



**4620 WISCONSIN AVENUE, NW**

By Wisconsin Owner LLC

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

November 21, 2016



## DEVELOPMENT TEAM

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## PREFACE

This statement and the attached documents support the application of Wisconsin Owner LLC (the “Applicant”) to the Zoning Commission for consolidated approval of a Planned Unit Development and Zoning Map Amendment (“PUD”) for the property known as Square 1732, Lots 45 and 49 (the “Property”). The Property is located mid-block on the 4600 block of Wisconsin Avenue in Ward 3. The Project will result in a mixed-use development of ground-floor retail and upper-floor residential uses on the Property.

This PUD application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (2006) (the “Comprehensive Plan”), as well as numerous goals and policies of the District of Columbia. This Project will benefit the District through exemplary architecture, sustainable design, affordable housing, and attractive, place-making development. The Project will also benefit the surrounding neighborhoods through streetscape improvements and other new benefits and amenities to be provided, commensurate with the increase in height and density resulting from the PUD process.

Submitted in support of this application are completed application forms, a copy of the notice of intent to file a PUD that was mailed to surrounding property owners and parties (with the certification of mailing and list of property owners), architectural drawings, plans, and elevations of the proposed project, and a map depicting the Zone Districts for the Property and surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD application under Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the District of Columbia Zoning Regulations.

## I. INTRODUCTION

### A. *Summary of Requested Action*

This statement and the attached documents support the application of Wisconsin Owner LLC (the “Applicant”) to the Zoning Commission for consolidated approval of a Planned Unit Development and Zoning Map Amendment (“PUD”) for the property known as Square 1732, Lots 45 and 49 (the “Property”). The Property is located along the Wisconsin Avenue corridor in Ward 3, within the jurisdiction of Advisory Neighborhood Commission (“ANC”) 3E.

The Property is located mid-block in the 4600 block of Wisconsin Avenue, NW, and consists of properties known as 4620-4624 Wisconsin Avenue, NW. Lot 45 is owned by Wisconsin Owner LLC and Lot 49 is owned by 4624 Wisconsin Avenue Associates Limited Partnership as nominee owner. The Property is in the Tenleytown neighborhood of Ward 3 and consists of approximately 23,741 square feet, or approximately 0.55 acres, of land area. The Property is currently located in the MU-4 Zone District; through the Project, the Applicant seeks to rezone the property to the MU-7 Zone District.

The Property is currently improved with a majority of commercial office buildings and accessory parking, and 4624 Wisconsin Avenue contains three residential units. The Applicant intends to demolish some of the existing improvements and adaptively reuse and expand the remaining improvements into a new mixed use building with approximately 12,119 square feet of retail use located on the ground and lower level as well as approximately 130-140 residential units (the “Project”). The Project will also contain approximately 74 parking spaces. The total gross floor area included in the Project is approximately 134,664 square feet, for a total Floor Area Ratio (“FAR”) of 5.67. The Project will occupy approximately 89.9% of the Property at ground level. The Project will be constructed to a building height of approximately 90 feet.

The Future Land Use Map of the Comprehensive Plan locates the Property in the Mixed Use Medium Density Residential/Moderate Density Commercial land use category. The Applicant will use the PUD process and the Zoning Map Amendment to increase the permitted FAR and height on the Property consistent with the Comprehensive Plan.

***B. The Applicant***

Wisconsin Owner LLC is a related entity of Urban Investment Partners (“UIP”), which is one of Washington’s premier multi-family and mixed use residential developers. UIP specializes in adaptively reusing buildings in the District, especially historic and architecturally significant buildings. UIP focuses on renovating and restoring underutilized housing in core residential areas in Washington, DC. UIP’s portfolio includes over 2,400 residential units in the Washington DC and Maryland markets. The company’s expert staff of real estate professionals provides clients with full-service, results-oriented operations.

***C. Project Goals and Objectives and the Benefits of Using the PUD Process***

Consistent with the goals of the District as outlined in the Land Use Element of the Comprehensive Plan, the Applicant intends to redevelop the Property with a mixed-use residential and retail building on the Property. The Project will provide a premier shopping and living space within two blocks of a major Metrorail station in an attractive and sustainable building that is compatible with surrounding buildings and uses.

The PUD process outlined in Chapter 3 of Subtitle X of the Zoning Regulations serves as the appropriate means of achieving the above objectives, because the PUD process provides the community and District agencies with the tools needed to ensure that the Project is well-designed and best meets the needs of the community while making sure that the density and uses are appropriate and the architecture is compatible with the surrounding neighborhood.

