

810 O Street, N.W.

**STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

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A	Architectural Plans and Elevations
B	Portion of Zoning Map
C	Building Plat Prepared by D.C. Surveyor's Office
D	Portion of Future Land Use Map
E	Portion of Generalized Policy Map
F	Certificate of Notice, Notice of Intent, and Property Owner List
G	Comprehensive Transportation Review Scoping Form

I. INTRODUCTION

W-G 9th & O, LLC (the "Applicant"), the owner of 810 O Street, N.W. (Square 399, Lot 66) (the "Subject Property") submits this statement and the attached documents in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and related zoning map amendment to rezone the Subject Property from the C-2-A District to the C-2-B District.

The Subject Property has a land area of approximately 15,093 square feet and is a rectangular lot with approximately 94.4 linear feet of frontage on O Street, N.W., and approximately 160 linear feet of frontage on 9th Street, N.W. As shown in the photographs and on the existing conditions survey included in the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the Subject Property is currently improved with the Scripture Cathedral Church, a 50-foot tall brick building constructed in 1986. Square 399 is otherwise improved with residential row dwellings, apartment houses, a gas station, and surface parking. Surrounding uses include a mix of residential, retail, service, and hotel uses. The O Street Market, which was developed pursuant to Z.C. Order No. 07-26, is located across O Street to the north of the Subject Property. To the east of the Subject Property is a vacant parcel of land that the District recently awarded to a private developer to be developed with a new mixed-use residential and retail building. *See* D.C. Council Resolution R21-0374, dated February 2, 2016.

As shown on the Zoning Map attached hereto as Exhibit B, the Subject Property is presently zoned C-2-A and is within the Shaw Historic District. The Applicant proposes to rezone the Subject Property to the C-2-B District in connection with this application. The requested map amendment is consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: Medium-Density Commercial and Medium-

Density Residential (*see Exhibit D*). The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Neighborhood Commercial Center (*see Exhibit E*).

The Applicant proposes to raze the existing building in connection with redevelopment of the Subject Property to build a mixed-use building comprised of ground floor retail uses and approximately 66 residential units (the "Project"). The Project will have a density of 6.0 floor area ratio ("FAR"), will include a total of approximately 90,458 square feet of gross floor area, and will have a building height of 90 feet.

The Project has already been reviewed and conceptually approved by the Historic Preservation Review Board ("HPRB"). On April 30, 2015, the HPRB voted 7-0-0 to approve the Project concept, and delegated final approval to staff. The Historic Preservation Office ("HPO") report indicates that the proposed building provides a substantial variety in its massing and roofline, which breaks down its scale to one which is compatible with the historic context. "The building will provide compatible views from surrounding blocks by relating to the materials, rooflines, and cadence of the surrounding turreted, bay-front row buildings." *See HPO Report, p. 1.* Finally, the HPO report notes that although the Subject Property is within the Shaw Historic District, the Scripture Cathedral Church does not contribute to the Historic District since its construction post-dates the period of significance (1833-1932). The HPRB's Action of April 30, 2015, is attached hereto as Exhibit F, and the HPO report recommending approval is attached hereto as Exhibit G.

As set forth below, this statement and the attachments meet the filing requirements for a PUD and Zoning Map amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

II. PROJECT DESCRIPTION

A. Project Components and Design

As shown on the Plans attached hereto as Exhibit A, the Applicant proposes to redevelop the Subject Property with the mixed-use Project. The Project will have a density of 6.0 FAR and a maximum building height of 90 feet. The Project will include approximately 83,470 square feet devoted to residential use (approximately 66 units) and approximately 6,988 square feet devoted to ground floor retail use.

The Project will provide 68 on-site parking spaces (58 zoning-compliant spaces and 10 tandem spaces) located in a two-level below-grade garage. Vehicular access to the garage and to the associated loading facilities will be provided from the public alley so as to minimize vehicular-pedestrian conflict. The Project's ground level is programmed with retail uses that will activate the surrounding streets and encourage the use of public transportation, particularly given that the Subject Property is located three blocks away from the Mt. Vernon Square/7th Street/Convention Center Metrorail station. The Project includes significant public space improvements, including new lighting, trees, planting beds, bicycle racks, and sidewalk paving. All proposed vaults for the building are located on private property and not in public space.

