ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

August 4, 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 – UPDATED Pre-Hearing Statement of 4600 Brandywine Associates, LLC (the "Applicant")
4600 – 4614 Wisconsin Avenue, N.W.
(Square 1732, Lots 817 and 820)

Dear Chairperson Mitten and Members of the Commission:

On May 10, 2004, the Zoning Commission set-down the above-mentioned case for a public hearing. On June 7, 2004, the Applicant filed 20 copies of the pre-hearing statement with the Office of Zoning. Thereafter, Office of Zoning staff raised some concerns with regards to the plans, drawings, and elevations included as Exhibit A to that filing.

Since June 7, 2004, the Applicant has been working with Office of Zoning staff to revise the plans, drawings, and elevations to address those concerns. The Applicant now submits 20 copies of its pre-hearing statement with a revised Exhibit A (Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area) that has been approved by Office of Zoning staff.

The Applicant respectfully requests that the Zoning Commission schedule the public hearing as soon as possible. If you have any questions regarding the application, please call either of the undersigned at (202) 663-8000.

Sincerely,

John Epting

Paul Tummonds

cc: Stephen Mordfin, Office of Planning
Amy McVey, ANC 3E
Karen Perry, ANC 3F

ZONING COMMISSION
District of Columbia
CASE NO. 03-27
EXHIBIT NO. 26

ZONING COMMISSION
District of Columbia
CASE NO.03-27
EXHIBIT NO.26

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

RECEIVED
D.C. OFFICE OF ZONING

2004 JUN -7 PM 3:00

June 7, 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 – Pre-Hearing Statement of 4600 Brandywine Associates, LLC (the "Applicant")
4600 – 4614 Wisconsin Avenue, N.W.
(Square 1732, Lots 817 and 820)

Dear Chairperson Mitten and Members of the Commission:

On May 10, 2004, the Zoning Commission set-down the above-mentioned case for a public hearing. Enclosed please find 20 copies of the Applicant's pre-hearing statement, as well as a check for the public hearing fee.

The Applicant respectfully requests that the Zoning Commission schedule the public hearing as soon as possible. If you have any questions regarding the application, please call either of the undersigned at (202) 663-8000.

Sincerely,

John Epting

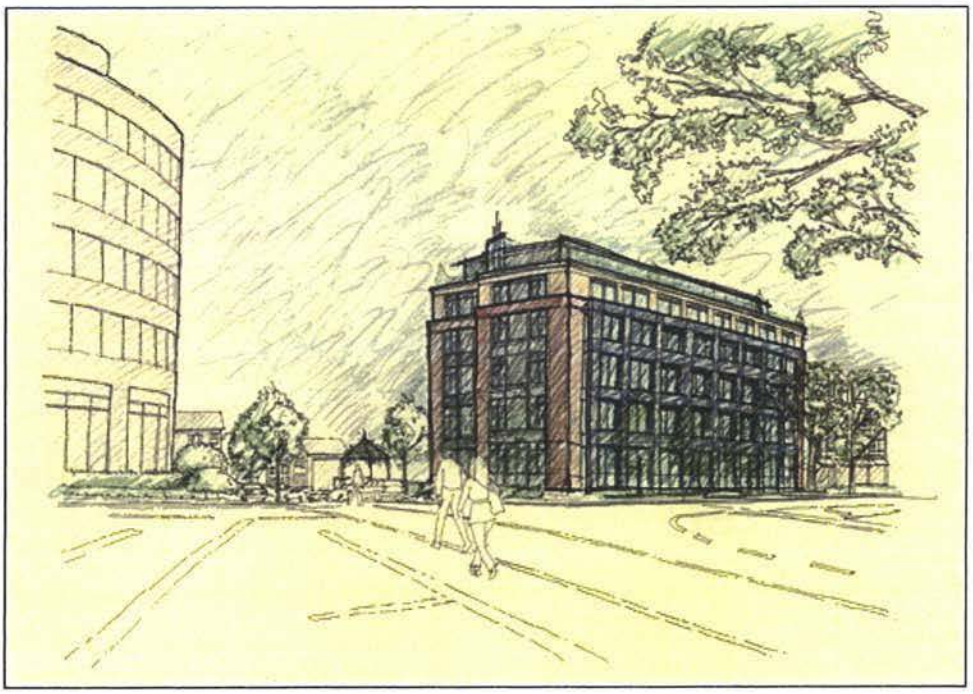
Paul Tummonds

cc: Stephen Mordfin, Office of Planning
Amy McVey, ANC 3E
Karen Perry, ANC 3F

Document #: 1406550 v.1

RECEIVED
D.C. OFFICE OF ZONING
2004 JUN -7 PM 3:06

4600 BRANDYWINE ASSOCIATES



PREHEARING STATEMENT
DISTRICT OF COLUMBIA ZONING COMMISSION FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT

4600 BRANDYWINE ASSOCIATES, LLC

June, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 JUN -7 PM 3:06

DEVELOPMENT TEAM

APPLICANT:	4600 Brandywine Associates, LLC c/o IBG Partners, L.L.C. 1600 K Street, N.W. Mezzanine Level Washington, DC 20006
ARCHITECTS, ENGINEERS AND CONSULTANTS:	Cunningham + Quill Architects 1054 31st Street, N.W. Suite 315 Washington, D.C. 20007 Architects
	Wells & Associates, LLC 1420 Spring Hill Road Suite 600 McLean, VA 22102 Traffic, Transportation, and Parking Consultants
LAND USE COUNSEL:	Shaw Pittman, LLP 2300 N Street, N.W. Washington, D.C. 20037

