

NEW YORK AVENUE / ARBORETUM

2001 NEW YORK AVENUE, NE



BY
ABDO NEW YORK, LLC

PRE-HEARING SUBMISSION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT
AND ZONING MAP AMENDMENT
IN CASE NO. 06-15

August 1, 2006

ZONING COMMISSION
District of Columbia

CASE NO. 06-15

EXHIBIT NO. 24
ZONING COMMISSION
District of Columbia
CASE NO. 06-15
EXHIBIT NO. 24

DEVELOPMENT TEAM

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CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

Abdo New York LLC hereby certifies that this pre-hearing submission, twenty copies of which were filed with the Zoning Commission on August 1, 2006, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes to the project are expected to be submitted prior to the public hearing on this application.

Abdo New York LLC (the "Applicant") also certifies that certain modifications and refinements have been made to the project since the original submission to the Zoning Commission. These changes have been made in response to comments raised in meetings that have been held with the Office of Planning and in response to the comments of the Commission members at the May 8, June 1, and June 12 public meetings. These modifications and refinements are detailed below.

Primarily, in response to comments made by the Commission at the May 8, 2006 Regular Public Meeting, the Applicant revised the project design to reduce the height of proposed buildings along New York Avenue from 130 feet to 110 feet, and changed its original request for C-3-C zoning to a request for CR zoning, which allows for medium-high density mixed-use development. In addition, the Applicant filed revised plans that increased the visual permeability of the project, provided variation in materials, massing, and rooflines, and lightened its apparent mass. These changes were presented to the Commission in a Supplemental Submission dated May 23, 2006.

The Applicant has also addressed the Commission's expressed concern at the May 8 Public Meeting about outstanding issues enumerated by the Office of Planning in its Setdown Report. In its May 23 Supplemental Submission, the Applicant provided a series of detailed responses to these issues, including: (i) clarification of parking calculations; (ii) commitment of 8% of the residential gross floor area as affordable housing, lasting 20 years, and distributed evenly throughout the project; (iii) commitment to additional amenities and benefits, and further details on those amenities; (iv) commitment to the operation of the shuttle bus; (v) clarification of gross and net square footages; (vi) provision of a narrower range of residential units (from a range of 3,000-4,000 units to a range that has now been further narrowed to 3,400-3,600 units); (vii) perspective and viewshed studies from surrounding neighborhoods and the National Arboretum; (viii) estimation of the project's impact on schools; (ix) assessment of the project's water and sewer impact; and (x) creation of a secure pedestrian pathway along the northeast corner of the project through a newly created private alley.

In that May 23 Supplemental Submission, the Applicant also indicated it had submitted details of its discussions with potential retailers to the Office of Planning. Further, it indicated that it had submitted a detailed traffic analysis, including a transportation management plan, to the Office of Planning and District Department of Transportation for their review. Finally, it

indicated that it would provide more details on the shuttle bus operation and job and revenue impact of the project in its pre-hearing statement.

At the June 1, 2006 Special Public Meeting, the Zoning Commission considered the May 23 submission. Noting the Applicant's significant project, the Commission set down the case for first stage approval and invited a further submission from the Applicant regarding the need for consolidated approval. The Applicant filed a letter regarding the need for consolidated approval on June 6, and on June 9 filed a second letter indicating that it would reduce the proposed PUD's FAR to a maximum of 5.0. Based on the reduced density, the Zoning Commission voted to set down the PUD and zoning map amendment on a consolidated basis at its June 12, 2006 Regular Public Meeting.

Finally, in response to other comments made by members of the Commission during the May 8, June 1, and June 12 meetings, Abdo New York LLC has provided additional information and made further refinements. These modifications include:

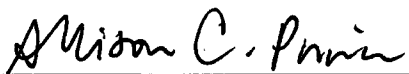
- (a) a copy of the traffic analysis and transportation management plan;
- (b) information regarding the hours of operation of the shuttle bus;
- (c) a detailed economic impact analysis;
- (d) a clarification of the affordable housing commitment;
- (e) further narrowing of the range of units from the originally proposed range of 3,000-4,000 units to 3,400-3,600 units;
- (f) revisions to the project's design, particularly its facades and roof lines;
- (g) detailed amounts and descriptions for its proposed public benefits contributions;
- (h) further details on the project's proposed transportation infrastructure impacts and mitigation of those impacts;
- (i) information on the commitment to the grocery space; and
- (j) clarification of membership opportunities in the Arbor Club.

In all other respects, the project is the same as filed on March 22, 2006.

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3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission; Exhibits E, F, G, H, I, J, K, L; Appendices
3013.1(b) List of Witnesses	Pre-Hearing Submission
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record:	

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Outline of Testimony of Representative of the Applicant	Exhibit D
Outline of Testimony of the Project Architect	Exhibit D
Outline of Testimony of the Landscape Architect	Exhibit D
Outline of Testimony of the Traffic Engineer	Exhibit D
3013.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission; Exhibits E, F, G, H, I, J, K, L
3013.1(e) Reduced Plans	Appendix
3013.1(f) List of Publicly Available Maps, Plans and Other Documents	Exhibit C
3013.1(g) Estimated Time Required for Presentation of Applicant's Case	1 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 A
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 K
3013.6(b) List of Leaseholders	Exhibit A

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP



Allison C. Prince
David M. Avitabile

LIST OF WITNESSES AND ESTIMATE OF TIME REQUIRED TO PRESENT CASE

WITNESSES:

Jim Abdo and Eric Price, Representatives of the Applicant

Maurice Walters, Project Architect, Torti Gallas – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Sandy Clinton, Landscape Architect, Clinton & Associates – TO BE PROFFERED AS AN EXPERT WITNESS IN THE FIELD OF ARCHITECTURE

Marty Wells and Jami Milanovich, Traffic Engineers, Wells & Associates – TO BE PROFFERED AS EXPERT WITNESSES IN THE FIELD OF TRAFFIC ENGINEERING

ESTIMATED TIME REQUIRED TO PRESENT CASE:

1.0 HOUR

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
List of Owners of Property within 200 feet of the Subject Site; List of Owners of All Property Proposed to be Rezoned in Square 4268; List of Leaseholders	A
Compliance with Consolidated PUD Requirements	B
List of Publicly Available Maps and Documents	C
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Summary of Affordable Housing Program	E
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Architectural Drawings, Elevations, and Photographs of the Subject Property and Surrounding Area	Appendix
Tabulation of Development Data	Appendix

PREFACE

This statement and the attached documents support the application of Abdo New York, LLC to the Zoning Commission for the consolidated review and approval of a Planned Unit Development and a related amendment to the Zoning Map of the District of Columbia for the property bounded by New York Avenue, Bladensburg Road, and Montana Avenue, NE and known as Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815 and Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153, to allow for the construction of a mixed use-project featuring eight new buildings with approximately 3,400 – 3,600 residential units and approximately 148,000 square feet of ground-floor retail. In order to facilitate the PUD, the Applicant requests a rezoning to the CR Zone District to for the proposed residential use, a project height of 110 feet, and density of 4.98 FAR.

At a regularly scheduled public meeting on May 8, 2006, the Zoning Commission first considered the proposed PUD. During the discussion, the Commission primarily asked the Applicant to reconsider the project's proposed zoning amendment to the C-3-C Zone district, and the proposed 130-foot height of the buildings along New York Avenue. Members of the Commission also raised questions about the project's proposed density of 5.3 FAR, particularly as it would relate to existing and proposed development around the Subject Property. The Commission also inquired into the status of each item on the list of open issues enumerated by the Office of Planning in its Setdown Report. Finally, members of the Commission expressed concerns about the range of units, the affordable housing, the shuttle bus, the grocery space, and the limitation of membership in the Arbor Club to residents of Ward 5. The Commission also

asked the Applicant to revisit the proposed design, massing, and zoning in light of these comments.

