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VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Z.C. Case No. 16-11 – Applicant’s Proposed Findings of Fact and Conclusions of Law and Response to Report filed by Park Neighbors Consolidated PUD & Related Map Amendment @ Square 2890, Part of Lot 849

Dear Members of the Commission:

On behalf of Park View Community Partners and the District of Columbia (the “Applicant”), we hereby submit the following information requested by the Zoning Commission at the December 5 and 8, 2016 public hearing regarding the proposed planned unit development (“PUD”) and Zoning Map amendment on part of Lot 849 in Square 2890 (the “PUD Site”).

1. Proposed Order

As requested by the Zoning Commission at the close of the public hearing, attached hereto as Exhibit A is a copy of the Applicant’s proposed Findings of Fact and Conclusions of Law.

2. Response to Report Filed by Park Neighbors

As indicated in the Park Neighbors’ report, the only way they would support the project is if the Applicant reduces the height of the apartment building by 2 stories, moves a number of the residential units to the Park Morton Site, and redesigns the site plan.¹ However, as described below and in the Applicant’s other evidence of record in this case, the Applicant believes that the proposed height and density of the project are appropriate for the site, are consistent with the

¹ The record clearly indicates that there has been substantial community engagement by the development team and DMPED regarding preparation of the redevelopment plans for both Bruce Monroe and Park Morton. See Exhibits 197 and 237G. Throughout this process, the development team and DMPED engaged with, and incorporated, the feedback received during this community engagement process. Although some neighbors, such as members of the Park Neighbors group, do not support the proposed redevelopment, the project has the overwhelming support of the ANC, residents, business owners, community groups, and other stakeholders. See Exhibits 28, 45-109, 111-147, 150, 164-165, 172-180, 193-195, 199-219. Therefore, the Park Neighbors’ continued assertions that there was a lack of community engagement should be viewed in light of the evidence to the contrary in the record of this case.

Comprehensive Plan policies for the site, and will help to implement many of the District's goals set forth in the New Communities Initiative and the Park Morton Redevelopment Initiative Plan. A detailed response to each of the points identified in the Park Neighbors' submission follows:

a. Height, Scale, and Density

The initial meeting with the Park Neighbors started with the Park Neighbors' representatives iterating that concerns regarding the project, with them indicating that the height and density proposed at Bruce Monroe should be reduced by removing floors from the apartment building, removing the proposed townhomes, and shifting those units to the Park Morton site.²

In response, the Applicant attempted to explain the Comprehensive Plan, how the plan establishes height and density parameters, the applicable principles of the New Communities Initiative, and how these plans and policies support the proposed height, scale and density of the proposed project.

The Applicant also provided the Park Neighbors a copy of the various site plan options that were considered for the Bruce Monroe site through the community engagement process (See Exhibit 234, pp. 5-7), and summarized during the second meeting the reasons why those options were not selected, as summarized in the architect's testimony during the public hearing on the application. (See 12/8/2016 Transcript, pp. 6-9). For example, the Applicant explained that the development team previously explored placing all of the proposed building mass on Georgia Avenue and the placing the park behind the building and hence mid-block, but as the architect testified as the public hearing:

After multiple studies as shown on this slide, we determined, after working with the community, participants, and stakeholders, that the best and most feasible way to provide a substantial amount of land is open space, while also meeting the important need for housing was to locate the main density on Irving Street, and to preserve the open spaces to have the needed residential use. For example, with respect to scheme one you see here, the one on the left, this scheme did not work because all of the density was located on the west -- the eastern side of the site on Georgia Avenue. Almost where you would initially think it should go. And this was resoundingly not supported by the community because they lost the visual connection from Georgia to the park. And that was very important to everyone, I think, that we spoke with. It also made the park seem more private, because it was behind the building.

See 12/8/2016 Transcript, pp. 7-8.

² Contrary to the Park Neighbors' assertions, **none** of the Applicant's representatives ever stated that "there was no incentive to compromise on the things that matter most (i.e., density and scale) because they would risk losing city support gained through private negotiations with city officials" or that "further discussion was not warranted because they would not make any substantive design changes unless they were requested by a 'higher power'". The Applicant categorically denies these misrepresentations.

