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October 25, 2002

CHRISTINE MOSELEY SHIKER
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Internet Address: cmshiker@hklaw.com

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: 5401 Western Avenue, N.W.
Zoning Commission Case No. 02-17C
Supplemental Prehearing Submission

RECEIVED
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Dear Members of the Commission:

In accordance with Section 3013.8 of the District of Columbia Zoning Regulations, the Applicant files this modification to the above-referenced application not less than twenty days prior to the public hearing. Accordingly, enclosed please find twenty copies of the Supplemental Prehearing Submission and revised architectural plans and drawings (as well as two full sized copies).

We look forward to the Commission's consideration of these applications at the public hearing scheduled for November 14, 2002. Should you have any questions or need additional information, please do not hesitate to call me.

Very truly yours,

Christine Moseley Shiker

Enclosures

cc: ANC 3E (Via Hand Delivery to each Commissioner)
Ellen McCarthy, Office of Planning (Via Hand Delivery)
Steve Cochran, Office of Planning (Via Hand Delivery)

ZONING COMMISSION
District of Columbia

Case **02-17C**

EXHIBIT NO. 9

5401 WESTERN AVE.
WASHINGTON, DC

A PLANNED UNIT DEVELOPMENT

OWNER/DEVELOPER
STONEBRIDGE

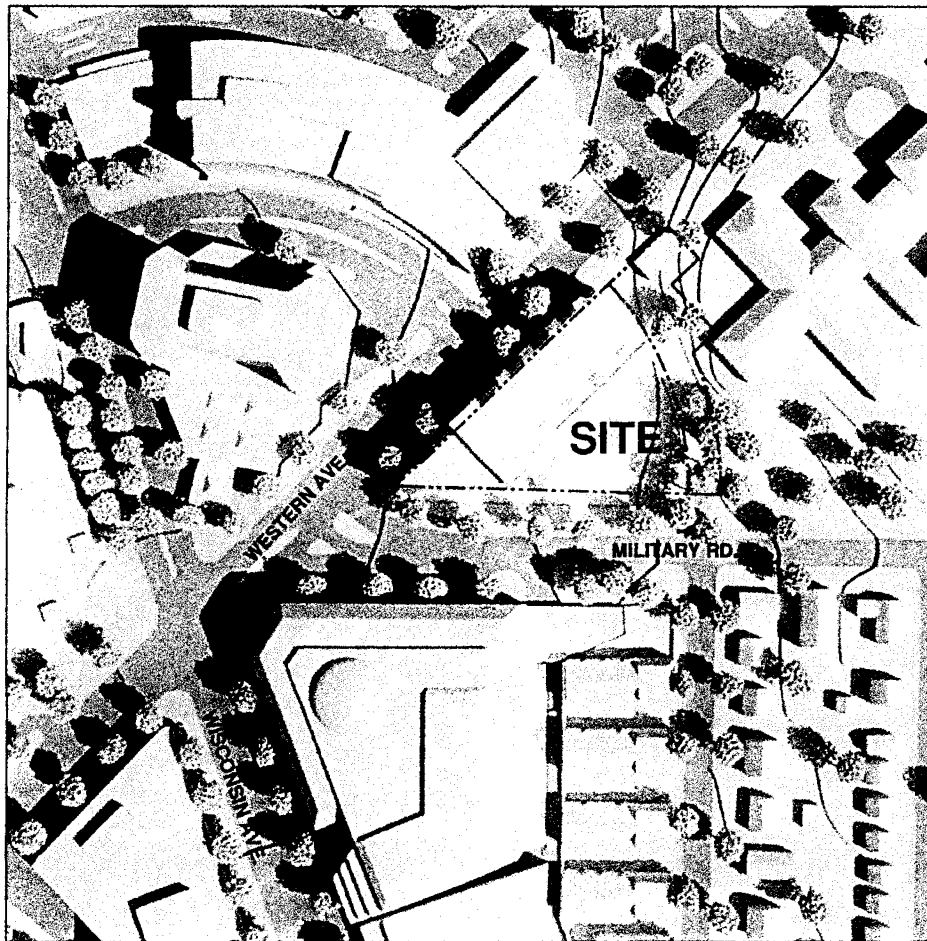
ARCHITECTS
SHALOM BARANES ASSOCIATES

LANDSCAPE ARCHITECT
EDAW INC.

