



Pillsbury
Winthrop
Shaw
Pittman LLP

ORIGINAL

2300 N Street NW
Washington, DC 20037-1122

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

February 1, 2007

Paul Tummonds
Phone: 202.663.8873
paul.tummonds@pillsburylaw.com

By Hand Delivery

District of Columbia Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, DC 20001

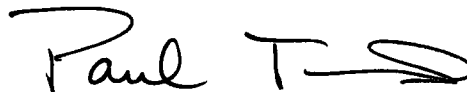
Re: Zoning Commission Case No. 05-35, Supplemental Statement

Dear Members of the Board:

Enclosed please find an original and twenty copies of a supplemental statement for an application on behalf of Horning Brothers¹ (the "Applicant") for consolidated review and one-step approval of a Planned Unit Development ("PUD") and a corresponding amendment to the Zoning Map. This supplemental statement addresses the issues raised by the Commission at its public meeting on January 6, 2006.

We believe the supplemental statement is complete and acceptable for filing, and we look forward to the Commission addressing the matter at its public meeting on February 12.

Sincerely yours,


Paul Tummonds

RECEIVED
D.C. OFFICE OF ZONING
2007 FEB -1 PM 1:16

Enclosures

ZONING COMMISSION
District of Columbia

CASE NO. 05-35
EXHIBIT NO. 12

¹ Stanton Square LLC is the current owner of the site. Horning Brothers and Stanton Square LLC have entered into a contract whereby Horning Brothers will act as fee developer for the site upon approval of this project by the Zoning Commission.

**The Townhomes at
Stanton Square
Stanton Road and Pomeroy Road, S.E.**



**APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

**ZONING COMMISSION CASE NO. 05-35
SUPPLEMENTAL STATEMENT**

UPDATED

FEBRUARY 1, 2007

DEVELOPMENT TEAM

APPLICANTS:

Horning Brothers
1350 Connecticut Avenue, NW
Suite 800
Washington, DC 20036
(202) 659-0700

ARCHITECTS AND ENGINEERS:

Lessard Group Inc., Project Architects
8521 Leesburg Pike
Suite 700
Vienna, VA 22182
(703) 760-9344

Edwards and Kelcey, Civil Engineer
11860 Sunrise Valley Dr.
Suite 200
Reston, VA 20191
(703) 391-7600

O.R. George & Associates, Traffic Engineer
10210 Greenbelt Road
Suite 310
Greenbelt, MD 20706-2218
(301) 794-7700

LAND USE COUNSEL:

Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037
(202) 663-8000

Table of Contents

DEVELOPMENT TEAM	ii
Table of Contents	iii
EXHIBITS	iv
II. THE PUD PROJECT	3
A. Site Location	3
C. Description of the PUD Project	4
E. Flexibility under the PUD Guidelines	9
III. PLANNING ANALYSIS.....	10
A. Introduction.....	10
B. Land Use Impact.....	10
C. Zoning Impact	11
D. Environmental Impact.....	12
E. Facilities Impact.....	12
IV. PUD EVALUATION STANDARDS	13
A. Public Benefits and Project Amenities	13
1. Urban Design and Architecture.....	13
2. Site Planning.....	14
3. Effective and Safe Vehicular and Pedestrian Access.....	14
4. Housing and Affordable Housing.....	15
5. Revenue for the District.....	15
6. First Source Employment Program	16
7. Local, Small and Disadvantaged Businesses	16
8. Uses of Special Value to the Neighborhood	16
9. Comprehensive Plan	17
V. COMPLIANCE WITH THE COMPREHENSIVE PLAN	17
A. Compliance with Major Themes	18
1. Stabilizing the District’s Neighborhoods	18
2. Respecting and Improving the Physical Character of the District.....	19
3. Preserving and Ensuring Community Input.....	19
B. Compliance with Major Elements.....	20
1. Housing Element	20
2. Transportation Element.....	21
3. Urban Design Element.....	21
4. Generalized Land Use Map.....	22
5. Ward 8 Goals and Policies	23
VI. CONCLUSION	25

Table of Contents

DEVELOPMENT TEAM	ii
Table of Contents	iii
EXHIBITS	iv
II. THE PUD PROJECT	3
A. Site Location	3
C. Description of the PUD Project	4
E. Flexibility under the PUD Guidelines	9
III. PLANNING ANALYSIS.....	10
A. Introduction.....	10
B. Land Use Impact.....	10
C. Zoning Impact.....	11
D. Environmental Impact.....	12
E. Facilities Impact.....	12
IV. PUD EVALUATION STANDARDS.....	13
A. Public Benefits and Project Amenities	13
1. Urban Design and Architecture.....	13
2. Site Planning.....	14
3. Effective and Safe Vehicular and Pedestrian Access.....	14
4. Housing and Affordable Housing.....	15
5. Revenue for the District.....	15
6. First Source Employment Program	16
7. Local, Small and Disadvantaged Businesses	16
8. Uses of Special Value to the Neighborhood	16
9. Comprehensive Plan	17
V. COMPLIANCE WITH THE COMPREHENSIVE PLAN	17
A. Compliance with Major Themes	18
1. Stabilizing the District’s Neighborhoods	18
2. Respecting and Improving the Physical Character of the District.....	19
3. Preserving and Ensuring Community Input.....	19
B. Compliance with Major Elements.....	20
1. Housing Element	20
2. Transportation Element	21
3. Urban Design Element.....	21
4. Generalized Land Use Map.....	22
5. Ward 8 Goals and Policies	23
VI. CONCLUSION	25

