

1200 5th Street, NW



**Application for Review and Approval of a
Consolidated Planned Unit Development**

Square 481, Lot 23

August 2, 2019

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APPENDIX A – DESIGN FLEXIBILITY

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EXHIBITS

- | | |
|-----------|---|
| Exhibit A | Agent Authorization Letters and Application Forms |
| Exhibit B | Certificate of Notice, Notice of Intent to File a Zoning Application |
| Exhibit C | Certificate Compliance with Subtitles X and Z of Zoning Regulations |
| Exhibit D | List of Property Owners within 200 Feet of the Subject Property |
| Exhibit E | List of Publicly Available Information |
| Exhibit F | Summary of Consistency with the Comprehensive Plan and Other Adopted Public Policies Affecting the Property |
| Exhibit G | Architectural Drawings, Elevations, Renderings, Sections, Streetscape Designs, Landscaping, Civil, Pictures of Property and Surrounding Area, Site Plans, Plat, Maps, and Other Plans |

I. INTRODUCTION

A. Overview and Purpose of Application

MCF WALP Phase 1, LLC (the “**Applicant**”) hereby submits this application (“**Application**”) to the District of Columbia Zoning Commission (“**Commission**”) for review and approval of a consolidated planned unit development (“**PUD**”). The property that is the subject of this Application is commonly known as 1200 5th Street, NW (Square 481, Lot 23, the “**Property**”) and consists of approximately 92,394 square feet of lot area on a single contiguous lot of record comprising the entire block bounded by N Street, NW to the north, 5th Street, NW to the east, M Street, NW to the south, and 6th Street, NW to the west. The Property is within the boundaries of Advisory Neighborhood Commission (“**ANC**”) 6E03 and is located approximately one block east of the Mount Vernon Square/7th Street/Convention Center Metrorail station stop.

This Application seeks approval of a new residential building (the “**Project**”) on the Property as shown on the plans attached as Exhibit G (the “**Plans**”). The Property is located within the RA-2 zone. This Application does not seek to amend the zone designation for the Property.

On May 10, 2019, Mayor Bowser issued an executive order¹ which outlined her administration’s aggressive and commendable goals for increasing housing production in the District. The Mayor’s Housing Order noted that, “Increased housing production and preservation is required to address growth and ensure the District lives up to its values of being diverse and inclusive. To do this, *the District must create 36,000 new residential units by 2025.*” The information provided in this statement describes how the Project is entirely consistent with, and significantly advances, the Mayor’s goal of creating 36,000 new residential units by 2025. The Project is exactly the type of new development necessary to achieve the laudable housing goals of the Mayor’s Housing Order. The Project alone achieves 1 percent of the Mayor’s goal and helps address the District’s compelling need for new housing and in particular, new permanently affordable housing, in a transit-oriented location.

The Project consists of only multifamily residential uses and entails the construction of a single 363-unit two-wing building. The north wing of the building is three stories and the south wing is four stories. The Project also includes approximately 103 vehicle parking spaces in a below-grade garage plus the required amount of bicycle parking and loading. The Project is designed entirely in accordance with the development standards set forth in the Zoning Regulations, excepting only that the Project’s lot occupancy (78 percent of the theoretical lot) is greater than what is allowed in the RA-2 zone (60 percent). The Project remains within the 50-foot height limit of the RA-2 zone (and below the 60-foot height limit allowed pursuant to a PUD).

The Project is not inconsistent with the District of Columbia Comprehensive Plan (“**Comprehensive Plan**”) nor any other adopted policy or program applicable to the Property. As set forth below, this Application satisfies all of the requirements for a PUD under the Zoning Regulations and provides the evidence necessary for the Commission to conclude that the Application satisfies the criteria by which the Commission must evaluate a consolidated PUD.

¹ See Office of the Mayor, HOUSING INITIATIVE, Mayor’s Order 2019-036 (May 10, 2019) (the “**Mayor’s Housing Order**”).

B. The Applicant

The Applicant is the owner of the Property and an affiliate of Mid-City Financial Corporation (“**Mid-City**”). Mid-City was founded in 1965 by the late Eugene F. Ford, Sr. Mr. Ford was a native Washingtonian and spent more than a half-century building, owning, and managing multifamily housing with the vast majority of the housing being affordable to households of low and moderate incomes. As a development company, Mid-City has constructed and rehabilitated more than 15,000 units of market rate and affordable housing and is proud to be a long-term holder of quality housing in the region. Mid-City remains committed to its legacy of quality housing, community development, and corporate social responsibility.

Mr. Ford acquired the Property following the 1968 riots and Mid-City has owned and operated the Property since that time. Shortly after acquiring the Property, Mr. Ford’s companies constructed 63 units of garden apartment-style rental residential units on the western half of the Property with surface parking spaces occupying the eastern half and affiliate companies have managed those units since that time. The 63 units located on the Property are vacant.

The Applicant’s expert staff of real estate professionals has extensive experience delivering and managing high quality housing projects in the District, in partnership with their network of third-party service providers. The Applicant intends to own the Property and operate the Project once completed.

II. THE PROPERTY

A. Location and Current Use

The Property is located in the Northwest quadrant of the District within Ward 6 and ANC 6E03, and is at the boundary of the Shaw and Mount Vernon Square neighborhoods. N Street, NW bounds the Property to the north, 5th Street, NW to the east, M Street, NW to the south, and 6th Street, NW to the west. Approximately one block to the west of the Property is the Mount Vernon Square/7th Street/Convention Center Metrorail station stop, which is served by WMATA’s Green and Yellow lines. *See* the Plans at page G02.

The Property consists of approximately 92,394 square feet of land area, all of which is contiguous and located on a single lot of record that comprises an entire existing city block. As noted above, the Property currently contains 63 garden apartment-style rental units constructed in the late 1960s and early 1970s plus nearly an acre of surface parking serving only those units. The garden apartment units are all vacant and slated for demolition. Overall, the Property is a suitable site for the Project to proceed as a PUD.

B. Characteristics of the Surrounding Area

Surrounding Land Uses. The blocks immediately surrounding the Property contain primarily residential, religious-affiliated, and low-density commercial land uses. The blocks beyond are generally residential in character with the exception of the blocks to the west containing the Convention Center, the commercial corridor along 9th Street, NW, and the City Market at 9th Street, NW between O and P Streets, NW.

The block immediately to the north of the Property contains a pair of two- to three-story residential buildings and the comparatively low-scale Miles Memorial C.M.E Church. The east side of 5th Street, NW to the east of the Property is lined with two-story brick rowhouses, two religious institutions, the Kingdom Hall of Jehovah's Witnesses and the Metropolitan Community Church and associated parking, and is bookended by two corner stores, one at each of M and N Streets, NW. The block to the south of the Property is lined with three-story historic rowhouses. The blocks immediately to the east and south are within the Mount Vernon Square Historic District, but the Property itself is not within the Historic District. The block to the west of the Property includes a mix of garden apartment-style units and associated surface parking, plus one church at either end (i.e., First Rising Mt. Zion Baptist Church at the north end of the block and the United House of Prayer for All People at the south). Beyond the immediately surrounding blocks are blocks containing rowhouses, garden apartments, and religious, educational, and recreational uses. *See* the Plans at page G03.

Neighborhood Mobility Network. The District's existing and growing network of transit and other mobility options (e.g., Uber/Lyft, Zipcar/Car2Go, rentable scooters, and the like) make car-free living feasible and desirable at the Property. As noted, the Property is one block from the Metrorail. Metrobus route 70 serves the Property with stops along 7th Street, NW one block to the west of the Property. All or nearly all of the blocks surrounding the Property have high quality sidewalks for pedestrians.

With respect to bicycles, 5th Street, NW has a dedicated bicycle lane running from New York Avenue, NW to the south of the Property to Rhode Island Avenue, NW to the north. East-west bicycle lanes are on Q and R Streets, NW, four blocks north of the Property. A Capital BikeShare station is located at 7th and M Streets, NW one block from the Property. In general, the street grid surrounding the Property is porous, flat and generally bicycle- and pedestrian-friendly.

For vehicles, the Property enjoys convenient vehicular access to Downtown and to the regional highway system via New York Avenue, NW and 9th Street, NW.

Nearby Recreation and Amenities. Recreational opportunities near the Property include the Kennedy Recreation Center (which has basketball and tennis courts, a baseball field, and a playground) and Bundy Field and Park (a combined soccer/lacrosse/softball field) one block to the north and a District-managed playground and tot lot on N Street, NW, one block to the west of the Property. The Northwest One Neighborhood Library is one half-mile to the southeast of the Property and the Shaw (Watha T. Daniel) Neighborhood Library the same distance to the north.

