

# 1126 9th Street, NW

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APPLICATION FOR REVIEW AND APPROVAL OF A CONSOLIDATED PLANNED UNIT  
DEVELOPMENT AND RELATED MAP AMENDMENT

November 27, 2015

## DEVELOPMENT TEAM

APPLICANT: 1126 9th ST NW LLC  
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## LIST OF EXHIBITS

| <b>Description</b>  | <b>Exhibit</b> |
|---|----------------|
| Architectural Drawings, Plan, Elevations, Renderings, Sections, Streetscape Designs, Landscaping, Civil, Pictures of Property and Surrounding Area, Site Plans, Maps, and Other Plans | A              |
| Application Forms and Agent Authorization Letter  | B              |
| Sanborn and Baist Plats and Zoning Map with Property Highlighted in Red   | C              |
| Excerpts of Comprehensive Plan Future Land Use Map and Generalized Policy Map   | D              |
| Certificate of Compliance with Chapter 24   | E              |
| Certificate of Notice and Notice of Intent to File  | F              |
| Property Owner List   | G              |
| Building Plat   | H              |

## PREFACE

This statement is submitted by 1126 9th ST NW LLC in support of an application for the consolidated review and approval of a Planned Unit Development and Map Amendment for the property known as 1126 9<sup>th</sup> Street NW (Square 369, Lot 880) before the District of Columbia Zoning Commission. The Property is bordered by 9<sup>th</sup> Street, NW and two commercial buildings to the east, M Street, NW and rowhouses to the north, an alley and the 110 foot Whitman Condominium to the west, and commercial buildings to the south. The property that is the subject of Z.C. Case No. 14-09 is located on the south portion of Square 369. The Washington Convention Center is directly across 9th Street from the site, and the Convention Center Metrorail station is one block to the east along M Street. The site is a “T”-shaped lot of approximately 7,610 square feet with one leg fronting on 9th Street, NW and the other leg fronting on M Street, NW. A portion of the site is within the DD/C-2-C Zone District and Housing Priority Area “A” and the remaining portion of the site is within the DD/C-2-A Zone District. The related Map Amendment proposes to rezone an approximately 6,408 square foot portion of the site in the DD/C-2-A Zone District to the DD/C-2-C Zone District and include it in Housing Priority Area “A”.

The applicant is requesting approval of this PUD in order to create a respectfully-designed residential project with office and/or retail uses on the ground floor and second floor of the site. The applicant has incorporated a great deal of community feedback into the design of the proposed project. The proposed project will provide new housing and economic development opportunities in the Shaw neighborhood in a manner consistent with the DC Comprehensive Plan and the Convention Center Area Strategic Development Plan. This project will create approximately 28 new residential units, and approximately 7,644 gross square feet (“GSF”) of commercial space on the ground floor and second floor, with a total project gross floor area of approximately 40,290 GSF. The applicant notes that it is also requesting approval for the second level of the project to be utilized as residential, which would result in a use mix of approximately 33 new residential units, approximately 3,723 GSF of commercial space on the ground floor and second floor and no change to the total project gross floor area. The proposed project will have an overall FAR of approximately 5.3 and maximum heights of 100 feet along 9th Street and 54 feet, 2 inches (with two loft bump ups creating a building height of 61 feet, 4 inches) feet along M Street.

This application also requests a waiver under Section 2401.2 from the minimum area requirements for a PUD site. The PUD will allow for a design that is additive and complementary to the community, along with delivering a benefits and amenities package. A PUD is the most sensible method, if not the only method, by which to deliver a high-quality, well-designed infill project to this underutilized site.

Submitted in support of this application are completed PUD and Zoning Map amendment forms, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings, and a map depicting the zoning districts for the property and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

## I. INTRODUCTION

### A. Summary and Purposes of the Application

1126 9th St NW LLC (the “**Applicant**”)<sup>1</sup> hereby submits an application to the Zoning Commission of the District of Columbia (“**Commission**”) for consolidated review and approval of a Planned Unit Development (“**PUD**”) and related Zoning Map amendment from the DD/C-2-A to the DD/C-2-C Zone District.

The project site is Lot 880 in Square 369 (the “**Property**”). The Property consists of approximately 7,610 square feet of land area, a portion of which is currently improved with an existing underutilized building fronting on 9<sup>th</sup> Street that previously contained commercial uses (the “**Existing Building**”). The Existing Building has been deemed a contributing building to the Shaw Historic District. A portion of the Existing Building is two (2) stories and the rest is one (1) story. The remainder of the Property is a vacant lot. As shown on Page 3 of the plans and residential drawings attached hereto as Exhibit A (the “**Plans**”), an approximately 843 square foot portion of the Property is within the DD/C-2-C Zone District and Housing Priority Area “A”, and the remaining approximately 6,789 square foot portion is within the DD/C-2-A Zone District. The Property is located within the boundaries of Advisory Neighborhood Commission (“**ANC**”) 2F.

The Applicant is seeking approval of the PUD and Zoning Map amendment in order to create a unique residential project with office and/or retail ground floor and second floor uses on the Property (the “**Project**”) as shown on the Plans. The Project will be consistent with the goals and policies of the D.C. Comprehensive Plan and the Convention Center Area Strategic Development Plan (“**Area Plan**”). In particular, with respect to the Project’s residential

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<sup>1</sup> The Applicant is the contract purchaser of the Property and is submitting this application on behalf of the owner of the Property, The Gorman Family Limited Partnership and Joseph Gorman.

component, the Project is a multi-unit residential building is located in an area already zoned for such type of housing, is located on a site with exceptional access to mass transit, that is suitable for a multiple-unit building, and reinforces the existing patterns of residential development in the historic Shaw neighborhood. With respect to the Project's non-residential ground floor components, the Project will reinforce and enhance the traditional "main street" pattern of commercial development along 9th Street and help create a unified commercial identity for the community. Moreover, the commercial uses are located in an area already zoned for commercial development. As a result, the Project will continue to support the goals of the D.C. Comprehensive Plan and the Area Plan and will facilitate further similar investments that will contribute to the full implementation of the Area Plan.

The Project will create approximately 28 new residential condominium dwelling units, approximately 7,534 GSF of ground floor and second floor office and/or retail space along M Street, and approximately 444 GSF of office and/or retail use along 9th Street. In total the Project will contain a gross floor area of approximately 40,290 GSF and will have an overall FAR of approximately 5.3. The Project will have an overall maximum height of 100 feet. Along the 9th Street façade, the Project will step back from the street before rising to the full 100 feet, allowing the existing structure to be solely expressed within such setback area, and the Project will primarily have a height of approximately 54 feet, two (2) inches, with two (2) sixth floor loft areas rising to approximately 61 feet, four (4) inches along the M Street façade. The location of the Project, and specifically the sculpted nature of the 6<sup>th</sup> floor resulted from the effort to retain window openings and light for adjacent neighbors on the 6<sup>th</sup> floor (as shown on Page 31a of the Plans), while also reducing the appearance of height along M Street. The Applicant is sensitive to the location of the neighboring Whitman Condominium's windows and has proposed fencing

to ensure a buffer around such windows (and such green roof area is not currently accessible by the residents of the building).

After working with D.C. Historic Preservation Office (“**HPO**”) staff, the Project was granted concept approval by the Historic Preservation Review Board (“**HPRB**”) in H.P.A. Case No. 15-487. The Applicant has continued to work with HPO staff and will continue to do so throughout the evolution of the Project design. As a result of the historic preservation review process, most of the Existing Building on the Property will be retained and incorporated into the Project.

The Project’s superior amenities and benefits include: the provision of housing in the DD Overlay, the provision of affordable housing at this key location in the DD Overlay where affordable housing would not otherwise be required, restoring the entirety of the existing historic structure on the site, strengthening the street wall of the re-emerging 9th Street commercial corridor, filling in a gap in the M Street residential street wall currently occupied by a vacant lot, providing an enhanced Green Area Ratio for the site, providing car share spaces at the rear of the Project, and financially supporting the nearby Gompers Park. The Project will provide high quality and contextually sensitive design, materials, and massing to the neighborhood in a manner keeping with the neighborhood’s mixed use and historic character. The Project’s ground floor uses will enhance the “Main Street”-like retail character of 9th Street and add vibrancy to a key corner across from the Convention Center. In addition, the Project will provide additional new housing units in an area with a high demand for new housing and will provide a modest number of permanent new jobs. Further, the Project will be designed to meet or exceed the Silver LEED New Construction specifications.

Over the past several months, the Applicant has held numerous meetings with many community stakeholders. First and foremost, the Applicant has had numerous meetings with the neighbors in the adjacent Whitman Condominium Building. These meetings resulted in the significant redesign of the proposal, which included a sizable reduction in the size of the proposal along with the relocation of the Project’s mass from the rear portion of the Property to its currently proposed location. Diagrams showing the global changes to the design resulting from discussions with Whitman Condominium residents are shown on Pages 42a and 42b of the Plans. While these pages show the degree of changes resulting from these meetings, they do not capture the total number of design iterations flowing from these discussions. The Applicant is appreciative of these adjacent residents’ effort and input and looks forward to continuing the dialogue.

