ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

May 5, 2004

By Hand Delivery

Carol Mitten
Chairperson, D.C. Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: Zoning Commission Case No. 03-27 - Consolidated PUD and Zoning Map Amendment Applications
4600 Brandywine Associates, LLC - 4600 Wisconsin Avenue, N.W.
(Square 1732, Lots 817 and 820) – Modified PUD Application

Dear Chairperson Mitten and Members of the Commission:

As a result of the issues that were discussed by the Commission members at the March 8, 2004 public meeting and based on continuing discussions with members of the community surrounding the property that is the subject of this application, 4600 Brandywine Associates, LLC (the "**Applicant**") has decided to make certain modifications to the proposed planned unit development ("**PUD**") and Zoning Map Amendment applications in Z.C. Case No. 03-27. The Applicant is now proposing a modified PUD application only, no amendment to the Zoning Map is requested, that will continue to consist of a predominantly residential, mixed-use project.

As shown in the attached plans, the modified PUD project will include:

- A project that is consistent with the C-2-A PUD guidelines.
- A building that has a floor area ratio ("**FAR**") of only 3.0 (previously it was 4.99), a proposed height of 65 feet (remains the same), and a proposed lot occupancy of 60% (previously it was 92%).
- Approximately 42 residential units will be provided in the modified project. The entrance to the residential component will continue to be located on Brandywine Street. The affordable housing component has decreased commensurately with the decrease in the amount of gross floor area in the project. In response to comments from members of the Commission and the community, the affordable housing component of the project will now be provided in a courtyard level unit along Wisconsin Avenue, at the front of the building.

ZONING COMMISSION
District of Columbia
CASE NO. 03-27
EXHIBIT NO. 23

ZONING COMMISSION
District of Columbia
CASE NO.03-27
EXHIBIT NO.23

- While the ground floor retail use will no longer extend for the entire length of the building's frontage along Wisconsin Avenue. Ground floor retail of 1,627 square feet will remain and will be focused at the intersection of Wisconsin Avenue and Brandywine Street in order to maximize the visibility of the retail use and provide for a more efficient and attractive streetscape along Wisconsin Avenue.
- The modified PUD project will also continue to provide below–grade parking spaces in a garage accessed from Brandywine Street. The modified PUD project will provide approximately 44 parking spaces.
- The modified PUD project will include enhanced landscaping and streetscape improvements, including a water feature, along Wisconsin Avenue. The building has also been revised to provide a significant rear yard, 32 feet, which provides a significant set back from the Friendship Animal Hospital property. The Zoning Regulations require only a 15 foot rear yard in the C-2-A District.
- The modified PUD project has undergone considerable architectural development since the original application was submitted. Thanks to further study and the participation of the community, the facades have been articulated and sculpted, the balconies have been recessed, the vertical proportions of the building have been enhanced through reveals, and the base of the building along Wisconsin Avenue has been refined.
- The modified PUD project will include a significant community amenities package that is outlined in detail in an attached document. Despite the decrease in density of the proposed project, the total value of the amenities package has actually increased since the PUD application was initially filed.
- The applicant requests flexibility from the strict application of the Zoning Regulations regarding the amount of residential recreation space that must be provided in the project. The modified project includes a large landscaped courtyard covering the garage entrance that provides an open and inviting passive recreation area.
- The applicant is also requesting flexibility with regard to the proposed use of approximately 1,000 square feet of space located on the courtyard level of the project. The applicant requests the ability to use this area as either a community room for residents of the project, or storage space for the retail operators.

The Applicant notes that concerns were raised by some members of the Commission as to whether the proposed PUD project satisfies the requirements of 11 DCMR 2401.2(a). This Section of the Zoning Regulations allows the Commission to waive not more than fifty percent (50%) of the minimum area requirement for a PUD provided:

> "The Commission shall find **after public hearing** that the development is of exceptional merit and in the best interest of the city or country." (Emphasis added.)

In the Tenley Park, LLC PUD and Zoning Map Amendment application, approved November 16, 2001, the Zoning Commission approved six semi-detached units in three buildings at the intersection of Albemarle Street, N.W. and Nebraska Avenue, N.W. and granted a waiver from the minimum lot area requirements for PUD approval. In the Order approving that project, the Commission applied the requirements of 11 DCMR 2401.2(a) to the project and determined that:

> In view of the Commission's finding that the proffered public benefits and project amenities are all particularly strong, the Commission finds that the applicant has more than met its burden to demonstrate that the proposed PUD is of exceptional merit and in the best interest of the city and country. (Z.C. Order No. 00-3C, p. 13.)

The Applicant believes that through the PUD public hearing process, the Commissioners will be provided sufficient information regarding the modified PUD project's public benefits and project amenities to address the issue of whether the modified PUD project is of exceptional merit. The Applicant believes that denying it the opportunity to present its case as to how the modified PUD project is a project of exceptional merit is contrary to the plain language of 11 DCMR 2401.2(a).

For all of these reasons, the Applicant respectfully requests that the Zoning Commission accept and set-down for a public hearing the modified PUD application at its May 10, 2004 public meeting. If you have any questions regarding this request, please call either of the undersigned at (202) 663-8000.

Sincerely,

John Epting/PAT

John Epting

Paul Tummonds

Enclosures

cc: Office of Planning
Amy McVey, Chair ANC 3E
Cathy Wiss, Chair, ANC 3F

Document #: 1385807 v.1

4600 BRANDYWINE ASSOCIATES
PROPOSED DEVELOPMENT OF THE BABE'S BILLIARDS SITE

PROPOSED COMMUNITY AMENITIES PACKAGE

Janney Elementary School - $75,000 + – For the replacement of the wooden play equipment on the lower playground and additional play equipment for the older students. Will also include necessary stormwater management and soil erosion measures. The payment will be made to the Janney PTA.

Tenleytown Branch of the D.C. Public Library - $25,000 – For a state-of-the- art audio visual room in the renovated Tenley Library. The payment will be made to the Friends of the Tenley Library.

Wilson Senior High School - $20,000 – for necessary repairs to the school buildings, including repainting of the Cupola. The payment will be made to the Wilson PTA.

Friends of Ft. Bayard Park – $15,000 - A contribution will be made to the Friends of Ft. Bayard Park to help fund the renovation/rehabilitation of Ft. Bayard Park, as approved by the National Park Service.

D.C. Fire Department - Tenleytown Area- $47,427 – For the purchase of a hazardous materials POD for use by the DC Fire Department.



ZONING COMMISSION
District of Columbia
CASE NO. 03-27
EXHIBIT NO. 23

4600 Wisconsin Avenue, NW

W A S H I N G T O N , D C

A PLANNED UNIT DEVELOPMENT

4600 BRANDYWINE ASSOCIATES, LLC
CUNNINGHAM - QUILL ARCHITECTS

MAY 2004



BRANDYWINE STREET & WISCONSIN AVENUE CORNER PERSPECTIVE

4600 WISCONSIN AVENUE, NW

WASHINGTON, DC

A PLANNED UNIT DEVELOPMENT

Owner/Developer:
4600 BRANDYWINE ASSOCIATES, L.L.C.
Architects:
CUNNINGHAM + QUILL ARCHITECTS
Land Use Counsel:
SHAW PITTMAN LLP

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4600 Wisconsin Avenue, NW

WASHINGTON, DC

4600 BRANDYWINE ASSOCIATES, LLC

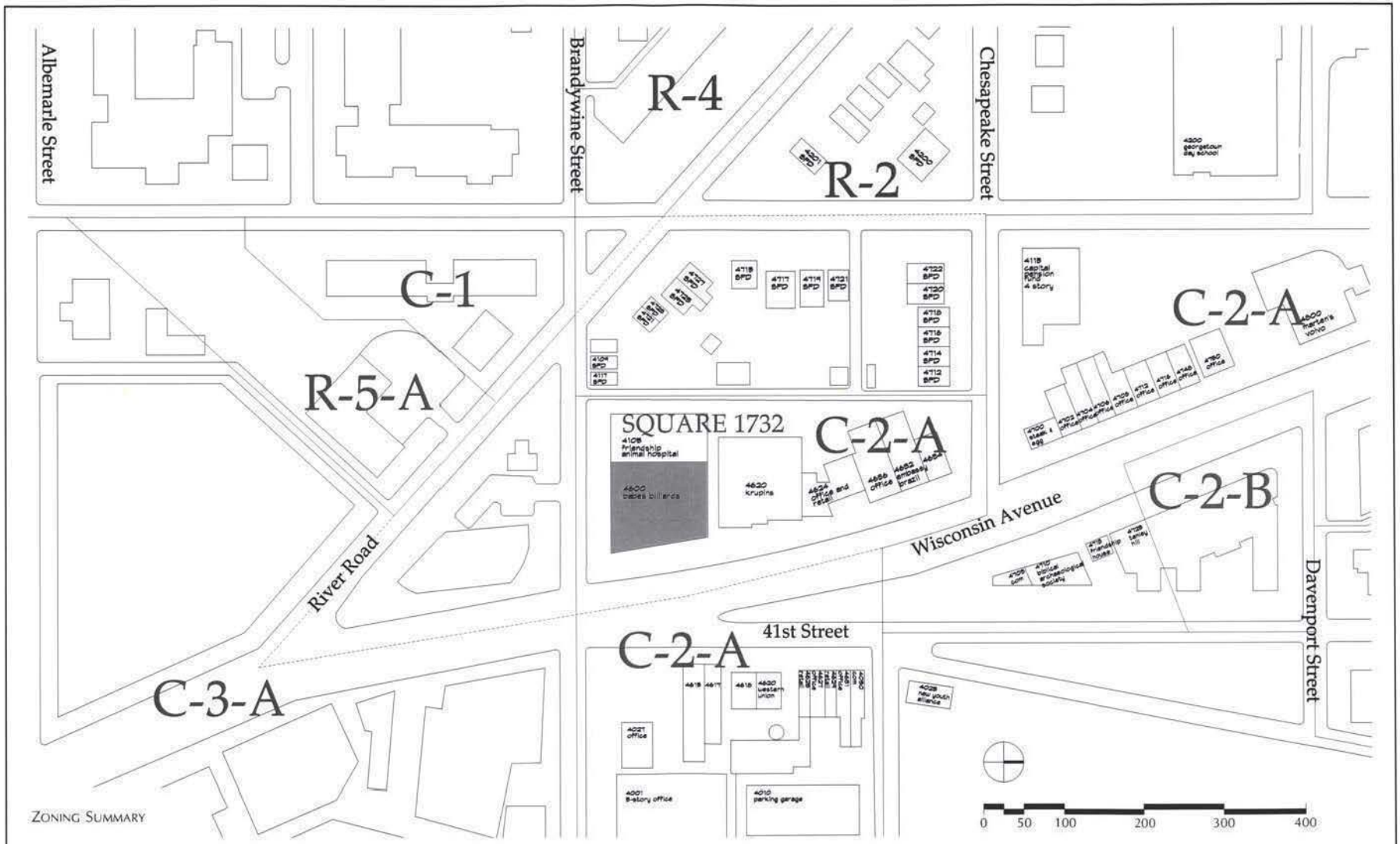
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MAY 2004

ZONING TABULATIONS

SQUARE:	1732		
LOTS:	817 & 820		
SITE AREA:	12,661 square feet		
ZONE:	C-2-A, Proposed PUD		
PROPOSED GROSS FLOOR AREA:	37,980 gsf		
FAR:	Allowed:	**3.0**	(for Residential C-2-A, per 2403.10)
	Proposed FAR by use:		
	37,980 sf/12,661 sf =	**3.0**	
BUILDING HEIGHT:	Allowed:	**65' (+ 18'-6" PH)**	(per 2403.4, 770.6)
	Proposed:	**65' (+ 12'-0" PH)**	
LOT OCCUPANCY:	Allowed:	**60%**	(per 772.1)
	Proposed: 7,597/12,66	**60%**	
RESIDENTIAL RECREATION SPACE:	Required:	**20%** (33,628 x .2 = 6,725)	(per 773.3)
	Proposed:	Courtyard 4,600 sf	
		Community Rm. 1,000 sf	
		Roof Terraces 1,750 sf	See Note 2 (Flexibility Requested)
		Balconies 2,704 sf	
REAR YARD:	Required:	**15'**	(per 774.1)
	Proposed:	**32'**	Measured from W. property line to face of bldg. at c.y.
PARKING:	Residential required:	12	1 space per 3 dwelling units. (44/3 = 15),(per 2101.1)
	Retail required:	0	1 space per 750 gsf over 3000= 2.00 (per 2101.1)
	Total parking required:	**12 spaces**	
	Residential provided:	42	1 for each dwelling unit (42 spaces)
	Retail provided:	2 spaces	(can also be used as residential guest parking)
	Total parking provided:	**44 spaces**	
LOADING:	Not Applicable		
ROOF STRUCTURES:	Required:	**1:1 Setback**	(per 770.6)
	Proposed:	**1:1 Setback**	

***Notes:**
1. The following summary has been compiled from the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, 2003, with amendments.
2. Proposed residential recreation space does not strictly adhere to requirements of the zoning regulations. Flexibility requested.