The Park Neighbors' then suggested the Applicant should revise the redevelopment plan for Park Morton to shift units (density) from Bruce Monroe to Park Morton by adding more apartment buildings to the Park Morton site and redesigning the Park Morton site plan to include more or a larger apartment building similar to the theoretical concept plan shown the *Park Morton Redevelopment Initiative Plan*. In response to this suggestion, the Applicant described how the current proposed Park Morton plan achieves the phasing necessary for a streamlined relocation process for existing Park Morton residents, and explained that adding more apartment buildings back to the Park Morton site could result in some of the physical challenges currently at the Park Morton site. Finally, in discussing the current proposed Park Morton site plan, the Applicant described how the current site plan helps to address/resolve some of the concerns identified by the Office of Planning and other stakeholders regarding prior iterations of the Park Morton redevelopment plans and the theoretical concept plan shown in the *Park Morton Redevelopment Initiative Plan*, such as the following:

- The lack of connectivity to the surrounding blocks and regularization of the alley network;
- Houses with no street frontage;
- Hidden spaces that cause safety problems;
- Leftover open space and substandard lots;
- Lack of on-street parking that reduces vitality of the street;
- Lack of enclosed private rear yards; and
- Lack of social mixing spaces.

At the conclusion of this portion of the discussion, the Applicant indicated they would provide the Park Neighbors a written description of the adverse impacts of decreasing the number of units at the Bruce Monroe site. A letter issued by the Office of the Deputy Mayor for Economic Development explaining the need for density at the Bruce Monroe site, and why density cannot be shifted to the Park Morton site, was provided to the Park Neighbors on January 10th and is included in the record as Exhibit 237D of this case.

The Park Neighbors state that the project will result in adding 700 new residents to their block, that the Park Morton site only has 126 residential units, and that as a result there is an “unbalanced distribution” units. However, as indicated in the chart below, the 273 units proposed at the Bruce Monroe site includes 375 bedrooms, which will result in a range of 375 to 559 total new residents based on occupancy standards. The number of units at Park Morton will be 189 (not 126) and total of 308 bedrooms, resulting in a range of 308 to 452 new residents at the Park Morton site based upon occupancy standards. Thus, the number of actual new residents at the Bruce Monroe site is much less than that claimed by the Park Neighbors, and the number of new residents at the two sites is comparable and does not result in an “unbalanced distribution” of units as suggested by the Park Neighbors.

	BRM				PM			
	Units	Bedrooms	Avg Occp	Max Occ	Units	Bedrooms	Avg Occp	Max Occ
Studio	8	8	8	8	20	20	20	20
1 Bed	172	172	172	258	77	77	77	116
2 Bed	84	168	168	252	68	136	136	204
3 Bed	9	27	27	41	21	63	63	95
4 Bed					3	12	12	18
	273	375	375	559	189	308	308	452

b. Park Concept Plan

The Applicant has consistently stated that it will support the development of a park in coordination with DMPED, DGS, DPR, and other related agencies. The park area will remain District-owned land, so the Applicant will work with the District in determining how the park is ultimately developed. The Applicant has included a proposed condition to be included in the order for this case that includes a provision that requires, prior to the issuance of a Building Permit for the multifamily building, documentation to the Zoning Administrator confirmation that DMPED and Park View Community partners will enter into a ground lease that contains a provision wherein DMPED agrees that a minimum of 44,000 square feet of land area identified as a public park shown on Sheet G10 of the Architectural Plans and Elevations, dated January 9, 2017 and included as Exhibit 237A1 in the record, will only be used for park and recreation uses for the term of the ground lease.

