

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

JEMAL'S CDC, LLC

**STATEMENT IN SUPPORT OF
AN APPLICATION FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT
FROM HS-H/C-2-A TO HS-H/C-2-B**

**FOR
PROPERTY LOCATED AT 501 H STREET, N.E.**

(SQUARE 833, LOT 47)

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A	Architectural Plans and Elevations
B	Relevant Portion of the Zoning Map
C	Relevant Portions of the Future Land Use Map and the Generalized Policy Map
D	Building Plat from the D.C. Surveyor's Office
E	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

Jemal's CDC, LLC (the "Applicant"), through undersigned counsel, submits this statement 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 zoning map amendment to rezone 501 H Street, N.E. (Square 833, Lot 47) (the "PUD Site"), from the HS-H/C-2-A District to the HS-H/C-2-B District. The Applicant proposes to construct a six-story above-grade, mixed use building at the PUD Site that incorporates two floors of retail and service uses above-grade, a cellar floor of retail, and four floors of residential uses.

This application is submitted in accordance with Chapters 24 and 30 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended (the "Zoning Regulations"). The requested PUD and map amendment is not inconsistent with the Comprehensive Plan, will not create any adverse impacts on surrounding properties, and will result in a number of important benefits to the surrounding community and to the District of Columbia as a whole.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The PUD Site is located on Lot 47 in Square 833. Square 833 is bounded by H Street to the north, 6th Street to the east, G Street to the south, and 5th Street to the west, all located in the northeast quadrant of the District. The PUD Site is located on the southeast corner of the intersection of 5th and H Streets, N.E., and is bounded by H Street to the north, 5th Street to the west, a public alley immediately to the south, and private property to the east. The PUD Site contains approximately 9,813 square feet of land area, with 122.7 feet of linear frontage on H Street, N.E. and 80 feet of linear frontage on 5th Street, N.E. The PUD Site is within walking

distance of the Union Station Metrorail station and has excellent access to numerous transportation options. As shown on the photographs and existing conditions survey included in the Architectural Plans and Elevations (the "Plans"), attached hereto as Exhibit A, the PUD Site is currently improved with a single-story building, most recently occupied by the H Street Community Development Corporation, and six surface parking spaces located at the rear of the building. The Applicant proposes to raze the existing building in connection with redevelopment of the PUD Site. The Square includes a public alley system with varying widths and access points. The alley located at the rear of the PUD Site runs east-west between 5th and 6th Streets and has a width of 12.17 feet behind the PUD Site and narrows to a width of eight feet as it moves eastward through the Square.

The PUD Site is located in the heart of the H Street Overlay District, and the PUD project complies with each of the overlay's provisions applicable to the project (except for Section 1321.2 and 1326.2 as discussed in more detail below). The PUD Site is designated in the Moderate Density Commercial and Medium Density Residential land use categories on the District of Columbia Comprehensive Plan Future Land Use Map, and is designated in a Main Street Mixed Use Corridor area on the District of Columbia Comprehensive Plan Generalized Policy Map. Rezoning the PUD Site to the HS-H/C-2-B Zone is not inconsistent with those designations.

Situated along the thriving H Street commercial corridor, the PUD Site is surrounded by residential, retail, service, office, and institutional uses, including restaurants and bars, shops and boutiques, hair and nail salons, music venues, and visual and performing arts facilities. H Street has become an exciting, mixed-use, walkable neighborhood, with excellent public transportation options and direct access to locations throughout the city. Anchored by Union Station to the

west, H Street provides local, regional, and interstate access via Metrorail, Metrobus, the D.C. Circulator Bus, Amtrak, intracity buses, Capital Bikeshare, and later this year, the H Street streetcar line.

Moreover, numerous new developments with significantly greater heights and densities have been approved and/or built on H Street, N.E. within close proximity to the PUD Site. *See, e.g.* Z.C. Order Nos. 04-22 and 04-22A for property located on the north side of H Street, N.E. between 2nd and 3rd Streets, approved for a maximum height of 110 feet and an overall density of 5.73 FAR; Z.C. Order Nos. 05-37 and 05-37A-D for property located on the south side of H Street, N.E. between 2nd and 3rd Streets, approved for a maximum height of 100 feet and an FAR of 5.07; Z.C. Order No. 12-18 for property located on the north side of H Street, N.E. between 6th and 7th Streets, approved for a maximum height of 90 feet and an FAR of 4.85; Z.C. Order Nos. 06-01 and 06-01A-B for property located on the north side of H Street, N.E. between 3rd and 4th Streets, approved for a maximum height of 90 feet and an overall FAR of 4.8, modified to have a maximum height of 75 feet and 4.11 FAR.

III. DESCRIPTION OF THE PROJECT

A. Project Design

As shown on the Plans, the project consists of a six-story mixed-use, multiple dwelling residential building. The building program consists of 43,206 square feet of gross floor area (4.40 FAR). Approximately 13,482 square feet of gross floor area (1.37 FAR) and approximately 7,045 square feet of cellar floor area will be devoted to retail uses on the cellar, first, and second levels. Approximately 29,725 square feet of gross floor area (3.03 FAR) will be devoted to residential uses comprised of 26 residential units (plus or minus three units). No less than eight percent of the residential gross floor area will be devoted to affordable housing at eighty percent of the area medium income ("AMI").

The primary residential entrance will be at the east side of the building along H Street, with retail entrances on H Street and at the corner of the building at the intersection of H and 5th Streets. Eight surface parking spaces will be located at the rear of the building, accessed via the east-west public alley at the rear of the PUD Site. Six of the eight parking spaces will be compact, and two of the compact spaces will be restricted during the day to allow for truck turning movements for access to loading facilities that are also located at the rear of the PUD Site. Of the two standard spaces, one will be dedicated to a car-share company and one will be dedicated to low-emitting and fuel efficient vehicles.

