

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

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

**301 Florida Avenue NE
Washington, DC 20002
Lot 003, Square 772-N**

December 3, 2021

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DEVELOPMENT TEAM

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LIST OF EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
Agent Authorization Letters and Application Form 100	A
Notice of Intent to File and Certificate of Notice	B
List of Owners of Property Within 200 Feet of Subject Site	C
Compliance with Consolidated PUD Requirements	D
List of Publicly Available Maps, Plans and Other Documents	E
Surveyor's Plat of the Subject Property	F
Architectural drawings, elevations, and photographs of the Subject Property and Surrounding Area	G

PREFACE

This statement and the attached documents are submitted in support of the application of NRP Properties LLC to the D.C. Zoning Commission for consolidated review and approval of a Planned Unit Development and related Map Amendment to the Zoning Map. The subject property is located at 301 Florida Avenue NE (Lot 003, Square 772-N). As part of this Application, the Applicant proposes an all-affordable, mixed-use building that will benefit the District and the surrounding NoMa neighborhood through exemplary architecture, public space improvements, and other benefits set forth herein.

The Application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 24-0020, 10 DCMR (Planning and Development) § 100 et seq. (2021) (the “Comprehensive Plan”) and numerous other goals and policies of the District of Columbia. Submitted in support of this Application are completed application forms, a notice of intent to file PUD/Map Amendment (with property owner list and certification of mailing), architectural drawings, plans, and elevations, and a map depicting the Zoning District for the property impacted by this application and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a Planned Unit Development and Zoning Map Amendment application under Subtitles X and Z of the District of Columbia Zoning Regulations (Title 11, District of Columbia Municipal Regulations).

I. INTRODUCTION

A. *Executive Summary of Requested Action*

This statement and the enclosed documents support this application (the “Application”) of NRP Properties LLC (the “Applicant”) to the D.C. Zoning Commission for approval of a consolidated Planned Unit Development and related amendment to the Zoning Map of the District of Columbia (collectively, the “PUD”) for the property known as 301 Florida Avenue NE (Lot 003, Square 772-N) (the “Property”).¹ The Property is a triangular-shaped parcel located in the vibrant NoMa neighborhood. The Property is within the jurisdiction of Advisory Neighborhood Commission 6C (“ANC 6C”) and across the street from Advisory Neighborhood Commission 5D (“ANC 5D”).

The Applicant proposes to redevelop the unimproved parcel with a mixed-use building featuring up to 115 all-affordable residential units and ground-level retail space (the “Project”).² The residential units will be set aside at deeper affordability levels than those required under the Inclusionary Zoning (“IZ”) program. The Project also incorporates a memorable “flatiron” building design that will complement the neighborhood architectural aesthetic. The Project will be 120 feet in height and have a floor-area-ratio (“FAR”) of 11.61.

As part of the subject PUD, the Applicant seeks an amendment to the zoning map from the PDR-1³ zone to the MU-30 zone. The Comprehensive Plan’s Future Land Use Map (“FLUM”)

¹ The Applicant will be co-developing the Property with The Marshall Heights Community Development Organization.

² For purposes of this Application, the ground-level retail shall include all use categories permitted under retail, eating and drinking establishments and general/financial services. For ease of reading this statement and the accompanying plans, the ground-level non-residential space shall be generically referred to as “retail” space.

³ As explained in more detail herein, the Property is currently in the MU-9 zone based on a PUD/Map Amendment approved under ZC Case No. 15-22. However, the Applicant is proposing this new Application and Project. Under Subtitle X § 300.4, the prior map amendment would not apply and the Property technically reverts to its prior zoning, which is PDR-1.

designates the Property as High-Density Residential, High-Density Commercial, and Production and Technical Employment uses. The Comprehensive Plan's Generalized Policy Map ("GPM") identifies the Property as "Central Washington." The Applicant is utilizing the PUD/Map Amendment process in order to increase the density on the relatively small, triangular-shaped Property.

As set forth below, this application is submitted in accordance with the requirements of Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations of 2016 (the "Zoning Regulations").

B. *The Applicant*

The Applicant is an affiliate of The NRP Group ("NRP"), a real estate development company that has been developing and managing properties across the country for over 25 years. NRP's mission is to create exceptional rental opportunities for individuals and families, regardless of income. As measured by the number of units closed per year, NRP is the second-ranked affordable housing developer in the country; the third-ranked multifamily developer; and the third-ranked multifamily general contractor. NRP has a diversified portfolio of projects in 15 states and the District of Columbia, including market rate and affordable multi-family housing, senior housing, student housing and single-family housing.

NRP is co-developing the Property with the Marshall Heights Community Development Organization ("MHCDO"). MHCDO is the largest and oldest African American community-based development organization in the District of Columbia. MHCDO provides services designed to increase affordable housing opportunities, expand economic opportunities, and improve the quality of life for individuals and families. MHCDO has five components that comprise its economic development model: Health, Education, and Wellness; Small Business Development; Housing; Real Estate Development; and Workforce Development Training.

The Applicant is the contract purchaser of the Property, and has enclosed letters of authorization from the two existing owners at Exhibit A.

II. BACKGROUND ON THE PROPERTY

A. *The Site*

The Property is an unimproved parcel located in the NoMa neighborhood and across the street from the Union Market district. The triangular-shaped parcel has a land area of 8,720 square feet with frontage on Florida Avenue NE, N Street NE, and 3rd Street NE. There is a small piece of federally-owned land adjacent to the Property near the intersection of Florida Avenue and N Street. The Property is not located within an historic district.

The Property is currently subject to the MU-9 zone district as the result of a previous PUD and Map Amendment application approved under Zoning Commission Case No. 15-22 (the “Prior PUD”). At the time of the Prior PUD, the Property was improved with a one-story building, although that building has since been razed. By Order dated June 17, 2016, the Zoning Commission approved a mixed-use project with largely market-rate residential units and ground-floor retail. *See* ZC Order No. 15-22. The Zoning Commission also granted flexibility from the parking, loading and minimum lot area requirements.⁴ The Zoning Commission further approved a Zoning Map amendment changing the Property’s zone from PDR-1 to the MU-9 designation. The current owners (who are authorizing the Applicant in this case) obtained an extension to the original order under ZC Case No. 15-22A, which extends the validity of the Prior PUD approval to November 22, 2022.

Since the Zoning Commission’s Order remains valid, the Property is currently subject to MU-9 zoning pursuant to the Prior PUD. However, under Subtitle X § 300.4, a map amendment

⁴ Like the subject Application, the Prior PUD did not incorporate any vehicular parking or loading.

approved in conjunction with a PUD application is only applicable if the PUD project is actually constructed. Prior to filing this Application, the Applicant assessed its goals for the Project and considered pursuing a modification of significance to the Prior PUD, which would maintain the existing MU-9 zone. In order to meet its goals for the Project – in particular, providing more affordable housing - the Applicant determined that a *new* PUD application with a map amendment to the MU-30 zone is more appropriate and worth the effort.

