

# 1000 4<sup>th</sup> Street SW

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## APPLICATION FOR REVIEW AND APPROVAL OF A SECOND-STAGE PLANNED UNIT DEVELOPMENT

May 15, 2018

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## **DEVELOPMENT TEAM**

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## I. INTRODUCTION AND BACKGROUND

### A. OVERVIEW

WFS2 LLC, an affiliate of P.N. Hoffman & Associates, Inc. (the “**Applicant**”) seeks review and approval of a second-stage planned unit development (“**PUD**”) for the construction of an eleven-story mixed-use building with ground floor restaurant/retail, arts/cultural, and educational/daycare uses, approximately 456 residential units (with 30% of the units set aside as affordable housing, with some units set aside for households earning up to 30% of the Median Family Income (“**MFI**”) and the balance of the units set aside for households earning up to 50% MFI), and approximately 214 below-grade parking spaces (the “**Project**”) at 1000 4<sup>th</sup> Street, SW (Square 542, Lot 822) (the “**NE Parcel**”). The Applicant is the developer of the Project pursuant to a Land Disposition and Development Agreement with the District of Columbia acting by and through the Office of the Deputy Mayor for Planning and Economic Development (“**DMPED**”). The Project also includes public benefits (the “**Project Public Benefits**”) in addition to those required under the first-stage PUD. The Project Public Benefits include: superior urban design, architecture, and landscaping; site planning and efficient land utilization; housing and affordable housing in excess of the matter of right requirements; educational and arts uses; LEED Gold design; and an outdoor children’s play area, all as described in more detail in Section V.

This application is submitted in accordance with the first-stage PUD and Subtitle X, Chapter 3 and Subtitle Z of the Zoning Regulations of the District of Columbia (“**ZR16**”). See Exhibits A-E, attached hereto. The District of Columbia Zoning Commission (“**Commission**”) approved the first-stage PUD in Z.C. Order No. 02-38A (attached hereto as Exhibit F and as amended and extended, the “**Waterfront Station PUD**”). The Waterfront Station PUD authorized an eight-parcel, mixed-use development in the Southwest quadrant of the District.

The NE Parcel is the final phase of development and final development parcel within the boundaries of the Waterfront Station PUD.

B. HISTORY AND OVERVIEW OF WATERFRONT STATION

The Waterfront Station PUD approved the redevelopment of (i) the 1960s-era Waterside Mall and (ii) a pair of 130-foot tall federal government-occupied towers. Today, Waterfront Station is a little more than 50 percent built out.

The Waterfront Station PUD was created through a public-private redevelopment partnership, and this application is the final component of that redevelopment strategy. At the time of the initial first-stage PUD approval, public agencies owned the land in the area subject to the first-stage PUD. A private-sector joint venture led by Forest City Washington, in partnership with The Kaempfer Company and Bresler & Reiner, Inc., led the efforts to obtain the first-stage PUD approval for the Waterfront Station PUD. Between 2006 and 2008, the public agencies transferred all of the land within the Waterfront Station PUD—with the exception of the NE Parcel—to the private partners. From the outset of the Waterfront Station redevelopment efforts through today, the NE Parcel has remained under the control of various public agencies.

The Waterfront Station PUD includes eight development parcels.<sup>1</sup> Five of the eight parcels are fully constructed pursuant to previous second-stage PUDs approved by the Commission. Two of the remaining parcels along M Street, SW are the subject of a 2017 application by Forest City Washington that is currently pending in Z.C. Case No. 02-38I. The remaining eighth parcel is the subject of this application. Exhibit G to this Statement contains a summary of the existing orders and approvals for Waterfront Station.

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<sup>1</sup> In 2007, the Commission approved the Waterfront Station PUD, which amended and restated the original 2003 first-stage PUD and Zoning Map amendment for the redevelopment of the Waterside Mall and adjacent federal government office towers.

At the time the Waterfront Station PUD was approved, the overall PUD site was located entirely within the C-3-B zone district. The Zoning Map amendment related to the Waterfront Station PUD rezoned the PUD site to the C-3-C zone district.

The Waterfront Station PUD authorizes a total of 2,526,500 square feet of gross floor area (“**GFA**”) over approximately 584,655 square feet of land area (approximately 13.42 acres), including the now-reopened 4<sup>th</sup> Street, SW. The overall floor area ratio (“**FAR**”) authorized under the Waterfront Station PUD is 4.33. The first-stage PUD established: the overall mix of uses for Waterfront Station, specific heights for each of the development parcels, an overall parking requirement for a minimum of 1,087 spaces, and a maximum overall lot occupancy of up to 63 percent. The Waterfront Station PUD also established a PUD-wide public benefits package (“**Waterfront Station Public Benefits**”), which included (i) an affordable housing commitment, (ii) a ground-floor retail requirement, and (iii) the re-opening of 4<sup>th</sup> Street, SW, which had been closed and occupied by the former Waterside Mall. **Exhibit H** contains a summary of the Waterfront Station Public Benefits and the status of the conditions in the order approving the first-stage PUD.

#### C. THE APPLICANT

The NE Parcel is today owned by the District through DMPED. The Applicant controls the NE Parcel and Project through a long-term ground lease arrangement with DMPED. The ground lease has been approved by the D.C. Council as of April 10, 2018.

P.N. Hoffman & Associates, Inc. is one of the District’s premier developers of urban mixed-use neighborhood transformation projects. Formed in 1993, P.N. Hoffman has become one of the largest mixed-use developers in the District. P.N. Hoffman has successfully completed 50 developments in the DC area, including PUD entitlements and numerous developments with historic resources. Most recently, P.N. Hoffman has opened 2.1 million square feet of

development in Southwest and has another 2.2 million square feet of additional development in the pipeline. P.N. Hoffman's mixed-use PUD redevelopment of the Riverside Baptist Church, which the Commission approved as a PUD in Z.C. Case No. 15-05, is just a few blocks away from Waterfront Station and is currently under construction.

## **II. PROPERTY AND NEIGHBORHOOD DESCRIPTION**

### **A. THE NE PARCEL**

The NE Parcel is located in the northeast corner of the overall Waterfront Station PUD and has a land area of approximately 59,044 square feet. The subject property fronts on 4th Street, SW and is currently a vacant lot. Across 4<sup>th</sup> Street, SW to the west of the NE Parcel is Forest City's "Eliot on 4<sup>th</sup>," a multifamily residential building with ground floor retail.

Immediately to the north of the NE Parcel is a tree-lined allée that separates the subject property from the Christ United Methodist Church property at the corner of 4<sup>th</sup> Street, SW and I Street, SW. Immediately to the south of the NE Parcel is the mixed-use office and retail building at 1100 4<sup>th</sup> Street, SW approved as part of the Waterfront Station PUD ("**1100 4<sup>th</sup> Street**"). The 1100 4<sup>th</sup> Street building contains various District government offices on the upper levels, ground floor retail, including notably a full-size Safeway grocery store and a CVS Pharmacy, and below-grade parking. The upper levels of 1100 4<sup>th</sup> Street are set back from the property line adjacent to the NE Parcel by 24 feet.

