

**BEFORE THE  
ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION FOR  
A CONSOLIDATED PLANNED UNIT DEVELOPMENT  
AND ZONING MAP AMENDMENT**

**2419 25th Street, SE  
Washington, D.C.  
(Square 5740, Lot 337)**

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**April 17, 2020**

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**LIST OF EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Surveyor's Plat	A
Zoning Map	B
Architectural Plans and Elevations	C
Summary of Compliance with the Comprehensive Plan	D
Future Land Use Map	E
Generalized Policy Map	F
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## I. INTRODUCTION

This statement and attached documents are submitted by Wagner, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from the R-3 zone to the RA-2 zone for property located at 2419 25<sup>th</sup> Street, SE (Square 5740, Lot 337) (the “Site”). This application is submitted in accordance with Subtitle X, Chapter 3 of District of Columbia Municipal Regulations, Title 11 (“11 DCMR” or the “Zoning Regulations”).

### A. Project Summary

The Applicant proposes to redevelop the Site with a new residential building containing approximately 67 senior affordable residential units. The building will have approximately 50,733 square feet of total gross floor area (2.59 floor area ratio (“FAR”)) and a maximum building height of 55 feet. One-hundred percent of the residential units in the building will be dedicated to seniors with incomes not exceeding 60% of the Median Family Income (“MFI”) (the “Project”).

### B. The Site

As shown on the Surveyor’s Plat attached hereto as Exhibit A, the Site is rectangular in shape with approximately 193.5 feet of linear frontage on Wagner Street, SE to the north and approximately 100.25 feet of linear frontage on 25<sup>th</sup> Street, SE to the east. The Site is otherwise bounded by private property to the south and west. As shown on the Surveyor’s Plat, the Site is subject to a building restriction line at its northeast corner for approximately one-third of the Wagner Street frontage and approximately 24 feet of the 25<sup>th</sup> Street frontage. The Site has approximately 19,601 square feet of land area and is presently vacant. As shown on the Zoning Map attached hereto as Exhibit B, the Site is zoned R-3.

The Applicant requests a PUD and Zoning Map amendment to rezone the Site from the R-3 zone to the RA-2 zone, which is consistent with the policies set forth in the Comprehensive Plan

for the Site. The Site is designated as mixed use Intuitional and Local Public Facilities on the Future Land Use Map (“FLUM”) and as a Neighborhood Conservation Area on the Generalized Policy Map (“GPM”). As set forth herein, the proposed RA-2 zone is consistent with the Comprehensive Plan and other adopted public policies and active programs related to the Site.

### **C. Description of the Surrounding Area**

The Site is located in the Skyland neighborhood of Ward 8 and sits on the west side of the north-south corridor of 25<sup>th</sup> Street, SE. Abutting the Site directly to the south and southwest is a rehabilitation facility known as the Transitional Care Center Capitol City, which sits on approximately 193,000 square feet of land area. The Site is otherwise generally surrounded by a mix of residential, commercial, and institutional uses, including the Stanton Elementary School directly across 25<sup>th</sup> Street to the east; several low-rise apartment houses to the south; single-family attached homes to the north and west; the Skyland Apartment garden apartments farther to the north; and several churches and religious institutions farther to the south.

The Site is located approximately 0.2 miles to the south of the Skyland Town Center PUD (the “Skyland PUD”), originally approved pursuant to Z.C. Order No. 09-03 in 2010. The Skyland PUD is currently under construction and is envisioned and approved as a mixed-use “town center” with a mix of residential and commercial uses on approximately 18.7 acres of land. The Good Hope Marketplace, an existing mixed-use commercial shopping center with surface parking and an anchor Safeway grocery store, is located approximately two blocks to the east of the Site at the intersection of Alabama Avenue and Good Hope Road, SE.

The Site is located approximately 0.9 miles from the Naylor Road Metrorail station which services the green line. The Site is also served by Metrobus, which runs a number of bus routes (including the W2, W3, W4, W6, 30S, V7, 32, A32, 34, 92, and A32 routes) directly adjacent to the Site, with bus stops for all routes located within 0.1 mile of the Site.

## **D. Zoning**

As shown on the Zoning Map (Exhibit B), the Site is presently zoned R-3. This application requests a Zoning Map amendment to rezone the Site to the RA-2 zone. Properties located immediately to the north of the Site are also zoned R-3. However, a significant majority of the surrounding area is zoned RA-1, with some MU-7 zoning at the nearby shopping center and Skyland PUD.

