

**ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

RE: Application of Stonebridge Associates,)
5401, LLC, on behalf of 5401 Western)
Avenue Associates, LLC, and the Louise) Z.C. Case. No. 02-17
Lisner Home for Aged Women, for)
Approval of a Consolidated Planned Unit)
Unit Development and Zoning Map)
Amendment for Property at Western Ave,)
N.W., and Military Road, N.W.)
Square 1663, Lots 7 and 805.)
)

D.C. OFFICE OF PLANNING
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**SUBMISSION OF FRIENDSHIP HEIGHTS ORGANIZATION FOR REASONABLE
DEVELOPMENT TO CORRECT THE ERRORS, OMISSIONS AND MISLEADING
INFORMATION IN THE D.C. OFFICE OF PLANNING's FINAL REPORT**

The D.C. Office of Planning submitted to the Zoning Commission on November 4, 2002, its Final Report on the Stonebridge Application for a Proposed Unit Development and Map Amendment.¹ On November 14, 2002, the Applicant made its presentation to the Zoning Commission. The Zoning Commission has scheduled a hearing on December 12, 2002, to question the Applicant, hear the presentations by the Office of Planning and other D.C. agencies (if any) and question such presenters, and proceed with other presentations and questioning in this matter.

The Friendship Heights Organization for Reasonable Development (FhORD), a party-opponent, has reviewed the Final Report of the Office of Planning. FhORD hereby submits to the Zoning Commission for its consideration some of the factual errors, omissions and misleading information contained in this Final Report. When understood in the context of the Stonebridge Application, the Office of Planning's errors, omissions

¹ The D.C. Office of Planning submitted its Final Report on November 4, 2002, then submitted a corrected version of this Final Report also dated November 4, 2002 but designated as "Corrected November 7, 2002." All comments herein are with respect to the corrected Final Report.

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and materially misleading information seriously detract from the soundness of the Office of Planning analysis and conclusions.

FhORD respectfully suggests that the Zoning Commission, to the extent it deems appropriate, should question the Office of Planning as to these material flaws in its Final Report, and that the Zoning Commission should take these flaws into account when determining what weight to give the Final Report and presentation of the Office of Planning.

FhORD submits the following corrections in three sections – Major Corrections, Significant Corrections and Clarifications, and Technical Corrections – and each section is organized in the order presented in the Final Report.

I. MAJOR CORRECTIONS TO THE OFFICE OF PLANNING'S FINAL REPORT

1. The Zoning of Square 1661, page 4 note 5.

Office of Planning: OP states that three PUDs have been built on square 1661, with the associated zoning for the square C-3-B and R-5-D.

Correction: While the associated zoning of the residential portions under the PUDs is R-5-D, the development of the residential portions of those PUDs was limited to the density and height permitted under R-5-B.

- For the Abrams PUD (southernmost portion of Square 1661), the additional floor area associated with the R-5-D zoning was used in the commercial portion of the development and not for the 4 residential units.
- As to the McCaffery/EYA PUD (modified Miller PUD) (middle portion of Square 1661, commercial on Wisconsin Avenue and residential on 43rd Street), the residential component, the 29 Courts of Chevy Chase townhomes, were zoned R-5-D but under the PUD required to be built and were built fully within R-5-B FAR and height standards. [The additional floor area on the original Miller PUD was to be used in the commercial portion, but was never developed.]²

Implication: By using the higher densities for 1661 and by referring to the Friendship Heights, Maryland central business district in evaluating this proposal, OP has created the

² The third PUD on Square 1661, the Donohue PUD (northern portion of Square 1661, the Embassy Suites Pavilion hotel, and office and retail components), has no residential development.

false impression that the Clinic site is a “pocket,” zoned at R-5-B, with significantly higher densities on several sides. In fact, when the correct density on the entire eastern side of Square 1661 is considered, it becomes clear that the Clinic site is not, in fact, a “pocket” but is a continuation of the transitional buffer on the eastern portion of Square 1661 as set forth in the Sectional Development Plan for Friendship Heights.

2. The Economic Development Element (tax benefit to the District), page 12.

Office of Planning. OP relied entirely on the Applicants’ submitted economic study in determining the net increase in tax revenue.

Corrections. The economic study submitted by the Applicant is flawed. Simply correcting for clear errors reduces substantially the economic benefit. Those clear errors consist of (1) using the actual DC tax rates; (2) changing the assumption that residents in affordable housing have an annual income of \$144,000; (3) correcting errors in sales tax generated, such as the assumption that residents on Western Avenue will spend an additional \$800 a month in DC restaurants unrelated to their location of their employment; and (4) comparing the Stonebridge project to a smaller version of the Stonebridge project, rather than likely development under current zoning.

OP’s recommendation is based, in part, on the Developer’s claim that “direct tax revenues to the District of Columbia resulting from this project total approximately \$1,819,700 annually, as compared with approximately \$100,000 annually from the current Washington Clinic use.”³ In fact, corrections of these errors lead to the conclusion that the project will produce at most \$400,000 to \$500,000 more tax revenue than likely development under matter-of-right with current zoning, and an significantly less additional tax revenue over a modest PUD developed under current zoning. Correction of this error leads to substantial changes in the evaluation of the merits of the project.