TABLE OF CONTENTS

DEVELOPMENT TEAM i
TABLE OF CONTENTS ii
EXHIBITS iv
CERTIFICATION OF COMPLIANCE WITH SECTION 3013 v
LIST OF WITNESSES AND ESTIMATE OF TIME TO PRESENT CASE vii
PREFACE viii

I. INTRODUCTION 1

A. Summary of Requested Action 1

B. The Applicant 1

C. Project Goals and Objectives and Benefits of Using the PUD Process 2

D. Development Timetable. 2

II. THE PROJECT SITE 3

A. Site Location 3

B. Project Description. 3

C. Development Parameters Under Existing and Proposed Zoning 6

D. Flexibility under the PUD Guidelines 6

III. PLANNING ANALYSIS 7

A. Introduction 7

B. Land Use Impact. 7

C. Zoning Impact. 8

D. Environmental Impact 9

E. Facilities Impact. 9

IV. EVALUATION STANDARDS 9

A. Public Benefits and Project Amenities 9
1. Housing and Affordable Housing 10
2. Urban Design, Architecture and Landscaping 10
3. Site Planning 11
4. Effective and Safe Vehicular and Pedestrian Access 11
5. Revenue for the District 12
6. First Source Employment Program 12
7. Local Business Opportunity Program 12

8. Uses of Special Value to the Neighborhood 13
9. Comprehensive Plan 13
10. Public Benefits of the Project 14

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN 15

A. Compliance with Major Themes 15
1. Stabilizing the District's Neighborhoods 15
2. Respecting and Improving the Physical Character of the District. 16
3. Preserving and Ensuring Community Input 17

B. Compliance with Major Elements. 17
1. Housing Element 17
2. Urban Design Element 18
3. Generalized Land Use Map 19
4. Land Use Element 19
5. Ward 3 Goals and Policies 20

VI. CONCLUSION 22

EXHIBITS

DESCRIPTION	EXHIBIT
Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area	A
Application Form[1]	B
List of Owners of Property within 200 feet of the Subject Site	C
Compliance with Consolidated PUD Requirements and Environmental Analysis	D
Washington Smart Growth Alliance Recognition Program – Recognition of the Project as a Smart Growth Proposal	E
Revised Transportation Analysis	F
Tabulation of Development Data	G
Chronology of Community Meetings	H
Outlines of Witness Testimony	I
List of Publicly Available Maps	J
List of Names and Addresses of Persons That Have a Lease For Any Portion of the Building Located on the Property Involved in the Application	K

[1] The Applicant is no longer seeking the rezoning to C-2-B, therefore that application form which was originally filed is not submitted in this pre-hearing statement. The PUD application form that describes the modified project is attached as Exhibit B.

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

4600 Brandywine Associates, LLC, hereby certifies that this pre-hearing statement, twenty copies of which were filed with the Zoning Commission on June 4, 2004, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further information will be submitted prior to the public hearing on this application.

4600 Brandywine Associates, LLC, also certifies that certain modifications have been made to the project since the original submission in response to comments raised in the numerous meetings that have been held with members of the neighboring community, and in response to the comments of the Commission members at the March 8, 2004 public meeting. These modifications were included in the plans and materials submitted to the Commission on May 5, 2004 prior to the set-down meeting, and include: (i) a project that is consistent with the C-2-A PUD guidelines; (ii) a reduction in the building's FAR from 5.0 to 3.0, a proposed building height of 65 feet (remains the same), and a proposed lot occupancy of 60% (previously it was 92%); (iii) the number of residential units will be 42, with 1,650 square feet of ground floor retail focused at the intersection on Wisconsin Avenue and Brandywine Streets; (iv) a below-grade parking garage of 44 parking spaces; and (v) enhanced landscaping and streetscape improvements along Wisconsin Avenue (including a water feature), and a significant rear yard terrace area.

In addition, this pre-hearing statement includes a revised transportation analysis prepared by Wells & Associates, the Traffic and Parking consultant on this project reflecting the project revisions. This revised report addresses the issues raised by members of the Zoning Commission at its March 8, 2004 public meeting concerning the provision of an adequate number of parking spaces included in the project. In all other respects, the project is the same as originally filed on July 22, 2003.

Sub-Section		Page
3013.1(a)	Information Requested by the Commission Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-hearing Statement, Exhibit F
3013.1(b)	List of Witnesses	Pre-hearing Statement
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for the Record:	
	Outline of Testimony of Scott Fuller, Representative of 4600 Brandywine Associates, LLC,	Exhibit I

	Outline of Testimony of Ralph Cunningham, Architect, Cunningham + Quill Architects,	Exhibit I
	Outline of Testimony of Traffic Engineer Wells & Associates, LLC	Exhibit I
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-hearing Statement; Exhibit F
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit J
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1.0 hour
3013.2	Two Sets of Full Size Plans	Submitted Herewith
3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site	Exhibit C
3013.6(b)	List of Names and Addresses of Each Person Having a Lease with the Owner for All or Part of Any Building Located on the Property Involved in the Application	Exhibit K

Respectfully submitted,

SHAW PITTMAN LLP

John T. Epting

Paul A. Tummonds, Jr.