### **1. Development Under Existing Zoning**

The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings. 11-D DCMR § 300.6. The R-3 zone permits detached, semi-detached, and row dwellings as a matter-of-right. 11-U DCMR § 201.1(a)(3). Matter-of-right development in the R-3 zone requires a minimum lot width of 16 to 40 feet and a minimum lot area of 1,600 to 4,000 square feet, depending on the type of residential dwelling and whether it is subject to Inclusionary Zoning (“IZ”). 11-D DCMR § 302.1 The maximum building height permitted in the R-3 zone is 40 feet and three stories. 11-D DCMR § 303.1. The maximum lot occupancy in the R-3 zone is 60% for row dwellings and places of worship and 40% for all other structures. 11-D DCMR § 304.1.

### **2. Development Under Proposed Zoning**

The Applicant proposes to rezone the Site to the RA-2 zone to allow for the development of an apartment house. The RA-2 zone provides for areas developed as predominantly moderate-density residential. 11-F DCMR § 300.3. As a matter-of-right, the RA-2 zone permits a maximum density of 1.8 FAR and 2.16 FAR as an IZ development. 11-F DCMR §§ 302.1 and 302.3. A PUD in the RA-2 zone is permitted a maximum density of 2.59 FAR. 11-X DCMR §§ 303.3 and 303.4. The maximum permitted building height in the RA-2 zone is 50 feet and 60 feet as PUD. 11-F

DCMR § 303.1 and 11-X DCMR § 303.7. The maximum permitted lot occupancy in the RA-2 zone is 60%. 11-F DCMR § 304.1.

## II. PROJECT DESCRIPTION

As shown on the Architectural Plans and Elevations (the “Plans”) attached hereto as Exhibit C, the Applicant proposes to redevelop the Site with a five-story apartment house having a maximum building height of 55 feet and a total density of 2.59 FAR. The Project will include approximately 67 residential units, all of which will be affordable to seniors earning up to 60% of the MFI. The Project includes five surface parking spaces consisting of four standard spaces and one car-share space, and one service/delivery loading space located at the rear of the Site and accessed from Wagner Street. As shown on the Plans, the Project has been designed to fit within the surrounding mixed-use context and be a positive addition to the neighborhood.

The Project includes approximately 50,733 square feet of GFA (54,518 square feet of total floor area, which includes residential units located in the cellar). Of the floor area, 100% will be devoted to affordable senior housing units. Compared to matter-of-right zoning under the existing R-3 designation, the PUD will provide approximately 19,238 square feet of more housing and substantially more affordable housing units over the matter-of-right requirements as follows:

	Residential GFA	Percent of Total Resid. GFA	Units	MFI Level
<b>Market Rate Permitted Under Existing R-3 Zoning</b>	31,752	90%	10	Market
<b>IZ Required Under Existing R-3 Zoning (10% residential GFA)</b>	3,528	10%	2	60% or 80%
<b>Market Rate Proposed Under PUD</b>	0	0%	0	NA
<b>Senior Affordable Housing Proposed Under PUD</b>	54,518	100%	67	60%
* The maximum permitted GFA and number of units in the R-3 zone is based on the Site's land area and the maximum permitted square footage per lot (1,600 sf for IZ row dwellings); lot occupancy (60% for row dwellings); and number of stories (three) in the R-3 zone.				

As set forth below, the Applicant's proposal to provide 67 new housing units, 100% of which will be dedicated as senior affordable housing, is fully consistent with the goals of the Comprehensive Plan and other district policies and priorities for developing housing, affordable housing, and senior housing. The Project will provide an opportunity for seniors to age in place in a mixed-use neighborhood and at a rental price that is affordable for moderate-income households. Moreover, the Project will replace a vacant and underutilized site that will expand the supply of housing throughout the District and relive pressure on the supply of housing serving lower incomes of District residents.

#### **A. Design Approach**

The design of the Project emphasizes the residential character of the surrounding neighborhood while creating a more defined street edge to both 25<sup>th</sup> and Wagner Streets, SE that helps to complete the urban fabric. The massing of the building is well articulated and responds to its context by a series of step downs that relate to the scale of adjacent buildings. The building is five stories tall at the corner of 25<sup>th</sup> and Wagner Streets, and then steps to four stories plus an exposed basement as it moves westward into the residential neighborhood. The final section of massing to the west steps down again to four stories to respond to the significant grade change across the Site and to provide appropriate scale and height along Wagner Street.

