ARNOLD & PORTER LLP

Nathan W. Gross
Zoning and Land Use Specialist
Nathan_Gross@aporter.com
Not Engaged in the Practice of Law

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

October 6, 2006

Carol J. Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RE: Zoning Commission Case No. 04-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans and Information

Dear Ms. Mitten and Members of the Commission:

At the September 11, 2006 meeting the Zoning Commission requested responses to a number of design and circulation issues to be addressed prior to setting the above-cited case down for public hearing. The applicant's design and consultant team has attempted to respond in detail to these requests, in the written responses below and in the attached civil, architectural and landscaping plans and exhibits to this transmittal letter.[1] At the September meeting, the Commission also invited the applicant to make a presentation to the Commission at the "setdown" meeting following submission of this material. The applicant would be pleased to avail itself of this opportunity.

I. DESIGN

A. ***Elevations*** – Concern that elevations are too monotonous

1. In response to these concerns, the developer has made numerous design improvements:
- Addition of shutters
- Addition of variation in window munton patterns
- Addition of arches to window trim
- Redistribution of stone to highly visible areas
- Addition of variation in Hardie plank widths

[1] Also attached is the applicant's list of witnesses and summary of testimony and the estimated time required for presentation of the applicant's case at the public hearing.

• On the western end of the Rhode Island elevation, paneling has been extended to the base in order to give the area a more residential feel. Bamboo screening has also been added.

2. We have also improved our architectural plans in order to better represent how the development will actually look:

• All elevations and landscaping plans are provided in color.

• Rooflines are rendered more subtly since they will not be seen by anyone at street level. Exhibit A provides an example of a similar building in order to illustrate how rooflines are not seen.

• Shadow lines are emphasized in order to show the variation in depth between alternating sections of the buildings.

• Balconies are rendered more prominently.

• Landscaping has been depicted throughout the architectural plans.

• The slope and stairs at the western end of Rhode Island have been illustrated in order to provide context for the building.

B. ***Garages*** – Concerns that Sheet A.2.2 shows a bare, exposed, concrete garage and that A.2.4 shows an undefined building connector over the entrance to Garage 2

1. A.2.2 – Garage 1 as seen from rear of site. Two modifications have been made:

• The design of the garage exterior has been improved to include texture, color and grills that add to the character of the project buildings.

• The elevations have been corrected to accurately reflect the building configuration – only half as much of the garage as was originally rendered actually shows.

• Exhibit B also provides a photograph of a similar residential building with a garage attached.

2. A.2.4 – Garage 2 as seen from Metrorail

• The design of the garage exterior has been improved to include texture, color and grills that add to the character of the project buildings.

3. A.2.4 – Garage 2 entrance as seen from Main Street

• The connector that runs over the garage entrance between the two portions of Residential Building 2 has been detailed to match the character of the rest of the building.

• Shadow lines have been enhanced in order to better represent the substantial depth (___ feet) of the garage entrance itself.

C. ***Materials*** – Concern about quality of materials

1. Plan revisions – The architectural plans have been corrected to accurately show the materials that will be used in this development. Neither stucco nor vinyl siding should have been shown as they are not included in the development.

2. Exhibit C provides photographic examples of Hardiplank/panel and cultured stone in other, generally similar projects.

3. More information about Hardie products: Hardie is a fiber cement technology made from a combination of cellulose fiber material, cement and silica sand, water and other additives that offers several key advantages:

- It offers the look of wood without the maintenance problems that natural wood presents.
- It comes with a 15-year finish warranty.
- Because it is high density, it does not warp, crack or rot; is impervious to insects and hail; and will not burn.
- Hardie products are categorized as green building materials not only because they require little maintenance, but also because they are manufactured with renewable resources.
- Hardie siding can be produced in varying widths in both plank and panel styles – this development takes advantage of these variations.

4. More information about cultured stone: cultured stone is a manufactured stone veneer that offers several advantages:

- It offers rich look of natural stone but is lightweight, easier to install and typically more economical.
- Because it is cast from thousands of individual molds, repetition is eliminated.
- It lasts as long as any quality concrete or masonry material, carrying a 50-year warranty.
- It is virtually maintenance-free.

D. ***Building 2 Plaza*** – Sheet A.1.4 – Concern about appearance of this plaza

1. This plaza is located on the roof of the anchor retail space built into Building 2. It will be visible to the 2nd – 4th residential level units with window openings out onto the roof. The developer has added designs for a green roof at this location in the landscaping plans. The plaza offers a beautiful amenity to residents. 2nd floor residents will even enjoy patios that look out over the green roof.

