

ARBOR PLACE
2001 NEW YORK AVENUE, NE



BY
ABDO NEW YORK, LLC

APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT

March 27, 2009

ZONING COMMISSION
District of Columbia

CASE NO. 09-06

EXHIBIT NO. 2

DEVELOPMENT TEAM

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PREFACE

This statement and the attached documents support the application of Abdo New York, LLC to the Zoning Commission for the consolidated review and approval of a Planned Unit Development and a related amendment to the Zoning Map of the District of Columbia for the property known as Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815 and Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153, and a portion of a public alley to be closed, to allow for the construction of a mixed-use project featuring ten new residential buildings with ground floor retail. The property that is the subject of this application is bounded by New York Avenue, Bladensburg Road, and Montana Avenue, NE. It lies along New York Avenue, the primary gateway to the District from points north and east of the District, and it is less than ¼ mile from the R Street entrance to the United States National Arboretum. The project will create approximately 1350-1420 residential units with a mixture of affordable and market-rate units and approximately 69,883 gross square feet of ground floor retail

This PUD and Zoning Map Amendment application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10 DCMR (Planning and Development) § 100 et seq. (2006) (the “Comprehensive Plan”), as well as numerous goals and policies of the District of Columbia. This project will benefit the District by providing significant new housing opportunities in an underserved area of the District within the context of a pedestrian-oriented development that creates both active public streetscapes and open spaces. The project will also spark the revitalization of the area with the creation of a sustainable, high-quality residential neighborhood, with prominent street level retail uses along New York Avenue, that will help develop the planned “Northeast Gateway” to District of Columbia.

Submitted in support of this application are completed application forms, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings, plans, and elevations, and a map depicting the Zoning District for the property and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD and Zoning Map Amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

A. Summary of Requested Action

This document supports the application of Abdo New York LLC¹ (“**Applicant**”) to the Zoning Commission of the District of Columbia (“**Commission**”) for the consolidated review and one-step approval of a Planned Unit Development (“**PUD**”) and a corresponding amendment to the Zoning Map for the site. The project site consists of Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815 and Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153, and a portion of a public alley to be closed, in Square 4268 (the “**Subject Property**”). The Subject Property is located in the Arboretum neighborhood of Ward 5 and consists of approximately 697,874 square feet of land area (approximately 16 acres), plus approximately 3,367 square feet of a portion of the public alley to be closed. The Subject Property currently includes a number of low-density commercial uses with large amounts of surface parking. The Applicant proposes to develop a mixed-use neighborhood on the Subject Property featuring ten new buildings arranged along the three existing public streets as well as three new interior privately-constructed streets. In total, the project will include approximately 1350-1420 new residential units with a mixture of affordable and market-rate housing. The project will also include approximately 69,883 square feet of ground floor retail space and approximately 5.77 acres of open space.

This mixed-use, pedestrian-oriented development will transform the currently dilapidated New York Avenue approach to the District into an attractive “Northeast Gateway” that befits a

¹ The Applicant, Abdo New York, LLC, is under contract to purchase the various parcels that comprise the Subject Property. Pursuant to those contracts, the current owners have appointed Abdo New York, LLC as their attorney-in-fact to file all documents required to obtain any government approvals.

primary vehicular thoroughfare into the Nation's Capital. This project will transform the site's appearance, character, and safety into a vibrant residential neighborhood with quality urban design, retail services, and recreational opportunities. The new community created by the proposed development will also enhance the existing residential area surrounding the entrance to the United States National Arboretum, which is located off Bladensburg Road at 24th & R Streets, NE, to the southeast of the Subject Property.

The Subject Property is currently located in the C-M-1 Zone District and the Mixed Use Medium Density Residential/Moderate Density Commercial land use category on the Future Land Use Map. The Applicant requests a Zoning Map amendment to the C-3-A District for the Subject Property to accommodate the proposed height and residential uses. Rezoning the site to the C-3-A District is consistent with the Land Use Map designation as well as the goals and policies of the Comprehensive Plan of the District of Columbia, as discussed in detail herein. The proposed lot occupancy, height, and density of the project are significantly less than what the PUD guidelines allow for in the C-3-A District.

B. The Applicant

Abdo New York, LLC is a partnership between Abdo Development LLC ("**Abdo Development**") and Broadway Management LLC ("**Broadway**"), formed for the purposes of developing the project. Abdo Development LLC is a District of Columbia-based development and construction company that specializes in the restoration and adaptive reuse of historic buildings and the construction of new buildings that reflect and serve their neighborhood context. Abdo Development has been widely credited as a key leader in the revitalization of the Logan Circle, 14th Street, NW, and H Street, NE neighborhoods.. The company was founded in

the mid-1990's with the restoration of a group of distressed rowhouses at 15th and P Streets, NW, and other significant Abdo projects in the Logan/14th Street, NW neighborhood include the Willison at 14th and Rhode Island Ave., NW, the Emerson at 13th and N Streets, NW, and 1500 Vermont Ave., NW on Logan Circle. To help further bolster the neighborhood, Abdo Development followed its significant investment in residential development by renovating historic commercial buildings along the 14th Street, NW corridor and introducing a variety of important new retail services, such as a hardware store, pharmacy, coffee shop, and a home furnishings retailer.

In 2001, Abdo Development secured a PUD and a zoning map amendment in connection with an innovative residential project involving the site of the former Capital Children's Museum at 2nd and H Streets, NE. The property was developed jointly by Abdo and Broadway, each of which owns a portion of the underlying property. Abdo has restored and renovated the former Capital Children's Museum building into an inviting residential structure that also preserves its valuable historic components. Broadway constructed two new 110-foot tall buildings to complement the historic building. The project yielded approximately 500 new for-sale residential units and approximately 19,852 square feet of affordable housing.

