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October 25, 2004

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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. 04-22 – Pre-Hearing Statement of Abdo Development, L.L.C. (the "Applicant")
220 H Street, NE
(Square 751, Lot 13)

Dear Chairperson Mitten and Members of the Commission:

On September 30, 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,

Allison C. Prince

Allison C. Prince

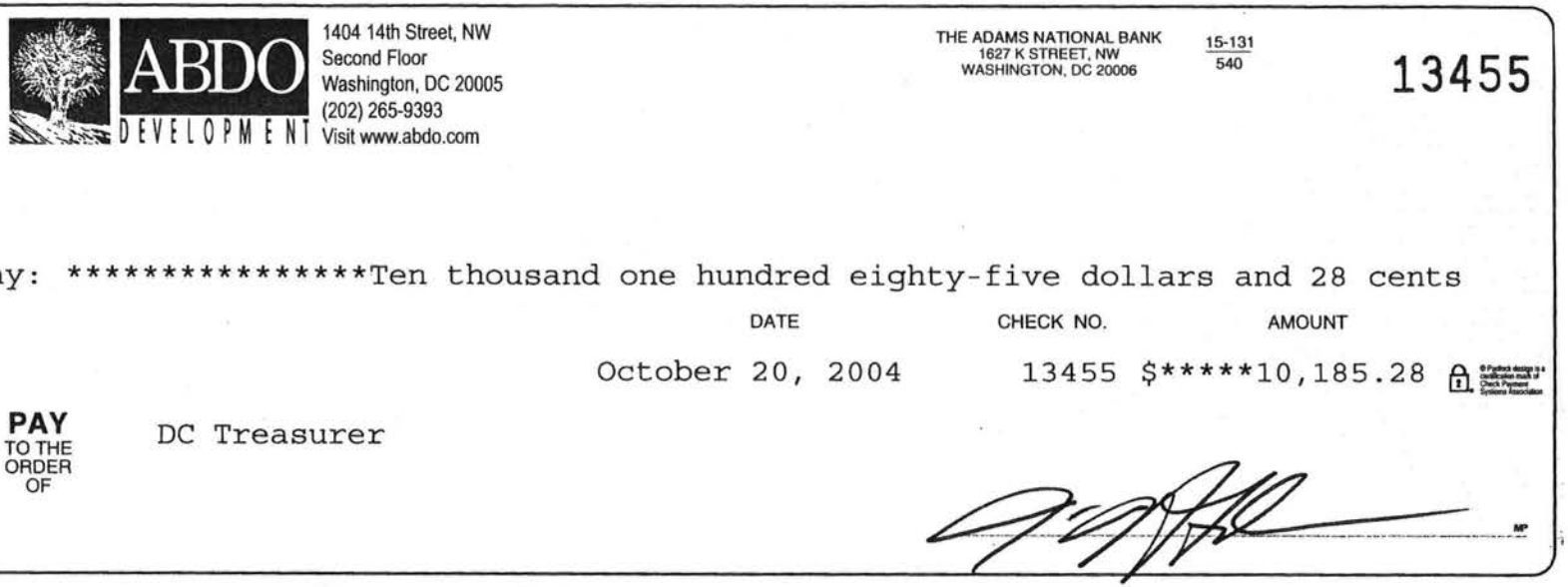
Paul A. Tummonds, Jr.

cc: David McGettigan, Office of Planning (By Hand)
ANC 6C (By Mail)

Document #: 1439757 v.1

ZONING COMMISSION
District of Columbia
CASE NO. 04-22
EXHIBIT NO. 12

ZONING COMMISSION
District of Columbia
CASE NO.04-22
EXHIBIT NO.12



ABDO DEVELOPMENT
1404 14th Street, NW
Second Floor
Washington, DC 20005
(202) 265-9393
Visit www.abdo.com

THE ADAMS NATIONAL BANK
1627 K STREET, NW
WASHINGTON, DC 20006

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DATE	CHECK NO.	AMOUNT
October 20, 2004	13455	$*****10,185.28

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MP

04-27

DEVELOPMENT OF THE CAPITAL CHILDREN'S MUSEUM SITE



CAPITAL CHILDREN'S MUSEUM
ABDO DEVELOPMENT L.L.C.

PRE-HEARING STATEMENT FOR CONSOLIDATED REVIEW AND APPROVAL OF A PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT

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OCTOBER 2004

DEVELOPMENT OF THE CAPITAL CHILDREN'S MUSEUM SITE

CAPITAL CHILDREN'S MUSEUM
ABDO DEVELOPMENT L.L.C.

