

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 13-09  
Z.C. Case No. 13-09  
Stanton Square, LLC  
(Consolidated and First-Stage Planned Unit Development and Related Zoning Map  
Amendment @ Square 5877, Lot 122)  
April 11, 2016**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on January 7, 2016 to consider an application from Stanton Square, LLC (“Applicant”) for consolidated review and approval of a planned unit development (“PUD”), first-stage PUD approval, and approval for a related Zoning Map amendment. The Commission considered the application pursuant to Chapters 1, 24, and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

**FINDINGS OF FACT**

**The Application, Parties, and Hearing**

1. The project site consists of Lot 122 in Square 5877 (“Subject Property” or “Property”). On May 31, 2013, the Applicant filed a PUD (consolidated and first-stage) and Zoning Map amendment application with the Commission. The proposed PUD project included a mixed-income residential community on the lower five acres of the Subject Property (which included approximately 203 residential units in six multi-family buildings), and a community service center campus on the upper three acres of the Subject Property. In response to comments that the Applicant received from representatives of the community and ANC 8B, the Applicant decided not to move forward with the project as originally filed with the Commission. (Exhibit [“Ex.”] 2; Ex. 11, p. v.)
2. On June 3, 2015, the Applicant filed an updated and amended application that included changes to the residential unit-mix and inclusion of for-sale townhouses in the residential community, a change to one of the proposed zone districts, and more detailed information on the anchor partners for the community service center campus. The Applicant continued to propose the development of a project that included a mixed-income residential community on the lower five acres of the Subject Property, and a community service center campus on the upper three acres of the Subject Property. (Ex. 11, p. v.)

3. The Applicant proposed a consolidated PUD application and Zoning Map amendment for the residential community (rezoning this portion of the Subject Property to the R-5-B Zone District, the initial Zoning Map amendment sought to rezone this portion of the Subject Property to the R-5-A Zone District). The Applicant also proposed a consolidated and first-stage PUD application and Zoning Map amendment for the community service center campus (rezoning this portion of the Subject Property to the SP-1 Zone District). (Ex. 11, p. 1.)
4. The Applicant's written submission noted that this project, to be called The Commons at Stanton Square, is guided by the following vision, mission, and goals:
  - VISION - The Commons is a welcoming place, which supports families living at and near Stanton Square to celebrate and care for their children.
  - MISSION - The mission of the Commons is to support the healthy development of infants and toddlers and their families.
  - GOALS -
    - Mothers experience healthy pregnancies and births.
    - Infant and toddlers enter preschool demonstrating appropriate levels of development for their age and stage.
    - Parents enjoy tangible supports, role models, education, and feelings of acceptance and well-being that assist them to support their children's healthy development.
    - Families have a safe and stable place to live and thrive.
    - Young people have the healthy food, knowledge and skills they need to succeed in life.

In order to achieve these goals, the lead partners of the project (Horning Family Fund, Horning Brothers, Martha's Table, and Community of Hope) have created a project that includes the following components:

- Mixed-income rental and for-sale housing that includes permanent supportive housing for families;
- High quality, developmentally appropriate child development services for children under the age of three; and
- Two-generation services that are connected with the housing, the early childhood development center, and/or benefit the local neighborhood. (Examples include:

home-based supportive services for families in the housing units, connection to health care including prenatal services, mentoring, job training, space for use by community organizations, etc.) (Ex. 11, pp. v-vi.)

5. The residential community will consist of approximately 120 residential units included in three multi-family buildings and 42 townhouses. The multi-family residential units will vary in size from one to three bedrooms and the townhouses will have three bedrooms. Twelve of the multi-family residential units will be reserved as permanent supportive housing units. (Exhibit 11, p. 1)
6. The community service center campus was part of a consolidated PUD application and a first-stage PUD application. The consolidated PUD application for the Commons will include an approximately 54,000-square-foot building that will be occupied by Martha's Table and Community of Hope. Martha's Table will use approximately 42,000 square feet of the building for early childhood programming, nutrition and wellness services, and after-school programming. Community of Hope and other complementary non-profit organizations will use approximately 12,000 square feet of the building for employment and behavioral services counseling. (Ex. 11, p. 2.)
7. The first-stage PUD application for the Commons will include a building with a height of approximately 45 feet. This building is expected to have a density of approximately 0.92 floor area ration ("FAR"). The first-stage PUD application will also include a surface parking lot with approximately 24 parking spaces. (Ex. 11, p. 2.)
8. The Commission set the application down for a public hearing at its July 27, 2015 public meeting. The Applicant filed a pre-hearing statement on October 19, 2015 which responded to the comments made at the Commission's July 27, 2015 public meeting, and a public hearing was timely scheduled for January 7, 2016. Prior to the public hearing, the Applicant supplemented its application with additional information on December 18, 2015. (Ex. 18, 31.)
9. A public hearing was held on January 7, 2016. Testimony was presented by the Applicant's project team, including representatives of the Applicant (including representatives of Horning Brothers, Martha's Table, and Community of Hope), the project architects, and the project's traffic engineer.
10. Advisory Neighborhood Commission ("ANC") 8B submitted a resolution in support of the application, dated December 31, 2015, into the record. Numerous letters in support of the project were submitted into the record. Ward 8 Councilmember LaRuby May presented testimony at the public hearing. There were no parties in support or opposition to this application. (Ex. 42, 60.)
11. In response to questions and issues that were raised at the January 7, 2016 public hearing, the Applicant submitted a post-hearing submission which addressed the following issues: increased width of the private alleys; reconfiguration of the front-loaded townhouses; elevations of the front-loaded townhouses and deck/attic options; updated elevations of

multi-family Building B; an image of the project in the surrounding neighborhood context; stormwater management<sup>1</sup>; additional information on the maintenance and longevity of the private street; a commitment to providing electronic displays of real time transit arrival and transportation options in the lobbies of each multi-family building; a construction management plan; additional information on the partnership with the Anacostia Economic Development Corporation and other public benefits and project amenities; and information on the Applicant's additional outreach and discussion with the Chairman of ANC 8A regarding the project. (Ex. 63.)

12. At a regularly scheduled public meeting on February 29, 2016, the Commission considered proposed action on the application. The Commission requested that the Applicant conduct additional outreach with Ward 8 Councilmember May, asked for additional information regarding storm water management including improved drawings showing the downspouts, and encouraged the Applicant to enhance is the LEED rating of the community service center building. The Commission then took proposed action to approve the application.
13. On March 7, 2016, the Applicant submitted information into the record in satisfaction of 11 DCMR § 2403.16-2403.18, (Ex. 67), and attached a chart summarizing the affordable housing provided in the project. (Ex. 68.)
14. On March 14, 2016, the Applicant responded to the requests by the Commission made when it took proposed action. The response included a revised, complete set of plans, additional information about downspouts, minor revisions to the side facades of Multi-Family Buildings A and C, a statement that it was not enhancing the LEED commitment because of financial constraints, a correction regarding the height of a retaining wall, and additional information about its outreach to Councilmember May. (Ex. 69, 70A1-70A7.)
15. On March 21, 2016, the Applicant submitted its final proffers and conditions. The Applicant revised its affordable housing proffer in response to a comment from the Office of Attorney General. The Applicant has consistently proposed that 10% of the residential units in the multi-family buildings would be reserved as Inclusionary Zoning ("IZ") units. Half of those units (five percent) would be reserved for families earning up to 50% of the area median income ("AMI"), and half would be reserved for families earning up to 60% of AMI. The comment was that the Department of Housing and Community Development does not have the ability to administer IZ units at the 60% of AMI level, only 50% of AMI and 80% of AMI. In response, the Applicant revised its proffer so that all of the proffered IZ units would be reserved for families with incomes at the 50% of AMI. The Applicant stated that it was making no other changes to its affordable housing proffer. (Ex. 71.)

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<sup>1</sup> The Applicant noted that the first phase of construction activity on the Subject Property will entail the grading of the entire site and the construction of the retaining walls. The Applicant does not anticipate that a stormwater management permit will be required from the Department of Energy and Environment ("DOEE") for this work. The Applicant anticipates that a stormwater management permit will be required from DOEE once construction activity begins, which will include construction of the site infrastructure, the private road and alleys, the parking lots, and the vertical construction of the buildings.

16. The proposed action of the Commission was referred to the National Capital Planning Commission (“NCPC”) pursuant to the District of Columbia Home Rule Act. In a letter dated March 4, 2016, NCPC’s Executive Director informed the Commission that in a delegated action dated February 26, 2016 he found that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital.
17. The Commission took final action to approve the application in Z.C. Case No. 13-09 on April 11, 2016.

