

301 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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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	Certificate of Notice, Notice of Intent, and Property Owner List
G	Comprehensive Transportation Review Scoping Form

I. INTRODUCTION

301 FL Manager LLC (the "Applicant") submits this statement and the attached documents on behalf of John A. Booker, Jr., the current owner of 301 Florida Avenue, N.E. (Square 722N, Lot 803) (the "Subject Property"), 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 the Subject Property from the C-M-1 District to the C-3-C District.

The Subject Property has a land area of approximately 8,720 square feet and is a triangular lot with approximately 203.7 linear feet of frontage on Florida Avenue, N.E. to the northeast, approximately 178.8 linear feet of frontage on N Street, N.E. to the south, and approximately 97.5 linear feet of frontage on 3rd Street, N.E. to the west. The Subject Property is the only lot in Square 722N. 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 building and associated surface parking, and is surrounded by a variety of uses including low- to high-density residential, industrial warehouses, and commercial uses.

As shown on the Zoning Map attached hereto as Exhibit B, 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 Council-adopted NoMa Small Area Plan, which recommends developing the Subject Property with a high rise residential building. The map amendment is also consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: Medium Density Residential and Production, Distribution, and Repair ("PDR") (*see* Exhibit D).

The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Land Use Change Area (*see* Exhibit E). The Applicant proposes to raze the existing building in connection with redevelopment of the Subject Property to build a mixed-use building composed of retail and residential uses (the “Project”). The Project will have a density of 7.57 floor area ratio (“FAR”), will include a total of approximately 66,010 square feet of gross floor area, and will have a building height of 101 feet (eight stories).

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 Plans attached hereto as Exhibit A, the Applicant proposes to redevelop the Subject Property with a mixed-use residential and retail Project. The Project is located in a context that varies in use and scale, including industrial uses to the north, Gallaudet University to the east, residential uses to the southeast, recent large-scale residential developments to the southwest, and the rail tracks and NoMa-Gallaudet Metrorail station to the west.

As stated above, the Applicant proposes to raze the existing building on the Subject Property to construct a mixed-use Project with approximately 66,010 square feet of gross floor area (7.57 FAR) and a building height of 101 feet. Approximately 61,173 square feet of gross floor area will be devoted to residential use (approximately 56 units) and approximately 4,837 square feet of gross floor area will be devoted to retail use. Of the total residential gross floor area, the Applicant will dedicate 8% (approximately 4,906 square feet of gross floor area) as

affordable housing, as required by the Inclusionary Zoning (“IZ”) provisions in Chapter 26 of the Zoning Regulations. Pursuant to 11 DCMR § 2603.4, all of the IZ units in the Project may be set aside for moderate income households earning up to 80% of the area medium income (“AMI”). However, the Applicant proposes to increase the subsidy, such that approximately 2,077 square feet of residential gross floor area (two units) will be set aside for households earning up to 60% of the AMI, and approximately 2,829 square feet of residential gross floor area (two units) will be set aside for households earning up to 80% of the AMI. The following chart summarizes the housing being provided in the Project.

Residential Unit Type	GFA and % of Total (Approx.)	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	61,173 sf of GFA (approx. 52,171 sf of net residential area) (100%)	56 units	N/A	N/A	N/A
Market Rate	56,267 sf of GFA (approx. 47,987 sf of net residential area) (92%)	52	Market rate	N/A	Rental/ownership
IZ	2,829 sf of GFA (approx. 2,413 sf of net residential area)	2	80% AMI	For the life of the Project	Rental/ownership
IZ	2,077 sf of GFA (approx. 1,771 sf of net residential area)	2	60% AMI	For the life of the Project	Rental/ownership

The Project will achieve a LEED-Gold equivalent status and will incorporate a number of sustainable and environmentally-friendly elements such as a green roof, street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, bicycle parking, and will be located in an infill, transit-oriented location.