Two weeks later, on May 23, the Applicant submitted a supplemental submission to the Commission. Primarily, the Applicant indicated that it had reduced the height of the buildings to 110 feet and, accordingly changed the map amendment request to the CR Zone District. The Applicant also provided further contextual information on the proposed density. In addition, the Applicant provided detailed responses to each of the Office of Planning's list of issues and also provided additional details on the project's amenities and public benefits. The Applicant reiterated that the project was appropriate for consolidated review, particularly in light of the additional changes.

At a special Public Meeting on June 1, the Zoning Commission again considered the application for setdown. Members of the Commission noted that the Applicant had made considerable progress from the May 8 meeting and had responded to each of the Office of Planning's concerns, as well as many of those of the Commission. The Commission recognized the reduction in height and change in requested zoning, but stressed its continued concerns about the proposed project density. Members of the Commission also requested further revisions to the project's façade and roof line design, detailed amounts for the various contributions in the amenities package, and more information on the project's transportation infrastructure impacts. The Commission set down the application for a public hearing as a first-stage PUD, by a vote of 5-0-0. A second vote to set it down as a consolidated PUD failed by a vote of 2-3-0, but the Commission indicated it would accept further submissions from the Applicant to support the Applicant's request for consolidated review.

On June 6 and June 9, the Applicant submitted letters to the Zoning Commission. The letters indicated that the project density had been reduced to a 5.0 FAR, and reiterated the Applicant's assertion that consolidated review was both appropriate and critically needed for this project. In recognition of the reduced density, at the June 12, 2006 regular Public Meeting, the Commission voted 5-0-0 to set down the application for public hearing as a consolidated PUD.

This PUD and Zoning Map Amendment application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 12-275, 10 DCMR (Planning and Development) § 100 et seq. (1998) (the "Comprehensive Plan"), as well as numerous goals and policies of the District of Columbia. This project will benefit the District by providing significant new housing opportunities in an underserved area of the District within the context of a pedestrian-oriented development that creates both active public streetscapes and open spaces. The project will also spark the revitalization of the area with the creation of a self-sustaining, high-quality residential neighborhood with prominent street level retail uses along New York Avenue.

This pre-hearing statement, as well as the materials submitted with the initial application, meets 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 document supports the application of Abdo New York LLC¹ (“**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 Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815 and Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153 in Square 4268 (the “**Subject Property**”). The Subject Property is located in the Arboretum neighborhood of Ward 5 and consists of approximately 697,874 square feet of land area (approximately 16 acres). The Subject Property currently includes a number of low-density commercial uses with large amounts of surface parking. The Applicant’s PUD project proposes to develop a signature mixed-use neighborhood on the Subject Property featuring eight new buildings and significant open space. In total, the project will include approximately 3,400 – 3,600 new residential units, with 8% of the residential gross floor area reserved as affordable housing. The project will also include approximately 148,000 net square feet of ground floor retail space and approximately 6.9 acres of open space.

This mixed-use, pedestrian-oriented development will transform the Subject Property’s appearance, character, and safety into a full-fledged vibrant residential neighborhood with quality urban design, retail services, and indoor and outdoor recreational opportunities. The centerpiece of the proposed project will be the spacious “central park” at the center of the site, which will

¹ The Applicant, Abdo New York LLC, is under contract to purchase the various parcels that comprise the Subject Property. Pursuant to those contracts, the current owners have appointed Abdo New York LLC as their attorney-in-fact to file all documents required to obtain any government approvals.

provide its residents with a unique recreational and open space amenity. The project will also feature several public open spaces, including both a prominent vest-pocket park and a public plaza along New York Avenue, a fountain park at the intersection of Montana Avenue and Bladensburg Road, and significant open space along Bladensburg Road. The residential, retail, and open space developments will enhance the surrounding and nearby residential neighborhoods of Arboretum, Ivy City, and Woodridge, as well as the entrance to the United States National Arboretum.

This project is one of the most significant private assemblages of land in the District of Columbia. This \$1.1 billion investment is an opportunity to replace existing blighted uses with an entirely new gateway neighborhood, adjacent to the U.S. National Arboretum and along one of the most prominent locations in the District of Columbia. It will allow this neighborhood to experience the type of renaissance that has occurred in other Wards of the city, and it will highlight Ward 5's national treasure, the National Arboretum.

- The project currently features the largest private commitment of affordable housing in this city's history, with a set aside of approximately 261,326 square feet. This represents an internal private subsidy of approximately \$33.7 million.
- The entire project has been designed for and will be marketed as a moderate-income housing neighborhood. This project will meet a range of housing needs for the City, including home ownership opportunities for local and federal government employees.
- The project has been discussed with and enjoys wide support from all of the surrounding stakeholders, including the Arboretum Civic Association, ANC 5B, the U.S. National Arboretum, the Friends of the Arboretum, the National Bonsai Foundation, the Washington Humane Society, the Salvation Army Harbor Light Center, and a number of local businesses. The community stands to benefit from the strong retail presence and critical mass of new residents.
- This project will have a significant economic impact for the City. The project will increase the current taxes generated by the site from \$286,000 annually to over \$43.2 million annually, and it will generate over 9,500 direct and spinoff construction jobs and approximately 383 permanent jobs. The job creation is particularly noteworthy given the developer's historical track record of commitment to LSDBEs. By contrast, a matter-of-right retail development would generate only \$4.7 million annually.

This will all occur with no public subsidy from the District government. The developer will bear all of the market risk associated with this massive undertaking. If the project is not viable, the Applicant will suffer the consequences, at no cost to the District of Columbia.

The Subject Property is currently located in the C-M-1 Zone District and the Production and Technical Employment land use category on the Generalized Land Use Map. The Applicant requests a Zoning Map amendment to the CR District for the Subject Property to provide for the proposed residential use and to accommodate the height of the proposed residential development and its ground floor retail components. The purpose of the CR District is to “encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.” 11 DCMR § 600.1. It is intended for “selected geographic areas where a mixture of uses and building densities is intended to carry out elements of District of Columbia development plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality.” 11 DCMR § 600.4. Rezoning the site to the CR District is consistent with the overarching goals and policies of the Comprehensive Plan of the District of Columbia, as discussed in detail herein. The proposed lot occupancy and density of the project is significantly less than what the PUD guidelines allow for in the CR District.

B. The Applicant

Abdo New York LLC is a partnership between Abdo Development LLC (“**Abdo Development**”) and Broadway Management LLC (“**Broadway**”), formed for the purposes of development of the project. Abdo Development 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 development by 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 Development 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. Most recently, Abdo Development recently secured a PUD and a zoning map amendment in connection with an residential project involving the site of the former Capital Children's Museum at 2nd and H Streets, NE. The property is being developed jointly by Abdo Development and Broadway, each of which owns a portion of the underlying property.

C. Project Density

This PUD offers an unparalleled opportunity for a new neighborhood in a blighted area. Since the 16-acre site is currently blighted and underutilized, the new neighborhood created by the PUD will have sizable infrastructure costs that can be supported only by a level of density that will offset these costs. While the commitment to affordable housing is unprecedented, it is equally significant that the entire project will accommodate a segment of the housing market that is not being served by the current supply of housing. The ability to maintain the proposed pricing structure is critical to the Applicant's vision for the project and to the viability of a new

community at this location. Further, it is an integral part of the project's ability to attract a critical mass of new residents.

However, this level of density is not just needed for the economic viability of the project. It is essential to achieve the critical mass of residents to allow for the creation of a safe and livable neighborhood. Moreover, it is essential to support the important project amenities such as the retail uses and the shuttle bus service. Finally, it is essential to the creation of a moderate-income housing community that, until now, has been priced out of the housing market in the city.

The Applicant reduced the gross floor area to 4.98 FAR so that it does not exceed the 5.0 FAR limit that was a condition for setdown as a consolidated PUD. The Applicant has concentrated these reductions on the New York Avenue facades to address concerns about scale and create a varied and dynamic appearance at this gateway to the District. This significant density reduction has both economic consequences and, importantly, an effect on the project's ability to offset sizeable infrastructure costs and attract a critical mass of residents. However, both the Applicant and the design team believe that the proposed reduction strikes the right balance. It results in a density that will still support the PUD's project amenities and infrastructure costs, yet it will also allow for real, positive design changes and an overall reduction in scale. The Applicant will demonstrate at the public hearing that the proposed density is not only acceptable, but also necessary and desirable for this PUD in this location.

