

**CERTIFICATE OF COMPLIANCE WITH SUBTITLES X AND Z
OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS**

The application (the “**Application**”) for review and approval of a consolidated Planned Unit Development (“**PUD**”) and related Amendment to the Zoning Map Amendment to which this Certificate is attached is made pursuant to the procedural requirements set forth in Chapters 3 and 5 of Subtitle X and in Chapter 3 of Subtitle Z of the Zoning Regulations.

1. **Area and Contiguity Requirements (Subtitle X, Section 301):** The property that is the subject of this Application encompasses approximately 29,960 square feet of land. This land areas satisfied the area and contiguity requirements for a PUD pursuant to Subtitle X, Section 301.
2. **Authorization (Subtitle Z, Section 300.4):** The name, address, and signature of the owner of the property that is the subjection of this Application are included in the Application Form and Letters of Authorization filed herewith as Exhibit B.
3. **Notice (Subtitle Z, Sections 300.7, 300.8, 300.11(e), 300.12(d), 304.5, and 304.7(e)):** The Certificate of Notice filed herewith as Exhibit C states that an Amended and Restated Notice of Intent to File a Zoning Application, dated July 16, 2021 (the “**NOI**”) was mailed to Advisory Neighborhood Commission (“**ANC**”) 4C and to the owners of all property within 200 feet of the perimeter of the subject property, as required by the Zoning Regulations. A summary of meetings and discussions held with interested agencies and parties is filed herewith in Exhibit H.
4. **ANC Meeting (Subtitle Z, Sections 300.9 and 304.6):** The Applicant discussed the Application with the ANC on April 14, 2021, i.e., during the 45-day period following delivery of the NOI and prior to the filing of this Application.
5. **Application (Subtitle Z, Sections 300.6, 300.11(a), 300.12(a), 304.4, 304.7(a)):** The completed application form is filed herewith in Exhibit B.
6. **Plat (Subtitle Z, Sections 300.11(b), 300.12(b), and 304.7(b)):** The certified surveyor’s plat for the property is attached in Exhibit M (the “**Plans**”).
7. **Zoning Map (Subtitle Z, Sections 300.11(c), 300.12(c), and 304.7(c)):** Maps showing the location of the proposed project, the existing zoning for the subject site, and the zoning of adjacent properties are attached in the Plans.
8. **Statement (Subtitle Z, Sections 300.11(d), 300.12(c), 300.12(i), 300.12(j), and 304.7(d)):** The statement filed herewith as Exhibit A (“**Statement**”) details the uses of the proposed project that is the subject of this Application, provides other information needed to understand the design of the proposal, and states how plans are in accordance with the intent and purposes of the Zoning Regulations and the PUD process and how the proposed amendment to the Zoning Map is not inconsistent with the Comprehensive Plan.

9. **Site Plan (Subtitle Z, Sections 300.11(f), 300.12(e), and 300.11(g)(4)):** Site plans showing the location and external dimensions of all buildings and structures, utilities and other easements, walkways, driveways, loading areas, plaza, arcades and any other open spaces are included in the Plans.
10. **Landscaping and Grading Plan (Subtitle Z, Section 300.12(f)):** Detailed landscaping, grading, and utility plans are provided in the Plans.
11. **Architectural Plans (Subtitle Z, Section 300.12(g)):** Typical floor plans and architectural elevations for each building, sections for each building and the project as a whole are included in the Plans.
12. **Circulation Plan (Subtitle Z, Section 300.12(h)):** A detailed circulation plan showing all driveways and walkways, including width, grades and curb cuts, as well as parking and loading plans is included herewith in the Plans.
13. **Tabulations of Development Data (Subtitle Z, Section 300.11(g)):** A detailed tabulation of development data (e.g., areas and dimensions of lots and buildings, lot occupancies, gross floor areas, floor area ratios, by-right development standards and areas and degrees of relief, if any) is included herewith in the Plans.
14. **Property Owner List (Subtitle Z, Sections 300.11(h) and 300.12(k)):** The name and address of the owners of all property located within two hundred feet (200 ft.) of the Property are included in Exhibit D. Self-stick labels printed with these names and addresses will be hand-delivered to the Office of Zoning.

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David A. Lewis, Goulston & Storrs
As Attorney for the Applicant
October 25, 2021

This Certificate explains this Application’s satisfaction of: the set down and approval criteria applicable to a consolidated PUD and to a PUD generally¹ and the requirements for a Map Amendment.²