EXHIBITS

DESCRIPTION

EXHIBIT

Article Regarding Chatham Square
from October, 2006 issue of *Builder* Magazine

A

Architectural Drawings and Elevations of the PUD Project

B

Tabulation of Development Data

C

I. INTRODUCTION

On November 11, 2005, Horning Brothers¹ (“Applicant”) filed an application for the consolidated review and one-step approval of a Planned Unit Development (“PUD”) and a corresponding amendment to the Zoning Map for the property located in Square 5877, bounded by Stanton Road, Elvans Road, and Pomeroy Road, S.E. The property is made up of Lots 60, 61, 78, 832, 835, 853, 854, 855, 856, 857, 858, 873, 878, and 879 of Square 5877 (“Subject Property”).

The Applicant and its new development team return to the Zoning Commission with an entirely new project that highlights their collective expertise in community planning, and their desire to create a bench mark project for affordable and sustainable residential development. The success of this plan is the mix of affordable and market rate townhomes in a cohesive development that includes a mix of unit types interspersed throughout the Subject Property, while creating an appropriate amount of green space for residents and their guests. From the combined use of architectural styles and details, to the use of planning concepts that increase the usable green space and add to the city streetscape, this project (to be known as Stanton Square) will be a model for others to follow.

The Stanton Square project includes 187 townhomes with a mix of unit types and configurations. At least one-third of the total number of townhomes in the project will be reserved as workforce affordable housing units. These affordable units will be made available to households making 50%, 60%, and 80% of the Area Median Income (“AMI”). Stanton Square has been thoughtfully planned and designed to mesh with the existing community fabric and texture. A consistent use of architectural details and aesthetic quality-driven exterior

¹ Stanton Square LLC is the current owner of the site. Horning Brothers and Stanton Square LLC have entered into a contract whereby Horning Brothers will act as fee developer for the site upon approval of this project by the Zoning Commission.

elevations creates a desirable community. All of the townhomes facing Stanton, Elvans, and Pomeroy Roads will create active street frontages with front yards and tree lined streets. The use of differing scale and building materials creates a dynamic streetscape along both the interior and exterior street fronts. Each townhome either faces a street, open green, or mews. One key way in which the project creates a pedestrian-friendly environment is the provision of self-contained parking for the townhomes off of alleyways and not at the fronts of the units.

In the interior of the site, the allocation of usable green space is the most valued part of the project. Pocket parks and mews have been developed to create linked pedestrian spaces. The central focus of the project becomes the open greenspace which separates the upper and lower portions of the Subject Property. The steep grade differential between the two parts of the project has evolved into cascading landscaped garden retaining walls. The internal road system has been created to provide view corridors towards this open space, as well as the individual unit architecture. From the corner mews at Stanton and Pomeroy Roads, to the mews internal to the site, the public open spaces are a key component to the livability and overall aesthetic of the project.

The Applicant's goal remains the creation of new homeownership opportunities for residents of Ward 8 (particularly for households with moderate- and middle-income wage earners). The proposed project will infill a currently vacant site to anchor and strengthen the surrounding neighborhoods of Hillsdale and Fort Stanton. The Applicant has met with members of the surrounding community, including ANC 8A Commissioners and representatives of local neighborhood organizations. The Applicant was told by these individuals that they liked the community feel and appearance of the townhome project.

This Statement and the materials submitted to the Zoning Commission on November 11, 2005, satisfy the filing requirements for a PUD and Zoning Map Amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

II. THE PUD PROJECT

A. Site Location

The proposed PUD site is composed of approximately 8.1 acres, or 353,256 square feet. The Subject Property is located between the Hillside and Fort Stanton neighborhoods approximately one-half mile north of Suitland Parkway. The Subject Property is irregularly shaped and is bounded by Stanton Road to the west, Elvans Road to the south and east, the Wilkinson Elementary School directly to the north, and Pomeroy Road to the northwest. The Subject Property is currently undeveloped, has steep topography, and slopes generally to the west, with a sharp 30-foot drop effectively dividing the site into an upper and a lower portion. Where the Subject Property borders Wilkinson Elementary School, there is a large concrete retaining wall.

B. Project Architect

The Applicant engaged the architecture firm of The Lessard Group to review and critique the previous proposal. The new PUD project has been significantly enhanced as a result of a fresh “set of eyes” reviewing the site, neighborhood context, and proposed unit mix. The Lessard Group has extensive experience in creating townhome communities of the highest architectural caliber that seamlessly relate to their neighborhood context. The Lessard Group was the architect for the Bryan School and Capitol Square PUD projects that were approved by the Zoning Commission. Attached, as Exhibit A, is an October, 2006 article from *Builder*, the magazine of the National Association of Home Builders, describing the award-winning Chatham

Square project in Old Town Alexandria, Virginia. As the project architect, Lessard Group created a true mixed-income community of 152 townhomes (52 low-income rental units and 100 market-rate units), with 25% of the site preserved as open space. The architectural styles and detailing shown in the photographs accompanying the article will be similar to those of the Stanton Square project.