ZONING SUMMARY

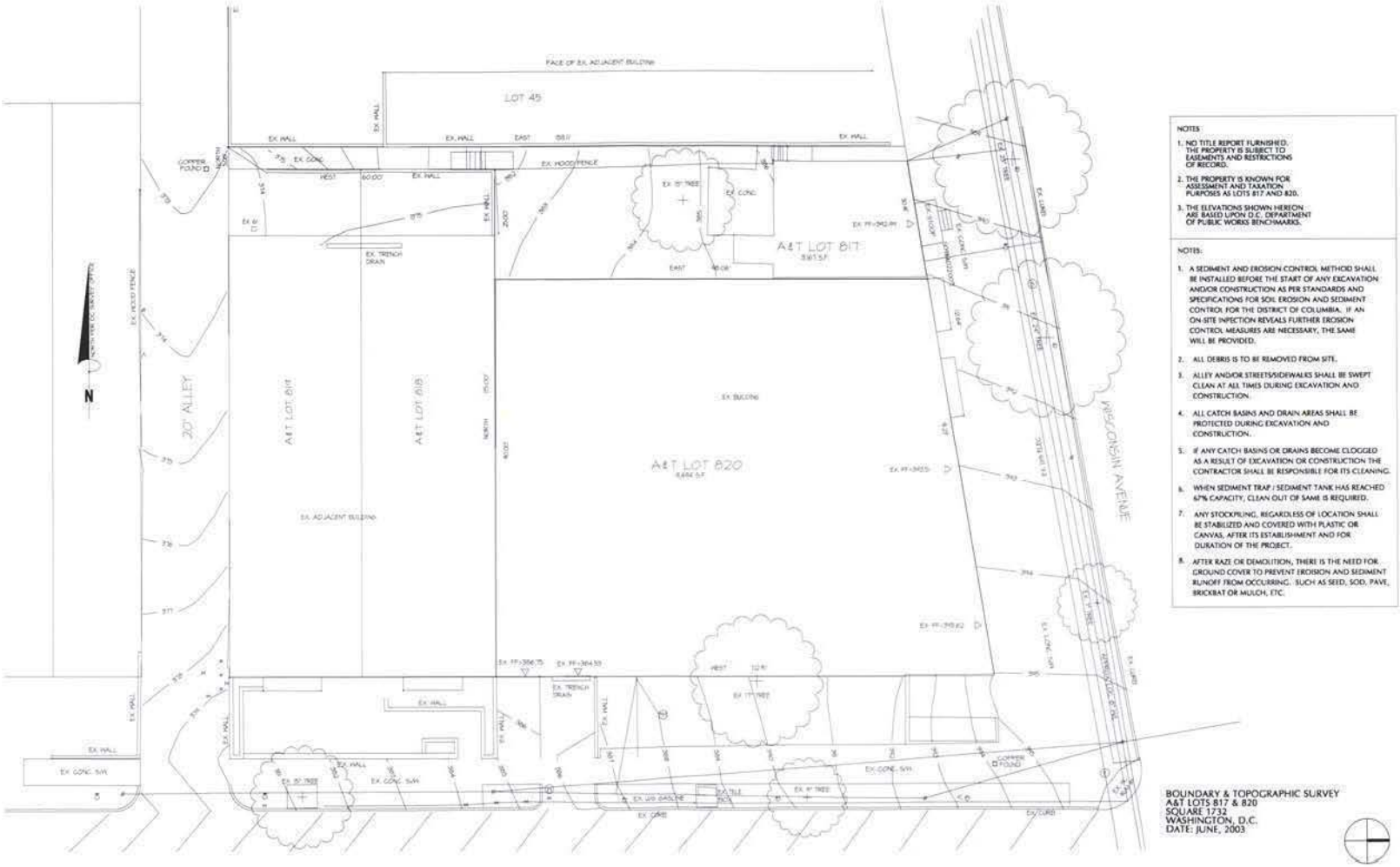
4600 Wisconsin Avenue, NW

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MAY 2004



NOTES

1. NO TITLE REPORT FURNISHED. THE PROPERTY IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. THE PROPERTY IS KNOWN FOR ASSESSMENT AND TAXATION PURPOSES AS LOTS 817 AND 820.
3. THE ELEVATIONS SHOWN HEREON ARE BASED UPON D.C. DEPARTMENT OF PUBLIC WORKS BENCHMARKS.

NOTES:

1. A SEDIMENT AND EROSION CONTROL METHOD SHALL BE INSTALLED BEFORE THE START OF ANY EXCAVATION AND/OR CONSTRUCTION AS PER STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL FOR THE DISTRICT OF COLUMBIA. IF AN ON-SITE INPECTION REVEALS FURTHER EROSION CONTROL MEASURES ARE NECESSARY, THE SAME WILL BE PROVIDED.
2. ALL DEBRIS IS TO BE REMOVED FROM SITE.
3. ALLEY AND/OR STREETS/SIDEWALKS SHALL BE SWEPT CLEAN AT ALL TIMES DURING EXCAVATION AND CONSTRUCTION.
4. ALL CATCH BASINS AND DRAIN AREAS SHALL BE PROTECTED DURING EXCAVATION AND CONSTRUCTION.
5. IF ANY CATCH BASINS OR DRAINS BECOME CLOGGED AS A RESULT OF EXCAVATION OR CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS CLEANING.
6. WHEN SEDIMENT TRAP / SEDIMENT TANK HAS REACHED 67% CAPACITY, CLEAN OUT OF SAME IS REQUIRED.
7. ANY STOCKPILING, REGARDLESS OF LOCATION SHALL BE STABILIZED AND COVERED WITH PLASTIC OR CANVAS, AFTER ITS ESTABLISHMENT AND FOR DURATION OF THE PROJECT.
8. AFTER RAZE OR DEMOLITION, THERE IS THE NEED FOR GROUND COVER TO PREVENT EROSION AND SEDIMENT RUNOFF FROM OCCURRING. SUCH AS SEED, SOD, PAVE, BRICKBAT OR MULCH, ETC.