Jim Abdo, the president and CEO of Abdo Development, has over twenty years of experience in all aspects of design/build in both commercial and residential construction. Mr. Abdo has served on numerous boards, including the DC Preservation League, DC Building Industry Association, Washington Convention Center Authority, and previously on the 14th and U Street Main Street Commercial District. He has worked as a Mayor's Task Force volunteer and is an active member of several DC-based community organizations.

Eric Price is currently the Senior Vice President at Abdo Development responsible for all phases of real estate development including the facilitation of project acquisition and finance; the coordination of all zoning and regulatory approvals; and oversight for project management of development programs. Mr. Price has been involved in every aspect of residential real estate development – from the structuring of complex workforce housing transactions to providing pension fund investment for new construction – and is involved in both the financial and business development, as well as the long-term strategic planning for the company. Prior to joining Abdo Development Mr. Price was appointed by then-Mayor Williams to serve as the Deputy Mayor for Planning and Economic Development for Washington DC where he helped with many of the city’s redevelopment efforts, including the implementation of the District’s Tax Increment Financing (“TIF”) program, the creation and funding of the Housing Production Trust Fund and the HOME Again program, and the planning and negotiation of other large-scale developments. Mr. Price is active in several District organizations, including membership on the boards of the Casey Trees Endowment Fund (Vice President), and Washington Hospital Center (Finance Chair – Treasurer).

C. Project Goals and Objectives

Consistent with the goals of the District, as outlined in the Land Use Element of the Comprehensive Plan, and utilizing leading principles of urban design, the Applicant desires to transform the Subject Property, which is occupied with underutilized commercial uses such as a strip club, a night club, and body shops that feature large amounts of surface parking, into a vibrant residential community that will spark the revitalization of the immediate area. In doing so, the Applicant seeks to create a pedestrian-oriented project on a human scale, complete with

ground floor retail, substantial landscaping and open space, extensive recreation space, and a development of a height and mass that will define the location as an attractive gateway to the District.

D. Development Timetable

The project will be constructed in three phases over a multi-year period. The Applicant plans to start construction on the initial phase no later than three years after the approval of the PUD. Within two years after the issuance of a certificate of occupancy for the final element of Phase I, the Applicant will file for a building permit for the first element of Phase II. Within two years after the issuance of a certificate of occupancy for the final element of Phase II, the Applicant will file a building permit for the first element of Phase III.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 697,874 square feet of land area and is bounded by New York Avenue, Bladensburg Road, and Montana Avenue, NE.² New York Avenue is a primary east-west thoroughfare for traffic entering and leaving the District to points north (via the Baltimore-Washington Parkway) and points east (via Route 50). Approximately 70,000 cars a day travel past the Subject Property. New York Avenue has been the focus of major redevelopment efforts in the past few years. A mile to the east of the Subject Property, a number of residential and retail projects have been proposed and approved for the Fort Lincoln

² The proposed PUD includes all but two properties bounded by the aforementioned roadways: Lot 816 and Parcel 153/111. The PUD site also includes a 3,367-square foot portion of a public alley to be closed. An illustration of the proposed alley closure is attached as Exhibit C.

neighborhood at the Maryland border. One and a half miles to the west of the Subject Property, the opening of the New York Avenue Metrorail station has stimulated major office, residential, and retail development around the transit station. Bladensburg Road is a major north-south route through the District, connecting New York Avenue and the Subject Property to the Fort Lincoln neighborhood to the north and the H Street NE corridor to the south. Montana Avenue is a collector road that runs from Bladensburg Road to Rhode Island Avenue near the Rhode Island Avenue Metrorail Station.

To the east and south of the Subject Property is the National Arboretum. To the southeast, between the Subject Property and the Arboretum across Bladensburg Road, is the low and moderate density Arboretum residential community. The Fifth District Police Station is located immediately to the east along Bladensburg Road. The intersection of Bladensburg Road and New York Avenue, at the northeast corner of the Subject Property, is defined by low-scale commercial development, including hotels, gasoline stations, and fast-food restaurants. Across New York Avenue to the north are two large commercial buildings, including the Harbor Light Center, a 136-bed community-based residential facility operated by the Salvation Army, which was developed as part of a PUD. To the southwest, across Montana Avenue, are the old Hecht's warehouse and the Mount Olivet Cemetery.

The National Arboretum consists of approximately 446 acres of land administered by the U.S. Department of Agriculture's Agricultural Research Service. The Arboretum is used both for scientific research and education and as a living museum of gardens that conserve and showcase plants. It is visited annually by 500,000 to 600,000 people and is open year-round. While the Arboretum is generally underutilized by both tourists and local residents, it has recently modified its private use policy to allow private groups to rent out its facilities for certain

events. The Arboretum has two entrances: one is off New York Avenue via a service road just to the east of the Subject Property; the other is off R Street NE in the small residential community across Bladensburg Road. The R Street Gate is the main entrance for weekend visitors to the park; it is from there that a shuttle bus departs to take visitors around the Arboretum.

The Subject Property is in the C-M-1 Zone District. The Commercial-Light Manufacturing districts are intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize adverse impacts on neighboring more restrictive districts. The maximum height allowed in the C-M-1 zone is 40 feet (no more than three stories), and the maximum FAR is 3.0.

The zones surrounding the Subject Property permit a mix of development. Property immediately to the west and east of the Subject Property is also located in the C-M-1 Zone District. Land across New York Avenue to the north is in the C-M-2 district, which permits commercial and light industrial development of a greater height and density. (Part of the land to the north of the Subject Property is the Salvation Army PUD governed by Zoning Commission Order No. 744; pursuant to that PUD, the land was rezoned to C-3-A.) Land further to the west of the Subject Property, along the north side of New York Avenue, and to the east of the Subject Property, along both sides of New York Avenue, is in the M zone, which is designed to provide areas suitable for development as heavy industrial sites. To the southeast, across Bladensburg Road, is land in the R-5-A zone, which permits "urban residential development" of low height and density. Further to the southeast is land in the R-1-B zone. To the southwest, across Montana Avenue is the Mount Olivet Cemetery, which lies in the R-4 Zone.