In addition, the proposed project remains well below the limits of the requested CR zoning in terms of density and lot occupancy. The project has a revised density of 4.98 FAR. Under CR zoning, the maximum permitted density for a PUD is 8.0 or an overall gross floor area of 5.7 million square feet. Indeed, the proposed project even falls below the matter-of-right FAR

limitation of 6.0, which would allow over 713,000 square feet more than the project provides. Further, while the CR Zone permits a lot occupancy of 75% for residential uses and the existing zoning allows 100% lot occupancy, the entire project's lot occupancy is only 55%—a demonstration of the Applicant's commitment to green space.

In short, this project was not designed to maximize density, but to create a livable and successful neighborhood, with ample green space, for working families and individuals. The Applicant believes that this new urban center will benefit the residents of Ward 5 and the District as a whole. To achieve that goal, the PUD must provide a critical mass of units, pricing that will attract a wide range of residents who are not being served by new projects, new retail to serve the existing Ward 5 communities as well as its new residents, and a safe environment with open space dedicated to both public and private use.

D. Consolidated Review

To realize the benefits outlined above, the proposed PUD must receive a consolidated review. Typically, the first-stage process is only used by owners who wish to explore general development parameters for a large site before they make the substantial investment required for a consolidated PUD. Almost every first stage approval granted by this Commission over the past twenty years has involved a single owner or a small group of owners participating in a joint development. By contrast, and unlike the vast majority of large sites, the Subject Property is not a single owner tract. As a result, the Applicant has made the investment in design required for consolidated review because the contractual realities of the market place simply

do not allow for the approval of private assemblages through the lengthy two-step approval process.²

Moreover, the Applicant believes in the immediate need for this project. Both the potential of this large private assemblage to transform an entire blighted neighborhood and the time-sensitive nature of this important opportunity require consolidated review because that process accommodates the constraints of the marketplace. First stage approval is not economically realistic or feasible for a private assemblage of this magnitude.

The Applicant recognizes that economic circumstances should not supplant the Commission's established threshold requirements for consolidated review. Indeed, the market realities of this site are not the reason why this application should be considered on a consolidated basis. Rather, the proposed PUD project merits such treatment based on the materials submitted in the PUD application, in the supplemental submissions and letters, and in this pre-hearing submission. These submissions provide the levels of design and detail required under Sections 2406.11 and 2406.12 of the Zoning Regulations for a consolidated PUD. The Applicant continues to be committed to providing the level of detail, attention, and responsiveness required to maintain the PUD's consolidated review status.

² Assemblages of this magnitude are unusual because of the incredibly complex financial and logistical challenges associated with convincing multiple long-time property owners to sell their properties at approximately the same time. In this transaction, the intricate web of contracts involves a five unrelated owners and over 30 separate leases and multiple contractual terms. Because of the complicated nature of the contracts and the various, unrelated owners, the contracts cannot be extended to allow for the time associated with a first and second stage PUD. A first stage approval will not constitute the required approval because it will not vest the requested zoning. Without vested zoning, financing for the project is not achievable, and absent financing, the Applicant cannot settle on the contracts. Simply put, first stage approval will not allow the Applicant to meet the contractual deadlines.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 697,874 square feet of land area and is bounded by New York Avenue, Bladensburg Road, and Montana Avenue. NE.³ To the east and south of the Subject Property is the National Arboretum. To the southeast across Bladensburg Road, is the low and moderate density Arboretum residential community. The intersection of Bladensburg Road and New York Avenue, at the northeast corner of the Subject Property, is currently defined by low-scale commercial development, including hotels, gasoline stations, and fast-food restaurants.⁴ Across New York Avenue to the north are two large commercial buildings, including the Harbor Light Center, a 136-bed community-based residential facility operated by the Salvation Army, which was developed as part of a PUD. To the southwest, across Montana Avenue, are the old Hecht's warehouse and the Mount Olivet Cemetery. Further to the southwest is the Ivy City residential neighborhood.

The Subject Property is in the C-M-1 Zone District. The Commercial-Light Manufacturing districts are intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize adverse impacts on neighboring more restrictive districts. The maximum height allowed in the C-M-1 zone is 40 feet (no more than three stories), and the maximum FAR is 3.0.

³ The proposed PUD includes all but two properties bounded by the aforementioned roadways: Lot 816, which is improved with a Kentucky Fried Chicken restaurant, and Parcel 153/111, which is the New School for Enterprise & Development Public Charter School.

⁴ The Board of Zoning Adjustment recently approved a pair of variances from the maximum height and loading requirements in Application No. 17484, to permit the construction of a five-story Holiday Inn Express and five-story Fairfield Inn and Suites, on land located at 1917 Bladensburg Road, NE (Square 4393, Lots 815 and 821). This is directly to the east of the Subject Property across Bladensburg Road.

The zones surrounding the Subject Property permit a mix of development. The north half of the Subject Property is bordered by land in the C-M-1 zone immediately to the southwest and east. The land across New York Avenue to the north is in the C-M-2 district, which permits commercial and light industrial development of a greater height and density. Part of the land to the north of the Subject Property is the Salvation Army PUD governed by Zoning Commission Order No. 744; pursuant to that PUD, the land was rezoned to C-3-A. Land to the west of the Subject Property, along the north side of New York Avenue, and to the east of the Subject Property, along both sides of New York Avenue, are in the M zone, which is designed to provide areas suitable for development as heavy industrial sites. At the south end of the Subject Property, to the southeast, across Bladensburg Road, is land in the R-5-A zone, which permits “urban residential development” of low height and density. Further to the southeast is land in the R-1-B zone. To the southwest, across Montana Avenue, is the Mount Olivet Cemetery, which lies in the R-4 Zone.

The Subject Property is located in the Production and Technical Employment land use category, as shown on the District of Columbia Generalized Land Use Map. The residential community to the southeast is located in the Moderate Density Residential and Low Density Residential land use categories. Mount Olivet Cemetery, to the southwest, is located in the Parks land use category; the nearby Arboretum is also located in this land use category. The rest of the properties surrounding the Subject Property are located in the Production and Technical Employment land use category on the Generalized Land Use Map.

The Existing Land Use Map, however, demonstrates that much of the land both on the Subject Property and surrounding it does not contain any sort of industrial use. Rather, much of the property has Commercial and Institutional uses, including the land immediately to the west

across Montana Avenue and to the east at all four corners of the intersection of New York and Bladensburg Roads. Indeed, even on the Subject Property, only approximately 26.5% of the land area (Lots 8, 14, 801, 804, and 815, and Parcel 153/153) are currently categorized as sites of “industrial” uses.

B. Project Description

The plans, elevations, and drawings of the proposed PUD project are attached as the Appendix. Through the PUD and zoning map amendment process, the Applicant will develop a unique and inviting pedestrian-oriented urban neighborhood. Below is a summary of the project that highlights the requested clarifications and changes from the original project description.

1. Unit Count

The proposed PUD project consists of eight separate buildings⁵ that feature approximately 3,400 – 3,600 residential units, which are currently intended to include a mix of studio, one-bedroom, and two-bedroom units, some of which will have dens. The Applicant has narrowed the range of the unit count substantially, and it now reflects a maximum deviation of under 6%. Such flexibility will be necessary as the design team finalizes the interior layout of the residential units, and the Applicant believes that the project’s potential impacts will not vary significantly within the requested range.

2. Affordable Housing

Approximately 261,326 gross square feet of affordable housing, which represents 8% of the gross residential floor area, will be created throughout the project. These affordable housing

⁵ Note that, for purposes of the Zoning Regulations, there are only five buildings being constructed on the Subject Property. There are substantial ground-floor connections between the “B” and “C” buildings along New York Avenue, “D” and “E” buildings along Montana Avenue, and “G” and “H” buildings along Bladensburg Road.

units will be evenly distributed throughout the development, and will be reserved as affordable units for residents earning up to 80% of the District's average median income over a 20-year period. A summary of the affordable housing program is included in Exhibit E. The dedication amounts to a \$33.7 million private subsidy and is the largest private commitment of affordable housing in the District's history. In addition to the above, many of the market-rate units will be marketed as moderate-income housing for teachers, firefighters, police officers, and other essential civil service workers at comparable income levels.