***D. Development Timetable***

The Applicant intends to begin construction of the Project in June 2017 and will take approximately 16 months. The Project is expected to be completed in October 2018.

**II. THE PROPOSED PUD PROJECT**

***A. Site Location***

The Property consists of approximately 23,741 square feet of land located mid-block on Wisconsin Avenue NW, approximately two blocks north of the Tenleytown-American University Metrorail Station. The site is bounded by private property to the north and south and a public alley to the west. The Property is currently improved with a majority of commercial office buildings and accessory parking, and 4624 Wisconsin Avenue contains three residential units. The Property is located entirely in the MU-4 Zone District. The Property slopes downward from south to north approximately 10 feet, 6 inches.

The Property is located between the Friendship Heights neighborhood to the north and west and the Tenleytown neighborhood to the south. Further to the east are the Chevy Chase and Forest Hills neighborhoods. Due to its location on Wisconsin Avenue, the site is well-served by a number of Metrobus routes as well as the nearby Metrorail station.

The surrounding area features a variety of uses and zone categories. To the south along Wisconsin Avenue are a mix of commercial, retail, and residential uses located in the MU-4 and MU-7 Zone Districts. To the east across Wisconsin Avenue are other mixed-use developments in the MU-4 Zone District. To the north along Wisconsin Avenue are other commercial, retail, and residential uses located in the MU-4 Zone District. To the west are primarily single-family residential uses located in the R-2 and RF-1 Zone Districts.

## ***B. Project Description***

The Project will adaptively reuse and replace the existing uses on the Property, with a new retail and residential mixed-use development. As shown on the architectural plans, elevations, and drawings attached as Exhibit J, the Project has been designed to complement the existing uses and scale of the surrounding property and neighborhood. The Project will enliven the streetscape and provide the community with a neighborhood center.

The Applicant proposes to construct a mixed-use building with ground-floor retail uses with parking and loading below grade. The building will be eight stories in height and will have approximately 130-140 residential units above the ground-floor retail use (the “Building”). Retail use will be on the ground floor and lower level (at the northern end) of the Building, including uses with potential outdoor seating. The Project will reuse three levels of parking that will run under the Building to accommodate both the retail and residential uses. All parking and loading for the Building will be accessed from the public alley adjacent to the west side of the Property. The Project will include approximately 74 vehicular parking spaces and approximately 78 long-term bicycle parking spaces and 14 short term bicycle parking spaces.

The height and mass of the Project is consistent with and sensitive to the surrounding context and was architecturally designed to enhance the streetscape and alleyscape at the Property. The Project is highly designed on all four sides, providing a light-colored building with substantial articulation on both the front and rear facades. There is a substantial grade at the Property and the existing improvements highlight the difficulties presented by such a change in grade. Specifically, the ground floor of the existing buildings do not flow with the grade, but rather are accessed through stairs, creating a separation from the building facades and the sidewalks. To improve this condition, the Applicant is proposing to lower the slab of the existing

building at 4620 Wisconsin Avenue by approximately 3-4 feet. Lowering the slab aligns the façade with the streetscape of Wisconsin Avenue. This creates a traditional streetscape appearance, integrating the ground-floor retail with the pedestrian experience.

Further, the Project's long façade has been broken into two masses which mimic the slope of the hill on Wisconsin Avenue. In order to respect of the topography of the Property, the Project incorporates numerous step-downs to match the overall grade change. Additionally, the Applicant is proposing setbacks and step-downs at the rear of the Property to appropriately transition the Project's mass into the neighborhood properties to the rear. These setbacks and step-downs are in response to community comments and decrease the overall apparent height of the Project.

Finally, the Project includes balconies and other façade articulation to help activate the streetscape along Wisconsin Avenue. The Project's two masses create a zipper effect so that the Project visually draws focus to the entrance at the center of the Building. This articulation provides an active street front that is visually appealing and brightens the current uniform color and massing at the Property.

In total, the Project will feature approximately 12,119 square feet for retail use and 130-140 residential units with a total residential gross floor area of approximately 122,545 square feet. Consistent with the requirements of the Inclusionary Zoning Regulations, the Applicant will set aside eight percent (8%) of the residential net area, or approximately 7,195 square feet, as affordable housing; however, the Applicant will set aside 50% of the affordable housing units for low-income households (i.e. 50% AMI) as a public benefit of the Project.

