

response to the Commission's set-down comments) responded to the residential uses along 13<sup>th</sup> Street, the future development of the St. Elizabeths campus across Alabama Avenue, and the adjacent Malcolm X School. Ms. Coen also described the architectural treatment of the plaza area and the potential for creating a well-lit, safe, and energized space with retail and restaurant uses (Tr., pp. 16-19.)

46. Ms. Coen discussed how the architectural detailing of the building was continued all the way around the building, and there was no "back" to the building. Ms. Coen also noted the private alley that sinks down approximately four to five feet in the rear of the building and is separated from the adjacent property by a retaining wall and fence atop the retaining wall. Ms. Coen noted that the private alley allows the separation of cars and delivery trucks from the pedestrians along 13<sup>th</sup> Street and Alabama Avenue creating very pedestrian-friendly spaces along those street frontages. (Tr., pp. 19-25,)
47. At the public hearing, Jami Milanovich, of Wells & Associates and admitted as an expert witness in transportation engineering, testified to the vehicular access to the site via the private alley, the proposed amount of parking provided, and the loading that is provided. Ms. Milanovich discussed the requested relief from the 55-foot loading berth requirement for the residential portion of the project and the appropriateness of the Applicant's Loading Management Plan to help ensure that no adverse impacts would result from loading activity on the property. (Tr. pp. 28-30.)
48. Ms. Milanovich also noted that the project is expected to generate approximately 250 vehicular trips during both the morning and evening peak hours and that seven intersections along the Alabama Avenue corridor were studied for this project. Ms. Milanovich noted that during the morning peak hour, site-generated traffic is expected to account for less than 10% of the total traffic at six of the intersections and 10.9% at the seventh intersection. During the evening peak hour, site-generated traffic is expected to account for less than 10% of the total traffic at five intersections, with the site generated traffic accounting for 11% and 10.5% at the two other intersections. (Tr., pp. 30-31.)
49. Ms. Milanovich also testified that from a transportation perspective, the site is ideally situated. Its location at the Congress Heights Metro Station will naturally encourage transit trips to and from the site and seven bus routes stop immediately adjacent to the site. To capitalize on those transportation options, Ms. Milanovich described the proposed TDM Plan that included all of DDOT's comments. (Tr., p. 31.)
50. Ms. Milanovich also presented testimony regarding DDOT's request that the Applicant design and install a traffic signal at the Alabama Avenue/15<sup>th</sup> Street intersection. Ms. Milanovich noted that since the traffic signal warrants are met at that intersection even without the proposed development, the Applicant was willing to provide a pro-rata contribution towards the design and construction of the traffic signal.<sup>1</sup> Ms. Milanovich

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<sup>1</sup> The Applicant later agreed to pay the full cost of design and construction of the signal, capped at \$350,000.

also noted that the Applicant accepted DDOT's proposed conditions regarding: the installation of 22 short-term bicycle spaces the unbundling of parking costs in all commercial and residential leases; continued coordination with DDOT on public space issues; and continued coordination with DDOT on the installation of electric car charging stations on the property. (Tr. pp. 32-33.)

51. At the public hearing, Geoffrey Griffis of City Partners testified on behalf of the Applicant. Mr. Griffis testified to the project's benefits to: Metro, the City, and the Congress Heights neighborhood; the community benefits agreement the Applicant entered into with ANC 8E and community organizations; and the dialogue process that occurred with the current residential tenants. Mr. Griffis noted that the project is a transit-oriented project on an under-utilized site that will create new housing and retail options (with local retail opportunities), new job opportunities, will establish a high level of urban design and architectural quality with an active and safe streetscape and plaza, and is a project that will guide future development in the area. (Tr., pp. 34-36.)
52. Mr. Griffis discussed the Community Benefits Agreement that was negotiated with the community. Mr. Griffis noted that this agreement included employment opportunities for local residents during construction and also with future employers in the project as well as internship opportunities, office space for ANC 8E, and retail or business space for local and small business enterprises at a discounted rent. (Tr., pp. 38-40.)
53. Mr. Griffis also testified to the tenant relocation plan that was offered to the residents of the existing buildings on the property. Mr. Griffis noted that the tenant relocation plan included four elements: (i) the right of all residents to return to the new project; (ii) relocation assistance during construction; (iii) helping tenants find temporary new units during construction; and (iv) for those residents that did not want to return, a buy-out payment. (Tr., pp., 40-41.)