Additionally, the Applicant has presented to ANC 2F, the ANC 2F Community Development Committee, and other community groups and stakeholders to ensure the Project simultaneously achieves the goals of the District of Columbia, the community, and the Applicant. The Applicant received a letter from ANC 2F in support of the historic preservation concept review in H.P.A. Case No. 15-487.

In summary, the Applicant has held the following meetings with the community to date:

| <b><u>Meeting Number</u></b> | <b><u>Date</u></b> | <b><u>Type of Meeting/Community Group</u></b>          |
|------------------------------|--------------------|--|
| 1                            | 25-Feb             | Meeting with Whitman Condominium Board                 |
| 2                            | 10-Mar             | Meeting with Whitman Condominium                       |
| 3                            | 27-Mar             | Meeting with owners of adjacent at-risk window         |
| 4                            | 16-Apr             | Meeting with Whitman Condominium owner group           |
| 5                            | 21-Apr             | Meeting with owners of adjacent at-risk window         |
| 6                            | 21-May             | Meeting with Whitman Condominium owner group           |
| 7                            | 9-Jun              | Meeting with Whitman Condominium Board                 |
| 8                            | 22-Jun             | Meeting with Whitman Condominium owner group           |
| 9                            | 23-Jun             | Meeting with owner of adjacent commercial property     |
| 10                           | 24-Jun             | Presentation to ANC 2F Community Development Committee |



|    |        |  |
|----|--------|--|
|    |        | (CDC)  |
| 11 | 1-Jul  | Presentation to ANC 2F                             |
| 12 | 26-Aug | Meeting with owner of adjacent commercial property |
| 13 | 28-Aug | Meeting with owner of adjacent commercial property |
| 14 | 14-Sep | Meeting with Whitman Condominium Board             |
| 15 | 30-Sep | Meeting with owner of adjacent commercial property |
| 16 | 28-Oct | Meeting with owner of adjacent commercial property |

Clearly, the outreach to date has been significant. Similar outreach will continue throughout the process. Further, the Applicant has met with the D.C. Office of Planning to present the proposed Project.

**B. Applicant**

The Applicant is a joint venture between four locally-based development firms that focus on emerging neighborhoods and aim to deliver creative, fresh projects to the communities where they invest. These firms include Oak Tree Development, Montage Development Group, VNV Development, and Davey Street Partners. Combined, the firms’ principals represent over one hundred of years of experience with development and construction, over one million square feet successfully delivered and over one hundred million dollars invested in the District. These firms are focusing on an urban in-fill site where they can re-energize underutilized properties and maximize value for the community and future residents. The applicant’s managing member, Oak Tree Development is a total return driven real estate investment and development firm based in Washington, DC. Its partners have over 100 years combined experience investing in, developing, and managing property in the Washington metropolitan area. Currently, Oak Tree has over 200,000 square feet under development, with the majority of its projects located within the District.

**II. SITE AND AREA DESCRIPTION AND ZONING**

**A. Location and Current Use**

The Property is located in the Northwest quadrant of the District of Columbia on the block bounded by M Street to the north, 9th Street to the east, 10th Street to the west and L Street to the south. Across M Street to the north of the Property is a row of 3- to 4-story residential townhouses. To the immediate west of the Property is the 110 foot, approximately 185-unit condominium building, The Whitman, constructed in 2006. As noted above, immediately across 9th Street from the Property is the Washington Convention Center. South of the Property along 9th Street are 2- or 3-story buildings with ground floor retail or restaurant uses below residential units. At the corner of 9th Street and M Street, on a lot that is bounded by the Property on two sides, is a 3-story building with ground floor retail and residential units above. The Property is approximately 500 feet from the Convention Center Metrorail Station, which sits along M Street east of the Property.

The site of the proposed PUD is in Single Member District 2F06 of ANC 2F in Ward 2. The Property is within the Shaw Historic District (the eastern boundary of which runs down 9th Street immediately east of the Property). Mount Vernon Square is to the south of the Property, and Logan Circle is to the west.

The Property currently includes the underutilized Existing Building, fronting on 9th Street which previously contained commercial uses. The remainder of the Property is a vacant lot. The entire M Street frontage is currently a curb cut leading onto the Property's vacant lot. Despite notable construction activity in this area, the Property has remained a "gap" along 9<sup>th</sup> and M Streets, due to the difficulties of developing this site, including its odd shape, historic structure and adjacency to the Whitman Condominium.

## **B. Surrounding Area**

The largely-residential Shaw neighborhood, in which the Property is situated, has experienced a significant influx of investment in the past decade driven largely by the area's proximity to Downtown, the Metrorail station, and new activity around the Convention Center and along 9th Street. The new development in this neighborhood has included the construction of new multi-unit residential buildings with one hundred or more units, as well as smaller infill and rehabilitation projects containing anywhere from a handful of units to several dozen units. Multi-unit buildings comprise virtually all of the new residential construction occurring in this neighborhood. The residential grain of the Shaw neighborhood is thus a mix of larger multi-unit buildings with anywhere from a dozen to a hundred or more units in buildings of 8- to 12-stories and smaller 2- to 4-story rehabilitated historic structures containing a handful of units.

The north-south commercial corridors adjacent to the Convention Center – that is, 9th Street and 7th Street – are primed for resurgence. In particular, 9th Street near the Convention Center has a strong existing character of small-footprint, street front spaces for neighborhood-serving retailers and restaurants occupying the narrow buildings on the western side of 9th Street. However, many of these retail spaces are currently either vacant or, as described below, under construction.

The Property sits at what is becoming an inflection point for the Shaw neighborhood. Beginning on the block on which the Property is located and moving south and west from the Property, the urban fabric of the Shaw neighborhood changes dramatically. The Whitman Condominium adjacent to the Property is a relatively new eleven-story residential building. The Convention Center, spanning multiple city blocks, interrupts the residential character of the Shaw neighborhood to the north and west of the Property and almost single-handedly creates a

large commercial business district. One block south of the Property, on the block surrounded by L Street to the north, 9th Street to the east, and Massachusetts Avenue to the south, is the newly-constructed 12-story Marriott Marquis, which was approved pursuant to a PUD in February 2009 and which opened in 2014. The Marriott Marquis has more than 1200 rooms and approximately 400 valet parking spaces and is one of the primary hotels serving the Convention Center. The southeastern quarter of the block where the Property is located, at the intersection of L Street and 9th Street, is the subject of a PUD (ZC Case No. 14-09) approved in March 2015. That PUD approved the construction of a pair of Marriott-branded hotels and a new multi-unit residential building. The hotels will include a total of approximately 360,315 GSF, 504 new guest rooms, and underground parking for 255 vehicles. The residential building will include approximately 203 units. The ground level retail spaces along 9th Street are designed to include a mix of restaurant and bar uses, and the low historic brick buildings are to be retained and rehabilitated under the PUD. The buildings proposed as part of Case No. 14-09 are authorized to reach a maximum height of 110 feet and a maximum FAR of 8.23.

North of the Property, the zoning is generally either C-2-A or R-4, and the area north of the Property is outside of the DD overlay. The Property is otherwise surrounded by areas zoned DD/C-2-C or DD/C-3-C.

### **III. PROJECT DESCRIPTION**

#### **A. The Project**

The proposed Project is a multi-unit residential building with ground level and second level space for office and/or retail uses. The Project's architecture balances the substantial masonry structures of the neighborhood with the light and airy feel demanded by the contemporary lifestyle of the Washington DC residential market. The Project creates a series of

urban structures woven together into a complete harmonious urban redevelopment of an in-part vacant and in-part underutilized parcel. The scale of these structures will transition in accordance with their immediate context. The portion of the Project along M Street will be a maximum of five (5) stories with two one (1) story loft pavilions above such floors. Along 9th Street, the Project will be two stories immediately along the 9<sup>th</sup> Street frontage and will rise to ten stories at a distance stepping back no less than fourteen feet off of the street line of the 9th Street commercial corridor, as approved by HPRB in H.P.A. Case No. 15-487. These urban design elements complement the existing neighborhood and Whitman form and reinforce their sense of permanence.

### Urban Design

The Property calls for a project that is simultaneously respectful of the existing M Street residential buildings and 9<sup>th</sup> Street character, and substantial enough to implement the guiding principles of the Comprehensive Plan and the Convention Center Area Strategic Development Plan, while also capitalizing on transit proximity. The multi-volume and multi-height design deftly addresses these seemingly competing urban design interests. The Project simultaneously (i) mirrors the lower-scale historic residential buildings along portions of M Street near the Property, (ii) provides an economically-viable residential and commercial project in a transit-accessible location zoned for higher density development in a manner compatible with other recent and ongoing development on the block, and (iii) maintains the scale, density, height and character of the distinctive 9th Street “main street” retail corridor. In addition, the multi-level design provides opportunities for outdoor amenity space for the Project’s residents and breaks up the massing of the building into distinct volumes. This approach enables the Project to fit seamlessly into this dense urban context.

