

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 14-18**

**Z.C. Case No. 14-18**

**Mid-City Financial Corporation**

**(First-Stage Approval for a Planned Unit Development and Zoning Map  
Amendment Application @ Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel  
143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7)  
September 10, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held public hearings on March 16, 2015, May 7, 2015, and May 11, 2015 to consider an application from Mid-City Financial Corporation (“Applicant”) for first-stage approval of a planned unit development (“PUD”) and related Zoning Map amendment. The Commission considered the application pursuant to Chapters 2, 24, and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearings were 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, Public Hearing, and Post-Hearing Submissions and Actions**

1. The Subject Property consists of approximately 20 acres, and is formally designated as: Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel 143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7 (“Subject Property”). The Subject Property is currently the site of the Brookland Manor apartment complex and the Brentwood Village Shopping Center located at the intersection of Rhode Island Avenue, N.E. and Montana Avenue, N.E. The Subject Property is generally bound by Rhode Island Avenue, N.E. to the north, Montana Avenue, N.E. to the east, Downing Street, N.E./14<sup>th</sup> Street, N.E./Saratoga Avenue, NE to the south, and Brentwood Road, N.E. to the west. The Subject Property is currently zoned C-2-A and R-5-A and is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5C. (Exhibit [“Ex.”] 2, pp. 5-7.)
2. The Applicant filed this application on October 1, 2014. The first-stage PUD application sought approval to create the new Brentwood Village community, a new and revitalized mixed-income and mixed-use community on the Subject Property. The first-stage PUD application sought to establish a new street grid<sup>1</sup> which will create eight new blocks for

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<sup>1</sup> The Applicant filed a street closing/dedication application with the DC Surveyor’s Office in order to effectuate the proposed new street grid.

development and a new centrally located community green and pedestrian walk. Over time, the existing buildings on the Subject Property will be replaced and the PUD project will include a variety of housing types (multi-family, senior housing, two-over-two buildings, and townhouses) and a significant retail component. Initially, the PUD project was proposed to include approximately 2,200 residential units and approximately 200,000 square feet of retail uses. Parking for these uses will be provided in below-grade parking structures, integral at-grade garage parking for the two-over-two units and the townhouses, and on-street parking. (Ex. 2, pp. 2, 6.)

3. Initially, the proposed heights of the multi-family buildings were to range from 90 feet along Rhode Island Avenue down to 60 feet as one proceeds further into the Subject Property along Saratoga Avenue, N.E., 14<sup>th</sup> Street, N.E., and 15<sup>th</sup> Street, N.E. The proposed two-over-two buildings were to be approximately four stories tall, and the townhouses were to be three-to-four stories tall. The density of the individual blocks ranged from approximately 1.3 floor area ratio (“FAR”) for the townhouses, to a maximum of 4.7 FAR. The Zoning Map Amendment sought to rezone the Subject Property to the C-2-B, C-2-A, and R-5-B Zone Districts. (Ex. 2, pp. 6-7.)
4. The Commission set the application down for a public hearing at its November 24, 2014 public meeting. The Applicant filed a pre-hearing statement on January 8, 2015, and a public hearing was timely scheduled for March 16, 2015. In response to the comments made at the November 24, 2014 public meeting, the Applicant filed a pre-hearing statement on January 8, 2015 which included the following information:
  - Details on the proposed tenant relocation plan, construction phasing plan, and affordable housing program; (Ex. 15, pp. 1-2; Ex. 15A.)
  - Additional information regarding the visual appearance of the proposed buildings (whether they were to include a podium design for parking), and the proposed visual impacts on the surrounding buildings; (Ex. 15, p. 2; Ex. 15B)
  - Details on the vehicular circulation through the Subject Property; (Ex. 15, p. 2; Ex. 15B.)
  - Discussion regarding why the proposed Community Green does not include a playground or why a recreation center is not included in the project; information regarding the location of schools and recreation centers in close proximity to the Subject Property; (Ex. 15, p. 3; Ex. 15B.)
  - Information on the proposed infrastructure improvements and green building initiatives that will occur as a result of this project; (Ex. 15, p. 3-4; Ex. 15B.)
  - Discussion of the appropriateness of the proposed C-2-B and C-2-A Zone Districts proposed in the Zoning Map amendment application and the

appropriateness of the density proposed for the Subject Property; and (Ex. 15, p. 4; Ex. 15B.)

- Information regarding the proposed lot occupancy for the mixed-use buildings and the areas of potential flexibility needed for the second-stage PUD applications; (Ex. 15, pp. 4-5; Ex. 15B.)
5. Prior to the public hearing, the Applicant supplemented its application with additional information on February 24, 2015. The additional information included: information regarding the Applicant's dialogue with the Brookland Manor residents, ANC 5C, ANC 5B, and the surrounding community; resumes of the Applicant's proposed expert witnesses; a transportation impact study; additional information on the tenant relocation and construction phasing plan; an additional request for flexibility regarding the timing of the filing of second-stage PUD applications; and a commitment to include a grocery store in the future development of the project. (Ex. 23, 23A-23F.)
  6. On March 1, 2015, the Brookland Manor/Brentwood Village Residents Association ("Residents Association") filed a timely request for party status in opposition to the application. (Ex. 28.)
  7. On March 13, 2015, the Office of Planning ("OP") submitted a report which noted that despite OP's general support for the concept, OP could not make a recommendation on the first-stage PUD at that time. OP noted that "In particular, additional attention to consistency with the Comprehensive Plan and [a] more defined and definitive affordable housing/tenant relocation plan is necessary." The OP report noted that a path forward for the project could include: (i) "redesigning the PUD so it is 'not inconsistent' with the existing Comprehensive Plan which would allow for the Phase 1 Construction as shown on page three of the 20-day Submission dated February 2015; (ii) while the revised PUD is in progress, the applicant should simultaneously be working with the City-wide planning division of OP and the neighborhood on amendments to the Comprehensive Plan; and (iii) once the Comprehensive Plan is amended, the PUD could be modified to reflect the new designations and densities and the PUD could continue." (Ex. 53, pp. 1, 4.)
  8. The Commission opened the public hearing on March 16, 2015 and the Commission granted the Residents Association's request for party status. The Commission admitted Matthew Bell as an expert in architecture and urban planning and Dan Van Pelt as an expert in transportation engineering. (Transcript of March 16, 2015 Public Hearing ["3/16/15 Tr."] pp. 7-11.)
  9. The Commission noted the issues in the March 13, 2015 OP report regarding the consistency of the initial application with the Comprehensive Plan. The Commissioners agreed with the OP report and determined that they could not go forward with the public hearing due to the project's lack of consistency with elements of the Comprehensive Plan.

The Commission rescheduled the public hearing in this case for May 7, 2015. (3/16/15 Tr., pp. 11-18.)

10. On April 10, 2015, in response to the comments made at the March 16, 2015 public meeting, the Applicant filed a supplemental pre-hearing statement which included the following information:
  - In response to the concerns raised by OP and the Commission regarding the proposed C-2-B Zone District (along Rhode Island Avenue and extending to Saratoga Avenue) and the C-2-A Zone District's (on the south side of Saratoga Avenue) consistency with the Future Land Use Map and the Generalized Policy Map, the Applicant amended the Zoning Map Amendment application so that the project proposed the C-2-A Zone District for Blocks 1-3 and the R-5-B Zone District for Blocks 4-8. These changes resulted in lower building heights and gross floor area on Blocks 1-3 and 5-6. As a result of these changes, the total number of residential units in the project will be approximately 1,760 and approximately 181,000 square feet of retail and commercial uses will be included in the project; (Ex. 75 p. 2; Ex. 76A-76M.)
  - Blocks 1, 2, and 3, proposed to be in the C-2-A Zone District, will be improved with mixed-use buildings with retail and apartment uses. The maximum height of these buildings will be 65 feet (rather than 90 feet), and each block is proposed to have a maximum density of 3.0 FAR. No changes were proposed for the Community Green, the Pedestrian Walk or the new street grid. Blocks 5 and 6, now proposed to be located in the R-5-B Zone District, do not include ground-floor retail uses. Blocks 5 and 6 will include 60 foot tall multi-family residential buildings, with a maximum density of 3.0 FAR. No changes were proposed for Blocks 4, 7, and 8. These blocks will include a mix of apartments, row houses, and flats. The total density of the project was reduced to 2.8 FAR; (Ex. 75 p. 2; Ex. 76A-76M.)
  - Updated information on the proposed tenant relocation plan, construction phasing plan, and affordable housing program; (Ex. 75, pp. 4-5, Ex. 75A.)
  - Discussion of the project's consistency with all elements of the Comprehensive Plan, including the Future Land Use Map ("FLUM") and the Generalized Policy Map ("GPM"); (Ex. 75, p. 2.)
  - Discussion of the Applicant's decision regarding the proposed unit mix in the project; (Ex. 75, pp. 5-6.)
  - Response to questions raised in the March 13, 2015 OP report; (Ex. 75, pp. 6-8.)

- An update on the status of discussions with the Residents Association; and (Ex. 75, p. 8.)
  - The Applicant's response to the conditions of support noted in ANC 5C's resolution in support of the project. (Ex. 75, pp. 8-9.)
11. At the May 7, 2015 public hearing, testimony was presented by the Applicant's project team, including representatives of the Applicant, the project architect and the project's transportation engineer. The Commission heard reports from OP and the Department of Transportation ("DDOT"). The Commission also heard testimony from residents in support and opposition to the application. The Commission continued the case to May 11, 2015.
12. At the May 11, 2015 public hearing, the Commission heard testimony from the ANC 5C05 Commissioner regarding the ANC's support for the project. The Commission also heard the testimony of the Residents Association, and the rebuttal testimony of the Applicant.
13. At the conclusion of the public hearing, the Applicant was requested to provide additional information regarding the following issues:
- Enhanced architectural materials/information, including: updated renderings of the project; an illustrative plan for the pedestrian walkway connecting the Community Green and Rhode Island Avenue; an illustrative plan for the Community Green; perspectives which show the new buildings in relation to the surrounding buildings; and updated shadow studies;
  - The Applicant addressed the possibility of making upgrades to the Rhode Island Avenue, N.E. streetscape;
  - The Applicant provided additional information on the expected number of second-stage PUD applications and the timeline for the filing of those applications;
  - The Applicant submitted the final Construction Phasing and Tenant Relocation Plan;
  - The Applicant provided more detailed information on the existing Brookland Manor Residents and the Applicant's decision to not construct four and five bedroom units in the project;
  - The Applicant provided additional detail on the affordable housing component of the project; and

- The Applicant provided comments on the reports OP received from DC Water and the Metropolitan Police Department.

The Applicant was required to file this information with the Commission by June 8, 2015, and the Applicant and the Residents Association were required to file proposed Findings of Fact and Conclusions of Law with the Commission on June 15, 2015. Any response to the Applicant's submission was required to be filed with the Commission by June 15, 2015, and the Commission announced that it would take Proposed Action on the applications at the June 29, 2015 public meeting.

14. On June 8, 2015, the Applicant submitted the requested information into the record in response to issues that were raised at the public hearing.
15. On June 15, 2015, the Commission received proposed Findings of Fact and Conclusions of Law from the Applicant and the Residents Association.
16. On June 29, 2015, the Commission took proposed action to approve the applications. The Commission requested that the Applicant consider more expedited dates for the project's phasing and completion the dates proposed by the Applicant, and left the record open for a response from the Applicant and comment by the Residents Association.
17. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to the District of Columbia Home Rule Act. NCPC's Executive Director, by delegated action dated July 2, 2015, found the proposed PUD would not affect the federal interests in the National Capital, and would not be inconsistent with the Comprehensive Plan for the National Capital.
18. On July 6, 2015, the Applicant submitted its list of proffers and draft conditions pursuant to 11 DCMR § 2403.16. (Ex. 111.)
19. On July 13, 2015, the Applicant filed its response to the question posed by the Commission when it took proposed action. The Applicant stated that its proposed phasing and completion dates for the project were unchanged. (Ex. 114.) On July 20, 2015, the Residents Association submitted a response. (Ex. 116.) In that response, the Residents Association stated that the Applicant's draft order did not explain why the Commission believes the affordable housing and relocation plan portions of the proposed public benefits package are sufficient to justify approval, and recommended enhancements to those aspects of the project. The Commission has reviewed this Order and is satisfied that it adequately explains why the public benefits of the project, when considered in their totality, are sufficient to warrant the zoning flexibility requested. That being the case, the Commission has no authority to compel an Applicant to augment an already satisfactory public benefits proffer.

20. On July 20, 2015, the Applicant filed is final list of proffers and draft conditions pursuant to 11 DCMR § 2403.20. (Ex. 115.)
21. The Commission took final action to approve the application in Z.C. Case No. 14-18 on September 10, 2015.

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

22. The Subject Property includes approximately 20 acres, 19 garden apartment buildings, and a commercial strip shopping center at the intersection of Rhode Island Avenue, N.E. and Montana Avenue, N.E. The topography of the Subject Property includes a significant grade change as one heads west on Rhode Island Avenue, N.E. from the intersection of Rhode Island Avenue and Montana Avenue, N.E. This change in grade is approximately 16 feet. (Ex. 2, pp. 8-9.)
23. The Brookland Manor apartment complex, along with the adjacent Brentwood Village Shopping Center (located at the intersection of Rhode Island and Montana Avenues, N.E.), was built as a planned community in keeping with the Garden City movement of the 1930-1940s. The sprawling Brookland Manor apartment complex<sup>2</sup> includes 19 garden apartment buildings, ranging in height from two-to-four stories, and is spread over approximately 18 acres of land in Northeast, D.C. Over a period of many years from the 1940s to 1971, Brookland Manor fell into a state of disrepair through neglect and lack of capital with which to maintain and operate the sprawling complex. In 1971, the owners of Brookland Manor, Brentwood Associates, LP, received a loan commitment to substantially renovate the property under the Department of Housing and Urban Development's § 236 mortgage insurance program. In 1974, the general contractor defaulted and construction stopped immediately. In 1975, with work still to be done, HUD and the limited partners approved the replacement of the general partner with Eugene F. Ford, Sr. (founder of Mid-City Financial Corporation). HUD provided an interim construction loan for a period of approximately two years and the property was substantially rehabilitated in public partnership with HUD. In 1977, HUD then provided a 40-year fixed rate mortgage with a maturity date in 2017. (Ex. 2, p. 1.)
24. Since 1977, Brentwood Associates has managed the apartment buildings on the property pursuant to two project-based Section 8 contracts, through the acceptance of District of Columbia Housing Authority vouchers, and by renting to a small number of market rate residents. There are approximately 535 apartment units in the Brookland Manor complex, with units ranging from one-to-five bedrooms. The Applicant noted that Brentwood Associates has been a responsive and attentive owner/manager of these properties. The existing buildings are meticulously maintained and the grounds are kept free of trash and litter. The Applicant stated that the existing buildings are now 75 years

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<sup>2</sup> The Brookland Manor apartment complex was originally known as Brentwood Village Apartments.

old and have significant engineering and design features that cannot be easily addressed or fixed. In addition, the current Brookland Manor apartment complex and the adjacent public streets and public space are impacted with ongoing crime problems. In many instances, the causes of these crime problems can be traced to the urban design of the original Brentwood Village apartments as well as the concentration of very low-income residents. (Ex. 2, pp. 1-2.)

