opposition testimony was heard at the March 16, 2017 hearing. (Tr. 3 at 3.) At the conclusion of the opposition testimony on March 16, 2017, the Applicant provided closing remarks. (*Id.* at 134.) Upon conclusion of the Applicant’s closing statement, the Commission closed the record, with the exception pursuant to 11-Z DCMR § 602.1, of items requested from the Applicant, the ANC, and the Association, including information about possible displacement caused by the Project. (Tr. 3 at 135-144.)

Post-hearing Submissions and Actions

21. On April 10, 2017, the Applicant filed a written post-hearing submission (“Post-Hearing Submission”) in response to items requested by the Commission (also included were several attachments) and a draft order. (Ex. 179-179F4, 180-181.) One of the attachments to the Post-Hearing Submission was a report entitled “Analysis of Potential Impact of the RIA Development on Gentrification, Destabilization of Property Values, Displacement, and Employment” prepared by Leonard Bogorad (“Bogorad Report”). (Ex. 179D.)
22. On April 18, 2017, the Association filed a draft order, and a response to the Applicant’s Post-Hearing Submission. (Ex. 182, 183.)
23. On April 18, 2017, the Association filed a motion to strike the Bogorad report. (Ex. 184.) As basis for the motion, the Association stated that it had a right to cross-examine and question the Applicant on the contents of the report. The Association did not address the substance of the Bogorad report in its response to the Post-Hearing Submission. Instead, the response repeated the arguments the Association made in its motion to strike. (Ex. 183.)
24. On April 21, 2017, the Applicant filed an opposition to the Association’s motion to strike the Bogorad report. (Ex.185.)
25. At a public meeting on April 24, 2017, the Commission denied the Association’s motion to strike the Bogorad Report. The Commission denied the motion because it left the record open for the report pursuant to 11-Z DCMR § 602, which explicitly authorizes the Commission to leave the record open for specific information and reports, does not permit cross-examination, but provides instead that the other parties are allowed to respond to the information submitted after the hearing. (11-Z DCMR § 602.3.) The Association had an opportunity to respond to the report, and did in fact respond to the report, but did not to address the substance contained within the report. At the April 24,

- 2017 public meeting, the Commission also requested further information from the Applicant, and directed the Applicant to submit its list of final proffers and draft conditions pursuant to 11-X DCMR § 308, with the submission deadlines beginning from the date of that meeting.
26. On April 26, 2017, the Applicant provided its list of final proffers and draft conditions pursuant to 11-X DCMR § 308.8. (Ex. 186.)
 27. On May 3, 2017, the Association filed a response to the Applicant's list of final proffers and draft conditions pursuant to 11-X DCMR § 308.8. (Ex. 187.)
 28. On May 5, 2017, the Applicant filed a motion to strike the Association's response to the Applicant's list of final proffers and draft conditions because it was prematurely filed and because it contained irrelevant information. (Ex. 188.)
 29. On May 8, 2017, the Applicant submitted a supplemental post-hearing submission responding to the Commission's request for further information. (Ex. 189.)
 30. On May 10, 2017, the Applicant filed its revised list of proffers and conditions pursuant to § 308.12. (Ex. 190.)
 31. On May 15, 2017, the Association filed its response to the Applicant's supplemental post-hearing submission. (Ex 191.)
 32. Because the First-Stage Order also granted the PUD-Related Map amendments, this application involved no zoning map amendments and therefore there was no need for a proposed action vote or referral to the National Capital Planning Commission. (11-Z DCMR § 603.4.)
 33. At its public meeting on May 22, 2017, the Commission considered the Applicant's motion to strike the Association's response to the Applicant's list of final proffers and draft conditions, and denied the Applicant's motion to strike because it believed it could adequately discern between relevant and irrelevant information. The Commission then considered the entire record, and approved the Application. (Tr. 4 at 37-38.)

First-Stage Order and the RIA² Development

34. This Application is the first of what the Applicant anticipates will be at least four second-stage PUD applications arising out of the First-Stage Order. (Ex. 1 at 6.) The First-Stage Order established the framework for the comprehensive redevelopment of the Brookland Manor apartment complex and the adjacent Brentwood Village Shopping Center (collectively, the "RIA Site"). (*Id.*)

² The Applicant stated that it worked with a consultant and Brookland Manor residents to develop the new RIA name for Brookland Manor to signal a shift away from problems that have plagued Brookland Manor and the Brentwood Village Shopping Center in the past and towards a new and better future for residents and the community. (Ex. 179 at 11.)