3. Project Design

The eight buildings ring the triangular-shaped Subject Property and are oriented outward, activating the street life on all three streets and forming a visually porous perimeter for the site that allows intermittent views of the green space at the center of the project. The overall site is designed in four architectural variations, giving the composition a sense of harmony and elegance, while at the same time creating an urban environment that is visually rich, articulate and finely grained:

- The "A" Building: Prominently situated at an acute angle at the intersection of New York and Montana Avenues, the V-shaped "A" building creates a significant landmark for those traveling eastbound leaving the city. The primary design feature is an elegantly sweeping 70 foot tall curved glass wall above the proposed grocery store, joining the legs of the building. A curved scrim wall rises above the parapet height as an embellishment, further emphasizing the building's stature. The New York Avenue leg consists of an ochre colored brick façade juxtaposed with a large glass panel that further signifies the grocery location as well as adding a vibrant, reflective "screen" to the active retail streetscape. A prismatic sculptural glass pavilion at the ground floor contains the main pedestrian grocery entrance. The ground floor grocery space is approximately 28 feet high, with the second and third residential floors visually incorporated to create a retail base higher than 40 feet along New York Avenue. The Montana Avenue façade of the "A" building is composed of an ochre-colored brick veneer; here, however, the brick face is juxtaposed with a series of five repeating glass bays yielding a gentler residential scale façade pattern.

- The “B” and “C” Buildings: East along New York Avenue, the “B” and “C” buildings are composed about a central ground floor pocket park, which provides access to a larger upper level public terrace affording views of the central park. Both the B and the C buildings are articulated horizontally with setbacks and varying façade compositions and materials to modulate the length of each building along New York Avenue. The two buildings are asymmetrical, yet employ compatible architectural scaling devices. Substantial terracing is introduced at the 90 feet height datum to further scale the buildings vertically. The ground floor retail of the “B” and “C” buildings is approximately 20 feet high and the second residential floor is visually incorporated into the retail base to provide the 30 feet high base line along New York Avenue. The facades will be composed with a variety of masonry compositions that are juxtaposed with glass window walls. The building base is colored in a dark brick, unifying the overall composition and providing a subtle acknowledgement of the nearby Art Deco Hecht’s warehouse building.
- The “D” and “E” Buildings: At the center of Montana Avenue, the “D” and “E” buildings are arranged as a couplet about a central shared lobby pavilion and motor court. These buildings are each H-shaped and present gracious landscaped courts to the street that give them a softer residential character. The facades are composed predominantly of residentially-scaled punched windows set in a buff brick wall articulated with tower features as well as corner wrap around French balconies. The buildings are scaled vertically with a base, middle and top, and the upper floors are further articulated with French balconies and increased fenestration to visually lighten the buildings as they meet the sky.
- The “F” Building: Prominently situated at an acute angle at the intersection of Bladensburg Road and Montana Avenue, the “F” building anchors the corner with a gently curving, residentially-scaled bay window. At the ground plane, a small one way drive from Bladensburg to Montana leads to an elegant porte-cochere drop off, reminiscent of the grand pre-war apartment houses of Connecticut Avenue. The primary façade planes of terra cotta colored brick are scaled and modulated with floor to ceiling glass bays which rise above the parapet height to form elegant belvedere embellishments, offering dramatic rooftop views of the Arboretum and beyond.
- The “G” and “H” Buildings: The “G” and “H” buildings, along Bladensburg Road, are arranged in an identical couplet to the “D” and “E” buildings, but utilize a warm, ochre colored brick to provide them with a unique identity.

4. Pedestrian and Traffic Circulation; the Shuttle Bus

The proposed PUD project features substantial amounts of underground parking for its residents at slightly over a 1 to 1 ratio. Additionally, the below-grade parking will provide over 4 spaces for every 1,000 square feet of retail space. The parking will be accessed from a series of

vehicular ramps off New York Avenue and Montana Avenue, as well as the existing public alley off New York Avenue. Loading and service facilities will also be accessible through an entrance off Montana Avenue between the “A” and “D” buildings and the existing public alley on the east side of the “C” building; they will be gracefully concealed in a below-grade service concourse behind the retail space.

At the street level, a series of improvements will transform the current area into an active, attractive urban neighborhood. Street trees will be planted throughout the site to enhance the walkability of the community and provide a buffer from vehicular traffic. Further, the Applicant will construct and maintain a well-lit private alley at the northeast corner of the Subject Property in order to allow neighbors from the Arboretum community direct and safe access to the New York Avenue retail that avoids the busy New York Avenue/Bladensburg Road intersection.

Additionally, along New York Avenue, the buildings are set back 55 feet from the curb to allow for an ample 21-foot sidewalk and new service road, which will provide vehicular access and parallel parking for the retail uses. This service road will create an additional buffer from New York Avenue and, moreover, will reduce the number of curb cuts along New York Avenue from 16 to 2. This Service Road is consistent with the recommendations of the District Department of Transportation (“DDOT”) in its April 2005 Draft New York Avenue Corridor Study for improvements to the roadway network in this area. Similarly, vehicular drop-offs will be created along Bladensburg Road and Montana Avenue to provide a safe and secure area for residents and their guests to enter the community while minimizing the interference of standing taxicabs and automobiles with vehicular traffic. Overall, the PUD will reduce the number of curb cuts on all three streets surrounding the perimeter of the Subject Property from 41 to 15.

Finally, the project will feature a shuttle bus to the nearby Rhode Island Avenue Metrorail station. The shuttle bus will provide continuous daily service to the Metro station for the project's residents and customers, at an estimated cost of approximately \$500,000 per year. The proposed shuttle bus service from the project to the Rhode Island Metrorail station will use the aforementioned residential drop-off areas to service the community. Over time, Metrobus route expansions and schedule adjustments are expected to further improve the site's access to Metrorail and provide direct connections to employment centers in the rest of the District.

5. Public and Private Open Space

One of the project's most significant amenities is the amount of open space on the site. The project features 6.9 acres of open space that creates a true "city-in-a-park" for its residents and customers, and transforms the site from an asphalt-dominated eyesore to an attractive walkable environment. A detailed description of the project's low-impact design features is attached as Exhibit F.

Significant public spaces are created by the project as public benefits:

- First, the setback of the residential buildings allows for significant green spaces along Bladensburg Road and Montana Avenue that enhance the pedestrian streetscape. Along Bladensburg Road, the buildings are set back 45 feet from the curb. Along Montana Avenue, the buildings are set back 35 feet from the curb.
- Second, the service road and streetscape along New York Avenue provide an urban context appropriate for the proposed retail uses along a major arterial corridor. The service road, with two lanes of one way traffic and a row dedicated to on-street parallel parking services to "insulate" pedestrians from the busy New York Avenue corridor. Sidewalk widths of approximately 21 feet will provide a pleasant pedestrian experience for shoppers, with ample outdoor room for seating and café zones. Occasional retail bay windows project into the sidewalk, giving visual interest and articulation to the streetscape.
- Third, near the middle of New York Avenue frontage, between the "B" and "C" buildings, the Applicant has designed a public "pocket park." (A detailed landscape plan illustrating this space is included in the Appendix.) This park is approximately 70 feet

wide by 90 feet deep at the street level, and extends into the block with retail frontage on three sides. The pocket park functions as an oasis from the busy New York Avenue environment; it features outdoor seating and a double row of ornamental trees at its center. Situated at the back of the pocket park is a smaller retail space, ideal for a café or small restaurant. On one side of the pocket park, a grand stair will lead to an upper-level landscaped terrace that provides additional outdoor seating and offers views of the central park. (Handicapped access to the terrace will be provided by an elevator in the retail space below.)

