

**THE HIGHLINE
at Union Market
320 Florida Avenue, N.E.**

**STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT**

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TABLE OF CONTENTS

DEVELOPMENT TEAM	I
TABLE OF CONTENTS	II
LIST OF EXHIBITS	IV
I. INTRODUCTION	1
II. PROJECT DESCRIPTION	2
A. PROJECT COMPONENTS AND DESIGN	2
B. MATTER-OF-RIGHT DEVELOPMENT UNDER EXISTING ZONING REQUIREMENTS	5
C. DEVELOPMENT UNDER PROPOSED C-3-C REQUIREMENTS	5
D. TABULATION OF DEVELOPMENT DATA	7
E. FLEXIBILITY UNDER PUD GUIDELINES	7
1. Flexibility from the Rear Yard Requirements	7
2. Flexibility from the Court Requirements	8
3. Flexibility from the Compact Parking Space Requirements	9
4. Flexibility From Loading Requirements	10
5. Flexibility From Roof Structure Requirements	10
6. Additional Areas of Flexibility	11
III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS	12
A. STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT	12
B. PUD PROCESS IS APPROPRIATE MECHANISM FOR THE PROJECT	13
C. PUD REQUIREMENTS UNDER CHAPTER 24 OF THE ZONING REGULATIONS	14
1. Area Requirements under Section 2401.1	14
2. Height and FAR Requirements under Sections 2405.1 and 2405.2	14
3. Impacts of the Project under Section 2403.3	14
4. Not Inconsistent with Comprehensive Plan Under Section 2403.4	15
D. PUBLIC BENEFITS AND PROJECT AMENITIES	15
1. Overview	15
2. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a)) and Site Planning, and Efficient and Economical Land Utilization (Section 2403.9(b))	16
3. Transportation Features (Section 2403.9(c))	16

4. Housing and Affordable Housing (Section 2403.9(f)).....	17
5. Environmental Benefits (Section 2403.9(h))	18
6. Uses of Special Value to the Neighborhood (Section 2403.9(i)).....	19
IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN	20
A. PURPOSES OF THE COMPREHENSIVE PLAN	20
B. FUTURE LAND USE MAP	21
C. GENERALIZED POLICY MAP	23
D. COMPLIANCE WITH GUIDING PRINCIPLES OF THE COMPREHENSIVE PLAN	24
1. Managing Growth and Change.	24
2. Creating Successful Neighborhoods.	25
3. Building Green and Healthy Communities.	25
E. LAND USE ELEMENT	25
1. Policy LU-1.2.2: Mix of Uses on Large Sites.....	26
2. Policy LU-1.3 Transit-Oriented and Corridor Development	26
3. Policy LU-1.3.4: Design to Encourage Transit Use	27
4. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods	27
5. Policy LU-2.2.4: Neighborhood Beautification.	27
6. Policy LU-2.3.3: Buffering Requirements	27
7. Policy LU-3.1.4: Rezoning of Industrial Areas	28
F. TRANSPORTATION ELEMENT.....	28
1. Policy T-1.1.4: Transit-Oriented Development	28
2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning	29
3. Action T-2.3-A: Bicycle Facilities.....	29
G. HOUSING ELEMENT	29
1. Policy H-1.1.1: Private Sector Support.....	30
2. Policy H-1.1.3: Balanced Growth	30
3. Policy H-1.1.4: Mixed Use Development.....	30
4. Policy H-1.2.3: Mixed Income Housing	30
H. ENVIRONMENTAL PROTECTION ELEMENT	31
I. URBAN DESIGN ELEMENT.....	32
J. UPPER NORTHEAST AREA ELEMENT	33
V. COMPLIANCE WITH THE FLORIDA AVENUE MARKET STUDY	33
VI. CONCLUSION	36

LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Elevations
B	Portion of Zoning Map
C	Building Plat Prepared by D.C. Surveyor's Office
D	Portion of Future Land Use Map
E	Portion of Generalized Policy Map
F	Letter in Support from ANC 5D
G	Letter in Support from ANC 6C
H	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

Level 2 Development (the "Applicant"), on behalf of 320 Florida Owner, LLC (the Owner) submits this statement and the attached documents in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and related zoning map amendment to rezone Lot 4 in Square 3587 from the C-M-1 District to the C-3-C District.

The Subject Property has a land area of approximately 28,394 square feet. The Subject Property is an irregularly-shaped rectangular lot with approximately 246 linear feet of frontage on Florida Avenue, N.E. to the southwest and otherwise bounded by private property to the north, east, and west. Square 3587 is bounded by New York Avenue, N.E. to the north, private property and 4th Street, N.E. to the east, Florida Avenue, N.E. to the southwest, and the Amtrak and WMATA rail lines to the west.

The Subject Property is presently zoned C-M-1. The Applicant is seeking to rezone the Subject Property to the C-3-C District in connection with this application. The requested map amendment is consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: High-Density Commercial, High-Density Residential, and Production, Distribution and Repair. The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Multi-Neighborhood Center, and is also consistent with the Florida Avenue Market Study ("FAMS") recommendations for high density development at the Subject Property and the immediate area.

As shown in the photographs and on the existing conditions survey included in the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the Subject Property is currently improved with a one-story concrete building currently operated as a Burger King and several asphalt parking lots and driveways. The Subject Property is surrounded by a

variety of uses, including warehouses and commercial uses to the north, residential and commercial uses to the east and south, and major mixed-use residential and commercial uses to the west.

The Applicant proposes to raze the existing building in connection with redevelopment of the Subject Property and to build a mixed-use building composed of retail and residential uses, to be known as The Highline at Union Market. The building will have a density of 8.0 FAR and will include a total of approximately 227,089 square feet of gross floor area. Approximately 218,617 square feet of gross floor area will be devoted to residential use and approximately 8,472 square feet of gross floor area will be devoted to ground floor retail use. Of the total gross floor area of housing, the Applicant will dedicate eight percent as affordable housing, which will significantly add to the District's affordable housing supply. The building will include 315 residential units and a total of 143 off street parking spaces located in a below-grade parking garage. The building will be constructed to a maximum height of 120 feet at its highest point, as measured from the top of the curb opposite the middle of the front of the building to the highest point of the main roof.