Commercial/retail uses proximate to the Property include City Market at O Street (which includes a full-service Giant grocery store) approximately three blocks northwest of the Property and City Vista (which includes a full-service Safeway grocery store) approximately three blocks to the southeast. A corner store, the 5th Street Market, is immediately across 5th Street, NW from the Property, and restaurants and shops line 9th Street, NW and New York Avenue, NW just a few blocks further away. As with the neighborhood's mobility options, the mix of uses near the Property, combined with its proximity to Downtown, make car-free living an attractive and realistic option at the Property.

Nearby Development. Recent development activity in the vicinity of the Property include: Douglas Development’s 756,000 sf mixed-use development at 655 New York Avenue, NE – one block to the south of the Property (which will house the Advisory Board Companies); and a mix of incremental improvements to individual or small clusters of rowhouses and block-scale mixed-use projects along 9th Street, NW and New York Avenue, NW. The residences on the blocks and neighborhoods surrounding the Property are in high demand, and this portion of the District needs to increase its supply of housing, consistent with the Mayor’s Housing Order to add 36,000 new housing units, 12,000 of them affordable, across the District. The neighborhood in which the Property is located is appropriate for additional housing because it is: well-served by transit in order to reduce vehicular trips; on a lot with no existing residents who would be displaced by the development of the Project; near the Downtown core where there are numerous job opportunities; and convenient to shops and restaurants along 9th Street, NW and New York Avenue, NW. The Property is located in the type of neighborhood that is well-suited to adding new housing opportunities in furtherance of the Mayor’s goals for the District.

Nearby Zoning, Economic, and Demographic Characteristics. As noted above, the Property is in the RA-2 zone, which also extends to the blocks south, west, and northeast of the Property. The blocks to the immediate north and east are in the RF-1 zone. Blocks to the south along New York Avenue, NW and near the Convention Center are in the D zones, and blocks to the west along and between 7th and 9th Streets, NW are in the MU-4, 5A, and 6 zones. *See the Plans at page G04.*

The Property is located in the center of Census Tract 48.02, which includes the southeastern corner of the Shaw neighborhood. As of the 2015 American Community Survey, the Tract included approximately 3548 residents and 1725 housing units, of which approximately 80 percent were renter-occupied and 20 percent owner-occupied.² The demographics of the Census Tract (as of 2015) were approximately 50 percent black, 33 percent white, and the balance a mix of Asian, two or more races, or “some other race”. The average household size is approximately 2, with only approximately 14 percent of households including children. About one quarter of households in the Census Tract included one or more individuals over the age of 60. The aggregate unemployment rate in the Tract was approximately 3 percent (in 2015) and 1 percent as of 2017. The median income in the Tract was \$63,015 (versus \$70,848 for the District as a whole) as of 2015. In sum, the Property is located in a mixed-race, mixed-income neighborhood with primarily working-aged, employed adults.

III. THE PROJECT

The Project transforms an existing underutilized property, which currently consists of 63 vacant garden apartment style units and a large surface parking lot, into a beneficial, thriving, and exciting new residential community with 363 apartments. The Project includes new landscaped courtyard areas, streetscape improvements, and below-grade vehicle and bicycle parking. The Project has a maximum height of 50 feet (i.e., three to four stories) plus a habitable penthouse and creates a strong, appropriately-scaled and articulated streetwall along all four sides.

² United States Census Bureau, American FactFinder <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (last visited July 30, 2019) [“Geographies”, “Address”: 1200 5th Street, NW, Washington, DC].

Approximately 25% of the units will include two or three bedrooms and 12% of the residential square footage, including cellar space and penthouse, will be reserved as affordable. The net increase in units and the addition of permanently affordable units—where none exist today—are significant improvements over the existing conditions. The Project is proceeding as a PUD to obtain additional density and related lot occupancy relief and to provide a robust package of public benefits (the “**Public Benefits**”) as part of a public process. In sum, the Project exhibits the appropriateness, character, scale, height, uses, and design for approval as a consolidated PUD.

A. Project Description

Program. The Project includes up to approximately 246,792 square feet of gross floor area (“**GFA**”) and for an overall floor area ratio (“**FAR**”) of approximately 2.67. All of the Project’s GFA is devoted to residential uses. The Project also includes approximately 103 below grade vehicle parking spaces, bicycle parking, and loading, all in accordance with the requirements of the Zoning Regulations.

Site Plan. The Project’s site plan, massing, and circulation respond to the Property’s context on all four sides. *See* the Plans at page A01 and G08.

The Project is built to the property line on all four sides except in the middle of the Property where there are two open courts totaling approximately 8,750 square feet. The Project’s two open courts achieve the dual goals of (i) breaking down the apparent scale of the block-long building and (ii) responding to the surrounding context. The courts exist because the Project is divided into two wings across an east-west axis that bisects the Property. Connecting the two wings is a two story “bar” containing the Project’s residential support and amenity spaces. The bar is recessed from the lot line along both 5th and 6th Streets, NW in order to break down the apparent scale of the building. The Project’s massing is compatible with the adjacent blocks.

The Project’s bifurcated massing and two open courts also respond to the surrounding block pattern. The eastern open court is aligned with the terminus of the one block-long Ridge Street, NW. At approximately 6,216 square feet, the eastern court is nearly three times larger than its counterpart and landscaped in order to receive the termination of Ridge Street, NW. The greater amount of landscaping on the eastern side also corresponds to the greater density of street trees and greenery and the overall lower density character to the east of the Property. The shallower court on the western side of the bar creates a hierarchy between the two sides of the building and signifies the western side as the primary pedestrian entrance into the building. The shallower court on the western side also creates a slightly more urban-feeling condition consistent with the increasingly urban fabric of the neighborhood moving from 6th Street, NW west toward 7th Street, NW and eventually to 9th Street, NW as the central commercial spine of the neighborhood.

Also in response to nuanced differences in the conditions surrounding the Property, the Project varies in height. The northern wing of the Project is only three stories. This height harmonizes more closely with the two-to-three-story residences and the two-story church immediately north of the Property and the two-story rowhouses to the east. The southern wing of the Project is four stories, a condition accommodated by the greater height of the row houses to the south of the Property and the taller condition of the United House of Prayer at the southern

end of block to the west. There are no residents opposite the Property's southern wing to the east (the facing buildings are a church, which is effectively the height of a three-story building and a corner store/wine shop, beyond which are three story rowhouses).

Closed courts in the center of each of the two residential wings of the Project permit light and air penetration into the residential units and allows for landscaping at the courts' base.

The proposed site circulation also responds to the surrounding context in an attempt to respect surrounding residential uses. The Project's primary vehicular access point for the below-grade garage is from N Street, NW, opposite a church (rather than opposite residences), and is generally in the same location as the existing curb cut. That vehicular access point also serves the loading for the northern wing of the Project. Loading for the southern wing of the Project is from 5th Street, NW opposite the existing corner store/wine shop, rather than opposite any existing residences. Numerous pedestrian entrances line the Project's 5th, 6th, and M Streets, NW façades in order to generate pedestrian activity, to promote walking over vehicle mobility, and to create a strong relationship between the building and public space. (Pedestrian entrances are avoided along N Street, NW in order to minimize potential conflicts with vehicles.)

Building Layout. The Project's site plan, massing, and circulation inform the Project's interior organization and layout. As noted above, the Project is organized into two residential wings, each around a closed court, with the service and amenity bar connecting the two wings. *See the Plans at page A02.*

The two residential wings of the Project include double-loaded corridors, with units lining the street-facing exterior perimeter and the court-facing interior. This layout allows for highly-efficient overall floorplates and efficient, daylit individual unit floorplans. The layout also accommodates a mix of unit sizes, ranging from studios to three-bedrooms. *See the Plans at page G05 and A02-A07.* Each of the two residential wings of the Project include independent stair and elevator cores. The duplication of such cores slightly reduces the overall floorplate efficiency but optimizes the distance for each unit to internal vertical circulation.

The bar connecting the two building contains nearly all of the Project's residential support and amenity areas, including a lobby, leasing offices, a fitness center, pool, lounge, and a club room.

