

THE STRAND RESIDENCES

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

May 8, 2017

HOLLAND & KNIGHT LLP
800 17th Street, NW Suite 1100
Washington, D.C. 20006
(202) 955-3000
Leila M. Jackson Batties, Esq.
Joseph O. Gaon, Esq.

DEVELOPMENT TEAM

Applicant:	The Warrenton Group 5335 Wisconsin Avenue, NW Suite 440 Washington, DC 20015
Architect:	PGN Architects, PLLC 210 7 th Street, SE- Suite 201 Washington, DC 20003
Civil Engineer:	Bowman Consulting Group 888 17 th Street, NW Suite 510 Washington, DC 20006
Traffic Consultant:	Gorove/Slade Associates, Inc. 1140 Connecticut Ave NW Suite 600 Washington, DC 20036
Land Use Counsel:	Holland & Knight, LLP 800 17th Street, NW Suite 1100 Washington, DC 20006

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. PROJECT DESCRIPTION 2

A. THE WARRENTON GROUP 2

B. PUD COMPONENTS 3

C. PROJECT DESIGN..... 3

D. DEVELOPMENT STANDARDS UNDER THE EXISTING MU-3 ZONING 4

E. DEVELOPMENT STANDARDS UNDER THE PROPOSED MU-5-A ZONING.... 4

F. TABULATION OF DEVELOPMENT DATA..... 6

G. FLEXIBILITY UNDER PUD GUIDELINES..... 6

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS 7

A. STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT 7

B. PUD PROCESS IS APPROPRIATE MECHANISM FOR THE PROJECT 8

C. PUD REQUIREMENTS UNDER SUBTITLE X, CHAPTER 3 OF THE ZONING REGULATIONS 9

D. PUBLIC BENEFITS AND PROJECT AMENITIES..... 10

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN 13

A. PURPOSES OF THE COMPREHENSIVE PLAN 13

B. FUTURE LAND USE MAP – MODERATE DENSITY RESIDENTIAL/LOW DENSITY COMMERCIAL 13

C. LINCOLN HEIGHTS & RICHARD DWELLINGS NEW COMMUNITIES INITIATIVE REVITALIZATION PLAN..... 15

D. GENERALIZED POLICY MAP – MAIN STREET MIXED-USE CORRIDOR .. 15

E. COMPLIANCE WITH GUIDING PRINCIPLES OF THE COMPREHENSIVE PLAN 16

F. LAND USE ELEMENT 18

G.	TRANSPORTATION ELEMENT.....	18
H.	HOUSING ELEMENT.....	19
H.	ENVIRONMENTAL PROTECTION ELEMENT	20
I.	ECONOMIC DEVELOPMENT ELEMENT	20
J.	URBAN DESIGN ELEMENT.....	21
K.	INFRASTRUCTURE ELEMENT	22
L.	FAR NORTHEAST AND SOUTHEAST AREA ELEMENT	23
M.	IMPLEMENTATION ELEMENT.....	23
V.	CONCLUSION	25

LIST OF EXHIBITS

Exhibit	Description
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 Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan
F	Portion of Generalized Policy Map
G	Certificate of Notice, Notice of Intent, and Property Owner List
H	First Source Agreement
I	Certified Business Enterprise Agreement

I. INTRODUCTION

The Warrenton Group (the “Applicant”) on behalf of the owners of the properties located 5119-5123 and 5127 Nannie Helen Borrowoughs Avenue, NE and 612 Division Avenue, NE (Square 5196, Lots 19, 37, 805 and 814) (collectively, the “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 Property from the MU-3 to the MU-5-A Zone. The Property is located in the northeast quadrant of the District and within the boundaries of Advisory Neighborhood Commission (“ANC”) 7C01.