25. While there is ample green space around the 19 apartment buildings, this green space is highly undefined and creates numerous blind corners and darkened recesses in the buildings. There is no clear understanding as to the ownership or utility of these open spaces. These open spaces do not provide the existing residents, or their guests, with a sense of safety and there is no idea of “defensible space”. Furthermore, the existing street configuration does not allow for safe and efficient pedestrian and vehicular access through the Subject Property. Internal streets lead to dead ends and do not connect with the surrounding neighborhood. From a contemporary urban design perspective, these buildings do not provide strong edges along the adjacent streets. (Ex. 2, p. 2.)
26. While the Brentwood Village Shopping Center was initially built as an amenity for the residents of Brookland Manor/Brentwood Village, it was also focused on the automobile. Parking spaces are located in the front of the shopping center. The existing Brentwood Village Shopping Center no longer provides quality retail that serves the needs of the nearby residents of Brookland Manor and the Brentwood neighborhood. The current mix of retail uses in this center (which include a needle exchange, a liquor store, and a pawn shop) lead to significant amounts of loitering and crime in and around the shopping center as well as Brookland Manor. (Ex. 2, pp. 2-3.)
27. The Rhode Island Avenue Metro Station is located approximately one-half mile to the west of the Subject Property along Rhode Island Avenue, N.E. Row houses are the predominant residential land use to the immediate south and east of the Subject Property boundaries. Single-family homes are found across Montana Avenue, N.E. and east of Saratoga Avenue, N.E. The Historic Berean Baptist Church is located to the east of the Subject Property at the southeast corner of the intersection of Rhode Island Avenue, N.E. and Montana Avenue, N.E. (1400 Montana Avenue, N.E.). Commercial uses are located northeast of the Subject Property along Rhode Island Avenue, N.E, and a fire station is located on the north side of Rhode Island Avenue, N.E. A large vacant property is adjacent to the fire station on the north side of Rhode Island Avenue, N.E. (Ex. 2, p. 9.)

### **Existing Zoning and Future Land Use Map Designation**

28. The existing Brentwood Village Shopping Center is located in the C-2-A Zone District and the remainder of the Subject Property is located in the R-5-A Zone District. The Subject Property is located in the Moderate-Density Residential land use and Mixed-Use, Moderate-Density Commercial/Moderate-Density Residential land use categories on the District of Columbia’s Comprehensive Plan Future Land Use Map. The areas of the



Subject Property with frontage along Rhode Island Avenue, N.E. and Montana Avenue, N.E. are designated as Main Street Mixed-Use Corridors on the Generalized Policy Map of the Comprehensive Plan. The Subject Property is located within the boundaries of ANC 5C. ANC 5B is located to the north of the Subject Property, across Rhode Island Avenue. (Ex. 2, pp. 6-7.)

### **Description of the PUD Project**

#### **Applicant's Development Vision for the Project**

29. The Applicant stated that the new mixed-use Brentwood Village, envisioned in this first-stage PUD and Zoning Map amendment application, provides a unique and exciting opportunity to create a new and revitalized community that corrects some of the mistakes of earlier urban planning concepts, and creates a great place for existing residents and new residents. The primary goals for the development of this project are:

- Preservation of Affordable Housing and Creation of a Truly Mixed-Income Community - The PUD project will create a truly mixed-income and mixed-age residential community. This project proposes the development of approximately 1,760 residential units on the Subject Property. The Applicant is proposing that 22% of the residential units included in the PUD project will be reserved as affordable housing and the Applicant worked with the existing residents of the Brookland Manor community to create a workable and effective Tenant Relocation Plan so that those residents can participate in the new Brentwood Village community;
- Creation of a Variety of Housing Types - The approximately 1,760 residential units will include multi-family buildings, senior housing, two-over-two buildings, and row houses. The project will include a mix of for-sale and rental residential units;
- Urban Design - Urban design is the process of designing and shaping cities, towns, and villages. Where architecture focuses on individual buildings, urban design addresses the larger scale of groups of buildings, of streets and public spaces, whole neighborhoods and districts, and entire cities, in order to make urban areas functional, attractive, and sustainable. The goal of this project is to make a safe and inviting place for existing and new residents through the creation of a beautiful public realm using up-to-date urban design methods. The creation of a mix of residential types and retail uses will invigorate this community and help raise the general level of architectural quality and character along Rhode Island and Montana Avenues, N.E. The proposed project will create a new center for positive neighborhood activity;

- Connectivity and Open/Green Space - The project will create walkable streets, many lined with retail uses, and a reconfigured street grid that will better connect the Brookland Manor community to the surrounding Brentwood neighborhood. The project includes a central community green and a pedestrian walk, of approximately one acre, that provide open and green spaces for residents of this community and their guests;
  - Enhanced Retail Opportunities - The proposed project will create approximately 181,000 square feet of updated and enhanced retail opportunities. In addition to a full-sized grocery store of approximately 56,000 square feet, the project will have ground-floor retail uses ringing Rhode Island, Montana and Saratoga Avenues, N.E., as well as the community green; and
  - Community Dialogue - Prior to the filing of this application and throughout the Commission process, the Applicant and members of the Applicant's development team made formal presentations regarding the vision and plans for this project to the Brookland Manor residents and to the Brentwood Citizens Association. In addition, the Applicant engaged in dozens of smaller group meetings and discussions with residents and leaders of Brookland Manor, the Brentwood community, ANCs 5C and 5E Commissioners, and other civic groups/leaders along the Rhode Island Avenue, N.E. corridor. (Ex. 2, pp. 3-5; Ex. 75.)
30. The Applicant noted that the new Brentwood Village will be a safe and inviting mixed-income and mixed-age community with ground floor commercial uses along Rhode Island, Saratoga, and Montana Avenues, NE. The proposed new street grid system creates eight new blocks that have been carefully studied and laid out in order to allow the development of buildings that will create vibrant streetscapes and active pedestrian experiences, a significant amount of housing, and attractive open spaces. Throughout the project, the adjacent public sidewalks and public rights-of-way will be enhanced to provide appropriate widths for landscaping and plantings, pedestrian travel ways, and sidewalk cafés (as appropriate). The PUD project will also include significant low impact development (LID) and sustainability components. (Ex. 2, p. 9.)

#### Block 1

31. Block 1 is located at the northwest edge of the Subject Property and has frontage along Rhode Island Avenue, N.E. and is bound by Brentwood Road, N.E. to the west, a pedestrian walk to the east and a newly created vehicular street to the south. The entirety of Block 1 is proposed to be included in the C-2-A Zone District. Due to the significant grade change that occurs on this portion of the Subject Property, no ground-floor retail is proposed on Block 1. Two residential buildings, consisting of a total of approximately 312,909 square feet and approximately 347 residential units, are proposed on this block. The buildings will have a maximum height of 65 feet and the building which has frontage

on Brentwood Road, N.E. will be required to be terraced at the top in order to provide an appropriate transition to the smaller scale residential properties on the other side of Brentwood Road, N.E. Below-grade parking will be provided, with access to the parking and loading facilities provided from a service court. This block will have a density of approximately 3.0 FAR. (Ex. 2, p. 10; Ex. 76A-76M.)

### Pedestrian Walk Between Blocks 1 and 2

32. In order to help foster and encourage pedestrian connections between the various parts of the project, Rhode Island Avenue, N.E., and the Rhode Island Avenue Metro Station, a broad pedestrian walk has been created between Blocks 1 and 2. This broad, tree-lined, pedestrian walk, with a width of approximately 75-80 feet, connects the community green with Rhode Island Avenue. A series of gradual stairs and water features will be included in the pedestrian walk to account for the change in grade and to provide some relief and animation to the hardscape elements. In order to help ensure that this space is activated and lively, the Applicant is proposing 12 loft units on Block 1 and 15 loft units on Block 2 that will have direct entrances from the residential units onto the pedestrian walk. (Ex. 2, p. 10; Ex. 76A-76M.)

### Block 2

33. Block 2 has frontage along Rhode Island Avenue, N.E. to the north, a newly created extended 15<sup>th</sup> Street, N.E. to the east, Saratoga Avenue, N.E. to the south, an extended 14<sup>th</sup> Street, N.E. and the pedestrian walk to the west. The entirety of Block 2 is proposed to be included in the C-2-A Zone District. Two mixed-use buildings, consisting of a total of approximately 319,674 square feet of residential use, 355 residential units, and approximately 97,518 square feet of commercial use are proposed on this block. The total amount of density proposed on this Block is 3.0 FAR and the maximum building height will be 65 feet.
- The building in Block 2 with frontage along Rhode Island Avenue, N.E., Building No. 1, will have a maximum height of 65 feet and includes a ground-level retail floor plate of approximately 56,000 square feet. This building has been designed to accommodate a full-service grocery store on the ground level, with loading facilities accessed from a newly created interior alley system. Below-grade parking for this building will also be accessed from this interior alley system. Building No. 1 on Block 2 will include approximately 209,810 square feet and approximately 233 units.
  - Building No. 2 in Block 2 will have frontage along Saratoga Avenue, N.E. and across 14<sup>th</sup> Street, N.E. from the proposed community green. Ground-floor retail, approximately 23,400 square feet, is proposed for this building along Saratoga Avenue, N.E. and fronting on the community green. The building will have a

maximum height of 65 feet, will include approximately 109,684 square feet of gross floor area, and approximately 122 units. This building will have below-grade parking, accessed from the same interior alley system as Building No. 1. (Ex. 2, p. 11; Ex. 76A-76M.)

### Block 3

34. Block 3 has frontage along Rhode Island Avenue, N.E. to the north, Montana Avenue, N.E. to the east, Saratoga Avenue, N.E. to the south, and a newly extended 15<sup>th</sup> Street, N.E. to the west. The entirety of Block 3 is proposed to be included in the C-2-A Zone District. Two mixed-use buildings, consisting of a total of approximately 192,710 square feet of residential use, 214 residential units, and approximately 84,236 square feet of commercial use are proposed on this block. The total amount of density proposed on this Block is 3.0 FAR.

- The building in Block 3 with frontage along Rhode Island Avenue, N.E., Building No. 1, will have a maximum height of 65 feet and includes a ground-level retail floor plate of approximately 31,800 square feet. This building will include approximately 82,846 square feet of gross floor area and approximately 92 residential units. Access to the loading and below-grade parking facilities provided in this building will be from an east-west alley that will run between the new public street and Montana Avenue, N.E.
- Building No. 2 in Block 3 will have frontage along Saratoga Avenue, N.E., a newly extended 15<sup>th</sup> Street, N.E., and Montana Avenue, N.E. Ground-floor retail is also proposed for this building. The building will have a maximum height of 65 feet. This building will include approximately 109,684 square feet of gross floor area and approximately 122 residential units. Access to the loading and below-grade parking facilities provided in this building will be from an east-west alley that will run between the new public street and Montana Avenue, N.E. (Ex. 2, p. 12; Ex. 76A-76M.)

### Block 4

35. Block 4 is located to the south of Block 1 and is bound by Brentwood Road, N.E. to the west, Saratoga Avenue, N.E. to the south and two newly created streets to the east and north. Block 4 is proposed to be rezoned to the R-5-B Zone District. Fourteen two-over-two residential units, consisting of approximately 33,600 square feet of gross floor area, are proposed along Brentwood Road, N.E., across the street from single-family residential uses. At-grade parking spaces, in the rear of these two-over-two units are provided and will be accessed from the Saratoga Avenue, N.E. and the new public street. A 60 foot tall multi-family building with approximately 170,574 square feet of residential use and 182 residential units is also proposed on Block 4. The below-grade parking spaces and the loading facilities for this building will be accessed from a curb cut off of

Saratoga Avenue, N.E. The total amount of density proposed on this Block is 3.0 FAR. (Ex. 2, pp. 12-13; Ex. 76A-76M.)

### Community Green

36. The proposed community green is envisioned as the heart and soul of the new Brentwood Village. It will be encircled by new vehicular streets with a one-way, counter-clock wise, circulation pattern. The buildings which surround the community green will have active ground-floor uses and windows on the upper floors of the residential units to help provide positive surveillance of the community green and a safe public environment. The community green is expected to be used for active and passive recreation activities. A fountain and/or sculpture feature is proposed for the north end of the community green, at the point where the pedestrian walk and the community green come together. The southern portion of the community green will have an orchard, open green space, and a playground. (Ex. 2, p. 13; Ex. 104.)

### Block 5

37. Block 5 is located across Saratoga Avenue, N.E. from Block 2. Block 5 is proposed to be rezoned to the R-5-B Zone District. It is bound by Saratoga Avenue, N.E. to the north, the newly extended 15<sup>th</sup> Street, N.E. to the east, a private alley to the south and 14<sup>th</sup> Street, N.E. to the west. Along Saratoga Avenue, N.E., a multi-family building with a maximum height of 60 feet is proposed. This building will include approximately 115,044 square feet of gross floor area and approximately 128 residential units. Access to the loading and below-grade parking facilities provided in this building will be from an east-west alley that will run between the new public street and 14<sup>th</sup> Street. The total amount of density proposed for the multi-family portion of this block is 3.0 FAR. The southern edge of Block 5 will include twelve 16-foot-wide townhouses, which will include approximately 24,654 square feet of gross floor area. The fronts of nine of these townhouses will face a private street/alley that will include townhouses in Block 8. Three of the townhouses will have frontage along 14<sup>th</sup> Street. All of the townhouses will have internal garages that are accessed from the proposed alley system in Block 5. (Ex. 2, pp. 13-14; Ex. 76A-76M)

### Block 6

38. Block 6 is located across Saratoga Avenue, N.E. from Block 3. It is bound by Saratoga Avenue, N.E. to the north, Montana Avenue, N.E. to the east, a private alley to the south, and the newly extended 15<sup>th</sup> Street, N.E. to the west. Block 6 is proposed to be rezoned to the R-5-B Zone District. Along Saratoga Avenue, N.E., a multi-family building with a maximum height of 60 feet is proposed. This building will include approximately 120,525 square feet of residential gross floor area and approximately 134 residential units. Access to the loading and below-grade parking facilities provided in this building

will be from an east-west alley that will run between the new public street and Montana Avenue, N.E. The total amount of density proposed for the multi-family portion of this block is 3.0 FAR. The southern edge of Block 6 will include twelve, 16-foot-wide townhouses, which will include approximately 24,654 square feet of gross floor area. The fronts of nine of these townhouses will face a private street/alley that will include townhouses in Block 8. Three of the townhouses will have frontage along Montana Avenue, N.E. All of the townhouses will have internal garages that are accessed from the proposed alley system in Block 6. (Ex 2, pp. 14-15; Ex. 76A-76M.)

#### Block 7

39. Block 7 is located to the south of Block 4 and is bound by Brentwood Road, N.E. to the west and Saratoga Avenue, N.E. to the north, and 14<sup>th</sup> Street, N.E. to the east. Block 7 is proposed to be rezoned to the R-5-B Zone District. Twenty-eight two-over-two residential units are proposed along Brentwood Road, N.E. and Saratoga Avenue, N.E. A five-story building, with a height of approximately 60 feet, and approximately 217,332 square feet of space is also proposed along Saratoga Avenue, N.E. and will have frontage on the community green. This building is expected to include up to 286 units of housing, with a senior housing component that will consist of approximately 150-200 units. The total amount of density proposed on this Block is 3.0 FAR. (Ex. 2, p. 12; Ex. 76A-76M.)

#### Block 8

40. Block 8 is located to the south of Blocks 5 and 6 and is bounded by Downing Street, N.E. to the south. Block 8 is proposed to be rezoned to the R-5-B Zone District. Block 8 is proposed to include 48 townhouses with internal garages. All of these townhouses will be 16-foot-wide and will have internal parking spaces. Six townhouses will have frontage on 14<sup>th</sup> Street, N.E., six townhouses will have frontage on Montana Avenue, N.E., 18 townhouses will have frontage on Downing Street, N.E., and 18 townhouses will have frontage on the private street facing Blocks 5 and 6. The total square footage for these townhouses is 131,383 square feet. (Ex. 2, pp. 15-16; Ex. 76A-76M.)