#### **Density Proposed and Flexibility Requested**

54. The final total gross floor area included in the proposed PUD is approximately 447,588 sf for a total density of approximately 5.06 FAR. The proposed office building will include approximately 226,695 sf of office use, 9,138 sf of retail use and will have a measured building height of 90 feet. The proposed residential building will include approximately 205-215 residential units, 195,684 sf of residential use, 16,071 sf of retail use, and will have a measured building height of approximately 90 feet. The C-3-B Zone District permits a maximum FAR of 5.0 (4.0 commercial) as a matter-of-right and a maximum FAR of 5.5 (4.5 commercial) in a PUD project. The maximum height allowed as a matter-of-right in the C-3-B Zone District is 70 feet. A PUD project in the C-3-B Zone District is permitted a maximum building height of 90 feet. The Applicant requested flexibility from the following requirements of the Zoning Regulations:

- Roof structures – The Applicant is requesting the ability to create one roof structure on the office building. However, in order to mitigate its visual impact, the Applicant is requesting the ability to have this roof structure include varying heights. On the residential building the Applicant is similarly seeking to reduce the visual impact by creating three roof structures with varying heights. The Applicant is seeking set-back relief from the portion of the roof structure on the residential building that abuts the building's internal courtyard. This roof structure satisfies all required setbacks from the exterior walls of the residential building which face public streets;
- More than one structure on a single record lot – The residential and office buildings will be located on the same record lot and will not have an above-grade connection between the buildings. Each building's theoretical lot calculations were provided into the record. On the office building lot, the non-residential density will be 4.82 FAR, which is more than the permitted 4.5 FAR for non-residential use for a PUD in the C-3-B Zone District. However, the total amount of non-residential density provided on the entire site is only 2.85 FAR; and
- Loading – The project will include a 30-foot loading berth for the residential building rather than a 55-foot loading berth. The two service and delivery spaces required for the office building will be provided on the theoretical residential lot.

(Ex. 15.)

55. At the public hearing, an additional area of flexibility was noted. Due to the complexities of the site, including construction in and around an operating Metro station and Metro tunnels, the Applicant requested that it be provided three years to file a building permit for the construction of the first building and up to five years to file the building permit for the second building. (Tr., pp. 15-16.)
56. The Applicant, in its written submissions and testimony before the Commission, noted that the following benefits and amenities will be created as a result of the project, in satisfaction of the enumerated PUD standards in 11 DCMR § 2403:
  - (a) Housing and Affordable Housing: Pursuant to § 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. This project will create approximately 205-215 residential units and approximately 15,655 sf of workforce affordable housing, with 10,877 sf reserved for households making up to 80% of AMI and 4,778 sf reserved for households earning up to 50% of AMI. In a post-hearing submission, the Applicant noted that the maximum matter-of-right development on the Property would create 9,565 sf of affordable housing (4,778 sf reserved for households making up to 50% of AMI and 4,778 sf reserved for households earning up to 80% of AMI), and the

Applicant's proposed amount of affordable housing was 6,090 sf more than would be provided on the Property if the Property was developed as a matter-of-right. The affordable housing units will be distributed throughout the residential building (except for the upper two stories of the building). (Ex. 2, p. 11.) In addition, the Applicant has proffered the following tenant relocation plan: (i) all existing tenants have the opportunity to return to the new residential building; (ii) the residents will continue to pay the amount of rent they pay in their current units, subject to annual rent increases equal to the amount of the "automatic" rent increase allowed by DC's rent control law (CPI or CPI + 2% depending on whether a tenant is senior or disabled), in both the temporary relocation unit and upon return to the new building; and (iii) the Applicant pays all costs of relocation for the existing tenants with the relocation units to be located within two miles of the Property;