35. The RIA Site is located at the intersection of Rhode Island Avenue, N.E. and Montana Avenue, N.E. and is generally bounded by Rhode Island Avenue, N.E. to the north, Montana Avenue, N.E. to the east, Downing Street, N.E./14th Street, N.E./Saratoga Avenue, N.E. to the south, and Brentwood Road, N.E. to the west.³ (Ex. 1F; Findings of Fact [“FF”] ¶ 1.) The RIA Site was previously zoned C-2-A and R-5-A. (*Id.*)
36. The RIA Site consists of approximately 20 acres and includes the Brookland Manor apartment complex and the recently demolished Brentwood Village Shopping Center. (*Id.*; Ex. 179 at 12.) The sprawling Brookland Manor apartment complex currently includes nineteen garden apartment buildings, ranging in height from two-four stories, and is spread over approximately 18 acres of land. (Ex. 1 at 6.) The 535-unit apartment complex was built as a planned community as part of the Garden City movement of the 1930-1940’s. (*Id.*)
37. The First-Stage Order approved a total of approximately 1,760 residential units and approximately 181,000 square feet of new retail and commercial development for the RIA Site. (Ex. 1F; FF ¶ 10.) For context, Blocks 1, 2, and 3 of the RIA Site will be improved with mixed-use buildings with retail and apartment uses. (*Id.* at 29-40.) The maximum height of these buildings will be 65 feet, and each block is proposed to have a maximum floor area ratio (“FAR”) of 3.0. (*Id.*) Blocks 5 and 6 of the RIA Site do not include ground-floor retail uses. (*Id.*) Blocks 5 and 6 will include 60-foot-tall multi-family residential buildings, with a maximum FAR of 3.0. (*Id.*) Blocks 4 and 7 will include a mix of apartments, row houses, and flats with maximum heights of 60 feet and a maximum FAR of 3.0. (*Id.*) Block 8 will include 48 16-foot-wide townhouses. (*Id.*) The total FAR of the redevelopment will be 2.8. (*Id.*)
38. The existing apartment buildings and adjacent former strip shopping center lot suffer from three broad sets of problems that necessitate demolishing the entire complex and redeveloping the entire RIA Site anew: (Ex. 1 at 6.)
- (a) The existing apartment buildings are now approximately 80 years old and have significant engineering and design features that cannot be easily addressed or fixed. (*Id.*) The low-quality buildings comprising the shopping center similarly came to the end of their useful existence and were demolished in early 2017; (*Id.*; Ex. 179 at 12.)
 - (b) The urban design of the apartment buildings and adjacent public streets and public spaces is obsolete and exacerbate problems of crime and loitering that plague the neighborhood. That is, although ample green space surrounds the nineteen apartment buildings, this green space is highly undefined, creates numerous blind corners and darkened recesses in the buildings, and lacks clear understanding as to ownership or utility. Consequently, these open spaces do not provide the existing residents or their guests with a sense of safety, and there is no readily identifiable “defensible space” in the complex. Furthermore, the existing street

³ The RIA Site includes Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel 143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7.

configuration does not allow for safe and efficient pedestrian and vehicular access through the property. Internal streets lead to dead ends and do not connect with the surrounding neighborhood. From a contemporary urban design perspective, these buildings do not provide strong edges along the adjacent streets. Likewise, the adjacent Brentwood Village Shopping Center had become obsolete. It was designed for automobiles rather than pedestrians and no longer provided quality retail or services that support the needs of the nearby residents; and (Ex. 1 at 6-7.)

- (c) The apartment complex includes an intense concentration of low-income residents with only a small number of market rate tenants amongst the existing residential units. Such concentration of poverty is widely regarded as perpetuating cycles of poverty. Other projects that have deconcentrated low-income housing in the District and elsewhere have been celebrated successes for interrupting the self-reinforcing nature of poverty and crime. (*Id.*)
39. The First-Stage Order identified six interrelated objectives to address the three problems identified above. The initial application sought to (i) preserve on a greater than one-for-one basis the number of affordable units currently in the Brookland Manor apartment complex, (ii) create a truly mixed-income community with a wide variety of housing types and sizes, (iii) rectify decades-old urban design mistakes by creating a safer, more inviting and more attractive project that better connects to the surrounding community, (iv) prioritize pedestrian activity and communal and usable green spaces, (v) introduce enhanced retail opportunities including a full-service grocery store, and (vi) be a project representative of community and tenant input and dialogue. (*Id.* at 7.)
40. The instant Application represents the first phase in what will be a multi-year effort to implement these goals and realize the vision of redeveloping the RIA Site. (*Id.* at 8.)