C. Description of the PUD Project

The architectural drawings and plans depicting the design and layout of the PUD project are attached as Exhibit A. The revised PUD creates a new 187-unit townhome community that embraces and welcomes community interaction. With a mix of affordable and market rate homes, the Applicant has strived to create a cohesive community feel. The townhome architecture creates a mixture of texture and scale giving the community an image of an established neighborhood.

A mixture of architectural styles and elements, in addition to scale, will eliminate any overpowering presence to the buildings. Two-story units, repetitive bay elements, and paired styled units are specifically located to break up the scale of the streetscape and building facades. The fronts of the townhomes have a mixture of Federal, Colonial, and Transitional Victorian architectural styles consistent with the architectural styles of the surrounding area. Detailed entries, front stoops and porticos embellish the street facades in addition to the projecting bay windows and the detail oriented window and door surrounds. Photographs of the architectural details of similar projects are included in Exhibit B. Both affordable and market rate units will be treated with the same amount of architectural detail to guarantee an appealing streetscape for the community.

The site plan provides a more traditional street grid pattern, with a two-way “Main Street” on the lower portion of the site. ~~The site plan removes the vehicular entrance on Pomeroy Road and the units adjacent to Wilkinson Elementary no longer face the large concrete retaining wall that separates the Subject Property from the adjacent school property.~~ The proposed internal street grid and the townhomes are sited to work with the existing grade by creating “English basements”² (buried front levels) instead of retaining walls. The use of English basement units also creates a reduced scale of the townhomes as you proceed down the street. The street grid introduced to the site creates a pedestrian-friendly community as well as opens up green spaces for public access. Internally the streets focus on, and direct you, to the public green spaces or pocket parks. Each street provides view corridors along tree lined streets toward open spaces and to the landscaped pedestrian link along the hill that separates the upper and lower portions of the site.

An important aspect of this plan is that the green space is now focused for use and enjoyment by residents of the project and their guests. This is accomplished by emphasizing the green corridor at the front of each home by providing landscaping and tree planting areas in each lot within the community, as well as the landscaped front yards for the units facing the surrounding streets. The usable and visible green space is being removed from the rear alleys and brought to the street frontage.

While increasing the impact and effect of the greenspace provided in the plan, almost all of the garages are now hidden from the street. Each block of townhomes provides for generous alleys with some incorporating additional open spaces for landscaping and plantings and some rear yard areas. Over one-third of the units self park with a two-car garage, and almost all other units include at least a single car garage. Front-loaded garages are only provided for the ten

² These English basement units will not be separate rentable units from the single-family townhomes.

townhomes that will have rear yards which abut the hill. These units provide another unit type for potential purchasers to choose from when looking at buying a home in Stanton Square. Guest parking is evenly distributed along the internal streets for easy access to the homes as well as the pocket parks.

The townhouse units will consist of models that are 14, 16, 18, and 20 feet wide. The majority of these units will be three stories tall with rear-loaded vehicular access provided from private alleys. In addition, in order to better relate to the existing topography of the site, 64 of the 187 units include English basements (with partially buried ground floors). The units that include the English basements are highlighted in Plan L1.03, included in Exhibit B. As noted above, some units have rear yards and front-loaded vehicular access, some units have side-loaded vehicular access, and some of the 14-foot wide units are two stories in height. (See “A” series of plans in Exhibit A.) All of the townhomes, except for the two-story units, will have cantilevered decks located on the rear of the unit. These decks will be approximately 12 feet wide and 4.5 feet deep. These decks will allow unit owners the opportunity to have their own private space outdoors, in addition to their front yards, which could include outdoor seating and dining.

Most of the units will have family rooms and garages on the first floor, kitchens and living areas on the main floor, and most will have three bedrooms on the third floor; others will have two bedrooms. The facades of the townhomes will be a combination of siding, trim, and brick. The roofs will be either architectural asphalt shingles or metal. The style of the townhome elevations will be a mix of Federal, Colonial, and Transitional Victorian architecture with full two- and three-story projecting bay windows, consistent with the architectural styles of the surrounding area. The style and detailing of the units will be similar to that of the Chatham

Square project described in Exhibit A and that depicted in the photos of other projects designed by the Lessard Group shown in Exhibit B.

The site circulation plan is shown on page C.05 of Exhibit B. The revised internal street system includes both one-way and two-way streets. This combination allows the Applicant to reduce the amount of paved roadway area on the Subject Property, while creating a safe and pleasant co-existence between pedestrian and vehicular traffic. Main Street on the lower portion of the site will be 24 feet wide and will allow for two-way traffic. The proposed one-way streets will be 22 feet wide and will have on-street parking on one side of the street. On the upper portion of the site, a 30 foot wide Main Street will allow for two-way traffic and on-street parking on one side of the street. In total, approximately 37 on-street parking spaces will be provided for use by residents of the PUD project and their guests in the new internal street system.

