

**Portner Place
1441 - 1449 U STREET, N.W.**

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

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I. INTRODUCTION

This statement and the attached documents are submitted by Portner Place, LLC (the "Applicant"), a development entity formed by Jonathan Rose Companies and Somerset Development Company, in support of its application to the Zoning Commission of the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and a zoning map amendment to rezone Lot 208 in Square 204 (the "Subject Property") from the R-5-B District to the R-5-D District and the CR District.

The Subject Property has a land area of approximately 47,170 square feet. The Subject Property has approximately 201 linear feet of frontage on U Street and approximately 131 linear feet of frontage on V Street. Square 204 is located in the northwest quadrant of the city and is bounded by V Street to the north, 14th Street to the east, U Street to the south, and 15th Street to the west. The site is within 0.2 miles (two blocks) of the U Street Metrorail Station, which services the Green and Yellow Metrorail lines. As shown on the photographs and existing conditions survey included in the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the Subject Property is currently improved with the Portner Place Apartments, a 48-unit HUD Section 8 housing complex that is comprised of three garden apartment style buildings set back from the street and surrounded by surface parking lots. The Applicant proposes to raze the existing buildings in connection with redevelopment of the Subject Property with the cooperation and support of the existing residents. The Applicant will offer temporary housing to all current residents as close as possible to the Subject Property, and will offer all current residents the opportunity to move back in to the new building once completed. The Applicant has been working closely with the U.S. Department of Housing and Urban Development ("HUD") to maintain the housing subsidy for the existing residents

through a pass-through contract of the existing Section 8 contract. The Applicant is engaging Transitional Housing Corporation to provide support services to current residents, assist families in the relocation process, and implement programs and services for residents once they return to the proposed new building.

The Applicant purchased the Subject Property in September, 2013, in collaboration with the existing Portner Place Tenant Association through the Tenant Opportunity to Purchase Act ("TOPA"). Redevelopment of the site provides a unique opportunity to expand affordable housing, along with new market rate housing and retail/commercial opportunities, in the vibrant U Street neighborhood, one of the strongest residential submarkets in Washington, D.C. The PUD will include new housing for the current Portner Place residents, as well as additional mixed-income housing and retail, and will integrate innovative, sustainable design principles, emphasize resident health and wellbeing, and acknowledge the historic fabric of the neighborhood. The PUD is well aligned with the District's and HUD's priorities for expanding housing options in walkable, infill locations with excellent access to public transportation.

The Subject Property is designated in the Medium Density Residential land use category on the District of Columbia Comprehensive Plan Future Land Use Map. The northern portion of the Subject Property is designated in a Neighborhood Conservation Area on the Generalized Policy Map, and the southern portion of the Subject Property is designated in a Main Street Mixed Use Corridor on the Generalized Policy Map.

The Applicant is seeking consolidated PUD approval and a zoning map amendment to develop an apartment house with ground-floor retail on the Subject Property in accordance with the R-5-D and CR PUD zoning requirements. The project is proposed to be divided into two sections: the northern portion of the Subject Property fronting on V Street ("Wing A") will be

rezoned to the R-5-D District, and the southern portion of the Subject Property fronting on U Street ("Wing B") will be rezoned to the CR District. Wing A will have an FAR of 4.10, as permitted under the R-5-D PUD requirements, and will include approximately 91,012 square feet of residential uses on the first through eighth floors, including a ground floor community space, computer room, exercise room, management office, and residential lobby, and a second-floor laundry facility. Wing A is comprised entirely of affordable dwelling units: all of the approximately 96 affordable units will be marketed at or below 60 percent of the area medium income ("AMI"), including units for the residents who occupy Section 8 units, whose income was or will be at or below 50 percent of the AMI at occupancy of the building. Wing A will be constructed to a maximum height of approximately 75 feet, 8 inches to the main roof with a 3 foot, 6 inch parapet. The amount and depth of affordability proposed for the Subject Property is an extraordinary benefit for the community and the District as a whole.

The southern portion of the Subject Property fronting on U Street ("Wing B") will have an FAR of 7.52, as permitted under the CR PUD requirements, and will include a total of approximately 230,917 square feet of gross floor area, which will include approximately 221,197 square feet of residential uses on the 1st through 11th floors, comprised of approximately 270 market-rate units, plus a ground floor fitness room, yoga/cross-training studio, club room, sales/service offices, and lobby space. Wing B will also have approximately 9,720 square feet of gross floor area devoted to retail uses on the ground floor, plus an additional 5,060 square feet of retail on the P2 level. Wing B will be constructed to a maximum height of approximately 105 feet, 8 inches to the main roof with a 2 foot, 4 inch parapet.

The project also includes 137 off-street parking spaces as required for the proposed residential and retail uses, located on two levels in a below-grade parking garage accessed from

V Street. Wing A will contain 31 parking spaces on P1 and Wing B will contain 106 parking spaces on P1 and P2. A minimum of 200 bicycle parking spaces will also be provided on the P1 level with approximately 50 spaces in Wing A and 150 spaces in Wing B, with additional bicycle parking located on the ground level.

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

II. PROPOSED DEVELOPMENT

A. Project Description

The Applicant is seeking approval from the Zoning Commission to develop a mixed-use, multi-family residential building on the Subject Property in accordance with the R-5-D and CR PUD zoning requirements. The Subject Property is a through-lot between U and V Streets with no alley access, and is considered a single building for zoning purposes. As described above, the building will be divided into Wing A and Wing B, a development decision based on years of coordination with the site's current residents, who expressed a strong desire to have a separate entrance for the affordable units on V Street and units and amenities amenable to families. Wing A will be entirely devoted to new affordable housing units at 60 percent of the AMI or below, while Wing B will be entirely devoted to market-rate residential units, with a total of 14,780 square feet devoted to retail uses. The building will include a total of 366 dwelling units (plus or minus ten percent) and will have 137 on-site parking spaces located in two levels of below-grade parking. The new ground floor and cellar retail will activate the U Street façade and further enliven the U Street corridor.