The architectural style is a traditional design that emphasizes the strong reading of a base, middle, and top and relates to the existing mix of both residential and institutional context. At the main corner, the building consists of four stories of brick masonry with a top floor in fiber cement panel. Bay windows, corner articulation, a recessed entrance, and a projecting canopy create an inviting and rich entrance. As the building steps down, the façade articulation also steps and includes a mix of fiber cement panel and siding. The design includes several detail elements that

add appeal and a sense of scale, such brick banding at the base, an overhanging cornice, and Juliet balconies.

## **B. Circulation, Parking and Loading**

The primary pedestrian access to the Project is located on 25<sup>th</sup> Street, with direct access to the building lobby. Secondary entrances are located on the north and west facades for pedestrians and bicycles. One curb cut is proposed on Wagner Street, which will provide access to the five surface parking spaces, including the car-share space, and the service/delivery loading space. Long-term interior bicycle parking is located at the cellar level with additional short-term bicycle parking located adjacent to the building's main entrance. Convenient access to the exterior at-grade is provided from the interior bicycle room through the entrance on Wagner Street.

## **C. Streetscape and Landscape**

The public space streetscape and landscape design for the Project fosters an active and pedestrian-friendly environment along the Site's two street frontages. A new sidewalk along Wagner Street will be constructed to connect to the existing sidewalk on 25<sup>th</sup> Street and provide a walkable environment surrounding the Site. Appropriately sized street trees and ornamental plantings, including shrubs, perennials, and lawn areas, will be planted along the street frontages to enhance views of the building, soften and frame the building facades, and improve the pedestrian experience. A welcoming entry area to the Project will be provided at the northeast corner of the Site, and three shade trees will be located toward the northwest corner of the Site to screen views of the building from Wagner Street and adjacent properties. Additional screening of the parking lot will be provided by a mixture of tall, dense evergreen species. Plantings around the shade trees and evergreens will include perennials and groundcovers that further enhance the Site's aesthetics.

#### **D. Sustainable Design Elements**

The Project is designed to integrate a host of sustainable features and will be designed to achieve the minimum number of points necessary to meet the 2015 Enterprise Green Communities Criteria for New Construction. The Site is also located in a mixed-use neighborhood with convenient access to public transportation options and existing infrastructure and services. The Site will achieve a Green Area Ratio score of 0.4.

The landscape design includes a variety of sustainable design elements. Street trees planted along Wagner Street will be selected with elements of sustainability in mind. The species will be the appropriate size for their location and will be chosen for their hardiness to the local climate. Landscape plantings will be a mix of native and adaptive species, chosen for their low maintenance and low water consumption. These landscape plantings will also help to slow stormwater runoff from the Site.

Other sustainable landscape elements include an extensive green roof and bio-retention area. The extensive green roof will cover a majority of the building roof and will be planted with a sedum mix selected for the local climate. The green roof will reduce stormwater runoff and will also act as an insulator, reducing energy usage for heating and cooling. The bio-retention area will be located along the south side of the building, will be planted with native and adaptive plant species, and will capture any additional runoff from the roof.

Solar panels will be installed on the roof to provide an alternative energy source for the building. Energy-efficient light fixtures and Energy Star appliances will be utilized to reduce the building's energy demand, and low-flow fixtures and efficient irrigation systems will be installed to reduce water usage. The overall building design will also create a healthy indoor environment in terms of ventilation and materials. Sustainable transportation methods will be encouraged by

providing short- and long-term bicycle parking and a dedicated on-site car-share space for use by residents of the Project and the surrounding neighborhood.

**E. Flexibility Under PUD Guidelines**

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In this application, the Applicant has attempted to comply with all aspects of the Zoning Regulations for the RA-2 zone. However, the Applicant seeks flexibility from certain requirements of the Zoning Regulations as described below. As permitted by 11-X DCMR § 303.1, the Commission may grant such flexibility in its discretion.

**1. Flexibility from the Minimum PUD Land Area Requirement (11-X DCMR § 301.1)**

Pursuant to 11-X DCMR § 301.1, the Zoning Regulations establish minimum land area requirements for PUDs that are based upon the zone within which the PUD is located, which in this case would be the RA-2 zone. Pursuant to Table X § 301.1, the minimum land area requirement for a PUD in the RA-2 zone is one acre, or 43,560 square feet. However, pursuant to 11-X DCMR § 301.2, the Commission may waive up to 50% of the minimum land area requirement provided that the Commission finds after the public hearing that the development is of exceptional merit and is in the best interest of the District of Columbia or the country and one of the following:

- a. The development is identified in an approved Small Area Plan and will be generally not inconsistent with the Small Area Plan;
- b. The development will be constructed or operated by the district of Columbia or federal government and serves a compelling government interest; or
- c. If the development is to be located outside of the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.