Block 7

41. The Property is located in Ward 5 in the Northeast quadrant of DC, and consists of an elongated block located along the southern border of the RIA Site. The Property is bounded by Saratoga Avenue, N.E. to the north, 14th Street, N.E. to the east, Brentwood Road, N.E. to the west, and a public alley to the south. (Ex. 1G.) Immediately north and east of the Property opposite Saratoga Avenue, N.E. and 14th Street, N.E., respectively, are other apartment buildings that are part of Brookland Manor and that will be redeveloped during later phases pursuant to subsequent second-stage PUD applications under the First-Stage Order. (Ex. 1 at 8.) West of the Property across Brentwood Road, N.E. is the Israel Baptist Church. (*Id.*) South of the Property are two- and three-story apartment buildings fronting on Bryant Street, N.E. and Downing Street, N.E. and separated from the Property by an existing 16-foot-wide public alley (to be expanded to 20 feet as part of the Project). (*Id.*)
42. Three apartment buildings owned by the Applicant and containing 64 total units occupied the Property on the date this Application was filed. (*Id.*) The buildings are generally vacant, and all but one of the residents of these three existing buildings have already been

relocated to appropriate and comparable units elsewhere in Brookland Manor. (Ex. 179A.) The one remaining resident will be relocated, at the Applicant's expense, prior to commencement of construction of the Project. (*Id.*)

43. Residential uses, including the other apartments comprising Brookland Manor and lower density apartment buildings and single-family rowhouses, make up the neighborhoods immediately to the north, south, and east of the Property. (Ex. 1 at 15.)
44. The Property has excellent transit and vehicular access, with a Metrorail station and nearly a dozen Metrobus routes in operation nearby. (*Id.*) Rhode Island and New York Avenues, N.E. are both just a couple of blocks from the RIA Site and afford easy access to downtown DC and regional highways. (*Id.*)
45. A future phase of redevelopment of the RIA Site will entail developing the proposed green space at the heart of the RIA Site (the "Community Green") immediately adjacent to the Property; no work on the Green is proposed in the instant Application. (*Id.*)
46. Pursuant to the First-Stage Order, the Property was approved to be rezoned to the R-5-B Zone District, which is now the RA-2 zone under the Zoning Regulations. (*Id.* at 9.)

The Project

47. The Project includes (i) Building A, a four-story apartment building containing approximately 131 mixed-income units with associated ground-floor level amenity space and 68 below-grade parking spaces, and (ii) Building B, a four-story residential building containing approximately 200 senior-only independent living units with associated ground-floor level amenity space and 48 below-grade parking spaces. (Ex. 24E at G07.) Building A has 169,342 square feet of gross floor area ("GFA"), a maximum height of 49 feet, four inches, and an FAR of 2.97. (*Id.*) Building B has 172,266 square feet of GFA, a maximum height of 51 feet, and an FAR of 3.0. (*Id.*) Block 7 has a total FAR of 2.98 and contains 341,608 square feet of GFA, all of which is devoted to residential uses. (Ex. 1 at 9, 17.) Building A has a lot occupancy of 70% and Building B has a lot occupancy of 73%. (*Id.* at 20.) The lot occupancy of each building exceeds the maximum allowed occupancy under the approved zoning for the Property. (*Id.*) The Applicant therefore seeks relief from the lot occupancy requirements.
48. The rationale for the Project, as the first phase of the overall redevelopment under the First-Stage Order, is to construct (i) a mixed-income multi-family building that can accommodate residents relocated during future phases and the overall redevelopment, and (ii) a senior independent living building, which was a top priority of tenants, community members, the ANCs, and OP as part of the approval of the First-Stage Order. (*Id.* at 16.)
49. A significant objective of the Project is the preservation of existing affordable housing units. As a result, the Project readily achieves—and greatly exceeds—the minimum number of affordable units that would be required under the Zoning Regulations. The Applicant intends to maintain its contract with the HUD through the Section 8 program,