JEMAL'S BABES, L.L.C.

AMENDMENT TO Z.C. CASE NO. 10-23

TO INCLUDE AN APPLICATION FOR CONSOLIDATED REVIEW OF A PLANNED UNIT DEVELOPMENT TO THE PREVIOUSLY SUBMITTED APPLICATION FOR A MAP AMENDMENT FROM THE C-2-A TO THE C-3-A DISTRICT AT 4600 AND 4614 WISCONSIN AVENUE, N.W.

APPLICANT'S STATEMENT IN SUPPORT

April 11, 2012

Submitted by:

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PREFACE

This statement and the attached documents are submitted in support of the application of Jemal's Babes L.L.C., (the "Applicant") to the District of Columbia Zoning Commission for consolidated review and approval of a planned unit development ("PUD") for the property located at 4600 and 4614 Wisconsin Avenue, N.W. (the "Property"). This PUD application amends a previously submitted application for a map amendment under Zoning Commission Case No. 10-23 to rezone the property from C-2-A to C-3-A, which is presently pending hearing action before the Commission.

The Property that is the subject of these applications is more particularly described as Lots 817 and 820 in Square 1732 and consists of approximately 12,661 square feet of land area. A portion of the Property (Lot 820) is currently improved with a vacant one-story plus basement commercial building most recently occupied by Babe's Billiards Café, while the remainder (Lot 817) is improved with a vacant two-story office/retail building presently cleared for demolition. The Property is within the boundaries of Advisory Neighborhood Commission ("ANC") 3E03.

The Applicant proposes to redevelop the Property with a new residential building that includes ground floor and below-grade retail uses. The existing building on Lot 817 will be demolished to accommodate the new construction and five new floors will be added on top of the former one-story Babe's Billiards structure on Lot 820. Upon completion, the expanded building will contain approximately 60,821 square feet of gross floor area, which equates to a density of approximately 4.8 floor area ratio (FAR). The height of the building will be approximately 71 feet. The public benefits and amenities of the project include, among other things, ground floor retail and housing, an exceptional new design on a site that has remained vacant and unproductive for more than six years, a LEED-level, environmentally sustainable building, and other benefits coordinated with the community.

Notice of intent to file this application was mailed on November 22, 2011, ANC 3C and to the owners of all property within 200 feet of the Property in accordance with sections 2406.7 and 2406.9 of the Zoning Regulations.

DEVELOPMENT TEAM

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TABLE OF CONTENTS

PREFACE i

LIST OF EXHIBITS vi

I. INTRODUCTION 1
- A. Project Overview 2
- B. The Applicant 2

II. PROJECT DESCRIPTION 2
- A. Subject Property 2
- B. Description of Surrounding Area 3
- C. Project Design and Components 5
  - 1. Program 5
  - 2. Massing 5
  - 3. Site Circulation 5
  - 4. Exterior Façade Materials 5
  - 5. Residential Floor Plans 6
  - 6. Retail Floor Plans 6
  - 7. Landscape Features 7
  - 8. Sustainability Features 7
- D. Matter of Right Development Under the C-2-A District, and PUD Regulations 8
  - 1. C-2-A District 8
  - 2. C-3-A District 8
  - 3. PUD Requirements 9
  - 4. Zoning Table Required by Sec. 2403.11 10
- E. Flexibility Under PUD Guidelines 11
  - 1. Flexibility from PUD Area Requirements 11
  - 2. Flexibility from Roof Structure Requirements 12
  - 3. Flexibility from Parking Requirement 12
  - 4. Additional Areas of Flexibility 12

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS 13
- A. PUD Process is Appropriate Mechanism for the Project 13
- B. Impacts of the Project Under Section 2403.3 13
- C. Public Benefits and Project Amenities 13
  - 1. Urban Design, Architecture, Landscaping, or Creation or Preservation of Open Space 11 DCMR § 2403.9(a) 14
  - 2. Transportation Features 15
  - 3. Environmental Benefits 16

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN 16
- A. The Comprehensive Plan 16
  - 1. The Future Land Use Map 16
  - 2. The Generalized Land Use Policy Map 18
  - 3. The Land Use Element 18

4. Transportation Element 20
5. Housing Element 20
6. Economic Development Element 21
7. Rock Creek West Area Elements 22