PRE-HEARING STATEMENT FOR CONSOLIDATED REVIEW AND APPROVAL OF A PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT

OCTOBER 25, 2004

DEVELOPMENT TEAM

APPLICANT:	Capital Children's Museum and Abdo Development L.L.C. c/o Abdo Development 1404 14th Street, N.W. Second Floor Washington, DC 20005
ARCHITECTS, ENGINEERS AND CONSULTANTS:	Esocoff & Associates Architects 1030 15th Street, N.W. Suite 430 Washington, D.C. 20005 Project Architect
	Bowman Consulting Group 2121 Eisenhower Avenue Suite 302 Alexandria, VA 22314 Civil Engineer
	Wells & Associates 1420 Spring Hill Road Suite 600 McLean, Virginia 22102 Traffic/Parking Consultant
LAND USE COUNSEL:	Shaw Pittman, LLP 2300 N Street, N.W. Washington, D.C. 20037

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EXHIBITS

DESCRIPTION	EXHIBIT
Updated Architectural Drawings, Elevations, Shadow Studies and Photographs of the Subject Property and Surrounding Area	A
List of Owners of Property within 200 feet of the Subject Site and Owners of the Property Proposed to be Rezoned	B
Compliance with Consolidated PUD Requirements and Environmental Analysis	C
Tabulation of Development Data	D
Outlines of Witness Testimony	E
Draft First Source Employment Agreement with the Department of Employment Services and Draft Memorandum of Understanding with the Office of Local Business Development	F
List of Publicly Available Maps	G

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

Abdo Development, L.L.C., hereby certifies that this pre-hearing statement, twenty copies of which were filed with the Zoning Commission on October 25, 2004, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

Abdo Development, L.L.C, also certifies that certain modifications and refinements have been made to the project and materials provided to the Zoning Commission since the original submission in response to comments raised in meetings that have been held with members of the neighboring community, and in response to the comments of the Commission members at the September 30, 2004 public meeting. These modifications include: (i) refinements to the architectural embellishments at the upper levels of the new buildings resulting in a reduction of the perceived mass of the buildings and refinements to the façade of the buildings at their lower levels to enhance the relationship of the project to the surrounding buildings and properties; (ii) more detailed information regarding the affordable housing component of the project; and (iii) a shadow study depicting the impact of the proposed project on surrounding properties.

Abdo Development, L.L.C notes that there are no persons or organizations that have a lease for any portion of the property involved in the application, therefore, §3013.6(b) is satisfied. In all other respects, the project is the same as originally filed on September 13, 2004.

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 Jim Abdo/Toby Millman, Representative of Abdo Development, L.L.C	Exhibit E
	Outline of Testimony of Phil Esocoff, Architect, Esocoff & Associates Architects,	Exhibit E
	Outline of Testimony of Marty Wells, Traffic Engineer Wells & Associates, LLC	Exhibit E
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-hearing Statement;

3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Publicly Available Maps, Plans and Other Documents	Exhibit G
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
3013.3 and 3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Site and Names And Addresses of the Owners of the Property to be Rezoned	Exhibit B
3013.4	Proposed First Source Employment Agreement with Department of Employment Services and Proposed Memorandum of Understanding with the Office of Local Business Development	Exhibit F

Respectfully submitted,

SHAW PITTMAN LLP

Allison C. Prince

Paul A. Tummonds, Jr.

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Jim Abdo/Toby Millman, Representative of Developer, Abdo Development L.L.C.

Phil Esocoff, Architect, Esocoff & Associates Architects – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Martin Wells, 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 Abdo Development L.L.C.[1], in support of an application for the consolidated review and approval of a Planned Unit Development and a corresponding amendment to the Zoning Map of the District of Columbia for the property known as 220 H Street, NE (Square 751, Lot 13) before the District of Columbia Zoning Commission. The property that is the subject of this application was most recently the home of the Capital Children's Museum, and is bound by H, I, Second, and Third Streets, NE.

The Applicant is requesting the consolidated review and approval of a PUD and related Zoning Map Amendment in order to create an exciting residential project that will serve as an appropriate gateway to, and catalyst for, a revitalized H Street, NE corridor. The proposed project will save the original historic buildings on the property and will allow for the development of two new residential buildings on the property. In total, approximately 500 residential units, with a significant affordable housing component, will be created as a result of this project. The proposed project will include direct pedestrian access to H Street, NE and has been thoughtfully designed to complement the existing structures and properties near the site.