The Applicant has met with representatives of the District Department of Transportation (“DDOT”) to review the proposed internal street system and discuss the requirements for ultimately dedicating these streets as public streets. The major benefit of creating public versus private streets is that the future homeowners’ association for the project will not be burdened with the cost of maintaining and fixing the streets. This is especially important given the high percentage of affordable units that will be provided in the project, and the need to keep the monthly homeowners’ association fees to a minimum.

D. Response to Zoning Commission Comments

At the January 6, 2006, public meeting, the Applicant was requested to provide information regarding the amount of green space provided in the project. That information is provided in Exhibit C. The principal design changes to the project have been the reduction in the

roadway area, the increase in the total building area, and the large increase in the affordable housing component of the project. ~~The amount of green space provided on the site remains at approximately 31%. However, the current plan provides a more effective and usable green space with overall density that is consistent with the surrounding area.~~

The site plan includes a greater tree save area between the upper and lower portions of the site, with less disturbance proposed for the steeply sloped portion of the Subject Property. The upper portion of the site will include a tot lot and a series of open spaces that can be used by residents of the project and their guests for outdoor recreation. The lower portion of the site includes an open plaza at the intersection of Stanton and Pomeroy Roads that provides similar outdoor recreation space. In addition, the lower portion of the site also includes a series of green, open spaces. A series of short, landscaped retaining walls are provided in this area to provide the necessary stability to protect the steep slope, while also preventing the creation of a single large retaining wall. Details of these features of the project are provided in pages L100, L1.01, and L1.02 of the plans attached in Exhibit B.

The Applicant and its consultants reviewed the issue of providing additional on-site amenities as part of the project. The Applicant determined that there are numerous parks and recreational facilities in close proximity to the Subject Property that are available to residents of this project. Fort Stanton Park is approximately ¼ mile east of the Subject Property. Douglass Park is ½ mile southeast of the Subject Property, and Barry Farms Park is approximately ½ mile northwest of the Subject Property. All of these parks have recreation centers, outdoor pools, and tennis courts. In particular, the Fort Stanton Park facilities were recently renovated and include: lighted baseball fields, basketball courts and a football field; a computer room and multi-purpose room in the recreation center; and a toddler playground. The Applicant believes that residents of

this project would utilize these facilities and would ultimately help those facilities thrive by providing a steady stream of visitors.

The revised Tabulation of Development Date is included as Exhibit C. The total gross floor area included in the PUD is 318,024 square feet which creates a total FAR of 0.90, below the 1.0 FAR guideline for a PUD in the R-5-A District. The total lot occupancy is approximately 31%. The townhomes will have heights of 28 feet, 6 inches, measured to the ceiling of the top story, less than the 40-foot height permitted in the R-5-A District as a matter-of-right. The R-5-A District requires one parking space for every dwelling unit. This PUD project will contain 267-287 parking spaces.

E. Flexibility under the PUD Guidelines

The PUD Process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment (“BZA”). The Applicant requests that the Zoning Commission approve the proposed townhouse project in accordance with Sections 353 and 2516, regarding special exception approval of new residential buildings in the R-5-A District. The Zoning Commission has the authority to grant this special exception approval as part of the PUD application. Section 2405.7 of the Zoning Regulations authorizes the Zoning Commission “to approve any use that is permitted as a special exception and which would otherwise require the approval of the Board of Zoning Adjustment.” In addition, Section 2405.8 of the Zoning Regulations states that the Zoning Commission is not required to apply the special exception standards normally applied by the BZA and that BZA approval is not subsequently required once the Zoning Commission approves the special exception.

The Applicant also requests a variance from the front yard, 20-foot rear yard, and 8 -foot side yard requirements of the R-5-A District for the end units. Extensive shared passive recreation space is present throughout the site, and the deviation is necessary to accomplish the street-oriented, rear-loaded project design.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will develop a new residential community on a vacant infill site that creates approximately 187 new homeownership opportunities for the residents of Ward 8 and the District of Columbia and attracts potential new residents to the District, without displacing any existing residents. The rezoning of the Subject Property will allow for the creation of well-designed affordable housing opportunities that presently are limited in the surrounding neighborhood. The proposed project will provide residents of this area with high-quality, for-sale, two and three bedroom townhomes. Moreover, the significant workforce affordable housing component of the revised PUD project is entirely consistent with the goals of the City Council, the Commission, and the Office of Planning in adopting Inclusionary Zoning requirements. The proposed project is complementary to the existing neighborhood and is consistent with the type of development that residents of the area have said that they would like to see.

