

## **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

	<b>Page</b>
I. INTRODUCTION .....	<b>1</b>
II. THE PUD PROJECT .....	<b>3</b>
A. Site Location .....	3
B. Description of the PUD Project .....	3
C. Flexibility under the PUD Guidelines.....	8
III. PLANNING ANALYSIS .....	<b>9</b>
A. Introduction.....	9
B. Land Use Impact .....	9
C. Zoning Impact .....	10
D. Environmental Impact.....	10
E. Facilities Impact.....	12
IV. PUD EVALUATION STANDARDS.....	<b>13</b>
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 .....	15
4. Housing and Affordable Housing .....	16
5. Revenue for the District .....	16
6. First Source Employment Program.....	16
7. Local, Small and Disadvantaged Businesses .....	17
8. Uses of Special Value to the Neighborhood .....	17
9. Comprehensive Plan .....	18
V. COMPLIANCE WITH THE COMPREHENSIVE PLAN .....	<b>18</b>
A. Compliance with Citywide Elements.....	19
1. Consistency with the Framework Element .....	19
2. Consistency with the Land Use Element .....	20
3. Consistency with the Transportation Element .....	21
4. Consistency with the Housing Element .....	22
5. Consistency with the Environmental Protection Element .....	23
6. Consistency with the Urban Design Element .....	23
7. Compliance with Area Element .....	24
8. Nature of Housing Provided .....	24
9. Location of Housing Provided .....	25
VI. CONCLUSION.....	<b>26</b>

## **CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS**

Horning Brothers<sup>1</sup> (the “Applicant”) hereby certifies that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on March 14, 2007, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes to the project are expected to be submitted prior to the public hearing on this application.

The Applicant also certifies that certain modifications and refinements have been made to the project since the original submission to the Zoning Commission. These changes have been made in response to comments raised in meetings that have been held with the Office of Planning and in response to the comments of the Commission members. These modifications and refinements are detailed below.

In response to the comments of the Zoning Commissioners on February 12, 2007, the Applicant has undertaken a holistic approach to creating a project that has an increased amount of green space, a reduced amount of paved area, and now includes significant low-impact development strategies that will significantly reduce the overall environmental impact of this project.

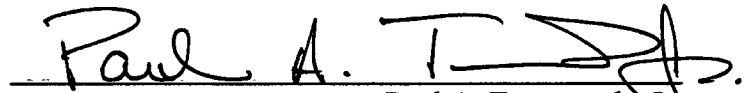
In all other respects, the project is the same as filed in the Supplemental Submission of February 1, 2007.

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<sup>1</sup> 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.

<b><u>Sub-Section</u></b>	<b><u>Page</u></b>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission; Exhibit A, Exhibit B
3013.1(b) List of Witnesses	Exhibit G
3013.1(c) Summary of Testimony of Applicant’s Witnesses and Reports for the Record:	
Outline of Testimony of Representative of the Applicant	Exhibit F
Outline of Testimony of the Project Architect	Exhibit F
Outline of Testimony of the Landscape Architect	Exhibit F
Outline of Testimony of the Architectural Historian	Exhibit F
Outline of Testimony of the Traffic Engineer	Exhibit F
3013.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission; Exhibit A
3013.1(e) Reduced Plans	Exhibit A
3013.1(f) List of Publicly Available Maps, Plans and Other Documents	Exhibit G
3013.1(g) Estimated Time Required for Presentation of Applicant’s Case	Exhibit I
3013.3 and 3013.6(a) List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site	Exhibit D
3013.4 Proposed First Source Employment Agreement with Department of Employment Services and Proposed Memorandum of Understanding with the Office of Local Business Development	Exhibit H

Respectfully submitted,  
PILLSBURY WINTHROP SHAW PITTMAN, LLP

  
Paul A. Tummonds, Jr.