Both residential wings of the Project include a lower level that is below-grade relative to the exterior of the building, but at-grade relative to the interior closed courts. Many of the units at the perimeter of the building at this level will have direct stair access to the street. Some of the interior lower level units will have direct access to terraces along the interior courts. This direct access will make these units more attractive to residents notwithstanding the somewhat diminished amount of light relative to units on the upper floors. The Project's first floor sits partially above grade, continuing the condition common to many of the surrounding rowhouses. Many of the first floor apartments along the perimeter of the Project also have direct access to the street, again in an attempt to generate pedestrian activity on three sides of the Property and to reflect the surrounding historical context. The northern wing has two additional residential levels and a penthouse above the first floor, and the southern wing has three additional levels and a penthouse.

Parking and Loading. The Project contains one partial level of below-grade parking. Recognizing the Property's proximity to the Metrorail station, the neighborhood's pedestrian- and bicycle-friendliness and the diverse mobility options available, the Project provides approximately 103 vehicle parking spaces. The proposed amount of parking seeks to balance the District Department of Transportation's ("DDOT") goal of providing reduced parking near transit with the surrounding community's goal of ensuring that the Project contains adequate parking for residents. As a result, the Project's parking is at a ratio of 0.3 spaces per unit, in line with DDOT's generally accepted standards, but is approximately 40 spaces above the minimum parking requirements in order to address the concerns of nearby residents. The Project's garage also features ample secure bicycle storage, located conveniently for residents to store and access their bikes. Short-term bicycle spaces will be added to public space around the perimeter of the Property in coordination with DDOT.

The Project includes two sets of loading facilities, one for each wing of the Project. Providing each wing a dedicated loading area will facilitate move-in and move-out operations and discourage loading from the street.

The Property today contains two curb cuts, one each on M and N Streets, NW. The Project also requires two curb cuts, although the existing M Street, NW curb cut will be relocated as part of the Project to 5th Street, NW opposite the existing corner store/wine shop rather than opposite the historic row houses where it is located today. The Project's loading facilities do not necessitate any truck backing up into or out of public right of ways, as all turns can be accommodated within the building.

Residential Unit Mix and Affordable Housing. The Project's residential program contains a relatively even distribution of studio, junior 1-bedroom, 1-bedroom, junior 2-bedroom, 2-bedroom, and 3-bedroom units. Notably, no unit size comprises more than one third of the units.

The Project has dedicated amenity space for resident events as well as numerous private outdoor balconies and terraces. Of the Project's approximately 363 residential units, 87 include access to private outdoor space, either a balcony or a terrace. The Project reserves for affordable units an area equal to 12 percent of the total of GFA devoted to residential use, plus enclosed projections in public space, the residential portions of the cellars, and the habitable penthouse space, which translates to approximately 40,637 gross square feet for affordable units, of which, approximately 4,368 square feet will be provided for households earning no more than 50 percent of the Median Family Income ("MFI")³ with the remainder set aside for households earning no more than 60 percent MFI for the life of the Project.

Façade, Details, and Materials. Continuing the theme addressed by the Project's site plan, massing, and circulation, the detailing and articulation on each of the Project's four elevations differ slightly in response to neighborhood conditions. *See* the Plans at Page A25. For instance, the south elevation has seven bay elements that correspond to an approximately equal number on the historic rowhouses on the south side of M Street, NW. The articulation along this elevation harmonizes in dimension and rhythm with the existing bays along M Street, NW. By contrast, the

³ The Applicant reserves the right to utilize the requirements of Subtitle C § 1006.10 to satisfy this requirement and will work through the CIZC process to convert the gross residential square footage number above to a net residential square footage number pursuant to the IZ regulations.

north elevation has only four total bays, three of which are clustered on the western side opposite the existing rowhouses on the north side of N Street, NW. The north elevation is comparatively less articulated and more modern opposite the modern-style church on the north side of N Street, NW.

The Project's materials and detailing continue and re-interpret the richness of design detail and predominant use of masonry on residential buildings in the Shaw neighborhood. The Project employs two grey bricks as the primary façade material. *See* the Plans at Page A26. The top floor of the Project's south wing, which corresponds to the penthouse level on the north wing, transitions to a neutral-colored cementitious panel. The transition of the darker greys at the base to a lighter grey at the fourth floor and white at the setback penthouses, allows the eye to focus on the rhythm and height of the first three floors of the Project, responding to the rowhomes in the surrounding neighborhood.

Landscaping. The Project features landscaping improvements at street level, in the courts, and on the rooftop areas of the building. *See* the Plans at Page L01. The predominant intent of the street-level landscape improvements is to enhance the pedestrian experience and preserve existing street trees. *See* the Plans at Page L06. The Applicant intends to continue to work with DDOT on the Project's streetscape design.

The two open courts—that is, those on either side of the connective bar—introduce ornamental landscaping. The eastern court, in particular includes a water feature, tall shade trees, and a small lawn elevated above street level. *See* the Plans at Page L02.

The interior courts, which will be open to building residents for passive recreation and gathering, include trees, a mix of hardscape and landscape, and water features. *See* the Plans at Page L03-L04. The northern courtyard is expected to be the more active and playful courtyard with outdoor games, grills, and various seating areas. The southern courtyard is intended to be much more quiet and tranquil, with abundant planting and a small area appropriate for outdoor yoga.

The roof of the connective bar also includes a pool for resident use. *See* the Plans at Page L05. The Project's roofs are landscaped in order to help satisfy the Green Area Ratio (“GAR”) and stormwater regulatory requirements and in order to improve energy efficiency within the building and to reduce albedo effects.

Sustainability. The Project is designed to LEED Silver v4 (which is the functional equivalent of LEED Gold 2009), and the Project will seek certification as such from the USGBC. Specific sustainable design features include: energy modeling for the residential portion of the Project in order to optimize energy use and implement a number of efficiency strategies; selection of materials—both interior and exterior—that are environmentally preferred; inclusion of green roof and rooftop bio-retention; and ongoing identification and investigation of areas that could accommodate photovoltaic solar panels on the main and penthouse roofs.

B. Compliance with the Development Standards of the Zoning Regulations

The Property is in the RA-2 zone, and the Project is consistent with the Zoning Regulations with respect to all development standards applicable to that zone except with respect to lot occupancy. A detailed table setting forth the Project's compliance with the Zoning Regulations is included in the Plans. *See* G05-G07. A summary table is provided below.

In brief, the Project remains within the matter-of-right height in the RA-2 zone. However, in order to appropriately respond to the Mayor’s objective of adding housing units while developing a building with a cohesive relationship to the street on all sides, the Project seeks an additional approximately 7,307 square feet of GFA (an approximately 3 percent increase over the PUD guidelines in the RA-2 Zone) and seeks to increase the lot occupancy by 18 percent over the matter-of-right limit. Additional justification for these two items is provided in the following section.

In all other ways, the Project conforms to the Zoning Regulations. Front yards are not required in the RA-2 zone, and no front yard is provided here. The Project’s rear yard complies with the Zoning Regulations when measured from the mid-point of 5th Street, NW because the Property has frontage on at least three streets. The Project has no side yards, and its four courts all comply as shown on page G07 of the Plans. The Project’s habitable and mechanical penthouse structures comply with the relevant requirements. The Project’s overall green area ratio of 0.4 satisfies requirement for the RA-2 zone.

The Project provides an amount of vehicle parking within the range of spaces contemplated for a multifamily residential building within a half-mile of a Metrorail station. The Project’s bicycle parking and loading satisfies all relevant requirements.

	Required/Allowed RA-2 Zone	Project
Height	50 feet matter-of-right 60 feet under a PUD	50 feet
FAR	1.8 matter-of-right 2.16 with IZ bonus 2.59 with PUD bonus 2.72 with additional PUD relief	2.67
GFA	239,485 sf with IZ + PUD bonuses 251,460 sf with additional PUD	246,792 sf
Residential Units	No max.	approx. 363
Lot Occupancy	60 percent	78 percent <i>(flexibility requested)</i>
GAR	0.4	0.4
Rear Yard	4 in./ft. (15 ft. min.)	Complies ⁴
Side Yard	Not required	Not provided
Court Width	4 in./ft. (10 ft. min.)	See Plans at G07 All compliant
Court Area	2 x width squared (350 sf min.)	
Penthouses	<i>As set forth in Subtitle C</i>	
Parking	1 space per 3 units (after first 4) = 60-120 spaces required ⁵	approx. 103 spaces
Loading	1 30-foot loading berth 1 20-foot delivery space	2 x 30-foot loading berths
Bicycle Parking	18 Short-term (1 space/20 units)	18 short-term
	121 Long-term (1 space/3 units)	121 long-term

⁴ Pursuant to 11-B DCMR § 318.8, “In the case of a . . . lot abutting three (3) or more streets, the depth of [the] rear yard may be measured from the center line of the street abutting the lot at the rear of the structure,” which street abutting the rear of the structure for the Project is 5th Street, NW.

