

January 8, 2014

VIA ELECTRONIC SUBMISSION

Mr. Anthony J. Hood  
Chairman  
D.C. Zoning Commission  
441 4<sup>th</sup> Street NW  
Suite 210S  
Washington, DC 20001

Re: **Zoning Commission Case No. 14-18 – First-Stage PUD and Zoning Map Amendment Application- Pre-Hearing Statement of the Applicant**

Dear Chairman Hood and Members of the Zoning Commission:

This First-Stage PUD and Zoning Map Amendment application was set down for a public hearing at the Zoning Commission's ("Commission") November 24, 2014 public meeting. This letter and the attached materials serve as Mid-City Financial Corporation's (the "Applicant") pre-hearing statement. This pre-hearing statement and the attached exhibits address the issues that were raised by the Zoning Commission and the information that was requested by the Office of Planning ("OP").

**Details of the Proposed Tenant Relocation and Construction Phasing Plan and Affordable Housing Program**

The proposed new Brentwood Village includes up to 2,235 rental apartments and for-sale homes. The new Brentwood Village will be a mixed income, mixed use community with 424 residential multi-family rental units (20% of the total) set aside for moderate and low income individuals and families – more than twice the required affordability under the Inclusionary Zoning provisions. An additional 12 (10%) of the for-sale townhouses will be similarly reserved for moderate and low income families.

The Applicant has spent a great amount of time and energy in creating a tenant relocation and construction phasing plan which addresses the issues which have been raised by the Brookland Manor residents, the Office of Planning and the Zoning Commission. The project phasing plan and the tenant relocation plan are guided by the following priorities:

- minimize construction impacts to the residents to ensure that a safe environment exists;

- building out the project's infrastructure in the most efficient manner possible; and
- phasing the improvements in a way that maximizes the project's ultimate success, including the creation of 424 newly amenitized affordable apartments in a revitalized community.

The Applicant is committed to ensure that residents of Brookland Manor are given the opportunity to live in the new Brentwood Village community. The Applicant is committing to build an affordable building for senior citizens in the first phase of development. This building will consist of approximately 200 units and it is expected to be 100% affordable. Notwithstanding the 20% affordable housing commitment across the site, the senior citizen building will be 100% affordable, each multi-family building will have at least 10% of the units reserved as affordable housing, and 10% of the townhouses will be reserved as affordable units. In this way, Brentwood Village starts out with a majority of affordable units and it is only at the end of the ultimate build-out of the project that the amount of affordable units ultimately becomes 20% of the total number of units.

A more detailed description of the tenant relocation and construction phasing plan, the affordable housing program, and a snapshot of the existing residential units in the Brookland Manor community is attached as Exhibit A.

#### **Additional Information on Proposed Buildings and Visual Impact on Surrounding Properties**

At the Zoning Commission's November 24, 2014 Public Meeting concerns were raised about the visual appearance of buildings that include a podium<sup>1</sup> design for parking. The Applicant is not proposing above-grade parking structures in any of the mixed-use multi-family buildings. All of the multi-family buildings will have ground floor uses along the street edges that will be animated by retail or residential uses, not parking or loading.

In response to the requests of the Commission, the Applicant's design team has created a series of shadow studies and views of the buildings as seen from various points from the surrounding neighborhood. These images show how the transitioning of the taller and denser buildings on the northern and northeastern portion of the site along Rhode Island and Montana Avenues to the lower building heights and densities to the south mitigates the visual impact of the height and density of the proposed buildings on the surrounding properties. The Applicant has also included a plan that details vehicular circulation through the property, the location of bus stops along Rhode Island Avenue and Brentwood Road, and the location of garage entrances to the multi-family buildings on the various blocks. All of these materials are included in the attached Exhibit B.

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<sup>1</sup> The reference to "podium" may have been a misinterpretation of the building's construction type for building code purposes.

The Zoning Commission requested additional information on the thought process as to why the community green does not include playground space or why a recreation center is not included in the project. In addition, questions were raised about the locations of nearby schools and recreation centers. Included in Exhibit B is a map showing the location of the numerous schools, recreation centers and parks/fields that are located within, or just outside of a 10 minute walk from the property. The Applicant believes that the close location of these parks/fields and recreation centers will be attractive options for the residents of the new Brentwood Village and therefore an on-site recreation center and/or playing fields are not needed. The Applicant will add a small playground to the community green, which will help further the goal of having the community green be a meeting space for all residents of the community.

In addition, the management of Brookland Manor currently provides its residents with a number of programs that are specifically designed for the children and seniors that live in the community. The existing programs for children include a variety of enrichment activities, such as: after-school care, tutoring, arts and crafts, community gardening, summer camp and meal programs to ensure that no child goes home hungry. The senior programs include periodic "brown bag" lunches and other events designed to bring Brookland Manor's senior community together. The Applicant fully anticipates that these programs will be retained and enhanced in the new Brentwood Village community, as the major constraints to these existing programs is the lack of appropriate space to hold these programs. The new buildings will include appropriate space for these programs, as well as amenities that are typically provided in market-rate multi-family buildings (i.e., business centers, work-out facilities, etc.).

### **Proposed Infrastructure Improvements and Green Building Initiatives**

The street closing and street dedication application that is being processed concurrently with this PUD and Zoning Map Amendment application will result in the Applicant giving the District of Columbia over an acre of land (45,285 square feet) for public street purposes. A plat depicting the new public streets that will be created and the street proposed to be closed is included in Exhibit B. The introduction of a more rational and appropriate street grid system is a significant amenity of this project in terms of both safety and appearance, but such improvements also result in significant costs to the Applicant.