Pursuant to Chapter 26 of the Zoning Regulations, the Project is required to set aside 8% of the project's residential gross floor area to inclusionary zoning ("IZ") units reserved for households earning up to 80% of the area medium income ("AMI"), plus 8% of the habitable

space in the penthouse for households earning up to 50% of the AMI. See 11 DCMR §§ 2603.2 and 2603.4. The proposed IZ schedule is set forth in *Figure 1*.

Figure 1

	GFA (Required)	Units	Income Type	Affordable Control Period	Affordable Unit Type	Required Set-aside percentage	Required AMI
Total Residential GFA within Main Building	80,591 sf GFA (65,698 sf net) (100% of building)	62	Market rate + IZ	NA	NA	8% of residential GFA	NA
Market Rate within Main Building	74,144 sf GFA (60,442 sf net) (92% of building)	56	Market rate	NA	NA	NA	NA
IZ within Main Building	6,447 sf GFA (5,256 sf net) (8% of building) PLUS 362 sf GFA from penthouse (8% of penthouse habitable space) (245 sf net) TOTAL IZ REQ'D = 6,809 sf GFA in main bldg (5,579 net) TOTAL IZ PROVIDED: 6,838 sf GFA (5,725 net)	5 1	80% AMI 50% AMI	For the life of the project	For-sale	8% of residential GFA	80% AMI
Total Penthouse Habitable GFA	4,526 sf habitable GFA (3,057 sf net habitable) (100% of penthouse habitable space will be market rate)	4	Market rate	NA	NA	8% of penthouse habitable space	NA
IZ within Penthouse	0 sf Generates 362 sf of habitable GFA to be located in main building (245 sf net habitable) (8% of penthouse habitable space)	0 Generates 1 IZ unit located in Main Building	50% AMI	For the life of the project	For-sale	8% of penthouse habitable space	50% AMI
Total	86,563 sf GFA (69,732 net) <i>includes penthouse amenity space</i>	66	Market rate + IZ				

The Project is sensitive to the existing neighborhood context and responds in size, form, and in its use of materials. The building's design extends the rich masonry tradition of the Shaw Logan Historic district as exemplified in the nearby landmark and contributing historic structures, such as the O Street Market, Catholic Church, and the Henrietta Apartment house and Bank (*see* Sheets A06-A08). As noted in the HPO report, building has “a modulated sculptural quality that is rare for contemporary construction and which further helps soften the building's size in relation to the surrounding smaller scaled historic buildings.”

The base of the building along 9th Street features retail bays that are of a similar width and projection into public space as those of the historic shop fronts farther south along this block and elsewhere throughout the historic district (*see* Sheet A26). The retail bays are intended to enhance the fabric of the surrounding urban environment and create an appropriate rich and inviting pedestrian scale and experience. Signage will be organized to reflect this rhythm and will be located in a manner that provides appropriate visibility to retail without diminishing the overall dignity and presence of the residential building above.

Above street level, the façade is articulated with projecting bays and balconies to provide the same level of sculptural plasticity that is found in the area and illustrated in this submission (*see* Sheets A09 and A10). Brick is carefully coursed with matching mortar and V-Struck joints. This masonry technique allows the façade to have a similar quality to the tighter-jointed brickwork of historic row houses and larger historic buildings in the neighborhood like the Henrietta (*see* Sheets A25 and A26).

Precast heads, sills, and ornamental cast stone trim will include ornamental motifs that are unique to the project in the same way that other buildings in the historic district have done for more than a century.

Window and balcony openings in the main façade are grouped into large and small groupings to create a lively and varied rhythm while reducing the scale of the overall facade. The proportions of those openings reflect similar geometric ratios in the surrounding historic buildings. This scaling technique is a long-established architectural strategy employed in this historic district and elsewhere in Washington.

The top residential floor is setback to provide a subtle massing transition to the smaller structure farther south but not adjoining this project. It also allows the bowed, bay projections to assume a vertical proportion similar to those of smaller individual apartment houses in the area. The setback also allows for an enriched and enlivened building skyline that includes a filigree, laser-cut metal pergola within the allowable height.