- Fourth, at the intersection of Bladensburg Road and Montana Avenue, the massing of the “F” building is set back to create a triangular public park, approximately 60 feet wide by 70 feet deep. The triangle park is ringed by the public sidewalk on the outside and landscaping on the inside; it features an inner circular plaza centered around a fountain that provides a tranquil pedestrian oasis. Planter walls are set at 18 inches high to provide seating walls around the inner right. Again, a detailed landscape plan for this park is included in the Appendix.

The interior open spaces, by contrast, are intended as project amenities to be maintained and shared by the residents of the PUD. Walkable pathways from the buildings and courtyards all lead up to the centerpiece of the project: a 3.9 acre central park and adjacent courtyards featuring substantial landscaping and design that establishes an oasis of recreational green space in the middle of this new bustling urban neighborhood. This significant amenity is appropriate for a primarily residential development of this size. The PUD will also feature significant rooftop recreational spaces: six buildings will feature rooftop pools and sundecks (buildings “D” and “E” will share the pool on the roof of “D”, and buildings “G” and “H” will share the pool on the roof of “G”). Additionally, the roof of the indoor pool located in the Arbor Club near the central park and the roofs of the two lobby pavilions (between “D” and “E” and between “G” and “H”) buildings will feature green roofs. Finally, the project’s close proximity to the 445-acre National Arboretum offers an unparalleled amenity for its residents in their own backyard; indeed, many of the residents will have views of the Arboretum.

While the interior private spaces are primarily intended to serve as project amenities, they also provide significant public benefits. For one, the green roofs and creation of true pervious

surface provide important environmental benefits. For another, the site plan is intentionally designed to allow pedestrian and vehicular traffic alike to see the interior central park, and the combination of high-quality architecture and ample greenspace represents a marked visual improvement over the existing conditions on the site for local residents and visitors to the District alike.

6. The Arbor Club Amenities Building

The proposed project also features a 42,660 square foot “Arbor Club,” which contains an amenities building measuring approximately 38,024 square feet near the center of the Subject Property, between Buildings “B” and “C” and the central park. The amenities building will feature a health club, an indoor pool, several basketball courts, and a multi-purpose room for its residents. The Arbor Club also includes a day-care facility measuring approximately 4,636 square feet. The Applicant also notes that a limited number of memberships will be available to the general public on a first-in-time basis.

7. The Grocery Store and Other On-Site Retail Opportunities

The project also features approximately 148,000 square feet of ground-floor retail uses along New York Avenue that will be available for the residents of the community. Special efforts will be made to locate neighborhood-serving retail tenants, and the retail space should be considered as both a project amenity and a public benefit of the PUD. The centerpiece of this retail space is a 65,000 square foot space, in the “A” building at the intersection of New York and Montana Avenues, that features 28-foot high ceilings and is designed to hold a full-service, community-oriented grocery. The Applicant believes that a grocery is extremely important for the creation of a successful residential community in this location, and has met with several grocery

stores to discuss this space in the proposed project. However, in the event that a grocery store cannot be secured for that space, the Applicant intends to use it for other retail purposes. Accordingly, the Applicant is not proffering a grocery store as an amenity.

8. Project Summary

All eight buildings now measure 110 feet tall. The 16 acres on which the PUD project is located features a considerable slope of approximately 40 feet downward from south to north, which will create variation in height among the buildings. Further, the 110-foot tall structures along New York Avenue—a well-traveled primary thoroughfare into the District that measures 130 feet wide—complement the width and scale of that street, and this PUD project will welcome those entering the District with a signature architectural statement that they are, indeed, entering a vibrant urban city.

The total gross floor area included in the proposed PUD is approximately 3,473,907 square feet for a total Floor Area Ratio (“FAR”) of approximately 4.98. As mentioned previously, all eight buildings will have a height of 110 feet. The proposed project will have a lot occupancy of approximately 55%. The proposed project has a FAR that is significantly less than what is permitted under the CR District PUD Guidelines (maximum FAR of 8.0 and a maximum building height of 110 feet). It is necessary to rezone the Subject Property to the CR Zone District in order to allow for the residential uses, and to allow the structures to obtain the requested height and density.

C. Flexibility under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. 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 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.

The Applicant also request flexibility from the Zoning Regulations’ roof structure requirements. The Applicant does not intend to create a single roof structure for each building. Due to the size of these buildings, satisfying the requirement to have a single roof structure on each building would result in a needlessly large roof structure. It would also prevent the creation of green roofs, rooftop pools, and recreational space on the building rooftops.

Finally, the Applicant requests relief from the private residential recreation space requirement. The project provides approximately 427,747 square feet, or 13.3% of the residential gross floor area, as residential recreation space, through an abundance of active and passive recreational spaces such as the Arbor Club, the rooftop pools, the open spaces along all three street frontages, the vest-pocket park and plaza along New York Avenue, the fountain park at Bladensburg Road and Montana Avenue, and the 3.9 acre central park and adjacent courtyards.⁶

⁶ Note that this figure does not incorporate private balconies.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia by providing housing opportunities, facilitating pedestrian-oriented, mixed-use development, and revitalizing the Northeast Gateway and New York Avenue corridor.

B. Land Use Impact

1. Northeast Gateway Revitalization Plan

The DC Office of Planning has produced a “Revitalization Strategy and Implementation Plan” for the Northeast Gateway area of the District (the “**Northeast Gateway Revitalization Plan**”). The area included within the Northeast Gateway Revitalization Plan includes the Subject Property. Its goals are to: improve the physical image of the Northeast Gateway, capitalize on redevelopment, increase homeownership, increase neighborhood amenities, and improve commercial areas. It includes both the Subject Property and the New York Avenue corridor as “Areas of Concern” where key issues include the ‘negative image of commercial areas,’ “maintaining and expanding affordable housing opportunities,” and “lack of youth and family oriented amenities.” Similarly, the Office of Planning and District Department of Transportation (“**DDOT**”) have also produced a Draft Plan for the New York Avenue Corridor (the “**New York Avenue Corridor Plan**”), dated April 2005, which calls for substantial traffic improvements and associated land use, architectural, and landscape improvements along New York Avenue, Bladensburg Road, and Montana Avenue around the Subject Property.⁷

⁷ See New York Avenue Corridor Plan at 8-24.

The proposed PUD Project will drastically improve the physical image of the New York Avenue approach to the District as well as the north-south Bladensburg Road corridor. The high-quality development of 16 acres of land will provide significant amounts of housing and associated neighborhood-serving retail amenities that will spark further redevelopment within the Northeast Gateway Revitalization Plan area in Ward 5. The retail uses will capture potential customers along the well-traveled New York Avenue corridor. Finally, the proposed PUD will transform the dilapidated site into a vibrant, active, secure, and pedestrian-oriented community that will be a positive and attractive statement to visitors entering the Nation's Capital from the northeast.

2. Comprehensive Housing Strategy

The Comprehensive Housing Strategy Task Force's Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D.C., dated April 5, 2006, sets forth a plan for improving the District's housing and affordable housing by 2020. Below are core recommendations of this Strategy:

1.1 The District of Columbia should increase the net supply of housing by at least 55,000 units to reduce upward pressure on housing prices and rents and accommodate a growing population.

- ***“The District must increase the stock of assisted and market-rate housing by working collaboratively with developers, builders, non-profits, and financial institutions. This will have a direct impact on the physical and social fabric of the city. Residential use represents the vast majority of land use in the city and drives the development of related uses, such as retail, recreation, and civic amenities. The manner in which we add to the stock of housing will affect the overall growth of the city and the character, design, and quality of its neighborhoods. It will also improve the District's fiscal health, support regional “smart growth” goals, sustain local small businesses and retailers, and restore vibrant communities in areas that are now struggling to succeed.”***
- ***“To succeed in increasing the housing stock by 55,000 units, the District of Columbia government must move quickly to develop proposed “new neighborhoods” . . . [on]***

large publicly and privately owned sites. . . . The potential for as many as 20,000 more units has been identified on vacant and underutilized sites, primarily downtown, near Metrorail stations and along major corridors across the city.”