The Property consists of approximately 17,029 square of land area, including a portion of the adjacent public alley to be closed. The Property is located southeast of two D.C. Housing Authority (“DCHA”) properties – Lincoln Heights and Richardson Dwellings. A portion of the Property is currently improved with a carry-out restaurant; the remainder is occupied by vacant buildings. The historic Strand Theater is immediately east of the Property. The theater, which is vacant, is listed on the DC Inventory of Historic Sites and on the National Register of Historic Places. The Applicant will renovate the historic structure in connection with the PUD. The Property is also surrounded by the surface parking lot of the Sargent Memorial Presbyterian Church to the west and south. The main church building is located to the west of the surface parking lot. The Property is well served by several Metrobus routes, including six routes within 0.2 miles of the Property.

As shown on the Zoning Map attached hereto as Exhibit B, the Property is presently zoned MU-3. The Applicant proposes to rezone the Property to the MU-5-A Zone, which is consistent with the Comprehensive Plan's Future Land Use Map designation of the Property as Low Density Commercial/Moderate Density Residential on the Comprehensive Plan Future Land Use Map (*see*

Exhibit D) and the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923 (the “New Communities Initiative”), which encourages rezoning the Property to C-2-B (MU-5-A under the Zoning Regulations of 2016) (*see Exhibit E*). The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation for the Property of Main Street Mixed Use Corridor (*See Exhibit F*).

The Applicant proposes to redevelop the Property with a mixed-use PUD that includes approximately 86 residential units, comprised of 1-bedroom and 2-bedroom units, all of which will be reserved for households with incomes not exceeding 60% of the area median income (“AMI”) and ground floor retail and community space. Of the 86 units, 28 will be replacement units for the Lincoln Heights and Richardson Dwellings properties controlled by DCHA, in accordance with the New Communities Initiative Plan.

The height of the proposed new building will be approximately 68 feet; the maximum density will be approximately 4.61 floor area ratio (“FAR”); and the maximum non-residential density will be approximately 0.2 FAR. In addition, the PUD includes a ground level parking garage with 17 spaces, accessible via a public access easement on the southern portion of the Property.

As set forth below, this statement and the attachments meet the filing requirements for a PUD and Zoning Map Amendment application under Subtitle X, Chapter 3 of the District of Columbia Zoning Regulations.

II. PROJECT DESCRIPTION

A. The Warrenton Group

The Applicant is The Warrenton Group, a privately held real estate development firm that specializes in mixed-income residential and mixed-use developments. “Redevelopment for real

change” has been the guiding principle for delivering high quality, impactful projects since created in 1997. The firm focuses its resources and experience on transforming urban neighborhoods throughout the Washington, D.C. Metropolitan Area.

B. PUD Components

As shown on the architectural plans and elevations attached hereto as Exhibit A (the “Plans”), the Applicant proposes to redevelop the Property with a mixed-use building containing 1,389 square feet of ground floor retail; 1,233 square feet of community space; and a six-story apartment house above. The apartment house will consist of approximately 78,546 square feet of floor area, generating approximately 86 units. The PUD will have a maximum density of 4.61 FAR; a maximum non-residential density of approximately 0.2 FAR; and a maximum building height of 68 feet. The PUD includes a small stair tower on the main roof that has a height of 10 feet, 6 inches. All portions of the penthouse will be set back 1:1 from the edge of the roof, in accordance with the Zoning Regulations.

The PUD includes a ground level parking garage with 17 vehicle parking spaces and 38 bicycle parking spaces. The ground level parking garage is accessed via a 15-foot public access easement on the southern portion of the Property.

C. Project Design

The PUD consists of a six-story building with 86 residential units, and ground floor retail and community space. A partial cellar will be built to accommodate new building utilities. The building will have a height of 68 feet to the top of the parapet. The building includes 10’-6” floor to floor heights for the residential floors and a 14’ floor to floor height on the ground floor.

The north elevation of the building consists of three primary elements: two vertical elements accentuated by bay projections and the main horizontal plane anchored by the storefront base. Each of the vertical elements consists of masonry veneer, metal panels, nichiha panel and

modular windows. The masonry veneer is a modular brick with detailed patterning in horizontal stripes spaced regularly in its coursing. The vertical elements also include bay projections, which consist of metal panels and windows. The bay projections are surrounded by the nichiha panels that are both stacked and aligned in a running bond pattern. The main horizontal plane consists of modular windows and metal panels that wraps around the east facade.