At the special public meeting on September 30, 2004, the Zoning Commission voted 4-0 to schedule this application for a public hearing. At that meeting, the Commission members requested the preparation of a shadow study to demonstrate the impact of the proposed project on neighboring properties. The requested shadow studies are included as part of Exhibit A. In addition, the architects have made refinements and minor modifications to the new buildings in order to address the perceived height and mass of those buildings and provide an appropriate

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1 Abdo Development L.L.C. and Broadway Capitol, L.L.C. are the property owners. Abdo Development is acting as Broadway Capitol, L.L.C.'s agent in this application.

transition to the lower scale buildings on the surrounding properties. Elevations depicting those refinements and minor modifications are also included in Exhibit A.

This pre-hearing statement, as well as the materials submitted with the initial application, meet the filing and processing requirements for a PUD and Zoning Map Amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

A. Summary of Requested Action.

This pre-hearing statement supports the application of Abdo Development L.L.C. ("**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**") and a corresponding amendment to the Zoning Map for the site. The project site consists of the entirety of Square 751 (Lot 13) (the "**Subject Property**"). The Subject Property is located in the Near Northeast neighborhood of Ward 6 and consists of approximately 104,756 square feet of land area. The Applicant's PUD project proposes to develop a signature residential project on the Subject Property that will serve as a gateway to a revitalized H Street, NE. The PUD project will renovate and rehabilitate the portion of the Capital Children's Museum Building that is historically important for new residential use and includes two new residential buildings on the remainder of the Subject Property. In total, the project will include approximately 500 new residential units (approximately 435-445 in the new buildings and approximately 55 in the existing building). The PUD project will also include approximately 19,852 square feet of affordable housing.

The Subject Property is currently split-zoned, with the western half of the site located in the C-3-B District and the eastern half of the site located in the C-3-A District. The Applicant requests a Zoning Map amendment to the C-3-C District for the Subject Property to accommodate the proposed residential development. The proposed height and density of the project are significantly less than what the PUD guidelines allow for in the C-3-C District. Rezoning the site to the C-3-C District is consistent with the overarching goals and policies of

the Comprehensive Plan of the District of Columbia, as well as the H Street, NE Strategic Development Plan, as discussed in detail herein.

B. The Applicant

Abdo Development L.L.C. is a District of Columbia-based development and construction company that specializes in the restoration and adaptive reuse of historic buildings and the construction of new buildings that reflect and serve their neighborhood context. Abdo Development was founded in the mid-1990's with the restoration of a group of distressed rowhouses at 15th and P Streets, NW. As a result of that project and subsequent Abdo development nearby, the company has been widely credited as a key leader in the revitalization of the Logan Circle and the 14th Street, NW neighborhoods. Other significant Abdo projects in the Logan/14th Street, NW neighborhood include the Willison at 14th and Rhode Island Ave., NW, the Emerson at 13th and N Streets, NW, and 1500 Vermont Ave., NW on Logan Circle. To help further bolster the neighborhood, Abdo Development followed its significant investment in residential development by renovating historic commercial buildings along the 14th Street, NW corridor and introducing a variety of important new retail services, such as a hardware store, pharmacy, coffee shop, and a home furnishings retailer.

Abdo Development recently completed the restoration and conversion of the historic 1906 Bryan School on Capitol Hill into loft condominiums. This project recently won this year's Mayor's Award for Historic Preservation and the CHAMPs (Capitol Hill Association of Merchants and Professionals) award of excellence for exemplary development. The positive impact of the Bryan School Lofts has helped Abdo Development and the Capitol Hill/Ward 6 community forge an excellent relationship built on mutual respect.

Jim Abdo, the president and CEO of Abdo Development, has over twenty years experience in all aspects of design/build in both commercial and residential construction. Mr. Abdo serves on numerous boards, including the DC Preservation League, DC Building Industry Association and previously on the 14th and U Street Main Street Commercial District. He has worked as a Mayor's Task Force volunteer and is an active member of several DC-based community organizations.

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

The PUD process provides a means for creating "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities." The notice and hearing requirements of the PUD regulations ensure that adjacent property owners and area residents will have the opportunity to express their views about the application. The use of the PUD process gives the community and District agencies an opportunity to work together with the Applicant to ensure a well-planned development. The PUD process will provide the Zoning Commission with an opportunity to review the design of the project in connection with its consideration of the request to rezone the site to the C-3-C District.

The Applicant has made numerous presentations to various neighborhood organizations and community members in the past few months, including ANC 6C and its Planning & Zoning Committee and leaders of the H Street Main Street organization. On August 19, 2004, Ward 6 Councilmember Sharon Ambrose hosted an informational meeting for the Applicant to present the plans included in this application to the general public. Approximately 40 – 50 members of the community attended this meeting and the proposed PUD project was enthusiastically received

by the community. Recently, on October 6, 2004, the Applicant presented the PUD project to the ANC 6C Planning and Zoning Committee. The Applicant expects to return to ANC 6C in December.