B. Land Use Impact

The Land Use Element of the Comprehensive Plan supports incentives for residential development east of the Anacostia River. Additionally, the draft Executive Summary of Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D.C. sets forth a ten-

year plan for improving the District’s housing and affordable housing. Below are core recommendations of this Strategy:

- “The government of the District of Columbia should . . . increase[e] residential development throughout the District”:
 - “The District of Columbia should increase the supply of housing by at least 55,000 units to accommodate a growth in population of 100,000”;
 - “The location of new production envisioned by the task force should support a balanced growth policy, which will allow increases in population density”; and
 - “Both assisted and market-rate housing produced in the District should adhere to high architectural and urban design standards, providing housing with amenities and access to transportation for all neighborhood residents.”
- “The government of Washington, D.C. should accelerate its efforts to preserve and increase high-quality affordable housing for both owners and renters”

The Applicant will create 187 new units of attractive, high-quality housing in an underserved area of the District. The project creatively adapts a challenging site to develop a residential complex of appropriate density that is complementary to the garden style apartments, townhomes, and single-family detached housing in the project’s immediate vicinity. The Applicant will develop a highly desirable residential community, with extensive greenspace and passive recreation area, that will anchor the Hillside and Fort Stanton neighborhoods. Moreover, the Applicant will reserve at least one-third of the total number of townhomes as workforce affordable units for households making 50%, 60%, or 80% of AMI.

C. Zoning Impact

The District of Columbia Generalized Land Use Map recommends moderate density residential land use in the neighborhood of the Subject Property. The moderate density category

includes row houses and garden-style apartments as its predominant uses. Thus, the proposed rezoning of the Subject Property to R-5-A is consistent with the Generalized Land Use Map.

D. Environmental Impact

No adverse environmental impact will result from this project being constructed. While the Subject Property is currently forested, many of the trees are non-native or invasive species. The Applicant will seek to minimize the number of native specimen trees that will need to be removed from the Subject Property as it undertakes improvements necessary to utilize the full development potential of the challenging site.

The project's stormwater management and erosion control plans will prevent impacts to adjacent property and minimize the effects to existing stormwater systems. An on-site bio-retention basin, bay-saver system is planned for the treatment of water quality. The required erosion control procedures will be implemented during the construction of the project. These proposed systems have been reviewed with representatives of the DC Water and Sewer Authority ("WASA"). The Applicant is currently evaluating low-impact design strategies for this site, including passive infiltration techniques and appropriate stormwater flow reduction systems.

The increased use of water and sanitary services will not have a significant effect on the District's systems. All major utilities, except electricity, currently are located in the streets surrounding the site. Electrical service is provided above ground to developments across the street from the Subject Property.

E. Facilities Impact

This PUD project will not have an adverse impact on the public facilities that it will rely on for service. The Subject Property is located along Metrobus routes 94 (Stanton Road-

Anacostia Line) and W6/W8 (opposite directions of the Garfield-Anacostia Line). A stop for the 94 route is located at the corner of the Subject Property at the intersection of Pomeroy and Stanton Roads. The site is approximately a five minute ride by bus or auto to the Anacostia Metrorail Station, located approximately 1 mile from the Subject Property. The 94 bus also provides service to the Congress Heights Metrorail Station, which is approximately 1.24 miles from the Subject Property.

IV. PUD EVALUATION STANDARDS

A. Public Benefits and Project Amenities

This consolidated application will achieve the goals of the PUD process by providing high quality residential development, serving a large number of low-middle income households, on the Subject Property with significant public benefits to the neighborhood and the District as a whole.

1. Urban Design and Architecture

The proposed townhomes are designed to complement and elevate the level of architectural quality and design in this area of the District. The impact of 187 new townhomes at this location will set a design standard for this area, giving the Stanton Road thoroughfare an architectural significance that it has lacked in the past. Furthermore, the townhomes are built to the street, with yards at the front and the majority of the units having automobile entry and parking from rear alleys. The introduction of townhomes of varying size and height also helps add to the architectural richness of the project.

There will be no gates or barriers preventing members of the public from gaining access to the site. The Applicant anticipates that the pocket park at Stanton and Pomeroy Roads will be utilized extensively by residents of the project and the surrounding community. The design

connects the homes to the public streets, incorporates the entire development into the existing neighborhood, and enhances the walkability of the streets; it does not create a self-contained suburban-style village.

2. Site Planning

Pursuant to Section 2403.9(b) of the Zoning Regulations, “[s]ite planning, and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed density of the project is entirely appropriate for the Subject Property. The FAR (0.9) and lot occupancy (31%) of the project are well within the matter-of-right standards for the R-5-A District. In the revised site plan, green space occupies 30% of the Subject Property.

The revised site plan continues to make efficient use of a site that poses many topographical challenges. While a steep 30-foot slope requires that the project be divided into two parts, the site plan seamlessly ties these two parts together; so that the project functions as a whole, through the creation of a walking path and stair system. The layouts of townhomes, especially the units with English basements, allows for more natural street and site grading within the project to account for the 10-12 foot elevation change that occurs on the lower portion of the site. The introduction of a more traditional street grid system and the various open and green spaces provide an inviting and open environment for residents of the project, their guests and members of the surrounding community.

3. Effective and Safe Vehicular and Pedestrian Access

The proposed project provides “effective and safe vehicular and pedestrian access,” which the Zoning Regulations consider to be a public benefit and project amenity. The proposed one-way and two-way street systems will discourage excessive speeds and cut-through traffic.

Safe and inviting sidewalks will be created along the surrounding public streets and throughout the site to encourage pedestrian activity and also mitigate and pedestrian/vehicular conflicts.