BOUNDARY & TOPOGRAPHIC SURVEY
A&T LOTS 817 & 820
SQUARE 1732
WASHINGTON, D.C.
DATE: JUNE, 2003

0 5 10 20 40 60 80

SITE SURVEY

4600 Wisconsin Avenue, NW

WASHINGTON, DC

4600 BRANDYWINE ASSOCIATES, LLC

BOWMAN CONSULTING GROUP

MAY 2004

S1



EAST VIEW OF PROPERTY: BRANDYWINE STREET & WISCONSIN AVENUE



NORTH VIEW OF PROPERTY: WISCONSIN AVENUE



WEST VIEW OF PROPERTY: BRANDYWINE STREET FROM RIVER ROAD



SOUTH VIEW OF PROPERTY: FROM RIVER ROAD



WEST VIEW OF PROPERTY: PUBLIC ALLEY



NORTHWEST VIEW OF PROPERTY: PUBLIC ALLEY



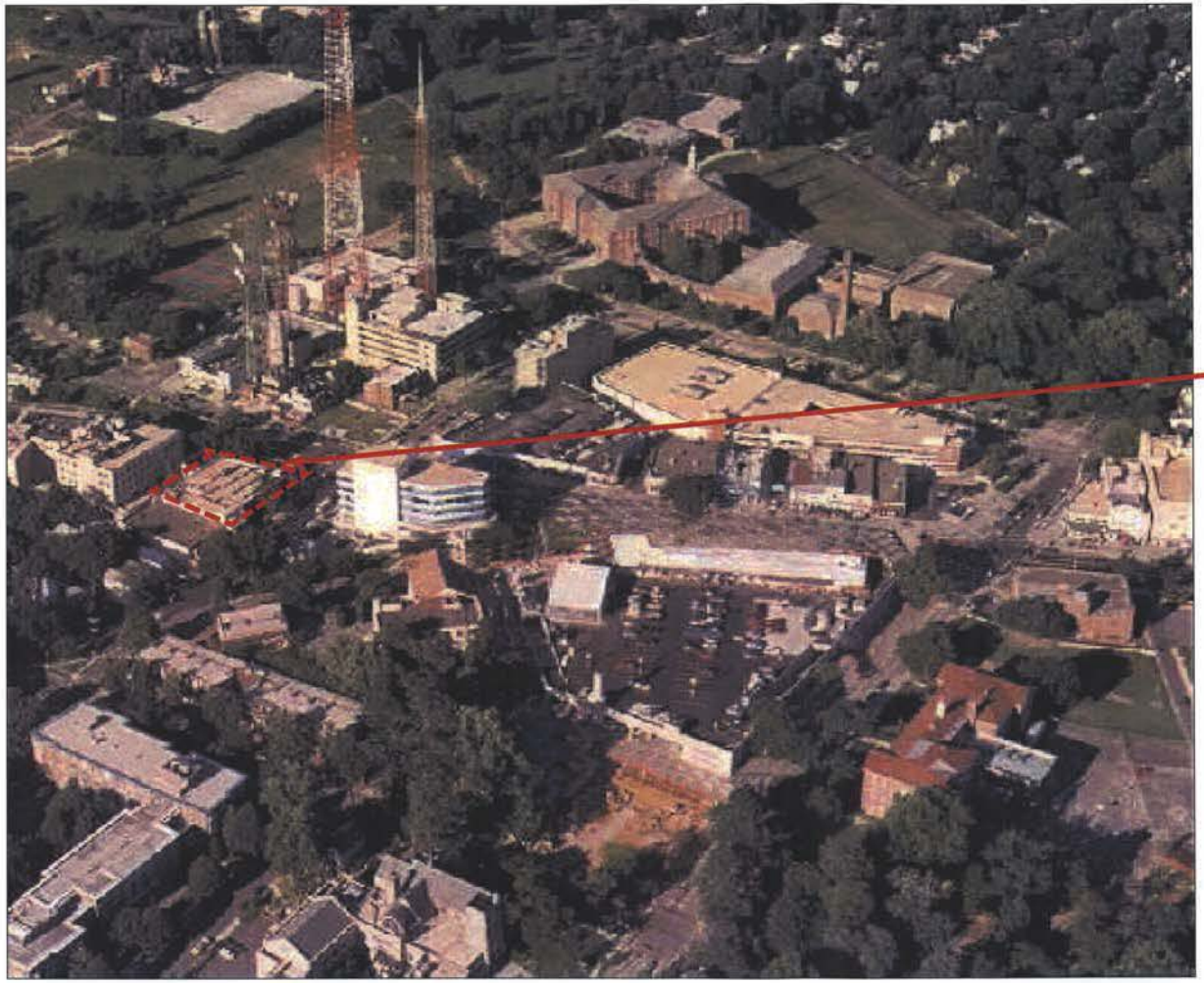
WISCONSIN AVENUE LOOKING SOUTH

Photograph By Air Survey Corporation

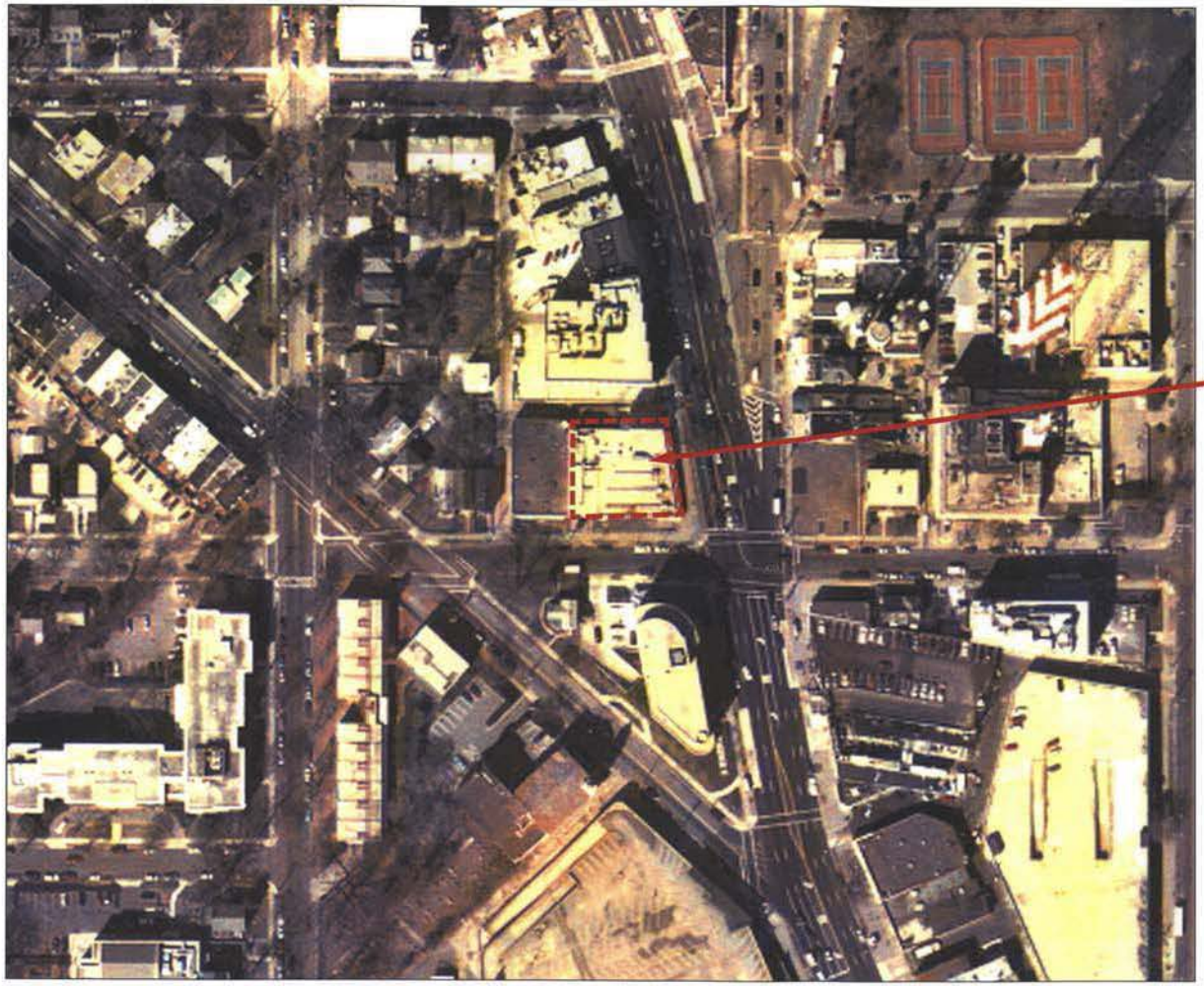
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AERIAL VIEW OF SQUARE 1732 LOOKING NORTHEAST.



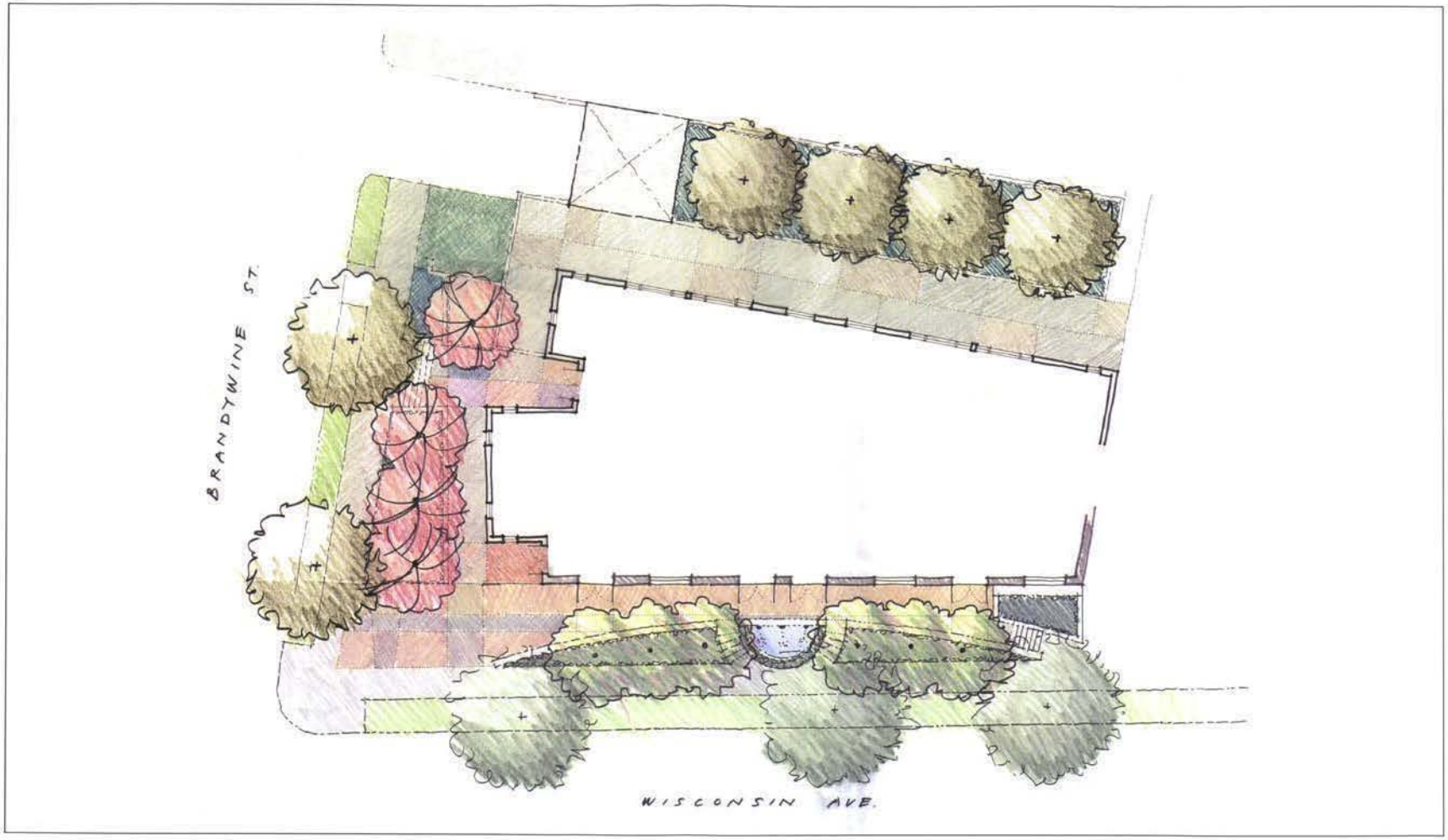
AERIAL VIEW OF TENLEYTOWN.

Photograph By Air Survey Corporation

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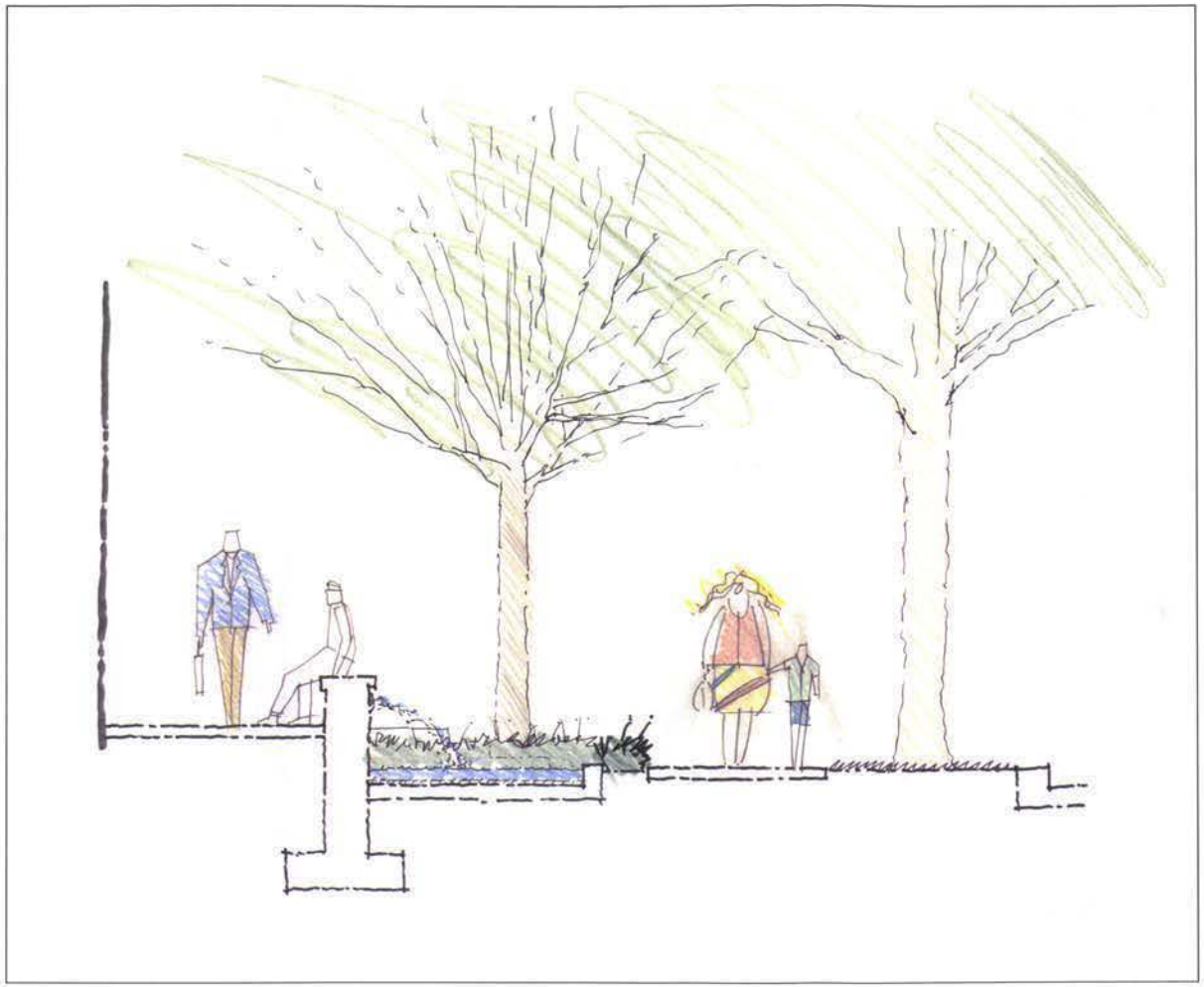


LANDSCAPE PLAN

4600 Wisconsin Avenue, NW

WASHINGTON, DC

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Possible Plant Species

Street Trees on Wisconsin Avenue	Red Oak
Street Tree on Brandywine Street	Red Maple
Flowering Trees	Purple Leaf Plum
Flowering Shrubs	Anthony Waterer
Spiraea	Korean Spice
Verburnum	Dwarf Rugosa Rose
	Virginia Sweetspire
Evergreen Ground Cover	English Ivy/Liriope
Spring Bulbs	Daffodils

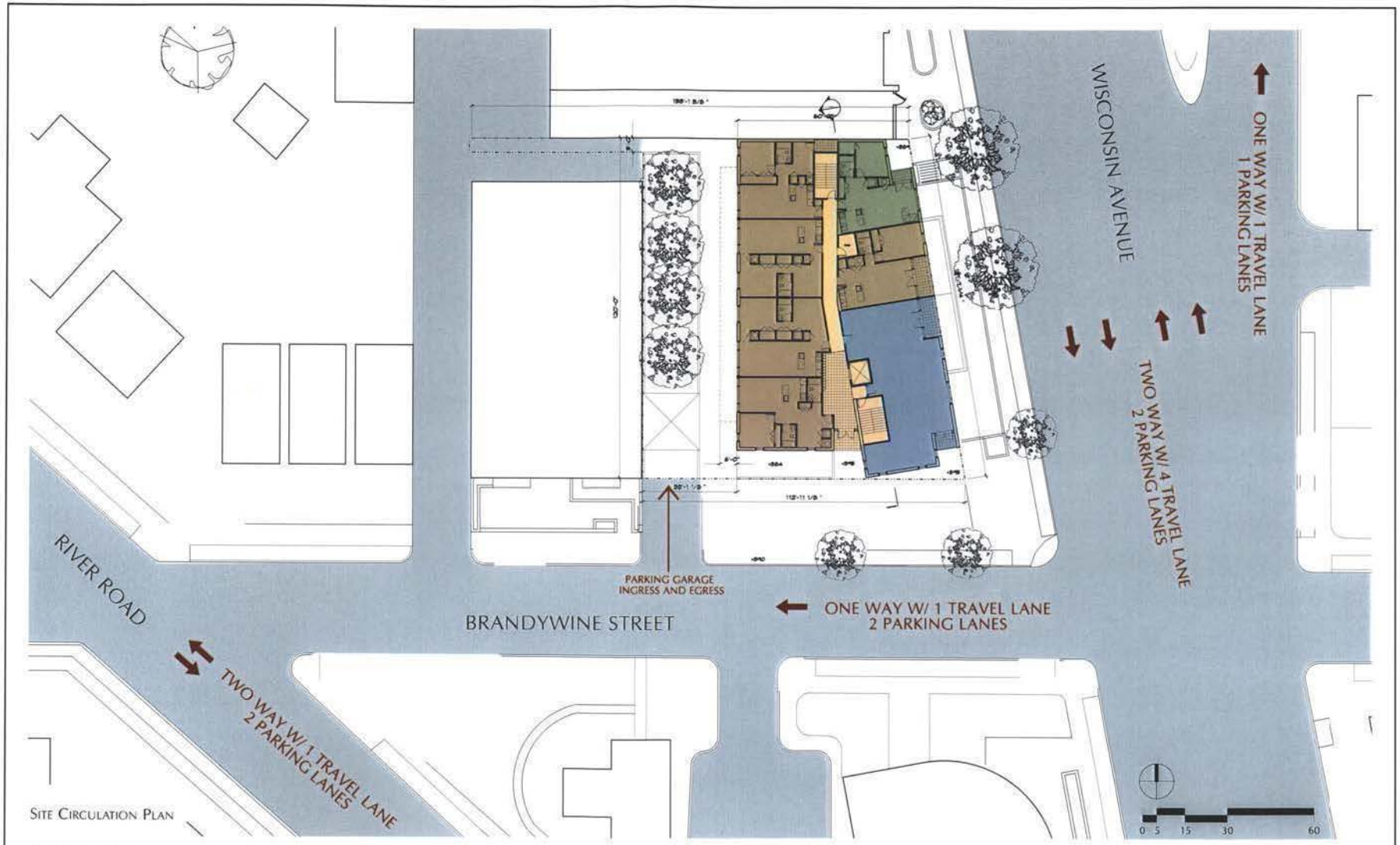
Note: Final selection of plant species and paving materials to be determined.