II. SIGNIFICANT CORRECTIONS AND CLARIFICATIONS TO OP’S FINAL REPORT

In addition to the above major errors, FhORD notes for the Zoning Commission’s consideration the following significant and material errors and necessary clarifications.

- Page 1, paragraph 2, line 3.
 - Statement: OP states that the Applicants request approval of a PUD for a 184,128 SF building on 58,220 SF of land.
 - Correction: The Applicants are requesting approval of a 182,000 SF building on 43,840 SF of land and a 3,000 SF day care center on 15,000

³ Supplemental Prehearing Statement, October 25, 2002, p. 16.

SF of land, i.e., two buildings totaling approximately 185,000 SF gross floor area on 58,840 SF of land.

- Page 1, footnote 2.
 - Statement: OP states that Sheet A4 shows parking for 110 units, with 1.1 spaces per unit and 4 spaces for the day care center. OP states the Applicant has not shown a plan that includes the “142 space option.”
 - Correction: Sheet A4 shows 100 accessible spaces in the garage, including 5 HC spaces. The drawings indicate that this is the maximum number of accessible spaces that can be provided in a two-story underground garage under the Clinic site. The 121 spaces (for 110 units) include 17 tandem spaces in the garage and four spaces in the outside visitor parking lot.
 - Correction: Sheet A4 also shows that no more than 117 spaces total (including tandem spaces) can be provided in the two-level underground lot under the Clinic site. Thus, there is no indication of how, if at all, 142 spaces could be provided within the current design parameters (two levels of underground parking that does not extend under the Lisner land, and no surface parking on the Clinic site, and 8 spaces in the day care lot).
 - Implication: A major element in the Amenity and Benefits package is the “Provision of Excess Parking.”⁴ OP relied on the Applicants’ calculations in assessing whether this amenity would be included in the project. A correction of the Applicants’ calculation demonstrates that they will not be providing excess parking, and in fact, cannot show that they will be able to provide sufficient parking in two levels of underground parking.
- Page 3, Table 1: Chevy Chase Plaza.
 - Statement: OP states that Chevy Chase Plaza has 5 residential units plus the day care center.
 - Correction: Chevy Chase Plaza has 4 residential units plus the day care center, not five residential units plus the day care center.
 - Statement: OP states that the height of Chevy Chase Plaza is 90 feet.
 - Correction: The height of Chevy Chase Plaza along Wisconsin Avenue is 90 feet, but on 43rd Street Chevy Chase Plaza is limited to two stories. According to ZC Order 519, Decision, ¶8, p. 19: “The height of the PUD shall not exceed ninety feet along Wisconsin Avenue, nor two stories along 43rd Street, with the setbacks as shown on Exhibits No. 33, 152, and 168 of the record.”
 - Implication: OP, in assessing the height of this project, is comparing the proposed height to the commercial portions of the Chevy Chase Plaza, and

⁴ Supplemental Hearing Statement, October 25, 2002, p. 12.

ignored the required step-downs on the residential portion, in the transitional buffer to the low-density residential neighborhood. The Clinic/Lisner site is more comparable to the transitional buffer and not to the commercial portion of Square 1661 located on Wisconsin Avenue.

- Page 3, Table 1: Chevy Chase Pavilion.
 - Statement: OP states that the height of Chevy Chase Pavilion is shown as 100 feet.
 - Correction: According to ZC Order 517, Decision ¶ 4, 12, pp. 26, 28: “4. The height of the office component of the project shall be 100 feet, as shown . . . The height of the hotel component shall be approximately 70 feet to the cornice line of the hotel, as shown . . .” (emphasis added). “12. The office component of the building shall be set back at a ratio not to exceed 1 to 1 (45 degree maximum) beginning at a height of not more than 60 feet at a point where the office component abuts the adjacent R-5-B District to the east of the PUD site, as shown . . .” (emphasis added).⁵
 - Implication: OP, in assessing the height of this project, is comparing the proposed height to the highest portions of the Chevy Chase Pavilion (the office component), and ignoring the required step-downs to the residential portion of Square 1661 and ignoring the height limitation of the hotel component that fronts Military Road across from the Washington Clinic site. The residential portion of Square 1661, importantly, serves as part of the transitional buffer to the low-density residential neighborhood, and the Clinic site serves as the other part of this transitional buffer.
- Page 4, Table 1: Chevy Chase Center.
 - Statement: OP states that the height of Chevy Chase Center is 90 feet and 40 feet.
 - Clarification: The 90 foot component of Chevy Chase Center is setback 150 feet from Western Avenue.
 - Implication: While we do not believe it is appropriate to compare this project with development in Maryland, we note that the 90 foot component is setback from Wisconsin Avenue and the new development directly across from the Clinic site is limited to two stories.
- Page 7, Table 2: Density.
 - Statement: OP cites an FAR under the requested PUD and rezoning not to exceed 3.16 on the combined 43,840 SF of Clinic land and 15,000 SF of Lisner land.
 - Clarification: If the 3.16 FAR on the combined site is to be used for comparison, we note that the maximum FAR for a PUD on the combined

⁵ We note, however, that the information provided by the Applicant shows that the office component of the Pavilion was not built in compliance with this ZC Order, and, in fact, begins its set back at a height approximately 20 feet higher than the 60 feet authorized.

site under current zoning is 2.34, not 3.0. The maximum FAR is calculated by prorating the maximum for the two zones, i.e., it is based on the 3.0 and 0.4 maximums for R-5-B and R-2, respectively. That maximum FAR is 26% of 0.4 plus 74% of 3.0, or 2.34.