LAND USE COUNSEL
HOLLAND & KNIGHT, LLP

TRAFFIC CONSULTANT
O.R. GEORGE & ASSOCIATES

REVISED PRE-HEARING SUBMISSION: OCTOBER 25, 2002



**Application of
Stonebridge Associates 5401, LLC
for Redevelopment of
5401 Western Avenue, N.W.**

**SUPPLEMENTAL
PREHEARING STATEMENT**

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

Zoning Commission Case No. 02-17C

October 25, 2002

SUMMARY OF CHANGES

	Prehearing Submission	Revised Prehearing Submission
<u>Zoning</u>	R-5-D PUD (entire site)	R-5-C PUD for Clinic property R-2 (PUD) remains for Lisner property
<u>Units</u>	185 to 215 Rental Units	Not to exceed 125 condominiums
<u>Height</u>		
Western	90 feet (ground + 9 stories)	78.75 feet (ground + 7 stories) (75 feet + 5%)
Military Rd Wing	75 feet (ground + 7 stories)	None
<u>Density</u>		
Square Feet	235,360 sf	Maximum of 182,000 sf
FAR	4.0 FAR	Not to exceed 4.2 FAR for the residential building on the Clinic property only (4.0 FAR permitted under R-5-C plus 5% pursuant to 11 DCMR § 2405.3) Not to exceed 0.4 FAR on Lisner property only
<u>Parking</u>	1.1 parking spaces per unit (inclusive of visitor parking spaces and four parking spaces for day care center)	1.1 parking spaces per unit (inclusive of 8 visitor parking spaces) plus four parking spaces for day care center
<u>Location of Improvements</u>	Residential improvements and day care center on Clinic and Lisner properties	Residential improvements and underground parking on Clinic property; day care center and visitor parking located on Lisner property; Creation of Permanent Transition Zone
<u>Amenities</u>	<ul style="list-style-type: none"> ▪ Housing Use ▪ Day Care Center ▪ Chevy Chase Park Improvements ▪ Open Space and Tree Preservation ▪ Pedestrian Path, and Landscaping ▪ Traffic Mitigation ▪ Safety Improvements ▪ Excess Parking ▪ Free Visitor Parking 	<ul style="list-style-type: none"> ▪ Housing Use ▪ Affordable Housing ▪ Day Care Center ▪ Chevy Chase Park Improvements ▪ Open Space and Tree Preservation ▪ New "Green", Pedestrian Path, and Landscaping ▪ Traffic Mitigation ▪ Safety Improvements ▪ Excess Parking ▪ Eight Free Visitor Parking Spaces

DEVELOPMENT TEAM

Developer: Stonebridge Associates 5401, LLC
Two Bethesda Metro Center
Suite 220
Bethesda, MD 20814

Lot 805 Owner: 5401 Western Avenue Associates, LLP
5401 Western Avenue, N.W.
Washington, D.C. 20015

Lot 7 Owner: Abraham and Louise Lisner Home
5425 Western Avenue, N.W.
Washington, D.C. 20015

Architects: Shalom Baranes Associates, PC
3299 K Street, N.W.
Suite 400
Washington, D.C. 20007

Landscape Architects: EDAW
601 Prince Street
Alexandria, VA 22314

Traffic Consultant: O.R. George & Associates
10210 Greenbelt Road
Suite 310
Greenbelt, MD 20706-2218

Economic Consultant: Bolan Smart Associates Inc.
900 19th Street, N.W.
Suite 600
Washington, D.C. 20006

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

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LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Architectural Plans and Drawings	Submitted Herewith
Second Technical Addendum to the Traffic Impact Assessment	A
Revised Economic Benefit Analysis	B
Updated List of Witnesses	C
Outline of Testimony of Additional Witness	D
Resumes of Expert Witnesses	E
Report of Steven E. Sher, Land Planner	F
Revised Surveyor's Plat	G
Two Sets of Full-Sized Architectural Plans	Submitted Separately

I.
INTRODUCTION

This Supplemental Prehearing Statement and the attached documents (the "Supplemental Prehearing Submission") support the application of Stonebridge Associates 5401, LLC, on behalf of 5401 Western Avenue Associates, LLP, and the Abraham and Louise Lisner Home for Aged Women (the "Lisner Home"), the owners of the subject property (collectively, the "Applicant"), to the Zoning Commission for the District of Columbia ("Zoning Commission") for the consolidated review and one-step approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment. The proposed PUD involves the construction of a new residential condominium building at the intersection of Western Avenue, N.W., and Military Road, N.W., at 5401 Western Avenue, N.W. (the "Site"). The Site is located approximately 250 feet from the entrance to the four portal Friendship Heights Metrorail and Metrobus station and at the confluence of Western Avenue, Military Road and Wisconsin Avenue, N.W., in the heart of Friendship Heights.