The Subject Property is located in the Mixed Use Medium Density Residential / Moderate Density Residential Land Use Category as shown on the District of Columbia Future Land Use Map. The Property is also depicted as a “Land Use Change” area on the District of Columbia Generalized Policy Map. Property immediately to the east, across Bladensburg Road, is located in the same mixed-use category (along New York Avenue) and in the Low Density Commercial land use category (along Bladensburg Road). Further to the east, the Arboretum residential community is located in the Moderate Density Residential and Low Density Residential land use categories. Mount Olivet Cemetery, to the southwest, is located in the Parks land use category; the nearby Arboretum is also located in this land use category. The rest of the properties surrounding the Subject Property is generally located in the Production, Distribution, and Repair Land Use Category on the Future Land Use Map.

B. Prior Planned Unit Development Application

In 2007, the Zoning Commission approved the Applicant’s previous PUD and related Zoning Map Amendment for the site. See Z.C. Order No. 06-15. The Commission approved a maximum height of 110 feet and a maximum FAR of 4.98 for the site and a related rezoning to the CR Zone District. As designed, the prior PUD contained eight buildings arranged in a ring around the exterior of the site towards the existing streets, with a large open “central park” in the interior of the Property, and approximately 74,447 square feet of improved public space on private property. The PUD included approximately 3,400 – 3,600 residential units, with 8% of the units (261,326 gross s.f.) set aside as affordable housing for households with incomes no greater than 80 percent of the area median income, and approximately 148,121 square feet of retail gross floor area.

As described in greater detail below, the proposed new PUD retains the basic concept of the original PUD – the redevelopment of an underutilized and dilapidated 16-acre parcel in Northeast Washington into a vibrant mixed-use project that features thoughtful site planning and urban design, exemplary architecture, and significant environmental improvement over the existing site. The proposed PUD also includes, however, a number of refinements that respond to issues raised by the Commission three years ago. Most importantly, the new PUD features a new urban grid system with three new interior streets and a corresponding network of pedestrian pathways and alleys, which improves the visual and physical permeability of the Property. The proposed PUD also features less overall density, with about half the number of residential units and retail space as the original PUD, yet still contains a scale and massing that is appropriate for a large site along major transportation corridors. Finally, even though the present PUD contains fewer residential units, it contains more affordable units. The proposed PUD significantly increases the total amount of affordable housing, as it quadruples the percentage of residential gross floor area set aside as affordable housing.

C. Project Description

The plans, elevations, and drawings of the proposed PUD project are attached as the Appendix. Through the PUD and Zoning Map amendment process, the Applicant will develop a unique and inviting mixed-use project that will create a walkable urban community. The proposed PUD project consists of ten buildings that will be arranged along each of the three public streets that surround the site as well as along three new interior streets that will be constructed as a part of the PUD. As a result, the Property will be divided into three new blocks: the “A Block”, near the intersection of New York Avenue and Montana Avenue; the “B Block”,

near the intersection of New York Avenue and Bladensburg Road; and the “C Block”, near the intersection of Montana Avenue and Bladensburg Road (the “**Project**”). The Project features approximately 1,350 – 1,420 residential units, with a combination of studios, one-bedroom, two-bedroom, and three-bedroom units. The Project also features approximately 69,883 square feet of ground-floor retail uses along New York Avenue. The project will also include a day care center and a health club. The Applicant is currently negotiating a workforce housing program with District officials, led by the Office of the Deputy Mayor for Planning and Economic Development (“**DMPED**”). The terms of the deal will allow the Applicant to utilize a combination of direct subsidy and tax incentives that will permit the Applicant to finance and construct the initial phases of the Project. The project will establish, on 16 acres of previously underutilized property, a residential community that will serve as an urban neighborhood center for this area of Ward 5.

Architecture

The ten buildings within Arbor Place are each designed to respond to their context within the city as well as within the Arbor Place neighborhood. At six stories tall, the three mixed use buildings, **A1**, **A2** and **B1** are designed to respond to the scale of their New York Avenue frontage.

The **A1** building, prominently situated at the corner of New York Avenue and Montana Avenue, presents a tall, curved glass retail storefront to the corner and extends retail storefront along New York Avenue as well as a portion of the Montana Avenue frontage. The residential portion of the **A1** building is set back at the corner, creating an elevated landscaped terrace and privacy for the residential units in this area. Two symmetrical towers frame the corner

composition, providing a landmark feature for western approaches to the site. The lighter brick colors and horizontal banding of the spandrels between floors provide a subtle recognition of the nearby historic Art Deco Hecht's Warehouse building.

The other two mixed use buildings, **A2** and **B1**, present a symmetrical composition to New York Avenue, centered on the new internal street (A Street). These buildings have tall, glass storefronts, with a pattern of projecting retail bays and inset storefronts that modulate and activate the retail streetscape. A continuous canopy/signage band is located above the storefronts, providing a flexible location for signage as well as unifying the storefront composition. These buildings are designed with recognition of the industrial past of the site and vicinity, and are articulated in a series of pavilions with a familiar brownstone or rowhouse proportion. Each of the buildings is set back where it joins the new A Street, creating a gateway into the Arbor Place neighborhood as well as an enlarged plaza area in the retail streetscape to accommodate outdoor cafés and seating areas. The skin on the street sides of the **A2** and **B1** buildings is a textured and varied red brick combined with a darker flashed brick used to articulate accent bands and spandrels. The rich horizontal stripping and masonry textures is inspired by the character of the nearby brick kilns at the National Arboretum, with their pattern of horizontal metal strapping on the brick surfaces.