The Project is sensitive to its varied context and responds in size, form, and in its use of materials. The ground level is programmed with retail uses that will activate the surrounding streets and encourage the use of public transportation, given the Subject Property's location one block away from the NoMa-Gallaudet Metrorail station. The Project includes significant public space improvements, including new lighting, trees, planting beds, bicycle racks, and sidewalk paving. The Applicant will also work with DDOT to develop an appropriate transportation demand management ("TDM") plan for the Project.

The building design incorporates the synergy of the diverse city scales, context, and uses of its unique location. Bound by relatively recent residential high-rise development of NoMa to the west and southwest, historic Gallaudet University to the east, and light-scale industrial and commercial market development to the north, the Project integrates with the surrounding urban fabric to create a dynamic, harmonious and exciting architectural design. The building's massing maintains the appealing proportions of its triangular site, rising from the street level up to eight stories. It is defined by two major massing components: the ground floor base and the seven-story residential top.

The ground floor base is largely retail, occupying most of Florida Avenue and N Street, and part of 3rd Street. The retail is envisioned to be composed of glass storefronts from sidewalk to ceiling, and will have colorful signs and lighting, landscaping, pedestrian amenities, and sidewalk pavers abutting the retail glass line, all helping to engage the interior use with the exterior and to promote street vitality. A wider and more pedestrian-friendly sidewalk will be created along Florida Avenue by setting the retail line back three feet from the property line. Masonry plinths along Florida Avenue, 3rd Street, and N Street are used to separate the

building's ground floor residential components from the retail. Along with the exterior sculptural steel truss columns (reminiscent of the existing railroad signal bridges) at the corners of Florida Avenue and N Street and Florida Avenue and 3rd Street, the masonry plinths anchor and tie the seven-story building top to the ground floor base. At the corner of Florida Avenue and 3rd Street, the connection of the upper story to the street is enhanced by an eight story tower-like bay window that defines the building's lobby entrance as well the arrival point to the 3rd Street retail corridor.

The articulation of the upper building massing is a weaving of vertical and horizontal elements and a play on negative and positive building fenestrations. Punch windows of bedroom spaces are carved into the masonry wall, flanked by projecting bay windows that house living spaces; elongated masonry units, concrete precast bands, and horizontally articulated fiber cement panels are juxtaposed with the vertical window articulations. These design gestures create a balanced scale and rhythmic facade composition to the seven-story building top. The importance of the Florida Avenue façade is highlighted by the layering of a fiber cement panel frame over the masonry facade, creating greater visual depth and interest.

Overall, with various urban scales and uses, the proposed building design seeks to capture the dichotomy of the surrounding city fabric. This design intent results in a vibrant and engaging site and adjacent corridors.

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), a maximum permitted density of 6.5 FAR for any permitted use, but a density of 7.8 FAR for projects subject to IZ (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. In the case of a corner lot abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building. 11 DCMR § 774.11. A side yard is 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.

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 11 DCMR § 2403, the Commission may grant such flexibility in its discretion.

1. Flexibility from the Off-Street Parking Requirements

The Applicant requests flexibility from the off-street parking requirements of 11 DCMR § 2101.1, which require one parking space for each four dwelling units (14 spaces) and one space for each 750 square feet of gross floor area in excess of 3,000 square feet devoted to retail space (two spaces), for a total of 16 required parking spaces for the Project. However, as shown on the Plans, the Project will not provide any on-site parking spaces, due to the Subject Property's triangular shape, lack of alley access, and location at the intersection of two major streets and

another street that can be devoted to community purposes. These site characteristics limit the location for potential vehicular ingress and egress to the Subject Property and the configuration of the overall Project. It is practically difficult to provide a ramp to access below-grade parking accessed from Florida Avenue, N Street, or 3rd Street, since a ramp with a zoning-compliant slope and width would not be able to provide the required turning movements to allow vehicles to access a below-grade garage.