The Applicant is retaining, restoring, and adaptively reusing the Existing Building on the Property and incorporating it as an engaging pedestal for ground floor office and/or retail use as well as the residential lobby entrance. Pictures of particularly striking, unique historic elements of the interior of the Existing Structure – which will be retained and incorporated into the Project – are attached as Page 18 of the Plans. Retaining this structure achieves the Area Plan’s goals of maintaining the unique character and sense of place of the 9th Street retail corridor, at significant cost to the Applicant. The Applicant considers the preservation of the Existing Building of significant public value.

The Project will have a floor area of approximately 40,290 GSF, for an effective FAR of 5.3. The majority of the building is devoted to residential uses, and approximately 7,534 GSF of the ground floor and second floor will be reserved for office and/or retail uses (other portions of the ground floor will serve as residential lobby and support spaces). The lot coverage will be approximately 100 percent for the C-2-A portion of the site (which is due to the reuse of the existing 100 percent lot occupancy structure on such portion of the Property) and approximately 80 percent for the C-2-C portion of the site. The maximum height of the building overall will be 100 feet, and the maximum height of the reduced portion along M Street will be approximately 54 feet, two (2) inches with small lofts extending upwards to 61 feet, four (4) inches. Loading will be from the rear of the Property, accessible via an existing alley. The Project will include two (2) non-compliant surface parking spaces and no underground parking. An existing curb cut along M Street will be removed as part of the Project. This curb cut will be replaced with a new garden court entry to the office portion of the program.

#### Upper Floor Residential and Amenity Space Design and Uses

The upper floors – that is, floors three through ten of the new building – will contain the approximately 28 new residential units. The Project will appear to have two separate volumes, one along M Street and the other along 9th Street, comprised of differing heights and volumes, as noted above. To maximize interior efficiency, however, the two volumes will be served by a single common core, and the primary residential lobby will have an entrance from 9th Street. The M Street façade will include two bays keeping with an architectural theme common to M Street. A pair of lightwells will allow natural light penetration to interior spaces on floors two through five in the lower portion of the M Street structure. Three separate rooftop terraces will be provided as outdoor amenity space for residents, with only one of these – the top level – allowing communal space.

The building will contain a mix of units that range in size from studios through two-bedroom units, as shown on Pages 04 and 04a of the Plans.

The materials utilized for the residential component of the Project will be primarily brick masonry and tile wall with bent metal plates and insulated argon-filled, Low-E aluminum/glass window assembly glazing. A metal and/or glass railing system will be utilized on balconies and roof terraces throughout the Project. Such material and color palate was chosen in order to complement the Shaw Historic District, while also allowing for a contemporary aesthetic to be added to this important intersection.

#### Ground Floor and Second Floor Uses: Office and/or Retail

The Project will provide a ground floor retail space along 9th Street of approximately 444 GSF designed to continue the existing “main street” experience. As noted above, the ground floor use will be located in the Existing Structure, which will be rehabilitated and adapted to enhance the Project’s exterior. M Street is dominated by residential entrances and offers retail

uses only at the intersection with 9th Street and 10th Street. Therefore, the Project's ground floor and second floor use along M Street will likely be an office use, which at the Project's scale is compatible with the residential character of M Street, but also provides buffer for the upper floor residential uses and to 9<sup>th</sup> Street itself. Some proposed non-residential use is particularly appropriate given the Property's location relative to the Metrorail station and the Convention Center. The Project's M Street façade is designed to continue the rhythm of the rowhouses lining M Street, along with the unique tower elements that dominate the Whitman street frontage. The office entrance will be reduced to a landscape-enclosed pedestrian level entrance. This façade will also have an additional residential entrance.

To the extent possible, the façade of the Existing Building is to be retained or repaired to match the original façade. Existing features that have deteriorated beyond reasonable repair will be replaced with best available matches so that the building is restored to its original condition to the extent feasible. The Existing Building's distinctive features and ornamentation – e.g., its transom, lunette, and cornice – are elemental to the Project's overall character and identity and will reinforce the connectivity to the surrounding buildings on 9th Street. As discussed above, many unique features, as shown on Page 18 of the Plans – in remarkable condition – will be retained and integrated into the Project's design.

#### Optionality for the Second Floor

The Applicant requests flexibility to utilize the second floor of the Project as either office/retail (as detailed above) or residential use. The Applicant's preferred scenario would be the office use of the second floor, described above pending the results of a leasing effort for a specific commercial user.



The residential use of the second floor would result in a project of approximately 33 new residential condominium dwelling units, and approximately 3,723 GSF of ground floor office and/or retail space along M Street. The approximately 444 GSF of office and/or retail use along 9th Street would remain in either case.

The Applicant will likely be able to eliminate the request for flexibility prior to the hearing on this Project.

#### Parking, Loading, and Access

The Project's parking and loading will be located at the first floor level to the rear of the Property from the interior block and accessible via the alley. Two (2) parking spaces and one loading berth will be provided at the rear.

The Project will have an enclosed, conditioned trash room. The loading location in the alley facilitates truck maneuvering that will not adversely impact operations or pedestrian safety on either 9th Street or M Street. Such loading facilities will allow space for the types of small trucks, delivery vans, and service vehicles anticipated to service the Project only infrequently. The Project will not require any new curb cuts, and indeed will remove an existing curb cut along M Street.

The Applicant has retained Wells and Associates to study the Project's traffic impact, along with the offerings of parking and loading at the site and in the vicinity of the site. It is of paramount importance to the Applicant that the Project not exacerbate parking or loading problems in the vicinity. Of particular note, the Applicant is committed to producing a robust Transportation Demand Management Plan ("TDMP") in response to its requested reduction in the amount of parking to be provided. Such information will also include details regarding the development team's study of car and truck turns into and out of such rear space. The Applicant

will provide information regarding its TDMP following coordination with DDOT and the surrounding community.

**B. Zoning Overview**

The Zoning Analysis sheet included as Pages 04 and 04a of the Plans provides a detailed overview of the proposed building and the requirements and restrictions of the C-2-A and C-2-C zoning, as applicable the respective portions of the Property. The following table illustrates certain zoning parameters of the proposed Project:

|                               | <b><u>Proposed</u></b>                            | <b><u>Allowed/Required by DD/C-2-C and DD/C-2-A As a Matter-of-Right</u></b>   |
|-------------------------------|---|--|
| <b><u>Height</u></b>          | 100' (tower)<br><br>54' 2" / 61' 4"<br>(M Street) | 110' (DD/C-2-C)  |
|                               | 22' 8" (historic setback)                         | 50' (DD/C-2-A)   |
| <b><u>Number of units</u></b> | ~28 or 33   | No maximum   |
| <b><u>FAR</u></b>             | 5.3   | No maximum if residential (DD/C-2-C)/2.5 (C-2-A)   |
| <b><u>Square footage</u></b>  | 40,290  | N/A  |
| <b><u>Lot occupancy</u></b>   | 80% C-2-C;<br><br>100% C-2-A (existing)           | 80% (C-2-C)/60% (C-2-A) for buildings devoted to residential use   |
| <b><u>GAR</u></b>             | 0.325   | 0.3 required   |
| <b><u>Parking</u></b>         | 2 non-compliant spaces                            | Office: 1 space for every 1,800 SF over 2,000 SF (C-2-C) and 1 space for every 600 SF over 2,000 SF (C-2-A)<br><br>Retail: 1 space for every 750 SF over 3,000 SF (C-2-C) and 1 space for every 300 SF over 3,000 SF (C-2-A)<br><br>Residential: 1 for each 4 units (C-2-C) and 1 for each 2 |

|  |  |   |
|--|--|---|
|  |  | units (C-2-A)<br>Total required: maximum of 10 spaces |
|--|--|---|

**C. Key Development Parameters Under Existing Zoning**

The DD/C-2-C Zone District allows, as a matter-of-right, a maximum height up to the amount allowed by the Height Act. The DD/C-2-C District permits a maximum lot occupancy of 80% and an FAR of 6.0 (or an unlimited FAR if devoted to residential use). The DD/C-2-A District, as a matter-of-right, permits a maximum height of 50 feet, a maximum lot occupancy of 60%, and an FAR of 2.5. Therefore, the Project is largely consistent with key bulk requirements of the Zoning Regulations but-for the boundary of the C-2-C and C-2-A Zone Districts splitting the Property.

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

The PUD process is the appropriate means for realizing the Project because the PUD will provide the community, the District, and the Applicant the tools necessary to ensure that the Project is well-designed and best meets the needs of the community. It further will allow the public to provide its input on whether the proposed uses, density, height and design are complementary to the surrounding neighborhood. The Property is an important site for strengthening the development of the 9th Street commercial corridor and adding residential uses to a transit-accessible location, albeit one constrained by an unusual lot configuration. The Applicant believes that through the PUD process, it will create an exemplary mixed-use development that will enable residential use to be constructed on the Property along with community-oriented retail that will continue to implement the District’s and the community’s goals, as articulated in the Area Plan. The PUD process provides the framework for realizing the potential of the Property and capturing the benefits and amenities that will enhance the

surrounding neighborhood. Perhaps most importantly, after the Applicant's significant study of the site, development options thereon, and outreach to the neighboring property owners, it became clear that an urban infill project of the proposed scale could only exist after a rezoning of the site and locating the proposed building in a manner proposed by this application. Therefore, the sensitive location of the Project's main massing results in the need to file the PUD and Zoning Map Amendment application.