Wesley Place, SW and a private alley form the eastern border of the NE Parcel. The Southwest Neighborhood Library, a branch of the District's public library system, is opposite Wesley Place, SW from the subject property. The existing "1001 at Waterfront Apartments" building and related parking, the subject of an approved PUD in Z.C. Case No. 12-14, are opposite the private alley from the NE Parcel.

## B. THE NEIGHBORHOOD

The NE Parcel is located within Waterfront Station. Waterfront Station is a transit-oriented, centrally-located town center that is nearing maturation. The NE Parcel is located less than 1000 feet from the Waterfront-SEU Metrorail Station served by WMATA's Green Line. The commercial corridor of 4<sup>th</sup> Street, SW created via the Waterfront Station PUD provides a spine of neighborhood-serving retail for the Southwest DC neighborhood.

Waterfront Station is centrally located. It is less than a mile from the National Mall, the U.S. Capitol Building grounds, L'Enfant Plaza, the Wharf, and the Nationals Ballpark. In addition to great transit access, the NE Parcel has convenient access to the Southeast Freeway, Interstate 395, Maine Avenue, and South Capitol Street.

The blocks surrounding Waterfront Station contain a mix of existing high-rise and garden-style multifamily buildings, with much of the existing building stock dating to the urban renewal era of Southwest DC. The current development in the neighborhood reflects modern and contemporary urban design trends while paying homage to the mid-century modern aesthetic that currently exists in Southwest DC. The recent development continues the town center's prevailing medium to high density residential condition. Formerly empty lots along M Street, SW within and in the vicinity of Waterfront Station are either under construction with new multifamily housing or still undergoing development reviews. Arena Stage and The Wharf are regional attractions that draw visitors and workers from across the District and the greater metropolitan area. The opening of The Wharf and adjacent pedestrian accommodations reconnect Waterfront Station and greater Southwest DC to the waterfront.

### **III. PROJECT DESCRIPTION**

#### **A. OVERVIEW**

Consistent with the plans for the NE Parcel approved in the Waterfront Station PUD, the Project is a pedestrian- and transit-oriented, mixed-use, eleven-story building. The Project contains approximately 456 residential units, approximately 29,182 square feet of community-serving ground floor uses and approximately 214 below-grade parking spaces. The Project's ground floor includes space for retail, service, and eating and drinking establishments, space for an arts or cultural use, and space for an educational or daycare use. Thirty percent of the Project's residential units are reserved as affordable at 30% MFI and 50% MFI. **Exhibit M** includes plans depicting the Project (the "**Plans**").

Program. The Project's massing and uses are consistent with the proposal for the NE Parcel approved in the Waterfront Station PUD. Under the Waterfront Station PUD, the Commission approved for the NE Parcel a building with approximately 400,000 square feet of GFA and a maximum height of 114 feet. The Waterfront Station PUD imposed a site-wide maximum lot occupancy of up to 63 percent. Accounting for the Project, the lot occupancy of the existing and currently-proposed buildings PUD-wide is approximately 55 percent.

The Waterfront Station PUD also requires ground floor retail and neighborhood-serving uses, focused along 4<sup>th</sup> Street, SW. The Project's ground floor uses include approximately 11,404 square feet of neighborhood-serving space for retail, service or eating and drinking establishments; the Applicant intends to include a restaurant in this space. The ground floor also contains approximately 9,000 square feet devoted to an arts or cultural use. The Applicant is in active discussions to lease this space to the Forum Theater as a 150-seat theater. Finally, the ground floor contains approximately 9,000 square feet devoted to an educational or daycare use. The Applicant is in active discussions to lease this space to Appletree to operate as a pre-

kindergarten for approximately 176 students. Appletree currently operates a pre-kindergarten in Southwest that serves many Southwest children, and the Project's space provides an expanded space to serve these students and other Southwest residents in a new, centrally-located location.

The Project contains approximately 456 total residential units, with a mix of studios, one-bedroom units, and two-bedroom units; some of the one-bedroom and two-bedroom units also contain dens. The Waterfront Station PUD called for approximately 80,000 square feet of affordable housing set aside at 80% MFI for a period of 20 years at this site. The Project significantly exceeds the amount, level of affordability, and duration proffered in the initial first-stage PUD. For the duration of the Applicant's ground lease of the Property, the Applicant will reserve 30% of the units (or approximately 137 units, which equates to approximately 117,000 square feet of gross floor area) as affordable housing. This is well in excess of the amount and duration of affordability that is required. Furthermore, for the first fifty years of the Project, the Applicant will set aside half of those affordable units at 30% MFI and half of those units at 50% MFI. After those fifty years and for the remainder of the ground lease, the Applicant will set aside 25% of the affordable units at 30% MFI and 75% of the units at 50% MFI. This provides a significantly deeper level of affordability than what was proffered in the first-stage PUD.

Site Plan. The Project's proposed site plan is consistent with the Waterfront Station PUD. Consistent with the plans approved as part of the first-stage PUD, the Project includes a single "U"-shaped structure built to the lot line along the southern, western, and eastern edges at the building base. Along the northern boundary of the NE Parcel, the primary mass of the building is set back from the lot line by approximately 35 feet. The northern façade set back creates the private drive from 4<sup>th</sup> Street, SW to Wesley Place, SW contemplated in the Waterfront Station PUD (the "**Private Drive**"). An existing curb cut along 4<sup>th</sup> Street, SW serves as the western

vehicular entrance to the Private Drive. Adjacent to the Private Drive is a pedestrian sidewalk that includes ample space for outdoor seating and café tables at its western end and a play area at its eastern end. The play area serves the Project's pre-kindergarten use during school hours and young children from the greater community during certain times outside of school hours.

The Project's site plan builds on the existing context of Waterfront Station and surrounding uses and reinforces the Project's ground floor uses. Consistent with the existing character of 4<sup>th</sup> Street, SW, retail, service and/or eating and drinking establishment uses line the Project's western ground floor façade. The Project completes an important segment in the stretch of streetscape between M Street, SW and I Street, SW. To help activate the pedestrian plaza immediately to the north of the Project, the Project's ground floor commercial and neighborhood-serving uses also turn the corner from 4<sup>th</sup> Street, SW along the Private Drive.

The Project's residential lobby is located with an entrance from 4<sup>th</sup> Street, SW to promote pedestrian activity on that street. On floors two through eleven the Project's residential units are configured along double-loaded corridors. The residential levels of the Project also include approximately 7,500 square feet of interior amenity space for residents on the second and penthouse levels. All ground floor uses and the residential uses share interior corridor access to the Project's loading facilities.

The Project's parking and loading is accessible via an existing private alley from Wesley Place, SW along the eastern side of the building. This locates the vehicular entrance away from pedestrian activity and places loading access adjacent to the building services and loading for 1100 4<sup>th</sup> Street.

