

300 M Street, N.E.

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

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LIST OF EXHIBITS

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

I. INTRODUCTION

M Street Development Group, LLC and Square 772 Development Group, LLC (together the "Applicant") submit this statement and the attached documents as owners of Lots 1, 2, 6, 7, 19, 801 and 802 in Square 772 (collectively the "Subject Property"), in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and a zoning map amendment to rezone the Subject Property from the C-M-1 District to the C-3-C District.

The Subject Property has a combined land area of approximately 67,446 square feet. The Subject Property has approximately 329 linear feet of frontage on M Street, N.E., approximately 270 linear feet of frontage on 3rd Street, N.E., and approximately 150 linear feet of frontage on 4th Street, N.E. Square 772 is located in the northeast quadrant of the city and is bounded by N Street to the north, 4th Street to the east, M Street to the south, and 3rd Street to the west.

The Subject Property is presently zoned C-M-1. The Applicant is seeking to rezone the Subject Property to the C-3-C District in connection with this application. The requested map amendment is consistent with the Comprehensive Plan's Future Land Use Map designation of the Subject Property as mixed-use: Medium-Density Commercial, Medium-Density Residential, and Production, Distribution and Repair. The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map designation of the Subject Property as a Land Use Change Area, and is also consistent with the NoMa Small Area Plan's recommendations for the Subject Property.

As shown in the photographs and on the existing conditions survey included in the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit A, the

Subject Property is currently improved with a warehouse building and associated surface parking. The Subject Property is surrounded by a variety of uses, including warehouses and charter school facilities to the north, residential uses to the east and south, and industrial and residential uses to the west.

The Applicant proposes to raze the non-historic warehouse building in connection with redevelopment of the Subject Property and to build a mixed-use building composed of retail and residential uses. The building will have an FAR of 6.14 and will include a total of approximately 414,118 square feet of gross floor area. Approximately 401,218 square feet of gross floor area will be devoted to residential use and 9,000 - 12,900 square feet of gross floor area will be devoted to retail use. The building will include 401 residential units (plus or minus 10%) and a total of 175 off street parking spaces located in a below-grade parking garage. The building will be constructed to a maximum height of 110 feet at its highest point, and will step down to approximately 80 feet and 50 feet from west to east.

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

II. PROJECT DESCRIPTION

A. Project Components and Design

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

developments to the west, Union Market and Gallaudet University to the north, and residential uses to the south-west.

The project is sensitive to its varied context and responds in size, form and in its use of materials. The building steps down significantly in height towards the east where the context is more residential. The program consists of approximately 401 market rate and affordable dwelling units, a ground level that is programmed with retail and residential uses that activate the street, and two levels of parking below grade. The project is located one block away from the NoMa-Gallaudet Metro Station and provides residents with ample, secure bike parking. Parking and loading access is located along the rear alleys to the north of the site and divert vehicular traffic away from the residential uses at M and 4th Streets.

The building responds to the site in its elegant expression and rich palette of materials. The base of the building brings the overall scale down at the street level. The building will be brick and glass to maintain a sense of openness and connectivity to the streetscape. The artisanal brick will pay homage to the light-industrial history of the neighborhood but simultaneously be detailed and designed to feel residential and contemporary. Along 3rd Street, N.E., the brick frames and glass retail storefronts are broken down into small retail bays. Along the western portion of M Street, the building takes on the form of a low-rise multifamily building, and to the east of M Street and 4th Street, the building's modules are even smaller to express a townhouse form as walk-up units. The walk-up units are punctuated by projecting glass bays that will liven and activate the streetscape with their residential presence. Directly above the building's middle volume on M Street, the building further scales the façade height down and the

light metal panels allow it to have a softer presence. The building announces itself with its corner entry at 3rd and M Streets diagonally across from the Uline Arena and steps back from the property line along portions of M Street. Along the length of this volume are inset balconies carved from the mass that stagger between the uppermost two floors. The volume on 3rd Street, across from Central Armature Works, has 10 floors of residential units above the retail base. This portion of the building faces the urban side of the site, where it relates to the large-scale development to the west. The facade is a high quality precast concrete panel system that looks like stone and is punctuated by inset balconies and windows.

