

ARBOR PLACE

2001 NEW YORK AVENUE, NE



ZONING COMMISSION
District of Columbia

CASE NO. 09-06

EXHIBIT NO. 15

BY
ABDO NEW YORK, LLC

PRE-HEARING SUBMISSION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT

May 19, 2009

2009 MAY 19 11:30 AM

DEVELOPMENT TEAM

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TABLE OF CONTENTS

EXHIBITS.....	V
CERTIFICATE OF COMPLIANCE.....	VII
LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE.....	IX
I. INTRODUCTION	1
A. Summary of Requested Action.....	1
B. Site Location.....	2
C. Project Description.....	3
D. Prior Planned Unit Development Application	5
E. Flexibility under the PUD Guidelines	7
II. COMMENTS FROM THE ZONING COMMISSION AND OFFICE OF PLANNING.....	8
A. Zoning Commission.....	8
B. Office of Planning	10
III. PUD EVALUATION STANDARDS	15
A. Land Use and Zoning Impact.....	15
B. Public Benefits and Project Amenities.....	17
VI. CONCLUSION.....	18

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
List of Owners of Property within 200 feet of the PUD Site	A
List of Leaseholders on the PUD Site	B
List of Publicly Available Maps and Documents	C
Tabulation of Zoning Data	D
Outlines of Witness Testimony	E
Supplemental Traffic Impact Study	F
Draft First Source Employment Agreement	G
Draft Certified Business Enterprise Utilization Agreement	H
Architectural Drawings, Elevations, and Photographs of the PUD Site	Appendix

CERTIFICATE OF COMPLIANCE

Abdo New York LLC (the “**Applicant**”) hereby certifies that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on May 19, 2009, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes to the project are expected to be submitted prior to the public hearing on this application.

The Applicant also certifies that certain modifications and refinements have been made to the project since the original submission to the Zoning Commission. These changes have been made in response to comments raised by the Office of Planning in its April 3, 2009 report and in response to the comments of the Commission members at the April 13, 2009 public meeting. These modifications and refinements are detailed below.

Primarily, in response to comments made by the Commission at the April 13, 2009 Regular Public Meeting, the Applicant revised the project design to add more definition and modulation to the building elevations. The Applicant has also refined some of the materials and color palettes, as well as the plan features, and expects to provide additional detail on these elements prior to or at the public hearing. As a part of these modifications and refinements, the Applicant has also addressed the treatment of the structured parking facilities.

The Applicant has also addressed the issues enumerated by the Office of Planning in its Setdown Report. These issues are addressed within this statement and attached exhibits. Again, additional detail, as necessary, will be provided prior to or at the public hearing. The Applicant has and will continue to discuss the Project with representatives from OP, DDOT, and the surrounding community. In all other respects, the project is the same as filed on March 30, 2009.

<u>Sub-Section</u>		<u>Page</u>
3013.1(a)	Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission; Appendix
3013.1(b)	List of Witnesses	Pre-Hearing Submission
3013.1(c)	Summary of Testimony of Applicant’s Witnesses and Reports for the Record	Exhibit E
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission; Exhibits D-F; Appendix

<u>Sub-Section</u>		<u>Page</u>
3013.1(e)	Reduced Plans	Appendix
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit C
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1 hour
3013.2	Two Sets of Full Size Plans	n/a
3013.3 and 3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site and Names And Addresses of the Owners of the Property to be Rezoned	Exhibit A
3013.4	Proposed First Source Employment Agreement and Proposed Certified Business Enterprise Utilization Agreement	Exhibits G and H
3013.6(b)	List of Leaseholders	Exhibit B

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP



Allison C. Prince
David M. Avitabile

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Jim Abdo and Eric Price, Representatives of the Applicant

Maurice Walters, Project Architect – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Sharon Bradley, Landscape Architect – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF LANDSCAPE ARCHITECTURE

Marty Wells and/or Jami Milanovich, Traffic Engineers – TO BE PROFFERED AS EXPERT WITNESSES IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 HOUR

I. INTRODUCTION

A. Summary of Requested Action

This document supplements the application of Abdo New York LLC (“**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 “**Property**” or the “**PUD Site**”). The 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 5.71 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 primary vehicular thoroughfare into the Nation’s Capital.