- (b) Urban Design, Architecture, Landscaping, or Creation of Open Spaces: § 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. The project exhibits all of the characteristics of exemplary urban design and architecture. The massing, height, and articulation of the buildings have been carefully studied in order to create a project that provides new housing, office, and retail opportunities for the District, yet also respects the nearby lower density residential and educational uses. The public spaces along Alabama Avenue and 13<sup>th</sup> Street and the public plaza have been designed to provide for an engaging and active street level experience; (Ex. 2, p. 12.)
- (c) Site Planning, and Efficient and Economical Land Uses: Pursuant to § 2403.9(b) of the Zoning Regulations, "site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Commission. The creation of a truly transit-oriented project on the Subject Property, with housing, office and retail uses, is an example of appropriate site planning and efficient and economical land use as a project amenity. Given the Subject Property's adjacency to the Congress Heights Metro station, it is appropriate to have this level of density and building height on this site as proposed in this PUD project; (Ex. 2, p. 12.)
- (d) Effective and Safe Vehicular and Pedestrian Access: The Zoning Regulations, pursuant to § 2403.9(c), state that "effective and safe vehicular and pedestrian access" can be considered public benefits and project amenities. Vehicular access to the site has been carefully studied and designed to minimize the potential for pedestrian and vehicular conflicts. The private alley system will allow for vehicles and trucks to safely and efficiently access the parking and loading facilities without impeding pedestrian traffic flow along both Alabama Avenue and 13<sup>th</sup> Street. A total of approximately 148 dedicated bicycle parking spaces will also be provided in the three parking levels of the office and residential

buildings. An additional 22 bicycle parking spaces will be provided in the adjacent public space and a DC BikeShare station provides an additional 15 bike parking spaces; (Ex. 2, pp. 12-13.)

- (e) Uses of Special Value: According to § 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The Applicant noted that it engaged in significant negotiations with representatives of ANC 8E, the Congress Heights Community Association, the Community Training and Development Corporation, Lead the Way Foundation and Higher Hopes, Inc., and the Ward Eight Council Against Domestic Violence. The Applicant and ANC 8E agreed upon a Community Benefits Agreement which included the following components:
- The Applicant will provide 1,600 sf feet of retail space to local tenants who will receive a rent discount of 25% for the life of the project;
  - Creation of job training, employment and internship programs specifically tailored to Ward 8 residents;
  - Creation of a revolving working capital fund, in an amount no less than \$200,000, for contracts directly with the Applicant. This fund will allow smaller contractors access to funds to pay employees. The fund shall be used to allow small contractors, including those located in the Ward 8 Community, retained during the construction phases of the development, to cover payroll and other fixed costs on a weekly basis;
  - The Applicant will provide approximately 500 sf of office space for ANC 8E for a term of at least five years, with possible extensions, at a cost of \$12 per year;
  - The Applicant will provide the Lead the Way Foundation and Higher Hopes, Inc. (“LTWFHHI”) with a payment of \$5,000 annually for a period of 15 years. These funds shall be used for facilitation of comprehensive, social reconstruction programs for the residents of the Ward 8 Community. These programs will include comprehensive resident and youth case management, engagement, and outreach services featuring an adolescent clubhouse and including, but not limited to, the arts and cultural services, health fitness and nutrition, financial management, and annual community social events, as well as development opportunities for the neighboring community;
  - The Applicant will help the Congress Heights Community Association (“CHCA”) fund the Annual Congress Heights Health and Community Day



by providing a payment in the amount of \$5,000 annually for a period of 15 years;

- The Applicant will provide the Ward Eight Council Against Domestic Violence (“WECADV”) with a payment of \$5,000 annually for a period of 15 years; and
- The Applicant will provide the Congress Heights Community Training and Development Corporation (“CHCTDC”) with a payment of \$5,000.00 annually for a period of 15 years. These funds shall be used solely to pay for the costs of conducting training for targeted businesses in Ward 8, to develop management and business capability to perform contracts for the Applicant, its general contractor, and subcontractors;

(Ex. 25, Tab B.)