### **The Subject Property and the Surrounding Area**

18. The Subject Property is located in the Hillside neighborhood approximately one-half mile north of the Suitland Parkway. The Subject Property is irregularly shaped and is bound by Stanton Road to the west, Elvans Road to the south and east, the former Wilkinson Elementary School directly to the north, and Pomeroy Road to the northwest. The Subject Property is currently undeveloped and heavily wooded with steep topography. The upper portion of the Subject Property, along Elvans Road, is at an elevation that is approximately 72 feet above the elevation of the lower portion of the Subject Property. A number of institutional uses (Moten/Wilkinson Education Campus, Our Lady of Perpetual Help Church, Kipp DC Aim Academy) surround the Subject Property. (Ex. 11, p. 5.)
19. There are numerous parks and recreational facilities located in close proximity to the Subject Property. These include: Fort Stanton Park (approximately 0.25 miles to the east of the Subject Property); Douglass Park (approximately 0.5 miles to the southeast of the Subject Property); and Barry Farms Park (approximately 0.5 miles to the northwest of the Subject Property). All of these parks have recreation centers, outdoor pools, and tennis courts (except for Barry Farms, which does not have tennis courts). (Ex. 11, p. 5.)

### **Existing and Proposed Zoning**

20. The Subject Property is currently included in the R-3 Zone District. In November of 2007, the Commission approved a PUD project and Zoning Map Amendment application (Z.C. Case No. 05-35) which authorized the construction of 187 townhouses on the Subject Property and re-zoned the Subject Property to the R-5-A Zone District. The Applicant returned to the Commission in November of 2010 seeking an extension of the time in which it was required to start construction activity for the approved PUD project. That extension was granted in Z.C. Case No. 05-35A. However, despite the Applicant spending in excess of \$1.5 million in moving the PUD approved plans from a design/development stage, to a construction drawing stage, to the filing of numerous building permit applications and the payment of significant fees to the District of Columbia, the Applicant was not able to make the approved townhouse project a reality. The Applicant was not able to commence construction activity by November 23, 2012 and the Commission’s approval of Z.C. Case No. 05-35 lapsed. Therefore, the Subject Property returned to the underlying R-3 Zone District. (Ex. 11, pp. 6-7.)

## **Development Team**

21. The Applicant's development team includes; Horning Brothers, Horning Family Fund, Martha's Table, and Community of Hope. Horning Brothers has served the Washington, D.C., metropolitan area with high-quality residential communities and commercial properties for more than 50 years.
22. Martha's Table works to strengthen children, families, and community by making healthy food and quality learning more accessible. For 35 years, Martha's Table has served as an important community partner, expanding access to a range of skills and resources needed to earn, learn and lead through life.
23. Founded in 1980, Community of Hope's mission is to improve the health and quality of life of low-income, homeless, and underserved families and individuals in the District of Columbia by providing healthcare, housing with supportive services, educational opportunities, and spiritual support.

## **Description of the PUD Project**

### **Residential Component – Site Layout**

24. The Primary access to the residential portion of the project will occur via a private street that will have one entry/exit point on Stanton Road, S.E. and one entry/exit point on Pomeroy Road, S.E. The overall width of this street has been limited to a 52-foot right-of-way that will allow for six-foot-wide sidewalks, and six-foot-wide tree boxes, and parallel parking on one side of the private street. These dimensions create a new street with strong pedestrian friendly characteristics. A series of 20-foot-wide private alleys are also proposed to provide access to the rear-loaded townhouses. (Ex. 11, pp. 6-7; Ex. 18A; Ex. 63A.)
25. An entry plaza with a grove of trees will be created at the corner of Stanton Road, S.E. and Pomeroy Road, S.E. This entry plaza will create a welcoming public feature at the residential site's most visible corner, adjacent to an existing bus stop. The common lobby and amenity spaces for the multi-family buildings, whose entrance is articulated with a tower feature, will be located immediately adjacent to the plaza. The plaza space will be equipped with fixed seating and additional landscape features that will encourage interaction among residents. A pocket park is located along the private street, at the base of the Smart Slope retaining walls. Located at the curve of the new street, the pocket park will provide a green feature that will be seen from the street. The pocket park includes significant landscape features and distinct seating areas – one adjacent to the sidewalk and others near play structures, and will create a common space usable by all ages. (Ex. 11, p. 7; Ex. 18, pp. 3-4; Ex. 18A.)
26. The significant grade change between the residential portion of the project and the community service center campus is addressed through a series of landscaped retaining

walls, a portion of which is a Smart Slope, a vegetated retaining wall system that will be covered with vegetation upon grow out. Enclosing the pocket park in the residential portion and just below the overlook in the community service center campus, the Smart Slope visually links the two uses with a highly sustainable green feature. The SmartSlope is a vegetated retaining wall system, comprised of open celled pre-cast concrete modules, anchored with polymeric reinforcement straps. Each module is stacked in a staggered pattern that creates a battered wall with integral planting pockets. The pockets are filled with growth media and planted. The entire face of the wall will be covered with vegetation upon grow out, and will provide an attractive enclosure to the pocket park located on the new public street. The retaining wall along the alley behind the townhouses varies from four feet (where the retaining wall meets Stanton Road) to a maximum height of 22 feet. A landscaped area is provided between the retaining wall and the private alley. The Applicant noted that since the property at the top of this retaining wall is not owned by the Applicant, it is not possible to create a stepped or tiered retaining wall in this location. The Applicant noted that the views of this retaining wall will be obscured from the new public street, as the townhouses block most of the views of this retaining wall. (Ex. 11, p. 7; Ex. 18, pp.1-2; Ex. 18A.)

27. Pedestrian linkage between the residential uses and the community service center campus will be provided through new and existing sidewalks along perimeter roads. Pedestrian activity along the new and existing roads will create the activity that promotes a safe and secure public realm. All of the existing adjacent streets (Stanton, Pomeroy, and Elvans Roads) have right-of-way widths of 50 feet. There are no planting strips adjacent to the sidewalks along these roads, thus no street trees along these roads, and the sidewalk abuts the travelway. In discussions with DDOT representatives, the Applicant was asked if it would be possible to provide a planting strip of at least four feet wide against the Stanton or Pomeroy Road travelway (which would allow for the planting of street trees and also create a “shy” zone that separates pedestrians from vehicles), and then a sidewalk of at least six feet wide. In response to the DDOT request, the Applicant has revised the treatment of the space adjacent to the property along Stanton and Pomeroy Roads to allow for a six-foot-wide sidewalk and a continuous three-foot-wide planting strip (or “shy zone”) in the areas where there are no street trees. In the areas where the Applicant is providing street trees (five street trees along Pomeroy Road and 11 street trees along Stanton Road), the width of the sidewalk is five feet and the width of the planting strip has been increased to four feet. The public space adjacent to the property along Elvans Road will include a six-foot-wide sidewalk with a continuous five-foot-wide planting strip that will include 16 street trees. The Applicant will also construct a three-foot-wide planting strip and a six-foot-wide sidewalk in the Elvans Road public right-of-way that will connect the housing portion of the project with the community service center portion of the project. This portion of the sidewalk and planting strip is not adjacent to the Applicant’s property. In order to provide this treatment of the “public” space, the sidewalk along Pomeroy Road is entirely on the Applicant’s private property, the sidewalk along Stanton Road varies from 2.3 feet to 2.9 feet on the Applicant’s private property, and the sidewalk along Elvans Road varies from 2.2 feet to 4.8 feet on the Applicant’s private property. The Applicant will grant a public use easement on these

portions of its property to allow the public to use the newly created sidewalks and planting strips. (Ex. 11, pp. 21-22; Ex. 31, pp. 1-2; Ex. 31A.)

28. A surface parking lot, which provides parking for a portion of the multi-family buildings, is located in the interior of the residential portion of the site and will be visually buffered from the perimeter public streets by buildings and landscaping. The parking lot, as well as the entry plaza, will be entirely surfaced with pervious paving. The parking lot paving has the articulated texture and pattern of paving stones such as brick or cobblestone, and does not have the monolithic appearance and quality of an asphalt or concrete parking lot. The pervious paving, along with other landscape elements, will transform the surface parking lot from an automobile dominated environment to a pleasant, human-scaled open space. The pervious paving is also an integral factor in the project's satisfaction of the Green Area Ratio ("GAR") and stormwater requirements for the multi-family portion of the project, as well as a significant sustainable site feature. The surface parking lot will meet the Zoning Regulations' landscape standards and the lighting of the parking lot will be designed to provide an appropriate amount of light for safety, but not be a nuisance to future residents of the project or the surrounding neighbors. (Ex. 11, p. 8; Ex. 18 pp.3-4; Ex. 18A.)