The proposed development provides residents with approximately 267-287 parking spaces, depending on the number of units that will have tandem parking spaces. This is well above the R-5-A requirement of 1 space per dwelling unit. Guest parking is provided in approximately 37 designated parallel parking spaces located along the interior roadway system, enhancing vehicular access to and from residents' homes. In addition, a significant amount of on-street parking spaces are available on Stanton Road, Elvans Road, and Pomeroy Road surrounding the Subject Property.

The Applicant has engaged O.R. George & Associates as the traffic engineering expert to analyze the impacts of the project on the surrounding street system. The traffic engineer's report will be submitted to the District Department of Transportation, the Office of Planning, and the Zoning Commission as soon as it is updated.

4. Housing and Affordable Housing

Under Section 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. In support of this important goal, the proposed PUD project will add 187 new for-sale residential townhomes to the Hillsdale and Fort Stanton neighborhoods. As noted above, the project will reserve at least one-third of those townhomes as workforce affordable housing units.

5. Revenue for the District

According to Section 2403.9(i), “[u]ses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The

addition of 187 new households will result in the generation of significant additional tax revenues in the form of property, income, sales, and employment taxes for the District.

6. First Source Employment Program

Section 2403.9(e) of the Zoning Regulations states that “employment and training opportunities” are representative public benefits and project amenities. The Applicant will enter into an agreement to take reasonable measures to participate in the Department of Employment Services (“DOES”) First Source Employment Program to promote and encourage the hiring of District of Columbia residents during the development and construction process.

7. Local, Small and Disadvantaged Businesses

The use of local firms in the development and construction of the project is a representative public benefit and project amenity pursuant to Section 2403.9(e). The proposed project will make a commitment to use as many LSDBE’s as possible during the development of the project.

8. Uses of Special Value to the Neighborhood

The Applicant will continue to discuss the project with various community organizations and ANC Commissioners in the area surrounding the Subject Property, as well as representatives of Wilkinson Elementary School. The Applicant will work with these individuals and organizations in order to create a community amenities package that addresses the needs of the surrounding area.

In deciding a PUD application, the Zoning Commission is, according to Section 2403.8, required to “judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” In addition, Sections 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.

The project has been sensitively designed to mitigate any adverse effects on neighboring properties or the surrounding community. The project provides significant and tangible project amenities and public benefits that far outweigh the development incentives and flexibility from the strict application of the Zoning Regulations that are requested, and the PUD process is the only feasible means for achieving a residential project of this configuration on the Subject Property. Moreover, a consolidated PUD application allows the Zoning Commission a level of design review and approval that is not available for a matter-of-right project. This PUD project will include many, if not all, of the attributes of PUD projects that have recently been approved by the Zoning Commission, including:

- Exemplary architecture and site planning: This project creates an inviting residential community with street-oriented townhomes with significant open spaces that are available to the general public. The project has been carefully designed to allow for safe and effective pedestrian connections to the surrounding neighborhood.
- Housing: This project will provide the District with 187 homes for individuals, couples, and families and will reserve at least one-third of the homes as workforce affordable units.

9. Comprehensive Plan

According to Section 2043.9(j), public benefits and amenities include ways in which the PUD advances the “major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V below, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies enumerated in the Comprehensive Plan.

The purposes of the Comprehensive Plan are to:

(1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization and improvement of each neighborhood and community in the District (D.C. Code § 1-245(b) (1994 Supp.)).

The proposed project significantly advances these purposes by furthering the social and economic development of the District through the creation of 187 new residential units on currently vacant land, with a significant workforce affordable housing component, enhancing the urban environment in the immediate neighborhood.

A. Compliance with Major Themes

Four major themes that are applicable to this project were adopted as part of the Comprehensive Plan. The Applicant's proposal is consistent with these themes as follows:

1. Stabilizing the District's Neighborhoods

The Comprehensive Plan's primary residential neighborhood objectives include the enhancement and stabilization of the District's neighborhoods and the protection of residential neighborhoods from non-residential and disruptive uses. Development in the Hillside/Fort Stanton area of 187 new townhomes will certainly help achieve that goal. When residents own their homes, they generally will live in their homes longer and are more concerned with the value and upkeep of their residences. The Subject Property is located in a primarily residential neighborhood. A new development of townhomes in this neighborhood will not be disruptive, and in fact provides a new type of residential opportunity for existing residents of the neighborhood. As noted above, no displacement of residents will occur as a result of this application. These townhomes will provide residents with an interim housing opportunity from a rental apartment to a single-family home, or alternatively provide an attractive housing opportunity for someone who is looking to minimize the amount of work that is necessary to

maintain a single-family home. Furthermore, this project will continue the momentum initiated by the new construction and redevelopment that has taken place over the past few years in this area, and will help make the neighborhood even more attractive to new development, while respecting the existing surrounding residential community. For these reasons, the proposed project is consistent with the Comprehensive Plan's goals for strengthening existing neighborhoods.

2. Respecting and Improving the Physical Character of the District

The project has been designed to be completely complementary to the surrounding neighborhood. The townhomes are built up to the street; this frontage, when combined with the front yards, front stoops, and projecting bays adorning each structure and sidewalk system, creates an attractive and intrinsically walkable community. The project also provides a more usable, secure green space plan. While undeveloped wooded tracts of land and large parks can be found in this part of Southeast, few intimate community spaces, such as proposed in this project, exist. By designing green space near Stanton Road, instead of creating an internally-focused development, and laying out the townhomes to accommodate the topography of the site, the Applicant recognizes the significance of Stanton Road as a major thoroughfare in the neighborhood, enhances the quality of the residential neighborhood, and respects the physical character of the site.