As shown on the loading diagrams included in the Plans, residential loading will be located at the rear of the building, also accessed via the public alley. All trucks 24 feet and shorter in length will use the loading facilities in the rear of the building accessed from the alley. All trucks longer than 24 feet will load curbside from the existing designated loading area along 5th Street, which accommodates two 30 foot trucks. Twenty-four foot trucks are the largest trucks that can be accommodated in the rear of the building due to the constraints of the existing alley and DDOT's requirement that trucks enter and exit alleys "head in." In order to access the loading dock, trucks will enter the alley "head in" from 5th Street and back into the loading dock area using the space provided in the alley and the two eastern-most surface parking spaces on the PUD Site. To exit the loading dock, trucks will traverse the same two parking spaces and exit the alley back to 5th Street "head out". As a result of this configuration and loading program, the two eastern-most parking spaces will be restricted to after-hours parking only in order to accommodate residential loading during daytime business hours.

Trash will be maintained inside the building's southwest corner, and will be wheeled out to 5th Street for curb-side pickup via a door on the west side of the building.

As described in more detail below, the project will be designed to meet rigorous energy and environmental design standards using the LEED for New Construction rating system as a guide and performance metric to support the District's vision for a sustainable future. The project is inherently sustainable due to its infill location with convenient access to public transportation, nearby amenities, community resources, and downtown Washington, D.C., which collectively will reduce vehicle trips to and from the PUD Site. The project will utilize low impact design ("LID") measures, including extensive and intensive vegetated green roofs and a green wall trellis, which will serve the dual functions of mitigating stormwater flows from the PUD Site and adding open space and natural habitats.

The residential units are designed to provide substantial amounts of light and air from all directions. The building is set back five feet, four inches from the western property line on the third through fifth floors, providing a balcony at the third level, and is set back 33 feet, 4 inches from the western property line on the sixth floor, providing set back from 5th Street and an outdoor terrace at the 6th floor. The retail space and residential lobby, located along H Street, have been designed to activate the street frontage and improve the pedestrian experience along the H Street corridor. Along the south side of the building above the first floor, the building is set back 18 feet from the south property line, which when added to the 12 foot wide alley, provides a 30 foot separation from the buildings to the south.

The overall height and massing of the building is consistent with the permitted height along this portion of the H Street corridor. A rich and varied palate of materials, including cast stone masonry and steel, provides visual variety and responds to the context of the overall street. The large storefront windows on the ground and second floors activate the sidewalk, and the

patterning of the windows on the upper residential floors applies an ordered overlay to the general massing of the building.

In addition, the building façade is organized into distinct components to break up the massing and to relate to the surrounding neighborhood's scale. The retail base is a two-story component that is of a similar height to the surrounding two-story properties, and is emphasized by a distinct cast stone banding. Large windows at the retail levels visually distinguish the retail space from the residential units above and are capped with decorative eared lintels. Façade treatment at the lower levels is marked by a textual treatment of smooth and rocked cast stone masonry. The residential units above are marked by quoining of the stone at the building corners and a set back of the massing to the west. Top story suites are highlighted by a base of decorative cast stone cornice, and a large set back to the east creating a luxurious terrace complete with a wood pergola, deck, and landscaping.

Overall, the building design seeks to provide an attractive and dynamic addition to the quickly evolving mixed use corridor of H Street, N.E., while being mindful of the immediate context of the existing residential neighborhood and community.

B. Matter of Right Development Under Existing HS-H/C-2-A Requirements

The PUD Site is located in the HS-H/C-2-A District, as illustrated on a portion of the Zoning Map attached as Exhibit B. The Applicant is seeking to rezone the PUD Site to the HS-H/C-2-B District in connection with this application.

The C-2 Districts are divided into C-2-A, C-2-B, and C-2-C Districts. 11 DCMR § 720.1. The C-2-A Districts are designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside the central core. 11 DCMR § 720.2. The C-2-A Districts are located in low and medium density residential areas with access to main highways or rapid transit stops, and include office employment centers,

shopping centers, and medium-bulk mixed use centers. 11 DCMR § 720.3. The C-2-A District includes the following development requirements

- A maximum matter-of-right height of 50 feet with no limit on the number of stories (§770.1), and a maximum height of 65 feet under the PUD requirements (§ 2405.1);
- A maximum matter-of-right floor area ratio ("FAR") of 2.5 and 3.0 utilizing the Inclusionary Zoning ("IZ") bonus, all of which may be devoted to residential use, but not more than 1.5 FAR of which may be devoted to non-residential uses (§ 771.2), and a maximum FAR of 3.0 under the PUD requirements, all of which may be devoted to residential use, but not more than 2.0 of which may be devoted to non-residential uses under (§ 2405.2);
- A maximum lot occupancy for a building or portion of building devoted to residential use of 60 percent, and 75 percent for a project subject to IZ (§§ 772.1 and 2604.2);
- A minimum rear yard depth of 15 feet (774.1);
- If provided, a side yard width of at least two inches per foot of building height, but not less than six feet (§ 775.5);
- If provided for a building or portion of building devoted to residential uses, at any elevation in the court, a minimum court width of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet (§ 776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 350 square feet (§ 776.4);

- If provided for a building or portion of building devoted to non-residential uses, at any elevation in the court, a minimum court width of three inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 12 feet, and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 250 square feet; and
- For an apartment house, one off-street parking space for each two dwelling units (§ 2101.1);
- For a retail establishment in excess of 3,000 square feet, one parking space for each additional 300 square feet of gross floor area and cellar floor area;
- For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; and
- For a retail establishment with 5,000 to 20,000 square feet of gross floor area and cellar floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet.