As set forth below, this statement and the attachments meet the filing requirements for a PUD and zoning map amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

II. PROJECT DESCRIPTION

A. Project Components and Design

As shown on the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the Applicant proposes to build a mixed-use residential and retail development. The project is located in a context that varies in use and scale, including Uline Arena to the

southwest, recent large-scale NoMa developments and residential uses to the southwest, Union Market and Gallaudet University to the north and east.

The project is sensitive to its varied context and responds in size, form, and in its use of materials. The program consists of approximately 315 market rate and affordable dwelling units, a ground level that is programmed with retail and residential uses that activate the street, and two levels of below grade parking. The project is located one block away from the NoMa-Gallaudet Metro Station and provides residents with ample, secure bicycle parking on the ground floor of the building. Parking and loading facilities are accessed from an existing curb cut on Florida Avenue at a signalized intersection with 3rd Street, NE.

The modern-industrial architecture of the building is an interpretation of the historical and current warehouse, manufacturing, railroad, and commercial uses of the surrounding neighborhood, brought together in a dynamic arrangement. The basic form of the building was derived from an abstraction of steel shipping containers stacked on top of each other. The structure is a series of industrial-framed cubes with a warehouse style grid in a random “in/out” pattern on the Florida Avenue façade and wrapping around at the west façade, where the cubes take on a new pattern that incorporates metal-paneled boxes with industrial-style balconies reminiscent of rail cars. The combination of the warehouse-style grids with the varying cubes brings together the rail uses to the west and the warehouse uses to the north. The cube modules float on a recessed base on the third floor, as a transition to the brick and glass ground level and second floor façade. To articulate the set-back on the third floor, the design includes steel columns that echo the riveted steel supports that hold up the railroad underpass nearby. Rough industrial brick is anticipated for the masonry base. On the eastern portion of the ground level, the residential entrance is demarked with a suspended canopy. On the north façade, which faces

into Union Market, brick elements of the south base are used to visually connect to the market, which incorporates similar materials. In the upper portion of the north façade, modules of the framed warehouse grid are incorporated to stitch the various elements of the entire building together. Industrial-style sash windows are utilized throughout. Accent balconies will be detailed with an expression reminiscent of fire escapes, and composite metal panels will be used at non-window façade locations.

The organization of the ground floor program will provide a sense of neighborhood activity and security at the street level. The residential entrance is located along Florida Avenue at the eastern-most portion of the site. The location of the residential entrance will help to provide a street presence with eyes on Florida Avenue 24 hours a day. Neighborhood retail storefronts are also situated along Florida Avenue to help enliven the streetscape and promote pedestrian activity. The plan envisions a neighborhood-serving use to occupy the western retail space closed to the proposed green space and the Metropolitan Branch Trail. In addition, residential units will be located on the ground floor facing an open court in the eastern corner of the Subject Property. The overall streetscape is intended to be an accessible amenity shared and enjoyed by the entire neighborhood.

In addition to the creation of affordable housing, a significant component of the project's public benefits is the creation of a public green space on the District-owned property to the west of the Subject Property, with provisions for a potential pedestrian connection to Morse Street into Union Market. The proposal includes building a landscaped public amenity on land that is currently overgrown with neglected trees and shrubbery and is littered with trash and debris. The Florida Market Small Area Plan envisions a pedestrian connection from Florida Avenue into Union Market in the 300 block of Florida Avenue, N.E. The development of the Subject

Property and improvements to the adjacent District-owned land will be the first link in creating the connection to the market.

The building will be designed to integrate a host of sustainable features equivalent to LEED Silver, including: a green roof, bio retention facility, water-efficient landscaping, construction waste management techniques, recycled and sustainable materials, bicycle parking, energy-efficient building design and systems, and high density development at a transit-rich location.

B. Matter-of-Right Development under Existing Zoning Requirements

The Subject Property is currently zoned C-M-1. The C-M Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." 11 DCMR § 800.1. The Zoning Regulations note that "heavy truck traffic and loading and unloading operations are expected to be characteristic of C-M Districts." 11 DCMR § 800.2. The C-M-1 District prohibits residential development except as otherwise specifically provided. 11 DCMR § 800.4. As a matter-of-right, property in the C-M-1 District can be developed with a maximum density of 3.0 FAR. 11 DCMR § 841.1. The maximum permitted building height in the C-M-1 District is 40 feet and three stories. 11 DCMR § 840.1.

C. Development under Proposed C-3-C Requirements

The Applicant proposes to rezone the Subject Property to C-3-C in connection with this application. The C-3-C District permits medium-high density development, including office, retail, housing, and mixed-use development. 11 DCMR § 740.8.

The C-3-C District permits, as a Matter of-Right, a maximum building height of 90 feet with no limit on the number of stories. 11 DCMR § 770.1. In the C-3-C District, as a Matter-of-Right, the maximum permitted FAR of all buildings and structures on a lot cannot exceed 6.5 FAR for any permitted use, but a density of 7.8 FAR is permitted for projects subject to the Inclusionary Zoning regulations. 11 DCMR §771.2 and § 2604.1. The maximum percentage of lot occupancy in the C-3-C District for all uses is 100 percent. 11 DCMR § 772.1. Rear yards in the C-3-C District must have a minimum depth of 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. 11 DCMR § 774.1. A side yard is generally not required in the C-3-C District; however, when a side yard is provided, it must have a minimum width of two inches per foot of height of building, but not less than six feet. 11 DCMR § 775.5.