- Implication: In comparing the density of the proposal with the allowable density under current zoning, OP miscalculated the allowable density under current zoning, and thus understated the magnitude of the additional density being requested. Given that OP's conclusions are based, in part, on whether this additional density is justified, a significant understatement of the requested additional density would call that conclusion into question.
- Page 7, Table 2: Parking.
 - Statement: OP states that there are 1.1 spaces per unit (inclusive of 7-8 visitor parking spaces and required parking for day care center).
 - Clarification: Based on the Drawing A4, it is clear that they are not offering to provide 1.1 accessible spaces in the building for the apartments, inasmuch as they are including 17 tandem spaces and the 4 visitor/day care spaces on the Lisner land in the parking count to achieve the ratio of 1.1 spaces per unit.
 - Clarification: Further, Stonebridge is reserving the right to have up to 25% of the spaces as inaccessible spaces, per Drawing A4 note 4. Thus, assuming 110 units, 121 parking spaces (110 times 1.1), there would be 83 accessible spaces available for the 110 units (121 spaces minus 30 inaccessible spaces (25% of 121) minus 8 visitor spaces), an actual ratio of 0.75 accessible spaces per unit.
 - Implication: As noted above, a major claimed amenity is the "provision of excess parking." To the extent that OP has overestimated the amount of accessible parking available to the residential occupants of the project, they have overestimated the value of this amenity. This calls into question their conclusion, which is based, in part, on a determination that the value of the benefits is sufficiently high to justify the increased density.
- Page 8, Table 2: Mitigation.
 - Statement: OP cites signalization optimization as a method of traffic mitigation.
 - Clarification: It is inappropriate to count, as mitigation, changes in signalization that are likely to cause additional queuing in other already congested areas, such as north-south traffic on Reno Road and 41st Street. Similarly, traffic calming measures should be part of a larger study to make certain that cut-through traffic and cars seeking parking are not diverted to other residential streets.
 - Implication: The Applicants have claimed "Neighborhood Traffic Control Enhancements" and "Traffic Enhancements" which consists primarily of

signal modification as public benefits and project amenities. To the extent that these modifications do not necessarily provide benefits or are not part of a comprehensive plan, OP, in relying on these claims, has overestimated the value of these benefits in its determination of whether the benefits justify the increased density.

- Page 8, Table 2: Mitigation.
 - Statement: OP states that there is a 100 foot increase in the distance between the project and the nearest residence.
 - Clarification: Distance from the project and closest house does not consider the location of the underground parking and thus does not consider the closeness of the required excavation to the nearest house, which is essentially unchanged from prior application.
 - Implication: Distance from the excavation to the nearest house is a factor in determining the likelihood that neighboring houses will suffer damage during construction.
- Page 8, Table 2: Amenities, More Tree Preservation.
 - Statement: OP cites “more tree preservation” as an amenity.
 - Correction: The Applicant and OP have included in the discussion of “tree preservation” trees that are not included in the PUD and trees that are not on land being acquired by the Applicant. There will be no tree preservation on the Clinic site; the underground parking will require excavation of the entire Clinic site. In addition, given the proximity of the excavation to the trees on the Lisner site, additional trees on public land and on the Lisner site are likely to be lost through root compaction.
 - Implication: Given that there is virtually no tree preservation associated with this project, OP has relied on the Applicants’ overstatement of benefits associated with the project in determining whether the increased density is justified by the benefits.
- Page 8, Table 2: Amenities, Parking.
 - Statement: OP cites parking in excess of that required by zoning and by the market, including some free visitor parking
 - Clarification: The parking is not in excess of what has been required in other PUDs in this area (1 or 2 accessible spaces per unit that cannot convey separately from the unit), and is actually significantly less than that required in Miller, Abrams and Tenley Hill. It also appears likely to be less than parking required for the market, which shows car ownership for this Census Tract of approximately 1.4 cars/unit.
 - Implication: As noted above, the Applicants claim provision of excess resident parking as a benefit, when, in fact they will be providing less parking than the Zoning Commission has required in other PUDs. OP had

relied on this claimed benefit in its determination of whether the requested increase in density is justified by the benefits associated with the project.