The building will be pursuing LEED Silver certification and will integrate a host of sustainable features, including: green roofs, street-level stormwater collection, bioretention planting areas, a rooftop harvest garden, sustainable materials, street and interior bike parking, electric car-charging stations in the parking levels and energy-efficient building design and systems.

The organization of the ground floor program is aimed to provide a sense of neighborhood activity and security at the street level. The residential entrance is located at the corner of 3rd and M Streets. There will be a concierge at the reception desk immediately inside with visual access to the NoMA Metrorail station. This will provide a street presence with eyes on M Street 24 hours a day, and the street-level program varies in accordance with the context. Neighborhood retail storefronts are concentrated on 3rd Street, which will be activated by local retail and restaurants that will have outdoor seating. A neighborhood linear park is located at M Street between 3rd Street and Abbey Place, and it will have plantings, special paving, grouped seating for socializing, and

appropriate lighting. Along M Street and to the east of Abbey Place, the project transitions to a much more residential, townhouse vernacular. These loft units can have individual ground-floor entries and porches that relate to the immediate surrounding residential neighborhood that also has raised landscape areas and raised porches. The overall streetscape is intended to be a lush, accessible amenity shared and enjoyed by the entire neighborhood.

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

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

C. Development under Proposed C-3-C Requirements

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

The C-3-C District permits a maximum building height of 90 feet with no limit on the number of stories. 11 DCMR § 770.1. In the C-3-C District, the maximum permitted

FAR of all buildings and structures on a lot cannot exceed 6.5 for any permitted use, but an FAR of 7.8 is permitted for projects subject to the Inclusionary Zoning regulations. 11 DCMR §771.2 and §2604.1. The maximum percentage of lot occupancy in the C-3-C District for all uses is 100%. 11 DCMR §772.1. Rear yards in the C-3-C District must have a minimum depth of 2½ inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. 11 DCMR §774.1. Pursuant to Section 774.11 of the Zoning Regulations, in the case of a through lot or a corner lot abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure. A side yard is generally not required in the C-3-C District; however, when a side yard is provided, it must have a minimum width of 2 inches per foot of height of building, but not less than 6 feet. 11 DCMR §775.5.

The parking and loading requirements for buildings are based upon the proposed use of the property. For example, an apartment house or multiple dwelling in the C-3-C District requires 1 parking space for each 4 dwelling units. 11 DCMR §2101.1. Retail or service establishments in excess of 3,000 square feet are required to provide 1 parking space for each additional 750 square feet of gross floor area. Id. An apartment house or multiple dwelling with 50 or more units in all zone districts is required to provide 1 loading berth at 55 feet in depth, 1 loading platform at 200 square feet, and 1 service/delivery space at 20 feet in depth. 11 DCMR §2201.1. A retail or service establishment with 8,000 to 20,000 square feet of gross floor area must provide one

loading berth at 30 feet in depth, one loading platform at 100 square feet, and one service/delivery loading space at 20 feet in depth. Id.

D. **Tabulation of Development Data**

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

E. **Flexibility under PUD Guidelines**

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

1. **Flexibility from the Side Yard Requirements**

The Applicant requests flexibility from the side yard requirements. A side yard is generally not required in the C-3-C District; however, when a side yard is provided, it must have a minimum width of 2 inches per foot of building height, but not less than 6 feet. 11 DCMR §775.5. Given that the Subject Property has frontage on three streets, for zoning purposes, the front of the building is on 4th Street, N.E., the rear of the building is on 3rd Street, N.E., and the side lot lines are along the existing public alley to the north of the site and along M Street, N.E.