Parking also cannot be located on the surface of the Subject Property, because doing so would require setting the building back and eliminating significant retail and residential space. To provide the required 16 parking spaces, approximately 4,560 square feet of surface space would be required to comply with 11 DCMR 2115.10, which requires a minimum of 285 square feet for each parking space. The Subject Property only has 8,720 square feet of land area, and thus providing 4,560 square feet for surface parking would take up approximately 52% of the site. If this amount of surface space was provided along Florida Avenue, the building would have to be set back approximately 22 feet; if it was provided along N Street, the building would have to be set back approximately 25.5 feet; and if it was provided along 3rd Street, the building would have to be set back approximately 46.6 feet. Providing surface parking in any of these locations would result in a significant detriment to the building design and would eliminate significant retail and residential space. Given the triangular shape and dimensions of the Subject Property, providing more than 50% of the lot area for surface parking would limit developable area and adversely impact the siting and construction of the Project.

The lack of on-site parking will not result in any adverse impacts. Given the location of the Subject Property in a walkable, mixed-use neighborhood with convenient access to multiple

public transportation options, bicycle lanes, car- and bike-share facilities, and an extensive pedestrian network, Project residents and retail employees/patrons are not expected to use a vehicle to access the Subject Property. The Subject Property is located approximately 0.1 miles from the NoMa-Gallaudet Metrorail station; within approximately 0.3 miles of nine Metrobus routes (including four bus stops located directly in front of the Subject Property), and is within 0.3 miles of two Capital Bikeshare stations. The Subject Property is also located within 0.3 miles of six permanent car share spaces, and Car2Go vehicles are easily accessed and parked throughout the area. Moreover, the Subject Property is deemed a “Walker’s Paradise” by www.walkscore.com, due to its flat topography and close proximity to nearby grocery stores, restaurants and bars, coffee shops, parks, and entertainment venues. Moreover, the public good will be served by a high-quality infill development project, which the District is seeking to revitalize and reintegrate through public and private investment.

The Project is also consistent with the Comprehensive Plan's goals of investing in transit-oriented development, improving pedestrian facilities, and transforming key District arterials into multi-modal corridors that incorporate and balance a variety of mode choices, including public transportation, bicycle, pedestrian, and automobile. The Project will provide on-site bicycle parking and provide a number of TDM measures. Together, these measures and the ample nearby alternative transportation options will help further the Comprehensive Plan's goals of connecting District neighborhoods by creating more direct links between the various transit modes and managing the automobile capacity of principle arterials.

2. Flexibility From Loading Requirements

The Applicant requests flexibility from the loading requirements of 11 DCMR § 2201.1, which requires one loading berth at 55 feet deep, one loading platform at 200 square feet, and

one service/delivery space at 20 feet deep for the residential use. Loading for the retail use is not required. Due to the Subject Property's small size, irregular shape, and location at the intersection of three streets, two of which are major thoroughfares, the Applicant cannot provide any on-site loading facilities. The required loading facilities and associated access aisles, driveways, and maneuvering areas would take up a substantial portion of the Subject Property's land area, would eliminate a large portion of the building's ground floor area, and would significantly impair the ability to provide a viable building footprint, adequate retail space, a residential lobby, and required trash rooms, service corridors, and core elements.

The lack of on-site loading facilities will not result in any adverse impacts, since loading will be coordinated through a loading management plan, which will ensure that conflicting deliveries are scheduled appropriately and do not result in any on- or off-street conflicts. Moreover, if six residential units were eliminated from the Project, on-site loading would not be required for the Project at all.

3. Flexibility from the Land Area Requirements for a PUD

Pursuant to 11 DCMR § 2401.1(c), a minimum land area of 15,000 square feet is required for a PUD in the C-3-C District. The Subject Property has a land area of approximately 8,720 square feet and therefore does not meet the area requirement of 11 DCMR § 2401.1. Pursuant to 11 DCMR § 2401.2, the Commission may waive up to 50% of the minimum area requirement, provided that the Commission finds, after a public hearing, that the Project is of exceptional merit and in the best interest of the city or country.