⁵ Pursuant to 11-C DCMR § 702.1, the minimum amount of parking for any site within one-half mile of a Metrorail station may be reduced by up to 50 percent.

C. Requested Zoning and Design Flexibility

The PUD process expressly allows greater flexibility in planning and design than is possible under strict application of the Zoning Regulations. Under ZR16's Subtitle X, Sections 303.1, 303.10, 303.11, and 303.13, the Commission retains discretion to grant flexibility with respect to development standards and to grant an increase of not more than 5% in the maximum density when "essential to the successful functioning" of the Project. The Zoning Regulations also permit the Commission to approve design flexibility in the final approved plans of a PUD. All flexibility under a PUD must be balanced against the PUD's public benefits. *See* 11-X DCMR § 304.3.

The Applicant seeks (1) modest flexibility with respect to lot occupancy; (2) to use a portion (i.e., 3 percent) of the 5 percent density increase that the Commission may grant as "essential to the successful functioning" of the Project; and (3) design flexibility in line with what it understands is the Commission's now "standard" flexibility and pending text amendment.

1. Lot Occupancy Flexibility. As noted above, the Applicant requests only one area of zoning flexibility. The Applicant seeks to increase the Project's lot occupancy over the percentage occupancy permitted as a matter-of-right. The primary design rationale for this flexibility request is to attain the amount of residential density contemplated in the RA-2 zone pursuant to the PUD and Inclusionary Zoning ("IZ") bonuses while remaining within the matter-of-right height limit. In designing the Project to capture the additional density within the matter-of-right height limit, the Applicant seeks to balance two objectives. On the one hand, the Applicant seeks to make a meaningful contribution to the Mayor's housing production goals: the Project contributes exactly 1% of the 36,000 total new units that the Mayor seeks to add. On the other hand, the Applicant seeks to respect the prevailing building heights on surrounding blocks. The Applicant has heard from the ANC and neighbors that three to four stories (i.e., up to 50 feet) is acceptable, but 60 feet would be too tall. To reconcile these objectives, the Project is shorter than otherwise allowed under a PUD in order to accommodate the community but spread out over a greater portion of the lot in order to advance the Mayor's goals.

2. Density Increase. The Applicant seeks to exceed the maximum FAR permitted pursuant to the PUD and IZ bonuses by approximately 7,307 square feet. That is, the Project could deploy a maximum of 239,485 sf of GFA with the matter-of-right FAR plus 20 percent bonuses under the IZ and the PUD regulations. The Project as proposed has 246,792 sf of GFA. The additional requested GFA, equivalent to approximately 3 percent above the IZ and PUD bonuses, is essential to the successful function and design of the Project.

Essentially, the Project seeks to present a design that strongly addresses the sidewalk and street on all four facades with a double-loaded corridor around an interior closed court. If the Project shaved the additional area from the building it would have to either be set back from one side or expand the dimensions of a court. Doing either would likely result in losing an entire "stack" of units, given the need to maintain units of a minimum size and with usable dimensions.

The additional requested density is essential to the successful function of the Project because it allows the Project to be constructed to a logical floorplate and to maintain efficiency levels on each floor that are necessary for the Project to function successfully. Moreover,

approximately 80 percent (i.e., 5,706 sf of the 7,307 sf) of the additional density requested is the result of including ample balconies throughout the Project.⁶ The inclusion of balconies in the Project not only provides an amenity for the future residents, but it also adds vitality and visual interest to the building itself.

It is also important to note that the 2016 Zoning Regulations reduced the amount of density available in the RA-2 Zone through the PUD process. As a point of comparison, the RA-2 zone's predecessor, the R-5-B zone district, had a maximum FAR of 3.0 pursuant to a PUD. As noted, the maximum FAR under a PUD in the RA-2 zone is now only 2.59. With the requested additional density, the Project remains well below 3.0. (Given the Mayor's goals for the development of additional housing in the District, this is something that the Zoning Commission may want to revisit in a future text amendment to the Zoning Regulations.)

3. Design Flexibility. The Applicant also seeks design flexibility as a part of the PUD process. The Applicant understands that pending before the Commission is a text amendment that would specify the type of design flexibility that the Commission may grant. The Applicant seeks flexibility in accordance with the flexibility that the Commission has granted in recent cases and with the flexibility in the pending amendment, all as listed on Appendix A attached to this statement.

D. Project Goals and Objectives and Benefits of Using the PUD Process

The Project's proposed addition of new residential units near transit advances the Mayor's goal of adding new housing units to the District, particularly in transit-accessible locations. The Project's public realm-activating site planning and other Public Benefits advance numerous objectives of the Comprehensive Plan and other adopted public policy.

The PUD process is the appropriate means to realize these goals and objectives. The PUD process provides the community and the District the tools to ensure that the Project is well-designed and best meets the needs of the many interested parties. It further allows the public to provide its input on whether the proposed uses, density, height and design are complementary to the existing community.

The PUD process provides the framework for realizing the redevelopment potential of the Property and capturing benefits and amenities that enhance the surrounding community. The Project, by virtue of proceeding as a PUD, contributes to the provision of the Public Benefits and results in a superior outcome relative to any matter-of-right development on the Property.

E. Outreach Efforts

The Applicant has already twice presented initial concepts for the Project to the ANC and separately hosted its own public meeting for all interested community members in addition to numerous individual meetings with neighbors, local churches, and community leadership. The Applicant has also met with representatives from the Office of Planning ("OP") and with DDOT.

⁶ In the past, these balconies would not be included in the calculation of a building's GFA, based on recent interpretations of the Zoning Administrator, these balconies are now included in a building's GFA calculation.

The Applicant will continue to meet with all relevant DC agencies, the ANC, and other community members/ organizations as the PUD process continues.

F. Development Timetable

The Applicant hopes to complete the PUD process in the first quarter of 2020 and to begin construction approximately in the second quarter of 2021. The Applicant anticipates that that building will take approximately 24 months to build, with new residents being able to move in by 2023.

IV. THIS APPLICATION SATISFIES THE PUD PROCEDURAL REQUIREMENTS

The Project and this Application satisfy and exceed the requirements of the Zoning Regulations for review and approval of a consolidated PUD and the Commission should set this Application down for a public hearing, and ultimately, approve the Project.

This Application (a) complies with the set down criteria applicable to a consolidated PUD, *see* 11-X DCMR §§ 302.2, 302.3, 302.4, and 308.2 and (b) fulfills the requirements for a PUD generally, *see id.* §§ 300.1, 300.2, 300.5, 301.1, 301.5, and 307.1.

A. This Application Complies with Consolidated PUD Set Down Criteria

The Commission should set down this Application for a public hearing, and ultimately approve it along with the requested flexibility, because this Application satisfies the standards for a consolidated PUD. The procedural regulations applicable to a consolidated PUD provide (i) that a consolidated PUD must undergo a “a general review of the site’s suitability as a PUD and any related map amendment; the appropriateness, character, scale, height, mixture of uses, and design of the uses proposed; and the compatibility of the proposed development with the Comprehensive Plan, and city-wide, ward, and area plans of the District of Columbia, and the other goals of the project” plus a “detailed site plan review to determine final transportation management and mitigation, final building and landscape materials” and review for compliance with the Zoning Regulations generally, *id.* § 302.2; (ii) that a “consolidated [PUD] application shall incorporate all information and material for both a first- and second-stage application” set forth in Subtitle Z, Sections 300.11 and 300.12, *id.* § 302.3; and (iii) “[w]hen the [Commission] considers whether to set down a consolidated [PUD] application for a hearing, the [Commission] shall determine whether the application is sufficiently clear and detailed to be considered at one (1) proceeding, *id.* § 302.4. The Application fulfills these requirements.

The Plans and this statement allow the Commission to conduct a consolidated PUD review of “the site’s suitability as a PUD” and the “appropriateness, character, scale, height, mixture of uses, and design” of the multifamily residential uses proposed. The Plans also include “detailed site plans along with proposed building and landscape materials” designs for the Commission to conduct its review. The Applicant will submit a transportation analysis (“CTR”) and mitigation plan (“TDM”) following the Commission’s hearing action on this Application but prior to any public hearing. This Application does not seek a related map amendment. As set forth below in Section V, the proposed Project is not inconsistent with the Comprehensive Plan, and District-wide, Ward 6, area plans, and the other goals.