The Project satisfies the criteria needed to justify a waiver from the minimum land area requirement. The Project, which is located outside of the Central Employment Area, is of

exceptional merit and 100% of the GFA will not only be devoted to residential dwelling units, but will be devoted to senior affordable dwelling units. As noted above, the Commission may waive the minimum land requirement for a PUD up to 50%, which in this case would be one-half acre or 21,780 square feet. At approximately 19,601 square feet, the land area of the Site is approximately 2,179 square feet less than one-half acre. Thus, the Applicant requests flexibility from the PUD minimum land area requirement of 11-X DCMR § 301.1.

Flexibility from 11-X DCMR § 301.1 is appropriate in this case. The purpose of the PUD process is to provide for higher quality development through flexibility in building controls provided the PUD:

- Results in a project that is superior to what would result from matter-of-right standards;
- Offers a commendable number or quality of meaningful public benefits; and
- Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.

The extent of the requested flexibility is minor, in that the Site comprises 90% of the one-half acre needed for the Commission to grant the waiver under the PUD regulations. As described above, and as set forth in the Comprehensive Plan analysis included at Exhibit D, the Project clearly meets these purposes. As part of a PUD, the Commission may grant relief from any building development standard. 11-X DCMR § 303.1. Other than height and density, the amount of flexibility granted as part of a PUD is at the discretion of the Commission. 11-X DCMR § 303.12.

Without the requested flexibility, the Applicant would be unable to proceed with the proposed PUD. The requested RA-2 zone could be achievable through a Zoning Map amendment alone based on the prevailing Moderate Density Residential FLUM designation of the areas surrounding the Site. However, pursuit of a standalone Zoning Map amendment would require the Applicant to substantially reduce the number of senior affordable dwelling units in the Project.

In addition, a standalone Zoning Map amendment would eliminate the certainty provided by the PUD process, to the Commission and the community, as it relates to the design and mitigation of any potential impacts of development on the Site. In contrast, development of the Site through the PUD process is in the best interest of the District as it would ensure a high-quality project that provides a greater number of senior affordable dwelling units in a manner that is not inconsistent with the Comprehensive Plan. Indeed, the Comprehensive Plan explicitly promotes the requested flexibility. Specifically, the Land Use Element encourages modification of minimum lot size and other filing and procedural requirements for PUDs in neighborhood commercial areas to allow small property owners to participate in projects that encourage high quality developments and provide public benefits. *See* 10A DCMR § 309.18(a).

To the extent the Commission determines that the Applicant must request relief from the minimum land area requirement rather than flexibility, the Applicant respectfully requests such relief. Relief under the Zoning Regulations is obtained either by special exception or a variance. Upon review of relevant provisions of the Zoning Regulations, the Applicant submits that relief from the minimum land area requirement for a PUD is properly considered as an area variance. *See* 10A DCMR § 1001.2.

In order to meet its burden of proof for the requested area variance the Applicant must demonstrate that the Site is affected by some exceptional condition or confluence of conditions, that would give rise to peculiar and exceptional practical difficulties if the provisions governing PUD minimum land area requirements were strictly applied. The Applicant must further show that the requested relief can be granted without causing substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Site was subdivided in 2004 from the much larger property that is occupied by the rehabilitation facility known as the Transitional Care Center Capitol City, which now immediately abuts the Site on the south and west sides. To the north and east, the Site is bounded by Wagner Street and 25<sup>th</sup> Street, respectively. Thus, there is no opportunity to increase the size of the Site in order to meet the minimum land area requirement for a PUD in the RA-2 zone, even after applying the 50% waiver afforded under 11-X DCMR § 301.2. As a result, if the minimum land area requirements were strictly applied the Applicant would be forced to abandon the PUD application.

The variance from the PUD minimum land area requirement would not cause substantial detriment to the public good or substantially impair the Zoning Regulations and Map. In fact, if granted, the variance would provide substantial benefit to the public good and would be entirely consistent with the Zoning Regulations. Specifically, the Project will provide approximately 67 units of new senior affordable housing in a transit accessible location that is in close proximity to amenities. Further, as described above, the Project is fully consistent with the purposes of the PUD process.