As shown on the Plans, the Applicant has set the building back 11'6" from the northern side lot line to increase the width of the public alley, to provide sufficient space for vehicular and truck access to the site, and to locate the proposed utility vaults on private space consistent with DDOT's preferred location. This set-back, however, results in the creation of a side yard which measures 11'6" instead of the required width of 18'4".

The Applicant is seeking flexibility from the side yard width requirement in this case since setting the building back an additional 6'10" for the full height of the building would adversely impact the design and layout of the building. For example, a setback of 18'4" would create an exorbitantly wide alley entrance, allowing an unfettered view of the rear of buildings beyond. Additionally, the larger setback would require the repositioning of the building's square footage to the portion of the building along M Street, which would increase building height closest to the existing townhouses. The requested flexibility will not have any adverse impacts on any adjacent uses since the portion of the proposed building adjacent to the side yard is over 24 feet from a warehouse and its property line to the north of the Subject Property.

2. Flexibility From Loading Requirements

The Applicant requests relief from the loading requirements. The project will include 9,000 -12,900 square feet of retail use and 401 residential units (plus or minus 10%). Pursuant to Section 2201.1 of the Zoning Regulations, an apartment house or multiple dwelling with 50 or more dwelling units is required to provide one loading berth at 55 feet in depth, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet in depth. Pursuant to Section 2201.2 of the Zoning Regulations, for any use that occupies 90% or more of the gross floor area above grade and cellar the floor area of a building or structure, loading berths shall be calculated based on the entire gross floor area and cellar floor area of the building or structure as if the greater use occupies the entire building or structure. In this case, the building will include a total of approximately 414,118 square feet of gross floor area, with approximately 401,218 square feet of gross floor area devoted to residential uses (97%) and 9,000 -12,900 square

feet of gross floor area devoted to retail uses (3%). Thus, separate loading is not required for the retail uses.

However, due to the anticipated needs of the residents, the Applicant is seeking flexibility to provide two loading berths at 30 feet in depth for the building (relief required), one loading platform at 200 square feet, and one service/delivery space at 20 feet in depth. This requested flexibility is directly in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and minimize curb cuts on streets to the greatest extent possible, and wherever possible to provide shared loading spaces in mixed-use buildings. Moreover, given the nature and size of the residential units, it is unlikely that the building will ever be served by 55 foot tractor-trailer trucks. In addition, the loading areas will be used by the residents when they move in or out of the building, and any other use by residents will be infrequent and can be restricted to times which pose the least potential conflicts with retail users.

3. 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 (§411.3 and §770.6(a)), and the roof structures cannot be setback from all exterior walls at a distance equal to their height above the roof (§§ 411.2 and 770.6(b)), and one roof structure will have walls of unequal heights (§ 411.5).

As shown on the Plans, the building includes two penthouses on the roof of the 9th level of the building (See Sheet A-25), and two penthouses on the upper roof of the western wing of the building (See Sheet A-26).

The northernmost penthouse on the roof of the 9th level of the building has a height of 16 feet and meets the setback requirements from the eastern and southern edges

of the roof, but setback relief is required since the penthouse can only be set back 10 feet, 2 inches from the western edge of the roof which is adjacent to an interior courtyard (which is an open court). The southern penthouse on the 9th level is 10 feet in height and is set back at least 1:1 from all exterior walls.

The two penthouses on the roof of the western wing of the building each meet the setback requirements from 3rd Street, N.E. and from M Street, N.E. However, given the width of the roof of the western wing of the building, relief is required for the northern-most penthouse, which measures 18 feet, 6 inches in height, since it can only be set back 11 feet, 3½ inches from the northern edge of the roof and 10 feet from the eastern edge of the roof -- both of which are adjacent to the existing public alley -- and is set back between zero feet and 11, feet 6 inches for the portion of the penthouse that is adjacent to an internal courtyard. The southern-most penthouse has a height that steps from of 16 feet to 18 feet, 6 inches and meets the setback requirement from all street frontages; however, relief is required since the penthouse is adjacent to an interior courtyard and has multiple heights.