- (f) Revenue for the District: § 2403.9(i) states that “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The creation of approximately 205-215 new households, approximately 25,209 sf of retail space, and approximately 226,000 sf of new commercial office space will result in the generation of significant additional tax revenues in the form of real estate, income, sales, use, and employment taxes for the District; (Ex. 2, p. 14.)
- (g) Job Training Programs: § 2403.9(e) lists employment and training opportunities as a public benefit and project amenity. As part of the Community Benefits Agreement, the Applicant has agreed to the creation of job training, employment and internship programs specifically tailored to Ward 8 residents; (Ex. 25, Tab B.)
- (h) Environmental Benefits: According to § 2403.9(h), “environmental benefits” are representative public benefits and project amenities. The Applicant has agreed to design the multi-family building so that it could achieve a LEED-Silver certification. The Applicant has agreed to design the office building so that it could achieve a LEED-Gold certification. The Applicant has also agreed to have both buildings go through the LEED certification process; (Ex. 2, p. 13.)
- (i) Comprehensive Plan: According to § 2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” The Applicant noted that the proposed PUD is consistent with and furthers many elements and goals of the Comprehensive Plan. The project’s consistency with the Comprehensive Plan is described in greater detail below; and (Ex. 2, p. 14.)

- (j) Public Benefits of the Project: §§ 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Commission, including:
- Exemplary/superior architecture;
  - Affordable housing;
  - Transit-oriented development; and
  - Ground-floor retail establishments.

### **Comprehensive Plan**

57. The Applicant noted that the Comprehensive Plan's Housing Element includes the following policies that are supported by this project:

- Policy H-1.1 - Expanding Housing Supply: Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs;
- Policy H-1.1.3 - Balanced Growth: Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low-and moderate-density single family homes as well as the need for higher-density housing;

As noted by the Applicant and OP, the proposed development would better utilize the property around the Metro station, increasing workforce housing to complement other housing types, existing and planned, for the Congress Heights area. The required level of IZ units would be provided at eight percent or 15,565 gross square feet of the residential space of its affordable units (10,877 sf for households making up to 80% of AMI and 4,778 sf for households making up to 50% of AMI). These affordable units would also accommodate returning residents at various levels of AMI's, well below 80%.

- Policy H-1.1.4 – Mixed-Use Development: Promote mixed-use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations;
- Policy H-1.2.2 - Production Targets: Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the area-wide median income (AMI). Newly produced affordable units should be targeted towards low-income household; and

The Property is recommended for mixed-use development with residential, commercial and retail uses and is within an area designated to be a neighborhood commercial center at a Metro Station. The Applicant noted that the project's provision of 205-215 residential units, including approximately 15,655 sf of workforce affordable housing (at various levels at and below 80% AMI), is consistent with this policy of encouraging mixed-use development in close proximity to Metro Stations.

- Policy FSS-1.1.10 - Minority/Small Disadvantaged Business Development: Provide technical assistance to minority-owned and small businesses in the Far Southeast/Southwest to improve the range of goods and services available to the community. Joint venture opportunities, minority business set-asides, business incubator centers, and assistance to community-based development organizations should all be used to jumpstart local business and provide jobs in the community.

The Applicant is providing: commercial space at reduced rents for neighborhood businesses for the life of the project; assistance to small, sub-contractors; and monetary donations to neighborhood organizations to fund their programs.

