



**HIGH STREET DISTRICT DEVELOPMENT, INC.**

APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR  
REVIEW AND APPROVAL OF A CONSOLIDATED PLANNED UNIT DEVELOPMENT  
AND AMENDMENT TO THE ZONING MAP

November 3, 2020



**DEVELOPMENT TEAM**

Applicant	High Street District Development, Inc. c/o Trammell Crow Company 1055 Thomas Jefferson Street Washington, DC 20007
Architects, Engineers, and Consultants	Eric Colbert & Associates 717 5 <sup>th</sup> Street NW Washington, DC 20001
	VIKA Capitol 4910 Massachusetts Avenue NW, Suite 16 Washington, DC 20016
	Lee and Associates, Inc. 638 I Street NW Washington, DC 20001
	Gorove Slade 1140 Connecticut Ave NW, Suite 600 Washington, DC 20036
Land Use Counsel	Goulston & Storrs 1999 K Street NW, 5th Floor Washington, DC 20006

**TABLE OF CONTENTS**

I. Introduction..... 1

A. *Summary of Requested Action* ..... 1

B. *The Applicant* ..... 2

C. *Project Goals and Objectives and the Benefits of Using the PUD Process* ..... 2

D. *Development Timetable*..... 3

II. The Proposed PUD Project ..... 3

A. *Site Location*..... 3

B. *Project Description*..... 4

C. *Community Outreach and Response* ..... 5

D. *Flexibility Under the PUD Guidelines* ..... 6

1. Special Exception Under Subtitle G §409.1 and §1200.4 for Lot Occupancy Requirements ..... 6

2. Special Exception under Subtitle C §1504.1 for Penthouse Staircase Enclosure and Uniform Height Requirements ..... 8

3. Special Exception from the Minimum Court Width Requirement under Subtitle G §202.1 ..... 11

4. Additional Flexibility in Number of Units, Parking, and Retail Square Footage and Design ..... 13

III. Planning Analysis ..... 14

A. *Land Use Impact* ..... 14

B. *Zoning Impact* ..... 14

C. *Environmental Impact* ..... 15

D. *Facilities Impact*..... 15

IV. PUD Evaluation Standards ..... 16

A. *Public Benefits and Project Amenities* ..... 16

1. Housing..... 16

2. Affordable Housing ..... 17

3. Superior Urban Design and Architecture..... 17

4. Streetscape Plans..... 18

5. Site Planning, and Efficient and Economical Land Utilization ..... 18

6. Commemorative Works or Public Art ..... 19

7. Environmental and Sustainability Benefits..... 19

8. Uses of Special Value ..... 19

9. Comprehensive Plan ..... 20

B. *Public Benefits of the Project* ..... 20

V. Compliance with the Comprehensive Plan ..... 21

A. *Citywide Elements* ..... 21

1. Framework Element and Maps ..... 21

2. Land Use Element..... 24

3. Other Elements..... 25

***B. Compliance with Area Elements*** ..... 27

VI. Conclusion ..... 28

**EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Application Forms and Authorization Letters	A
Notice of Intent to Surrounding Property Owners and Certificate of Notice	B
Certificate of Compliance	C
List of Property Owners	D
List of Publicly Available Information	E
Environmental Analysis	F
Surveyor’s Plat	G
Architectural Drawings and Elevations, and Photographs of the Property and Surrounding Area	H

## **PREFACE**

This statement and the attached documents support the application of High Street District Development, Inc. (the “Applicant”) to the Zoning Commission for consolidated approval of a Planned Unit Development and Zoning Map Amendment (“PUD”) for the property known as Square 445, Lots 191, 192, 193, 194, 800, 821, and 822 (collectively, the “Property”). The Property is located on the corner of 7<sup>th</sup> and P Streets NW in Ward 6. The Project will result in a mixed-use development of ground-floor retail and upper-floor residential uses on the Property.

This PUD application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (2006) (the “Comprehensive Plan”), as well as numerous goals and policies of the District of Columbia. This Project will benefit the District through exemplary architecture, affordable housing, and attractive, place-making development. The Project will also benefit the surrounding neighborhoods through streetscape improvements and other new benefits and amenities to be provided, commensurate with the increase in height and density resulting from the PUD process.

Submitted in support of this application are completed application forms, a copy of the notice of intent to file a PUD that was mailed to surrounding property owners and parties (with the certification of mailing and list of property owners), architectural drawings, plans, and elevations of the proposed project, and a map depicting the Zone Districts for the Property and surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD application under Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the District of Columbia Zoning Regulations.

## I. INTRODUCTION

### *A. Summary of Requested Action*

This statement and the attached documents support the application of High Street District Development, Inc. (the "Applicant") to the Zoning Commission for consolidated approval of a Planned Unit Development and Zoning Map Amendment ("PUD") for the property known as Square 445, Lots 191, 192, 193, 194, 800, 821, and 822 (collectively, the "Property"). The Property is located on 7<sup>th</sup> and P Streets NW in Ward 6, within the jurisdiction of Advisory Neighborhood Commission ("ANC") 6E.

The Property is located on at the corner of 7<sup>th</sup> and P Streets NW and runs through the block east to Marion Street NW. 631 P Street Ventures LLC is the fee owner of Lots 191, 192, 193, 800, 821 and 822 and has ground leased this portion of the Property to the Applicant. The Applicant is the contract purchaser of Lot 194. Letters authorizing the Applicant to proceed with this Application are attached as Exhibit A. The Property is located in the Shaw neighborhood of Ward 6 and consists of approximately 22,824 square feet, or approximately 0.52 acres, of land area. The Property is currently in the MU-4 Zone District; through the Project, the Applicant seeks to rezone the property to the MU-6 Zone District.