Each roof structure is a necessary feature and the structures have to be separated due to the building code requirement for separation of means of egress for buildings, as well as the desire to break up massing on the roof. Importantly, although the structures require setback relief along the internal courts and along the alley, the structures meet the setback requirements from all street frontages. In addition, the Applicant is providing the greatest setbacks possible given the size of the roofs and the internal configuration of the building. The location and number of the roof structures are driven by the layout and design of the residential units within the building. The roof structure design, as proposed,

will not adversely impact the light and air of adjacent buildings since each element has been located to minimize its visibility. As a result, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

4. Additional Areas of Flexibility

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

- i. To be able to provide a range in the number of residential units of plus or minus 10% from the 401 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 number, location and arrangement of parking (vehicular and bicycle) spaces, provided that the total is not reduced below the number required under the Zoning Regulations.
- iv. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project is not below 50 points under the LEED Silver 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: curtain wall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes in order to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.
- vi. In the retail and service areas, flexibility to vary the location and design of the ground floor components of the building in order to

comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail use and to accommodate any specific tenant requirements.

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

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

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

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

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

B. PUD Process is Appropriate Mechanism for the Project

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

C. PUD Requirements under Chapter 24 of the Zoning Regulations

1. Area Requirements under Section 2401.1

The Zoning Regulations require a minimum land area of 15,000 for a PUD to be located in the C-3-C District. 11 DCMR § 2401.1(c). The Subject Property has a land area of 67,446 square feet and thus meets the area requirement of Section 2401.1.

2. Height and FAR Requirements under Sections 2405.1 and 2405.2

The PUD regulations permit a maximum building height of 130 feet and a maximum density of 8.0 FAR in the C-3-C District. The project has a maximum building height of approximately 110 feet and a density of 6.14 FAR, and thus conforms with the PUD height and FAR allowances.

3. Impacts of the Project under Section 2403.3

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

4. Not Inconsistent with Comprehensive Plan Under Section 2403.4

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

D. Public Benefits and Project Amenities

1. Overview

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter of right provisions...." 11 DCMR § 2403.6. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11 DCMR § 2403.7.

Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." 11 DCMR § 2403.8. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

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

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

As shown on the Plans, the project architect has designed a building that will have a positive impact on the visual and aesthetic character of the immediate neighborhood and, thus, will further the goals of urban design while enhancing the streetscape. The project includes a significant amount of landscape, garden and open space features. The streetscape will include a generous landscape edge that will collect stormwater from the site and the roadway into bioretention / low impact development planting areas. The street furnishing zone will include new Washington Globe street lights, new benches, bike racks and permeable pavement at the breaks in planting. A small park space will be developed near the building entrance and M Street offering a gathering space for residents and the public with additional seating and more detailed paving, lighting and planting. There will also be planting along the residential unit entrances that will provide

space to collect stormwater and create a layered planted edge along the sidewalk. Throughout the project, open spaces are used to create programmed amenity areas for the residents, places of quiet and also activity areas including outdoor seating areas, grilling spaces, a dog park, urban agriculture and a swimming pool.

Moreover, with respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing warehouse building and surface parking on the site with a new building constitutes a significant urban design benefit. In addition, the proposed development will result in the closure of 8 existing curb cuts, and all parking and loading movements will occur from the existing public alley, which is (a) fully-consistent with DDOT policies and (b) will minimize vehicular conflicts with the streetscape.

3. Transportation Features (Section 2403.9(c))

The proposed development will include a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation management measures, and connections to public transit services. For example, the Applicant has located the vehicular access to the building from the existing public alley in order to limit potential conflicts with pedestrians and to maximize the retail and streetscape experience along 3rd Street, N.E. In addition, the Applicant is widening by permanent easement the east-west alley located along the northern property line from 14.75 feet to 24 feet which constitutes a significant improvement and will facilitate safe vehicular movement. The Applicant will also be installing a number of bike racks within and adjacent to the site to help promote bicycle travel.