The Site consists of Lot 805 and a portion of Lot 7 in Square 1663, having a total site area of 58,840 square feet. Lot 805 is currently developed with a three story building with a basement used as the Washington Clinic for the past fifty years and is zoned R-5-B (the "Clinic property"). The portion of Lot 7 (approximately 15,000 square feet) included within the Site is currently part of the Lisner Home's grounds and is zoned R-2 (the "Lisner property"). The Applicant seeks an amendment to the Zoning Map to rezone the Clinic property to the R-5-C

District to permit a maximum of 125 condominiums at this transit oriented development site. The requested zoning change is consistent with the District of Columbia Comprehensive Plan ("Comprehensive Plan"), including the land use element which designates the Site as a housing opportunity area, as part of a regional center and in the institutional land use category. The Applicant proposes to retain the current R-2 zoning on the Lisner property to provide a clear demarcation and limit for the multifamily zoning area.

The Supplemental Prehearing Submission revises the Applicant's PUD Statement and supporting documents, including architectural plans and drawings, filed with the Zoning Commission on March 22, 2002 (the "PUD Submission") and its Prehearing Statement and supporting document, including architectural plans and drawings, filed with the Zoning Commission on August 19, 2002 (the "Prehearing Submission"). The changes are within the scope of the notice of public hearing since they represent reductions in the parameters advertised for the hearing. The PUD Submission sets forth in detail the proposed development, project design, public benefits and project amenities, and consistency with the Comprehensive Plan and Ward 3 Plan. The Prehearing Submission supplemented the PUD Submission and reflected the substantial changes to the design and original proposal.

Since the Prehearing Submission in August, the Applicant has worked extensively with the community and the Office of Planning to improve the development. This Supplemental Prehearing Statement sets forth in detail the

significant changes to the design and proposal that have resulted from the continuing work with the community and the Office of Planning and have been reached through lengthy discussions with the ANC, community organizations, and individual community members. The most significant changes are as follows:

- Reduction in Density By More than 20%
- Reduction in Building Height By More than 10%
- Requesting a Rezoning of the Clinic Property to R-5-C in lieu of R-5-D
- No Requested Rezoning of the Lisner Property from R-2 (Previously Requested R-5-D)
- Commitment to a Condominium Project Instead of Rental Apartments
- Introduction of Affordable Housing Units

The Applicant believes that these dramatic changes and others discussed below address many of the issues raised by the community and the Office of Planning and result in a project that is very compatible with and will be a significant benefit to the Friendship Heights area.

II. REVISED APPLICATION

In its PUD Submission and Prehearing Submission, the Applicant requested consolidated approval of a PUD and a map amendment. Since that time, the Applicant has significantly revised the proposed design and, as a result, requests an amendment to its application. The Applicant limits its map amendment request to Lot 805 for a zone change from R-5-B to the R-5-C District, as opposed to the

previously requested R-5-D District. The Applicant does not request a zone change for the Lisner property.

Additionally, although the square footage of the land area of the Site is approximately the same, the shape of the Site has been modified. The revised shape is shown on the surveyor's plat attached hereto as Exhibit G. The residential improvements and underground parking will be located exclusively on the Clinic property. The expansion of the nearby day care center (Chevy Chase Plaza Children's Center, hereinafter referred to as the "Children's Center) and residential visitor parking will be located on the Lisner property.

The relocation of the improvements and the change in zoning represent important changes to the Application. Specifically, because the Lisner property is not being rezoned and is being used only to accommodate the Children's Center (an important benefit to the community), it creates a demarcation between the denser, more commercial and urban area and the low-rise residential area to the east. In essence, a transition zone is created with the low-rise Children's Center abutting Western Avenue and open space – which cannot be developed under this PUD – facing Military Road, respecting the nearby residential area.

III. PROPOSALS

A. Overview of Original Proposal and Revised Proposal

As discussed in detail in the PUD Submission, the PUD originally proposed an apartment house with a maximum of 225 units with an FAR of 4.1 based on the entire site, including approximately 7,200 square feet of ground floor retail fronting

on and accessed from Western Avenue (the "Original Proposal"). The maximum height of the Original Proposal was ninety feet on Western Avenue, with the height stepping down at the southeast corner facing Military Road at 43rd Street. Between 218 and 250 parking spaces were proposed in a three level, below-grade parking garage. All access to the parking garage as well as the loading docks was proposed to be from Western Avenue.