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Scott Fuller, Representative of Developer, 4600 Brandywine Associates LLC

Ralph Cunningham, Architect, Cunningham & Quill Architects – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Martin Wells/Michael Workosky, Traffic Engineer, Wells & Associates, LLC – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 hour

PREFACE

This statement is submitted by 4600 Brandywine Associates, LLC in support of an application for the consolidated review and one-step approval of a Planned Unit Development for the Subject Property located at 4600 – 4614 Wisconsin Avenue, N.W. in Square 1732, Lots 817 and 820 before the District of Columbia Zoning Commission in conformity with Chapter 24 of the District of Columbia Zoning Regulations. The Applicant is requesting the consolidated review and approval of a PUD in order to develop a mixed-use, primarily residential project on the Subject Property.

The Subject Property consists of approximately 12,661 square feet of land area, has frontage along Wisconsin Avenue and Brandywine Street and is currently occupied by Babe's Billiards and an adjacent building that includes a dry cleaners, tailor shop, and a small office. The Subject Property is located in the C-2-A Zone District. As originally submitted, the Applicant requested the rezoning of the Subject Property from the C-2-A Zone District to the C-2-B Zone District. The Applicant has withdrawn the rezoning request.

Because the Subject Property consists of less than 15,000 square feet of land area, it is necessary to obtain a waiver of the minimum area requirements for a PUD. The Zoning Regulations authorize the granting of such a waiver pursuant to 11 DCMR §2401.2(a). This Section of the Zoning Regulations allows the Commission to waive not more than 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 the modified PUD project's public benefits and project amenities, and overall design meet the standards for a PUD project of exceptional merit.

The Applicant has had multiple discussions with various neighborhood groups and organizations regarding this project over the past 14 months, including; ANC 3E, ANC 3F, representatives of the Janney Elementary School PTA and Wilson Senior High School PTA, the Friends of Ft. Bayard Park, the Friends of the Tenley Library, the Tenleytown Historical Society, the Tenleytown Neighborhood Association, and the Coalition to Stop Tenleytown Overdevelopment, adjacent neighbors and members of the larger community. The Applicant looks forward to continued dialogue with the community.

I. INTRODUCTION

A. Summary of Requested Action.

This pre-hearing statement supports the application of 4600 Brandywine Associates, 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**") for the site. The project site includes Lots 817 and 820 in Square 1732 (the "**Subject Property**"). The Subject Property is located in the Tenleytown neighborhood of Ward 3. It consists of approximately 12,661 square feet of land area at the northwest corner of Wisconsin Avenue and Brandywine Streets, N.W. The Subject Property is located in the mixed-use, moderate density commercial/medium density residential land use category as shown on the District of Columbia Generalized Land Use Map. The Subject Property is located approximately one-block, 1,000 feet, from the entrance to the Tenleytown Metrorail Station. The Subject Property includes 121 feet of frontage along Wisconsin Avenue and 113 feet of frontage on Brandywine Street. The Subject Property includes a 5 foot change in grade from the southern edge of the site to the northern edge of the site along Wisconsin Avenue.

The site is currently zoned C-2-A. The Applicant originally requested a Zoning Map amendment to the C-2-B District for the Subject Property, but has determined to proceed with this application for a PUD that is consistent with the PUD guidelines for the C-2-A District.

B. The Applicant

The Applicant is managed by IBG Partners, LLC, a Washington, DC based real estate investment and development company that in the past 10 years has been involved with the acquisition and/or development of numerous major residential and commercial office projects in

the District of Columbia. Residential projects have included the development of the 202-unit luxury Westbrook Apartments at 22nd and N street, the development of the 75,000 sf mixed use residential/office/retail project at 2311 M Street, the acquisition and initial pre-redevelopment of Alban Towers at Wisconsin and Massachusetts Avenues, and a joint venture redevelopment of the United Mineworkers Building at 15th and I Streets, now known as the 101-unit Summit Grand Parc. In addition, IBG has been involved with major commercial office projects, such as the acquisition and ownership of 1401 K Street, 1750 K Street, 1600 K Street, 2115 Wisconsin Avenue, 2121 Wisconsin Avenue and the recent acquisition of 1101 Connecticut Avenue.

C. Project Goals and Objectives and Benefits of Using the PUD Process.

The Applicant's objective is to create a high quality mixed-use development on a presently underutilized property along one of the District's major arterial streets, Wisconsin Avenue, N.W. The new residential units will bring additional residents to the neighborhood, and to the District, that will patronize the local stores and restaurants and will provide significant economic benefits to the District of Columbia as well as the local neighborhood economy. The proposed retail space along Wisconsin Avenue is intended to be neighborhood serving retail that will provide a convenience to residents of the neighborhood that does not presently exist. The Applicant believes that the proposed project will serve as another piece to the hoped for transformation of the area immediately surrounding the Tenleytown Metrorail Station into a dynamic mixed-use area for residents of the adjacent neighborhood and the District as a whole.