As set forth on the certificate attached as Exhibit C, this Application includes all of the materials required of a first- and second-stage PUD application. The filed materials are more than sufficiently clear for the Commission to consider the Application as one proceeding.

B. This Application Fulfills the Requirements for a PUD

The Zoning Regulations establish requirements for the Commission to process and review a PUD and the criteria against which the Commission is to evaluate and make a determination on this Application.

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; and (iii) protects and advances the public health, safety, welfare, and convenience, does not circumvent the intent and purposes of the Zoning Regulations, is not inconsistent with the Comprehensive Plan, and does not result in action inconsistent therewith. 11-X DCMR §§ 300.1, 300.2, and 300.5. and 307.1. The Project satisfies each of the above PUD requirements.

i. The Project Is Superior to the Development of the Property under the Matter-of-Right Standards.

The Project's contribution of housing and affordable housing, other Public Benefits, and the community engagement process that accompany this PUD process all exceed what would be provided under matter-of-right standards. Specific aspects of the Project superior to a matter-of-right development include:

- Housing/Affordable Housing – The Project provides more housing than what could be constructed on the Property without a PUD by virtue of the 20 percent PUD density bonus and the modest increase above that bonus. In addition, the amount of affordable housing (12% of the residential GFA, penthouses, cellar, and projections) included in the Project exceeds the amount that would be required in a matter-of-right development pursuant to the IZ requirements.⁷ Moreover, there are currently zero permanently affordable units provided on the Property, so the delivery of this Project adds needed housing to the City's permanently affordable housing stock.
- Public Benefits – The Project's contribution of Public Benefits exceeds what would be provided in a matter-of-right development.
- Community Engagement – Finally, the Applicant is conducting a comprehensive public outreach and engagement process with multiple opportunities for neighbor,

⁷ That is, through the PUD process the Project attains approximately 47,221 sf of GFA of additional density and lot occupancy flexibility. Because of these PUD incentives, the Project also provides approximately 11,969 sf of affordable housing above the amount that would be required in a matter-of-right building constructed to the full matter-of-right density (inclusive of the IZ bonus). Therefore, approximately 23 percent of the additional density obtained through the PUD process is attributable solely to affordable housing.

community group, and public agency participation. Those opportunities, and future ones, would not exist for a matter-of-right development of the Property.

ii. The Public Benefits Are Commendable in Number and Quality.

As detailed below, the Project delivers Public Benefits and other project amenities. These Public Benefits fulfill goals set forth in the Comprehensive Plan and the Small Area Plan, the priorities of District agencies and stakeholders, and the preferences, needs, and concerns of the ANC and community residents identified during the Applicant's community engagement process. Accordingly, the Public Benefits package is a meaningful 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 an underutilized parcel proximate to a Metrorail station, the Project affirmatively improves major public interests and priorities such as housing and affordable housing, additional ground level activating design and high-quality, environmentally-sustainable design. Moreover, for the reasons discussed below, the Project does not adversely affect public safety and public infrastructure or otherwise impose adverse impacts on the surrounding community. The Project satisfies the goals and objectives for the District as set forth in the Comprehensive Plan and the Small Area Plan.
- The development of the vacant and underutilized Property with new housing and affordable housing advances the public health, safety, welfare, and convenience goals of the District by converting underutilized lots to productive use, avoiding the health and safety problems often associated with vacant spaces, and providing uses that promote public welfare and convenience. Accordingly, the Project advances these purposes of the Zoning Regulations.
- The Project does not seek to circumvent the Zoning Regulations. It does not seek to amend the Zoning Map and seeks only modest zoning flexibility with respect to lot occupancy, which is the trade-off for foregoing additional height available as part of the PUD process. The RA-2 zone is intended for moderate-density residential uses in a walkable living environment, goals that the Project advances. *See* 11-F DCMR §§ 100.3, 300.3. The Project conforms to the requirements for the RA-2 zone, is compatible with the existing neighborhood, is oriented to support active use of transit and public spaces, and promotes stability of the surrounding residential area.

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 §§ 301.1, 301.5. The Property, at 92,394 square feet and a single contiguous record lot, satisfies the area and contiguity requirements.

Finally, any PUD must undergo a comprehensive public review by the Commission to evaluate the flexibility or incentives requested in proportion to the proposed public benefits. This Application will undergo such a review. 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 as soon as possible.

V. THE PROJECT SATISFIES THE PUD EVALUATION CRITERIA AND BALANCING TEST

The Project satisfies the criteria by which the Commission must evaluate a PUD and balance the public benefits against the development incentives and potential adverse effects.

First, in reviewing this consolidated PUD Application, the Commission must find, based on evidence presented by the Applicant, that the Project satisfies the three elements of the PUD evaluation standard; that is, that Project (a) is not inconsistent with the Comprehensive Plan and other relevant public policies, (b) does not result in any unacceptable impacts on the surrounding area or on the operation of District services and facilities, and (c) includes specific public benefits that satisfy the relevant requirements. 11-X DCMR §§ 304.2, 304.4, and 305.

Second, if the Commission finds that the Application satisfies those three criteria, then the Commission must, according to the specific circumstances of the Project, judge, balance, and reconcile the relative value of the Public Benefits against the development incentives and flexibility requested as part of the Project, and any potential adverse effects of the Project. *Id.* §§ 304.1 and 304.3.

For the reasons set forth below, this Application provides the substantial evidence necessary for the Commission to make its requisite findings, complete the required balancing, and approve the Project and requested flexibility.

A. The Project Is Not Inconsistent with the Comprehensive Plan

In order to approve an application for a PUD, the Commission must find that such PUD is “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs 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, *viz.*, the “Convention Center Area Strategic Development Plan” approved by the D.C. Council on June 20, 2006 (the “**Area Plan**”), and the Mayor’s Housing Order.

The District of Columbia Court of Appeals has consistently directed the Commission to review a PUD application against the Comprehensive Plan “*as a whole*” under this prong of the PUD evaluation standard. That is, the Commission may find that a PUD application is not inconsistent with the Comprehensive Plan even if the application presents actual or potential inconsistencies with individual objectives or elements of the Comprehensive Plan.⁸ Rather, the

⁸ *Friends of McMillan Park v. District of Columbia Zoning Comm’n.*, No. 18-AA-698 and 18-AA-706 (D.C. Jul. 3, 2019) (“The Commission may approve a PUD that is inconsistent with one or more non-mandatory policies in the Comprehensive Plan as long as it recognizes these conflicting policies and explains why they are outweighed by other, competing considerations.”) (internal quotations marks and citations omitted).

Commission must weigh and balance competing policy objectives and explain its analysis.⁹ Finally, the Court has determined that small area plans, such as the Area Plan, must be read “in conjunction with the Comprehensive Plan, which is itself a non-binding “interpretive guide” unless otherwise provided.”¹⁰

Attached as Exhibit F is a detailed analysis of the Project in light of the applicable objectives of the Comprehensive Plan, Area Plan, and Mayor’s Housing Order. In sum, the Project is not inconsistent with the Comprehensive Plan when reviewed as a whole and is not inconsistent with any other adopted public policies or active programs related to the subject site, including the Area Plan and Mayor’s Housing Order.

Of particular note:

- Future Land Use Map: The Comprehensive Plan’s “Future Land Use Map” designates the Property as “Moderate Density Residential” which allows for “low-rise apartment buildings”. The three-to-four story Project is not inconsistent with this designation, especially given its proximity to the Metro and its proceeding as a PUD. 10-A DCMR § 225.4.
- Generalized Policy Map: The Comprehensive Plan’s “Generalized Policy Map” designates the Property as a “Neighborhood Enhancement Area” which “present opportunities for compatible small-scale infill development”. *Id.* § 223.6. The Project is not inconsistent with the objectives for a Neighborhood Enhancement Area given the existing conditions on the Property.
- District Wide and Area Elements: The Project advances numerous individual objectives of the District Wide and Area Elements, all as summarized on Exhibit F. The Project is not inconsistent with the Comprehensive Plan as a whole. Numerous objectives of the District Wide and Area Elements encourage the development of additional housing, especially near transit.
- Area Plan: For the Property, which is within the “Transit Oriented Housing” sub-area of the Area Plan, the Area Plan encourages: (1) “mixed-income residential development with underground parking on surface parking lots adjacent to Metro stations”; (2) “renewal of Project-based Section 8 contracts; alternatively, redevelop with equivalent/increased number of affordable residential units”; and (3) infill developments built to property line on street frontage with open space oriented to the interior of the block”. The Project is a mixed-income residential development with

⁹ *Id.* (“Even if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole. The Comprehensive Plan reflects numerous occasionally competing policies and goals and, except where specifically provided, the Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole. If the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain why they are outweighed by other, competing considerations.”) (internal quotations marks and citations omitted).