1.2 The location of new production envisioned by the task force should support a balanced growth policy, which will allow increases in population density.

- **“The largest opportunity for development lies in the eastern half of the city, which has lost the most population. In the past, the majority of market-rate residential development and development in general has been concentrated in the western half of the city. As a result, Washington has experienced imbalanced economic and physical growth. Poverty, unemployment, and low educational attainment remain concentrated in the eastern half of the city. Looking towards the future, the city government should make sure its policy and planning decisions address this imbalance. Specific tools for increasing balanced development:**
 - ***Modifying current zoning to allow development of affordable and mixed income housing***
 - ***Rezoning commercially zoned land to residential, particularly along long commercial “strips” with high vacancy rates and patterns of disinvestment.***
 - ***Permitting increased density along major corridors where there is opportunity for mixed-use development and where such development would strengthen and provide economic opportunity for adjacent neighborhoods.***

1.3 Both assist and market-rate housing produced in the District of Columbia should adhere to high architectural and urban design standards, providing housing with amenities and access to transportation for all neighborhood residents.

- Agencies involved in the city’s housing delivery system should focus not only on the amount of assisted housing produced and preserved, but the quality of the living environment that is created. ***The measure of quality should include high-grade construction materials, provision of open space, recreational amenities, safe access to public transportation, environmentally sustainable or green building practices, neighborhood schools, neighborhood retail options, and respect for neighborhood history and context.***

The Applicant will create a new neighborhood of approximately 3,400 – 3,600 new units of attractive, high-quality housing in an underserved area in the eastern half of the District along a major transportation corridor without displacing any existing residents. This housing reserve 8% of the residential gross floor area, or approximately 261,326 square feet, as affordable housing. The project features a number of amenities that improve the quality of the living

environment for both its residents and residential neighbors, such as open space, recreational amenities, improved access to public transportation, low-impact development practices, and neighborhood retail options.

3. Draft Industrial Land Use Study and Comprehensive Plan: A Context for Change

With the approval and construction of this PUD, and limited additional development in the surrounding area, this site, located at the first traffic light for traffic entering the District, will be transformed into part of a thriving, aesthetically pleasing, and functionally useful corridor. The proposed project is mentioned as part of a finite area designated for land use change both in the draft Industrial Land Use Study and on the draft Generalized Policy Map for the revised 2006 Comprehensive Plan. This area for change includes the Subject Property as well as land across all three surrounding streets, including the following areas:

- to the south, properties south of Montana Avenue, running along the west side of Bladensburg Road adjacent to Mount Olivet Cemetery;
- to the east, properties on the east side of Bladensburg Road south of New York Avenue, (adjacent to the existing Arboretum community); and
- to the north, a limited number of properties on the north side of New York Avenue between the street and the railroad tracks. The draft Industrial Land Use Study extends this area of change eastward, along the north side of New York Avenue, for a full mile to the Fort Lincoln area, where U.S. Route 50 changes to a limited access highway.

These limited areas for change offer the opportunity for supplemental rezoning and redevelopment that will step down from the PUD and provide a meaningful, organic context for the proposed neighborhood.⁸ The Applicant's architects have prepared massing illustrations of

⁸ As mentioned earlier, in Application No. 17484, the BZA recently approved height and loading variances to allow the construction of a five-story Holiday Inn Express and five-story Fairfield Inn and Suites, on the site of the existing Travelodge property across Bladensburg Road from the Subject Property.

the project's relationship to existing and proposed development along New York Avenue in the Appendix.

There are natural boundaries that contain this area for change, including the National Arboretum, Mount Olivet Cemetery, and the railroad tracks to the north. Indeed, the Subject Property, located south of New York Avenue and adjacent to the Arboretum community, is geographically and spatially distinct from the production, distribution, and repair areas located to the north and west. Further, the Subject Property lies between two small and relatively isolated residential neighborhoods: Arboretum and Ivy City. This PUD creates a link between these two communities, and provides a residential and retail base that will stabilize and enhance these two neighborhoods. Finally, the PUD strikes an appropriate balance between the retail supply and residential demand it creates. The project's retail and other amenities provide the future residents with many of the locally-based resources they would desire and need. Conversely, the amount of housing created by the PUD provides those retail uses and other amenities with the consumer base they need to thrive. The existence of natural borders, connection of isolated neighborhoods, and a balance of market forces all demonstrate that the Subject Property is a logical choice for land use change, and reduce pressures to redevelop surrounding areas.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. The existing C-M-1 Zone District may appear to be consistent with the Subject Property's Production and Technical Employment land use designation, but properties within the proposed PUD and surrounding area are either underutilized or not used for industrial uses. Rather, the existing development in and around the

Subject Property consists primarily of a strip club, body repair shops, fast-food restaurants with drive-through accessory uses, gasoline stations, and vehicle impound lots. These uses represent the underutilization of this property, which lies along a major transportation corridor. The owners of the Travelodge property immediately to the east of the Subject Property, which also lies in the C-M-1 Zone District, recently received variances from the maximum height and loading requirements, in BZA Application No. 17484. While the hotel use is permitted as a matter-of-right in the underlying C-M-1 Zone District, the variances allow for the construction of both a five-story Holiday Inn Express and a five-story Fairfield Inn and Suites. The proposed hotels, which will contain features such as indoor swimming pools, exercise rooms, business centers and breakfast services, reflect a change and intensification in use that is inconsistent with the current uses on the Subject Property.

Other uses in the area, such as the charter school on Bladensburg Road near the intersection with New York Avenue, the residential development to the southeast, and the entrances to the National Arboretum, are inconsistent with both the above commercial uses and the current zoning and land use designation. The Subject Property's proximity to the Arboretum residential neighborhood, Mount Olivet Cemetery, and the National Arboretum itself, and its current use for low-intensity commercial uses all suggest it is appropriate for more compatible land uses. The draft Industrial Land Use study indicates that the Subject Property is an "area for land use change." The proposed rezoning, to allow residential and retail uses, is consistent with the surrounding residential neighborhoods to the southwest (Ivy City) and southeast (Arboretum). Further, the draft Study also indicates that land across Montana Avenue to the southwest and across New York Avenue to the north are also areas for land use change.

The proposed CR zoning and mixed-use medium density residential and moderate density commercial uses are consistent with the actual land uses of the surrounding area. The proposed CR zoning will allow for the creation of an entire residential community—without displacing any existing residents—that will strengthen the existing Arboretum and Ivy City communities and provide a use more consistent with the large amounts of open space to the south and east of the Subject Property. Finally, the rezoning is part of a PUD application, which allows the Zoning Commission to review the design, site planning, and provision of public spaces and amenities against the requested zoning relief.

D. Environmental Impact

As more specifically detailed in Exhibit G, no adverse environmental impact will result from the construction of this project. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project.

Indeed, the project will substantially improve the environmental conditions on the Subject Property. Presently, the Subject Property is virtually covered with impervious surfaces and is used, to a large degree, for automobile storage and maintenance. The proposed residential development will displace the auto- and gasoline-related uses that have occupied the site for the last fifty years.

Moreover, the Applicant intends to use low-impact development practices that will significantly improve the environmental conditions in and around the site. Most significantly, 16% of the site, or 2.25 acres, will be converted into true pervious surface area. A detailed list of

these sustainable development practices, prepared by the architectural consultants, is attached as Exhibit F. These improvements will also benefit two significant open spaces—the U.S. National Arboretum and the Mount Olivet Cemetery—which lie ¼ mile from the Subject Property.

E. Facilities Impact

The proposed project will not have an adverse impact on the public facilities that it will rely on for service. The Applicant provided detailed estimations of the project's impact on local schools, as well as its water and sewer requirements, in its May 23 Supplemental Submission. As previously mentioned, a shuttle bus system to the nearby Rhode Island Avenue Metrorail station will be provided for the residents and customers of the PUD project. The shuttle will provide continuous daily service, and is currently estimated at a value of over \$500,000 per year. Additionally, the project will provide a parking ratio of just over 1 space per residential unit and over 4 spaces for every 1,000 square feet of retail.