#### Applicant's Testimony

41. Mr. Eugene Ford, Jr., representative of the Applicant, testified to the Applicant's experience in developing and managing affordable and market-rate housing communities in the DC metropolitan area and the Applicant's history with Brentwood Village/Brookland Manor. (Transcript of May 7, 2015 public hearing ["5/7/15 Tr."] pp. 10-15.)
42. Mr. Matthew Bell, of Perkins Eastman, admitted as an expert witness in the field of architecture and urban planning, described the transformative nature of the project. Mr. Bell noted that the project will be transformative by: linking the Brookland Manor community to the surrounding community in a way that does not currently occur;

bringing unique open space to the area that does not currently exist; and by bringing a diversity of retail and housing uses to the community. Mr. Bell noted the following guiding principles for the new Brentwood Village: designing a beautiful public realm; creation of a variety of housing types with affordable and market rate units; connecting and integrating this project with the broader community; creation of a walkable and safe community; and provision of a mix of retail and residential uses. (5/7/15 Tr., pp. 16-17.)

43. Mr. Bell also noted that the creation of the very significant community green at the center of the new community was in direct response to the meandering nature of the existing open space. The idea behind the community green was that it will become a gathering place for members of the community of all ages. Mr. Bell also noted that there are a number of recreation centers and recreation fields within a 10 minute walk of the Brookland Manor community, so the design of the community green was to create something that is different from the sports fields and recreation centers that are already available in the neighborhood. Mr. Bell concluded that the community green will be complimentary to the inventory of public spaces in the surrounding community and not the same as those existing public spaces. (5/7/15 Tr., pp. 23-24.)
44. Mr. Bell described the proposed zone districts, building heights, and new street network for the project. Mr. Bell also noted the significant sustainability measures that are incorporated into the project. Mr. Bell testified that sustainability begins with settlement patterns and that the creation of projects like this (where there is existing transit, community center and residential neighborhood infrastructure) foster. Mr. Bell also noted that the first-stage PUD application will satisfy the LEED-ND Silver requirements. (5/7/15 Tr., pp. 21, 23-25, 38-41.)
45. At the May 7, 2015 public hearing, Mr. Dan Van Pelt, of Gorove/Slade Associates and admitted as an expert witness in transportation engineering, testified to the internal street system proposed for the project, parking and loading access, traffic impacts, and multi-modal considerations. Mr. Van Pelt also addressed the Applicant's proposed mitigation measures and coordination with DDOT. Mr. Van Pelt's conclusion was that the project has substantial transportation benefits, including a vastly improved street layout compared to the existing conditions, providing all loading and parking access from alleys, installation of a new traffic signal that will have multi-modal benefits, and a framework for additional multi-modal improvements. (5/7/15 Tr., pp. 27-31.)
46. At the May 7, 2015 public hearing, Mr. Michael Meers testified on behalf of the Applicant. Mr. Meers testified to the Applicant's community engagement, the construction phasing and tenant relocation plans, and the affordable housing program proposed by the Applicant. Mr. Meers noted that the Applicant's outreach to the community was extensive, transparent, inclusive, and respectful. Mr. Meers stated that the immediate neighbors to the north, south, east, and west have all weighed in with their support of the project. (5/7/15 Tr., pp. 32-33.)

47. Mr. Meers' provided testimony regarding the construction phasing and tenant relocation plan that was offered to the residents of the existing buildings on the property. Mr. Meers noted that there were only two matters that were unresolved with the Brookland Manor residents regarding the tenant relocation plan. The two issues are: (i) the creation of four and five bedroom apartments in the new Brentwood Village; and (ii) the total number of affordable units that will be built in the new community. Mr. Meers testified that the Applicant researched the issue of the construction of four- and five-bedroom apartments and noted that nowhere in the country are these types of units being constructed. Mr. Meers stated that the Applicant's research of the families that are currently living in the four- and five-bedroom units resulted in the finding that all but 13 of the existing four- and five-bedroom households can be housed in smaller units based on prevailing HUD occupancy standards. Mr. Meers stated that the Applicant would meet with those 13 families in order to ensure that they will be reasonably accommodated into the new Brentwood Village project. (5/7/15 Tr., pp. 35-36.)
48. In regard to the number of affordable units that will be created in the new community, Mr. Meers testified that the Applicant's affordable housing commitment is to provide 373 deeply subsidized affordable units in the project covered by the Section 8 contract. The 373 affordable units constitute 22% of the total number of units in the project. Mr. Meers noted that the Applicant's affordable housing commitment establishes the affordability on site in perpetuity in a manner that does not exist today. Mr. Meers concluded that at more than 20% of the total number of units, the Applicant believed that its affordable housing commitment is as substantial as any new development in the city today in terms of the number of units and the depth of affordability. (5/7/15 Tr., pp. 37-38.)
49. In rebuttal testimony at the May 11, 2015 public hearing, Mr. Meers testified that the Applicant is going to retain the Section 8 contract on the property in perpetuity, that anyone with a DCHA Housing Choice Voucher will have the opportunity to remain, all residents in good standing will have the opportunity to return, and when relocations occur the Applicant will pay for all moving and packing expenses. Mr. Meers also entered into the record a report from Quadel Consulting and Training, which addressed the issue of replacement units in New Communities projects. Mr. Meers quoted from that report which stated, "It should be understood that this principle, one for one replacement, does not intend that replacement units will mirror the demolished units by bedroom size. One for one replacement has not been fully understood and may require clarification. It was not intended to entail the construction of housing developments that exactly mirror the unit mix of the existing public housing. Nor can the mix of new housing be built to fit the households in the current population." (Transcript of May 11, 2015 public hearing ["5/11/15 Tr."] pp. 84-88.)



**Density Proposed and Flexibility Requested**

50. The total amount of gross floor area approved in the PUD project is approximately 1,928,303 square feet (approximately 1,746,459 square feet of residential gross floor area and approximately 181,844 square feet of retail gross floor area) and the project will have an overall density of 2.8 FAR. The maximum building height on Blocks 1, 2, and 3 shall not exceed 65 feet. The maximum building height on Block 4 shall not exceed 60 feet. The maximum building height for the multi-family buildings on Blocks 5 and 6 shall not exceed 60 feet and the maximum building height for the townhouses on Blocks 5 and 6 shall not exceed 45 feet. The maximum building height for the buildings on Block 7 shall not exceed 60 feet. The maximum building height for the townhouses on Block 8 shall not exceed 45 feet. (Ex. 76L.)
51. 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. The C-2-A Zone District permits a maximum density of 2.5 FAR (1.5 commercial) as a matter of right and a maximum density of 3.0 FAR (2.0 commercial) in a PUD project. The maximum height allowed as a matter-of-right in the C-2-A Zone District is 50 feet. A PUD project in the C-2-A Zone District is permitted a maximum building height of 65 feet.
52. 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 for the creation of approximately 1,760 residential units on the Subject Property. The Applicant is committed to retaining the Section 8 contract on the Subject Property, so the existing 373 units (with deep affordability) at Brookland Manor will remain in the new Brentwood Village. The Applicant will provide for 22% (373 of the total 1,646 multi-family and senior citizen units including of the new rental accommodations) to be reserved as affordable units with area median income (“AMI”) levels that are significantly below 50% of AMI. An additional 11 for-sale townhouses or two-over-two units, representing 10% of the units, will be subject to Inclusionary Zoning (“IZ”) regulations, including the set-aside requirements of §§ 2603.1 and 2603.3. Thus, at the end of the build-out of the new Brentwood Village community, the affordable units will be approximately 22% of the total number of units. In support of the Applicant’s affordable housing commitment across the site, the senior citizen building will be 100% assisted, each multi-family building

will have at least 10% of the units reserved as affordable housing,<sup>3</sup> and, as noted, 10% of the for-sale residential units (townhouses or two-over-two units) will subject to IZ. (Ex. 104, p. 6.) In each second-stage PUD application, the Applicant will provide the actual square footage of the affordable units being provided in each multi-family building. In the unlikely even that the Section 8 program is abolished by the Federal Government, or the contract is not renewed for the project, the Applicant has proffered two alternative affordable housing proffers.

The following charts summarize the affordable housing provided by the project if the Section 8 program remains in effect (Chart 1) and the two alternatives if the program is abolished by the Federal Government, or the contract is not renewed for the project (Charts 2 and 3):

**Chart 1: Affordable housing provided if the Section 8 program remains in effect:**

Residential Unit Type	GFA / Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	1,746,459	1,760				
Multi-Family including Senior Building	To be determined	1,646				
Townhouses and Two-Over-Two Units	To be determined	114				
Affordable/Non-IZ (Multi-Family including Senior Building)	To be determined	373	Less than 50% AMI	perpetuity	rental	Retention of Sec. 8 contract
IZ – Townhouses or Two-Over-Two Units	GFA To be determined/ /5% of GFA	6	50% AMI	perpetuity	ownership	
IZ – Townhouses or Two-Over-Two Units	GFA To be determined/5% of GFA	5	80% AMI	perpetuity	ownership	

**Chart 2: Affordable housing provided if the Section 8 program is abolished by the Federal Government, or the contract is not renewed for the project and if a change in underwriting standards is approved, some form of property tax relief is granted for those units, and DC Housing Trust Funds are provided:**

<sup>3</sup> During the buildout, the Applicant will be relocating the existing 373 households on the site in accordance with the tenant relocation and construction phasing plan. (Ex.104B). Since not all of the multi-family buildings will be constructed concurrently, the percentages of affordable units in the earlier completed buildings will be higher than what will ultimately be in place. The 373-unit Section 8 contract will be renewed during build out, and 373 units will be maintained, initially in a smaller number of buildings than will ultimately be the case. The final redistribution of the existing Section 8 contracts will take place at the start of occupancy of the last building constructed, and at that time the actual distribution of affordable units will be finalized. However, at no point will the percentage of Section 8 units within any of the new multi-family buildings be less than 10% of the total units.

Residential Unit Type	GFA / Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	1,746,459	1,760				
Multi-Family including Senior Building	To be determined	1,646				
Townhouses and Two-Over-Two Units	To be determined	114				
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Affordable/Non-IZ (Multi-Family including Senior Building )	To be determined	329	60% AMI	perpetuity	rental	
IZ – Townhouses or Two-Over-Two Units	To be determined /5% of GFA	6	50% AMI	perpetuity	ownership	
IZ – Townhouses or Two-Over-Two Units	To be determined /5% of GFA	5	80% AMI	perpetuity	ownership	

**Chart 3: Affordable housing provided if the Section 8 program is abolished by the Federal Government, or the contract is not renewed for the project and if no change in underwriting standards is approved, no form of property tax relief is granted for those units, and no DC Housing Trust Funds are provided:**

Residential Unit Type	GFA / Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	1,746,459	1,760				
Multi-Family including Senior Building	To be determined	1,646				
Townhouses and Two-Over-Two Units	To be determined	114				
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Affordable/Non-IZ (Multi-Family including Senior Building )	To be determined	165	50% AMI	perpetuity	rental	
Affordable/Non-IZ (Multi-Family including Senior Building )	To be determined	164	80% AMI	perpetuity	rental	
IZ – Townhouses or Two-Over-Two Units	To be determined/ 5% of GFA	6	50% AMI	perpetuity	ownership	
IZ – Townhouses or Two-Over-Two Units	To be determined/ 5% of GFA	5	80% AMI	perpetuity	ownership	

- (b) 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 proposed project exhibits all of the characteristics of exemplary urban design and the creation of exemplary open spaces. The massing and height of the proposed buildings have been carefully

studied in order to create a project that is appropriate for this location and the surrounding Brentwood community. All of the buildings address the failings of the existing Brookland Manor complex by providing effective, well-defined edges to the streets and the creation of defensible open spaces. The new community will be much safer as there will be more “eyes on the street” and the existing dimly lit recesses and blind corners of buildings have been removed. The ground floor retail uses and enhancements to the surrounding public realm will provide dynamism to the daily rhythm of life along Rhode Island, Montana and Saratoga Avenues, N.E. The proposed community green and pedestrian walk create opportunities for passive and active recreation uses, as well as a place for public activities such as a farmers market or a community fair. The streets surrounding the community green on the east and west sides can be easily closed off for larger activities without any adverse impact on the overall traffic circulation; (Ex. 2, pp. 19-20; 5/7/15 Tr., pp. 17-23.)

- (c) 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 Commission. The proposed street grid creates eight new development blocks that allow the creation of buildings and open spaces that are of an appropriate human scale and create a variety of housing options and mix of uses. This project seamlessly integrates approximately 1,760 residential units and approximately 181,000 square feet of commercial use into a community that has the look and feel of a neighborhood that grew organically. The new street grid responds to the crime problems that were created by the existing site plan and allows for greater connectivity and integration with the surrounding community; (Ex. 2, p. 20.)
- (d) 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 Applicant submitted a transportation impact study (TIS) prepared by Gorove Slade Associates. The TIS analyzed the impacts on the surrounding transportation network during three distinct phases of development of the project.

The TIS noted that this project includes several significant transportation improvements and found:

The PUD Master Plan takes advantage of the significant size of the project to greatly enhance the street network. Not only will the project add more roads to the site, it lays out the roads in a fashion that provides more connectivity for drivers, pedestrians and cyclists. First, a new ‘15th Street Extended’ will connect all of the way through the site from Downing Street to Rhode Island Avenue. Second, 14<sup>th</sup> Street will be extended

through the site to Rhode Island Avenue as a pedestrian connection, providing a second access point on Rhode Island Avenue. Finally, the PUD Master Plan includes a new alley network that provides quality access to parking facilities and loading docks.

Given the nature of this first-stage PUD application, the TIS notes that Transportation Demand Management (“TDM”) plans and the exact number of parking spaces provided in each building will be addressed at subsequent second-stage PUD applications. The TIS includes proposed mitigation measures for some of the phases of development (such as the installation of a traffic signal at the intersection of Saratoga Avenue and Montana Avenue in the second phase of development of the entire project, which is expected to be completed by 2022), but ultimately concludes that “the PUD project will not have a detrimental impact to the surrounding transportation network assuming that all planned site design elements are implemented, and all mitigation measures are incorporated into the PUD application;” (Ex. 23, pp. 2-3; Ex. 23C.)

(e) 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 spent significant amounts of time and resources on creating a construction phasing plan and tenant relocation plan that minimized adverse impacts on the Brookland Manor community and residents of the surrounding area. The Applicant noted that these plans were guided by the following priorities:

- Minimize construction impacts to the residents to ensure that a safe environment exists;
- Building out the project’s infrastructure in the most efficient manner possible; and
- Phasing the improvements in a way that maximizes the project’s ultimate success, including the creation of 373 new affordable apartments in a revitalized community.

The Applicant noted that as construction progresses, most existing households will be relocated on site once prior to moving into a new building. A few families may have to be relocated twice as dictated by available accommodations and construction scheduling. The Applicant will pay for all costs associated with relocating tenants on-site and off-site; (Ex. 104, 104B.)

The Applicant has also agreed to pay for: sidewalk reconstruction along Rhode Island Avenue, N.E. at five locations between the Subject Property and the Rhode Island Avenue Metro Station; the re-stripping of the pedestrian crosswalks at eight

intersections along Rhode Island Avenue, N.E.; and the reconstruction of an ADA accessible ramp at the intersection on Rhode Island Avenue, N.E. and Bladensburg Road, N.E. The cost of these improvements is approximately \$35,000; (Ex. 104, p. 2.)