Perhaps most importantly, the Project fills in a gap along this important urban location – across the street from the Convention Center – and removes the sense of disinvestment it creates. The PUD approval will allow the Project to go forward in a way that will assist this emerging neighborhood's progression and overcome the constraints that have been holding back development on this particular site.

#### **E. Zoning Flexibility Requested**

The Applicant requests: rezoning a portion of the Property, relief from certain zoning requirements, and relief from the minimum area for a PUD. Through the PUD, the Applicant proposes to rezone a 6,408 square foot portion of the Property from DD/C-2-A to DD/C-2-C, as shown on Page 03 of the Plans, so that the majority of the Property is within the C-2-C, subject to the application of the PUD standards in Chapter 24 of the Zoning Regulations.

The Applicant also requests the following relief from strict application of the relevant provisions of the Zoning Regulations through the flexibility allowed by the PUD process:

1. A waiver of the minimum parking requirements of Subsection 2101.1 of (i) 1 space for each 2 dwelling units in the C-2-A Zone District, (ii) 1 space for each 4 dwelling units in the C-2-C Zone District, (iii) 1 space for each 600 square feet over 2000 square feet of gross floor area for office use or 1 space for each 300 square feet over 3000 square feet of gross floor area of retail use in the C-2-A Zone District, and (iv) 1 space for each 1800 square feet over 2000 square feet of gross floor area for office use or 1 space for each 750 square feet over 3000 square feet of gross floor area of retail use in the C-2-C Zone District.

2. A waiver of the dimensional requirements of Section 776 for closed courts.
3. A waiver of the roof structures requirements of Subsection 770.6(b) to allow for deviation from the roof structure setback requirements.
4. A waiver from the requirement of Subsection 1706.15 that buildings within 40 feet of M Street in the DD Overlay may not be constructed above 60 feet. The proposed building has a baseline height of 54 feet, two (2) inches, with a loft element rising to a level 61 feet, four (4) inches, for a total deviation of one (1) foot, four (four) inches.

Finally, the Applicant requests flexibility on the minimum lot area for establishing a PUD for the reasons set forth below in Section IV.A.

#### **F. Development Timeline**

Development and permitting will begin upon the receipt of the Order approving this application, should this application be approved. Construction would commence upon receipt of building permits and is expected to take approximately fourteen (14) months.

### **IV. THE APPLICATION MERITS APPROVAL PURSUANT TO THE PUD EVALUATION STANDARDS**

The Zoning Regulations, at 11 DCMR §§ 2401.1, 2403.1 *et seq.*, set forth the evaluation standards for Commission approval of PUD applications. Consistency with the Comprehensive Plan is addressed in Section V, and public benefits and project amenities are described in Section VI.

#### **A. PUD Area Requirements**

Pursuant to Section 2401.1 of the Zoning Regulations, the minimum area for a proposed PUD is generally 15,000 square feet in the C-2-A and C-2-C Zone Districts, provided such minimum area may be reduced by up to 50 percent in the event the Zoning Commission finds that (i) the development is of “exceptional merit” and in the “best interest of” the District, and (ii) at least 80 percent of the gross floor area of the development is to be used exclusively for dwelling units and uses accessory thereto. Since the Property contains 7,610 square feet of lot

area and is located outside of the Central Employment Area, the Applicant requests that the Zoning Commission permit a reduction to the required lot area for a PUD. Once the Project is determined to be eligible for consideration as a PUD, the Zoning Commission must subsequently find that the PUD (i) does not have an unacceptable impact on the surrounding area and the operation of city services and facilities, (ii) is not inconsistent with the Comprehensive Plan and other adopted public policies and programs, and (iii) offers project amenities and other public benefits that are superior to what would likely be provided under matter-of-right development. The Project's compliance with the alternative discretionary minimum area requirements and impact on the surrounding area and city services and facilities are discussed below.

#### Exceptional Merit/Best Interests of the District

The Applicant respectfully submits that the Project is of exceptional merit and in the best interest of the District. The exceptionally meritorious aspects of the Project include: (i) provision of new housing and economic development opportunities in a transit-rich location; (ii) restoration and rehabilitation of a historic building that will positively contribute to the re-emergence of the 9th Street main street corridor; (iii) exceptional architecture and urban design that results in a context-sensitive mixed-use development that solves for appropriate density without overpowering nearby buildings; (iv) closure of a curb cut along M Street and the concomitant pedestrian comfort and safety benefits with respect thereto; (v) infill and improvement of an in-part vacant and an in-part underutilized lot directly across from a major District tourist destination; and (vi) the provision of a benefits and amenities package for the community, the public and residents.

The Project is in the best interests of the District because it is a realistic development of the site that offers the above-listed merits with minimal adverse impacts, and a realistic

likelihood of completion. The Property is an unusually-configured lot and is subject to a number of constraints. The Project's design has carefully addressed the site constraints and is an enhancement to the site. Approving the Project to proceed as a PUD will result in a higher quality outcome for the District and the neighborhood than a matter-of-right alternative project. Therefore, allowing the Project to proceed as a PUD is in the best interests of the District and other important stakeholders, including the Shaw neighborhood, the 9th Street retail community, the Convention Center, and the residents of the neighboring Whitman Condominium. Further, this specific PUD allows for a suitably sized redevelopment project, offering a number and variety of benefits and directly incorporates feedback from, and addresses the sensitivities of, adjacent neighbors. A PUD allows a developer to overcome the constraints that have been restraining development on this site.

#### Gross Floor Area Requirement

The Project's overall gross floor area will be approximately 40,290 GSF.

If the Project's second level is utilized as a commercial use, of the total area, approximately 7,644 GSF (or approximately 19 percent) will be devoted to non-residential uses. Therefore, approximately 81 percent of the Project will be devoted to dwelling units and uses accessory thereto. If the Project's second level is utilized as a residential use, of the total area, approximately 3,723 GSF (or approximately 9.2 percent) will be devoted to non-residential uses. Therefore, approximately 91.8 percent of the Project will be devoted to dwelling units and uses accessory thereto.

For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission find that the Project satisfies the Zoning Regulation requirements for a reduced PUD minimum area, and approve the Project for review and approval as a PUD.

## **B. Project Impact On the Surrounding Area**

The PUD Evaluation Standards, at 11 DCMR § 2403.3, state: “The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

The Applicant submits that the impact of the Project on the surrounding area will be favorable because it will: (i) bring much needed new housing, economic opportunity, and jobs to the neighborhood, (ii) provide community-serving ground floor uses consistent with the re-emerging retail character of the 9th Street corridor, (iii) promote the goal of transit-oriented development, (iv) offer a high-quality urban design that is both complementary to and enhances the existing fabric of the historic Shaw neighborhood, and (v) restore a currently unattractive and underutilized site across from a major destination for visitors and tourists. Along with other recently approved and under construction projects in the surrounding area and on the same block, the Project will continue the emergence of Shaw as a vibrant and transit-oriented neighborhood adjacent to Downtown.

The Project’s delivery of new housing and lower floor commercial space are favorable for the surrounding area. Shaw and other neighborhoods near Downtown continue to experience strong demand for housing. The Project will contribute to this much-needed housing supply in an incremental and thoughtful way, offering units with a mix of unit types and configurations proximate to Downtown’s vast array of jobs and services. The Project’s residential component will help to meet the housing needs for the area’s new workers as well as current neighborhood residents seeking new housing opportunities. In addition, the Project will contribute incrementally to the reemergence of the 9th Street commercial corridor. Although a specific



tenant has not yet been specifically identified at this point, the Project's 9th Street ground and (potentially) second floor use will be compatible with its neighboring uses and contributory to the feel and pedestrian-oriented activity levels desirable for that corridor. The Project's small footprint lower level commercial spaces invite entrepreneurs or small business owners to establish a foothold in a location proximate to and highly visible to a major destination for out of town visitors. By providing newly revitalized commercial space near Convention Center, the Project will provide opportunities to capture the positive economic benefits of a major public works investment and simultaneously contribute to the value of that investment. The non-residential lower floor uses will also bring permanent jobs to the Shaw neighborhood in addition to the many construction-period jobs created during the Project's development.

A variety of mobility options mitigate any possible impacts from the Project's reduction of parking on the surrounding area. As noted above, the Project enjoys strong transit proximity with the entrance to the Convention Center Metrorail station just a block away. Multiple bus lines serve streets adjacent to the Property, and the nearest Capital Bikeshare station is also less than a block away. Due to the wealth of transit options, the proximity to Downtown, and the emergence of various car-sharing and car service options, residents can plausibly occupy these units without ever needing to own a personal vehicle. Further, the Applicant is committed to delivering a strong TDMP, after coordinating with its traffic consultant, Wells and Associates, DDOT, the surrounding community and ANC.