The Applicant’s pursuit of a new PUD application means the map amendment in the Prior PUD will be of no effect if and when this Application is approved. In light of the Zoning Commission’s analysis in the Prior PUD, the similarity in the proposals, and the surrounding development and zoning, this Application will assess the Project from the Prior PUD-approved MU-9 zone to the proposed MU-30 zone and incorporates the Order for the Prior PUD to reference the PDR to MU-9 zoning analysis.

B. *Transportation Systems*

The Property’s location in the NoMA neighborhood provides excellent access to public transportation. The Property is 0.1 miles from the NoMa/Gallaudet U Metrorail Station, which is just under the railroad trestle off Florida Avenue. Union Station is one metro stop to the south of NoMa/Gallaudet U and provides expedient connections to interstate rail lines such as Amtrak, MARC, and VRE. Additionally, there is a Metrobus stop serving Routes 90 and 92 that is located on the Property’s street frontage along Florida Avenue NE.⁵

There are two Capitol Bikeshare stations within three blocks, including at the corner of 4th Street and Florida Avenue NE and at the corner of 3rd Street and M Street NE. The nearby Metropolitan Branch Trail, which runs parallel to railroad tracks, offers bicycle connectivity to

⁵ Both Routes 90 and 92 are “Priority Corridor Network” routes under Subtitle C § 702.1(c).

downtown D.C. Another Capitol Bikeshare station is located in nearby Union Market. To further improve the surrounding bicycle facilities, the D.C. Department of Transportation (“DDOT”) has spearheaded public improvements along Florida Avenue NE, with planned dedicated bicycle lanes on each side of the street. Construction of the new bicycle lanes is expected to begin in Spring 2022. Overall, the Property is designated as both a “Walker’s Paradise” and a “Biker’s Paradise” by walkscore.com.

C. *The Surrounding NoMA/Union Market Neighborhood*

The Property is located within the high-density NoMa neighborhood and is directly across Florida Avenue NE from the Union Market district. As such, the Property is surrounded by new mixed-use development projects, many of which have been reviewed and approved by the Zoning Commission within the last five to six years. To the west of the Property across 3rd Street NE is a mixed-use building, with residential, retail, and hotel, approved under ZC Case No. 16-09 and under construction. To the south of the Property across N Street NE is the “Press House,” a mixed-used building approved under ZC Case No. 15-28. To the north are mixed-use projects forming the entrance to Union Market, including the Edison/Gateway Market (ZC Case No. 06-40) and i5 Union Market (ZC Case No. 15-01).

There are several more new, high-density development projects located within Union Market, as well as to the south of the Property on 3rd and M Street. These developments have provided many new services for the neighborhood, such as the Trader Joe’s located in the Edison/Gateway Market development. The Property’s location in the heart of NoMa/Union Market provides excellent access to these services. While the part of the NoMa/Union Market neighborhood surrounding the Property has historically been zoned for PDR, many of the parcels have been re-zoned to MU-9 through the PUD/Map Amendment process, including the aforementioned projects under cases 16-09, 15-28, 06-40, and 15-01.

The broader NoMa neighborhood stretches to the west of the railroad tracks, which serve Union Station, and features mostly high-density, mixed-use and office buildings located in the D-5 zone. The Property is also two blocks from Florida Avenue’s intersection with New York Avenue, which has commonly been referred to as “Dave Thomas Circle.” DDOT recently announced official plans to re-design the infamous intersection, allowing for better vehicular, pedestrian, and bicyclist circulation. To the east of the Property is the campus of Gallaudet University and a lower-density neighborhood primarily comprised of single-family rowhomes.

III. THE PROJECT

A. *Project Description*

The Applicant proposes to construct a new, 12-story plus penthouse, mixed-use building at the Property. The Architectural Plans are enclosed at **Exhibit G**. The Project will include 115 dwelling units, all of which will be affordable to income levels at or below 50% AMI. The dwelling units will feature a range of unit types, including 11 studios, 50 one-bedrooms, 30 two-bedrooms and 24 three-bedrooms.⁶ The proposal also includes 3,037 sq. ft. of ground level space that will be dedicated to a retail use. Due to the challenges of the relatively small, triangular site, the Project will have no parking or loading.

Architecturally, the Project is defined by its “flatiron” design with rounded building corner features and public space projections providing focal points at the intersections of Florida Avenue with 3rd Street and N Street, respectively. The Project’s corner at Florida and N Street will be punctuated by a large concrete column supporting the fourth floor and above. The first and second

⁶ The Applicant has engaged in discussions with the ANC and Single Member District Commissioner Drew Courtney. In response to initial comments from SMD Commissioner Courtney, the Applicant significantly increased the number of two- and three-bedroom units.

floors have also been setback from the lot line along Florida Avenue to provide visual interest along that street frontage.

The Project will incorporate a sustainable façade treatment and articulation at each elevation to create an innovative, high-quality design connecting the building to the surrounding street frontages and nearby mixed-use buildings. The façade is made of three main materials: brick, fiber cement panels, and glass. The façade styling is intended to highlight the primary form of the “flatiron” design through different scales and detailed patterns, including two different brick colors. The roof level will have a three-foot metal embellishment to emphasize the corners of the Project and the triangular site. The proposed balconies also create a depth and variant experience for the façade.

The ground floor will be storefront and masonry piers along Florida Avenue and 3rd Street, continuing around N Street. The pedestrian experience will have the scale of brick and glass that wraps the ground floor on all three sides. The ground level along N Street will also have a bay projection with glazing for seating in the retail use. Due to the site’s topography, which slopes downward from east to west, the ground floor of the residential component will increase up to 15’8” in height. The residential entrance and lobby area will be located at the northwest corner of the site. The retail space will be on the eastern portion of the site with entrances proposed at mid-block on Florida Avenue, as well as along N Street. The remainder of the interior ground floor space will be dedicated to utility and trash rooms, office space, and long-term bicycle parking.

The second floor of the Project will feature three dwelling units along with a toddler room, a lab/library room, a conference room, and a gym. The designated toddler play area accommodates families in the Project by offering an easy-to-access, free recreation area for the Project’s younger residents. The Applicant also seeks to promote an active and healthy lifestyle amongst residents

by incorporating the gym in the Project's programming. The in-house gym offers a convenient and free alternative to expensive gym memberships that may not be realistic for the lower income residents.

The third floor through the twelfth floor will be entirely dwelling units. The Project incorporates private balconies on four of ten units (40%) on the third floor and five of eleven units (45%) on each of the fourth floor through the twelfth floor, offering much-needed outdoor space for many residents. All units without a walk-out balcony will have "Juliet" balconies. The penthouse has two levels, the first of which is dedicated to four dwelling units. The second penthouse level is the elevator overrun, mechanical equipment and screening. There will be no communal rooftop space in the Project, but here will be a substantial green roof area.

The Applicant will make substantial improvements to the public realm around the Project. Most notably, the Applicant has setback the Project's first and second floors along the Florida Avenue frontage in order to widen the sidewalk by two feet. In addition to bringing all sidewalks up to current DDOT standards, the Applicant's proposal includes new tree boxes and planters along each right-of-way, including four on Florida Avenue, five on N Street and three on 3rd Street. Due to the wider public area along N Street and 3rd Street, the Applicant will incorporate planters and landscape features between the sidewalk and the Project's facade. The entrance area to the retail space will also be distinguished with brick material.