#### Residential Component - Multi-Family Buildings

29. All of the multi-family buildings will include elevators and the exterior treatment of the buildings will include predominately brick and masonry façades with cementitious siding articulating an upper fourth-floor story, in order to establish a scale appropriate to the surroundings. Substantial embellishments, including bay windows, and gabled roofs with deep overhangs and brackets are proposed for these buildings in order to enliven the architecture of the buildings and create a scale of elements in keeping with the character and scale of the surrounding community. (Ex. 11, p. 9; Ex. 18A)
30. The first multi-family building, Building A, is located at the intersection of Stanton and Pomeroy Roads, S.E. This building will include a total of 38 units, with a mix of one-bedroom, two-bedroom, and three-bedroom units. This building includes a lobby with security desk, leasing center, and mail room which will serve all of the multi-family buildings. The lobby's location provides visibility to the corner entry plaza as well as to the parking lot entries of the other two multi-family buildings, providing for additional security. Access to the lobby will occur from the entry plaza (which will include a tower element), the surface parking lot, or from a pedestrian walkway that runs perpendicular to Stanton Road, S.E. The elevator and one of the stairs for Building A are located immediately adjacent to the lobby. A second stair is located at the southern end of the internal corridor and permits controlled building access from Stanton Road, S.E. The three-bedroom units located along Stanton Road, SE have direct independent access to Stanton Road, S.E., as well as from the internal building corridor. Building A will include amenity space for all of the multi-family buildings on the first floor, located directly below the lobby. The amenity space will include a fitness center and a business center. The first floor of Building A also includes office and meeting space for on-site services provided by Community of Hope for the residents of the PSH units. Direct access to these

spaces is provided from a small court located off of Stanton Road, S.E. This building will have a measured building height of approximately 50 feet and will include four stories. (Ex. 11, pp. 9-10; Ex. 18A.)

31. The second multi-family building, Building B, is located along Pomeroy Road, S.E. This building will also be four stories tall with a measured building height of approximately 48 feet, six inches. It will include 38 units with a mix of one and two bedrooms. Access to this building is provided from Pomeroy Road, S.E. and the internal parking lot. (Ex. 11, p. 10; Ex. 63A.)
32. The last multi-family building, Building C, is located off the private street on the interior of the Subject Property. This building will have a measured building height of approximately 52 feet, six inches. Due to the grade change on this portion of the site, Building C will include one below-grade level of parking that will include 28 parking spaces and four stories above the grade of the new private street. Building C will include a total of 44 units with a mix of one and two bedrooms. Access to this building is provided from the internal surface parking lot, the lower level parking garage, and the new private street. (Ex. 11, p. 10.)

#### Residential Component - Townhouses

33. The residential component of the project also includes 42 for-sale townhouses (that are 16 and 20 feet wide) that each include three bedrooms. Four of the townhouses have frontage along Stanton Road, S.E., while the remainder of the townhouses have frontage along the private street. The owners of the individual townhouses will have the option to include rear decks off of the kitchen, and an attic loft (except for the end units, which will not be permitted to have attic loft options). The fronts of all of townhouses will include brick and masonry elements, gable roofs with dormers, and occasional bay windows. The style of the townhouses is derived from a colonial vernacular style found throughout the District. Rowhouse building strings are composed as formal assemblages with variety created through different façade types, façade arrangements within the string, responses to topography, as well as the introduction of some townhouse fronts with cementitious siding to create additional variety. (Ex. 11, pp. 10-11; Ex. 63, p. 2; Ex. 63A.)
34. All of the townhouses will have internal parking garages for one parking space. Most of the townhouses will have vehicular access from private alleys to the rear of the townhouses. In response to comments from DC Water, the width of the proposed private alleys was increased to 20 feet. Due to the topography along the northeastern edge of the Subject Property, seven of the townhouses will have vehicular entrances at the front of the townhouses. Allowing these townhouses to have front entry for vehicles significantly reduces the height of the retaining wall that is needed in the rear of these properties. (Ex. 11, p. 11; Ex. 63, pp. 1-2; Ex. 63A.)

### Permanent Supportive Housing Units and Affordable Housing Provided

35. This project includes a significant affordable housing component. Ten percent of the for-sale townhouses (approximately 10% of the total gross floor area) will be set aside as the required IZ units, half of these IZ townhouses will be reserved for those making up to 50% of AMI and the other half for those making up to 80% of AMI. Each of the multi-family buildings will satisfy the Inclusionary Zoning minimum gross floor area requirements of providing 10% of the units (in perpetuity) to residents making up to 50% of AMI. All of the remaining residential units in the multi-family buildings will be reserved for residents making up to 60% AMI for a period of 40 years. (Ex. 11, pp. 11-12, 71.)
36. Permanent Supportive Housing (“PSH”) is targeted towards families and individuals who have been homeless in the past, have barriers to finding housing such as poor credit history, and often include a family member with disabilities which makes it difficult for them to find employment. Families hold leases in their own names and are expected to comply with all terms of the lease, including paying rent monthly. Rent is often set at about 30% of income and the subsidy covers the balance. Families stay in their units for as long as they wish to. A client in PSH has the same rights and responsibilities as any other tenant, with the added help of supportive services. The supportive services provided by Community of Hope include regular face-to-face meetings in the home to help families set and achieve goals that they set for themselves. Goals usually revolve around maintaining housing (i.e. paying rent, communicating with the landlord if there are any problems, making sure tenants know lease requirements, etc), increasing income through maximizing benefits or finding employment for members of the family as applicable, and strengthening the family. Examples of family goals might be making sure children are doing well in school, making sure the family is getting needed healthcare, working with an employment specialist on a resume, connecting children to summer camp or after-school programs, etc. Historically, Community of Hope has one case manager assigned to only 12 families, with supplemental assistance from an Employment Specialist, Wellness Coordinator, Youth Specialist, and a Housing Specialist. Interested children are also connected with volunteer mentors. (Ex. 11, pp. 12-13.)
37. This project will include 12 PSH units in the multi-family buildings which will be located throughout those buildings. The 12 PSH units are a social service benefit of this project and will be reserved in the project for a period of 40 years. Creating more permanent supportive housing is consistent with the DC Interagency Council on Homelessness’ Homeward DC Strategic Plan for the next five years. (Ex. 11, p. 13.)

### Community Service Center Campus - Consolidated PUD Application

38. The community service center campus is divided into two parts. The western portion of the campus is part of the consolidated PUD application and it will include a single building that will house Martha’s Table and Community of Hope programs. The eastern portion of the campus is being reserved as a first-stage PUD. At the present time the Applicant envisions a single building and a surface parking lot will ultimately be

developed on this portion of the campus. The Applicant seeks to rezone the community service center campus portion of the Subject Property to the SP-1 Zone District. (Ex. 11, p. 13.)

### Martha's Table

39. Martha's Table will be using approximately 42,000 square feet of the proposed new building. Martha's Table will be using this space for three different programs:

#### ***Healthy Start (Early Childhood Education and After-School Programming)***

- For families struggling against poverty, Martha's Table provides academic, health and life supports to children beginning at 12 weeks old to ensure a great start to a successful life. Its work includes intensive, full-day early childhood programming in the earliest years followed by dedicated out-of-school time academic and social supports during elementary school years.

#### ***Healthy Eating***

- For over 17,000 children whose families are battling economic hardship and hunger, Martha's Table plans to provide healthy food access and healthy eating knowledge and motivation to eliminate hunger and create more joyful connection to food and eating. They do this through a multi-partner initiative led by Martha's Table and Capital Area Food Bank to bring healthy groceries via monthly Joyful Food Markets (each family receives 23 lbs of free healthy groceries per child) which occur at dismissal times at every public and charter school in Wards 7 & 8. In addition, Martha's Table also maintains its current 15 Martha's Markets across D.C. Martha's Table also offers quality children's meals for all students enrolled in on-site education programs.

#### ***Healthy Connections (After-school care and life support programming)***

- As its children progress through middle school, high school, and college, Martha's Table supports them with service leadership and service learning opportunities to help them mature into their future as learners, earners, and leaders. At the same time, Martha's Table works with the parents of Healthy Start students to become family visionaries and leaders on their family's path toward a self-defined vision of success. (Ex. 11, pp. 13-14.)

### Community of Hope

40. Community of Hope will utilize a portion of the remaining 12,000 square feet of space in the building to provide behavioral health services, per the community-identified need, that addresses the needs of the whole family, with a focus on depression, trauma and anxiety. Additional services may include employment support, enrollment in insurances, health education sessions, and social service supports. Office space will also be available for other non-profits with complementary services. (Ex. 11, pp. 14-15.)

## Design of the Building

41. The building that will house these uses, as well as the outside facilities surrounding the building, have been developed based on 11 design guidelines. Those guidelines are:
- The building engages long distance views of the monumental core of DC; The site design minimizes impacts to current habitat and ecologies and enhances natural conditions;
  - The scale of Stanton Square addresses and enhances the neighborhood context and the varied program elements;
  - The design celebrates the rich history of the local community;
  - Site and building design promote inquiry and encourage healthy living, “doing”, and environmental stewardship among all users;
  - The building program and experience flows seamlessly from interior to exterior;
  - The “hub” is the heart of the Commons, a space that engages all aspects of the program;
  - Materials evoke a sense of comfort and warmth. Natural and regional materials are used wherever possible;
  - Access to natural light and views are available in all occupied spaces;
  - The kitchen is a central focus of the facility, is safe for employees as well as a welcoming and multi-functional learning and gathering space for the community; and
  - All spaces throughout the building encourage and support personal interaction and multiple uses. (Ex. 11, p. 15.)
42. The main entrance to the Martha’s Table/Community of Hope building is accessed from a vehicular drop-off loop from Elvans Road, S.E., or from the upgraded sidewalks along Elvans Road, S.E. The first floor of the Martha’s Table space includes a kitchen and food prep space, the “hub”, and classrooms and activity space that will be utilized for each of the three programs described in detail above. The second floor includes additional classroom spaces and administrative offices. The ground-floor space, which is actually located at the same grade level as the adjacent surface parking lot due to the grade change of the site, includes warehouse/storage space and building utilities. (Ex. 11, p. 15.)
43. The Applicant stated that the building program and experience flows from the interior spaces to the exterior spaces. The yard/gardens and outdoor play spaces have been

specifically designed to meet different programmatic needs. Some of the outdoor spaces are more defined, while some are purposefully intended to be more “natural”. The Applicant stated that the exterior materials of the building include a variety of textures, patterns, and colors that will animate the building and help present itself as a warm and inviting space. (Ex. 11, p. 16.)