58. The Applicant noted that the Comprehensive Plan's Far Southeast/Southwest Area Element includes the following policies that are supported by this project:

- Policy FSS-2.4.1 - Congress Heights Metro Station Mixed-Use: "Encourage reuse of the Congress Heights Metro station site and its vicinity with mixed use medium density residential and commercial development through the use of planned unit developments that promote new economic development. Development on the site should be cognizant of the adjacent lower density neighborhood to the west and south, provide a connection to the future development on the St. Elizabeths Campus, and create a stronger sense of identity and gateway for the Congress Heights neighborhood. Medium density development on the portions of the northwest quadrant of Square 5814 [sic.] would be compatible with the adjacent lower density neighborhood to the west and south with appropriate design review through a Planned Unit Development process. Strongly encourage WMATA to



make its land available for joint development around the Congress Heights Metro Station”; and

The Applicant states that the proposed PUD project and Zoning Map amendment application are the embodiment of these policies. The proposed project is a medium-density commercial (office and retail) and residential development directly above and adjacent to the Congress Heights Metro Station. The proposed project helps create a gateway between the development that will occur on the St. Elizabeths East Campus and the Congress Heights community. The massing and height of the buildings is respectful to the nearby lower-scale residential uses and also creates an attractive and engaging street level experience along Alabama Avenue, 13<sup>th</sup> Street, and the new public plaza. The buildings are located and designed so as not to affect the light and air of adjacent uses. Loading and parking areas are to the rear of the buildings and are set back from the property line to minimize noise to residents to the south. Retail uses are concentrated along Alabama Avenue and around the Metro plaza area. The façade of the residential building along 13<sup>th</sup> Street will be of red brick, similar to the homes along 13<sup>th</sup> Street and with articulations to mimic townhouse units

- Policy FSS-1.1.1 - Directing Growth (in pertinent part): Additional opportunities for future housing development and employment growth in the Far Southeast/Southwest should be directed to the area around the Congress Heights Metro Stations [sic.] and along the Great Streets corridors of South Capitol Street. Provide improved transit and automobile access to these areas and improve their visual and urban design qualities.

The Applicant noted that this project is being reviewed as a PUD and promotes new and affordable housing, improves transit access and promotes quality in the design of the buildings and adjacent public spaces, including the Metro plaza area. The Applicant worked with community representatives to identify specific benefits needed in the neighborhood.

59. The Applicant noted that the Comprehensive Plan’s Urban Design Element includes the following policies which are furthered by the PUD project:

- Policy UD-2.2.5 - Creating Attractive Facades: Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street;
- Policy UD-3.1.7 - Improving the Street Environment: Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic,

minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall; and

- Policy UD-3.1.8 - Neighborhood Public Space: Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures: for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas.

The Applicant notes the high levels of architectural design and quality of materials used in this project will serve as the standard for future development in the area. The proposed buildings are set back from the property line to provide additional space for pedestrian ways and landscaping. The creation of ground-floor retail uses and the treatment of the public space along Alabama Avenue and 13<sup>th</sup> Street and the public space will encourage and foster pedestrian activity and outdoor seating areas. Small office uses along 13<sup>th</sup> Street frontage would activate the street while respecting the residential street.

60. The Applicant noted that the Comprehensive Plan’s Land Use Element includes the following policies which are furthered by the PUD project:

- Policy LU-1.3.1 - Station Areas as Neighborhood Centers: Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide;
- Policy LU-2.4.5 - Encouraging Nodal Development: Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them;

The Applicant proposed that the PUD project will serve as an anchor for further economic and civic development of the Congress Heights neighborhood. The creation of a significant amount of office space, on top of the Congress Heights Metro Station, is an important economic generator that also has the opportunity to minimize adverse impacts on the surrounding community. The creation of 25,209 sf of new retail uses surrounded by active and accessible pedestrian travel routes provides both economic and civic benefits. The creation of approximately 205-215 new residential units provides the

opportunity for new residents to come to the neighborhood or for existing residents to remain in their neighborhood. Finally, the creation of a lively and animated plaza around the Congress Heights Metro Station canopy and entrance creates a public place and new cultural focal point for the Congress Heights community.

- Policy LU-1.3.2 - Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas;

The Applicant stated that the proposed development at the Congress Heights Metro Station would replace underutilized property around the station. The transit-oriented development would maximize transit ridership while providing additional bike space and encouraging other transportation demand management measures. The proposed development would help to catalyze other developments in close proximity to the Congress Heights Metro Station and St. Elizabeths.