V. CONCLUSION 23

LIST OF EXHIBITS

Exhibit	Description
A	Z.C. Order No. 03-27
B	Architectural Plans and Elevations
C	Portion of Zoning Map
D	Portion of Sanborn Map and Baist Atlas
E	Building Plat
F	Portion of Future Land Use Map
G	Portion of Generalized Policy Map
H	Certificate of Service of Notice of Intent to File PUD

I. INTRODUCTION

This statement and the attached documents are submitted in support of the application of Jemal's Babes L.L.C., (the "Applicant") to the District of Columbia Zoning Commission for consolidated review and approval of a planned unit development ("PUD") and related map amendment from C-2-A to C-3-A for the property located at 4600 and 4614 Wisconsin Avenue, N.W. (the "Property"). The map amendment application was previously filed in Zoning Commission Case No. 10-23, which the Commission has not yet considered for hearing action. The Applicant now wishes to pursue a PUD in connection with the map amendment application.

The Property that is the subject of this application is more particularly described as Lots 817 and 820 in Square 1732. As set forth in more detail below, the PUD approval is consistent with the policies articulated in the District of Columbia Comprehensive Plan (the "Comprehensive Plan"). The proposed map amendment is also consistent with the Property's designation on the Future Land Use Map of the Comprehensive Plan, which is Moderate Density Commercial/Medium Density Residential.

In 2005, the Zoning Commission approved a PUD for the Property for a mixed-use development consisting of 42 residential units occupying 36,333 square feet of gross floor area and ground-floor retail along Wisconsin Avenue occupying approximately 1,650 square feet of gross floor area (the "2005 PUD"). The project was approved pursuant to Z.C. Order No. 03-27, issued November 17, 2005, a copy of which is attached as Exhibit A. The 2005 PUD had a density of approximately 3.0 FAR, a building height of 65 feet, a lot occupancy of 60 percent, and 49 parking spaces. That project did not go forward and the approval lapsed.

A. Project Overview

The Applicant proposes to construct a new residential building with ground floor and below-grade retail on the site. The proposed development will remove the existing facades, retain and reinforce the former Babe's Billiards structure, and add five new stories above. Upon completion, the expanded building will contain approximately 60,821 square feet of gross floor area, which equates to a density of approximately 4.8 FAR. The height of the building will be approximately 71 feet. The public benefits and amenities of the project include, among other things, ground floor and below-grade retail uses, housing (including Inclusionary Zoning ("IZ") units), an exceptional new design on a site that has remained vacant and unproductive for more than six years, a LEED-level, environmentally sustainable building, and other benefits coordinated with the community.

B. The Applicant

The Applicant is Jemal's Babes L.L.C., the owner of the Property. Jemal's Babes L.L.C. is an affiliate of Douglas Development Corporation ("Douglas Development"). Since its inception in 1985, Douglas Development has tallied numerous redevelopment successes in the District of Columbia, as well as suburban Maryland and Virginia. Douglas Development has earned a reputation for creating value and a "sense of place" in underdeveloped yet emerging areas. Douglas Development is recognized for its pioneering work in enhancing communities.

II. PROJECT DESCRIPTION

A. Subject Property

The Property is located in the Tenleytown neighborhood in Ward 3 of the city, along the commercial corridor of upper Wisconsin Avenue, N.W. An L-shaped site, it is comprised of Lots 817 and 820 in Square 1732, known as premises 4600 and 4614 Wisconsin Avenue, N.W.,

and has a total land area of 12,671. A plat of the Property is attached as Exhibit E. The site fronts on Wisconsin Avenue at the east side, Brandywine Street to the south with interior lot lines at the west and north sides. Additionally, the narrow leg of the L-shaped lot extends west to a north-south mid-block alley that is 20 feet wide. The Property is sloped, descending approximately 6 feet to the north and 11 feet to the west from a high point at the intersection of Wisconsin Avenue and Brandywine Street.

The one-story commercial building at the corner (4600 Wisconsin Ave., N.W.) was originally built in the early 1950's for the C&P Telephone Company as a maintenance facility for its mobile service fleet, and last occupied by Babe's Billiards Café. The two-story building immediately to the north (4614 Wisconsin Ave., N.W.) was historically used for office and retail purposes. The Applicant recently obtained a raze permit to remove the dilapidated building from the site.