The north façade along O Street is similarly organized and architecturally developed as the 9th Street façade. This facade features the main residential entry and lobby. The entry door is set to the left of the residential lobby window. Both of these elements are set back from, and framed by, distinctive masonry elements at the base of the main façade tower projection. To the right of this tower element is the northern end of the 9th Street frontage. The north façade is crowned by an ornamental masonry tower that provides a distinguishing signature for the residential component of the building.

The corner of the building has wrap-around balconies with an ornamental railing that provides a balance between transparency and opacity for residents to see out while maintaining

an appropriate level of privacy. The geometry of the corner element is reflective of the chamfered corners of other commercial buildings in the neighborhood and just across 9th Street (*see* Sheet A06).

The penthouse structure is an integral part of the project, with fenestration to support habitable uses along with required mechanical equipment. The penthouse is clad in terra cotta tiles similar in color to the other mansard roofs and pent-eaves in the neighborhood.

The south party wall has a fully developed façade since the future development of the adjoining parcel is undetermined (*see* Sheets A12 and A24). The eastern facades, along the alley, are developed with bays that help direct views south, capture daylight, and provide visual privacy for the building's residents. The base of this facade is a garden that visually and acoustically screens the building's loading area and parking garage entry. The northeast wing of the building is offset ten feet from the edge of the adjacent public alley to accommodate two way vehicular circulation.

The Project has been designed to include features that result in a LEED-Gold equivalent status and will incorporate a number of sustainable and environmentally-friendly elements, such as new landscaping and street tree planting, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and bicycle parking. The Subject Property is located in a walkable, transit-oriented, infill location, such that many residents, visitors, retail patrons, and employees of the Project will not need to use a car to access the site.

B. Matter-of-Right Development under Existing Zoning Requirements

The Subject Property is currently zoned C-2-A. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. 11 DCMR § 720.2. The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers. 11 DCMR § 720.3. The C-2-A District shall permit development to medium proportions, and shall accommodate a major portion of existing commercial strip developments. 11 DCMR §§ 720.4-720.5. As a matter-of-right, property in the C-2-A District can be developed with a maximum density of 2.5 FAR and a maximum building height of 50 feet. 11 DCMR §§ 770.1 and 771.2.

C. Development under Proposed C-2-B Requirements

The Applicant proposes to rezone the Subject Property to the C-2-B District in connection with this application. The C-2-B District is designated to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed uses. 11 DCMR § 720.6. The C-2-B District shall be compact and located on arterial streets, in uptown centers, and at rapid transit stops. 11 DCMR § 720.8. In the C-2-B District, building use may be entirely residential or a mixture of commercial and residential uses. 11 DCMR § 720.9. The C-2-B District permits the following development standards:

- Height: 65 feet; 90 feet as a PUD (§§ 770.1 and 2405.1);
- Density: 3.5 FAR; 6.0 FAR as a PUD (§§ 771.2 and 2405.2);
- Lot Occupancy: 80% (§ 772.1);

- Rear Yard: 15 feet (§ 774.1);
- Side Yard: If provided, at least two inches per foot of height, with a minimum of six feet (§ 775.5);
- Parking: One space for each three dwelling units (residential); and one space for each additional 750 sf of GFA in excess of 3,000 sf (retail) (§ 2101.1);
- Loading: With 50+ units: 1 berth @ 55 ft, 1 platform at 200 sf, 1 service/delivery space at 20 ft (residential); and with 5,000 – 20,000 sf of GFA, 1 berth @ 30 ft and 1 platform at 100 sf. No retail loading is required for less than 5,000 sf of retail (§ 2201.1);
- Green Area Ratio (“GAR”): 0.3

D. Tabulation of Development Data

The tabulation of the Project's development data is included in the Plans attached hereto as Exhibit A.

E. Flexibility under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than might otherwise not be possible under conventional zoning procedures. Thus, the Applicant seeks flexibility with respect to the following provisions of the Zoning Regulations. As permitted 11 DCMR § 2403, the Commission may grant such flexibility in its discretion.

