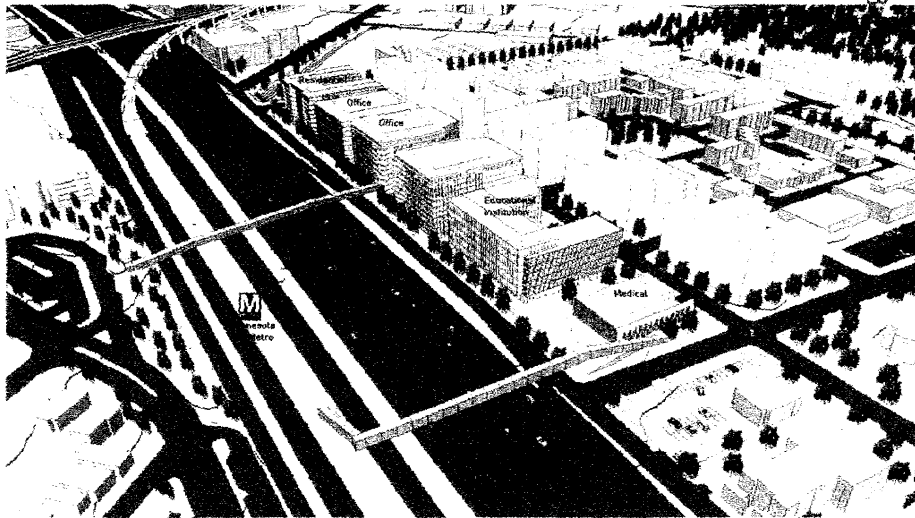


PARKSIDE



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D.C. OFFICE OF ZONING

**APPLICATIONS TO THE DISTRICT OF COLUMBIA
ZONING COMMISSION TO MODIFY AND EXTEND AN
APPROVED FIRST STAGE PLANNED UNIT DEVELOPMENT
AND FOR FINAL APPROVAL OF A PLANNED UNIT
DEVELOPMENT AND ZONING MAP AMENDMENT**

Lano Parcel 12 LLC

June 2010

**ZONING COMMISSION
District of Columbia**

CASE NO. 05-28C

EXHIBIT NO. 4

DCDOCS\7031051.1

**ZONING COMMISSION
District of Columbia
CASE NO.05-28C
EXHIBIT NO.4**

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Exhibits

Parkside PUD, First Stage Site Plan	A
Plans and Drawings for Modified First Stage PUD	B
Plans and Drawings for Second Stage PUD	C
Zoning Commission Orders No. 05-28, 05-28A, 05-28A1	D
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PREFACE

This application is filed on behalf of Lano Parcel 12 LLC (“**Applicant**”), an affiliate of CityInterests. It seeks to modify a portion of the First Stage of the Parkside Planned Unit Development (“**PUD**”) including the approved PUD-related map amendment, which was originally approved by the District of Columbia Zoning Commission pursuant to Order No. 05-28, effective on April 13, 2007. This application also seeks to extend the Zoning Commission’s approval of the First Stage PUD; and it includes a Second Stage application for the construction of the Community College of the District of Columbia (“**CCDC**”).

The First Stage of the PUD approved ten “building blocks” consisting of residential, mixed-use, commercial and retail buildings that will contain approximately 3,003,000 square feet of gross floor area, including 1,500-2,000 dwelling units, 500,000-750,000 square feet of office space and 30,000-50,000 square feet of retail. The site plan approved in the First Stage is attached as Exhibit A. The floor area ratio for the entire 15.5 acre PUD was approved at 4.4 and a maximum height of 110 feet for the office buildings and 90 feet for the mixed-use buildings.

In 2008, the Zoning Commission approved the first Second Stage application for three of the ten building blocks in the Parkside PUD – Blocks A, B, and C. The Commission approved a senior living facility consisting of at least 98 units to be reserved for individuals with an income no greater than 60% of the area median income (“**AMI**”). It also approved 112 townhouses, 42 of which would be reserved for buyers with incomes between 80% and 120% AMI.

On May 10, 2010, the District of Columbia Primary Care Association submitted a Second Stage application for another building block in the Parkside PUD. That application is proposing

to develop a three-story health center that would provide walk-in care, family practice, dental services, women and infant health care, wellness and associated lab, pharmacy, reception and patient waiting areas. The center is proposed for a portion of the property referred to as Block I in the First Stage PUD approval. The application for the health center is separate and distinct from the instant application.

The Applicant now files an application to modify the First Stage PUD and for Second Stage approval for three more building blocks – G, H and the remaining portion of I. The application includes only the portion of the PUD which has frontage on both Kenilworth Terrace and Kenilworth Avenue. More specifically, the subject property includes property located in Lots 14-23 and 803-813, and portions of Lots 24 and 802 in Square 5055 (“**Property**”). The Property is bounded by Kenilworth Avenue, N.E. on the south, Kenilworth Terrace, NE on the north, Foote Street, NE on the west and the remainder of Block I of the Parkside PUD on the east. A plat is attached as Exhibit E.

The Applicant is proposing to modify the First Stage approval in three respects: (1) the approved uses for the Property; (2) the height of the buildings approved for the Property; and (3) the PUD-related map amendment for the Property. The Applicant also seeks to extend the First Stage approval for a period of two years, making the approval effective until October 3, 2013. Finally, the Applicant seeks to convert a building initially approved for residential uses for use as the CCDC (collectively, “**Project**”).

Submitted in support of this application are completed application forms, a Notice of Intent to File a PUD, architectural drawings, and other required materials. As set forth below,

this statement and the attached documents meet the filing 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

1. Modification of First Stage PUD

The Applicant seeks to modify the First-Stage PUD approval in three respects: (a) the approved uses for the Property; (b) the height of the buildings approved for the Property; and (c) the PUD-related map amendment for the Property.

(a) Modification of Uses

The Applicant is proposing to use a portion of the Property for use as the CCDC; however, the property was approved for residential use in the First Stage PUD. The First Stage PUD approved approximately 785 - 875 residential units for the Property and the contiguous portion of Parcel I that is the subject to the DCPCA Second Stage PUD application. The area that is being proposed for constructing the CCDC would proportionally contribute approximately 250 units of residential to the 785 units approved for the Property and the contiguous DCPCA parcel. The change from residential use to commercial use for the CCDC will reduce the number of units by approximately 250.