The Project will be constructed to a FAR of approximately 5.67 (0.51 FAR of retail use) and a height of 90 feet. The MU-7 District permits a maximum FAR of 5.76 (3.35 commercial)

in a PUD project. A PUD project in the MU-7 Zone District is permitted a maximum building height of 90 feet. The Zoning Tabulations in Exhibit J as well as the summary of development data attached as Exhibit A illustrate the zoning standards for the existing and proposed zoning.

### ***C. Community Outreach and Response***

The Applicant has engaged in numerous community outreach efforts, including city meetings, ANC meetings, and meetings with individual community groups regarding the Project. The Applicant met with the Office of Planning on April 21, 2016 and again on July 6, 2016, and with the District Department of Transportation on April 21, 2016 and again on May 11, 2016.

The Applicant has also met with the following community groups:

- Ward 3 Vision (March 21, 2016; June 20, 2016)
- Revive 3E (May 4, 2016)
- Tenleytown Main Street Design Committee (June 8, 2016)

Finally, the Applicant presented at three ANC 3E meetings – first on May 12, 2016, again on June 9, 2016, and again on October 13, 2016.

As a result of all of these meetings, the Applicant has revised the Project to address thoughts and concerns raised by the community. First, the Applicant has specifically tailored the proposed benefits package to include such items as:

- Potential community use of the penthouse space;
- Potential renovations of Chesapeake House;
- Additional affordable housing; and
- Undergrounding utilities along Wisconsin Avenue NW along the property's frontage.

Additionally, the Applicant has revised the Project design to address community concerns, specifically by:

- Incorporating step-downs in height along Wisconsin Avenue NW to match the grade;
- Incorporating a setback at the ground floor on the south end of the project to provide a plaza similar to current conditions at the Property;
- Incorporating setbacks and additional detail at the rear of the Project to transition down to houses across the public alley;

- Lowering the slab of the ground floor of 4620 Wisconsin Avenue NW to increase retail ceiling height and better align with the sidewalk and to create a better retail and pedestrian experience; and
- Revising the streetscape design to incorporate better gathering places and seating.

The Applicant will continue to revise the benefits package to incorporate further feedback from the community.

#### ***D. 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. Under Subtitle X, Section 303.11, the PUD regulations specifically allow the Zoning Commission discretion to approve any zoning relief to development standards other than height and maximum density. While the Project will be built within the PUD Zoning Regulations for height and density, the Applicant requests flexibility from the lot occupancy requirements, rear yard requirements, and the penthouse setback requirements of the Zoning Regulations.

##### **1. Rear Yard Relief**

Under Subtitle G, Section 405.3, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of height is required, which results in a minimum rear yard of 21'-10" for the Project. The Zoning Regulations provide that a horizontal plane may be established at twenty-five feet (25 ft). Where the property abuts an alley, the rear yard below this 25-foot horizontal plane is measured from the alley centerline, while the rear yard above the horizontal plane is measured from the rear property line. The Project's rear yard is largely compliant with the Zoning Regulations. However, a small portion of the rear yard immediately above the 25 ft. horizontal plane is not compliant, and the Applicant asks for relief from the strict application of the Zoning Regulations for this portion.



The Project includes the adaptive reuse of existing structures at the Property. As shown on page A-21 of the plans attached as Exhibit J, at the rear of the Property, there is an exterior ramp with a stand-alone foundation wall outside of the ramp. In planning the Project, the Applicant has proposed to use the foundation wall as the Building's exterior wall, thus enclosing the ramp within the Building. Under the proposed plans, that rear wall of the Building extends up two floors (one garage floor and the ground floor), and it is then set back further at the floor above. The rear yard at this third level and above is compliant with the Zoning Regulations. Additionally, the rear yard below the 25 ft. horizontal plane, where the rear yard can be measured from the center of the alley, is compliant with the Zoning Regulations. However, the 25 ft. horizontal plane bifurcates the Building in the middle of the ground floor. Because above this 25 ft. horizontal plane the rear yard must be then measured from the rear lot line, the small portion of the ground floor above the 25 ft. horizontal plane creates a non-compliant rear yard. This non-compliant rear yard only exists for a height of 4'-5", as illustrated on page 21 of the plans attached as Exhibit J.

The non-compliance of this rear yard is based on a confluence of factors: (1) the Applicant's reuse of the existing structure; (2) the grade difference across the site and the resulting point at which the 25 ft. horizontal plane cuts the Building in the middle of a story; and (3) the comments of the community to have an articulated rear wall with multiple setbacks. Without the rear yard relief, the Building's ground floor would end at the existing staircase, which is being reused in the Project. In that case, the ground floor would be a blank wall rather than an articulated façade with windows. Therefore, the Applicant requests relief from the rear yard requirements for this small 5'-10" portion of the Project's rear yard.