The Property is situated within the C-2-A District; a copy of the Zoning Map is attached as Exhibit C. The Future Land Use Map of the Comprehensive Plan, the relevant portion of which is attached as Exhibit F, designates the Property for mixed-use development consisting of Medium Density Residential and Moderate Density Commercial land uses. The Property is also designated as a Main Street Mixed Use Corridor on the Generalized Policy Map, the relevant portion of which is attached as Exhibit G. Those corridors are characterized by a concentration of older storefronts along the street and feature a pedestrian-oriented environment with traditional storefronts, many with upper story residential or office uses.

B. Description of Surrounding Area

The western boundary line for the C-2-A District runs along the center alley of Square 1732; the southern boundary is co-terminus with the Property's lot line at Brandywine Street. Immediately adjacent to the Property to the south is the C-3-A District, which extends southward

along Wisconsin Avenue for approximately two blocks. The area is comprised of neighborhood-serving retail and medium density residential uses, consistent with the proposed zoning designation for the Property. The C-3-A area is surrounded by low density residential zones, including the R-1-B and R-2 Districts. The C-3-A property to the south has the same Medium Density Residential/Moderate Density Commercial land use designation on the Future Land Use Map as the Applicant's site.

The Property is surrounded by commercial office, retail and services uses. Across the street to the south, at 4530 Wisconsin Avenue, is a five-story office building with ground floor retail, occupied by Hudson Trail Outfitters, Middle C Music Store and, until recently, Marvelous Market. Two blocks to the south, at 4500 Wisconsin Avenue, is the Tenleytown Metrorail Station and Cityline at Tenley Condominium, a six-story residential building with retail uses at the ground floor and lower level, which are currently occupied by the Container Store, Best Buy and Ace Hardware.

Immediately to the north of the Property, at 4620 Wisconsin Avenue, is a four-story office building with ground floor retail uses. Two- and three-story mixed-use buildings with ground floor retail finish out the block to the north. Immediately west of the Property is a one-story building occupied by Friendship Animal Hospital. Across Wisconsin Avenue, to the east, are vacant lots and older two-story commercial buildings. A CVS Pharmacy and other small-scale commercial buildings are also located across the street in the 4500 block of Wisconsin Avenue. Farther north across Wisconsin Avenue is the Tenley Hill, a mixed-use PUD with a residential and commercial uses, completed in 2001. Low density residential uses are located to the west of the Property.

C. Project Design and Components

1. Program. The Applicant's program includes approximately 46,830 square feet of residential space for 55-65 apartments on five new levels with approximately 13,985 square feet of retail space on the ground and basement levels.

2. Massing. Above the first story, which occupies nearly the entire site, the project's massing is roughly rectangular in shape, with a small ell at the southwest corner of the new building. An open court above the first floor is positioned at the northwest corner. A rear yard extends from the northwest corner of the ground floor to the centerline of the mid-block alley. The building mass rises five stories above the first floor to a height of approximately 71 feet. Above the main roof is an 18.5 feet tall penthouse, which is falls just below the overall 90-foot height limit for the C-3-A District.

3. Site Circulation. The residential entrance is located on Wisconsin Avenue at the northeast corner of the site. Access to the ground floor retail space occurs along Wisconsin Avenue through a series of projecting storefront bays and recessed entrances. Entrance to the retail basement level occurs along Brandywine Street from a new areaway. Access to the loading and service area is from Brandywine Street with a re-aligned curb cut at the southwest corner of the site.

4. Exterior Façade Materials. The principal street facades are articulated to reflect the unique character of each street. The Wisconsin Avenue façade is treated as a taught, gridded, skin composed of tan and ochre terracotta panels with large rectangular windows, which as a whole defines the street wall. Into this plane, two elements are incorporated, one a vertical bay or tower at the north end comprised of metal and glass, and the other a metal and glass bay inserted near the south end. Into each of these formal, secondary elements balconies are inserted. With the primary form of the building parallel to Wisconsin Avenue, these two bays are aligned

with true north and provide smaller scaled secondary elements at this façade. The residential lobby is demarcated by the tall vertical bay at the northeast corner. A series of projecting bays and insets at the ground level creates a rhythm of retail display windows and entrances.

The terracotta-clad treatment of the Wisconsin Avenue facade wraps the corner at Brandywine Street for a distance of approximately 20 feet where it transitions to a residential idiom composed of metal panel surfaces and terra cotta inserts with projecting bays and balconies. This treatment continues along the open court facing west and north where the building is set back approximately 12 feet and 26 feet at the second level from the adjacent building to the west. Along the south side of the building where Brandywine Street slopes downward to the west, the B-1 Level gains considerable exposure, such that at the corner, clear access to the loading area within the building is achieved.