C. Permitted Development Under Proposed HS-H/C-2-B Requirements

- A maximum matter-of-right height of 65 feet with no limit on the number of stories (§770.1), and a maximum height of 90 feet under the PUD requirements (§ 2405.1);
- A maximum matter-of-right FAR of 3.5 and 4.2 utilizing the Inclusionary Zoning bonus, all of which may be devoted to residential use, but not more than 1.5 FAR of which may be devoted to non-residential uses (§ 771.2); a maximum FAR of

6.0 under the PUD requirements, all of which may be devoted to residential use, but not more than 2.0 of which may be devoted to non-residential uses (§ 2405.2); and a maximum non-residential FAR of 0.5 FAR pursuant to the H Street Overlay regulations (§1321.2);

- A maximum lot occupancy for a building or portion of building devoted to residential use of 80 percent, and 80 percent for a project subject to IZ (§§ 772.1 and 2604.2);
- A minimum rear yard depth of 15 feet (774.1);
- If provided, a side yard width of at least two wide per foot of building height, but not less than six feet (§ 775.5);
- If provided for a building or portion of building devoted to residential uses, at any elevation in the court, a minimum court width of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet (§ 776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 350 square feet (§ 776.4);
- If provided for a building or portion of building devoted to non-residential uses, at any elevation in the court, a minimum court width of three inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 12 feet, and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 250 square feet;

- For an apartment house, one off-street parking space for each three dwelling units (§ 2101.1).
- For a retail establishment in excess of 3,000 square feet, one parking space for each additional 750 square feet of gross floor area;
- For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; and
- For a retail establishment with 5,000 to 20,000 square feet of gross floor area and cellar floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet.

The tabulation of the project's development data is included on sheet 4 of the Plans.

D. Flexibility under PUD Guidelines

The PUD process was designed 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 of the Zoning Regulations, the Commission may grant such flexibility in its discretion.

1. Flexibility from the Parking Requirements with Respect to the Number and Size of Parking Spaces

Section 2101.1 of the Zoning Regulations requires one parking space for each three dwelling units (residential requirement), plus one parking space for each additional 750 square feet of gross floor area of retail space in excess of 3,000 square feet of gross floor area (retail requirement). The project will include a maximum of 26 dwelling units and approximately 13,482 square feet of gross floor area devoted to retail uses, and is therefore required to provide

23 parking spaces (nine spaces for residential uses and 14 spaces for retail uses). However, as shown on the Plans, the Applicant is seeking flexibility to provide eight parking spaces at the rear of the PUD Site. Six of the eight parking spaces will be compact, and two of the compact spaces will be restricted during the day to allow for truck turning movements for access to the loading facilities also located at the rear of the PUD Site. The loading that will take place at the rear of the PUD Site will be utilized only by trucks 24 feet in length or shorter and only for residential loading, which is anticipated to be infrequent and only for move-ins and move-outs. Thus, the Applicant will be able to easily coordinate and manage use of the two temporary surface parking spaces. Of the two standard spaces on the PUD Site, one will be dedicated to a car-share company and one will be dedicated to low-emitting and fuel efficient vehicles.

The proposed number of parking spaces is sufficient to meet the anticipated vehicle parking demand for the building. Many building residents, visitors, retail customers and employees will not access the PUD Site via a private vehicle, given the PUD Site's easy accessibility to multiple alternative transportation options and its location in a walkable, mixed-use neighborhood. The PUD Site is located approximately 0.7 miles (a 14 minute walk) from Union Station, which provides local, regional, and interstate access via Metrorail, Metrobus, the D.C. Circulator Bus, Amtrak, intracity buses, and Capital Bikeshare. The PUD Site is located within 0.2 miles of nine Metrobus lines (70, 90, 92, 93, D3, D4, D8, X1, and X2), and within 0.3 miles of three Capital Bikeshare stations, with seven additional Bikeshare stations located within 0.6 miles of the PUD Site. The PUD Site is also located within easy walking distance of eight car share spaces (operated by Zipcar and Hertz On Demand), which are all located within 0.3 miles of the PUD Site. Car2Go vehicles, which are operated as a one-way car-share system, are easily accessed and parked throughout the area. Moreover, the PUD Site is deemed "Very

Walkable" by walkscore.com, due to its flat topography and close proximity to nearby grocery stores, restaurants and bars, coffee shops, parks, and entertainment venues. Moreover, the public good will be served by a high quality infill development project in the H Street neighborhood, which the District is seeking to revitalize and reintegrate through public and private investment.

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

2. Flexibility from the Compact Parking Requirements

Section 2115.2 of the Zoning Regulations permits parking garages containing 25 or more required parking spaces to designate up to 40 percent of these parking spaces for compact cars. In this case, the Applicant is providing eight parking spaces, six of which are compact. Therefore, the 25-parking space threshold established by section 2115.2 is not met, thus requiring flexibility. However, as described above, the Applicant is providing a sufficient number of parking spaces on the PUD Site to meet the anticipated demand from building residents, employees, and visitors.

3. Flexibility from the Rear Yard Requirements

The Applicant requests flexibility from the rear yard requirements. Pursuant to Section 774.1 of the Zoning Regulations, the Applicant is required to provide a 15 foot rear yard. However, the Applicant is seeking flexibility to provide a rear yard that is approximately six feet wide for the first 20 feet, 4 inches in height of the building, measured to the center of the 12.17-foot-wide public alley as permitted by Section 774.7. For the height above 20 feet, 4 inches, the building has a compliant rear yard of 18 feet.