The Montana Avenue and Bladensburg Road buildings step down to five stories and present a variety of massing, façade composition and materials to create a rich variety. The fronts of the **A4**, **B2** and **C3** buildings each present shallow landscaped courtyards to the streets. These buildings have a masonry skin on the 1st through 4th floors and a series of fiber cement panel and siding "reveals" continue the pattern of pavilions developed in the **A2** and **B1** buildings. Each of these buildings is capped with a strong horizontal cornice supported on large

brackets, giving each a defined top as well as providing shading and protection from the elements. The **C1** building presents a side elevation to Montana Avenue, and is set back to provide additional green space.

The **C2** building, prominently situated at the corner of Montana Avenue and Bladensburg Road, is set back from the corner to create a small triangular public park. The corner façade is anchored at both ends by curved, vertical turrets, presenting a landmark feature when approached from the southwest on Bladensburg Road. This building continues the theme of pavilions on both its frontages.

The three buildings internal to the site, **A3**, **B2** and **C1** provide a more intimate and fine grain texture to the public realm of the new streets. Along the B and C streets, these buildings feature individual entries to ground level units. These stoops, porches, and door yards animate the street, enhancing neighborhood interaction and providing eyes on the street. The B and C Streets are also provided visual interest with views into the internal landscaped courtyards. The facades of the **A3** and **B2** buildings utilize a pattern of five-story angled bays and a deep, wine colored brick to activate the street. At the ground floor the bays are joined with a small roof creating entry porches.

The **C1** building utilizes individual entry stoops to create a brownstone / rowhouse scale and texture on the internal B and C streets. These portions of the **C1** building are designed with a mansard roof at the 5th floor, providing a variation in scale and additional visual interest. The two legs of the **C1** building join in a gracious curved façade, forming an elegant backdrop to the central plaza. Additionally, at mid-block of the B Street, the **C1** building steps back to present a small landscaped court and side entrance to the street for visual interest and relief.

At the internal courtyards of each of the ten buildings, the facades will be composed primarily of fiber cement panel siding and panels, with a variety of colors and patterns. Select units will include balconies, and courtyard level patios are provided for some ground floor units.

Access, Parking, and Loading

A combination of traffic improvements, including a proposed new service road along New York Avenue, privately-constructed internal streets and alleys, and other select vehicular ramps will create a new street and alley network within the square and provide multiple points of access to the PUD's parking and loading facilities. The proposed new internal street and alley system are intended to create an open, walkable and functional grid for the new neighborhood. Three new internal streets (designated "A" Street, "B" Street and "C" Street), each perpendicular to the surrounding three streets, converge at a circle in the middle of the site, forming the "central plaza". This space is the heart of the Arbor Place neighborhood, and is intended to feature a fountain as well as other special paving and streetscape elements. The central plaza may be closed to vehicular traffic for special occasions, allowing activities such as market days, festivals, public gatherings, music and outdoor movies, which will provide a public amenity to residents of the PUD and surrounding neighborhoods. The proposed new streets are designed to provide for a through lane of traffic in each direction as well as a parking lane.

The proposed New York Avenue service road will enhance access to the site from New York Avenue, and will be constructed consistent with the recommendations of the District Department of Transportation ("DDOT") in its November 2006 New York Avenue Corridor Study for improvements to the roadway network in this area. The PUD also contains a secondary network of alleys that provides access to parking, loading, and service and trash

removal. The new streets and alleys will be privately constructed, but are intended to remain open to the public for pedestrian and vehicular circulation. Together, this robust network of streets and alleys provides multiple access points in and out of the site and flexibility and choice in vehicular circulation.

Each block contains a central parking structure providing residential parking for the surrounding buildings. Retail parking is provided within the mixed-use buildings as well as along some on-street parking. The proposed PUD project features a total of approximately 1052 parking spaces located at and above grade for its residents at a ratio of approximately 0.75 spaces per unit. Additionally, the Project will provide approximately 220 parking spaces for the retail space, at a ratio of approximately 3.15 spaces per 1,000 gross square feet of retail space.

Streetscape, Green Space, and other Features

At the street level, a series of improvements transforms the current area into an active, attractive urban neighborhood. As noted above, the proposed new internal streets and alleys will increase the visual and physical permeability of the site through the introduction of a familiar urban form. The proposed site plan reduces the number of curb cuts along the three exterior streets that ring the site from 41 to 10. Furthermore, along New York Avenue, the buildings are set back to allow for the new sidewalk and the new service road, which will create an additional buffer from New York Avenue. Street trees will be planted throughout the site along the exterior and interior streets to enhance the walkability of the community and provide a buffer from vehicular traffic.

One of the project's most significant amenities is the amount of open space on the site. As shown on the Open Space diagram included in the PUD plans, the project features a total of

5.77 total acres of open space. First, the Project contains approximately 2.70 acres of public open space on the Subject Property, which are created by a combination of setbacks along the three public streets and new pedestrian sidewalks along the new interior streets. These open spaces create a substantial amount of landscaped and hardscaped space along the perimeter and interior roads that, when combined with the street trees along the sidewalks, transform the site from an asphalt-dominated eyesore to an attractive walkable environment. The most important public spaces created by the PUD include a hardscaped plaza at the New York/Montana Avenue intersection and a public park at the Montana/Bladensburg intersection.