In this case the Project is of exceptional merit and in the best interest of the city. The Project will incorporate approximately 61,173 square feet of gross floor area devoted to new residential use. Approximately 8% of the residential gross floor area (approximately 4,906

square feet of gross floor area) will be set aside as affordable, with approximately 2,077 square feet of residential gross floor area (two units) set aside for households earning up to 60% of the AMI, and approximately 2,829 square feet of residential gross floor area (two units) set aside for households earning up to 80% of the AMI. The Project will provide new ground floor retail and eliminate four existing curb cuts, which will activate the street, improve the pedestrian experience, enhance safety, and help to revitalize the neighborhood. The Project will also include a variety of sustainable features and materials, and will be designed to achieve LEED-Gold equivalent status. Moreover, the Project will significantly improve the Subject Property and the surrounding area by replacing an outdated one-story building and surface parking lots with a high-quality mixed-use building with exceptional architectural design and deference to the nearby uses and overall urban context.

4. Flexibility from the IZ Proportionality Requirement

The Applicant requests flexibility from the proportionality requirement of 11 DCMR § 2605.2, which requires that the proportion of studio, efficiency, and one-bedroom IZ units to all IZ units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units. The Project includes approximately 61,173 square feet of gross floor area devoted to residential use, and is therefore required to provide at least 4,984 square feet of gross floor area devoted to IZ units (8% of 61,173). The Project includes a total of 56 residential units. The proposed IZ units include one studio unit, one 3-bedroom unit, and two 4-bedroom units, such that at least one IZ unit will be provided from each unit type in the building. In doing so, the Project's proportion of IZ studio and 1-bedroom units to all IZ units (1:4 = 25%) will exceed the proportion of market rate studio and 1-bedroom units to all market rate units (6:52 = 12%). This unequal ratio is due to the relatively few number of overall units in the Project and

the fact that the Project includes a number of larger units to accommodate families. There is only one studio/1-bedroom IZ unit in the Project; the rest of the IZ units are 3- and 4-bedroom units.

5. 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:

1. To be able to provide a range in the number of residential units of plus or minus 10%;
2. 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;
3. To vary the sustainable design features of the Project, provided the total number of LEED points achievable for the Project is not below the LEED Gold rating standards under the United States Green Building Council LEED for New Construction v2009.
4. 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;

5. In the retail and service areas, flexibility to vary the location and design of the ground floor components of the Project 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 or service use and to accommodate any specific tenant requirements; and to vary the size of the retail area; and
6. 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, nearby property owners and area residents will have the opportunity to express their views about the proposed Project. 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 Project.

C. PUD Requirements under Chapter 24 of the Zoning Regulations

1. Area Requirements under Section 2401.1

The Subject Property has a land area of approximately 8,720 square feet where a minimum of 15,000 square feet of land area is required pursuant to 11 DCMR § 2401.1(c). As described above, the Applicant requests flexibility from 11 DCMR § 2401.1(c) pursuant to 11 DCMR § 2401.2, and the Project meets the standards of 11 DCMR § 2401.2.

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

Subsection 2405.1 of the Zoning Regulations permits a maximum building height of 130 feet. However, given that the Florida Avenue right-of-way is only 100 feet, the 1910 Height Act limits the maximum building height to 120 feet. As shown on the Plans, the building has a maximum height of approximately 101 feet, which conforms to the PUD requirements and the 1910 Height Act.

Subsection 2405.2 of the Zoning Regulations permits a maximum density of 8.0 FAR in the C-3-C District. The Project has a maximum density of 7.57 FAR and thus conforms with the PUD FAR allowance.

3. Impacts of the Project under Section 2403.3

The Project will have a favorable impact on the surrounding area. Overall, the Project 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 Project 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 is in close proximity to the NoMa/Gallaudet University Metrorail station. Therefore, the Project 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 District of Columbia Comprehensive Plan and the adopted NoMa Small Area 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 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 new landscape features, including new plantings and trees in the public space adjacent to the building, bike racks, pedestrian-oriented lighting, and new paving consistent with DDOT standards. Moreover, with respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing one-story building and surface parking with a new mixed-use, mixed-income building constitutes a significant urban design benefit. In addition, the Project will eliminate four existing curb cuts, which will additionally improve the pedestrian experience. This is particularly significant given the Subject Property's location immediately across Florida Avenue from Union Market.