D. Development Timetable.

The Applicant hopes to start construction no later than Winter 2005 and expects that the total construction period will last approximately 15-16 months.

II. THE PROJECT SITE

A. Site Location

As shown in the pictures attached in Exhibit A, the general area surrounding the Subject Property includes a variety of commercial buildings along Wisconsin Avenue. These include the 65 foot tall office and retail building (which includes Hudson Trail Outfitters on the ground level) located immediately across Brandywine Street from the Subject Property. Across Wisconsin Avenue to the southeast is a strip shopping center that includes a take-out pizza store, a CVS Pharmacy and other retail establishments. Various television and radio antenna towers, a small retail store and Fort Reno Park are located across Wisconsin Avenue to the northeast of the Subject Property. Immediately adjacent to the Subject Property on the west side of Wisconsin Avenue is a commercial building that includes restaurants and retail on the ground level and office uses above. The Martens Volvo site and the Tenley Hill mixed-use PUD/rezoning project are located on Wisconsin Avenue to the north of the Subject Property. The former Sears/Hechinger building, that is being renovated as a mixed-use building, is just one block to the south at the intersection of River Road and Wisconsin Avenue.

The Friendship Animal Hospital is located immediately adjacent to the Subject Property to the west. Single-family homes are located further west of the Subject Property. Georgetown Day School is located approximately two blocks to the northwest of the Subject Property.

B. Project Description

The proposed project has been designed to be an attractive addition to the Tenleytown/Wisconsin Avenue corridor that is an appropriate height and size for this site. The project will consist of 42 (which includes one "affordable" unit) one and two bedroom condominium units that will be accessed from Brandywine Street. Consistent with the PUD

guidelines in the C-2-A District, the height of the building will be approximately 65 feet and will have a roof line that is at approximately the same height as the roof line of the office and retail building located immediately south of the Subject Property on Wisconsin Avenue. (See the renderings of the proposed project and adjacent buildings included in Exhibit A.) The project will include a total of 37,983 square feet of gross floor area, will have a total FAR of 3.0, and will occupy 60% of the Subject Property. The residential portion of the project will include approximately 36,333 square feet of gross floor area. The non-residential portion of the project will include approximately 1,650 square feet of retail space along Wisconsin Avenue focused at the corner of Wisconsin Avenue and Brandywine Streets. Due to the size of this retail component, the Applicant is seeking neighborhood oriented retailers, rather than destination oriented retail, for this space.

The C-2-A District requires that 20% of the residential gross floor area be devoted to residential recreation space. This is the most required recreational space of any zone (other than C-1) and can be deemed to be inconsistent with recent Zoning Commission reductions of the residential space requirements in the DD zone (a reduction from 15% and 10% to 5% in the C-2-C and C-3-C Districts, respectively) and numerous recent Board of Zoning Adjustment decisions granting reductions in the required residential recreational space. The proposed project will provide 4,600 square feet of residential recreation space in a landscaped courtyard in the rear yard of the Subject Property that will be available to all residents of the project. Therefore, the project will provide residential recreation space of 12.66% of the residential gross floor area included in the project. In addition, some of the residential units will have balconies, consisting of 2,704 square feet, and the upper units will have access to roof terraces that will include 1,750 square feet. While these areas do not satisfy the strict requirements of the Zoning Regulations

for residential recreation space required in a matter-of-right building, they are areas of passive recreation that are available for residents of the project and their guests and certainly serve the intended purpose of providing residential recreation space.

There is also the option for a 1,000 square feet community room in the B1 level of the building. It is likely that such a community room will not be used or desired by the owners of the units, given the adjacent outdoor and indoor recreational amenities available at and adjacent to the Subject Property. Therefore, the Applicant has discussed with the Office of Planning the possibility of using this area as either a community room for residents, or as storage space for retail use. The Office of Planning indicated that the storage space, which is likely to make the retail space more desirable, appears preferable in this instance. The Applicant therefore requests that the Zoning Commission provide flexibility from the strict requirements of the C-2-A District residential recreation space requirements and give the Applicant the ability to decide which will be the most appropriate use of the 1,000 square feet of space in the B1 level.

The project will also include two parking levels below grade, including 44 parking spaces, that will be accessed from Brandywine Street. One parking space will be available for each condominium unit, and two spaces will be reserved for retail uses and visitor use after business hours.

In terms of design, the project has a two-story base and has been broken into three distinct elements to sensitively contribute to the existing context of the neighborhood and provide a better transition to the pedestrian scale of the retail frontage. The plan geometry reflects the Washington, DC diagonal street pattern. Extensive hardscape and landscape elements, such as decorative paving, terracing, and planting, at the ground floor contribute to a vibrant streetscape

for Wisconsin Avenue and Brandywine Street. The building's rich palette of materials, including brick, precast concrete, glass and metal, also elevate the level of finish in the neighborhood streetscape. To this end, the Applicant has selected Cunningham + Quill Architects on the basis of their many award-winning and successful multi-family and PUD projects in the Washington, DC community, including the Tenley Hill mixed-use project discussed herein.

C. Development Parameters Under Existing and Proposed Zoning

The C-2-A District permits a maximum height of 50 feet, a maximum lot occupancy of 60%, and a maximum floor area ratio ("FAR") of 2.5, with a limit of 1.5 of non-residential FAR as a matter-of-right. The PUD guidelines for the C-2-A District allow a maximum height of 65 feet and a maximum FAR of 3.0, with a limit of 2.0 of non-residential FAR.