The CCDC will be located on a portion of Blocks H and I, as they were defined in the First Stage application (see attached plat). The entirety of Blocks H and I were initially approved for the development parameters outlined in the chart below. Block I will be subdivided into two lots to accommodate the Parkside Health Care Center, an application for which is currently pending before the Zoning Commission. The remainder of Block I, as well as a portion

of Block H, will be dedicated to the CCDC. The proposed development parameters of the CCDC, in comparison to what was approved for Blocks H and I are detailed in the chart below:

	Block H	Block I	CCDC
Gross Floor Area	700,400 square feet	504,700 square feet	260,000
Lot Occupancy	68.2%	63.1%	84%
Floor Area Ratio ("FAR")	6.51	8.2	7.4
Residential Units		390 -440	N/A
Office Use	500,000-750,000 square feet	none	260,000
Parking Spaces	720 spaces	340 spaces	250 spaces

The Applicant is also proposing to convert part of Block G from residential to commercial use. Parkside is the logical place to entitle for large, government agencies in light of the fact that Ward 7 has not previously attracted government agencies there are few locations in the District with enough commercial square footage to accommodate certain agencies and are located on a Metro station. The balance of the PUD is still providing a significant amount of residential use to compliment the commercial uses that the Applicant proposes for the Property and to maintain the residential character.

(b) Modification of Height

The First Stage PUD approved a maximum height of 110 feet for the office buildings on Block H and 90 feet for the residential buildings along Kenilworth Avenue, with the residential buildings scaling down to as low as 44 feet in height toward Kenilworth Terrace. The Applicant now seeks to modify this approval to increase the height of the office buildings to 130 feet and to increase the heights of the remaining buildings in the Property up to 110 feet, with a similar scaling down as they extend toward residential areas.

(c) Modification of Map Amendment

The First Stage PUD approved a PUD-related map amendment from the C-2-B Zone District to the CR and C-3-A Zone Districts. In order to accommodate the newly proposed heights for the Property, the Applicant is proposing to rezone the land associated with the office towers to the C-3-C Zone District and the remainder of the Property to the CR Zone District.

2. Extension of First Stage PUD

The First Stage approval is set to expire on October 3, 2011. The Applicant has made great efforts in implementing the First Stage approvals but will not be able to complete the requisite Second Stage approvals before the First Stage PUD expires next year. Accordingly, the Applicant seeks to extend the First Stage PUD for two years, or until October 3, 2013.

3. Approval of Second Stage PUD

Filed simultaneously with its application to modify the First Stage PUD is the Applicant's application for Second Stage approval for development on a portion of Blocks H and

I. As referenced above, the Applicant is proposing the construction of the CCDC on a portion of the Property that was approved for residential use in the First Stage PUD.

B. History of Parkside PUD

The original Parkside site was 26 acres. After acquiring the site and creating a master development plan in the late 1980s, the Trust for Public Land subdivided it into twelve parcels of various sizes and configurations. Phase I was successfully developed as 100 townhomes in the early 1990s, which are known as the Parkside Townhomes. The remaining, vacant portion comprises approximately 15.5 acres of land, all of which is currently vacant¹. On the eastern edge of Parcel 12, there is an existing pedestrian bridge, which currently connects the site with the Metrorail station.

CityInterests' affiliates, Parkside Residential LLC and Lano Parcel 12, purchased Parkside at the end of 2004 along with partner Bank of America Community Development Corporation ("**BofA CDC**") and subsequently added Marshall Heights Community Development Organization ("**MHCDO**") to the ownership group. Over the next two years, the development team conducted extensive community outreach and held many meetings with District officials to solicit their input and support for the PUD. Beginning with the initial focus group meetings and design workshops in April 2005, the development team has made a concerted effort to be as inclusive as possible. Through this participatory process, the concept and site plan presented in the PUD application emerged. Additionally, the development team has continued to meet with government representatives from the Office of Planning, the Department of Transportation, and the Office of the Deputy Mayor for Planning and Economic Development. The First Stage PUD for Parkside was approved in September 2006, providing for 3.0 million square feet on Parkside

¹ Parcel 4 has been developed by Building Hope for use by the Cesar Chavez Charter School.

to consist of approximately 1,500-2,000 residential units, 500,000-750,000 square feet of office space, and 30,000-50,000 square feet of retail.

Since receiving the First Stage PUD approval in September 2006, CityInterests and BofA CDC have secured Second Stage approval for 112 townhomes and 98 senior affordable housing units. They have also been actively pursuing potential medical and educational users who have specific desires to be located at Parkside, given its central location in Ward 7, recognition as an America's Promise Alliance Neighborhood, access along major transportation arterials, and proximity to the Minnesota Avenue Metrorail Station. Parkside is also one of the last large parcels of land located adjacent to a metrorail and as such is an attractive option for office users desiring low-cost high density efficient space, such as the General Services Administration ("GSA"), the District Government, and certain other public and private tenants.

Specifically, the Applicant intends to compete in the Solicitation(s) for Offers ("SFO") for offices for the Department of Homeland Security. Parkside meets the geographic and locational criteria for this solicitation and was invited to submit a proposal for the 1.1 million square feet after its response to a GSA Request for Information for DHS.

C. Current Owner/Applicant and Developer

The Applicant, and owner of the Property, is Lano Parcel 12 an affiliate of CityInterests LLC. UDC, on behalf of the CCDC, has entered into a Memorandum of Understanding with Lano Parcel 12 to purchase a portion of the Property to construct a 270,000 flagship campus for the CCDC to accommodate its burgeoning student population.

1. Lano Parcel 12 LLC

Lano Parcel 12 LLC is a commercial real estate development and investment company located in Washington, DC. Recent projects in the District include the Mandarin Oriental on the southwest waterfront and HarbourSide, which includes the Embassy of Sweden. Parkside Residential LLC is led by Alan R. Novak and his partner, Jonathan Novak, in partnership with BofA CDC. MHCDO also has an ownership interest.

2. CityInterests LLC

CityInterests is a Washington, DC developer specializing in urban redevelopment. CityInterests is focusing its development interests in the neighborhoods east of the Anacostia River, having recently acquired a portfolio of six retail centers, three of which, after selling one center, are also in Ward 7. The largest of the retail properties – the East River Park Shopping Center – a 150,000 square foot single story shopping center on approximately eight acres, is located on the southeast corner of Minnesota Avenue and Benning Road – less than one mile from the Parkside PUD.

The Minnesota Avenue and Benning Road intersection is zoned C-3-A. CityInterests intends to redevelop these corners as multi-story, mixed-use, transit-oriented developments, bringing much-needed retail services, new housing and office to the Ward 7 downtown. The Parkside PUD is an integral part of an overall strategy that CityInterests will implement over the next seven to ten years to transform the downtown area of Ward 7 centered around the Minnesota Avenue Metro Station.