The Project will have approximately 101,628 square feet of gross floor area, which is an FAR of 11.61. The Project will be constructed to a building height of 120 feet plus penthouse. Due to the Project's setback to widen the sidewalk along Florida Avenue, the Project has varying lot occupancies, the highest of which is 97.9% on the fourth through 12th floors. The Project does not incorporate any vehicular parking or loading, as the Applicant will request flexibility from

these standards. The full development data and zoning tabulations can be found in the Architectural Plans at **Exhibit G**.

B. *Development Parameters*

1. Development Under Existing Zoning

The Property is currently approved for the MU-9 zone, which allows a maximum FAR of 6.5 that can increase to 7.8 with IZ. *See* Subtitle G § 402.1. For a PUD in the MU-9 zone, the permissible FAR is 9.36. *See* Subtitle X § 303.3. The maximum building height in the MU-9 zone is 90 feet, which can be increased to 130 feet with a PUD. *See* Subtitle G § 403.1; Subtitle X § 303.7. The MU-9 zone does not have a restriction on lot occupancy. *See* Subtitle G § 404.1.

2. Development Under Proposed Zoning

As part of this Application, the Applicant requests to rezone the Property from the currently approved MU-9 zone to the MU-30 zone. The MU-30 zone provides for greater FAR, which allows the Applicant to incorporate more affordable housing on the relatively small site within the high-density NoMa neighborhood. In the MU-30 zone, the by-right FAR is 10.0, which can increase to 12.0 with IZ. *See* Subtitle G § 402.4. Although the Project will not utilize the PUD bonus density, a PUD can reach an FAR of 14.4 in the MU-30 zone. *See* Subtitle X § 303.3. The maximum permitted height in the MU-30 zone is 130 feet, including with a PUD, and, therefore, is the same as the MU-9 zone. *See* Subtitle G § 403.2; Subtitle X § 303.7. The MU-30 zone does not restrict lot occupancy. *See* Subtitle G § 404.1. A rear yard equal to 2.5 inches per 1 foot of building height is required; however, for a corner lot abutting three streets such as the Property, the rear yard can be measured from the centerline of an adjacent street. *See* Subtitle G § 405.3; Subtitle B § 318.8.

C. *Flexibility Under PUD Guidelines*

The PUD process allows for greater flexibility in planning and design than under matter-of-right zoning standards. Pursuant to Subtitle X § 303.1, the Zoning Commission may grant relief from any development standard, with the exception of use restrictions. Further, under Subtitle X § 303.13, an applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standard applicable to such relief unless the applicant requests flexibility from those standards. In such an event, the request shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.

The Applicant requests flexibility from the zoning standards for vehicular parking, loading, and the minimum land area requirements for a PUD. Notably, the Zoning Commission granted flexibility from the same standards in the Prior PUD. Nonetheless, the Applicant's public benefits, discussed in more detail below, are more than sufficient to justify the granting of flexibility.

1. Vehicular Parking

The Applicant requests flexibility from the off-street parking requirements to provide no off-street parking spaces in the Project. Under Subtitle C § 701.5, the Project's parking requirement would be 19 spaces for 115 residential units.⁷ There is no parking requirement associated with the retail component as it does not exceed the minimum square footage threshold. See Subtitle C § 701.5.

The driving force behind this request for flexibility is the Property's triangular shape and size, which make access to below-grade parking challenging. Due to the Property's narrow width,

⁷ The parking requirement for a multi-family residential use is 1 space per 3 units in excess of 4 units. This yields a requirement of 37 spaces. However, the Project is entitled to a 50% transit reduction under Subtitle C § 702.1(a), as the Property is within a half mile of the NoMa-Gallaudet U Metro Station. Accordingly, the Project's residential parking requirement is 19 spaces.

a ramp that complies with the maximum permitted grade of 12% pursuant to Subtitle C § 711.8 could not meet the necessary turning movements for access to below-grade parking. As such, the Project would have to incorporate a much steeper ramp that requires zoning relief from Subtitle C § 711.8 and otherwise could pose vehicular and pedestrian safety concerns.

Alternatively, providing a surface parking area would require a significant setback of the Project at the ground level. Based on the dimensional requirements for parking spaces, the provision of appropriate driveway access and turning movements, as well as meeting the screening and landscaping requirements of Subtitle C §§ 714 and 715, the Project would have to dedicate approximately 50% of the ground level to parking.⁸ Therefore, the Project would sacrifice portions of both the retail and residential component *and* require a challenging structural design to support the floors above. Additionally, new curb cuts at the Property would negatively impact the surrounding pedestrian network.

This request for flexibility will not adversely impact neighboring properties and is consistent with transportation-related public policies. The Property is located in a transit-rich, pedestrian-friendly, mixed-use neighborhood thereby minimizing the need for residents to have personal automobiles. The Applicant is proposing significant improvements to the public space around the Property, including expanding the sidewalks along Florida Avenue by two feet in width by voluntarily pulling the building frontage away from the property line (thereby eliminating the

⁸ In the Prior PUD, the Zoning Commission found approximately 4,560 sq. ft. would have to be dedicated to provide space for 16 at-grade parking spaces. *See* ZC Order No. 15-22, pg. 9. This case was decided under the 1958 Zoning Regulations. While the current Zoning Regulations allow for compact spaces with smaller dimensional requirements, the Project's parking requirement is increased to 19 spaces. As such, the estimated square footage dedicated to parking is approximately the same as the Prior PUD.

100% lot occupancy that is matter-of-right). These public space improvements will improve pedestrian connections to nearby services and amenities and limit the need for vehicles.

The Property also has nearby access to the NoMa/Gallaudet U Metrorail station, which is one stop from Union Station and provides numerous connections to train and bus lines. There are two “primary corridor” bus routes located on public space adjacent to the Property. The planned improvements to the surrounding bicycle network will further encourage alternative forms of transportation. To that end, the Project will provide 85 long-term bicycle parking spaces and 12 short-term bicycle parking, both of which double that required under zoning. The Property is also within three blocks of two Capitol Bikeshare stations. These alternative transit options will mitigate any potential impacts of the parking flexibility.

Moreover, the Applicant’s request for parking flexibility is consistent with policies in the Comprehensive Plan encouraging transit-oriented development and a balance of multi-modal transportation options. *See* 10A DCMR §§ 307, 403, 409. The Project will accomplish this goal by de-emphasizing the need for personal automobiles while providing exceedingly convenient and varied alternative transportation modes due to the Property’s location and surrounding public facilities.

2. Loading

The Applicant requests flexibility from the loading requirements of Subtitle C § 901.1 to have no loading berth or service-delivery space at the Project. Under by-right zoning, the Project would have a requirement of one loading berth and one service-delivery space. *See* Subtitle C § 901.1.⁹

⁹ A residential use over 50 units requires one loading berth and one service delivery space. The retail component does not have a loading requirement because it is less than 5,000 sq. ft.