In response to the community and Office of Planning, the Applicant revised this proposal as discussed in detail in the Prehearing Submission. That design proposed an apartment house with approximately 185 to 215 apartment units, a gross floor area of 232,800 square feet and an FAR of 4.0 based on the entire site (the "Revised Proposal"). The retail square footage was eliminated, and approximately 3,000 square feet was included for the Children's Center. The maximum height of the Revised Proposal was ninety feet on Western Avenue, with a the height stepping down to seventy five feet on Military Road. This wing on Military Road was significantly reduced to lessen any impact on the nearby residential communities, being set back approximately 180 feet from the nearest detached single family dwelling and approximately 170 feet from the nearby townhomes. The Revised Proposal also incorporated a large open green spaces, which permitted the Applicant to save the twelve existing mature trees on the site. Approximately 240 parking spaces were proposed (1.1 space for each dwelling unit and one space for each four employees/staff of the Children's Center) in a three

level, below-grade parking garage. All access to the parking garage as well as the loading docks continued to be from Western Avenue.

B. Current Modifications

Since the Prehearing Submission, the scope and design of the project has dramatically changed. This further revised proposal represents a reduction in density of more than twenty percent, a reduction in height by two stories, and a reorganization of the massing and site placement to reduce impacts on the community (the "Project"). The Project consists of a single bar along Western Avenue, with an FAR of 4.15 based only on the Clinic property and a gross floor area of 182,000 square feet. When using the entire 58,840 square foot area, the total FAR is only 3.14 as compared to the Revised Proposal in August of 4.0 and the Original Proposal in March of 4.1. The height of the Project has been reduced from ground floor plus nine stories with a height of ninety feet to ground floor plus seven stories with a height of 78.75 feet. Furthermore, the absolute elevation of the Project has been lowered from 414 feet to 400.75 feet, based on this reduction in height as well as a lower point of measurement. In fact, this elevation is almost identical to the cornice line of the adjacent Embassy Suites hotel, which is at an elevation of 400.1 feet. The hotel's cornice line is at the ceiling of the top floor of the hotel and is approximately sixteen feet below the top of the mansard roof line. The Project's height is also significantly below the cornice line of the office building at Chevy Chase Pavilion facing the single family residential neighborhood, which is

423.1 feet in height and thirty-seven feet less than the office building's mansard roof line.

The building is curved at the intersection of Western Avenue and Military Road in order to create a street presence on Military Road. Similar to the earlier proposals, the current proposal focuses the density of the Project on the Western Avenue frontage, away from the low-rise residential development that exist east along Military Road. But, in contrast to those proposals, the modified proposal, as a result of the reduction in the density of the Project, has eliminated any building "wing" other than the bar that extends out to or along Military Road. As a result, when compared with the original proposal, the building footprint of the current proposal is located approximately 100 feet farther away from the nearest single family detached house. Specifically, the residential building is set back approximately 230 feet from the nearest detached single family dwelling and approximately 180 feet from the nearby townhomes.

The footprint of the residential building runs parallel to the Western Avenue property line, while the short exposure of the residential "bar" fronts onto Military Road. The massing of the building is articulated with setbacks, bay windows, balconies and trellis elements. A distinct massing form and entrance canopies mark residential lobby entrances, while a unique curved façade frames the publicly accessible "green."

The primary exterior facing material for the Project will be red brick. Several different shades will be used to render the Project's distinct massing elements. For

example, the residential improvements will incorporate a blending of red brick that will complement a different blending for the Children's Center. Painted aluminum window systems will be incorporated throughout. Cast stone or concrete horizontal trim will articulate some floor levels, copings and window openings, while painted trellis-work will add rich detailing to the façade.

The landscaped southeast "green" opens up to public space along Military Road. This green space represents approximately 20,000 square feet of open space to provide not only a significant buffer to the residential neighborhood to the east but to create an attractive passive recreation area. The open space is focused on a central green for use by both the community and the residents of the project. A hardscape path connects the vehicular lay-by and the public sidewalk along Military Road to the ceremonial entrance of the residential lobby.

The residential building's lobby extends through the building at its western edge, providing pedestrian access on both Western Avenue and Military Road. Parking access has not changed and is maintained on and limited to the Western Avenue, away from the residential community along Military Road. Ingress and egress points to the below-grade parking are aligned with the signalized intersection at Western Avenue and Wisconsin Circle. Access to the Children's Center will be from the sidewalk adjacent to Western Avenue.