CityInterests is owned by three partners: Alan and Jonathan Novak and Peter Farrell. The Novaks are the owners of Lano Parcel 12. In addition to the projects outlined above from the Novaks, Farrell has been instrumental in the development of the NOMA neighborhood. He has also leased, financed and developed mixed-use projects in the greater DC market.

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

The Applicant is now focusing its efforts on developing the portion of the PUD that is adjacent to the Minnesota Avenue Metrorail Station. The mix of uses proposed for the Property will make Parkside a true mixed-use development. Upon completion of the phases currently pending before the Commission, Parkside will include affordable senior-housing, market-rate and work force housing, a health clinic, a community college, and ground floor retail space. This development is in conjunction with the existing and pending development elsewhere in the immediate community, including a child development center, an elementary school, a senior living facility and townhomes.

The proposed uses will fill a distinct need for Ward 7, anchor the Parkside project as proximately located to the Minnesota Avenue Metrorail Station and add definition to the Kenilworth Avenue corridor. Just as in the preceding phase, the second phase of the Parkside development furthers the District of Columbia and the Applicant's goals of stabilizing the existing neighborhood and bringing much needed services and jobs to the community. This development will inject services for those residents and will establish a mix of uses where currently none exists. The PUD Site is currently vacant and the proposed modifications and College will make significant strides in establishing the Parkside neighborhood as a thriving community in Ward 7.

The PUD process is the appropriate means of achieving these objectives because it gives the community and District agencies the tools to ensure that the Project is well-designed and best meets the needs of the community while making sure the density and uses are appropriate and the architecture is compatible to the surrounding neighborhood.

E. Development Timetable

The Applicant hopes to start construction on the CCDC by summer 2011 and expects that the total construction period will last approximately 24 months. It anticipates going forward with the next phase of the PUD within the next two years.

II. The Project Site and Project Description

A. Site Location

The Property is located in Ward 7, just north of the intersection of Minnesota Avenue and Benning Road. Specifically, it is situated in the Parkside neighborhood and is currently unimproved. The Property is bounded by Kenilworth Avenue, N.E. on the south, Kenilworth Terrace, NE on the north, Foote Street, NE on the west and the remainder of Block I of the Parkside PUD on the east. The Property is composed of approximately 234,159 square feet of land.

The Parkside development is the largest privately-controlled development opportunity within ½ mile of a Metrorail station in the District of Columbia. The Parkside neighborhood is partially constructed with streets and backbone infrastructure in-place, 100 townhomes, two schools, streets, parkland and over 15 acres of remaining vacant land. The northern anchor of

the Anacostia Waterfront, adjacent to Kenilworth Avenue and the Minnesota Avenue Orange Line Metrorail Station, Parkside sits at a vital crossroads in the District of Columbia.

Land uses in the vicinity of the PUD Site include a PEPCO plant to the southwest, Neval Thomas Elementary School and a District of Columbia Public and Assisted Housing complex to the northwest; vacant land to the southwest and existing townhomes to the northeast. Two blocks north of the PUD Site sits the Mayfair/Paradise multifamily rental communities. Eastland Gardens is located a ½ mile to the north of the PUD Site. To the west of the PUD Site are Kenilworth Aquatic Gardens, Anacostia Park, the Anacostia River and the National Arboretum, forming a large green space and recreational complex.

The site enjoys easy access to downtown D.C. and the Baltimore/Washington corridor via Interstate 295. This six-lane highway provides quick convenient access to downtown Washington, to Route 50 and points east, to the Baltimore-Washington Parkway to Howard County and Baltimore, and to the Capital Beltway. The Minnesota Avenue Metrorail station (Orange Line) is located immediately across Interstate 295 from the site, within walking distance over a pedestrian bridge that connects to the Metrorail Station. The Orange Line is seven stops (10–15 minutes) from Metro Center, the main downtown Metro Station several blocks from the White House. In the other direction, the Orange Line takes you to New Carrollton, a major employment center for Prince George's County, which contains a major federal facility for the Internal Revenue Service.

Parkside is adjacent to thousands of acres of park land along the Anacostia Waterfront, including Kenilworth Park and the Aquatic Gardens. Several other developments are currently planned or have recently been incorporated into the neighborhood. These include the construction of the first phase of the Government Center, which consists of 230,000 square feet

of office space and first floor retail, the newly constructed 700 student Cesar Chavez Public Charter High School, 172 rental units known as Lotus Square, redevelopment of the Mayfair Mansion condominiums, 125 units of work force housing units within the Pollin Memorial PUD recently approved by the Zoning Commission, and redevelopment of the East River Shopping Center into a town center beginning in 2014.

On June 10, 2008, the General Services Administration added Parkside to the Central Employment Area (“CEA”). As a consequence, Parkside is eligible for GSA solicitations for federal government leasing of office space.

Ward 7 is the only ward in the District of Columbia that has no federal installations nor has it been the recipient of federal office leasing activity. It is well established that commercial office leasing is a major catalyst in economic redevelopment. Leasing Alcohol, Firearms, & Tobacco space kicked off the North of Massachusetts Avenue (“NOMA”) Corridor and the Department of Homeland Security at St. Elizabeth’s will do the same in Ward 8. By responding and winning federal solicitations, Parkside can provide a similar economic development impact in Ward 7, adding jobs as well as health and education to its important community benefits.

Finally, Parkside has been adopted by America’s Promise Alliance, a coalition of over 400 national organizations working collaboratively to bring comprehensive education and social services to underserved communities based upon the Harlem’s Children’s Zone model. On June 25, 2010 the Parkside community will submit an application to the federal Promise Neighborhood Program. One of President Obama’s centerpiece urban initiatives is the creation of 20 Promise Neighborhoods in cities across the nation, in areas that have high levels of poverty and crime, and low levels of student academic achievement. The Promise Neighborhoods will seek to engage all resident children and their parents into an achievement program based on

tangible goals, including matriculation to college for each and every participating student, positive physical and mental health outcomes for children and parenting classes. The program also seeks to provide employment training and counseling to provide meaningful employment opportunities for the parents. The sites for Promise Neighborhoods will be selected by the federal government after review of applications from cities in conjunction with their existing non-profit social service organizations and school districts. Prior to implementation of the Promise Neighborhoods, a comprehensive long-term business plan will be developed with neighborhood residents, local community organizations, local business, school districts, city and state governments, and economic development researchers. The plan will then be adopted by consensus of community stakeholders and gradually scaled up to ensure success in every program component. Individual cities, or private entities, will be required to pay for 50% of the costs of the program.