As with vehicular parking, the Property’s triangular shape and size create difficulties in providing zoning-compliant loading at the Project. If loading was provided below-grade, the Project would not be able to meet the necessary access and turning radius requirements. Alternatively, the provision of a loading berth and service-delivery space at-grade would eliminate a substantial portion of the Project’s ground floor programming. A zoning compliant loading berth must be 12 ft. x 30 ft. with an adjacent loading platform that is at least 100 sq. ft. This requirement alone would be 460 sq. ft., without accounting for the necessary driveway and appropriate turning radius. While DDOT requires that all loading maneuvers occur on-site, even if loading maneuvers could occur in public space, the Property is situated at the juncture of a major thoroughfare – Florida Avenue – and two cross streets and would create significant impacts to pedestrian and transportation networks.

Over the course of the Application, the Applicant intends to draft and submit a thorough loading management plan. The Applicant has already started discussions with ANC 6C regarding the need for a loading management plan and will work in conjunction with ANC 6C to ensure that a loading management plan will mitigate any impacts.

3. Minimum PUD Land Area Requirement

In the MU-30 zone, a PUD must have a minimum land area of 15,000 sq. ft. *See* Subtitle X § 301.1. The Property has a total land area of 8,720 sq. ft., and, therefore, does not meet this standard. However, under Subtitle X § 301.3, the Zoning Commission may waive the minimum land area requirement for “Zone Group 6,” which includes the MU-30 zone, to no less than 5,000 sq. ft. In the Prior PUD, the Zoning Commission granted flexibility from the minimum land area requirements, finding the prior project was “of exceptional merit” and “in the best interest of the city.” *See* ZC Order No. 15-22, pg. 10.

In seeking flexibility from the minimum land area requirement, the Applicant relies on the Zoning Commission’s prior finding, which was also supported by the Office of Planning. *See ZC Case No. 15-22, Exs. 15, 28.* Further, the Project is of “exceptional merit” and in the “best interests of the city” beyond that of the Prior PUD because this Application proposes an all-affordable, beautifully-designed development in a mixed-use, pedestrian-friendly neighborhood.

4. *Design Flexibility*

In addition to flexibility from the parking and loading development standards and land area requirements, the Applicant seeks flexibility for design-related issues, as follows:

1. To vary the location and design of all interior components, including partitions and configurations, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration of the building;
2. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
3. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of and approval by the DDOT Public Space Division;
4. To vary the font, message, logo and color of the approved signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions and materials;
5. To vary the use of the ground level non-residential space to any use within the categories of retail, eating and drinking establishment, or general/financial services.
6. To vary the non-residential storefront and associated features and fixtures in public space subject to individual tenant modifications;
7. To vary the features, means and methods of achieving the required GAR and Enterprise Green Communities Certification;

8. To vary exterior ornamentation subject to comments from the National Park Service; and
9. To vary the number of residential dwelling units by an amount equal to plus or minus 10% from the number depicted on the architectural plans approved by the Zoning Commission.

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

The Applicant's goal for the Project is to redevelop the Property with a mixed-use building that will increase the District's affordable housing stock and provide a memorable architectural design that contributes to the NoMa and Union Market communities. The PUD process offers the appropriate means of achieving these objectives by providing for increased community and District agency review and comment to ensure the Project is well-designed, meets the needs of residents, and limits any potential adverse impacts. The Applicant has already presented initial concepts for the Project to ANC 6C on November 3, 2021 at the ANC's virtual PZE public meeting and full ANC 6C meeting on November 10, 2021. The Applicant will work closely with ANC 6C and other community stakeholders, including ANC 5D directly across Florida Avenue to the north of the Property, as this Application proceeds.

E. *Community Outreach*

The Applicant has conducted outreach with ANC 6C and ANC 5D, the Office of Planning ("OP"), and DDOT. On November 3, 2021, the Applicant presented the initial Project concept and levels of affordability to ANC 6C's Planning, Zoning and Economic Development Subcommittee. On November 10, 2021, the Applicant presented the Project concept to the full ANC 6C. The Applicant has also been in touch with ANC 5D and the SMD Commissioner for the Union Market neighborhood. The Applicant looks forward to presenting the Project design and programming to ANC 6C and ANC 5D, and anticipates working with ANC 6C on the loading management plan.

In addition to community outreach, the Applicant has met directly with OP to discuss the Project and begun discussions with DDOT on the public space realm.

F. *Development Timetable*

The Applicant's goal is to begin construction of the Project in 2023, with the intent to deliver the completed Project by 2025.

IV. THE PROJECT SATISFIES THE PUD EVALUATION CRITERIA

In order to approve a PUD, the Zoning Commission must find that the proposed development:

- (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
- (b) Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and
- (c) Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site. *See* Subtitle X § 304.4.

For the reasons explained below, the Project is not inconsistent with the Comprehensive Plan, will not result in unacceptable impacts to the surrounding area of city facilities, and will provide substantial public benefits.

A. The Project is Not Inconsistent with the Comprehensive Plan and other Policies

As more fully set forth in Section V below, the Project is not inconsistent with the Comprehensive Plan and other adopted public policies. The Project's proposed density is consistent with the mixed-use High-Density Residential and Commercial designations in the FLUM as well as the "Central Washington" designation in the GPM. Further, the Project will contribute 115 units to the District's affordable housing stock in a desirable and amenity-rich neighborhood. Both the Mayor's Office and the D.C. Council have urged the creation of more

housing, with a particular emphasis on affordable housing. In May 2019, Mayor Bowser issued an Executive Order outlining a goal to create 36,000 new residential units by 2025 (the “Mayor’s Order”). Through the recently enacted Comprehensive Plan Amendment Act of 2021, the D.C. Council reiterated numerous policies encouraging the creation of affordable housing in the District. This Project will satisfy those goals and many more within the Comprehensive Plan and NoMa Vision Plan and Development Strategy (“NoMa Vision Plan”).

B. The Project Will Result in Either Favorable Impacts or Impacts that are Capable of Being Mitigated

1. Zoning and Land Use

The Project will have favorable impacts from a zoning and land use perspective. As part of this Application, the Applicant proposes to amend the Zoning Map from the current approved MU-9 to the MU-30 zone district. As set forth in Section V, the proposed MU-30 zone is not inconsistent with the Comprehensive Plan, as the FLUM designates the Property for High-Density Residential and Commercial Uses and the GPM identifies the Property as “Central Washington.”

From a programming perspective, the Project will be consistent with the surrounding neighborhood. Many, if not all, of the buildings in this portion of NoMa and across the street in Union Market are mixed-use buildings with street-activating retail and residential uses. The Project intends to provide the same mixed-use programming.

Further, the permitted density in the MU-30 zoning is consistent with the nearby built environment. The NoMa and Union Market neighborhoods are defined by high-density structures. The parcels to the north, west, and south of the Property are all built or being constructed to a similar height (11-12 stories) as the Project. While the MU-30 zone allows the Project to achieve greater FAR than nearby properties in the MU-9 zone, the Project will remain consistent with the pattern of development in the area. To that end, the Property does not abut any lower-density uses,

which are located to the east on Florida Avenue and separated from the Project by other properties and public space.