LANDSCAPE PLAN

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SITE CIRCULATION PLAN

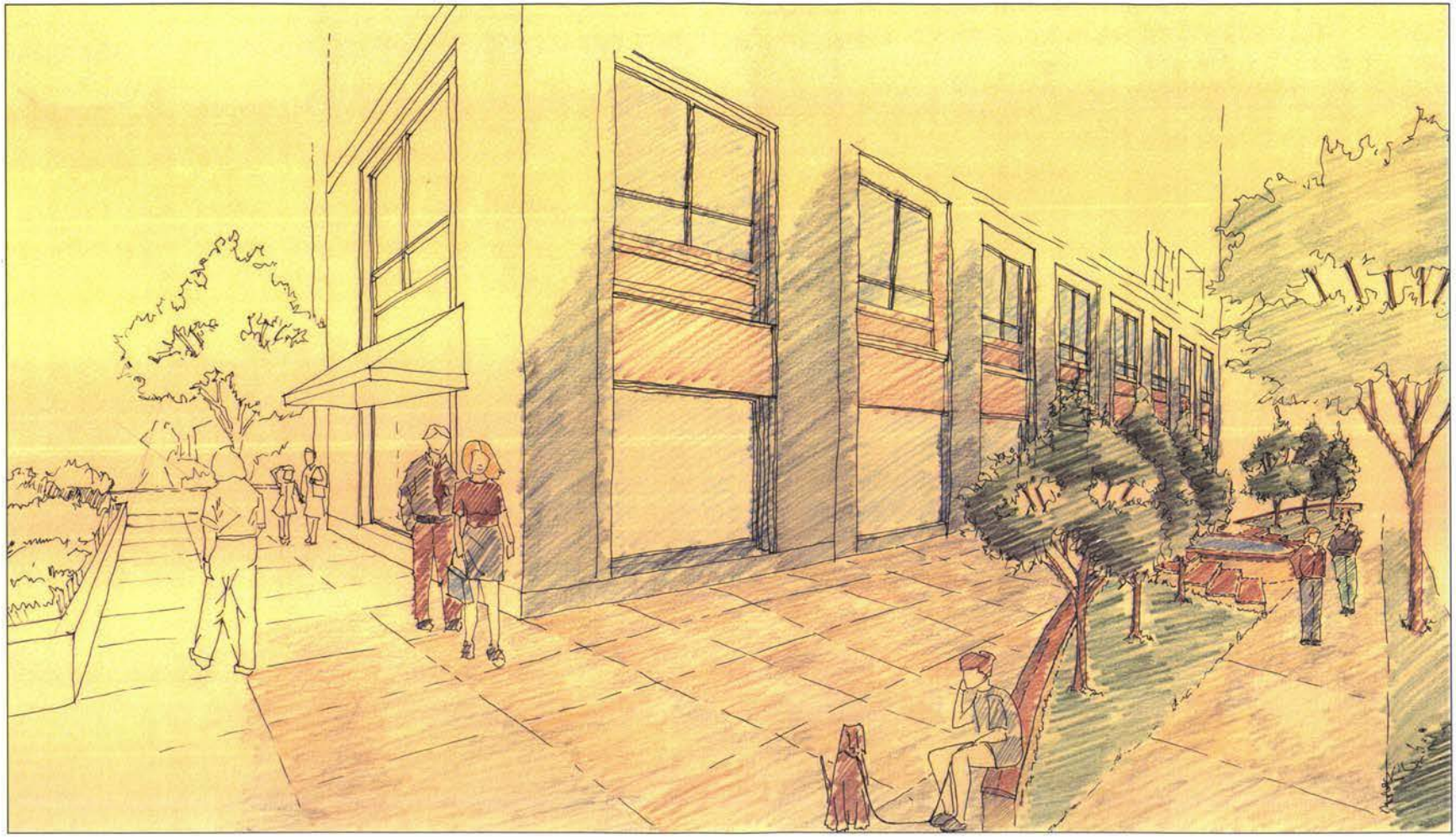
4600 Wisconsin Avenue, NW

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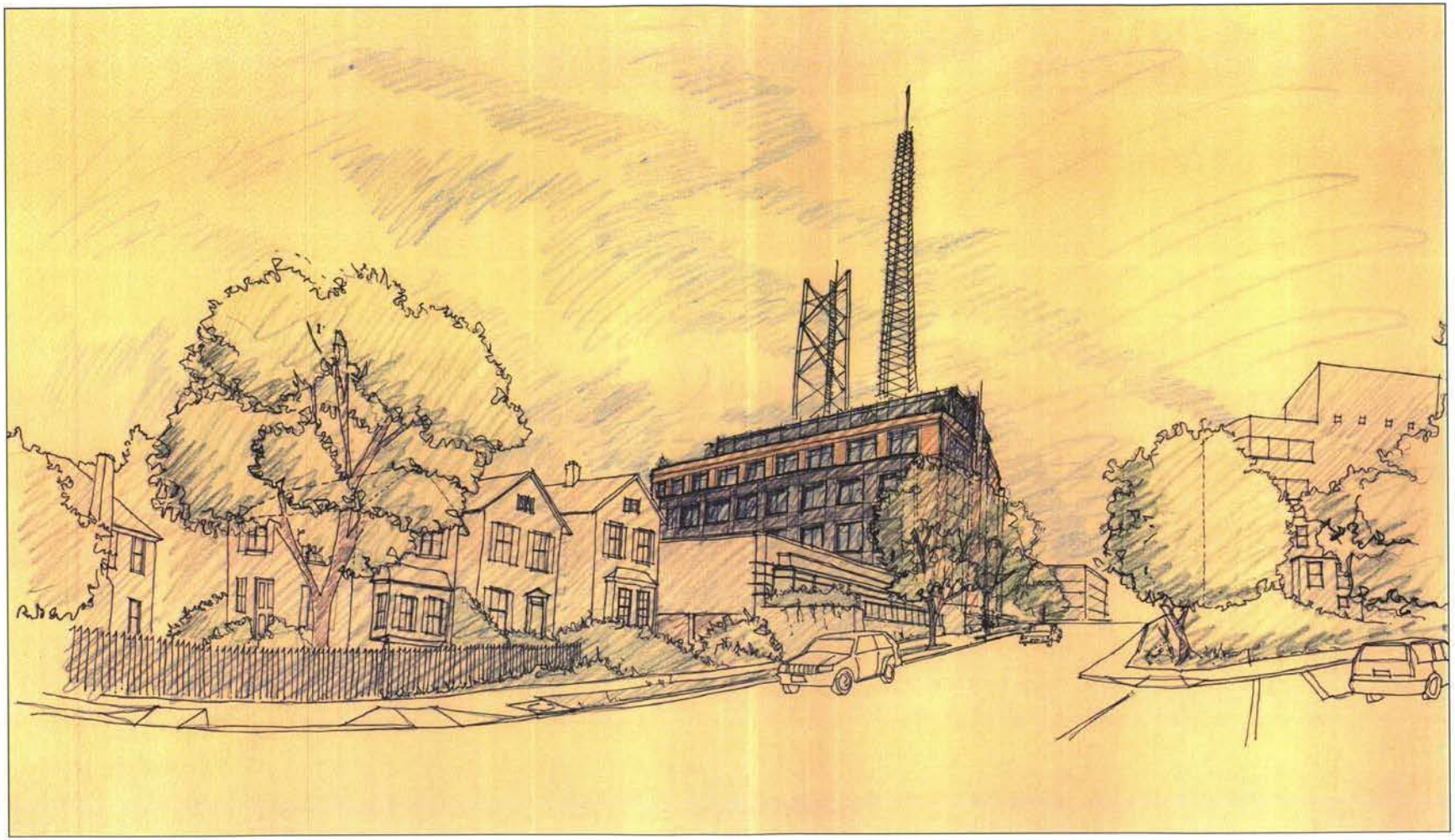


ARTIST'S RENDERING.

4600 Wisconsin Avenue, NW

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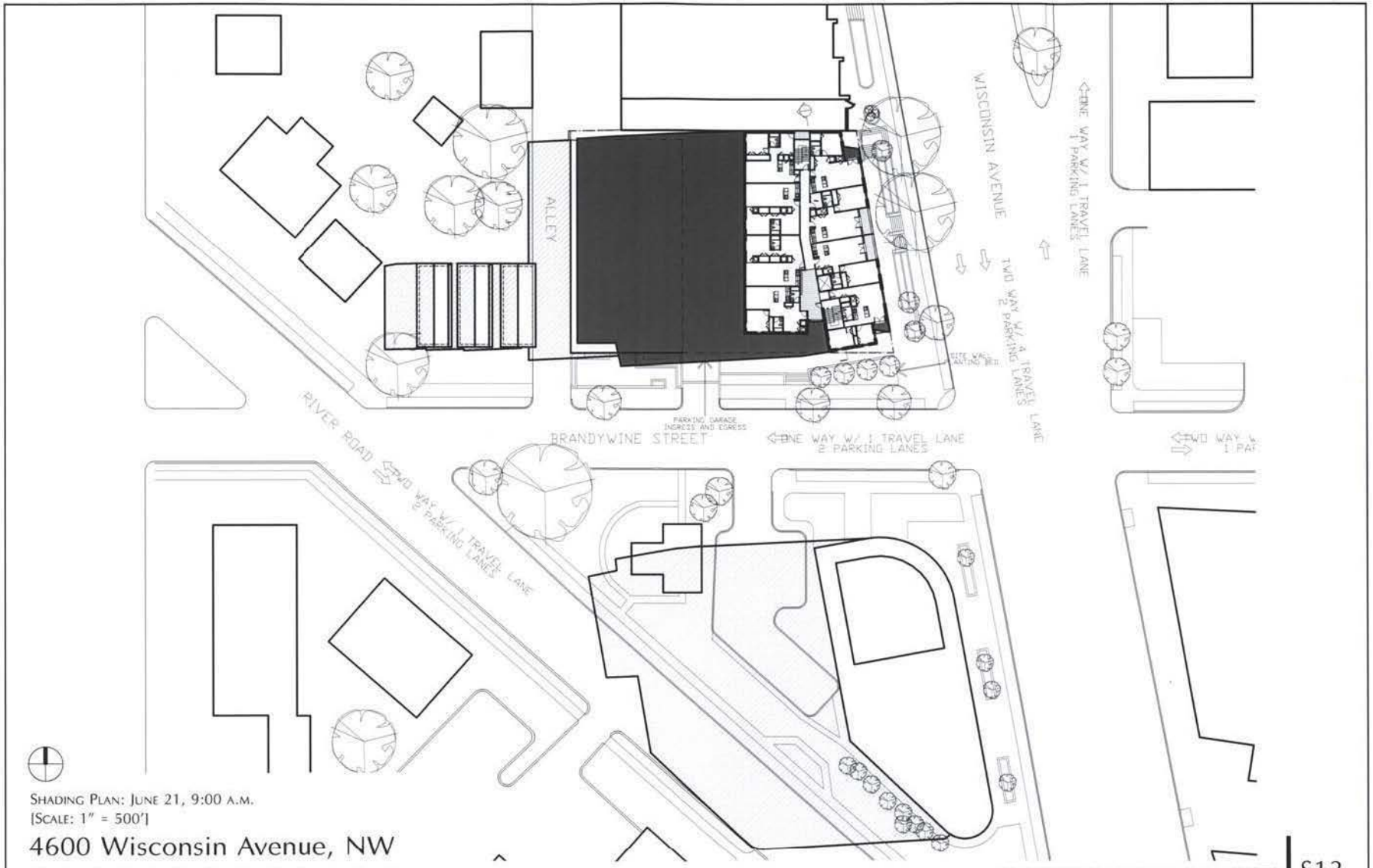


PERSPECTIVE VIEW FROM RIVER ROAD.