Moreover, as described by DMPED in multiple public settings and as set forth in Exhibit 232 in the record of this case, and as reiterated during the meetings with the Park Neighbors, the Mayor has expressed the District's commitment to develop a portion of the Bruce Monroe Site as a park in the disposition resolution for the Property she submitted to the Council of the District of Columbia (PR21-0909), and the Deputy Mayor for Planning and Economic Development has publically expressed his commitment to keep park and recreation uses on the Bruce Monroe Site. The District has yet to issue a concept plan for public review and comment since DMPED is currently working with its agency partners to determine the process for designing, building and operating the proposed park. Once this process is determined, then DMPED intends to engage the community in early 2017 to begin developing concept plans for the park.

c. 700-Block Alley

The Park Neighbors expressed concern about increased traffic and potential loitering of vehicles and people once the alley is connected to the new private street. The Park Neighbors asked if the Applicant would consider blocking vehicular access to the alley from the new private street. The Applicant agreed to evaluate the feasibility of this strategy with its architect and DDOT and report back. However, as discussed during the second meeting with the Park Neighbors and indicated in the response from DDOT attached hereto as Exhibit B, DDOT does not support putting a barrier between the alley and the private street because doing so would hamper improved connectivity in the alley system. Furthermore, DDOT indicated that maintaining the alley/street connection is not anticipated to induce significant numbers of new trips in the alley, since all non-local traffic would be expected to use the streets not the alleys. With respect to the Park Neighbors request regarding repairs to the existing alley condition, the

Applicant has forwarded this request to the appropriate DDOT agency, but as noted by the Park Neighbors, they view this concern as “separate and apart from this PUD application.”

d. Traffic/Parking

The Park Neighbors state that they believe the proposed development at the Bruce Monroe site will exacerbate existing traffic issues on the surrounding streets, and that they believe the plan fails to adequately address parking challenges. However, the only evidence of record in this case demonstrates that the project will not have any adverse impacts on traffic or on the existing transit system. As set forth in the Applicant’s Transportation Impact Study (“TIS”), dated November 1, 2016, and prepared by Symmetra Design (Ex. 33 in Z.C. Case No. 16-11), the transportation network surrounding the Bruce Monroe site is diverse and robust and the Applicant has proposed significant TDM measures that will encourage use of non-automobile modes. Thus, the combination of transportation options and the TDM program will help to reduce traffic and parking demand associated with the PUD. Moreover, the TIS found that (i) with build-out of the Bruce Monroe PUD, there will be a “negligible increase in delay to motorists” at two intersections within the study area, (ii) all other intersections will “continue to operate at or above the LOS [level of service] threshold,” and (iii) the intersections created by the new private street with Columbia Road and Irving Street will “both operate at LOS “A” during the AM and PM peak hours.” *See* TIS, p. 11. In addition, the project will “allow for improved pedestrian conditions with new sidewalks along both sides of the new private street. Pedestrian facilities adjacent to the site will adhere to DDOT standards.” *Id.*

DDOT reviewed the TIS, confirmed that the Applicant utilized sound methodology to perform its analysis, and recommended approval of the application. In its review, DDOT found that the “site design has the potential to disperse site traffic in a way that minimizes the action’s impact on the external road network and improve connectivity to adjacent neighborhoods.” *See* DDOT Report (Ex. 44, p. 2). DDOT also concluded that “future residents and retail visitors are likely to utilize transit, walking, and bicycling at high rates, thus auto use is likely to be low, resulting in the PUD generating a nominal number of new trips (40 AM trips and 57 PM trips).” *Id.* at 2 and 8 (emphasis added).

With respect to parking, the project will add 16 new on-street parking spaces located on the new private street for residents and guests of the project, as well as 99 below-grade parking spaces within the proposed buildings. This total supply of 115 spaces exceeds the 79 spaces required by the Zoning Regulations and will adequately serve the needs of the site’s residents and guests so that they will not need to utilize existing public on-street parking spaces. Moreover, DDOT determined that the “residential parking provision of about one space per three multi-family units is generally consistent with other recent projects in similar walkable, transit-friendly neighborhoods.” *See* DDOT Report (Ex. 44), p. 7.