The Parkside-Kenilworth Promise Neighborhood Initiative (“PKPN”) has formed a 501(c)(3) with a working group representing stakeholders, including Cesar Chavez Charter School, America’s Promise Alliance, DC Appleseed, CityInterests, Georgetown University, Children’s Hospital, and LISC. The District government has endorsed the Parkside-Kenilworth application for the federal Promise Neighborhood Program.

B. Project Description

The plans, elevations and drawings for the proposed modification to the Parkside First Stage PUD are attached as Exhibit B. The proposed Second Stage PUD plans for the CCDC project are attached as Exhibit C. This phase of the Parkside PUD will facilitate the resurgence of Ward 7 as a destination in its own right. The Parkside development incorporates sound planning principles and exemplifies several attributes of transit-oriented development. The

proposed First Stage modifications will assist in attracting tenants, such as GSA, to the site and will anchor the neighborhood with a sense of place. Outlined below is a comparison of what the Zoning Commission approved for Blocks G, H, and I in the First Stage PUD and what is currently being proposed for those same parcels of land.

Blocks G, H and I (including the health clinic)		
	First Stage Approval	Proposed
Gross Floor Area	1,709,800 square feet	1,709,800 square feet
FAR	7.05	7.05
Number of Units	785-875	325 -375
Height	44'-110'	21'-130'
Lot Occupancy	80.6%	69.6%
Parking	1,400	1,400
Block H		
	First Stage Approval	Proposed
Gross Floor Area	700,400	700,400
FAR	6.51	6.51
Number of Units	0	0
Height	110'	130'

Block I		
	First Stage Approval	Proposed
Gross Floor Area	504,500	303,784 ¹
FAR	8.2	4.05
Number of Units	390 - 440	None
Height	90'	110'

¹This includes 43,800 square feet dedicated to the DCPA Second Stage PUD application also on Parcel I

Block G		
	First Stage Approval	Proposed
Gross Floor Area	504,500	504,500
FAR	8.2	8.2
Number of Units	390 - 440	325-375
Height	90'	110'

Adding flexibility to the Parkside PUD is appropriate given the current circumstances with respect to residential development in the Minnesota/Benning/Parkside area. The Parkside PUD was approved in September 2006. Since then, the Pollin PUD adjacent to Parkside was approved for 125 residential units, and Donatelli Development will be developing 400 units at the intersection of Minnesota Avenue and Benning Road. In 2006, Tim Chapman also completed 172 multifamily units immediately adjacent to Parkside. Furthermore, the redevelopment of East River Park Shopping Center contemplates developing an additional 300-400 multifamily units, to commence during the next five years.

Additionally, the Developer is moving ahead with plans to construct 149 affordable housing units on Block E based on an application for HUD 221(d)(4) financing. Once approved, the Developer expects to submit a Stage 2 application in the fourth quarter of 2010. These 149 residential units fall within the initial density of units initially approved on that block from the First Stage approval. These units, together with the proposed 325-375 residential units on block G will anchor a residential “cluster” on the south end of the property.

Limiting factors in evaluating potential residential housing volumes at Parkside, given relatively weaker income demographics east of the Anacostia River, include limited housing subsidies and mortgage finance availability, cost factors which limit construction strategies to mid-rise wood-frame construction and an increased supply of housing off-site. As a result, in the Parkside area, cost factors and other projected residential activities suggest that a strategy allowing the ability to capitalize on a near term commercial use opportunity, such as the GSA SFO for Department of Homeland Security and other GSA solicitations that are being drafted, is a desirable modification to the Parkside PUD.

C. Development Parameters Under Existing and Proposed Zoning

The PUD Site’s current zoning is C-2-B, which provides for a maximum building height of 65 feet and a maximum FAR of 3.5, with a maximum commercial FAR of 1.5. Rezoning the Site to the CR and C-3-A Zone Districts was approved in connection with the First Stage PUD. The Applicant is now proposing to rezone the Property to the C-3-C and CR Zone Districts. This will allow increased heights of up to 130 and 110 feet, respectively. The Applicant is not proposing an increase in the density of the Project or the lot occupancy of the development.

The Applicant believes that increased height is necessary at this site in order to attract quality office tenants to this part of the City, especially large GSA tenants and other private sector tenants looking for high density efficient office floorplates. As stated above, Ward 7 does not today have the presence of government agencies that exists in the other wards. In order to attract such tenants, Parkside needs to provide building volumes that will compete with other locales' available buildings. The additional height will give the development a sense of presence and add definition to the neighborhood.

The additional height is appropriate at this site because of the development's proximity to the Minnesota Avenue Metrorail Station. One of the principles of transit-oriented development is to locate height and density at transit nodes, which is consistent with the Applicant's proposal. The buildings will step down to lesser heights (as low as 21 feet) as the buildings move to the north, adjacent to future residential phases of the Parkside PUD. The height will be centered along Kenilworth Avenue and adjacent to the PEPCO substation. This proposal centers the height away from residential uses and focuses it along appropriate corridors – there will be no detrimental impact from increased heights along Kenilworth Avenue and the PEPCO substation.

D. Conditions of First Stage Approval

Approval of the First Stage of the PUD was conditioned on fifteen items, some of which are applicable to the instant application as follows:

Condition 1: The Applicant shall submit, with the application for Second Stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and C-R that specifies the proposed rezoning by square and lot.

Instant Application: The Applicant simultaneously files a map amendment application to rezone the Property to the C-3-C and CR Zone Districts. Although this proposal varies from the First Stage approval, it is appropriate for the reasons outlined above.

Condition 2: The First Stage of the PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions and standards of this Order.

Instant Application: As demonstrated above, the instant proposal is largely consistent with the plans the Commission approved during the First Stage of the PUD. The Applicant is proposing to modify the proposed use for the Property as well as the proposed heights for the Property; nevertheless, the current proposal is consistent with the intent of the First Stage approval and with the Comprehensive Plan.

Condition 3: The Second Stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibit Nos. 2, 21 and 52 of the record, as modified by the guidelines, conditions and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.

Instant Application: The attached plans are further developed and refined than those submitted in connection with the First Stage PUD. As described below, the public benefits offered in the Second Stage are consistent with those proposed during the First Stage PUD.

Condition 4: In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500 – 2,000 dwelling units, 500,000 – 750,000 square feet of office space, 30,000 – 50,000 square feet of retail uses, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in a FAR of approximately 4.44. The total lot occupancy of the PUD will be approximately 62.4%. The maximum height of the PUD will be 110 feet, which will be reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not

exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.