1. Flexibility from the Loading Requirements

Pursuant to 11 DCMR § 2201.1, the Project is required to provide the following loading facilities: one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep (residential requirement); and one loading berth at 30 feet deep and one loading platform at 100 square feet (retail requirement). The Applicant proposes to provide one loading berth at 30 feet deep, one service/delivery space at 20 feet deep, and a total

of 500 square feet devoted to loading platforms. Thus, the Applicant requests flexibility to not provide the one 55 foot loading berth, and to provide a shared loading platform.

The requested flexibility is consistent with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and minimize curb cuts on streets to the greatest extent possible, and wherever possible to provide shared loading spaces in mixed-use buildings. The Applicant proposes to provide shared loading facilities for the retail and residential uses, which will limit the amount of space dedicated to loading and minimize curb cuts. Given the nature and size of the residential units, it is unlikely that building residents will use a tractor trailer-sized truck to move in and out of the building, and therefore the 55 foot berth is not necessary. In addition, given the size and dimensions of the adjacent alley, 55-foot trucks will not be able to turn into the alley or into the building from the alley. The Applicant will implement a loading management plan such that any potential conflicts between retail and residential loading will be minimized.

2. Additional Areas of Flexibility

The Applicant has made every effort to provide the highest level of detail in the drawings to convey the quality and appropriateness of the Project's design and uses for this location. Nonetheless, some flexibility is necessary with respect to certain details. Thus, the Applicant requests modest flexibility in the following areas:

1. To be able to provide a range in the number of residential units of plus or minus 10%;
2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

3. To vary the sustainable design features of the Project, provided the total number of LEED points achievable for the Project is not below the LEED-Gold rating standards under the United States Green Building Council LEED for New Construction v2009.
4. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
5. In the retail and service areas, flexibility to vary the location and design of the ground floor components of the Project in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use and to accommodate any specific tenant requirements; and to vary the size of the retail area; and
6. To vary the features, means and methods of achieving (i) the code-required GAR of 0.3, and (ii) stormwater retention volume and other requirements under 21 DCMR Chapter 5 and the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control.

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS

A. Standards Applicable to an Application for a Zoning Map Amendment

The Zoning Act sets forth a number of criteria that must be applied by the Commission when adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital" D.C. Code § 6-641.01 (2001). The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of

land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

D.C. Code § 6-641.02 (2001). The Commission must apply those standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the Subject Property from the C-2-A District to the C-2-B District in conjunction with the PUD as requested herein will promote each of the purposes described above.

B. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the Subject Property. It allows the Project to be developed within the statutory purview of the Zoning Commission while at the same time providing opportunities for input from various agencies and parties. Through the PUD process, the Office of Planning and other District agencies will have the opportunity for greater participation in the fulfillment of the District's planning objectives for this area. Similarly, nearby property owners and area residents will have the opportunity to express their views about the proposed Project. Accordingly, the use of the PUD process gives the community and District agencies an opportunity to work with the Applicant to ensure a well-planned Project.

C. PUD Requirements under Chapter 24 of the Zoning Regulations

1. Area Requirements under Section 2401.1

The Subject Property has a land area of approximately 15,093 square feet where a minimum of 15,000 square feet of land area is required pursuant to 11 DCMR § 2401.1(c). Thus, the Project meets the area requirements of 11 DCMR § 2401.1.

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

Subsection 2405.1 of the Zoning Regulations permits a maximum building height of 90 feet. As shown on the Plans, the building has a maximum height of 90 feet, and therefore conforms to the requirements of 11 DCMR § 2405.1.

Subsection 2405.2 of the Zoning Regulations permits a maximum density of 6.0 FAR in the C-2-B District. The Project has a maximum density of 6.0 FAR and thus conforms with the PUD FAR allowance set forth in 11 DCMR § 2405.2.

3. Impacts of the Project under Section 2403.3

The Project will have a favorable impact on the surrounding area. Overall, the Project will significantly improve the area by virtue of the exceptional architectural design of the building; a design which carefully considers the nearby uses and overall urban context. The Project will provide new housing opportunities to District residents, including new affordable housing, and will help to further rejuvenate the surrounding neighborhood by providing new retail opportunities and an improved pedestrian experience at the street level. Moreover, the Subject Property is extraordinarily well-served by public transportation, including numerous Metrobus routes and is in close proximity to the Mt. Vernon Square/7th Street/Convention Center

Metrorail station. Therefore, the Project will generate a nominal amount of vehicular trips and will not have any unmitigated adverse traffic impacts on the surrounding neighborhood.