The east elevation of the building features similar materials and serves as the transition from the horizontal plane to the running bond field of nichiha. The nichiha is the main material around the south and west facades, which are also anchored by a masonry base.

D. Development Standards Under the Existing MU-3 Zoning

The Property is currently zoned MU-3. The MU-3 Zones are intended to permit low-density mixed-use development and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development. 11-G DCMR § 400.2. The MU-3 Zone permits the following development standards:

- Height: 40 feet and 3 stories; 40 feet for a PUD. 11-G DCMR § 403.1; 11-X DCMR § 303.7.
- Density: 1.0 FAR; 1.2 FAR with Inclusionary Zoning (“IZ”), with a maximum of 1.0 FAR for non-residential use; and 1.44 FAR for a PUD, with a maximum of 1.34 FAR for non-residential use. 11-G DCMR § 402.1; 11-X DCMR § 303.3
- Lot Occupancy: The maximum lot occupancy for residential use is 60% and 100% for non-residential use. 11-G DCMR § 104.1.

E. Development Standards Under the Proposed MU-5-A Zoning

The Applicant proposes to rezone the Property to the MU-5-A Zone, which permits the following development standards:

- Height: 65 feet; 70 feet with IZ, with no limit on the number of stories; and 90 feet for a PUD. 11-G DCMR § 403.1; 11-X DCMR § 303.7.

- Density: 3.5 FAR; 4.2 FAR with IZ, with a maximum non-residential FAR of 1.5; and 5.04 FAR for a PUD, with a maximum non-residential FAR of 2.01. 11-G DCMR § 402.1; 11-X DCMR § 303.3.
- Lot Occupancy: The maximum lot occupancy for residential use is 80% and 100% for non-residential uses. 11-G DCMR § 404.1.
- Rear Yard: The minimum rear yard is 15 feet. 11-G DCMR § 405.2.
- Side Yard: No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches wide for each one foot of height of the building but no less than five feet. 11-G DCMR § 406.1.
- Parking for Residential, multiple dwelling unit: 1 space per 3 dwelling units in excess of 4 units. 11-C DCMR § 701.5.
- Parking for Retail: In excess of 3,000 square feet, 1 space per each 1,000 square feet of gross floor area. 11-C DCMR § 701.5.
- Parking for Community Space: In excess of 3,000 square feet, 1 space per each 1,000 square feet of gross floor area. 11-C DCMR § 701.5.
- Bicycle Parking for Residential Apartment: 1 space for each 3 dwelling units (long term); 1 space for each 20 dwelling units (short term). 11-C DCMR § 802.1.
- Bicycle Parking for Retail: 1 space for per 7,500 square feet (long term); 1 space per 3,500 square feet (short term). 11-C DCMR § 802.1.
- Bicycle Parking for Community Space: 1 space for per 10,000 square feet (long term); 1 space per 20,000 square feet (short term). 11-C DCMR § 802.1.
- Loading for Residential More than 50 Units: 1 loading berth, 1 loading platform and 1 service/delivery space. 11-C DCMR § 902.2.
- Loading for Retail with 5,000 to 20,000 square feet of gross floor area: 1 loading berth, 1 loading platform and 1 service/delivery space. 11-C DCMR § 902.2.
- Loading for Community Space with 5,000 to 20,000 square feet of gross floor area: 1 loading berth and 1 loading platform. 11-C DCMR § 902.2.
- Green Area Ratio (“GAR”): The minimum required GAR is 0.3. 11-G DCMR § 407.1.

F. Tabulation of Development Data

The tabulation of the PUD's development data is included on Sheet A-01 of the Plans attached hereto as Exhibit A.