Urban Design. The Project's orientation is a significant component of its urban design strategy and offers a bit of uniqueness while still respecting the immediate and surrounding

neighborhood context. The Project brings together the tilted axis of 4th Street, SW with the more regular street grid of the L'Enfant Plan. As historical background, the L'Enfant 4<sup>th</sup> Street, SW was closed in the 1960s for the construction of the Waterside Mall and Waterfront-SEU Metrorail station. When 4<sup>th</sup> Street, SW was reopened as part of the Waterfront Station PUD in the later part of the last decade, it was designed with a subtle curve rather than in a true rectilinear fashion in order to accommodate the presence of the Metrorail station. Taking into account this existing condition, the north façade of the Project's podium is oriented orthogonally to the irregular configuration of 4<sup>th</sup> Street, SW and therefore establishes the street grid in a manner similar to the condition of other buildings constructed under the Waterfront Station PUD. However, the west-facing ground level façade, the second floor and eleventh (top) floor are oriented to align with the historical L'Enfant street grid.

The effect of reorienting the bottom and top floors is to establish an overall frame that is consistent with the prevailing orientation of high-rise buildings throughout the Southwest quadrant. The third through tenth floors of the Project are skewed slightly relative to the orthogonal L'Enfant grid and align with the oblique angle of 4<sup>th</sup> Street, SW. Similar to the Eliot, and as originally approved in the Waterfront Station PUD, the Project's overall form is an inverted "U" shape. The upper levels wrap around a courtyard on the south side of the Project allowing maximum penetration of light to south-facing windows.

The Project's height is a vital component of the overall urban design strategy for Waterfront Station, as it establishes the importance of the 4<sup>th</sup> Street corridor. The NE Parcel, like the parcels at the other three corners of the first-stage PUD site, was approved for a maximum of 114 feet. From the north, the Project's 114 foot height creates a balanced composition with the similar height of the Eliot on the west side of 4<sup>th</sup> Street, SW. Together, the Project and the Eliot

frame the 4<sup>th</sup> Street, SW entrance into Waterfront Station. In the other direction, but for the intervening above-grade highway and railway overpasses, a view to the north from 4<sup>th</sup> Street, SW between the Project and the Eliot would terminate at John Marshall Park north of the National Mall.

Landscaping and Streetscaping. The Project provides new landscaping and streetscaping along both its public street frontages and along the proposed Private Drive. The Project's 4<sup>th</sup> Street, SW streetscaping continues the pedestrianized character of that corridor. The Applicant proposes to maintain the current material and furnishing palette. The standard DC concrete sidewalk will be extended where necessary to meet the building face. New streetscape and additional street trees will be provided on the Project's eastern side, along Wesley Place, SW.

As the primary landscaping feature of the Project, the Private Drive and adjacent hardscaping and landscaping along the north side of the Project are central elements of the Project's placemaking strategy. The Private Drive's roadway varies in width from 12 to 19 feet and is intended to accommodate vehicle queueing for pick-up and drop-off at the pre-school and for events at the theater. Removable bollards are located at either end of the Private Drive so that it can be intermittently closed off to vehicular traffic for festivals and similar community events.

In addition to the ground-level streetscaping and landscaping, the roof of the podium and portions of the roof of the tower also contain landscaping. The Project's landscaping also provides private and semi-public amenity spaces for building residents. The landscaping includes an interior courtyard on the second floor comprised of both semi-private patios and public spaces for building residents to gather. The central focus of the courtyard is a green planted area with trees and perennials and flanked by a water feature. The penthouse roof provides a similar range of semi-private and public outdoor spaces for building residents. Patios for individual units are

separated from one another by pockets of green roof plantings or screens. The shared amenity space includes a swimming pool and terrace for the use of all building residents.

Architecture and Materials. The Project's architecture and materials are designed to be contextually appropriate and high quality. The Project is primarily composed of a rainscreen panel system similar to that on adjacent buildings, set atop a two-story base designed with storefront glass, which presents a unified, double-height pedestrian experience at street level. As described above, the Project's form incorporates a combination of rectilinear and angular geometries that shift the fourth through tenth floors and create dynamic balconies and views on the north and west facades. Materiality changes further accentuate this dichotomy through the use of concrete for the balconies, which evokes the mid-century residential buildings that characterize Southwest DC. Several second floor and penthouse-level units include private walkout terraces. Nearly 48% of the Project's units are anticipated to include a private balcony or other outdoor space.

The Plans include general descriptions of the materials anticipated for the exterior of the Project. The Applicant will continue to refine the precise materials and colors for the Project and present updates in a future submission and a material board at the public hearing on the Application.

Parking and Loading. All of the Project's parking and loading is fully-enclosed. Vehicle parking is provided in two below-grade levels containing a total of 214 spaces. Bicycle parking with a total of approximately 161 long-term spaces is located in a secure facility on the upper level of the garage. The Project also provides 14 bicycle racks (i.e., 28 short term parking spaces) on the surrounding sidewalks. Fully-enclosed, at-grade, back-in loading berths and trash facilities are provided from the private alley at the rear of the Project.

Sustainability. The Project achieves a high level of sustainability consistent with the District's Anacostia Waterfront Initiative. The Project will be certified by the U.S. Green Building Council at a minimum level of LEED Gold 2009. Significant sustainability elements are currently intended to include a VRF HVAC system, rooftop solar panels, green roofs, use of recycled materials, and a water management/harvesting system. Although the Project is exempt from the green area ratio ("GAR") requirements by virtue of the Waterfront Station PUD having been adopted prior to the effectiveness of such requirements, the Project integrates green features that achieve the same effect.

B. CONSISTENCY WITH THE WATERFRONT STATION PUD AND ZONING

The Project is consistent with the parameters of the first-stage PUD. The Applicant does not seek any modifications to the approved first-stage plans. Attached as Exhibit H is a summary of the conditions to the first-stage order. The Applicant does not anticipate any modifications to those conditions. The only changes of note for the Project relative to the approved PUD is that the Project includes a habitable penthouse, which was not contemplated at the time of the first-stage PUD approval, but which is allowed under the substantive provisions of ZR58.

The Project is also designed to be consistent with the Zoning Regulations. Because the Waterfront Station PUD was approved prior to the adoption of ZR16 and because the Applicant does not seek to modify that approval, the substantive requirements of the 1958 Zoning Regulations ("ZR58") apply to the Project. (Notwithstanding the foregoing, as noted above, this application is subject to the procedural requirements of ZR16.) The Project complies with the substantive requirements of ZR58 except for the side and rear yard requirements and except as modified by the Waterfront Station PUD.

C. DEVELOPMENT INCENTIVES AND ZONING AND OTHER FLEXIBILITY REQUESTED

The Applicant requests flexibility from the side and rear yard requirements. The Project does not require any modification from the Waterfront Station PUD.

The Project's side yards—along 4<sup>th</sup> Street, SW and Wesley Place, SW—do not comply with the requirements of the C-3-C zone, which does not require any side yard be provided but requires that any side yard provided be at least 2 inches for each foot of building height. *See* 11 DCMR § 775. For the Project, which is 114 feet, any side yard would need to be at least 19 feet. The Project's side yard along 4<sup>th</sup> Street varies in width from 12 feet to 0 feet as it tapers off with the angle of 4<sup>th</sup> Street; the Project's side yard along Wesley Place is 4 feet wide. The two side yards are the direct result of the Property's unique configuration and context. Along 4<sup>th</sup> Street, SW the side yard is created by the architectural decision to align the ground floor of the building to the historical L'Enfant grid, which creates a setback from the oblique orientation of 4<sup>th</sup> Street, SW. The side yard along Wesley Place, SW is created by the Applicant's desire to create a sidewalk along that frontage. Wesley Place, SW is itself otherwise too narrow. Both of the Project's non-conforming "side yards" are adjacent to public streets, which means there is ample open space on either side of the building. (Under ZR16, the two side yards would not require relief because each could be considered a "front" yard pursuant to Subtitle B, Section 313.1 and therefore would not need to comply with the side yard requirements.)

