

**O STREET ROADSIDE, LLC
PLANNED UNIT DEVELOPMENT**

**SUPPLEMENTAL STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT AND
ZONING MAP AMENDMENT**

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HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000
Norman M. Glasgow, Jr., Esq.
Carolyn Brown, Esq.
Kyrus L. Freeman, Esq.

ZONING COMMISSION

District of Columbia

CASE NO. 07-2k

EXHIBIT NO. 5A

DEVELOPMENT TEAM

Developer:

O Street Roadside, LLC
c/o Roadside Development
1730 Rhode Island Ave., NW
Suite 512
Washington, DC 20036

Architect:

Shalom Baranes Associates
3299 K Street, NW
Suite 400
Washington, DC 20007

Civil Engineers:

Bohler Engineering, P.C.
22630 Davis Drive
Suite 200
Sterling, VA 20164

Traffic Consultant:

Vanasse Hangen Brustlin, Inc.
8300 Boone Boulevard
Suite 700
Vienna, Virginia 22182

Land Use Counsel:

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

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LIST OF EXHIBITS

Exhibit	Description
A	Portion of Comprehensive Plan Future Land Use Map and Generalized Policy Map
B	Portion of Zoning Map
C	Public Resolution 16-687 - <i>Convention Center Area Strategic Development Plan Approval Resolution of 2006</i>
D	Letter of Support From Advisory Neighborhood Commission ("ANC") 2C and Community Petition in Support of Project
E	Letter of Support From Council Chairman Vincent C. Gray and Councilmember Jack Evans
F	Letter of Support from Neil O. Albert, Deputy Mayor for Planning and Economic Development
G	Excerpt of Convention Center Area Strategic Development Small Area Action Plan
H	Architectural Plan Exhibits (including sight line studies and comparison of roof plans/building elevations and existing conditions)

I. INTRODUCTION

This supplemental statement and the attached documents are submitted by O Street Roadside, LLC, as owner of Lots 829 and 830 in Square 398, (referred to herein as the "Applicant"), in support of its application to the Zoning Commission of the District of Columbia (the "Commission") for the consolidated review and approval of a Planned Unit Development ("PUD") and related map amendment from the C-2-A District to the CR or C-3-C District, the original of which was filed on September 17, 2007. This supplemental statement also responds to the Commission's discussion concerning this application at the Commission's October 15th public meeting, and the Applicant submits the following information for further consideration by the Commission in determining to set down this case for a public hearing.

The Applicant has expended substantial time, effort and energy working with the community, the Office of Planning ("OP"), the Council of the District of Columbia (the "Council"), the Historic Preservation Office ("HPO"), the Historic Preservation Review Board ("HPRB") and the Mayor's Agent for Historic Preservation (the "Mayor's Agent") in developing a project that addresses the community's desires and allows an important redevelopment to occur at a strategic site north of the Convention Center. This area has been recognized by the District as not having benefited from the significant investment which has been made by the District in the new Washington, D.C. Convention Center.

This was all achieved in the context of working with Giant Food, a long-term lessee of a portion of the Subject Property with a grocery store that is outdated and adversely affects 9th Street, N.W. Delay in moving this project forward may cause

several additional months of development delay due to Giant's timing constraints in closing and opening during different sales seasons.

II. SUMMARY OF PLANNING AND DEVELOPMENT OF THE PROJECT

The Applicant initiated communications with Advisory Neighborhood Commission ("ANC") 2C and local community groups regarding development of the Subject Property as early as 2002. As a result of these preliminary meetings and discussions, several important principles were established regarding planning and organizing development of the site. Specifically, ANC 2C and the community strongly desired that a mix of uses be provided on the site, including additional retail services, an improved grocery store, affordable housing, employment opportunities and opportunities for local businesses. The community also made it clear that any development on the Subject Property should include the rehabilitation of the O Street Market and returning it to productive use for the neighborhood. In addition, the stakeholders also expressed a strong dislike for the current conditions with Giant's loading docks taking up the entire length of 9th Street while recognizing the need for the new Giant to be accommodated in a way that encourages it to participate in the redevelopment. The stakeholders also agreed that the lack of parking is a major problem in the community due both to the proximity to the convention center and the large number of churches in the community.

As a result of these extensive discussions and negotiations with several community groups, as well as the Applicant's desire to proceed with a development that has the full support of all stakeholders involved, all of these objectives have been incorporated into the development plan. In addressing the affordability issue, this development provides significantly more affordable housing than the 8% required under the Inclusionary Zoning Regulations.

During the course of these discussions and establishing the framework for development of the site, the Council recognized the merits of the project and voted to change the Comprehensive Plan Land Use Map specifically for this parcel to permit increased density on the site, and building heights up to 110 feet. In doing so, the D.C. Council approved the change in the Future Land Use Map designation to high-density residential and medium-density commercial purposefully to maximize the impact of the largest parcel in the Shaw neighborhood.

Further, at the end of the hearing before the Mayor's Agent on July 11, 2007, the Mayor's Agent (Rohulamin Quander, Senior Administrative Law Judge) concluded that "if ever there was a project that qualified for special merit, this is it." Judge Quander then issued a bench decision approving the applicant's redevelopment project.

The above objectives are also consistent with the District's planning processes and the adopted District of Columbia Comprehensive Plan Future Land Use Map, which designates the Subject Property in the mixed use, high-density residential and medium-density commercial land use category, as will be more specifically discussed below. This effort was also consistent with the Convention Center Area Strategic Development Small Area Action Plan, which was adopted by the D.C. Council pursuant to Public Resolution Number 16-759 on June 20, 2006. A copy of a portion of the Comprehensive Plan Future Land Use Map and Generalized Policy Map is attached hereto as Exhibit A, and a copy of Public Resolution Number 16-759 is attached hereto as Exhibit C.

