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2002 APR 16 PM 2:47

April 16, 2002

Jerrily Kress, Director
D.C. Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Pre-Hearing Submission, Zoning Commission Case No. 02-05
New East Capitol – Two-Step PUD

Dear Ms. Kress:

This letter and accompanying materials constitutes the prehearing submission for the single-family and multi-family housing components of the above-referenced New East Capitol PUD and requests that the commercial component of the same be heard separately at a later date.

On January 30, 2002, the applicant filed a Planned Unit Development (PUD) application for New East Capitol, a mixed-use project consisting of a shopping center and a 515 unit, residential component which included a 150-unit senior apartment building. On February 11, 2002, the Zoning Commission took action to authorize the scheduling of a public hearing on the senior building only. The Housing Authority had requested that the Zoning Commission proceed to hear the senior building on an expedited basis and OP advised that there were issues which needed to be resolved with respect to the remaining PUD components. The Office of Planning ("OP") recommended that the setdown of the senior building proceed independently of the other residential and commercial components in order to accommodate the Housing Authority's schedule and allow time for the resolution of the issues regarding the remaining components. The senior building project was then scheduled to be heard on April 25th.

Thereafter, changes with regard to the proposed map amendments were made by the Applicant and other remaining issues were addressed in accordance with OP's direction. The Zoning Commission then took action at its March meeting to authorize a public hearing on the remaining housing and the shopping center components. It was anticipated that the hearing would be scheduled upon receipt of the Applicant's prehearing submission.

ZONING COMMISSION
District of Columbia
Case No. 02-05
Exhibit No. 16

ZONING COMMISSION
District of Columbia
CASE NO.02-05
EXHIBIT NO.16

Unfortunately, additional issues have now arisen with respect to the commercial component which necessitates this request for a postponement of the hearing on this portion of the PUD. More detailed, recent geotechnical studies and soil testing on the commercial site have revealed site conditions which are more adverse than initially believed, substantially increasing the cost of the project site development work of this economically marginal commercial center. As a result, the Applicant will need additional time to assess the project in consultation with the Housing Authority. While we expect to complete this review within the next one to two months, the Housing Authority does not wish to further delay the processing of the remaining residential components, which are subject to HUD, as well as City, development schedules..

As a result, we are requesting that the Commission schedule a public hearing on the remaining residential components only at this time. The commercial component of the PUD, which is included in the PUD materials submitted herewith, should be considered as merely illustrative at this time.

Given the recent issues which have arisen regarding the commercial development, it would be imprudent for the Applicant to incur the substantial hearing fee (*i.e.*, approximately $60,000) at this time. We are, therefore, proposing that the Zoning Commission consider the first stage PUD application for the commercial center in a separate hearing from the remaining residential elements, upon submission of a separate pre-hearing submission which we anticipate will be filed within the next 30-60 days. It is anticipated, thereafter, that the residential and commercial components of the PUD can be recombined and considered jointly in the second stage of the PUD application process.

Accordingly, pursuant to § 3013 of the Rules of Practice and Procedure before the Zoning Commission, we are herewith submitting twenty (20) copies of the Pre-Hearing Submission for the remaining New East Capitol residential component which consists of single-family, semi-detached, detached, and multi-family buildings with a combined total of 365 units. Please note that the text of the Pre-Hearing Statement is integrated with the project plans provided in the bound Pre-Hearing Submission.

The following items are being submitted:

1. Twenty (20) copies of the Pre-Hearing Statement, including twenty (20) copies of reduced plans and two (2) sets of full-size plans.

2. Architectural and Site Plans by Sorg and Associates, Architects.

3. A list of witnesses who will testify at the public hearing, a summary of their testimony, and an estimate of the time required for the applicant's presentation.

4. Twenty (20) copies of the Applicant's transportation study for the project.

5. A set of mailing labels with the names and addresses of all property owners within 200 feet of the subject property.

6. Pursuant to § 3013.3, the property owners in this case are the District of Columbia Housing Authority (DCHA), owner of the existing East Capitol Dwellings and Capitol View Plaza, and the Federal Housing Authority (FHA), owner of existing Capitol View Plaza II. DCHA intends to acquire Capitol View Plaza II from the FHA by October 2002.

7. Certification pursuant to § 3013.7: We hereby certify that all of the requirements of § 3013 have been complied with in this submission.