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. Site Location

The Subject Property is bounded by New York Avenue, Bladensburg Road, and Montana Avenue, NE.¹ 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). 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. 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

¹ The proposed PUD includes all but two properties bounded by the aforementioned roadways: Lot 816 and

PUD. Further to the north are the Gateway, Langdon, and Woodridge neighborhoods. To the southwest, across Montana Avenue, are the old Hecht's warehouse and the Mount Olivet Cemetery.

C. Project Description

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, as well as a day care center and a health club. Revised plans, elevations, and drawings of the proposed PUD project are attached as the Appendix.

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. 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. The proposed new internal streets and alleys will also increase the visual

Parcel 153/111. The PUD site also includes a 3,367-square foot portion of a public alley to be closed.

and physical permeability of the site through the introduction of a familiar urban form. 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 1035 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 219 parking spaces for the retail space, at a ratio of approximately 3.13 spaces per 1,000 gross square feet of retail space.

At the street level, the PUD will transform the current area into an active, attractive urban neighborhood. The proposed new internal street and alley system will create an open, walkable and functional grid for the new neighborhood. The three new internal streets will 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 will be identified with 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. As the project is constructed, the level of activity surrounding the central plaza may create demand for additional ground-level commercial uses in the center of the site. For this reason, the Applicant requests flexibility to use six ground-level spaces immediately adjacent to the plaza as either potential residential units or commercial space, depending on market demand.

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 1,714,182 square feet for a total Floor Area Ratio (“FAR”) of approximately 2.46, 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). Indeed, the density is less than what is permitted under the matter-of-right C-3-A guidelines (4.0 FAR) and the C-M-1 guidelines (3.0 FAR). The proposed project will have a lot occupancy of approximately 53%, which is significantly less than the matter-of-right lot occupancy of 75%. It is necessary to rezone the Subject Property to the C-3-A Zone District in order to allow for the residential use and allow the structures to obtain the requested height.

D. 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. The original PUD design consisted of eight buildings arranged in a ring around the exterior of the site. The buildings were oriented towards the existing streets, with a large open “central park” in the interior of the Property. The PUD included approximately 3,400

– 3,600 residential units, with 8% of the units (261,326 gross s.f.) set aside as moderate-income 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.

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 service 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 has a stronger affordable housing component. The proposed affordable housing component represents an improvement in both quantity and value; the total amount of affordable housing is significantly larger than the previous PUD, and the set-aside consists of low-income, rather than moderate-income affordable housing. In short, the proposed affordable housing component is the PUD's most significant project amenity and public benefit.

E. 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. Ample open space is provided on the property, as evidenced by the PUD’s overall lot occupancy of 53%, which is considerably less than the 75% lot occupancy permitted as a matter of right and the 80% lot occupancy permitted under inclusionary zoning.

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. As requested by the Office of Planning, a detailed illustration of the location and types of proposed loading berths is included in the Appendix.

II. COMMENTS FROM THE ZONING COMMISSION AND OFFICE OF PLANNING

A. Zoning Commission

At its April 13, 2009 Regular Public Meeting, the Zoning Commission expressed a desire to see refinements and evolution in the architectural design of the PUD. Specific comments focused on design modifications to create greater variety among each building as well as modulate the roof lines. Commissioners also requested additional attention to the appearance of the parking structures. The Commission also expressed interest in seeing more definition to the elevations and plan, including refinement of the materials and color palettes, by the public hearing. To this end, the Commission requested full elevations of all buildings as well as close-up elevations and sections to illustrate the depth and detail of the elevations, as well as full materials boards. The Commission also requested examples of prior comparable work by the architectural team.