If the Applicant did provide the required 15 foot rear yard for the entire length of the PUD Site, the Applicant would have to eliminate the southwestern portion of the building dedicated to loading and trash facilities, or else push this area in to the main footprint of the building, thus eliminating retail space. Despite the proposed configuration, there will be sufficient open space between the rear of the proposed building and the property to the south of the PUD Site, due to the existence of the public alley and the building setback on the upper floors. In addition, given the design of the building, the location of the PUD Site on a corner lot, and the existence of the public alley, the residential units on the PUD Site will have adequate access to light and air from all directions. Moreover, even though the project does not include a compliant rear yard for a portion of the PUD Site, the volume of open space provided over the loading facilities and within the property line is significant.

4. Flexibility from the Loading Requirements

Section 2201.1 of the Zoning Regulations requires that the PUD include a 30 foot loading berth and a 100 square foot loading platform for the proposed retail uses. However, the Applicant proposes to provide one 24-foot loading berth for residential uses at the rear of the PUD Site, and to provide all retail loading from 5th Street in the existing loading zone that can

accommodate two 30-foot trucks. The Applicant reviewed this loading configuration with DDOT and has received its informal support. Materials will be loaded into the building via a door on the west façade, and trash will be wheeled out of the building through this same door for pick-up on 5th Street.

5. Flexibility from the Section 1321.2 of the H Street Overlay District

The Applicant requests relief from Section 1321.2 of the Zoning Regulations, which provides that the FAR for new construction in the HS-H sub-district may not exceed 0.5 FAR for non-residential uses. In this case, the Applicant proposes to provide 1.37 FAR of non-residential uses. Pursuant to Section 1304.1, exceptions from the requirements of the Neighborhood Commercial Overlay Districts ("NC Overlay"), including the HS-H Overlay, may be approved by the Board of Zoning Adjustment ("BZA") subject to the requirements listed in Section 1304.1. Pursuant to Sections 2405.7 and 2405.8, however, the Zoning Commission may approve any use that is permitted as a special exception and that would otherwise require approval of the BZA. Therefore, the Applicant requests that the Commission approve an exception from the maximum non-residential FAR requirements of Section 1321.2.

Although the Commission is not required to apply the special exception standards of Section 1304.1, the project complies with them as follows: (i) the project will substantially advance the purposes of the NC Overlay and the HS-H Overlay and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, since the building will establish ground floor retail and residential uses that will increase pedestrian safety and enliven the street; (ii) exceptional circumstances exist that justify the waiver because the PUD will remove the existing one-story office building that detracts from the District's intent to promote new retail and residential uses in

this area and because a strong retail base with two above-grade stories furthers the resurgence on this portion of H Street; and (iii) vehicular access and egress are located and designed to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions, since on-site parking will accommodate the anticipated demand and all loading has been designed to minimize conflict with pedestrians and to function effectively and efficiently for both residential and retail purposes.

Furthermore, pursuant to Section 1326.1(a), for a PUD in the HS Overlay District, additional FAR provided above that permitted as a matter of right shall be used only for housing or the preferred uses listed in Sections 1322.2 and 1323.2. In this case, the additional non-residential FAR above that permitted as a matter of right (0.87 FAR, which is the difference between the matter of right non-residential FAR of 0.5 and the proposed non-residential FAR of 1.37) will be used for the specific preferred uses listed in Sections 1322.2 and 1323.2. In addition, pursuant to Section 1326.1(b), the PUD is not being used to reduce the HS Overlay's preferred uses, specifically retail, service, entertainment, and arts uses, and is instead being used to provide more of those preferred uses.

Finally, the Applicant notes that pursuant to Section 2405, PUDs in the C-2-B District are permitted to have a maximum residential FAR of 6.0 and a maximum commercial FAR of 2.0. Thus, the PUD complies with the residential and commercial FAR requirements of the PUD Regulations in Chapter 24.

6. Flexibility from Section 1326.2 of the H Street Overlay District

Section 1326.2 provides that the minimum area included within a proposed PUD, including the area of public streets or alleys proposed to be closed, shall be 10,000 square feet. In this case, however, the PUD Site has a land area of approximately 9,813 square feet, and thus

requires flexibility for approximately 187 square feet. Similar to the flexibility requested from the maximum non-residential FAR requirements, described in the previous subsection, the Applicant requests flexibility pursuant to Section 1304.1 for the Commission to waive the minimum area requirements of Section 1326.2.

Flexibility is appropriate because the PUD Site is located in the H Street Northeast Overlay Housing Sub-District, which has a stated purpose of encouraging housing (*see* 11 DCMR §§ 1320.1 and 1321.1). Presently, 100 percent of the gross floor area of the existing building on the PUD Site is devoted to commercial office use, with no housing or ground floor retail. In order to redevelop the PUD Site with a mix of desired uses, including significant new housing, including affordable housing, flexibility is needed. Moreover, the requested relief in this case is less than two percent.

E. 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 from the following areas:

- i. To be able to provide a range in the number of residential units of plus or minus three units from the 26 depicted on the Plans;
- ii. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- iii. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED Certified equivalent rating under the LEED 2009 for New Construction and Major Renovations rating standards;
- iv. 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;

- v. To vary the final selection of all exterior signage to the building; and
- vi. For the retail area at grade level, the 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 or needs of a proposed retail tenant.