5. **Residential Floor Plans**. Each of the five residential floors consists of approximately 12 apartments arranged efficiently along a double loaded corridor, providing a total of 55-65 units for the building. A variety of unit types is proposed, ranging in size from two-bedroom units to junior one-bedroom units, with the unit mix predominantly one-bedroom dwellings. At the second floor, a terrace is provided along the west side above the service area on the level below.

6. **Retail Floor Plans**. Retail uses will occupy most of the ground floor and will be accessed from Wisconsin Avenue. The existing floor construction is tiered in three increments as it steps down from an elevation highpoint at the southeast corner to the north, following the descending slope of the sidewalk. An entrance is provided at each tier for flexibility in leasing the space. At the northeast corner the residential lobby is entered from Wisconsin Avenue.

The existing B-1 level will provide space for additional retail uses and for building services including an enclosed loading berth and platform at the southwest corner. Access to the retail space will occur along Brandywine Street from a new areaway and outdoor patio.

7. **Landscape Features**. New sidewalks along Wisconsin Avenue and Brandywine Street will provide a pedestrian pathway paved with scored concrete between new tree planters along the curb and special paved areas at entrances along the building line. These areas will feature 16-inch square pavers bordered with a brick paver accent band. Similarly, the curb-side tree planters will be edged with brick pavers and extended to create a green zone with paired, street trees and a mix of shrubs and perennials. Between the planters along Wisconsin Avenue, street furnishings will include fixed tables and benches, bicycle racks and trash receptacles. The new areaway proposed along the building on Brandywine Street will be accessed by a stairway at the east side from the higher Wisconsin Avenue grade and will be accessed by a ramp and steps from the west where the change in grade elevation is less. The areaway will feature special paving. At the corner of Wisconsin Avenue and Brandywine Street a low-scale fountain wall and planter define the pedestrian path and retail entrance while ameliorating the change in grade.

8. **Sustainability Features**. The Applicant's goal is to achieve the equivalent of a LEED Silver rating under the USGBC 2009 Version Three, which incorporates a more stringent prerequisite and rating system than the previous version. Using proven marketplace technologies, the project's sustainable features can be grouped into three general categories: (i) High Performance Building Envelope; (ii) Energy-Efficient Mechanical, Electrical and Plumbing Systems; and (iii) Water Conservation Measures.

The PUD will achieve greater thermal efficiency of the building envelope with the terracotta and brick clad rain-screen wall construction providing an R value of 20 or greater.

With the rain screen design, the project will include a high performance clear, low-E insulated glazing. Additionally, a continuous thermal break system will be incorporated with window walls and punched windows. Water conversation methods will include the use of low flow plumbing fixtures throughout the building and energy-star rated appliances. Approximately 50 percent of the project's site area will be covered with green roof and/or planters that will feature native plant species.

Combined, these measures will reduce overall energy consumption and reduce water consumption. The project's LEED scorecard is rounded out by points that relate to an urban site redevelopment; transportation and connectivity; materials sourcing and recycled content. Perhaps the most significant aspect of LEED certification equivalency is the reuse of the existing building structure, which is suitable for adaptation to retail base for a new an apartment building. No costs or materials will be wasted in demolishing the structure, and the building's soundness obviates the need for wasting time, energy and materials replicating it.

D. Matter of Right Development Under the C-2-A District, and PUD Regulations

1. C-2-A District. The Property is currently located within the C-2-A District, as shown on the Zoning Map attached as Exhibit C. The C-2-A District is 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 ... [and] shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers." 11 DCMR §§ 720.2 and 720.3. The C-2-A District limits construction to a maximum height of 50 feet and a maximum density of 2.5 FAR. 11 DCMR §§ 770.1 and 771.2.

2. C-3-A District. As described in in its initial application in ZC Case No. 10-23, the Applicant is requesting a map amendment to have the Property rezoned from C-2-A to C-3-

A. The C-3-A District is a major business and employment center that is "designated to accommodate major business and employment centers supplementary to the Central Business (C-4) District." 11 DCMR § 740.1. The C-3-A District permits residential and most commercial uses as a matter of right, but permits residential development at a higher density than commercial development. These districts are intended to be "compact in area and located on arterial streets, in uptown centers, and at rapid transit stops." 11 DCMR § 740.5.