3. Transportation Features (Section 2403.9(c))

The Project will include a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation management measures, and connections to public transportation services. As indicated in the Comprehensive Transportation Review Scoping Form ("CTR"), prepared by Gorove/Slade Associates and attached hereto as Exhibit G, the Project will not include any on-site parking, and will instead encourage use of alternative transportation modes. The Applicant will work with DDOT to develop an appropriate TDM plan

that will encourage residents, employees, and retail patrons to use the abundant nearby public transportation options and will fully mitigate any potential impacts of developing the Subject Property without on-site parking or loading. To promote pedestrian travel, the Applicant is improving the streetscape on all sides of the Subject Property and incorporating new pedestrian-oriented lighting. To promote bicycle travel, the Applicant will provide secure, indoor bicycle parking and will work with DDOT to install bike racks in the public space adjacent to the building.

The Subject Property is extremely well linked to an abundance of public transportation options, dedicated bicycle lanes and trails, and safe pedestrian infrastructure. 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 nine Metrobus routes and stops, with the 90, 92, 93, and X3 Metrobus routes stopping immediately in front of the Subject Property. The Subject Property is also located within convenient walking distance (approximately 0.3 miles) of two existing Capital Bikeshare stations, and is located 0.4 miles from the entrance to the Metropolitan Branch Trail, an eight 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, 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 Project will create new housing and affordable 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 61,173 square feet of residential gross floor area (approximately 56 units) is significant, particularly because the majority of the units are anticipated to be larger three- and four-bedroom units. Of this amount, 8% of the residential gross floor area (approximately 4,906 square feet of gross floor area) will be devoted to affordable housing as required by Chapter 26 of the Zoning Regulations. Pursuant to 11 DCMR § 2603.4, all of the required IZ units may be set aside for moderate income households earning up to 80% of the AMI. However, the Applicant proposes to increase this subsidy, such that approximately 2,077 square feet of residential gross floor area (two units) will be set aside for households earning up to 60% of the AMI, and approximately 2,829 square feet of residential gross floor area (two units) will be set aside for households earning up to 80% of the AMI. In contrast, under the existing zoning, there would be no new housing or affordable housing at the Subject Property. The following chart summarizes the housing being provided in the Project.

Residential Unit Type	Net Square Feet and Percentage of Total (Approx.)	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	61,173 sf of GFA (approx. 52,171 sf of net residential area) (100%)	56	N/A	N/A	N/A
Market Rate	56,267 sf of GFA (approx. 47,987 sf of net residential area) (92%)	52	Market	N/A	Rental/ownership
IZ	2,829 sf of GFA (approx. 2,413 sf of net residential area)	2	80% AMI	For the life of the Project	Rental/ownership
IZ	2,077 sf of GFA (approx. 1,771 sf of net residential area)	2	60% AMI	For the life of the Project	Rental/ownership

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 Subject Property'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 Project provides a host of environmental benefits consistent with recommendations of 11 DCMR§ 2403.9(h), which include street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and ample bicycle parking. Moreover, the Project will be designed to achieve LEED-Gold equivalent status.

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

The Applicant is working closely with Advisory Neighborhood Commission ("ANC") 6C, the ANC in which the Subject Property is located, to develop appropriate public benefits as part of the Project. The Applicant proposes to contribute \$125,000 to a fund in support of the closure of all or a portion of N Street, N.E. to be redeveloped as a public plaza. If the closure of N Street, N.E. is not feasible, or if the fund is not created before the certificate of occupancy for the Project, the Applicant proposes to instead contribute the \$125,000 to the Washington Metropolitan Area Transit Authority ("WMATA") for the installation of a new entrance to the NoMa-Gallaudet Metrorail station, or to other organization(s) selected by ANC 6C. In addition, the Applicant's proffer to set aside approximately 3% of the Project's residential gross floor area for households earning up to 60% of the AMI is a public benefit, since 11 DCMR § 2603.4 only requires IZ units to be set aside for moderate income households earning up to 80% of the AMI.