In response to the Commission's comments, and with the guidance of the Office of Planning, the Applicant's design team has refined the architectural design of the PUD, as shown

on the drawings attached in the Appendix. The team has also revised some drawings to more accurately convey the design and function of the PUD. Specific changes include:

- A revised site plan and circulation plan differentiating the primary internal streets and secondary service alleys.
- Further refinement of the design of the New York Avenue buildings.
- Further modification of the buildings along Bladensburg Road and Montana Avenue.
- Improvements and enhancements to minimize the appearance of the parking structures, particularly from residential units. For example, as shown on the plans, a garden wall will be constructed along the terraces on the A2 and B1 buildings in order to minimize the view of the parking structure from those buildings.
- Additional detail to the landscape plan, including revised entries along Montana Avenue and Bladensburg Road, and refinement of the Central Plaza.

The Appendix also contains full elevations of all buildings as well as precedent images from prior work from the design team. Close-up details of the elevations as well as full materials boards will be provided by the public hearing, along with a series of renderings of the primary views of and into the project.

Finally, the Commission requested additional detail on project phasing and public amenities and benefits. The Applicant will construct the PUD in three phases over a multi-year period. Phase I will consist of the A1 and A2 buildings, as well as the A-garage. 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. Phase II will consist of the A3 and A4 buildings, as well as the entire “B” block. 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. Phase III will consist of the “C” block.

Detailed descriptions of each phasing element, including the anticipated delivery of related street-level improvements and interim uses on the Property, will follow in a supplemental submission.

B. Office of Planning

In its setdown report, the Office of Planning raised a series of questions and issues that it has asked the Applicant to address prior to the public hearing. The Applicant's responses follow below.

1. Housing and Affordable Housing

The PUD will contain a mix of units, ranging from studio units to three-bedroom units. The current unit layout calls for approximately 13.5% studio apartments, 50% 1-bedroom apartments, 33.5% 2-bedroom apartments, and 3% 3-bedroom apartments. Approximately one-third of these units will be affordable units, as described in greater detail below. Furthermore, based on the PUD's location and unit composition, the Applicant anticipates that even the market-rate components of the project will be affordable as moderate-income affordable housing and workforce housing.

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"). Through this program, the Applicant will utilize a combination of direct subsidy and tax incentives to finance and construct the initial phases of the Project. The distribution of affordable units in the PUD is driven by the requirements and restrictions of these financing programs, and as a result of these mechanisms, affordable housing will be distributed as follows:

- All of the units in Phase I (the A1 and A2 buildings) will be available only to households with a total annual income equal to or less than 60% of the Area Median Income (“AMI”).
- Phase II (the A3, A4, and B block) will contain a mix of units. Twenty percent of the units will be available to households with a total annual income equal to or less than 50% of the AMI. The remaining eighty percent of the units in this Phase will be provided at market rates. Based on the project location, amenities, and restricted rents for the other units, the Applicant anticipates that these market rate units will generally be affordable as moderate-income affordable housing (that is, affordable to households with a total annual income equal to or less than 80% of the AMI).
- Phase III (the C block) will consist of market-rate units. The Applicant anticipates that based on the project location and composition, many of these units will be affordable as workforce housing (that is, affordable to households with a total annual income of approximately 100% of the AMI).

The duration of the affordable housing commitment will be determined by the specific requirements of each financing program.

2. Details on Other Components and Impact on Public Schools

With regard to the retail component, the Applicant has received multiple unsolicited inquiries from potential retailers, including drug stores, eating establishments, and other neighborhood-serving retailers. The proposed day care and health club are intended to primarily serve the residents of the PUD, with potential additional use by neighborhood residents depending upon availability.