Consistent with these parameters, the Property proposed for C-3-A zoning is within two blocks of the Tenleytown Metrorail Station; fronts on Wisconsin Avenue, a major arterial street; maintains the compact nature of the C-3-A District in this area; and does not encroach on the neighboring low-density residential land.

3. **PUD Requirements**. In addition to the foregoing C-3-A District requirements, the proposed PUD is governed by the provisions of Chapter 24 of the Zoning Regulations. Chapter 24 requires a minimum lot area of 15,000 square feet for a PUD. For a PUD in the C-3-A District, the permitted maximum building height increases from 65 feet to 90 feet and the permitted maximum FAR increases from 4.0 to 4.5, all of which may be for residential use, and no more than 3.0 of which may be for commercial use, including hotels and motels. 11 DCMR §§ 2405.1 - 2405.2. The IZ regulations permit a bonus density of 20 percent over the 4.0 FAR matter of right C-3-A zoning, which allows the Applicant to achieve a total density of 4.8 FAR.

[continued on next page]

4. Zoning Table Required by Sec. 2403.11

Required/Limitation	Existing: C-2-A	Proposed: C-3-A	C-3-A/PUD
Maximum Height	50 feet	65 feet	90 feet
Maximum FAR	2.5 Total 3.0 IZ Bonus 1.5 Nonresidential	4.0 Total 4.8 IZ Bonus 2.5 Nonresidential	4.5 Total 4.8 Residential (IZ) 3.0 Nonresidential
Minimum Lot Width	none	none	None
Minimum Lot Area	none	none	None
Lot Occupancy	60% residential No limit nonresidential	75% residential No limit nonresidential	80% residential No limit nonresidential
Rear Yard	15 feet	2.5 inches of depth per foot of vertical distance between the mean finished grade at the rear of the building and the highest point of the main roof or parapet wall, but not less than 12 feet	Same
Side Yard	None required; if provided, then it must be two inches wide for each foot of building height, but not less than 6 feet	Same	Same

E. Flexibility Under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. The overall goal is to permit flexibility of development and other incentives, provided that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience. 11 DCMR § 2400.2. As permitted under section 2403, the Zoning Commission may grant such flexibility in its discretion. Therefore, the Applicant seeks flexibility from the following provisions of the Zoning Regulations:

1. Flexibility from PUD Area Requirements. The Applicant requests flexibility from the PUD area requirements. The project site has a land area of 12,661 square feet, whereas a minimum of 15,000 square feet is required under section 2401.1(c). Under the PUD regulations, the Commission may waive not more than 50 percent of the minimum area requirement provided that:

> (a) The Commission shall find after public hearing that the development is of exceptional merit and in the best interest of the city or country; and
>
> (b) The Commission shall find one of the following:
>
> > (1) If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto; or
> >
> > (2) If the development is to be located in a portion of the Central Employment Area which is in an HR Overlay District, the development shall contain a minimum floor area ratio of 2.0 devoted to hotel or apartment house use.

11 DCMR § 2401.2.

The Applicant submits that the proposed redevelopment of the Property is of exceptional merit and in the best interest of the city because it will result in the transformation of a vacant

site on a prominent corner in Tenleytown into a mixed-use project with exemplary design, located within two blocks of the Tenleytown Metrorail Station, and well-served by Metrobus lines. In addition, the proposed PUD is outside of the Central Employment Area and at least 80 percent of the gross floor area of the development will be used exclusively for dwelling units and uses accessory thereto.

2. **Flexibility from Roof Structure Requirements.** The Applicant requests flexibility from that section of the Zoning Regulations requiring that all penthouses and mechanical equipment be placed in one enclosure, with enclosing walls of equal height and set back from the exterior walls of the building a distance equal to their height above the roof upon which it is located. 11 DMCR §§ 411.3; 411.5; 770.6(b).

3. **Flexibility from Parking Requirement**. Chapter 21 of the Zoning Regulations requires that the retail use for the PUD, in excess of 3,000 square feet, have parking at a ratio of one space per 300 square feet. Residential parking is required at a ratio of one space per two dwelling units. In this case, the Applicant has designed a project without any retail or residential parking because the Property is located two blocks north of the Tenleytown Metrorail Station and is well served by Metro bus lines.