- Page 10, Table 3: FAR.
 - Statement: In the column “Pro-Rated R-5-B/R-2 w/PUD,” OP gives the maximum FAR on R-5-B as 3.0 and the maximum FAR on R-2 as 0.4, but OP omits the pro-rated FAR.
 - Correction: As stated above, the pro-rated R-5-B/R-2 PUD maximum FAR is not given. The maximum FAR for a PUD under current zoning is: 2.34.
- Page 10, Table 3: Lot Occupancy.
 - Statement: OP states that the maximum lot occupancy for a PUD under current zoning is 60%.
 - Correction: The maximum lot occupancy for a PUD under current zoning is based on the pro-rated lot occupancy for R-5-B and R-2. The maximum lot occupancy for a PUD under current zoning is: 54.9%, not 60%.
- Page 10, Table 3: Number of dwelling units.
 - Statement: OP states that as a MOR with current zoning, 80 apartments and 5 houses could be built on the site, and with a PUD under current zoning 131 apartments and 3 single-family houses could be built. OP further states that the proposal is for 125 dwelling units.
 - Correction: In calculating the number of apartments, OP uses 900 square foot apartments for the first four columns, and 1,310 square foot apartments for the current proposal. These numbers are not comparable. Using the same square footage, 1,310 SF, for each, one would have 125 units in the Stonebridge proposal, compared with 90 units allowed with a PUD under current zoning. Using 900 SF per unit, there would be 182 units in the proposal and 131 units allowed with a PUD under current zoning.
 - Clarification: The calculation of what could be built on the Lisner land with a PUD under current zoning is misleading, inasmuch as 5 houses can be built as a matter of right on a [differently configured] 15,000 SF piece of R-2 land. The configuration of the Lisner land to be acquired has changed with each proposal.
 - By using different unit sizes for in its comparison of the proposal with current zoning, OP has understated the increase in density requested by the Applicants, and has relied on that comparison in determining whether the increased density has been justified. Thus, OP has only evaluated whether a relatively small increase in density has been justified.
- Page 10, Table 3: Notable Amenities/Public Benefits.
 - Statement: OP cites more tree preservation as a notable amenity.

- Correction: More tree preservation seems questionable inasmuch as there is underground parking below the entire Clinic site, and above ground parking and the child care center that occupy a significant portion of the Lisner land to be acquired.
- Statement: OP cites “less chance of blasting” as a notable amenity.
- Correction: The two levels of underground parking proposed by Stonebridge are the two lower levels of the previously-proposed three level underground parking, thus there is no decreased chance of blasting. Also, while the submitted garage design for 110 units has two levels of underground parking, it does not provide 1.1 accessible spaces per unit in the garage. There are 100 accessible spaces in the garage, inclusive of the 5 handicapped spaces. Thus, the Applicants have not submitted a plan that would provide sufficient parking in two levels, thereby reducing the chance of blasting and inclusion of another level of underground parking can increase the chance of blasting..
- Implication: OP has included, in its assessment, claimed amenities that are not supported by the Applicants’ submissions. Inclusion of more amenities than are likely to be delivered calls into question whether, based on the OP analysis, one can conclude that the increased density is justified.
- Page 12: The Economic Development Element, day care space.
 - Statement: OP recommends that 50% of the day care slots be reserved for neighborhood residents, based on that provision in the Abrams PUD that created the existing Chevy Chase Plaza Childrens’ Center.
 - Clarification: Given that the 50% recommendation in the Abrams PUD was based on the fact that it was a mixed use development, predominantly commercial, and that the day care was to be, in part, a way for the developer to attract commercial tenants, there is no reason that the 50% requirement of the Abrams PUD should apply here. With the Abrams PUD, the remaining 50% were to be reserved for children of employees on Square 1661, with 100% of the slots reserved for either neighborhood children or employees of tenants in the three PUDs on square 1661. With the present Stonebridge proposal, it would be appropriate to require that all the day care slots [or 90% of the slots] be reserved for neighborhood residents with a maximum of 40% of the slots to be used by residents or employees of the Stonebridge PUD.
- Page 12: The Economic Development Element, for sale condominiums.
 - Statement: OP states that the residential units would be for-sale condominiums and relies on this assumption in reaching their conclusions
 - Clarification: The Applicant has offered no conditions to assure that those units would be for-sale condominiums, or conditions that would assure the District and the neighborhood that a sufficiently high percentage would be owner-occupied.

- Implication: To the extent that OP is relying on the assumption that these units will be offered for sale individually and that those units will, in fact be owner-occupied, the Application lacks the necessary conditions to assure the Commission and the neighborhood that that will, in fact, be the case. Absent additional conditions, the building can be managed as rental building, as the Saratoga on Connecticut Avenue is (though officially a condominium building), or if sold as a condominiums could have a significant number of units held by investors. The assumed benefits associated with owner-occupancy, including neighborhood stability, higher District tax revenues and the owner-occupants investment in the District and the neighborhood, might not be realized. If so, OP has overestimated benefits associated with the project in determining whether the requested increased density is justified.
- Page 12: The Economic Development Element, for sale condominiums.
 - Statement: OP states that 5% of the units will be targeted to make them affordable to those earning up to 80% of the AMI.
 - Clarification: The Applicant has provided only sketchy details on how the affordable units would be handled or provisions that would assure that they would be affordable for the twenty-year restricted selling period. The Applicant is planning on conducting the lottery for these units with no indication as to how the pool of eligible households will be notified, how the new owners will be selected, and how future sales within the twenty-year restricted selling period will be monitored to determine that the entire pool of eligible households is aware of the availability of each unit and that there is an unbiased selection process in that period. Absent significant regulatory oversight, these affordable housing units will only benefit the first owners selected by the Applicant.
- Page 13: The Housing Element.
 - Statement: OP states that fewer than 100 new units of housing have been constructed in Friendship Heights since it was declared a Housing Opportunity Area in 1984.
 - Clarification: The Comprehensive Plan lists three particular sites that were identified for housing opportunity: (1) the portion of the Miller site along 43rd Street, (2) the WMATA site, south of Jenifer Street; and (3) the Lord and Taylor site, west of Jenifer Street. "Ward 3 presents the opportunity for discrete, highly-focused economic activity at specific locations: (b) Development of housing at Friendship Heights, particularly in the extant, large parking lots (Lord & Taylor and Metro) and in the 5300 block of 43rd Street, N.W." [Comprehensive Plan, §1401.7(b)]