4600 Wisconsin Avenue, NW

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SHADING PLAN: JUNE 21, 9:00 A.M.
[SCALE: 1" = 500']

4600 Wisconsin Avenue, NW

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MAY 2004



SHADING PLAN: DECEMBER 21, 9:00 A.M.
[SCALE: 1" = 500']

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SHADING PLAN: MARCH 21, 9:00 A.M.
[SCALE: 1" = 500']

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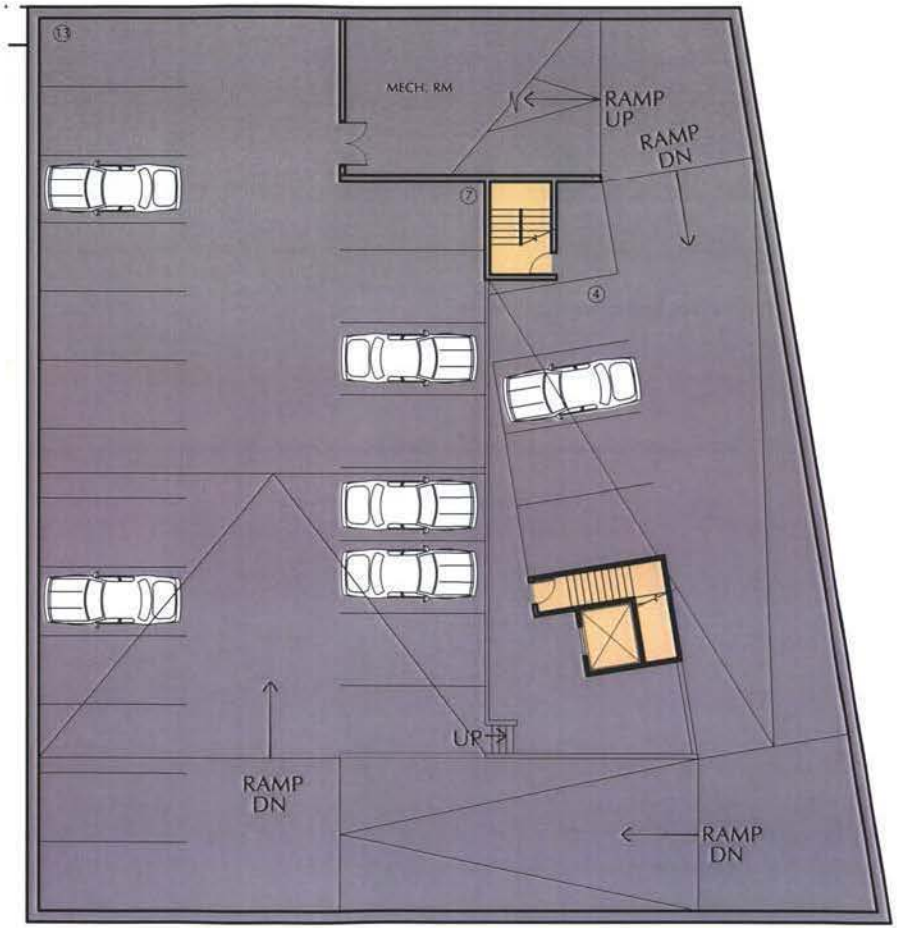
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MAY 2004

NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.



PROPOSED GARAGE PLAN B3
[SCALE: 1/16" = 1'-0"]

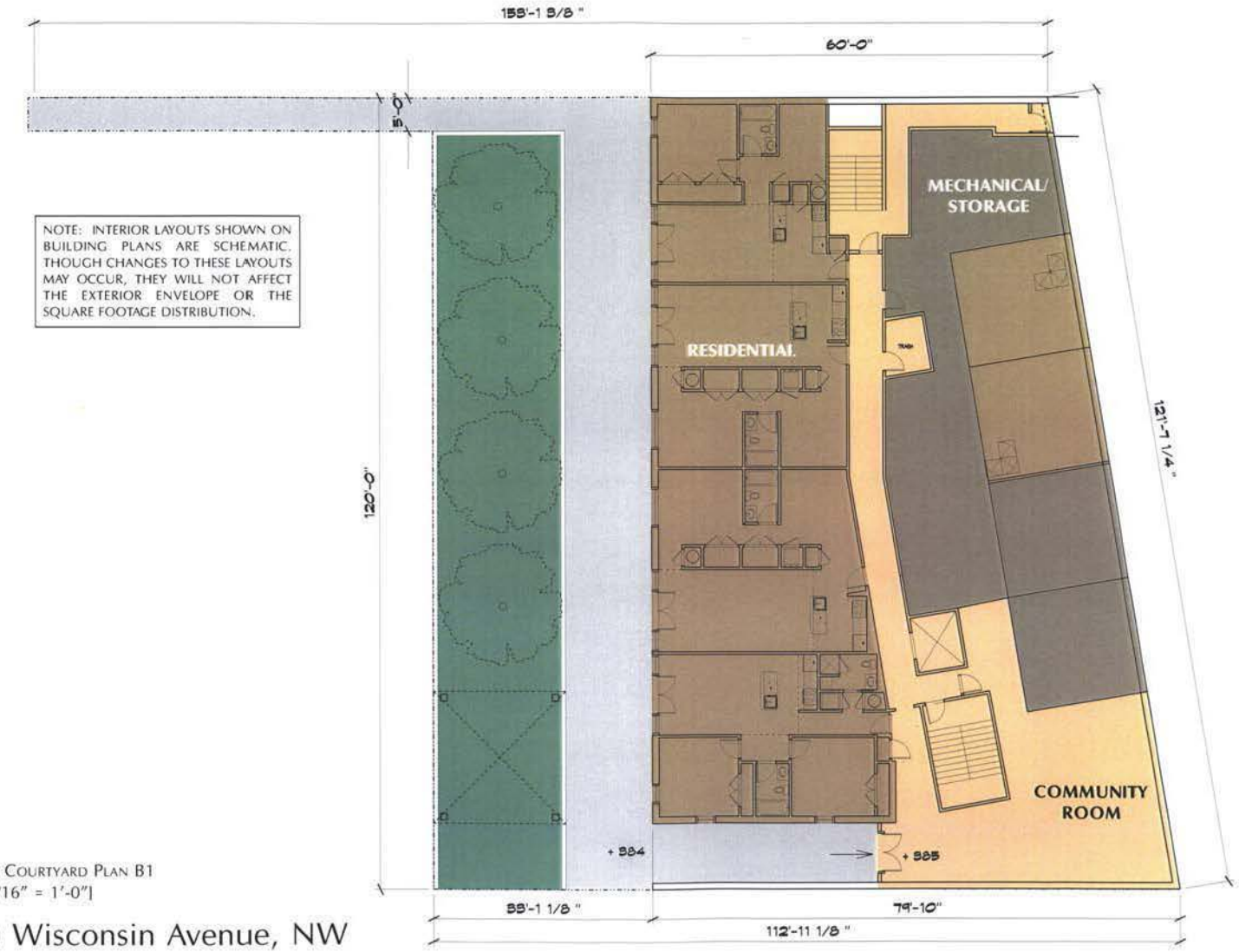
4600 Wisconsin Avenue, NW

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MAY 2004



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PROPOSED COURTYARD PLAN B1
[SCALE: 1/16" = 1'-0"]

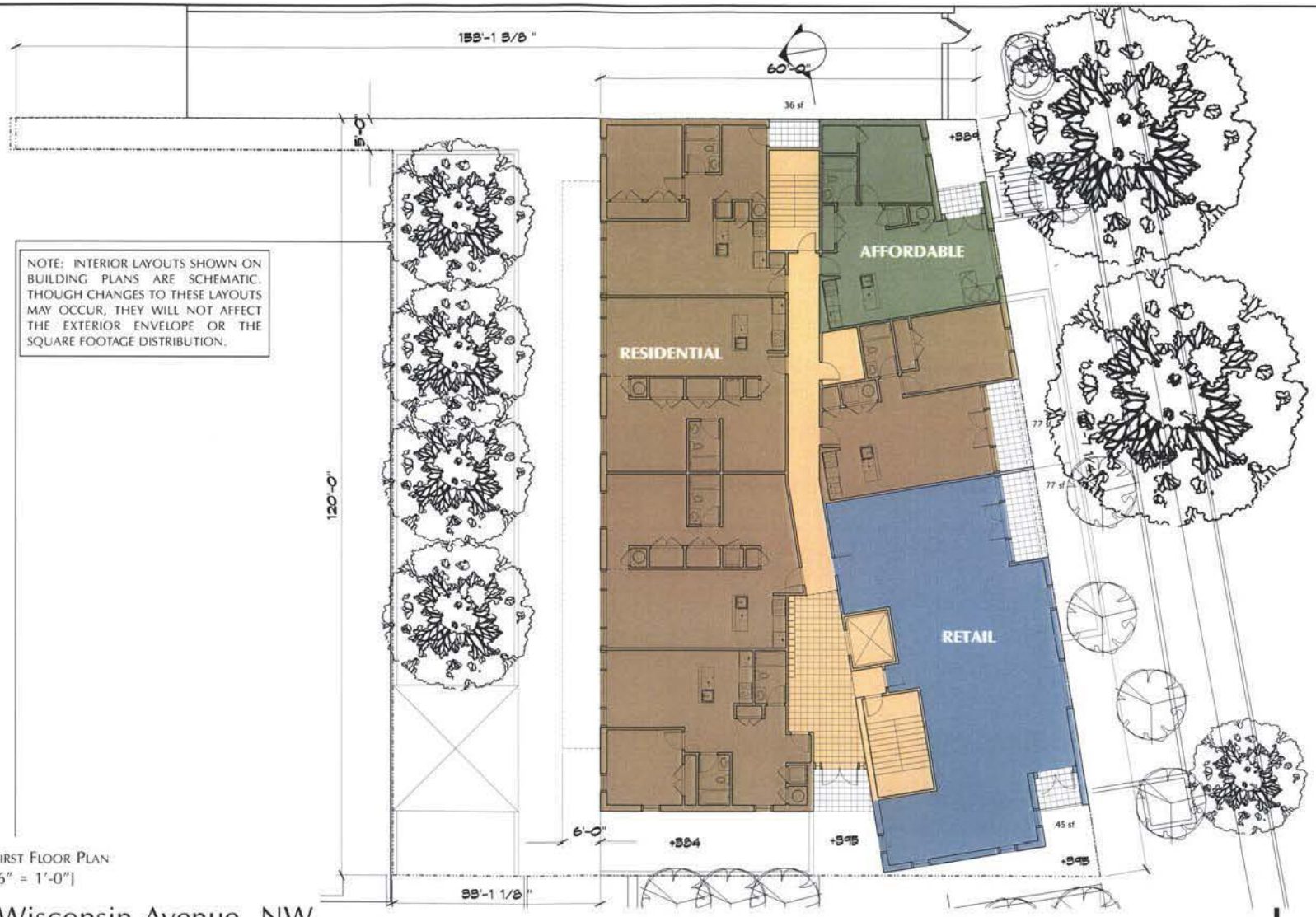
4600 Wisconsin Avenue, NW

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MAY 2004



NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.