4. Not Inconsistent with Comprehensive Plan Under Section 2403.4

As discussed at length below in Section IV, the Project is not inconsistent with the District of Columbia Comprehensive Plan.

D. Public Benefits and Project Amenities

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed Project. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions...." 11 DCMR § 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR § 2403.7. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is 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." 11 DCMR § 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help to achieve a number of the goals of the PUD process by creating a mixed-use, mixed-income, transit-oriented development with a thoughtful, high-quality,

environmentally-friendly design. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

2. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a)) and Site Planning, and Efficient and Economical Land Utilization (Section 2403.9(b))

As shown on the Plans, the Project architect designed a building that will have a positive impact on the visual and aesthetic character of the immediate neighborhood and will thus further the goals of urban design while enhancing the streetscape. The Project includes a significant amount of new landscape features, including new plantings and trees in the public space adjacent to the building, bike racks, and pedestrian-oriented lighting. Moreover, with respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing low-density church building with a new mixed-use, mixed-income apartment house constitutes a significant urban design benefit.

3. Transportation Features (Section 2403.9(c))

The Project will include a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation management measures, and connections to public transportation services. As indicated in the Comprehensive Transportation Review Scoping Form (“CTR”), prepared by Gorove/Slade Associates, Inc. and attached hereto as Exhibit G, the Project will include 68 total parking spaces (including 10 tandem spaces) in a two-level below-grade garage, which is an adequate amount of parking given the Subject Property’s highly walkable downtown location. In addition, the Applicant will work with DDOT to develop an appropriate TDM plan that will encourage residents, employees, and retail patrons to use the abundant nearby public transportation options and will fully mitigate any potential impacts of

developing the Subject Property. To promote pedestrian travel, the Applicant is improving the streetscape surrounding the Subject Property and incorporating new pedestrian-oriented lighting and street furnishings. To promote bicycle travel, the Applicant will provide secure, indoor bicycle parking and will work with DDOT to install bicycle racks in the public space adjacent to the site.

The Subject Property is extremely well linked to an abundance of public transportation options, dedicated bicycle lanes and trails, and safe pedestrian infrastructure. The Subject Property is located three blocks from the entrance to the Mt. Vernon Square/7th Street/Convention Center Metrorail station, which serves the Green and Yellow Metrorail line, and is also located in close proximity to eight Metrobus and Circulator routes, with the 52, 53, 54, 63, 64, G2, and G8 routes and the DC Circulator all having stops all within 0.2 miles of the Subject Property. The Subject Property is also within 3.5 blocks of three existing Capital Bikeshare stations. Furthermore, the Subject Property is located in convenient walking distance of a variety of downtown neighborhoods, including Logan Circle, Shaw, Mt. Vernon Triangle, Metro Center, and Chinatown/Verizon Center, which all have a variety of shopping, dining, and entertainment options, making walking and biking convenient travel options on a daily basis.

4. Housing and Affordable Housing (Section 2403.9(f))

The Project will create new housing and affordable housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The Applicant will dedicate a minimum of 8% of the building's residential gross floor area as IZ units reserved for households earning up to 80% of the AMI. The Applicant will also dedicate 8% of the residential gross floor area located in the penthouse's habitable space to households

earning up to 50% of the AMI. The IZ unit generated by the penthouse habitable space will be located in the main portion of the building. The proposed IZ schedule is set forth in *Figure 1*.