Of these three sites, the Miller site has been developed. In 1985, twenty-nine townhouses were built on that site. According to the OP report, there is a proposal to put significant retail and 400 residential units on the WMATA site. According to John Epting, attorney for Clark Realty, Clark

Realty will be proposing significant retail and 550-600 residential units for the WMATA site. Further, significant housing can be provided on this site under current zoning.

- Implication: OP has not demonstrated that the increased density requested by the Applicants is necessitated by the 1984 designation as a Housing Opportunity Area.
- Page 14: The Environmental Element.
 - Statement: OP states that there is preservation of trees, since it is a taller building.
 - Correction: As noted above, no additional trees will be preserved on the site; no trees whatsoever will be preserved on the Clinic site.
- Page 14: The Transportation Element.
 - Statement: OP makes a series of statements about traffic and Metro use.
 - Correction: There are significant flaws in the Stonebridge analysis, largely relied on by DDOT. These flaws will be discussed by our traffic expert.
 - Implication: To the extent that OP has relied on the Stonebridge traffic analysis, they have seriously underestimated the impact of the project on the surrounding area in determining whether the increased density, and its associated impact on the surrounding area, is justified.
- Page 16: The Urban Design Element.
 - Statement: OP states that, if the site was to be developed as townhouses, those result would be “48’ foot [sic] high structures only 55 feet away from the fronts of single family homes.
 - Correction: Given that there is a 90 foot ROW on Military Road plus the required 15-foot building line setbacks on each side of Military Road, the closest townhouse could not be less than 120 feet from the nearest single family house. In addition, if, as would be encouraged under current zoning, the townhouses incorporated underground parking as in the Villages of Bethesda, in order to maximize the allowable square footage, the amount of open space with townhouses could be significantly more than offered by the Stonebridge proposal.
- Page 16: The Urban Design Element.
 - Statement: The OP Report states: “The 1974 Sector Plan also showed pedestrian connections to the Metro across this property. This recommendation would be formally realized by one of the conditions of this PUD.”
 - Correction: There is pedestrian access to the Metro from Military Road and from Western Avenue. The Applicants’ promise to continue to allow

pedestrian access between Military Road and Western Avenue does not increase pedestrian access to the Metro.

- Page 16: The Urban Design Element.
 - The OP Report states: “The landscaped open space permanently provided on almost 50% of the project’s site is consistent with this aspect of the plan. The open space in the southern and eastern part of the site is made possible by the concentration of development in the northern and western section of the site, closer to Western Avenue and Metro and in a somewhat taller, denser structure along Western Avenue than would be the case without a PUD. Matter of right development would not be able to provide this open space buffer.”
 - Clarification: Absent a zoning change, lot occupancy would be limited to 60% on the Clinic site. The Applicants’ proposed lot coverage on the Clinic site is 53%. Thus, the "open space" proposed is only 7% more of the Clinic site than the minimum required under the current zoning. The proposal will have 3,070 SF more than the minimum required with current zoning. In addition, the underground parking on the Clinic site will be below most of the “open space,” thereby limiting the landscaping options.
 - Implication: Given that the Applicants have claimed “significant additional open space and tree preservation” as an public benefit and project amenity, and given that they are not providing significant additional open space compared with that required under current zoning, OP’s reliance on the Applicants’ claims results in an overestimate of the benefits associated with the project.
- Page 18: The Ward 3 Element, transportation-related sections.
 - Statement: OP states that according to the Applicants, major intersections near the proposed development now experience Levels of Service B and C in peak hours, and that after “background traffic” such as the projected 2 million square feet of new development and the WMATA development are factored in, the proposed development will only degrade one of those intersections, Military and 43rd Street which would decline from B to C in the PM rush hour.
 - Correction: The [Montgomery County] Friendship Heights Sector Plan, approved and adopted in March 1998, gives the existing [1995] PM level of service for Western and Wisconsin as D, and projects a 2015 PM level of service for Western and Wisconsin at F, absent the recommended traffic mitigation and at E with all the recommended traffic mitigation.
 - Implication: To the extent that OP is relying on these estimates, they are understating the impact of the project on the neighborhood in evaluating whether the increased density, and its associated impact on the surrounding area, is justified.

- Page 19: Consistency with the PUD Evaluation Standards, Quantitative Standards, FAR.
 - Statement: In reaching its conclusions, OP relied on the Applicants' calculation of the FAR bases its recommendation, in part, on that assumption that the overall FAR for the project would be 3.14.⁶
 - Correction: The actual FAR of the proposal is higher than the 3.14 stated by the Applicant.⁷ Specifically, Stonebridge *excludes* from its square footage calculation "bays projecting over the property line on Western Avenue" and *deducts* two percent of the measured square footage to account for a "mechanical shaft deduction." See Stonebridge Revised Pre-Submission Drawings, D-1, note 2(A) and 2(B), October 25, 2002.⁸ According to §199.1 of the Zoning Regulations, those spaces cannot be excluded:

The term "gross floor area" shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet six inches (6 ft. 6 in.) or more); penthouses; attic space (whether or not a floor has actually been laid, providing structural headroom of six feet six inches (6 ft. 6 in.) or more); interior balconies; and mezzanines. The term "gross floor area" shall not include cellars, and outside balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building.