The Property is currently largely unimproved. A portion of the Property is used as a surface parking lot and the small commercial building on Lot 194 contains a barber shop. One of the amenities of this application will involve the relocation of the barber shop into the new development. The Applicant intends to develop the Property with a new mixed-use building with approximately 7,442 square feet of retail use located on the ground level as well as approximately 230 residential units (the "Project").<sup>1</sup> The Project will also contain approximately 56 parking

---

<sup>1</sup> As noted below, the Applicant is seeking flexibility to vary the square footage of the retail component by up to 25%.



spaces. The total gross floor area included in the Project is approximately 163,675 square feet, for a total Floor Area Ratio (“FAR”) of 7.17. The Project will occupy approximately 79.6% of the Property at the first floor, approximately 83.9% of the Property at levels 2-5, and approximately 75.5% of the Property at levels 6-9. The Project will be constructed to a building height of approximately 90 feet.

The Future Land Use Map of the Comprehensive Plan locates the Property in the Medium Density Commercial/Medium Density Commercial and Moderate Density Residential land use categories, with the Moderate Density Residential designation located to the center and east side of the Property along the corner of P and Marion Streets. The Applicant will use the PUD process and the Zoning Map Amendment to increase the permitted height and FAR on the Property consistent with the Comprehensive Plan.

***B. The Applicant***

High Street District Development, Inc. is a related entity of High Street Residential, a residential subsidiary of Trammell Crow Company, which is a diversified real estate development firm. High Street Residential specializes in urban, infill mixed-use residential development and has extensive experience in mixed-use and residential development in Washington, D.C. High Street Residential’s residential portfolio in the Washington, D.C. area includes nearly 3,000 units, including over 1,100 units approved through the PUD process.

***C. Project Goals and Objectives and the Benefits of Using the PUD Process***

Consistent with the goals of the District as outlined in the Land Use Element of the Comprehensive Plan, the Applicant intends to redevelop the Property with a mixed-use residential and retail building on the Property. The Project will provide a premier shopping and living space within two blocks of two major Metrorail stations in an attractive and sustainable building that is compatible with surrounding buildings and uses.

The PUD process outlined in Chapter 3 of Subtitle X of the Zoning Regulations serves as the appropriate means of achieving the above objectives, because the PUD process provides the community and District agencies with the tools needed to ensure that the Project is well-designed and best meets the needs of the community while making sure that the density and uses are appropriate and the architecture is compatible with the surrounding neighborhood.

***D. Development Timetable***

The Applicant intends to begin construction of the Project in September, 2022 and construction is expected to take approximately 22 months. The Project is expected to be completed in July 2024.

**II. THE PROPOSED PUD PROJECT**

***A. Site Location***

The Property consists of approximately 22,824 square feet of land area located along 7<sup>th</sup> and P Streets NW, approximately two blocks south of the Shaw Metrorail Station. The site runs the length of P Street between 7<sup>th</sup> and Marion Streets and borders the Bread for the City building to the north along 7<sup>th</sup> Street and rowhomes to the north along Marion Street. The Property is located entirely in the MU-4 Zone District.

Due to its location on 7<sup>th</sup> Street, the site is well-served by Metrobus as well as two nearby Metrorail stations. The surrounding area features a variety of uses and zone categories. The blocks to the north and south along 7<sup>th</sup> Street are a mix of commercial, retail, and residential uses located in the MU-4 Zone District. To the east across Marion Street are rowhomes in the RF-1 Zone District. To the west across 7<sup>th</sup> Street is a mixed-use building that was rezoned through the PUD process to the C-2-C Zone, which is the equivalent of the current MU-6 Zone.

The prior ownership of the Property resulted in affordable housing covenants encumbering Lots 191 and 821. These covenants require that the greater of 30% of the units built on Lot 191

or 3 be set aside as affordable and the greater of 20% of the units built on Lot 821 or 7 (depending on the level of density secured for the parcel) be set aside as affordable.

***B. Project Description***

The Project will introduce a new retail and residential mixed-use development on a currently underutilized property that is the site of a gap in the streetscape along 7<sup>th</sup> and P Streets NW. As shown on the architectural plans, elevations, and drawings attached as Exhibit H (the “Plans”), the Project has been designed to complement the existing uses and scale of the surrounding property and neighborhood and will enliven the streetscape.

The Applicant proposes to construct a mixed-use building with ground-floor retail uses, ground floor and upper level residential uses, loading, and below grade parking. In total, the Project will be 9 stories in height and will include a cellar and underground parking level. The Project will include approximately 230 residential units distributed from the cellar level through the penthouse level as well as residential amenities on the ground floor and penthouse level.

The height and mass of the Project is consistent with and sensitive to the surrounding context and enhances the streetscape. The Project was designed to be respectful of the existing rowhomes along Marion Street while still complementing the scale and design of the existing buildings with larger massing along the opposite side of 7<sup>th</sup> Street. To this end, the Project has a setback above the 5<sup>th</sup> floor along Marion Street and concentrates the bulk of the building to the west. Furthermore, the building’s façade along Marion Street has been broken into smaller sections to respect the scale of the rowhouses located opposite. Additionally, recesses, stoops, and interior balconies have been included on the Marion Street side of the building to reduce the sense of massing and achieve consistency with the scale of the rowhouses along Marion Street. The façade along Marion Street is masonry to harmonize with the architectural character of the surrounding buildings.