The Applicant submitted a construction management agreement in order to mitigate any potential adverse impacts on the existing Brookland Manor residents and the surrounding community due to construction activity; (Ex. 23, p. 3; Ex. 23E.)

The management of Brookland Manor currently provides its residents with a number of programs that are designed for the children and seniors that live in the community. The existing programs for children include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer camp, and meal programs to ensure that no child goes home hungry. The seniors programs include periodic brown-bag lunches and other events designed to bring Brookland Manor's senior community together. The Applicant has stated that these programs will be retained and enhanced in the new Brentwood Village community; (5/7/15. Tr., p. 8; Ex. 75.)

- (f) Job Training Programs: Subsection 2403.9(e) lists employment and training opportunities as a public benefit and project amenity. The Applicant has agreed that all second-stage PUD applications related to the project will include as a condition of approval the requirement that the Applicant in that case will enter into a First Source Employment Agreement with the Department of Employment Services (DOES); (Ex. 75, p. 8.)
- (g) Environmental Benefits: According to § 2403.9(h), "environmental benefits" are representative public benefits and project amenities. This first-stage PUD project will be able to achieve a LEED-ND Silver certification, without knowing the level of sustainability performance for any of the individual buildings. In the public open spaces, the PUD project will include sustainable design techniques such as LID/Stormwater areas and rain gardens where possible; (Ex. 2, p. 21.)
- (h) 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. The project's consistency with the Comprehensive Plan is described in greater detail below; and (Ex. 2, p. 14.)

- (i) 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:
- Exemplary/superior architecture;
  - Creation of large open and green spaces;
  - Housing and affordable housing;
  - Significant public infrastructure improvements; and
  - Neighborhood retail.

### **Comprehensive Plan**

53. In regard to the FLUM designation for the Subject Property, the Applicant provided its analysis that the proposed C-2-A Zone District and its location on a portion of the Subject Property that is only included in the moderate-density residential land use classification on the FLUM is consistent with the Comprehensive Plan. The Applicant noted that the FLUM is not a zoning map and it is not parcel specific. The mixed-use FLUM designation follows the existing land uses on the site, the mixed-use moderate-density commercial/moderate-density residential land use designation is located on the portion of the site that currently includes the strip shopping center, with the boundary of the mixed-use designation being the one block of 14<sup>th</sup> Street to the rear of that shopping center. The proposed urban design and site planning of the project removes the one block of 14<sup>th</sup> Street right-of-way to create a completely new and safer site plan which allows for 15<sup>th</sup> Street to extend all the way to Rhode Island Avenue, thereby enhancing the pedestrian and vehicular traffic flow through the Subject Property. The ability to extend commercial uses along the frontage of the proposed community green and along the northern side of Saratoga Avenue are significant benefits of the project, and will encourage a walkable neighborhood community. (Ex. 75, p. 3.)
54. In regard to the Generalized Policy Map's designation of the majority of the Subject Property in the Neighborhood Conservation Area. The definition of the Neighborhood Conservation Area states, in part:

Neighborhood Conservation Areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional land uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated.

The existing Brookland Manor is in fact underutilized and more importantly of an era of urban design that has been shown to create unsafe environments for its residents. Numerous Brookland Manor residents and members of the community have submitted letters into the record which note that the existing land uses and community character should not be maintained, and that the planning process for the new Brentwood Village needs to occur with a sense of urgency. (Ex. 75, p. 3.)

55. The Applicant noted that the PUD is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities.

#### Managing Growth and Change

The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. The PUD is fully consistent with a number of the goals set forth in this element. Specifically, the PUD will help to attract a diverse population with the inclusion of a mix of housing types for households of different incomes. The proposed PUD project will create not only a significantly new amount of residential development, but also will improve and expand the current retail uses on the Subject Property. Such growth is consistent with the Comprehensive Plan's acknowledgement that both residential and non-residential growth are critical for the District, particularly since non-residential growth benefits residents with job opportunities where less affluent households may increase their income. This project will better connect the new Brentwood Village residents with the rest of the Brentwood neighborhood through a reconfigured street system, the enhanced pedestrian connections and the creation of the community green. The urban design of this project encourages greater connection between the new Brentwood Village residents and the Rhode Island Avenue commercial corridor, the Rhode Island Avenue Metro Station, and schools and services and in the surrounding neighborhood. (Ex. 2, pp. 27-28.)

#### Creating Successful Neighborhoods

The guiding principles for creating successful neighborhoods include both improving the residential character of neighborhoods and encouraging commercial uses that contribute to the neighborhood's character and make communities more livable. In addition, the production of new affordable housing is essential to the success of neighborhoods. Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. The PUD furthers each of these guiding principles with the construction of market-rate and affordable housing and retail uses that will create additional housing, retail and employment opportunities. As discussed above, the Applicant has already begun a dialogue process with the residents and leadership of



Brookland Manor, the Brentwood Citizens Association, and will be working with Advisory Neighborhood Commission 5C. (Ex. 2, pp. 28-29.)

#### Increasing Access to Education and Employment

Increasing Access to Education and Employment element includes a number of policy goals focused on increasing economic activity in the District, including increasing access to jobs by District residents; encouraging a broad spectrum of private and public growth (§ 219.2); supporting land development policies that create job opportunities for District residents with varied job skills; and increasing the amount of shopping and services for many District neighborhoods. The PUD is fully consistent with these goals since the significant amount of retail uses included in the project will likely attract new jobs to the District and the Brentwood neighborhood. Also, the increase in the number of rental buildings will bring additional employment in the management, leasing, and maintenance functions. (Ex. 2, p. 29.)

#### Connecting the City

The PUD will help to implement a number of the guiding principles of this element. As shown on the Plans, the PUD will include streetscape improvements to provide improved mobility and circulation through the Subject Property, as well as the overall neighborhood. In addition, the access points for the required parking and loading facilities will be designed to appropriately balance the needs of pedestrians, bicyclists, transit users, autos and delivery trucks as well as the needs of residents and others to move around and through the city. Moreover, the PUD and streetscape improvements will also help to reinforce and improve this portion of the city. (Ex. 2, pp. 29-30.)

#### Building Green and Healthy Communities

The proposed development is fully consistent with the guiding principles of the building green and healthy communities element since the project's proposed landscaping plan will help to increase the District's tree cover, and the proposed development will minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. The community green will include some form of urban farming and/or an orchard in addition to open, green space. The proposed improved street grid will also help to facilitate pedestrian and bicycle travel. (Ex. 2, p. 30.)

56. The Applicant noted that 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.

The Applicant noted that the new Brentwood Village has been thoughtfully designed to meet the needs of the existing Brookland Manor residents, existing residents of the Brentwood community, and the future residents of this community. The new Brentwood Village will contain approximately 2,200 new residential units devoted to a variety of housing types. The provision of new housing at this particular location, located in close proximity to the Rhode Island Avenue Metro Station and the Rhode Island Avenue Main Street Corridor is fully consistent with the District's policies for expanding the housing supply and balancing growth. (Ex. 2, p. 35.)

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

The PUD is consistent with the goals of promoting mixed-use development, including housing on property that will be zoned C-2-A. The Project enhances the character of Rhode Island Avenue, N.E. as recommended by the Generalized Policy Map's inclusion of the Subject Property in a Main Street Mixed-Use Corridor.

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

The PUD will transform the existing Brookland Manor apartment complex into an attractive and vibrant mixed-income community. The Applicant is creating a community that provides housing opportunities for existing Brookland Manor residents and new residents in a setting with walkable and safe streets and significantly enhanced retail

opportunities. The PUD project includes a range of housing options for people of differing incomes.

Policy H-1.3.2 - Tenure Diversity: Encourage the production of both renter-occupied and owner-occupied housing.

Policy H-2.1.3 - Avoiding Displacement: Maintain programs to minimize displacement resulting from the conversion or renovation of affordable rental housing to more costly forms of housing. Rental housing comprises almost 60 percent of the housing stock and is the main housing option for those just entering the workforce and those without the initial resources to purchase a home. These programs should include financial, technical, and counseling assistance to lower income households and the strengthening of the rights of existing tenants to purchase rental units if they are being converted to ownership units.

Consistent with these policies, the PUD project will provide for a range of housing types, including senior housing on Block 7. Furthermore, the PUD will include the production of both renter-occupied and owner-occupied housing. The Applicant created effective and comprehensive tenant relocation and construction phasing plans to minimize adverse impacts on the existing residents and which provided all residents in good standing the opportunity to return to the new Brentwood Village. (Ex. 2, 35-37.)

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

Policy UD-1.4.1 - Avenues/Boulevards and Urban Form: Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city;

Policy UD-1.4.4 - Multi-Modal Avenue/Boulevard Design (bikes/walkways): Discourage the use of the city's major avenues and boulevards as "auto-only" roadways. Instead, encourage their use as multi-modal corridors, supporting transit bus lanes, bicycle lanes, and wide sidewalks, as well as conventional vehicle lanes;

Policy UD-3.1.1 - Improving Streetscape Design: Improve the appearance and identity of the District's streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street "furniture", and adjacent building facades;

Policy UD-3.1.8 - Neighborhood Public Space: Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a

focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas; and

Policy UD-3.2.4 Security Through Streetscape Design: Develop and apply attractive, context-sensitive security measures in the design of streets, plazas, and public spaces. These measures should use an appropriate mix of bollards, planters, landscaped walls, vegetation, and street furniture rather than barriers and other approaches that detract from aesthetic quality.

The PUD project has been very carefully planned to address the failed elements of the current urban design of the Brentwood Village Shopping Center and Brookland Manor. The PUD project significantly improves the streetscape environment along Rhode Island Avenue with the removal of the street level parking lot of the Brentwood Village Shopping Center and the introduction of mixed-use buildings along Rhode Island Avenue, N.E. with significant ground floor retail uses. All of the development blocks have been created with the goal of creating ample sidewalks that will allow for appropriately sized planting strips, pedestrian travel paths, and sidewalk cafes (in the commercially zoned portions of the Subject Property). The establishment of the community green and the pedestrian walk will foster enhanced pedestrian activity in a safe and inviting environment. (Ex. 2, pp. 32-33.)

58. The Applicant noted that the Comprehensive Plan’s Land Use Element includes the following policies which are furthered by the PUD project:

Policy LU-1.2.2 - Mix of Uses on Large Sites: Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses; and

Policy LU-1.2.6 - New Neighborhoods and the Urban Fabric: On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings.

The PUD, which includes a significant amount of residential and retail use on a large site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole. The new neighborhood created

by this PUD project has been designed to seamlessly connect with the surrounding Brentwood neighborhood through the proposed street closure and new street alignment. The new street grid, the creation of the community green, and the introduction of the pedestrian walk are attributes of the PUD project that help fully integrate this project into the fabric of the surrounding Brentwood neighborhood in a manner that does not currently exist. (Ex. 2, pp. 30-31.)

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 development pattern.

The PUD project will replace the existing Brentwood Village Shopping Center with a pedestrian-oriented, family friendly village ambiance directly abutting Rhode Island Avenue, N.E. This project will encourage sidewalk use and inter-neighborhood activity, and outdoor seating and cafes are envisioned to enhance well-defined spaces that cater to pedestrian use. The stepping down of the massing and heights of the buildings from Rhode Island Avenue, N.E. to Downing and Bryant Streets, N.E. complements the character of the surrounding residential uses. (Ex. 2, p. 31.)

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

The PUD project is consistent with this policy, and the Applicant has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character, and restoring the environment. (Ex 2, p. 32.)

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

The PUD has been thoughtfully planned with various beautification elements, including a carefully planned pedestrian realm with ground floor retail, open spaces (including a community green and pedestrian walk), and well-defined building edges providing

appropriate surveillance of public spaces and “eyes on the street”. Throughout the project, new street trees and extensive plantings will be installed, as well as significant upgrades to the surrounding sidewalks and new streets. (Ex. 2, p. 32.)

59. The Applicant noted that the Comprehensive Plan’s Transportation Element includes the following policies which are furthered by the PUD project:

Policy T-1.2.3 - Discouraging Auto-Oriented Uses: Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.

The PUD project has been thoughtfully planned to discourage automobile use. The Brentwood Village Shopping Center’s surface parking lot will be removed and will be replaced with new retail uses that will convey an outdoor village feel. Pedestrian pathways and well-defined community spaces with aesthetics like outdoor sculptures, lighting, and landscaping will encourage walking and bicycle use. (Ex. 2, p. 34.)

Policy T-2.4.1 - Pedestrian Network: Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.

The PUD will further this policy through constructing new sidewalks throughout the project and upgrading existing sidewalks, and the creation of the pedestrian walk to ensure a safe pedestrian network within and around the Subject Property. (Ex. 2, p. 34.)

60. The Applicant noted that the Comprehensive Plan’s Environment Element includes the following policies which are furthered by the PUD project:

Policy E-1.1.1 - Street Tree Planting and Maintenance: Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District’s neighborhoods.

The PUD will result in the planting and enhanced maintenance of street trees throughout the Subject Property. (Ex. 2, p. 37.)

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

The PUD encourages the use of landscaping to beautify the community and surrounding neighborhoods, especially with the community green and pedestrian pathways. Additionally, this landscaping will create a multiplier effect by enhancing existing public streets and businesses that have not yet been aesthetically improved. (Ex 2, pp. 37-38.)

Policy E-2.2.1- Energy Efficiency: Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees.

The PUD promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use development, the creation of safe and attractive spaces for pedestrians, and shared parking strategies to reduce unnecessary construction of parking facilities. (Ex. 2, p. 38.)

Policy E.3.1.2 - Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new constructive and adaptive reuse, and the application of tree and landscaping standards for parking lots and other larger paved surfaces.

The PUD promotes and plans multiple areas of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction. The PUD project will be able to achieve a LEED-ND Silver certification, without knowing the level of sustainability performance for any of the individual buildings. In the public open spaces the PUD project will include sustainable design techniques such as LID/Stormwater areas and rain gardens where possible. (Ex. 2, p. 38.)

Policy E-3.1.3 - Green Engineering: Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental change and the toxicity of waste generated.

The PUD will promote green engineering practices for water and wastewater systems. The PUD will include street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element. (Ex 2, p. 39.)

61. The Applicant noted that the Comprehensive Plan's Economic Development Element includes the following policies which are furthered by the PUD project:

Policy 2.2.1- Expanding the Retail Sector: Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers, and visitors, and that will meet the retail needs of the underserved area.

The PUD project is consistent with this policy in expanding opportunities for more storefronts and retail in replacing the existing commercial strip center with high quality retail uses. In total, the PUD project will include approximately 181,000 square feet of retail use. Additionally, a full service grocery store is planned for Block 2. (Ex. 2, p. 39.)

Policy ED-2.2.3 - Neighborhood Shopping: Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.

The new Brentwood Village will create additional shopping opportunities in the various mixed-use buildings, providing ground floor retail uses for building residents and the surrounding community. Furthermore, the PUD is consistent with this policy because it will replace the underutilized retail in the existing Brentwood Village Shopping Center with more community-oriented, and possibly locally-owned commercial establishments. (Ex. 2, pp. 39-40.)

Policy ED-2.2.5 - Business Mix: Reinforce existing and encourage new retail districts by attracting a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores to the city's shopping districts.

The Applicant intends to market the proposed retail areas to a mix of nationally recognized retailers as well as locally based retailers and smaller specialty stores, which will help to reinforce existing and encourage new retail districts in the immediate neighborhood and help to improve the mix of goods and services available to residents. (Ex. 2, p. 40.)