## **2. Flexibility from the Loading Berth Requirement (11-C DCMR § 901.1)**

Pursuant to 11-C DCMR § 901.1, residential buildings with more than 50 dwelling units are required to provide one loading berth at 30 feet with an associated 100 square foot loading platform and one service/delivery space at 20 feet. As shown on the Plans, the Applicant proposes to provide the 20-foot service/delivery space only and not the 30-foot berth or 100 square foot platform. The service/delivery space will be located adjacent to the parking spaces in the surface parking lot at the rear of the building. Given that the building will be devoted entirely to seniors, it is unlikely that larger 30-foot trucks would be needed for move-ins and move-outs. Therefore, the one 20-foot service delivery/space will be able to adequately accommodate all of the loading needs for building residents. To the extent that it is necessary, the service/delivery space will be

able to accommodate trucks making daily deliveries to the Site (UPS, Fed-Ex) and will also be able to accommodate vehicles used for building maintenance. Moreover, not providing the 30-foot berth or platform will allow the Applicant to devote a greater amount of the Site's land area to landscaping and pervious surfaces. Therefore, flexibility to not provide one required 30-foot loading berth will not result in any detriment to the public good or create any negative impacts.

### **3. Flexibility from the Driveway Width Requirements (11-C DCMR § 711.6)**

Pursuant to 11-C DCMR § 711.6, the minimum required driveway width for two-way traffic is 20 feet for driveways located within 20 feet of a street lot line. As shown on the Plans, the driveway providing vehicular access to the Site accommodates two-way traffic but is only 12 feet wide, thus necessitating flexibility. However, given the small number of vehicle parking spaces, the provision of a single service/delivery loading space, and the limited amount of cars expected to be accessing the Site on a daily basis, flexibility from the driveway width requirement will not create any adverse impacts. Moreover, widening the curb cut would adversely impact the ability to preserve existing landscaping and incorporate new landscaping both on public and private property. The narrower driveway width will also create safer sidewalk and walking conditions for pedestrians. Therefore, providing a driveway with a width that is less than the minimum width required for two-way traffic will not create any adverse impacts and will instead create an enhanced streetscape design and functionality.

### **4. Design Flexibility**

In addition, the Applicant has made every effort to provide a level of detail that conveys the architectural significance of the Project. However, some flexibility is necessary to address potential issues that arise during construction and minor modifications that cannot be anticipated at this time. Thus, the Applicant requests flexibility in the following areas:

1. To provide a range in the number of residential units to plus or minus 10% (i.e. 60-74 units);
2. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
3. To make refinements to the surface parking and loading configuration, including the layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations and the number and size of loading facilities provided does not decrease below that approved by this Order;
4. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the approved Plans;
5. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the approved Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, windows, and skylights;
6. To vary the color, font, and message of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans;
7. 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; and
8. To vary the approved sustainable features of the Project, provided the total number of Enterprise Green Communities points achievable for the Project does not decrease below the minimum required for the Enterprise Green Communities standards specified by the Order.

**F. Tabulation of Development Data**

The Tabulation of Development Data for the PUD is located on Sheet G11 of the Plans.

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

**A. PUD Requirements Under 11-X Chapter 3 of the Zoning Regulations**

**1. Minimum Land Area Requirements Under 11-X DCMR § 301.1**

The Site has approximately 19,601 square feet of land area, or 0.45 acres. For a PUD in the RA-2 zone, the Zoning Regulations require a minimum land area of one acre. 11-X DCMR § 303.1. Pursuant to 11-X DCMR § 301.2, the Zoning Commission may waive the minimum PUD land area requirement by no more than 50% for PUDs located in the RA-2 zone (among others) if the Zoning Commission finds after a public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and meets one of the three standards set forth in 11-X DCMR § 301.2(a)-(c).

As described above, the Applicant requests a waiver, or in the alternative a variance, from the minimum PUD land area requirements of 11-X DCMR § 303.1, which should be granted because the Project is of exceptional merit, dedicates 100% of its GFA to affordable senior housing units, and will provide a substantial benefit to the public good without causing any detriment to the public good or zone plan. Moreover, the extent of the requested flexibility is minor given that the Site comprises 90% of the one-half acre needed for the Commission to grant the waiver under the PUD regulations. The Project is otherwise fully consistent with the purposes of the PUD process which will ensure a high-quality project that is not inconsistent with the Comprehensive Plan.

