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March 21, 2007

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

RE: Zoning Commission Case No. 04-24A
Supplemental Submission

Dear Members of the Commission:

At its decision meeting on Case 04-24A (Rhode Island Avenue Metro PUD), the Zoning Commission requested the applicant to submit additional materials regarding four aspects of the project. The applicant's responses are set forth below.

1. Construction Phasing. The Commission requested more information on how phasing will be accomplished. See the attached exhibit, which sets forth four phases for completion of this complex project while keeping the vehicular access and parking functions essential to the functioning of the Metrorail station while the new town center is constructed. This is a preliminary phasing plan. It is not clear to the applicant whether the Zoning Commission desires more detailed language in the order regarding phasing. If so, we would request that the condition remain quite general, given the complexity of the job and the need for flexibility in execution based on circumstances encountered on-site. If modified language is required, Condition 10 could be modified to read, "The PUD project may be developed in phases, *generally as set forth in Exhibit __ of the record.*"

2. Circulation in Garage # 2. The applicant agrees with the Commission that only service trucks will be allowed to exit Garage 2 on to the heart of Main Street. The applicant proposes a new condition as follows:

In Garage 2, located to the north of Main Street, all traffic shall exit via the west end of the garage, with the exception of service trucks, which may exit on to Main Street from any garage entrance.

3. Affordable Apartment Units. The Commission asked how the affordable units will be made available. The applicant's leasing agent will advertise the affordable units, including income guidelines. Interested households will complete applications that include family size, income and assets. This information will be verified prior to executing formal lease agreements and annual re-certifications will be required.

ZONING COMMISSION
District of Columbia

CASE NO. 04-24A
EXHIBIT NO. 31
ZONING COMMISSION
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EXHIBIT NO. 31

The applicant would also note that additional factors will govern the use and occupancy of the affordable units, as set forth in a previous submission. These program factors further assure effective operation of the affordable housing component.

“The Developer has committed to lease 20 percent of the units in the project (54 units) to households making 50 percent or less of area median income. The units are disbursed throughout the residential buildings.

“The Developer has applied to the District of Columbia Housing Finance Agency for housing mortgage revenue bond financing for the residential portion of the project. One of the conditions of this financing will be that a minimum of 20 percent of the residential units must be leased to households earning 50 percent or less of area median income. This requirement will be contained in a Low Income Restrictive Use Agreement that also will be recorded among the District of Columbia Land Records and further obligate the owner of the residential units to maintain at least 20 percent of the units for rental by households making 50 percent or less of area median income.

“The Developer will work with its management agent to conduct outreach in the community to develop and qualify tenants for the 20 percent of the units. However, it is too early in the development process to begin leasing operations to select tenants. The Developer will have the management agent develop and maintain a list of prospective tenants for the units.

“The Developer anticipates that the units that are reserved for households earning 50 percent or less of area median income will "float" within the 270 units. This will give flexibility in leasing and units available to qualified lower income residents. However, the determination of whether the 20 percent of the units must be fixed or floating involves several complex issues relating to requirements of the bond program and the low income housing tax credit program that have not been fully resolved at this time. These programs may require the units to be fixed; otherwise they will float.”

4. Harmony Cemetery Memorial. The Zoning Commission indicated that it wants the Harmony Cemetery Memorial to be subject to a condition in the order. At present it is item 11d. under “Flexibility.” Accordingly, the applicant proposes that 11.d. be deleted and a separate new condition be added, as follows:

The Applicant shall design and erect a memorial to Harmony Cemetery in the southern part of the site, in consultation with the D.C. Commission on the Arts and Humanities and community representatives.

We hope these responses are satisfactory to the Zoning Commission.