Instant Application: The Applicant is modifying slightly the initial approval as it applies to the Property. In addition to Block H, the Applicant is dedicating the remainder of Block I and part of Block G to office use. This will reduce the overall number of residential units for the Property to approximately 325 - 375 rather than the 785-875 units approved in connection with the First Stage PUD.²

The Applicant is also proposing to increase the heights of the buildings on the Property to 130 feet (for the office towers) and 110 feet for the remainder of the buildings. The buildings will step down to lower heights as they reach toward the residential units proposed in future phases of the Parkside PUD.

Finally, the Applicant is proposing to modify the footprint for the residential building proposed on Block G. The Applicant will further refine the design for this building in connection with a Second Stage application, but wanted to acknowledge that it will be different than what was initially approved by the Commission.

Condition 5: If the Applicant cannot secure a lead tenant for the office use, it may use that portion of the development envelope for an additional 500 – 750,000 square feet of residential space.

Instant Application: Not applicable. The Applicant is modifying the First Stage PUD approval for this property, but it is not yet submitting a Second Stage application for approval of a building design and use.

Condition 6: The PUD will reserve 20% of the total residential component as affordable units to households having an income not exceeding 80% of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size). Those reserved as affordable rental units will remain affordable for a term of 30 years; the affordability restriction for the affordable for-sale housing should be consistent with the terms required by the public subsidy the homebuyer uses to provide gap financing.

² These figures include the portion of Block I for which an application is currently pending to convert the approved residential use to medical office use. This portion of Block I is a part of a separate application.

Instant Application: Not applicable. The Applicant is not submitting a Second Stage application for residential use.

Condition 7: The PUD will reserve 20% of the total residential component for workforce housing targeted to households that have an income between 80 – 120% of the Area Median Income for the Washington, D.C. Metropolitan Statistical Area (adjusted for family size).

Instant Application: Not applicable. The Applicant is not submitting a Second Stage application for residential use.

Condition 8: The Applicant shall submit, as part of the Second Stage application, landscape plans, detailed architectural plans and elevations indicating the design treatment of each building.

Instant Application: Landscape plans, and detailed architectural plans and elevations are contained in Exhibit B of this statement.

Condition 9: The Applicant shall submit, as part of a Second Stage application, an analysis of the potential for providing access to the PUD Site from Benning Road.

Instant Application: Not applicable; addressed in prior First Stage and Second Stage applications.

Condition 10: The Applicant shall submit, as part of a Second Stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to pedestrian access; (b) address traffic conditions pertaining to Kenilworth Avenue, particularly in light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.

Instant Application: The Applicant will address these issues prior to the hearing for this matter.

Condition 11: The Applicant shall submit, as part of a Second Stage application, materials addressing (a) the design and anticipated use of the pedestrian retail plaza at the center of the PUD site, including whether it should be open to slow-speed vehicular traffic, and (b) potential cooperation with Pepco to provide adequate landscaping to buffer the Pepco site from the PUD site.

Instant Application: The Applicant will submit as part of a future Second Stage application a design and anticipated use of the pedestrian retail plaza at the center of the PUD Site. The Applicant has given DDOT a 45 foot wide pedestrian easement at the center of the site as part of the retail plaza. The Applicant submitted plans in a prior First Stage application for buffering with the PEPCO site. The Applicant is not currently submitting a Second Stage application for any of the parcels abutting the PEPCO property. It will address any future needs for buffering in connection with those applications.

Condition 12: The Applicant shall specify, in its Second Stage application, the period of affordability applicable to the for-sale affordable units.

Instant Application: Not applicable. The Applicant is not including for-sale (or rental) residential units in connection with this application.

Condition 13: The First Stage approval is valid for a period of one year, within which time a Second Stage application shall be filed. It is within the Zoning Commission's discretion to extend this period.

Instant Application: The Applicant filed the first Second-Stage application within one year of the effective date of the First Stage approval. This condition has been satisfied.

Condition 14: Given the size of the PUD, the Applicant may file the Second Stage application in phases of one or more of the buildings.

Instant Application: The Applicant is developing the PUD in phases. This phase consists of two of the ten building blocks that were approved during the First Stage PUD.

Condition 15: The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

Instant Application: The Applicant will comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2038, as amended.

E. Flexibility under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning constraints. The PUD Regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment (“BZA”). The Applicant is simultaneously requesting approval of a theoretical lot subdivision pursuant to Section 2517 of the Zoning Regulations.

III. Planning Analysis

A. Land Use Impact

The Project will extend the urban fabric and establish a new urban community for Parkside and the surrounding neighborhood, with a plan which is appropriate given the Property's location as an infill location in close proximity to a Metrorail station.

The uses proposed in the Project, and its design, will have a positive impact on this major corridor of the District of Columbia and serve as a transitional element between the transportation corridor to the southeast, the industrial uses to the southwest, the adjacent residential neighborhoods and the open space adjacent to the Anacostia River.

The proposed uses will also introduce uses that are currently unavailable or under-available in Ward 7, such as a health clinic and a community college. These will provide residents with access to amenities that are not currently easily accessible in Ward 7.

B. Zoning Impact

The proposed Zoning Map Amendment can be granted without adversely affecting nearby and adjacent zone districts or properties. The proposed CR and C-3-C Zone Districts are consistent with the transit-oriented development categories on the Generalized Land Use Map of the Comprehensive Plan. Specifically, the proposed height is appropriate for its location next to a Metrorail station and for the proposed office uses. The increase in heights of up to 130 feet for the office towers and 110 feet for the remainder of the Property will not have an adverse impact on neighboring properties – to the south of the Property is Kenilworth Avenue (I-295) and railroad tracks, to the west of the Property is a PEPCO substation and to the east of the Property is a health clinic. The Applicant will step the buildings down in height as they stretch toward

proposed residential uses to the north of the Property to ensure a seamless transition to residential uses. The increased building height is necessary to provide a dynamic design that will transform an existing non-descript locale into an urban center in Ward 7 and will attract the caliber of tenants to make this venture successful.

C. Environmental Impact

There will be no adverse environmental impacts resulting from the construction of this Project. In addition, the 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 erosion control plans will minimize impact on the adjacent property and existing stormwater systems. The overall PUD will use a rain garden to treat runoff from impervious surfaces as well as a vegetative swale (bio-filtration) to treat runoff from the entire PUD site. The use of bio-swales throughout the overall PUD will help manage the storm water in an environmentally superior method. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project. The PUD was also selected to participate in the LEED-ND (Leadership in Energy and Environmental Design for Neighborhood Developments) Pilot project and will seek at least Silver level certification for the overall master development.