**2. FAR and Height Requirements Under 11-X DCMR §§ 303.3 and 303.7**

The Project has been evaluated under the PUD guidelines for RA-2 District. A PUD in the RA-2 District permits development of up to 2.59 FAR and a maximum building height of 60 feet. The Project will have a total density of 2.59 FAR (approximately 50,733 square feet of gross floor

area) and a maximum building height of 55 feet. Accordingly, the Project complies with the FAR and height guidelines for a PUD in the RA-2 District.

**3. Not Inconsistent with Comprehensive Plan and other Adopted Public Policies And Active Programs Under 11-X DCMR § 304.4(a)**

Pursuant to 11-X DCMR § 304.4(a), the Zoning Commission must find that the proposed development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. In this case, the proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the designations for the Site on the FLUM and GPM, complies with the guiding principles in the Comprehensive Plan, and furthers a number of policies within the city-wide elements and Far Southeast/Southwest Area Element of the Comprehensive Plan.

The Project is also not inconsistent with the Mayor’s Housing Equity Report, dated October, 2019 (the “Mayor’s Housing Report”) and the Mayor’s Housing Initiative - Mayor’s Order 2019-036, dated May 10, 2019 (the “Mayor’s Order”), which are two public policies recently adopted by the District and directly relevant to this Project. A detailed analysis of how the Project is not inconsistent with the Comprehensive Plan, including the FLUM and GPM designations, is attached hereto as Exhibit D.

a. Future Land Use Map

As shown on the FLUM attached hereto as Exhibit E, the Site is designated as Institutional and Local Public Facilities. According to the Comprehensive Plan’s 2019 Framework Element, adopted by the D.C. Council on October 8, 2019 (Bill 23-01) (the “Framework Element”) the Institutional designation:

“includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning

*designations vary depending on surrounding* uses. Institutional uses are also permitted in other land use categories.” 10-A DCMR § 227.18 (emphasis added).

According to the Framework Element, the Local Public Facilities designation:

“includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Other non-governmental facilities may be co-located on site. While included in this category, local public facilities smaller than one acre-including some of the District’s libraries, police and fire stations, and similar uses may not appear on the map due to scale. *Zoning designations vary depending on surrounding uses.*” 10-A DCMR § 227.17 (emphasis added).

In this case, the proposed RA-2 zone is appropriate for the Institutional and Local Public Facilities designations given the uses, densities, neighborhood context, and FLUM designations in the immediate vicinity. The Site is largely surrounded by the Moderate Density Residential designation on the FLUM, which specifically identifies RA-2 as a consistent zone. See 10-A DCMR § 227.6.

b. Generalized Policy Map

As shown on the GPM attached hereto as Exhibit F, the Site is designated in a Neighborhood Conservation Area. According to the Framework Element, Neighborhood Conservation Areas:

“have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. 10-A DCMR § 225.4.

“The guiding philosophy in Neighborhood Conservation Areas is to “conserve and enhance established neighborhoods but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment

opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities.” 10-A DCMR § 225.5.

As described in detail in the Comprehensive Plan Analysis attached hereto as Exhibit D, the Project and proposed RA-2 zone are not inconsistent with the Site’s designation as a Neighborhood Conservation Area given that the development is located on a vacant, infill site and in a mixed-use residential area.

The Comprehensive Plan Analysis (Exhibit D) provides a detailed description of how the Site is not inconsistent with the FLUM and GPM, particularly when reviewed holistically with the text of the Comprehensive Plan, including the new Framework Element, and the Mayor’s Housing initiatives.

c. Mayor’s Housing Initiatives

In addition to being not inconsistent with the text of the Comprehensive Plan and the Site’s designations on the FLUM and the GPM, the Project will also help to achieve the goals set forth in the Mayor’s Housing Report and the Mayor’s Order.

The Mayor’s Housing Report seeks to establish an equitable distribution of affordable housing in the District to support the Mayor’s vision for creating 36,000 new housing units by 2025. The Mayor’s Housing Report acknowledges that the “production of new affordable housing is not keeping up with... residents’ needs” and that growth “puts pressure on the overall housing supply, which can lead to rising costs. On average, residents are paying a greater share of their

income for rental housing than before, an effect that disproportionately burdens low-income residents.” *See* Mayor’s Housing Report, p. 2.