Moreover, as described above, the Project will result in the elimination of four existing curb cuts, which will improve the pedestrian experience on the streets surrounding the Site. The Applicant will continue to work with ANC 6C and other neighborhood organizations, and will provide a detailed list of the proposed public benefits and project amenities no later than 20 days prior to the public hearing on this case.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Project 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 and the NoMa Small Area 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 Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality residential Project 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 Medium Density Residential and PDR land use categories.

The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the medium-density designation, although other zones may apply in some locations.

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 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 Subject Property from the C-M-1 District to the C-3-C District in order to construct a mixed-use Project with significant new housing and affordable housing is consistent with the Comprehensive Plan designation of the Subject Property and with other recently-approved projects in the surrounding area. For example, pursuant to Z.C. Order No. 15-01, dated July 13, 2015, the Commission approved a PUD and related zoning map amendment from the C-M-1 District to the C-3-C District for 320 Florida Avenue, N.E. to be constructed with a maximum density of 8.0 FAR and a maximum building height of 120 feet. Although the 320 Florida Avenue project is located in the High Density Commercial and High Density Residential land use categories on the Comprehensive Plan Future Land Use Map, this property is located directly across the street from the Subject Property.

The Commission also approved a PUD and related zoning map amendment from the C-M-3 and C-2-B Districts to the C-3-C District for property located at 200 K Street, N.E., two blocks south of the Subject Property. *See* Z.C. Order No. 05-36. The 200 K Street site was located in the CMHD/PROTECH categories of the then-applicable Comprehensive Plan Future Land Use Map. *See* Z.C. Case No. 05-36, Exhibit 16. In approving the project at a density of 8.4

FAR and a maximum height of 130 feet, the Commission stated that the proposed “uses are appropriate for the site, which is located within the NoMa Redevelopment Area and in close proximity to mass transit.” *See* Z.C. Order No. 05-36, Conclusion of Law No. 5.

Although the developments at 320 Florida Avenue and 200 K Street are in different Comprehensive Plan designations from the Subject Property, these developments create the context into which the proposed Project will be approved and constructed, which includes higher-density residential developments with ground floor retail on infill sites. The proposed Project is in keeping with these types of uses and designs. Moreover, as stated above, the Land Use Map is not a zoning map, and this map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *See* 10A DCMR § 226.1(a). For example, in Z.C. Order No. 11-13, the Commission approved a PUD and related map amendment for property located at 222 M Street, S.W. (Square 546, Lot 301), from the R-3 District to the CR District. Although the project was located in the Medium Density Residential category on the Future Land Use Map, the Commission found that the project was “consistent with medium-density residential development because of its combined massing, height, density, open space, and neighborhood context.” Z.C. Order No. 11-13, Finding of Fact No. 50. The Commission noted that the Comprehensive Plan “should be used only as guidance and not as a definitive source for appropriate uses, heights, or densities,” and stated that “it is significant that the nearby properties with the same land use designations are included in higher-density Zone Districts and have commensurate heights and densities. *Id.* (quoting Guidelines for using the Generalized Policy Map and the Future Land Use Map § 226).

In addition, the Zoning Commission is scheduled to take final action on a PUD and related map amendment at 300 M Street, N.E., located one block south of the Subject Property. This project includes a map amendment from the C-M-1 District to the C-3-C District on property located in the Medium Density Residential category on the Future Land Use Map. The building at 300 M Street will have more than six times the amount of gross floor area as the project on the Subject Property, with a taller building height and significantly more residential units. The Office of Planning testified in support of the project at the public hearing, noting that the PUD and map amendment were “consistent with the Comprehensive Plan and the land use changes that have been envisioned for the area,” that the project “fits within the guidelines of the Comprehensive Plan for what would constitute medium density,” and that it is “at the upper end of [the medium-density designation] but it’s certainly not outside of what has in the past been considered acceptable.” *See* Z.C. Case No. 14-19 Zoning Commission Public Hearing Transcript Dated July 9, 2015, pp. 64-65, 72.

Furthermore, the Subject Property is located within Neighborhood Transition Area B of the NoMa Vision Plan and Development Strategy (“NoMa Plan”), which encourages a “[m]ix of diverse residential and non-residential 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 Plan, p. 5.12.