The general area is also served by existing Metrobus routes. The Applicant has met with the Washington Metropolitan Area Transit Authority (“WMATA”) to discuss adjusting and enhancing existing routes and schedules to serve the project. Together, they have identified the expansion of routes that currently serve and the area immediately west of the site, including Ivy City. Under the proposed expansion, a new stop would be created on Montana Avenue, across from the proposed “A” building (which houses the grocery store space). The expanded bus line would provide a direct connection for residents and customers to and from Union Station, and the additional demand for Metrobus service generated by the PUD would also enhance existing bus service for neighborhoods currently served by these lines. The Applicant will work with WMATA to identify opportunities to assist with potential changes that would both increase the

site's connectivity to Metrorail and direct access to employment and retail centers. A letter summarizing the Applicant's discussions with WMATA is attached as Exhibit L.

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. This consolidated application will achieve the goals of the PUD process by creating a high quality residential development, with a significant affordable housing component and much needed community-oriented retail space on the Subject Property, while creating a significant amount of open space, all of which will further several goals set forth by the District of Columbia.

1. Revenue for the District

Section 2403.9(i) states that "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 creation of an entire residential community, featuring approximately 3,400 – 3,600 new households and 148,000 net square feet of retail space on underutilized land will result in the generation of **\$61.3 million in one-time revenue** during the construction period and through the final unit sales of the project, including sales and income tax revenue related to the construction and recordation

and transfer taxes. The continued presence of a vibrant residential and retail mixed-use community will generate \$43.2 million annually once the project is fully developed, in the form of property, income, sales, and new recordation and transfer taxes from the resale of the individual units. These benefits are detailed in the economic and fiscal impacts analysis attached as Exhibit J. By comparison, the site currently generates only \$286,000 in annual revenue, and an alternate matter-of-right development of approximately 260,000 square feet of single-story retail space (and its associated surface parking, which would cover the balance of the site) would generate only \$4.7 million in annual revenue, and only \$2.1 million in one-time construction-related revenue.

2. Housing and Affordable Housing

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. This project will create approximately 3,400 – 3,600 residential units on 16 acres of land, with 8% of the residential gross floor area reserved as affordable housing. The sheer amount of high-quality housing created by this PUD will catalyze additional appropriate residential development in Ward 5 without displacing vital industrial uses or any residential uses.

3. Urban Design, Architecture, Landscaping, or Creation of Open Spaces

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 the Appendix, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. Massing the new buildings along New York Avenue, Bladensburg Road, and Montana Avenue creates a more appropriate urban development pattern that visually defines

the adjacent streets and public spaces, while creating significant open space both around the perimeter and within the center of the Subject Property. The ground floor retail opportunities along New York Avenue will create an attractive streetscape for pedestrians as well as passing motorists. Eliminating the existing surface parking and replacing it with multiple ground level retail and residential entrances reduces the sidewalk and street to a human scale, creates “eyes on the street” to improve public safety, and helps remake the public space into an active pedestrian thoroughfare.

4. Site Planning, and Efficient and Economical Land Uses

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 places ground-level retail along a major boulevard, centered around both a vest-pocket park and public plaza, all for use and enjoyment by the customers, residents, and neighbors. It also provides its residents and neighbors with open and inviting green spaces for entertainment and relaxation along Bladensburg Road, and at the intersection of Montana Avenue with Bladensburg Road. These open spaces are complemented by the Arbor Club, an amenities center measuring approximately 42,660 square feet that features a child-care center, a fitness center, an indoor pool, and several basketball courts. A limited number of memberships to the Arbor Club will be made available to the general public. Most significantly for the residents, the project will feature a 3.9-acre central park and adjacent courtyards at the interior of the site. Note that the proposed PUD project has a lot occupancy of only 55%; the proposed massing allows for this generous lot occupancy.

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. Underground parking for the proposed residential and retail development will be accessed by entrances off New York Avenue, Bladensburg Road, and Montana Avenue. Additionally, a new service road will be created on the north end of the Subject Property, parallel to New York Avenue. This service road will reduce the number of curb cuts from 16 to 2 along New York Avenue and allow for access to retail uses and on-street parking. Furthermore, this service road is consistent with DDOT recommendations for a single-point urban interchange at New York Avenue and Montana Avenue. The service road and associated parallel parking will also serve as buffers for pedestrian traffic along New York Avenue. Finally, residential drop-offs will be created along Montana Avenue and Bladensburg Road, and an elegant porte-cochere will service the building at the intersection of Bladensburg Road and Montana Avenue. As a result of the proposed PUD, the number of curb cuts on the three streets surrounding the site will be reduced from 41 to 15.

The project provides separate pedestrian entrances and exits for both residents and shoppers along New York Avenue, Bladensburg Road, and Montana Avenue, reflecting the effort to transform these streets into public pedestrian thoroughfares. The Applicant will also construct and maintain a well-lit private alley along the northeast edge of the Subject Property, to provide pedestrians on Bladensburg Road direct and safe access to the retail areas. These separate and distinct entrances/exits will mitigate any potential pedestrian and vehicular conflicts.

Finally, the Subject Property, approximately one mile from the Rhode Island Avenue Metrorail station, will be linked to the District's mass transit system through the aforementioned shuttle bus system. In addition, future expansion of the Metrobus system, detailed above, will provide additional linkages to Metrorail and other areas of the District.

Wells and Associates, LLC, the traffic and parking engineers for this project, have prepared a Transportation Impact Study (attached as Exhibit H). Based on their findings, the impact of the proposed PUD may be offset by a number of traffic improvements and the implementation of a Transportation Demand Management plan.

6. Uses of Special Value

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 PUD will include the following project amenities, which will also provide public benefits to the surrounding neighborhoods as well as the District as a whole:

- Retail options on the ground level of the three new buildings along New York Avenue;
- Improvements to the streetscape along New York Avenue, Montana Avenue, and Bladensburg Road;
- Conversion of 16% of the site, or 2.25 acres, into true pervious surface area;
- A vest-pocket park and pedestrian plaza between the B and C buildings along New York Avenue;
- A park and fountain at the intersection of Bladensburg Road and Montana Avenue, and significant amounts of green space along Bladensburg Road, which faces the existing Arboretum community;
- A service road along New York Avenue, consistent with DDOT recommendations for development of a single-point urban interchange at New York Avenue and Bladensburg Road, that reduces the number of curb cuts along New York Avenue from 16 to 2;

- Creation of a shared underground parking garage and residential dropoff driveways that reduce the total number of curb cuts on New York Avenue, Bladensburg Road, and Montana Avenue from 41 to 15; and
- Continuous daily shuttle service connecting the Subject Property to the Rhode Island Avenue Metrorail station.

A complete list of the proposed PUD's project amenities and public benefits is summarized in the amenities and benefits chart attached as Exhibit I.

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 draft agreement is included as Exhibit K.

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 Office of Local Business Development ("OLBD") to use the resources of the OLBD to utilize local business enterprises in the development of this project. A draft MOU is included as Exhibit K.

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

Sections 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 only way that residential uses and ground floor retail can be developed on the Subject Property is through an amendment to the Zoning Map. The Applicant has currently developed a public benefits package that includes the following as a condition of the proposed PUD:

- Arboretum Recreation Center (located at 24th Street and Rand Place, NE): the expansion of the center and/or improvements to playground equipment (value: \$100,000);
- Friends of the Arboretum: a contribution of \$30,000;
- Langdon Elementary School (located at 1900 Evarts Drive, NE): improvements, including the replacement of existing historic windows, carpet and ceiling tiles in computer labs, bulletin boards, and auditorium wood flooring, as well as to address drainage concerns (value: \$200,000);
- Washington Humane Society (located at 1201 New York Avenue, NE): renovations and equipment costs at its regional spay/neuter clinic (value: \$25,000); and
- Washington Youth Garden (located in the U.S. National Arboretum): expansion of kitchen facilities and provision of a pick-up truck (value: \$150,000).