Second, the Project contains approximately 3.06 acres of private open spaces within the site for its residents and guests, which are created by the open spaces between the individual buildings and structures. The three mixed use buildings, A1, A2 and B1, each provide private green space at elevated terraces, and the remaining seven buildings provide private green space within interior landscaped courtyards. The particular characteristics of each open space varies based its the size and location, as illustrated on the attached plans, and have been designed to be viewed from above. These open spaces also feature private terraces for some units. Together, the external and internal green spaces create a number of public and private open spaces that will serve as an amenity for residents and visitors alike.

Summary

The three buildings along New York Avenue are six stories tall; as illustrated on the attached plans and detailed on the zoning summary, their measured building heights vary based on changes in grade and height of architectural embellishments above each roof, but do not exceed 90 feet. The proposed heights along New York Avenue—a well-traveled primary

thoroughfare into the District—complement the width and scale of that street, and this PUD project will welcome those entering the District with a signature architectural statement that they are, indeed, entering a vibrant urban city. The remaining buildings are five stories each and also vary in height based on grade and embellishments. The Property features a considerable slope of approximately 40 feet downward from south to north. As a result, the building heights will modulate throughout the site.

The total gross floor area included in the proposed PUD is approximately 1,695,571 square feet for a total Floor Area Ratio (“FAR”) of approximately 2.43, which is significantly less than what is permitted under the C-3-A District PUD Guidelines (maximum FAR of 4.5 and a maximum building height of 90 feet). The proposed project will have a lot occupancy of approximately 52-53%. It is necessary to rezone the Subject Property to the C-3-A Zone District in order to allow for the new residential uses, and to allow the structures to obtain the requested height.

C. Flexibility under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment (“BZA”).

The PUD project will be built on a single record lot with multiple buildings. Pursuant to Section 2517.2 of the Zoning Regulations (Exceptions to Building Lot Control (Other Than Residence Districts)), multiple buildings are permitted on a single record lot as a matter-of-right, provided that each building satisfies applicable zoning requirements (such as use, height, bulk,

and open spaces around each building). In order to locate the multiple structures on the Subject Property as proposed in this PUD project, it is necessary to obtain relief from Section 2517.2 of the Zoning Regulations. The Zoning Commission has the authority to grant this requested flexibility pursuant to Sections 2405.5 and 2405.6 of the Zoning Regulations.

The Applicant also requests flexibility from the Zoning Regulations' roof structure requirements. The Applicant does not intend to create a single roof structure of a uniform height for each building. Due to the size of these buildings, satisfying the requirement to have a single roof structure on each building of a uniform height would result in a needlessly large roof structure. Furthermore, as shown on the plans, some of the roof structures will require relief from the 1:1 setback requirement.

Finally, the Applicant requests relief from the loading requirements of the Zoning Regulations. The Project as a whole contains a mixture of 30-foot and 55-foot deep berths as well as 20-foot deep service/delivery spaces that will be shared among the different buildings. While the total number of loading berths and delivery spaces does not strictly conform with the requirements of the Zoning Regulations, the Applicant believes that the proposed loading is adequate to service the demands of the Project.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia by providing housing opportunities, facilitating pedestrian-oriented, mixed-use development, and revitalizing the Northeast Gateway and New York Avenue corridor.

B. Land Use Impact

1. Northeast Gateway Revitalization Plan

The DC Office of Planning has produced a “Revitalization Strategy and Implementation Plan” for the Northeast Gateway area of the District (the “**Revitalization Plan**”), which includes the Subject Property. The Revitalization Plan’s goals are to improve the physical image of the Northeast Gateway, capitalize on redevelopment, increase homeownership, increase neighborhood amenities, and improve commercial areas. It includes both the Subject Property and the New York Avenue corridor as “Areas of Concern” where key issues include the “negative image of commercial areas,” “maintaining and expanding affordable housing opportunities,” and “lack of youth and family oriented amenities.” Similarly, the New York Avenue Corridor Study, dated November 2006, (the “**Corridor Study**”) calls for substantial traffic improvements and associated land use, architectural, and landscape improvements along New York Avenue, Bladensburg Road, and Montana Avenue around the Subject Property. The Corridor Study also calls for the establishment of a “strong focal point” at the intersection of Montana and New York Avenues. See Corridor Study at 4-2.

The proposed PUD Project will drastically improve the physical image of the New York Avenue approach to the District as well as the north-south Bladensburg Road corridor. The high-quality development of 16 acres of land will provide significant amounts of housing and associated neighborhood-serving retail amenities that will spark further redevelopment within the Revitalization Plan area in Ward 5. The proposed design of the A1 building, at the intersection of Montana and New York Avenues, will provide the high-quality focus called for in the Corridor Study. The proposed PUD will also transform the dilapidated site into a vibrant,

active, secure, and pedestrian-oriented community that will be a positive and attractive statement to visitors entering the Nation's Capital from the northeast.

2. Comprehensive Housing Strategy

The Statement of Principles and Recommendations of the Comprehensive Housing Strategy Task Force's Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D.C., dated January 31, 2006, sets forth a plan for improving the District's housing and affordable housing by 2020. Below are core recommendations of this Strategy:

- “The District of Columbia should . . . increase[e] residential development . . . throughout the District”:
 - “The District of Columbia should increase the net supply of housing by at least 55,000 units to reduce upward pressure on housing prices and rents and accommodate a growth in population of 100,000”;
 - “The location of new production envisioned by the task force should support a balanced growth policy, which will allow increases in population density”; and
 - “Both assisted and market-rate housing produced in the District should adhere to high architectural and urban design standards, providing housing with amenities and access to transportation for all neighborhood residents.”
- “The government of Washington, D.C. should accelerate its efforts to preserve and increase high-quality affordable housing for both owners and renters”