  
Michael A. Weiss\*

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

## **EXHIBITS**

<b><u>DESCRIPTION</u></b>	<b><u>EXHIBIT</u></b>
Architectural Drawings and Elevations of the PUD Project	A
Tabulation of Development Data	B
Names and Addresses of All Owners of Property to be Re-Zoned	C
Names and Addresses of All Property Owners within 200 Feet of the Subject Site	D
Satisfaction of PUD Filing Requirements	E
Outlines of Witness Testimony	F
List of Publicly Available Maps, Plans and Other Documents	G
Draft First Source Employment Agreement and Memorandum of Understanding	H
Estimated Time Required for Presentation of Applicant's Case	I
Environmental Analysis	J
Zoning Map, Sanborn Plat, and Baist Plat (with the Property Outlined in Red)	K

## **I. Introduction**

On November 11, 2005, Horning Brothers<sup>2</sup> (“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 Zoning Commission set-down the PUD for public hearing on February 12, 2007 requesting that the Applicant address the following issues: 1) increase the amount of green space in the project; 2) provide additional information regarding retaining water on the site (specifically involving low-impact development strategies); 3) reduce the asphalt coverage of the site; 4) provide information on the expected pricing of the market-rate units; and 5) provide details regarding the exterior treatment of the townhome units.

The Applicant now presents revised plans and materials reflecting the comments and requests of the Zoning Commission. The success of this project (to be known as Stanton Square) remains the mix of 187 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. In response to the comments of the Zoning Commissioners on February 12, 2007, the Applicant has undertaken a holistic approach to creating a project that has an increased amount of green space, a reduced amount of paved area, and now includes significant low-impact development strategies that will significantly reduce the overall environmental impact of this project.

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<sup>2</sup> 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 site plan has been re-designed to improve the green space allocation and distribution. Indeed, the total amount of green space has been increased by 10,377 square feet – to 33% of the site area – and the amount of paved area on the Subject Property has been reduced by 15,620 square feet to 25% of the site area. Bioretention areas, rain gardens, and Filterra units have been incorporated into the site plan to create a true low-impact development (“LID”) strategy for this project.

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 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 vast majority of the townhomes off of alleyways and not at the fronts of the units.

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 up to 60% or 80% of the Area Median Income (“AMI”). 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, and will continue to do so in order to create an appropriate community amenities package for this project.

This Pre-Hearing 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 Subject Property is composed of approximately 8.1 acres, or 353,256 square feet, and 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. 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 PUD project 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 and found throughout the District of Columbia. Detailed entries, front stoops and porticos embellish the street facades in addition to the full two and three-story projecting bay windows and the detail oriented window and door surrounds. Photographs of the architectural details of similar projects are included in Exhibit A. The facades of the individual townhome units will include a mix of brick, siding, and trim to create a sense that the project was created over time. The Applicant anticipates that 84 units (45%) will have all-brick fronts, 88 units (47%) will have brick along the water table, and 15 units (8%) will not include brick. The affordable units will also have brick and masonry elements included in their façade. The roofs will be either architectural asphalt shingles or metal. The style and detailing of the units will be similar to that depicted in the photos of other projects designed by the Lessard Group shown in Exhibit A.

The site plan provides a traditional street grid pattern, with a two-way “Main Street” on the lower portion of the site. In an improvement for the original plans submitted in November of 2005, 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”<sup>3</sup> (buried front levels) instead of retaining walls. The use of English basements also creates a reduced scale of the townhomes along the street. The street grid introduced to the site creates a

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<sup>3</sup> These English basements will not be separate rentable units from the single-family townhomes.

pedestrian-friendly community as well as opens up green spaces for public access. Internally the streets focus on, and direct attention, 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.

The green space remains 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. In response to comments made by Commission members at the February 12, 2007, public meeting, the Applicant has revised the site plan for the townhomes that are located on the western side of the upper portion of the Subject Property near Elvans Road and also to the townhomes that are located near the easternmost entry to the site along Stanton Road. As a result of these modifications to the site plan, the Applicant was able to increase the total amount of green space in the project to 116,414 square feet (See Plan C.06 of Exhibit A), and reduce the amount of paved area to 88,988 square feet (See Plan C.07 of Exhibit A).

The revisions to the upper portion of the site included simplifying the proposed internal roadway, the creation of more front-loaded townhome units that include rear yards, and the establishment of a corner park on Elvans Road. The revisions to the lower portion of the site include the removal of a rear loaded alley for three units that faced Stanton Road, and replacement with additional front loaded townhomes along the new internal street. The last townhome that is adjacent to Stanton Road will have an entrance that faces Stanton Road in order to maintain the same architectural rhythm and appearance that is found in the other units

that face Elvans, Pomeroy, and Stanton Roads. The project will now include 20 units that have front loaded garages and rear yards.