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

The single greatest benefit to the NoMa East area, and the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan and the Mayor's housing initiative. Given that the Subject Property is currently zoned C-M-1, new residential uses currently cannot be developed on the site. Thus, the Applicant's proposal to construct approximately 401,218 square feet of gross floor area dedicated to residential uses, including affordable units, is significant. Of this amount, 8% will be devoted to affordable housing units. In contrast, under the existing zoning, there would be no new housing or affordable housing

5. Environmental Benefits (Section 2403.9(h))

The Applicant is fully committed to providing high-quality housing in the District of Columbia. Through the development of this project, the Applicant will expand its commitment by ensuring environmental, economic and social sustainability through the implementation of a series of sustainable design features. A number of strategies will be implemented to further enhance the already sustainable nature of the site's location and to promote a healthy lifestyle that will holistically benefit the project's residents while minimizing impact on the environment. The proposed development provides a host of environmental benefits and includes street tree planting and maintenance, landscaping, energy efficiency and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices.

The building will be pursuing LEED Silver certification and will integrate many sustainable features, including green roofs, street-level stormwater collection, bioretention planting areas, a rooftop harvest garden, sustainable materials, street and interior bike parking, electric car-charging stations in the parking levels and energy

efficient building design and systems. (See Conceptual LEED checklist included with Plans).

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

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

IV. **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

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

A. **Purposes of the Comprehensive Plan**

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

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

B. Future Land Use Map

According to the District of Columbia Comprehensive Plan Future Land Use Map, the Subject Property is included in the mixed-use: Medium-Density Commercial, Medium-Density Residential, and Production, Distribution and Repair land use category.

The Medium-Density Commercial category is used to define areas where buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The C-2-B, C-2-C, C-3-A, and C-3-B Zone districts are generally consistent with this land use category, although other zones may apply in some locations.

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

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

sensitive uses such as housing. The PDR designation is not associated with any industrial zone and therefore permits a building height of up to 90 feet with 6.0 FAR.

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

Thus, in evaluating the proposed map amendment, the Subject Property should be viewed in context and not as an isolated parcel. When taken in context with the surrounding neighborhood, the Applicant's proposal to rezone the property from the C-M-1 Zone district to the C-3-C Zone district in order to construct a mixed-use development is consistent with the Comprehensive Plan designation of the Subject Property. The proposed C-3-C zoning classification will enable the Subject Property to be developed as a mixed-use development built to a maximum density of approximately 6.14 FAR, which is consistent with the amount of density permitted in medium density

commercial zones. For example, the C-2-C zone permits 6.0 FAR as a base and up to 7.2 FAR utilizing the Inclusionary Zoning bonus. The Applicant's building will be constructed to a maximum height of 110 feet at its highest point, and will step down to approximately 80 feet and then to 50 feet from west to east, along M Street. This range of heights is consistent with the medium density classification and the PDR designation and is appropriate given the location of the site.

C. **Generalized Policy Map**

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

The proposed rezoning and PUD redevelopment of the Subject Property is consistent with the policies indicated in the Land Use Change Area. The existing C-M-1 District is inconsistent with the Policy Map's designation of the Subject Property since C-M Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." 11 DCMR § 800.1. In contrast, the proposed mix of new residential and retail uses in the

Applicant's project will help to improve the overall neighborhood fabric and bring new residents and retail uses to the area.

D. **Compliance with Guiding Principles of the Comprehensive Plan**

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

1. **Managing Growth and Change.**

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

The proposed PUD is fully-consistent with each of these goals. Redeveloping the Subject Property as a vibrant mixed-use development with residential and retail uses will further the revitalization of the NoMa East neighborhood. The proposed retail spaces will create new jobs for District residents, further increase the City's tax base and will help to reinvigorate the existing neighborhood fabric.