The Project's rear yard to the north of the building also does not comply with the requirements of the C-3-C zone, which requires a rear yard of approximately 28 feet for the full width of the lot. All or portions of two to three balconies on floors 4 through 10 of the building project into the required rear yard by four feet or less. These balconies represent a minimal incursion into the required rear yard, add articulation, visual interest, and private outdoor space.

The rear yard abuts a 45-foot wide District-owned parcel that separates the NE Parcel from the church to the north and that provides ample open space at the rear of the Project.

The Applicant seeks flexibility with the design of the Project as follows:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
2. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the final plans;
3. To make minor refinements to exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes: (i) to comply with Construction Codes that are otherwise necessary to obtain a final building permit or (ii) to address the structural, mechanical, or operational needs of the building uses or systems that do not significantly alter the exterior design as shown on the plans;
4. To vary the final number of residential units plus or minus 10 percent, and accordingly adjust the number and location of affordable units to reflect the final unit mix of the Project;
5. To vary the final number of parking spaces between 200 and 220 parking spaces;
6. To vary the final streetscape design and materials in the public right-of-way, in response to direction received from District public space permitting authorities;
7. To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
8. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements;
9. To vary the Project's signage within ranges to be depicted in a future filing. Although the Plans do not yet depict the Project's signage, the Applicant anticipates requesting flexibility related to the Project's signage in association with detailed signage plans to be provided in a later filing.

#### **D. PROJECT GOALS AND OBJECTIVES OF USING THE PUD PROCESS**

The PUD process provides Advisory Neighborhood Commission 6D (“ANC”), the surrounding community at large, and various District agencies and stakeholders the tools to ensure that the Project is well-designed and best meets the needs of the community and the District. The second-stage PUD process continues to allow the public to provide input on whether the proposed uses and design are consistent with the first-stage PUD and complementary to the existing neighborhood and the community’s vision for Waterfront Station and Southwest DC. The Project provides high-quality housing, affordable housing, and community-serving ground floor uses in an emerging mixed-use neighborhood in close proximity to transit. The PUD process provides the participatory public framework for realizing the potential of the NE Parcel and for providing benefits and amenities that enhance the surrounding community.

#### **E. COMMUNITY OUTREACH**

The Applicant has engaged in an extensive community engagement process to understand the preferences of neighbors and other stakeholders for the design and use of the Project. As part of its response to DMPED’s request for proposals (“RFP”) for the Project, the Applicant met with the ANC and solicited feedback. More recently, the Applicant has held discussions about the Project with multiple stakeholders over the past few months. The Applicant has met with the Office of Planning and the District Department of Transportation to discuss its proposal. Additionally, the Applicant met with ANC 6D representatives in an executive session and gave a detailed information presentation on the Project to the full ANC at its January 8, 2018 meeting. The ANC previously adopted a resolution in support of the Applicant as part of the DMPED’s RFP process. The Applicant plans to return to meet with the full ANC prior to the public hearing for an ANC vote on a resolution on the Project. The Applicant has also met with representatives

from the neighboring Christ United Methodist Church and the nearby Westminster Presbyterian Church. The Applicant has also had discussions with owners of other nearby and adjacent properties.

The Applicant's engagement with neighbors and District stakeholders has already resulted in improvements to the Project. The Applicant anticipates continuing its outreach as the application progresses towards a public hearing.

F. DEVELOPMENT TIMETABLE

The Applicant anticipates commencing construction on the Project in Q1 2020 and expects construction will take 24-30 months with substantial completion for delivery by Q3 2022.

**IV. THE PROJECT HAS NO UNACCEPTABLE IMPACTS ON THE SURROUNDING AREA OR THE OPERATION OF DISTRICT SERVICES AND FACILITIES.**

The Project does not result in unacceptable impacts on the surrounding area or on District services or facilities. Any impacts of the Project are either favorable, capable of being mitigated, or, as described more fully below in Section VII.C, acceptable given the quality of the Project Public Benefits.

A. ZONING AND LAND USE IMPACTS

The Project has no unacceptable zoning or land use impacts, and any such impacts are either favorable, capable of being mitigated or acceptable given the quality of the Project Public Benefits. The Commission approved the zoning for the NE Parcel as part of the Zoning Map amendment included with the Waterfront Station PUD. As noted in the order for the Waterfront Station PUD, the zoning approved therein does not create adverse impacts that cannot be mitigated by the conditions of that order. *See Exhibit F at Findings of Fact ¶ 96.*

From a land use perspective, the Project has no unacceptable impacts. The Project's uses are all compatible with existing uses in and around the Waterfront Station PUD. The Project's

ground floor uses add to and enhance the critical mass of neighborhood-serving retail and service establishment uses along 4<sup>th</sup> Street, SW. The cultural and educational uses provide 15-hour activity to help support other retail and service uses in the town center surrounding the Project and serve Southwest residents. The Project's housing and affordable housing contribute to the much-needed supply of transit-accessible housing in the District. The Project's play area is a benefit for families with children living in the neighborhood or visiting the town center.

The proposed uses, height, density, and zoning are consistent with the approved Waterfront Station PUD and are appropriate in light of the Project's proximity to the Metrorail station. Any adverse effects from the proposed mix and intensity of uses are either capable of being mitigated or acceptable given the quality of the Project Public Benefits.

#### B. HOUSING IMPACTS

The Project's housing impacts are all favorable. As noted above, the Project contributes 456 new units of multifamily housing in a transit-oriented location. Significantly, the Project adds approximately 137 new units of affordable housing reserved for households earning below 30% MFI and 50% MFI. As noted above, the Project includes a mix of unit types ranging from studios to two-bedroom units with dens, which accommodate a variety of household sizes.

The Project's contribution of housing supply is an impact of the Project that contributes favorably to the District's housing situation. In addition, because the NE Parcel is currently a vacant lot, all of the Project's housing is net new housing and there is no displacement of or effect on any existing housing. Because the Project is located immediately proximate to a Metrorail station, it is most appropriate to develop the property with unit types that appeal to smaller households and small families, consistent with Comprehensive Plan policies that call for density to be focused at Metrorail stations and near transit stops. Southwest enjoys an existing

mix of housing types, including large numbers of townhouses with three or more bedrooms located a few blocks to the north and south of the Metro station.

### C. ECONOMIC IMPACTS

The Project has no unacceptable economic impacts, and its economic impacts are generally favorable. The Project generates multiple sources of direct revenue for the District, including not only its ground lease rent but also property tax revenue, sales tax revenue from its commercial establishments, and income tax from its new residents. In addition, the Project also generates secondary benefits, such as sales tax revenue associated with its new residents. The Project also has positive economic impacts on nearby neighborhood-serving businesses because the Project adds many new residents who will patronize such businesses. Similarly, its cultural and educational uses will draw some visitors from outside of the immediate neighborhood that will also patronize nearby businesses.