Recognizing the factors identified above, the Mayor’s goal is intended to “expand the competitive supply of housing, moderate increases in housing costs, provide needed relief to a broad range of middle income families, and reduce pressure on the supply of housing serving lower incomes.” *See* Mayor’s Housing Report, p. 2. *See also* Mayor’s Order, which states that the District must “plan for a variety of housing types, including units for large and/or multigenerational families, seniors, and persons with disabilities.” The Applicant’s proposal to construct a new residential development devoted entirely to affordable housing for seniors is fully consistent with these goals.

Moreover, the Project will provide new housing that is affordable to seniors, which is specifically prioritized in the Mayor’s Order which encourages a variety of housing types, including housing units for seniors, and states that “housing affordability is a top policy priority for Washington, DC.” *See* Mayor’s Order, pp. 1-2. The Mayor’s Order also encourages the production of new residential development generally to meet its residential unit target goals. Given that the Project is a 100% affordable development reserved exclusively for seniors, it is fully in line with these priorities and will help to make the Mayor’s housing goals a reality.

#### **4. Impacts of Project Under Subtitle X § 304.4(b)**

The Project will not result in any unacceptable impacts on the surrounding area or on the operation of city services and facilities, and will instead have a favorable impact on the surrounding area. Overall, the Project will benefit the neighborhood with the addition of new housing, which will be provided as new affordable senior housing at an amount and subsidy level that is significantly greater than the minimum required by the IZ regulations. Moreover, the Project has been designed to relate to the surrounding architectural context and consider the variety of nearby

uses. The Project includes sustainable landscape design and well-designed streetscape improvements that will enhance the pedestrian experience and beautify the public realm.

In accordance with 11-Z DCMR § 401.8, the Applicant will submit a Comprehensive transportation review (“CTR”), including proposed transportation demand management (“TDM”) measures, no later than 30 days prior to the date of the public hearing and will serve a copy of the report on the District Department of Transportation (“DDOT”) to demonstrate that the Project will not result in any adverse impacts to the operation of surrounding roadways or public transportation facilities.

## **B. Public Benefits and Project Amenities**

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as “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.” 11-X DCMR § 305.2. A project amenity is further defined as “one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.” 11-X DCMR § 305.10. When deliberating the merits of a PUD application, the Zoning Commission is also required to “judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11-X DCMR § 304.3. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help achieve a number of the goals of the PUD process by creating a new residential development with approximately 67 new residential units reserved exclusively for

seniors at income levels not exceeding 60% of the MFI. The Project includes high quality materials, incorporates significant new landscaping and sustainable design elements, improves the public realm, and has been designed to be fully compatible with the surrounding neighborhood and architectural context. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District as a whole.

**1. Superior Urban Design, Architecture, and Superior Landscaping (11-X DCMR § 305.5(a) and (b))**

The proposed height and massing of the building have been carefully designed to relate to the surrounding context. The massing steps down from five stories to four stories from 25<sup>th</sup> Street to the west, and further steps down in relationship to the changing grade to maintain the lower scale in relation to the adjacent context. The design also includes significant façade articulation, projections and balconies where appropriate, and high-quality materials that will create dynamic views. At the ground level, the Project has been designed to address and activate the street with inviting landscaping and a significantly improved streetscape. The landscape elements on the Site include varied and attractive landscape in public space along both 25<sup>th</sup> and Wagner Streets, significant landscape screening from adjacent properties, enhanced landscape at the main entrance, and an extension of new public sidewalk adjacent to the Site along Wagner Street. In addition, the Project includes a mix of sustainable stormwater techniques such as ground level bioretention, green roof, and permeable pavement at the parking spaces.

**2. Site Planning and Efficient and Economical Land Utilization; Streetscape Plans and Implementation (11-X DCMR §§ 305.5(c) and (l))**

The Project includes a number of best planning practices within a site that has been vacant and highly underutilized for many years. These practices include establishing a new residential community with a variety of unit types and at 60% of the MFI; developing housing that is reserved

exclusively for seniors to successfully age in place in a walkable and mixed-use neighborhood; and creating density directly adjacent to a variety of Metrobus lines and without a significant number of on-site parking spaces to encourage the use of public transportation.

In addition, the Applicant has focused on creating a pedestrian-friendly streetscape with public space improvements that include extension of new sidewalk adjacent to the Site along Wagner Street, which includes new street trees. Varied and interesting landscape treatment in public space is provided that enhances both the building and the pedestrian experience. Bicycle parking and benches are also provided near the building's main entrance. All public space improvements will be subject to final review and approval by the DDOT Public Space Committee.