The parking and loading requirements for buildings are based upon the proposed use of the property. For example, an apartment house or multiple dwelling in the C-3-C District requires one parking space for each four dwelling units. 11 DCMR § 2101.1. Retail or service establishments in excess of 3,000 square feet are required to provide one parking space for each additional 750 square feet of gross floor area. *Id.* An apartment house or multiple dwelling with 50 or more units in all zone districts is required to provide one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep. 11 DCMR §2201.1. A retail or service establishment with 8,000 to 20,000 square feet of gross floor area must provide one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep. *Id.*

D. Tabulation of Development Data

The tabulation of the project's development data is included in the Plans attached hereto as Exhibit A.

E. Flexibility under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than might otherwise not be possible under conventional zoning procedures. Thus, the Applicant seeks flexibility with respect to the following provisions of the Zoning Regulations. As permitted under Section 2403, the Commission may grant such flexibility in its discretion.

1. Flexibility from the Rear Yard Requirements

The Applicant requests flexibility from the rear yard requirements. Section 774.1 of the Zoning Regulations requires a minimum rear yard depth of 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. In this case, the height of the building as measured per section 774.1 is 107 feet, and therefore the Applicant is required to provide a minimum rear yard depth of 22.88 feet. However, as shown on the Plans, the proposed building is set-back 11 feet 2 inches from the rear property line, and therefore the Applicant is not providing a compliant rear yard.

A fully compliant 22.88-foot rear yard would have an area of approximately 5,918 square feet. Although the Applicant is not providing a rear yard that meets the requirements of the Zoning Regulations, the total square footage of open space on the site exceeds the square footage that would be provided with a compliant rear yard. The total square feet of open space at the rear of the site is approximately 7,472 square feet. In addition, the majority of the rear face of the

building is set-back 36 feet, 7 inches from the rear property line. As a result, despite the lack of a compliant rear yard, the proposed design provides adequate open space at the rear of the site.

Furthermore, if the Applicant did provide the required 22.88 foot rear yard for the entire length of the building, the Applicant would have to set-back a large portion of the building on the second floor and above, thus significantly compromising the size and layout of the residential units on each floor. In addition, the flexibility requested on the rear yard is essential to achieve the exceptional architectural design intent. For the reasons stated above, the Applicant requests that the Commission grants the requested rear yard flexibility.

2. Flexibility from the Court Requirements

The Applicant requests flexibility from the open court width and court niche requirements. When provided, open courts in the C-3-C District must have a minimum width of four inches per foot of height, but not less than 15 feet (11 DCMR § 776.3). In this case, based on the court height of 107 feet, a minimum court width of 35 feet, 8 inches is required. Moreover, section 776.7 of the Zoning Regulations states that no required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than 2:1.

As shown on the Plans, the project includes three open courts at the rear of the building with the following widths: 25 feet, 5 inches; 12 feet, 8 inches; and 20 feet, 10 inches. Thus, these courts require flexibility from section 776.3. The proposed courts have been provided to break up the massing of the building, provide greater façade articulation, and activate the rear of the building. The courts also introduce light, air, and ventilation to the building, and provide space for additional landscaping and green space. The Applicant cannot increase the width of the courts to meet the requirements because doing so would result in a significant number of

impractical design changes to the interior configuration of the building that would make it infeasible to achieve the desired residential unit program and exceptional design intent, including, for example, a significant and adverse impact on the locations of the internal stair towers, the location of the elevator core, and the size and layout of at least 12 units per floor (132 units). Thus, strict compliance with the court regulations would severely compromise the layout of the building's interior and greatly reduce the size and/or number of residential units.

The Applicant also requests relief from the court niche requirements of section 776.7 since the triangular court niches on the west side of the building do not comply with the 2:1 width-to-depth ratio in some locations. Providing non-compliant court niches will not result in an adverse impact because they are adjacent to the proposed park that will be located to the west of the building. Furthermore, the court niches will provide additional light and air to the units on the west façade.

3. Flexibility from the Compact Parking Space Requirements

The Applicant requests flexibility from the compact parking space requirements. Section 2115.2 of the Zoning Regulations provides that any accessory parking area or garage containing 25 or more required parking spaces may designate a maximum of up to 40 percent of the parking spaces for compact cars. In this case, the Applicant proposes to provide 143 total parking spaces, 90 of which (63 percent) will be compact in size, thus requiring flexibility. Providing the compact spaces is necessary to maximize the efficiency of the garage, provide as many parking spaces as possible, maintain a drive aisle width of 20 feet, and accommodate a greater amount of compact, fuel efficient vehicles that have a lower carbon footprint than full-size vehicles. Approval of this requested flexibility will not have any adverse effects, and will instead allow the Applicant to best accommodate parking for the building's residential and retail users.

4. Flexibility From Loading Requirements

The Applicant requests relief from the loading requirements. Section 2201.1 of the Zoning Regulations requires the following loading facilities:

- Residential requirement: One loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; and
- Retail requirement: One loading berth at 30 feet deep and one loading platform at 100 square feet.

However, due to the anticipated needs of the residents and retail tenants, the Applicant is proposing to provide the following loading facilities: one loading berth at 30 feet deep, one service/delivery space at 20 feet deep, and one loading platform at 200 square feet. This requested flexibility is directly in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and minimize curb cuts on streets to the greatest extent possible, and wherever possible to provide shared loading spaces in mixed-use buildings. Moreover, given the nature and size of the residential units, it is unlikely that the building will ever be served by 55 foot tractor-trailer trucks. In addition, the loading areas will be used by the residents when they move in or out of the building, and any other use by residents will be infrequent and can be restricted to times which pose the least potential conflicts with retail users. Furthermore, while the site can accommodate the circulation of trucks into a 30 feet deep loading space, the land-locked nature of the site would not feasibly accommodate 55 foot tractor-trailer trucks from circulating into and out of the site.