The Project is unlikely to have any adverse impacts on nearby property values. The Project infills an existing vacant lot at a Metrorail station with high-density residential and supporting commercial uses, consistent with the Comprehensive Plan, the Southwest Neighborhood Plan, the Waterfront Station PUD, and the intent of the D.C. Council when it approved the disposition of the NE Parcel. By improving a vacant lot with new construction as well as new retail and other neighborhood-serving uses, the Project improves existing conditions and will likely result in an increase in surrounding property values, which benefits surrounding residential and commercial property owners. The Project's neighborhood-serving uses and other amenities, such as the improved streetscape and proposed tot lot, also benefits others who work and live in the Southwest neighborhood. At the same time, the Project includes meaningful amounts of affordable housing set aside for the duration for the ground lease, which ensures the

continued provision of affordable rental housing in the immediate area even as property values otherwise rise.

D. OPEN SPACE, URBAN DESIGN, AND MASSING IMPACTS

The Project has no unacceptable impacts on surrounding open space or on the urban design and massing of Waterfront Station and the surrounding area. The Project's Private Drive enhances the allée to the north of the NE Parcel, the Project's new residents and activity center contribute to the creation of a neighborhood that celebrates and enhances open spaces within and immediately around Waterfront Station. The Project's urban design and massing are compatible with surrounding development and consistent with the master-planned design for the Waterfront Station PUD. From an urbanism perspective, the Project's infilling of a currently vacant lot is a favorable impact and leads to no unacceptable impacts on the surrounding area.

Shadows to the north of the NE Parcel are one potential impact of the Project. The Project's shadows stem from its height and mass, which are appropriate given the transit-oriented location at the center of Southwest. The potential shadow impacts are mitigated by the distance between the Project and the nearest structure to the north, which is 80 feet away because of the combination of the Project's approximately 25-foot setback from its northern property line and the intervening 45-foot wide District-owned land containing the allée of trees. This is consistent with the first-stage PUD and with the massing approach approved for the Eliot building to the west, which is similarly proximate to a lower-scale church building. The modest shadow impacts that remain in winter months are acceptable given the quality of the Project Public Benefits as well as the overall amounts of housing, affordable housing, and other beneficial uses created by the PUD.

The Project has favorable impacts on the surrounding area from a design and aesthetic perspective. The Project includes high-quality architecture. The Project also enhances the

surrounding urban realm with streetscape areas such as bicycle racks as well as landscaping with materials and plantings that are intended to be long-lasting and sustainable. The Project's architecture is designed to fit into and enhance the rich mid-century and contemporary vocabulary of Southwest DC. The Project's design imposes no unacceptable impacts on the surrounding area.

E. TRANSPORTATION AND MOBILITY IMPACTS

The Project has no unacceptable transportation or mobility impacts. Instead, any such impacts of the Projects are either capable of being mitigated or acceptable given the quality of the Project Public Benefits. The Project is located close to a Metrorail station and the Applicant expects that many residents, employees, and visitors of the Project will travel via transit. The Project provides ample bicycle parking and is located proximate to both 4<sup>th</sup> Street and I Street, which provide north-south and east-west connections for cyclists through and beyond Southwest. The Property is not eligible for participation in the District's residential permit parking system, and in any event the Project provides an appropriate amount of below-grade parking in order to avoid residents parking on nearby streets but not so much parking as to induce an inappropriate amount of vehicular traffic for a location so well-served by transit. Finally, the Project's Private Drive accommodates pick-up and drop-off activities for the cultural and educational uses, which avoids queuing in the alley or on the street. The Applicant has retained Gorove/Slade Associates to prepare a full comprehensive transportation review ("CTR"), which will be filed prior to the public hearing. The scope of the CTR will be fully vetted with DDOT prior to its preparation.

F. ENVIRONMENTAL AND DISTRICT UTILITY IMPACTS

The Project has no unacceptable impacts on the environment or District utilities that are not capable of being mitigated. Attached as Exhibit I is a detailed summary of the Project's environmental and utility impacts.

## G. PUBLIC FACILITIES: PUBLIC SCHOOLS, LIBRARIES, AND PARKS

The Project has no unacceptable impacts on public facilities such as schools, libraries, or parks, and the Project's impacts are generally favorable or capable of being mitigated.

The Project is highly unlikely to have an unacceptable impact on schools in the District given the size of the Project, its mix and type of units, and the capacity for the District's nearby schools to take on additional students. The Applicant expects that the school network is able to accommodate the school-age children that may reside at the Project.

- As of the 2017-18 school year, the Project is within the boundaries of Amidon-Bowen Elementary School at 401 I Street, SW; Jefferson Middle School Academy at 801 7<sup>th</sup> Street, SW; and Eastern High School at 1700 East Capitol Street, NE.<sup>2</sup> DCPS data show that the Property's in-boundary schools are generally below capacity based on the most recently available data: for 2016-17, Amidon-Bowen had an enrollment of 350 students in a building with a capacity for 400; Jefferson had an enrollment of 305 students in a building with a capacity for 567; and Eastern had an enrollment of 818 students in a building with a capacity for 1,100.<sup>3</sup>
- In addition, several other private and charter schools (such as Appletree) are in the general vicinity of the Project, offering educational options to residents who may seek alternatives to the neighborhood public schools. The Project accommodates the relocation and expansion of Appletree's local pre-kindergarten program into a new, centrally-located space.

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<sup>2</sup> District of Columbia Public Schools, *Enrollment Boundary Information System*, DCATLAS.DCGIS.DC.Gov, available at <https://dcps.dc.gov/node/1018342> (last visited Apr. 5, 2018) [insert address “1000 4<sup>th</sup> Street, SW”].

<sup>3</sup> District of Columbia Public Schools, *DCPS Data Set – Enrollment*, DCPS.DC.Gov, available at <https://dcps.dc.gov/node/1018342> (Nov. 13, 2017); Office of the Deputy Mayor for Education, 2016 Master Facilities Plan Supplement, DME.DC.Gov, available at <https://dme.dc.gov/node/1263331> (Jul. 31, 2017).

Immediately opposite Wesley Place from the Project is the Southwest Branch of the DC Public Library. The Project is also within a few blocks of the 3<sup>rd</sup> and I Street Park (adjacent to the library), Southwest Duck Pond, Lansburgh Park, and the Southwest Waterfront Park. The Project's residents will help activate the use of these facilities, and revenue associated with the Project will increase the tax base to support these facilities.

#### H. PUBLIC HEALTH AND SAFETY IMPACTS

The Project has no unacceptable public health or safety impacts. The Project protects and advances the public health by being designed in a high-quality manner and in compliance with all applicable construction codes. Solid waste associated with the building is stored in an enclosed facility within the building consistent with best management practices. The Project includes bicycle facilities and other transportation demand management measures that together discourage automobile use and protect and affirmatively advance public health. The Project does not entail any overcrowding or overpopulation, but instead rationally increases residential density near a Metrorail station at a planned town center. The Project also complies with or exceeds applicable environmental performance standards.

