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June 1, 2009

Mr. Anthony Hood, Chairman
Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

**Re: Zoning Commission Application No. 09-06 - Request for the
Processing of the Application as a Modification of Order No. 06-15**

Dear Mr. Hood:

In Order No. 06-15, dated May 18, 2007, the Zoning Commission unanimously approved the original PUD for the above-referenced 16 acre site. The project consisted of 3,400 - 3600 units and 150,000 gross square feet of retail space in eight 10- and 11-story buildings. The original PUD included a rezoning to the CR Zone District, which allows a maximum height of 110 feet and density of 8.0 FAR. The Applicant paid a hearing fee of \$69,873.

On March 30, 2009, the Applicant filed a revised PUD for the site which includes a significant affordable housing component and consists of half as many units and retail space as the original PUD. The modified plans show ten 5- and 6-story buildings and include over 425,000 square feet of affordable housing as opposed to the originally proposed 260,000 square feet. In addition, the proposed affordable housing will serve a broader range of incomes. The affordable housing under the new plan will accommodate households with income levels as low as 50-60% AMI while the original affordable housing plan targeted households with incomes of up to 80% AMI.

Based on the half-as-dense redevelopment plan, the Applicant proposed a rezoning to the C-3-A Zone District, which is more appropriate given the reduced height and density. The C-3-A Zone District permits a maximum height of 90 feet and maximum density of 4.5 FAR. The Applicant had the option of filing the new plans as a modification of the original PUD. Since the new plans involve such a

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dramatic reduction in size from the original PUD and a less intensive zone, the Applicant decided that it would be simpler for the Zoning Commission to review as a new PUD rather than as a modification to the original PUD. The hearing fee for a PUD modification would be \$1,000.

The decision to file the plans as a new application rather than a modification has had extreme and unanticipated hearing fee implications. The hearing fee for the revised PUD will be approximately \$174,468.50. Despite the fact that the C-3-A Zone District permits less height and less density than the CR Zone District, the hearing fee for rezoning is 2.5 times as costly. This is particularly incongruous since the revised PUD is half as dense as the original PUD.

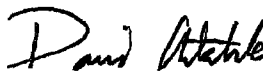
Strict application of the hearing fee requirement in this case is inequitable given (i) the Applicant's recent payment of a \$69,873 hearing fee for the original PUD for the site less than three years ago; (ii) the reduced density, height, and zone category for the revised PUD; and (iii) the substantially increased affordable housing component of the proposed PUD. In addition, such a large hearing fee will significantly reduce the resources available for other project amenities and public benefits in the PUD.

In light of this issue, the Applicant requests that the application be converted into a modification so that the \$1000 hearing fee applies. There would be no purpose served by burdening the project with a substantially larger hearing fee than the original PUD. As this Commission is aware, in this challenging economic time, many applicants have been unable to proceed with approved residential PUDs have been forced to seek extensions. Abdo New York, LLC has instead redesigned its entire project so that it is able to proceed despite the adverse market conditions. In so doing, the Applicant will have a huge positive impact on the supply of housing and affordable housing on the New York Avenue corridor and in the District of Columbia.

Sincerely yours,



Allison C. Prince



David Avitabile

cc: Eric Price



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Comments:

Attached is correspondence regarding Case No. 09-06.

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