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

a. To be able to provide a range in the number of dwelling units from 55 to 65.

b. 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.

c. To vary the number, location and arrangement of parking spaces for the project, provided that the total parking is not reduced below the minimum level required under the Zoning Regulations.

d. 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 and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

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

A. PUD Process is Appropriate Mechanism for the Project

The PUD process is the appropriate mechanism for guiding the development of the Property. Through the PUD process, the Zoning Commission can ensure the appropriate development of the Property by encouraging the participation of the affected community and District agencies and soliciting their comments. Thus, the PUD process gives neighborhood residents, the community at-large, and District agencies ample opportunity to work with the Applicant in order to ensure a well-planned development.

B. Impacts of the Project Under Section 2403.3

The PUD will have a favorable impact on the surrounding area by redeveloping a site with two vacant buildings with a new mixed-use project that is compatible with the scale of development along this portion of Wisconsin Avenue and that advances the District's objections for development that is well-served by public transportation options, including the Metrorail.

C. Public Benefits and Project Amenities

The PUD guidelines require the evaluation of specific public benefits[1] and project amenities[2] for a proposed project. 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.

The project offers a number of the benefits and amenities that the PUD process is specifically designed to encourage, including urban design, transportation features and environmental benefits.

1. Urban Design, Architecture, Landscaping, or Creation or Preservation of Open Space: 11 DCMR § 2403.9(a).

The PUD will improve the public space area along the street frontage of the building by including the following elements:

- special entrance pavement,
- street edging and border of mixed ground covers and perennials,
- four new street trees on Brandywine Street,
- five new street trees on Wisconsin Avenue,
- four bike racks on Wisconsin Avenue,
- streetscape furniture, including benches, tables with seating, and trash receptacles,
- an outdoor patio/seating area along Brandywine Street for the adjacent retail/service use space, and
- a new fountain wall and planter at the ground level of the building.

[1] 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.

[2] 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.

2. Transportation Features: 11 DCMR § 2403.9(c).

The Property is only two blocks north of the Tenleytown Metrorail Station and is well-served by Metrobus lines. In addition, the Applicant will implement the following transportation demand management measures at the PUD:

(a) Resident Transportation Coordinator: The Applicant's site management will designate one employee as the Resident Transportation Coordinator ("RTC"). This person's duties would principally be to provide information to residents (particularly those incoming) regarding transit opportunities and schedules, as well as the location of bike share stations within the area, and bicycle parking provisions within the building. The RTC will generally encourage non-private auto usage and will have related information prominently displayed in the offices, community rooms, and other appropriate common space.

(b) Digital Multimodal Display: The Applicant will install a digital multimodal display in the lobby of the residential building that provides schedule information of Metrobus and Metrorail, and locations of bike share and car-share stations, among other transportation related information. This display is being developed by DDOT, and is referred to as "NextBus Display." The installation at the subject site will be dependent on the progress made by the city, its cost and its availability for installation.

(c) Bicycle Usage Program: The Applicant will provide 25 bicycle parking spaces in a secure, convenient location that will be accessible to residents at all times. Additionally, the Applicant will provide a one-time annual membership fee for a bike share program for each initial tenant of the residential units.

(d) Car Sharing/Handicap Parking: The Applicant shall provide one (1) personal vehicle parking space to be located within the area of the loading facilities, which will be

used as a car sharing space. The Applicant will provide a one-time membership and application fees (totaling $85.00) for a car sharing program for each initial residential tenant of the building. The Applicant shall also work with the District to designate one of the existing on-street parking spaces near the building entrance as a handicap/ADA space.

(e) Transit Subsidies: The Applicant shall provide a one-time $50.00 transit fare card to each initial residential tenant and employee in the building to encourage non-auto mode usage.

(f) Residential Parking Permit Program Exclusion: The Applicant shall not apply for, and will restrict in its leases any resident of the PUD from applying for, a Residential Parking Permit.

3. Environmental Benefits: 11 DCMR § 2403.9(h). The Project will achieve the equivalent of 60 LEED points, which equates to LEED Silver, and will incorporate a number of sustainable design elements as discussed in Section II, Paragraph C.8. above.

IV. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The PUD advances the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map, and furthers and complies with the major themes and elements for the District and Ward 3 in the Comprehensive Plan.

A. The Comprehensive Plan

The PUD approval and the rezoning of the Property to C-3-A is not inconsistent with the Comprehensive Plan.