2. Lot Occupancy

The Applicant requests flexibility for the lot occupancy on the first floor of the building. Subtitle G, Section 404.1 provides that the maximum lot occupancy for residential use is 80%. While the majority of the Project will comply with the lot occupancy requirements (everything above the ground floor), the ground floor has a lot occupancy of 89.9%. The majority of the ground floor is used for retail; however, the residential lobby and some residential units exist on the first floor. Therefore, due to the small amount of residential use, the first floor's lot occupancy is non-compliant.

As shown on page A-22 in the plans attached as Exhibit J, the non-compliant lot occupancy is partially created due to the reuse of existing structures, exterior walls, and stairwells to create the Project. Using those structures sets certain parameters for the ground floor of the Project, as discussed above. Additionally, given the grade change and depth of the structure, in order to make the most efficient use of the space, residential uses exist on the first floor. While the spaces along Wisconsin Avenue are primarily used for retail, given the depth of the Project, the use of the alley-side portion is most efficiently utilized for residential use. Therefore, the Applicant requests relief from the strict application of the Zoning Regulations for the first floor of the Project.

3. Penthouse Setback Relief

The Applicant also requests flexibility from the penthouse setback provisions of the Zoning Regulations for a small portion of the penthouse. Section 1502.1(a) of Subtitle C requires that all penthouses be set back at a one-to-one ratio from the edge of the roof. Here, the penthouse is largely set back at the required ratios. However, as shown on page A-23 of the plans attached as Exhibit J, the elevator override at the front, center of the Building is not set back on a

one-to-one ratio. This is because the two elevator cores are an existing feature of the Building, and they are located directly inside the Building's front entrance. The Applicant is reusing these existing elevator cores in the Building and must extend them to the roof. The Applicant is only carrying the rear most elevator for access to the penthouse level. By using only the rear elevator core, the Applicant is minimizing the non-compliant penthouse setback. Only 5.5 feet of the elevator override is not set back by the required one-to-one ratio. Therefore, the Applicant requests relief from the setback requirements of the Zoning Regulations as they apply to this elevator override.

### **III. PLANNING ANALYSIS**

#### ***A. Land Use Impact***

As detailed in Section V, the proposed PUD project is fully consistent with the goals and policies of the Comprehensive Plan for the District of Columbia. Specifically, the Project will create prime residential and retail space in an underutilized area on a main avenue in the District, including affordable housing. The height and density of the Project are appropriate given the proximity to transit, the height and mass of surrounding buildings along Wisconsin Avenue, and the avoidance of adverse impacts on nearby residential areas. The Project will also improve the streetscape along Wisconsin Avenue NW. The Project will have a positive land use impact that is consistent with the Comprehensive Plan and other planning goals of the District of Columbia.

#### ***B. Zoning Impact***

As shown on the Proposed Zone District Plan included in Exhibit J, the Applicant requests a Zoning Map Amendment for the Property to the MU-7 Zone District. This proposed zone plan is consistent with the Comprehensive Plan. As discussed more fully in Section V, the

Future Land Use Map of the Comprehensive Plan locates the Property in the Mixed Use Medium Density Residential/Moderate Density Commercial category.

At the Property, the Applicant proposes a mixed-use development with ground-floor retail and residential uses above. The proposed MU-7 zoning is necessary to accommodate these uses at the proposed height and density. The Comprehensive Plan explicitly lists the proposed MU-7 Zone District as consistent with the Moderate Density Commercial designation. § 225.9.<sup>1</sup> Additionally, the MU-7 Zone is generally described as a zone that permits medium density development, with a density incentive for residential development within a general pattern of mixed use development on arterial streets and at rapid transit stops. Immediately to the south of the Property, a PUD was approved with a C-3-A zoning designation in Z.C. Case No. 10-23.<sup>2</sup> Additionally, in the block immediately to the south of the Property, the properties are in the MU-7 Zone District. Accordingly, the proposed rezoning of the Property to the MU-7 Zone District is consistent with the Comprehensive Plan.

### ***C. Environmental Impact***

As more specifically detailed in Exhibit F, no adverse environmental impact will result from the construction of the Project. The Project will include features such as adaptively reusing an existing structure at the Property and attaining LEED Gold certification for the Project. The Project will also meet the Green Area Ratio and stormwater management requirements.

### ***D. Facilities Impact***

The proposed Project will not have an adverse impact on the facilities that it will rely on for service. The Tenleytown Metrorail station is less than two blocks from the Property.