Redevelopment of the Subject Property will transform the existing Portner Place Apartment complex, which is in a deteriorated condition, into a mixed-income community that

incorporates newly constructed affordable and market-rate housing into a single building. The project will replace the existing subsidized housing units on approximately a two-to-one basis, and the Applicant is in the process of extending the Section 8 contract with HUD to preserve the affordable rents. Using the market strength of the site, the Applicant will be able to preserve and expand the affordable units, and replace the current buildings with a new green, energy efficient building that will integrate and expand the current affordable housing into a new mixed-income and mixed-use community. In this case, private sector development will be leveraged to create new affordable and workforce housing, and revitalize the Subject Property.

B. Project Design

As shown on the Plans attached hereto as Exhibit A, the project consists of an eight story multi-family residential structure devoted entirely to approximately 96 affordable housing units (Wing A) and an 11 story mixed-use, multi-family residential structure with approximately 270 market-rate units (Wing B). Each Wing has access to a separate roof deck with additional residential amenity and storage areas. The project's below-grade parking garage and loading facilities will be shared by both Wings and will be accessed from V Street.

The project will include many environmentally sustainable design features, including a green roof, generous plantings on the roof, and a compact, energy efficient overall building design. The mechanical, electrical, and plumbing systems and fixtures will be selected to provide a high level of energy efficiency. The Applicant will also implement water recapture and solar shading mechanisms, and will use recycled-content materials where possible.

The units are designed to provide substantial amounts of light and air from all directions of the Subject Property for the residents. Balconies are provided for some of the units, and each Wing provides an amenity roof terrace for its residents. The retail space and residential lobby

located along U Street are intended to activate the street front and significantly improve the pedestrian experience. Importantly, the existing residents expressed a substantial preference to have a separate entrance on V Street, which is a quieter, more family friendly street and separated from the more active U Street corridor.

The Subject Property possesses important unique characteristics. Although located in the Greater U Street Historic District, the block itself contains no historic structures. The block's context includes the 110-foot tall Frank D. Reeves Municipal Center to the east of the Subject Property and the 90-foot tall Dunbar Apartments to the west. Both the Reeves Center and the Dunbar Apartments were built in the 1970s. A new 90-foot tall building at the Dunbar Apartment site at 15th and V Streets has obtained concept approval from the Historic Preservation Review Board, with construction proposed to commence in 2014. The only other structure on the block is a modest three-story affordable housing apartment building, which was built in 1988 and is situated to the east of the Subject Property with frontage on V Street. Thus, the immediate context around the Subject Property is predominantly improved with high density, high rise structures.

The Subject Property currently contains three garden apartment style buildings set back from U and V Streets and surrounded by surface parking lots. This suburban prototype creates security problems resulting from inappropriate site design and is out of character within its urban environment.

Proposed site work includes the removal of a curb cut on U Street and the installation of new sidewalks and street trees on U and V Streets, which will comply with guidelines from the District Department of Transportation ("DDOT"). All vehicular access into the building will be from one curb cut on V Street, and trucks will have room to turn around below grade on-site.

Vehicular access from V Street will benefit the community due to the congested nature of U Street.

The V Street façade will be significantly lower than the Dunbar Apartments to the west and the Reeves Center to the east. The east side of the façade incorporates a projecting bay that cantilevers over the parking garage entrance. This building mass is balanced out with a more set back façade on the west side of the V Street frontage. Using a combination of materials and color changes, the façade is broken down into rectangular elements which are made of cast stone, brick, and factory painted aluminum windows. The change in material and color coincides with the building entrance and emphasizes this zone of the composition. To provide further architectural interest, there are six one-story projecting elements, which will be faced with wood panels to match the wood-paneled entrance canopy. A material board will be submitted at the time of the public hearing. A green wall covered with appropriate plants is proposed for the first two floors of the east façade.

The U Street façade employs the use of architectural elements to create a design hierarchy and give the façade a pleasant and manageable scale. Lighter colored masonry grids project four feet out from the darker masonry façade which is set back. This composition includes abstract grids on both sides of the darker building entrance zone, while the first floor entry area is reinforced up through the building facade with darker bays. The grid-like element on the east side of the entrance extends down to the sidewalk, while the grid element to the west of the entrance is suspended two stories above the ground plane. The ground floor commercial space is integrated into the bottom of the eastern grid, while the storefronts on the west side create their own zone of light transparent glass. The western grid wraps the southwest corner of the building to help activate the west façade. Similar to the bays on the V Street façade, there is

a pattern of wood clad bays facing U Street. Design components are similar on both sides of the building, allowing the whole project to achieve aesthetic harmony.

Overall, the building's design seeks to provide an attractive and dynamic addition to the quickly evolving commercial and residential corridors along U and V Streets, while being mindful of the immediate context of the existing neighborhood.

C. Matter of Right Development under Existing R-5-B Requirements

The Subject Property is currently zoned R-5-B. The Applicant is seeking to rezone Wing A to R-5-D and Wing B to CR in connection with this application. The R-5 zoning classification is divided into R-5-A, R-5-B, R-5-C, R-5-D, and R-5-E Districts. The R-5 Districts are designed to permit flexibility of design by permitting in a single district all types of urban residential development if they conform to the height, density, and area requirements of Chapter 4 of the Zoning Regulations. 11 DCMR § 350. R-5 Districts permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts. *Id.* The R-5-B District includes the following development requirements:

- A maximum height of 50 feet with no limit on the number of stories. 11 DCMR § 400.1.
- A maximum floor area ratio ("FAR") of 1.8 and 2.16 FAR with Inclusionary Zoning. 11 DCMR § 402.4.
- A maximum percentage of lot occupancy of 60 percent, and 60 percent with Inclusionary Zoning. 11 DCMR § 403.2.
- A maximum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet. 11 DCMR § 404.1. For a through lot, the rear yard may be measured to the center line of the street at the rear of the structure.