In response to the District Department of Transportation's concern regarding the location of the loading dock, the loading dock has been modified. The loading dock is now located in the northeast corner of the residential building,

approximately seventy-five feet from the signalized intersection of Western Avenue and Wisconsin Circle.

The Project still provides pedestrian access across the Site via a pedestrian path that meanders along the eastern side of the building, connecting Military Road to Western Avenue. The path is framed by light poles and low retaining walls. The path will provide a short cut between the residential areas on the south side of Military Road and shopping and public transportation destinations located north of Western Avenue.

Furthermore, the Project continues to provide space for the Children's Center, but the Children's Center is now housed in a separate two-story building located on the Lisner property. This new design will create a building similar in character to the Lisner Home and provide the Children's Center with independent operation. Further, the Children's Center will have the right to use the Project's visitor parking spaces during the morning drop-off and afternoon pick-up to avoid any parking in neighborhood streets.

C. Re-Tabulation of Development Data for Revised Design

	R-5-C Matter of Right	R-5-C PUD Guidelines	Project
Minimum Area	None	15,000 s.f.	43,840 s.f. for Residential Building (on Clinic property only) Appx. 15,000 s.f. for Day Care Center (on Lisner property)
Gross Floor Area	131,520 s.f. (maximum based on land area of 43,840 square feet)	175,360 s.f. (maximum based on land area of 43,840 square feet)	182,000 s.f. (maximum for residential) 3,000 s.f. (maximum for Children's Center)

TOTAL FAR	3.0	4.0	Maximum of 4.15 for residential improvements on Clinic property only; maximum of 0.4 FAR on Lisner property only
Height	60 ft	75 ft + 5%	78.75' feet (max) on Western Avenue for apartment house 30 feet (max) on Western Avenue for Children's Center
Lot Occupancy	75%	75%	53%
<u>Rear Yard</u>			
Residential	26.25 ft minimum	26.25 minimum	More than 60 ft
Children's Center	20 ft minimum	20 ft minimum	More than 20 ft
<u>Side Yard</u>			
Residential	None Required	None Required	None Provided
Children's Center	8 ft minimum	8 ft minimum	8 ft and 27'9"
<u>Open Court Width</u>			
Residential	19.69 ft minimum	19.69 ft minimum	At least 20 ft
Children's Center	None Required	None Required	None Provided
Parking	42 spaces (1 for each 3 dwelling units) 4 spaces (for Children's Center)	42 spaces (1 for each 3 dwelling units) 4 spaces (for Children's Center)	1.1 spaces per unit including 8 visitor parking spaces 4 spaces for Children's Center

The estimated quantities of potable water, sanitary sewage and storm water run-off have not changed from the PUD Submission and are attached thereto as Exhibit I.

D. Flexibility Under the PUD Guidelines

Although the PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures, the Project meets all area and bulk requirement (i.e., lot occupancy, rear yard, side yard, court width). The Applicant, however, requests flexibility to permit more than twenty-

five children in the Children's Center as required by Section 350.4(g) of the Zoning Regulations. This flexibility is discussed in detail in the Prehearing Submission.

Furthermore, pursuant to Section 2405.3 of the Zoning Regulations, the Applicant requests that the Zoning Commission approve an increase in the maximum height and FAR permitted by five percent. This increase allows the proposed height to increase from seventy-five feet to 78.75' and the proposed FAR to increase from 4.0 to 4.2. The Applicant must request this increase in order to develop a practical residential building within the constraints of the regulations for the R-5-C District. This increase is consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations.

IV.

COMMUNITY AMENITY AND BENEFITS PACKAGE

A. Public Benefits and Project Amenities

As discussed in detail in the Prehearing Submission, the Applicant is committed to providing a significant Community Amenity and Benefits Package in connection with this PUD request. Notwithstanding the reduction of the size of the Project, the Applicant has not only maintained the elements of the proposed Community Amenity and Benefits Package (which includes residential development in a housing opportunity area as well as the proposed on- and off-site amenities and benefits), but has also incorporated an affordable housing component as part of the Project. This package provides significant benefit to the neighborhood and the District as a whole and respond to issues raised by both the community and the Office of Planning. The following elements are included in the proposed

Community Amenity and Benefits Package (all of which are discussed in significant detail in the Prehearing Submission except for the affordable housing discussed below):

- Creation of Additional Housing
- Creation of Affordable Housing
- Exceptional Architectural Design
- Paved, Landscaped Walkway from Military Road to Western Avenue
- Open Space and Tree Preservation
- Landscaping and Significant Enhancements to Existing Streetscape
- Transportation Management Plan and Traffic Improvements
- Safety Improvements
- Provision of Excess Parking
- Children's Center (approximately 3,000 square feet)
- Improvements to Chevy Chase Park
- Construction Management Plan

At the request of the Office of Planning, the Applicant proposes an additional public benefit and project amenity in this submission – that of affordable housing – which furthers the important goal of housing in this housing opportunity area as well as the goals of the Comprehensive Plan. Specifically, the Applicant commits that five percent of the increased square footage over that permitted as a matter-of-right will be devoted to affordable housing for those households who earn no more

than eighty percent of the average median income for the Washington metropolitan area.