D. Development Timetable.

The Applicant plans to start construction no later than December 2005 and expects that the total construction period will last approximately 14-18 months.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 104,756 square feet of land area and includes all of the land in the block that is bound by H, I, Second, and Third Streets, NE. The Hopscotch Bridge and H Street border the Subject Property to the south. At the point that the Hopscotch Bridge crosses Second Street, it is approximately 28 feet above Second Street. Directly across H Street from the Subject Property is a vacant property that is commercially zoned. Directly across Second Street from the Subject Property, and spanning the entire length of the block, is the Railway Express Building, which was converted into offices in the 1980's. The Square to the north of the Subject Property includes commercial office buildings that line the entire length of the block directly across I Street from the site. To the east are five rowhouses located at the intersection of Third and I Street and a large vacant property (formerly a gas station) at the intersection of Third and H Street, directly across Third Street from the existing vehicular entrance to the Capital Children's Museum.

The Subject Property is less than a ten-minute walk to Union Station. In addition, the recently approved Station Place PUD project is located on the west side of Second Street

between F and H Streets. The Station Place PUD project included a rezoning to the C-3-C Zone District and approved a commercial office development with retail and service uses of approximately 1,396,950 square feet (5.9 FAR) and a building height of 115.5 feet measured from F Street.

The Subject Property is located in the institutional land use category as shown on the District of Columbia Generalized Land Use Map. The properties to the west, which include the Station Place PUD site, are located in the Mixed-Use, High Density Commercial and Production and Technical Employment land use category. The properties to the north, south and east (the southern half of the block) of the Subject Property are included in the Mixed-Use, Moderate-Density Commercial and Moderate-Density Residential land use categories. The properties further to the north and east are located in the Moderate-Density Residential land use category.

B. Project Description.

The refined plans, elevations and drawings of the proposed PUD project are attached as Exhibit A. The centerpiece of the PUD project remains the renovation and rehabilitation of the original historic buildings of the Capital Children's Museum for residential use. At significant cost, the Applicant will create a unique and inviting residential building with the introduction of approximately 55 residential units inside the main historic structure on H Street. The formal entry to the building will occur from a landscaped courtyard in the middle of the site. This entry point allows residents to enjoy the significant open space provided in the interior of the project and also allows for easy access to the parking garage, as well as the resident drop-off and pick-up area that will be accessed from I Street.

One of the great challenges of this project is to re-focus attention on the connection of this building and the entire Square to H Street. H Street and the Hopscotch Bridge intersect the existing building at roughly the second floor at the western boundary of the Subject Property. The ground floor level of the Capital Children's Museum building and H Street eventually align at grade at the eastern edge of the Subject Property at the intersection of H and Third Streets. The proposed project will attempt to provide as many as two access points from the H Street Bridge into the project, at the western border of the Subject Property near Second Street and at a point that is roughly in the middle of the block.

The proposed PUD project also includes two new residential structures that are oriented towards Second, I, and Third Streets. These new residential buildings have been designed to complement and respect the original historic buildings of the former Capital Children's Museum. These buildings will also help serve as a gateway to the H Street corridor for those crossing the Hopscotch Bridge from downtown. The two new buildings each will be built to a height of 110 feet to the top of the roof and will include approximately 435-445 residential units. Like the units in the renovated structure, all of the residential units in the new buildings will be for-sale units. These new buildings will enliven the street by having ground floor access to individual units along I, Second and Third Streets. The main lobbies for these buildings are accessed from the I Street entrance to the project via a set of arcades which create a visual connection to I Street.

The primary building materials remain masonry with metal windows and precast concrete and stone trim, however, the buildings' exteriors now provide a higher proportion of masonry to glass resulting in a less industrial and more traditional architectural style, which many people in the neighborhood have requested. In addition, an overall lighter masonry color has softened the

appearance of the buildings, while subtle contrasting colors have enlivened the façade, while also breaking up the perceived mass. The buildings now contain more architectural elements that derive from the neighboring former museum buildings, including arched window lintels on lower floors. The refined architecture also provides for a stronger base, which allows a better relationship to the street level and to the neighboring buildings. In response to comments from the Zoning Commission and members of the surrounding community, the massing and treatment of the buildings, bays and rooftop tower elements have been refined since the initial application to reduce the perceived height of the buildings and to create an appropriate relationship between the scale of the existing and future surrounding buildings and the proposed PUD project. The elevations that face H and Second Streets will have a strength to compete with the dominant Hopscotch Bridge and the commercial/industrial character of 2nd Street. Along Third and I Streets, the design provides softer edges through the use of the secondary massing of bays, balconies and setbacks, to moderate the size of the new buildings and give them the scale necessary to transition to the generally lower buildings north and east of the site. Elevational elements within these bays, ornamental brickwork, and window patterns will further establish an appropriate scale relationship to nearby buildings.