Along 7<sup>th</sup> and P Streets, the Project includes balconies, bay projections and other façade articulation to help activate the streetscape. The ground floor will feature double-height windows at street level to create an open and active street front that is visually appealing and engaging. In response to comments from ANC 6E to articulate the corner of 7<sup>th</sup> and P, the Applicant has included a glass façade to provide visual interest at this prominent corner.

The Project will contain one level of underground parking accessed via the public alley entrance on Marion Street located on the north side of the Project. The Project will include approximately 56 vehicular parking spaces and approximately 65 long-term bicycle parking spaces and 14 short term bicycle parking spaces. Loading will be located on the cellar level, also accessed via the public alley that runs parallel to P Street NW.

In total, the Project will feature approximately 7,442 square feet for retail use and approximately 230 residential units with a total gross floor area of approximately 163,675 square feet. The Applicant will set aside twelve percent (12%) of the residential net area not already subject to the existing affordability covenants, as affordable housing, which is a greater amount of affordable housing than required by the Zoning Regulations.

The Project will be constructed to an FAR of 7.17, with a residential FAR of approximately 6.84 and a retail FAR of approximately 0.33, and a height of 90 feet. The MU-6 District permits a maximum FAR of 8.64 in a PUD project. A PUD project in the MU-6 Zone District is permitted a maximum building height of 110 feet. The summary of development data attached as part of the Plans illustrate the zoning standards for the existing and proposed zoning.

### ***C. Community Outreach and Response***

The Applicant has engaged in numerous community outreach efforts, including city meetings, ANC meetings, and meetings with individual community groups regarding the Project. The Applicant met with the Office of Planning on January 16, 2020 and on February 4, 2020. The

Applicant has also met with a representative group of the neighbors who live on Marion Street and has also spoken with a representative of Bread for the City, which neighbors the Property to the north along 7<sup>th</sup> Street. The Applicant presented the proposed Project to both the Zoning Advisory Committee of ANC 6E and to the full ANC 6E on July 2, 2020 and July 7, 2020, respectively. As a result of these ANC meetings and separate informal community meetings, the Applicant has reevaluated aspects of the Project to address thoughts and concerns raised by the community, including the further study of the scale and height of the proposed Project along Marion Street. The Applicant will continue to revise the benefits package to incorporate further feedback from the community.

***D. Flexibility Under the PUD Guidelines***

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. Under Subtitle X, §303.11, the PUD regulations specifically allow the Zoning Commission discretion to approve any zoning relief to development standards other than height and maximum density. While the Project will be built within the PUD Zoning Regulations for height and density, the Applicant requests flexibility from the lot occupancy requirements, penthouse height and staircase enclosure requirements, and court width requirements of the Zoning Regulations. As discussed below, this Project meets all applicable standards for the relief requested.

**1. Special Exception Under Subtitle G §409.1 and §1200.4 for Lot Occupancy Requirements.**

Pursuant to Subtitle G §404.1 of the Zoning Regulations, the minimum lot occupancy for residential use in the MU-6 zone is 75%, and 80% in an Inclusionary Zoning (“IZ”) development such as the Project. The proposed maximum lot occupancy of the Project is 83.9%. Specifically,

as shown on sheet A01 of the Plans, the lot occupancy on floors 2 through 5 is 83.9%, while the lot occupancy on the first floor and floors 6-9 complies with the 80% maximum.

Under Subtitle G § 409.1 and §1200.4, the Board of Zoning Adjustment (or in this case, the Zoning Commission under Subtitle X, §303.11) may grant a special exception from the lot occupancy standards if the special exception: (i) Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps; and (ii) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps. As set forth in Subtitle G §400.5, the MU-6 Zone is intended to permit medium to high-density mixed-use development with a focus on residential use. To that end, the Project introduces 230 residential units and ground level retail to what is currently an underdeveloped and underutilized lot. Furthermore, the Project will include a significant affordable component, both through Inclusionary Zoning and existing affordability covenants. Overall, the Project will create a new high-quality multifamily residential development on the Property, will provide an attractive building design that will contribute to the neighborhood, will provide significant affordable housing, and is consistent with the other nearby residential development. The Project as proposed will therefore be in harmony with the general purpose and intent of the MU-6 zone, the Zoning Regulations, and Zoning Maps.

In addition, the requested lot occupancy relief will not tend to affect adversely the use of neighboring property. The proposed excess lot occupancy is limited to only 4 floors of the building and is only approximately 4% greater than the minimum allowed lot occupancy. The Project has been designed to a lower height than is permitted and includes setbacks along the eastern and northern sides of the Property above the 5<sup>th</sup> floor to reduce the density and the massing of the Project. The very minimal excess lot occupancy will therefore not significantly or materially add

to the density of the Project in a manner that would have an adverse impact on the use of neighboring property. For the above reasons, the Project meets the standard for the requested lot occupancy relief.

2. **Special Exception under Subtitle C §1504.1 for Penthouse Staircase Enclosure and Uniform Height Requirements**

As shown on Sheets A25-A29 of the Plans, the Project includes a habitable penthouse, containing residential units and residential amenities, as well as a separate staircase enclosure containing pool mechanical equipment and storage area. As shown on the Plans, the height of the enclosing walls of the staircase enclosure and “pool room” is 15 feet, while the height of the enclosing walls of the amenity and residential enclosure is 12 feet. Pursuant to Subtitle C §1500.6, all penthouses and mechanical equipment shall be placed in one enclosure, except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure. Given that the staircase “pool room” enclosure contains storage and mechanical equipment in addition to the staircase, relief from Subtitle C § 1500.6 is required. Additionally, as set forth in Subtitle C §1500.9, enclosing walls of the penthouse shall be of equal, uniform height as measured from roof level, except that enclosing walls of penthouse habitable space may be of a single different height than walls enclosing penthouse mechanical space. In the case of the Project, the staircase “pool room” contains habitable space and is not of a uniform height with the residential and amenity penthouse enclosure, therefore, relief from this uniform height requirement will also be required.