Based on this context and other approved developments, the proposed C-3-C zoning classification and PUD will enable the Subject Property to be developed as a mixed-use Project built to a maximum density of approximately 7.57 FAR and a maximum height of 101 feet, which are consistent with the density and height permitted in medium density zones and are

appropriate given the location of the Subject Property and other recent developments in the surrounding area.

C. Generalized Policy Map

The Subject Property is located in a Land Use Change Area category on the District of Columbia Comprehensive Plan Generalized Policy Map. The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and to promote the adaptive reuse of existing structures. Many of the Land Use Change Areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities. As Land Use Change Areas are redeveloped, the District aspires to create high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods.

The proposed rezoning and PUD redevelopment of the Subject Property is consistent with the policies indicated in the Land Use Change Area. 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.

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 Project is fully-consistent with each of these goals. Redeveloping the Subject Property as a vibrant mixed-use building 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 Project furthers this goal since, as part of the PUD process, the Applicant will be working with ANC 6C to ensure that the Project provides a positive impact on the immediate neighborhood. The Applicant is presently in the process of working with 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 Project will include a substantial number of sustainable design features and will achieve a LEED Gold equivalent rating.

E. Land Use Element

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

1 Policy LU-1.3 Transit-Oriented and Corridor Development

The Project exemplifies the principals of Transit-Oriented Development. The Subject Property is located within a convenient one-block walking distance of the NoMa-Gallaudet University Metrorail station and is served by nine Metrobus routes, including routes 90, 92, 93, and X3, which stop in front of the Subject Property. The Subject Property is also located within convenient walking distance (approximately 0.3 miles) of two existing Capital Bikeshare stations, and is located 0.4 miles 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 close proximity 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: (i) a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; and (ii) a preference for diverse housing types, including affordable units.

2 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.

3 Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

In designing the Project, 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. The Project will offer a higher level of subsidy than is required by the IZ regulations, and will develop the Subject Property with a state-of-the-art new mixed use building that will enhance the street and add to the revitalization of the entire neighborhood.

4 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 Project will be an improvement to the current site condition, which is improved with a one-story building and associated surface parking. The Project also includes a significant amount of landscaped and open spaces which will greatly enhance the streetscape.

5 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. The Subject Property is surrounded by a variety of uses, including low- to high-density residential, industrial warehouses, and commercial uses. 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 Metrorail station and Union Market, becomes increasingly a mix of commercial and residential uses, the Subject Property is no longer suitable for industrial activities. The PUD 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 building 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 Project is a textbook example of transit-oriented development. It also includes various transportation improvements, including the construction of a new mix of uses along a major transportation corridor, bicycle storage, and public space improvements, including new lighting, trees, planting beds, bicycle racks, and new sidewalk paving. The Applicant will also work with DDOT to develop an appropriate TDM plan for the Project.

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. The Project incorporates secure, indoor bicycle parking, and the Applicant will work with DDOT to provide short-term bicycle parking adjacent to the building. The Applicant will also repave the streetscape surrounding the Subject Property according to DDOT's standards, and will otherwise improve the public realm by planting trees and making other landscape and lighting improvements. Together, these physical enhancements to the streetscape will encourage bicycle and pedestrian activity and will bring additional revitalization to the area.

3. Action T-2.3-A: Bicycle Facilities

This element encourages new developments to include bicycle facilities. As stated above, the Applicant proposes to include secure bicycle parking and bicycle racks as amenities within the Project that accommodate and encourage bicycle use.

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 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 61,173 square feet of gross floor area devoted to residential use (approximately 56 units), which is significant, particularly because the majority of the units are anticipated to be larger three- and four-bedroom units. Of the total housing, 8% 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 is fully consistent with the District's land use policies. Moreover, the Applicant will provide affordable housing at a subsidy that is higher than the subsidy required by the current IZ regulations: two of the IZ units will be set aside for households earning up to 60% of the AMI, and two of the IZ units will be set aside for households earning up to 80% of the AMI.