D. Flexibility under the PUD Guidelines

A great benefit of the PUD process is that the Applicant is provided a certain degree of flexibility from the requirements of the Zoning Regulations in return for meeting District and neighborhood planning goals. The Applicant is requesting relief from the strict application of the residential recreation space requirements as noted above, of the Zoning Regulations. The Applicant is also requesting the flexibility to reduce the number of residential units in the project to make larger units through interior reconfiguration only, by up to 10% in response to future market conditions.

In addition, the Applicant is requesting that the Zoning Commission waive the 15,000 square foot minimum area requirement for PUD applications. In accordance with 11 DCMR §2401.2 (a) and (b), the Applicant proposes that the granting of this waiver is appropriate as this project is of exceptional merit and is in the best interest of the city (as discussed herein).

Moreover, the proposed project will have approximately 96% of the gross floor area of the development devoted to dwelling units and accessory uses to those dwelling units.

III. PLANNING ANALYSIS

A. Introduction.

Through the PUD process, the Applicant will achieve a central goal of the District of Columbia, providing new residential and retail opportunities in the Tenleytown neighborhood of Ward 3. The requested areas of relief from the Zoning Regulations are consistent with other buildings in the area and are entirely consistent with the Zoning Regulations' guidelines for PUDs in the underlying C-2-A District.

B. Land Use Impact.

The existing use of the Subject Property, a one-two story building housing a billiards parlor, a dry cleaners and tailor shop, and a small office space, is not consistent with the District's land use goals and policies. The proposed 42 unit (including one "affordable" unit) residential condominium, with ground floor neighborhood serving retail, project is entirely appropriate for the Subject Property from a land use perspective. The Subject Property is located on a major arterial street, Wisconsin Avenue, and is located only 1,000 feet from the Tenleytown Metrorail station. The proposed project is also entirely consistent with the District's goals of encouraging transit-oriented development.

On September 15, 2003, the Applicant submitted an application to the Washington Smart Growth Alliance ("SGA"), Smart Growth Recognition Program requesting recognition that the PUD project satisfies that organization's demanding smart growth objectives and principles. The SGA's mission is to research, identify and encourage land use, development and transportation

policies and practices that protect environmental assets and enhance the region's quality of life. The SGA's Recognition Program distinguishes specific development proposals that exemplify smart growth characteristics. On October 13, 2003, the PUD project was recognized as a Smart Growth Project Proposal. A copy of this recognition letter is attached as Exhibit E. In that letter, the SGA noted that:

> The jury agreed to recognize your project as a Smart Growth Proposal. Applying all of the SGA criteria (see copy enclosed), the jury concluded that your project proposal is particularly strong in its location of new residential units along a major transportation corridor and in close proximity to the Metro. The jury was also pleased with the amenities package your team offered to the District of Columbia.

The Applicant does not believe that the modifications that have been made to the project since the submission of the Smart Growth Recognition Application affect the SGA's recognition of the PUD project as being consistent with smart growth objectives.

For these reasons, the Applicant believes that approval of the PUD project is appropriate from a land use perspective, and that the project is entirely consistent with the District's goals for transit-oriented development, and smart growth policies.

C. Zoning Impact.

No rezoning is proposed with this C-2-A PUD. In keeping with the Subject Property's inclusion in the mixed-use, moderate density commercial/medium density residential land use category of the Generalized Land Use Map, the proposed C-2-A PUD is entirely consistent with existing development in the surrounding area and the overarching policies and objectives of the Comprehensive Plan.

D. Environmental Impact.

As more specifically detailed in Exhibit D, there is no adverse environmental impact that will result from this project being constructed. In addition, any increased use in water and sanitary services that will occur as a result of the project will have an inconsequential effect on the District's delivery systems. The site is currently served by all major utilities. The project's proposed stormwater management and soil erosion control plans will minimize impact on the adjacent property and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project.

E. Facilities Impact.

The proposed project will not have an adverse impact on the public facilities that it will rely on for service. As previously mentioned, the Subject Property is located 1,000 feet from the entrance to the Tenleytown Metrorail Station. In addition, numerous Metrobus lines utilize Wisconsin Avenue such that the project is adequately served by public transportation.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application.

A. Public Benefits and Project Amenities

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning. The instant consolidated application will achieve the goals of the PUD process by creating high quality

residential development and neighborhood serving retail on the Subject Property with significant public benefits to the neighborhood and the District as a whole.

1. Housing and Affordable Housing

Under Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. In furtherance of this important goal, the proposed PUD project will add 42 new residential units to the Tenleytown neighborhood. Of this total, the project will provide one affordable housing unit in order to help the District of Columbia reach its goal of creating a significant number of affordable housing units throughout the District of Columbia. The affordable housing component included in this project represents 18% (1,152 square feet) of the increased gross square footage obtained through the PUD process (6,330.50 square feet of gross floor area).