Pursuant to Subtitle C §1504.1, relief to these requirements of Subtitle C may be granted as a special exception subject to Subtitle X, Chapter 9 and subject to the specific considerations set forth below:

- (i) *The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The inclusion of the pool mechanical equipment and storage area in the separate staircase enclosure is necessary due to the enclosure's proximity to the pool area. For safe and efficient operation, the equipment serving the pool should be located in close proximity, and it would be unreasonable to locate such mechanical and storage areas in a different location. The height of the staircase enclosure is dictated by safety and building codes and therefore differs from the height of the other habitable penthouse enclosure. Lowering the height of the staircase enclosure to conform to the other penthouse habitable space would be unreasonable and negatively impact the function of the stairway.

- (ii) *The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The inclusion of the habitable and mechanical space within the staircase enclosure results in a better design of the roof structure as it consolidates several uses in an already necessary separate penthouse enclosure. It also enables the pool equipment, chemicals, and machinery to be located in close proximity to the pool, and avoids having pool-related items scattered throughout the penthouse level of the Project. This enables a superior and safer design of the roof structure. Furthermore, the staircase enclosure complies with the required setbacks and is below the required penthouse height limit, and does not appear to be an extension of the building wall.

- (iii) *The relief requested would result in a roof structure that is visually less intrusive;*

As mentioned above, the inclusion of the storage and mechanical space within the staircase enclosure enables the Applicant to combine several areas necessary for the function of



the pool and roof access into a single enclosure, resulting in a less visually intrusive design than having separate or unenclosed mechanical or storage areas.

- (iv) *Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-118 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

The height of the staircase enclosure is dictated by the D.C. Construction Code, and in order to accommodate the building conditions and access requirements, such height must differ from the other penthouse habitable enclosure. The stairwell must be connected and accessible to the pool deck to meet the egress requirements of the D.C. Construction Code and the height of the stairwell enclosure is set to provide the minimum headroom at the pool deck elevation and to meet the setback requirements.

- (v) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

As shown on the plans, all penthouse structures, including the mechanical equipment, and stairway enclosures comply with the required setbacks.

- (vi) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The relief requested is in line with the intent and purpose of Chapter 15 of Subtitle C of the Zoning Regulations. The areas of relief requested to accommodate the proposed staircase enclosure do not result in noncompliance with the required setbacks or height limitations of penthouse structures and will therefore not impair the light and air of the adjacent buildings.

In addition to the above specific conditions, requests for relief from the penthouse development standards must be in harmony with the Zoning Regulations and Maps and must not adversely affect or impact the surrounding area, in accordance with Subtitle X §901.2. The requested relief is in harmony with the Zoning Regulations and does not adversely affect the surrounding area, as it enables the efficient and safe functioning of penthouse amenities and an access stair, while maintaining compliance with the required penthouse setback and height limitations.

3. **Special Exception from the Minimum Court Width Requirement under Subtitle G §202.1**

As shown on Sheet A20 of the Plans, the Project includes an open court along Marion Street, which is created where the building sets back on the 6<sup>th</sup> floor and above. Pursuant to Subtitle G §202.1, the required width for an open court for a residential structure in an MU zone is 4 inches per foot of height of the court. In the case of the Project, the court runs from the 6<sup>th</sup> floor to the 9<sup>th</sup> floor and has a height of 38 feet, 6 inches and an approximately 12 foot, 10-inch-wide court is therefore required. The width of the court when measured from the face of the building is 15 feet; however, when the court is measured from the face of the balconies projecting into the court area, the provided court width is 11 feet, which is approximately 1 foot, 10 inches narrower than the required open court width. Therefore, the Applicant is requesting special exception relief from the strict application of the open court width requirements.

In order to obtain special exception relief in accordance with Subtitle X §901.2, an applicant must demonstrate that the special exception (i) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and (ii) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. This application satisfies these standards for the special exception relief requested.

- i. *The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.*

The Property is unusual in that it runs east-west from the prominent, high density and busy corner of 7<sup>th</sup> and P Streets to the residential and less densely developed Marion Street. The Future Land Use Map of the Comprehensive Plan reflects this shift as it designates the Property in both the Medium Density Commercial/Medium Density Commercial and Moderate Density Residential land use categories, with the Moderate Density Residential designation located to the center and east side of the Property along the corner of P and Marion Streets. The Applicant has taken care to design the Project in a manner to complement and fit in with these surrounding conditions and with the unusual variation in the Property's designation on the Future Land Use Map. In an effort to be respectful to the lower-density rowhomes along Marion Street, and to be in harmony with the Moderate Density Residential designation along this portion of the Property, the Applicant has set back the 6<sup>th</sup> through 9<sup>th</sup> floors along Marion Street, which creates the open court. As part of the superior design of the Project, the Applicant has included significant outdoor space, including balconies, which will contribute to a more attractive and interesting building façade along Marion Street. The court noncompliance for which the Applicant is seeking relief is extremely minor in scale, as the balconies project less than 2 feet into the required court width. The special exception to allow this minor 1 foot, 10-inch court width noncompliance will enable the Applicant to maintain the setback from the lower-scale rowhomes along Marion Street, while still providing high quality and well-designed residential units in the MU-6 Zone, which has a focus on residential use. Therefore, the Project will be in harmony with the general purpose and intent of the MU-6 zone, the Zoning Regulations, and Zoning Maps.