Under this PUD application, an additional 103,088 square feet of space is requested in excess of the amount permitted under the existing matter-of-right zoning (78,912 square feet is permitted as a matter of right and 182,000 square feet is requested). Therefore, 5,514 square feet will be set aside for affordable housing for those households who make no more than eighty percent of the average median income for the Washington metropolitan area. Depending on the configuration and unit size, this proposal will dedicate four to six units to this amenity. It is important to highlight that the Applicant is not proposing a contribution to a trust or other fund to construct affordable housing in another area of the District. Instead, the Applicant has incorporated these units within the Project to provide affordable housing in Ward 3 – an area in significant need of affordable housing.

B. Relative Value of the Community Amenity and Benefits Package

The Community Amenity and Benefits Package listed above reflects the project amenities and public benefits that the Applicant offers to the community and to the District as a whole in connection with its PUD application. The Zoning Regulations state that the Zoning Commission is to “judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR § 2403.8. The Applicant is requesting an increase in density for the project over that permitted as a matter of

right in the R-5-C District, which is the zoning requested as part of the application and an appropriate zoning classification for the Site under the Comprehensive Plan. However, the Applicant provides an extensive Community Amenity and Benefits Package. All of the increase in density over the current matter of right and the matter of right under the proposed R-5-C District is to be used for housing, a use which by definition under Section 2403.9(f) is a public benefit and project amenity. The Applicant has also proposed to include affordable housing (as defined above), which furthers that goal. Therefore, in balancing the benefits, flexibility and impacts as required by Section 2403.8, the Zoning Commission should find that the above-stated project amenities and public benefits satisfy the requirements of Chapter 24.

C. Review of Impacts to Neighborhood

As indicated above, the Applicant proposes a significant Community Amenity and Benefits Package, especially as judged against the flexibility requested. It is also important to note that the analysis of the impacts on the neighborhood evidences that there will be no adverse impacts on the community. As is most important to community, the traffic studies, both by the Applicant's consultant and the District Department of Transportation, conclude that there will be little or no adverse impact on the community from the proposed project, as discussed in detail in the PUD and Prehearing Submission and supplemented below.

V.
SUPPLEMENTAL EXPERT REPORTS

A. Addendum to Traffic Impact Assessment

The Addendum to the Traffic Impact Assessment (the "Addendum"), attached hereto as Exhibit A, supplements that Traffic Impact Assessment submitted with the PUD Submission and the Supplemental Traffic Study submitted with the Prehearing Submission. *The Addendum concludes that the Project as currently proposed would generate approximately thirty-five percent fewer peak hour trips relative to the Revised Proposal and fifteen percent fewer peak hour trip compared with the existing Clinic use.* This trip reduction clearly demonstrates that the Project will have a positive impact on the area road network. In addition, the Addendum concludes that the proposed 141 total parking spaces (which include eight visitor spaces and four spaces devoted to the Children's Center) will be more than adequate to serve the needs of both the residential development and the Children's Center. Finally, the Addendum discusses the modification to the loading patterns and concludes that the relocation of the loading entranceway to approximately seventy-five feet from the Western Avenue/Wisconsin Circle intersection will further the goals of the Zoning Regulations. This location, along with its proposed operation, results in an efficient and safe loading area, with no adverse impacts on the prospective uses or the adjacent vehicle and pedestrian traffic conditions.