2. Public Facilities Impact

The Project will not have unacceptable impacts on public facilities, including utilities, schools, community services and transportation networks.

a. Utilities

The Property is currently served by all major utilities, including water, sewer, storm and electric, and is not expected to have an unacceptable impact on such facilities. The average daily water demand for this Project can be met by the existing District water system. The proposed connection for the fire and domestic water supply is from the existing distribution system and will be coordinated with DC Water. The proposed sanitary sewer connections for the Project are from the existing distribution system and will be coordinated with DC Water during the permitting process. The Applicant is also proposing storm water management and soil erosion plans that are consistent with similarly-sized projects in the area. Solid waste services and recycling materials generated by the Project will be collected by a private trash collector and appropriately discarded according to standards in the District.

b. Public Schools

The Project is not expected to create any undue impact on the public school system. In terms of D.C. Public Schools, the Property is within the boundaries of J.O. Wilson Elementary School, Stuart-Hobson Middle School and Eastern High School. Based on city data, the schools in the Property's boundaries are not at capacity, with the exception of Stuart-Hobson Middle School.¹⁰ Nonetheless, there are several other charter schools in the nearby area, including Two

¹⁰ For school boundary information, see <https://enrolldcps.dc.gov/node/41>; For school enrollment and capacity information, see <https://dcps.dc.gov/node/1018342> (Nov. 13, 2017) and Office of the

Rivers Public Charter School, Center City Public Character School, and KIPP DC – College Preparatory Public Charter School. Accordingly, the Applicant expects that the school network will be able to accommodate the school-age children that may reside at the Project with no undue impacts.

c. Community Services

The Project will have no adverse impacts on District services, such as parks, recreation centers, public libraries, and emergency and health services. The surrounding neighborhood is well-served by parks and recreation facilities, so the Project will not have an undue impact on such facilities. The Joseph Cole Recreation Center, the Harry Thomas Recreation Center, and Alethia Tanner Park are all within walking distance of the Property. Additionally, the Trinidad Recreation Center and Rosedale Recreation Center are within 1.5 miles of the Property. The Project also provides excellent access to the National Arboretum, which has an entrance just over 2 miles from the Property. The Project will include resident amenity areas, so it is unlikely that the Project’s residents will have any adverse impacts on District-run recreation centers. Given the Property’s close proximity to a number of recreation centers and parks, the Project’s new 115 units will not have an undue impact on the District’s parks and recreation facilities.

Furthermore, nearby library branches include Rosedale, Northeast, and Woodridge, all of which have been renovated or constructed in recent years. There are approximately 28 public library branches or other public facilities in the District.¹¹ That equates to approximately one library branch per 25,392 residents.¹² It is not likely that an additional 115 residential units would

Deputy Mayor for Education, 2016 Master Facilities Plan Supplement, at <https://dme.dc.gov/node/1263331>.

¹¹ See DC Public Library, Hours and Location, <https://www.dclibrary.org/houors-locations> (last visited November 24, 2021).

¹² According to a February 2020 report from the Office of the Chief Financial Officer, there were 710,964 District residents as February 2020. See Office of the Chief Financial Officer, DISTRICT

result in any adverse over-use or other adverse impacts on the District library resources. The calculus is similar for emergency services. The District has approximately 33 engine companies spread around the District.¹³ The Project alone does not require any increase in the number of stations or Fire and Emergency Services personnel.

d. Transportation Networks

In terms of public transportation networks, the Project will either have favorable impacts or impacts that are capable of being mitigated. The Applicant has engaged Gorove/Slade to provide an in-depth transportation and traffic analysis, which will be filed in the record at the appropriate time. Nonetheless, the Project will not have unfavorable impacts on vehicular facilities because the Property will offer excellent access to alternative forms of transportation, including train, bus, bicycle and pedestrian. By providing no on-site parking, the Project will also discourage residents from owning personal vehicles. The Applicant will work with the ANCs on a transportation demand management plan.

The existing and planned bicycle networks in the area coupled with the Project's inclusion of short- and long-term bicycle parking will offer residents convenient access to and use of bicycle transportation options. Additionally, as part of the Project, the Applicant will be making substantial improvements to the surrounding public space, including the sidewalk facilities. Such improvements will be beneficial for pedestrians and encourage walkability in the neighborhood.

OF COLUMBIA FY 2020 CAFR: Demographic and Economic Information <https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY%202020%20CAFR%20-%20Demographic%20and%20Economic%20Information.pdf> (last visited November 24, 2021).

¹³ See Fire and EMS Department, Fire and EMS Locations <https://geospatial.dcgis.dc.gov/FEMSLocator/> (last visited November 24, 2021)

3. Environmental Impact

The Project will not create any unacceptable impacts in terms of the environment and sustainability. The Project is designed to obtain Enterprise Green Communities Plus certification and, therefore, will incorporate a series of sustainable features that will minimize the impact of the development, including a large green roof. The Project will meet its green area ratio requirements under the Zoning Regulations and will also incorporate the aforementioned stormwater and soil erosion plans. The Applicant is also incorporating solar panels on the roof.¹⁴ These Project features will ensure no unacceptable impacts to the environment.

C. Public Benefits and Project Amenities

The proposed Project will offer a range of public benefits and amenities for the surrounding neighborhood and the public generally. As required under Subtitle X § 305.2, the public benefits amenities offered through the Project are significantly greater than what would result from a by-right project at the Property. The Project will provide a substantial amount of new, affordable housing with street-activating retail in a centrally-located, mixed-use neighborhood. Accordingly, the benefits outlined below will further the goals set forth in the Zoning Regulations and the Comprehensive Plan.

1. Housing (Subtitle X § 305.5(f))

Under Subtitle X § 305.5(f), the Zoning Commission may find a public benefit to be the production of housing that exceeds the amount provided under matter-of-right zoning or that provides units with three or more bedrooms. The Project will meet both these standards by providing significantly more housing, all of which is affordable, given that no residential is permitted matter-of-right under the PDR-1 zoning. Moreover, under the current approved MU-9

¹⁴ The Applicant has included solar panels in the Architectural Plans but continues to assess its ability to provide them at the Project.

zoning, the Applicant could have up to 7.8 FAR with IZ, which is equivalent to approximately 68,016 sq. ft. of gross floor area. *See* Subtitle G § 402.1. Whereas, under the proposed MU-30 zoning, the Project will achieve a 11.61 FAR, with approximately 101,268 sq. ft. of gross floor area. Therefore, through the PUD process, the Applicant proposes an additional 33,252 sq. ft. for housing.

Furthermore, the Project has 30 two-bedroom units and 24 three-bedroom units. As such, 47% of the Project's units will be "family-sized" units.

2. Affordable Housing

Pursuant to Subtitle X § 305.5(g), the creation of affordable housing in excess of that required in the IZ program is deemed a public benefit. The Project will be 100% affordable in perpetuity and, therefore, the 115 new affordable units will significantly exceed the amount of affordable housing that would be provided under a by-right development. All units will be for individuals and families at or below 50% AMI, with one-half of those units at 30% of AMI. This level of affordability well exceeds the requirements of the IZ program, which dictates a set aside at 60% AMI for rental units.¹⁵

Accordingly, the Applicant believes it has provided a substantial public benefit through the provision of deeply-affordable housing in a high-density, transit-rich neighborhood. The new affordable housing is consistent with numerous policies in the Comprehensive Plan and the Mayor's goal to create new and affordable housing throughout the City.