Finally, as described in the Applicant’s post-hearing submission, consistent with other recently approved PUDs where the use of on-street parking was a concern, the Applicant has provided a proposed condition for inclusion in the order that prohibits the Applicant from seeking or supporting any change to designate the apartment house as becoming RPP-eligible, and that requires the inclusion of a prohibition in the residential leases for the market-rate units

in the apartment house that prohibits market-rate tenants from obtaining an RPP from the DMV, under penalty of lease termination and eviction.

e. Benefits Package

The Park Neighbors assert that the proposed public benefits associated with the project are insufficient and do not benefit the entire public. However, the Applicant believes that the record in this case demonstrates that the project amenities and public benefits associated with this project, which includes the following items, are significant and support approval of the application:

1. Significant new housing and affordable housing, including public housing replacement units and senior housing;
2. Infrastructure improvements that include a new north-south public street through the site that will enhance circulation and reduce traffic congestion in the square;
3. High quality urban design and architecture;
4. Effective and safe vehicular, pedestrian, bicycle access, and a robust TDM plan that includes the following elements:
 - a. Providing 189 helmets for the apartment building residents and eight helmets for the townhome residents;
 - b. Offering a preloaded \$10 SmarTrip card for each residential unit;
 - c. Unbundling the costs for market-rate units from the cost of lease or purchase of apartments;
 - d. Providing two on-street carsharing spaces along the new private street;
 - e. Providing a bicycle repair station in the apartment building;
 - f. Posting all TDM commitments online;
 - g. Designating a TDM leader;
 - h. Providing 90 long-term and 16-short term bicycle parking spaces;
 - i. Offering each apartment unit and townhome an annual car-share membership or an annual Capital Bikeshare membership for a period of three years;
 - j. Providing six shopping carts for the multi-family residential tenants to run daily errands and grocery shopping; and
 - k. Installing a transit screen in the lobby of the apartment house and senior building.
5. Environmental benefits, including certification of the project under the EGC standards;
6. A new stormwater management system that will reduce runoff and improve site drainage conditions;
7. Public space improvements; and
8. Employment and training opportunities, including entering into a Certified Business Enterprise Agreement with the District Department of Small and Local Business Development, entering into a First Source Employment Agreement with the District Department of Employment Services, and contracting with Section 3 businesses.

ANC 1A and ANC 1B both noted in their separate resolutions (Ex. 32 and 28, respectively) that the PUD “has offered a number of project amenities and public benefits commensurate with the development incentives and flexibility requested.” *See* p. 3 of ANC 1A resolution and p. 2 of ANC 1B resolution. Moreover, in recommending approval of the application, the Office of Planning also identified the above-listed items as meeting the standards set-froth in Section 2403.9 of the Zoning Regulations regarding public benefits and project amenities. (Ex. 43).

The Applicant notes that development of the Bruce Monroe site itself is a benefit to the community and the District as a whole. By constructing replacement Park Morton public housing units at Bruce Monroe, the two projects will eliminate involuntary displacement, foster true income diversity, and succeed in being the first District project that meets all four of the New Communities Initiatives’ goals (one-for-one replacement, build first, mixed-income, and right to return). The proposal to create a mix of housing types at various income levels, while maintaining public green space on both sites, will foster new development that is wholly inclusive of the surrounding community. *See, e.g.* Z.C. Order No. 12-16, Finding of Fact No. 72(a), stating that “the Commission further finds that the rest of the neighborhood and the overall urban fabric benefits by developing a vibrant mixed-use development.”

Together, these proposed benefits holistically result in a significant value as they relate to the Commission’s balancing test between the benefits offered and the development incentives and flexibility requested. *See* 11 DCMR § 2403.8.

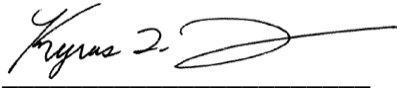
3. Conclusion

As indicated by the Park Neighbors, the only way they would support the project is if the Applicant reduces the height of the apartment building, moves a number of the residential units to the Park Morton Site, and redesigns the site plan such that the buildings front on Georgia Avenue.

However, as described herein and in the Applicant’s other evidence of record in this case, the Applicant believes that the proposed height and density of the project are appropriate, are consistent with the Comprehensive Plan policies for the site, and will help to implement many of the District’s goals set forth in the New Communities Initiative and the Park Morton Redevelopment Initiative Plan. Accordingly, the Applicant respectfully requests that the Zoning Commission approve the application.

Thank you for your attention to these matters. We look forward to your further consideration of this project at the January 30, 2017 public meeting.

Very truly yours,

By: 

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Park Neighbors c/o Tonya Williams and Austin Badger (with enclosures, via U.S. Mail & Email)
Park Morton Resident Council (with enclosures, via U.S. Mail)