44. The Applicant’s transportation engineering firm, Gorove/Slade Associates, filed a Comprehensive Transportation Review (“CTR”) with the District Department of Transportation (“DDOT”) on November 23, 2015. The CTR included the following Summary and Mitigations:

- “Overall, the PUD will not generate significant transportation demand during peak hours, and this demand can be accommodated within the local roadway, transit and parking systems. The one aspect of the surrounding network that cannot accommodate anticipated demand is the pedestrian infrastructure near and adjacent to the site. The Applicant has committed to improving sidewalks adjacent to the site and between the two portions of the PUD property;”
- The Applicant proposes the following Transportation Demand Management (“TDM”) measures:
  - The Applicant will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with residents to distribute and market various transportation alternatives and options;
  - The Applicant will establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. An effective marketing strategy should consist of a multi-modal access guide that provides comprehensive transportation information. This information can be compiled in a brochure for distribution. The marketing program should also utilize and provide website links to [CommuterConnections.com](http://CommuterConnections.com) and [goDCgo.com](http://goDCgo.com), which provide transportation information and options for getting around the District;
  - The Applicant will install Transportation Information Center Displays (with electronic screens) within the lobbies of all three residential multi-family buildings and the community serving building;
  - The Applicant will encourage all alternative transportation modes including bicycling. Bicycling will be promoted with the provision of on-site outdoor temporary bicycle parking spaces; and
- The CTR recommended additional improvements to help the pedestrian environment near the site. The additional improvements recommended in the CTR focus on two nearby intersections on the expected pedestrian walking routes:

- Improved marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Gainesville Street so that they meet DDOT and ADA standards;
  - Improved marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Morris Road so that they meet DDOT and ADA standards; and
  - The CTR concluded that with these pedestrian improvements in place and the implementation of the TDM plan outlined in the CTR, the PUD will not have a detrimental impact on the surrounding transportation network. (Ex. 31B.)
45. The residential portion of the PUD project is designed to be able to achieve Green Communities certification. The community service center (the Commons) is designed to achieve at least a LEED-Silver certification. Preliminary GAR calculations for the multi-family buildings and the Commons (the GAR calculations are not applicable to the townhouse portions of the project, per 11 DCMR § 3401.3(a)) were provided in the record and the applicable GAR standards are satisfied. No adverse environmental impact will result from the construction of this project. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project.

### **Applicant's Testimony**

46. At the public hearing, David Roodberg – CEO and President of Horning Brothers, testified on behalf of the Applicant. Mr. Roodberg introduced the members of the development team and provided an overview of the project. In addition, Mr. Roodberg discussed the community engagement process that the Applicant pursued throughout this PUD application process and the additional benefits that the Applicant is proposing in this application. Mr. Roodberg also noted that this project is being funded with over \$20 million of private investment. (January 7, 2016 Public Hearing Transcript [“Tr”] pp. 12-13, pp. 61-64.)
47. Patty Stonesifer, CEO of Martha's Table, provided testimony about the history of Martha's Table and the pop-up food markets that Martha's Table currently provides throughout the city, including pop-up food markets (Joyful Food Markets) in Ward 8. Ms. Stonesifer also testified about the programs that would be provided by Martha's Table at the community service center and throughout Wards 7 and 8 starting in 2018. (Tr. pp. 13-18; Ex. 56A.)
48. Kelly Sweeney McShane, CEO of Community of Hope, testified about the healthcare and supportive services that Community of Hope provides. Community of Hope will also be providing the supportive services for the families living in the Permanent Supportive Housing units in the residential portion of the project. (Tr. pp.18-21.)

49. Cheryl O’Neill, of Torti Gallas Urban – admitted as an expert in architecture, the project architect for the residential component of the project, provided detailed testimony regarding the site planning for the entire project, including a description of the topography of the site and the surrounding institutional and residential uses, and the architecture for the multi-family buildings and the townhouses. Ms. O’Neill also presented testimony regarding how the site plan and various building types were modulated to account for the significant topographical changes that occur through the site. Ms. O’Neill also discussed the landscape characteristics of the project, including the introduction of the “shy zone” and street trees along the adjacent public streets. Ms. O’Neill also discussed the smart slope, vegetated retaining wall, and the actions that were taken to minimize the size of the retaining walls and obscure their appearance through landscaping. (Tr. pp. 21-30, 49-51.)
50. Matt Bell, of Perkins-Eastman Architects – admitted as an expert in architecture, testified about the design principles and goals for the development of the Commons, the community service center building. Mr. Bell discussed the interior and exterior features of the site and the materials that will be used on the exterior of the building. (Tr. pp. 51-59.)
51. Robert Schiesel, of Gorove-Slade Associates – admitted as an expert in traffic engineering, testified about the transportation study that Gorove-Slade Associates performed for this application. Mr. Schiesel noted that the new vehicular and pedestrian transit trips to and from the project, as well as the new parking demand, can be accommodated without any negative impacts on the surrounding neighborhood, provided the TDM plan was followed and off-site pedestrian improvements are made. (Tr. pp. 59-61.)

### **Density Proposed and Flexibility Requested**

52. The total gross floor area included in the residential portion of the project will be approximately 219,000 – 238,000 square feet depending on whether or not the individual townhouses include certain upgraded features (such as bay windows or attic lofts). The total FAR for the residential portion of the project will be approximately 1.29-1.412. The maximum measured height of the proposed multi-family buildings will be approximately 50 feet and the maximum height of the townhouses will range from approximately 50 feet. The R-5-B Zone District permits a maximum density of 1.8 FAR as a matter of right and a maximum density of 3.0 FAR in a PUD project. The maximum height allowed as a matter-of-right in the R-5-B Zone District is 50 feet. A PUD project in the R-5-B Zone District is permitted a maximum building height of 60 feet. (Ex. 11, p. 16.)
53. The building on the Commons that will include the Martha’s Table and Community of Hope uses will include approximately 54,000 square feet of gross floor area. This building will be approximately 32 feet tall, will have a FAR of approximately 0.66, and

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<sup>2</sup> Consistent with the recent practice of the Commission, the land area of the private streets and alleys have been removed from the calculation of the project’s FAR.

will include approximately 37 parking spaces. The lot occupancy of this building will be 32%. The SP-1 Zone District permits a maximum density of 4.0 FAR for residential use and 2.5 FAR for other uses as a matter of right. A PUD project in the SP-1 Zone District is permitted a maximum FAR of 4.5 for residential use and 3.5 for other uses. The maximum height allowed as a matter-of-right in the SP-1 Zone District is 65 feet. A PUD project in the SP-1 Zone District permits a maximum height of 75 feet. (Ex. 11, p. 17.)

54. The total gross floor area of the building proposed for the First Stage PUD approval is approximately 46,200 square feet for a total FAR of 0.92. The height of the proposed building will be approximately 45 feet and the building will have a lot occupancy of approximately 30%. A surface parking lot with approximately 24 parking spaces is proposed. (Ex. 11, p. 17.)
55. The Applicant requested flexibility from the following requirements of the Zoning Regulations: (i) the rear yard requirements for 35 of the townhouse lots (§ 404); (ii) the side yard requirements for four of the townhouse lots and one of the multi-family buildings (§ 405); (iii) the lot occupancy requirement for 19 of the townhouse lots (§ 403); (iv) relief from the driveway spacing requirement for the front-loaded townhouse lots (§ 2117.9); and (v) multiple buildings on a record lot (§ 2516). The Commission has the authority to grant this flexibility pursuant to §§ 2405.4, 2405.5, 2405.6, and 2405.7 of the Zoning Regulations. (Ex. 11, p. 18; Ex. 18, p. 5; Ex. 39.)