The impact of the proposed PUD on area schools will not be unacceptable. In Case No. 06-15, the Applicant submitted evidence that the in-boundary schools (Langdon Elementary, Marshall Education Center, and Dunbar High School) contained sufficient capacity to accommodate the original development plan of 4,000 residential units, including approximately 600 two-bedroom units that might support families with school-age children. The current proposed development contains approximately 510 two- and three-bedroom units that could

support families with school-age children. Available data continues to indicate that the D.C. Public School system contains sufficient capacity ability to accommodate potential new students over the anticipated multi-year buildout of the PUD, even as DCPS continues to evaluate and “right-size” its school facilities.

3. Architectural Design

At OP’s request, the Applicant has explored design alternatives to reduce the scale, symmetry, and repetition of building design along New York Avenue, and the revised design is presented in the Appendix. The Applicant has also modified the building design along Montana Avenue and Bladensburg Road to reduce the “institutional” appearance of the project. As noted above, the applicant has provided finished elevations of the buildings from all streets (exterior and interior) as well as elevations from the internal courtyards. In addition, the Applicant intends to provide finished perspectives of the PUD in a supplemental submission.

4. Sustainable Design Features

OP also requested that the Applicant explore the potential for use of green roofs or permeable pavement systems. Permeable pavement is best used for driveways, pedestrian paths, and parking lots. It is designed to allow runoff to pass through voids or joints in the pavement to a larger than normal sub base section. This water either infiltrates to the groundwater, or is picked up with underdrains. Maintenance of the pavement several times a year is required as smaller sediment particles will clog the voids preventing runoff from infiltrating. This system is not feasible at the PUD Site for the following reasons:

- Permeable pavement should not be used in areas that have larger than average vehicular traffic. This site is more urban in nature and will have concentrated vehicular traffic that makes permeable pavement infeasible.

- Permeable pavement should not be used near loading docks or in any place where there is potential for residual oils or spills. Many of the paved surface areas serve as maneuvering or unloading areas for PUD-related traffic.
- Permeable pavement works best in areas where snow is not an issue, because sanding and salting for snow removal and management can clog the voids.
- The PUD Site will have very limited surface parking, and the proposed parking structures will utilize other stormwater management BMPs to capture and treat runoff.
- The soils in the District do not always allow for infiltration.

Green roof elements are often well-suited for an urban environment. They reduce runoff, improve heat island effects, and provide an amenity to the building upon which they are constructed. However, they are not ideal for all types of construction. A green roof is heavy and is best suited for traditional concrete construction, not stick-built construction over a concrete pad such as the proposed PUD. The additional structural considerations posed by a green roof would change the nature of the proposed development in both architectural style and overall project cost. The PUD does include green roof features where construction allows, such as on the A2 and B1 terraces that are located above the first floor concrete pad.

Permeable pavement and green roofs are not the only options for reducing site runoff and improving water quality. Several other Best Management Practices (“BMPs”) that can accomplish these same goals are more suited to the proposed PUD. The increase in green space will significantly reduce site runoff as well as improve the water quality of the runoff when compared to existing site conditions. In addition, the PUD will improve water quality through the use of sandfilters, cisterns to capture rainwater for irrigation, or other structural filter units such as a stormfilter, which uses a cartridge filtration unit to remove pollutants. The specific BMPs will vary by building and phase and will be based upon the particular site constraints for

each building location as well as input from the District Department of the Environment's Watershed Protection Division.

5. Traffic and Transportation

Finally, OP has requested that the Applicant address a number of transportation-related concerns. Regarding the traffic study, DDOT has directed the Applicant's traffic consultant to prepare a supplement to the Transportation Impact Study that was reviewed and approved by DDOT in association with the original PUD. This Supplemental Study, which is attached as Exhibit F, uses 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 Supplemental Study also contains a discussion of existing and potential access to transit, as well as the pedestrian, bicycle, and transportation demand management features of the proposed PUD. These features will continue to be reviewed and refined leading up to the public hearing.