5. Flexibility From Roof Structure Requirements

The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on the Roof Plan sheet included in the Plans, the roof structure

cannot be setback from all exterior walls at a distance equal to its height above the roof (§§ 411.2 and 770.6(b)), and the roof structure will have walls of unequal heights (§ 411.5).

As shown on the Plans, the building includes a single roof structure with enclosing walls of (i) 12 feet, and (ii) 18 feet 6 inches. The structure is set-back at least 1:1 from the Florida Avenue façade and from the east and west facades; however, it is not set-back 1:1 at the rear of the site. This location of the roof structure is driven by the layout and design of the residential uses within the building, and the Applicant is providing the greatest set-back possible given the size of the roof and the internal configuration of the building. The roof structure design, as proposed, will not adversely impact the light and air of adjacent buildings since it has been located and designed to minimize its visibility. As a result, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

6. Additional Areas of Flexibility

The Applicant has made every effort to provide the highest level of detail in the drawings to convey the quality and appropriateness of the project's design and uses for this location. Nonetheless, some flexibility is necessary with respect to certain details. Thus, the Applicant requests modest flexibility in the following areas:

- i. To be able to provide a range in the number of residential units between 285 and 346.
- ii. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.
- iii. To vary or reduce the number, location and arrangement of parking (vehicular and bicycle) spaces, provided that the total is not reduced below the number required under the Zoning Regulations.

- iv. To vary the number, location and arrangement of compact parking spaces, provided that the total does not exceed 63 percent of the total parking spaces.
- v. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project is not below the LEED Silver rating standards.
- vi. 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, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.
- vii. In the retail and service areas, flexibility to vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail use and to accommodate any specific tenant requirements; and to vary the size of the retail area.
- viii. To vary the features, means and methods of achieving (i) the code-required Green Area Ratio ("GAR") of 0.2, and (ii) stormwater retention volume and other requirements under 21 DCMR Chapter 5 and the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control.

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

A. Standards Applicable to an Application for a Zoning Map Amendment

The Zoning Act sets forth a number of criteria that must be applied by the Commission when adopting and amending the Zoning Regulations and zoning map. The Zoning Act states that the Zoning Regulations are designed to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly

development as the national capital" D.C. Code § 6-641.01 (2001). The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

D.C. Code § 6-641.02 (2001). The Commission must apply those standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the Subject Property from the C-M-1 District to the C-3-C District in conjunction with the PUD as requested herein will promote each of the purposes described above.

B. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the Subject Property. It allows the project to be developed within the statutory purview of the Zoning Commission while at the same time providing opportunities for input from various agencies and parties. Through the PUD process, the Office of Planning and other District agencies will have the opportunity for greater participation in the fulfillment of the District's planning objectives for this area. Similarly, the adjacent property owners and area residents will have the opportunity to express their views about the proposed development. Accordingly, the use of the PUD process gives the community and District agencies an opportunity to work with the Applicant to ensure a well-planned development.

C. PUD Requirements under Chapter 24 of the Zoning Regulations

1. Area Requirements under Section 2401.1

The Zoning Regulations require a minimum land area of 15,000 square feet for a PUD to be located in the C-3-C District. 11 DCMR § 2401.1(c). The Subject Property has a land area of approximately 28,394 square feet and thus meets the area requirement of Section 2401.1.

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

The PUD regulations permit a maximum building height of 130 feet and a maximum density of 8.0 FAR in the C-3-C District. The project has a maximum building height of approximately 120 feet and a density of 8.0 FAR, and thus conforms with the PUD height and FAR allowances.

3. Impacts of the Project under Section 2403.3

The proposed PUD will have a favorable impact on the surrounding area. Overall, the proposed development will significantly improve the area by virtue of the exceptional architectural design of the building; a design which carefully considers the nearby uses and overall urban context. The proposed PUD will provide new housing opportunities to District residents, including new affordable housing, and will help to further rejuvenate the surrounding neighborhood by providing new retail opportunities and an improved pedestrian experience at the street level. Moreover, the Subject Property is extraordinarily well-served by public transportation, including numerous Metrobus routes and close proximity to the NoMa/Gallaudet University Metrorail station. Therefore, the proposed development will generate a nominal amount of vehicular trips and will not have any unmitigated adverse traffic impacts on the surrounding neighborhood.

4. Not Inconsistent with Comprehensive Plan Under Section 2403.4

As discussed at length below in Section IV, the PUD project is not inconsistent with the Comprehensive Plan.

D. Public Benefits and Project Amenities

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions...." 11 DCMR § 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR § 2403.7. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." 11 DCMR § 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Applicant's project will help to achieve a number of the goals of the PUD process by creating a mixed use, mixed-income, transit-oriented development with a thoughtful, high-quality, environmentally-friendly design. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

2. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a))
and Site Planning, and Efficient and Economical Land Utilization (Section
2403.9(b))

As shown on the Plans, the project architect designed a building that will have a positive impact on the visual and aesthetic character of the immediate neighborhood and, thus, will further the goals of urban design while enhancing the streetscape. The project includes a significant amount of landscape, garden and open space features. The streetscape will include new plantings and trees, a new, 25 foot wide concrete sidewalk (widened from approximately seven feet), and pedestrian-oriented lighting, consistent with District Department of Transportation (“DDOT”) standards. The street furnishings will include benches and short-term bicycle racks, in coordination with DDOT. Throughout the project, open spaces are used to create programmed amenity areas for the residents, places of quiet, and activity areas including outdoor seating, courtyard, green space, and outdoor dining and lounging areas.

Moreover, with respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing one-story building and parking lots with a new mixed-use, high density building constitutes a significant urban design benefit.