PROPOSED FIRST FLOOR PLAN
[SCALE: 1/16" = 1'-0"]

4600 Wisconsin Avenue, NW

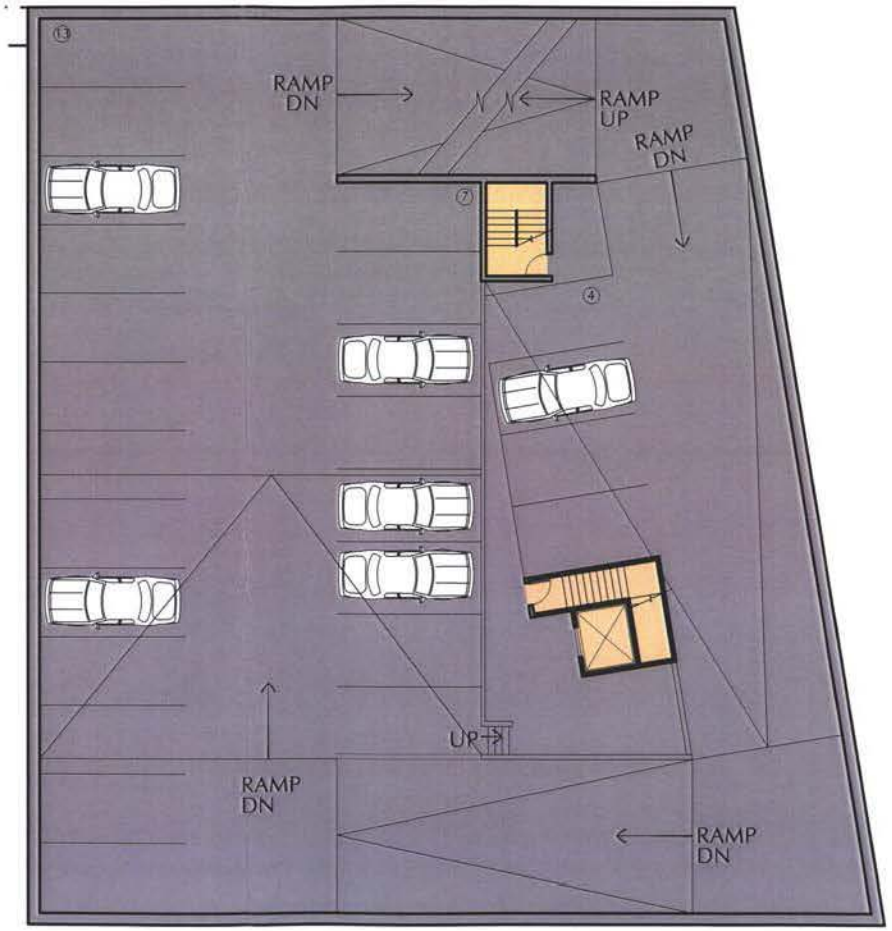
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PROPOSED GARAGE PLAN B2
[SCALE: 1/16" = 1'-0"]

4600 Wisconsin Avenue, NW

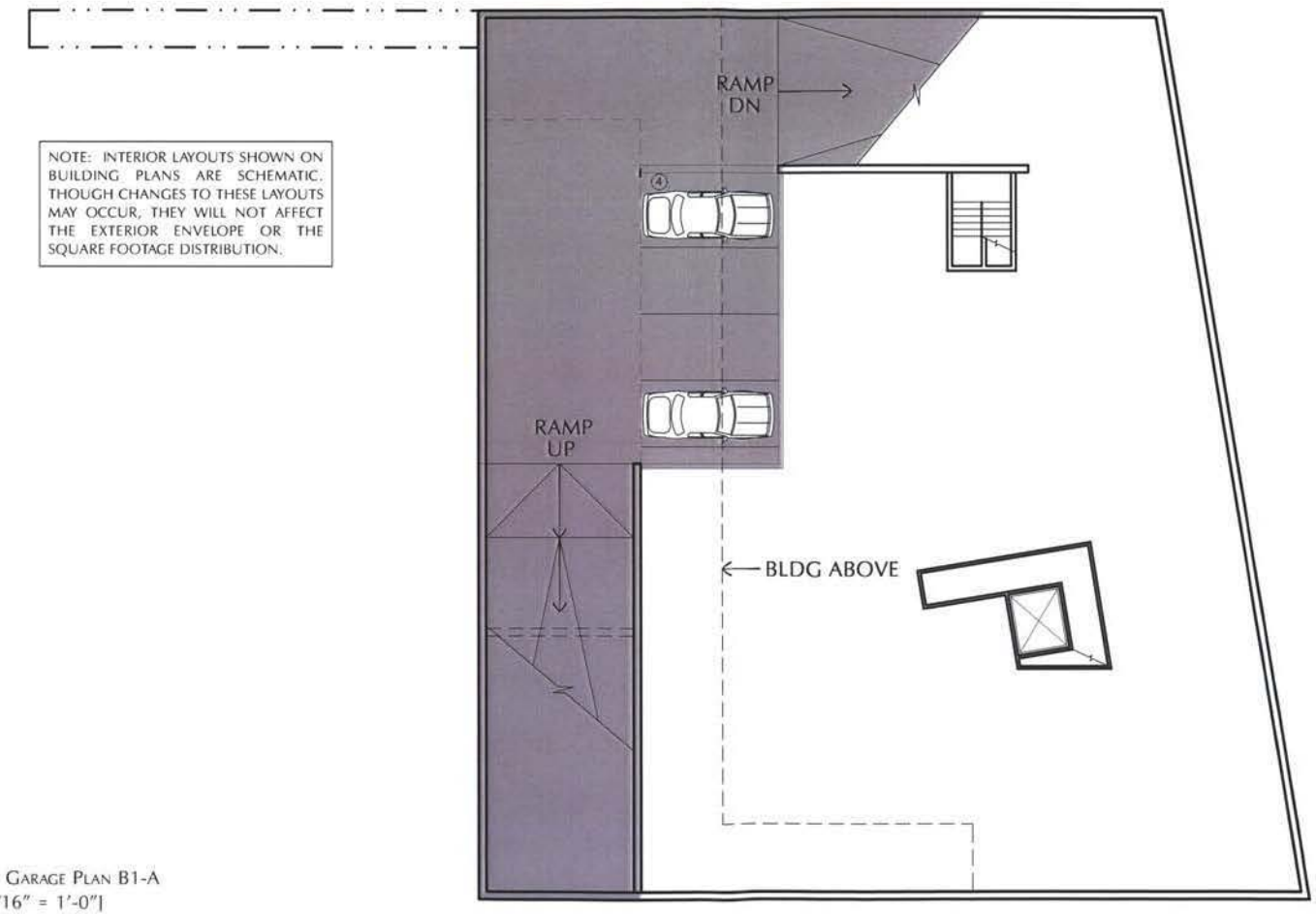
WASHINGTON, DC

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MAY 2004

NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.



PROPOSED GARAGE PLAN B1-A
[SCALE: 1/16" = 1'-0"]

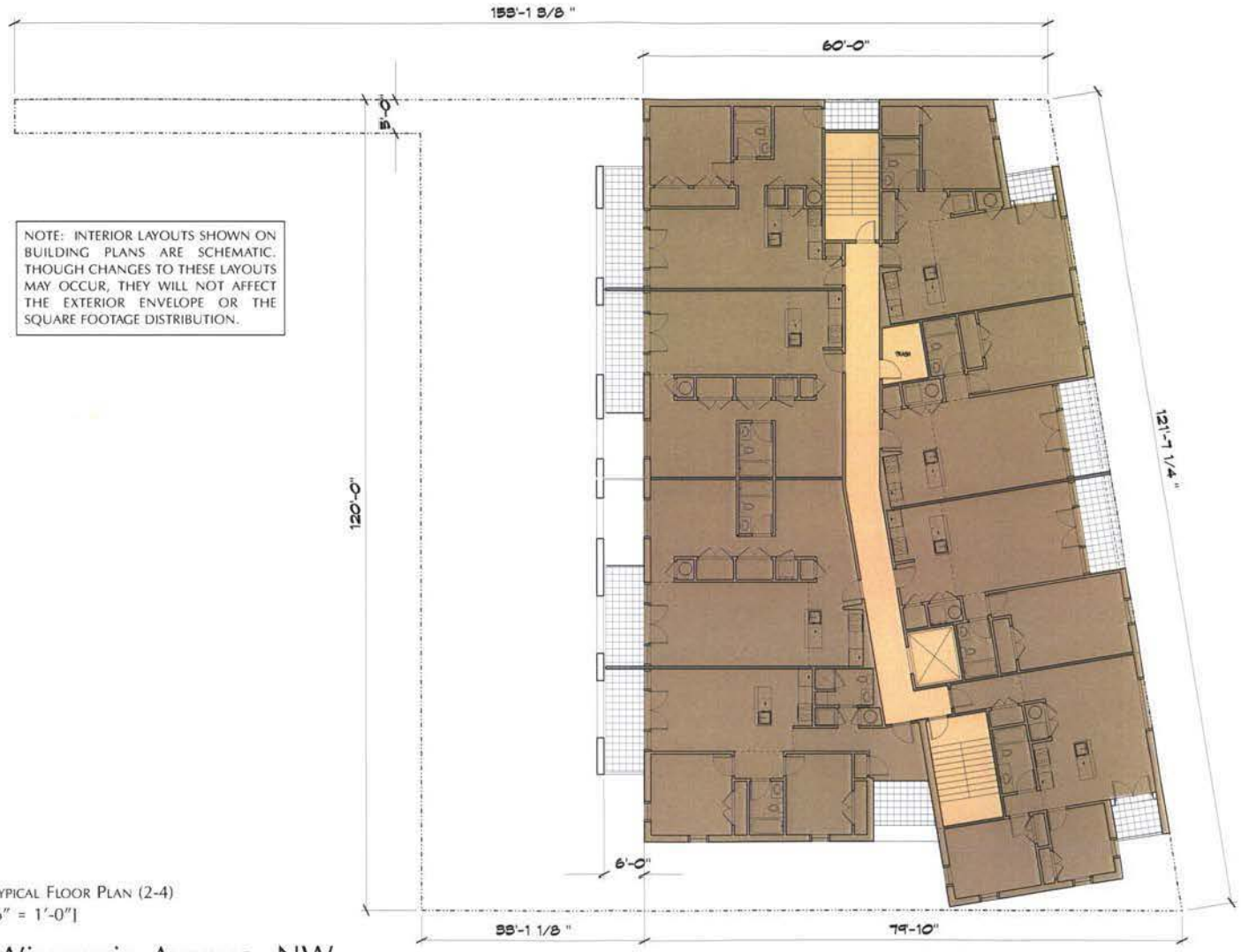
4600 Wisconsin Avenue, NW

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4600 BRANDYWINE ASSOCIATES, LLC

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NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.

PROPOSED TYPICAL FLOOR PLAN (2-4)
[SCALE: 1/16" = 1'-0"]

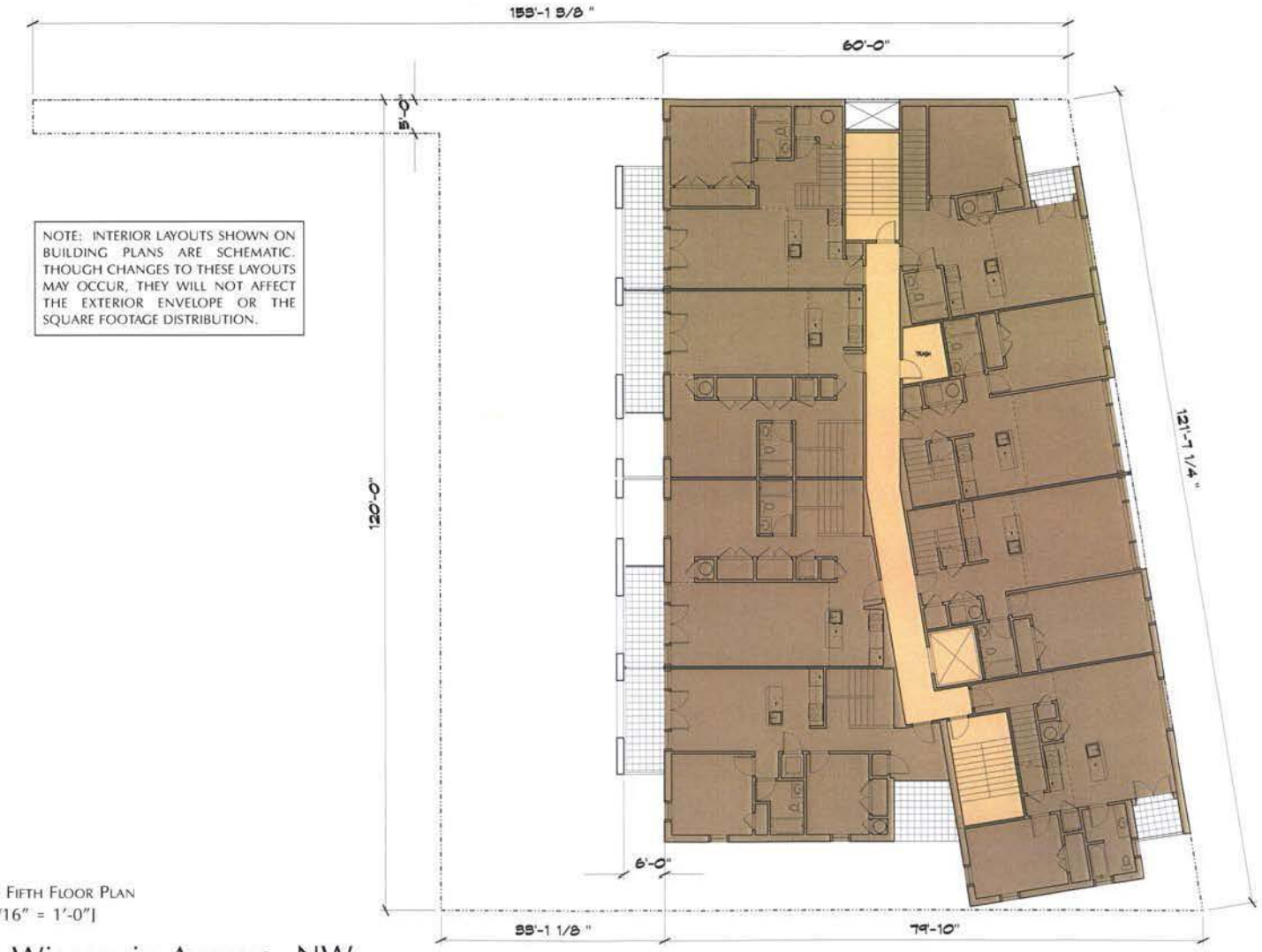
4600 Wisconsin Avenue, NW

WASHINGTON, DC

4600 BRANDYWINE ASSOCIATES, LLC

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NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.