B. Economic Benefits Report

The revised Economic Benefits Report reflecting the revised design is attached hereto as Exhibit B. This report supplements the previous reports filed with the PUD Submission and Prehearing Submission. Despite the reduced size and the corresponding reduction in number of units, the Project continue to create important economic benefits for the District. According to the Revised Economic Impact Analysis prepared by Bolan Smart and Associates and dated October 2, 2002, the principal direct tax revenues to the District of Columbia resulting from this project total approximately \$1,819,700 annually, as compared with approximately \$100,000 annually from the current Washington Clinic use. These benefits include \$944,800 per year in new District resident income taxes, \$576,000 per year in real estate taxes, \$221,100 per year in residential based new District residential retail sales tax revenues, and \$77,800 per year in new District resident related use taxes and fees. In addition, the combination of recordation and transfer fees associated with the proposed condominium sales, coupled with development processing fees and permits, could generate well in excess of \$1,200,000 of direct District of Columbia fee revenues during the early stages of the development. In summary, the Project has the potential to provide over \$1.5 million in additional annual tax revenue when compared with the present use of the Site and would more than double the District's positive revenue impacts when compared with a matter-of-right residential development.

VI.
CONTINUATION OF WORK WITH COMMUNITY AND DISTRICT

Since filing the PUD Submission and the Prehearing Submission, the Applicant has continued to actively engage the local community in discussions regarding the project and work with the community to address its concerns. The Applicant has also continued to work with the Office of Planning to review these design changes in order to further that office's goal for development of the District, including its goals related to transit-oriented development. The Applicant believes that it has responded to the community's and OP's issues with this revised application and presents an excellent plan for this area and the District of Columbia as a whole. The Applicant will formally present the Project to the ANC 3E at its November 7, 2002, meeting.

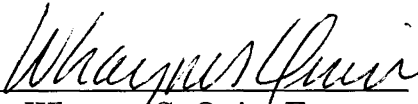
VII.
CONCLUSION


For the foregoing reasons, Stonebridge Associates 5401, LLC, on behalf of 5401 Western Avenue Associates, LLP, and the Abraham and Louise Lisner Home, the owners of the property, submits that the PUD plan meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities;

advances important goals and policies of the District of Columbia and, therefore, should be adopted by the Zoning Commission. Accordingly, the Stonebridge Associates 5401, LLC, requests that the Zoning Commission approve the PUD application and the concurrent change in zoning from R-5-B to R-5-C.

Respectfully submitted,

HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
(202) 955-3000

By: 
Whayne S. Quin, Esq.

By: 
Christine Moseley Shiker, Esq.

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

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TECHNICAL MEMORANDUM

DATE: October 21, 2002

TO: Mr. Douglas M. Firstenberg, Principal
STONEBRIDGE ASSOCIATES, INC.

FROM: Osborne R. George/Cullen E. Elias

RE: 5401 Western Avenue PUD Application (Zoning Commission Case No.
02-17C) Addendum No. 2 to Traffic Impact Analysis dated March 21, 2002

1.0 INTRODUCTION AND BACKGROUND

In accordance with your correspondence of October 16, 2002, we have undertaken a supplemental traffic assessment in support of the referenced application. Specifically, the purpose of this effort is to evaluate the potential traffic and parking impacts of the land use and site plan changes currently proposed for the subject development. As background, the following are noted:

- 1) A **Traffic Impact Analysis Report, dated March 21, 2002** was prepared to evaluate the potential weekday traffic and parking impacts of developing 225 apartments and 7,200 Square Feet (SF) of retail space, supported by 250 garage parking spaces. (This is referred to as Proposal No. 1 hereinafter.) *The study concluded that this development scheme would not have any appreciable adverse traffic and parking impacts, and would satisfy the relevant City Zoning Regulations.*
- 2) A **Traffic Impact Analysis Addendum, dated August 12, 2002** was prepared to evaluate both the weekday and weekend traffic and parking impacts of developing the subject site with 215 apartments and a 3,000 SF day care center, supported by 242 garage parking spaces. (This is referred to as Proposal No. 2 hereinafter.) This addendum also discussed Transportation Management Plan (TMP) measures, which would be provided by the Applicant to reduce the vehicle trip generation and parking demand for the proposed development, taking advantage of the site's proximity to the Friendship Heights Metrorail/Metrobus Station. The study also presented mitigation improvements proffered by the Applicant for the Wisconsin Avenue/Western Avenue intersection. *This addendum concluded that this land use proposal would have no significant adverse traffic and parking impacts, with respect to both weekday and weekend traffic conditions within the adjacent sub-area.*
- 3) A **Neighborhood Traffic Mitigation Study, dated August 15, 2002** was conducted to address traffic operational and safety issues identified through field observations made as part of the studies noted above (Items 1 & 2), as well as through several

meetings with community representatives. This study recommended several traffic calming and other operational improvements for consideration by the area residents, and implementation by the Applicant as part of the Planned Unit Development (PUD) application public amenity package. These improvements were presented to DDOT Transportation Planning Administration, and the Traffic and Zoning Administration.