The Applicant is also currently in discussions with the neighboring Harbor Light Center (run by the Salvation Army and located across the street from the Subject Property at 2100 New York Avenue, NE) to assist with improvements that include the expansion of the building's fifth floor and promotion of its catering service for a value of up to \$350,000. The Applicant will continue to work with neighborhood organizations and ANC 5B to finalize the details of these amenities. Additional public benefits are created by the "uses of special value" detailed above. A complete

list of the proposed PUD's project amenities and public benefits is summarized in the amenities and benefits chart attached as Exhibit I.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies enumerated in the Comprehensive Plan.

The purposes of the Comprehensive Plan 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 an entire new residential community with approximately 3,400 – 3,600 new residential units (with 8% of the residential gross floor area reserved as affordable housing) and the construction of approximately 148,000 net square feet of retail.

A. Compliance with Major Themes

Four 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 PUD creates approximately 3,400 – 3,600 new residential units and 148,000 square feet of retail space. The additional residents will, when combined with the existing Arboretum and Ivy City neighborhoods, create a vibrant residential community. Further, the significant retail

component will strengthen the Arboretum and Ivy City neighborhoods by providing shopping opportunities in an area that suffers from a general lack of community-serving retail activity, and encourage its development as a pedestrian-oriented, self-sustaining neighborhood. The Applicant hopes to find community-oriented retail tenants that will serve the needs of the project residents and their neighbors. The influx of these new residents in this neighborhood will provide the critical mass of customers needed to patronize the proposed retail uses.

2. Respecting and Improving the Physical Character of the District

The proposed project has been designed to improve the site's integration with the surrounding neighborhood. The proposed development will replace unattractive low density commercial uses, such as auto repair, junkyards, and a strip club, and their accompanying surface parking lots, with community-oriented retail and residential opportunities that create an urban character in the immediate neighborhood. The site plan dramatically improves the streetscape on three sides of the Subject Property by replacing the underutilized and dilapidated buildings and eliminating the discouraging and inhospitable surface parking lots.

3. Preserving and Promoting Cultural and Natural Amenities

The improved streetscape along all three roadways will provide an attractive, active urban community in the Arboretum neighborhood, the entryway to the National Arboretum, a 445-acre federally-owned research and cultural amenity. Additionally, many residents of the proposed PUD will have views of the Arboretum's extensive collection of plant life.

4. Preserving and Ensuring Community Input

The Applicant has met with and received support for the PUD from the following: the Arboretum Civic Association, the Commissioner for ANC 5B09, the ANC 5B Committee of the

Whole, the Director for the U.S. Arboretum, the Friends of the Arboretum, the National Bonzai Foundation, the Salvation Army Harbor Light Center, the Washington Humane Society, and a number of local businesses. The Applicant will continue to work with representatives of the surrounding neighborhood to create a project that will be 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

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)).

The creation of an entirely new residential community, featuring approximately 3,400 – 3,600 residential units on the Subject Property, with, 8% of the residential gross floor area reserved as affordable housing, fully satisfies all of the above-noted provisions of the Housing

Element of the Comprehensive Plan. The new residential units are created without the displacement of any existing residential housing units.

2. Urban Design Element

It is the goal of the District to:

“Protect and enhance the natural setting of the District, ensuring that the resulting natural features and open spaces are available to and can be enjoyed by District residents and visitors.” (10 DCMR § 703.2(a));

“Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for . . . District neighborhoods.” (10 DCMR § 709.2(c));

“Create an environment in the public space that attracts people and stimulates redevelopment and commerce.” (10 DCMR § 709.2(d));

“Promote design features such as storefront windows, multiple entrances to retail, and unenclosed sidewalk cafes to encourage pedestrian activity along the streets.” (10 DCMR § 709.2(i));

“Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities.” (10 DCMR § 712.2(a));

“Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment.” (10 DCMR § 712.2(b));

“Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours.” (10 DCMR § 713.2(d)); and

“Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers.” (10 DCMR § 713.2(h)).

As shown in the detailed plans, elevations, and renderings included in the Appendix, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The Applicant has further revised the design in response to the comments of the Zoning Commission and Office of Planning in order to improve the site’s attractiveness and appropriateness. The building and site design represents a marked improvement over the existing junkyards and auto repair facilities that populate the Subject Property.

3. Preservation and Historic Features Element

The Comprehensive Plan states the following with regard to policies for special streets and places:

“The existing street space and the buildings fronting on special streets and places should be maintained, protected, and enhanced. Any repair, maintenance, improvement, or new building should respect the historic elements, enhance the aesthetic quality, and promote the amenity of this space.” (10 DCMR § 807.2);

“Landscape treatment of special streets and places should supplement and reinforce the “green city” or “city-in-a-park” character fostered by the National Capital’s natural features [and] parks” (10 DCMR § 807.8);

The proposed development replaces underutilized commercial uses and their associated impervious surfaces used for vehicle storage and repair with a signature mixed-use development that welcomes visitors to Northeast D.C. and the National Arboretum. Its innovative design, which orients the eight structures toward the street and around the central park while maintaining open space around the buildings themselves, will create a true city-in-a-park.

4. Land Use Element

With regard to land use, the Comprehensive Plan states the following policy goal:

“Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs. These policies must also ensure that the historic, cultural, and design qualities that make neighborhoods unique and desirable are maintained and enhanced. Adequate recreational opportunities and access to cultural and educational facilities are also necessary ingredients of neighborhood vitality.” (10 DCMR § 1100.2(a));

“Improve existing neighborhood commercial centers and develop new neighborhood commercial centers.” (10 DCMR § 1108.1(c);

“Discourage the underutilization of industrial land for nonproductive purposes.” (10 DCMR § 1111.1(d)

The PUD provides essential recreational and retail elements for residents and visitors alike. It redefines the New York Avenue corridor and surrounding streets as attractive pedestrian public spaces and vehicular thoroughfares, and creates a large amount of open space for its

residents on land that was previously impervious surfaces. Moreover, it provides over 148,000 square feet of needed retail in an underserved area of the District.

5. Ward 5 Element

The Comprehensive Plan states the following policy goals for Ward 5:

“Encourage new and rehabilitated affordable housing for area residents.” (10 DCMR § 1609.1(a));

“Provide affordable new or rehabilitated housing for low- and moderate-income residents” (10 DCMR § 1609.1(c));

“Protect the natural environment and regulate the built environment in ways that maintain and enhance the quality of life and the sense of well-being of residents.” (10 DCMR § 1611.1(a));

“Plant and maintain street trees in sections of the ward, where needed.” (10 DCMR § 1611.1(e));

“Improve the pedestrian environment on major streets and roadways.” (10 DCMR § 1614.1(e));

“Provide a physical environment that upgrades the ward’s aesthetic qualities, enhances neighborhood stability, emphasizes neighborhood identity and function, and physically enhances the gateways and entrance ways into the city.” (10 DCMR § 1620.1(a));

“Strengthen the design and visual character of commercial nodes and corridors that serve ward neighborhoods.” (10 DCMR § 1620.1(d));

“Encourage developers and others to provide appropriate project design, landscaping, public infrastructure improvements and appropriate signage along special streets, at gateways and entrances and locations next to historic structures and districts.” (10 DCMR § 1621.1(b)(2)(A)); and

“Encourage and support an appropriate mix of uses in all economic developments, where appropriate, including uses such as housing, parks, and open space.” (10 DCMR § 1629.1(c)).

The proposed PUD meets many goals for the improvement of Ward 5. It provides 3,400 – 3,600 units of housing and reserves 8% of the residential gross floor area as affordable housing. It supplements that residential development with neighborhood-serving retail uses and significant amounts of open space for the use and enjoyment by its residents and the surrounding community, creating a safe, active, pedestrian-friendly neighborhood.

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.

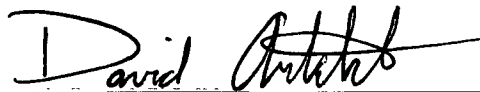
Accordingly, the Applicant respectfully requests the Zoning Commission approve this PUD and Zoning Map amendment application.

Respectfully submitted,

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