1. The Future Land Use Map

The Future Land Use Map of the Comprehensive Plan designates the Property for mixed-use development consisting of Medium Density Residential and Moderate Density Commercial

land uses. As illustrated on the portion of the Future Land Use Map attached as Exhibit F, the mixed-use designation is relatively compact for this area of the city. It extends from Wisconsin Avenue into Square 1732 to cover the entirety of the Lots 817 and 820; southward to encompass all but the northwest corner of Square 1730; and eastward across Wisconsin Avenue into the entirety of Squares 1769, 1770, and the portion of Square 1778 between Wisconsin Avenue and Fort Drive. Of all the properties designated for Moderate Density Commercial/Medium Density Residential use on the Future Land Use Map, the Property is an anomaly because it is the only parcel that is *not* zoned C-3-A.

The Framework Element of the Comprehensive Plan provides that a mixed-use designation is appropriate in "[e]stablished, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses." 10A DCMR § 225.18. The Comprehensive Plan provides the following guidance with respect to the proper balance of different uses on properties designated for mixed-use development:

> The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a higher density than the other use in the mix (in this case, "Moderate Density Residential / Low Density Commercial).

10A DCMR § 225.19.

In this case, the Future Land Use Map has designated the Property for mixed-use development consisting of Medium Density Residential and Moderate Density Commercial land uses. The requested map amendment is consistent with that designation. The zoning proposed for the Property would permit a maximum FAR of 4.8 with the 20 percent bonus permitted under Inclusionary Zoning, no more than 2.5 of which may be devoted to commercial uses. The

proposed map amendment and PUD are therefore consistent with the Property's designation on the Future Land Use Map.

2. The Generalized Land Use Policy Map

The Generalized Policy Map designates the Property as a Main Street Mixed Use Corridor (see portion of the Generalized Policy Map attached as Exhibit G). The Framework Element of the Comprehensive Plan provides that Main Street Mixed Use Corridors "are traditional commercial business corridors with a concentration of older storefronts along the street." 10A DCMR § 223.14. In accordance with that philosophy, the Comprehensive Plan further provides that these corridors should be conserved and enhanced in order "to foster economic and housing opportunities and serve neighborhood needs." *Id.* The proposed PUD and rezoning of the property to C-3-A will fulfill the objectives of the Main Street Mixed Use Corridors by promoting housing opportunities and neighborhood-serving retail uses. It will also help implement the policies embodies in the Generalized Policy Map. Additionally, the proposed PUD and map amendment will permit future development on the Property that is consistent with the character of the surrounding neighborhood.

3. The 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 § 300.3. The underlying goal of the Land Use Element is to:

> *[e]nsure the efficient use of land resources to meet 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 PUD and related map amendment will advance this important goal by complying with the policies set forth in the Land Use Element of the Comprehensive Plan, including:

> a. *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods: Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to "create successful neighborhoods" in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. 10A DCMR § 309.8.*

The proposed PUD and map amendment will further the objectives of Policy LU-2.1.3 by increasing the housing supply and expanding neighborhood commerce, while also protecting the character of the surrounding neighborhood and restoring the visual qualities of the Property. The project will also contribute to the livability of the surrounding neighborhood.

> b. *Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings: Reduce the number of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition. Implement programs that encourage the owners of such buildings to sell or renovate them, and apply liens, fines, and other penalties for non-compliant properties. 10A DCMR § 310.4.*

The proposed PUD and map amendment advance the objectives of this policy by encouraging the removal of one obsolete vacant building and rehabilitation and reuse of another along a highly visible sector of Wisconsin Avenue's commercial corridor designed to serve adjacent neighborhoods. The Applicant purchased the Property two years ago after the previous owner defaulted on its loan during the height of the recession. The PUD and map amendment will help facilitate redevelopment of the site and enhance this segment of Wisconsin Avenue.

4. Transportation Element

The stated goal of the Transportation Element of the Comprehensive Plan is to "[c]reate a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents." 10A DCMR § 401.1. The proposed PUD and map amendment are consistent with the general policies set forth in the Transportation Element of the Comprehensive Plan. Most importantly, the PUD and map amendment will allow both commercial and residential uses in close proximity to the Tenleytown Metrorail station.

5. 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." 10A DCMR § 501.1. The proposed project will help achieve this goal by advancing the following policy:

> *Policy H-1.1.4: Mixed Use Development: Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail Stations. 10A DCMR § 503.5.*

The proposed map amendment and PUD will allow mixed-use development adjacent to a Main Street Mixed Use Corridor approximately two blocks from a Metrorail station entrance. The requested extension of the C-3-A District will permit precisely the type of mixed-use development contemplated by Policy H-1.1.4.