2. Urban Design, Architecture and Landscaping

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown in the detailed plans and elevations provided in Exhibit A, the proposed project will create a signature building on the Subject Property that is consistent with the height and mass of adjacent buildings, yet provides a richness of materials and detailing – brick, glass, and metal – that are not found in matter-of-right projects in this area. In addition, the building massing is highly articulated, stepped and sculpted. The proposed project will establish a new context that will elevate the level of finish detail for future buildings in this area.

The street level retail along the Wisconsin Avenue corner will bring additional vitality to the Tenleytown area and will help connect the retail north of the Subject Property to the retail uses in and around the Tenleytown Metrorail station. The extensive hard and softscape landscaping enhancements to the Wisconsin and Brandywine frontages will also enhance the

vitality of the pedestrian experience in Tenleytown. The revised project includes a significant and inviting rear yard terrace that will most certainly be utilized by residents of the project. The 32 foot setback also provides a significant distance between the PUD project and the properties along Brandywine Street to the rear of the Subject Property.

3. Site Planning

Pursuant to Section 2403.9(b) of the Zoning Regulations, "Site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission. This infill development has been carefully designed and sited on the Subject Property so as to maximize benefits of the project to the District as well as to the future residents of the project. The plan geometry of the building reflects the Washington, DC diagonal street pattern. The proposed height of the project is within the PUD guidelines for the C-2-A District and is entirely commensurate with adjacent buildings along Wisconsin Avenue. In addition, the vehicular entrance to the parking garage has been located off of Brandywine Street, so as to avoid any potential adverse traffic impacts along Wisconsin Avenue.

4. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to Section 2403.9(c), state that "Effective and safe vehicular and pedestrian access" can be considered public benefits and project amenities of a project. As discussed in detail in the Revised Transportation Analysis, prepared by Wells & Associates attached as Exhibit F (which was revised as of June 3, 2004 in order to address the changes that were made to the PUD project), the proposed project will have only a minimal impact on the overall transportation infrastructure in the area near the Subject Property. This revised report notes that "Nearly all traffic movements, overall levels of service, v/c ratios, and delays would remain similar to background conditions with full development of the site." The

revised report notes that the modified PUD project results in a reduction of vehicle trips during the AM, PM, and Saturday peak hours compared to the initial PUD project. In addition, the Revised Transportation Analysis concludes that the project provides adequate off-street parking.

5. Revenue for the District

According to Section 2403.9(i), "Uses of special value to the neighborhood or the District of Columbia as a whole" are deemed to be public benefits and project amenities. The addition of 42 new owner households will result in the generation of significant additional tax revenues in the form of property, income, sales, use and employment taxes for the District.

6. First Source Employment Program

According to Section 2403.9(e), "Employment and training opportunities" are representative public benefits and project amenities. Therefore, the Applicant will voluntarily enter into an agreement to participate in the Department of Employment Services ("DOES") First Source Employment Program to promote and encourage the hiring of District of Columbia residents.

7. Local Business Opportunity Program

Pursuant to Section 2403.9(e), the use of local firms in the development and construction of the project is a representative public benefit and project amenity. Therefore, the Applicant will enter into a Memorandum of Understanding with the Local Business Opportunity Commission ("LBOC") to use the resources of the LBOC to utilize local business enterprises in the development of this project.

8. Uses of Special Value to the Neighborhood

As previously noted, the Applicant has been working with various individuals and community organizations in the area surrounding the Subject Property and has created a community amenities package that is both targeted and tangible. A chronology of the meetings that the Applicant has held is attached as Exhibit H. The community amenities will be funded no later than the issuance of a building permit for the project, and funded on an as needed basis. These community amenities include financial contributions to the following organizations:

- 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. This contribution will also include necessary stormwater management and soil erosion measures. The payment will be made to the Janney Elementary School PTA.
- Tenleytown Branch of the D.C. Public Library - $25,000 – For the purchase and or maintenance of information technology ("IT") resources. 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 Senior High School 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.

9. Comprehensive Plan

According to Section 2403.9(j), public benefits and project amenities include "other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan". As described in greater detail in Section V, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

10. Public Benefits of the Project

Section 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. (The Applicant believes that it is more prudent to address this issue in the text of the statement, rather than in an annotated table (which is required by Section 2403.11 and is attached as Exhibit G.))

The revised streetscape and landscaping along Wisconsin Avenue, which now includes a water feature, are superior in quality than what would most likely be provided in a matter-of-right project. One only needs to look to the matter-of-right commercial project to the north (which is fully occupied) of the Subject Property to envision what a matter-of-right streetscape along Wisconsin Avenue could become. Similarly, the highly articulated brick and glass elements of the building's façade are more than what is typically expected of a matter-of-right project. In addition, as a result of the additional height and density provided through the PUD process, the Applicant is able to provide a 32 foot rear yard, rather than the 15 foot rear yard that is required in the C-2-A District. This larger rear yard allows the Applicant to minimize any adverse impacts that the height and massing of the building may have on properties to the rear of the Subject Property.

The Applicant notes that the community amenities discussed above are all related to organizations that are located in Advisory Neighborhood Commission 3E and each portion of the amenity package provides significant benefits to the greater community as well. Having thriving public schools and public libraries is important not only to this community, but also for the entire City. The enhancements that will be made to Ft. Bayard Park can be enjoyed by anyone who visits the park, and the new equipment for the Tenleytown area Fire Department is certainly an

important benefit to the community. If a matter-of-right project were developed on the Subject Property, none of these amenities would be provided to the community.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters the goals and policies stated in the elements of the District of Columbia Comprehensive Plan, ("Comprehensive Plan") D.C. Law 12-275, 10 DCMR (Planning and Development) § 100 et seq. (1998).