Policy ED-2.2.6 - Grocery Stores and Supermarkets: Promote the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and other shopping services. Because such uses inherently require greater depth and lot area than is present in



many commercial districts, adjustments to current zoning standards to accommodate these uses should be considered.

The PUD project furthers this policy by including a grocery store on Block 2 to promote grocery stores and supermarkets in the community and greater neighborhood. Rezoning the entirety of Blocks 2 and 3 to the C-2-A Zone District is necessary to help make the added costs of a grocery store, such as a large enclosed loading area, economically feasible. (Ex. 2, p. 40.)

62. The Applicant noted that the Comprehensive Plan's Upper Northeast Area Element includes the following policies which are furthered by the PUD project:

Policy UNE-1.1.2 - Compatible Infill: Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially-zoned properties exist. Such development should be consistent with the designations on the Future Land Use Map. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low income as well as those of moderate and higher incomes.

The PUD project is entirely consistent with this specific policy. Given the large size of the Subject Property, development on the proposed eight blocks has been carefully planned to be compatible with the immediate surroundings. Higher density and greater building heights are proposed along Rhode Island Avenue, N.E. and Montana Avenue, N.E., while the building heights and massing are reduced as the development moves closer to the lower-density residential uses located along Brentwood Road, N.E., Bryant Street, N.E., and Downing Street, N.E. The PUD project will provide for a range of housing types, including senior housing on Block 7, for a mix of incomes in renter-occupied and owner-occupied housing. In this PUD project, 22% of the total number of residential units will be reserved as affordable units. Affordable units will be provided in each and every Block of the proposed PUD project. (Ex. 2, p. 41.)

Policy UNE-1.1.4 - Reinvestment in Assisted Housing: Continue to reinvest in Upper Northeast's publicly-assisted housing stock. As public housing complexes are modernized or reconstructed, actions should be taken to minimize displacement and to create homeownership opportunities for current residents.

The existing buildings which make up Brookland Manor are approximately 75 years old and are in need of significant reinvestment. The Applicant is fully committed to minimizing the displacement of any Brookland Manor residents and will continue to work with representatives of the Brookland Manor Leadership Council in creating an effective Tenant Relocation Plan. (Ex. 2, p. 41.)

Policy UNE-1.1.6 - Neighborhood Shopping: Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12<sup>th</sup> Street N.E. in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area's Metro stations.

The proposed introduction of mixed-use buildings on Rhode Island Avenue, N.E. and Montana Avenue, N.E. will not only provide new and enhanced retail opportunities at the ground level, but will also create additional demand for these retail uses from the residents of these buildings. The PUD project will remove a more car-oriented strip commercial shopping center with retail uses that are not very neighborhood friendly, with uses that will cater to both the immediate neighborhood and the surrounding community. (Ex. 2, p. 42.)

Policy UNE-1.2.1 - Streetscape Improvements: Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways.

The general character of the Avenue is not expected to change significantly over the next 20 years, but there are opportunities for moderate density infill development in several locations. Filling in "gaps" in the street wall would be desirable in the commercial areas, creating a more pedestrian-friendly environment. While most of the street is zoned for commercial uses, development that includes ground floor retail uses and upper story housing would be desirable. The surrounding area is under-served by retail uses and would benefit from new restaurants, local-serving stores, and other services. (Ex. 2, p. 41.)

Policy UNE-2.5.4 - Rhode Island Avenue Corridor: Strengthen the Rhode Island Avenue corridor from 13<sup>th</sup> to 24<sup>th</sup> Street N.E. as a pedestrian-oriented mixed use district that better meets the needs of residents in the Brentwood, Brookland, Woodridge, and Langdon neighborhoods. Infill development that combines ground floor retail and upper-story office and/or housing should be encouraged.

The PUD project satisfies all of these goals for streetscape improvements along the Rhode Island Avenue, N.E. and Montana Avenue, N.E. corridor. The proposed mixed-use buildings along Rhode Island and Montana Avenues, N.E. and the adjacent public realm improvements, will help make this stretch of Rhode Island Avenue, N.E. and

Montana Avenue, N.E. an attractive gateway to the Brentwood neighborhood. The proposed mix of uses (ground floor retail and varying housing types) and the introduction of open spaces (the community green and the pedestrian walk) will create a vibrant addition to the Brentwood neighborhood. (Ex. 2, pp. 42-43.)

### **Government Agency Reports**

63. OP submitted three reports in this case, a Setdown Report dated November 14, 2014, a Hearing Report dated March 13, 2015, and a Supplemental Report dated April 27, 2015. In the April 27, 2015 Supplemental Report, OP stated that it “was supportive of the redevelopment of the Brookland Manor Apartments and Brentwood Village Shopping Center to provide a revitalized community with a mix of housing and unit types and better retail uses to serve the residents and the surrounding community, while replacing existing affordable housing on the site. The development would also incorporate more useable open spaces and provide better security for the residents and surrounding community.” The OP Supplemental Report noted that the Applicant revised the submission and proposes a first-stage PUD and a PUD-related map amendment from the R-5-A and C-2-A Zone Districts to the R-5-B and C-2-A Zone Districts; and consequentially OP concluded that the proposed zones are consistent with the mixed-use moderate-density residential and moderate-density commercial on the north and northeast portion of the site and moderate-density residential on the remainder of the site. OP therefore recommended approval of the requested first-stage PUD and PUD related map amendment from the R-5-A and C-2-A Zone Districts to the R-5-B and C-2-A Zone Districts. (Ex. 79, p. 1.)
64. The OP Supplemental Report also addressed the project’s consistency with the Comprehensive Plan. The OP Supplemental Report noted that the FLUM identifies the majority of the site for moderate density residential, and identifies the area of the Brentwood Shopping Center (corner of Montana and Rhode Island Avenue) for mixed-use moderate-density commercial and moderate-density residential. The Generalized Policy Map (“GPM”) designates the area as a Neighborhood Conservation Area and along a Main Street Mixed-Use Corridor. In regard to the project’s consistency with the FLUM and the GPM, OP concluded:

The proposed C-2-A/PUD zoning has a density and height that is considered to be moderate density. The proposed C-2-A mixed-use buildings within the PUD extend commercial uses into the residential designated areas, but the Comprehensive Plan maps are generalized and show general patterns of development appropriate for an area, not for individual property boundaries. In this case, the FLUM and GPM designations are reflective of the existing development, and the applicant has demonstrated that the buildings and the infrastructure are old and not optimally functional.

The proposed R-5-B/PUD on the remainder of the site which would be developed with a mixture of apartments, rowhouses and two-over-two units would not be inconsistent with the moderate-density residential recommendation.

There is no specific land use supplemental guidance for this site, but the PUD would further many of the Comprehensive Plan goals for revitalizing neighborhoods, improving housing quality and transit-oriented development. The scale of development allows for the retention of the Section 8 Housing as part of the development. In addition, the circulation through the site is cumbersome and unsafe because of its many blind spots, dead ends, and unused open spaces. To overcome these issues, the Applicant proposes buildings with floor plates that accommodate a new circulation pattern that connects to the adjacent neighborhood, provides through streets and alleys, allows for eyes on the street, and centralizes open spaces.

OP is also supportive of the redevelopment of the site at a higher density. This would require amendments to the Comprehensive Plan, a process that would include a policy level public discussion regarding the appropriate vision and density for this site. As noted in the OP Report of March 13, 2015, OP is willing to work with the Applicant through the City-wide planning division of OP and the neighborhood on amendments to the Comprehensive Plan to accommodate their original proposal. If the Comprehensive Plan is amended to anticipate higher densities on this site, a modification to the PUD could be requested to reflect the new designations and densities. (Ex. 79, pp. 1–3.)

65. OP's Setdown Report addressed the application's consistency with the Land Use, Transportation, Housing, Environment, Economic Development, Urban Design, and Upper Northeast Area Elements and satisfaction of the PUD standards. (Ex. 10, pp. 12-18.)
66. OP's Supplemental Report provided the following analysis of the outstanding issues from the Setdown and Hearing reports:

***Detail of the phasing plan, including approximate scheduling and development priorities and justification for a three year-time period for the Stage 1 approval.***

The Applicant submitted a phasing plan that incorporates the retention of the current residents on the site during construction and being moved into new units after construction. (Ex. 75A.) The development would be constructed over three phases (Phase 1, 2A, 2B, and 3) with 200 housing units for seniors in Phase 1 to minimize the number of moves for those residents. The Applicant states that off-site relocation is not anticipated, but has indicated that if it is unavoidable they are

committed to being responsible for the cost associated with the relocation and the cost to return after construction.

As part of each second-stage submission, the Applicant should provide additional information on phasing, which should include the approximate scheduling and development priorities at that time.

***One-to-one replacement of deep subsidies.***

The proposal would have a total of 1,760 units and would retain the existing 373 Section 8 units. The Applicant projects that at the beginning of construction there will be 424 occupied units which would be considered the replacement units. The replacement units would consist of 373 Section 8 apartment units and 51 “market rate units” with rents paid using the DC Housing Voucher Program. OP recommends that additional units be provided to accommodate residents with DC Housing Vouchers as well as additional IZ units which would equate to, or be more in line with the 535 units that are within the current buildings. In addition, the Applicant should provide information regarding affordability deeper than 50% AMI should the development not retain the Section 8 subsidy.

***Options for funding if federal funds are not renewed.***

The Applicant states that if the commitment of HUD to retain the Section 8 contracts does not materialize, the option would be to reserve at least 20% of the proposed 1,760 units for affordable households at Inclusionary standards as follows:

- 165 units (10%) at up to 80% of AMI;
- 164 units (10%) at up to 50% of AMI; and
- 11 for sale townhomes (10% of 114) for families at up to 80% of AMI.

This option does not include the replacement of any of the affordable housing that is currently on the site. OP is not supportive of any proposal that would lessen the level of affordability that currently exists.

***Provide a Table showing Existing and Proposed Unit Size by bedroom.***

The Applicant provided a table showing the existing bedroom sizes and square footages for each unit type. However, a similar table was not provided for the proposed development within each phase. The Applicant states that the unit sizes are not available at this time but would be provided at each Stage 2 review as the buildings are designed in detail. (Ex. 75A.)

***Size of units, number of bedrooms, and AMI.***

The current development contains four and five bedroom units but the proposal has not committed to providing any four or five bedroom units. The Applicant states that a study was recently conducted, and using the HUD guidelines of two persons per bedroom, there are 13 existing households which would require four bedrooms and no household would require five bedrooms. The building with the larger units would remain on the site until the later phases at which time they can be “right sized” to accommodate the larger families. The Applicant provided a table to demonstrate existing household size. The proposed unit sizes, number of bedrooms of each and the corresponding AMI level would be provided at each Stage 2 development.

***Clarify the number of Inclusionary Zoning units required and proposed.***

The Applicant proposes 424 apartment units, of which 373 units would be replacement units under the Section 8 Program and 11 rowhouses would be IZ units, six at up to 50%, of AMI and five at up to 80% of AMI. The Applicant should provide a breakdown of the gross floor area of the IZ units and their bedroom sizes.

***Provide reason behind not having active play fields or playgrounds within the development.***

At Exhibit 15B, is a map showing the locations of recreation centers and park/fields in the neighborhood, most within a 10 minute walk from the property and are sufficient to serve the residents. However, in a recent study, conducted by OP and Department of Parks and Recreation these facilities were found to have inadequate services. The Applicant has stated that the influx of residents to Brookland Manor would have a positive impact and lead to improvements at these facilities, but has not committed to making these improvements or indicated who would. OP maintains that the Applicant should provide an analysis of existing facilities in the neighborhood and demonstrate that these would adequately serve the new residents.

67. The Commission has included conditions in this Order requiring the Applicant to provide the additional information requested by OP regarding phasing, proposed unit sizes, number of bedrooms, and corresponding AMI level in the appropriate second-stage applications. The Commission has addressed OP’s concerns regarding the one-to-one replacement of deep subsidies in paragraphs 97 and 98 below. The Applicant amended its commitment if the Section 8 contracts did not materialize and/or continue from the commitment stated in OP’s report to the commitment listed in the chart above in paragraph 52(a). The Commission believes that this amended proffer is sufficient for the reasons stated in paragraphs 97 and 98 below.

68. DDOT submitted its report to the Commission on March 6, 2015. The purpose of DDOT's first-stage review is to provide an overview of the potential safety and capacity impacts of the proposed action on the District's transportation network and, as necessary, propose additional mitigations that are commensurate with the action. The transportation analysis for the first-stage PUD process generally identifies potential impacts to the transportation network related to the land uses and density of the Site. Due to the size of this project, the details of vehicle parking access have not yet been fully defined, but will be more fully defined through second-stage submissions. One of the most critical elements of DDOT's review of project traffic on a project like this is of vehicular parking levels and access points. As such, DDOT will expect a full evaluation of transportation facilities as part of the second-stage process, and as necessary an updated suite of proposed mitigations. (Ex. 34, pp. 1-2.)
69. The DDOT report noted that after an extensive, multi-administration review of the case materials submitted by the Applicant, DDOT finds:

#### **Site Design**

- A robust network of public and private streets is proposed, with an added link connecting 15<sup>th</sup> Street N.E. to Rhode Island Avenue;  
  
The new street network has the potential to disperse site traffic in a way that minimizes the action's impact on the external road network and improves connectivity to the adjacent neighborhoods;
- Sufficient bicycle and pedestrian connections are proposed through the site;
- Loading for the retail and multi-family residential is generally proposed to occur from existing or proposed public and/or private alleys, which is consistent with DDOT standards and approach;
- The proposed ROW layout for the Site as shown in the March 3, 2015 submittal is consistent with DDOT standards; and
- As design level details for vehicle access are defined in Stage 2, additional traffic analysis will be required.

#### **Travel Assumptions**

- The action is expected to generate a significant number of new vehicle, transit, bicycle, and pedestrian trips; and
- The number of vehicle trips generated by the site is reasonable; but

- The amount of vehicle parking for the residential units is somewhat high relative to other recent projects.

### Analysis

- The Applicant utilized sound methodology to perform the analysis;
  - The action is expected to minimally increase travel delay in most locations and significantly impact operations for at least five intersections, as outlined in the body of this report;
  - The Applicant expects site generated transit trips can be served with existing transit service. However, adjacent bus service has not been shown to have the necessary capacity, and Metrorail's service requires a relatively long walk from portions of the development or transferring modes; and
  - The additional bicycle demand will necessitate on-street bicycle facilities along with bikeshare service and facilities. (Ex. 34, p. 2.)
70. DDOT noted that the Applicant has proposed the following mitigations which DDOT finds appropriate:
- Committed to build all public streets to DDOT ROW and design standards;
  - Appropriately mitigated traffic impacts at Montana Avenue and Saratoga Avenue by committing to signalization of the intersection;
  - Committed to creation of a modified intersection at 15<sup>th</sup> Street and Rhode Island Avenue and Brentwood Road. A new signal is also anticipated for this location;
  - Committed to adjusting the geometries of various intersections and turn movements to mitigate potential impacts. These adjustments should be further developed during the second-stage processes. As needed, additional changes may be requested;
  - Potential impacts to bicycle travel are mitigated by the addition of:
    - Two Capital Bikeshare stations; and
    - Multimodal street design of Saratoga Avenue to include bicycle facilities; and
  - Offer a good general TDM plan that should be refined and augmented during subsequent second-stage submissions.