D. Facilities Impact

The Project will not have an adverse impact on the public facilities on which it will rely for service.

IV. Environmental Analysis

A. Water Demand

The CCDC will contain approximately 260,000 square feet of development and the average daily demand for water for the Project is estimated to be 4,110 gallons per day. This demand can be met by the existing District water system. The proposed connection for fire water supply will be made within the existing distribution system and will be coordinated with WASA.

B. Sanitary Sewer Demand

The average daily demand on the sanitary sewer system for the CCDC is estimated to be 3,700 gallons per day. The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with WASA.

C. Storm Water Management

The CCDC's storm water run-off will be accommodated by a storm water management system in compliance with standards set by the Department of Health. The proposed systems will be designed, constructed, and maintained in accordance with standards set by the Department of Health.

D. Solid Waste Services

Solid waste will be collected by the District of Columbia from covered receptacles for appropriate disposal.

E. Electrical Service

Electricity for the Project will be provided by the Potomac Electric Power Company in accordance with its usual general terms and conditions of service. All electrical systems will be designed to comply with the District of Columbia Energy Code.

F. Energy Conservation

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings. Indeed, the Applicant is incorporating Energy Star rated appliances, energy efficient lighting, and low-VOC paints and adhesives into its residential units.

G. Erosion Control

During excavation and construction, erosion on the project site will be controlled in accordance with District of Columbia Law.

V. Evaluation Standards

Section 2403 of the Zoning Regulations provides the standards for evaluating PUD applications. 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 application will achieve the goals of the PUD process by creating a high quality residential project with significant

housing – both affordable and market-rate – opportunities. As demonstrated herein, the Project provides superior benefits in several of the categories listed in Section 2403.9.

A. Comprehensive Plan

The proposed zoning and the PUD are consistent with, and further, many of the District's goals and objectives. Section VI below discusses the proposed development in light of the Comprehensive Plan in greater detail.

B. Urban Design, Architecture, and Landscaping

From a sustainability perspective, high density uses located near transit nodes is regarded as good urban design. The proposed development is located in the transition area between a major transportation corridor, industrial uses, moderate density housing and open space. Given the scarcity of new development in the neighborhood and the strength of the supporting mass transit infrastructure, the Project provides an important opportunity to provide important and practical commercial uses for the District residents. Land that is currently vacant will be converted to active commercial uses that properly allocate density and height along the non-residential borders of the Property.

C. Site Planning

The Project is planned to take advantage of its location adjacent to parklands, the Anacostia River and natural grades and perhaps most importantly, the major transportation corridor to the southeast, including the Minnesota Avenue Metrorail Station. The site plan is designed to “fill” in a gap of an urban neighborhood. It will connect the existing Parkside

Townhomes with the fabric of the city and will establish a true mixed-use development in the heart of Ward 7.

D. Effective and Safe Vehicular and Pedestrian Access

The site plan's design simplifies vehicular access to promote vehicular and pedestrian safety. There are two points of vehicular access to and from the project: one entrance will be located between the CCDC and the clinic and will be shared by both projects in an effort to increase site efficiency. The second entrance will be from Kenilworth Avenue. There are three different points of access for pedestrians from Kenilworth Terrace. The building's design effectively separates the pedestrian access points from vehicular access points, minimizing any conflict between the two.

The Applicant will supplement its application with a transportation analysis prior to the public hearing on this case.

E. Revenue for the District

The District will benefit significantly from additional tax revenues in the form of recordation, transfer, property, income, sales, use and employment taxes.

F. Additional Public Benefits of the Project

1. Special Value for Neighborhood

The development will provide a community college to provide educational opportunities for residents throughout the city, including in Ward 7. The CCDC will offer classes in a variety of technical fields, many being in the health care industry. The offerings in the health care field will complement the neighboring health clinic, which may offer practical experience for

students. In addition, the CCDC will also train early childhood teachers relying on funding from City Council. The CCDC will attract individuals from outside of the Parkside PUD and will integrate the new Parkside community into the established Parkside community. The proposed development will enhance a site that has been vacant for several years and will also connect the existing Parkside Townhomes and senior housing to the greater community.

2. Affordable and Workforce Housing

The overall PUD is reserving 20% of the total residential component as affordable units to households having an income not exceeding 80% of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size). It is further reserving 20% of the total residential component for workforce housing targeted to households that have an income between 80 – 120% of the Area Median Income. In all, the PUD will provide a true mix of incomes in the Parkside community.

3. First Source Employment Program

According to Section 2403.9(e), “employment and training opportunities” are representative public benefits and project amenities. To further this goal, the Applicant will also 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.

4. Pedestrian Bridge

The Applicant proposed constructing a new pedestrian bridge between the Parkside PUD and the Minnesota Avenue Metrorail Station. The Applicant has committed 25% of the cost of

the bridge not to exceed \$3 million to ensure that this bridge be constructed to improve access to this site.

5. Compliance with Comprehensive Plan

The proposed PUD is consistent with and fosters numerous goals and policies enumerated in the new Comprehensive Plan, adopted in 2006 (the “**Plan**”).

The purposes of the Comprehensive Plan are to:

(a) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) Guide executive and legislative decisions and matters affecting the District and its citizens; (c) Promote economic growth in jobs for District residents; (d) Guide private and public development in order to achieve District and community goals; (e) Maintain and enhance the natural and architectural assets of the District; and (f) Assist in conservation, stabilization and improvement of each neighborhood and community in the District (D.C. Code § 1-245(b)).

The proposed Project significantly advances these purposes by furthering the social and economic development of the District through the construction of new residential units on underutilized land, including a senior housing facility, and on a site that has been deemed to be a development opportunity area for the transformation of the Kenilworth/Parkside neighborhoods. The resulting Project will assist in the improvement and stabilize the urban environment in the immediate neighborhood and the District as a whole.

6. Compliance with Citywide Elements

The Project serves the goals of several of the citywide elements of the Comprehensive Plan.

a. Land Use Map

The Future Land Use Map designates the Property as appropriate for high density residential uses and medium density commercial uses. A copy of the Future Land Use Map is attached as Exhibit M. The High Density Residential designation is used to define neighborhoods where high-rise (8 stories or more) apartment buildings are the predominant use and pockets of less dense housing may exist. The Medium Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas.