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<sup>1</sup> The Comprehensive Plan lists the C-3-A Zone District as appropriate for this designation, which was the MU-7 Zone District under the 1958 Zoning Regulations.

<sup>2</sup> The Z.C. Case No. 10-23 PUD and Zoning Map Amendment was approved prior to the 2016 Zoning Regulations, and was therefore approved with a C-3-A Zoning Map Amendment, which is analogous to the MU-7 Zoning Map Amendment requested in this application.

Numerous Metrobus lines also service the site via Wisconsin Avenue, and it is expected that many of the Project's occupants and visitors will use public transit. The Project also contains 74 parking spaces to accommodate the parking demand of residents, employees, and visitors who may choose to drive to the Project. Bicycle usage will also be coherently integrated into the design of the Project, including 75 long term spaces and 7 short term spaces for residential use and 3 long term spaces and 7 short term spaces for retail use. The Applicant has engaged Wells + Associates to conduct a Comprehensive Transportation Review for the Project.

#### **IV. PUD EVALUATION STANDARDS**

##### ***A. Public Benefits and Project Amenities***

Section 305 of Subtitle X provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high-quality development that provides public benefits and project amenities by allowing applications greater flexibility in planning and design than may be possible under matter-of-right zoning. The proposed Project will achieve the goals of the PUD process by providing new housing and retail opportunities in a well-designed project that incorporates several new public gathering spaces and enhances the surrounding public space. This furthers several goals set forth by the District of Columbia.

##### **1. Housing**

Pursuant to Section 305.5(f) of Subtitle X of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. The Project will create approximately 130-140 new residential units. Given the Property's current zoning, no residential use is required, and, further, only three occupied residential units are currently provided at the Property. As shown in the table below, the Project

provides almost 60,000 more gross square feet of housing than would be provided as a matter-of-right at the Property.

*Table 1 – Housing Benefit Table*

	<b>Existing Zoning – Matter of Right Residential Use</b>	<b>Proposed PUD Residential Use</b>
Lot 45	2.5 FAR <sup>3</sup> 42,840 sf	5.16 FAR
Lots 49	3.0 FAR 19,815 sf	<b>122,545</b> sf
<b>TOTAL:</b>	<b>62,655</b> sf of residential use	<b>+59,890</b> sf of residential use over matter of right

2. Affordable Housing

Pursuant to Section 305.3(g) of Subtitle X, the production of affordable housing above what is required under the Inclusionary Zoning (“IZ”) regulations is considered a public benefit of a PUD project. The Project will create approximately 7,195 square feet of affordable housing, with 50% set aside as low-income affordable housing (i.e. for households earning below 50% of the average median income) and 50% set aside as moderate-income affordable housing (i.e. for households earning below 80% of the average median income). This proffer provides additional housing at a deeper level of affordability than is required by the IZ regulations. Although the Project is required to only be provided at the moderate-income level, the Applicant will set aside half of the affordable housing be offered at the low-income level. Additionally, the proposed affordable housing is a greater amount than would be provided through matter-of-right development, as shown in the table below:

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<sup>3</sup> IZ is not triggered for conversion of the existing office building, and thus the IZ bonus is not applicable.

**Table 2 – Affordable Housing Benefit Table<sup>4</sup>**

	<b>Existing Zoning – Matter of Right Affordable Housing</b>	<b>Minimum IZ Affordable Housing</b>	<b>Proposed PUD Affordable Housing</b>
Lot 45	No IZ Requirement <sup>5</sup>	8% of net area	8% of net area
Lots 49	75% of 0.5 FAR IZ Bonus 2,477 sf of affordable housing  1,239 s.f. at 50% AMI 1,238 s.f. at 80% AMI	<b>7,195</b> sf of affordable housing  ALL at 80% AMI	<b>7,195</b> sf of affordable housing  3,598 sf at 50% AMI 3,597 sf at 80% AMI
<b>TOTAL:</b>	<b>2,477</b> sf of affordable housing  1,239 s.f. at 50% AMI 1,238 s.f. at 80% AMI	8% of net area <b>7,195</b> sf of affordable housing  ALL at 80% AMI	<b>+4,718</b> sf of affordable housing over matter of right  <b>+2,359</b> sf at 50% AMI <b>+2,359</b> sf at 80% AMI over matter of right

In total, the Applicant is proposing 3,598 square feet of low-income affordable housing above what is required under the Zoning Regulations and an additional 2,359 square feet of moderate-income affordable housing and low-income affordable housing above what would be required for a matter-of-right development.