3. Preserving and Ensuring Community Input

The Applicant is committed to having a long-term, positive impact east of the Anacostia River, particularly in Ward 8. The Applicant understands that to have an impact that is embraced by the community, it is necessary to gain community input on the projects that it undertakes. As the Comprehensive Plan states in Section 102, "citizen participation in civic improvement starts

from the interest that people have in their neighborhood blocks and in their day-to-day relationships.” As noted above, the Applicant has meet with representatives of ANC 8A, the Anacostia Coordinating Council, the East of the River Community Development Corporation, and other neighborhood organizations. In these meetings, the Applicant was told that the community wants to see a solely townhouse project on the Subject Property. The community’s response to this PUD project has been overwhelmingly positive.

4. Providing for Diversity and Overall Social Responsibilities

The project will help further expand the range of housing options available in the Hillsdale and Fort Stanton neighborhoods. The large affordable housing component of this project will provide additional opportunities for potential first-time homebuyers.

B. Compliance with Major Elements

The Comprehensive Plan also contains 11 major elements. The proposed project furthers the objectives and policies of several of these elements as follows:

1. Housing Element

According to Section 302.2 of the Comprehensive Plan, it is the goal of the District to:

- “Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives” (10 DCMR § 302.2(a));
- “Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized, or unused” (10 DCMR § 302.2(e)); and
- “Encourage the private sector to meet housing needs through the development of infill housing” (10 DCMR § 302.2(f)).

The proposed development is consistent with the housing provisions of the Comprehensive Plan as it creates 187 new townhomes in an area that is identified on the District of Columbia Generalized Land Use Map to be a moderate density residential area. The proposed project will create new homes in a community with significant for-sale housing needs on

property that is currently vacant and unused. The high-quality affordable community will serve as an anchor that strengthens and enhances the surrounding residential neighborhood.

2. Transportation Element

The objective of the streets and alleys portion of the Transportation Element, laid out in Section 505 of the Comprehensive Plan, is to:

- “Provide a system of streets and alleys to ensure access to all sections of the District” (10 DCMR § 505.1);
- “Promote private-sector involvement in the development of sidewalks and pedestrian paths to complete the District’s pedestrian system” (10 DCMR § 505.2(d));
- Ensure “adequate parking will exist for occupants and other users” in accordance with the Zoning Regulations (10 DCMR § 505.2(e)); and
- “Require a systematic program for the maintenance and repair of streets.” (10 DCMR § 505.2(f)).

The Applicant will enhance the existing road network of the District by creating an effective and safe internal street system. Furthermore, the sidewalks of the proposed development will be connected to the existing sidewalk system on Elvans, Stanton, and Pomeroy Roads. The sidewalks on these streets will be safer and more user-friendly with the removal of overgrown vegetation as well as the integration of a complete pedestrian sidewalk system for the surrounding neighborhood. The building out of the townhomes to the sidewalk also enhances the appearance and walkability of the pedestrian streetscape. The project provides approximately 1.4 parking spaces per townhome, which is an appropriate balance of providing sufficient parking on-site, while not “over-parking” the project. As noted above, the Applicant will continue to work with DDOT representatives regarding the possibility of dedicating the internal street system to the District of Columbia.

3. Urban Design Element

According to Section 701 of the Comprehensive Plan, it is the goal of the Urban Design Element:

“To promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District’s aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient” (10 DCMR § 701.1).

The proposed development will reflect the beneficial architectural qualities of the surrounding residential neighborhoods. In site planning and architectural detailing, the project will emphasize and help strengthen a neighborhood identity for this area. The project proposes an appropriate number and density of residential units, while allowing for sufficient private and public open space for the residents. The townhomes are oriented towards the street at the front, yet also have auto access through the rear alleys.

The Comprehensive Plan also sets forth the following objective for areas in need of new and improved character:

“To encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity” (10 DCMR § 712.1).

The intersection of Stanton Road and Elvans Road currently lacks “a strong, positive physical identity.” The addition of the proposed development to this area will strengthen the identity of this intersection. Attractive views of the side and front elevations of the townhomes as one walks or drives along Stanton Road will also provide passersby with a stronger sense of place than currently exists at this location.

4. Generalized Land Use Map

The Land Use Element of the Comprehensive Plan sets forth the following goal:

“[W]here appropriate, [encourage] the rehabilitation and new construction of detached and row housing . . .” (10 DCMR § 1104.1(h)).

The Comprehensive Plan Generalized Land Use Map includes the Subject Property in the moderate density residential land use category. The moderate density residential land use category envisions row houses and garden apartments as the predominant uses. The proposed project is entirely consistent with the Generalized Land Use Map designation of this site.