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 (partially buried ground floors). The units that include the English basements are highlighted in Plan L1.04, included in Exhibit A. 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 the opportunity for private space outdoors, in addition to the front yards, which could include outdoor seating and dining. Most units will have family rooms and garages on the first floor and kitchens and living areas on the main floor; between 35% and 65% will have at least three bedrooms (depending on the options selected by the purchasers).

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 L1.00, L1.01, and L1.02 of the plans attached in Exhibit A.

The site circulation plan is shown on page C.05 of Exhibit A. 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. The remaining two-way streets will be either 22 or 25 feet wide and will not include street parking. In total, approximately 36 on-street parking spaces will be provided for use by residents of the PUD project and their guests in the new internal street system. Additionally, a series of 16-foot-wide alleys will connect the residents' garages to the streets.

The Applicant will continue to meet 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.

The revised Tabulation of Development Data is included as Exhibit B. The total gross floor area included in the PUD is 317,438 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.

**C. 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 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 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 Applicant has created a LID strategy for this project. The LID strategy addresses both water quality control and water quantity control. As shown in the site plan (Plan L1.03 of Exhibit A), a series of bioretention areas/rain gardens and Filterra units have been introduced into the project.

The multiple bioretention/rain garden areas are strategically situated where site grading and sufficient drainage and planting space permit such uses. These areas create a reduction in peak flow rate of stormwater and also help treat the stormwater prior to it leaving the Subject Property. The bioretention/rain garden areas are planted in areas of local depressions that are subject to temporary ponding of water during storm events. The plants used in these areas (typical plant species are noted on Plan L1.02 of Exhibit A) are those that can tolerate this temporary inundation and also provide an attractive appearance. The bioretention/rain garden areas also include a mulch layer, an engineered soil media, a gravel layer, an underdrain connected to the storm drain system, and an overflow drain to prevent localized flooding during large storm events.

Water quality control in the bioretention/rain garden areas occur as the storm water filters through the various material layers, through biological and chemical reactions in the various layers, and through the natural process of nutrient uptake into the plants. The bioretention/rain garden areas and their associated structures will be located in common areas and will be maintained by the homeowners association. The maintenance responsibility for these facilities is not expected to be overly cumbersome or expensive.

In addition to the bioretention/rain garden areas, the project also includes four Filterra units. Filterra units significantly reduce pollutants through filtration and absorption of storm water in a specially engineered media within the underground concrete box. This box is typically located upstream from a catch basin or curb inlet, as a means of intercepting and removing heavy metals, phosphorus, nitrogen, bacteria, etc. before reaching the storm sewer and discharge. Pollutants entering are decomposed and incorporated into biomass (tree, shrub, etc.). The filtered water that is not absorbed then exits the unit into an appropriate downstream inlet structure.

The proposed rain garden performs a similar function in that it reduces storm water discharge and improves water quality. These heavily planted bio-swales are placed in strategic locations to catch as much run-off from streets and alleys as possible. Absorption through an engineered media (soil & mulch) catches pollutants and allows decomposing and incorporation into biomass (plantings) before discharge.

These systems together can reduce the burden on the storm water infrastructure of the site as well as of the District, in addition to improving water quality.

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 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, as well as the 20 front-loaded townhomes with rear yards, 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 parks at Stanton and Pomeroy Roads, and

along Elvans Road 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 33% 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. Bioretention areas, rain gardens, and Filterra units have been incorporated into the site plan to create a true LID strategy for this 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.

### **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, but well in advance of the public hearing.

#### **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.

Based upon the results of a market study, the Applicant anticipates that the market rate for these units will range from \$280,000 - \$340,000 depending on the unit size. A three person household with an income of 80% of AMI will be able to pay approximately \$234,000 for a new home. Assuming an average market rate price of \$290,000, the three-person household at 80% of AMI will be achieving a discount of \$56,000 from the market rate price.

#### **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, recordation, transfer, 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 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. A draft of that agreement is attached as Exhibit H.

#### **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 Applicant will enter into a Memorandum of Understanding (“MOU”) with the Office of Local Business Development (“OLBD”). A draft MOU is attached as Exhibit H.