8. A copy of a letter from the Department of Housing and Community Development requesting a waiver of hearing fees as authorized by 11 DCMR §§ 3041.4 and 3042 regarding construction of affordable housing.

Please contact the undersigned if any additional materials are needed.

Sincerely,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross

Jamie Z. Goodson

Enclosures

cc: Lawrence Dwyer, Hope VI Coordinator,
D.C. Housing Authority
Ellen McCarthy, Office of Planning
David J. McGettigan, Office of Planning
Howard Ways, Office of Planning

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

Witnesses:

District of Columbia Housing Authority

Lawrence Dwyer, K. (Bernie) Tetreault and/or Kim Kendrick

A&R Development Corporation,
Residential Developer:

Cheryl Hamilton and/or John Kirkland

Sorg and Associates Architects

Suman Sorg, AIA
Robert Swank, AIA

O.R. George & Associates, Inc.,
Transportation Planning & Engineering Consultants

O. R. George

Arnold & Porter, Land Use Counsel

Nathan W. Gross, AICP, City Planner

Estimated Time Required to Present Case: 1.0 hour

Summary of Testimony of the D.C. Housing Authority
and
A & R Development Corporation, Residential Developers:

Lawrence Dwyer, Director, Office of Planning and Development, DCHA
Kim Kendrick, Regional Administrator, DCHA:

I. Hope VI Development

II. Redevelopment of Public Housing

Cheryl Hamilton, Regional Director, A & R Development
John Kirkland, A & R Development

I. Summary of Development Experience in Similar Projects

II. Project Background and Goals

III. Development Planning, Financing, Timetable

IV. Community Involvement in PUD Planning

Suman Sorg, Principal, Sorg and Associates Architects, P.C.:
Robert Swank, AIA, Sorg and Associates Architects, P.C.:

I. Identification of the Firm and Its Practice
II. Presentation of Site and Architectural Plans for the PUD

III. Review of Necessary Areas of Flexibility for the Project

IV. Discussion of Building Materials

O.R. George, Principal, O.R. George Associates, Inc.,
Transportation Planning & Engineering Consultants:

I. Identification of Firm and Its Practice

II. Review of Existing Road Network

III. Discussion of Proposed Traffic Plan

Summary of Testimony of Nathan W. Gross, AICP
City Planner, Arnold & Porter:

I. Identification of Firm and Its Practice

II. Assessment of Key Planning Issues and Benefits of Proposed Project

III. Consistency of Project with Comprehensive Plan and PUD Evaluation Standards

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

★ ★ ★

Office of the Director

February 13, 2002

D.C. OFFICE OF ZONING
RECEIVED
2002 APR 16 PM 2:48

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

Re: Waiver of Hearing Fees – New East Capitol (Hope VI)
Planned Unit Development (PUD)

Dear Ms. Mitten:

The purpose of this letter is to request that the Zoning Commission grant a waiver of hearing fees for the Planned Unit Development (PUD) application for the New East Capitol residential community. Section 3042 of the Zoning Regulations states that the Department of Housing and Community Development (DHCD) may request that the Zoning Commission waive the normal hearing fee for PUD applications which involve "low and moderate income subsidized housing development." Under these regulations, a "subsidized housing development" is defined as a housing development that receives funding from a recognized District of Columbia or Federal Government subsidy program. The site to be developed is located in the East Capitol area of Ward 7.

The New East Capitol project has been granted a $35 million Hope VI grant from HUD, which will leverage an additional $74 million in funding and services to replace the existing deteriorated subsidized public housing on the site with a high-quality, mixed income residential community. All development components (senior apartments, low-rise apartments, townhouses, detached and semi-detached houses and multi-unit "grand houses") will include affordable units.

It has been determined that the subject project is a "subsidized housing development" that meets the requirements of the applicable regulations and is therefore eligible for a waiver of the normal hearing fees. DHCD has found the project to be consistent with housing and community development needs and strategies of the District of Columbia, which emphasizes:

1. Creating homeownership and rental housing opportunities for low and moderate income families, while also increasing the real estate tax revenue base;

2. Building stable and livable neighborhoods, thereby decreasing crime; and

3. Creating mixed-income neighborhoods.

The Department of Housing and Community Development respectfully request that the Zoning Commission grant a waiver of all applicable hearing fees. Thank you for your consideration of this request.

Sincerely,

Stanley Jackson
Director

Chad Williams
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#204
Washington, DC 20019

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Washington, DC 20019

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Inita Jackson
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