### **Benefits and Amenities**

56. The Applicant, in its written submissions and testimony before the Commission, noted that the following benefits and amenities will be created as a result of the project, in satisfaction of the enumerated PUD standards in 11 DCMR § 2403.
  - a. Housing and Affordable Housing: Pursuant to § 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. This project provides both for-sale and rental residential units (42 for-sale townhouses and 120 units in the multi-family buildings). This project will create approximately 162 residential units on a five-acre parcel that is currently unimproved. Ten percent of the for-sale townhouses will be set aside as the required IZ units, half of these IZ townhouses will be reserved for those making up to 50% of AMI, and the other half for those making up to 80% of AMI. Each of the multi-family buildings will satisfy the minimum Inclusionary Zoning gross floor area requirements by providing 10% of the units (in perpetuity) to residents making up to 50% of AMI. All of the remaining residential units in the multi-family building will be reserved for residents making up to 60% AMI for a period of 40 years; (Ex. 11, pp. 19-20; Ex. 18, pp. 6; Ex.18C, Ex. 71.)
  - b. Social Services/Facilities: Subsection 2403.9(g) lists social services/facilities as public benefits and project amenities for a PUD project. This project will include 12 PSH units and related social services, as well as an entire community service

center campus. The programs offered by Martha's Table and Community of Hope are tailored to meeting the needs of the surrounding community. Early childhood education, after-school programming, parent engagement, healthy eating and nutrition, employment opportunities, and employment and behavioral counseling are social services programs that will benefit residents of the surrounding neighborhood, as well as the residents of this project; (Ex. 11, p. 20; Ex. 18, pp. 6-7.)

- c. Urban Design, Architecture, Landscaping, or Creation of Open Spaces: Subsection 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. The Applicant stated that the project exhibits all of the characteristics of exemplary urban design and architecture. The massing, height, and articulation of the residential buildings have been carefully studied in order to create a project that provides new housing opportunities for the surrounding community, yet is also in keeping with the surrounding buildings and uses. The buildings on the community service center campus have been located and designed to take advantage of the unique topography of the site and will provide the users of the Martha's Table and Community of Hope building with stunning views of downtown Washington and the monumental core. The landscape plan for the entire site has been carefully crafted to create a series of spaces, of varying sizes, to allow for passive recreation uses; (Ex. 11, pp. 20-21.)
- d. Site Planning, and Efficient and Economical Land Uses: Pursuant to § 2403.9(b) of the Zoning Regulations, "site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission. The Applicant testified that the proposed site plan effectively utilizes the significant grades on the site to create a significant number of new residential units and allow for a distinct campus for the Commons. The Applicant believes that the mix of for-sale townhouses and multi-family buildings are entirely appropriate for this large undeveloped property. The project incorporates the significant grade changes into the siting of the proposed buildings as well as the unit types, specifically the front-loaded townhouses. The series of landscaped retaining walls have been designed in a manner to minimize their overall appearance; (Ex. 11, p. 21; Ex. 18A, Ex. 31A, Ex. 63A.)
- e. Effective and Safe Vehicular and Pedestrian Access: The Zoning Regulations, pursuant to § 2403.9(c), state that "effective and safe vehicular and pedestrian access" can be considered public benefits and project amenities. The proposed residential community will only require one curb cut along Stanton Road, S.E. and one curb cut along Pomeroy Road, S.E. The internal private street system has been designed to have sidewalks and street tree boxes of appropriate width in order to encourage pedestrian activity. The private alley system provides most of the townhouses with rear access to their parking spaces in order to minimize conflicts with pedestrians. The upgrades and improvements to the adjacent public streets, including the introduction of shy zones and street trees, as well as the improvements to the pedestrian experience at nearby intersections are a

significant public benefit and amenity of this project; (Ex. 11, pp. 21-22; Ex. 31, pp. 1-2; Ex. 31A.)

- f. Uses of Special Value: According to § 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The Applicant has agreed to provide the following public benefits and amenities as part of this project:
- The Applicant has entered into an Advisory Development Services Agreement with the Anacostia Economic Development Corporation (“AEDC”). Pursuant to this Agreement, AEDC will:
    - Help the Applicant identify areas of small business participation in the project;
    - Provide advice and recommendations on Development Team participation;
    - Assist in the formulation of project marketing and community outreach activities; and
    - Participate in the development of community engagement activities and other similar efforts on behalf of the Applicant;
  - The community service center campus will include space to hold community meetings;
  - The community service center will include flex-office space for use by Ward 8 non-profits; and
  - The Applicant will include a Ward 8 development partner in the construction of the rental housing component of the project; (Ex. 63, p. 4.)
- g. Comprehensive Plan: According to § 2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” The Applicant noted that the proposed PUD is consistent with and furthers many elements and goals of the Comprehensive Plan; and (Ex. 11, pp. 24-28.)
- h. Public Benefits of the Project: Subsections 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Commission, including:

- Affordable housing;
- Permanent Supportive Housing;
- Social services and health education;
- Exemplary/superior architecture; and
- Community service uses. (Ex. 11, p. 24.)

### **Comprehensive Plan**

57. The Comprehensive Plan’s Housing Element includes the following policies that are supported by this project:

- Policy H-1.1 - Expanding Housing Supply: Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs;
- Policy H-1.1.3 - Balanced Growth: Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low-and moderate-density single family homes as well as the need for higher-density housing; and
- Policy H-1.2.1 - Affordable Housing Production as a Civic Priority: Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

The Applicant stated that this project complies with these Policies of the Housing Element by providing 162 residential units which are predominantly reserved as affordable housing units, and by meeting the needs of some of the District’s most vulnerable population. Twelve of the multi-family residential units in this project are PSH units that are reserved for people that have a history of homelessness. Although families living in these units are not technically defined as “special needs”, the families in this project and those of special needs share many similarities. The Housing Element stresses that housing for special needs should be permanent, integrated throughout the

city instead of segregated and accompanied by services that support the population being housed (H-4.1). This project meets each of those requirements. It is permanent, it is inconspicuously integrated into the other multi-family residential units, and the services that the residents need will be provided directly on the Subject Property.

The proposed uses are strongly supported by the Housing, Economic Development, and Community Services and Facilities Elements of the Comprehensive Plan. The Housing Element states that development should take a whole neighborhood approach by ensuring that construction of housing is accompanied by concurrent programs to improve neighborhood services (H-1.4.6). The Community Services and Facilities Element has a goal of providing high quality, accessible, efficiently managed community facilities that enhance the well being of current and future District residents. It specifically highlights the importance of affordable health services and permitting new early childhood development centers (CSF 2.1/2.2). Additionally, the Economic Development Element focuses on the future of the District's economy and the importance of workforce development (ED-4.2). This project will be successful in accomplishing each of these Elements' goals. (Ex. 11, pp. 25-26.)

58. The Comprehensive Plan's Land Use Element includes the following policies that are supported by this project:

- Policy LU-1.4.1: Infill Development: Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

The Applicant's written statement noted that the proposed development will turn an undeveloped, overgrown and foreboding part of the Hillsdale neighborhood into a vibrant and active part of the community. The redevelopment of the site will help in stabilizing the overall community by providing a variety of unit types, sizes and affordability and would be a significant contribution to the District's housing stock. In addition, the proposed community service center campus is consistent with the numerous other institutional uses found in the immediate neighborhood. (Ex. 11, p. 26.)

59. The Comprehensive Plan's Urban Design Element includes the following policies which are furthered by the PUD project:

- Policy UD-2.2.5; Creating Attractive Façades: Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.

The high levels of architectural design and quality of materials used in this project will serve as the standard for future development in the area. The quality and breadth of

different materials on the Commons building will create significant visual interest for this new community service use in the neighborhood. (Ex. 11. p. 26.)

60. This project is located in the Far Southeast/Southwest area and is consistent with the Comprehensive Plan's goals and policies. The Comprehensive Plan's Far Southeast/Southwest Area Element includes the following policies that are supported by this project:

- Policy FSS-1.1.4: Infill Housing Development: Support infill housing development on vacant sites within Far Southeast/Southwest, especially in Historic Anacostia, and in the Hillside, Fort Stanton, Bellevue, Congress Heights and Washington Highlands neighborhoods;
- Policy FSS-1.1.11: Workforce Development Centers: Support the development of additional vocational schools, job training facilities, and workforce development centers. Encourage the retention of existing job training centers, and the development of new centers on such sites as the St. Elizabeth's Campus and DC Village to increase employment opportunities for local residents;
- Policy FSS-1.1.12: Increasing Home Ownership: Address the low rate of home ownership in the Far Southeast/Southwest by providing more owner-occupied housing in new construction of single family homes, and by supporting the conversion of rental apartments to owner-occupied housing, with an emphasis on units that are affordable to current tenants;
- Policy FSS-1.2.1: Health Care Facilities: Sustain and support existing health care facilities in Far Southeast/Southwest and develop additional health care and social service facilities to respond to the urgent unmet need for primary care, pre- and post-natal care, child care, youth development, family counseling, and drug and alcohol treatment centers. Pursue co-location or consolidation of these facilities with other public facilities where possible, and where the uses are compatible;
- Policy FSS-1.2.4: Designing with Nature: Protect and enhance the wooded ridges and slopes of the Far Southeast/Southwest, particularly views of the monumental core of the city from the major north-south ridge that crosses the area. Development should be particularly sensitive to environmental features along Oxon Run Parkway, Shepherd Parkway (along I-295), and on the St. Elizabeths and DC Village sites; and
- Policy FSS-23.2: Housing Opportunities: Encourage compatible infill development on vacant and underutilized land within the Hillside and Fort Stanton neighborhoods, with an emphasis on low to moderate density housing designed for families. Special care should be taken to respect the area's topography, avoid erosion, improve the street and circulation system, and mitigate any traffic increases caused by new development.