Floor area ratio - a figure that expresses the total gross floor area as a multiple of the area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

The Stonebridge Application requests 182,000 square feet of gross floor area for the residential building, excluding the "bays" and excluding the "mechanical shaft" approximation. Including the "bays" and the "mechanical shaft" square footage, as unequivocally required by the Zoning Regulations, adds 6150 square feet to the gross floor area for the Washington Clinic site, Lot 805, for a total gross square feet of 188,150. Using the lot size of 43,840, Drawing D1, the corrected actual FAR is

⁶ OP also assumed that an overall FAR for the project of 3.14 would meet the standards of §2405.2 for R-5-C and R-2.

⁷ An overall FAR of 3.14 would not meet the standards of §2405.2 for 43,840 SF of land zoned R-5-C and 15,000 SF of land zoned R-2. By applying the methodology described in the Zoning Regulations, the maximum FAR for a site with 43,840 SF in R-5-C and 15,000 SF in R-2 is 3.08. Thus, the Applicants do not meet the standard.

⁸ Stonebridge correctly states that the Zoning Regulations permit bays to extent no more than 6 feet beyond the property line, but does not provide any legal support for its position that such bays shall not be included in the calculation of gross square footage. The Zoning Regulations, in fact, explicitly provide that the Stonebridge bays – which are interior parts of the apartments – must be included in the gross square footage of the building on the lot, as they are not excludable "outside balconies" by virtue of not being outside and not being balconies.

4.29.⁹ Using the pro-rated total site, adding back the unallowable mechanical shaft deduction and internal bays, the Application proposes 188,150 SF on the Clinic site plus 3,000 SF on the Lisner land, which for the entire site is a corrected actual FAR of 3.25 (191,150/58,840).¹⁰

- Implication: In reaching its conclusion, OP relies entirely on the Applicants' calculation of the gross floor area and FAR, not the actual FAR of 4.29 for the Clinic site (or FAR of 3.25 for the combined site).
- Page 23, Benefits or Amenities Noted by Applicant.
 - Statement: OP states that “[a]combination of open-space and landscape features in the south-facing Military Road part of the site. These are to include an unwalled, landscaped courtyard with benches, that will be open to the neighborhood, the retention of mature trees on the southern portion of the property to be purchased from the Lisner Home, a wider-than-normal sidewalk along Military Road, and additional street trees along Military Road.
 - Correction: The Applicant is not purchasing from Lisner any land with mature trees along the southern portion of the property. An examination of OP's Attachment 2 makes it clear that they are evaluating the wrong site configuration.
 - Implication: OP is including as benefits open space on land that is not included in the Application in determining whether the requested increased density is justified.
- Page 26: Transportation Enhancements, Evaluation..
 - Statement: OP relies on the statement that peak hour impact from the proposed project will be less than that generated by the current clinic.
 - Correction: The current clinic is closed on weekends and closes before much of the evening rush hour (it closes at 5 p.m. on Fridays, and 5:30 p.m. on Mondays through Thursdays). Thus, it is impossible for the project to produce less PM rush hour traffic on Friday and for half of the rush hour on other weekdays. Similarly, there is, necessarily, an increase in weekend traffic due to the residential use of the Stonebridge building. Weekend congestion is a significant problem in the neighborhood surrounding the Clinic.

⁹ The Applicants have proposed more square footage and higher FAR than allowed for a PUD under R-5-C and R-2 (even with 5% bonus density). A FAR of 4.29 is not permitted in a R-5-C zone, which provides for a maximum FAR of 3.0, a maximum FAR of 4.0 with a PUD, and if "essential" for the functioning of a project, an additional 5% FAR to a maximum of 4.2. The Stonebridge Application does not, under any approach, fit within the requested R-5-C zone.

¹⁰ For the combined Clinic/Lisner site, the maximum FAR is 3.08, and thus, with an FAR of corrected 3.25 on the combined site, the Application does not meet the requirements of §2405.