- ii. *The special exception will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.*

The court width noncompliance will not tend to affect adversely the use of neighboring property. The noncompliance is de minimis and the provided court is only 1 foot 10 inches narrower than the required minimum width. The Applicant set back the 6<sup>th</sup> through 9<sup>th</sup> floors on the eastern side of the building in response to requests from the Office of Planning and to be respectful and complementary to the scale of the lower-density rowhomes along Marion Street. The proposed court design, including balconies, will create a more articulated and interesting façade along the Marion Street side of the Project, and will contribute to the overall residential character of the neighborhood along Marion Street. The inclusion of balconies in the building design will not adversely affect the neighboring properties and will in fact enhance the design of the building and cohesion of the building with the surrounding neighborhood. Furthermore, the extremely minor nature of the noncompliance will not impair light and air to the surrounding units or the purpose and integrity of the zone plan.

#### 4. **Additional Flexibility in Number of Units, Parking, and Retail Square Footage and Design**

In addition to the relief required from Zoning Regulations, the Applicant seeks flexibility in the implementation of the Project, including:

- a. Unit range: The Applicant seek flexibility to vary the proposed residential unit range by 5-10%.
- b. Parking range: The Applicant seeks flexibility to vary the number of proposed parking spaces by 5-10%.
- c. Retail range: The Applicant seeks flexibility to vary the amount of retail square footage by 25%.
- d. Retail façade design: The Applicant seeks flexibility to vary the design of the retail space per the specifications of the retailer.

Given the uncertainty surrounding the safe operation of retail spaces while the Covid-19 pandemic continues, as well as the unpredictability in both the residential and retail markets that may persist even past the resolution of the pandemic, the Applicant believes that the above minor flexibility is warranted. This requested flexibility will enable the Applicant to refine the design of the Project as it assesses the significant impacts that Covid-19 has had on best practices in residential and retail design. Furthermore, in the event of public health restrictions on retail operations or difficulty finding a tenant in a depressed retail market due to the pandemic, the requested flexibility in retail square footage will allow the Applicant to activate ground level space with residential amenities, rather than maintain vacant ground floor retail space.

### **III. PLANNING ANALYSIS**

#### ***A. Land Use Impact***

As detailed in Section V, the proposed PUD project is fully consistent with the goals and policies of the Comprehensive Plan for the District of Columbia. Specifically, the Project will create prime residential and retail space in an underutilized area on a main avenue in the District, including affordable housing. The height and density of the Project are appropriate given the proximity to transit, the height and mass of surrounding buildings along 7<sup>th</sup> and Marion Streets, and the avoidance of adverse impacts on nearby residential areas. The Project will also improve the streetscape along 7<sup>th</sup> and P Streets by replacing a vacant area and surface parking lot with a well-designed mixed-use building. The Project will have a positive land use impact that is consistent with the Comprehensive Plan and other planning goals of the District of Columbia.

#### ***B. Zoning Impact***

As shown on the Proposed Zone District Plan included in the Plans, the Applicant requests a Zoning Map Amendment for the Property to the MU-6 Zone District. This proposed zone plan is consistent with the Comprehensive Plan. As discussed more fully in Section V, the Future Land

Use Map of the Comprehensive Plan locates the Property in the Medium Density Residential/Medium Density Commercial, as well as Moderate Density Residential, land use categories.

At the Property, the Applicant proposes a mixed-use development with ground-floor retail and residential uses above and at the cellar level. The proposed MU-6 zoning is necessary to accommodate these uses at the proposed height and density. The Comprehensive Plan explicitly lists the proposed MU-6 Zone District as consistent with the Medium Density Commercial designation. § 225.10.<sup>2</sup> Additionally, the proposed Project is designed to fit in with the scale of surrounding buildings, both on 7<sup>th</sup> and on Marion Streets, as it steps down in height along its eastern side to mirror the existing rowhomes on the opposite side of Marion Street.

***C. Environmental Impact***

As more specifically detailed in Exhibit E, no adverse environmental impact will result from the construction of the Project. The Project will include features attaining LEED- Silver certification for the Project. The Project will meet the Green Area Ratio and stormwater management requirements.

***D. Facilities Impact***

The proposed Project will not have an adverse impact on the facilities that it will rely on for service. The Shaw Metrorail station is two blocks from the Property. Numerous Metrobus lines also service the site, and it is expected that many of the Project's occupants and visitors will use public transit. The Project also contains approximately 56 parking spaces to accommodate the parking demand of residents, employees, and visitors who may choose to drive to the Project. The Applicant has engaged Gorove Slade to assess the potential transportation impacts of the Project

---

<sup>2</sup> The Comprehensive Plan lists the C-2-C Zone District as appropriate for this designation, which was the MU-6 Zone District under the 1958 Zoning Regulations.

and complete a scoping form in coordination with DDOT. The Applicant believes that a Comprehensive Transportation Review will be beyond the scope of the potential low-level transportation impacts of the Project. However, the Applicant will continue to work with DDOT and the surrounding community to refine the Project's transportation-related elements.

#### **IV. PUD EVALUATION STANDARDS**

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

Section 305 of Subtitle X provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high-quality development that provides public benefits and project amenities by allowing applications greater flexibility in planning and design than may be possible under matter-of-right zoning. The proposed Project will achieve the goals of the PUD process by providing new housing, and retail opportunities in a well-designed project that vitalizes a vacant area, and enhances the surrounding public space. This furthers several goals set forth by the District of Columbia.