The Project's proposed height, massing, architecture, and mix of uses are consistent with current development projects in the area and with the District's planning goals for the future of this area as articulated in the Area Plan. Thus, the Project's design produces a favorable impact on the surrounding area. Given the Project's position in the early stage of development of the 9th

Street corridor, it will burnish this stretch of the corridor and set the standard for the future restoration and adaptive rehabilitation of the existing retail building inventory nearby. Likewise, the Project offers a context-sensitive reflection to the brick townhouses on the north side of M Street, while filling in a gap and removing a curb cut along the south side of the street. Further, it will step down from the size of the Whitman Condominium – constructed to 110 feet – down to the sizes of structures along 9<sup>th</sup> Street.

In addition, it should be noted that this Property has a WalkScore of 96 out of 100 and a TransitScore of 100 out of 100. Walkscore utilizes a proprietary algorithm to determine a location's walkability and access to transit using hundreds of data points. TransitScore indicates how accessible mass transportation is to a specific property. The scores of the Property highlight its unique access to local amenities and transportation and the importance of constructing a building that respects its community, neighbors, and history while providing for an appropriately scaled building, encouraged by the Comprehensive Plan and beneficial to the District.

Finally, the Project continues the recent favorable trend of improvement to the appearance of the area immediately surrounding the Convention Center. The redevelopment along the streets surrounding the Convention Center sends a strong and positive message to out-of-town visitors and convention-goers that the District is open for business, vital, and thriving. The integrated construction of a new ten-story building signals the continuing growth and vibrancy Downtown. Simultaneously, the rehabilitation of the Existing Building sends a strong, positive message relating to the valuable history of the neighborhood and importance of the existing fabric. The Project will contribute strongly to the Shaw neighborhood's strong sense of place and its uniqueness as a diverse medium-density residential and retail enclave immediately adjacent to Downtown and the Convention Center.

### **C. Project Impact on City Services and Facilities**

The proposed Project will not have an adverse impact on the transportation, water and sewer, and school public facilities that it will rely on for service.

#### Transportation and Parking

The Project will provide two off-street parking spaces as well as space for off-street loading accessible via the alley. The Project's lack of parking will not result in negative impacts to the District or the surrounding neighborhood that either are unacceptable or cannot be mitigated. The Applicant will provide the Wells and Associates final traffic impact study, including traffic and parking mitigation measures and a TDMP as soon as it is available.

The Project's location is its strongest mitigation for its reduced parking. The Project has numerous transit and mobility options immediately nearby. The Metrorail, WMATA buses, bike-sharing and bike lanes, well-maintained sidewalks, and a variety of commercial car-sharing services all serve the Property. The Property is well-located and easily walkable to major employment centers Downtown and at the Capitol. The Project is a one-seat subway ride to other large employment centers in Arlington and Alexandria. In addition, the Project is a one-seat ride to the Columbia Heights shopping area in one direction or the Verizon Center, ballpark, or airport in the other direction. Likewise, the Project is a one-seat bus-ride to either Union Station or Georgetown. Living without a car is not only a viable option for future residents of the Project, it is economically sensible to do so. Despite these elements of the Project, the Applicant is committed to delivering a strong TDMP that keeps the residents of the Project from street parking around its location. The Applicant understands the community's sensitivity on this point and will work with the community and its consultants towards a mutually agreeable solution.

The Project will also produce favorable impacts to the surrounding pedestrian environment along 9th Street and M Street. The Project will enhance the pedestrian experience by filling in a vacant lot along M Street and removing a curb cut, thereby contributing to the inventory of on-street parking. The Project's restored 9th Street façade, which forms the streetwall along the sidewalk, will result in a significantly more pleasant experience for pedestrians, shoppers, and visitors than the current storefront.

#### Water/Sewer Demand

The water and sanitary service usage resulting from the Project will have an inconsequential effect on the District's existing delivery systems. The site is currently served by all major utilities. The Project's proposed storm water management and erosion control plans will minimize impact on the adjacent properties and existing storm water systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project.

Further, as more specifically detailed in Section VII, no adverse environmental impact will result from the construction of this Project.

#### Public Schools

The Project is highly unlikely to have an unacceptable impact on schools in the District given the size of the Project, its mix and type of units, and the capacity for the District's nearby schools to take on additional students.

Regarding the impact on the District of Columbia Public Schools ("DCPS") system, the Project is within the boundaries of Thomson Elementary School at 1200 L Street, NW; The School Without Walls [Middle School] at Francis-Stevens at 2425 N Street, NW; and Dunbar Senior High School at 101 N Street, NW. DCPS data shows that all of the Property's

neighborhood schools are below capacity based on the most recently available data: for 2013-14, Thomson had an enrollment of 289 students in a building with a capacity for 320, The School Without Walls had an enrollment of 284 students and a building capacity of 440, and Dunbar had an enrollment of 628 students a building with a capacity for 1,100. In addition, several other private and charter schools are in the general vicinity of the Project, offering educational options to residents who may seek alternatives to the neighborhood public schools.

Moreover, in this neighborhood, as in the city as a whole, the population of school-age children is declining while the population of childless households is increasing. Due to these trends, the current under-enrollment of the neighborhood public schools, the Applicant expects that the school network is able to accommodate the school-age children that may reside at the Project.

**V. THE APPLICATION IS “NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN AND WITH OTHER PUBLIC ADOPTED POLICIES [...] RELATED TO THE SUBJECT SITE.” 11 DCMR § 2403.4.**

**A. Comprehensive Plan**

The proposed PUD is not inconsistent with the Comprehensive Plan and meets numerous goals and policies enumerated in the Comprehensive Plan for the National Capital adopted in 2006 (the “**Comprehensive Plan**”).

The purposes of the Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural

assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. See DC Code Section 1-245(b).

Generally, the Project advances these purposes by furthering the social and economic development of the District through the construction of new residential units on underutilized land (including opting into and achieving the requirements of Housing Priority Area A on site), providing new lower level commercial offerings in a re-emerging “main street” corridor, contributing to the vibrancy of the neighborhood surrounding a major economic driver for the District, and improving the urban design and public space surrounding the Property.

### **1. Compliance with Citywide Elements**

The Project advances the goals of several of the citywide elements of the Comprehensive Plan, as follows:

#### **a. Future Land Use Map**

The Property is located within areas designed for High Density Residential Land Use and High Density Commercial Land Use on the Future Land Use Map. Such designation supports the construction of a high-quality and dense residential project with lower level commercial uses on a site that is currently underutilized. The proposed Project, with an FAR of 5.3 and a height of 100 feet, and the requested Zoning Map amendment to the DD/C-2-C Zone District are not inconsistent with the High Density Residential and High Density Commercial Land Use Categories for the Property. Indeed, it could be well-argued that the current zoning of the Property – of DD/C-2-A – is not consistent with the Property’s Comprehensive Plan Land Use Map designation.

#### **b. Generalized Policy Map**

The Generalized Policy Map (“GPM”) includes the Property in a “Main Street Mixed Use Corridor.” Under the terms of the GPM, such a corridor is appropriate for a “pedestrian-oriented environment with traditional storefronts” with “upper story residential.” The Project proposes ground floor, pedestrian-oriented uses, rehabilitation of the traditional storefront of the Existing Building, and upper story residential, all of which are consistent with the GPM. In keeping with the statement of the GPM that “Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs,” the Project proposes to preserve and restore an existing structure, enhance it with upper story construction to provide neighborhood-scale economic development and housing benefits. Further, the Project is restoring an atypically large portion of the Existing Structure – by retaining and integrating the most essential elements of the Existing Building from the 9<sup>th</sup> Street façade all the way to the rear of the structure. Finally, the GPM states that in the Main Street Mixed Use Corridors, “development or redevelopment . . . should support transit use and enhance the pedestrian environment.” Again, the Project is consistent with the GPM as it proposes little parking (capitalizing on transit access) and improvements that will enhance the pedestrian experience on both M Street and 9th Street.

c. Land Use Element

The Plan devotes a great deal of attention to the preeminence of transit-oriented development and the importance of mixed-use development. The Project advances the following policies of the Land Use Element:

- **Policy LU-1.1.1: Sustaining a Strong City Center** – Provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center. Promote continued reinvestment in central city buildings, infrastructure, and public spaces; continued preservation and restoration of historic resources; and continued efforts to create safe, attractive, and pedestrian-friendly environments. 304.6
- **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. 306.10
- **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 306.11
- **Policy LU-1.3.3: Housing Around Metrorail Stations** – Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 306.12
- **Policy LU-1.3.4: Design To Encourage Transit Use** – Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots. 306.13
- **Policy LU-1.3.5: Edge Conditions Around Transit Stations** – Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards. 306.14
- **Policy LU-1.3.6: Parking Near Metro Stations** – Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters. 306.15



- **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.4
- **Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods** – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. 309.8
- **Policy LU-2.1.4: Rehabilitation Before Demolition** – In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition. 309.9
- **Policy LU-2.1.10: Multi-Family Neighborhoods** – Maintain the multi-family residential character of the District’s Medium-and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible. 309.15
- **Policy LU-2.4.2: Hierarchy of Commercial Centers** – Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs. 312.6