- If provided, a side yard be at least three inches wide per foot of building height, but not less than eight feet wide. 11 DCMR §775.5.
- If provided, a court must have a minimum width of four inches per foot of height of court, but not less than ten feet. 11 DCMR § 406.1. In the case of a closed court, the minimum width must be four inches per foot of height of court, but not less than 15 feet, and the minimum court area must be twice the square of the required width of court dimension based on the height of the court, but not less than 350 square feet. *Id.*
- For an apartment house or multiple dwelling, one off-street parking space for each two dwelling units. 11 DCMR §2101.1.
- For an apartment house or multiple dwelling with 50 or more dwelling units in all zoning districts, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR §2201.1.

Development of the Subject Property under the PUD guidelines for the R-5-B District would allow a maximum building height of 60 feet, and a maximum FAR of 3.0. 11 DCMR §§ 2405.1 and 2405.2.

D. Matter of Right Development under Proposed R-5-D Requirements

The Applicant proposes to rezone Wing A to the R-5-D District in connection with this application. This is the same zoning classification as the property immediately west of the subject site. The R-5-D District includes the following development requirements:

- A maximum matter-of-right height of 90 feet with no limit on the number of stories and a maximum height of 90 feet under the PUD requirements. 11 DCMR §§ 400.1 and 2405.1.
- A maximum matter-of-right FAR of 3.5, and 4.2 under IZ, and 4.5 under the PUD requirements. 11 DCMR §§ 402.4 and 2405.2.
- A maximum lot occupancy of 75 percent. 11 DCMR §§ 402.4 and 403.2.
- A minimum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet. 11 DCMR § 404.1. For a through lot, the rear yard may be measured to the center line of the street at the rear of the structure.

- If provided, a side yard at least three inches wide per foot of height of building, but not less than eight feet wide. 11 DCMR § 405.6.
- If provided, a minimum court width of three inches per foot of height of court, but not less than ten feet, and in the case of a closed court, a minimum width of four inches per foot of height of court, but not less than 15 feet, and the minimum area must be twice the square of the required width of court dimension, based on the height of court, but not less than 350 square feet. 11 DCMR § 406.1.
- For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units. 11 DCMR §2101.1.
- For an apartment house or multiple dwelling with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR §2201.1.

E. Matter of Right Development under Proposed CR Requirements

The Applicant proposes to rezone Wing B to the CR District in connection with this application. The CR District is designed to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. 11 DCMR § 600.1. The development shall be guided by an approved public policy or plan and through the use of the planned unit development, special exception, or other site plan review process. The CR District includes the following development requirements:

- A maximum matter-of-right height of 90 feet; and 100 feet under IZ; and 110 feet under the PUD requirements. 11 DCMR §§ 630.1, 2604.2, and 2405.1.
- A maximum matter-of-right FAR of 6.0, not more than 3.0 of which may be used for non-residential purposes; and a maximum FAR of 7.2 under IZ; and 8.0 under the PUD requirements, with not more than 4.0 being devoted to non-residential uses. 11 § DCMR 631.1, 2604.2, and 2405.2.
- A maximum matter-of-right lot occupancy of 75 percent, and 80 percent under IZ. 11 DCMR § 634.1 and 2604.2.
- A minimum rear yard depth of three inches per foot of vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof, but not less than 12 feet, and the rear yard shall be provided at and

above the residential plane. 11 DCMR § 636.3 and 636.4. For a through lot, the rear yard may be measured to the center line of the street at the rear of the structure.

- If provided, a minimum side yard width of at least three inches per foot of building height, but not less than eight feet. 11 DCMR § 637.1.
- If provided, a minimum court width of three inches per foot of height of court, but not less than ten feet, and in the case of a closed court, a minimum width of four inches per foot of height of court, but not less than fifteen feet, and a minimum area twice the square of the required width of court dimensions. 11 DCMR §§ 638.1(a) and 638.2(a).
- For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units. 11 DCMR §2101.1.
- For a retail establishment in excess of 3,000 square feet, 1 off-street parking space for each additional 750 square feet of gross floor area. 11 DCMR §2101.1.
- For an apartment house or multiple dwelling with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. 11 DCMR §2201.1.
- For a retail establishment with 5,000 to 20,000 square feet of gross floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (no service/delivery loading space is required). 11 DCMR §2201.1.
- An area equivalent to ten percent of the total lot area must be provided for new development that is open and available to the general public on a continuous basis. 11 DCMR § 633.1.

F. Tabulation of Development Data

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

G. Flexibility under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Thus, the Applicant seeks flexibility from several provisions of the Zoning Regulations. As permitted under section 2403, the Commission may grant such flexibility in its discretion.

1. Flexibility From Loading Requirements.

The Applicant requests relief from the loading requirements. Pursuant to Section 2201.1 of the Zoning Regulations, the Applicant is required to provide the following loading facilities: one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep. Pursuant to 11 DCMR § 2201.2, no retail loading is required. Due to the proposed uses for the building and the anticipated needs of the building residents, the Applicant is seeking flexibility to provide two loading berths at 30 feet deep, one loading platform at 744 square feet, and one service/delivery space at 20 feet deep.

The requested flexibility from the loading requirements is in accordance with the Comprehensive Plan's recommendations to consolidate loading areas and to minimize curb cuts within new developments to the greatest extent possible, as well as to provide shared loading spaces in mixed-use buildings. Given the nature and size of the residential units, it is unlikely that the building will be served by 55 foot tractor-trailer trucks, and it is unlikely that there will be a need for separate service delivery spaces. In addition, the loading areas will primarily be used by the building residents during move-ins and move-outs, and any subsequent use by residents will generally be infrequent and can be restricted to times which pose the least potential conflicts with retail users. Likewise, use of the loading facilities by retail and service/delivery users can be restricted to times which cause the least amount of conflict with each other and with the loading needs of the building's residents. Given the minimal anticipated service/delivery needs generated by residents and retail users, as well as the ease of coordinating loading demand, the proposed loading facilities are adequate to service the Subject Property.