3. Superior Urban Design and Architecture

Section 305.5(a) of Subtitle X lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown on the detailed plans, elevations, and renderings included in Exhibit J, the proposed Project exhibits many characteristics of exemplary urban design. Specific features include the use of a variety of public spaces, well-designed sidewalks with street trees and active storefronts along Wisconsin Avenue, massing that is shaped to flow within the existing density of the surrounding properties, and well-located and carefully designed parking garages and loading zones for the Project.

<sup>4</sup> The amount of affordable housing listed represents the net area devoted to affordable housing. This is 8% of the net area of residential use at the Project. The residential GFA at the Project, as noted in Table 1, is 122,545 s.f. The net residential area at the Project is 89,238 s.f.

<sup>5</sup> IZ is not triggered for conversion of the existing office building, and thus no IZ units would be generated.

The Project also features exceptional architectural design that modulates the height and mass of the building through setbacks, materiality, and other design elements. In particular, the Applicant will lower the slab of the existing building at 4620 Wisconsin Avenue by 3-4 feet to better align the ground floor of the building with the sidewalk level and create more desirable retail space by creating additional ceiling height and provide a better pedestrian and retail experience. Additionally, the proposed Project includes step downs along Wisconsin Avenue to be consistent with the changing grade, as well as setbacks at the rear of the Project to better transition to the neighboring residential properties.

#### 4. Streetscape Plans

Section 305.5(l) of Subtitle X states that streetscape plans are considered to be public benefits and project amenities of a PUD. In order to capitalize on the pedestrian activity generated by the retail and residential features of the Project, the Applicant has proposed significant streetscape improvements as a key benefit and amenity of the Project. The existing streetscape lacks pedestrian activity and attractive landscaping that would otherwise enliven the sidewalks. Further, due to the grade change, the existing building entrances are raised from the sidewalk, creating a division between the sidewalk and the improvements. By lowering the slab of one of the existing buildings, the streetscape will be integrated between the retail and the sidewalk, enhancing the pedestrian experience. The Wisconsin Avenue frontage will be enhanced in a manner that is place-making, creating a destination point in the community. Streetscape enhancements will include street trees and special paving features. Additionally, the Project will include undergrounding all of the utility lines along Wisconsin Avenue in front of the Property. Finally, the Project includes a pocket plaza at the southern end of the Property in a similar site design to the existing conditions at the Property.



The Applicant proposes other streetscape improvements related to the Project that will also significantly improve pedestrian access along this key gateway location. The Applicant will replace the existing streetscape with new improvements that include new street trees and other plantings to create more defined, attractive pedestrian access.

5. Site Planning, and Efficient and Economical Land Utilization

Pursuant to Section 305.5(c) of Subtitle X of the Zoning Regulations, “site planning and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The site is currently underutilized and fails to fully capitalize on its prominent Wisconsin Avenue location. The site currently contains commercial office buildings and accessory parking in a design that discourages pedestrian activity. The proposed Project has been designed to provide residents, customers, employees, and visitors with open and inviting public and private spaces for entertainment and relaxation as detailed above. The Project transforms an underutilized and dated site into an attractive 21<sup>st</sup> century mixed-use development.

6. Environmental and Sustainability Benefits

Section 305.5(k) of Subtitle X states that environmental benefits are considered to be public benefits and project amenities of a PUD. The Project will provide a number of environmental benefits that improve sustainability of the site and contribute to the sustainability of the neighborhood. These sustainability features include a commitment to achieve LEED Gold certification, capitalizing on the strategic potential of a transit-oriented location proximate to a Metrorail station, and planting additional street trees. Additionally, the Applicant proposes to underground the utilities on Wisconsin Avenue along the Property’s street frontage.

7. Uses of Special Value

Subtitle X, Section 303.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The proposed Project will provide approximately 12,119 square feet of ground-floor retail uses as well as streetscape improvements along the Project frontage, which have been previously recognized by the Commission as uses of special value.

In addition, the Applicant has engaged in discussions with ANC 3E regarding potential public benefits related to the Project. Potential benefits include renovation of the Chesapeake House, retail leasing support, and access to the Project's penthouse amenity space. The Applicant will continue to engage with ANC 3E and other important stakeholders regarding these benefits. The Applicant has also engaged in conversations with the National Park Service ("NPS") and the Tenleytown Historical Society ("THS") regarding renovation of the Chesapeake House, and both NPS and THS are supportive of this proposed benefit, as indicated by letters attached as Exhibit H.