G. 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. As permitted by 11-X DCMR § 303.1, the Commission may grant such flexibility in its discretion.

1. Loading

The Applicant requests flexibility to provide one 20-foot service/delivery space in lieu of a 30-foot loading berth and a 100 square-foot loading platform as required under Subtitle C, Section 901.1 of the Zoning Regulations. The traffic consultant for the project has evaluated the proposed loading and has confirmed that, given its size, the PUD can be adequately serviced with the 20-foot delivery space and curbside loading on Division Avenue, which will be subject to review and approval by DDOT.

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 PUD'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:

- (b) To be able to provide a range in the number of residential units of plus or minus 10%;
- (c) 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;
- (d) 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 or that are otherwise necessary to obtain a final building permit;

- (d) To vary the location, attributes and general design of the streetscape incorporated in the PUD to comply with the requirements of and the approval by the DDOT Public Space Division;
- (e) To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans; and
- (f) To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the PUD and to vary the types of uses designated as “retail” use on the approved Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).

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 Property to the MU-5-A Zone in conjunction with the PUD, as requested herein, will promote each of the purposes described above. “A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.” 11-X DCMR § 303.12.

B. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the Property. It allows the PUD 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 PUD. 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 PUD.

In this case, the Applicant has communicated with key community stakeholders such as the Deanwood Civic Association, the Office of Planning, and the District Department of Transportation concerning the PUD. Also, the Applicant met with ANC 7C Executive Board on September 29, 2016, and the full ANC on October 13, 2016, to discuss the project.

C. PUD Requirements under Subtitle X, Chapter 3 of the Zoning Regulations

1. Area Requirements under Subtitle X § 301.1

The Property has a land area of approximately 17,029 square feet where a minimum of 15,000 square feet of land area is required pursuant to 11-X DCMR § 301.1.

2. FAR and Height Requirements under Subtitle X § § 303.3 and 303.7

Subtitle X § 303.1 of the Zoning Regulations permits a maximum density for a PUD in the MU-5-A Zone of 5.04 FAR, with a maximum non-residential FAR of 2.01. The PUD has an overall density of 4.61 FAR, of which 0.2 FAR is for non-residential use. Thus, the PUD conforms with the PUD FAR allowances set forth in 11-X DCMR § 303.1.

Subtitle X § 303.7 of the Zoning Regulations permits a maximum building height of 90 feet for a PUD in the MU-5-A Zone. As shown on the Plans, the building has a height of 68 feet, and therefore the PUD conforms to the requirements of 11-X DCMR § 303.7.

3. Impacts of the PUD under Subtitle X § 304.4(a)

The PUD will have a favorable impact on the surrounding area. The PUD will redevelop an underutilized site with a design that carefully considers the nearby uses and overall context. The PUD will provide new housing opportunities to District residents, including new affordable housing, and will help to continue the revitalization of the surrounding neighborhood by providing replacement units for the nearby Lincoln Heights and Richardson Dwellings residential communities. The PUD will also not have any unmitigated adverse traffic impacts on the surrounding neighborhood.

4. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(b)

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

D. Public Benefits and Project Amenities

The PUD guidelines require the evaluation of specific public benefits and PUD amenities for a proposed PUD. 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 Property under the matter of right provisions...." 11 DCMR Subtitle X § 305.2. A PUD 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 PUD for occupants and immediate neighbors." 11 DCMR Subtitle X § 305.10. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the PUD 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 Subtitle X § 304.3. Public benefits and PUD 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 PUD will help to achieve a number of the goals of the PUD process by creating a mixed-use, mixed-income, transit-oriented development. 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.

1. Historic Preservation (X-§ 305.5(e)). In connection with the PUD, the Applicant will renovate the historic Strand Theater, and will seek a commercial tenant to occupy the space.

The Strand Theater was listed on the DC Inventory of Historic Sites on June 26, 2008, and the National Register of Historic Places on November 25, 2008. When it opened in 1928, it was the first motion picture theater constructed east of the Anacostia River for African-American

patrons and was one of the centers of the Deanwood community's social life for more than 40 years. It was also reflective of the trend in the early motion picture industry to provide affordable but segregated neighborhood-based entertainment.