The Applicant will create a new neighborhood of approximately 1,350 – 1,420 new units of attractive, high-quality housing in an underserved area of the District without displacing any existing residents. Moreover, the project's mixed-use retail components will support the proposed PUD and existing Arboretum community, and trigger appropriate additional residential development. The Project consists of a highly-desirable residential development of appropriate

density to complement its mixed-use components and anchor its location along a major thoroughfare into the District. Finally, the Applicant will reserve nearly one-third of the Project's residential gross floor area as moderate-income affordable housing for families earning between 50% and 80% of the Area Median Income. This PUD project will create a premier mixed-use and mixed-income centerpiece for the revitalized Northeast Gateway that will add a critical mass of new residents to the District's economic engine and spark additional residential development in Ward 5.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. In recognition of the Subject Property's proximity to the Arboretum residential neighborhood, Mount Olivet Cemetery, and the National Arboretum itself, and its potential for redevelopment as the centerpiece of a revitalized residential neighborhood, the D.C. Council amended the Comprehensive Plan in 2006 to re-designate the site as Mixed-Use Medium Density Moderate Density Commercial. The existing C-M-1 Zone District is inconsistent with this land use designation. Furthermore, existing uses on the Subject Property, which include low-scale commercial development such as a strip club, body repair shops, fast-food restaurants with drive-through accessory uses, gasoline stations, and vehicle impound lots, are inconsistent with the land use designation.

Given the above, the Subject Property is appropriate for the proposed rezoning to allow residential and retail uses. The proposed C-3-A Zone District, which incentivizes mixed use development with a preference for residential use, is completely consistent with the current land use designation. Furthermore, the rezoning is part of a PUD application, which allows the

Zoning Commission to review the design, site planning, and provision of public spaces and amenities against the requested zoning relief. The proposed C-3-A zoning will allow for the creation of an entire residential community—without displacing any existing residents—that will strengthen the existing Arboretum community and provide a use more consistent with the large amounts of open space to the south and east of the Subject Property. Moreover, the proposed zoning and uses are consistent with the nearby Arboretum residential neighborhood and other planning goals for the Northeast Gateway.

D. Environmental Impact

As more specifically detailed in Exhibit E, no adverse environmental impact will result from the construction of this project. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project.

The project will actually result in a substantial environmental improvement to the Subject Property. The site is currently completely covered with impervious surfaces and much of this coverage is surface parking used for vehicle storage and repair. The proposed PUD will create a significant amount of green space on the Subject Property that will result in a substantial environmental improvement to the site. Furthermore, the Project will be developed to conform with the 2008 Green Communities standard, which will result in a number of significant sustainable features as detailed on the preliminary Green Communities checklist attached as Exhibit F.

E. Facilities Impact

The proposed project will not have an adverse impact on the public facilities that it will rely on for service. The general area is served by existing Metrobus routes, and the Corridor Plan indicates that the Washington Metropolitan Area Transit Authority (“WMATA”) will “evaluate the feasibility” of additional transit service along New York Avenue if plans for substantial redevelopment take place. The Applicant will work with WMATA to adjust and enhance existing routes and schedules to serve the project.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application.

A. Public Benefits and Project Amenities

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning. The instant consolidated application will achieve the goals of the PUD process by creating a high quality residential development, with a significant affordable housing component and much needed community-oriented retail space on the Subject Property, while creating a significant amount of open space, all of which will further several goals set forth by the District of Columbia.

1. Housing and Affordable Housing

Pursuant to Section 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 will create approximately 1,350 – 1,420 residential units on 16 acres of land. Almost one-third of the PUD will be set aside as housing for families between 50% and 80% of the AMI, and the balance of the project will be market-rate housing, though the Applicant anticipates that these units will be largely marketed to families with a total annual income between 80% and 120% of the AMI. The residential component of the Project also

offers a mix of housing types, from studios to three bedroom units, which will accommodate a variety of household types, including families with children.

The PUD's affordable housing component is significant and well exceeds the minimum requirements of the Inclusionary Zoning Regulations ("IZ"). If applied, IZ would require 8% of the residential gross floor area, or approximately 105,115 gross square feet, to be set aside as "moderate-income" affordable housing; that is, affordable for households with a total annual income of between 50% and 80% of the AMI. Here, the PUD exceeds the minimum IZ requirements by four-fold, and provides a set aside of approximately 400,000 gross square feet of moderate-income affordable housing. The PUD will therefore provide a significant increase in the quantity and quality of affordable housing available in the District of Columbia. This is the PUD's most important public benefit.

2. Urban Design, Architecture, Landscaping, or Creation of Open Spaces

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown in the detailed plans, elevations, and renderings included in the Appendix, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. Currently, low-density commercial uses and their accompanying surface parking lots cover virtually all of the Subject Property. The proposed massing and layout along the existing and proposed street frontages creates a more appropriate urban development pattern that visually defines the adjacent streets and public spaces along a new urban street network.

The three buildings along New York Avenue, in particular, integrate mixed-use design with ground floor retail opportunities along a significant east-west corridor that will create an

attractive streetscape for pedestrians as well as passing motorists. The elimination of the existing surface parking and low-scale auto-oriented commercial uses with multiple ground level retail and residential entrances reduces the sidewalk and street to a human scale, creates “eyes on the street” to improve public safety, and helps remake the public space into an active pedestrian thoroughfare. The New York Avenue buildings will also enhance the visual approach of vehicular traffic to the city for the many residents, visitors, and commuters that traverse New York Avenue daily. This PUD project will define the Northeast Gateway area as a desirable and self-sustaining residential neighborhood.