¹⁵ The Project's 115 affordable units are significantly greater than the four IZ units provided in the Prior PUD. Notably, the Prior PUD obtained a total FAR of 7.57, which means it proposed close to the maximum permitted in the MU-9 zone, which is 7.8 FAR. Thus, a by-right project under the approved MU-9 zoning would also yield approximately four IZ units.

3. *Superior Urban Design and Architecture*

Subtitle X § 305.5(a) lists urban design, architecture and landscaping as a public benefit or project amenity of a proposed PUD. The Project's flatiron design offers place-making architectural style. The façade styling is intended to highlight the primary form of the flatiron design through different scales and detailed patterns. The ground floor will incorporate brick and glass on all three sides to enhance the pedestrian experience. The roof level will incorporate a three-foot metal embellishment to emphasize the corners of the Project and the triangular site.

There are few sites in the District that are triangular parcels in high-density neighborhoods. As such, the Project will create a memorable imprint on the NoMa and Union Market neighborhoods.

4. *Site Planning and Efficient and Economical Land Utilization (Subtitle X § 305.5(c))*

Subtitle X § 305.5(c) lists "site planning and efficient and economical land utilization" as a public benefit and project amenity. The Project will activate a currently vacant site with new housing and ground level retail in a high-density, mixed-use neighborhood. The Applicant's proposal to provide no parking or loading further maximizes utilization of the site and demonstrates efficient and economical land use in a transit-rich area that is directly adjacent to metrorail and bus routes.

5. *Streetscape Plans (Subtitle X § 305.5(l))*

Subtitle X § 305.5(l) states that streetscape plans are a public benefit and project amenity for a PUD. The Applicant is committing \$150,000 to streetscape improvements. The Project will make significant improvements to the surrounding streetscape, which is currently dilapidated and insufficient to meet the multi-modal goals for the neighborhood. Most notably, the Project will expand the sidewalk along Florida Avenue by two feet in width. The sidewalk expansion will

create a more pedestrian-friendly atmosphere along Florida Avenue and encourage greater walkability in the neighborhood. In order to accomplish the two-foot sidewalk expansion, the Applicant proposes to setback the Project on the first and second floors. As such, the Applicant is sacrificing gross floor area to improve the surrounding public realm.

Additionally, the Project's ground level is designed to activate the streetscape with more pedestrian-friendly features, including floor-to-ceiling windows and brick material along the retail and residential entrance areas. The Project will also incorporate a bay projection with glazing on the ground level along N Street to provide extra seating for the retail space. The streetscape improvements will include extensive new landscaping and planting features throughout the site. The Project's streetscape improvements will further the goals of creating a walkable neighborhood and connectivity to the nearby NoMa/Gallaudet U Metrorail Station.

6. *Other Public Benefits Advancing Policy Objectives (Subtitle X § 305.5(r))*

The Project will dedicate approximately 1,377 sq. ft. to a toddler play area, 926 sq. ft. to a gym, and 1,213 sq. ft. to a computer lab/library. These Project amenities are benefits that will enrich the lives of residents. The toddler play area will provide a safe and secure space for residents to bring their small children. This amenity dovetails with the Project's inclusion of 54 family-sized units and will make living in a downtown, amenity-rich area easier for parents with young children. The gym will promote an active and healthy lifestyle amongst residents and offer a convenient and free alternative to expensive gym memberships that may not be realistic for the Project's lower income residents. Although many large buildings have gyms, the Applicant believes this is a substantial benefit given that the Project will have all-affordable units. Likewise, a computer lab will provide a quiet area where residents can access computers and the internet.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

In order to approve this Application, the Zoning Commission must find the PUD and Map Amendment are “not inconsistent with the Comprehensive Plan and with other adopted public policies...related to the subject site.” *See* Subtitle X §§ 304.4(a); 500.3. The Project is not inconsistent with the Comprehensive Plan, including the associated maps, and other adopted public policies, as follows.

A. The Framework Element and Maps

The Framework Element in the Comprehensive Plan incorporates guidelines for interpreting the two primary policy maps, the FLUM and GPM. The D.C. Council recently amended the Framework Element, which states the “[GPM] and the [FLUM] are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies.” 10A DCMR § 228.1. “By definition, the [FLUM] is to be interpreted broadly and the land use categories identify desired objectives.” *Id.* As such, the zoning of any given area should be guided by the FLUM “interpreted in conjunction with the Comprehensive Plan, including the Citywide Elements and the Area Elements.” *Id.*

The FLUM designates the Property as a mixed-use site for High-Density Residential, High-Density Commercial and Production and Technical Employment uses.¹⁶ The Framework Element defines “High-Density Residential” as “neighborhoods and corridors, generally, but not exclusively, suited for high-rise apartment buildings...[d]ensity is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when

¹⁶ The Property’s FLUM designation was changed as part of the recently enacted amendments to the Comprehensive Plan. Therefore, at the time the Commission considered the Prior PUD, which sought a map amendment to the current approved MU-9 zone, the FLUM designated the Property for Medium-Density Residential and PDR uses. *See* ZC Order No. 15-22, pg. 5. As a result of the Comprehensive Plan amendments, the Property is designated on the FLUM for greater density that is consistent with the proposed MU-30 zoning.

approved through a Planned Unit Development.” 10A DCMR § 227.8. Further, “High-Density Commercial” is defined to include “commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use.” 10A DCMR § 227.13.

The Property is designated as “Central Washington” in the GPM.¹⁷ The Comprehensive Plan refers to the Central Washington Area as “the heart of Washington, DC and a place “of great importance to the District, the region, and the nation.” 10A DCMR §§ 1600.1, 1600.3. As explained in more detail in Section (D) below, the Central Washington Area is intended as a “a vibrant urban neighborhood” that is pedestrian friendly and where new housing and affordable housing is strongly encouraged. Within the Central Washington Area, the Comprehensive Plan urges the District “to expand the number of affordable units through land disposition with affordability requirements and through the use of zoning and other regulatory incentives.” 10A DCMR § 1608.6.

The proposed Project, which seeks approval of a Map Amendment to the MU-30 zone, is not inconsistent with the FLUM, GPM, and Comprehensive Plan as a whole. Both the “High-Density Residential” and “High-Density Commercial” designations are used to identify areas with high-rise developments of the “greatest scale” in the City. The Project’s proposed density, scale and mix of uses are consistent with the surrounding built environment, which is almost exclusively high-density, mixed-use development constructed. As previously noted, three of the surrounding parcels are being improved with 11-12 story mixed-use buildings that will cover large portions of those lots. This same pattern of development extends through much of NoMa to the west and

¹⁷ At the time of the Prior PUD, the Property was designated as a “land use change area” in the GPM. *See* ZC Order No. 15-22, pg. 5. However, the Property’s GPM designation was changed to “Central Washington” in the recent amendments to the Comprehensive Plan.