As the project proceeds into second-stage applications, the following or similar potential mitigations may also be necessary:



- Additional traffic and safety impact mitigations for impacted intersections not addressed previously. Including at:
    - Montana Avenue & 18<sup>th</sup> Street/W Street; and
    - Rhode Island Avenue & Montana Avenue/14<sup>th</sup> Street;
  - Additional analysis to verify existing transit service has capacity to accommodate future demand, and identify new demands that may warrant transit adjustments;
  - Details on long-term and short-term bicycle parking facilities and for pedestrian and bicycle facilities are expected in second-stage process;
  - Improve pedestrian connections to major nearby offsite destinations;
  - Commit to inclusion of non-auto incentives for Capital Bikeshare membership and carshare membership to all residential tenants and commercial employees;
  - Adjustments to improve connectivity and safety, such as updated geometry and operations for Brentwood Road north of the site and coordination with the Fire Department to potentially add an alley at the rear of their property and/or relocate their driveway; and
  - Fund a transit study examining the proposed extension of a Rhode Island bus to downtown (as found in Appendix 4 of the Final Recommendations of *The Metrobus Rhode Island Avenue-Baltimore Avenue Line Study* by WMATA, 2014) [Estimated cost: up to \$100,000].
71. The phasing of these improvements or additional analysis will be finalized during the second-stage process. Added detail for the above mitigations or additional mitigations may be necessary upon an updated scoping and analysis as part of the second-stage PUD process.

### **Continued Coordination**

Given the complexity and size of the action, the Applicant is expected to continue to work with DDOT on the following matters:

#### *Project Process*

- For each subsequent second-stage PUD submission, DDOT expects the Applicant to update its CTR for the specific second-stage action while also presenting updated analysis for the entire PUD. It is expected that each submission will present findings in terms of the entire PUD, which may include elements already completed;

- Street closure and rededication will require coordination with DDOT and Council action;
- Coordination is expected to determine curbside management, to include at least metered parking, building entrance zones, potential Residential Permit Parking blocks, loading zone restrictions, etc.; and
- Coordination is expected to locate a relocated bus stop site on Rhode Island Avenue and any other transit adjustments.

*Design Elements*

- All roadway infrastructure should be designed according to DDOT standards;
  - Site design refinements should be coordinated with DDOT such that:
    - Vehicle access minimizes potential impacts to the roadway network;
    - Utility vaults are located in private space; and
    - Loading vehicle movements are accommodated on private space;
  - In particular, DDOT will want to analyze the design and operations of new proposed intersections on Brentwood Road, N.E. and Montana Avenue, N.E.;
  - Further design development is expected for the proposed operational and geometric changes intended to mitigate impacts;
  - Public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, and other features within the public rights-of-way, are expected to be designed and built to DDOT standards;
  - Careful attention should be paid to pedestrian and bicycle connections through and along the Site's perimeter and adjacent infrastructure;
  - Locations for Capital Bikeshare stations;
  - Signal implementation and modification will be coordinated as part of the second-stage PUDs to optimize performance of the road network while providing ample pedestrian crossing time; and
  - TDM plans for each building. (Ex. 34, pp. 3-4.)
72. The District's Department of Energy and Environment ("DOEE") filed a report dated March 2, 2015. The report noted that DOEE representatives met with the Applicant's development team to review the development plan and offer suggestions. The DDOE report noted that "Given the project will be built out over the next 10-15 years, and that many of the regulatory standards will be updated in that time, we recommend that the

project set high standards and goals for the project that design for the future.” The DOEE report recommended that all parcels in the master plan be designed to meet or exceed the quality and environmental standards set out in the Anacostia Waterfront Development Zone (AWDZ). The DOEE report also recommended that all buildings in the second-stage PUD applications meet the LEED-Gold requirements and that the full development project satisfy the stormwater management requirements of the AWDZ. (Ex. 30.)

73. The Metropolitan Police Department (“MPD”) provided a report to OP regarding the project. The MPD report requested that DDOT should “be consulted regarding the impact and plan for the anticipated increased traffic in the area”. DDOT has submitted its report in this case and the Applicant has agreed with all of the mitigation measures noted in the DDOT report. The MPD report also requested that the Applicant “consider enhanced lighting and security features a priority to ensure increased public safety along the walkways and interior courtyards of the development.” The Applicant responded that in the design of all of the second-stage PUD applications, these issues will be addressed. (Ex. 105; Ex. 104, p. 8.)
74. DC Water provided OP with an e-mail regarding the project. DC Water noted that it has reasonable capacity in the water and sewer systems in the vicinity of the development to support the project. DC Water also noted that it is likely that the Applicant can arrange the water and sewer systems on site to provide adequate service on site and connections to the public system. In regard to the proposed closure of a portion of 14<sup>th</sup> Street, N.E., DC Water stated that while it has facilities in the portion of 14<sup>th</sup> Street, N.E. to be closed, it expects the Applicant will either relocate these existing facilities to existing rights of way, or will provide appropriate easements. In response to these comments, the Applicant noted that its civil engineering firm met with DC Water representatives to discuss these issues, and that it agreed with DC Water’s conclusion that “there are practical options that would be acceptable to DC Water”. The Applicant noted that these issues are typically resolved during the Street Closing and Dedication process, which is occurring concurrently with this PUD process. (Ex. 105; Ex. 104, p. 7.)

### **ANC 5C Report**

75. ANC 5C submitted a letter into the record of this case, dated March 12, 2015, which noted ANC 5C’s unanimous support for this application, with 18 conditions. ANC Commissioner for 5C05, Commissioner Regina James, presented the report of the ANC and testified in support of the application. Ms. James noted the support that this project has in the community and the Applicant’s willingness to listen to the concerns and issues of the community regarding providing housing for seniors. (Ex. 58; 5/11/15 Tr., pp. 64-70.)
76. At the request of the Commission, the Applicant provided its response to each of these conditions. The Applicant noted that these conditions can be generally grouped into six categories: (i) development of the senior citizens building; (ii) tenants’ right to return;

(iii) construction management issues; (iv) employment, contracting, and retail issues; (v) sale of the townhouses; and (vi) the renaming of Saratoga Avenue. The Applicant noted that it believes that the specific issues raised in many of these conditions will be appropriately addressed in the second-stage PUD applications. The Applicant responded to the ANC's conditions as follows:

- Development of the Senior Citizens Building (Condition Nos. 1-2) – The Applicant is committed to developing a senior citizens building on the Subject Property as the first project. The Applicant believes that the preponderance of the units will be occupied by existing Brookland Manor residents, who will be able to stay on the Brookland Manor property until the senior citizens building is ready for occupancy. However, to the extent that additional capacity is available, the Applicant is willing to provide existing residents of the Brentwood neighborhood first preference to those remaining units. The design, interior layout, and facilities included in the senior citizens building will be determined in the second-stage PUD review;
- Tenants' Right to Return (Condition No. 3) – The Applicant will allow all qualified Brookland Manor residents, at the time that the redevelopment commences, the ability to return to the new Brentwood Village;
- Construction Management (Condition Nos. 4-9, 17) – The Applicant has submitted into the record of this case a general construction management plan that will guide construction activity. The Applicant fully expects that more refined construction management agreements will be implemented for each specific second-stage PUD application. These specific construction management agreements will address the issues noted by the ANC;
- Employment, Contracting, and Retail Opportunities (Condition Nos. 10-13, 15) – The Applicant has agreed to enter into a First Source Employment Agreement with the Department of Employment Services. The Applicant will also work with small business owners to contract for their services in the development of this project and their ability to open retail stores in the project. In regard to the prohibition of an “ABC Establishment” in any portion of the project, the Applicant will work with the ANC to confirm which types of “ABC” establishments they do not want to see in the project. The Applicant believes that the inclusion of restaurants is an important component of this project, and restaurants will want to obtain an ABRA license. The Applicant also has no ability to determine whether 5<sup>th</sup> District MPD officers will be able to work part-time in the retail portion of the project. The Applicant requests that the issue of MPD officers working part-time in the retail portions of the project not be included as a condition of the Commission's approval;

- Sale of the Townhouses (Condition Nos. 14-16) – The Applicant agrees to provide all realtor listings for the townhouses to ANC 5C and the Ward 5 Councilmember’s Office. The Applicant is proposing that 10% of the townhouses will be reserved as Inclusionary Zoning units, which will be attractive to first-time homeowners and DC employees (including teachers, police officers, and fire fighters); and
- Renaming of Saratoga Avenue, N.E. (Condition No. 18) – The Applicant is fully supportive of any actions that ANC 5C or the Brentwood community decides to take with regard to the renaming of Saratoga Avenue, N.E. and will work with ANC 5C to facilitate the approval of that through appropriate city agencies and processes. (Ex. 75, pp. 8-9.)

77. The Commission finds that these commitments are adequate to address the issues and concerns expressed in ANC 5C’s report.

#### **ANC 5B Report**

78. ANC 5B submitted a letter in support of the project, with conditions, dated April 24, 2015. The letter attached the ANC’s resolution listing its issues and concerns. The first issue was the ANC’s belief that the project does not provide sufficient public benefits and amenities, and it suggested that the Applicant should provide additional benefits in the form of a playground, recreation facilities, and/or youth centers to provide youth focused recreational opportunities. The second issue was an opposition to the encroachment of commercial uses into areas away from Rhode Island Avenue that are marked residential on the Future Land Use Map. The third issue was that a development timeline should be required as a part of the Commission’s first-stage PUD approval. The fourth issue was that the Applicant should provide a written, well-defined and definitive tenant relocation plan as a condition of a first-stage PUD order. The fifth issue was that the Applicant should be required to guarantee to qualified tenants a right of return to the premises upon completion of the development based on the full number of 525 affordable units in existence today, and that the Applicant should provide an alternative affordable housing proposal in the event that the HUD does not renew its Section 8 contract with Brookland Manor in 2017. The final issue was that the Commission should preserve the maximum amount of affordable housing possible within the development.

79. In response to the first issue, the Commission finds that the project’s public benefits are a sufficient trade-off for the requested zoning relief under the circumstances. As described more fully elsewhere in this Order, the Commission believes that the ability to extend commercial uses along the frontage of the proposed community green and along the northern side of Saratoga Avenue are significant benefits of the project, and will encourage a walkable neighborhood community. As to the third issue, this Order includes a condition setting forth what the Commission believes is an appropriate

development timeline. This Order also requires the Applicant to abide by the tenant relocation plan it submitted into the record, and to provide additional information regarding its tenant relocation commitments with its future second-stage PUD applications, and the Commission believes this adequately addresses the ANC's concern. Regarding the fifth issue, the Commission disagrees with the ANC that the Applicant should be required to provide 525 affordable units on the Subject Property because it believes the proffered public benefit of affordable housing, in conjunction with the other public benefits of the project are sufficient to justify approval of this PUD application and the Applicant provided a sufficient alternative in the event the Section 8 program is not renewed. Finally, the Commission believes the affordable housing provided is sufficient to justify approval of the project.

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

80. There were no parties in support of the application.
81. The Ward 5 Councilmember, Kenyan McDuffie, submitted a letter in support of the application. Councilmember McDuffie's letter noted that the Applicant has worked with a diverse coalition of community interests and has struck a responsible balance in ensuring that existing residents are able to participate in the renewed community. Councilmember McDuffie also noted that the redevelopment of this property into a mixed-income, mixed-use community will also create economic opportunity in Ward 5. He concluded that this truly transformative endeavor will bring much needed retail to the Rhode Island Avenue corridor. (Ex. 80.)
82. Dianne Camp, a Brookland Manor resident since 1965, provided written and oral testimony in support of the project. In Ms. Camp's written testimony she stated that she believed that the new Brentwood Village community is exactly the type of mix of incomes, mix of residential types, creation of open spaces, and mix of residential and retail uses that are needed in her community. She noted that the proposed new streets and buildings, with restaurant and retail uses on the ground floors, and central community green will create a safe environment that will allow her and her neighbors to walk freely through our neighborhood. Ms. Camp also thought that the different types of housing (townhouses, a senior citizens building, two-over-two condominium buildings, and apartment buildings) offered to people of varying incomes will allow the new Brentwood Village to be a really inclusive neighborhood that will allow the existing residents of Brookland Manor to stay, and will allow them to have new neighbors who are interested in being a positive force for the future of her neighborhood. (Ex. 44; 5/7/15 Tr., pp. 145-148.)
83. Jose Barrios, ANC 5B04 Commissioner (which is on the north side of Rhode Island Avenue, northwest of Brookland Manor), and Michael Morrison ANC 5B03 Commissioner (which is directly across the street from the development between 13<sup>th</sup> and 14<sup>th</sup> Street) testified in support of the project. They noted that the overall project would

benefit the nearby community. Mr. Barrios and Mr. Morrison noted that ANC 5B passed a resolution in support, while indicating some concerns, which are discussed above. (5/7/15 Tr., pp. 131-133, 148-150.)

84. Kyle Todd, on behalf of the Friends of Rhode Island Avenue, Northeast – managing the Rhode Island Main Street program, testified in support of the project. Mr. Todd noted that approval of the first-stage PUD program will create tremendous new opportunities for retail dining and other neighborhood amenities, and will provide opportunities for new jobs, and a much needed boost to the residential density for the entire corridor. Mr. Todd also noted the Applicant’s commitment to the community over the last several decades and the efforts that Mr. Meers has undertaken to reach out and work with area residents, surrounding civic associations, and ANCs. (5/7/15 Tr., pp. 133-135.)
85. Maya Chaplin-Glover, a Brookland Manor resident, testified in strong support of the project. She noted that this project would create a mixed-income and mixed-use development project like those seen in the rest of the city. Ms. Chaplin-Glover noted that Brookland Manor has had a concentration of low incomes for too long and if the property was integrated economically with a mix of incomes, there would be more opportunity for its residents. (5/7/15 Tr., pp. 135-137.)
86. John Iskander, a resident of 20<sup>th</sup> Street, N.E., testified in support of the project. Mr. Iskander noted that he was originally opposed to the project but changed his mind based on the Applicant’s reduction in height and massing of the buildings along Rhode Island Avenue, N.E. Mr. Iskander commended the Applicant for listening to, and addressing, his concerns. Mr. Iskander concluded that the transformation of Brookland Manor is very worthwhile and will benefit all of the community. (5/7/15 Tr., pp. 161-164.)
87. Approximately 34 letters in support of the project were filed in the record of the case. These letters were from individual residents, organizations, and churches (Isle of Patmos Baptist Church, Israel Baptist Church). In general, these letters noted the benefits that the project will bring to the community and the need for change from the current activity which occurs in and around Brookland Manor.

**Party in Opposition**

88. The Residents Association presented written and oral testimony into the record of this case. At the May 11, 2015 public hearing, the Residents’ Association presented testimony from Will Merrifield, a staff attorney with the Washington Legal Clinic for the Homeless and the authorized representative of the Residents Association, and residents of Brookland Manor including Minnie Elliott (President of the Brookland Manor/Brentwood Resident Association) and Dr. Edward Ameen (a trained psychologist who works with homeless youth).