**3. Housing that Exceeds the Amount Required through Matter-of-Right Development under Existing Zoning and Senior Housing (11-X DCMR § 305.5(f))**

The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, the FLUM, and the Mayor's housing initiative. Overall, the Project will replace a vacant and highly underutilized site with approximately 67 new residential units and approximately 50,733 square feet of GFA, all of which will be reserved for seniors earning up to 60% of the MFI. In contrast, under the current R-3 zoning, only approximately up to 35,282 square feet of residential GFA could potentially be developed on the Property as a matter of right not taking into account existing site considerations, based upon the R-3 zone's maximum building height of three stories and maximum lot occupancy of 60% for row dwellings and places of worship. Of this, approximately 3,528 square feet of GFA (10% of GFA) would be required for IZ.

**4. Affordable Housing that Exceeds the Amount Required through Matter-of-Right Development Under Existing Zoning (11-X DCMR § 305.5(g))**

The Project is consistent with the affordable housing goals of the Comprehensive Plan and even more specifically with the goals set forth in the Mayor’s Housing Report and Mayor’s Order. As noted above, the Mayor’s Housing Report seeks to establish an equitable distribution of affordable housing in the District to support the goal of creating 36,000 new housing units by 2025. The Mayor’s Order further states that the District must “plan for a variety of housing types, including units for large and/or multigenerational families, seniors, and persons with disabilities.”

Consistent with these goals, the Project will significantly exceed the amount of affordable housing that would be required at the Site through matter-of-right development under the existing R-3 zoning. As a matter of right, the IZ set-aside for development at the Site would be approximately 3,528 square feet (approximately 10% of the maximum permitted residential GFA of 35,282 in the R-3 zone). As proposed, the Applicant will dedicate approximately 50,733 square feet of GFA to affordable housing (100% of the residential GFA), or an increase of approximately 46,205 square feet of GFA. The affordable units will be provided at 60% of the MFI and will be reserved exclusively for seniors.

One-hundred percent of the units will be dedicated as affordable housing as described above for a minimum of 40 years. After that, the Applicant will dedicate a minimum of 12% of the residential GFA to IZ units to be reserved at 60% of the MFI for the life of the Project.

**5. Environmental and Sustainable Benefits (11-X DCMR § 305.5 (k))**

The Project is designed to integrate a host of sustainable features and will be designed to be certified under the Enterprise Green Community standards with potential for 60 optional points at a level that is comparable to Silver certification under the current LEED standards. *See* conceptual Enterprise Green Communities scorecard included with the Plans. The Site is located

in a mixed-use, walkable neighborhood, with convenient access to public transportation options and existing infrastructure and services.

The Project includes a variety of strategies to satisfy the GAR and stormwater management requirements, such as green roof areas, bioretention, and significant new landscaping in public space and on the roof of the building. The Project also includes sustainable design features such as solar panels, energy efficient lighting, high efficiency mechanical systems, and Energy Star appliances. Low flow fixtures, native landscaping, efficient irrigation, healthy materials, and indoor air quality measures will also be incorporated into the Project.

#### **IV. COMMUNITY AND OFFICE OF PLANNING OUTREACH**

Pursuant to 11-Z DCMR § 300.7, the Applicant mailed a Notice of Intent to file the subject application to the owners of all property located within 200 feet of the perimeter of the Site and to Advisory Neighborhood Commission (“ANC”) 8B on February 12, 2020, more than 45 days prior to the date of this application. Since then, the Applicant has engaged with ANC 8B to ensure that the Project has a positive impact to the immediate neighborhood and is designed to be consistent with community goals. The Applicant reached out to the Single Member District commissioner for the Site several times to describe and receive input on the proposed development. The Applicant met with the Chair of the ANC to introduce the Project and share preliminary information and concept drawings. The Applicant looks forward to working with the ANC as the Project moves forward and presenting the application at the next scheduled ANC public meeting.

The Applicant also met with the Office of Planning and DDOT prior to filing the application in order to review the proposed Project, the proposed areas of zoning relief, and the public benefits and amenities. The Applicant will continue to work with these any other agencies as necessary throughout the development review process.

## V. CONCLUSION

For the foregoing reasons, the Applicant submits that the PUD meets the standards of 11-X DCMR Chapter 3 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be approved by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the application for a consolidated PUD and related Zoning Map amendment.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Kyrus L. Freeman



Jessica R. Bloomfield

Enclosures