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 Project 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, 8% will be devoted to affordable units (approximately 4,906 square feet), with 2,077 square feet set aside for households earning up to 60% of the AMI, and 2,829 square feet set aside for households earning up to 80% of the AMI. In contrast, under the current zoning, there would be no new housing or affordable housing on the Subject Property.

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 Project includes street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, bicycle parking, and will be located in an infill, transit-oriented location. Moreover, the Project will be designed to achieve LEED-Gold equivalent status. Therefore, the Project is 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 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 Project 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 Project 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.

J. Central Washington Area Element

The Subject Property is located within the boundaries of the Central Washington Area Element. Section 1607 of the Comprehensive Plan explains the Central Washington Area Element's planning and development priorities. One stated priority is to strengthen Central Washington as a vibrant urban center by providing more housing, retail, and arts and entertainment uses, and to expand the traditional downtown to the east and southeast.

The Project is consistent with many of the policies and actions included in the area elements, specifically:

- Policy CW-1.1.1: Promoting Mixed Use Development;
- Policy CW-1.1.4: New Housing Development in Central Washington;
- Policy CW-1.1.9: Neighborhood-Serving Retail in Central Washington;
- Policy CW-1.1.13: Creating Active Street Life and Public Spaces;

- Policy CW-1.1.14-15: Central Washington Multi-modal Transportation System and Increasing Central Washington’s Transit Mode Share; and
- Policy CW-1.1.17: Making Central Washington’s Streets More Pedestrian-Friendly.

The proposed rezoning of the underutilized, industrially-zoned site in order to develop mixed-use, mixed-income residential Project will contribute to the area becoming and remaining attractive, exciting, and economically productive. The proposed new uses and building design will also help create active street life and much improved public spaces for pedestrians, meet local housing needs, support local businesses, and increase neighborhood safety and security.

V. COMPLIANCE WITH THE NOMA VISION PLAN AND DEVELOPMENT STRATEGY

The PUD and related map amendment will help to implement the NoMa Plan, which was developed with continuous participation from property owners and neighborhood residents, and proposes a combination of public and private actions that support redevelopment of the area. See NoMa Plan, p. 1.1. The NoMa Plan provides a vision of a vibrant neighborhood and a clear and targeted implementation plan for public and private actions to achieve it. Implementation of the NoMa Plan is rooted in near-term investment in planning, design, and infrastructure upgrades, and long-term planning and incentives for sustaining development that is compatible with nearby neighborhoods. *Id.* at 1.8. The NoMa Plan includes a number of components, but the Development Strategy element makes detailed recommendations for improving the area's land use, transportation and infrastructure, open spaces, identity and building design, existing neighborhoods, and sustainability. Key elements of the Development Strategy include:

- 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 enhance 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.

The Project is consistent with all of these and many more specific recommendations set forth in the NoMa Plan. For example, the Project will help create an active mixed-use neighborhood with an appropriate mix of residential and retail use, in compliance with NoMa Plan Recommendation Nos. 1 and 2. The Project will include a significant amount of landscape, garden, and open space features, and new street furnishings, all in compliance with NoMa Plan Recommendation Nos. 15 and 19, which encourage streetscapes as open spaces and the design and placement of open spaces within adjacent private developments. The Project will also comply with NoMa Plan Recommendation Nos. 13 and 26, which encourage the creation of innovative, contemporary architecture and ground floor design excellence. Finally, through the Project's sustainability features, the Project will comply with NoMa Plan Recommendation Nos. 34-37, to introduce a range of environmentally-sustainable best practices to new development.

Moreover, the Subject Property is consistent with the goals of the NoMa Plan's Neighborhood Transition Area B, which encourages a "[m]ix of diverse residential and non-residential 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 Plan, p. 5.12.

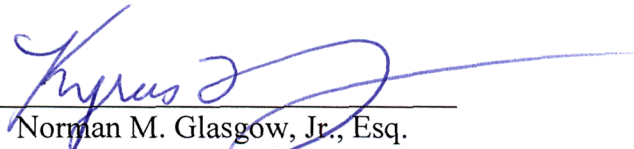
VI. CONCLUSION

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:

HOLLAND & KNIGHT LLP

By: _____



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