2. **Creating Successful Neighborhoods.**

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development; from development of the Comprehensive Plan to implementation of the plan's elements. The proposed PUD furthers this goal since, as part of the PUD process, the Applicant will be working with Advisory Neighborhood Commission ("ANC") 6C, the ANC within which the Subject Property is located, to ensure that the development provides a positive impact on the immediate neighborhood. Indeed, the Applicant is in the process of working with ANC

6C and other stakeholders to develop a community benefits package, which will include a number of items identified by the ANC as important community needs.

3. Building Green and Healthy Communities.

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

E. Land Use Element

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

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

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

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

The project exemplifies the principals of Transit-Oriented Development. The Subject Property is located within convenient walking distance of the NoMa/Gallaudet University Metro station and is served by several bus routes. In addition, the project is consistent with the following principles:

- A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; and

- A preference for diverse housing types, including affordable units.

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

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

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

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

5. Policy LU-2.2.4: Neighborhood Beautification.

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

6. Policy LU-2.3.3: Buffering Requirements

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

potential adverse effects. Furthermore, the project will eliminate the existing warehouse and surface parking uses and will provide new residential and retail opportunities.

7. Policy LU-3.1.4: Rezoning of Industrial Areas

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

F. Transportation Element

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

1. Policy T-1.1.4: Transit-Oriented Development The proposed project is a “textbook” example of transit-oriented development. It also includes various transportation improvements, including the construction of new mixed-uses along a

major transportation corridor, bike storage areas, and public space improvements, including new lighting, bike racks, and sidewalk paving.

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

As shown on the Plans, the project architect has carefully considered and integrated bicycle and pedestrian safety considerations in the design of the project.

3. Action T-2.3-A: Bicycle Facilities

This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bike racks as amenities within the development that accommodate and encourage bicycle use. Specifically, the Applicant will be providing approximately 134 bicycle parking spaces within the building, and a number of bicycle racks in public space adjacent to the Subject Property.

G. Housing Element

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

1. Policy H-1.1.1: Private Sector Support

The project helps meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the project will contain approximately 401,218 square feet of gross floor area devoted to residential use, which represents a substantial contribution to the District's housing supply. Of this housing, 8% (i.e., 32,097 square feet) will be affordable housing which will add to the District's affordable housing stock; whereas, under the current zoning, no

new housing can be provided. The provision of new housing at this particular location, moreover, is fully consistent with the District's land use policies.

2. Policy H-1.1.3: Balanced Growth

This policy strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the City, and recommends ensuring that a sufficient supply of land is planned and zoned to enable the city to meet its long term housing needs, including the need for low and moderate density single family homes as well as the need for higher-density housing. The project supports this policy goal by developing new housing on underutilized land in a rapidly growing and changing mixed-use neighborhood.

3. Policy H-1.1.4: Mixed Use Development

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

4. Policy H-1.2.3: Mixed Income Housing

The residential component of the proposed development is mixed-income and includes both market-rate and affordable housing units. Thus, the project will further the District's policy of dispersing affordable housing throughout the City in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods. Of this amount 8% will be devoted to affordable units. In contrast, under the current zoning, there would be no new housing on the Site.

H. Environmental Protection Element

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

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

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the proposed project includes street tree planting, landscaping, energy efficiency, and several methods to reduce stormwater runoff and is, therefore, fully consistent with the Environmental Protection Element.