- Implication: To the extent that OP is relying on this statement in determining the impact of the increased density on neighborhood, they are understating the impact on the neighborhood, and thus comparing the claimed benefits with a lower impact in determining that the increased density is justified.
- Page 28: Transportation Management Plan, including a car-sharing plan.
 - Statement: OP cites ridesharing match services, bicycle racks, transit web-site links and access to a car-sharing program as public benefits.
 - Clarification: These do not appear to be significant. In addition, the proposal is lacking in detail, inasmuch as there is no indication that the Flex-car will be on-site or will be available to residents on anything but a market-rate basis.
- Page 28: Economic Benefits.
 - Statement: OP states that the Applicant projects net revenue gains to the District of between \$800,000 and \$1.2 million per year over matter of right, and appear to be relying on that estimate to make their evaluation.
 - Correction: As noted above, the Applicants' analysis is flawed, and correction of basic flaws would significantly reduce the estimate of the District's revenue gain from the proposed project and significantly increase the estimate of the District's revenue from housing built under current Zoning. The Basic flaws include: (1) failure to use DC tax rates, (2) the assumption that the annual income of residents of "affordable housing" is \$144,000, and (3) a misspecification of the likely housing that would be built under current zoning.
 - Implication: To the extent that OP is relying on these estimated to justify the requested increase in density, corrections of clear errors in the calculation significantly reduce the benefits associated with the proposal and call into question whether the increased density can be justified.
- Page 29: Amenities and Benefits in Relation to the Degree of Flexibility Requested.
 - Statement: OP calculates the cost to the Applicant of providing the claimed "public benefits."
 - Clarification: An appropriate measure of public interest is the value of those amenities to the District and to the neighborhood.
 - Implication: An overstatement of the public benefits calls into question whether the requested increased density can be justified by the actual public benefits offered.
- Page 30: Amenities and Benefits in Relation to the Degree of Flexibility Requested.
 - Statement: OP bases its analysis of the amenities and benefits in relation to the degree of flexibility requested on the reduction in square footage

and units from the earlier proposal. They also cite the change from rental to condominiums, larger unit size and retention of trees.

- Correction: The appropriate comparison in determining whether, on balance the proposal is in the public interest is to directly consider the current proposal with its claimed amenities to likely development, as matter of right, under current zoning. A comparison with other proposals put forward by the developer is not relevant to this determination.¹¹
- Page 31, Tree Preservation.
 - Statement: OP states that “new proposal will entail no excavation on the Military Road side of the Lisner property, where most of the trees are.”
 - Correction: An examination of the topographic map showing existing trees reveals, for the current property configuration, that there are no mature trees on the Military Road side of the Lisner portion of the property. There are six 6-inch sycamores on the Lisner portion of the property between Military Road and the proposed surface parking lot that will be preserved.
- Page 31, OP statement.
 - Statement: OP states that “[g]iven the applicant’s response to these concerns, the changes that have been made to the project since the setdown, and the increased level of amenities, it is now OP’s opinion that the public benefits of the proposed project more than justify the zoning flexibility requested.”
 - Correction: This conclusion is based on incorrect information about the public benefits and incorrect information about the zoning flexibility requested. As noted above:
 - OP is basing their opinion on an incorrect measurement of the gross floor area for the proposed project.
 - OP is basing their opinion on an incorrect statement of the proposed FAR, an incorrect statement of the FAR allowed for a PUD under R-5-C/R-2, an incorrect statement of the FAR allowed as a matter of right under R-5-B/R-2 and an incorrect statement of the FAR allowed for a PUD under R-5-B/R-2.
 - OP is basing their opinion on incorrect information about the accessible parking spaces included in the proposed project.

¹¹ In addition, OP should not be relying on the change from rental to condominium absent language in the PUD that would guarantee this outcome. No such language was offered by Stonebridge. Similarly, there is no language offered by Stonebridge that would guarantee the unit configuration once the total square footage is granted. As noted above, there is little or no retention of mature trees on the subject site.

- In comparing the parking offered with that required in the regulations, OP is not considering parking requirements included in other Zoning Commission Orders for PUDs in the area.
- In comparing the height to the Square 1661 PUDs, OP is not considering the height restrictions and setbacks where those PUDs abut the residential neighborhood.
- OP is basing their opinion on the assumption that there will be significant tree preservation and that tree preservations constitutes a significant amenity. Few, if any, mature trees on the subject site will be preserved.
- OP is basing their opinion on the assumption that the proposed development offers a significant increase in open space. The proposed development offers only 3,070 more square feet of open than the minimum amount of open space for matter of right development under current zoning.
- OP is basing their opinion on the assumption that, with matter of right development, a townhouse could be built within 55 feet of an existing single family house. Under matter of right development, no building could be less than 120 feet from the closest existing single family house.
- OP is basing its opinion on the assumption that the units would be owner-occupied condominiums. The Applicant has offered no conditions to guarantee that the units would become condominiums or that, if they are sold as condominiums, that a large proportion of the units will be own-occupied.
- OP is relying on the statement that 4-6 units will be available for affordable housing. No information had been provided by the developer to evaluate whether these units would be available to households with incomes below 80% of AMI, or to determine whether these units would be available as affordable housing for the life of the PUD.
- In reaching its opinion, OP is relying on the Applicants' economic analysis, which significantly overstates the economic benefit to the District of the proposed development and significantly understates the economic benefit to the District of likely development with current zoning.
- In reaching its opinion, OP is relying on the Applicants' traffic study, which shows a decline in traffic for the PM rush hour, even though the Clinic is closed during most of those hours (Clinic is open 2 hours of the 5 weekday PM rush hours of 5 p.m. to 6 p.m.) and thus generates no PM rush hour traffic.
- By correcting the above errors, we see that OP overestimated with benefits associated with the project and understated that impact of the increased density on the surrounding area as well as the actual measure of additional density being requested by the Applicant. Correcting the above errors