2. Flexibility From Roof Structure Requirements

The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on the Roof Plan sheet included in the Plans, there will be multiple roof structures (see §§ 411.3 and 770.6(a)) and two of the roof structures will have enclosing walls of unequal heights (§ 411.5). All roof structures are set back from all exterior walls a distance at least equal to their height above the roof.

As indicated in the Plans, there will be five roof structures on the building, with two on Wing A and three on Wing B. First, the primary roof structure on Wing A ("Roof Structure A1") will contain accessory space for Wing A residents, a stair tower, an elevator shaft, and mechanical equipment. This structure will have enclosing walls rising to a height of 13 feet, 6 inches above the recreation space and the stair tower, and enclosing walls rising to a height of 18 feet, 6 inches above the elevator penthouse and cooling tower. Second, the smaller roof structure on Wing A ("Roof Structure A2") will contain a stair tower with enclosing walls rising to a height of 13 feet, 6 inches above the main roof. Third, the primary roof structure on Wing B ("Roof Structure B1") will contain accessory space for Wing B residents, a stair tower, an elevator shaft, and mechanical equipment. This structure will have enclosing walls rising to a height of 13 feet, 6 inches above the recreation space and the stair tower, and 18 feet, 6 inches above the elevator penthouse and cooling tower. Fourth, the western-most roof structure on Wing B ("Roof Structure B2") will contain a stair tower with enclosing walls rising to a height of 13 feet, 6 inches above the main roof. Fifth and finally, the northern-most roof structure on Wing B ("Roof Structure B3") will contain mechanical equipment with enclosing walls rising to a height of 10 feet, 8 inches.

Each roof structure is a necessary feature to the proposed development and the structures are separated due to the Building Code requirement to provide separate means of egress for each wing and to break up massing on the roof. The location and number of roof structures is driven by the layout and design of the residential units within the building. Each roof structure is only as tall as it needs to be and is adequately set back from the exterior walls. In order to maximize the light and air of the residential units and to minimize the size and visibility of the roof structures from the street, the two primary roof structures (Roof Structures A1 and B1) will have walls of unequal heights. The proposed roof structure design will not adversely impact the light and air of adjacent buildings because each element has been located to minimize its visibility.

A single, 18 foot, 6 inch roof structure could theoretically be built on each of Wing A and Wing B, enclosing the entirety of roof structures A1 and A2 together, and B1, B2, and B3 together, to comply with the requirement of providing a single roof structure with enclosing walls of an equal height. However, to require this would be unduly restrictive and unreasonable, given that it would add unnecessary mass to the roof and would undermine the purpose of the Regulations, which is to exercise a degree of architectural control over roof structures. See 11 DCMR § 411. Instead, the separate enclosures will help minimize the appearance of the roof structures and protect the visual quality of the building from the street. The surrounding walls will be of quality material to integrate the structures into the overall design of the building. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

3. Flexibility From Closed Court Requirements

The Applicant requests relief from the closed court requirements of the Zoning Regulations. Pursuant to Sections 406.1 and 776.3 of the Zoning Regulations, the required court width is a minimum of four inches per foot of height of court, but not less than 15 feet. Pursuant to Sections 406.1 and 776.4, the required court area is a minimum of twice the square of the required width of court, based on the height of court, but not less than 350 square feet. In this case, the Applicant is providing closed courts on the east and west sides of the building. Based on the varying heights of Wings A and B (75'-8" and 105'-8," respectively), the minimum required width of court for Wing A is 26.4 feet, and the minimum required area of court is 1,394 square feet. The minimum required width of court for Wing B is 32.8 feet, and the minimum required area of court is 2,152 square feet. As indicated on the court diagram on page A-7 of the Architectural Plans and Elevations, the Applicant proposes to provide a 21 foot wide closed court on the east side of the building, thus requiring flexibility from the closed court width requirements.

Providing a compliant east court is impractical given the Subject Property's narrow width. If the Applicant provided a compliant court on the east and west sides of the building, almost all of the units on the east side of the building would be eliminated. Alternatively, if the Applicant provided a single compliant court on one side of the building, there would be no room for a double-loaded corridor in the building, which is necessary for the residential use on the narrow site. If the Applicant did not provide any court on the east side of the building, this entire façade would have at-risk windows on a party wall, which is economically infeasible. In addition, the Applicant is providing a narrow closed court on the north side of Wing B's western arm in order to provide windows for the residential units on this north façade. Furthermore, the Zoning

Regulations do not require the building to have courts at all; however, the Applicant is providing courts on both sides of the building to increase the light and air for all affected buildings and to enhance the building's aesthetic appeal and for the enjoyment of the residents. As a result, the intent and purposes of the Zoning Regulations will not be materially impaired.

4. Flexibility From Compact Parking Space Requirements

The Applicant seeks flexibility from the compact parking space requirements of section 2115.4 of the Zoning Regulations. Section 2115.4 provides that any "accessory parking area or accessory garage containing twenty-five (25) or more required parking spaces may designate up to forty percent (40%) of the parking spaces for compact cars." In this case, the proposed building will contain 137 parking spaces located in two levels of below-grade parking. Sixty-eight of these parking spaces are compact, which represents approximately 49 percent of the total number of off-street parking spaces provided by the project.

In addition, if the Commission deems it necessary, the Applicant also requests flexibility from section 2115.4 of the Zoning Regulations, which requires that compact parking spaces be placed in groupings of at least five contiguous spaces with access from the same aisle.

The Applicant designed the parking garage to maximize the number of parking spaces on the Subject Property and to increase the ease and efficiency of use of the garage for building residents. Vehicles accessing spaces in the garage will have sufficient maneuverability for both ingress and egress to the spaces. Reducing the percentage of parking spaces that are compact in size would necessarily reduce the total number of vehicles that can be accommodated in the building's garage, which result is inconsistent with the purposes of the off-street parking requirements. Furthermore, the Applicant proposes to maximize the amount of off-street parking in order to minimize any spillover parking on adjacent residential streets.