¹⁰ *Union Market Neighbors v. District of Columbia Zoning Comm’n.*, No. 17-AA-780 (D.C. Mar. 28, 2019).

approximately 33,711 square feet of affordable residential units. There is no Section 8 contract in effect for the Property, and there has not been since 2002. The Project is consistent with the additional design guidelines from the Area Plan, which are summarized on Exhibit F.

- Mayor's Housing Order: The Mayor's Housing Order sets a goal of creating 36,000 new residential units by 2025. The Project alone represents exactly 1% of that goal, a significant contribution from a single site. The Project is more than just consistent with the Mayor's Housing Order: The Project is precisely the type of transit-oriented, contextually-designed, mixed-income new development with permanent affordable housing units that will be essential to achieving the Mayor's housing objectives.

To the extent the Project introduces any inconsistencies with the Future Land Use Map or Generalized Policy Map, the Commission should balance those inconsistencies against the competing objectives of producing additional housing and affordable housing near transit as encouraged elsewhere in the Comprehensive Plan and as strongly urged in the Mayor's Housing Order. The housing production goals, taken in the context of the Project's design allow the Commission to find that the Project satisfies the first prong of the three-part PUD evaluation standard as being not inconsistent with the Comprehensive Plan *as a whole*.

B. The Project Does Not Result in Any Unacceptable Impacts on the Surrounding Area or on the Operation of District Services or Facilities

In reviewing a PUD application, the Commission must evaluate whether the subject project would result in any unacceptable impacts on the surrounding area or on the operation of District services and facilities and whether any potential impacts are capable of being mitigated or acceptable in light of the project's public benefits. The Commission's review of potential impacts must be based on substantial evidence and must be reasonable in nature.

The Applicant has carefully studied the Project's potential impacts and offers the evidence below and attached that the Project has no unacceptable adverse impacts on the surrounding area or on the operation of District services or facilities that cannot be mitigated or that are not acceptable in light of the Public Benefits. The Applicant prepared the following impact review based on input from its team of expert consultants, including its architects, engineers, and planners. This impact review satisfies the foregoing evidentiary standard, and the Applicant will provide supplemental information to address any further questions or concerns that are raised during the PUD process.

i. The Project Has No Adverse Impacts on the Surrounding Area

Zoning and Land Use Impacts. The Project has no unacceptable zoning or land use impacts on the surrounding area and any impacts are instead either favorable, capable of being mitigated, or acceptable given the quality of Public Benefits in the Project.

This Application proposes no change to the existing RA-2 zone, which is consistent with the designation for the Property in the Comprehensive Plan and compatible with the zoning and actual land uses for surrounding blocks and the Shaw neighborhood.

From a land use perspective, the Project creates no unacceptable impacts on the surrounding area. Any impacts from the Project's proposed land use are either favorable, capable of being mitigated, or acceptable given the quality of the significant Public Benefits included as part of the Project. The Project's multifamily residential uses are entirely appropriate given the Property's proximity to transit and other surrounding multifamily residential uses. Moreover, the Project's creation of a thoughtfully-designed relationship to public pedestrian space and the surrounding public streets also has favorable land use impacts. To the extent there are any ancillary unfavorable impacts arising out of the Project's land uses, such impacts are either mitigated by the Project's design or offset by the quality of the Public Benefits, and in particular the quantity of new mixed-income housing proposed.

Historic District Impacts. Although the Property is not within a historic district, the blocks immediately east and south of the Property are within the Mount Vernon Historic District. Accordingly, this Application analyzes the Project's potential impacts on those resources. The Project has no unacceptable impacts on the nearby Historic District. The Project is designed to harmonize with the contributing structures on M Street, NW and 5th Street, NW. The Project's overall height and density are sympathetic to the existing historic structures. Where there is a cluster of contributing structures along 5th Street, NW (i.e., near the intersection of 5th and N Streets, NW), the Project is only one story taller: three stories for that portion of the Project and two stories for the historic rowhouses. Likewise, the Project is only one story taller than the row of historic structures along M Street, NW: four stories for that portion of the Project and three stories (often with embellishments above that story) for the historic rowhouses. From a site plan perspective, the Project avoids placing any vehicular entrances across from historic structures. Finally, the Project's materials and detailing are compatible with the Historic District. The Project features primarily a brick façade, which is the predominant cladding in the Historic District. Similarly, the Project employs bay-like articulation patterns along both its M and 5th Streets, NW façades that match the scale and rhythm of the existing historic bays.

Housing Market Impacts. The Project's addition of new housing and affordable housing is a favorable impact. The Project creates new, high-quality, transit-accessible housing units on an underutilized parcel. Such units are in high demand across the District. The addition of new housing also has favorable impacts by adding residents to support the nearby commercial uses and recreational areas. The Project's inclusion of permanently affordable units has favorable impacts because it helps address the District's ongoing affordable housing shortage in an inclusive, mixed-income community and not one that overly concentrates affordable housing in one location. The Project's addition of new housing units helps buffer increasing housing costs, insofar as increasing the supply of housing is widely understood to dampen rent increases. In addition, the Court of Appeals has concluded that the presence of the IZ program itself mitigates potential negative housing market impacts.¹¹

¹¹ *Cole v. District of Columbia Zoning Comm'n.*, No. 17-AA-360 (D.C. Jun. 27, 2019) (“In short, mitigation of the potential displacement of low-income residents through gentrification and market pressures is taken into account in the Zoning Commission’s IZ regulations” and “the proposed PUD’s compatibility with the [Area Element] development policy and with the [Small Area Plan] enable us to discern the agency’s path: a recognition that the pressures of gentrification are inevitable, but can be mitigated through inclusionary zoning and through the types of programs discussed in [the Small Area Plan], rather than avoided by having underutilized property remain as it is.”).

Construction-Period Impacts. During the development period for the Project, impacts on the surrounding area are capable of being mitigated. The Applicant has experience successfully completing construction projects in infill locations while ensuring minimal disturbance to any neighbors. There are no existing occupied residential units on the Property and there are no direct abutters, and indeed no other lots on the block that is the subject of this Application.

Open Space, Urban Design and Massing Impacts. The Project favorably improves upon the existing conditions with respect to the relationship between the proposed buildings, proposed open spaces, and the urban design of the Project. The Project has favorable impacts on the public realm through the removal of surface parking and the formalization and aggregation of vegetated areas from today's condition—*islands of vegetation amongst parking spaces*—into usable open space.

In addition, the Project creates a strong presence along M, N, 5th and 6th Streets, NW, largely avoiding blank walls, relocating all parking below grade, providing high quality landscaping and streetscaping, and creating a pedestrian-first condition. Finally, the Project has favorable impacts on the surrounding area as a keystone linking the emerging projects elsewhere in the neighborhood and establishing the context for the future, higher-density phases and design.

Design and Aesthetic Impacts. The Applicant anticipates the Project's design and architecture having a significantly favorable outcome and no unacceptable impacts. The Project incorporates the highest-quality architecture and exemplary design. The contemporary building replaces tired and dated garden apartments and is emblematic of new investment without appearing out-of-place among the mix of historical, mid-century, and faith-oriented buildings surrounding the site.

The Project continues the contemporary, yet historically compatible, architectural vocabulary that is emerging along 9th Street, NW and New York Avenue, NW. The emerging vernacular establishes a high baseline of quality of design and finishes expected for projects in the vicinity. The Project's landscaping and public realm detailing are exemplary and have a strongly favorable impact on surrounding areas, further contributing to the sense of place in the neighborhood. The Project's overall design and its details strongly reinforce and strengthen the character of the surrounding residential areas and are favorable for the neighborhood.

Transportation and Mobility Impacts. The proposed Project does not have any unacceptable impacts on the public transportation facilities or roadways that it relies on for service. Instead the Project's transportation impacts are either capable of being mitigated or acceptable given the quality of Public Benefits arising from the Project. The Project's vehicular traffic impacts are strongly mitigated by its transit options. The Applicant anticipates formulating and presenting the CTR and TDM plan following input from DDOT, the ANC, and neighbors.