- leads to the conclusion that the actual [lower] benefits associated with the project do not justify the actual [higher] increased flexibility requested by the Applicant.
- Correcting the characterization of zoning on neighboring District sites shows that the Clinic site is not a “pocket” in a more dense area, but an integral part of a transitional buffer between the higher density commercial corridor on Wisconsin Avenue and the low-density residential neighborhood.
- Page 32, Community Concerns.
 - Statement: “The applicant has met extensively with a working group of community representatives for about nine months . . .”
 - Correction: The only Working Group formed was disbanded in January 2002.
- Page 34.
 - Statement: OP states that “[t]he application meets the requirements and standards of 11 DCMR Section 2400.
 - Correction: In evaluating whether the Application meets the requirements and standards of 11 DCMR Section 2400, OP has relied on incorrect statements of the requirements and an incorrect description of the proposal. We believe that the actual proposal evaluated on the correct standards would be found to be inconsistent with the requirements and standards of DCMR Section 2400.

III. TECHNICAL CORRECTIONS TO OP'S FINAL REPORT

In addition, FhORD notes for the Zoning Commission's consideration the following technical corrections.

- Page 5, last paragraph.
 - Statement: OP states that for the Abrams PUD, 5301 Wisconsin Avenue: “The principal amenity was a day care center where 50% of the served children were to be from the neighborhood. A secondary amenity was a traffic diverter at 43rd and Jennifer [sic] Streets.”
 - Correction: The traffic diverter at 43rd and Jenifer Streets already existed when the Abrams PUD was approved. One amenity was landscaping and seasonal plantings . . . for the traffic diverter. ZC Order 519, pp. 6-7. Other amenities, not provided, were the “b. pedestrian Metro access passageway,” and “e. six to eight dwelling units comprised of one and two bedroom styles.” [ZC Order 519, p. 5] Four dwelling units were provided.
- Page 10, Table 3: Side Yard.

- Statement: OP states that no side yard relief is required.
- Correction: While no relief for a side yard seems to be required for the Stonebridge property, the change in the configuration of the Lisner land to be acquired seems to put Lisner out of compliance with its side yard requirement (8 feet) where the Lisner building abuts the day care center and parking lot on the proposed new Stonebridge lot.
- Page 21 Consistency with the PUD Evaluation Standards, Quantitative Standards, Height.
 - Statement: OP states that the legal measurement of the height of the proposed building is 78.75 feet.
 - Clarification: This is not be the legally correct measuring point, as explained in a separate filing by FhORD. Further, even if it was the correct measuring point, the actual and visual height of the building at the corner of Western Avenue and Military Road would be 85 feet.
- Page 22: Consistency with the PUD Evaluation Standards, Quantitative Standards, Penthouse Setback.
 - Statement: OP states that the proposal will no longer require relief from the penthouse setback.
 - Correction: An examination of the diagrams indicates that, in order to have an 18'6" setback for the penthouse, it was necessary to move the roofline beyond the edge of the building. Absent this increase at the top of the building, relief would be required.
- Page 22: Consistency with the PUD Evaluation Standards, Quantitative Standards, Parking.
 - Statement: OP states that the Applicants provide far more parking spaces than required for R-5-C.
 - Correction: This comparison ignores the parking requirements for earlier PUDs in this neighborhood, where the Zoning Commission required one accessible space per unit, and for Square 1661, limited it use to occupants of the unit.

“The applicant shall also provide at least one fully accessible parking space with each apartment unit. Such parking shall only be used by the owner or occupant of the apartment and not for commercial use. The contract of the parking space shall prohibit later rental or separate conveyance of the parking space. [Z.C. Order No. 519, Decision. ¶12.]

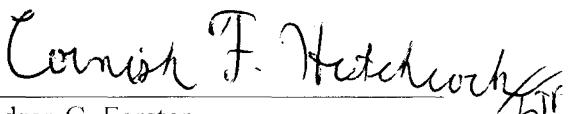
Likewise, one space per unit was also required in Tenley Hill [ZC Order 904, September 1999], and Tenley Park [ZC Order 921, November 2001] required a two-car garage and one off-street space per unit.

- Correction: Further, the corrected parking count is still incorrect inasmuch as it includes surface parking spaces allocated for visitor parking, tandem spaces and four spaces reserved for day care center employees in the count. There are 100 spaces, including handicapped spaces available in the underground garage, and according to the OP report, three of those spaces would be used by the day care employees. This leaves 97 accessible spaces in the garage for the residents of the 100 units, and Stonebridge requests flexibility to provide even fewer accessible spaces, according to Drawing A4 note 4.

Conclusion

FHORD respectfully submits the above corrections to assist the Zoning Commission in evaluating fully and fairly the Stonebridge Application. As noted above, the errors, omissions and materially misleading information seriously detract from the soundness of the Office of Planning analysis and conclusions.

Respectfully submitted:


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December 6, 2002

CERTIFICATE OF SERVICE

I hereby certify this 6th day of December 2002 this SUBMISSION OF FRIENDSHIP HEIGHTS ORGANIZATION FOR REASONABLE DEVELOPMENT TO CORRECT THE RRORS, OMISSIONS AND MISLEADINGINFORMATION IN THE D.C. OFFICE OF PLANNING's FINAL REPORT was served by first-class mail, except as otherwise indicated, upon:

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