Figure 1

	GFA (Required)	Units	Income Type	Affordable Control Period	Affordable Unit Type	Required Set-aside percentage	Required AMI
Total Residential GFA within Main Building	80,591 sf GFA (65,698 sf net) (100% of building)	62	Market rate + IZ	NA	NA	8% of residential GFA	NA
Market Rate within Main Building	74,144 sf GFA (60,442 sf net) (92% of building)	56	Market rate	NA	NA	NA	NA
IZ within Main Building	6,447 sf GFA (5,256 sf net) (8% of building) PLUS 362 sf GFA from penthouse (8% of penthouse habitable space) (245 sf net) TOTAL IZ REQ'D = 6,809 sf GFA in main bldg (5,579 net) TOTAL IZ PROVIDED: 6,838 sf GFA (5,725 net)	5 1	80% AMI 50% AMI	For the life of the project	For-sale	8% of residential GFA	80% AMI
Total Penthouse Habitable GFA	4,526 sf habitable GFA (3,057 sf net habitable) (100% of penthouse habitable space will be market rate)	4	Market rate	NA	NA	8% of penthouse habitable space	NA
IZ within Penthouse	0 sf Generates 362 sf of habitable GFA to be located in main building (245 sf net habitable) (8% of penthouse habitable space)	0 Generates 1 IZ unit located in Main Building	50% AMI	For the life of the project	For-sale	8% of penthouse habitable space	50% AMI
Total	86,563 sf GFA (69,732 net) <i>includes penthouse amenity space</i>	66	Market rate + IZ				

5. Environmental Benefits (Section 2403.9(h))

Through the development of this Project, the Applicant will ensure environmental sustainability through the implementation of a series of sustainable design features. The Applicant will implement a number of strategies to further enhance the already sustainable nature of the Subject Property's mixed-use, transit-rich location and to promote a healthy lifestyle that will holistically benefit the Project's residents while minimizing impact on the environment. The Project provides a host of environmental benefits consistent with recommendations of 11 DCMR§ 2403.9(h), which include street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and ample bicycle parking. Moreover, the Project will be designed to achieve LEED-Gold equivalent status.

6. Uses of Special Value to the Neighborhood (Section 2403.9(i))

The Applicant is working closely with Advisory Neighborhood Commission ("ANC") 6E, the ANC in which the Subject Property is located, to provide additional public benefits as part of the Project as follows:

- a. Contribute \$35,000 to Bread for the City to support its feeding program and provide monthly grocery bags for seniors and low income families;
- b. Contribute \$15,000 to Emmaus Services for the Aging for 20 iPads to support the workforce development program for seniors age 55 and over;
- c. Contribute \$15,000 to the Family Life Center Foundation to support its Champion for Children anti-human trafficking awareness program;
- d. Contribute \$15,000 to DC Artspace for materials, framing, staffing, and other costs for its after-school youth arts program, in association with the Touchstone Foundation;

- e. Contribute \$15,000 to Banneker City Little League for equipment for the T-ball league, including bats, baseballs, helmets, gloves, pitching machines, pop-up nets, tees, batting cages, etc.;
- f. Contribute \$15,000 to the Kennedy Recreation Center for uniforms for its youth basketball and football teams; and
- g. Contribute \$15,000 to Shaw Main Streets for training and employing ex-offenders to maintain public space along 7th and 9th Streets, NW as part of the Shaw Clean + Safe Team program.

The Applicant will continue to work with ANC 6E and other neighborhood organizations, and will provide a more detailed list of the proposed public benefits and project amenities no later than 20 days prior to the public hearing on this case.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Project advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b).

The Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality residential Project with ground floor retail on the Subject Property, without generating any adverse impacts.

B. Future Land Use Map

According to the District of Columbia Comprehensive Plan Future Land Use Map, the Subject Property is designated in the mixed-use Medium-Density Commercial and Medium-Density Residential. The Medium Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 10A DCMR § 225.10.

The Medium Density Residential designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply. 10A DCMR § 225.5.

The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback,

height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the Map is to be interpreted broadly. *Id.* Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here. *Id.* at § 226.1(c). The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. *Id.* at § 266.1(d).

Thus, in evaluating the proposed map amendment, the Subject Property should be viewed in context and not as an isolated parcel. When taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the Subject Property from the C-2-A District to the C-2-B District in order to construct the mixed-use Project with significant new housing, affordable housing, and neighborhood-serving retail is consistent with the Comprehensive Plan's designation of the Subject Property, particularly given the fact that the C-2-B District is specifically identified as a corresponding zone district in the Medium Density Commercial category.