Access to the below-grade parking garage of approximately 500 parking spaces for the entire project will be from Second Street near the intersection of H Street below the Hopscotch Bridge. A vehicular entrance and exit will be located on I Street at approximately mid-block. This entrance opens onto a courtyard that has been designed as an attractive and inviting entry for residents of the project and their guests. This vehicular entrance will be used for resident and guest drop-off and pick-up only, as residents of the project can go directly from their parking space in the below-grade garage to their units. The drop-off area is linked to the remainder of the

site via a series of paths that are reminiscent of a college campus where vehicles are occasionally allowed access at very low speed. A pedestrian-only entrance will be located on Third Street at the approximate location of the existing vehicular entrance to the Capital Children's Museum.

The loading docks serving the project will also be accessed from Second Street adjacent to the entrance to the parking garage. Solid waste disposal for the new buildings will be achieved by the inclusion of trash chutes in the new buildings. The trash will be transported to the loading area, for ultimate removal, through the below-grade parking levels.

The proposed project also provides for the restoration of a smaller original historic building currently located on the interior of the site. This two story structure will be painstakingly restored and will become a central amenities building for the entire complex, providing the attendant's desk, meeting and common rooms, a business and home office center, and significant recreational space. Access to this amenities building will be from I Street.

The proposed project will include extensive landscape and hardscape improvements on private and public property. Private gardens will surround the original main historic building, both within the courtyard area and along 3rd and H Streets. This type of personalized landscape area will also occur at the base of the new buildings along their public and internal perimeters. Further, ground level units along Second, I and Third Streets will have direct access to the street and their personalized landscaped areas. A central courtyard will be a common amenity for all residents. This richly paved and landscaped area will receive abundant light from the south and east, and the open area between the new buildings will allow breezes and light to enter freely. In addition to the paths flanking the amenity building, there will be two pedestrian walks. One connecting eastward to 3rd Street and the other southward to H Street via a stairway and shuttle elevator. This same elevator will allow easy access to garage level, bicycle storage. Along the H

Street frontage, the Applicant will work closely with the District Department of Transportation to implement the proposed H Street streetscape improvements adjacent to the site. The roofs of the new buildings will serve as landscaped recreation spaces and will include a swimming pool of significant size atop the new building along Second Street.

The total gross floor area included in the proposed PUD remains approximately 599,134 square feet, for a total Floor Area Ratio ("**FAR**") of approximately 5.72. The new buildings will have a height of approximately 110 feet to the top of the roof, measured from I Street. The existing Capital Children's Museum building has a height of approximately 64 feet measured from 3rd Street. The proposed project will have a lot occupancy of approximately 65%. The proposed project is considerably smaller than what is permitted under the C-3-C District PUD Guidelines (maximum FAR of 8.0 and a maximum building height of 130 feet). It is necessary to rezone the Subject Property to the C-3-C Zone District in order to allow the two new structures to obtain a height of 110 feet. Allowing this height on the Subject Property permits the inviting interior open space of the project, and most importantly, allows for the preservation and restoration of the existing historic buildings that occupy a significant portion of the site's land area.

As previously mentioned, the Applicant has undertaken a shadow study to address the potential impacts that the proposed project will have on surrounding properties. As evidenced by the shadow studies included in Exhibit A, the proposed new buildings will not result in a significant change to the amount of light and air that is now provided to surrounding residential properties. In May, the project will not create any shadows that extend to neighboring properties. During morning hours of November, the commercial buildings to the west and north of the Subject Property will be in shade from the proposed project. During the evening hours, the five residential rowhouses across 3rd Street from the Subject Property will be in some shade.

However, the existing dormitory building that will be demolished as a result of this project currently casts a similar shadow on these rowhouses during the fall and winter months.

C. Development Parameters Under Existing and Proposed Zoning

The PUD guidelines for the C-3-A District allow a height of 90 feet and a maximum FAR of 4.5, with a limit of 3.0 of non-residential FAR. The C-3-A District, as a matter-of-right, permits a maximum height of 65 feet, a maximum lot occupancy of 75% for residential uses, and a maximum floor area ratio ("FAR") of 4.0, with a limit of 2.5 of non-residential FAR.