III. COMPREHENSIVE PLAN

The Applicant's proposed development is fully consistent with, and directly implements, the Future Land Use Map's designation of the Subject Property. The Subject Property is designated for mixed use, high-density residential and medium-density

commercial uses. The high-density residential designation is used to define neighborhoods and corridors where high-rise apartment buildings are the predominant use, and the medium-density commercial designation is used to define shopping and service areas where retail, office and service businesses are the predominant uses. Indeed, an analysis of the land use designations around the Subject Property indicates that Square 398 is singularly identified for increased intensity of development under the Comprehensive Plan. The site contains two significant areas where residential development is not possible, the area surrounding and above the historic market and the open space provided in the area of the former 8th Street right-of-way. Therefore, height is necessary to achieve any manner of high-density. In addition, the Comprehensive Plan specifically encourages transit-oriented development, including high-density residential and commercial uses, in proximity to metrorail stations, and the Subject Property is in close proximity to both the Mt Vernon Square/Convention Center and Shaw/Howard University metrorail stations.

The Applicant acknowledges the Commission's concern that the proposed development should not disrupt nor be in contravention of the District's land use planning for this area. However, as will be discussed in more detail during the hearing on this application, the Applicant's proposal is completely consistent with, and in fact implements, the Comprehensive Plan through the height and density requested and the requested map amendment. In contrast, the existing zoning is inconsistent with the Comprehensive Plan in that it does not recognize the increase in density and intensity of use which the Comprehensive Plan designation of the Subject Property indicates. Moreover, the mixed use, high-density residential and medium-density commercial land

use designation has been found to be consistent with CR and C-3-C zoning in portions of the Capitol Gateway Overlay and sections of the West End, and building heights of over 90 feet have been approved as a matter-of-right (with the acquisition of TDRs) and also in connection with other PUDs.

In addition, ANC 2C, Council Chairman Vincent C. Gray and Councilmember Jack Evans, Deputy Mayor Neil Albert, and other Shaw neighbors have also submitted letters and petitions in support of the project since the proposed density and height of the development is consistent with the District's planning objectives for this area and implements the Comprehensive Plan's designation of the Subject Property. See Letters and Petition in Support attached hereto as Exhibit D, Exhibit E and Exhibit F.

IV. CONVENTION CENTER AREA STRATEGIC DEVELOPMENT SMALL AREA ACTION PLAN

As previously referenced, the Convention Center Area Strategic Development Small Area Action Plan was adopted by the D.C. Council pursuant to Public Resolution Number 16-759 on June 20, 2006. This Plan includes the Subject Property in an overall area intended to serve the needs of the community, as well as convention center goers, and specifically provides that "[t]he restored O Street Market is the focal point of the Retail Corridor and the neighborhood." See Excerpt of Convention Center Area Strategic Development Small Area Action Plan, attached hereto as Exhibit G, at page 29. The Plan also acknowledges that the Comprehensive Plan calls for the Subject Property to include "more intense levels of development." Id. at page 34. The Plan also includes a number of recommendations that have been incorporated into the Applicant's proposed development scheme, including rezoning O Street between 7th and 9th Streets; constructing a mixed-use

development at the O Street market block with mixed-income residential, ground floor retail and below-grade parking; restoring the area of the former 8th Street right-of way; and making the O Street Market the focal point of the area. Id. at page 34.

V. SITE ORGANIZATION AND PLANNING OF HEIGHT AND MASS OF BUILDINGS

In order to successfully implement the Comprehensive Plan, given the nature of the historic O Street Market and former 8th Street right-of way, substantial further discussions were held with the community, the Office of Planning, the Historic Preservation Review Board and the Mayor's Agent for Historic Preservation. Height and massing of buildings included in the development were a key component of those discussions.

In proceeding with site design and organization, the stakeholders agreed that any height above 90 feet should be in the interior of the site and substantially set back from the street frontages. In this way, the mass of the buildings would appear no greater than that of a 90 foot building. This concept was supported by the Office of Planning, the D.C. Council, ANC 2C and the community, the Historic Preservation Review Board, and the Mayor's Agent for Historic Preservation.

Moreover, as demonstrated on the series of site line studies included in the Architectural Plan Exhibits attached hereto as Exhibit H, the areas above 90 feet are substantially set back from all surrounding streets and are not visible from those streets or from the re-introduction of open space in the area of the former 8th Street right-of-way. In fact, the portions of the buildings that rise to 110 feet in height, comprise a small percentage of the Subject Property's area, with a small, 3 foot step-up for the mechanical

override. Moreover, as shown on the sheet comparing the allowable rooftop structures to the proposed rooftop structures included in the Architectural Plan Exhibits attached hereto as Exhibit H, the appearance of the 110 foot section of the building encompasses less footprint than what a roof structure on a 90 foot high building would permit.

VI. CONCLUSION

The Applicant hopes that this additional information and clarification of the extensive process and input that has been undertaken in order to proceed with the development responds to the issues raised by the Commission. Moreover, the Applicant believes that the additional information clarifies how the project is consistent with, and in fact is necessary to implement, the Comprehensive Plan's designation for the Subject Property. The Applicant thus respectfully requests that the Commission set down the application for a public hearing so that this extremely important project to the community and to the District can proceed through the review process.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Norman M. Glasgow, Jr.
Norman M. Glasgow, Jr.

M. Carolyn Brown
M. Carolyn Brown

Kyrus L. Freeman
Kyrus L. Freeman