2. Exhibit D provides a photographic example of a similar green roof.

E. ***Condenser grills*** – Concern about the appearance of the condenser grills

1. The architectural renderings have been corrected to more accurately represent how the condenser grills will look in reality. They will be painted to match exterior colors and will not be a prominent feature.

2. The HVAC system was selected for its energy efficiency and green-building qualities. The HVAC is a 13 SEER split system that is energy efficient. The air-handling unit is centrally located in each apartment to minimize duct runs and the condensing unit is also located in the apartment, venting through a grill to the outside. This system means that the copper runs from the air handling unit to the condensing unit are shortened to less than 30 feet from lengths that otherwise would average more than 100 feet from air handlers to condensers located remotely on the ground or roof. As a result, less refrigerant and less copper tubing are required and less energy is utilized in moving the refrigerant from the air handler to the condensing unit. This solution enhances energy efficiency and minimizes the use of non-renewable natural resources, thereby helping achieve green building objectives.

3. Exhibit E provides a photographic example of subtle condenser grills that do not detract from the architectural quality of the building.

II. CIRCULATION

A. ***Pedestrian Environment*** – Concern that Main Street carries all modes of traffic, creating an unfriendly pedestrian environment

1. The developer has revised the civil plans to provide significantly more information in order to show that the circulation plan is both highly functional and friendly to pedestrians:

- Each type of traffic is shown on an individual color sheet in order to illustrate flow.
- Each page provides the rate of the individual type of traffic per hour, in AM and PM peak hours and in off peak hours. It is especially important that:

+Commuters using the WMATA garage arrive between 5:30 and 7:00 a.m., by which time the garage will be full on workdays. The perimeter road is the primary access.

+Commuter vehicle departures from the garage are staggered in the afternoon, from 2:30 - 5:00 p.m.

+Truck deliveries will be few and will be scheduled in off-peak periods. Most deliveries will be by van and single-unit trucks. Tractor trailers can use the two loading docks,

+With no office space in the development, no office commuters will be entering and exiting the site.

+The retail stores will open after the critical a.m. peak commuting period.

+The number of buses in peak hours is controlled to an acceptable level by the bus schedules and by the limited number of bus bays. WMATA schedules indicated 45-55 buses in the peak hour.

+Mode split projections indicate that approximately 60% of on-site employed residents will commute by Metrorail station. The number of outbound vehicular trips by residents is thus relatively minor.

+Traffic calming devices will include traffic signals, stop signs, crosswalks and speed bumps, as well as low speed limits. All-way stop signs will be provided, and the internal intersection closest to the station will be signalized.

+Highest pedestrian volumes are from the northwest (via pedestrian bridge over Rhode Island Avenue to the station with no vehicular interface) and northeast, using traffic signal and cross walks at the access road. The postal facility to the south has a separated pedestrian path.

- The pedestrian circulation plan has been revised to include every pedestrian path internal to the site, but also into/out of the site from the surrounding area. Pedestrian movements between the PUD site and the adjacent shopping center will be either at the signalized intersection or via sidewalks along the perimeter road.
- The combined traffic circulation plan includes a graph that illustrates the distribution of each type of traffic during the peak pedestrian hours, when the potential for pedestrian and vehicular traffic conflicts would be greatest.

B. ***Animated Traffic Simulation.*** Beyond showing the pattern and volumes of the various types of traffic, a simulation has been prepared for the combined traffic. This uses the SYNCHRO simulation software package. This package allows for an operational display of the

traffic volumes within the site environment. The package also computes levels of service and other measures of effectiveness for comparison with "industry-wide" and City standards.

C. ***Garage 2 Access from Main Street.*** Additionally, to respond to the specific question regarding the location of Garage 2 along Main Street, this decision was made for several reasons:

- It is not possible to develop an entry to Garage 2 along Rhode Island Avenue due to the level and speed of the traffic, coupled with the steep grade of Rhode Island Avenue. Additionally, because Rhode Island Avenue is a federal highway, only a right-in, right-out traffic pattern would have been possible, which severely impacts the traffic on Rhode Island and would not work for traffic exiting the garage.
- The garage serves several functions – retail, residential and shared commuter parking, as well as loading for some of the retail space and taxi queuing areas. Many of these uses need direct access from Main Street.
- Speeds along Main Street are posted at 15 MPH, creating a slow and controlled access point to and from the garage that easily meets safety standards for urban traffic design

III. MASSING MODEL/PERSPECTIVES/RENDERINGS

In order to better illustrate the proposed development of the site, the developer has commissioned three types of models that will be shown during the set-down meeting and the public hearing.

A. ***Digital Massing Model*** – Exhibit F is an example of a digital massing model shown from "Aerial" and "Medium Height" perspectives. We will provide these models from the following vantage points:

- Entering the site from Rhode Island Avenue (Rhode Island Avenue from the east)
- Rhode Island Avenue from the west
- The commuter road (along the southern perimeter of the site) from the west
- The commuter road from the east
- Main Street from the Metrorail platform (from the west)
- Main Street from the east

B. ***Detailed Environment Illustrations (Renderings)*** – Exhibit G is an example of a detailed environment illustration rendered at street level. We provide these from the vantage points listed above, as well as the following:

- Looking into the Building 1 amenity/pool area
- Turning left into the site (facing south)
- Standing in the middle of Main Street across the Garage 2 entrance

C. ***QTVR Files*** – moving 360-degree panoramic views from several of the Detailed Environment Illustrations listed above – because they require special software, they will be shown during the hearing.

D. ***Scale Model*** – Exhibit H is an example of the kind of physical scale model that we will present during the hearing.

IV. PARKING

Concern regarding overparking – The Commission expressed concern that the project may be overparked, particularly for the residential units.

A. WMATA Requirements:

- The full parking breakdown for the project is shown on Exhibit I.
- Based on Federal Transportation Administration (FTA) regulations, the Washington Metropolitan Area Transit Authority (WMATA) is requiring one-for-one replacement parking in the new development, for a total of 387 Metrorail parking spaces.
- The applicant's plan accommodates these spaces through 234 spaces that are designated for Metrorail users only (predominantly located in the WMATA Garage and Kiss-N-Ride parking spaces). The balance of spaces (153) are provided through Shared Parking: 13 Retail/Metrorail shared spaces on Main Street and 140 Residential/Metrorail shared spaces in Garages 1 and 2.

B. Retail Requirements:

- Retailers typically prefer a minimum ratio of 4-5 parking spaces per 1,000 sf of retail space. Recognizing the transit-oriented nature of this development, we reduced the ratio to 3 parking spaces per 1,000 sf for a total of 210 retail spaces (located on Main Street and on the first levels of Garage 1), 13 of which are shared with Metrorail riders.
- All retail spaces will be controlled by short-term meters.

C. Residential Requirements:

- Our Residential Property Manager (Riverstone Residential) has advised us that a typical downtown parking ratio should be no less than 1.0 (parking spaces/units). This project has a total of 301 parking spaces available to residents. Subtracting the 140 spaces that are shared with Metrorail, however, there are only 161 spaces designated for Residential users only. This results in a ratio of only .59, which is as low as our Property Manager believes to be marketable.
- The Residential/Metrorail shared spaces and Residential Only spaces will be controlled by a parking pass system.

V. COMMUNITY RETAIL

The Zoning Commission expressed concern that he 10% of retail space for community uses will be offered at market rent.

The offer of the local retail opportunity was purely voluntary by the development team. It was not a community request, nor was there any consideration given to this initiative by WMATA in terms of reduced land value or other concession.

The concept was to afford opportunities to established businesses with long-term track records in the community who had never been able to participate in a Class A retail center because they are not credit tenants or national tenants and therefore could not meet traditional underwriting standards. Special underwriting will apply to the retailers to allow them to participate and to ensure that they have a place in the community. These considerations will likely be reflected in

their overall lease terms and tailored to the individual tenant. They typically translate retail rent discounts not typically available to retailers other than national tenants, depending on the market and specific underwriting.

In addition to the retail opportunity, 20% of the residential rental units are being set aside for low income residents, which is well above the inclusionary zoning requirements of the city. The developer has evidenced a strong and proven commitment to the community.

We hope these responses and plans fully respond to the Commission's concerns expressed in September.

Sincerely,
ARNOLD & PORTER LLP

Nathan W. Gross, AICP

Cynthia A. Giordano

Enclosures

SUMMARY OF APPLICANT'S TESTIMONY

Zoning Commission Case No. 04-24
Rhode Island Avenue Metro PUD - Second Stage

Project Overview and Background:

Vicki S. Davis, President, Mid-City Urban, LLC

Anthony Jutchess, Kapres Meadows, Development Managers, A & R Development Corporation

I. Summary Background on the Owners and Applicants
II. Evolution of the Project, First Stage to Second Stage PUD (General)
III. Development Planning, Financing, Timetable
IV. Community Involvement in PUD Planning

Architecture, Site Planning, Landscape Architecture:

Scott Delgado, Civil Engineer, Bowman Consulting Group, Ltd.

Steve Gang, Architect, Lessard Architectural Group, Inc.

Joseph J. Plumpe, R.L.A., Studio 39, Landscape Architects:

I. Presentation of the Site Plan and Architectural Plans for the PUD
II. Landscape Plan
III. Building Materials

Traffic and Parking:

Osborne George, Principal, O.R. George & Associates, Inc., Transportation Planning & Engineering Consultants

I. Presentation of the Circulation Plan for the Site
II. Parking Supply and Analysis
III. Conclusions

Arnold & Porter, Land Use Counsel

Cynthia A. Giordano, Attorney
Nathan W. Gross, AICP, City Planner

Estimated Time to Present Case: 60 minutes

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

EXHIBIT A – ROOFLINES

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

EXHIBIT B – GARAGE ATTACHED

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans Information

Exhibit I - Parking Breakdown

Total Parking Provided

Location	Use	Type	PUD II	
WMATA Garage	Metro	WMATA Long Term	200	
Surface	Retail	Private Retail Main Street Short Term	29	
	Retail/Metro	Private Shared Main Street Short Term	13	
		Private Shared Perimeter Short Term	14	
		Private Shared Taxi	6	
	Metro	WMATA Kiss-N-Ride	14	
			76	
Bldg. 1 Garage	Residential/Metro	Private Shared Long Term	32	*127.66' Level*
			38	*2nd Residential Level (lower)*
			70	
	Residential	Private Residential Long Term	19	*2nd Residential Level (higher)*
			58	*3rd Residential Level*
			77	
			147	Bldg. 1 TOTAL
Bldg. 2 Garage	Retail	Private Retail Short Term	44	*Main Street Level*
			32	*127.66' Level*
			77	*2nd Residential Level*
			15	*3rd Residential Level (lower)*
			168	
	Residential/Metro	Private Shared Long Term	62	*3rd Residential Level (higher)*
			8	*4th Residential Level (lower)*
			70	
	Residential	Private Residential Long Term	71	*4th Residential Level (higher)*
			13	*Roof Level*
			84	
			322	Bldg. 2 TOTAL
TOTAL			745	
			161	RESIDENTIAL ONLY

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans Information

Parking Needs

Use	Spaces Required	Rationale	Spaces Provided	Notes
Metro	387	Per proposed agreement with WMATA, 200 Metro spaces in Metro garage; 13 Retail/Metro Shared Main Street surface parking; 14 Retail/Metro Shared Perimeter surface parking; 6 Retail/Metro shared taxi surface parking; 14 Metro Kiss-N-Ride surface parking; 70 Residential/Metro shared spaces in Bldg. 1 Garage; 70 Residential/Metro shared spaces in Bldg. 2 Garage	387	
Retail	210	3 spaces to every 1,000 SF of retail (total 70,000 SF retail) - 29 Main Street retail surface parking; 13 Main Street retail/metro shared surface parking; 168 Retail short term spaces in Garage 2	210	3:1000 (parking:sf) is the lowest marketable ratio for retail parking, particularly when restaurant uses are included. Subtracting Retail/Metro shared spaces, the project has only 197 Retail Only spaces, for a slightly lower ratio
Residential	274	Minimum 1 space to every 1 unit (total 270 units - 126 in Bldg. 1 & 145 in Bldg. 2); 147 long term spaces in Garage 1 (70 shared with Metro); 154 long term spaces in Garage 2 (70 shared with Metro)	274	1.0 (parking/unit) is the lowest marketable ratio for residential parking. Subtracting Residential/Metro shared spaces, the project has only 161 Residential Only spaces, for a ratio of 0.59.
	871		871	
*Subtract Spaces Shared w/ Metro**	*(153)*		*(153)*	
TOTAL	718		718	

**140 Residential/Metro shared spaces; 13 Retail/Metro shared spaces*

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

EXHIBIT C – HARDIE PLANK & CULTURED STONE

Exhibit C, 1

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

Exhibit C, 2

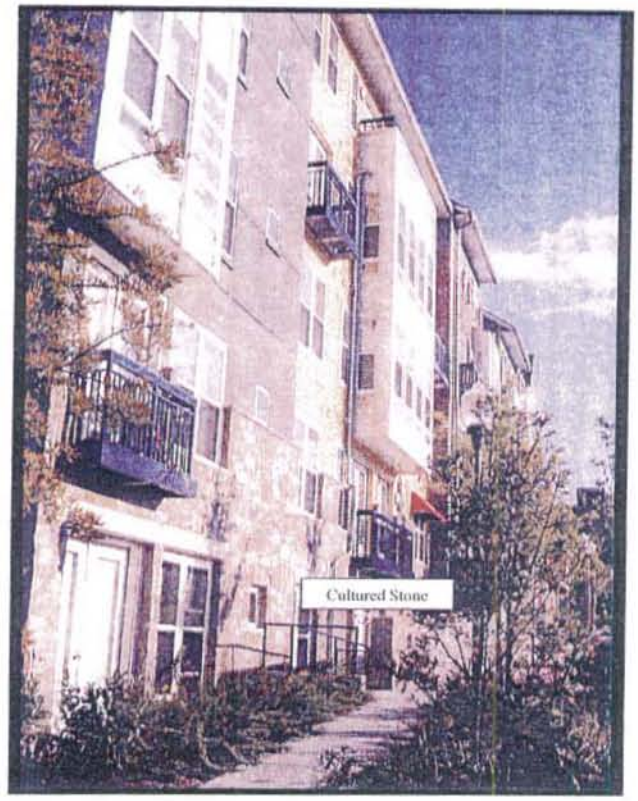


Exhibit C, 3

Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

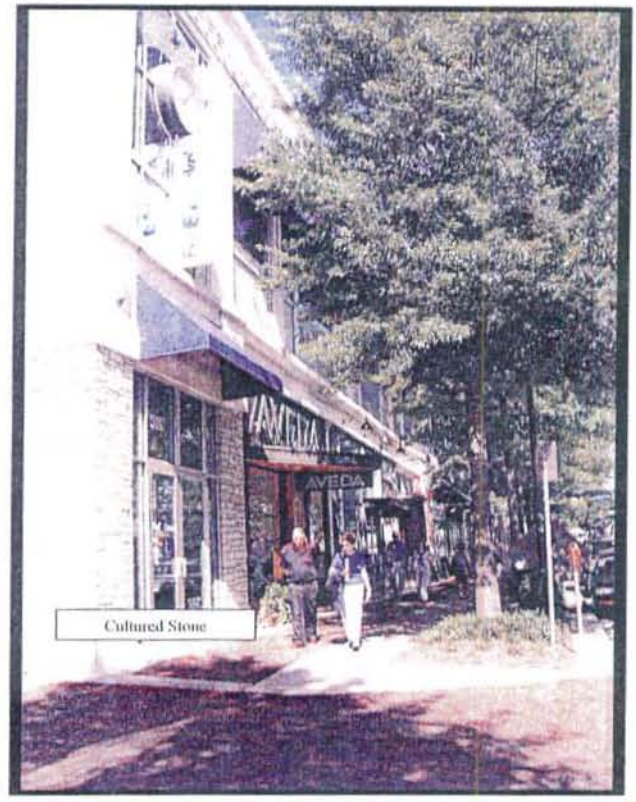
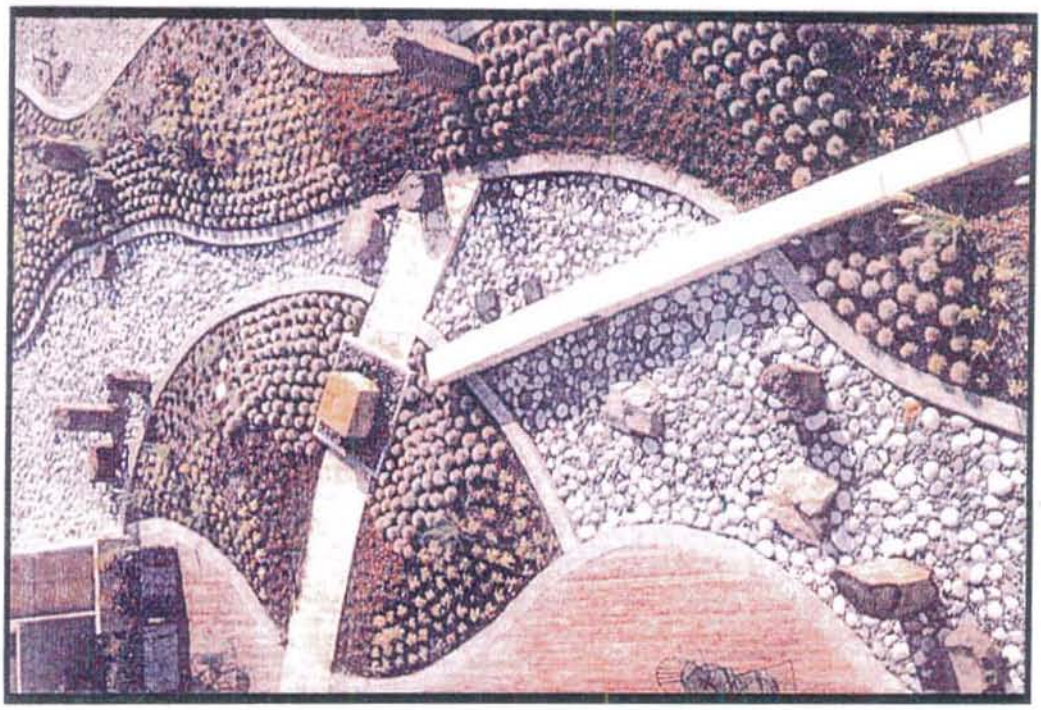


Exhibit C, 4

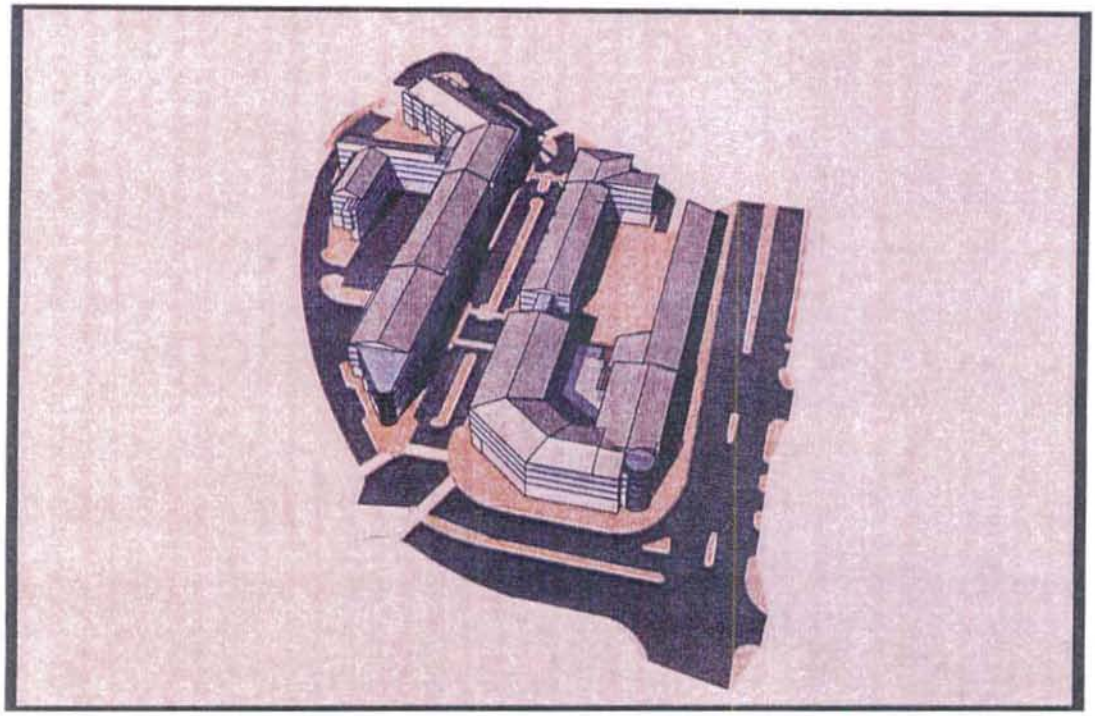
EXHIBIT D – GREEN ROOF EXAMPLE



Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

EXHIBIT E – SUBTLE CONDENSER GRILL

EXHIBIT F – DIGITAL MASSING MODEL EXAMPLE



Zoning Commission Case No. 02-24
Rhode Island Avenue Metro, 2nd Stage PUD
Supplemental Plans & Information

EXHIBIT G – DETAILED ILLUSTRATION EXAMPLE

EXHIBIT II – SCALE MODEL EXAMPLE