As designed, the Project achieves the right balance of mobility. The Project is well-served by pedestrian, bicycle, transit and vehicular infrastructure, and the Project does not introduce adverse impacts on any system. As noted, the Metrorail station, a Metrobus stop, and a Capital Bikeshare station are each approximately a one block away, and it is expected that many of the Project's residents will use public transit. The Property has a WalkScore of 95, a TransitScore of 97 (which indicates that "daily errands do not require a car"), and a BikeScore of

92 (which indicates “excellent bike lanes”).¹² The Project’s favorable pedestrian, bicycle, and transit access help mitigate any expected traffic concerns.

The Project also contains approximately 103 below-grade vehicle parking spaces to accommodate the parking demand of residents. Bicycle usage is also thoughtfully integrated into the design of the Project, with long-term spaces in a dedicated storage room and short-term spaces provided in public space. The Project’s physical form mitigates traffic impacts by promoting and encouraging active mobility over driving. At the same time, the Project makes reasonable accommodations for those who choose to or must drive, and ensures that parking demand does not adversely interfere with the on-street parking supply. The Project provides sufficient new off-street parking to serve new residents, but not so much parking as to induce unnecessary driving.

Economic Impacts. The Project likely has favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 6 and the District as a whole. The introduction of new residential uses contributes patrons for the existing businesses. The Project’s intensification of land use on the Property has positive tax revenue effects for the District. To the extent there are any adverse effects from the Project, such effects are more than offset by the Project’s Public Benefits.

Cultural and Public Safety Impacts. The Project has favorable impacts on the culture of the surrounding area and on public safety. The Project adds many new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The infilling of the Property helps complete the neighborhood and signifies investment and stewardship of the neighborhood.

The design of the Project adds street activity, promotes “eyes on the street”, adds quality lighting, and makes other improvements all of which have positive effects on crime deterrence.

ii. The Project Has No Adverse Impacts on the Environment, Public Facilities or District Services

Water Demand. The average daily water demand for the Project will be able to be met by the existing District water system or through upgrades undertaken in conjunction with this Project. The proposed connection for the fire and residential water supply is from within the existing distribution system and will be coordinated with DC Water.

Sanitary Sewer Demand. The proposed sanitary sewer discharge for the Project will be made from the existing distribution system and will be coordinated with DC Water during the permitting process.

Stormwater Management. The Project has been designed to achieve high levels of on-site stormwater retention. The proposed bio-retention basin planters, green roofs, and permeable pavement are designed to meet or exceed District Department of Energy and Environment (“DOEE”) stormwater management retention and detention requirements. The requisite inlets

¹² The TransitScore and BikeScore are based on an algorithm using geographic data to rank a neighborhood’s non-vehicular mobility. See WALKSCORE, *1200 5th Street Northwest*, <https://www.walkscore.com/score/1200-5th-st-nw-washington-dc-20001> (last visited July 20, 2019).

and closed pipe system are designed and constructed to be in compliance with the standards set by DOEE, DC Water, and DDOT. The Project is designed to retain all storm water from a 1.2 inch rainfall event, and the estimated storm sewer discharge is 32,246 gallons per for a 1.7 inch rainfall event.

Solid Waste Services. Solid waste and recycling materials generated by the Project will be collected regularly by a private trash collection contractor.

Electrical Services. Electricity for the new Buildings will be provided by the Potomac Electric Power Company (“**Pepeco**”) in accordance with its usual terms and conditions of service. All electrical systems are designed to comply with the D.C. Energy Code.

Energy Conservation. The Project is designed in compliance with the Energy Conservation requirements of the District of Columbia Building Code. Conformance to code standards minimizes the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the building.

Erosion Control. During excavation and construction, erosion on the Property will be controlled in accordance with District of Columbia law and will be managed so as to not adversely affect neighboring properties, the environment or District services and facilities.

Environmental Impacts. The Project does not have any unacceptable impacts on the environment, and instead has favorable impacts. The Project is designed to achieve high levels of environmental performance as evidenced by its satisfaction of the LEED Silver v4 design standards. The location of the Project is a heavily-urbanized and entirely impervious commercial site. The Project’s delivery of high-quality environmental design as well as usable outdoor spaces is a net improvement and superior to what would be achievable via a matter of right development.

Public Schools. 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 Project is within the boundaries of Walker-Jones Education Campus at 1125 New Jersey Avenue, NW and Dunbar Senior High School at 101 N Street, NW.¹³ DCPS data show that all of the nearby neighborhood public schools are below capacity: Walker-Jones Dunbar has a capacity for 700 students (as of the 2017 school year) and a 2017-18 enrollment of 435 students; Dunbar has a capacity for 1,100 students (as of the 2017 school year) and a 2017-18 enrollment of 617 students.¹⁴ In addition, several private and charter schools are near the Project, offering educational options to residents who may seek alternatives to the neighborhood public schools. The Applicant expects that the school network will be able to accommodate, without any unfavorable impacts, the school-age children that may reside at the Project.

¹³ Enrollment Boundary Information System, D.C. PUBLIC SCHOOLS, <http://dcatlas.dcgis.dc.gov/schools>

¹⁴ Office of the Deputy Mayor for Education, SY2016-17 DCPS UTILIZATION RATES AND IN-BOUNDARY PERCENTAGES DATA (October 2, 2017) available at <https://dme.dc.gov/publication/sy2016-17-dcps-utilization-rates-and-boundary-percentages-data>; District of Columbia Public Schools, DCPS DOWNLOADABLE DATA SETS: DCPS SY17-18 ENROLLMENT AUDIT.XLS, available at <https://dcps.dc.gov/node/1018312> (last accessed July 20, 2019).

Parks/Recreation Centers/Library Services/Emergency and Health Services. The Project has no adverse impacts on District services, such as parks, recreation centers, public libraries, and emergency and health services. To the extent the Project's future residents are new to the District, they will be contributing new tax dollars, both in the form of income taxes and through the indirect payment of property taxes associated with the Project, that facilitate the provision of District-run services. To the extent the Project's future residents are existing District residents, they have no net new impact.

With its four court spaces, pool, and numerous terraces and balconies, the Project has sufficient outdoor and recreation spaces to mitigate any potential adverse effects on nearby public outdoor spaces. More broadly, the National Mall and Rock Creek Park are an easy bike ride or jog from the Project. On balance, the Project is unlikely to have any adverse impacts on the District's park services, and is instead likely to be a net positive contributor of park services.

Ward 6 has a balanced mix of state of the art and new recreation facilities and libraries. Kennedy Recreation Center and Bundy Field are within walking distance of the Project, and have been updated, renovated, or added as new centers within the past few years. The Project will include resident amenity areas, so it is unlikely that the Project's residents will have any adverse impacts on District-run recreation centers. Likewise, nearby library branches include Northwest One and Watha T. Daniel, both of which have been renovated or constructed in recent years. There are approximately thirty public library branches or other public facilities in the District.¹⁵ That works out to approximately one library branch per 23,500 residents.¹⁶ An additional 363 residential units (i.e., potentially up to 700 additional residents, some of whom might already be District residents) will not result in any adverse over-use or other adverse impacts on the District's library resources. The calculus for recreation centers is similar. There are approximately sixty-five public recreation centers in the District, for a ratio of approximately one center per 11,000 residents.¹⁷ It is not likely that the Project's addition of 363 residential units will result in any adverse over-use or other adverse impacts on the District's recreation centers, especially when the Project includes private recreation amenities.

Finally, it is highly unlikely that the Project will adversely affect emergency services in the District. The District has approximately thirty engine companies spread around the District.¹⁸ As stated above, the Project alone does not require any increase in the number of stations or Fire and Emergency Services ("FEMS") personnel. The Applicant intends to engage in outreach with FEMS and the Metro Police Department during the PUD process to obtain any relevant feedback from those agencies and to confirm that those agencies do not anticipate any adverse impacts arising from the Project.

¹⁵ See DC Public Library, *Hours and Locations*, <https://www.dclibrary.org/hours-locations> (last visited May 27, 2019).

¹⁶ According to a December 2018 report from the Office of the Chief Financial Officer, there were 702,455 District residents as of July 2018. See Office of the Chief Financial Officer, DISTRICT OF COLUMBIA ECONOMIC AND REVENUE TRENDS: DECEMBER 2018 at 1 https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/Economic%20and%20Revenue%20Trends%20Report_December%202018.pdf

¹⁷ See Dep't. of Parks and Recreation, *Recreation Centers* <https://dpr.dc.gov/page/recreation-centers-00> (last visited May 27, 2019).