Criteria	Analysis
<p>This Application complies with all of the requirements for the Commission to undertake a detailed review of the consolidated PUD</p>	<p>The Plans and the Statement allow the Zoning Commission to conduct a detailed review of “the [Project] site’s suitability as a PUD and ... [M]ap [A]mendment” and the “appropriateness, character, scale, height, mixture of uses, and design” of the mix of uses proposed. The Plans also include “a detailed site plan [and] proposed building and landscape materials” for the Commission to conduct its review. The Applicant will submit a transportation analysis (“CTR”) and mitigation plan (“TDM”) and additional details on final building and landscape materials following the Commission’s hearing action on this Application and prior to any public hearing and will work with DDOT to produce such documentation. As set forth in Exhibit J, the proposed Project is not inconsistent with the Comprehensive Plan, the Small Area Plan, and other District-wide and Ward 4-specific goals and plans.</p>
<p>This Application provides the information required for a consolidated PUD</p>	<p>As set forth on the certificate above, this Application includes all of the materials required of a first- and second-stage PUD application.³ The filed materials are sufficient for the Commission to consider the Application as one proceeding. The Application consists of a contiguous site that has already achieved an advanced stage of design. This Application should proceed to a public hearing before the Commission on a consolidated basis.</p>
<p>The Project is superior to the development of the Property under the matter-of-right zoning standards</p>	<p>Specific aspects of the Project demonstrating its superiority to a matter-of-right development include:</p> <ul style="list-style-type: none"> a. <i>Housing/Affordable Housing</i>: The Project provides more housing than what could be constructed on the Property without a PUD. In addition, the amount of housing included in the Project and the amount of affordable housing in the Project exceed the amount and depth of affordability that would be required in a matter-of-right development pursuant to the Zoning Regulations’ IZ requirements. The Project also includes family-sized three-bedroom units (plus many more two-bedroom or larger units). In this regard, the Project advances important District housing goals.

¹ See 11-X DCMR §§ 302.1, 302.2, 302.3, 302.4, 308.2, 300.1, 300.2, 300.5, 301.1, 301.5, and 307.1.

² *Id.* §§ 300.4, 500.3 and 501.1; see also 11-Z DCMR § 304.

³ See *id.* §§ 302.3 and 307.1; 11-Z DCMR §§ 300.11 and 300.12.

	<p>b. <i>Public Benefits:</i> The Project’s construction supports a significant package of public benefits, which exceed what would be provided in any matter-of-right development, including the exemplary and sustainable design of the building envelope.</p> <p>c. <i>Community Engagement:</i> Finally, the Project is undergoing a comprehensive public review process with multiple opportunities for neighbor, community group, and public agency participation. Those opportunities, and future ones, would not exist for a matter-of-right development of the Property.</p>
<p>The Project’s public benefits are commendable in number and quality</p>	<p>As detailed in <u>Exhibit A</u> and <u>L</u>, the Project advances the public benefits and other project amenities. The public benefits fulfill goals set forth in the Comprehensive Plan and the Small Area Plan, the priorities of District agencies and stakeholders, and the preferences, needs, and concerns of the ANC and community residents identified during Applicant’s community engagement process. Accordingly, the public benefits package is a meaningful series of commitments that satisfy the intent and purposes of the PUD process.</p>
<p>The Project protects and advances public health, safety, welfare, and convenience and does not circumvent the purposes of the Zoning Regulations</p>	<p>The Project advances and protects the intent and purposes of the Zoning Regulations, which are set forth in Subtitle A, Section 101 of the Zoning Regulations. Through the development of an underutilized parcel within walking distance of a priority transit corridor, the Project affirmatively improves major public interests and priorities such as housing and affordable housing, additional ground level activating uses and streetscape and urban design improvements relative to existing conditions on and around the Property. The Project’s redevelopment of an underutilized lot with new housing and retail/non-residential ground floor uses in a significant mixed-use node in Ward 4 advances the public health, safety, and welfare goals of the District by converting low-density commercial buildings to more productive use, avoiding the health and safety problems often associated with vacant industrial spaces, and providing uses that promote public welfare and convenience. The Project does not displace or convert any existing housing.</p> <p>The Project also advances the MU zones’ purposes. The MU zone that is the subject of the Map Amendment encourages “mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.” 11-G DCMR § 100.1. The Project is a “compact mixed-use development with an emphasis on residential use” with “facilities for . . . housing, and mixed-uses . . . outside of the central core,” “located on [an] arterial street[], in [an] uptown . . . center[]”, all as contemplated in the MU-5A</p>

	<p>zone. <i>Id.</i> § 400.4.</p> <p>In addition, the Project advances the specific purposes of the MU zones.⁴ The Project is an orderly development with a mix of uses at an appropriate scale and density for its location. It reflects the type shop-front, vertically mixed-use building type contemplated for the MU zone. The Project encourages safe conditions for pedestrians by locating all vehicular entrances on alleys, and relying on existing curb cuts. Lastly, the Project enhances a commercial node and surrounding with an appropriate scale of development and a range of opportunities.</p>
<p>The Project will undergo a comprehensive public review that evaluates the Project’s flexibility and incentives in proportion to the Project’s public benefits.</p>	<p>Finally, any PUD must undergo a comprehensive public review by the Commission to evaluate the flexibility or incentives requested in proportion to the proposed public benefits. This Application will undergo such a review.</p>

⁴ 11-G DCMR § 100.3: “(a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses; (b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city; (c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses . . . ; (d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement; (e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas; (f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and (g) Ensure that buildings and developments around . . . transit hubs. . . support active use of public transportation and safety of public spaces.”