5. Ward 8 Goals and Policies

Section 1900 of the ~~Comprehensive Plan~~, which focuses on the needs of Ward 8, sets forth a series of goals for the community that are met or enhanced by this project:

- “Increase the number of owner-occupied and single-family housing units in the ward” (10 DCMR § 1908.1(a));
- “Provide housing opportunities for low- and moderate-income households by promoting the construction and renovation of a range of housing types” (10 DCMR § 1908.1(f));
- “Preserve and enhance the distinguishable physical qualities of Ward 8 neighborhoods” (10 DCMR § 1920.1(b));
- “Encourage developments that respond to the prominent ridgelines of Ward 8 and the horizontal skyline of the District so as to maintain and enhance the physical image and character of the ward and the city” (10 DCMR § 1920.1(e));
- “Encourage new development in areas with vacant or underused land to secure a strong, positive physical identity” (10 DCMR § 1920.1(g)); and
- “Suggest ways to increase the currently low level of homeownership in Ward 8” (10 DCMR § 1901.1(h)).

One of the focus areas of the Ward 8 Plan is to increase low levels of homeownership. Only 15 percent of occupied housing units in Neighborhood Cluster 37, which is composed of the Barry Farm, Fort Stanton, and Hillside neighborhoods, are owner-occupied.³ One of Cluster 37’s primary objectives is to set a goal for the percentage of homeownership in the Cluster.⁴ Based on the 2000 census count of 2,745 occupied housing units in the Cluster,⁵ the proposed project will increase the number of owner-occupied housing units to 19 percent of the total number of occupied housing units in Cluster 37. In the process, the project will provide a strong, high-quality development that also respects the physical aspects of the Subject Property. Moreover, this project takes a challenging site with steep topography and transforms it into a vibrant residential community that provides many residents with spectacular views of the District’s skyline.

³ These numbers, taken from the DC Neighborhood Cluster Profile, Cluster 37, at http://www.neighborhoodinfodc.org/nclusters/nbr_prof_clus37.html (last visited October 7, 2005), are for the year 2000.

⁴ Citizen’s Guide to Mayor Anthony A. Williams’ Proposed FY 2003 Budget: Cluster 37, at 7, at <http://www.dcwatch.com/mayor/020318b37.pdf>.

⁵ DC Neighborhood Cluster Profile, supra note 3.

Ward 8 actions in support of urban design also include the following action:

“encourage increased design quality in all development projects reviewed through the planned unit development (PUD) process” (10 DCMR § 1921.1(a)(2)(A)).

The Applicant believes that the proposed project will help elevate the standard for design quality for this area. The proposed project will help to further revitalize an area of Ward 8 that has already been significantly stabilized as a result of redevelopment projects that include; Washington View, Overlook Condominiums, and the Townes at Hillsdale.

In this way, the Subject Property also helps to meet the Ward 8 goals for land use and zoning. Ward 8 objectives for land use/zoning include the following:

- “Promote healthy and secure residential and nonresidential environments through selective renewal, rehabilitation and neighborhood revitalization programs” (10 DCMR § 1929(1)(b));
- “Minimize existing or potential conflicts between residential uses and nonresidential uses” (10 DCMR § 1929(1)(d));
- “Locate more intensive land uses in areas of the ward which, by virtue of existing or planned infrastructure, can accommodate and support these uses” (10 DCMR § 1929(1)(f)); and
- “Promote and enhance the ward’s low density character, open spaces and stable neighborhoods” (10 DCMR § 1929(1)(g)).

Because the site is surrounded on three sides by streets with existing infrastructure that can accommodate the proposed use and intensity of the development, the location of this project fits the stated objectives of the Ward 8 Plan. While the proposed project will have a higher number of units than would be permitted under the existing zoning, it will complement the neighborhood because of its moderate density, its preservation of open space, and its contribution to the neighborhood’s stability. In addition, the project’s proximity to the Wilkinson Elementary School could be viewed as a benefit, as the project provides students with a safe community to walk through or past on their way to and from school.

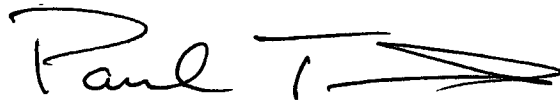
For all of the above-mentioned reasons, the Applicant believes that the proposed PUD is not only consistent with the Ward 8 Elements of the Comprehensive Plan, but was designed in direct response to satisfy these specific objectives.

VI. CONCLUSION

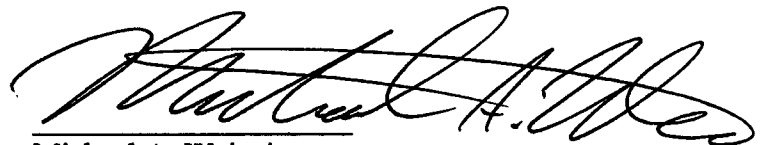
For the foregoing reasons, the Applicant submits that the consolidated PUD application and Zoning Map amendment meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, and safety and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the consolidated PUD application and Zoning Map amendment should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests the Zoning Commission set the PUD and accompanying Zoning Map amendment applications down for a public hearing at the earliest possible date.

Respectfully submitted,
Pillsbury Winthrop Shaw Pittman, LLP



Paul Tummonds



Michael A. Weiss*

*Admitted in New York only; supervised by members of the D.C. Bar.