¹⁸ See Fire and EMS Department, *Fire and EMS Locations* <http://geospatial.dcgis.dc.gov/FEMSLocator/> (last visited May 27, 2019).

C. The Project Includes Specific Public Benefits which Satisfy the Required Criteria

The Project provides the Public Benefits described below, and such benefits satisfy the criteria for public benefits under a PUD.

The PUD evaluation standards, at Subtitle X, Section 304.4(c), require the Commission to find that the proposed development “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” Section 305.2 requires that “Public benefits [be] superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title,” and Section 305.4 requires that a majority of the public benefits of the proposed PUD relate to the geographic area of the ANC in which the application is proposed. The requirements of Sections 305.2 and 305.4, together with the requirement that public benefits be not inconsistent with the Comprehensive Plan, are the “**Public Benefits Criteria**”.

i. Identification of Specific Public Benefits and Project Amenities

This Application achieves the goals of the PUD process by providing high quality development on the Property with significant Public Benefits to the neighborhood and the District as a whole. Many of the Public Benefits relate primarily to the geographic area of the ANC in which the Project is located, and the housing-related Public Benefits accrue to the District as a whole. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning. This Application satisfies that objective. The specific Public Benefits are identified below.

The Project includes five categories of substantive Public Benefits as defined according to the public benefits categories set forth in Subtitle X, Section 305 of the Zoning Regulations.

1 Superior urban design, architecture, and landscaping (11-X DCMR § 305.5(a) and (b)). The Project’s urban design, architecture, landscaping, and provision of open space are superior public benefits. Urban design, architecture and landscaping are categories of public benefits and project amenities for a project proceeding under a PUD.

- Urban Design: The Project incorporates numerous design precepts that guide superior urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the Property. For instance, the Project’s urban design prominently addresses the surrounding streets to create strong street walls and to “enclose” the pedestrian space. The open court on 5th Street, NW is an attractive and appropriate terminus for Ridge Street, NW. The bifurcation of the massing into two wings breaks down the apparent scale of the building, and the articulation carries forward the existing rhythms and overall “feel” of the existing rowhouses.
- Architecture: The Project similarly includes elements of superior architectural design. For example, the Project presents a thoughtful ground floor design that integrates into the

surrounding context. The Project’s exterior design elements knit the indoor and outdoor spaces together. The Project also utilizes high quality façade materials and finishes. The Project’s differentiated massing, articulation and design responds to its context on all sides, while its materials palette creates a cohesive design.

- Landscaping: The Project’s landscape and site improvements create a range of vegetation and outdoor spaces that “green” the Property while also providing functional services to building residents.

2 Site planning, and efficient and economical land utilization (*id.* § 305.5(c)). The approved site plan is another superior benefit of the Project. Site planning and efficient and economical land utilization are public benefits. The benefits of the Project’s site plan and efficient land utilization are reflected in the Project’s overall density, introduction of residential uses on a now-vacant lot located near transit, the absolute number of new residential units provided, and introduction of income-restricted housing. The Project’s modestly greater heights and density near a transit node exemplifies economical land utilization. The Project also improves land that has been underdeveloped relative to the surrounding transportation and other infrastructure. At an FAR of 2.67, the proposed moderate density development is appropriate for the Property and the Shaw neighborhood as a whole given the proximity to transit options and scarcity of nearby low-density residential uses and prevailing densities nearby. Further, the Applicant proposes an efficient, economical land utilization strategy with respect to parking by locating parking below-grade. The Project achieves the principles of transit-oriented development, as it strikes a careful balance between increasing density and sensitive placement of massing and use.

3 Housing and affordable housing (*id.* § 305.5(f), (g)). The Project includes a greater number of housing units than could be developed on the site as a matter-of-right plus permanently affordable housing and three-bedroom units. Pursuant to ZR16, Subtitle X, Subsections 305.5(f) and (g), the production of housing that exceeds the amount that would have been required through matter-of-right development under existing zoning and affordable housing above what is required under the IZ provisions is a public benefit.

The District faces a shortage of virtually every kind of housing product, but the District has prioritized construction of new units near transit, affordable units, and three-bedroom units. The Project produces a significant amount of new residential units on a site that is transit-accessible and part of an exciting mixed-income development. The Project includes three specific types of housing-related public benefits:

- The housing proposed as part of the Project exceeds the amount possible through a matter-of-right redevelopment pursuant to the applicable limits in the underlying zone (inclusive of the IZ bonus) by approximately 47,221 square feet of GFA. *Id.* § 305.5(f)(1).
- The Project also proposes to reserve 12 percent of its gross residential square footage (i.e., GFA, residential cellars, enclosed projections in public space, and the habitable penthouse) for permanently affordable housing units, of which 2 percent represents affordable housing above what could be constructed through a matter-of-right

development on the Property. Accordingly, the additional permanently affordable housing of the Project is a public benefit as well. *Id.* § 305.5(g).

- Finally, 5 percent of the Project's units (i.e., 18 total) are anticipated to be three-bedroom units. All such three-bedroom units constitute public benefits. *Id.* § 305.5(f)(3).

4 Environmental and sustainable benefits (*id.* § 305.5(k)). The Project includes innovative sustainable design elements and achieves appropriate levels of environmental certification. The Project has been designed to exceed environmental design standards at the LEED Silver v4 level (i.e., equivalent of LEED Gold 2009). Specific sustainable benefits in the Project include energy modeling use of environmentally-preferred materials; inclusion of green roof and rooftop bio-retention; and ongoing identification and investigation of photovoltaic solar panels.

5 Other Public Benefits Which Substantially Advance the Comprehensive Plan (*id.* § 305.5(r)). The proposed Project is consistent with many of the District's policy goals and objectives. The Zoning Regulations provide that elements of a project that advance the Comprehensive Plan and related policies are public benefits. Exhibit F identifies the many policy goals and objectives advances by the Project.

ii. The Approved Public Benefits Satisfy the Public Benefits Criteria

Subtitle X, Sections 304.4(c), 305.2 and 305.4 require that the public benefits proposed as part of a PUD application (a) be not inconsistent with the Comprehensive Plan and other adopted public policies, (b) benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from a matter-of-right development of the Property, (c) be tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy, and (d) relate to the geographic area of the ANC(s) in which the Project is located. The Applicant will work with the ANC and community stakeholders to create a public benefits package that satisfies these requirements. The Applicant intends to have this Public Benefits package completed by the time the Pre-Hearing statement is filed in this case.

D. The Project Satisfies the Evaluation and Balancing Criteria Required for Commission review of a PUD

In light of the foregoing, the Commission must, taking into account the specific circumstances of the Project, judge, balance, and reconcile the relative value of the Public Benefits against the development incentives and flexibility requested as part of the Project, and any potential adverse effects of the Project. The Public Benefits clearly outweigh the modest development incentives and any potential adverse effects.

The development incentives are comparatively modest: a 22.95 percent density bonus and lot occupancy relief, both of which are in the service of providing Public Benefits: additional housing, affordable housing, and three-bedroom units. The design flexibility requested also serves Public Benefits, primarily those related to design and planning.

The Public Benefits more than adequately justify any potential adverse effects of the Project. Any transportation-related impacts can be mitigated. The Project's transformation of an underutilized site through efficient planning justifies any potential adverse construction period impacts, which are themselves otherwise capable of being mitigated as necessary. The Project is not likely to have any adverse impacts on District services or public facilities. The Project's environmental benefits and its transit-oriented, central location more than offset any potential adverse environmental impacts. Accordingly, the Commission should find that the Project satisfies the foregoing PUD balancing test.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that this Application for review and approval of a consolidated PUD meets the standards of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; enhances the health, welfare, and safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a PUD; provides significant public benefits; and advances important goals and policies of the District.

Accordingly, the Applicant respectfully requests the Commission set this application down for a public hearing at the earliest possible date.

Respectfully submitted,

Goulston & Storrs PC

/s/ Paul A. Tummonds

/s/ David A. Lewis

August 2, 2019

Appendix A

Design Flexibility

- a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;
- b. Exterior Materials – Color: 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 shown on the plans approved by the order;
- c. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- d. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
- e. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
- f. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
- g. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations; and
- h. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED standard specified by the order.

[End of Appendix A]