5. Flexibility From Inclusionary Zoning Design Standards

The Applicant requests flexibility from Section 2605 of the Zoning Regulations, should the Commission deem it necessary. The Applicant is dedicating almost 30 percent of the residential gross floor area of the building as affordable. However, the affordable housing units will all be located in Wing A, with the market-rate units all located in Wing B. In addition, the interior amenities of the affordable units may be slightly different from the interior amenities of the market rate units. For example, in order to provide units with the number of bedrooms required for families in Wing A, washing and drying facilities are consolidated within the building and not provided in the individual units. Thus, to the extent necessary, the Applicant requests flexibility from Section 2605.

The Applicant is separating the affordable units from the market-rate units based on numerous meetings with current residents of the Portner Place apartments during the TOPA process. In fact, the Applicant was chosen by the residents in part because of the Applicant's commitment to this design approach. An overwhelming number of residents indicated their preference to be located in a separate wing with a separate entrance from V Street, which has less traffic and activity than U Street. Wing A will have a different more family-oriented unit size and mix, based on the current residents' preference to maintain larger (2-3 bedroom) units, compared with the smaller (generally 1 bedroom) market-rate units in Wing B, and to maintain the Section 8 subsidy. Wing A will also have different amenities that support the low-income and workforce residents, including a computer room and community spaces appropriate for families with children.

6. Additional Areas of Flexibility

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant also requests flexibility in the following areas:

- i. To be able to provide a range in the number of residential units of plus or minus 10 percent from the 96 depicted on the Plans for Wing A and 270 depicted on the Plans for Wing B.
- ii. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, amenity spaces, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building.
- iii. To vary the number, location, and arrangement of parking spaces, provided that the total is not reduced below the number required under the Zoning Regulations.
- iv. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED Silver rating under the LEED 2009 for New Construction and Major Renovations rating standards.
- v. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.
- vi. To vary the final selection of all exterior signage on the building.
- vii. If the retail area is leased by a restaurant user, flexibility to vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any restaurant use. There may be other commercial users that need similar flexibility.
- viii. Minor variations in design as may be necessary to coordinate the approval of the Historic Preservation Review Board.

- ix. To construct the building in two phases, provided that construction of the affordable wing of the building is commenced prior to or simultaneously with the market-rate wing of the building.

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

A. PUD Process is the Appropriate Mechanism for the Project

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

B. PUD Requirements under Chapter 24 of the Zoning Regulations

Area Requirements under Section 2401.1

The Subject Property has a land area of 47,170 square feet, or 1.08 acres. The Zoning Regulations require a minimum land area of one acre for a PUD to be located in the R-5-B District. 11 DCMR § 2401.1(c). The minimum land area for both the R-5-D and C-R Districts is 15,000 square feet. Thus, the Subject Property meets the area requirement of Section 2401.1 of the Zoning Regulations.

C. Height and FAR Requirements under Sections 2405.1 and 2405.2

For Wing A, the PUD regulations permit a maximum building height of 90 feet and a maximum FAR of 4.5 in the R-5-D District. 11 DCMR §§ 2405.1 and 2405.2. Wing A has a maximum building height of 75 feet, 8 inches and a FAR of 4.11, and thus meets the PUD height and FAR requirements.

For Wing B, the PUD regulations permit a maximum building height of 110 feet and a maximum FAR of 8.0, with a maximum of 4.0 FAR being devoted to non-residential uses. 11 DCMR §§ 2405.1 and 2405.2. Wing B has a maximum building height of 105 feet, 8 inches, and a FAR of 7.52, and thus meets the PUD height and FAR requirements.

D. Impacts of the Project under Section 2403.3

The proposed PUD will have a positive impact on the surrounding area. Overall, the proposed development will significantly improve the existing area by virtue of the exceptional architectural designs of the building, which carefully considers the nearby uses and aesthetics. The proposed PUD will provide new housing opportunities to District residents, including a significant number of new affordable units, and will help to rejuvenate the surrounding neighborhood by providing new retail opportunities and an improved pedestrian experience at the street level.

As will be described in detail in the Transportation Impact Study, prepared by Gorove/Slade, the project will not have any unmitigated adverse traffic impacts on the surrounding neighborhood. A summary of Gorove/Slade's transportation analysis is attached hereto as Exhibit I.

E. Not Inconsistent with the Comprehensive Plan under Section 2403.4

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

F. Public Benefits and Project Amenities

1. Overview

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

This project will help to achieve a number of the goals of the PUD process by creating a mixed-use development with a thoughtful, high-quality, environmentally-friendly design, an extraordinary affordable housing component, and significant landscaping and open space areas. These and other public benefits and amenities, as described in more detail below, reflect and implement the goals of the PUD process, the surrounding community, and the District.

2. Urban Design, Architecture, Landscaping and Open Space (Section 2403.9(a))

The project implements a number of urban design and architectural best practices, which will contribute to the ongoing development of U Street as a major mixed-use corridor with higher-density residential uses, including affordable housing, and high-quality retail uses. The project's frontage on U Street will activate the corridor and will relate to and respect the adjacent existing buildings. By providing a mix of uses and streetscape improvements, this redevelopment project will support the ultimate revitalization of this portion of the U Street/14th Street neighborhood into more vibrant, mixed-use, and multi-modal neighborhood. The proposed project exemplifies the principles of transit-oriented development, being located in close proximity to the U Street Metrorail station and numerous Metrobus lines. Moreover, the project is extremely efficient with respect to its sharing of parking and loading facilities and its economical utilization of land. A roof level playground will be incorporated into the project design. Three-bedroom units will also be provided in the affordable component of the project, as requested by current residents. Use of high-quality materials in a unique mid-block through-lot location results in a design that relates well to both the U and V Street frontages of the project, as approved by the HPRB (*see* Historic Preservation Review Board Staff Report and Recommendations, dated March 27, 2014, and April 24, 2014, attached hereto as Exhibit J).

3. First Source Employment Agreement (Section 2403.9(j))

Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant will enter into a First Source Employment Agreement with the Department of Employment Services.