#### **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.
- Low-Impact Development Strategies: The LID strategies included in this project are typically not found in matter-of-right developments. Through the introduction of LID strategies, the project will have a significantly reduced impact on stormwater run-off from the Subject Property.

## **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 new Comprehensive Plan, adopted in 2006 (the “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 Citywide Elements**

The project serves the goals of several of the citywide elements of the Comprehensive Plan.

**1. Consistency with the Framework Element**

The Future Land Use Map, considered part of the Comprehensive Plan, designates the Subject Property as being in the Moderate Density Residential category, which “is used to define...row house neighborhoods, as well as...low-rise garden apartment complexes.”<sup>4</sup> Furthermore, the Plan states that the R-5-A Zone District (proposed by the Applicant) is “generally consistent” with this designation. The project comprises the kind of low-rise row house neighborhood envisioned by the plan.

The Plan stresses the importance of preserving and including community input in the planning and development process.<sup>5</sup> 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 noted above, the Applicant has met with representatives of ANC 8A, the Anacostia Coordinating Council, the East of the River Community Development

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<sup>4</sup> § 224.7, p. 1-34.

<sup>5</sup> § 107, pp. 1-7, 1-8.

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.

## **2. Consistency with the Land Use Element**

The Plan cites the importance of infill development on vacant lots.<sup>6</sup> The project will make good and valuable use of a well-located parcel of land now merely overgrown with vegetation and a crime nuisance to members of the community. As such, it fulfills the Plan's desire for infill development. Furthermore, 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 townhome 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.

The Plan also seeks to achieve "land use compatibility" – specifically, the enhancement and stabilization of the District's neighborhoods by the protection of residential neighborhoods from non-residential and disruptive uses.<sup>7</sup> Development in the Hillsdale/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 will be more concerned with the value and upkeep

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<sup>6</sup> § 307.2, p. 1-52.

<sup>7</sup> § 311.1–311.4, p. 1-58.

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.

### **3. Consistency with the Transportation Element**

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 dedicating the internal street system to the District of Columbia.

#### **4. Consistency with the Housing Element**

According to Section 500 of the Comprehensive Plan, the Housing Element seeks to address such issues as:

“Ensuring housing affordability; [f]ostering housing production [and] [p]romoting home ownership.” (10 DCMR § 500.2).

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. 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.

The Plan notes that “[e]xpanding the housing supply is a key part of the District’s vision to create successful neighborhoods,”<sup>8</sup> and especially seeks to achieve this via the private sector.<sup>9</sup> The project will expand the housing supply by a considerable 187 high-quality units, and is being undertaken by a private-sector entity (the Applicant). Furthermore, the Plan emphasizes that “[r]egardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance.”<sup>10</sup> The Applicant has followed this guidance carefully, and indeed, the affordable units in the project will be visually indistinguishable from the neighboring market-rate units. The high-quality affordable community will serve as an anchor that strengthens and enhances the surrounding residential neighborhood.

#### **5. Consistency with the Environmental Protection Element**

The Plan seeks to encourage the planting of street trees and the “use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.”<sup>11</sup> The project now features 33% of the site area as green space, with just 25% of the site area covered by pavement. In addition, an extensive landscape plan provides for abundant trees comprehensive and creative stormwater treatment. The LID strategy included in this project will both reduce stormwater runoff and help treat stormwater prior to it leaving the Subject Property.

#### **6. Consistency with the Urban Design Element**

According to Section 900 of the Comprehensive Plan, the Urban Design Element seeks to address such issues as:

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<sup>8</sup> § 503.1, p. 1-112.

<sup>9</sup> *Id.*

<sup>10</sup> § 503.6, p. 1-113.

<sup>11</sup> §§ 603.6 and 603.7, p. 1-136.

“Strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas;[d]esigning for successful neighborhoods and large site reintegration; [i]mproving the public realm, particularly street and sidewalk space; [a]ddressing infrastructure and other barriers that affect aesthetic qualities; [p]romoting design excellence throughout the city” (10 DCMR § 900.2).

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 intersection of Stanton Road and Elvans Road is currently a barrier that affects “aesthetic qualities” in a negative way. 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.