The PUD guidelines for the C-3-B District allow a height of 90 feet and a maximum FAR of 5.5, with a limit of 4.5 of non-residential FAR. The C-3-B District, as a matter-of-right, permits a maximum height of 70 feet, a maximum lot occupancy of 100% and a maximum FAR of 5.0, with a limit of 4.0 of non-residential FAR.

The PUD guidelines for the C-3-C District allow a height of 130 feet and a maximum FAR of 8.0 for residential or non-residential uses. The C-3-C District, as a matter-of-right, permits a maximum height of 90 feet, a maximum lot occupancy of 100% and a maximum FAR of 6.5 for residential or non-residential uses.

D. Flexibility under the PUD Guidelines

The PUD project will be built on a single record lot with multiple buildings. Pursuant to Section 2517.2 of the Zoning Regulations (exceptions to Building Lot Control (Other Than Residence Districts)) multiple buildings are permitted on a single record lot as a matter-of-right, provided that each building satisfies applicable Zoning requirements (such as use, height, bulk, and open spaces around each building). In order to locate the multiple structures on the Subject Property as proposed in this PUD project, it is necessary to obtain relief from Section 2517.2 of

the Zoning Regulations. The Zoning Commission has the authority to grant this requested flexibility pursuant to Sections 2405.5 and 2405.6 of the Zoning Regulations.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia in revitalizing the H Street, NE corridor.

B. Land Use Impact

The proposed PUD project will create a significant residential development at one of the gateways to the H Street, NE Corridor. The proposed height and massing of the project is consistent with recently approved PUD projects in the area and with the District's planning goals for the future of this area of the City.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. The proposed C-3-C Zone District is consistent with the Institutional Land Use Category designation for the Subject Property and the surrounding Generalized Land Use Map designations.

D. Environmental Impact

As more specifically detailed in Exhibit C, there is no adverse environmental impact that will result from the construction of this project. While the Applicant will not be seeking an environmental LEED certification for the project, there will be numerous environmentally appropriate features that would allow the project to achieve a LEED certification. Such attributes include: high efficiency Energy Star rated HVAC units for the heating and cooling loads of the

residential units located in the new buildings; renovation of the historic building that will achieve LEED Materials and Resources Criteria by maintaining 75% of the existing shell and utilizing recycled content for at least 5% of the total value of the materials in the project and will achieve LEED Indoor Environmental Quality Criteria; and the introduction of an underground bio-filtration system on the property that will retain and filter stormwater run-off prior to release into the public stormwater system.

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 within easy walking distance of the Union Station transportation hub, which offers Metrorail, MARC and VRE service. In addition, numerous Metrobus lines utilize H Street such that the project is adequately served by public transportation. Bicycle usage by residents of the project has been coherently integrated into the design of the project. Secure bike storage areas with convenient access to a shuttle elevator that provides egress to the project's central courtyard and H Street will support and encourage bicycle use.

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, with a significant affordable housing component, on the Subject Property which will help serve as a catalyst to the revitalization of the entire H Street, NE corridor.

1. Housing and Affordable Housing

Pursuant to 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. This project will create approximately 500 new, for-sale, residential units in the Near Northeast neighborhood. In addition, the project will create 19,852 square feet of affordable housing. This affordable housing component has been calculated as 15% of the additional FAR allowedthrough the PUD process and is based on achieving the proposed FAR of 5.72 and approximately 599,134 square feet of gross floor area.

The Applicant will continue to work with representatives of the Office of Planning, the Department of Housing and Community Development and members of the surrounding community to allocate the 19,852 square feet of affordable housing among an appropriate mix and size of affordable housing unit types, income eligibility requirements for those units, and initial sales prices for those units. The location of the affordable units will be determined based on further discussions with the Office of Planning, however, the Applicant intends to spread these units throughout multiple lower to mid-level floors of the new buildings.

2. Historic Preservation of Private or Public Structures, Places, or Parks

According to Section 2403.9(d) of the Zoning Regulations, "historic preservation of private and public structures, places or parks" should also be considered to be a public benefit and project amenity. Through the PUD and Zoning Map Amendment process, the Applicant will be able to rehabilitate and restore the historically significant portions of the Capital Children's Museum building. The adaptive reuse of this structure for residential purposes is a significant project amenity.

3. Urban Design and Architecture

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, elevations, and renderings included in Exhibit A, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The two new buildings complement the renovated portions of the Capital Children's Museum building and recognize the site's status as the gateway to H Street. The project's re-focus on and proposed treatment of H Street (through the introduction of planting areas for trees and shrubs in private gardens, an ornamental fence, and physical connections to H Street) is also an important urban design element that is complicated due to the height difference of the Hopscotch Bridge and H Street as they move across the Subject Property. As discussed herein, the Applicant has made significant architectural modifications to the new buildings in response to issues of perceived height and mass raised by the Zoning Commission and members of the surrounding community. The new buildings remain architecturally compatible with the adjacent historic buildings and surrounding properties. As shown in the shadow studies included in Exhibit A, the height and mass of the new buildings will not create any significant adverse impacts on neighboring residential properties.