3. Transportation Features (Section 2403.9(c))

The proposed development will include a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation management measures, and connections to public transit services. For example, the Applicant has located the vehicular access to the building from the existing curb cut at the signalized intersection on Florida Avenue in order to limit potential conflicts with pedestrians. To promote pedestrian travel on the north side of Florida Avenue, the Applicant will widen the sidewalk from the existing seven feet to a width of 25 feet, and will locate the trees and planting area along the curb to act as a buffer for

pedestrians from vehicles on Florida Avenue. To help promote bicycle travel, the Applicant will also be installing 105 bicycle parking spaces within the building to serve residents and employees, in addition to installing bicycle racks in the streetscape in coordination with DDOT. The Applicant will also collaborate with DDOT to formulate a Transportation Demand Management Plan that encourages residents and employees to use the abundant nearby public transportation and bicycle options.

In addition to site-specific transportation features, the Subject Property is extremely well linked to an abundance of public transportation options and bicycle trails. The Subject Property is located one block from the entrance to the NoMA-Gallaudet University Metrorail Station, which serves the Red Metrorail line, and is also located in close proximity to numerous Metrobus routes and stops, with the 90 and 92 Metrobus routes stopping immediately in front of the Subject Property. The Subject Property is also located within three blocks of four existing Capital Bikeshare stations. The proposed project is located 2.5 blocks from the entrance to the Metropolitan Branch Trail, an 8-mile multi-use trail that runs from Union Station in the District of Columbia to Silver Spring in Maryland. Furthermore, the Subject Property is located in convenient walking distance to the office district in the NoMA neighborhood, walking distance to the dining and entertainment options in the Union Market and H Street neighborhoods, and just one Metro station away from intercity and commuter trains and buses connecting at Union Station.

4. Housing and Affordable Housing (Section 2403.9(f))

The single greatest benefit to the area, and to the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. Given that the Subject Property is currently zoned C-M-1, new

residential uses currently cannot be developed on the site. Thus, the Applicant's proposal to construct approximately 218,617 square feet of gross floor area dedicated to residential uses, including affordable units, is significant. Of this amount, eight percent of the gross residential floor area (approximately 17,489 square feet) will be devoted to affordable housing units, with 100 percent of the units at 80 percent of Area Median Income ("AMI"). In contrast, under the existing zoning, there would be no new housing or affordable housing at the Subject Property.

5. Environmental Benefits (Section 2403.9(h))

Through the development of this project, the Applicant will ensure environmental sustainability through the implementation of a series of sustainable design features. The Applicant will implement a number of strategies to further enhance the already sustainable nature of the site's mixed-use, transit-rich location and to promote a healthy lifestyle that will holistically benefit the project's residents while minimizing impact on the environment. The proposed development provides a host of environmental benefits consistent with recommendations of Section 2403.9(h), which include street tree planting and maintenance, landscaping, energy efficient and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices.

The building will be designed to include sustainable features equivalent to LEED Silver, including a green roof, bioretention facility, landscaping, construction waste management techniques, recycled and sustainable materials, bicycle parking, energy-efficient building design and systems, and high density development at a transit-oriented location. *See* Conceptual LEED checklist included with Plans.

6. Uses of Special Value to the Neighborhood (Section 2403.9(i))

a. The proposed development will include proposed significant landscape improvements on the Florida Avenue-facing portion of the District-owned lot located immediately to the west of the Subject Property (Square 3585 Lot 806) as part of the Public Benefits package. Located between the train tracks/underpass and the existing Burger King, the steeply-graded District-owned lot is currently filled with overgrown and unattractive trees, weeds and shrubbery that encroach onto the narrow sidewalk. The site is also littered with debris and closed off to the public with chain-link fencing.

The contemplated improvements to the lot will provide valuable green space, a widened sidewalk, a public plaza with seating and lighting, a pedestrian easement on the District-owned property, as well as provisions for a future pedestrian linkage from 3rd Street and Florida Avenue, north to Morse Street, into Union Market. This pedestrian linkage is called for in the FAMS, and will offer a convenient path into Union Market from the NoMa/Gallaudet Metro Station. The Applicant has already made presentations to ANC 5D and ANC 6C and received votes in support of its conceptual plan for improving the adjacent District property and providing future potential linkage for access to Morse Street as part of its Public Benefits package. As stated in ANC 5D's letter of support (Exhibit F), "[t]he proposed improvements to the District-owned land would greatly contribute to the safety and connectivity of the Union Market and NoMa neighborhoods, and will serve as a much needed improvement to the land, which is currently overgrown, littered with trash, and generally neglected." Similarly, as stated in ANC 6C's letter of support (Exhibit G), the ANC commissioners "commend the developers for proposing this public amenity."

In addition, the Applicant will work closely with the Department of General Services to negotiate the required easement(s), installation, and ongoing maintenance, and will collaborate with the Office of Planning and other relevant District agencies to refine the conceptual landscape design that is included in the PUD Application to ensure the design is appropriate for the site and meets the goals of District agencies and community stakeholders.

b. As part of the PUD process, the Applicant will be working with Advisory Neighborhood Commission ("ANC") 5D, the ANC within which the Subject Property is located, and the abutting ANC 6C, to develop additional benefits and amenities identified as needs within the community. The Applicant will continue to work with members of the ANC and surrounding community to finalize the amenities prior to the requested public hearing on this application.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation,

stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b).

The PUD significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality residential development with ground floor retail on the Subject Property, without generating any adverse impacts.

B. Future Land Use Map

According to the District of Columbia Comprehensive Plan Future Land Use Map, the Subject Property is designated in the mixed-use High-Density Commercial, High-Density Residential, and Production, Distribution and Repair (“PDR”) land use categories.

The High Density Commercial designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office, mixed residential/retail, and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings, including historic buildings, are interspersed. The corresponding zone districts are generally C-2-C, C-3-C, C-4, and C-5, although other districts may apply. 10A DCMR § 225.11. The High Density Residential designation is used to define neighborhoods and corridors where high-rise (eight stories or more) apartment buildings are the predominant use. The corresponding zone districts are generally R-5-D and R-5-E, although other districts may apply. 10A DCMR § 225.6.