##### **1. Housing**

Pursuant to Section 305.5(f) of Subtitle X of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. Additionally, on May 10, 2019, Mayor Bowser issued an executive order (*See* Office of the Mayor, HOUSING INITIATIVE, Mayor's Order (2019-036 (May 10, 2019)) ("Mayor's Housing Order"). The Mayor's Housing Order set out a goal of creating 36,000 new housing units, including 12,000 affordable housing units by 2025. The Project will create approximately 230 new residential units in furtherance of the Mayor's Housing Order. There is currently no housing at the Property, and given the Property's current zoning, no residential use is required. Therefore, the Project will create all new housing in an underutilized location, totaling 145,476 square feet of new housing.

## 2. **Affordable Housing**

Pursuant to Section 305.3(g) of Subtitle X, the production of affordable housing above what is required under the Inclusionary Zoning (“IZ”) regulations is considered a public benefit of a PUD project. The Project will create approximately 13,000 net square feet of affordable housing, which is 12% of the total residential net square footage not already subject to affordability restrictions, for households earning below 60% of the area median income. Additionally, approximately 25% of the affordable housing units provided will be two-bedroom units to serve larger families at the Project. This proffer provides a volume of affordable units in excess of the number that is required by the IZ regulations and with a higher concentration of 2-bedroom units. The Project also includes additional affordable housing at deeply affordable levels in compliance with the separate affordable regime imposed on portions of the Property by existing affordable housing covenants. Due to the complexities of these affordability regimes applicable to the Property, the Applicant is continuing to refine the affordable housing plan and layout.

## 3. **Superior Urban Design and Architecture**

Section 305.5(a) of Subtitle X lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown on the Plans, the proposed Project exhibits many characteristics of exemplary urban design. Specific features include massing that is shaped to flow within the existing density of the surrounding properties, active storefronts along 7<sup>th</sup> Street NW, and well-located and carefully designed parking facilities and loading zones.

The Project also features exceptional architectural design that modulates the height and mass of the building through setbacks, materiality, and other design elements. The proposed Project includes a significant setback toward Marion Street to be consistent with the changing scale of surrounding residential properties. A clearly defined retail base and streetscape will enhance the pedestrian scale and environment. The building is articulated with projecting and interior



balconies, bay windows and carefully selected materials to add warmth along Marion Street and an open and more modern atmosphere along 7<sup>th</sup> Street. The Project will feature high-quality design and materials and transform a surface parking lot to a lively and dynamic residential development with ground floor retail.

#### 4. **Streetscape Plans**

Section 305.5(l) of Subtitle X states that streetscape plans are considered to be public benefits and project amenities of a PUD. The existing streetscape along the vacant lot and surface parking lot lacks pedestrian activity and interest. The Project's ground level design will transform a currently underutilized parcel that creates a gap along 7<sup>th</sup> Street, one of the District's major corridors, into an active and open streetscape that will draw the attention and interest of pedestrians. The wide and clear ground floor windows will engage pedestrians on the street level, giving them an opportunity to interact with and consider the building, rather than just walk past. The Applicant is also proposing to remove the existing curb cut along P Street and replace it with well-designed landscaping. Furthermore, the Applicant plans to widen the alley that runs along the north side of the Property and create a side building setback in that area, as shown on Sheet A21 and A23 of the Plans. This alley widening will create more light and air around the north and east side of the Project and preclude the need for any back-up maneuvers by vehicles accessing the Project.

#### 5. **Site Planning, and Efficient and Economical Land Utilization**

Pursuant to Section 305.5(c) of Subtitle X of the Zoning Regulations, "site planning and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission. The site is currently underutilized and fails to capitalize on its proximity to the Shaw Metrorail station. The site currently has little activity and does not encourage any pedestrian access. The proposed Project has been designed to provide residents,

customers, employees, and visitors with open and inviting spaces for entertainment and relaxation. The Project transforms an underutilized and inactive area into an attractive 21<sup>st</sup> century mixed-use development.

#### **6. Commemorative Works or Public Art**

Section 305.5(d) of Subtitle X states that commemorative works or public art are public benefits and project amenities of a PUD. The Project will include a public art installation along P Street for neighborhood residents to enjoy. The Applicant plans to coordinate with Shaw Main Streets to identify an artist and determine the details of the public art.

#### **7. Environmental and Sustainability Benefits**

Section 305.5(k) of Subtitle X states that environmental benefits are considered to be public benefits and project amenities of a PUD. The Project will provide a number of environmental benefits that improve sustainability of the site and contribute to the sustainability of the neighborhood. These sustainability features include a commitment to achieve LEED Silver certification, capitalizing on the strategic potential of a transit-oriented location proximate to a Metrorail station. The Applicant is also exploring the possibility of including solar panels as part of the Project.

#### **8. Uses of Special Value**

Subtitle X, Section 303.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The proposed Project will provide approximately 7,442 square feet of ground-floor retail uses as well as streetscape enhancements along the Project frontage, which have been previously recognized by the Commission as uses of special value.

In addition, the Applicant has committed to offering the current operator of the barber shop located on Lot 194 a comparable amount of new space in the Project to continue operation of the barber shop, at a significantly reduced rent for 10 years, with the option to renew for an additional 10 years. The Applicant has offered to provide relocation assistance to the barber shop during the time the Project is under construction and is committed to preserving this local and longstanding business in this location.