4. 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. The proposed project has been designed to provide residents and their guests with open and inviting spaces for entertainment and relaxation. These spaces include the large landscaped open spaces on the interior of the site, the private garden areas, as well as the renovated amenities building. Note that the proposed PUD project has a lot occupancy of only 65%.

5. 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. The proposed project will provide one point of entry and exit into a shared parking garage for the entire project. This garage entrance/exit is located at the southwestern portion of the Subject Property on Second Street, which is a predominantly commercial corridor. The project will also provide a separate entrance/exit for resident and guest vehicular drop-off and pickup on I Street, and a pedestrian only entrance/exit on Third Street. These separate and distinct entrances/exits will mitigate any potential pedestrian and vehicular conflicts.

6. 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 approximately 500 new households will result in the generation of significant additional tax revenues in the form of recordation, transfer, property, income, sales, use and employment taxes

for the District. Because the property is currently utilized by a non-profit/non-taxable museum, all of these taxes represent new revenues for the District.

7. 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. A copy of a draft First Source Employment Agreement is attached as Exhibit F.

8. 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 ("MOU") 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. It should be noted that in its most recent project subject to a similar MOU, the Applicant awarded 70% of its construction contracts to local, small, and disadvantaged business entities ("LSDBE"), rather than the 35% goal enumerated in the MOU. A copy of a draft MOU is attached as Exhibit F.

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 D.)) It is only as a result of the additional height and density provided through the PUD and Zoning Map Amendment process that the Applicant is able to restore the historically significant portions of the Capital Children's Museum buildings and return this site to a contributing property in the neighborhood. Absent this additional height and density, it is unlikely that such an expensive and extensive renovation of the Capital Children's Museum buildings will occur.

In regards to the new residential buildings, the architectural detailing of the proposed buildings and the large open spaces provided in this project set it apart from a matter-of-right residential project. In addition, a matter-of-right project would not be required to provide any affordable housing. The approval of this PUD and Zoning Map Amendment application will result in the creation of 19,852 square feet of affordable housing.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters the goals and policies enumerated in 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 creation of approximately 500 new residential units on a site that has been deemed to be a critically important development opportunity for the transformation of the H Street, N.E. corridor.

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

The creation of approximately 500 new residential units which will be owned rather than rented will help stabilize the Near Northeast neighborhood. The creation of a significant residential development on the Subject Property is also very likely to serve as the catalyst for additional commercial and residential redevelopment along H Street. The influx of these new residents in this neighborhood will provide the critical mass of customers needed to patronize existing, and hopefully new, commercial uses on H Street.

2. Respecting and Improving the Physical Character of the District

The refined design of the proposed project will improve the site's integration with the surrounding neighborhood and serve as a gateway to the H Street corridor. The site plan helps improve the pedestrian experience around the site by alternately addressing the sidewalk with buildings and open space that visually and physically connects into the central courtyard. In addition, the plan dramatically improves the streetscape on all four sides of the square. The new structures will serve as an important gateway to the H Street corridor, particularly the new building at the corner of H Street and 2nd Street which will mirror the Station Place/SEC building currently under construction across H Street to the south. The restoration and conversion of the existing historic buildings to residential use will return these deteriorating structures as assets to the community.

3. Preserving and Ensuring Community Input

The Applicant has already begun a dialogue process with various community organizations and individuals including ANC 6C, H Street Main Street, and many others. As previously mentioned, the Applicant presented the plans included in this application to members of the surrounding community in a forum sponsored by Councilmember Ambrose on August 19, 2004, and to the ANC 6C Planning and Zoning Committee on October 6, 2004. Through the PUD process, the Applicant will work with representatives of ANC 6C, as well as the surrounding neighborhood, to create a new residential community that is a benefit to the neighborhood and the District of Columbia.

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 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.)

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**" (10 DCMR § 303.2(d)); (Emphasis added.)

The creation of approximately 500 for-sale residential units on this currently underutilized property fully satisfies all of the above-noted provisions of the Housing Element of the Comprehensive Plan. As previously stated, the project will provide 19,852 square feet of affordable housing. The inclusion of these affordable units in the project is also entirely consistent with the provisions of the Comprehensive Plan noted above.