The Applicant proposed that this project is consistent with all of these Policies. The Applicant is proposing to create 162 residential units on an 8.1-acre vacant property located in the Hillsdale neighborhood. The creation of 42 for-sale townhouses with 10% of those units reserved as IZ units is consistent with Policy FSS-1.1.12. The Comprehensive Plan also supports the inclusion of workforce development centers and additional health care and social service facilities. This project is in compliance with these goals. The services provided in the Commons by Martha's Table and Community of Hope are entirely consistent with these policies. (Ex. 11, pp.27-28.)

### **Government Agency Reports**

61. By report dated December 28, 2015, the Office of Planning ("OP") recommended approval of the proposed consolidated PUD, first-stage I PUD, and related Zoning Map amendment application. In its report, OP discussed the amenities and benefits that the consolidated PUD application will provide related to: Urban Design, Architecture, and Landscaping; Site Planning and Efficient and Economical Land Utilization; Housing; Environmental Benefits; and Uses of Special Value to the Neighborhood or the District of Columbia as a whole. (Ex. 39, pp. 17-19.)

62. In regard to the Consolidated PUD's benefits and amenities related to Urban Design, Architecture and Landscaping, the OP report noted:

The proposed PUD would significantly enhance the character of Stanton Road by removing a large vacant parcel from the neighborhood's fabric. The proposed development would introduce a residential use and accessory services currently absent in the immediate neighborhood. The buildings' massing and scale would be appropriate within the context of the Comprehensive Plan and the existing neighborhood. Building materials would include a mixture of brick and cementitious siding, which would be carried throughout the site. The façade details are integral to ensuring variety in the streetscape. The proposed architecture would be similar to recently completed residential development in the immediate area. The architecture would complement that of the surrounding neighborhoods, which have a variety of architectural styles, materials and designs. Connectivity between both portions of the site would enhance Stanton Road through the proposed new sidewalk along the street to Elvans Road. This would also be an important safety feature for the neighborhood, through improved lighting and pedestrian safety along Stanton Road. (Ex. 39, pp. 17-18.)

63. In regard to the consolidated PUD's benefits and amenities related to Uses of Special Value, the OP report also noted:

The affordable and supportive housing units proposed by this project should help the District towards meeting its goal of housing low income and homeless families. The introduction of a community service center to support residents of the immediate and surrounding development in an underutilized site is consistent

with planning goals for the neighborhood and is a public benefit and amenity of the project. The non-profit Community of Hope provides supportive services to low-income and homeless adults and children in D.C for the past 35 years. Twenty-one residents were hired as staff members and 18 Ward 8 residents were hired during construction. Their headquarters, health center and two permanent supportive apartment buildings are located in Ward 8. Martha's Table operates the Joyful Food Markets and Martha's Markets in seven Ward 8 schools and community centers. Forty percent of families in their Healthy Start program are Ward 8 residents. Twenty percent of employees hired in 2015 also reside East of the River. (Ex. 39, p. 19.)

64. In regard to the consistency of the proposed Zoning Map Amendment with the Comprehensive Plan, the OP Report noted that:

The Comprehensive Plan designates the site for moderate density residential uses. The proposed development would be characteristic of the surrounding neighborhood's existing and more recent development in its scale and massing, including the townhomes, smaller apartment buildings and nearby institutional uses. Therefore, the proposed PUD-related map amendment from R-3 to R-5-B (for the lower residential portion) and SP-1 (for the upper community services portion), would be not inconsistent with the Comprehensive Plan, particularly when read in conjunction with the referenced policies from the Plan. The SP District permits any use permitted as a matter of right in the R-5 District, as well as any other accessory use and building customarily incidental to the authorized uses. The institutional wrap-around services and programming proposed by the non-profit groups that would locate within the development would be accessory and incidental to the residential uses proposed within the R-5-B portion of the site, and would directly serve the surrounding residential community. Therefore, the SP-1 District would be the appropriate designation for the administrative and office uses proposed. (Ex. 39, p. 11.)

65. By its report dated December 28, 2015, the District Department of Transportation ("DDOT") reviewed the project's site design and travel assumptions and provided an analysis of the transportation impacts of the project. The DDOT report concluded that DDOT has no objection to the application with the following conditions:

- Install an electronic display in the lobbies of all three multi-family buildings and the community service building to display real-time transit arrival and transportation options information;
- Reserve a parking space in Stanton Square for a car sharing service which may revert to general use if no car sharing company expresses interest;
- Host annual transportation fairs for both Stanton Square and Stanton Commons to educate all users about available transportation options; and

- Provide at least 14 short-term bicycle parking spaces, including eight in Stanton Square and six in Stanton Commons. (Ex. 41, p. 2.)

66. The DDOT report also noted that:

To remedy substandard conditions adjacent to the site, the Applicant has agreed to install a minimum three foot planting strip on all streets adjacent to the site with a six foot wide sidewalk. Where there are street trees, the planting strip will widen to a 4 foot by 9 foot tree box and the adjacent sidewalk will narrow to 5 feet wide. The Applicant will also continue this treatment to the west of the Stanton Commons portion of the development where the sidewalk is currently missing in order to connect Stanton Commons to Stanton Square. This area is not adjacent to property owned by the Applicant.

The Applicant proposes mitigations to improve substandard pedestrian facilities at two off-site intersections — Elvans Road & Gainesville Street and Elvans Road & Morris Road & Erie Street. Specifically, the Applicant proposes improved marking and signage, including stop bars, crosswalks, and curb ramps to meet DDOT and ADA standards. The Applicant cautions that improvements have not been designed and complications in design could stem from non-transportation issues such as utility pole relocation costs, conflicts with sewer/stormwater infrastructure, and/or right-of-way limitations. DDOT understands the possibility of high-cost complications and will work with the Applicant through the public space permitting process to focus on high-impact, lower-cost improvements that can be made to these intersections. If acceptable designs for one or both of the highlighted intersections cannot be developed, the Applicant should ensure that at least two study area intersections are improved.

DDOT considers the proposed pedestrian improvements to be a substantial contribution to improving the pedestrian environment in the area and commends the Applicant for dedicating private property to achieve these important improvements. (Ex. 41, pp. 13-14.)

### **ANC 8B Report**

67. ANC 8B submitted a resolution in support of the application on December 31, 2015. The letter stated that, on December 15, 2015, the ANC voted to approve a resolution in support of the PUD and related Zoning Map amendment application by a vote of 3 in favor and 1 against. The resolution noted that the Applicant agreed to partner with the Anacostia Economic Development Corporation to identify opportunities for Ward 8 businesses and jobs for Ward 8 residents and the Applicant agreed to partner with a Ward 8 developer on the construction of 120 affordable rental housing units. The resolution noted the commitments of Martha's Table and Community of Hope to provide services in the project and the contributions that the Horning Family Fund has made to nonprofits that serve Ward 8. The resolution also stated that the Applicant held many community

discussions over the years regarding the project and presented the project at duly noticed ANC 8B meetings on March 17, 2015, April 21, 2015, and December 15, 2015. (Ex. 42.)

### **Parties and Persons in Support**

68. There were no parties in support of the application.
69. The Ft. Stanton Civic Association submitted a letter of support of the application into the record of this case. The Ft. Stanton Civic Association noted that it felt the proposed residential uses in the project provide the proper mix of rental and for-sale housing with affordable and market-rate units, and the community service center part of the project will have a positive impact on the community. The Ft. Stanton Civic Association also commended the applicant for its outreach to the community and its responsiveness to comments that were raised about the project. (Ex. 59.)
70. Over 20 additional letters in support of the project were submitted into the record of this case. (Ex. 32, 34-38, 40, 43-52, 54-55.)

### **Party Status Requests**

71. There were no requests for Party Status in this application.

### **Persons in Opposition**

72. Ward 8 Councilmember LaRuby May presented testimony in opposition to the application at the public hearing. Councilmember May noted her concerns that she had relayed to the Applicant about having Ward 8 participation on every level, including developer, on this project in order to help the capacity building of Ward 8 businesses. Councilmember May also noted that her office has received some complaints from residents of other properties managed by members of the Applicant. Councilmember May also questioned the amount of community outreach that the Applicant had done, including outreach to residents and representatives of ANC 8A. (Ex. 60; Tr. pp. 31-37.)
73. Noreen Dziekety and Benjamin Dziekety, owners of 2728 Stanton Road, S.E., presented written and oral testimony in opposition to the project. They noted that their opposition to the project was based on the increased traffic that will result from the project, the inadequate number of parking spaces provided in the project, the inclusion of front-loaded townhouses in the project, the oversaturation of apartments and low income housing currently existing within a two-block radius of the property; and the inconsistency of the application with the National Capital Region Commission Master Plan. (Ex. 30; Ex. 57.)
74. Paul Trantham, the Single Member District Commissioner for ANC 8B02, provided testimony in opposition to the project. Mr. Trantham's opposition was based on his view that the community was not actively involved in this case.