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

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

The Zoning Act sets forth a number of criteria that must be applied by the Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital" D.C. Code § 6-641.01 (2001). The Zoning Act further provides that:

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

D.C. Code § 6-641.02 (2001). The Commission must apply those standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the PUD Site from the HS-H/C-2-A District to the HS-H/C-2-B District in conjunction with a Consolidated PUD as requested herein will promote each of the purposes described above.

B. PUD Process is the Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the PUD Site. 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 Applicant to ensure a well-planned development.

C. PUD Requirements under Chapter 24 of the Zoning Regulations

1. Area Requirements under Section 2401.1

The PUD Site has a land area of approximately 9,813 square feet where 10,000 square feet of land area is required pursuant to Section 1326.2. As described above, the Applicant requests relief from Section 1326.2.

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

The PUD regulations permit a maximum building height of 90 feet and a maximum FAR of 6.0 in the C-2-B District. 11 DCMR §§ 2405.1 and 2405.2. The proposed project has a maximum building height of approximately 75 feet to the top of the main roof, and a FAR of 4.40, and thus meets the PUD height and FAR requirements. As described above, the Applicant requests flexibility from Section 1321.2 to permit 1.37 FAR of non-residential uses where a maximum of 0.5 FAR is permitted.

3. Impacts of the Project under Section 2403.3

The proposed PUD will have a positive impact on the surrounding area and will not have an unacceptable impact on the operation of city services and facilities. The project constitutes an appropriate mixed-use residential development along the H Street corridor. The design respects the nearby residential neighborhoods and responds to the growth and development along H Street. Overall, the proposed development will significantly improve the existing area by virtue of its exceptional architectural design that carefully considers the nearby uses. The project will replace an existing single-story office building with no retail, which is inconsistent with the urban design and planning goals for the area, and replace it with a mixed-use building that is consistent with those goals. The proposed PUD will provide significant new housing and commercial opportunities to District residents, and will help to further rejuvenate the surrounding community and improve the pedestrian experience in the area. Moreover, the affordable housing component, which will provide housing to households earning up to 80 percent of the AMI, is a great benefit to the neighborhood. In addition, the project will not have an adverse impact on light and air because the building's design includes set backs and lower heights near the residential community and lower rise buildings along 5th Street, as requested by the community.

4. Not Inconsistent with the Comprehensive Plan under Section 2403.4

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

D. Public Benefits and Project Amenities

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed

planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions...." 11 DCMR § 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR § 2403.7. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." 11 DCMR § 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with 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, landscaping and open space areas, and affordable housing for households earning up to 80 percent of the AMI. The location of a new mixed use development on the H Street corridor, as well as the proposed on-site amenities described below, provide significant benefits to the neighborhood and to the District as a whole. Overall, the project reflects and implements the goals of the PUD project and satisfies the requirements of Chapter 24 of the Zoning Regulations.

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 assist in the further development of H Street, N.E. into a major mixed-use corridor with higher-density uses and high-quality community-oriented retail uses. The Applicant has presented an exceptional and appropriate architectural design for the PUD Site, which will

benefit both the H Street corridor and the surrounding residential neighborhoods. These benefits include an architectural design that is both fresh and engaging, while seeking to compliment the form and materials of the existing context. The importance of this amenity is heightened as the present improvement is an office use with no ground floor retail in the housing subarea. The Applicant paid particular attention to the different characteristics of the four distinct frontages of the building in order to create a design that compliments and respects the adjacent buildings. The project's frontage on H Street, with a mix of uses and streetscape improvements, will contribute to the ongoing development of H Street as a major mixed-use corridor with higher-density uses, with high-quality retail uses and residential uses, including affordable housing, will help revitalize this portion of H Street into a more vibrant, mixed-use, and multi-modal neighborhood.

In addition, the Applicant focused on creating a pedestrian-friendly urban retail streetscape with large, street-facing windows on its north and west facades. The Applicant will work with DDOT's Public Space Committee to ensure adequate improvements to the adjacent streetscape and public alley.

The Applicant designed the proposed PUD to have the bulk of activity on H Street, with retail storefronts and residential entrances all on H Street, thus minimizing the impact to the adjacent residential community. The step-downs of building height will further minimize the impact to the adjacent neighborhood and the set backs of the upper floors along 5th Street will break down the perceived mass of the building. The building has a maximum height of approximately 75 feet along H Street, but steps down to 20 feet, 4 inches as it approaches the neighborhood on 5th Street. This overall height and massing compliments the adjacent buildings with a rich and varied palate of high-quality materials.

The character of the street frontage along both H and 5th Streets will be preserved with no changes to street trees, landscaping, or amenities. Terraces are proposed at the third and sixth levels of the building to provide outdoor amenity spaces for building residents. On the third level, a balcony overlooks 5th Street and provides views west down H Street. The sixth floor terrace includes an approximately 200 square foot patio with a pergola covered seating area to accommodate furniture and planters. A combined area of approximately 3,600 square feet of extensive green roof will be provided on both the sixth level terrace and the sixth level rooftop to contribute to the Green Area Ratio ("GAR") requirements.

Moreover, the replacement of the existing improvements on the PUD Site with the proposed building constitutes a significant benefit. Specifically, the PUD Site is currently improved with a single-story, 13 foot-tall building that occupies 59 percent of the lot, has an FAR of 0.6, and does not provide any commercial, retail, or residential uses. This type of development is not consistent of the goals of the H Street Overlay. In contrast, the PUD strengthens and supports the Overlay's goals by constructing new residential and retail uses on the H Street corridor and creating safe and efficient conditions for pedestrians, cyclists, and vehicles. The project will help meet the needs of the surrounding area's residents, workers, and visitors, and will enhance the visual aesthetic of this portion of H Street, N.E.