C. Generalized Policy Map

The Subject Property is located in the Neighborhood Commercial Center category on the District of Columbia Comprehensive Plan Generalized Policy Map. Neighborhood Commercial Centers are intended to meet the day-to-day needs of residents and workers in the adjacent neighborhoods. Their service area is usually less than one mile. Typical uses include

convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 10A DCMR § 223.15.

The proposed rezoning and PUD redevelopment of the Subject Property is consistent with the policies indicated in the Neighborhood Commercial Center category, since the Project will provide community-serving retail that will meet the day-to-day needs of residents and workers in the proposed building.

D. Compliance with Guiding Principles of the Comprehensive Plan

The Project is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set-forth in the Comprehensive Plan.

1. Managing Growth and Change.

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other goals, the growth of both residential and non-residential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. The Project is fully-consistent with each of these goals. Redeveloping the Subject Property as a vibrant mixed-use building with residential and retail uses will further the revitalization of the surrounding neighborhood. The proposed retail spaces will create new jobs for District residents, further increase the city's tax base, and help to reinvigorate the existing neighborhood fabric.

2. Creating Successful Neighborhoods.

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development; from development of the Comprehensive Plan to implementation of the plan's elements. The Project furthers this goal since, as part of the PUD process, the Applicant will be working with ANC 6E to ensure that the Project provides a positive impact on the immediate neighborhood. The Applicant is presently in the process of working with ANC 6E and other stakeholders on the proposed public benefits package, and will continue to work to refine the details of the package.

3. Building Green and Healthy Communities.

A major objective for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. As discussed in more detail above, the Project will include a substantial number of sustainable design features and will achieve a LEED-Gold equivalent rating.

E. Land Use Element

For the reasons discussed above, the Project supports the following policies of the Land Use Element:

1. Policy LU-1.3 Transit-Oriented and Corridor Development

The Project exemplifies the principals of transit-oriented development. The Subject Property is located within convenient walking distance from the Mt. Vernon Square/7th Street/Convention Center Metrorail station, which serves the Green and Yellow Metrorail lines, and is also located in close proximity to eight Metrobus and Circulator routes, with the 52, 53,

54, 63, 64, G2, and G8 routes and the DC Circulator, all having stops all within 0.2 miles of the Subject Property. The Subject Property is also located within 3.5 blocks of three existing Capital Bikeshare stations. In addition, the Project is consistent with the following principles: (i) a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; and (ii) a preference for diverse housing types, including affordable units.

2. Policy LU-1.3.4: Design to Encourage Transit Use

The Project has been designed to encourage transit use and enhance the safety, comfort and convenience of passengers walking to the Metrorail station and local bus stops, since the Project incorporates ground floor retail uses that will activate and animate the street.

3. Policy LU-2.2.4: Neighborhood Beautification.

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. As shown on the Plans, the Project architect designed the building to improve the visual aesthetic of the neighborhood. Moreover, the Project will be an improvement to the current site condition. The Project also includes landscaped and open spaces, which will greatly enhance the streetscape.

F. Transportation Element

The Applicant's proposal to develop a mixed-use building on the Subject Property will help to further several policies and actions of the Transportation Element of the Comprehensive Plan, including:

1. Policy T-1.1.4: Transit-Oriented Development

As described above, the Project is an excellent example of transit-oriented development since it is located in close walking distance to a Metrorail station, multiple Metrobus and Circulator stops, and several Capital Bikeshare locations. The Project also includes various transportation improvements, including the construction of a new mix of uses along a major transportation corridor, 68 on-site parking spaces, secure on-site bicycle storage, and public space improvements, including new lighting, trees, planting beds, bicycle racks, and new sidewalk paving. The Applicant will also work with DDOT to develop an appropriate TDM plan for the Project that is based on the Subject Property's transit-oriented, infill location.

2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

As shown on the Plans, the Project architect carefully considered and integrated bicycle and pedestrian safety considerations into the design of the Project. The Project incorporates secure, indoor bicycle parking, and the Applicant will work with DDOT to provide short-term bicycle parking adjacent to the building. The Applicant will also improve the public realm by planting trees and making other landscape and lighting improvements. Together, these physical enhancements to the streetscape will encourage bicycle and pedestrian activity and will bring additional revitalization to the area.