89. Mr. Merrifield noted the Residents Association's testimony was meant to highlight their concerns in order to achieve a truly equitable redevelopment that does not result in the loss of one unit of current affordable housing and maintains current bedroom sizes and subsidy levels at the property. The Residents Association noted these issues are relevant to the Commission because the proposed public benefits offered are not offset by the loss of affordable housing the PUD would create. The Residents Association also argued that the proposal is inconsistent with the Comprehensive Plan and that it seeks to demolish and will not replace apartments that are currently occupied by families who live in three-, four-, and five-bedroom units. The Residents Association's argument was that the Applicant should be required to provide 535 units of affordable housing, at the current levels of subsidy, and the current mix of three-, four-, and five-bedroom units in the PUD project. (Ex. 96; 5/11/15 Tr., pp. 6-14.)
90. Minnie Elliott, President of the Brookland Manor/Brentwood Resident Association, presented testimony regarding the lack of a family friendly development plan, the lack of transparency in the development of a playground/pool/community center, the misuse of the word affordable, and problems with the tenant relocation plan. (5/11/15 Tr., pp. 15-20.)
91. Reverend Dr. Loretta Washington, Vice President of the Brookland Manor/Brentwood Resident Association and a long-time Brookland Manor resident, testified that she would like to see 535 units of affordable housing continue to be provided in the new PUD project, all families remain on site, and at least 10% of the families on site be hired and trained prior to ground-breaking. (5/11/15 Tr., pp. 21-25.)
92. The Residents Association also presented testimony from Yvonne C. Johnson, a Brookland Manor resident, and read into the record submissions from Kelvin Brooks (current Brookland Manor resident) and Marjorie Thomas-Barnes (past Brookland Manor resident). Ms. Johnson raised concerns regarding the children at Brookland Manor and their ability to stay at the property. Mr. Brooks and Ms. Thomas-Barnes raised concerns regarding the ability of families to remain on the property. (5/11/15 Tr., pp. 25-26, 34-40.)

### **Persons in Opposition**

93. Farisha Walsh, Dorothy Davis, Katrina Johnson, and Keisha Howard (all Brookland Manor residents), noted concerns about their ability to remain at Brookland Manor following the redevelopment of the property and the anxiety that is shared by some of their fellow Brookland Manor residents. (5/7/15 Tr. pp. 140-144, 164-169)



### Contested Issues

#### Tenant Relocation and Construction Phasing Plan

94. The Applicant's tenant relocation and construction phasing plan, consists of the following priorities:
- Minimize construction impacts to the residents to ensure that a safe environment exists;
  - Manage the onsite relocation of residents to minimize the impact on educational, social, emotional, and employment needs of individuals and families;
  - Building out the project's infrastructure in the most efficient manner possible; and
  - Phasing the improvements in a way that maximizes the project's ultimate success, including the creation of 373 new affordable apartments in a revitalized community.

The Applicant noted that as construction progresses, most existing households will be relocated on site once prior to moving into a new building. A few families may have to be relocated twice as dictated by available accommodations and construction scheduling. The commitment is to ensure that each of the new buildings has at least 10% affordable units, noting that there may need to be some right-sizing (getting back down to 10% where it starts above that level) based upon construction phasing. The Applicant's current plans do not contemplate off-site relocations during construction. The Applicant acknowledged that it is responsible for the payment of costs or expenses associated with the relocation of tenants on-site or off-site. (Ex. 104B.)

95. The Applicant additionally committed to allow all households that reside at Brookland Manor at the commencement of the redevelopment in early 2018 with the right to return to the new Brentwood Village community. The Applicant expects that there will be 424 occupied units at the time that the redevelopment commences in 2018. The expected turnover of 60 units, from 484 occupied units (as of 6/2/15) to 424 (as of 1/1/18), will come from normal turnover, and is based on historic results (78 units turned over in 2012, 79 in 2013, and 47 in 2014). (Ex. 104, p. 6.)
96. The Applicant's proposed Construction Phasing Plan will consist of three phases, described as follows:

- **Phase 1 – Development of Block 7:** Phase 1 will include the development of up to a 200-unit senior citizen (limited to residents aged 62+) building and 28 for-sale units in Block 7. There will also be a smaller 86-unit market-rate building that will assist with tenant relocations. The senior citizen building in Phase 1 will consist of approximately 185 one-bedroom apartments and 15 two-bedroom apartments. The 28 for-sale units in Phase 1 will be either “two over two” or townhouse units.

In order to construct a new senior citizen building and to manage the relocation of existing tenants on-site, the existing buildings must have vacancy and that vacancy in turn needs to be concentrated. Block 7 is the chosen location for the senior citizen building because it is in a central location, is proximate to the community green, and the parcel that will house the senior citizen building currently only has three buildings with 64 units.

The Applicant anticipates that Block 7’s three existing buildings will be vacant when construction starts in early 2018 with all of those residents relocated at ownership expense to an appropriate home on the property.

The Block 7 multifamily buildings are scheduled for completion in 2019, and at that point approximately 286 apartments will be available as a relocation source (compared with the 64 units that currently occupy Block 7’s three buildings). The ultimate size of the senior building will be determined based upon a survey of the 62+ age resident population to assess their needs and preferences. The expectation is that the building will be sized somewhere in the 150-200 unit range and will be occupied principally by existing residents with most having Section 8 assistance.

- **Phase 2A – Development of Blocks 2 and 3:** Completion of the Block 7 buildings will vacate 209+ units in the existing buildings. The existing buildings which are located on what will become Blocks 2 and 3 in a total of 142 units of which a smaller number will be occupied at the start of construction in 2019 (as many of the residents aged 62+ currently reside in buildings which are located on Blocks 2 and 3 and will have since been relocated to the new senior citizen building). For those not relocating to the senior building, the Applicant will relocate those residents at the Applicant’s expense to a comparable unit on the Subject Property. On site relocations will clear all existing units in these blocks to permit construction. This phase will contain 569 apartments, including 71 affordable units. At completion of this Phase 2A, 280 of the 373 affordable units will have been replaced with new units.
- **Phase 2B – Development of Blocks 5, 6, and 8:** The existing Brookland Manor buildings located on future Blocks 5, 6, and 8 contain 184 apartments. All

existing residents in this phase will be relocated elsewhere on the site to permit construction – this could include the senior citizen building in Phase 1, the multi-family buildings in Phase 2A, or any of the existing buildings in Phase 3. Again, relocations will be done at the Applicant’s expense with relocations to a comparable unit. Phase 2B will contain 262 apartments and 72 townhouses. As many as 66 of the 262 units will be reserved as affordable units when these buildings are constructed as this will need to be an affordable relocation source of housing until the Phase 3 buildings are delivered. At the completion of this phase, 346 of the 373 affordable units will have been replaced with new units.

- **Phase 3 – Development of Blocks 1 and 4:** This final phase will contain a total of 543 units, 529 apartments, and 14 townhouses. Of the final 543 units, 27 affordable units will be completed, bringing the total number of affordable units to 373. It is important to note that in order to achieve the minimum 10% affordability levels in these buildings, affordable units will need to be relocated from the Phase 2A and 2B buildings to the Phase 3 buildings. (Ex. 104B.)

#### Affordable Housing

97. OP and the Residents Association and its representatives have asked the Applicant to provide 535 new units of affordable housing in this project. The OP report also noted that an alternate replacement schedule with affordability deeper than 50% AMI should be considered if the development does not retain the Section 8 subsidy. OP also noted that it was not supportive of any proposal that would completely eliminate the level of affordability that currently exists on the property. The Applicant presented information into the record that it expects that a total of 424 households will reside at Brookland Manor upon the commencement of redevelopment in early 2018: 373 Section 8 affordable units and 51 market-rate units (most occupied by tenants assisted by DC Housing Choice Vouchers). Brookland Manor does not currently include 535 “affordable” units, rather Brookland Manor includes 373 Section 8 units and 117 “market”-rate units with individual tenants paying their rents with supplemental financial assistance in the form of DC Housing Choice Vouchers. The Applicant argued that its commitment to maintaining the Section 8 contracts in the new Brentwood Village is a significant amenity of the PUD project and protects the level of affordability which currently exists at Brookland Manor. The Applicant also noted that it was not aware of any developer that is able to provide levels of affordability below 50% of AMI without some form of financial subsidy, whether that subsidy comes from the Federal Government or the District Government. The Applicant noted that this affordable housing commitment is more robust in percentage and depth of affordability than any privately owned and funded development in the city. (Ex. 104, p. 6.)
98. The Applicant noted that it remains committed to retaining the Section 8 contract on the Subject Property, so the existing 373 units (with deep affordability) at Brookland Manor

will remain in the new Brentwood Village. The Applicant stated that it will provide for 22% (373 of the total 1,646 multi-family units) of the new rental accommodations to be reserved as affordable units with AMI levels that are significantly below 50% of AMI. An additional 11 for-sale townhouses or two-over-two units will be reserved as affordable units that will satisfy the Inclusionary Zoning standards. At the end of the build-out of the new Brentwood Village community, the affordable units will be approximately 22% of the total number of units. In support of the Applicant's affordable housing commitment across the site, the senior citizen building will be 100% assisted, each multi-family building will have at least 10% of the units reserved as affordable housing, and 10% of the for-sale residential units (townhouses or two-over-two units) will be reserved as affordable dwellings. (Ex. 104, p. 6.) Finally, the Applicant amended its proffer so that in the event the Section 8 contract does not materialize or is not renewed, the Applicant will provide the alternative affordable housing benefits stated in Findings of Fact No. 52(a).

#### Proposed Unit Size

99. The Applicant presented written testimony that its decision not to construct four and five bedroom units in the new Brentwood Village is entirely consistent with local and national practices in the development and operation of affordable housing communities. It is also based on the Applicant's own experience as the largest operator of affordable housing units in Washington, D.C. (Ex. 104.)
100. In its rebuttal testimony, the Applicant noted the 2014 Quadel Consulting and Training, LLC report, which was commissioned by the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") to review the existing New Communities Initiative and provide recommendations for moving that program forward. The Quadel report considered the issue of one-for-one replacement of unit types and noted that "it was not intended to entail the construction of housing developments that mirror the unit mix of the public housing" and went on to conclude that "it is generally not economical to build replacement four, five, and six bedroom apartments". The Applicant concurs with these conclusions. (Ex. 104.)
101. The Applicant also notes the national research that it found on this issue. The Applicant determined that multifamily housing providers across the country are not building four- and five-bedroom apartments. This is best articulated by the President of the National Multi-Housing Council, Douglas M. Bibby, who submitted a letter to the Commission in February 2015 where he stated that:

I am President of the National Multi-Housing Council ("NMHC") which is the largest trade association for the apartment industry. NMHC's members own and operate literally millions of rental apartment units across the country. NMHC is the primary resource for industry research, insight, analysis and expertise on

apartment industry issues. After due inquiry, I am not aware of any of our members building new 4BR and 5BR family apartments anywhere in the country. There are practical, social, market, and economic reasons why rental units of this type are not feasible and are not being produced by NMHC's members. (Ex. 104.)

102. The Applicant also identified its years of practical experience at Brookland Manor and other properties which has led it to the conclusion that the larger unit types (in the apartment flat configuration) are significantly impactful on the families who live there and the residents of the surrounding community. In many instances where there are more than six people occupying a one apartment flat, the housing configuration is not ideal in that there are relatively small common areas within the homes and those areas are inadequate in serving the educational, social, and emotional needs of family members. (Ex. 104.)

#### Creation of a Community Center on the Subject Property

103. The OP Supplemental Report requested that the Applicant provide an analysis of existing recreation centers and park/fields in the neighborhood and demonstrate that these would adequately serve the new residents. The Applicant's expert in architecture and urban planning noted that there are a number of recreation centers and recreation fields within a 10 minute walk of the Brookland Manor community, so the design of the community green was to create something that is different from the sports fields and recreation centers that are already available in the neighborhood. The Applicant's expert in architecture and urban planning concluded that the community green will be complimentary to the inventory of public spaces in the surrounding community and not the same as those existing public spaces.

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

104. 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 agrees with the Applicant's testimony and written materials that the development of the new Brentwood Village will be a transformative project that will benefit the existing Brookland Manor residents and members of the surrounding community. The Commission finds that the mix of retail and residential uses provided in this application, along with the mix of market-rate and affordable housing units provided in different residential unit types, the large public open spaces provided in the community green and the pedestrian walk, the significant infrastructure improvements proposed, and the high levels of urban design found in this project are properly deemed to be significant project amenities and public benefits. 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.

105. 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 urban design, site planning, infrastructure improvements, and the provision of housing and affordable housing. The Commission finds that the creation of a mixed-income and mixed-use project on the Subject Property will provide significant economic benefits to the District of Columbia as well as new housing and job opportunities to existing and future residents of the District.
106. The Commission credits the written submissions and testimony of the Applicant and OP that the proposed PUD and rezoning to the C-2-A and R-5-B Zone Districts are 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. This Commission has spent considerable time considering how its decisions are to be guided by the various maps, guidelines, policies, and elements that make up the Comprehensive Plan. This Commission has appropriately determined that the Comprehensive Plan provides it with a series of tools that help guide decisions regarding consistency with the Comprehensive Plan. The FLUM, the GPM, or specific elements and policies are not in and of themselves determinative of whether a project or proposed zone district is consistent with the Comprehensive Plan. Rather, the Commission looks at the Comprehensive Plan in its entirety. In this case, the Commission finds that the proposed PUD and related map amendment of the Subject Property to the C-2-A and R-5-B Zone Districts is appropriate given the FLUM designation of the Subject Property 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.
107. The Commission finds that the Applicant has adequately addressed all of the outstanding issues raised in OP's Supplemental Report. In particular, the Commission believes that the Applicant has appropriately addressed OP's issue regarding the need to include a recreation center or playing field on the Subject Property. The Commission agrees with the Applicant's desire to have the community green be reserved for a playground and more open, passive recreation spaces while encouraging the residents of the new Brentwood Village to go outside of their community to visit and use the existing recreation centers in the immediate 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, density, lot occupancy, parking, loading, yards, or 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 Commission notes the materials submitted by the Applicant which depict the project in the context of the surrounding neighborhood. Based on these materials, the testimony of the project urban planner and architect, and OP’s conclusions on this subject, the Commission finds that the proposed height and density of the buildings in the project will not cause a significant adverse effect on any nearby properties. The Commission notes that the second-stage PUD applications, which will provide greater architectural detail, will further allow the Commission to address any issues regarding impacts of the project.
7. The Commission finds the public benefits and project amenities provided by the project are significant and appropriate given the additional height and density that is granted by this first-stage PUD application. The Commission agrees with the Applicant’s conclusion that this will be a transformative project for the neighborhood. The creation of new retail uses along Rhode Island Avenue, N.E., including a grocery store, will bring positive economic activity and job opportunities to the area. The significant infrastructure improvements (including the public space improvements along Rhode Island Avenue,

N.E. that are not immediately adjacent to the Subject Property) proposed by the Applicant, the creation of large public open spaces, and the dedication of large amounts of private property for public purposes are appropriately deemed to be public benefits and project amenities of the project.