The PDR category is used to define areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from noise, air pollution, and light-sensitive uses such as housing. The

PDR designation is not associated with any industrial zone and therefore permits a building height of up to 90 feet with 6.0 FAR.

The Applicant's proposal to rezone the Subject Property to the C-3-C District to construct a major new mixed use project is consistent with the Comprehensive Plan's designations. The proposed C-3-C zoning classification is specifically identified to accommodate major business and employment areas and to provide substantial amounts of employment, housing, and mixed uses. 11 DCMR §§ 740.1-2. The C-3-C Districts permit medium and high density development, including retail, housing, and mixed-use development. 11 DCMR §§ 740.8. The proposed PUD incorporates all of these elements into a single, high-density building with a mix of residential, retail, and employment opportunities.

The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the Map is to be interpreted broadly. *Id.* Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here. *Id.* at § 226.1(c). The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. *Id.* at § 266.1(d).

Thus, in evaluating the proposed map amendment, the Subject Property should be viewed in context and not as an isolated parcel. When taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the property from the C-M-1 District to the C-3-C District in order to construct a mixed-use development is consistent with the Comprehensive Plan designation of the Subject Property. The proposed C-3-C zoning classification and Planned Unit Development will enable the Subject Property to be developed as a mixed-use development built to a maximum density of approximately 8.0 FAR, which is consistent with the amount of density permitted in high density commercial zones. For example, the C-3-C zone permits 6.0 FAR as a base density and up to 8.0 FAR as a PUD. The Applicant's building will be constructed to a maximum height of 120 feet, as measured from the level of the top of the curb opposite the middle of the front of the building to the highest point on the main roof, which is consistent with the high density classification and the PDR designation, and is appropriate given the location of the site.

C. Generalized Policy Map

The Subject Property is located in a Multi-Neighborhood Center category on the District of Columbia Comprehensive Plan Generalized Policy Map. Multi-Neighborhood Centers contain many of the same activities as Neighborhood Commercial Centers¹ but in greater depth and variety. Multi-Neighborhood Centers' service areas are typically one to three miles. These centers are generally found at major intersections and along key transit routes, and they might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers may also include

¹ Neighborhood Commercial Centers meet the day to day needs of residents and workers in the adjacent neighborhoods. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 10A DCMR § 223.15.

office space for small businesses, although their primary function remains retail trade. Mixed use infill development should be encouraged to provide new retail and service uses, and additional housing and job opportunities. 10A DCMR § 223.18.

The proposed rezoning and PUD redevelopment of the Subject Property is consistent with the policies indicated for the Multi-Neighborhood Centers. The existing C-M-1 District is inconsistent with the Policy Map's designation of the Subject Property since C-M Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." 11 DCMR § 800.1. In contrast, the proposed mix of new residential and retail uses in the Applicant's project will help to improve the overall neighborhood fabric and bring new residents and retail uses to the area, in compliance with the goals and objectives of Multi-Neighborhood Centers.

D. Compliance with Guiding Principles of the Comprehensive Plan

The Project is consistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as set-forth in the Comprehensive Plan.

1. Managing Growth and Change.

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other goals, the growth of both residential and non-residential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods.

The proposed PUD is fully-consistent with each of these goals. Redeveloping the Subject Property as a vibrant mixed-use development with residential and retail uses will further the

revitalization of the surrounding neighborhood. The proposed retail spaces will create new jobs for District residents, further increase the city's tax base, and help to reinvigorate the existing neighborhood fabric.

2. Creating Successful Neighborhoods.

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development; from development of the Comprehensive Plan to implementation of the plan's elements. The proposed PUD furthers this goal since, as part of the PUD process, the Applicant will be working with ANC 5D and the abutting ANC 6C to ensure that the development provides a positive impact on the immediate neighborhood. Indeed, the Applicant is in the process of working with ANC 5D and the abutting ANC 6C and other stakeholders on the proposed Public Benefits package, and will continue to work to refine the details of the package.

3. Building Green and Healthy Communities.

A major objective for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. As discussed in more detail above, the building will include a substantial number of sustainable design features.

E. Land Use Element

For the reasons discussed above, the project supports the following policies of the Land Use Element:

1. Policy LU-1.2.2: Mix of Uses on Large Sites

The project, which includes residential and retail uses on a large underutilized site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole. In addition, as discussed above, the proposed mix of uses on the Subject Property is consistent with the Comprehensive Plan Future Land Use Map's designation of the Subject Property.

2. Policy LU-1.3 Transit-Oriented and Corridor Development

The project exemplifies the principals of Transit-Oriented Development. The Subject Property is located within convenient one-block walking distance of the NoMa/Gallaudet University Metrorail station and is served by several Metrobus routes, including routes 90 & 92, which stop immediately in front of the Subject Property. The Subject Property is also located within three blocks of four existing Capital Bikeshare stations. As previously stated, the proposed project is located 2.5 blocks from the entrance to the Metropolitan Branch Trail, an 8-mile multi-use trail that runs from Union Station in the District of Columbia to Silver Spring in Maryland. Furthermore, the Subject Property is located in convenient walking distance to the office district in the NoMA neighborhood, walking distance to the dining and entertainment options in the Union Market and H Street neighborhoods, and just one Metro station away from intercity and commuter trains and buses connecting at Union Station. In addition, the project is consistent with the following principles:

- A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; and
- A preference for diverse housing types, including affordable units.

3. Policy LU-1.3.4: Design to Encourage Transit Use

The project has been designed to encourage transit use and enhance the safety, comfort and convenience of passengers walking to the Metrorail station and local bus stops since the project incorporates ground floor retail uses that will activate and animate the street.

4. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

In designing the proposed development, and consistent with this policy element, the project architect sought to augment the mixed income housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood's character and its environment.