6. **Economic Development Element**

The Comprehensive Plan provides that the goal of the Economic Development Element is to:

> *[s]trengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy.*

10A DCMR § 701.1.

In addition to furthering the general goal of economic development by permitting commercial uses on the Property that will create new jobs and tax revenues for the District, the proposed map amendment and PUD will also advance a number of the specific objectives and policies described in the Economic Development Element, including.

> *a. Policy ED-2.2.1: Expanding the Retail Sector: Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 10A DCMR § 708.4.*

The proposed PUD and map amendment will further the objectives of Policy ED-2.2.1 by permitting medium density retail and service uses on the Property, which is currently underutilized and characterized by obsolete, vacant, one- and two-story buildings. All of the land between the Property and Albemarle Street is currently devoted to moderate density neighborhood-serving retail uses or medium-density residential uses. The proposed map amendment and PUD would provide a significant benefit to the neighborhood by allowing the Property to be linked to the adjacent C-3-A District.

> *b. Policy ED-3.1.1: Neighborhood Commercial Vitality: Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 10A DCMR § 713.5.*

Because it will encourage redevelopment along an expanse of Wisconsin Avenue that is languishing with vacant buildings on one side and vacant parcels on the other, the proposed map amendment and PUD will help achieve the goals of Policy ED-3.1.1 by promoting the vitality and diversity of the surrounding neighborhood.

7. <u>Rock Creek West Area Elements</u>

In addition to the citywide elements, the Comprehensive Plan includes ten geographically based "area elements." The Property is located within the Wisconsin Avenue Corridor of the Rock Creek West Area Element. The proposed map amendment is consistent with the following objectives and policies set forth in the Rock Creek West Area Element:

> *a. <u>Policy RCW-1.1.3: Conserving Neighborhood Commercial Centers</u>: Support and sustain local retail uses and small businesses in the area's neighborhood commercial centers. These centers should be protected from encroachment by large office buildings and other non-neighborhood serving uses. Compatible new uses such as multi-family housing or limited low-cost neighborhood serving office space (above local-serving ground-floor retail uses) should be considered within the area's commercial centers to meet affordable housing needs, sustain new neighborhood-serving retail and small businesses, and bring families back to the District. 10A DCMR § 2308.4.*

The proposed map amendment and PUD will help support and sustain retail uses in the Wisconsin Avenue Corridor by encouraging development of the property for neighborhood-serving retail uses, as well as multi-family housing, including affordable housing under the Inclusionary Zoning provisions of Chapter 26.

> *b. <u>Policy RCW-2.2.2: Tenleytown Metrorail Station Area</u>: Stimulate a well-planned economic activity center at the Tenleytown Metrorail station area, generally defined as the area bounded by Albemarle, Brandywine, Fort Drive, and 42nd Street. This center should: ...(b) enable merchants to upgrade existing businesses, attract new customers and new business establishments, and give residents needed services; (c) provide for the development of new housing;... and ...(e) maintain heights and densities at appropriate levels, with architectural design that is sensitive to the area's topography relative to the District. 10A DCMR § 2312.9.*

The proposed map amendment and PUD will allow new development that will attract new business establishments in the Tenleytown Metrorail Station Area on Property that has remained vacant for the past six years. The new development fostered by the map amendment will also encourage the improvement of existing businesses. It will likewise facilitate the development of new housing on the Property while maintaining heights and densities consistent with the existing C-3-A District immediately to the south of the Property.

V. CONCLUSION

Through the proposed PUD and map amendment, the Applicant will transform a vacant site on a prominent corner in the Tenleytown neighborhood into a mixed-use project with ground floor retail and residential above. The proposed redevelopment will bring new housing, including affordable housing, and neighborhood-serving retail that is compatible with the surrounding area and consistent with many of the objectives and policies set forth in the Comprehensive Plan. The traffic impacts generated by the project will be substantially mitigated the Property's convenient access to the Metrorail Station and Metrobus lines. Additionally, the Applicant will employ several transportation demand measures during the operation of the project. Based on the foregoing, the Applicant respectfully requests that the Zoning Commission determine that this PUD application has merit and schedule a hearing on the application.

Respectfully submitted:

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