With respect to Policy LU-1.1.1, the Project contributes to the reinvestment in a block adjacent to the Central Employment Area and immediately across from a major District economic engine and a massive District investment – the Convention Center. The Project takes advantage of its proximity to a Metrorail Station by promoting density on an infill site and reducing the need for automobile traffic and automobile ownership through limited on-site parking. The multi-level vertical forms and strong street presence encourage walking, biking and transit and are respectful of the character of the lower buildings on the north side of M Street. Pursuant to Policies LU-2.1.3 and 2.1.10, the Project successfully balances expanding housing supply and neighborhood-scale economic growth by inviting an appropriately-scaled multi-family building into a neighborhood with diverse and historic housing stock. By preserving

and restoring the Existing Building, the Project advances Policy LU-2.1.4, which prioritizes rehabilitation over demolition. Finally, the Project supports the objective of developing a hierarchy of commercial centers as set forth in Policy 2.4.2 – in this case a mixed use main street with a contiguous line of narrow store fronts.

d. Transportation Element

The proposed development is consistent the following Transportation Element policy:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. 403.10
- **Policy T-1.2.3: Discouraging Auto-Oriented Uses** – Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.8

As mentioned above, the Project will be an ideal example of transit oriented development under Policy T-1.1.4 by adding new housing and non-residential uses at a site served by multiple transit options. The Property’s proximity to public transportation makes it a prime location for additional density and encourages bicycling and walking by virtue of its proximity to Downtown and other nearby, walkable and bikeable neighborhoods. In addition, the Project’s overall design orients the buildings to the street line, removes a curb cut, and generally discourages auto-dependent uses consistent with Policy T-1.2.3. Further, the Project’s strong TDMP will further encourage the use of mass transit options around the Property while discouraging the use of autos.

e. Housing Element

The PUD is consistent with the following goal and policies of the Housing Element:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of

historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. 503.1

- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2
- **Policy H-1.1.4: Mixed Use Development** – Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers and around appropriate Metrorail stations. 503.5
- **Policy H-1.1.6: Housing in the Central City** – Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city. 503.7

The Project will expand the District's housing supply in a mixed-use setting. By providing approximately 28 (or 33) new residential units in a Downtown neighborhood with a severe shortage of available housing supply and high demand, the Project promotes Housing Element's multi-unit residential development objectives. The Project will produce housing on an underutilized commercial site near the Central City and will support the development of additional housing in the area. The residential building will be of a high quality design and will incorporate high quality materials.

The Project will also provide affordable and workforce housing at an important, centrally-located site in the DD Overlay where it would not otherwise be required. This is a significant benefit for the District and highly unusual.

f. Urban Design Element

The Project furthers many of the policies of the Urban Design Element:

- **Policy UD-2.1.3: Downtown Edges** – Establish and maintain scale and density transitions between Downtown and adjacent lower density neighborhoods. Use variations in height, massing, and architectural quality to ensure that the fine-grained pattern of adjacent neighborhoods is protected. 909.10
- **Policy UD-2.2.1: Neighborhood Character and Identity** – Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6
- **Policy UD-2.2.2: Areas of Strong Architectural Character** – Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk. 910.7
- **Policy UD-2.2.4: Transitions in Building Intensity** – Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11
- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. 910.12
- **Policy UD-2.2.6: Maintaining Facade Lines** – Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm. 910.13
- **Policy UD-2.2.7: Infill Development** – Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.14
- **Policy UD-3.1.6: Enhanced Streetwalls** – Promote a higher standard of storefront design and architectural detail along the District’s commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. 913.13

The Project design acknowledges and embraces the importance of the site location at the intersection of the largely-residential and historic Shaw neighborhood and the re-emerging 9th Street “main street” commercial corridor. The building design relates to its location at the very

edge of Downtown along 9th Street by concentrating the building's mass along that margin and stepping down along M Street. The Property embraces the height of the Whitman Condominium and steps down from it towards the 9th Street corridor. The Project will meld into The Whitman's existing envelope while presenting a visual independence through the combination of its unique material palette, fenestration pattern, and rooftop spaces. It also incorporates feedback from neighboring residents to leave open the rear façade of the Whitman Condominium. The Project's design will also allow for the blending of the scale of the Convention Center immediately across the street and its supporting hotels just to the south.

The careful design compensates for the density encouraged by its proximity to Downtown and the Metrorail station. The distinct character of each of 9th Street and M Street is respected through the Project's careful massing, architectural detail, and the different proposed uses along its two frontages. The multi-volume design allows the M Street façade ample breathing room as the project steps back more than 85 feet from the M Street property line before rising again midblock along 9th Street. The Project takes advantage of its transit-oriented location to provide much-needed density on the site, but manages to do so without overpowering adjacent structures.

At the street level, as shown on Pages 36-38 and 41, the Project continues the finer grain of the historic Shaw neighborhood. The Project enhances the strong existing and re-emerging presence of streetfront retail along 9th Street by rehabilitating and thoughtfully integrating an existing vernacular structure. Likewise, the Project creates attractive façades along both streets it faces and improves the existing façade lines by filling in a gap in the streetwall. Of particular note, the rehabilitated 9th Street façade will respect the prominent cornice line of the Existing Building and its immediate abutters, a feature that will lend an authentically and uniquely

historic feel to this portion of 9th Street. The Project's strong commitment to the highest level of design is particularly salient given its location at an important intersection near a major tourist and out-of-town visitor destination.

g. Economic Development Element

The Project is consistent with the following Economic Development Element policies:

- **Policy ED-2.1.6: Local-Serving Office Space** – Encourage the development of small local-serving offices within neighborhood commercial districts throughout the city to provide relatively affordable locations for small businesses and local services (such as real estate and insurance offices, accountants, consultants, and medical offices). 707.11
- **Policy ED-2.2.1: Expanding the Retail Sector** – Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 708.5
- **Policy ED-2.2.5: Business Mix** – Reinforce existing and encourage new retail districts by attracting a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores to the city's shopping districts. 708.9
- **Policy ED-3.1.1: Neighborhood Commercial Vitality** – Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5
- **Policy ED-2.3.3: Amenities Beyond the Mall** – Promote the development of cultural amenities beyond the Mall in an effort to more fully capitalize on the economic benefits of tourism. 709.7

The Project provides an opportunity to incrementally expand economic opportunities in a largely residential neighborhood. New ground floor and second floor space will be reserved for non-residential uses such as a small office or a small footprint retailer or restaurateur. Given the floorplate of the new non-residential space, the Project would be an appropriate scale for a local entrepreneur or small business and would allow such a small business to take advantage of the considerable foot traffic and activity levels around the Convention Center. Similarly, by contributing to the main street feel of the 9th Street corridor adjacent to the Convention Center, the Project helps draw out-of-town visitors into District neighborhoods outside of the Mall area, allowing economic benefits to penetrate areas that had previously often been overlooked.

h. Historic Preservation Element

The Project is consistent with the following Historic Preservation Element policies:

- **Policy HP-2.3.2: Historic Image of the City** – Protect and enhance the views and vistas, both natural and designed, which are an integral part of Washington’s historic image. Preserve the historic skyline formed by the region’s natural features and topography and its historically significant buildings and monuments from intrusions such as communication antennas and water towers. Preserve the horizontal character of the national capital through enforcement of the 1910 Height of Buildings Act. 1010.4
- **Policy HP-2.4.1: Rehabilitation of Historic Structures** – Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation as suitable for the particular historic environment. 1011.6
- **Policy HP-2.4.2: Adaptation of Historic Properties for Current Use** – Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. 1011.7
- **Policy HP-2.4.3: Compatible Development** – Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. 1011.8
- **Policy HP-2.4.4: Suitability to the Historic Context** – Apply design standards in a manner that accounts for different levels of historic significance and different types of historic environments. Encourage restoration of historic landmarks while allowing enhancements of equivalent design quality, provided such enhancements do not damage the landmark. Exercise greater restraint in residential historic districts and areas with a clear prevailing development pattern or architectural style. Allow greater flexibility where the inherent character of historic properties can accommodate greater intervention or more dramatic new design, for example, in non-residential areas and in areas without a significant design pattern. 1011.9
- **Policy HP-3.2.2: Preservation and Neighborhood Identity** – Recognize the potential for historic preservation programs to protect and enhance the distinct identity and unique attractions of District neighborhoods. 1017.4

As described above, the Project is designed to be sensitive to the historic character of the surrounding neighborhood, to retain and rehabilitate an existing structure and to leverage the historic resources of the community and the Property. The Project reinforces Downtown views

along 9th Street and enhances the 9th Street façade that is emblematic of the historic main street commercial corridor that once existed and is now re-emerging. The Project has already undergone review and approval of HPRB. The preservation of the Existing Building is consistent with goals of developing the 9th Street identity around its historic storefronts on the block and blocks surrounding the Property. In addition, the Existing Building will be largely retained for its original use as a storefront while incorporating ground floor elements necessary to support the residential uses above. As noted above, the Project will capitalize upon and restore much of the unique texture of the Existing Building, lending its rich architectural ornamentation to the character of the 9th Street commercial district. Moreover, the placement of the residential entrance along 9th Street contributes the Project's residents as daily pedestrians on 9th Street, reinvigorating the historic use and character of the block. While the Project's rehabilitated historic elements are public benefits in their own right, the Project is designed overall to be aware of its historic context, and the new elements of the Project are fully compatible with the scale, form, and materials of the nearby historic structures.