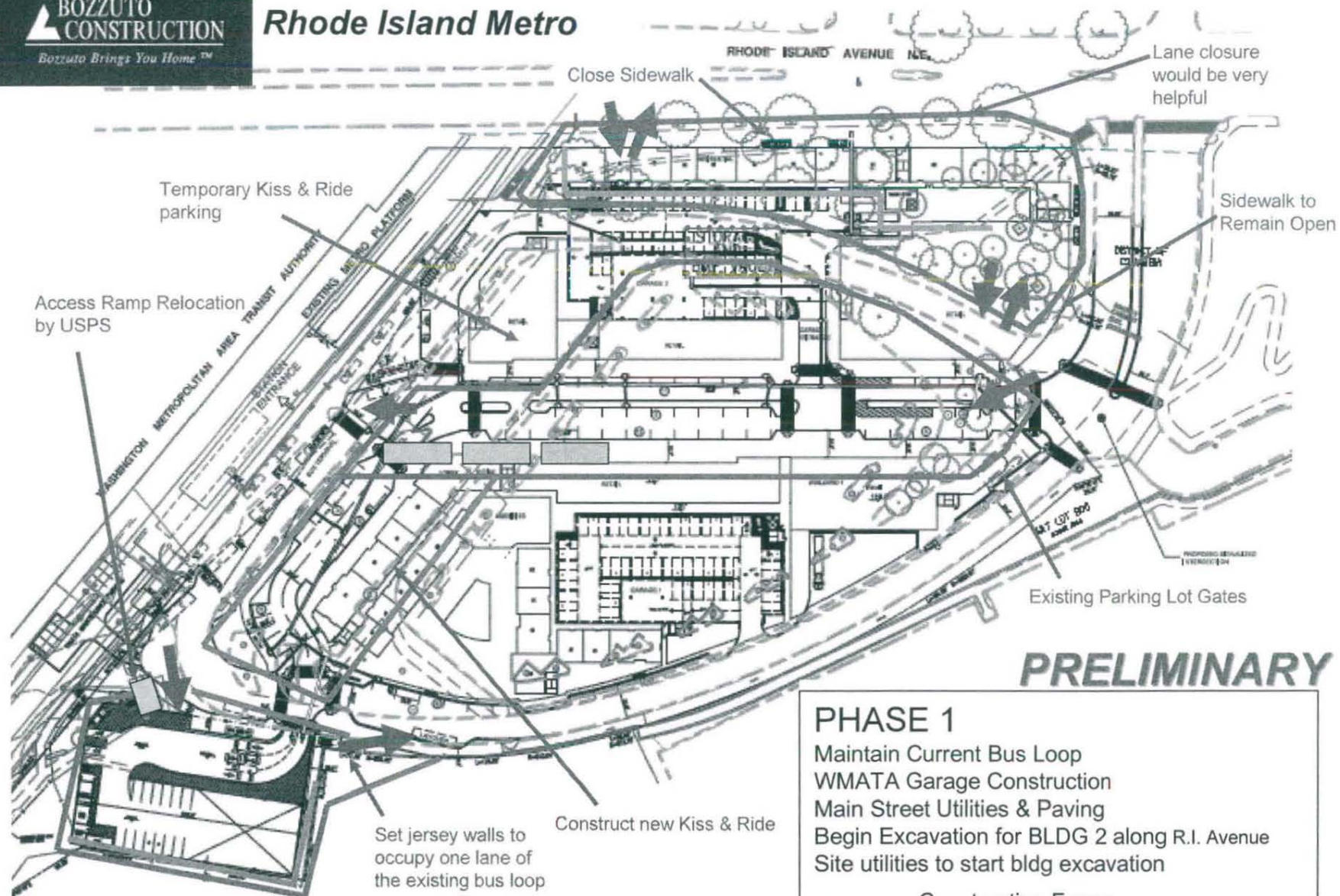
Sincerely,
ARNOLD & PORTER LLP


Nathan W. Gross, AICP


Cynthia A. Giordano

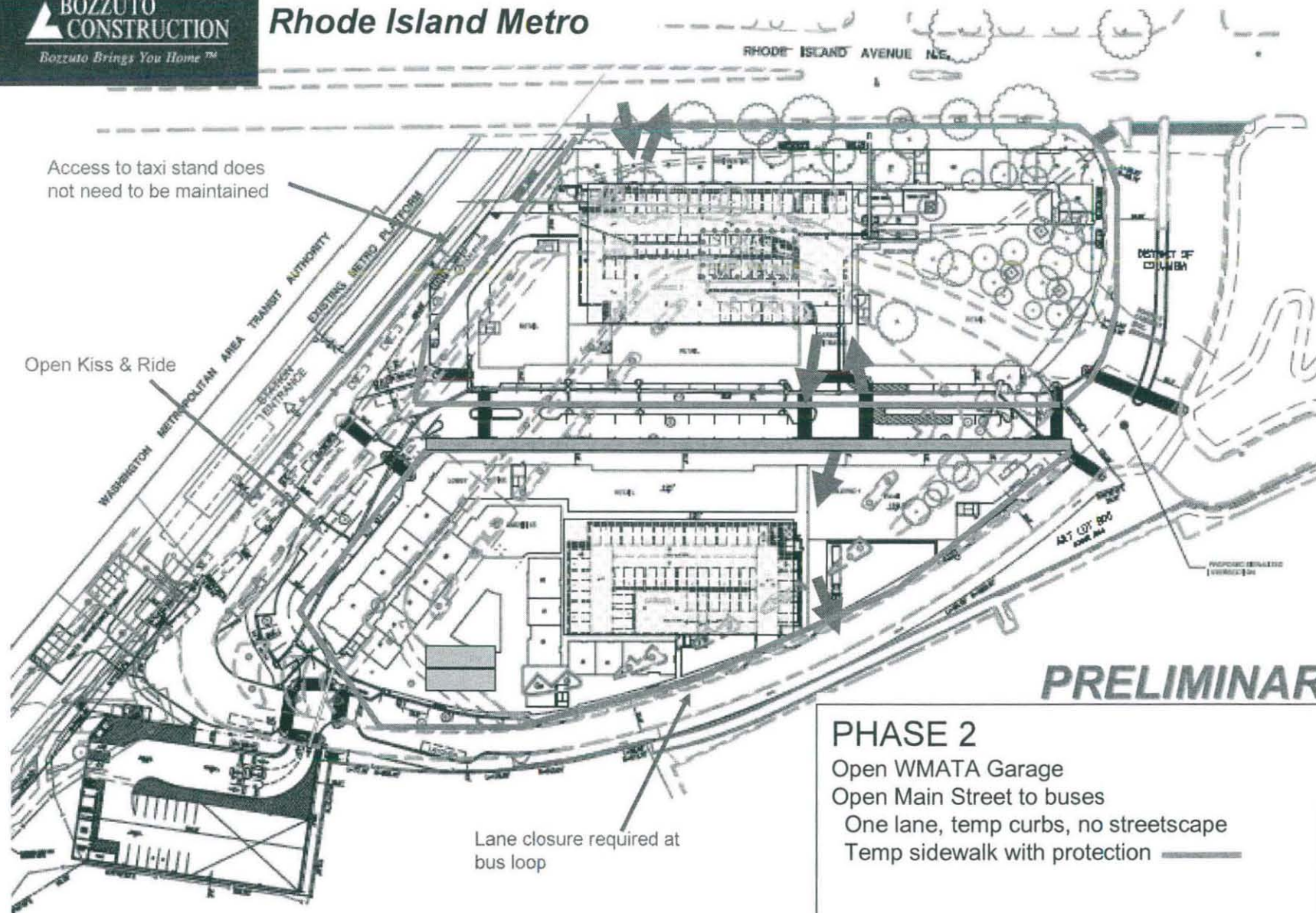
Enclosure

Rhode Island Metro



May 24, 2006

Rhode Island Metro



PRELIMINARY

PHASE 2

- Open WMATA Garage
- Open Main Street to buses
- One lane, temp curbs, no streetscape
- Temp sidewalk with protection