The purposes of the District of Columbia Comprehensive Plan Act are to:

> (1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization and improvement of each neighborhood and community in the District.

(D.C. Code § 1-245(b) (1994 Supp.))

The proposed project significantly advances these purposes by furthering the social and economic development of the District through the construction of high quality residential units in the Tenleytown neighborhood, the creation of the affordable housing unit, increasing the tax base for the District, and helping to maximize the District's investment in the Metro system by creating a truly transit-oriented development project on the Subject Property.

A. Compliance with Major Themes.

Three major themes that are applicable to this project were adopted as part of the Comprehensive Plan. The Applicant's proposal is consistent with these themes as follows:

1. Stabilizing the District's Neighborhoods.

Currently, the Subject Property does not provide a great amount of benefit, nor does it help stabilize the Tenleytown neighborhood. One of the common concerns that has been voiced by Tenleytown residents is the lack of quality retail establishments in the area. The proposed project will provide approximately 1,650 square feet of neighborhood serving retail at the Wisconsin Avenue corner. More importantly, it will provide 42 new households that will patronize commercial uses along Wisconsin Avenue. It is through the creation of a critical mass of residents that Tenleytown will able to bring quality retailers to the area. The creation of an appropriately scaled mixed-use, predominantly residential, project at the intersection of Wisconsin Avenue and Brandywine Street will increase the vibrancy of the area and will help stabilize the neighborhood.

2. Respecting and Improving the Physical Character of the District.

The proposed project's height and mass have been carefully designed to respect the surrounding buildings in the immediate area and the neighborhood in general. The creation of a 65 foot tall building in such close proximity to the Tenleytown Metrorail station is a significant improvement to the physical character of the District. Moreover, this project is entirely consistent with the District's goals for encouraging transit-oriented development, as well as the Washington Smart Growth Alliance's smart growth objectives and principles. The creation of a 42 unit condominium residential project on the Subject Property will help maximize the District's investment in the Metro system. The Applicant envisions that the residents of these units may have cars, and thus the project provides one parking space for each unit, but that the majority of the residents will use the Metro system to get to work each day. Focusing higher density projects on major arterial streets such as Wisconsin Avenue, near Metrorail Stations, is

entirely consistent with respecting and improving the physical character of the District. This PUD project satisfies those goals of the Comprehensive Plan.

3. Preserving and Ensuring Community Input.

The Applicant has presented this project to ANC 3E and ANC 3F and has engaged in extensive discussions with members of the community and neighborhood organizations. (See Exhibit H.) As a result of these discussions, the Applicant believes that it has created a community amenities package that is broad and inclusive to all residents of the surrounding community and ANC 3E and ANC 3F.

B. Compliance with Major Elements.

The Comprehensive Plan also contains 11 major elements. The proposed project furthers the objectives and policies of several of these elements as follows:

1. Housing Element

The Comprehensive Plan notes that:

> Housing in the District is viewed as a key part of a total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities. (10 DCMR § 300.4.)

In addition, the Comprehensive Plan includes the following goals with regard to the production of new housing:

> "Encourage the private sector to provide **new housing** to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives" (10 DCMR § 302.2(a));
>
> "Review and Recommend **suitable regulatory zoning**, tax and financing incentives under appropriate controls to meet housing production goals, particularly for low-income, **moderate income** and elderly households" (10 DCMR § 302.2(b));

> "**Encourage housing** on suitably located public or private properties that are vacant, surplus, **underutilized**, or unused, . . ." (10 DCMR § 302.2(e)); and
>
> "Encourage the private sector to meet housing needs through the development of **infill housing** . . ." (10 DCMR § 302.2(f)). (Emphasis added.)

As discussed throughout this statement, the proposed project will create 42 new housing units on a generally underutilized property in the Tenleytown neighborhood adjacent to the major commercial and transportation corridor of Wisconsin Avenue, as well as the Tenleytown Metrorail Station. The proposed project fully satisfies the above-mentioned goals of the Comprehensive Plan's Housing Element.

The Comprehensive Plan includes the following goals of the District with regard to the production of low and moderate-income housing:

> "Provide zoning incentives, as appropriate to developers prepared to build low- and moderate-income housing, **such as permitting additional densities in exchange for incorporating low-and moderate-income housing in development projects**; . . . and **give zoning preferences to mixed-use sites that include housing near appropriate Metrorail Stations**" (10 DCMR § 303.2(d)); (Emphasis added.)

As previously stated, the project will provide one affordable housing unit that will include square footage that is equivalent to 18% of the additional density requested in this project. The inclusion of this affordable housing space in the project for moderate income residents is entirely consistent with the above section of the Comprehensive Plan.

2. Urban Design Element

It regards to urban design, it is the goal of the District to:

> "preserve and enhance the outstanding physical qualities of the District neighborhoods." (10 DCMR § 702.1(b).)

In areas of stable character such as the Subject Property and the surrounding area, the Comprehensive Plan's objectives include the desire to:

> "maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character." (10 DCMR § 711.1.)