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 ("DOES") whereby the Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.

4. 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 project will replace the existing non-residential uses with a new building that will contain approximately 26 residential units, amounting to approximately 29,725 square feet of gross floor area devoted to residential and residential amenity uses. Significantly, the Applicant will set aside no less than eight percent of the gross floor area for affordable units at 80 percent of the AMI, in accordance with the Inclusionary Zoning provisions of the Zoning Regulations. In addition to furthering the general housing objectives and policies of the Zoning Regulations and the Comprehensive Plan, the proposed development will help satisfy the growing demand for housing in this rapidly changing neighborhood.

5. Environmental Benefits (Section 2403.9(h))

The Applicant is fully committed to providing a high-quality new development in the District of Columbia that is sensitive to the natural environment. Through the development of this project, the Applicant will ensure 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 PUD Site's location and to promote a healthy, desirable, and comfortable lifestyle that will benefit the project's residents and minimize the building's impact on the environment. The proposed development includes, landscaping, a green roof, a green wall/vertical landscape trellis on the south façade, energy efficient and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices. More specifically, these LID practices include the following:

1. Energy Efficiency: The project will be designed to reduce energy consumption compared to the LEED for New Construction referenced ASHRAE 90.1 energy code. ASHRAE 90.1 establishes the minimum requirements for energy-efficient design and construction of new buildings and their systems, including the building envelope, heating, ventilation, air conditioning, and lighting systems. The PUD will be designed to perform at least 14 percent more efficiently than the baseline ASHRAE 90.1 standard through the following energy efficiency measures:
 - a. Energy efficient heat pumps;
 - b. High efficiency units, common areas, and exterior light fixtures;
 - c. Lighting occupancy sensors in common areas;
 - d. EnergyStar appliances;
 - e. Increased wall and roof insulation;
 - f. High performance low-e glazing; and
 - g. Low flow shower heads and faucets.
2. Water Efficiency: The building will conserve water resources through use of efficient indoor plumbing fixtures and a water-efficient landscape design. A combination of efficient bathroom faucets, kitchen faucets, showerheads, and toilets will be specified to reduce water consumption by at least 30 percent compared to plumbing code standards. In addition, the project will have a water-efficient landscape design that relies on selection of drought-tolerant native and adaptive plant species.
3. Materials and Resources: The project will pursue resource efficient design and construction strategies by specifying materials that have recycled content and

which are sourced regionally. The Applicant will also implement a construction waste management plan to divert construction waste from disposal in landfills. The Applicant will target diverting approximately 75 percent of construction material for recycling or reuse.

4. Indoor Air Quality: The building will be designed to reduce exposure to indoor pollutants by meeting the LEED for New Construction referenced ASHRAE 62.1 ventilation standard. In addition, the Applicant will specify low VOC adhesives, sealants, coatings, and flooring products to reduce the amount of indoor air pollutants within the building.

As indicated on the LEED scorecard, included on page six of the Plans, development of the project on the PUD Site is targeted to achieve a LEED Certified equivalent rating, and will provide landscaped areas that meet or exceed the green area ratio ("GAR") requirements in Chapter 34 of the Zoning Regulations.

In addition, the PUD Site's location in a transit-rich, walkable area will reduce reliance on private vehicles by the building's residents, employees, and visitors. People traveling to the PUD Site will have a full array of convenient and efficient transportation options, thus reducing greenhouse gas emissions and local pollution generated by vehicles. The Applicant will also provide bicycle parking for residents, employees, and visitors of the building. The proposed infill redevelopment of the PUD Site will also help to preserve green spaces located farther from the city center and encourage more mixed-use development in existing District neighborhoods.

6. Transportation Features (Section 2403.9(c))

The project is an excellent example of "smart growth" in a neighborhood that is full of alternative transportation modes, including Metrorail, Metrobus, bicycle lanes, continuous sidewalks, and the newly constructed H Street streetcar line, and has been designed to create safe

multi-modal access that will utilize the existing and planned public transportation facilities. The PUD Site is located on multiple bus routes, has access to Union Station, which is a multi-modal transportation hub, and fronts onto the H Street streetcar line, which is scheduled to begin operations later in 2014. This proximity will result in a significant proportion of trips being made by public transportation or other active travel modes.

In addition, the Metropolitan Branch Trail and numerous bicycle lanes and routes provide easy bicycle access in all directions. Short-term bicycle parking for retail patrons, employees, and visitors will be provided on H Street, and secure bicycle parking for building residents will be provided in the cellar of the building. In addition, the PUD Site is located within 0.3 miles of three Capital Bikeshare stations, a service that has become a viable option for District residents and visitors to travel throughout the city, including commuting to work on a daily basis.

V. COMPLIANCE WITH STATUTORY STANDARDS

The proposed PUD and map amendment advance the purposes of the Comprehensive Plan, are consistent with the Future Land Use Map and Generalized Policy Map, comply with the guiding principles in the Comprehensive Plan, and implement many of the major elements of the Comprehensive Plan.

A. 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 and map amendment significantly advance these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality, eco-friendly, mixed-use development project that will add approximately 26 new residential units to the District and approximately 20,527 square feet of retail/commercial space, without generating any adverse impacts.

1. The Future Land Use Map Generalized Policy Map

The Future Land Use Map of the Comprehensive Plan designates the PUD Site for Medium Density Residential and Moderate Density Commercial uses, as shown on the portion of the Future Land Use Map attached hereto as Exhibit C. 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 Framework Element describes the Moderate Density Commercial as:

used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply.