PROPOSED FIFTH FLOOR PLAN
[SCALE: 1/16" = 1'-0"]

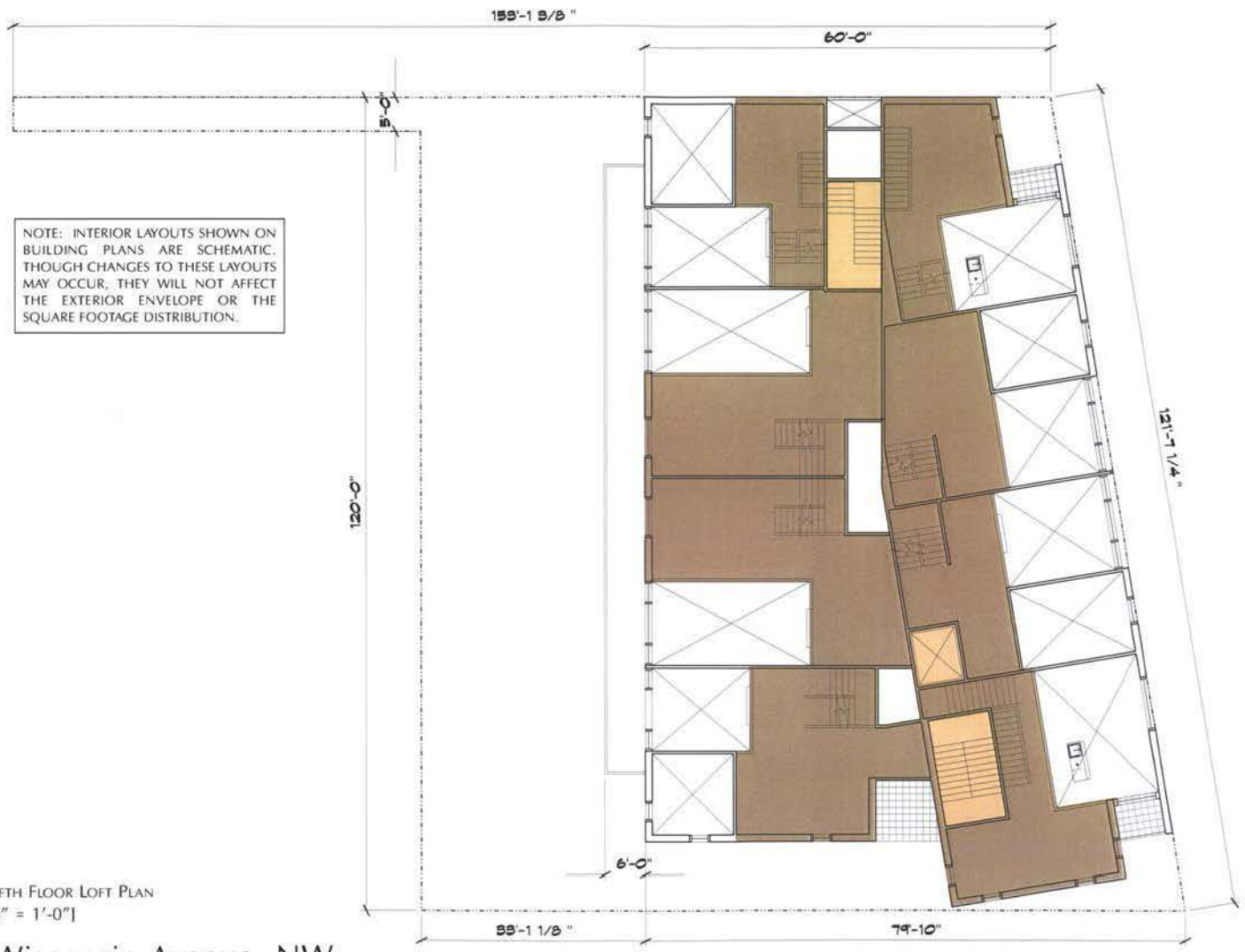
4600 Wisconsin Avenue, NW

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NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.

PROPOSED FIFTH FLOOR LOFT PLAN
[SCALE: 1/16" = 1'-0"]

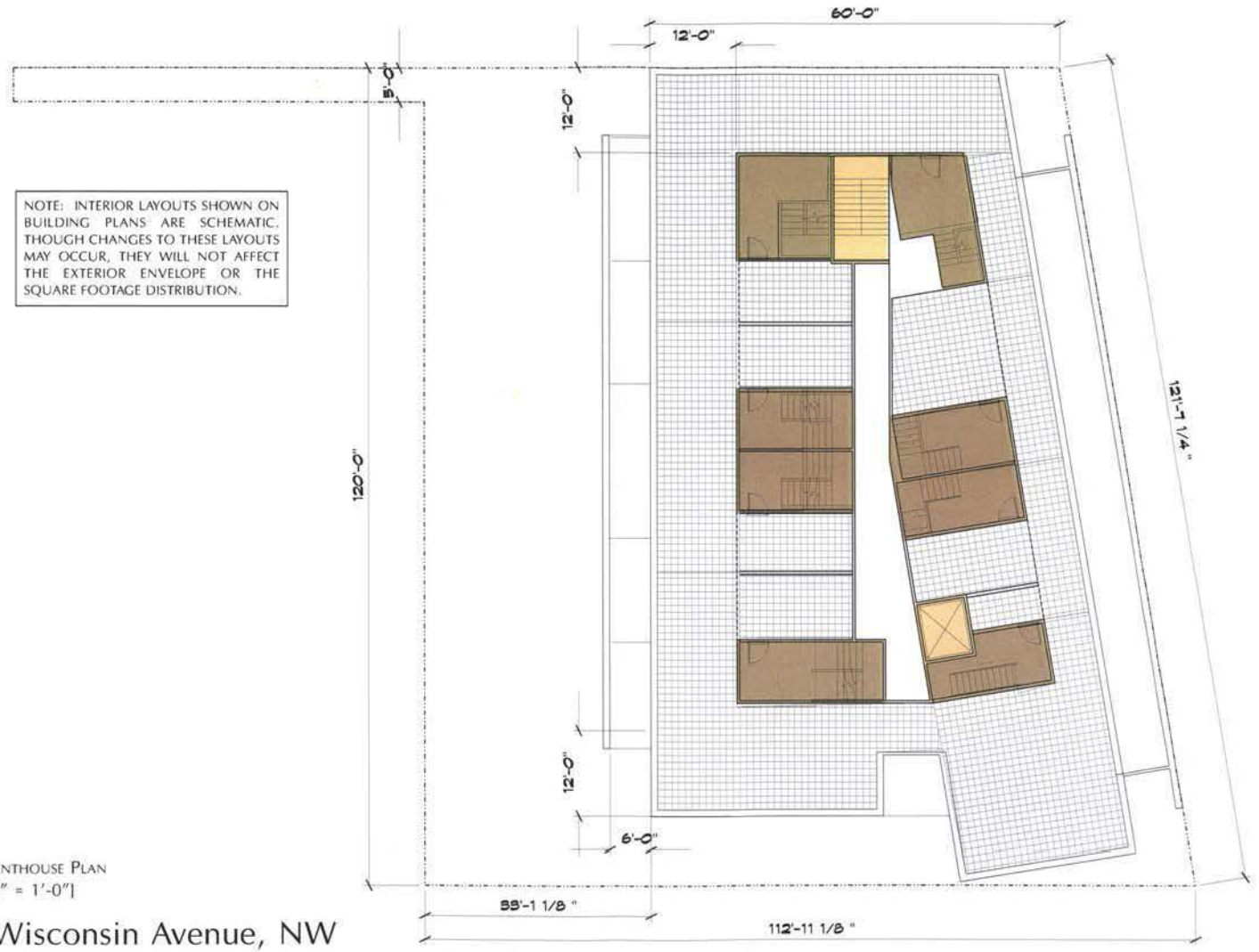
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MAY 2004



NOTE: INTERIOR LAYOUTS SHOWN ON BUILDING PLANS ARE SCHEMATIC. THOUGH CHANGES TO THESE LAYOUTS MAY OCCUR, THEY WILL NOT AFFECT THE EXTERIOR ENVELOPE OR THE SQUARE FOOTAGE DISTRIBUTION.

PROPOSED PENTHOUSE PLAN
[SCALE: 1/16" = 1'-0"]

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A9

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WISCONSIN AVENUE ELEVATION [SCALE: 1/16" = 1'-0"]

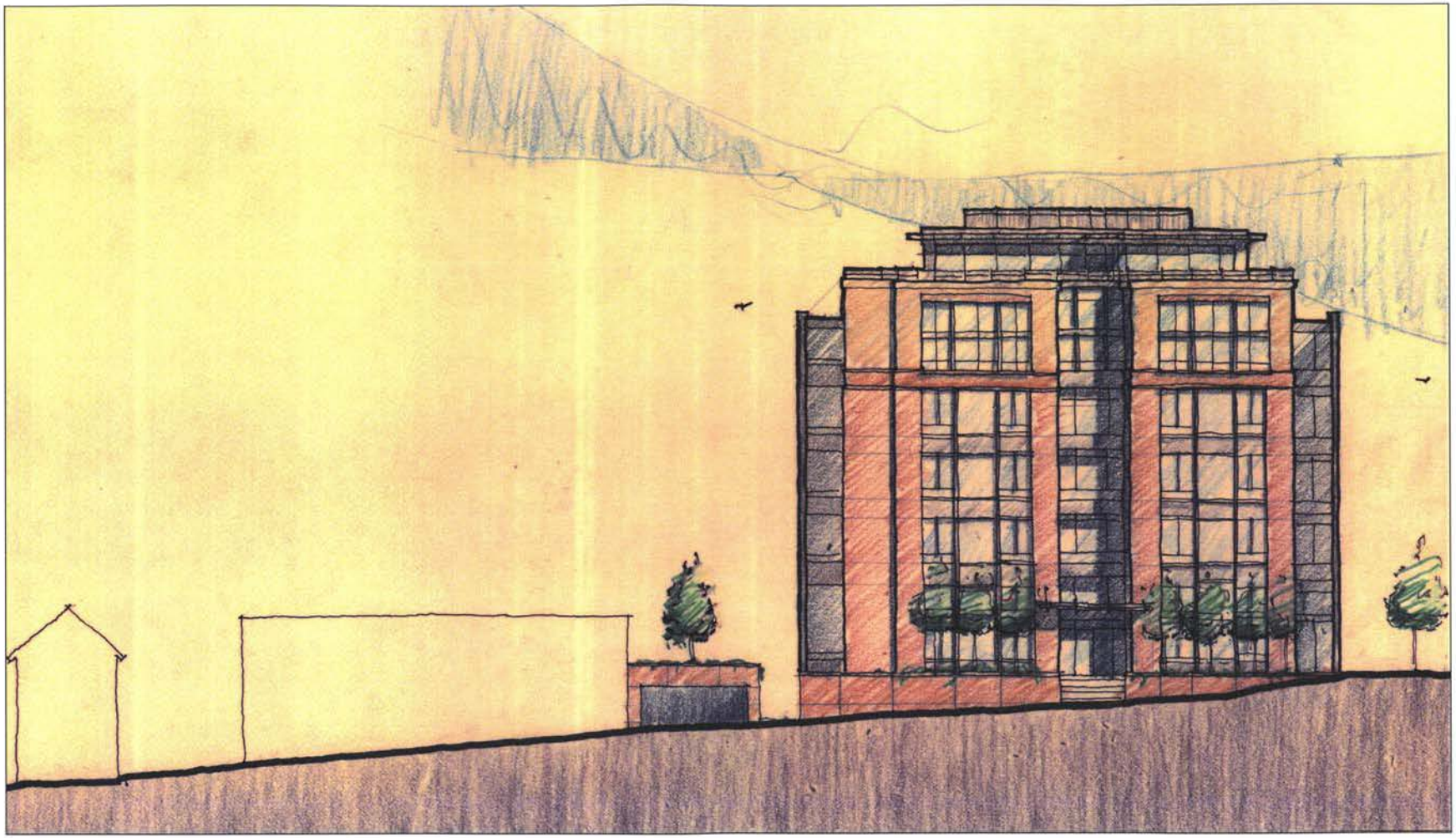
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BRANDYWINE STREET ELEVATION [SCALE: 1/16" = 1'-0"]