## **Satisfaction of the PUD and Zoning Map Amendment Approval Standards**

75. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects.” (11 DCMR § 2403.8.) The Commission finds that the mix of housing types provided in this application (both for-sale and rental), the large amount of affordable housing provided, the inclusion of the PSH units in the multi-family building, and the community service center and social service uses provided in this project are significant amenities of the project. In addition, the Commission finds that the proposed improvements to the public space and pedestrian environment, adjacent to and nearby the property, are significant public benefits of the project. Given the significant amount and quality of the project amenities and public benefits included in this PUD and related Zoning Map amendment application, the Commission finds that the development incentives to be granted for the project and the related rezoning are appropriate. The Commission also finds that the requested areas of flexibility from the requirements are consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations and are fully justified by the superior benefits and amenities offered by this project.
76. The Commission finds that the project is acceptable in all proffered categories of public benefits and project amenities and is superior in public benefits and project amenities relating to affordable housing, social services/facilities, landscaping and open space, site planning, and effective and safe vehicular and pedestrian access.
77. The Commission credits the written submissions and testimony of the Applicant and OP that the proposed PUD and rezoning to the R-5-B and SP-1 Zone Districts is appropriate and that the proffered amenities and benefits are acceptable. The Commission also credits the testimony of the Applicant and OP that the proposed PUD project and rezoning of the Subject Property are not inconsistent with the Comprehensive Plan. In this case, the Commission finds that the proposed PUD and related map amendment of the Subject Property to the R-5-B and SP-1 Zone District is appropriate given the Future Land Use Map designation of the Subject Property (moderate density residential), the surrounding institutional uses, and the project’s satisfaction of numerous policies enumerated in the Comprehensive Plan. The Commission’s conclusion is consistent with OP’s recommendations to approve the project and the PUD-related Zoning Map amendment.
78. The Commission has accorded ANC 8B the “great weight” to which it is entitled. The Commission finds that the Applicant did engage in substantive and extensive dialogue with ANC 8B and the surrounding community regarding this project. The Commission finds that the Applicant made modifications and enhancements to the project in response to comments that were provided by the ANC, Ward 8 Councilmember May, and members of the community.

## CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces-and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD 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.)
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD (11 DCMR § 2402.5). The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. (11 DCMR § 2405.)
3. The development of the project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design and that would not be available under matter-of-right development.
4. The application meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The application meets the contiguity requirements of § 2401.3.
6. The proposed height and density of the buildings in the project will not cause a significant adverse effect on any nearby properties. The benefits and amenities provided by the project are significant and appropriate.
7. The application seeks a PUD-related zoning map amendment to the R-5-B and SP-1 Zone Districts. The application also seeks limited flexibility from the Zoning Regulations regarding rear yard, side yard, and lot occupancy requirements for some of the proposed lots; relief from the driveway spacing requirements for the front-loaded townhouses; and the permission to build multiple buildings on a single record lot. The Commission finds the requested relief to be appropriate and allows for the creation of a project that has numerous benefits and amenities.
8. The Commission finds that rezoning the site is consistent with the Comprehensive Plan. The PUD is fully consistent with and fosters the goals and policies stated in the elements of the Comprehensive Plan. The project is consistent with the major themes and city-wide elements of the Comprehensive Plan, including the Housing, Land Use, and Urban

Design Elements. The PUD is also consistent with the more specific goals and policies of the Far Southeast/Southwest Area Element.

9. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2001) to give “great weight” to the issues and concerns of the affected ANCs. As is reflected in the Findings of Fact, ANC 8B voted to support the application.
10. The Commission is also required to give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2001)). The Commission gives OP’s recommendation to approve the application great weight, and concurs with OP’s conclusions.
11. The PUD project and the rezoning of the Subject Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
12. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this application for consolidated PUD, first-stage PUD, and related Zoning Map amendment to the R-5-B and SP-1 Zone Districts for the Subject Property (Square 5877, Lot 22). The approval of this PUD is subject to the following guidelines, conditions, and standards:

#### **A. PROJECT DEVELOPMENT**

1. The PUD project shall be developed in accordance with the plans marked as Exhibits 70A1-70A7 of the record (“Approved Plans”), as modified by guidelines, conditions, and standards herein.

#### **B. PUBLIC BENEFITS**

1. The Applicant shall provide the following housing and affordable housing:
  - (a) Multi-family Building A:
    - (i) Four units comprising 4,574 square feet (gross floor area) IZ units at 50% AMI;
    - (ii) Four units comprising 5,792 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units); and
    - (iii) 30 units comprising 35,370 square feet (gross floor area) non-IZ affordable units at 60% AMI;

- (b) Multi-family Building B:
  - (i) Four units comprising 3,949 square feet (gross floor area) IZ units at 50% AMI;
  - (ii) Four units comprising 3,949 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units); and
  - (iii) Thirty units comprising 31,584 square feet (gross floor area) non-IZ affordable units at 60% AMI;
- (c) Multi-family Building C:
  - (i) Four units comprising 5,233 square feet (gross floor area) IZ units at 50% AMI;
  - (ii) Four units comprising 5,233 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units); and
  - (iii) Thirty-six units comprising 41,856 square feet (gross floor area) non-IZ affordable units at 60% AMI; and
- (d) Townhouses
  - (i) Two units comprising 3,872 square feet (gross floor area) IZ units at 50% AMI;
  - (ii) Three units comprising 5,808 square feet (gross floor area) IZ units at 80% AMI; and
  - (iii) Thirty-seven units comprising 90,426 square feet (gross floor area) market rate.

The IZ units shall be set aside **for so long as the project exists**. The term IZ signifies that the units are subject to the Inclusionary Zoning regulations currently codified at Chapter 26 of Title 11 DCMR. The term PSH signifies “permanent supportive housing units.” The non-IZ affordable units and the PSH units shall be **set aside for a period of 40 years** (from the date of the issuance of the Certificate of Occupancy for each multi-family building).

2. The multi-family buildings will include a total of 12 PSH units, operated by Community of Hope, **for a period of 40 years (from the date of the issuance of the Certificate of Occupancy** for the multi-family building). If Community of Hope can no longer provide the required services to the PSH units, the Applicant will find a replacement service provider.

3. The project shall include 42 for-sale townhouses. All of the townhouses, except for those located at the end of a string of townhouses, shall be permitted the option to include a loft/attic. Ten percent of the for-sale townhouses will be set aside as required by 11 DCMR § 2603 for low- and moderate-income households, as those households are defined by 11 DCMR § 2601.
4. The Applicant shall provide evidence that the multi-family buildings will be designed to achieve Green Communities certification, **prior to the issuance of a Certificate of Occupancy for the multi-family buildings**. The community service center building will be designed to achieve at least LEED-Silver certification. There is no requirement that the Applicant complete the LEED or Green Communities commissioning process.
5. The Applicant shall complete the public space improvements along Stanton, Elvans, and Pomeroy Roads, noted on pages 11-16 of Exhibit 70A7 **prior to the issuance of a Certificate of Occupancy** for the structure that abuts that portion of Stanton, Elvans, or Pomeroy Road.
6. The Applicant shall implement the following Transportation Demand Management (“TDM”) programs:
  - The Applicant shall identify TDM Leaders (for planning, construction, and operations). The TDM Leaders shall work with residents to distribute and market various transportation alternatives and options;
  - The Applicant shall establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. An effective marketing strategy should consist of a multi-modal access guide that provides comprehensive transportation information. This information can be compiled in a brochure for distribution. The marketing program should also utilize and provide website links to [CommuterConnections.com](http://CommuterConnections.com) and [goDCgo.com](http://goDCgo.com), which provide transportation information and options for getting around the District;
  - Applicant shall install electronic displays in the lobbies of all three multi-family buildings and the community service center building to display real-time transit arrival and transportation options information;
  - The Applicant shall reserve a parking space in the project for a car sharing service which may revert to general use if no car sharing company expresses interest;
  - The Applicant shall host annual transportation fairs for both Stanton Square and Stanton Commons to educate all users about available transportation options; and

- The project shall include at least 14 short-term bicycle parking spaces, including eight in Stanton Square and six in Stanton Commons.

The installation of the electronic displays shall be **completed prior to the issuance of a Certificate of Occupancy** for each of the multi-family buildings and the community service center building. The Applicant shall provide evidence that it has reserved a parking space for a car sharing company and shall identify the location of the required short-term bicycle parking spaces in the plans that are submitted for a building permit for the multi-family buildings and/or the community service center building. The Applicant shall provide evidence of the TDM marketing plan and the identification of the TDM Leaders to the Zoning Administrator **prior to the issuance of a Certificate of Occupancy** for each of the multi-family buildings or the community service center building. The Applicant shall provide the Zoning Administrator, DDOT, and the Office of Zoning with an annual report, once a certificate of occupancy has been issued for the community service center building, which notes when the annual transportation fair was held.