2. Affordable Housing (X-§ 305.5(g)). The PUD will result in the creation of new housing, including additional affordable housing units, consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. If the Property was developed as a matter of right under the existing MU-3 zone district, the PUD would only generate approximately 2,043 square feet of affordable housing. Of that amount, 50% would be reserved for households with incomes not exceeding 80% of AMI and 50% would be reserved for households with incomes not exceeding 50% of AMI. However, the PUD will result in approximately 74,928 square feet of gross floor area devoted to households with incomes not exceeding 60% of AMI. This is a significantly greater amount of affordable housing, and at deeper levels of affordability, than would have been required if the Property was developed as a matter-of-right under the existing MU-3 zone.

3. Employment and Training Opportunities (X-§ 305.5(h)). The Applicant has entered into a First Source Employment Agreement with the Department of Employment Services, which requires that District residents are given priority for new jobs created by municipal financing and development programs. The Applicant has also and a Certified Business Enterprise Agreement with the District Department of Small and Local Business Development to ensure that a preference is made to District-based firms pursuing District government issued procurement opportunities. Copies of these agreements are attached as Exhibits H and I, respectively.

4. Building Space for Special Uses (§ 305.5(j)). The Applicant is dedicating 1,223 square feet of the ground floor as a community room, which will be made available to the broader community for meetings and neighborhood activities.

5. Environmental Benefits (§ 305.5(k)). The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. It will employ environmentally sustainable strategies as called for in the Green Communities standard such as high efficiency mechanical systems, lighting, and windows; low flow plumbing systems; and energy star appliances; low emitting and recycled construction materials; and an extensive green roof and courtyard.

6. Uses of Special Value to the Neighborhood or the District as a Whole ((§ 305.5(q)) – Small Area Plan. The proposed development implements the "Physical Plan" element of the New Communities Initiative. Among other things, this small area plan calls for 140 replacement units for the Lincoln Heights and Richardson Dwellings properties, in order for those properties to be redeveloped with new mixed-income residential communities. The 28 replacement units programmed for the PUD will add to the 41 replacement units at 4800 Nannie Helen Burroughs, the 50 replacement units under construction at Deanwood Hills at 5201 Hayes Street (ZC Order No. 15-10), and the 35 replacement units proposed at the Progressive National Baptist Convention campus at 601 50th Street (ZC Case No. 17-08).

The Comprehensive Plan recognizes small area plans as one of the three tiers of planning for the District, and as providing supplemental guidance for the planning of particular neighborhoods. Small area plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, small area plans have been prepared for places in the city where District action was

necessary to manage growth, promote revitalization, or achieve other long-range planning goals.
10A DCMR § 104.8.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

B. Future Land Use Map – Moderate Density Residential/Low Density Commercial

The Future Land Use Map of the Comprehensive Plan designates the Property for Mixed-Use Moderate Density Residential and Low Density Commercial. A portion of the Future Land Use Map is attached hereto as Exhibit D. As described in the Framework Element of the Comprehensive Plan, the Moderate Density Residential category is:

used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.

10A DCMR § 225.4. The Low Density Commercial category is:

used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.

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).

Thus, in evaluating the proposed map amendment, the 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 Property from the MU-3 Zone to the MU-5-A Zone in order to construct an apartment house for residents with incomes not exceeding 60% AMI and replacement units for Lincoln Heights and Richardson Dwellings, is consistent with the

Comprehensive Plan’s designation of the Property, particularly given the fact that the MU-5-A (previously, the C-2-B Zone) is specifically identified as a corresponding zone district in the New Communities Initiative Plan, as discussed below.

C. Lincoln Heights & Richard Dwellings New Communities Initiative Revitalization Plan

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). The New Communities Initiative (page 39) specifically recommends that the Property be rezoned to the C-2-B District, which corresponds to the MU-5-A Zone under the Zoning Regulations of 2016. A portion of the Small Area Plan is attached hereto as Exhibit E. The Small Area Plan also specifically recommends that the Property be redeveloped as part of the “Town Center” and depicts the redevelopment of the Property with a five-story building and ground floor retail. Thus, when taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the Property from the MU-3 Zone to the MU-5-A Zone to construct the proposed PUD is consistent with the designation of the Property on the Comprehensive Plan and Small Area Plan designation of the Property.

D. Generalized Policy Map – Main Street Mixed-Use Corridor

The Generalized Policy Map of the Comprehensive Plan designates the Property as a Main Street Mixed Use Corridor. A portion of the Generalized Policy Map is attached hereto as Exhibit

E. Main Street Mixed Use Corridors are:

are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their 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.

10A DCMR § 223.14. The proposed map amendment will help implement the policies embodied in the Generalized Policy Map by strengthening the Nannie Helen Burroughs / Division Avenue Main Street Corridor through the redevelopment of underutilized and blighted parcels into an active and productive use. Redevelopment of the Property will benefit the existing businesses in the neighborhood and the District, generally. Furthermore, redevelopment of the Property will result in improvements to the public realm adjacent to the Property, thus improving pedestrian circulation along this portion of Division Avenue.

E. Compliance with Guiding Principles of the Comprehensive Plan

The PUD 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 diversity and asserts that the District “cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families [and prioritize] sustaining and prompting safe neighborhoods... and housing for families.” 10A DCMR § 217.2. Diversity also means maintaining and enhancing the District’s mix of housing types... [with] housing developed for households of different sizes, including growing families as well as singles and couples.” 10A DCMR § 217.3. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. 10A DCMR § 217.6. The PUD is fully consistent with each of these

goals since the PUD results in redevelopment of the Property into a vibrant, mixed-use, mixed-income development intended to attract a diverse population of residents.

2. Creating Successful Neighborhoods. One of the guiding principles for creating successful neighborhoods is to protect, maintain, and improve residential neighborhoods. 10A DCMR § 218.1. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. 10A DCMR § 218.3. Public input in decisions about land use and development is an essential part of creating successful neighborhoods, from development of the Comprehensive Plan, to implementation of the Plan's elements. 10A DCMR § 218.8. The PUD furthers these goals because it will simultaneously protect and improve the existing residential neighborhood while producing new affordable housing on a vacant site. The Applicant has engaged neighborhood stakeholders, and will continue to do so as part of the PUD process, to ensure that redevelopment of the site creates a positive impact on the neighborhood.

3. Building Green and Healthy Communities. One of the guiding principles 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. 10A DCMR § 221.3. The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. The PUD will employ environmentally sustainable strategies as called for in the Green Communities standard such as: high efficiency mechanical systems, lighting, and windows; low flow plumbing systems; and energy star appliances; low emitting and recycled construction materials; and an extensive green roof and courtyard.

F. Land Use Element

For the reasons discussed above, the PUD supports the following policies of the Land Use Element of the Comprehensive Plan:

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. In designing the PUD, and consistent with this policy element, the Applicant has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character and restoring the environment.

Policy LU-2.2.4: Neighborhood Beautification. Policy LU-2.2.4 encourages PUDs to improve the visual quality of the District’s neighborhoods. The development of the Property along with the restoration and reuse of the Historic Strand Theater will be a major improvement to its current condition.

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. Consistent with this policy element, the PUD will increase housing supply, protect the neighborhood character, and restore the environment. The PUD achieves this policy’s goal of “creating successful neighborhoods” through the redevelopment of the Property, including the historic Strand Theater.

G. Transportation Element

The overarching goal of the Transportation Element is to create a safe, sustainable, efficient and multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. *See* 10A DCMR § 401.1. The PUD is uniquely situated to help further several policies and actions of the Transportation Element of the Comprehensive Plan as follows:

Policy T-2.3.3: Bicycle Safety and Action T-2.3-A: Bicycle Facilities. This element encourages new developments to include bicycle facilities. The Applicant proposes to provide secure long term and short term indoor bicycle parking as an amenities that will accommodate and encourage bicycle use.

Policy T-3.1: Transportation Demand Management. The primary purpose of a TDM plan is to reduce the number of vehicles using the road system while providing a variety of mobility options to those who wish to travel. The Property is well served by several Metrobus routes, including six routes within 0.2 miles of the Property. The Applicant will work with DDOT to formulate a TDM Plan to encourage residents and visitors to use public transportation and bicycle options in the area.

H. 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." 10A DCMR § 501.1. The PUD will help achieve this goal by advancing the policies discussed below.

Policy H-1.1.3: Balanced Growth. In furtherance of this policy, the Applicant proposes to develop new housing on vacant and underutilized land. The housing will help the city meet its long-term housing needs, including the need for more affordable housing.

Policy H-1.1.5: Housing Quality. The PUD will generate approximately 86 residential units in a new environmentally-conscience building that respects the design of the surrounding neighborhood.

Policy H-1.2.1: Affordable Housing as a Civic Priority. The PUD is consistent with the primary goal of Policy H-1.2.1 of increasing the production of housing for low and moderate income households.

Policy H-1.3.1: Housing for Families. The PUD supports Policy H-1.3.1 by providing 14 new 2-bedroom units, which can accommodate families with children.

Policy H-1.4.4: Public Housing Renovation. Redevelopment of the Property will establish a community that incorporates 28 new replacement units for Lincoln Heights and Richardson Dwellings.

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 provides policies and actions on important issues such as energy conservation and air quality, and specific policies that include the following:

Policy E-2.2.1: Energy Efficiency: Promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses;

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promotes an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction;

I. Economic Development Element

The Economic Development element addresses the future of the District’s economy and the creation of economic opportunity for current and future District Residents. 10A DCMR § 700.1. The PUD will help achieve this goal by advancing the policies discussed below.

Policy ED-3.2.1: Small Business Retention and Growth: Encourages the retention, development, and growth of small and minority businesses through a range of District-sponsored technical and financial assistance programs.

Policy ED-4.2.12: Local Hiring Incentives: Has a stated goal of maintain requirements for resident job training and placement for PUDs built and/or operated with any form of public subsidy/loan, grant or other incentives.

The Applicant has entered into First Source Employment Agreement and CBE Agreement. The First Source Employment Agreement Act of 1984, requires that District residents are given priority for new jobs created by municipal financing and development programs. The CBE Agreement ensures that a preference is made to District-based firms pursuing District government issued procurement opportunities.

J. 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 designed the PUD to integrate with the character of the surrounding and the adjacent Strand Theater. Additionally, the development will bring new residents to this section of the Nannie Helen Burroughs corridor, creating more eyes on the street and enhancing safety. These aspects of the development promote Policy UD-2.2.1: Neighborhood Character and Identity; Policy UD-2.2.7: Infill Development; Policy UD-3.2.5: Reducing Crime Through Design.

K. Infrastructure Element

The Infrastructure Element provides policies and actions on the District's water, sanitary sewer, stormwater, solid waste management, energy, and telecommunication systems. 10A DCMR § 1300.1. The overarching goal for infrastructure is to provide high-quality, efficiently managed and maintained, and properly funded infrastructure to serve existing development, as well as future change and growth. 10A DCMR § 1301.1 The PUD will help achieve this goal by advancing the policies discussed below.

Policy IN-1.2: Modernizing Water Infrastructure: In conjunction with WASA, the District must consider the impacts of new development and ensure that water infrastructure will be able to meet future demand. Planned improvements to the water system involve normal maintenance to replace aging water distribution mains and small diameter pipes, and upgrades to keep pace with population growth and new development. This may also include the addition of new water storage facilities, increasing the capacity of certain water mains, and upgrading pump stations.

Policy IN-2.1.1: Improving Wastewater Collection: Provides for the safe and efficient collection of wastewater generated by the households and businesses of the District. Ensure that new development does not exacerbate wastewater system deficiencies, and instead supports improved system efficiency and reliability.

Policy IN-6.1.3: Developer Contributions: Requires that private developers fund the necessary relocation or upgrading of existing utilities to address limitations with existing infrastructure on or adjacent to proposed development sites. For necessary upgrades to water and

wastewater infrastructure, developers should contribute to the cost of extending utilities to the PUD site or upgrading existing utilities to the specifications necessary for their proposed PUD.

The Applicant will be required to coordinate with all applicable public utilities and District agencies during the permitting process, including DC Water, to ensure that adequate services will be available for the existing and new uses. The Applicant will also pay any required costs/fees associated with securing required utility permits for the PUD. As a result, the PUD is not inconsistent with the Infrastructure Element.

L. Far Northeast and Southeast Area Element

The Property is located within the Far Northeast & Southeast Area Element of the Comprehensive Plan. Far Northeast and Southeast is known for its stable, attractive neighborhoods and its diverse mix of housing. 10A DCMR § 1700.2. Planning and development priorities in the Far Northeast and Southeast Area include providing a variety of new housing choices. 10A DCMR § 1707.2. The PUD is consistent with a number of specific policies as well, including Policy FNS-1.1.2: Development of New Housing and Policy FNS-1.1.3: Directing Growth.

M. Implementation Element

The development of the Property to advance the objectives of the New Communities Initiative promotes the following principles and policies in the Implementation Element of the Comprehensive Plan:

IM-1.2 Small Area Planning. Small area plans cover defined geographic areas that require more focused direction than can be provided by the Comprehensive Plan. The intent of such plans is to guide long-range development, stabilize and improve neighborhoods, achieve citywide goals, and attain economic and community benefits. The Comprehensive Plan Area Elements identify

where small area plans should be prepared, with an emphasis on the Land Use Change Areas, Enhancement Areas, and business districts shown on the Comprehensive Plan's Generalized Policies Map. As these small area plans are completed, future amendments to the Comprehensive Plan should identify subsequent generations of small area plans. ANC and public involvement in the development of small area plans is desired and expected. 10A DCMR § 2503.1.

Policy IM-1.2.1: Small Area Plans. Prepare small area plans and other planning studies for parts of the city where detailed direction or standards are needed to guide land use, transportation, urban design, and other future physical planning decisions. The focus should be on areas that offer opportunities for new residential, commercial, and mixed use development, or areas with problems or characteristics requiring place-specific planning actions. Use the Comprehensive Plan Area Elements, the Generalized Policies Map, and land use monitoring activities to identify areas in the city where such plans are needed. Citizens shall have the right to petition or suggest small area plans to be proposed by the Mayor. 10A DCMR § 2503.2.

Policy IM-1.2.2: Protocol for Small Area Plans. Ensure that small area plans take a form appropriate to the needs of the community and reflect citywide needs, District and neighborhood economic development policies and priorities, market conditions, implementation requirements, competing demands, available staffing resources and time, and available funding. Such plans should address such topics as neighborhood revitalization and conservation needs and strategies, aesthetic and public space improvements, circulation improvements and transportation management, capital improvement requirements and financing strategies, the need for zoning changes or special zoning requirements, and other implementation techniques necessary to achieve plan objectives. Small area plans should be adopted by the Council and used to supplement the

Comprehensive Plan. If necessary, Comprehensive Plan amendments should be introduced to ensure internal consistency for the areas involved. 10A DCMR § 2503.

V. CONCLUSION

For the reasons stated above, the Applicant submits that the PUD and Zoning Map amendment applications meet the standards of Subtitle X, Chapter 3 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:

HOLLAND & KNIGHT LLP

By: *Leila Batties*
Leila M. Jackson Batties, Esq.
Joseph O. Gaon, Esq.
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
(202) 955-3000