## **B. Near Northwest Area Element**

The PUD site is located in the Near Northwest Area Element of the Comprehensive Plan and in the Shaw/Convention Center Policy Focus Area of that Area Element. The Project is consistent with the following policies and action of the Area Element:

- **Policy NNW-1.1.1: Residential Neighborhoods** – Maintain and enhance the historic, architecturally distinctive mixed density character of Near Northwest residential neighborhoods, including Burleith, Georgetown, Foggy Bottom, Dupont Circle, Sheridan-Kalorama, Logan Circle, Mount Vernon Square, and Shaw. Ensure that infill development within these areas is architecturally compatible with its surroundings and positively contributes to the identity and quality of each neighborhood. 2108.2
- **Policy NNW-1.1.2: Directing Growth** – Generally direct growth within the Near Northwest Planning Area to the eastern side of the Planning Area (Logan Circle and



- Shaw), given the strong market demand and limited land available on the west side, and the need for reinvestment and renovation on the east side. 2108.3
- **Policy NNW-1.1.4: Neighborhood Commercial Revitalization** – Improve the neighborhood shopping areas along 7th, 9th, and 11th Streets NW. The success of the established businesses on these streets should be strongly encouraged, and new businesses that provide needed goods and services to area residents should be attracted. 2108.5
  - **Policy NNW-1.2.10: Sustainable Development** – Encourage the use of green building practices within Near Northwest, with a particular emphasis on green roofs. Rooftop gardens should be encouraged in new construction and major rehabilitation projects as a way to create additional green space, reduce stormwater runoff, and provide an amenity for residents. 2109.10
  - **Policy NNW-2.1.2: Reinforce Existing Development Patterns** – Stabilize and maintain existing moderate-density row house areas within the Shaw/Convention Center Area. Locate multi-unit buildings in areas already zoned for greater density, including areas near the Mount Vernon Square and Shaw/Howard University Metrorail stations, and on publicly owned land with the potential for housing. Ensure that development on infill sites scattered throughout the row house portions of the Shaw/Convention Center area is consistent with the neighborhood’s character. 2111.6
  - **Policy NNW-2.1.5: 7th and 9th Street Corridors** – Locate retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for commercial uses. Continuous ground floor retail uses should be encouraged along sections of 7th and 9th Streets as designated in the 2005 Strategic Development Plan to create a traditional pedestrian-oriented Main Street pattern and establish a unified identity for the community. These corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses. 2111.9

As mentioned above, the Project thoughtfully maintains and enhances the historic and diverse architectural character of the Shaw neighborhood. The Project’s high quality design will contribute to the area’s character as an architecturally-rich neighborhood. Consistent with Policy NNW-1.1.2, the Property is located on the eastern side of the Planning Area, which area has more recently been in need of reinvestment and renovation, and along the 9th Street corridor, which has long been in need of providing rehabilitated buildings to attract new businesses. The Project will contribute to the re-emerging pedestrian-oriented commercial character of that street and provides a link in the chain of contiguous storefronts arriving in that corridor. The Project’s density is appropriate given its existing zoning and the nearby development patterns, especially

given its proximity to a Metrorail station. Finally, the Project includes a number of sustainability-oriented design features, including a green roof, a higher than required Green Area Ratio, and LEED Silver design. The Project thoughtfully contributes to the overall objectives of the Near Northwest Area Element.

### **B. The Application Promotes the Objectives of the Convention Center Area Strategic Development Plan**

The Area Plan places the Property in the Convention Center/Hotel sub-area and identifies the Property as appropriate for the highest-density development in the study area, with lower level commercial uses and upper-story residential uses. The Area Plan expressly identifies the 9th Street corridor as appropriate for a traditional main street-like development that serves local residents and convention-goers. The form and density of the proposed Project are consistent with these designations.

The Area Plan provides recommendations and objectives for new residential and commercial development in the study area. With respect to new residential development in the study area, applicable objectives include:

- *Reinforce Existing Patterns of Residential Development*: Ensure that development on infill sites scattered throughout residential areas is designed to be consistent with neighborhood character.
- *Locate Multi-unit Buildings in Areas Already Zoned for Greater Density*: Encourage development of multi-family apartments and condominiums on parcels that are vacant.

As noted above, the Project site is an infill location that deftly balances the differing interests of 9th Street and M Street and leverages its proximity to transit, the Convention Center, and Downtown. Likewise, the Project is a multi-family development will take place on a largely-vacant and entirely under-utilized parcel that is, in part, currently zoned for the densities proposed.

The Area Plan further provides that in the Convention Center/Hotel sub-area new development should:

- Ensure that the pedestrian scale and main street character of the historic buildings are retained or sensitively incorporated into new development.
- Improve facades and preserve architectural history of retail buildings on 7th and 9th Streets.
- Retail space should have higher than typical ceiling clearance.
- The first floor facade of buildings with ground floor retail shall be devoted to building entrances and projecting or flat storefronts that are predominantly clear glass.
- Maintain typical storefront width for block and similar pattern of windows and doors of adjacent buildings.
- Garage and service entrances should be from the alley, not on front elevations.
- Materials shall be of high quality, providing a sense of detail scale and visual interest.
- Through-wall HVAC units are not allowed on public elevations.

The Project is consistent with each of the above-listed objectives to the extent feasible given the objective of preserving the historic nature of the Existing Building. That is, although the ground floor space along 9th Street will have tall ceilings of approximately 13 foot in height, that façade will be two stories, consistent with the Existing Building. The first floor along 9th Street will include both the entrance to the upper story residential uses as well as a predominantly clear glass penetration. Also consistent with the objectives of the Area Plan, all vehicular access is from the rear alley and a curb cut along the M Street front elevation is removed to improve the pedestrian experience and restore the historic streetscape.

## **VI. THE APPLICATION PROVIDES SUPERIOR PUBLIC BENEFITS AND PROJECT AMENITIES**

The PUD Evaluation Standards, at 11 DCMR §§ 2403.5-2403.7, require the Commission to “evaluate the specific public benefits and project amenities of the proposed Development.”

That Section continues:

Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title. A project amenity is one type of public benefit, specifically a functional or aesthetic feature of the proposed development that

adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.

Working with the District and the ANC, the Applicant is in the process of developing a comprehensive package of public benefits and project amenities. This package continues to evolve based on these contacts and will be presented to the Commission prior to the hearing for this case.

**A. Review of Project under Section 2403.9**

The PUD Evaluation Standards, at Section 2403.10, provide that “a project may qualify for approval by being particularly strong in only one or a few” of the public benefits and project amenities listed in Section 2403.9, “but must be acceptable in all proffered categories and superior in many.” The Applicant respectfully submits that the Project provides superior public benefits and project amenities in these categories. The Applicant’s benefits and amenities are in the following categories:

**1. Urban design and architecture (§ 2403.9(a))**

Section 2403.9(a) lists urban design and architecture among the categories of public benefits and project amenities for a PUD. As shown in the Plans, the Project exhibits the characteristics of exemplary urban design and architecture. The Project provides a superior design that fully responds to the site location and history while efficiently integrating a mix of uses that will directly benefit the neighborhood.

The Project’s design will contribute to the Shaw neighborhood’s strong visually interesting sense of place, incorporating elements from the area’s past, while tying it to an exciting and vibrant future of new residential opportunities and a re-emerging 9th Street commercial corridor. The multiple volumes respect the existing grain of the block and add a contemporary feel that is respectful of the surrounding historic architecture without being

pedantic. At the ground level, the Project enhances the pedestrian experience along the sidewalk and will add visual interest. Extra-height retail space with glass storefronts are a project amenity benefiting shoppers, passersby, and commercial tenants. In addition, the Project's residents will contribute to the pedestrian activity in the area and will put "eyes on the street". The building will be composed of historic materials along 9th Street and high quality new and modern materials on the upper levels and along M Street. The building's design and materials add visual interest and contribute to the existing building type and material diversity in existence in the Shaw neighborhood today.

Although the Applicant is not pursuing incentives typically related to renovation of historic structures such as historic tax credits, the Applicant believes that the retention of the Existing Building significantly contributes to the place-making desired by the Area Plan and will assist in helping 9th Street become a destination itself.

## **2. Site planning, and efficient and economical land utilization (§ 2403.9(b))**

Pursuant to Section 2403.9(b) of the Zoning Regulations, "Site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission.

The Project's design reflects creativity and engineering to synthesize the highly-beneficial residential and retail uses at the Property, with loading facilities and parking spaces to the rear of the site and hidden from public view. The Project makes the Property's unusual configuration a virtue, using it to present to two streets at different heights and to infill between a new large building and an older three story building. The Project efficiently and economically uses a currently vacant and underutilized site for transit-oriented housing and community-serving ground floor commercial uses. Illustrating the Project's superior site planning, the residential

design achieves the principles of context-sensitive transit-oriented development and strikes a careful balance between household density for a successful urban project and overcrowding in an established neighborhood. The Applicant also incorporated feedback from its neighbors into the Project a significant manner.

**3. Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts (§ 2403.9(c))**

The Zoning Regulations, pursuant to Section 2403.9(c), state that “effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impact” can be considered public benefits and project amenities of a project.