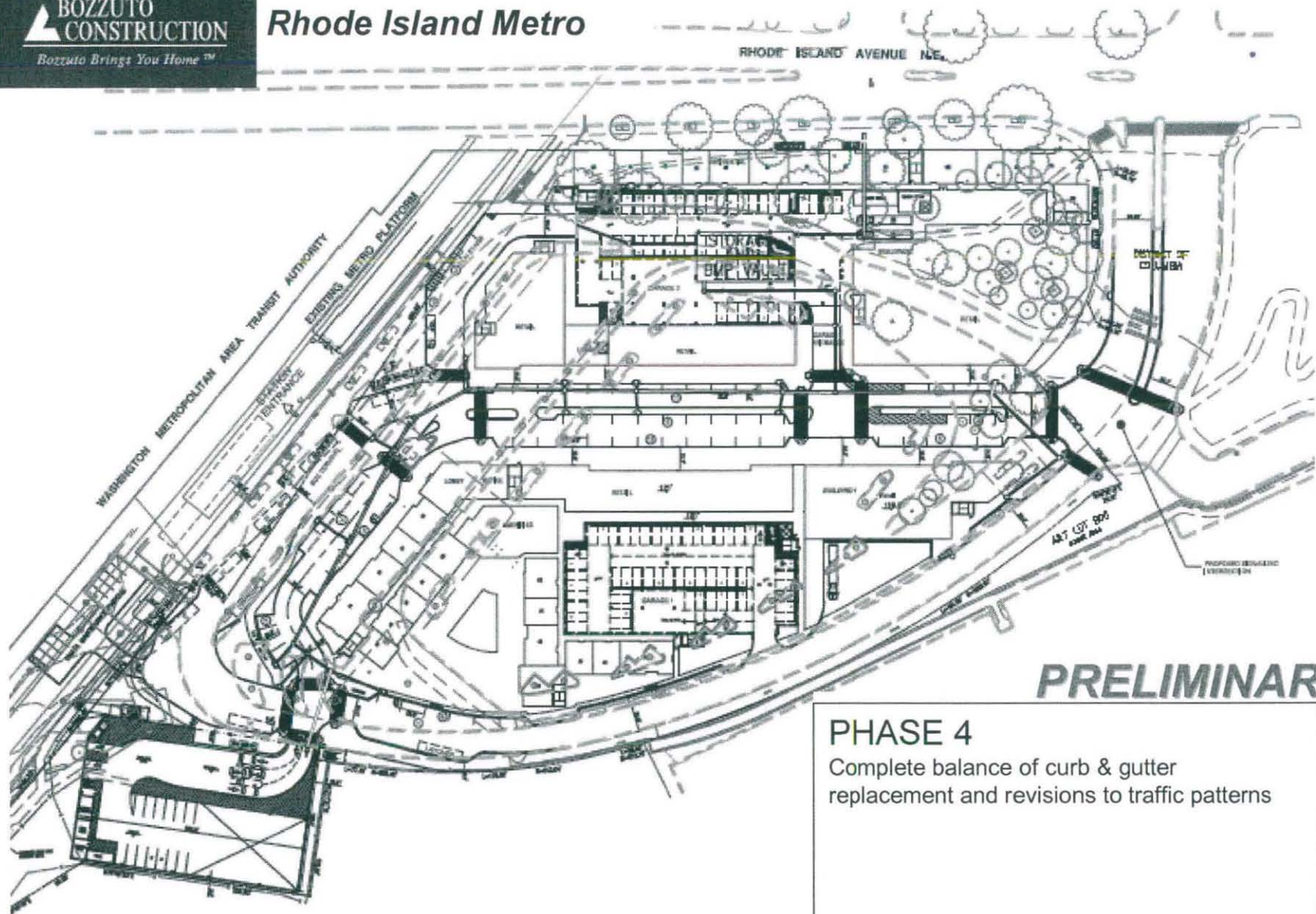
May 24, 2006



South sidewalk open to pedestrians
South lane open to buses

May 24, 2006

Rhode Island Metro



PRELIMINARY

PHASE 4

Complete balance of curb & gutter replacement and revisions to traffic patterns

May 24, 2006