The Applicant's proposal to rezone the PUD Site from the HS-H/C-2-A District to the HS-H/C-2-B District to construct a mixed-use retail and residential development is consistent with the Comprehensive Plan designations. The proposed C-2-B zoning classification is specifically identified as a moderate density commercial zone district. One of the primary purposes of the C-2-B District is to provide commercial and residential functions within a single building, which is also consistent with the stated principle of the PUD Site's mixed-use designation. The PUD Site is also located along a major transportation corridor and is in close proximity to Union Station. Given the District's stated policy of channeling new residential growth into areas near transit stations and along bus routes, the proposed project and map amendment are consistent with the Comprehensive Plan's designation of the PUD Site.

The Generalized Policy Map designates the PUD Site as a Main Street Mixed Use Corridor (*see* portion of the Generalized Policy Map, attached hereto as Exhibit C). 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. H Street, Dupont Circle, 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 to 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 existing one-story commercial office development is not consistent with these objectives.

2. Compliance with the Guiding Principles of the Comprehensive Plan

The proposed PUD and map amendment are consistent with the guiding principles of the Comprehensive Plan and will advance a number of their stated goals and policies.

a) 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 these goals. Redeveloping the PUD Site into a vibrant mixed-use development with approximately 26 residential units and approximately 20,572 square feet of gross floor area and cellar floor area devoted to retail space, will further the revitalization of the neighborhood. The proposed retail uses 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. The Applicant's proposal to develop a significant amount of residential and retail use is consistent with the Comprehensive Plan's acknowledgement that the growth of both residential non nonresidential uses is critical. The project will also help connect the PUD Site to the rest of the neighborhood and the overall urban fabric by developing a vibrant mixed-use development on H Street, N.E. that will draw people from the surrounding community. Furthermore, the project will help to attract a diverse population with the inclusion of a mix of housing types for households of different incomes. (10A DCMR §§ 217.2 and 217.3).

b) Land Use Element

The Comprehensive Plan provides that "[b]ecause the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced." 10A DCMR §

300.2. The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries.

10A DCMR § 302.1. The proposed project will advance this important goal by complying with the policies set forth in the Land Use Element of the Comprehensive Plan. Consistent with *Policy LU - 1.3.4: Design to Encourage Transit Use*, the Applicant designed the project to encourage transit use and enhance safety, comfort, and convenience of passengers walking to transit options along H Street by improving the streetscape with new lighting, retail windows, and landscaping. The project includes significant new retail uses that will activate and animate the ground floor street frontages. Furthermore, the proposed PUD exemplifies the principles of transit-oriented development. The PUD Site fronts on the new H Street streetcar line, is approximately a 14-minute walk (0.7 miles) from Union Station, and is in close proximity to multiple Metrobus stops. Redeveloping the PUD Site into new mixed-use development will maximize transit ridership and encourage additional foot traffic on H Street, N.E. At the same time, the project's design will respect the character of the H Street corridor and will integrate well into the walkable urban environment.

The project is also consistent with *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods*, since the project will increase the area's housing supply and expand

neighborhood commerce, all while protecting the neighborhood character and restoring the environment. The project will help 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.

Furthermore, the project supports *Policy LU-2.2.4: Neighborhood Beautification*, because the PUD includes a number of neighborhood beautification elements, such as landscaping and ground floor retail, which will activate the street. As shown on the Plans, the Applicant's architect designed the building to improve the visual aesthetic of the neighborhood and to respect the surrounding structures. Moreover, the proposed development of the PUD Site will be an improvement to the current condition of the PUD Site, with the addition of a new, well-designed and architecturally distinct building. Finally, the project is also consistent with *Policy LU - 2.3.2: Mitigation of Commercial Development Impacts*, since the building is designed so that it does not result in unreasonable or unexpected traffic, parking, litter, view obstruction, odor, noise, or vibration impacts on the surrounding residential area.

c) Housing Element

The goal of the Housing Element is to develop 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 directly advances this goal by achieving the policies discussed below.

The project supports *Policy H-1.1.1: Private Sector Support* by helping to meet the needs of present and future District residents at locations consistent with District land use policies and

objectives. Specifically, the project will contain approximately 29,725 square feet of gross floor area devoted to residential uses, which represents a substantial contribution to the District's housing supply, particularly where there is developed land in the housing subarea that presently provides no housing. The project also supports *Policy H-1.1.4: Mixed Use Development* by promoting mixed-use development, including housing, on commercially zoned land along a mixed-use corridor. Consistent with *Policy H-1.1.5: Housing Quality*, eight percent of the gross floor area devoted to residential use will be set aside as affordable housing for households earning up to 80 percent of the AMI. The affordable units will meet the same high-quality architectural standards provided for the market-rate housing and will be indistinguishable from the market rate housing in their exterior appearance. Finally, the project supports *Policy H-1.2.3: Mixed Income Housing*, since the project includes both market rate and affordable housing units. The project will further the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods.

d) Environmental Protection Element

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element 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; and

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

As discussed previously in this statement, the proposed PUD includes landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element.

e) Economic Development Element

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 is required to sustain this proposed development, in a variety of settings with a variety of building types. (10A DCMR § 706.1). *Policy ED-2.2.3: Neighborhood Shopping* 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: Neighborhood Commercial Vitality* calls for promoting the vitality and diversity of neighborhood commercial areas by, among other actions, attracting new businesses and improving the mix of goods and services available to residents.