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

The single greatest benefit to the area, and to the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The proposed PUD includes approximately 299,474 square feet of residential gross floor area, approximately 30 percent of which (or 91,012 square feet of gross floor area) will be designated as affordable for households. This area will be devoted to approximately 96 residential units that are devoted to households earning 60 percent or less of the AMI, of which not less than 15 percent will be devoted to households earning 50 percent or less of the AMI. This substantially exceeds the amount of affordable housing that would be developed on the Subject Property as a matter-of-right development, and at a significantly deeper subsidy level.

Pursuant to Section 2603.2 of the Zoning Regulations, the Applicant is required to provide a minimum of eight percent of the proposed residential gross floor area in the PUD for affordable housing units. Under the proposed PUD, if the Applicant were developing the property pursuant to Chapter 26, the Applicant would only be required to provide 23,957 square feet of affordable housing (eight percent of 299,474 square feet). The proposed PUD provides 91,012 square feet of gross floor area to be devoted to affordable housing, which is an increase of 67,055 square feet of gross floor area over what would otherwise be constructed. This is over three times the requirement. Significantly, this is provided at the 60 percent AMI level or below, which is a substantial increase in the affordability level and comes at an increased cost to the developer of several million dollars, as will be testified to by the Applicant at the public hearing.

The Applicant intends to finance Wing A proceeding with Low Income Housing Tax Credits ("LIHTCs"), which will require a 40 year affordability commitment. During the

construction phase of development, the existing 47 families that currently reside in Portner Place will be located off-site as near to the vicinity of the neighborhood of the project as practicable. The Applicant has access to and controls numerous affordable housing units within close proximity to the Subject Property, and is confident of its ability to relocate families during the construction phase. The Applicant has been working closely with HUD office on all issues related to the redevelopment of the Subject Property, including extending the Section 8 subsidy for an additional 20 years and maintaining the subsidy while residents are off site during construction.

In the event the pass through of the Section 8 HAP contract is not approved, or the LIHTC funding is not obtained for the redevelopment, the Applicant will return to the Zoning Commission to adjust the housing amenity, which will still be greater and at a steeper subsidy that would be required under existing Zoning Regulations. This flexibility is necessary and is requested in the nature of a minor modification for consent calendar consideration by the Zoning Commission, as it is not possible to obtain final HUD approval without having prior approval of the PUD by the Zoning Commission.

Furthermore, the Applicant will do more to help the community than simply provide new housing and affordable housing. For example, the Applicant will help current residents stay in their community. The Applicant is preserving existing affordable housing within a new residential development, in addition to creating new affordable housing for District residents. The Applicant will offer resident services, such as financial management, career counseling, employment skills, training referrals, assistance in job searches, health and nutrition information, after-school programs, computer training, computer access, and other services. These services demonstrate the Applicant's commitment to improving the surrounding community and desire to

provide high quality affordable housing within a program that is designed to help residents, many of whom have lived in this location for 20 or more years, prosper in an urban lifestyle.

5. Environmental Benefits (Section 2403.9(h))

The Applicant is fully committed to providing high-quality housing in the District of Columbia that is sensitive to the natural environment. Through the development of this project, the Applicant will expand its commitment by ensuring the environmental, economic, and social sustainability of the residents through the implementation of sustainable design features. The Applicant will implement a number of strategies to enhance the inherently sustainable nature of the site's infill, transit-rich location and to promote a healthy, desirable, and comfortable lifestyle that will fully benefit the project's residents while minimizing the impact on the environment. The proposed development provides environmental benefits, including street tree planting and maintenance, landscaping, efficient energy sources, methods to reduce stormwater runoff, and green engineering practices. The roof contains space for trees and a green roof in compliance with the GAR regulations, and an extensive re-planting and irrigation system is provided in public space, which far exceeds that required by DDOT regulations. In addition, bicycle parking is provided substantially in excess of that required by the Zoning Regulations, with space for a minimum of 200 bicycles.

The project will be designed to meet rigorous energy and environmental design standards using the LEED 2009 for New Construction and Major Renovations rating system as a guide and performance metric, and the building will not be designed or constructed below the LEED Silver rating equivalent. (See Conceptual LEED scorecard included on page A-8 of the Plans). Wing A will comply with Enterprise Green Standards.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b) (¶ 1-301.62).

The PUD project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality, state-of-the-art, eco-friendly residential development that will add approximately 96 affordable units and approximately 270 market-rate units to the District housing supply, without generating any adverse impacts. The project will create new neighborhood-serving retail opportunities to meet the demand for basic goods and services, and will promote the vitality, diversity, and economic development of the U Street neighborhood's commercial area.

B. Future Land Use Map

The Future Land Use Map of the Comprehensive Plan designates the Subject Property for Medium Density Residential uses, as shown on the Future Land Use Map, a portion of which is attached hereto as Exhibit F. As described in the Framework Element, the Medium Density Residential category is:

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

10A DCMR § 225.5. The Applicant's proposal to rezone the Subject Property from the R-5-B District to the R-5-D and CR Districts to construct a mixed-use, primarily residential development is consistent with the Comprehensive Plan designation of the Subject Property. Although the R-5-D and CR Districts are not specifically listed among the corresponding land use categories for the Medium Density Residential Category, these districts are not inconsistent with the Future Land Use Map, as described in detail below.

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

at § 226.1(c). The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. *Id.* at § 266.1(d).

Thus, in evaluating the proposed map amendment, the Subject Property should be viewed as a whole, not as a specific parcel. When taken in context with the surrounding neighborhood, the Subject Property is in the center of a highly dynamic and evolving area that is quickly expanding and growing taller. U Street and 14th Street have become major commercial corridors within the city, experienced by thousands daily as a place to live, in coffee shops, restaurants, retailers, fitness centers, and professional services. The immediate vicinity is one of the District's premier walkable neighborhoods, leading to the development of over 4,000 new and refurbished loft apartments and condominiums and over 150 new retail businesses since 2001.¹ Furthermore, the square in which the Subject Property is located is predominantly developed with other high-rise buildings on both sides of the Subject Property. Thus, the proposed PUD's height and mass will not change the overall character of the area as contemplated by the Comprehensive Plan. Furthermore, the Land Use Map should be interpreted broadly to allow the Subject Property to be developed within the context of the changing needs of the city, particularly in the context of a site on a "Main Street Mixed Use Corridor," as discussed below.