The proposed use for the Property complies precisely with those uses outlined as appropriate for the land use designations. The Project will deliver a community college that will draw from a citywide market area.

b. Land Use Element

The Plan cites the importance of transit-oriented development and the importance of mixed-use developments on large sites. The project is consistent with the following policies:

Policy LU-1.2.2: Mix of Uses on Large Sites: Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses.

Policy LU-1.2.6: New Neighborhoods and the Urban Fabric: On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings.

Policy LU-1.3.2: Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

Policy LU-1.4.1: Infill Development: Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods: Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.

Policy LU-2.4.1: Promotion of Commercial Centers: Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.

The Project will be located a short walk to the Minnesota Avenue Metrorail station, which is one-third of a mile away from the Project Site. As such, it fulfills the Plan’s desire for infill development near the transportation infrastructure. Furthermore, the Project has been designed to be completely complementary to the surrounding neighborhood. The design and materials used on the townhomes make them an attractive attribute to the community and the sidewalks promote the walkable nature of the neighborhood.

The Plan also seeks to achieve “land use compatibility” – specifically, the enhancement and stabilization of the District’s neighborhoods by the protection of residential neighborhoods from non-residential and disruptive uses. The Property is located in a primarily residential and

institutional neighborhood. The new community college will support and complement existing uses in the community, particularly the residential uses and the proposed health clinic.

c. Transportation Element

The proposed development is also consistent with several transportation policies:

Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.

Policy T-1.2.1: Boulevard Improvements: Continue to work across District agencies to beautify and stabilize selected boulevards by implementing coordinated transportation, economic development, and urban design improvements.

Policy T-1.2.2: Targeted Investment: Target planning and public investment toward the specific corridors with the greatest potential to foster neighborhood improvements and enhance connectivity across the city.

The Plan encourages strengthening the linkage between land use and transportation as new development occurs and that is precisely what this proposal does. The CCDC is strategically located near the Metrorail station in order to attract residents from all over the District. It is also located along Kenilworth Avenue, a key boulevard in Ward 7. Developing this property will enhance the aesthetic along a thoroughfare that currently stretches along vacant land. The CCDC provides a “destination” whereas the existing site is a lost opportunity adjacent to a Metrorail station. The development will figuratively and literally connect the greater community with the Minnesota Avenue Metro Station. The vacant property adjacent to the station is intimidating to many who live in the community who would otherwise be amenable to taking public transportation. The City and the Developer are funding construction of a pedestrian bridge to facilitate access between the site and the Metro station. In all, the development will provide facilitate and encourage the use of the Metro Station. Finally, by

improving the Kennilworth Avenue corridor, the project will benefit the entirety of the community. It puts a new “face” on the greater Parkside community.

d. Environmental Protection Element

The development is consistent with the following environmental policies:

Policy E-1.1.3: Landscaping: Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.

Policy E-3.1.1: Maximizing Permeable Surfaces: Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

Policy E-4.8.2: Expanded Outreach to Disadvantaged Communities: Expand local efforts to involve economically disadvantaged communities, particularly those communities that historically have been impacted by power plants, trash transfer stations, and other municipal or industrial uses, in the planning and development processes.

The Plan seeks to encourage the planting of street trees and the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. There is an extensive landscape plan providing for abundant trees, retention of many existing trees, and comprehensive and creative stormwater treatment on the Property (which will correspond with the plan as it relates to the entire First Stage PUD for Parkside, as approved under Z.C. Order No. 05-28). The PUD proposes elements to improve water quality through design features such as the use of a rain garden to treat runoff from impervious surfaces, including roofs and paved areas; and through the use of a vegetative swale (bio-filtration) to treat runoff from the Property.

Further, the PUD will serve as a catalyst to improving the physical environment of this area of the Anacostia River. The PUD is designed to improve air quality due to its transit-oriented approach and protect the natural environment employing “best practices” approach to development. In fact, the senior housing facility exceeds the Green Communities Criteria.

Moreover, the overall PUD has been selected as a LEED-ND (Leadership in Energy and Environmental Design for Neighborhood Developments) Pilot project and will seek at least Silver level certification for the overall master development.

e. Parks, Recreation, and Open Space Element

The development is consistent with the Parks, Recreation and Open Space policies as follows:

Policy PROS-1.4.3: Parks on Large Sites: Include new neighborhood and/or community parks on large sites that are redeveloped for housing and other uses that generate a demand for recreational services. The potential for such parks to enhance the connectivity of parks and open spaces throughout the city should be an important planning and design consideration, particularly where multiple large adjacent sites are being redeveloped.

The Comprehensive Plan specifically recognizes the value of functional open space. There will be a linear park that will serve as public recreation space and will abut an open park that will be enhanced through future phases of development pursuant to Z.C. Order No. 05-28. This will serve as a relaxing amenity for residents and neighbors and will create an attractive resting point that District residents can appreciate while they take an evening stroll, walk the dog, or simply read a book outside.

f. Urban Design Element

The development exemplifies superior urban design and is consistent with numerous District policies in that regard:

Policy UD-1.3.7: Neighborhood Connectivity: Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline.

Policy UD-1.3.8: East of the River Gateways: Improve the visual and urban design qualities of the gateways into East-of-the-River neighborhoods from the Anacostia River crossings, with landscape and transportation improvements along Howard Road, Martin Luther King Jr. Avenue, Pennsylvania Avenue, Randle Circle (Minnesota and Massachusetts), Benning Road, and Kenilworth Avenue.

Policy UD-1.4.1: Avenues/Boulevards and Urban Form: Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city.

Policy UD-1.4.5: Priority Avenues/Boulevards: Focus the city's avenue/boulevard design improvements on historically important or symbolic streets that suffer from poor aesthetic conditions.

Examples include North and South Capitol Streets, Pennsylvania Avenue SE, and Georgia Avenue and the avenues designated by the "Great Streets" program.

Policy UD-2.2.3: Neighborhood Centers: Undertake strategic and coordinated efforts to create neighborhood centers, civic buildings, and shopping places that reinforce community identity.

Policy UD-2.2.7: Infill Development: Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.

Policy UD-2.2.8: Large Site Development: Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades.

Policy UD-2.2.9: Protection of Neighborhood Open Space: Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas.

Policy UD-2.3.3: Design Context for Planning Large Sites: Ensure that urban design plans for large sites consider not only the site itself, but the broader context presented by surrounding neighborhoods. Recognize that the development of large sites has ripple effects that extend beyond their borders, including effects on the design of transportation systems and public facilities nearby.

Policy UD-3.1.7: Improving the Street Environment: Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.