## **7. Compliance with Area Element**

The Comprehensive Plan also contains ten area elements, with the Subject Property falling into the Far Southeast/Southwest Area Element. The project is consistent with this element of the Plan. The proposed project furthers the objectives and policies of several of these elements as follows:

## **8. Nature of Housing Provided**

The Far Southeast/Southwest Area Element lists “improved housing choices” as one of the four principal priorities for the area.<sup>12</sup> The creation of 187 new townhomes in pristine

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<sup>12</sup> § 1900.5, p. 2-78.

condition, available for sale, will substantially improve the housing choices in an area of the city largely dominated by deteriorating garden apartments available only for rent.

Second, the Plan notes that “Far Southeast/Southwest needs more housing suitable for families and young homeowners...Additional low to moderate density housing should be encouraged...In some areas, rezoning may be needed to promote the desired housing types,” which include “row house[s].”<sup>13</sup> The project provides just such housing, and the rezoning requested by the Applicant to provide it is consistent with that recognized as “needed” by the Comprehensive Plan.

### **9. Location of Housing Provided**

The Plan seeks to “[c]oncentrate future housing development and employment growth in the Far Southeast/Southwest around the Congress Heights and Anacostia Metro Stations...provide improved transit and automobile access to these areas and improve their visual and urban design qualities.”<sup>14</sup> The project will be developed close to both the Congress Heights and Anacostia Metro Stations and improve transit ridership on Metrorail and Metrobus in the immediate vicinity.

Second, the Plan sets out to “[e]ncourage compatible infill development on vacant and underutilized land within the Hillside and Fort Stanton neighborhoods, with an emphasis on low to moderate density housing designed for families. Special care should be taken to respect the area’s topography...”<sup>15</sup> The project constitutes an infill development in the Fort Stanton neighborhood, will provide moderate density housing for families, and is sensitively designed to incorporate the existing topography of Subject Property into the site plan.

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<sup>13</sup> § 1907.2(c), p. 2-84.

<sup>14</sup> § 1908.2, p. 2-86.

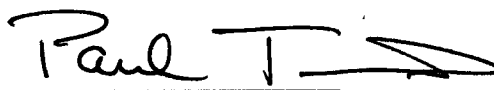
<sup>15</sup> § 1913.4, p. 2-94.

For all of the above-mentioned reasons, the Applicant believes that the proposed PUD is not only consistent with the Far Southeast/Southwest Area Element of the Comprehensive Plan, but was designed in direct response to satisfy its specific objectives.

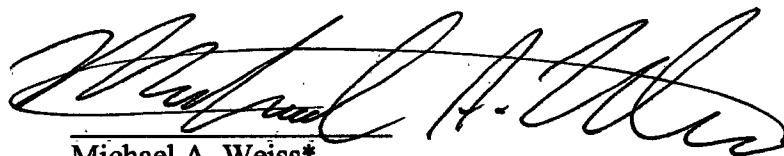
## VI. CONCLUSION

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.

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.



## EXHIBIT B

### TABULATION OF DEVELOPMENT DATA

Site Area: 353,256 square feet

<b>Requirement</b>	<b>R-5-A PUD Guidelines / Matter of Right</b>	<b>Project Design</b>
FAR	1.0 (PUD) / 0.9 (MOR)	0.9
Building Height	60 feet (PUD) / 40 feet (MOR)	28' - 6" to ceiling; 40' - 3" total
Lot Occupancy	40%	31%
Gross Floor Area	353,256 s.f. x 1.0 FAR <u>Total: 353,256 s.f. (PUD)</u> 353,256 s.f. x 0.9 FAR <u>Total: 317,930 s.f. (MOR)</u>	<u>Total: 317,438 s.f.</u>
Rear Yard	20 feet	6 feet
Side Yard	Not required under special exception, but otherwise 3 inches per foot of height of building, but not less than 8 ft	4 feet
Parking	187 total spaces, one for each residential unit	267-287 total spaces (includes approx. 36 internal on-street spaces)

<u>Attribute</u>	<u>PUD Project (Set-Down)</u>	<u>Revised PUD Project</u>
Building Area	108,409 s.f.	109,173 s.f
Lot Occupancy	31%	31%
Gross Floor Area	318,024 s.f.	317,438 s.f.
Floor Area Ratio	0.90	0.90
Roadway Area	104,608 s.f. (29%)	88,988 s.f. (25%)
Green Space	106,037 s.f. (30%)	116,414 s.f. (33%)