Furthermore, the Applicant has engaged in discussions with City Blossoms regarding potential public benefits related to the Project. City Blossoms is a Washington, DC based nonprofit with a focus on introducing urban gardens, specifically in neighborhoods in which children have limited or no access to green space. City Blossoms conducts educational programming and trainings and has a community green space known as the Marion Street Intergeneration Garden, located on the same block of Marion Street as the Property. The Applicant will continue to engage with ANC 6E and other important stakeholders regarding these benefits. Additionally, the Applicant is exploring partnerships or other coordination with additional local organizations such as Bread for the City, Shaw Main Streets, the Shaw East Central Civic Association, and New Endeavors by Women.

## 9. **Comprehensive Plan**

According to Section 305.5(r) of Subtitle X, public benefits and project amenities include “other ways in which the proposed planned development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

### ***B. Public Benefits of the Project***

Section 305.3 of Subtitle X requires the Applicant to demonstrate how the public benefits offered are superior in quantity and quality to typical developments of the type proposed. This application achieves the requirement of this provision by offering:

- Housing,
- Affordable housing,
- Superior Urban Design and Architecture,
- Streetscape improvements,
- Exemplary site planning,
- Sustainable development features,
- Uses of special value, including street-level retail uses, and
- Neighborhood benefits.

For the reasons set forth above, the Project contains numerous public benefits and project amenities that are superior to typical developments.

## **V. COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The proposed PUD is consistent with and fosters numerous goals and policies of the Comprehensive Plan.

The purposes of the District elements of the Comprehensive Plan for the National Capital are to: (1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions on matters affecting the District and its citizens; (3) Promote economic growth and jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in the conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Code § 1-306.01(b) (2006). The proposed Project significantly advances these purposes by furthering the social, physical, and economic development of the District through the development of a mixed-use residential and retail space and creating vibrant public space on the Property in close proximity to a Metrorail station and other public transit avenues.

### ***A. Citywide Elements***

#### **1. Framework Element and Maps**

The Framework Element provides guidelines for using the Future Land Use Map. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the entire Comprehensive Plan. The Framework Element also clearly provides that density and height gained through the PUD process are bonuses that may exceed the typical ranges cited for each category. Comprehensive Plan § 226(c).

On the Future Land Use Map, the Property is mapped for Medium Density Residential/Medium Density Commercial, as well as Moderate Density Residential, land uses. The Medium Density Commercial “designation is used to define shopping and service areas that are somewhat more intense in scale and character . . . . Retail, office, and service businesses are the predominant uses.” § 225.9. The Plan notes that the C-2-C Zone District under the 1958 Zoning Regulations, now the MU-6 Zone District, is appropriate for the Medium Density Commercial Designation. The Medium Density Residential “designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space.” § 225.5. The Moderate Density Residential “designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner-city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all).” § 225.4.

The Project is consistent with the Future Land Use Map because the Property's Medium Density Commercial designation is in the exact designation for which the requested re-zoning of the Property to the MU-6 Zone District (which was the C-2-C Zone District when the Comprehensive Plan was written) is appropriate. Furthermore, the Property's Medium Density Residential designation is also consistent with the MU-6 rezoning. As noted in the Plan, the Medium Density Residential Designation is appropriate for mid-rise apartment buildings, as well as taller residential buildings surrounded by large areas of permanent open space. The bulk of the Project is concentrated on the 1<sup>st</sup>-5<sup>th</sup> floors, and the Project is significantly set back above the 5<sup>th</sup> floor. Furthermore, the Project is located across P Street from the Kennedy Recreation Center, which includes significant open space used for park and recreational facilities, including a tennis court, two basketball courts, a playground and a baseball field on lots comprising nearly 140,000 square feet of land area. Finally, the portion of the Project that is located in the area designated as Moderate Density Residential is scaled back in bulk and height on the lower levels. The design of this portion of the Project includes rowhouse features, such as separate street-level entrances along Marion Street and complements the rowhomes facing that portion of the Project. Although a PUD project in the MU-6 Zone permits a maximum FAR of 8.64 and a maximum building height of 110 feet, the Project will be built only to a 7.17 FAR and building height of 90 feet to be consistent with and sensitive to the surrounding context. The Project will create a prime retail and residential property in close proximity to a major Metrorail station in accordance with the overall vision of the Future Land Use Map.

On the Generalized Policy Map, the eastern portion of the Property along Marion Street is designated as a "Neighborhood Enhancement Area" and the majority of the Property is designated as a "Main Street Mixed-Use Corridor." Neighborhood Enhancement Areas are identified as areas

that are “primarily residential in character” and are “characterized by a patchwork of existing homes and individual vacant lots.” § 223.6. These areas are open to infill development that “‘fits in’ and responds to the existing character of the neighborhood.” § 223.7. The portion of the Project that is located in the Neighborhood Enhancement Area follows this philosophy, by matching the scale and design of the rowhomes along Marion Street.

Main Street Mixed-Use Corridors “are traditional commercial business corridors.” § 223.14. These areas’ “common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” § 223.14. The proposed Project on the Property is a quintessential Main Street Mixed-Use Corridors Area development. The Project will provide retail and housing near a Metrorail station that is pedestrian friendly and enhances an underutilized area on 7<sup>th</sup> and P Streets.

## 2. **Land Use Element**

The proposed Project advances several policies of the Land Use Element. The Land Use Element encourages development of Metro stations as “anchors,” § 306.10 (LU-1.3.1 Station Areas as Neighborhood Centers), as the best opportunities for infill development, § 306.11 (LU-1.3.2 Development around Metrorail Stations), and as pedestrian-oriented nodes, § 312.9 (LU-2.4.5 Encouraging Nodal Development). Here, the Project’s proximity to the Shaw Metrorail station and the Project’s focus on creating a pedestrian-friendly, inviting environment, furthers this use of Metro stations as anchors. The Project also represents the sort of pedestrian-oriented infill development promoted by the Land Use Element, especially with the ground floor retail use.