8. The Commission agrees with the Applicant's analysis that Brookland Manor does not currently include 535 "affordable" units, rather Brookland Manor includes 373 Section 8 units and 117 "market"<sup>4</sup> rate units with individual tenants paying their rents with supplemental financial assistance in the form of DC Housing Choice Vouchers. The Commission agrees that the Applicant's commitment to maintaining the Section 8 contracts in the new Brentwood Village is a significant amenity of the PUD project and protects the level of affordability which currently exists at Brookland Manor. At the end of the build-out of the new Brentwood Village community, the affordable units will be approximately 22% of the total number of units. The Commission finds that the Applicant's decision to retain the Section 8 contract on the Subject Property and provide 373 units of housing for residents who make significantly less than 50% of AMI is a significant project amenity of this first-stage PUD application.
9. In regard to the Residents Association's arguments that the Applicant should be required to provide four and five bedroom units in the project, the Commission notes the information that the Applicant submitted into the record regarding the existing demographics of the Brookland Manor residents that occupy the four- and five-bedroom units, the research that they undertook to determine that they are not aware of any development elsewhere in D.C. or in the entire country that includes four- and five-bedroom units in multi-family developments, the Quadel report which addressed the meaning of one-for-one replacement of units in New Communities projects, and the Applicant's own experience that larger unit types are significantly impactful on the families who live in those units and on the surrounding community. The Commission concludes that it is not necessary for the Applicant to include four- and five-bedroom units in the project.
10. The Commission regards the Applicant's tenant relocation and construction phasing plan as a commendable public benefit. The plan includes the following priorities: minimizing construction impacts to the residents and ensuring that a safe environment exists; managing the on-site relocation of residents to minimize the impact on educational, social, emotional and employment needs of individuals and families; building out the project's infrastructure in the most efficient manner possible; and phasing the improvements in a way that maximizes the project's ultimate success. The Commission also recognizes that the Applicant has committed to allow all households that reside at Brookland Manor at the commencement of the redevelopment in early 2018 with the

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<sup>4</sup> At the time of the public hearings in this case, there were 490 residential units that were occupied at Brookland Manor.



right to return to the new Brentwood Village community. The Commission notes that the Applicant's plan will require that most existing households will be relocated on site once prior to moving to a new building and that a few families may have to be relocated twice as dictated by available accommodations and construction scheduling. The Commission also notes that the Applicant's current plans do not contemplate off-site relocations during construction and the Applicant acknowledges that it is responsible for the payment of any costs or expenses associated with the relocation of tenants on-site or off-site. The Commission finds that the proposed tenant relocation plan and construction phasing plan appropriately addresses the concerns raised by the Residents Association and protects the rights of the existing residents of the Subject Property.

11. The Commission concludes that the Applicant's commitment to a LEED-ND Silver certification is appropriate at this point in the process of development of the project. The Commission does not find it necessary to require that each development parcel be designed to meet or exceed the quality and environmental standards set out in the AWDZ. In addition, the Commission does not find it necessary to require that the full development project satisfy the AWDZ stormwater management requirements. When each second-stage application is brought before the Commission, the Commission will review the sustainability measures proposed in that specific building or parcel.
12. The application seeks a PUD-related zoning map amendment to the C-2-A and R-5-B Zone Districts. The application also seeks limited flexibility from the Zoning Regulations regarding the timing of filing subsequent second-stage PUD applications. The Commission finds the requested relief to be minimal and allows for the creation of a project that has numerous benefits and amenities.
13. 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, Urban Design, Land Use, Environmental, Economic Development, and Transportation Elements. The PUD is also consistent with the more specific goals and policies of the Upper Northeast Area Element.
14. The Commission agrees with the Applicant's analysis that the mixed-use FLUM designation follows the existing land uses on the site, the mixed-use moderate-density commercial/moderate-density residential land use designation is located on the portion of the site that currently includes the strip shopping center, with the boundary of the mixed-use designation being the one block of 14<sup>th</sup> Street to the rear of that shopping center. The Commission agrees with the statements of the Applicant and OP that the FLUM is not a zoning map and is not parcel specific. The Commission finds that the proposed urban design and site planning of the project removes the one block of 14<sup>th</sup> Street right-of-way to create a completely new and safer site plan which allows for 15<sup>th</sup> Street to extend all

the way to Rhode Island Avenue. The Commission also agrees that the ability to extend commercial uses along the frontage of the proposed community green and along the northern side of Saratoga Avenue are significant benefits of the project, and will encourage a walkable neighborhood community. For these reasons, the Commission concludes that approval of this first-stage PUD and Zoning Map amendment application is not inconsistent with the FLUM designation for the Subject Property.

15. In regard to the Generalized Policy Map designation for the Subject Property, the Commission agrees with the Applicant's analysis that the existing Brookland Manor is in fact underutilized and more importantly of an era of urban design that has been shown to create unsafe environments for its residents. The Commission notes the submissions of numerous Brookland Manor residents and members of the community which stated that the existing land uses and community character should not be maintained, and that the planning process for the new Brentwood Village needs to occur with a sense of urgency. For these reasons, the Commission concludes that approval of this first-stage PUD and Zoning Map amendment application is not inconsistent with the Generalized Policy Map designation for the Subject Property.
16. The Commission is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)) to give great weight to the affected ANC's recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. D.C. Official Code § 1-309.10(d)(3)(A) and (B). As is reflected in the Findings of Fact, ANCs 5B and 5C voted to support the application with conditions. The Commission considered this advice and for each issue and concern discussed why the advice was or was not persuasive in Findings of Fact Nos. 75 through 79.
17. The Commission is also required to give great weight to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04). The Commission gives OP's recommendation to approve the application great weight, and concurs with OP's conclusions.
18. The PUD project and the rezoning of the Subject Property will promote orderly development of the Subject Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
19. The applications for a PU and related Zoning Map amendment are 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 the applications for first-stage review of a planned unit development and related Zoning Map amendment to the C-2-A and R-5-B Zone Districts for the Subject Property (Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel 143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7). 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 prepared by Perkins Eastman marked as Exhibits 76A-76M and supplemented by drawings submitted on June 8, 2015 as Exhibit 104A of the record (“Approved Plans”), as modified by guidelines, conditions, and standards herein.
2. The PUD shall be a mixed-use development devoted to residential retail, recreational, and other uses as shown on the Approved Plans. The total amount of gross floor area approved in the PUD project is approximately 1,928,303 square feet (approximately 1,746,459 square feet of residential gross floor area and approximately 181,844 square feet of retail gross floor area) and the project will have an overall density of 2.8 FAR.
3. The maximum building height on Blocks 1, 2, and 3 shall not exceed 65 feet. The maximum building height on Block 4 shall not exceed 60 feet. The maximum building height for the multi-family buildings on Blocks 5 and 6 shall not exceed 60 feet and the maximum building height for the townhouses on Blocks 5 and 6 shall not exceed 45 feet. The maximum building height for the buildings on Block 7 shall not exceed 60 feet. The maximum building height for the townhouses on Block 8 shall not exceed 45 feet.

### **B. PUBLIC BENEFITS**

1. For so long as the project exists, the Applicant shall provide the following affordable housing:<sup>5</sup>
  - a. If the Section 8 contract remains, the Applicant’s affordable housing obligations shall be as follows:

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<sup>5</sup> Although this condition assumes that the Zoning Administrator will approve a request of the Applicant made pursuant to 11 DCMR § 2603.3(f) to exempt the multi-family buildings from the Inclusionary Zoning Regulations set forth in Chapter 26, nothing herein shall be construed as a decision on the Commission’s part that such an exemption should or should not be granted.

- (1) There shall be at least 384 affordable units, of which 373 shall be Section 8 units and 11 shall be “inclusionary units” within the meaning of 11 DCMR § 2602;
  - (2) Of the 373 Section 8 units, 150 to 200 of such units shall be in the Senior Building, which shall contain no other type of unit;
  - (3) The remaining Section 8 units shall be in the multi-family buildings; provided that at least 10% of each multi-family building’s units shall be the Section 8 units; and
  - (4) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI;
- b. If the Section 8 program is abolished by the Federal Government or the contract is not renewed for the project and if a change in underwriting standards is approved, some form of property tax relief is granted for the units, and DC Housing Trust Funds are provided, the Applicant’s affordable housing obligations shall be:
- (1) The Applicant shall provide at least 340 affordable units of which 329 shall be non-IZ units reserved for households earning no more than 60% of AMI and 11 shall be “inclusionary units” within the meaning of 11 DCMR § 2602;
  - (2) Of the 329 non-IZ units, 150 to 200 of such units shall be in the Senior Building, which shall contain no other type of unit;
  - (3) The remaining non-IZ units shall be in the multi-family buildings; provided that at least 10% of each multi-family building’s units shall be non-IZ units; and
  - (4) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI;

- c. If the Section 8 program is abolished by the Federal Government, or the contract is not renewed for the project and if no change in underwriting standards is approved, no form of property tax relief is granted for the units, and DC Housing Trust Funds are not provided, the Applicant's affordable housing obligations shall be:
  - (1) The Applicant shall provide at least 340 affordable units of which 329 shall be non-IZ units and 11 shall be "inclusionary units" within the meaning of 11 DCMR § 2602;
  - (2) Of the 329 non-IZ units:
    - (A) 165 shall be reserved for households earning no more than 50% of AMI and 164 shall be reserved for households earning no more than 80% of AMI;
    - (B) 150 to 200 of the non-IZ units shall be in the Senior Building, 50% of which shall be reserved for households earning no more than 50% of AMI and 50% shall be reserved for households earning no more than 80% of AMI; and
    - (C) The remaining non-IZ units shall be in the multi-family buildings; provided that at least 10% of each multi-family building's units shall be non-IZ units. Within each multi-family building 50% of the non-IZ units shall be reserved for households earning no more than 50% of AMI and 50% shall be reserved for households earning no more than 80% of AMI; and
  - (3) The 11 inclusionary units shall be either townhouses or two-over-two units collectively constituting at least 10% of the residential GFA of the townhouses and two-over-two units. Six of the inclusionary units shall be reserved for households earning no more than the 50% of the AMI and five of the inclusionary units shall be reserved for households earning no more than 80% of the AMI.
2. The Applicant shall abide by the terms of the tenant relocation and construction phasing plan as detailed at Exhibit 104B of the record in this case.
3. The Applicant shall abide by the terms of the construction management agreement as detailed at Exhibit 23E of the record in this case.

4. The development of either Block 2 or Block 3 shall include a grocery store. **Prior to the issuance of a certificate of occupancy for any building on either Block 2 or Block 3**, the Applicant shall provide sufficient evidence to the Zoning Administrator that space has been reserved in either Block 2 or Block 3 for a grocery store.
5. The Applicant shall provide the Pedestrian Walk between Blocks 1 and 2 with the features stated at Exhibit 2, at page 10 and Exhibit 76A-76M, and the Community Green with the features stated at Exhibit 2, at page 13 and Exhibit 104.
6. The Applicant shall pay for sidewalk repaving at the following locations along the eastbound sidewalk of Rhode Island Avenue, N.E.:
  - a. Two locations between Washington Place, N.E. and 10<sup>th</sup> Street, N.E.;
  - b. One location between Bryant Street, N.E. and 12<sup>th</sup> Street, N.E.; and
  - c. Two locations between Brentwood Road, N.E. and Montana Avenue, N.E.
7. The Applicant shall pay for the restriping of the crosswalks located at the intersections of Rhode Island Avenue, N.E. and the following streets: 10<sup>th</sup> Street, N.E.; Bryant Street, N.E.; 12<sup>th</sup> Street, N.E.; Saratoga Avenue, N.E.; Douglas Street, N.E.; Brentwood Road, N.E.; 14<sup>th</sup> Street, N.E.; and Montana Avenue, N.E.
8. The Applicant shall pay for the ADA ramp reconstruction at the intersection of Rhode Island Avenue, N.E. and Bladensburg Road, N.E.
9. **Prior to the issuance of a certificate of occupancy for the buildings approved in the second-stage PUD application that includes buildings with frontage on Rhode Island Avenue, N.E.** the Applicant shall provide evidence that these improvements in public space have been made, as described in Condition Nos. B.6 through B.8.
10. The applicants in all second-stage PUD applications shall enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”).

**C. Second-Stage Applications**

1. In addition to the information requested by 11 DCMR § 2406.12, the Applicant shall submit the following with each second-stage application:

- a. Updated information regarding the phasing of the project, which shall include the approximate scheduling and development priorities at that time;
- b. For each second-stage application that includes a multi-family building, the following:
  - (1) A table showing the bedroom sizes and square footages for each unit type similar in format to the table in Exhibit 75A containing this information for existing units;
  - (2) For the affordable units the applicant shall:
    - (A) Indicate the number and location of the units; and
    - (B) Provide a table indicating the proposed unit sizes, number of bedrooms of each and the corresponding AMI level;
- c. For each second-stage application that includes townhouses or two-over-two units, the Applicant shall:
  - (1) Indicate the number and location of the inclusionary units; and
  - (2) Provide a table demonstrating the proposed inclusionary unit sizes, number of bedrooms of each, and the corresponding AMI level;
- d. For the second-stage application for the Senior Building the Applicant shall:
  - (1) Indicate the number of units; and
  - (2) Provide a table indicating the proposed unit sizes, number of bedrooms of each, and the corresponding AMI level;
- e. A progress report regarding the status of the tenant relocation process and construction phasing plan detailed at Exhibit 104B;
- f. A detailed description of the programs for children and seniors that will be provided in that project;<sup>6</sup>

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<sup>6</sup> The management of Brookland Manor currently provides its residents with a number of programs that are designed for the children and seniors that live in the community. The existing programs for children include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer

- g. A copy of the fully executed First Source Employment Agreement with DOES; and
- h. A progress report regarding the construction of the Pedestrian Walk and Community Green.

**D. Transportation Mitigation Measures**

- 1. The Applicant will abide by the following Transportation Mitigation measures:
  - a. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install a traffic signal at the intersection of Saratoga Avenue and Montana Avenue;
  - b. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2A**, incorporate 15<sup>th</sup> Street extended as the fourth leg of the intersection of Rhode Island Avenue with Brentwood Road;
  - c. During the second-stage PUD application for Phases 2A and 2B, work with DDOT and WMATA to relocate the bus stop, determine the need for separate right and left turn lanes on 15<sup>th</sup> Street extended, and determine if a left turn lane from Rhode Island Avenue onto 15<sup>th</sup> Street extended is necessary;
  - d. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install lane marking and striping changes at two intersections: Rhode Island Avenue and Montana Avenue, and 18<sup>th</sup> Street and Montana Avenue;
  - e. **Prior to the issuance of a certificate of occupancy for the buildings constructed in Phase 2B**, install lane markings, striping, and signing improvements as needed to establish an official bike route between 12<sup>th</sup> Street and 18<sup>th</sup> Street through the site; and
  - f. Coordinate with DDOT during all second-stage PUD applications on the following issues:
    - (1) Amount and size of loading facilities;

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camp, and meal programs to ensure that no child goes home hungry. The seniors programs include periodic brown-bag lunches and other events designed to bring Brookland Manor's senior community together. The Applicant has agreed that these programs will be retained and enhanced in the new Brentwood Village community.



- (2) Maneuvering analyses of trucks to and from loading facilities;
- (3) Amount of off-street parking (this may require an inventory and occupancy count of on-street facilities to help determine the appropriate amount of parking and potential spillover impacts);
- (4) Layout of internal streets, including curbside management;
- (5) Transportation Demand Management plans for each building;
- (6) Amount of secure off-street bicycle parking in each building;
- (7) Locations and amount of on-street bicycle racks; and
- (8) Locations for Capital Bikeshare stations.

**E. MISCELLANEOUS**

1. The Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (“DCRA”) shall not issue any building permits 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, 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 Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The change of zoning from the R-5-A and C-2-A Zone Districts to the C-2-A and R-5-B Zone Districts shall be effective upon the recordation of the covenant discussed in Condition No. E.1, pursuant to 11 DCMR §3028.9.
3. The first-stage PUD shall remain valid until August 1, 2023 provided that a second-stage PUD application for the construction of the Senior Building is filed no later than one year from the effective date of this Order. The filing of each second-stage PUD Application and the Commission’s approval thereof will vest the Commission’s approval of Z.C. Case No. 14-18, with respect to the property that is the subject of the second-stage application, even if other second- stage applications are not filed by the expiration date.
4. 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.

5. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On June 29, 2015, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, 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 September 10, 2015, upon the motion of Commissioner Miller, 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, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen to adopt by absentee ballot.)

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 November 6, 2015.

  
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**ANTHONY J. HOOD**  
CHAIRMAN  
ZONING COMMISSION

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