2. Urban Design Element

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

> "Encourage rehabilitation, rather than demolition and redevelopment of architecturally significant and structurally sound structures in deteriorating areas, so that these renovated structures can be initial elements that help to bring about a positive image in the area." (10 DCMR § 711.2(b))

At a significant cost, the Applicant is undertaking the renovation and adaptive reuse of the original historic buildings of the Capital Children's Museum. The renovation and reuse of these prominent buildings at one of the gateways to the H Street corridor will help transform the area. In addition, the central courtyard area will help create a sense of community within the project.

3. Generalized Land Use Map

As previously mentioned, the Generalized Land Use Map includes the Subject Property in the Institutional Land Use Category. In Zoning Commission Case No. 95-4I, the case in which the Zoning Commission approved the establishment of the C-3-A and C-3-B Zone Districts for the Subject Property, the Office of Planning noted that the Institutional Land Use designation reflected the use of the Subject Property by the Children's Museum and noted that such a designation provided flexibility as to the specific Zone District(s) that could be mapped on the Subject Property to carry out the Comprehensive Plan's intent. It should be noted that while the Generalized Land Use Map typically is helpful in determining appropriate uses and density in areas of the city, it is not intended to serve as a "general" zoning map nor does it mandate a parcel-by-parcel limitation on permitted development.

The proposed project and C-3-C Zone District are consistent with the flexibility that the Institutional Land Use category provides for the Subject Property. In addition, the proposed residential project is foregoing all commercial density that would otherwise be allowed on the Subject Property in the existing and proposed C-3-A, C-3-B and C-3-C Zone Districts.

4. Ward 6 Goals and Policies

The Ward 6 Element of the Comprehensive Plan seeks to ensure that redeveloped and new structures in the Ward's commercial corridors strengthen the urban design image of those areas, relate to adjacent residential neighborhoods, and allow for increased FAR on selected sites

in commercial districts based on appropriate studies (See 10 DCMR § 1722.1(a) and 10 DCMR § 1735.1(n)). The proposed PUD is consistent with these provisions of the Ward 6 Elements of the Comprehensive Plan, and the "appropriate study" discussed below.

5. H Street Corridor Planning Study

On February 17, 2004, the D.C. City Council adopted the H Street, NE Strategic Development Plan (the "Plan") as a small area action plan. In the Resolution adopting the Plan, the Council noted that the Plan:

> "defines near and mid-term strategies for revitalization and articulates development goals, use programs, urban design guidelines, and priority actions necessary to encourage and facilitate reinvestment along the corridor."

The Plan is intended to provide "supplemental guidance to the Zoning Commission and other District Agencies in carrying out the policies of the District of Columbia Comprehensive Plan.

The Plan places great emphasis on the redevelopment of the Subject Property. The Plan includes the Subject Property in the Western Gateway – Urban Living (2nd Street to 7th Street) subarea. In general, the Plan encourages redevelopment of the Subject Property with sympathetic treatment of the existing, potentially historic, structure.

P. iv – In the Urban Living subarea, "Housing will be higher density with architecture that appropriately marks the entrance to the H Street community."

P. 30 - "The proximity of the western end of the corridor to metro stations at Union Station and New York Avenue (planned) greatly increases the potential for new residential and mixed-use development and the adaptive reuse of existing buildings."

P. 33 - In the Urban Living subarea, "New buildings between 2nd and 4th Streets can bring new life to this end of the corridor. Larger sites in single ownership along this stretch of H Street make higher density, mixed-use projects possible and allow a sensitive transition from developments in The Hub [another subarea of the Western Gateway- basically the Union Station Air Rights and Station Place PUDs] to lower scale buildings between 4th and 7th Streets. Mixed-use development at this end of the corridor reinforces the concept of Transit-Oriented Development (TOD), the District's policy of focusing higher density mixed-use activity nodes close to major transportation hubs."

P. 37 - "The District should encourage the redevelopment of the CCM site, with rehabilitation of existing CCM and additional residential development of residential units at the east, north and west sides of the block"

P. 50 - In regards to the implementation of the Plan, "The District should become a more active participant in determining the future of the CCM site. With or without the Children's Museum, the site represents one of the most important development opportunities for the corridor."

The redevelopment of the Subject Property is an integral component of the Plan's goals for the revitalization of the H Street corridor. The proposed project is consistent with the guidelines established in the Plan and will help achieve the goals and policies of the Plan by providing a signature residential project to mark the entrance to the H Street corridor and by creating a critical mass of future residents in the area that will patronize the restaurants, shops and services that will be offered along the revitalized H Street corridor.

VI. CONCLUSION

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

Respectfully submitted,

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