Union Market to the north. Importantly, the Applicant is utilizing the increased density available through the PUD and Map Amendment process to increase the number of affordable housing units, which is a top policy priority reflected in the Comprehensive Plan and the Mayor’s Order.

B. Land Use Element

The Comprehensive Plan’s Land Use Element “integrates the policies and objectives of all the other District Elements,” and, as such, “should be given greater weight than the other elements as competing policies in different elements are balances.” The Project will advance the following policies in the Land Use Element:

Policy LU-1.4.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasize affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 307.9.

Policy LU-1.4.2: Development Around Metrorail Stations

In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 307.10.

Policy LU-1.4.3: Housing Around Metrorail Stations

Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. 307.11.

Policy LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations

Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.12.

Policy LU-1.4.5: Design to Encourage Transit Use

Require architectural and site-planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort, and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include sidewalks, bicycle lanes, lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots or low-density housing. 307.13.

Policy LU-1.4.6: Development Along Corridors

Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14.

Action LU-1.4.C: Metro Station and Inclusionary Zoning

Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. 307.21

Policy LU-1.5.1: Infill Development

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6.

Policy LU-1.5.2: Long-Term Vacant Sites

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints. 308.7.

Policy LU-2.1.13: Planned Unit Developments in Neighborhood Commercial Corridors

Planned unit developments (PUDs) in neighborhood commercial areas shall provide high-quality developments with active ground floor designs that provide for neighborhood

commercial uses, vibrant pedestrian spaces and public benefits, such as housing, affordable housing, and affordable commercial space. 310.20.

Policy LU-2.4.5: Encouraging Nodal Development

Discourage auto-oriented commercial strip development and instead encourage pedestrian-oriented nodes of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 313.13.

Policy LU-2.4.10: Use of Public Space within Commercial Centers

Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Continue to encourage the identification and transition of excess public right-of-way into temporary or permanent plazas that contribute to social interaction within commercial centers. Where feasible, the development of outdoor sidewalk cafes, flower stands, and similar uses that animate the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged. 313.18.

The Project is consistent with the above-referenced policies because it will be an all-affordable, mixed-use development that is located within blocks of a Metrorail station. The Project will significantly improve a long-vacant site in a prime location within the NoMa neighborhood and directly across from Union Market. Further, the Project has been designed to encourage non-auto-oriented transit, such as public transportation, bicycling and walking. Residents will have access to a toddler playroom, computer lab and gym in the building and grocery stores, a library and other basic necessities within two blocks. The Applicant's proposed improvements to and activation of the surrounding streetscape will further support these Project goals.

C. Other City Wide Elements

In addition to the policies within the Land Use Element, the Project is not inconsistent with many policies in other City Wide Elements of the Comprehensive Plan, including Transportation, Housing, Environmental and Urban Design.

1. Transportation Element

Policy T-1.1.4: Transit-Oriented Development

Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10.

Policy T-1.1.8: Minimize Off-Street Parking

An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this, excessive off-street vehicle parking should be discouraged. 403.14.

Policy T-1.2.3: Discouraging Auto-Oriented Uses

Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6.

The Project will encourage pedestrian and bicycle transportation by improving the public realm, with no vehicle access points or curb cuts, and providing better connections to metro and the surrounding neighborhood. The Project will exceed its long-term bicycle parking requirements and, therefore, residents will be more likely to utilize bicycle transportation. By not providing any parking, the Project discourages personal automobile use.

2. Housing Element

Policy H-1.1.1: Private Sector Support

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3.

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. 503.5.

Policy H-1.1.5: Housing Quality

Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should

be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. 503.7.

Policy H-1.1.6: Housing in Central Washington

Absorb a substantial component of the demand for new high-density housing in the Central Washington Planning Area and along the Anacostia River. Through regulation and incentives, encourage affordable housing production. Absorbing the demand for higher-density housing within these areas is an effective way to meet housing demands, maximize infrastructure and proximity to jobs, create mixed-use areas, and minimize the cost pressure on existing residential neighborhoods throughout the District. Market rate and affordable mixed-income, higher-density downtown housing also provides the opportunity to create vibrant street life and to support the restaurants, retail, entertainment, and other amenities in the heart of Washington, DC. 503.8.

Policy H-1.1.8: Production of Housing in High-Cost Areas

Encourage development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive. Develop new, innovative tools and techniques that support affordable housing in these areas. Doing so increases costs per unit but provides greater benefits in terms of access to opportunity and outcomes. 503.10.

Policy H-1.1.9: Housing for Families

Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District's most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. 503.11.

Policy H-1.2.11: Inclusive Mixed-Income Neighborhoods

Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District. 504.19

Policy H-1.3.1: Housing for Larger Households

Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC.

The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8.

The Project will have 115 affordable units, including 54 family-sized, two- and three-bedroom units, in a high-cost, downtown neighborhood. The Project will be constructed with high-end materials and design features. The Property's location will ensure that families have access to one of the City's most "well-resourced" neighborhoods. Further, the Applicant has committed to offer the affordable units at 50% AMI or below, which is a deeper level of affordability than required by the IZ program.

3. Environmental Protection Element

Policy E-2.1.1: Trees in the Public Lands

Plant and maintain trees in the public lands in all parts of Washington, DC, particularly in areas with low canopy cover and areas in greater need of trees, such as those with high urban heat island effects, at high risk for flooding, or with high particulate matter levels. 605.5.

Policy E-2.1.3: Sustainable Landscaping Practices

Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands. 605.7.

As part of the Project, the Applicant will make substantial landscaping improvements to the surrounding public space, including the planting of approximately 12 new street trees. The Applicant will also incorporate new pervious garden areas and other sustainable features. The Applicant is committed to achieving an Enterprise Green Communities Plus certification, which is a higher level of performance in what is already a leading standard for affordable housing development. The Project's green elements will include a large green roof area. The Applicant is also assessing adding solar panels on the roof and has incorporated solar panels in the Architectural Plans in the event they are provided.

4. Urban Design Element

Policy UD-2.1.1: Streetscapes That Prioritize the Human Experience

Commercial streetscapes should be designed to be comfortable, safe, and interesting to pedestrians. At a minimum, commercial corridor sidewalks should be designed with clear, direct, accessible walking paths that accommodate a range of pedestrian users and facilitate a sense of connection to adjacent uses. Where width allows, corridors should have a generous presence of shade trees and café seating areas, as well as bicycle facilities. In areas with large pedestrian volumes, streetscapes should provide seating, drinking fountains, publicly accessible restrooms, and other infrastructure that supports increased frequency and duration of walking. 908.3.

Policy UD 2.1.6: Minimize Mid-Block Vehicular Curb Cuts

Curb cuts should be avoided on streets with heavy pedestrian usage and minimized on all other streets. Where feasible, alleys should be used in lieu of curb cuts for parking and loading access to buildings. Curb cuts for individual residences should only be allowed if there is a predominant pattern of curb cuts and driveways on the block face. 908.8

Policy UD-2.2.1: Neighborhood Character and Identity

Strengthen the visual qualities of Washington, DC's neighborhoods as infill development and building renovations occur by encouraging the use of high-quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility. 909.5.