The Project protects and advances public safety with a design that puts “eyes on the street” through ground floor uses that encourage pedestrian activity include active outdoor spaces such as the café zone and tot lot. The Project’s new residents and upper-story balconies add additional activity and visibility to deter crime. The Project’s site plan also promotes public safety by locating the parking and loading entrances in the far corner of the site, away from the active pedestrian entrances on 4<sup>th</sup> Street and the Private Drive. Through its transportation study, the Applicant will also evaluate the impact of the Project on pedestrian, bicycle, and vehicle safety in the transportation network.

## I. CONSTRUCTION-PERIOD IMPACTS

The Project's construction-period impacts are all capable of being mitigated. The Applicant has been in contact with its three most proximate neighbors (the owner of the abutting office building located at 1100 4<sup>th</sup> Street, SW, the Christ United Methodist Church across the private drive and tree allee to the north, and the owner of the Eliot across 4<sup>th</sup> Street) about construction-period impacts. Given the Applicant's significant experience managing construction of multistory mixed-use buildings in infill locations in the District, the Applicant is confident that it can undertake and complete the Project without any unacceptable construction-period impacts.

## V. **THE PROJECT PUBLIC BENEFITS MEET THE OBJECTIVES OF THE PUD PROCESS.**

The objective of the PUD process is to encourage high-quality development that provides a commendable number of quality of public benefits and amenities by allowing greater flexibility in planning and design than may be possible under matter-of-right zoning. 11-X DCMR §§ 300.1 and 305.2. The public benefits must be designed such that (i) each public benefit is tangible and quantifiable; (ii) each public benefit measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; (iii) the benefits as a whole primarily benefit a neighborhood or area of the District or service a District-wide need; (iv) a majority of the public benefits relate to the geographic area of the ANC in which the application is proposed, and (v) the public benefits are not inconsistent with the Comprehensive Plan and other adopted public policies (the “**Public Benefits Criteria**”). *Id.* §§ 304.4(c), 305.3, 305.4.

The Project implements portions of the Waterfront Station Public Benefits including PUD-wide requirements for affordable housing and ground-floor retail and service uses; indeed, the Project's affordable housing component is broader and deeper than what was proffered in the

Waterfront Station PUD. To supplement the Waterfront Station Public Benefits, the Project also includes ten additional specific high-quality public benefits, each of which satisfies the Public Benefits Criteria. The Project Public Benefits all relate to the area of ANC 6D.

A. **SUPERIOR URBAN DESIGN AND ARCHITECTURE. (11-X DCMR § 305.5(A))**

The Project features superior urban design and architecture. The Project's massing is superior insofar as it balances reserving ground-level open space for public use with the addition of significant new housing, while avoiding adverse shadow impacts and preserving and respecting the historical L'Enfant corridor. The Project's architecture includes high-quality materials, balconies and other private and semi-private outdoor spaces, and a contemporary and contextually appropriate design palette.

B. **SUPERIOR LANDSCAPING. (ID. § 305.5(b))**

The Project also features superior landscaping in its courtyard and rooftop spaces. In addition, the Project includes an outdoor café zone and a play area for young children that provide amenity spaces for visitors to and residents of Waterfront Station and surrounding neighborhoods. Finally, the Project's streetscaping helps activate the surrounding public realm.

C. **SITE PLANNING AND EFFICIENT LAND UTILIZATION. (ID. § 305.5(c))**

The Project employs efficient land utilization and superior site planning with its inclusion of the Private Drive, its placement of parking and loading access in a rear, subordinate location, and its avoidance of surface parking and other less desirable uses. The Project provides an appropriate amount of density and the right mix of uses for a transit-accessible location.

D. **HOUSING IN EXCESS OF AMOUNT REQUIRED UNDER MATTER-OF-RIGHT DEVELOPMENT. (ID. § 305.5(f)(1))**

The Project's housing constitutes a public benefit. The Project provides more housing on the NE Parcel than would be required under a matter-of-right development, as the underlying zoning does not require any residential use.

E. **AFFORDABLE HOUSING. (ID. § 305.5(g))**

The Project provides affordable housing that is far superior both to a matter of right project as well as to the development contemplated under the first-stage PUD. The Project is superior because it provides affordable housing (i) in excess of the amount required under first-stage PUD and in excess of the inclusionary zoning requirements (ii) at much deeper levels of affordability than is required under the first-stage PUD or under inclusionary zoning, and (iii) for a longer period than contemplated in the first-stage PUD.

Thirty percent of the Project's residential units are reserved as affordable housing. This exceeds the first-stage PUD commitment, which was based on 20% of the residential component, and it significantly exceeds the base inclusionary zoning requirement, which would equate to approximately 8% of the units. Put another way, the Project will deliver approximately 137 affordable housing units, which is significantly more than the 91 units provided per the first-stage PUD and is more than triple the 37 units provided under inclusionary zoning. The Project's affordable housing will be maintained for the duration of the ground lease, which significantly exceeds the 20-year term established in the first-stage PUD and is functionally the equivalent of inclusionary zoning, which is for so long as the inclusionary development exists.

The level of affordability also significantly exceeds the first-stage PUD requirements. For the first fifty years of the ground lease, the Project sets aside 50% of the affordable units at 30% MFI and 50% of the affordable units at 50% MFI; after this period, the allocation will shift

to 25% of the affordable units at 30% MFI and 75% of the affordable units at 50% MFI. Accordingly, the level of affordability is significantly deeper than the 80% MFI requirement of the first-stage PUD. It is also significantly deeper than the 60% MFI requirement under inclusionary zoning.

The following table summarizes the Project relative to inclusionary zoning and the first-stage PUD:

Table 1: Affordable Housing Comparison\*

	<b>By Right / IZ</b>	<b>First-Stage PUD</b>	<b>Proposed Project</b>
<b>Total Resi Density</b>	Resi GFA = 400,000 SF	Resi GFA = 400,000 SF	Resi GFA = 370,257 SF Resi PH = 22,346 SF Total Resi = 392,603 SF
<b>Affordable Requirement</b>	8% of resi GFA at 60% MFI = Approx. 32,000 SF (37 units)	20% of resi GFA @ 80% MFI = Approx. 80,000 SF (91 units)	<u>For first 50 years of ground lease:</u> 15% of units @ 30% MFI = approx. 59,000 SF (68 units)  15% of units @ 50% MFI = approx. 59,000 SF (69 units)  <u>For remainder of ground lease:</u> 7.5% of units @ 30% MFI = approx. 29,000 SF (34 units)  22.5% of units @ 50% MFI = approx. 88,000 SF (103 units)
<b>Term</b>	Life of project	20 years	Duration of ground lease
<b>Summary</b>	37 units @ 60% MFI, life of project	91 units @ 80% MFI, 20-year term	137 units @ 30% MFI and 50% MFI, duration of ground lease

\* For comparative purposes, the table assumes the by-right residential density equals the density approved in the 1<sup>st</sup> Stage PUD and assumes all three scenarios deliver the same number of units (approximately 456 units).

#### F. EMPLOYMENT AND TRAINING OPPORTUNITIES. (ID. § 305.5(h))

The Applicant has already entered into a First Source Employment Agreement with the District's Department of Employment Services ("DOES") and is subject to certain Certified

Business Enterprise (“CBE”) requirements pursuant to its agreement with DMPED. Copies of the CBE agreement and the DOES agreement are included as, respectively, **Exhibits J** and **K**.