3. Action T-2.3-A: Bicycle Facilities

This element encourages new developments to include bicycle facilities. As stated above, the Project will include secure indoor bicycle parking and exterior bicycle racks that will accommodate and encourage bicycle use.

G. Housing Element

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10 DCMR § 501.1. The Project will help achieve this goal by advancing the policies discussed below.

1. Policy H-1.1.1: Private Sector Support

The Project helps meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the Project will contain approximately 83,470 square feet of gross floor area devoted to residential use (approximately 66 units). In addition, the Applicant will devote a minimum of 8% of the residential gross floor area in the main building to households earning up to 80% of the AMI; and will also devote a minimum of 8% of the residential gross floor area in the penthouse's habitable space to households earning up to 50% of the AMI. The IZ units will significantly add to the District's affordable housing stock, and the provision of new housing at this particular location is fully consistent with the District's land use policies.

2. Policy H-1.1.3: Balanced Growth

This policy strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the city, and recommends ensuring that a sufficient supply of land is planned and zoned to enable the city to meet its long term housing needs, including the need for low and moderate density single family homes as well as the need for higher-density housing. The Project supports this policy goal by developing new, high-density housing on underutilized land in a rapidly growing and changing mixed-use neighborhood.

3. Policy H-1.1.4: Mixed-Use Development

The Project is consistent with the goals of promoting mixed use development, including housing on commercially or industrially zoned land, particularly in neighborhood commercial centers.

H. Environmental Protection Element

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element promotes specific environmental policies, including the following:

- Encouraging the planting and maintenance of street trees in all parts of the city (Policy E-1.1.1);
- Encouraging 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 (Policy E-1.1.3);
- Promoting the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses (Policy E-2.2.1); and
- Promoting tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction (Policy E-3.1.2).

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the Project includes street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and bicycle parking. Moreover, the Project will be located in a walkable, transit-oriented, infill location, thus minimizing the need for residents, visitors, retail patrons, and employees to use a car to access the Subject Property. Moreover, the Project will be designed to achieve LEED-Gold equivalent status. Therefore, the Project is fully consistent with the Environmental Protection Element.

I. Urban Design Element

The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to align the Project with the character of the surrounding neighborhood. Consistent with Policy UD-2.2.1: Neighborhood Character and Identity, and Policy UD-2.2.7: Infill Development, the Project will help strengthen the architectural quality of the immediate neighborhood by relating the Project 's scale to the existing neighborhood context. In addition, as shown on the Plans, the Project includes elegant, visually-interesting and well-designed building façades to create stunning visual interest and contribute to the architectural quality of the neighborhood and streetscape. *See* Policy UD-2.2.5. The Project is also consistent with the goals of Policy UD-3.2.5: Reducing Crime Through Design, since the Project will bring additional "eyes and ears" to the street, as well as improved lighting, clear lines of sight, and visual access, all of which will help to minimize the potential for criminal activity in the immediate area.

J. Near Northwest Area Element

The Project is consistent with many of the policies of the Near Northwest Area Element. For example, Policy NNW 1.1.4 - Neighborhood Commercial Revitalization, calls for the improvement of the neighborhood shopping areas along 9th Street, N.W. (among other streets), and Policy NNW 2.1.5 - 7th and 9th Street Corridors, encourages the location of retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for

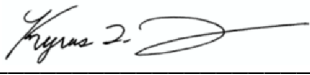
commercial uses. The 7th and 9th Street corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses. Consistent with these goals, the Project will include residential and retail space that will improve the neighborhood shopping area along 9th Street, N.W. and significantly improve the pedestrian experience. The Project will serve residents within the building and in the surrounding neighborhood, will create an excellent environment for businesses to succeed, and will attract all types of residents and visitors to the area.

VI. CONCLUSION

For the reasons stated above, the Applicant submits that the PUD and Zoning Map amendment applications meet the standards of Chapter 24 of the Zoning Regulations and are consistent with the purposes and intent of the Zoning Regulations and Zoning Map. Accordingly, the Applicant requests that the Zoning Commission determine that the application has merit and that a public hearing on the application should be scheduled.

Respectfully submitted:

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