As previously described above, the Project is an exemplary specimen of a transit oriented development that reduces vehicular traffic on the Downtown street network. The Project is appropriately dense for its location within a block from a Metrorail Station and in a location readily served by multiple bus lines. It will provide potential new riders for the Metrorail system at this location and is well suited for pedestrians, bikers, and transit-users to commute to work Downtown or to a variety of shopping, entertainment, and cultural destinations. The proximity and convenience to Metrobus, Downtown, and the Central Employment Area will help to reduce dependence on the private personal vehicles and allow residents to experience a live/work urban environment. Residents in the Project will be able to use public transit to and from work, and then they will be able to shop and dine near home.

In addition, the Project produces benefits for pedestrians at the site itself. The Project’s design locates parking and loading to the rear of the site, which parking and loading is accessible

via an existing alley. The removal of an existing curb cut will reduce pedestrian-vehicle interactions on the sidewalk and at the curb and improve safety and comfort for pedestrians.

Also of importance, the Project will provide car share spaces at the rear of the Property, subject to agreement by car share companies that will be available for use by the public at large.

#### **4. Historic Preservation of Private Structures (§ 2403.9(d))**

As described in detail above, the Project's retention and rehabilitation of the Existing Building is a superior public benefit because that building is part of a row of several existing vintage storefronts along 9th Street. The Project's rehabilitation of the Existing Building supports the objective of using 9th Street's historic retail core as a unique identity in an effort to attract new users and to provide economic opportunities for the Shaw neighborhood. The restoration of the Existing Building and its incorporation into the Project comes at significant cost.

#### **5. Housing (§ 2403.9(f))**

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. The Project will create 28 (or 33) new residential units in the Shaw neighborhood, where housing is in high demand and opportunities for new development are severely limited. Since the Property is currently zoned C-2-A and C-2-C, and could otherwise allow commercial uses, the entirety of the housing component should be considered a public benefit.

Further, the PUD and requested Zoning Map amendment would also include the Property in Housing Priority Area A. The Housing Priority Areas were created in part to require substantial components of residential development in projects. The Project achieves such requirement as it would deliver at least 4.5 FAR of residential use at this important infill

location. It is unusual for a property to opt into a Housing Priority Area and provide the high residential requirement such subarea demands.

Perhaps most importantly, the Project will provide a component of affordable and workforce housing. Specifically, the Applicant proposes to set aside: (i) two percent (2%) of the residential component of the Project for households earning no more than 80% of the Washington, DC Area Median Income (“AMI”), and (ii) two percent (2%) of the residential component of the Project for households earning between 80%-120% of AMI (ie, workforce housing). Therefore, a total of four percent (4%) of the Project’s residential component would be set aside as affordable. Since this Property is located in the DD Overlay, it is completely excluded from the IZ program. Therefore, the offering of this amenity is of significant value to the District and public at large, particularly at this location.

#### **6. Environmental benefits (§ 2403.9(h))**

According to Section 2403.9(h), “environmental benefits such as [...] stormwater runoff controls in excess of those required by the Stormwater Management Regulations; use of natural design techniques that store, infiltrate, evaporate, treat and detain runoff in close proximity to where the runoff is generated, and preservation of open space or trees” are deemed to be public benefits and project amenities. The Project will be designed to achieve the equivalent a LEED Silver, including the energy efficiency requirements it sets forth.

In addition, the Project will incorporate extensive sustainable features. Of particular note, the Project will exceed the Project’s Green Area Ratio requirement to achieve a GAR of 0.325. Other sustainable features include large areas of both intensive and extensive green roof, water efficiency measures such as low-flow plumbing fixtures, a highly efficient residential mechanical system, and low-emitting finishes for a healthier interior environment. The retention



of the Existing Building minimizes construction debris and avoids wasting its embodied energy. Another unique environmental benefit of the Project is its reduction of the amount of parking spaces. The lack of accommodation for cars is compatible with goals of reducing vehicle emissions and mitigating the effects of climate change. Residents thusly have an incentive to live car-free and rely on the many mobility options available to Downtown residents and will be further encouraged in this direction by a robust TDMP.

**7. Uses of special value to the neighborhood or the District of Columbia as a whole (§ 2403.9(i))**

According to Section 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The addition of approximately 28 (or 33) new households will result in the generation of additional tax revenues in the form of property, income, sales, use, and employment taxes for the District. In addition, these new residents will have an interest in a previously-neglected neighborhood, and they will add neighborhood activity from dawn till night, where little currently occurs.

The Project’s contribution to the re-emergence of 9th Street is of particular significance. 9th Street is a very public face of the District to many visitors, and it has long been an uninviting and underutilized. The recent tenancy of boutique restaurants and the ongoing addition of anchoring developments immediately south of the Property and north of the Property in the direction of City Market are positive indications that the corridor is on the upswing. The Project will continue that momentum and play a vital role in incrementally linking the commercial corridor together to present, what will ultimately become a local destination in its own right and a neighborhood that benefits from and provides benefits to the Convention Center crowds.

Further, the Applicant has been in discussions with the ANC and local community regarding a contribution for the continuing improvement of Gompers Park. The Applicant is

working with Gompers Park and community to detail a specific program for the deployment of approximately \$10,000 from the Applicant.

### **8. Comprehensive Plan (§ 2403.9(j))**

According to Section 2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the Project is consistent with and furthers many elements and goals of the Comprehensive Plan, the Near Northwest Area Element, and the Area Plan.

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

Section 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. The Applicant has addressed this issue in the text of the statement, particularly in this Section VI above. The additional density and flexibility afforded through the PUD process allow the Applicant to construct such a well-designed project.

## **VII. ENVIRONMENTAL ANALYSIS FOR SECOND STAGE APPLICATION**

### **A. Water Demand**

The Project will contain approximately 40,290 GSF of development, and the average daily demand for water is estimated to be approximately 5,310 gallons per day. The District’s existing water system can accommodate the demand that this Project creates. The proposed connection for fire water supply will also be made within the existing distribution system and will be coordinated with DC Water.

### **B. Sanitary Sewer Demand**

The average daily demand on the sanitary sewer system for the Project is estimated to be approximately 5,310 gallons per day. The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with DC Water.

### **C. Stormwater Management**

The Project will accommodate its storm water run-off with a stormwater management system in compliance with standards set by the District Department of the Environment. The proposed systems will be designed, constructed, and maintained in accordance with standards set by the District Department of the Environment.

### **D. Solid Waste Services**

Solid waste will be collected by the District of Columbia from covered receptacles for appropriate disposal.

### **E. Electrical Service**

Electricity for the Project will be provided by the Potomac Electric Power Company in accordance with its general terms and conditions of service. All electrical systems will be designed to comply with the District of Columbia Energy Code.

### **F. Energy Consumption**

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code and with the energy efficiency requirements of the LEED® Silver rating system. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings. Indeed, the Applicant is incorporating a highly efficient residential mechanical system.

### **G. Erosion Control**

During excavation and construction, erosion on the project site will be controlled in accordance with District of Columbia law.

### **VIII. COMMUNITY OUTREACH**

As stated above, the development team has engaged in discussions about the Project with many community stakeholders over the past several months. First and foremost, the Applicant has had numerous meetings with the neighbors in the adjacent Whitman Condominium Building. These meetings resulted in the significant redesign of the proposal, which originally proposed the residential tower to be located largely behind the Whitman Condominium Building at the rear of the Property. The instant design resulted from pushing the height and massing away from the Whitman Condominium and to its currently proposed location. Additionally, the Applicant has presented to ANC 2F, the ANC 2F Community Development Committee, and other community groups and stakeholders as described above to ensure the Project simultaneously achieves the goals of the District of Columbia, the community, and the Applicant. The Applicant received a letter from ANC 2F in support of the historic preservation concept review in H.P.A. Case No. 15-487. The Applicant and development team will return to the ANC for a presentation relating to zoning issues during the PUD application process and will continue to meet with the ANC thereafter and throughout the course of the Project.

In addition, the Applicant has reached out to other community groups such as Shaw Main Streets to ensure inclusion in this process and will meet as desired by such groups.

The Applicant has every intention of ensuring that the Project is a warmly-welcomed neighbor and that its residents and any commercial tenant assimilate seamlessly into their surrounding community.

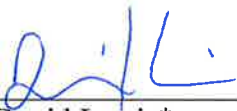
## **IX. CONCLUSION**

The Applicant submits that the Project complies with the requirements of Chapter 24 and related provisions of the Zoning Regulations applicable to Zoning Commission review and approval of Consolidated PUD and Related Map Amendment applications; complies with the 1910 Height of Buildings; is consistent with the Comprehensive Plan, and the Area Plan; will provide significant public benefits that would not be provided by matter-of-right development; and will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia.

For the foregoing reasons, the Applicant submits that the Consolidated PUD and related Map Amendment application should be set down for a hearing by the Zoning Commission at its earliest convenience.

Respectfully submitted,

By:    
Jeffrey Utz

By:   
David Lewis\*

\*not admitted in the District of Columbia.  
Admitted in Massachusetts.