3. Site Planning, And Efficient and Economical Land Uses

Pursuant to Section 2403.9(b) of the Zoning Regulations, “site planning, and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed Project will transform the site from an isolated triangle into an integrated urban site through the creation of a new privately-constructed street and alley system. The proposed site plan orients groups of buildings in distinct blocks that permit each building to contribute to the activation of the pedestrian streetscape, yet retains private spaces for the PUD’s residents and their guests. Furthermore, the building orientation minimizes the visual impact of the three parking structures. Finally, the Project design takes advantage of its site location along a significant and important roadway by placing retail at the ground floor street level along New York Avenue. Note that the proposed PUD project has a lot occupancy of approximately 52-53%; the proposed massing allows for this generous lot occupancy.

4. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to Section 2403.9(c), state that “effective and safe vehicular and pedestrian access” can be considered public benefits and project amenities of a project. The proposed site layout includes the creation of a new urban grid on the Property. Three privately-constructed streets will lead from the exterior streets into the center of the site. Additionally, a new service road will be created on the north end of the Subject Property, parallel to New York Avenue; it will allow for access to retail uses and on-street parking. Entrances off New York Avenue, Bladensburg Road, and Montana Avenue as well as the three new interior roadways will lead to the Project’s parking and loading facilities.

As a result, the Project will contain a network of streets and alleys that will provide for the safe and efficient travel of pedestrians and cyclists as well as vehicles. The PUD will result in improvements that enhance the streetscape along New York Avenue, Montana Avenue, and Bladensburg Road and reduce the overall number of curb cuts on these three streets from 41 to 10. It will also feature new pedestrian sidewalks along the interior street and alley system. Replacement of the underutilized commercial structures and unattractive junkyard lots with a new pedestrian-oriented mixed-use development will transform the existing area into urban streetscapes that are inviting and safe for pedestrian use.

Wells & Associates, Inc., the traffic and parking engineers for this Project, have initiated discussions with the District Department of Transportation (“DDOT”) regarding the transportation impact of the proposed PUD. DDOT has directed Wells to prepare a supplement to the Transportation Impact Study that was prepared, reviewed, and approved by DDOT in association with the original PUD. This Supplemental Study will use the baseline data prepared for the original TIS to conduct an analysis of the new development program and compare the

proposed PUD to the original PUD. The Applicant will also work with DDOT to review the pedestrian, bicycle, and transportation demand management features of the proposed PUD. The Supplemental Study will be completed and shared with DDOT, OP, and the ANC well in advance of the public hearing, in order to allow for sufficient time to evaluate the study and its findings.

5. Uses of Special Value

According to Section 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The Applicant has agreed to provide the following community benefits as a result of this project:

- Retail options on the ground level of the three new buildings along New York Avenue;
- Improvements to the streetscape along New York Avenue, Montana Avenue, and Bladensburg Road;
- Service road along New York Avenue; and
- New interior privately-constructed street and alley system to permit community access to and through the site.

In addition, the Applicant has already provided amenities to the Friends of the Arboretum, including a contribution of a pickup truck for use by the Washington Youth Garden and a monetary contribution of \$25,000 to further its mission. The Applicant will continue to work with neighborhood organizations and ANC 5B to identify other opportunities to support the neighborhood.

6. Revenue for the District

Again, Section 2403.9(i) states that “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 creation of an entire residential community, featuring approximately 1,350 – 1,420 new

households and 68,993 gross square feet of retail space on underutilized land will result in the generation of significant additional tax revenues in the form of recordation, transfer, property, income, sales, use and employment taxes for the District, and will spark further appropriate development and associated revenue in Ward 5.

7. First Source Employment Program

According to Section 2403.9(e), “employment and training opportunities” are representative public benefits and project amenities. Therefore, the Applicant will voluntarily enter into an agreement to participate in the Department of Employment Services (“DOES”) First Source Employment Program to promote and encourage the hiring of District of Columbia residents.

8. Certified Business Enterprise Agreement

Pursuant to Section 2403.9(e), the use of local firms in the development and construction of the project is a representative public benefit and project amenity. One of the project partners, Abdo Development LLC, is itself a Certified Business Enterprise (“CBE”), and the Applicant will also enter into a Certified Business Enterprise Agreement (“CBE Agreement”) with Department of Small and Local Business Development (“DSLBD”) to use the resources of the DSLBD to utilize local business enterprises in the development of this project.

9. Comprehensive Plan

According to Section 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.” As described

in greater detail in Section V, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

10. Public Benefits of the Project

Sections 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. The only way that residential uses and ground floor retail can be developed on the Subject Property is through an amendment to the Zoning Map. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Zoning Commission, including:

- exemplary/superior architecture;
- housing and affordable housing;
- creation of new through streets and improvements to the surrounding transportation network;
- ground floor retail establishments; and
- significant open space and public space.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies in the Comprehensive Plan.

The purposes of the District elements of the Comprehensive Plan for the National Capital are to: (1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions on matters affecting the District and its citizens; (3) Promote economic growth and jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in the conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Code § 1-301.62 (2006). The proposed project significantly advances these purposes by furthering the social and economic development of the District through the creation of an entire new residential community with approximately 1,350 – 1,420 new residential units (including a significant amount of moderate-income affordable housing) and the construction of approximately 68,993 gross square feet of retail, which will replace existing underutilized commercial uses and surface parking lots, supplement the existing residential neighborhood and open spaces, and create an urban environment in the Northeast Gateway.

A. Compliance with Citywide Elements

1. Framework Element and Maps

The Framework Element provides guidelines for using the Policy and Future Land Use Maps. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the Plan. The Element also clearly provides that density and height gained through the Planned Unit Development process are bonuses that may exceed the typical ranges cited for each category. See 10 DCMR § 226.