The existing one block of 14<sup>th</sup> Street, NE located behind the strip commercial shopping center is currently a public street that is a haven for inappropriate and illegal activity. The closing of this street, at the beginning of the development of the new Brentwood Village, will allow the Applicant, the Metropolitan Police Department, and DDOT to take steps to discourage such activity while still allowing for safe and effective vehicular, pedestrian and bicycle travel through the property.

The Applicant will also be upgrading numerous aspects of the public infrastructure (including utilities, street lights, street trees, ADA compliant street crossings and sidewalks on existing public streets, and new sidewalks as needed) throughout the site. The Applicant will also need to modify the traffic signal, and the associated curb ramps in order to be ADA

compliant, at the Rhode Island/Brentwood Rd/Fire Station intersection to accommodate the new extended 15<sup>th</sup> Street which will become the fourth leg of that intersection. The Applicant will also likely be responsible for paying the cost to relocate the eastbound bus stop on Rhode Island Avenue. Initial cost estimates of these infrastructure improvements are projected to be approximately \$2,800,000.

The proposed project will utilize many green infrastructure practices throughout the project. Vegetated green space will be maximized throughout the development in the form of planted streetscapes, courtyards and a central community green which will contain some form of a nursery or farm for edible vegetation. Green and low impact development practices will be incorporated throughout the site to include green roofs, bio-retention facilities, pervious pavement systems and engineered tree pits.

The Zoning Commission also raised questions as to the ability to incorporate some of the steeper grade changes into the project while maintaining ADA compliance, particularly in the area of the site where the senior citizen building is proposed. The Applicant's design team has effectively incorporated the changes of grade across and through the property in a manner that allows for ADA compliant sidewalks and street crossings throughout the project. The location of the pedestrian walk from the community green to Rhode Island Avenue is a perfect example of this. The pedestrian walk provides an appropriate "opening" for the project onto to Rhode Island Avenue. A vehicular street and intersection at this location would not be feasible because of the grade change, as well as DDOT likely having concerns with the proximity of this intersection to adjacent intersections along Rhode Island Avenue. The gradual stairs and ramps in the pedestrian walk will be ADA compliant.

#### **Appropriateness of the Proposed Zone Districts and Proposed Density**

The Applicant addressed the appropriateness of the proposed Zone Districts and the proposed density, in relation to the Comprehensive Plan, in detail in pages 23-43 of the October 1, 2014 Statement in Support of the Application. In response to the request of the Office of Planning and the Zoning Commission, the Applicant undertook an analysis of the FAR of the project calculated over the entire site area. As noted on page 14 of Exhibit B, when calculated over the entire site area, the PUD project will have a FAR of 3.3. The Applicant believes that this overall FAR of 3.3 provides another means to determine that the proposed amount of density throughout the property is consistent with the moderate density Future Land Use Map designations (moderate density residential and mixed-use moderate density residential/moderate density commercial) for the property.

#### **Residential Lot Occupancy for the Mixed-use Buildings and Flexibility Requested**

As noted on page 60 of the Appendix to the initial application materials and page 14 of Exhibit B, the maximum lot occupancy for the residential uses in the mixed-use buildings will be 80% for the buildings located in the C-2-B Zone District and 60% for the buildings located in the

C-2-A Zone District. The Applicant is not requesting any relief from these lot occupancy requirements.

While this is only a First-Stage PUD application and the design of the various buildings have not been finalized, the Applicant has prepared a plan that shows how the side and rear yard requirements may be calculated on each Block and for each building. As shown on pages 16 and 17 of Exhibit B, some of the buildings may require zoning relief from the rear and side yard requirements.

### **Community Dialogue**

Since the PUD and Zoning Map amendment application was filed, the Applicant has continued its dialogue and engagement with individual Brookland Manor residents and representatives of the Brookland Manor Residents Association. In addition, the Applicant made a presentation to ANC 5C at their November 19, 2014 public meeting and to an ANC 5C05 Single Member District Commissioner meeting on December 8, 2014. The Applicant will continue to engage with these groups, as well as other community organizations and individuals, leading up to the public hearing in this case.

In the months leading up to the Public Hearing in this case, the Applicant will continue to work on the following issues raised by the Office of Planning and the Zoning Commission: preparation of a construction management agreement with the neighboring community, additional information on contracting opportunities for District and area residents, a robust Transportation Demand Management Program, and an appropriate commitment by the Applicant to bring a full-service grocery store to the project.

### **Exhibits**

The following exhibits are attached to this pre-hearing statement:

Exhibit A – Information regarding the Tenant Relocation and Construction Phasing Plan, and Affordable Housing Program;

Exhibit B – Shadow studies, additional views of the project from surrounding properties, maps showing location of nearby schools and recreation centers, street closing/street dedication plat, and additional Zoning information;

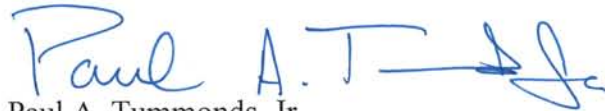
Exhibit C - Certification of Compliance with Section 3013 of the Zoning Regulations; and

Exhibit D - Name and mailing address of all property owners within 200 feet of the property and names (as appropriate) and addresses of persons/entities having a lease for any portion of the property.

**Conclusion**

While the Applicant believes that the information and materials provided in this submission are fully responsive to the issues that have been raised to date, the Applicant will continue to enhance and modify this project as it moves through the PUD and Zoning Map Amendment process. The Applicant looks forward to presenting this case to the Zoning Commission at the earliest possible public hearing date.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Tummonds, Jr." with a stylized flourish at the end.

Paul A. Tummonds, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that I sent a copy of the foregoing document to the following addresses on January 8, 2014 by Hand Delivery and First Class Mail:

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Paul Tummonds