As a policy to achieve that objective, the Comprehensive Plan has established a policy to:

> "Encourage in-fill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration." (10 DCMR § 711.2(a).)

The project preserves and enhances the distinguishable physical qualities of the District and the architectural design of the surrounding buildings. The project is designed to complement and be consistent with the architecture, height, scale, and massing of the surrounding buildings. The proposed street level retail will include appropriate landscaping and urban design features that will complement the existing retail uses in the Tenleytown neighborhood.

3. Generalized Land Use Map

As previously mentioned, the Generalized Land Use Map includes the Subject Property in the mixed-use, moderate density commercial/medium density residential land use category. The proposed 65 foot tall building with a FAR of 3.0 is entirely consistent with this land use category designation.

4. Land Use Element

The Subject Property is located within the Tenleytown Metrorail Station Housing Opportunity Area. The Comprehensive Plan states:

> "Housing Opportunity areas are areas where the District expects and encourages either new housing or rehabilitated housing.
> **Most Metrorail Stations outside the Central Employment Area, and some within, will support additional housing units**. The conversion of existing

nonresidential buildings for housing and the return of vacant units to the housing market are two (2) devices which will result in additional housing units. (10 DCMR § 1118.6.) (Emphasis added.)

As noted throughout this statement, the proposed 42 unit condominium project located approximately 1,000 feet from the Tenleytown Metrorail Station fully satisfies these objectives of the Comprehensive Plan.

The Subject Property is also located directly across Brandywine Street from the boundaries of the Tenleytown Special Treatment Area. The Comprehensive Plan notes the following pertinent policies for this area:

"(a) Stimulate a well-planned economic activity center that utilizes the public transit infrastructure and maximizes Metrorail access;
(c) **Provide for the development of substantial new housing;**
(e) Maintain heights and densities at appropriate levels, with architectural design that is sensitive to the area's topography relative to the District." (10 DCMR §1129.2.) (Emphasis added.)

The proposed project fully satisfies these policies as well. The introduction of 42 new households on the Subject Property with neighborhood serving retail in close proximity to the Tenleytown Metrorail Station will provide economic benefits to the District and the neighborhood. The height and appearance of this building have been carefully designed to relate to and enhance the other buildings in the immediate area.

5. Ward 3 Goals and Policies.

The Ward 3 Element of the Comprehensive Plan includes the following objectives in regards to economic development, housing, transportation, and urban design:

"Development of multi-family housing on Wisconsin and Connecticut Avenues consistent with the land use designations in the Land Use Element." (10 DCMR § 1401.7 (f).)

"Provide zoning flexibility for the production of new housing, especially for the elderly and for low- and moderate-income households, through the following mechanisms:

(1) Permitting increased residential densities (consistent with design scale and infrastructure capacity) in exchange for incorporating low- and moderate-income or elderly housing in development projects;
(4) Tying the provision of housing into commercial developments when rezoning or other zoning benefits are sought; mixed-use developments should be encouraged in commercial zone districts; and
(5) Giving zoning preference to projects that include housing near each of the ward's Metrorail Stations." (10 DCMR § 1402.4 (c))

"The District Government should do the following:
(1) Implement appropriate land use arrangements in Ward 3 that simplify and economize transportation services such as the following:
(B) Medium and high density residential uses (where designated in the Land Use Element) should be limited to the major arterials well-served by either Metrorail or Metrobus. (10 DCMR § 1404.3 (B).)

"Objectives and policies for areas of strong architectural character and areas of stable character include the following design guidelines:
(a) Height: Relate the overall height of new construction (including additions) to that of adjacent structures. As a general rule, construct new buildings to a height roughly equal to the average height of existing buildings. Avoid new construction which greatly varies in height (too high or too low) from older buildings in the vicinity;
(b) Scale: Relate the size and proportions of new construction to the scale of adjacent buildings. New construction should maintain the scale of existing buildings, regardless of size. Avoid new construction which in height, width or massing violates the scale of the area. (10 DCMR § 1406.9.)

Policies for land use/zoning include:

"Maintain and improve the physical condition of the community through the provision of functional, efficient, and attractive residential, commercial and open space environments." (10 DCMR § 1409.2 (c).)
"Maintain and expand the existing housing stock, where feasible and consistent with the Comprehensive Plan to ensure a greater variety of housing types, opportunities and choices" (10 DCMR § 1409.2 (k).)

As discussed throughout this statement, the proposed project is consistent with, and furthers these goals and objectives of the Ward 3 Element. The addition of 42 new condominium units (with one unit designated as "affordable") and ground floor retail on Wisconsin Avenue approximately 1,000 feet from the Tenleytown Metrorail Station, is entirely consistent with the Ward 3 Element's goals for economic development, housing, and transportation. Similarly, the

proposed 65 foot tall building and mass of the project is consistent with the adjacent structures and will be an attractive addition to the urban fabric of the Tenleytown neighborhood.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the consolidated PUD application meets the standards of Chapter 24 of the Zoning Regulations; is 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; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the consolidated PUD application should be approved and adopted by the Zoning Commission.

Respectfully submitted,

SHAW PITTMAN, LLP

John T. Epting

Paul A. Tummonds, Jr.

Date: June 4, 2004