The Subject Property is mapped in the Mixed Use Medium Density Residential / Moderate Density Commercial land use category on the Future Land Use map. The Medium Density Residential Land Use category defines neighborhoods where mid-rise (4-7 stories) apartment buildings are the predominant use. 10 DCMR § 225.5. The Moderate Density Commercial Land Use category defines “shopping and service areas that are somewhat more intense in scale and character” than the low density commercial area, and office, retail and service uses among the predominant uses. The corresponding Zone Districts are generally the

C-2 and C-3-A Zone Districts. 10 DCMR § 225.9. The Plan indicates that the Mixed-Use designation “encourages” the mixing of two or more land uses in certain circumstances, including “large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist.” 10 DCMR § 225.18.

The Subject Property is designated as an area for Land Use Change on the Generalized Policy Map. Land Use Change Areas include many of the city’s large development opportunity sites, and represent the bulk of the city’s underutilized land. 10 DCMR § 223.10. The Plan states an intent to create “high quality environments that include exemplary site and architectural design” and are “compatible with and do not negatively impact nearby neighborhoods. 10 DCMR § 223.12.

The proposed PUD and Zoning Map Amendment is consistent with the PUD site’s Mixed Use Medium Density Residential / Moderate Density Commercial designation on the Future Land Use Map, particularly when considered in conjunction with the site’s designation as an area for Land Use change and the relevant provisions of the Comprehensive Plan. The proposed Map Amendment to the C-3-A Zone District, building height, and overall project density of 2.43 FAR are consistent with the above Comprehensive Plan map designations, as well as specific District and Area Elements, as detailed below.

2. Land Use Element

The Land Use Element calls for corridor development that fully capitalizes on the significant public investment in mass transit. 10 DCMR § 306.2. The policy focuses on enhancing not just Metrorail stations but also the city’s premium transit corridors that serve those Metrorail stations, which include New York Avenue, Montana Avenue, and Bladensburg

Road. 10 DCMR § 306.6. The policy calls for the location of transit-oriented development on commercially zoned land and notes that rezoning of such land in a manner that is consistent with the Future Land Use Map should be considered. 10 DCMR § 306.9. Policy LU-2.4.5 encourages the development of pedestrian-oriented “nodes” of commercial development and key locations along neighborhood corridors. This policy also calls for height, mass, and scale that respects the character of and is compatible with surrounding residential areas. See also Policy LU-2.4.6.

The PUD is consistent with the Land Use Element of the Comprehensive Plan. First, it provides focused development along a central location that is accessible by multiple bus routes along three major corridors. Second, it results in the development of the site as an inviting and attractive pedestrian-oriented “node” along that corridor. Third, it provides differing elements of scale and use that respond to the varied height, density, and uses surrounding the PUD site.

3. Other Elements

The PUD is also consistent with other District Elements of the Comprehensive Plan, including the Housing Element, Economic Development Element, and Environmental Element, because it will create new housing units, including affordable housing, and expanded retail opportunities, while improving the environmental quality of the site. The Housing Element states that the expansion of the city’s housing supply is, along with improved shopping and improved design and identity, essential to the future of the District’s neighborhoods. 10 DCMR § 503.1. Policy H-1.1.2 specifically states that zoning incentives that permit greater building area for commercial projects that include housing should be provided in order to meet housing production goals. Policy H-1.1.4 calls for mixed use development including housing on

commercially zoned land. Policy H-1.2.1 stresses the importance of providing affordable housing as a “civic priority”, and Policy H-1.2.5 notes the importance of providing workforce housing as well. Accordingly, the proposed redevelopment of the site to include housing, including workforce and affordable housing, is consistent with the goals and policies of the Comprehensive Plan. It should be noted that the Plan also calls for density bonuses to be provided in exchange for the development of low and moderate-income affordable housing. See Policy H-1.2.7.

Policy ED-2.2.3 of the Economic Development Element calls for the creation of additional shopping opportunities through appropriately-scaled retail infill development on vacant and underutilized sites. The Economic Development Element also includes an action element that notes the importance of higher ground-floor retail ceiling heights in commercial and mixed-use zone districts. The use of the PUD process to provide retail opportunities is therefore fully consistent with the goals and policies of the Comprehensive Plan.

Policy 3.1.1 of the Environmental Element calls for low-impact development that encourages the use of permeable surfaces to absorb stormwater and reduce urban runoff. Policy 3.1.2 calls for increases in tree planting and landscaping to reduce stormwater runoff as well. Finally, Policy 5.3.1 calls for redevelopment and cleanup of brownfield sites—underutilized industrial or commercial sites due to, in part, perceived environmental contamination. Here, the PUD will replace the underutilized and dilapidated buildings and surface parking lots with green space, landscaping, and trees that will greatly improve the environmental quality of the site, and is therefore not inconsistent with the Comprehensive Plan.

B. Compliance with Area Elements

The Upper Northeast (“UNE”) Area Element includes the Subject Property. Policies in this Area Element include:

- UNE-1.1.6: Improved neighborhood shopping opportunities;
- UNE-1.2.1: Improved visual quality of streetscapes;
- UNE-1.2.8: Improved environmental quality;
- UNE-2.3.1: Improved appearance of the New York Avenue Corridor as a gateway to Washington, DC; and
- UNE-2.3.2: Conversion of the industrially-zoned land located at the “triangle” created by New York Avenue, Bladensburg Road, and Montana Avenue (i.e. the PUD site).

For the reasons discussed throughout this statement, the PUD is consistent with the goals and policies of the Upper Northeast Element of the Comprehensive Plan.

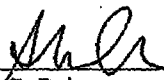
VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the consolidated PUD and Zoning Map Amendment applications meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the consolidated PUD application and Zoning Map amendment should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests the Zoning Commission to set the PUD and accompanying Zoning Map Amendment applications down for a public hearing at the earliest possible date.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



Allison C. Prince



David M. Avitabile

Date: March 27, 2009