OP has also requested additional information on the ownership and design of the internal roadway system. The Applicant is working with DDOT to review the design and layout of the proposed internal street and alley configuration. Again, the Applicant intends to own and maintain the improvements as private roadways, but will review the layout and design with DDOT and DC Fire and EMS prior to the public hearing in order to ensure that the layout is adequate to accommodate service, delivery, and emergency vehicles. OP has also requested that the Applicant "commit not to install gates blocking access to the three principal internal streets." While the Applicant proposes to retain the interior streets as private streets, the streets will generally remain open to public vehicular and pedestrian traffic. Temporary closings may take place to accommodate special events, such as farmers' markets or movie screenings, at the center

of the PUD, through the use of temporary measures that may include gates. Notwithstanding these occasional closures, the three internal streets will generally remain open to the public.

III. PUD EVALUATION STANDARDS

A. Land Use and Zoning Impact

1. Planning Analysis

As detailed in the initial PUD application, the proposed PUD and related rezoning to the C-3-A Zone District is not inconsistent with the D.C. Comprehensive Plan. The PUD Site is mapped in the Mixed Use Medium Density Residential / Moderate Density Commercial land use category on the Future Land Use map.² The Subject Property is also 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 2.46

² 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-

FAR are consistent with the above Comprehensive Plan map designations and multiple elements including the Land Use Element, Housing Element, Economic Development Element, Environmental Element, and Upper Northeast Area Element. In particular, Policy UNE-2.3.2 calls for “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].” The PUD is also consistent with the Office of Planning’s Northeast Gateway Revitalization Plan as well as the District Department of Transportation’s New York Avenue Corridor Study. Finally, the PUD is consistent with multiple District policies that promote the creation of housing units, and in particular affordable housing opportunities and housing opportunities for families.

2. Zoning Analysis

The proposed rezoning to the C-3-A Zone District 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.

Given the above, the Subject Property is appropriate for the proposed rezoning to allow residential and retail uses. First, the existing C-M-1 Zone District is flatly inconsistent with this land use designation, since it does not permit any residential use.³ Second, the proposed C-3-A Zone District, which incentivizes mixed use development with a preference for residential use, is

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.

³ Existing uses on the Property such as a strip club, body repair shops, fast-food restaurants with drive-through accessory uses, gasoline stations, and vehicle impound lots are also inconsistent with this designation.

completely consistent with the current land use designation. Third, since the rezoning is part of a PUD application, it allows the Zoning Commission to review the design, site planning, and provision of public spaces and amenities against the requested zoning relief. Finally, property immediately to the north of the PUD Site (the Salvation Army site) was also rezoned to the C-3-A Zone District through the PUD process. Therefore, for the reasons set forth above, the proposed rezoning to the C-3-A Zone District should be permitted in order to allow for the creation of an new residential community that is consistent with the nearby Arboretum residential neighborhood and other planning goals for the Northeast Gateway.

B. Public Benefits and Project Amenities

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. As detailed in the initial PUD application, the proposed PUD provides a series of amenities and benefits, including:

- housing and affordable housing
- urban design, architecture, landscaping, and creation of open spaces
- site planning, and efficient and economical land uses
- effective and safe vehicular access
- uses of special value, including ground-floor retail and streetscape improvements
- revenue for the district
- First Source Employment and Certified Business Enterprise Utilization Agreements

Given the inconsistency of the existing C-M-1 zoning with the Comprehensive Plan land use designation, relatively low level of density, and minor areas of zoning relief requested, the proposed amenities and benefits are acceptable.

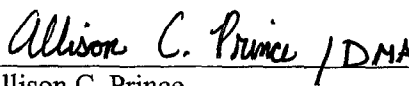
VI. CONCLUSION

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 looks forward to presenting the PUD and accompanying Zoning Map Amendment applications at a public hearing at the earliest possible date.

Respectfully submitted,

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Date: May 19, 2009