8. Comprehensive Plan

According to Section 305.5(r) of Subtitle X, public benefits and project amenities include "other ways in which the proposed planned development substantially 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, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

## ***B. Public Benefits of the Project***

Section 305.3 of Subtitle X requires the Applicant to demonstrate how the public benefits offered are superior in quantity and quality to typical developments of the type proposed. This application achieves the requirement of this provision by offering:

- Housing,
- Affordable housing,
- Superior Urban Design and Architecture,
- Streetscape improvements,
- Exemplary site planning,
- Sustainable development features,
- Uses of special value, including street-level retail uses, and
- Significant public space improvements.

For the reasons set forth above, the Project contains numerous public benefits and project amenities that are superior to typical developments.

## **V. COMPLIANCE WITH THE COMPREHENSIVE PLAN**

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

The purposes of the District elements of the Comprehensive Plan for the National Capital 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 on matters affecting the District and its citizens; (3) Promote economic growth and 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 the conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Code § 1-306.01(b) (2006). The proposed Project significantly advances these purposes by furthering the social, physical, and economic development of the District through the development of a mixed-use residential and retail space and creating vibrant public space on the Property in close proximity to a Metrorail station and other public transit avenues.

**A. *Citywide Elements***

1. Framework Elements and Maps

The Framework Element provides guidelines for using the Future Land Use Map. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the entire Comprehensive Plan. The Framework Element also clearly provides that density and height gained through the PUD process are bonuses that may exceed the typical ranges cited for each category. Comprehensive Plan § 226(c).

On the Future Land Use Map the Property is mapped for mixed uses. The Property is mapped for Mixed Use Medium Density Residential/Moderate Density Commercial uses. The Medium Density Residential designation characterizes neighborhoods with mid-rise apartment buildings. The Plan notes that “the R-5-B and R-5-C Zone districts are generally consistent with the Medium Density Residential category.” §225.5. The Moderate Density Commercial “designation is used to define shopping and service areas that are somewhat more intense in scale and character . . . . Retail, office, and service businesses are the predominant uses. . . . The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A.” § 225.9.

The Project is consistent with the Future Land Use Map because the Property is in the exact designation for which re-zoning of the Property to the MU-7 (which was the C-3-A Zone District when the Comprehensive Plan was written) Zone District is appropriate and contemplated by the Future Land Use Map. The Project will create a prime, destination retail and residential property along the main thoroughfare of Wisconsin Avenue in accordance with the overall vision of the Future Land Use Map.

While the Comprehensive Plan generally describes the Medium Density Residential designation as “neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the

predominant use”, § 225.5, the Future Land Use Map permits “heights that exceed the typical ranges” when density bonuses are granted through a PUD. Comprehensive Plan § 226(c). The Project proposes an eight-story building at the Property, and that height is appropriate where, as here, the Project is on a major arterial roadway in the District in close proximity to a Metrorail station, and where benefits and amenities commensurate with the PUD and Zoning Map Amendment are provided, as contemplated in the Comprehensive Plan.

On the Generalized Policy Map, the Property is designated as a “Main Street Mixed Use Corridor.” Main Street Mixed Use Corridors “are traditional commercial business corridors.” § 223.14. These areas’ “common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” § 223.14. The proposed Project on the Property is a quintessential Main Street Mixed Use Corridors Area development. The Project will provide retail and housing near a Metrorail station that is pedestrian friendly and enhances an underutilized area on Wisconsin Avenue.

## 2. Land Use Element

The proposed Project advances several policies of the Land Use Element. First, the Land Use Element encourages development of Metro stations as “anchors,” § 306.10 (LU-1.3.1 Station Areas as Neighborhood Centers), as the best opportunities for infill development, § 306.11 (LU-1.3.2 Development around Metrorail Stations), and as pedestrian-oriented nodes, § 312.9 (LU-2.4.5 Encouraging Nodal Development). Here, the Project’s proximity to the Tenleytown Metrorail station and the Project’s focus on creating a pedestrian-friendly, inviting

environment, furthers this use of Metro stations as anchors. The Project also represents the sort of pedestrian-oriented infill development promoted by the Land Use Element, especially with the ground floor retail use.

Second, the residential use at the Project meets the goals of “maintaining the multi-family residential character of the District’s Medium- and High- Density residential areas” by taking a large-scale, commercial use in the current office buildings and converting that use to multi-family residential use at the Property. § 309.15 (LU-2.1.10 Mutli-Family Neighborhoods).