5. Policy LU-2.2.4: Neighborhood Beautification.

Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. As shown on the Plans, the project architect designed the building to improve the visual aesthetic of the neighborhood. Moreover, the development of the site will be an improvement to the current site condition and will help to revitalize the area. The project also includes a significant amount of landscaped and open spaces which will greatly enhance the streetscape.

6. Policy LU-2.3.3: Buffering Requirements

This policy encourages the use of buffers to ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. As shown on the Plans, the project includes a number of elements designed to serve as buffers, including landscaping, setbacks, and other architectural and site planning measures that will prevent potential adverse effects. Furthermore, the project will eliminate the existing one-

story building and surface parking uses and drive-through and will provide much-needed new residential and retail opportunities.

7. Policy LU-3.1.4: Rezoning of Industrial Areas

This policy encourages the rezoning of land for non-industrial purposes when the land can no longer support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. As shown on sheets included in the Plans, the Subject Property is surrounded by a variety of uses, including industrial warehouses to the north, residential, commercial, and charter school uses to the east and south, and industrial warehouse and major mixed use residential and commercial developments to the west. As the Subject Property is located on the east side of the growing NoMa neighborhood, and as the surrounding area, particularly around the NoMa/Gallaudet University Metro station, becomes increasingly a mix of commercial and residential uses, the Subject Property is no longer suitable for industrial activities. The proposed development and requested rezoning supports the policy of rezoning industrial land to permit residential and commercial uses on land included in a targeted redevelopment area.

F. Transportation Element

The Applicant's proposal to develop a mixed-use development on the Subject Property will help to further several policies and actions of the Transportation Element of the Comprehensive Plan, including:

1. Policy T-1.1.4: Transit-Oriented Development

As described above, the proposed project is a textbook example of transit-oriented development. It also includes various transportation improvements, including the construction of new mixed-uses along a major transportation corridor, bicycle storage areas, and public space

improvements, including new lighting, trees, benches, bicycle racks, and new and widened sidewalk paving.

2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

As shown on the Plans, the project architect carefully considered and integrated bicycle and pedestrian safety considerations in the design of the project. As previously stated, the proposed project is located 2.5 blocks from the entrance to the Metropolitan Branch Trail, an 8-mile multi-use trail that runs from Union Station in the District of Columbia to Silver Spring in Maryland. To promote pedestrian travel on the north side of Florida Avenue, the Applicant will widen the sidewalk from the existing seven feet to a width of twenty-five feet, and will locate the trees and planting area along the curb to act as a buffer for pedestrians from vehicles on Florida Avenue.

3. Action T-2.3-A: Bicycle Facilities

This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bicycle racks as amenities within the development that accommodate and encourage bicycle use. Specifically, the Applicant will be providing approximately 105 bicycle parking spaces within the building to serve residents and employees, and a number of bicycle racks in public space adjacent to the Subject Property in coordination with DDOT.

G. Housing Element

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10 DCMR § 501.1. The proposed project will help achieve this goal by advancing the policies discussed below.

1. Policy H-1.1.1: Private Sector Support

The project helps meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the project will contain approximately 218,617 square feet of gross floor area devoted to residential use, which represents a substantial contribution to the District's housing supply. Of this housing, eight percent of the gross residential floor area will be dedicated as affordable housing, which will add to the District's affordable housing stock; whereas, under the current zoning, no new housing can be provided. The provision of new housing at this particular location, moreover, is fully consistent with the District's land use policies.

2. Policy H-1.1.3: Balanced Growth

This policy strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the city, and recommends ensuring that a sufficient supply of land is planned and zoned to enable the city 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. The project supports this policy goal by developing new housing on underutilized land in a rapidly growing and changing mixed-use neighborhood.

3. Policy H-1.1.4: Mixed Use Development

The project is consistent with the goals of promoting mixed use development, including housing on commercially or industrially zoned land, particularly in neighborhood commercial centers.

4. Policy H-1.2.3: Mixed Income Housing

The residential component of the proposed development is mixed-income and includes both market-rate and affordable housing units. Thus, the project will further the District's policy

of dispersing affordable housing throughout the City in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods. Of the total gross floor area devoted to housing, eight percent will be devoted to affordable units. In contrast, under the current zoning, there would be no new housing on the site.

H. Environmental Protection Element

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element promotes specific environmental policies, including the following:

- Encouraging the planting and maintenance of street trees in all parts of the city (Policy E-1.1.1); Encouraging the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity (Policy E-1.1.3);
- Promoting the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses (Policy E-2.2.1); and
- Promoting tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction (Policy E-3.1.2).

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the proposed project includes street tree planting, landscaping, energy efficiency, green roof, bioretention facility, construction waste management techniques, recycled and sustainable materials, bicycle parking, high density development at a transit-oriented location, and several methods to reduce stormwater runoff, and is therefore fully consistent with the Environmental Protection Element.

I. Urban Design Element

The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to align the proposed project with the character of the surrounding neighborhood. Consistent with Policy UD-2.2.1: *Neighborhood Character and Identity*, and Policy UD-2.2.7: *Infill Development*, the PUD will help strengthen the architectural quality of the immediate neighborhood by relating the project's scale to the existing neighborhood context, including both existing and approved development projects. In addition, as shown on the Plans, the project includes elegant, visually-interesting and well-designed building façades to create stunning visual interest and contribute to the architectural quality of the neighborhood and streetscape. See Policy UD-2.2.5. The project is also consistent with the goals of *Policy UD-3.2.5: Reducing Crime Through Design*, since the development will bring additional "eyes and ears" to the area, as well as improved lighting, clear lines of sight, and visual access, all of which will help to minimize the potential for criminal activity in the immediate area.