G. **BUILDING SPACES FOR SPECIAL USES: EDUCATIONAL DEVELOPMENT USES. (ID. § 305.5(j))**

The Project sets aside approximately 9,000 square feet of space for an educational or daytime care use, each of which are considered to be public benefits under the Zoning Regulations.<sup>4</sup> The Applicant anticipates that it will initially lease the space to Appletree, a local charter school that serves the Southwest neighborhood and will relocate its existing pre-kindergarten to the Project. The Project provides a new, expanded, and centrally-located space for the pre-kindergarten use on the ground floor of the Project as well as an adjacent outdoor play area. Such use promotes educational development for pre-school-aged children, and it is not otherwise required in the underlying zone. As with the existing facility, the Applicant expects that many of the children attending this pre-K will come from the Southwest neighborhood.

H. **BUILDING SPACES FOR SPECIAL USES: USES PROMOTING THE ARTS. (ID. § 305.5(j))**

The Project also sets aside approximately 9,000 square feet of space for an arts or cultural use, which is a public benefit under the Zoning Regulations as well. The Applicant anticipates that it will initially lease this space to the Forum Theater, which will relocate from its existing Silver Spring location to the Project. This will strengthen the District’s cultural vibrancy and, in particular, further the development of Southwest as an arts and cultural hub. The cultural use will also strengthen Waterfront Station as a vibrant town center. Again, this use is not otherwise required in the underlying zone or by the Waterfront Station PUD.

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<sup>4</sup> A daycare is listed as a “social services” public benefit under Subtitle X Section 305.5(i).

I. ENVIRONMENTAL AND SUSTAINABLE BENEFITS: LEED GOLD. (ID. § 305.5(k)(5))

The Applicant proposes to construct the Project to Gold certification under the LEED 2009 standard. Gold certification is specifically enumerated as a public benefit and indicates the provision of significant water efficiency, energy efficiency, and other sustainable design features. A LEED checklist is included in the Plans.

J. ENVIRONMENTAL AND SUSTAINABLE BENEFITS: ROOFTOP SOLAR PANELS. (ID. § 305.5(k))

The Applicant proposes to include rooftop solar panels on the Project. The provision of clean, renewable energy is consistent with the type of other environmental and sustainable benefits enumerated in ZR16. The Applicant requests that the Commission consider the Project's solar panels a public benefit under Subtitle X, Section 305.

K. OUTDOOR CHILDREN'S PLAY AREA. (ID. § 305.5(m))

The Project's site plan includes an outdoor play area that is to be reserved for use by the pre-school when school is in session and open to the community at other designated times. The play area is secure, separated from parking and vehicle maneuvering areas by a permanent fence and gating system, and designed to facilitate adult supervision. The play area is approximately 3,000 square feet, includes play equipment and natural features, to be installed to manufacturer's specifications and suitable for pre-school-aged children.

The proposed play area supplements the nearby playground at the Southwest Library. The Library's play area is designed for school-aged children, whereas the Project's play area is designed for younger preschool-aged children. In this way, the two nearby play areas are mutually-reinforcing rather than redundant.

## **VI. THE PROJECT IS NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN OR OTHER ADOPTED PUBLIC POLICIES FOR THE NE PARCEL.**

In order to approve an application for a PUD, the Commission must find that the PUD is “not inconsistent with the Comprehensive Plan and with other adopted public policies . . . related to the subject site.” 11-X DCMR § 304.4(a). The Project is not inconsistent with the Comprehensive Plan or other adopted public policies related to the NE Parcel. As part of the approval of the Waterfront Station PUD, the Commission made extensive findings regarding the consistency of the first-stage PUD with the Comprehensive Plan. *See* **Exhibit F** at Finding of Fact ¶¶ 98-108 (“The Commission finds that the [overall Waterfront Station PUD] is not inconsistent with the Comprehensive Plan of 2006”) and Conclusion ¶ 8 (“Approval of the [Waterfront Station PUD] is not inconsistent with the Comprehensive Plan of 2006.”). The Commission made particularized findings with respect to the Comprehensive Plan’s Future Land Use Map, Generalized Policy Map, Framework Element, Land Use Element, and Lower Anacostia/Near Southwest Area Element, among other sections. *Id.* Since the approval of the Waterfront Station PUD, the Council of the District of Columbia has adopted a small area plan, the “Southwest Neighborhood Plan,” applicable to the NE Parcel. **Exhibit L** includes a supplemental summary of the Project’s consistency with the Comprehensive Plan and the Southwest Neighborhood Plan.

Given the extensive findings in the record in the order for the previous proceeding, the clear conclusions of law in the Waterfront Station PUD order, and the consistency between the instant second-stage application and the first-stage Waterfront Station PUD, the Project is not inconsistent with the Comprehensive Plan. The Project is also consistent with other public policies applicable to the NE Parcel adopted since the approval of the Waterfront Station PUD.

## **VII. THE PROJECT SATISFIES THE PUD REQUIREMENTS AND EVALUATION STANDARDS**

This application fulfills the requirements for a second-stage PUD, *see 11-X DCMR §§ 300.1, 300.2, 300.5, 301.1, 301.5, and 307.1*, complies with the set down and approval criteria specifically applicable to a second-stage PUD, *see id. §§ 302.2(b), 308.3, and 309.2*, and satisfies the evaluation and balancing criteria required for Commission review of a PUD generally. *See id. §§ 303.1, 303.11, 303.12, 304.1, 304.2, 304.3, 304.4, and 305.*

### **A. THIS APPLICATION SATISFIES THE REQUIREMENTS FOR A PUD.**

As set forth in ZR16, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that the project that is the subject of the PUD (i) results in a project superior to what would result from the matter-of-right standards; (ii) offers a commendable number or quality of meaningful public benefits; (iii) protects and advances the public health, safety, welfare, and convenience, does not circumvent the intent and purposes of ZR16, is not inconsistent with the Comprehensive Plan and does not result in action inconsistent therewith; and (iv) undergoes a comprehensive public review by the Commission in accordance with the procedural requirements for a PUD in order to evaluate the flexibility or incentives requested in proportion to the proposed public benefits. 11-X DCMR §§ 300.1, 300.2, 300.5, and 307.1. As set forth below, the Project satisfies each of the above PUD requirements.

In addition to the foregoing requirements, the minimum area included within a proposed PUD must be no less than 15,000 square feet, and all such area must be contiguous. 11-X DCMR § 301. The NE Parcel, at 59,044 square feet, satisfies the area and contiguity requirements.

i. The Project is superior to the development of the NE Parcel under the matter-of-right standards.