The Urban Design Element of the Plan seeks to, among other goals, strengthen civic identity through a renewed focus on public spaces and boulevards; designing for successful neighborhoods and large site reintegration; improving the public realm, particularly street and sidewalk space; and promoting design excellence throughout the District.

The proposed development will reflect the beneficial architectural qualities of the surrounding residential neighborhoods. The Project proposes an appropriate use, density and height and the overall PUD allows for sufficient private and public open space for the residents.

The construction of the CCDC will punctuate a desolate stretch of Kenilworth Avenue, which will enliven a gateway to the City and enhance one of the District's "Great Streets".

g. Compliance with Educational Facilities Element

The Comprehensive Plan encourages educational facilities throughout the District in a manner that is compatible with adjacent residential uses. The proposed community college is consistent with District goals and policies in this regard:

Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs: Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas.

h. Compliance with Area Element

The Comprehensive Plan also contains ten area elements, with the PUD Site located in the Far Northeast and Southeast Area Element. The Project is consistent with this Element of the Plan, including:

Policy FNS-1.1.3: Directing Growth: Concentrate employment growth in Far Northeast and Southeast, including office and retail development, around the Deanwood, Minnesota Avenue and Benning Road Metrorail station areas, at the Skyland Shopping Center, and along the Nannie Helen Burroughs Avenue, Minnesota Avenue, Benning Road, and Pennsylvania Avenue SE “Great Streets” corridors. Provide improved pedestrian, bus, and automobile access to these areas, and improve their visual and urban design qualities. These areas should be safe, inviting, pedestrian-oriented places.

Policy FNS-2.1.1: Minnesota/Benning Revitalization: Support revitalization and further development of the area around the Minnesota Avenue Metro station, including the adjacent business district to the south along Minnesota Avenue. Upgrade and expand existing businesses in this area, and encourage new small business development, educational facilities, and community-based human services such as job training, health care, and child care facilities. Any new public facility in this area should contribute to its image as an attractive and vibrant community hub and should be responsive to the needs of surrounding neighborhoods.

Policy FNS-2.1.3: Minnesota Avenue Station Area Mixed Use Development: Encourage mixed use development including medium density multi-family housing around the Minnesota Avenue Metro station, recognizing the opportunity for “transit-oriented” development that boosts neighborhood businesses, reduces the need for auto commuting, and enhances the quality of the pedestrian environment along Minnesota Avenue.

Policy FNS-2.8.2: Kenilworth-Parkside Transit Oriented Development: Support mixed-use residential, retail, and office development on the remaining vacant properties in the Kenilworth-Parkside neighborhood. Take advantage of this area’s proximity to the Minnesota Avenue Metrorail station and its relative isolation from the low-density single family neighborhoods to the east to accommodate medium to high density housing that is well connected to transit and the adjacent waterfront open space.

Policy FNS-2.8.3: Density Transitions at Parkside: Provide appropriate height and scale transitions between new higher density development in the Kenilworth-Parkside neighborhood and the established

moderate density townhomes and apartments in the vicinity. Buildings with greater heights should generally be sited along Kenilworth Avenue and Foote Street, and should step down in intensity moving west toward the river.

The current condition of the Parkside neighborhood, with over fourteen vacant acres of land, discourages an active connection between the Anacostia waterfront and the Ward 7 community. The development of the Parkside PUD will create a more inviting, accessible and active connection to the Anacostia waterfront. The new pedestrian bridge and the urban design of the redevelopment will encourage the Ward 7 community to use the waterfront and its new and existing amenities. This increased activity engendered by this first phase of development will create a friendlier, more inviting atmosphere for residents wanting to access the waterfront. The strong visual corridors and pedestrian pathways of the site design will encourage use of the waterfront.

The Parkside PUD also reflects the District's plan for concentrating a mix of uses at the Minnesota Avenue Metrorail Station. The addition of both the health clinic and the CCDC will truly make the Parkside development a mixed-use PUD. The heights and densities proposed for development are also appropriate for the PUD's proximity to public transit. Finally, the building designs call for an appropriate transition between the greater heights along Kennilworth Avenue to the lesser heights as the development stretches toward the Anacostia River.

VI. Extension Request

In addition to modifying the First Stage PUD approval and pursuing Second Stage PUD approval for the CCDC, the Applicant requests an extension of the First Stage approval. The First Stage approval is set to expire in October 2011 and the Applicant does not anticipate being able to go forward with Second Stage applications for each of the remaining parcels. Granting an extension is within the jurisdiction of the Commission pursuant to Section 2407.10. The

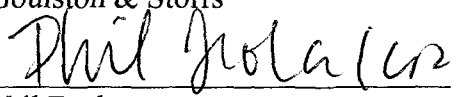
Applicant has made diligent efforts to complete the build out of the PUD as soon as practicable; it has gone forward with a senior housing building of 98 units, construction of which is scheduled to start this summer (2010), and 112 townhomes. Applications for a clinic and for the CCDC are currently pending. The scope of the First Phase approval was simply too great to complete within the time frame provided by Zoning Commission Order No. 05-28, especially given the economic conditions that have affected the country and the real estate industry during the past three years. The Applicant is requesting an extension of two years to allow it to complete the Second Stage applications for the remaining parcels of property included in the First Stage approval.

VII. Conclusion

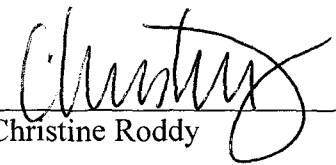
For the foregoing reasons, the Applicant submits that the application for modifying the First Stage PUD and the related map amendment, for the Second Stage PUD and for extending the First Stage PUD approval meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, and safety and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of a PUD and Zoning Map amendment; provide significant public benefits; and advance important goals and policies of the District of Columbia. Therefore, the first phase of the Second Stage PUD and Zoning Map amendment should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests the Zoning Commission set the PUD and accompanying Zoning Map amendment applications down for a public hearing at the earliest possible date.

Respectfully submitted,
Goulston & Storrs



Phil Feola



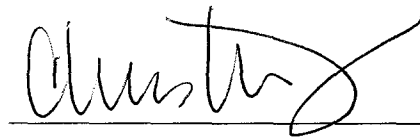
Christine Roddy

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Applicant's PUD statement and application were sent to the following by first-class mail or by hand delivery on June 3, 2010:

Jennifer Steingasser
Joel Lawson
Steve Mordfin
Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC

ANC 7D
5140 Nannie Helen Burroughs Ave NE
Washington, DC 20019

A handwritten signature in black ink, appearing to read "Christine", is written over a horizontal line.

Christine Roddy