In addition to the architectural interest of the building, the beautification of the adjacent District-owned lot will vastly improve the vitality, appearance, and security of the public spaces, and serve as an amenity for the public to enjoy. The enhancement of the overgrown, derelict lot, sandwiched between the railroad tracks/underpass and the existing Burger King, will create a safe, communal, green space with landscaping, plaza, lighting, and seating for the public to enjoy in a neighborhood sparse with green spaces. As called for in the FAMS, the provision for a potential future connection into Union Market from 3rd Street and Florida Ave. to Morse Street

will help “reestablish the grid” and integrate the Union Market district with the NoMa neighborhood and the NoMa/Gallaudet Metro Station.

J. Upper Northeast Area Element

The Subject Property is located within the boundaries of the Upper Northeast Area Element. Section 2407 of the Comprehensive Plan explains the Upper Northeast Area Element’s planning and development priorities. One stated priority is to expand retail choices in the Upper Northeast, particularly retail districts along Florida Avenue and areas around Metrorail stations, which have the potential to become pedestrian oriented shopping districts. *See* 10A DCMR § 2407.2(i). The Upper Northeast Area Element also encourages compatible infill development (Policy UNE-1.1.2), Metro station development (Policy UNE-1.1.3), streetscape improvements (Policy UNE-1.2.1), and environmental quality (Policy UNE-1.2.8), all of which are policies and goals that the proposed PUD will support. The project is consistent with the infill development objectives that are part of the Upper Northeast Element, and will provide much-needed new housing, retail, and employment opportunities while protecting the nearby lower density residences and increasing pedestrian accessibility and safety in the area.

V. COMPLIANCE WITH THE FLORIDA AVENUE MARKET STUDY

The PUD and related map amendment will help to implement the FAMS, which provides a framework for the strategic redevelopment of the Florida Avenue Market study area as a vibrant, mixed-use neighborhood that protects the look and feel of the historic retail markets, while also providing a basis for new development and rehabilitation. *See* FAMS, page 9. The FAMS envisions the study area as one with new residential, office, and retail uses that create a vibrant, mixed-use destination that retains a revitalized wholesale/retail market and incorporates a mix of densities, ranging from moderate to medium to high density, designed to be integrated

into surrounding development and community fabric. *Id.* at 53. The FAMS includes a number of components, but the Development Framework section makes detailed recommendations for improving the area's land use, development priorities, transportation facilities, and public realm features. Key elements of the Development Framework include the following:

- Provide opportunities for additional density and associated building height, especially in areas designated as “High Density” or “Medium High Density.” High Density is further defined in the FAMS as 130'-00” height and 8.0 FAR, when implementing the PUD mechanism.
- Encourage the development of larger scale projects adjacent to the rail line;
- Feature street activating or pedestrian enlivening activities in the ground floors of development of key streets, including Florida Avenue;
- Support a mix of uses throughout the study area and on individual development parcels;
- Encourage active ground-floor uses (such as restaurants and retail) along expected pedestrian routes to increase visual interest and safety.

The proposed development is consistent with all of these and many more specific recommendations set forth in the FAMS. For example, the project will help support development that includes a mix of retail uses and street enlivening activity (FAMS, page 82), and will provide excellent sustainable design and incorporate low impact development best practices. FAMS, page 86. Overall, the project is consistent with the vision for the study area as set forth in FAMS and will help implement the recommendations and goals detailed in the study.

More specifically, the zoning and intensity plan of the FAMS (page 57) recommends high density for the subject property and for all other properties in the Union Market district located to the west of 4th Street, NE. As defined in the FAMS, the “high density sub-area encourages the development of larger scale projects adjacent to the rail line and along New York Avenue, which is considered one of the “gateways” to the city. The width and traffic volumes of New York Avenue support this level of building height and density. It is also consistent with the density approved for the Washington Gateway Project PUD. High density development at these locations is in accordance with the goals of the *Northeast Gateway Revitalization Strategy* and the *New York Avenue Corridor* studies.”

The contemplated landscape improvements to the adjacent District-owned lot and provision for a future pedestrian linkage from 3rd Street and Florida Avenue into Union Market as part of the Public Benefits package are consistent with recommendations set forth in the FAMS (pages 76-79). The FAMS established a goal of “reestablishing the grid” and creating a “sense of place” at 3rd Street, NE by locating a pedestrian-way along the alignment of 3rd Street to improve access to the western end of the FAMS study area. The FAMS recommended that the steep “grade change [from Florida Avenue] may inspire pedestrian-only walkways to Florida Avenue if multi-modal streets are not manageable or practical” (page 68).

While the FAMS noted the pedestrian gateway location to be on the east end of the Subject Property (for illustrative purposes, as noted on page 76), locating it to the west of the Subject Property on the District-owned land directly across from 3rd Street, as proposed by the Applicant, allows for a more grand space integrated with a public gathering space that would be of greater use, recreation, leisure, and convenience than a narrow staircase on the east of the property. Furthermore, a narrow, steep staircase located on the east of the property would be

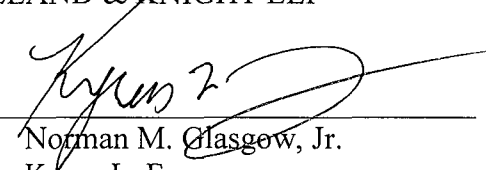
proximate to the sidewalk on 4th Street, and pedestrians would likely opt to use the sidewalk on 4th Street in lieu of a staircase close to 4th Street. The plan proposed by the Applicant will be a treasured public gathering space that achieves the FAMS goal of creating a pedestrian gateway into the market and “reestablishing the grid” with a 3rd Street pedestrian connection.

VI. CONCLUSION

For the reasons stated above, the Applicant submits that the PUD and zoning map amendment meet the standards of Chapter 24 of the Zoning Regulations and are consistent with the purposes and intent of the Zoning Regulations and zoning map. Accordingly, the Applicant requests that the Zoning Commission determine that the application has merit and that a public hearing on the application should be scheduled.

Respectfully submitted:

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