C. Generalized Policy Map

The Generalized Policy Map designates the northern portion of the Subject Property as a Neighborhood Conservation Area and the southern portion of the property as a Main Street Mixed Use Corridor. See portion of Generalized Policy Map attached hereto as Exhibit G.

¹ D.C. Neighborhood Profiles, Washington, DC Economic Partnership, p.1.

Main Street Mixed Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.

Consistent with the purpose of the Main Street Mixed Use Corridors, the project includes both residential and retail uses, which will help to further economic and housing opportunities and serve neighborhood needs. The project will provide a positive pedestrian-oriented environment with traditional storefronts and residential units above. Redevelopment of the site will fill and enhance the U Street corridor and foster neighborhood-serving economic development.

Neighborhood Conservation Areas are areas with very little vacant or underutilized land. They are primarily residential in character, and maintenance of existing land uses is contemplated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density are not expected, but some new development and reuse opportunities are anticipated. Consistent with these purposes, the Applicant contemplates a new infill housing for the Subject Property that will be compatible with the existing scale, character, and use of the existing buildings within the surrounding area.

D. Compliance with Guiding Principles of the Comprehensive Plan

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

1. Managing Growth and Change

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (10A DCMR § 217. 4). The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (10A DCMR § 217.6). The proposed PUD is fully-consistent with each of these goals. Redeveloping the Subject Property into a vibrant mixed-use development with approximately 366 residential units and approximately 14,780 total square feet of gross floor area and cellar floor area devoted to retail space, will further the revitalization of the neighborhood. The proposed retail spaces will create new neighborhood-serving jobs for District residents, provide opportunities for less-affluent households to increase their income, and help to reinvigorate the existing neighborhood fabric.

2. Creating Successful Neighborhoods

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the Plan's elements. (10A DCMR § 218.8). The proposed PUD furthers this goal since, as part of the PUD process, the Applicant will be working with the

community and current Portner Place occupants to ensure that redevelopment of the site creates a positive impact on the neighborhood.

3. Building Green and Healthy Communities

One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. 10A DCMR § 221.3) As discussed in more detail above, the building will include a significant number of sustainable design features and is located in a transit-rich environment, reducing the need to use private vehicles to access the site.

E. Land Use Element

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

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 station 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.

This proposed PUD exemplifies the principles of transit-oriented development. Although the Subject Property is less than two blocks from the U Street Metrorail station and multiple Metrobus stops, the site is poorly utilized in its current condition. Redeveloping the Subject Property into a major new mixed-use development with approximately 366 new residential units will maximize transit ridership. At the same time, the project's design will respect the character of the U Street and 14th Street corridors and integrate well into the walkable urban environment.

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.

The proposed PUD furthers Policy LU-2.1.3 by preserving and increasing the affordable and market-rate housing supply in the District and expanding neighborhood commerce in the area. The project will help to achieve the goal of creating successful neighborhoods by integrating innovative, sustainable design principles, emphasizing resident health and wellbeing, and acknowledging the existing fabric of the surrounding neighborhood. The project's vision is well aligned with the District's priorities of expanding housing options and neighborhood commerce in walkable, infill locations with excellent mass transit to create thriving, successful neighborhoods.

Policy LU-2.2.4: Neighborhood Beautification: Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

As shown on the Plans, the Applicant's architect designed the building to improve the visual aesthetic of the neighborhood and to respect the existing surrounding structures. Moreover, the development of the Subject Property will be an improvement to the current neighborhood condition and will help to revitalize and beautify the area.

F. Housing Element (Chapter 5)

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10A DCMR § 501.1. The proposed project will create three times as many affordable housing units as are required under the current Inclusionary Zoning regulations. Further, these units will be affordable at 50 percent of the AMI for 48 households and at 60

percent of the AMI or below for the remaining 48 units, rather than at 80 percent of the AMI, as prescribed by the IZ regulations. This extraordinary depth of affordability places the project at the vanguard in promoting the Housing Element's overarching goal, especially in an area of the city that is extremely desirable to live in. The numerous policies described below are advanced by this project.

Policy H-1.1.3: Balanced Growth: *Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long term housing needs, including the need for low- and moderate density single family homes as well as the need for higher-density housing.*

The project supports this policy goal by developing new housing on underutilized land in a rapidly growing and changing mixed-use neighborhood.

Policy H-1.1.4: Mixed Use Development: *Promote mixed use development, including housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.*

The PUD promotes the objectives of Policy H-1.1.4 by providing a mixed-use development on a site that is in close proximity to the U Street Metrorail Station, and in a neighborhood that is largely defined by the commercial corridors of 14th and U Streets. The mixed-use character of the proposed redevelopment is considerate of the surrounding uses and will help to foster additional development and economic growth in the area.

Policy H-1.1.5: Housing Quality: *Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.*

The project incorporates the addition of 96 new affordable housing units into a new, state of the art, environmentally-conscience building that respects the design integrity of adjacent buildings on the block and in the surrounding neighborhood. As shown on the Plans, the

affordable units will include high-quality materials and design elements and will meet the same high-quality architectural standards as the 270 market-rate units. The affordable component of the project will incorporate communal rooftop amenity spaces for the residents, including open space, recreation areas, a playground, and a community garden, as well as an exercise room, computer room, and library on the ground floor of Wing A.

Policy H-1.2.3: Mixed Income Housing: Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing.

The proposed development is mixed-income, with almost 30 percent of the residential gross floor area being devoted to households earning 60 percent of the AMI or below. Thus, the project furthers the District's policy of dispersing affordable housing throughout the city into mixed-income communities, rather than concentrating such units in economically depressed neighborhoods. This project produces a substantial number of affordable units in an extremely desirable neighborhood. Furthermore, the project preserves affordable housing for existing residents and collaborates with these residents to replace and improve the amenities that they currently enjoy.