The Applicant's proposed development of new retail uses on the PUD Site, 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 the economic development goals stated above. 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,

walkable site. Thus, the proposed new retail will promote the vitality, diversity, and economic development of the H Street commercial area.

f) Urban Design Element

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

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

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to integrate the proposed construction with the character of the surrounding neighborhood. For example, 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 street, as well as improved lighting, clear lines of sight, and visual access, all of which will help minimize the potential for criminal activity in the immediate area, instead of an office building which is closed at the end of the business day.

g) Capitol Hill Area Element

The project is consistent with and will help to implement a number of the policy goals identified in the Capitol Hill Area Element. Policy *CH-1.1.2: Renovation of Housing Stock* encourages the rehabilitation and renovation of the building stock throughout the Capitol Hill

Planning Area. Where infill development occurs, its scale and character should be compatible with prevailing neighborhood development and its design should contribute to neighborhood continuity and quality. Consistent with this policy, the Applicant designed the building with distinct street frontages for each street façade and appropriately scaled the massing to the neighborhood context. In addition, *Policy CH-1.1.3: Upgrading Commercial Districts* calls for upgrading the major commercial districts of Capitol Hill, including the H Street corridor, and particularly encourages the development of local-serving retail services. The PUD is consistent with this objective since the development will include approximately 20,572 square feet of new retail uses on the cellar, first, and second levels, and approximately 29,725 square feet of new residential uses, which combined will help activate and enliven the H Street corridor.

In addition, *Policy CH-1.1.4: Directing Growth* calls for directing growth in the Capitol Hill Planning Area to commercially zoned land, with a particular emphasis on the H Street/Benning Road corridor. This policy element also provides that mixed-use development combining ground floor retail and upper story residential uses should be supported in this area, along with streetscape improvements that enrich visual and urban design qualities and enhance pedestrian, bicycle, bus, and vehicular circulation. As discussed herein, the project is consistent with and will help to implement these goals.

Policy CH-2.1.1: H Street Revitalization supports the revitalization of H Street between North Capitol Street and 17th Street, N.W. in a manner that is consistent with the 2003 H Street Strategic Development Plan, which is further discussed below. Furthermore, the Western Gateway is identified as being between North Capitol Street and 7th Street, N.E., with the portion between 2nd Street and 7th Street, N.E. identified as an "urban living" district. This urban living district is intended for medium to high density residential development, with limited ground floor

retail uses (para. 1511.6). The project's incorporation of significant residential use with ground floor retail in this area achieves the goals of creating an "urban living" district and provides an appropriate transition to the downtown H Street community where retail is clustered.

h) H Street N.E. Strategic Development Plan and Design Guidelines

Pursuant to Section 1320.1(a) of the Zoning Regulations, the PUD Site is located within the H Street Northeast Overlay Housing Sub-district, which is intended to encourage residential uses. As described above, the PUD Site is also located within the urban living district of the H Street N.E. Strategic Development Plan. This Plan was approved by the D.C. Council in 2004 pursuant to Resolution No. 15-460. As stated in Section 3(7) of the resolution, the D.C. Council determined that "[t]he Plan will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan."

Recommendations for the urban living district recognize that larger sites in single ownership along this segment of H Street, N.E. make higher density, mixed-use projects possible. Mixed use development at this end of the corridor reinforces the concept of transit-oriented development, which is the District's policy of focusing higher density mixed-use activity nodes close to major transportation hubs.

B. Health, Safety, and General Welfare

The proposed PUD and map amendment would further the public health, safety, and general welfare of the District of Columbia. The requested rezoning from the HS-H/C-2-A District to the HS-H/C-2-B District will ensure that the PUD Site is redeveloped in a consistent manner and does not result in future conflicts between incompatible land uses. By permitting redevelopment of the PUD Site, the proposed map amendment will protect the health and safety

of District residents and promote the general welfare by allowing the expansion of development in a walkable, dense, urban area that desires new infill development with commercial and multi-family residential opportunities. The project will provide significant new revenue to the District government by generating new property tax, and will encourage District businesses and residents to locate in the mixed-use area along a vibrant, multi-modal corridor.

C. No Adverse Consequences

The project will not result in the overcrowding of land or the undue concentration of population, nor will it have any significant adverse effects on traffic congestion in the surrounding area. Due to the PUD Site's excellent location in close proximity to numerous public transportation options, it is not expected to generate significant new vehicle trips.

The proposed PUD and map amendment will allow for the redevelopment of an infill site in a manner that is consistent with the surrounding commercial and residential uses. It will rehabilitate the existing lot to an appropriate use, thereby enhancing the quality of the entire community. The map amendment will not generate any negative external effects, but will promote the efficient use of high-value land in a manner that will renew and invigorate the image of the city.

D. Development under the HS-H/C-2-B District Would Create Favorable Conditions

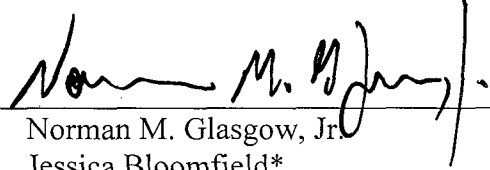
As discussed above, the proposed PUD and map amendment will further a number of the policies embodied in the District's Comprehensive Plan. The rezoning will allow the PUD Site to be redeveloped with residential and commercial uses, as contemplated by the Future Land Use Map of the Comprehensive Plan.

VI. CONCLUSION

For all of the reasons stated herein, the Applicant submits that the PUD and zoning map amendment meet the standards of Chapter 24 of the Zoning Regulations and are consistent with the purpose and intent of the Zoning Regulations and Zoning Map. Accordingly, the Applicant respectfully 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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