- Policy LU-1.3.4 - Design To Encourage Transit Use: Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort, and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots;

The Applicant stated that the proposal to increase the pedestrian ways along Alabama Avenue and 13<sup>th</sup> Street and activate the plaza area with retail uses would enhance the safety, comfort, and convenience for those who would use the metro station. Additional bicycle racks and the existing Capital Bikeshare station would provide facilities for users of the Metro station.

- Policy LU-2.1.11 - Residential Parking Requirements: Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where

transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated; and

The project provides below-grade parking and ingress and egress should not inhibit traffic and pedestrian movements. The proposed location would not interrupt the building facades and would provide an attractive street level for each building. The Applicant agreed to a condition that residents of the project will be prohibited from obtaining an RPP sticker.

- Policy LU-2.4.6 - Scale and Design of New Commercial Uses: Ensure that new uses within commercial districts are developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The Applicant presented testimony and information that the proposed use-mix, height, massing, scale, and design are appropriate for this transit location and are not inconsistent with the Comprehensive Plan. The shadow studies show that the light and air to the adjacent residences and school should not be negatively impacted. Along the 13<sup>th</sup> Street frontage, office uses instead of retail uses are proposed to minimize the level of activity closest to the residential use.

61. The Applicant stated that the Comprehensive Plan's Transportation Element includes the following policies which are furthered by the PUD project:

- Policy T-1.1.5 - Joint Development: Attract new riders to the transit system by fostering transit-supportive commercial and residential joint development projects on Washington Metropolitan Area Transit Authority ("WMATA") owned or controlled land and on private properties adjacent to Metrorail stations.

WMATA is a partner in the proposed transit oriented development, which would bring new businesses and residents to the area. WMATA would retain a permanent access easement for public station access and service operations and would monitor design and construction of the development. WMATA submitted a letter into the record of this case which described its support of this project.

62. The Applicant noted that the Comprehensive Plan's Environment Element includes the following policies which are furthered by the PUD project:

- Environment Element Policy E-3.2.1: Support for Green Building: Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities; and

The Applicant proposes LEED-Silver certification for the residential building and LEED-Gold for the office building. The Applicant has agreed to go through the LEED certification process for both buildings.

- Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other paved surfaces.

The proposal would increase tree planting along the public right-of-way. Additionally, 28,340 sf of green roof would be provided to reduce runoff.

### **Government Agency Reports**

63. By report dated January 12, 2015, OP recommended that the proposed PUD and related Zoning Map amendment should be approved. In its report, OP stated:

This PUD and PUD-related Zoning Map Amendment application conforms to the Comprehensive Plan's Generalized Land Use and Policy Map designations. The proposal would result in a vibrant transit-oriented development at the Congress Heights Metro Station (Metro). It would bring new residences, retail, and office uses to the area and would be a precursor to, and lead the way for the planned development of the St. Elizabeths East Campus. It would offer existing residents the opportunity to return to the neighborhood, and would offer commercial space for neighborhood businesses at reduced lease rates.

In response to OP and Commission requests during the set down meeting on June 28, 2013, the Applicant submitted the following: information pertaining to the height of the buildings; details regarding the residential look and feel of the building along 13<sup>th</sup> Street; perspectives showing the scale of the buildings in relationship to that approved on the St. Elizabeths East Campus; additional street-level renderings, plans, and drawings; and a more detailed amenities package. (Ex. 28, p. 1.)

64. The OP report also addressed the project's consistency with the Comprehensive Plan. The OP report noted that the Future Land Use Map designates the Subject Property for a mix of medium-density residential and medium-density commercial uses. The OP report noted that the proposed C-3-B Zone District<sup>2</sup> is not inconsistent with this land use designation. In regard to the Comprehensive Plan's Generalized Policy Map, OP concluded:

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<sup>2</sup> The text of the OP report appears to include a typographical error on p.10, referring to the C-3-A Zone District rather than the proposed C-3-B Zone District. Based on the entirety of OP's report and the testimony presented at the public hearing, it is clear that OP understood that the Applicant is seeking to establish the C-3-B Zone District on the Property.