Policy H-1.4.4: Public Housing Renovation: Continue efforts to transform distressed public and assisted housing projects into viable mixed-income neighborhoods, providing one-for-one replacement within the District of Columbia of any public housing units that are removed. Target such efforts to locations where private sector development interest can be leveraged to assist in revitalization.

Redevelopment of the Subject Property will transform the existing Portner Place Apartment complex, which is in a deteriorated condition, into a mixed-income community that incorporates newly constructed affordable and market-rate housing into a single building. The project will replace the existing subsidized housing units on much more than a one-for-one basis, and is in the process of obtaining a 20 year extension of the Section 8 contract with HUD to

preserve the affordable rents. In addition, the project will use LIHTC to make the additional units affordable and will subject Wing A to a 40 year affordability covenant through D.C Housing Finance Agency. Using the market strength of the site, the Applicant will be able to preserve and expand the affordable units with new subsidized housing, and replace the current buildings with a new green, energy efficient building that will integrate and expand the current affordable housing into a new mixed-income and mixed-use community. In this case, private sector development will be leveraged to assist in revitalization of the Subject Property.

G. Environmental Protection Element (Chapter 6)

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies that include the following:

Policy E-1.1.1: Street Tree Planting and Maintenance: Encourages the planting and maintenance of street trees in all parts of the city;

Policy E-1.1.3: Landscaping: Encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;

Policy E-2.2.1: Energy Efficiency: Promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses;

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promotes an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction;

Policy E-3.1.3: Green Engineering: Promotes green engineering practices for water and wastewater systems; and

Policy E-3.3.1: Promotion of Community Gardens: Encourages and supports the development of community gardens on public and private land across the city.

As discussed previously in this statement, the proposed project includes street tree planting, landscaping, energy efficiency, methods to reduce stormwater runoff, green engineering practices, and a communal rooftop garden, and is therefore fully consistent with the Environmental Protection Element.

H. Economic Development Element (Chapter 7)

The Economic Development Element of the Comprehensive Plan indicates that the addition of 125,000 jobs during the next 20 years will create the demand for office, retail, hospitality, institutional, and industrial space, and that several hundred acres of land will be required to sustain this development, in a variety of settings with a variety of building types. (10A DCMR § 706.1). Policy ED-2.2.3 therefore recommends creating additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. This policy also encourages the reuse of vacant buildings, along with appropriately-scaled retail infill development on vacant and underutilized sites. Moreover, Policy ED-3.1.1 calls for promoting the vitality and diversity of neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. Finally, as set-forth in Policy ED-3.2.8, expanding opportunities for local, small, and disadvantaged business enterprises through city programs, incentives, contracting requirements, and other activities is an additional important goal.

The Applicant's proposed development of new retail uses on the Subject Property, as well as its commitment to enter into a First Source Employment Agreement with the Department of Employment Services, are consistent with and help to implement each of these goals. The project will create additional new shopping opportunities to meet the demand for basic goods and services, and will do so at a conveniently located site. Thus, the new neighborhood-serving retail

will promote the vitality, diversity, and economic development of the U Street neighborhood's commercial area.

I. Urban Design Element (Chapter 9)

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

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

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to integrate the proposed construction with the character of the surrounding neighborhood. Consistent with Policy UD-2.2.1: *Neighborhood Character and Identity*, and Policy UD-2.2.7: *Infill Development*, the proposed development will help to strengthen the architectural quality of the immediate neighborhood by relating the project's scale to the existing neighborhood context, of both existing and approved development projects. In addition, as shown on the Plans, the project includes attractive, visually-interesting and well-designed building façades that eschew monolithic or box-like forms, or long blank walls which detract from the human quality of the street. See Policy UD-2.2.5. The project is also consistent with the goals of Policy UD-3.2.5: *Reducing Crime Through Design*, since the development will bring additional "eyes and ears" to the area, as well as improved lighting, clear lines of sight, and visual access, all of which will help to minimize the potential for criminal activity in the immediate area. Furthermore, redevelopment of the Subject Property will eliminate the current non-defensible spaces that currently add to security risks.

J. Historic Preservation Element (Chapter 10)

The overarching goal for historic preservation is to:

[p]reserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship.

10A DCMR § 1000. In keeping with this goal, the Applicant is working to preserve the Subject Property's identity by working with existing residents of the Porter Place apartments to recreate the residential environment and community that has existed at the site for over 30 years. The proposed design of the new building respects the historic physical form of the surrounding buildings and streetscape, and has been specifically designed to be well-integrated into the historic fabric of the city. Consistent with *Policy HP-2.4.1: Compatible Development*, the project ensures that the new construction and improvements are in scale with and respect the historic context of the area through sensitive siting and design, and the appropriate use of materials and architectural detail.

K. Mid-City Area Element

Policy MC-1.1.2 of the Mid-City Area Element of the Comprehensive Plan encourages the development of high-quality transit-oriented development around the U Street Metrorail Station. Policy MC-1.1.6 encourages the preservation of housing located in the Mid-City's commercially zoned areas, and Policy MC-1.1.7 promotes retention of the character of the Mid-City as a mixed income community by protecting the area's existing stock of affordable housing units and promoting the construction of new affordable units. The proposed PUD is consistent with these policies since the development will promote transit-oriented retail and residential development around the U Street Metrorail Station, while increasing the stock of affordable and market-rate housing units. The PUD will be of a high quality, will include an attractive building

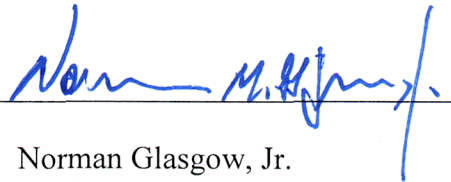
façade, will relate to the existing neighborhood context, and will help improve the neighborhood's visual identity and image.

V. CONCLUSION

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

Respectfully submitted:

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