Additionally, the residential use at the Project meets the goals of “maintaining the multi-family residential character of the District’s Medium- and High- Density residential areas” by taking a largely vacant and underutilized site and developing multi-family residential use at the Property. § 309.15 (LU-2.1.10 Multi-Family Neighborhoods). Furthermore, the Land Use Element encourages creative parking management to respond to the level of demand and mitigate congestion. §§ 306.15, 309.16, and 312.12 (LU-1.3.6 Parking near Metro Stations, LU-2.1.11 Residential Parking Requirements, and LU-2.4.8 Addressing Commercial Parking Impacts). The Element focuses developments on placing “a priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking.” §306.4 (LU-1.3 Transit-Oriented and Corridor Development). Here the Project meets the objectives of the Land Use Element by offering an appropriate amount of below-grade parking for residents, visitors, and employees of the Project.

### 3. **Other Elements**

This PUD application is also consistent with policies in the Transportation, Housing, Economic Development, and Urban Design Elements of the Comprehensive Plan. The Transportation Element encourages pedestrian-oriented development around transit stations, § 403.1 (T-1.1.4 Transit-Oriented Development) and discourages auto-oriented uses such as “drive-through” business, and large surface parking lots, § 404.8 (T-1.2.3 Discouraging Auto-Oriented Uses). Additionally, the element encourages “transit-oriented and transit-accessible employment throughout the region.” §405.11 (T-1.3.1 Transit-Accessible Employment). The Project is a model transit-oriented development and adds none of the auto-oriented features the Comprehensive Plan seeks to discourage. The Project is located in close proximity to the Shaw Metrorail station and multiple bus lines on 7<sup>th</sup> Street. Therefore, the site encourages residents and employees to take public transit based on the convenient location and opportunity to do so. Further, the Project will



provide below-grade parking at the Property, but will not employ any auto-oriented uses such as large surface parking lots. This enables the Project to account for traffic generated by the Project, while still encouraging pedestrian access to the site, thus furthering the Transportation Element's policies.

The mixed-use development in the Project promotes both the Housing Element and the Economic Development Element. By having numerous residential units, the Project "provide[s] new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives." § 503.2 (H-1.1.1 Private Sector Support). The specific location of the Project in a vacant area in close proximity to the Shaw Metrorail station fulfills the Housing Element's goal of "promot[ing] mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations." § 503.5 (H-1.1.4 Mixed-Use Development). The ground-floor retail use at the Project "create[s] additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services." §708.7 (ED-2.2.3 Neighborhood Shopping). This mixed-use development will "promote the vitality and diversity of Washington's neighborhood commercial areas." §713.5 (ED-3.1.1 Neighborhood Commercial Vitality).

Finally, the Project also supports the Urban Design Element of the Comprehensive Plan. The Project "creates [an] attractive and interesting commercial streetscape" that will make the Property a place-maker in the Shaw neighborhood. By having large, open windows along the ground level, as well as an attractive corner building façade along 7<sup>th</sup> and P Streets, the Project will create visual interest along the corner that was formerly a vacant lot. Finally, the Project considers "not only the site itself, but the broader context presented by surrounding

neighborhoods,” §911.6 (UD-2.33 Design Context for Planning Large Sites) by including variability in the scale and design of the building to match the streets and context on which the various building facades front.

***B. Compliance with Area Elements***

The Property is within the Near Northwest Area Element, which encourages the exact kind of mixed-use development contemplated by the Project. The Element encourages “direct growth within the Near Northwest Planning Area to the eastern side of the Planning Area (Logan Circle and Shaw)” (NNW- 1.1.2 Directing Growth), which is the location of the Property. Additionally, the Project’s ground floor retail furthers the goal to “improve the neighborhood shopping areas along 7<sup>th</sup> [ . . . ] Streets NW” (NNW – 1.1.4: Neighborhood Commercial Revitalization). The Near Northwest Area Element also “encourage[s] the use of green building practices within Near Northwest, with a particular emphasis on green roofs. Rooftop gardens should be encouraged in new construction and major rehabilitation projects as a way to create additional green space, reduce stormwater runoff, and provide an amenity for residents.” (NNW- 1.2.10: Sustainable Development). The Project includes extensive green roofs and rooftop landscaping.

Specifically, for the Shaw/Convention Center Area in which the Project is located, the Near Northwest Area Element “encourage[s] mixed-income residential development with underground parking adjacent to the Shaw/Howard and Mount Vernon Square Metro stations, particularly on existing surface parking lots” (NNW- 2.1.3 Shaw/Howard University and Mount Vernon Square Metro Stations), which precisely describes the plans for the Project. Additionally, the Project will create new affordable housing on an underutilized site, through both its proffer of inclusionary zoning units in excess of the number required by the IZ regulations, and the construction of additional affordable units that will comply with the existing. affordable housing covenants that apply to the Property (NNW – 2.1.1: Affordable Housing).

## VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed applications meet the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of the included applications; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the PUD application and the related Zoning Map Amendment should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the PUD applications down for a public hearing at the earliest possible date.

Respectfully submitted,

GOULSTON & STORRS, PC

\_\_\_\_\_/s/  
Allison C. Prince

\_\_\_\_\_/s/  
Jennifer Logan

Date: November 3, 2020