I. **Urban Design Element**

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

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

10A DCMR § 901.1. In keeping with this objective, the Applicant has gone to great lengths to align the proposed project with the character of the surrounding neighborhood. Consistent with Policy UD-2.2.1: *Neighborhood Character and Identity*,

and Policy UD-2.2.7: *Infill Development*, the planned development will help strengthen the architectural quality of the immediate neighborhood by relating the project's scale to the existing neighborhood context, including both existing and approved development projects. In addition, as shown on the Plans, the project includes elegant, visually-interesting and well-designed building façades that eschew monolithic or box-like forms, and long blank walls which detract from the quality of the streetscape. See Policy UD-2.2.5. The project is also consistent with the goals of *Policy UD-3.2.5: Reducing Crime Through Design*, since the development will bring additional "eyes and ears" to the area, as well as improved lighting, clear lines of sight, and visual access, all of which will help to minimize the potential for criminal activity in the immediate area.

J. **Central Washington Area Element**

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

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

1. Policy CW-1.1.1: Promoting Mixed Use Development;
2. Policy CW-1.1.4: New Housing Development in Central Washington;
3. Policy CW-1.1.9: Neighborhood-Serving Retail in Central Washington;
4. Policy CW-1.1.13: Creating Active Street Life and Public Spaces;
5. Policy CW-2.8.1: NoMa Land Use Mix; and
6. Action CW-2.8.A: Implement the NoMa Vision Plan.

The proposed rezoning of an underutilized, industrially-zoned site in the NoMa area in order to develop mixed income residential and quality retail uses will contribute to the area becoming and remaining attractive, exciting, and economically productive. The proposed new uses and building design will also help create active street life and much improved public spaces for pedestrians, meet local housing needs, support local businesses, and increase neighborhood safety and security. Finally, the proposed development will help to implement the NoMa Vision Plan and Development Strategy, including its recommendations for new housing and retail uses specifically at the Subject Property.

V. **COMPLIANCE WITH THE NoMa VISION PLAN AND DEVELOPMENT STRATEGY**

The PUD and related map amendment will help to implement the NoMa Vision Plan and Development Strategy ("NoMa Plan"). The NoMa Plan was developed with continuous participation from property owners (including the Applicant) and neighborhood residents, and proposes a combination of public and private actions that support redevelopment of the area (NoMa Plan, pg. 1.1). The Plan provides a vision of a vibrant neighborhood, as well as a clear and targeted implementation plan for public and private actions to achieve it (NoMa Plan, pg. 1.6). The implementation plan is rooted in near-term investment in planning, design, and infrastructure upgrades, and long-term planning and incentives for sustaining development that is compatible with nearby neighborhoods (NoMa Plan, pg. 1.8). The NoMa a Plan includes a number of components, but the Development Strategy element makes detailed recommendations for improving the area's land use, transportation and infrastructure, open spaces, identity and

building design, existing neighborhoods, and sustainability. Key elements of the Development Strategy include:

- Provide a diverse mix of uses that creates a variety of options for living, working, shopping, recreation, and culture;
- Pursue a balanced approach to transportation, creating a pedestrian friendly neighborhood with improved transit accessibility and vehicular circulation;
- Create a vibrant, highly walkable environment with landscaped, attractive streets and open spaces, active ground floor uses, and strong pedestrian links;
- Design to a new standard of urban design, architecture, and high-quality materials that create a lasting, competitive identity;
- Preserve and enhance surrounding neighborhoods and their historic landmarks. Guide redevelopment to address unmet community needs; and
- Address sustainability with high performance design and environmentally friendly planning and construction methods.

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

development planting areas, permeable pavements, and urban agriculture, the project will comply with NoMa Plan Recommendation Nos. 34-37, to introduce a range of environmentally-sustainable best practices to new development.

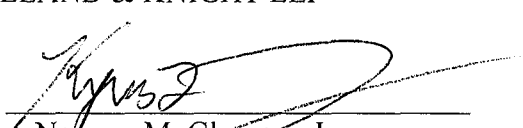
Moreover, Appendix A of the NoMa Plan notes that the Subject Property could be developed to include a total of 672,000 square feet of gross floor area, with 336,000 square feet of new residential uses.

VI. CONCLUSION

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

Respectfully submitted:

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