Third and finally, the Land Use Element encourages creative parking management to respond to the level of demand and mitigate congestion. §§ 306.15, 309.16, and 312.12 (LU-1.3.6 Parking near Metro Stations, LU-2.1.11 Residential Parking Requirements, and LU-2.4.8 Addressing Commercial Parking Impacts). The Element focuses developments on placing “a priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking.” §306.4 (LU-1.3 Transit-Oriented and Corridor Development). Here the Project meets the objectives of the Land Use Element by offering an appropriate amount of below-grade parking for residents, visitors, and employees of the Project.

### 3. Other Elements

This PUD application is also consistent with policies in the Transportation, Housing, Economic Development, and Urban Design Elements of the Comprehensive Plan. The Transportation Element encourages pedestrian-oriented development around transit stations, § 403.1 (T-1.1.4 Transit-Oriented Development) and discourages auto-oriented uses such as “drive-through” business, and large surface parking lots, § 404.8 (T-1.2.3 Discouraging Auto-Oriented Uses). The Project is a model transit-oriented development and adds none of the auto-oriented features the Comprehensive Plan seeks to discourage. As discussed, the Project is

located in close proximity to the Tenleytown Metrorail station and multiple bus lines on Wisconsin Avenue. Therefore, the site encourages residents, students, and employees to take public transit based on the convenient location and opportunity to do so. Further, the Project will provide below-grade parking at the Property, but will not employ any auto-oriented uses such as large surface parking lots. This enables the Project to account for traffic generated by the Project, while still encouraging pedestrian access to the site, thus furthering the Transportation Element's policies.

The mixed-use development in the Project promotes both the Housing Element and the Economic Development Element. By having upper-level residential units, the Project "provide[s] new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives." § 503.2 (H-1.1.1 Private Sector Support). The specific location of the Project along Wisconsin Avenue in close proximity to the Tenleytown Metrorail station fulfills the Housing Element's goal of "promot[ing] mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations." § 503.5 (H-1.1.4 Mixed Use Development). The ground-floor retail use at the Project "create[s] additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services." §708.7 (ED-2.2.3 Neighborhood Shopping). This mixed-use development will "promote the vitality and diversity of Washington's neighborhood commercial areas." §713.5 (ED-3.1.1 Neighborhood Commercial Vitality).

Finally, the Project also supports the Urban Design Element of the Comprehensive Plan. The Project furthers the Element's goal of creating "neighborhood centers . . . that reinforce community identity" by creating an "urban square [that] stimulate[s] vibrant pedestrian street life

and provide[s] a focus for community activities.” § 910.9 (UD-2.2.3 Neighborhood Centers); §913.15 (UD-3.1.8 Neighborhood Public Space). The Project “creates [an] attractive and interesting commercial streetscape” that will make the Property a place-maker for this area of the District.

***B. Compliance with Area Elements***

The Property is within the Rock Creek West Area Element. This Element encourages the exact kind of mixed-use development contemplated by the Project – “The preference is to use available and underutilized sites for housing and retail uses.” §2308.4 (RCW-1.1.6 Metro Station Areas). Specifically for the Wisconsin Avenue corridor, the Element advises that “between Jennifer and Brandywine Streets, there are a number of vacant commercial buildings on the corridor. Their reuse with new local-serving retail uses and housing is encouraged.” § 2312.5 (RCW-2.2 Wisconsin Avenue Corridor). Second, the Project promotes the Element’s focus on urban design, which notes that “urban design efforts” should be focused on “commercial centers and major avenues.” §2309.1 (RCW-1.2.1 Urban Design Focus). Further, the Project promotes the Element’s goal of conserving neighborhood commercial centers by providing “compatible new uses such as multi-family housing . . . above local-serving ground-floor retail uses” §2308.4 (RCW-1.1.3 Conserving Neighborhood Commercial Centers). The Project also appropriately transitions from Wisconsin Avenue to adjacent neighborhoods by providing numerous buffers through the rear alley, the Building setback, and the Building step-downs at the rear of the Property. §2307.3(b) (RCW Planning and Development Priorities). Finally, this Project is also consistent with the Element’s goal to make pedestrian-friendly environments that “create a more attractive street environment.” §2312.6 (RCW-2.2 Wisconsin Avenue Corridor). The Project will create a lively urban space for the community near the Tenleytown Metrorail station.



## VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed applications meet the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of the included applications; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the PUD application and the related Zoning Map Amendment should be approved and adopted by the Zoning Commission.

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

Respectfully submitted,

GOULSTON & STORRS, PC

\_\_\_\_\_  
/s/

David M. Avitabile

\_\_\_\_\_  
/s/

Meghan Hottel-Cox

Date: November 21, 2016