Policy UD-2.2.2: Areas of Strong Architectural Character

Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development, additions, and renovations within such areas do not need to replicate prevailing architectural styles exactly but should be complementary. 909.6.

Policy UD-2.2.3: Neighborhood Mixed-Use Centers

Undertake strategic and coordinated efforts to create neighborhood mixed-use centers that reinforce community identity and form compact, walkable environments with a broad mix of housing types, employment opportunities, neighborhood shops and services, and civic uses and public spaces. New buildings and projects should support the compact development of neighborhood centers and increase the diversity of uses and creation of public spaces where needed. 909.8.

Policy UD-2.2.5: Infill Development

New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10

The Project proposes an architectural style and density that is complementary to the other mixed-use buildings in the surrounding area. Nonetheless, the Project will make use of the unique triangular-shaped Property by incorporating a memorable flatiron design. The Project will activate the surrounding streetscape by incorporating ground level retail, large amounts of glazing, and other improvements to the public realm. The Project will not incorporate any curb cuts to ensure minimal disruption to pedestrian and bicycle networks.

D. Central Washington Area Element

The Property is located within the Central Washington Area Element. The Comprehensive Plan refers to the Central Washington Area as “the heart of Washington, DC and a place “of great importance to the District, the region, and the nation.” 10A DCMR §§ 1600.1, 1600.3. The Project is consistent with the intent and goals for the Central Washington Area as reflected in the following policies:

Policy CW-1.1.1: Promoting Mixed-Use Development

Expand the mix of land uses in Central Washington to attract a broader variety of activities and sustain the area as the hub of the metropolitan area. Central Washington should be strengthened as a dynamic employment center, a high-quality regional retail center, an internationally renowned cultural center, a world-class visitor and convention destination, a vibrant urban neighborhood, and the focus of the regional transportation network. New office and retail space, hotels, arts and entertainment uses, housing, and open space should be encouraged through strategic incentives and preservation so that the area remains attractive, exciting, and economically productive. 1608.2.

Policy CW-1.1.4: New Housing Development in Central Washington

Continue to encourage the development of new high-density housing in Central Washington, particularly in NoMa and east Mount Vernon Square, including Mount Vernon Triangle, Northwest One, and the L’Enfant Plaza/Near Southwest areas. Ground floor retail space and similar uses should be strongly encouraged within these areas to create street life and provide neighborhood services for residents. A strong downtown residential community can create pedestrian traffic, meet local housing needs, support local businesses in the evenings and on weekends, and increase neighborhood safety and security. 1608.5

Policy CW-1.1.5: Central Washington Housing Diversity

It is important to keep Central Washington a mixed-income community and avoid the displacement of lower-income residents. Preserve Central Washington’s existing low- to

moderate-income housing, including public housing, housing (both contracts and vouchers), and other subsidized units. The District has taken a proactive approach to preserving affordable units at the Museum Square, Golden Rule, and other Central Washington Area redevelopment sites. The District should continue to expand the number of affordable units through land disposition with affordability requirements and through the use of zoning and other regulatory incentives. 1608.6

Policy CW-1.1.9: Neighborhood-Serving Retail in Central Washington

Encourage Central Washington's retail uses to serve not only the regional market, but also the local neighborhood market created by residential development within the area. This should include basic consumer goods like drug stores, hardware stores, and grocery stores, to supplement the major anchors and specialty shops. 1608.10

Policy CW-1.1.12: Creating Active Street Life and Public Spaces

Promote active street life throughout Central Washington through the design of buildings, streets, and public spaces.1608.13

Policy CW-1.1.16: Making Central Washington's Streets More Pedestrian Friendly

Enhance Central Washington's pedestrian network and improve pedestrian safety. 1608.17.

Policy CW-2.8.1: NoMa Land Use Mix

Promote NoMa's development as an active mixed-use neighborhood that includes residential, office, hotel, commercial, creative, arts, maker, light industrial, and ground floor retail uses. A diverse mix of housing, serving a range of household types and incomes, should be accommodated. 1618.8.

The Project will be consistent with the pattern of development in Central Washington and the NoMa neighborhood by proposing a high-density, mixed use development with residences and street-activating retail. Of particular note, the Project meets the policy goal of providing housing diversity in Central Washington through the all-affordable residential component.

E. NoMa Vision Plan

Finally, the proposed PUD and Map Amendment is not inconsistent with the NoMa Vision Plan. In general, the NoMa Vision Plan proposes vibrant mixed-use neighborhoods that take advantage of the area's excellent location and proximity to downtown. To that end, the NoMa Vision Plan identifies several over-arching development themes for the NoMa neighborhood, including:

- Providing a diverse mix of uses that creates a variety of options for living, working, shopping, recreation, and culture;
- Pursuing a balanced approach to transportation, creating a pedestrian friendly neighborhood with improved transit accessibility and vehicular circulation;
- Creating a vibrant, highly walkable environment with landscaped, attractive streets and open spaces, active ground floor uses, and strong pedestrian links;
- Designing to a new standard of urban design, architecture, and high-quality materials that create a lasting, competitive identity;
- Preserving and enhancing surrounding neighborhoods and their historic landmarks. Guide redevelopment to address unmet community needs; and
- Addressing sustainability with high performance design and environmentally friendly planning and construction methods.

See Page 1.3 of NoMa Vision Plan.

The NoMa Vision Plan identifies specific development strategy recommendations to meet these over-arching themes. For the reasons identified above, the Project is consistent with the following specific recommendations: promoting mixed-use active neighborhoods (Rec. 1); appropriate mix of commercial/residential (Rec. 2); vibrant mix of ground floor retail in key locations (Rec. 3); residential diversity and street level character (Rec. 7); a neighborhood designed for multi-modal balance increasing walking, biking and transit usage (Rec. 8); streetscapes as open spaces (Rec. 15); create identity and market strength through innovative, contemporary architecture (Rec. 23); ground floor design excellence (Rec. 26); balancing scale/density with potential for increased neighborhood amenities (Rec. 30); and building a sustainable neighborhood (Rec. 37).

The Project is also consistent with the goals for the “Neighborhood Transition Area B,” which includes the Property, and encourages a “[m]ix of diverse residential and nonresidential uses, with greatest height and density along rail tracks, Florida Avenue and N Street, transitioning to lower-density along streets facing existing rowhouses.” See NoMa Vision Plan, p. 5.12.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed Application meets the standards set forth under Subtitle X, Chapter 3 of the Zoning Regulations. The proposed PUD and Map Amendment are consistent with the purposes and intent of the Zoning Regulations, Maps, and Comprehensive Plan; will enhance the health, welfare, safety and convenience of the citizens of the District; will provide significant public benefits; and will advance important goals and policies in the District of Columbia. As such, the PUD and Map Amendment should be approved.

Accordingly, the Applicant respectfully requests that the Zoning Commission set down the PUD application and related Map Amendment for a public hearing at the earliest date available.

Sincerely,
COZEN O'CONNOR



Meridith H. Moldenhauer



Eric J. DeBear