7. Pursuant to DDOT approval, the Applicant shall be responsible for the design and cost of improving marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Gainesville Street so that they meet DDOT and ADA standards; and the design and cost of improving marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Morris Road so that they meet DDOT and ADA standards. The Applicant shall not be responsible for any costs associated with non-transportation issues such as utility pole relocation costs, conflicts with sewer/stormwater infrastructure, and/or right-of-way limitations. The Applicant shall provide evidence that these marking and signage improvements have been completed **prior to the issuance of a Certificate of Occupancy** for the community service center building.
8. **For the life of the project**, the Applicant shall include space in the community service center campus building that shall be made available for community organizations to hold meetings. Reservations for the use of such space shall be made through a designated representative of the Applicant.
9. **For the life of the project**, the community service center shall include flex-office space for use by Ward 8 non-profits. Reservations for the use of such space shall be made through a designated representative of the Applicant.
10. The Applicant shall include a Ward 8 development partner in the construction of the rental housing component of the project. The Applicant shall provide evidence to the Zoning Administrator of the identity of the Ward 8 development partner **prior to the issuance of a building permit** for any of the multi-family buildings in the project.

11. **Prior to the issuance of a Certificate of Occupancy** for the first multi-family building or prior to the occupancy of the first townhouse, the Applicant shall make an initial capital contribution to the reserve fund for the Stanton Square Homeowners' Association (which will include the owner of the multi-family buildings). This capital contribution shall be \$250 for each approved townhouse unit, and \$250 for each of the multi-family buildings.
12. **Prior to the occupancy of the first townhouse or issuance of the Certificate of Occupancy** for the first multi-family building, the Applicant shall provide evidence to the Zoning Administrator that the Stanton Square Homeowners' Association by-laws and regulations shall require that the Homeowners' Association shall maintain, repair, and replace the common areas of the project (which includes the private street and alleys) and all improvements and facilities in the common areas, in good order at all times. This obligation shall include without limitation, the maintenance, repair, and, as necessary, replacement of the private street, alleys and parking areas within the common areas.
13. The Applicant shall abide by the following Construction Management Plan terms and conditions:
  - (a) **Traffic and Construction Control Plan:** Vehicular ingress and egress will be only through approved, permitted construction entrances. At no time are trucks permitted to queue (which is deemed to be waiting for more than 15 minutes) or idle on the adjacent streets. Nor are workers allowed to individually congregate, queue, or idle in the surrounding residential areas before the 7:00 a.m. or 8:00 a.m. start of the construction day. Flagmen will be positioned as necessary, to direct the flow of construction traffic and to maintain the public's safety in this residential area. Throughout construction, the Applicant agrees to ensure safe pedestrian access around the perimeter of the site. The Applicant agrees to develop and implement (after approval by DDOT) a plan for temporary pedestrian and vehicular circulation during construction. At a minimum, the plan shall identify temporary sidewalks, interim lighting, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction;
  - (b) **Construction Parking:** Parking for construction workers will be provided within the boundaries of the construction site. Construction personnel will be encouraged to utilize mass transit, including Metro rail and Metro bus;
  - (c) **Site Management:**
    - (i) **Trailers and Materials:** All construction trailers, all construction materials and all equipment, and portable toilets will be located

and always retained on the Applicant's property for the duration of the construction;

- (ii) Odors: There will be no noxious odors emanating from the construction site;
  - (iii) Lighting: Ongoing temporary on-site lighting during construction will be erected for the site to provide lighting for safety and security. No generators will be used at night to provide temporary site lighting. The Applicant will keep the lighting directed into the site only and not impact the surrounding community;
  - (iv) Electrical Generators: All electrical generators and compressors will be turned off at the end of each day's construction activities, i.e., by 7:00 p.m.; and
  - (v) Stormwater Management: The Applicant will maintain temporary stormwater management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved, and functioning such that there shall be no adverse water impacts on the adjacent neighborhood;
- (d) Excavation and Rodent Infestation: The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues, the Applicant will immediately resolve any problems and inconvenience resulting from rodent infestation;
- (e) Cleanliness: The Applicant will require the continuous removal of rubbish and construction debris during the normal construction day and during any other periods of work. During construction activities, there will be a dumpster on-site for the removal of trash and construction debris. The dumpster will remain covered at all times and will never overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. All excavation or back-fill trucks will be covered before proceeding from the Applicant's property onto city streets. The Applicant shall ensure the following:
- (i) The areas adjacent to the site will be policed daily by the contractor and will always remain clean of any trash or debris resulting from construction activities;

- (ii) At the end of each work day during construction, the Applicant agrees to ensure that any streets used for hauling construction materials and the entrance to the construction site are free of mud, dirt, trash, dust and debris and that all streets adjacent to the construction site are free of trash and debris; and
  - (iii) The Applicant agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period;
- (f) Work Hours and Workers: The normal construction work-week will be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:00 a.m. to 6:00 p.m. The Applicant will make good faith efforts to limit the work that could disturb the residents of the surrounding neighborhood to weekdays. No Sunday work hours will be utilized. The Applicant shall ensure the following:
- (i) Trucks: All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours;
  - (ii) Workers: Workers will not be on Applicant's property prior to stated work hours; and
  - (iii) Noise: There will be no noise generating activities prior to the start of the work day. There will be no start-up or idling of equipment prior to the start of the work day. Indoor construction activity, defined as activity occurring entirely within a structure fully enclosed on all sides by insulated exterior walls, windows and or doors shall end at midnight each day, and any such activity that occurs after 7:00 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The Applicant agrees to place a minimum of one sign per street-front around the perimeter indicating the permissible hours of construction, to place additional signage within construction field offices, and to provide a written copy of the permissible hours and rules of construction to all subcontractors prior to the start of their work;
- (g) Communication: The Applicant shall designate a representative ("Representative") to be the key contact for interaction with members of the community regarding construction. The Representative will have a local office, cell, fax and voice mail and be accessible during all business hours. The Representative will respond to all community queries within the same business day (Monday-Saturday). In addition, the Applicant will provide an emergency point of contact who can be reached 24 hours a day for construction concerns. The name of the key contact and his or her telephone numbers will be conspicuously posted on the Applicant's

property at all times. The Applicant will work with neighboring residents and the surrounding community to designate a single contact person (“Neighborhood Contact Person”), who may change from time to time, to represent the surrounding community. The initial Neighborhood Contact Person shall be designated by the community and will be determined prior to the start of construction activity on the Property. The Neighborhood Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Neighborhood Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate. In the event that a single Neighborhood Contact Person cannot be agreed upon, the Applicant shall provide the information described in this Plan to the ANC 8B Single-Member District Commissioner for the Property. The Applicant shall ensure that:

- (i) The Applicant’s designated Representative shall: (1) receive notice of violations of the Construction Management Agreement; (2) respond to the person who reported the violation within the same business day (Monday-Saturday); (3) act to remedy the violation as soon as possible; (4) correspond with the Neighborhood Contact Person to explain the complaint, proposed remedy, and timeframe for resolution of the problem; and (5) maintain a log of all complaints received and the steps taken to address the complaints;
- (ii) Before commencing any clearing, grading, or demolition activities, the Applicant shall hold a meeting with the neighboring community to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Applicant further agrees to meet with the neighboring community should the exigencies of construction require modifications to any details specified herein. In addition, the Applicant shall meet with the neighboring community periodically during the construction activities and shall meet with the neighboring community, at a minimum, once every three months in order to address any construction related issues; and
- (iii) Copies of the plan shall be posted on the construction site and provided to each subcontractor before its work commences;
- (h) Contractors: The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and sub-contractor oral and written contracts. The Applicant will require that all contractors and subcontractors use only licensed vehicles and that they comply with all DC traffic laws and regulations; and

- (i) Permits. All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community.

**C. MISCELLANEOUS**

1. The Commission grants the requested flexibility from the Zoning Regulations with regard to:
  - (a) Side yards for four of the townhouse lots and for one of the multi-family buildings (§ 405);
  - (b) Rear yard for 35 of the townhouse lots (§ 404);
  - (c) Lot occupancy for 19 of the townhouse lots (§ 403);
  - (d) Multiple buildings on a single record lot (§ 2516); and
  - (e) The driveway spacing requirements for the front-loaded townhouse lots (§ 2117.9).
  
2. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - (a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;
  - (b) 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; and
  - (c) To make minor refinements to exterior details and dimensions, including balcony enclosures, trash enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.
  
3. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Zoning Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

4. The change of zoning from the R-3 Zone District to the R-5-B and SP-1 Zone Districts shall be effective upon the recordation of the covenant discussed in Condition No. C.3, pursuant to 11 DCMR § 3028.9.
5. The consolidated PUD shall remain valid for two years from the effective date of this Order, during which the Applicant must file for a building permit for any of the multi-family buildings or for any of the townhouses, and construction must begin within three years after the effective date of this Order for the PUD to remain valid. Thereafter, for the PUD to remain valid the Applicant must file for a building permit or permits for all of the remaining buildings within five years after the effective date of this Order, and construction must begin within six years after the effective date of this Order. The PUD shall be vested as to any building or buildings for which construction has timely begun.
6. The first-stage PUD approval shall be valid for a period of one year from the effective date of this Order.
7. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
8. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On February 29, 2016, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On April 11, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 20, 2016.



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**ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION**



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**SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING**