

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: *HSF*
Helen Fregoning,
Director

DATE: February 16, 2007

SUBJECT: Final Report on Zoning Commission Case No. 04-24, a Second Stage Application for a Mixed-Use Planned Unit Development on Property Located Immediately East of the Rhode Island Metro Rail Station located at 919 Rhode Island Avenue, N.E. (Parcel 131, Lot 233 and portions of Lots 234 and 235)

APPLICATION

Mid-City Urban LLC and A&R Development Corporation, the applicants, request Zoning Commission approval of a Planned Unit Development (PUD) 2nd-Stage application for the subject property. The applicant entered into a long-term ground lease and development agreement with the Washington Metropolitan Area Transit Authority (WMATA), owner of the property, to construct a mixed-use apartment development with ground-floor retail lease space and garage parking in the existing commuter parking area immediately east of the Metro rail station

RECOMMENDATION

The Office of Planning (OP) recommends approval of this 2nd Stage PUD application subject to any recommendations from the D.C. Department of Transportation and conditions that the signed Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") be added to the public record, and the locations of the proposed affordable units in this development be identified prior to final action by the Zoning Commission.

ZONING COMMISSION
District of Columbia

CASE NO. 04-241

EXHIBIT NO. 21

ZONING COMMISSION

District of Columbia

CASE NO. 04-24A

EXHIBIT NO. 21

AREA DESCRIPTION

The existing Rhode Island Metro rail station property is developed with an above-grade station building, a 340-space paved commuter parking lot, 47 short-term “kiss and ride” spaces and a loop road that begins and ends at Rhode Island Avenue, N.E. There is also an undeveloped, wooded hillside in the southwest corner of the property.

According to the plat submitted with this application in the refined development plan set (revision date December 13, 2006), WMATA plans to subdivide the station property into 3 A & T lots: lot 1 (Parcel 131 lot 220 and lot 221 portions) with approximately 134,000 square feet and lot 2 (most of remaining portions of the reference parcel lots) with approximately 167,700 square feet, will encompass the station, most of the loop road and commuter parking lot. A & T lots 1 and 2 make up the PUD that totals 302,000 square feet or 6.93 acres. The Zoning Map Amendment related to the 1st Stage approval rezoned this site from General Industrial (M) to a Community Business Center (C-2-B) zone district.

The 66,511 square feet of A & T lot 3 (Parcel 130 lot 61 portion and portions of Parcel 131 lot 221) includes the wooded hillside southwest of the rail station, loop road and curve abutting the bus parking area. This lot will remain in an M district and the applicant will develop a 215-space garage (previously 200 spaces) for WMATA to partially replace parking spaces eliminated by planned PUD construction in the existing commuter lot.

Surrounding development consists of automotive uses and light-industrial buildings to the north across Rhode Island Avenue, the enormous Brentwood Postal distribution facility atop the hill to the south and the Brentwood Shopping Center atop the hill to the southeast. The WMATA lots and the surrounding property south of Rhode Island Avenue are located in an M zone district (please refer to Exhibit 1).

BACKGROUND

PUD 1st Stage approval was subject to conditions in Zoning Commission Order 04-24 adopted on September 15, 2005 and listed in Exhibit 5. The 2nd Stage PUD application was set down on October 16, 2006. OP previously determined the applicants’ submission generally complied with requirements of the Zoning Regulations and referenced order, and noted applicant responses to Commission requests made during its previous meeting on September 11, 2006. OP also noted that the following additional information was needed:

- a plan showing the location of critical slopes on the site and the dimensions of open space and common areas required per Order 02-24;
- a proposed grading plan including the location of retaining walls;
- further explanation how shared-parking resources would be allocated on a daily basis between WMATA commuters, retail clientele and residents;
- details about how the proposed community business amenity would be implemented;

- documentation that both the WMATA real estate and operations divisions consider the current proposal sufficient to meet their differing requirements;
- options for keeping commuters informed of the availability of long-term parking onsite; and
- a signed Local and Small Disadvantaged Business Enterprise (LSDBE) Memorandum of Understanding for this project.

While acknowledging applicant responses to its questions, the Commission was concerned that:

- the proposed traffic circulation plan appeared to lack sufficient detail to explain how bus, other vehicular and pedestrian circulation will work together; and
- the planned lane configuration of the loop road could be insufficient to accommodate anticipated peak pedestrian/commuter/resident traffic.

The Office of Planning has also continued to work with the applicant to refine the project architecture. Applicant responses to the additional issues and concerns are highlighted below.

CURRENT PROPOSAL

In light of previous comments from the Zoning Commission, OP and the community, the submitted plans reflect the following refinements.

Project Bulk

The project bulk remains generally consistent with that previously approved. The development would consist of two buildings: Building No. 1 between the planned Main Street and the existing loop road would be 4-storys in height with approximately 22,400 square feet of ground level retail lease space, 6,700 square feet of lobby and residential amenity space, and 148,700 square feet of residential floor area on all floors. The referenced development would also encompass a 4-story parking Garage No. 1 and an outdoor pool recreation amenity. Building No. 2 north of the planned Main Street would extend 5-storys above Main Street with a lower level that actually fronts Rhode Island Avenue. It would have approximately 47,600 square feet of ground (and street) level retail lease space, 1,400 square feet of lobby and other residential amenities, and 164,700 square feet of residential floor area. This building would encompass a 4-level parking Garage No. 2 with parking on the roof.

In total the current plans would develop a total of 560,800 square feet providing approximately 70,000 square feet of retail lease space on the ground floor level, 321,500 square feet of residential uses and 169,200 square feet of structured parking. Proposed construction would equal a floor area ratio (FAR) of 1.52 and not exceed a height of 55 feet measured from the middle of the Rhode Island Avenue frontage.

The referenced retail lease space would extend along both sides of the Main Street, and would wrap around Building No. 2 and the entrance driveway from Rhode Island Avenue, N.E. (Washington Place). Approximately 8,400 square feet of the retail lease space would actually

front on the avenue. The rest of the avenue frontage would be developed with residential uses instead of business incubator, community use and artist studio spaces proposed under the First Stage. *OP supports this change because the residential uses and retail space better animate the project frontage along the avenue level. Note that this façade would be further enhanced by more points of direct pedestrian access from Rhode Island Avenue into the project.*

Residential floor area in both buildings would provide 270 dwelling units, a slight reduction from the 274 dwelling units originally proposed. The change reflects the applicants' estimate of unit loss during the preparation of final construction drawings. The unit mix would include 126 one-bedroom, 134 2-bedroom and 14 3-bedroom units with 54 units (20% of the total) being affordable to low- and moderate-income households including units family with incomes at 50% of the Metropolitan area median income (AMI). In response to an OP request, the applicant provided a summary of the affordable units by type (summarized below):

Unit Mix ¹	Sq. Ft./ Unit	# Market Rate Dwelling Units	# Affordable Dwelling Units	Totals
A1-1 BD - 1 BA	715	79	19	98
A2-1 BD - 1 BA-lg	850	5	1	6
B2-1 BD - 1 BA-lg	855	11	3	14
B4-1 BD - 1 BA-Den	931	2	1	3
B5-1 BD - 1 BA-Den	1,034	3	0	3
B6-1 BD - 1.5 BA-Den	1,054	3	0	3
C1-2 BD - 2 BA	1,041	70	18	88
C2-2 BD - 2 BA	998	19	5	24
C3-2 BD - 2 BA	1,119	2	1	3
C5-2 BD - 2 BA	987	2	1	3
C6-2 BD - 2BA	1,121	3	0	3
D2-2 BD -2 BA-Den	1,351	6	2	8
F1-3 BD -2 BA	1,365	5	2	7
F2-3 BD - 2 BA	1,431	3	0	3
F3-3 BD - 2 BA	1,452	3	1	4
<i>Total Units</i>		<i>216 (80%)</i>	<i>54 (20%)</i>	<i>270 (100%)</i>
<i>Total Residential Area</i>		<i>201,253 sq. ft.</i>	<i>50,649 sq. ft.</i>	<i>251,902 sq. ft.</i>
<i>Average Unit Area</i>		<i>932 sq. ft.</i>	<i>938 sq. ft.</i>	<i>933 sq. ft.</i>

Note that the affordable units are generally reflective of the overall range of dwellings types and sizes that would be offered, and the average affordable unit size is actually larger the average

¹ Legend: BD – bedroom(s); BA – bathroom(s); BA – lg – bathroom(s) in large unit; BA – Den – bathroom(s) and den

size of all units. *In response to a staff inquiry, the applicant confirmed all affordable units would be affordable to families earning 50% of AMI. OP considers the number, average size and range of affordable unit to be a strong amenity.*

Project Architecture

In response to previous requests from OP and the Commission, the applicant has provided a number of improved plans and illustrations summarized in a letter to the Commission dated October 5, 2006:

- color renderings of the proposed building plans and facades;
- detailed building elevations that better illustrate “... the variation in depth between alternating building sections of the (proposed) buildings;”
- additional façade details such as window muntin patterns, shutters and balconies, and more accurate renderings of the HVAC grills;
- proposed site landscaping on every plan sheet and the stairway from Rhode Island Avenue to the WMATA Metro rail station to help orient certain plans;
- plans for Garage No. 1 that reflect exterior changes and corrections needed “... to accurately reflect the building configuration;” and
- views of Garage No. 2 as seen from the Metro rail station and Main Street.

Regarding proposed construction materials, additional submissions included:

- a more accurate depiction of the materials planned for use such as Hardieplank/siding and elimination of any reference to stucco and vinyl siding, materials that will not be used;
- eliminated any reference to vinyl siding and explained the quality and environmental benefits of Hardiplank/panel and cultured (artificial) as stone building materials; and
- further explanation of the benefits of the proposed HVAC system.

Plans also provide details of the “green roof” planned for open plaza atop Building 2. The current plans also reflect the following refinements:

- alternating building depths (set-backs and bump-outs), using a variety of colors, materials, window muntin patterns and ornamental elements, and variation in Hardie plank widths to better animate the long building facades;
- greater attention to the architectural character of garage exteriors, as well as the prominent Garage No. 2 entrance off of Main Street;
- commitment from the applicant that a minimum of 60% of the 2nd level plaza in Building No. 2 will be reserved as passive green roof space; and
- a more accurate depiction of the condenser grills on building elevations and explanation that the environmental benefits of not required longer runs on copper utility service lines.

The applicants request the flexibility to add limited walking trails and seating to the balance of the plaza area.

In response to an OP suggestion, the applicant also refined the architecture of the building masses at the east end of Building No. 1 and the east and west ends of Building No. 2 to be more cohesive and thus visually anchor these long buildings. *OP supports these changes to the building architecture, and suggested the applicant also consider incorporating a green roof or landscaping on the top levels of both parking garages.*

Resident and Visitor Parking

The parking solution for this project is complicated by the requirement that the applicants also provide sufficient commuter parking to service the adjacent Metro rail station outside the PUD boundary. Garage parking spaces to be provided within the PUD would total 469 spaces with an additional 42 metered spaces available along Main Street (an increase of 1 space from the 1st Stage) for a total of 511 spaces. As described in the Supplemental Submission document dated February 6, 2007, the current parking plan, approved through the developer's Shared Parking Agreement with WMATA, requires the provision of 161 Residential-Only parking spaces in Garage Nos. 1 and 2 to serve the 270 dwelling units (a 0.6 space per unit ratio) along with 140 shared spaces for tenants and Metro commuters. The project would also provide 197 Retail-Only spaces in Garage No. 2 and along Main Street for the 70,000 s.f. of retail space, a ratio of 2.8 spaces per 1,000 s.f. of floor area.

Regarding management of resident spaces, the applicants explained that tenants would have the option to either: 1) lease a Resident-Only parking space along with an apartment; 2) pay for a license allowing them to search for a shared parking space that is vacant; or 3) not park on-site. Metro commuters would have priority relative to the use of the shared parking.

At the community's request the applicant also agreed to:

- lease the 140 shared parking spaces at the Metro parking rate instead of market rate;
- increase the maximum term of parking at the 168 short-term metered spaces in Garage No. 2 from 2 to 4 hours to accommodate Metro riders who do not anticipate needing to park all-day; and
- extend the timeframe that shared parking spaces would be available to Metro riders from 7:30 A.M. to 5:30 P.M. to 7:30 A.M. to 10:00 P.M.

These changes were requested so the shared parking spaces would continue to be as attractive to commuters as leased parking spaces in adjacent the WMATA Garage.

It should be noted that 44 additional metered spaces proposed in the southern portion of the loop road under the 1st Stage have been removed to improve vehicular circulation (refer to the Vehicular Circulation section below). The plan also provide 14 "Kiss & Ride" spaces (a reduction of 1 space) and 6 taxi drop-off spaces for the rail station (an increase of 1 spaces), and 41 parking spaces along the main street (an increase of 11 spaces) for a total of 531 on-site parking spaces. Below is a summary of parking within the PUD and on the balance of the WMATA property:

LEVEL	METRO PARKING		PRIVATE PARKING				TOTAL
	Kiss & Ride	WMATA	TAXI DROP	GARAGE NO. 1	GARAGE NO. 2	MAIN ST	
Main Street	14		6		44	42	106
First Level		100		32	32		164
2nd Level		115		57	77		249
3rd Level				58	77		135
4th Level					79		79
Roof Level					13		13
<i>TOTAL</i>	<i>14</i>	<i>215</i>	<i>6</i>	<i>147</i>	<i>322</i>	<i>42</i>	<i>746</i>
METRO PARKING – DEDICATED & (SHARED)							
<i>All Levels</i>	<i>14</i>	<i>215</i>	<i>(6)</i>	<i>(70)</i>	<i>(70)</i>	<i>(13)</i>	<i>388</i>

The table also shows the total amount of Metro commuter parking available would be 388 spaces including the WMATA commuter garage outside the PUD (now increased by 15 spaces to a total of 215). *Pending comments from the District Department of Transportation (DDOT), OP is supportive of the proposed parking allocation and management strategy.*

Vehicular Circulation

In response to a Commission concern, the applicant eliminated metered parking spaces along the southern portion of the loop road, thus allowing the creation of a middle turning lane. This additional lane would ease turning movements from the loop road into the WMATA garage and Garage No. 1, and onto Main Street. *Pending DDOT comments, OP is supportive of this redesign.*

Additional civil engineering plans prepared by the applicants' consultant expand on how the proposed circulation pattern would be pedestrian friendly. The referenced October 5, 2006 document also explained why the Garage No. 2 entrance is necessarily located along Main Street:

- the difficulty of designing a garage entrance that would form a smooth transition from the grade along Rhode Island Avenue given the speed of the traffic;
- only right-turns in and out would be allowed because the avenue is a Federal highway; and
- Garage No. 2 serves residents, commuters, service providers as well as loading areas for the retail spaces thus users benefit from having direct access to the proposed Main Street.

Besides printed materials, the applicant's transportation consultants will present a slide show and traffic simulation that explains the anticipated pattern of pedestrian and vehicular circulation onsite. In addition, a massing model of the site and the immediate surroundings, detailed renderings and a scale model have been prepared for Commission review.

COMPREHENSIVE PLAN

As noted in OP's preliminary report, the Generalized Land Use Map designates the subject property for a mix of land uses: Moderate Density Commercial, characterized by shopping and services that generally offer a large concentration and variety of good and services outside of the Central Employment Area; and Local Public Facilities, characterized by land and facilities occupied by District government (excluding parks, recreation centers and open space). There are no District of Columbia facilities currently on this property (refer to Exhibit 2).

The Generalized Land Use Policies Map also designates the rail station area as the Rhode Island Metrorail Development Opportunity Area. Section 1134 of the Comprehensive Plan states, "The objectives for metrorail station area development are to concentrate planning and development attention on metrorail station areas which offer opportunities for redevelopment and new growth, particularly in *those station areas that have large amounts of vacant or poorly utilized land*, and to maximize development where possible, *thus promoting increased ridership for the transit system*, assisting the District to perform its critical role as the urban center of the region, *providing a substantially increased amount of housing and jobs*, and generally enhancing the District's economic development efforts (emphasis added)."

Furthermore, maps in the most recent draft of OP's "Land Use in a Post-Industrial City" report designate surrounding area north and south of Rhode Island Avenue as appropriate for a land use change from the current designation. More significantly, the draft 2006 Comprehensive Plan Generalized Land Use Map designates the same general area for a mixture of Medium Density residential and commercial land uses.

ANALYSIS

The Office of Planning previously determined this application complied with requirements for Zoning Commission consideration listed in the Zoning Regulations and referenced order. This further review will consider whether the current proposal is consistent with the Zoning Regulations and the 1st Stage approval conditions.

The PUD site is in a C-2-B district and subject to the following development standards:

Standard	C-2-B District/ PUD Min./Max.	Proposal	Required Relief
Minimum PUD Area	15,000 s.f.	302,000 s.f. ²	None
Height	90 feet unlimited stories	55 feet 4-5 stories	None
Floor Area Ratio (residential/)	6.0/2.0 FAR (1,812,000 s.f. / 604,000 s.f.)	1.06 (321,544 s.f.) ³ / 0.79 (239,219 s.f.) 270 units/1.85 FAR	None

² Total area of A & T lots 1 and 2 based on the submitted preliminary subdivision plat

³ Total residential and non-residential floor areas and FARs

Standard	C-2-B District/ PUD Min./Max.	Proposal	Required Relief
Residential Recreation Space	15% / 50% outside (48,232 s.f.)	77,595 sq.ft. / 50+ % outside ⁴	None
Parking (on-site)	1 sp. / 3 units (0.33) + 1 sp. / 70 sq. ft. > 3,000 sq. ft.	161 spaces (0.6) + 197 spaces ⁵	140+ spaces (1 space per unit)
Loading/Service ⁶ (retail)	1 berth @ 30 ft. deep 1 berth @ 55 ft. deep 1 platform @ 100 s.f. 1 platform 200 s.f. 1 serv. space 20 ft. deep	3 berth @ 55 ft. deep, 3 platform 200 s.f., 1+ serv. space 20 ft. deep	None
Rear Yard	15 feet	15+ feet	None
Side Yard	2 in./height foot, not less than 6 ft.	3.1 feet (east side)	Yes
Open Court ⁷	4 in./vertical ft., not less than 15 ft. (16.2 ft.)	55 ft.	None
Lot Occupancy	80%	44% ⁸	None
PUD bonus density	--	321,544 s.f. ⁹	--
Affordable Housing	--	50,649 s.f. (54 units) (20% of unit count)	--

Based on this review the submitted plans require minor relief from the required side yard setback. Regarding the status of requirements of the PUD order, the applicant has provided:

- detailed plans and elevations indicating the design treatment of the proposed PUD project;
- a preliminary subdivision showing dimensions of the proposed development lots;
- a preliminary grading plan showing the proposed grading of the site, location of retaining walls and areas of critical slope;
- a utility plan showing the general location of utilities, including storm water management devices;
- detailed plans with dimensions and treatment of open space and other common areas; and
- extensive traffic and parking analysis forwarded for comment by the District Department of Transportation.

The applicant also agreed to commit 140 spaces the Garages No. 1 and 2 to supplement WMATA Garage commuter parking during the critical timeframe, and provide more detailed traffic circulation analysis and consultants to thoroughly explain the results of their analysis

⁴ Consisting of identified open space, 2nd level “green” plaza and outdoor pool amenity

⁵ A total of 90 spaces required for the proposed 70,000 square feet of retail

⁶ Residential loading requirement = 1 berth 55 ft. deep, 1-100 sq. ft. loading platform and 1 20-ft. service space

⁷ Court formed around Garage No. 2 driveway entrance

⁸ Total square footage of Main Street levels in buildings and garages / site area

⁹ Equal to the proposed residential development because new residential floor area is not allowed in the M district

during the public hearing.

Regarding PUD amenities and benefits, this project now provides:

- twenty percent (20%) of the apartments (54 units) would be affordable to qualifying households with incomes not exceeding fifty percent (50%) of AMI for a period of twenty (20) years;
- ground level retail space along Main Street and Rhode Island Avenue have ceiling heights equal or greater than fourteen (14) feet;
- a signed First-Source Employment Agreement with the District Department Employment Services;
- extensive landscaping and a green roof in the second level patio; and
- ten percent (10%) of the retail lease space equal to 7,000 square feet will be made available to community businesses identified through the Advisory Neighborhood Commission and the commitment that “Special underwriting will apply (to established businesses with long-term track records) to allow them to participate and to ensure that they will have a place in the community.”

The applicant also plans to install a green roof in the green roof in the second floor patio, eliminate vehicle parking on the south side of the Main Street median, and has agreed to signalize the Washington Place intersection with the proposed Main Street and the driveway serving the Brentwood Shopping Center, to improve traffic circulation and increase pedestrian safety. *OP has requested additional information about the proposed special underwriting for the community business retail space.*

To date the promised Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") has not been added to the public record. *Therefore, OP recommends that the applicants be required to add the signed document to the public record prior to the Zoning Commission final action.*

The applicants also responded to OP's request for documentation that both the WMATA real estate and operations divisions consider the current proposal sufficient to meet their differing requirements (refer the Exhibit 3). While this letter indicates that the Office of Joint Development and Adjacent Construction only gave conditional approval at the time, a recent conversation with this office confirmed that the applicants now have full approval of the submitted plans.

Therefore, the conclusion from this further is that the current submission is substantially consistent with the Zoning Regulations and the 1st Stage approval conditions. *OP also supports granting the required relief from the side yard setback since it would have no impact on adjacent uses.*

COMMUNITY COMMENT

Advisory Neighborhood Commission (ANC) 5B approved a resolution supporting this project in concept on December 1, 2005 and the Brentwood Community Civic Association expressed “enthusiastic” support in a letter dated September 15, 2006. The applicant has continued to make community presentations of this PUD 2nd Stage.

The record file also includes a letter of support from Councilman Harry Thomas, Jr. (refer to Exhibit 4)

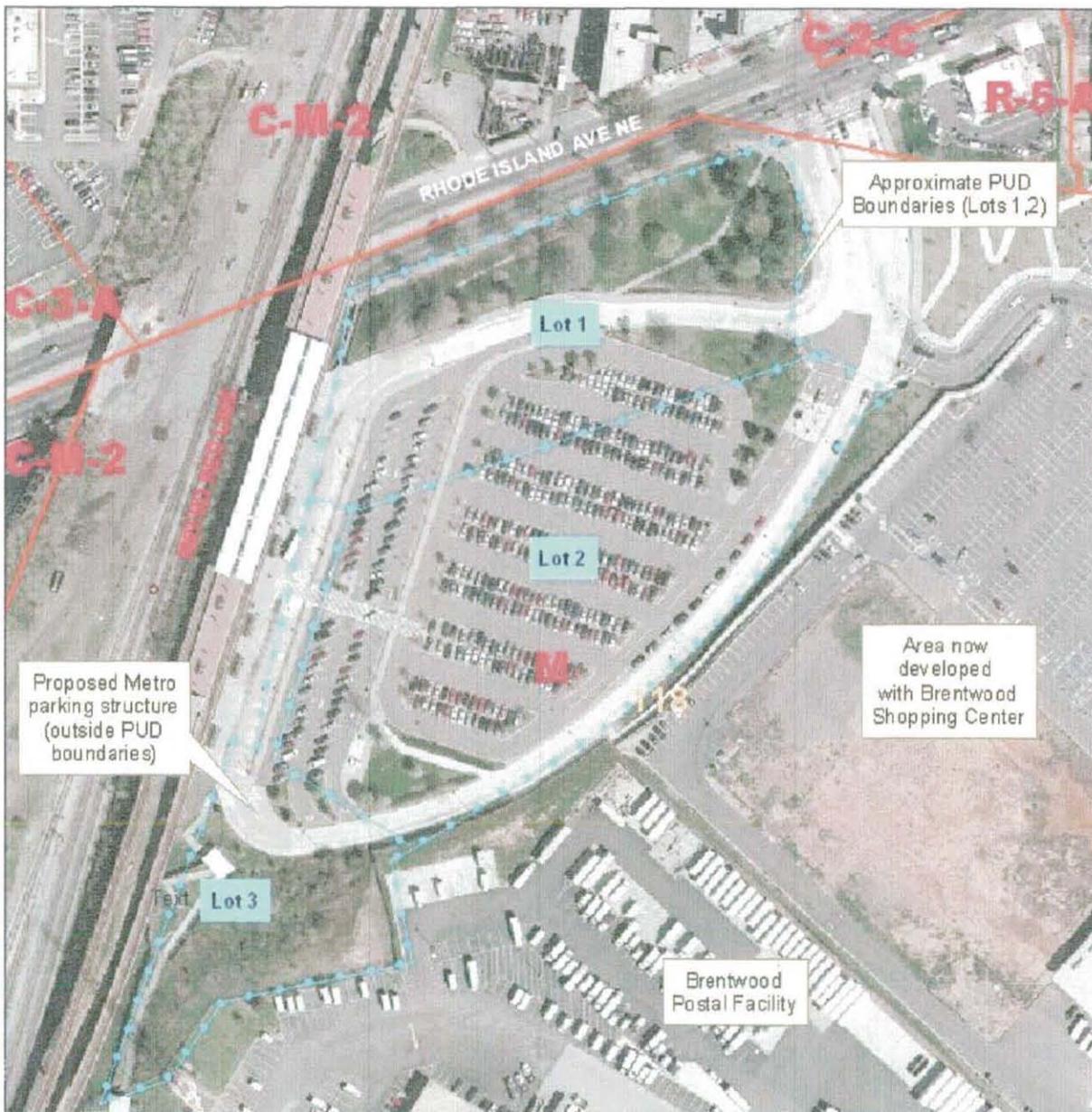
RECOMMENDATION

OP recommends approval of this 2nd Stage PUD application subject to any recommendations from the D.C. Department of Transportation and a condition that the signed Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") be added to the public record, and the locations of the proposed affordable units in this development be identified prior to final action by the Zoning Commission.

Attachments:

- Exhibit 1 Aerial Map with Zoning
- Exhibit 2 Comprehensive Plan Land Use Designations
- Exhibit 3 Letter to Arthur Jackson, Development Review Specialist, D.C. Office of Planning from Kathy Mitchell, Manager, Joint Development for the Washington Metropolitan Transit Authority dated October 11, 2006
- Exhibit 4 Letter to Carol Mitten, Chair, D.C. Zoning Commission from Harry “Tommy” Thomas, Jr., Ward 5 Councilmember
- Exhibit 5 Zoning Commission Order No. 04-24 Conditions adopted September 15, 2005

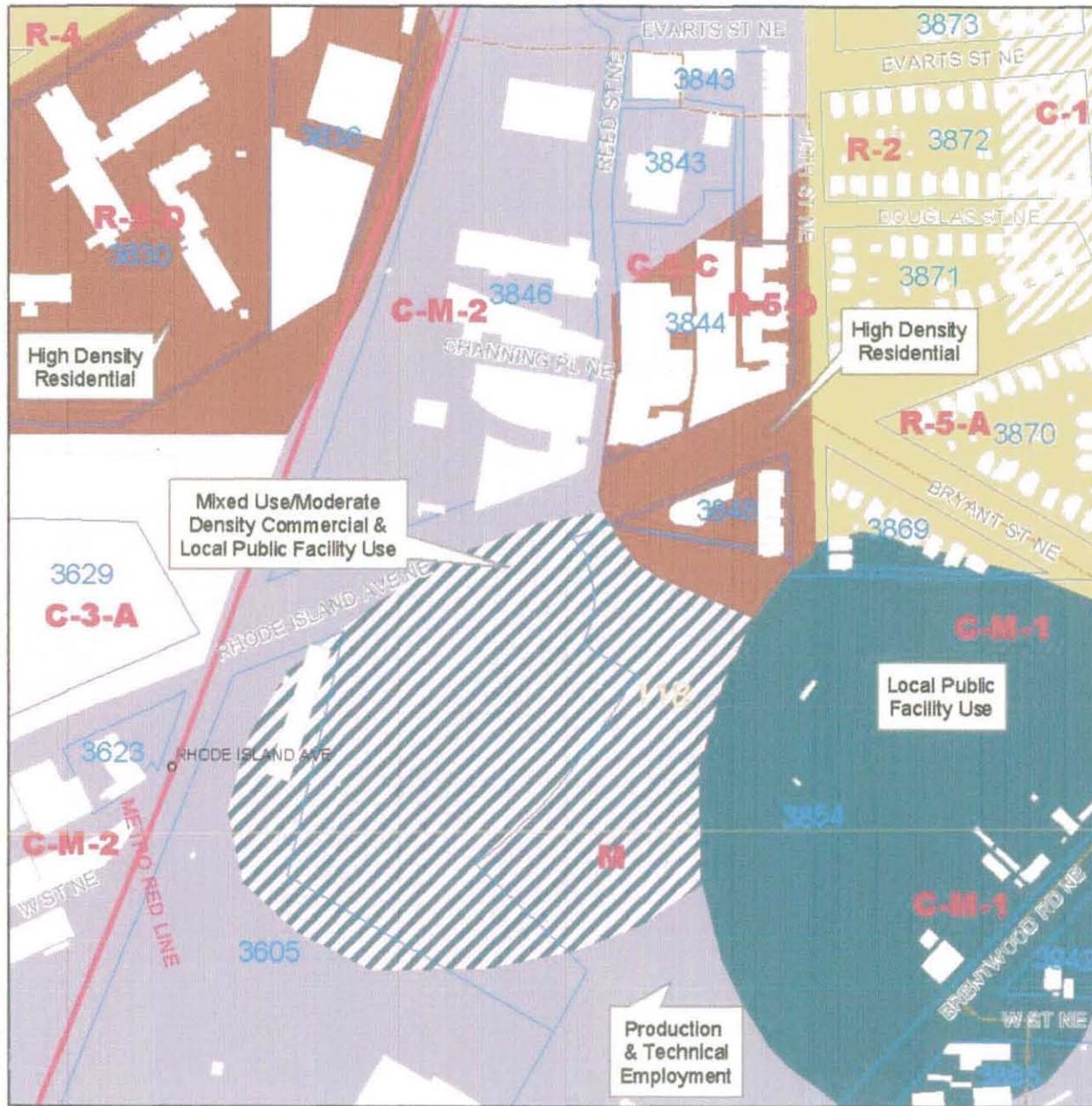
HT/afj



★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning - August 30, 2006

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



**Z.C. Application No. 04-24
Rhode Island Metro Station
Planned Unit Development**

Buildings & Comprehensive Plan Land Use

Legend

Water

Street Centerlines

Property Squares

Buildings

Metro Development Areas (MDA)



★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 6, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



October 11, 2006

Arthur Jackson
Development Review Specialist
District of Columbia Office of Planning
801 North Capitol Street, N.E.
Suite 4000
Washington, D.C. 20012

Re: WMATA's Rhode Island Avenue Joint Development Site
1) Overall Site Development Plan by Bowman Consulting dated April 20, 2006
2) Site Access/Circulation and Parking Assessment by O. R. George & Associates dated February 24, 2006

Dear Mr. Jackson:

Per your request, this letter serves as confirmation that all pertinent reviewing offices at WMATA have approved the above-referenced documents pertaining to Rhode Island Avenue Metro, LLC's submission to your office, including, but not limited to:

- 1) Office of Property Development and Management;
- 2) Office of Business Planning and Project Development;
- 3) Office of Parking;
- 4) Office of Bus Service; and
- 5) Office of Joint Development and Adjacent Construction (conditional approval)

Should you have any questions regarding this project, please contact Mr. Douglas Hale of my office at 202-962-2399.

Sincerely,

[Signature]

Kathy Mitchell
Manager, Joint Development

cc: D. Hale



COUNCIL OF THE DISTRICT OF COLUMBIA

THE JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20004

February 5, 2007

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

Dear Ms. Mitten and members of the Zoning Commission:

Re: Zoning Commission Case No. 04-24 Rhode Island Avenue Metro Project PUD

I am writing to express my strong support for the Rhode Island Avenue Metro Plaza development and urge the Zoning Commission ("the Commission") to act favorably on Case 04-24, PUD (Phase II) application.

As a lifelong Ward 5 resident and now its Council Member, I am committed to the continued economic development of our Ward, particularly along the Rhode Island Avenue corridor. I view transit-oriented, mixed-use, smart growth development as an integral component of our overall development agenda and believe that the Rhode Island Avenue Metro Plaza will be a catalyst for further improvement in the community.

I have followed the community-based planning process of Rhode Island Avenue Metro Plaza quite closely and am pleased that the project meets our priorities for new development in Ward 5. It represents a major step in making Rhode Island Avenue a "great street" where residents and visitors enjoy walking, shopping and dining. By encouraging greater use of public transportation, it will help to mitigate the major traffic challenges we confront on this heavily traveled corridor. The developer has already begun working with the Department of Transportation to ensure coordination with other improvement initiatives along Rhode Island Avenue. The Metro Plaza will also complement plans for the Metropolitan Branch Trail that has been proposed to connect Union Station with Silver Spring following the Metro Red Line. It will be an ideal location for hikers and bikers along this trail and along Rhode Island Avenue to stop for rest or nourishment.

Rhode Island Avenue Metro Plaza meets the priorities of my constituents and enhances our overall economic development agenda. Since 2000, we have focused on several critical aspects of the project: affordable housing, community retail, architectural design and parking.

Affordable housing set-aside. While Ward 5 stakeholders welcome new high quality housing, it is important that such development is mixed-income in nature. Twenty percent of the residential units (54 units) at the Metro Plaza will be made affordable to households earning 50% or less of the area median income.

Community retail set-aside. It is also extremely important to Ward 5 residents that new retail development in our community includes opportunities for local community businesses to participate. We secured a commitment from the developer that 10% (7,000 square feet) of the retail space at the Metro Plaza will be set aside for local community businesses and that these businesses will be afforded the same discounts typically reserved only for national chain tenants.

Architectural design. When the developer initially presented conceptual designs for the Metro Plaza, community members requested three primary changes that resulted in a complete redesign of the project:

1. They did not want the privately owned parking to be located in a single, nine-story garage at the center of the site. Instead, they preferred to spread parking between low-rise garages hidden from sight. The developer reconfigured the site to include two residential buildings that wrap two discreet four-story garages.
2. They felt that the elevation along Rhode Island Avenue was too monotonous and requested that it be activated in order to enhance the overall look of the Rhode Island Avenue corridor. The developer made numerous changes in order to activate the buildings including alternating building depths; shutters; and a variety of colors, materials, window munition patterns and ornamental elements.
3. They requested that greater attention be paid to pedestrian safety in planning for traffic circulation on the site. The developer added several traffic calming devices including parallel parking along the private main street and the Metrorail station; a stop light at the intersection of main street and Washington Place; crosswalks at every potential pedestrian crossing; 5-10 mph speeds; and an additional lane of traffic on the site's southern perimeter road in order to accommodate more vehicular commuter traffic at that location rather than on main street.

Parking. Perhaps the most difficult issue to resolve has been parking. The developer has worked hard to balance the competing priorities of transit-oriented smart growth and local Metro riders' need for sufficient commuter parking. While the DC Office of Planning and WMATA initially agreed to the developer's proposal to replace approximately half of the Metro parking spaces currently onsite, community members were clear that additional parking was needed. The plan has evolved significantly over the past six years and now includes 100% replacement Metro parking, accommodated through a 215-space Metro garage; 140 Metro/Residential shared spaces in the private garages offered to Metro users at Metro rates from 7:00 am to 10:00 pm; and 33 Metro/Retail shared surface spaces. In addition, the developer has agreed to extend the meters on the short-term retail parking (168 spaces) from two to four hours in order to provide mid-day parking options for Metro riders who need to make short trips.

In short, Rhode Island Avenue Metro Plaza is an ideal example of the future of Ward 5. Our community has long waited for high quality, mixed-use development that encourages greater public transportation use. This project will bring much needed services to our community and the PUD application is another critical step along the way. I ask for your approval of the PUD application and thank you in advance for a prompt and positive decision.

Sincerely,



Harry "Totamy" Thomas Jr.
Ward 5 Council Member

Zoning Commission Order No. 04-24
(conditions adopted September 15, 2005)

1. The final design of the PUD sheet 1 be developed in accordance with the site plan and preliminary architectural and landscape plans submitted as Exhibit 14 in the record of this case, and as modified by the guidelines, conditions and standards of this order.
2. The maximum building height in the project shall be ninety (90) feet, and the maximum aggregate gross floor area will be 1.90 FAR.
3. The project shall be a mixed use center development generally as depicted in the preliminary plans submitted in this first-stage application. The project consists of approximately 271 rental apartments totaling approximately 354,860 square feet of gross floor area; 70,000 gross square feet of retail uses; additional ground floor uses on the Rhode Island Avenue frontage consisting of incubator space, community uses, artist studios, and similar uses; and 451 parking spaces.
4. Twenty percent (20%) of the apartments (54 units) shall be made available and restricted for a period of twenty (20) years as affordable housing for qualifying households having incomes not exceeding fifty percent (50%) of area median income ("AMI").
5. The ground floor of commercial space along Main Street and Rhode Island Avenue shall provide a ceiling height of no less than fourteen (14) feet.
6. The Applicant shall submit with the second-stage application detailed plans and elevations indicating the design treatment of the proposed PUD project, including but not limited to architectural and landscape details, building and landscape materials, color, and zoning data required for a second-stage PUD application.
7. The Applicant shall submit the following additional plans with the second-stage application:
 - a. A preliminary subdivision showing dimensions of the proposed lot or lots, centerlines and widths of proposed streets and access ways;
 - b. A rough grading plan showing the proposed grading of the site, location of retaining walls, and areas of critical slope;
 - c. A utility plan showing the general location of utilities, including stormwater management and BMP devices;
 - d. Plans showing dimensions and treatment of open space and other common areas.
8. Traffic and parking analysis for the second-stage application shall include and address the following matters:
 - a. A reevaluation of the allocation of parking spaces between uses;
 - b. The need and feasibility of increasing the number of kiss-and-ride parking spaces shall be evaluated;

- c. The number of parking spaces adjacent to the median on Main Street shall be reduced in a manner that increases pedestrian safety and amenity;
- d. The internal intersection formed by the Metrorail perimeter road, Main Street and the adjacent Brentwood Shopping Center shall be evaluated for operational, capacity and safety issues and for a signal warrant analysis;
- e. In relationship to 8d.above, the Applicant shall propose the most functional and attractive pedestrian connection feasible to the Brentwood Shopping Center to the east of the PUD Site and shall consult with the owners of the retail center regarding the connection;
- f. The feasibility of utilizing the second parking garage to provide overflow parking for the Metro Station; and
- g. A traffic circulation plan that addresses the repeated requests of the Commission for greater detail, ignored by the Applicant during this proceeding.

9. The Applicant shall execute the following agreements prior to the adoption of the second-stage PUD in this case:

- a. A First-Source Employment Agreement with the Department Employment Services;
- b. A Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") to ensure minority vendor participation.

10. This first-stage PUD approval by the Zoning Commission shall be valid for a period of one (1) year from the effective date of this order. Within this time, the applicant shall file a second-stage PUD application in order for this first-stage application to remain in effect.