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WEST ELEVATION [SCALE: 1/16" = 1'-0"]

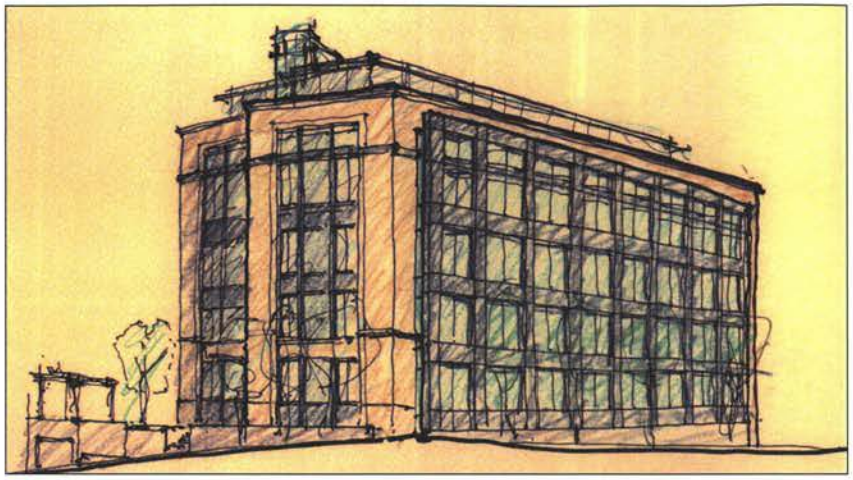
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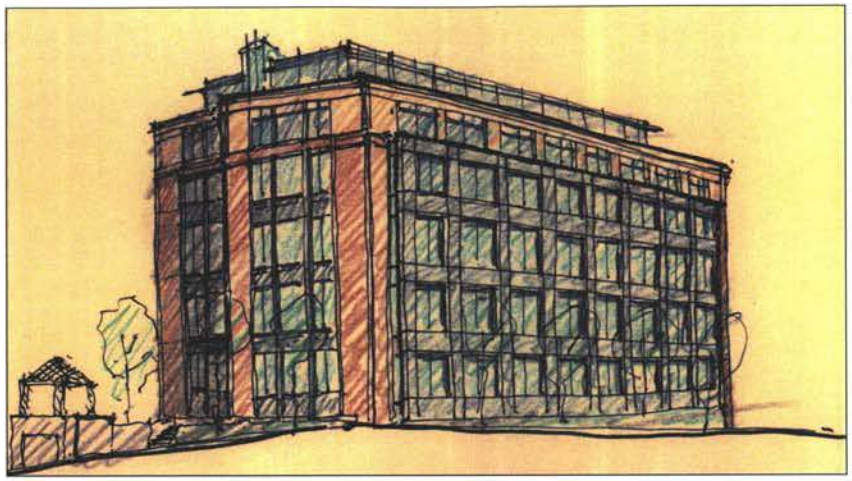
WASHINGTON, DC

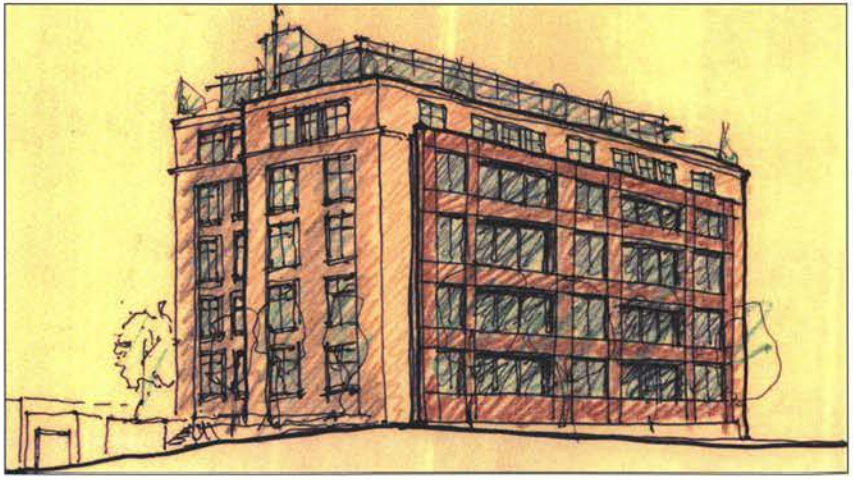
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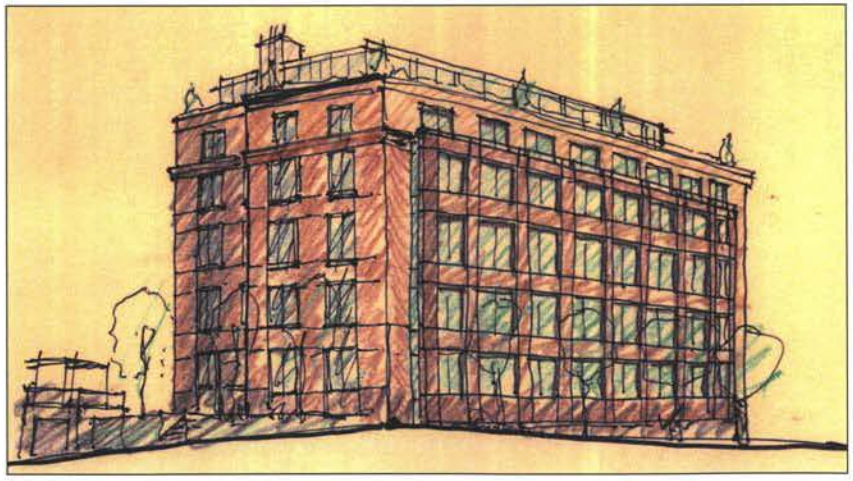
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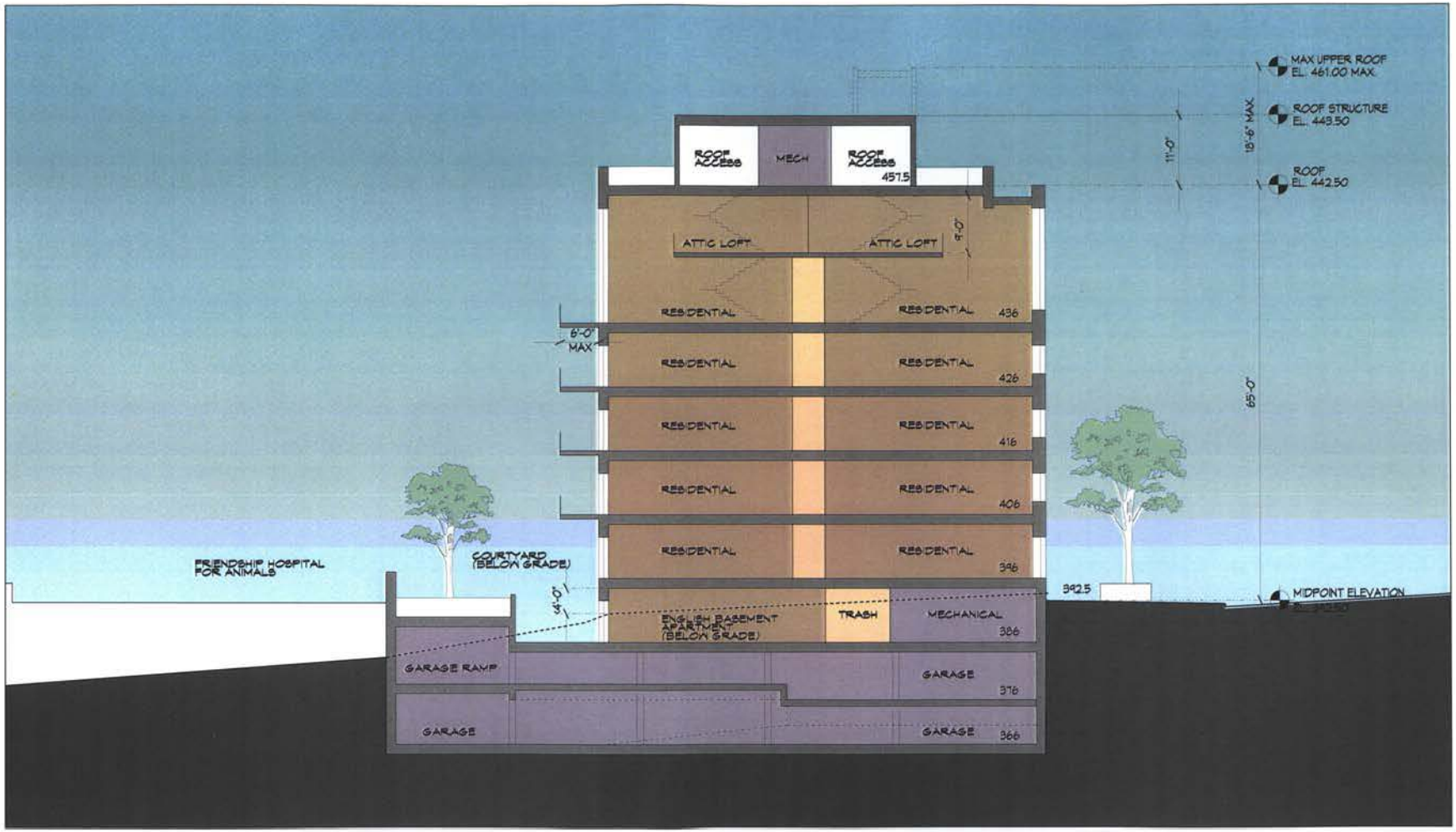


ELEVATION STUDIES: N.T.S.]

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PROPOSED SECTION 1 [SCALE: 1/16" = 1'-0"]

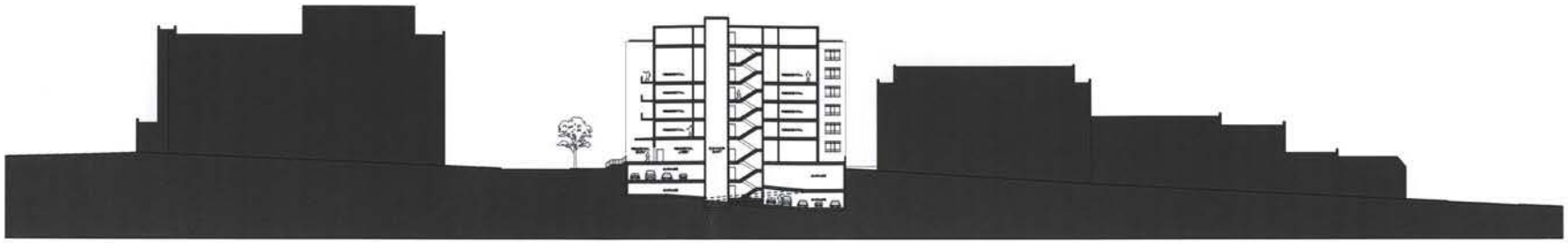
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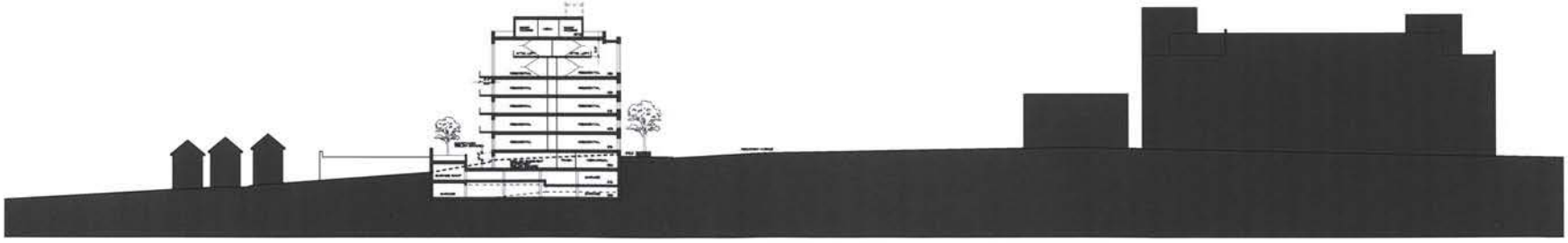
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LONGITUDINAL SECTION

0 10 20 40 80



TRANSVERSE SECTION

0 10 20 40 80

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