The Project's mix of uses, public benefits, and the community engagement process that accompanied the Waterfront Station PUD and will accompany this application all exceed what would be provided under matter-of-right standards. Specific benefits include

- Housing/Affordable Housing – The Project provides more housing than what could be constructed on the NE Parcel without a PUD, particularly since the underlying zone lacks a residential use requirement. In addition, the setaside of 30 percent of all units as affordable for households earning 30% MFI to 50% MFI vastly the amount and level of affordable housing that would be required in a matter-of-right development pursuant to ZR16's inclusionary zoning requirements.
- Public Benefits – The Project's construction as part of the overall Waterfront Station PUD supports the significant package of public benefits that accompanied that approval. Furthermore, the Applicant has developed and agreed to additional public benefits as a part of this application, including commitments to neighborhood-serving ground floor uses and spaces and sustainable design features, which further exceed what would be provided in a matter-of-right development.
- Community Engagement – Finally, the Project is undergoing a comprehensive public review process with multiple opportunities for neighbor, community group, and public agency participation. Already the Project has been modified and improved as a result of community and District agency input. Those opportunities, and future ones, would not exist for a matter-of-right development of the NE Parcel.

ii. The public benefits are commendable in number and quality.

As detailed in this statement, the Project implements a significant number of public benefits and project amenities, including not only the public benefits identified in the first-stage PUD (i.e., housing, the private drive, and retail along 4<sup>th</sup> Street, among other benefits) but also the public benefits identified in this second-stage PUD (i.e., affordable housing, cultural and educational uses, and sustainable design, among other benefits). These public benefits fulfill goals set forth in the Comprehensive Plan and the Southwest Small Area Plan, the priorities of District agencies and stakeholders, and the preferences, needs and concerns of ANC 6D and community residents identified during Applicant's community engagement process regarding the

Project. Accordingly, the public benefits package is a meaningful and robust series of commitments that satisfy the intent and purposes of the PUD process.

iii. The Project protects and advances public health, safety, welfare, and convenience and does not circumvent the purposes of the Zoning Regulations.

As detailed in this statement, the Project advances and protects the intent and purposes of the Zoning Regulations, which are set forth in Subtitle A, Section 101 of the Zoning Regulations. Through the development of a vacant parcel immediately proximate to a Metrorail station, the Project affirmatively improves major public interests and priorities such as affordable housing for low and very low income households, a strengthened town center with neighborhood-serving retail space and improved cultural and educational facilities, and sustainable transit-oriented development. Moreover, for the reasons discussed above, the Project does not adversely affect public safety and public infrastructure or otherwise impose adverse impacts on the surrounding community. The Project satisfies not only the specific priorities set forth for the Waterfront Station “town center” but also broader goals and objectives for the District as set forth in the Comprehensive Plan and the Southwest Small Area Plan.

To this end, the proposed C-3-C zoning for the Project continues to be consistent with the purposes of the Zoning Regulations for the same reasons as identified in the first-stage PUD. Broadly, the C-3 zone districts are intended to accommodate major business and employment centers and to provide substantial amounts of employment, housing, and mixed uses. 11 DCMR §§ 740.1 and 740.2. Within this framework, the C-3-C zone districts are intended to contain medium-high density development. *Id.* § 740.8. Here, the C-3-C Zone District is appropriate for this location: a town center located above a Metrorail station within in the Central Employment Area. The C-3-C Zone District allows for a broad mix of residential, office/employment, retail and other neighborhood-serving uses that are called for at such a location, and the C-3-C zone is

accordingly suitable for the Project's mix of residential, retail, cultural, and educational uses. Moreover, the Project's mix of uses, height and density are consistent with the character of the C-3-C Zone District. The Project develops a currently-vacant lot, which further encourages the stability of the C-3-C zone district and related PUD established by the Commission for Waterfront Station as well as strengthen the surrounding neighborhoods anchored to this town center.

- iv. The Project will undergo a comprehensive public review that evaluates the Project's flexibility and incentives in proportion to the Project Public Benefits.

The Commission undertook a comprehensive public review of the Waterfront Station PUD, and the Commission concluded, based on such review, that the first-stage PUD merited approval. The Applicant will work with the appropriate District agencies to confirm that the Project is in accordance with the Commission's previous approval. The Applicant requests that the Commission proceed to undertake a comprehensive public review of and set down this application for public hearing in accordance with the foregoing standard.

B. THE PROJECT SATISFIES THE EVALUATION CRITERIA FOR A SECOND-STAGE PUD.

The procedural regulations in ZR16 applicable to a second-stage PUD establish provide (i) that a second-stage PUD must undergo a detailed site plan review to determine final transportation management and mitigation, final building and landscape design review, and review for compliance with the first-stage PUD and ZR16, 11-X DCMR § 302.2(b); (ii) that if a second-stage PUD complies with all of the requirements of a first-stage PUD, then the Commission must schedule a public hearing on the second-stage PUD application, *id.* § 308.3; and (iii) that if an application for a second-stage PUD is in accordance with the Zoning Purposes, the PUD process, and the first-stage PUD approval, then the Commission must grant approval to such second-stage PUD, *id.* § 309.2.

i. This Application Provides the Information Necessary for a Second-Stage PUD.

The Plans include detailed site plans along with proposed building and landscape designs for the Commission to review. The CTR will follow.

ii. This Application Complies with All of the Requirements of the First-Stage Waterfront Station PUD and Should Be Set Down for Public Hearing.

As set forth above in Section III.B, the Project does not entail any modification to the Waterfront Station PUD and is therefore consistent with such existing PUD approval. A summary of the conditions of the Waterfront Station PUD, and the applicability of such conditions to the instant application, is attached as Exhibit H.

iii. This Application Is in Accordance with the Zoning Purposes, the PUD Process, and the Waterfront Station and Should be Approved.

As described above, this application is in accordance with the Zoning Purposes and the first-stage PUD. The Applicant intends to advance this application through the PUD process.

C. PUD BALANCING TEST

Pursuant to Subtitle X, Sections 303.12 and 304.3, in deciding on this application, the Commission must, according to the specific circumstances of the instant application, judge, balance, and reconcile the relative value of: (i) the Project Public Benefits, (ii) the development incentives, including the Zoning Map amendment and zoning and other flexibility requested as part of the Project, and (iii) any potential adverse effects of the Project.

The Project satisfies the foregoing PUD balancing test. The Project Public Benefits (and the Waterfront Station Public Benefits) together justify the Zoning Map amendment, the modest yard flexibility, and standard additional design flexibility that the Applicant seeks. Such items of flexibility are the only development incentives sought in the instant application. The Project Public Benefits also more than adequately justify any potential adverse effects of the Project. The Project's modest potential adverse effects—traffic, shadow, and construction period

impacts—are all more than justified by the Project’s provision of such a significant amount of affordable housing, the special uses, and the outdoor play area. The Applicant believes that the relative value of the Project and its Public Benefits warrants granting the requested PUD approval.

## **VIII. CONCLUSION**

This application provides substantial evidence that the Project: (i) is in accordance with the Waterfront Station PUD approval and complies with the requirements of ZR16 applicable to Zoning Commission review and approval of a second-stage PUD application; (ii) complies with the 1910 Height of Buildings Act; (iii) is consistent with the Comprehensive Plan and other adopted public policies; (iv) provides significant public benefits that would not be provided by matter-of-right development; (v) enhances the health, welfare, safety, and convenience of the citizens of the District of Columbia; and (vi) satisfies all other applicable criteria for the review and approval of a second-stage PUD by the Commission.

For the foregoing reasons, the Applicant requests that the Commission at its earliest convenience set this application down for a public hearing.

Respectfully submitted,  
GOULSTON & STORRS PC

/s/ David M. Avitabile  
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/s/ David A. Lewis  
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