Since the traffic studies referred to above are part of the public record in this case, this memorandum focuses on comparing the respective trip generation for the previous and current development proposals. The trip generation comparison and related impacts are discussed in the remaining sections of this study.

2.0 COMPARATIVE LAND USES AND IMPACTS

The two (2) development schemes, noted in Items (1) and (2) above, called for the subject site to be rezoned from R-5-B/R-2 to R-5-D, and for the proposed land uses (including parking) to be provided in a single building structure. Access to the proposed garage and loading areas were to be provided off Western Avenue at the signalized Wisconsin Circle intersection. The current development proposal reflects the following key changes:

- a) The development would consist of a maximum of one hundred twenty-five (125) condominium residential units within a 7-story building, and a 3,000 SF day care center as a separate building on the site. The condominium building would be located within the northeast quadrant of the Western Avenue/Military Road intersections, and the day care center would be situated immediately to the northeast of this building.
- b) The land uses noted in Item (a) would be developed in accordance with re-zoning the Washington Clinic site to R-5-C, while the balance of the site (i.e., the Lisner property) shall remain under the existing R-2 zoning.
- c) The proposed parking would consist of one hundred forty-one (141) parking spaces. One hundred thirty-three (133) of these spaces would be located in an underground garage, and the remaining eight (8) spaces would be provided at grade, adjacent to the day care center. One hundred twenty-nine (129) of the garage spaces would be designated for exclusive use by the prospective residents, and the remaining four (4) spaces would be designated for daytime use by employees of the day care center. The prospective residents would have access to these four (4) spaces during nighttime hours, weekends and school holidays. The eight (8) surface parking spaces adjacent to the day care center would primarily be designated for use by visitors to the proposed condominium uses, as well as provide for temporary parking and drop-offs associated with the daytime operations of the day care facility.
- d) Vehicular access to the parking garage would be provided off Western Avenue at the signalized intersection of Wisconsin Circle. The garage entranceway would

form the eastern leg of this four-way intersection. The exit movements from the garage could therefore be controlled by an exclusive signal phasing, which would enhance operational efficiency and safety.

- e) Vehicular access to the proposed loading area (to be situated at the northeastern end of the condominium building), and the day care center, would be provided via a single proposed entranceway to be located along Western Avenue, approximately 75 feet northeast of the Wisconsin Circle intersection.
- f) The current development scheme also proposes a lay-by along the northern side of Military Road, approximately 300 feet east of Western Avenue. This provision would provide for drop-offs to the proposed condominium building.

A schematic showing the site layout and access situation is attached as part of the revised architectural plans and drawings submitted herewith. The key elements of the current and preceding land use development proposals, which relate to vehicle trip generation and parking impacts, are presented in Table 1 below.

TABLE 1
KEY TRIP GENERATION ELEMENTS

Land Use Type	Proposal No. 1	Proposal No. 2	Current Proposal
• Apartments	225 Units	215 Units	-
• Condominiums	-	-	125 Units
• Retail Space	7,200 SF	-	-
• Day Care Center	-	3,000 SF	3,000 SF

SF = Square Feet

Source: Stonebridge Associates, and O. R. George & Associates.

As noted earlier, the traffic impact assessment prepared in support of Proposal No. 2 concluded that this development scheme would have no significant adverse impacts on the adjacent sub-area, from the perspective of traffic and parking. This is due primarily to the location of the site immediately adjacent to the Friendship Heights Metrorail/Metrobus Station, and to numerous transit routes connecting the local area with the Downtown employment core and suburban employment centers. It is also noted that the DDOT Transportation Planning Administration, in their Memorandum to the Office of Planning, dated October 8, 2002, concludes (on page 4) that:

“as shown by the Applicant’s transportation study and verified by the Department, vehicular traffic generated by this project (under Proposal No. 2) can be accommodated with little or no negative impact on the area road network”.

The DDOT memorandum is attached for ease of reference. It was also noted that the DDOT staff considered a trip rate of 0.25 per dwelling unit based on a study conducted by the Metropolitan Washington Council of Governments for the Friendship Heights Area. This trip rate reflects a transit reduction factor of fifty percent (50%). (See page 3 of the DDOT Memorandum). Based on these considerations, the comparative trip generation of the current development proposal versus the most recent proposal (Proposal No. 2) was developed in Table 2.

TABLE 2
COMPARATIVE WEEKDAY PEAK HOUR TRIP GENERATION –
PROPOSAL NO. 2 VS. CURRENT PROPOSAL

Trip Rates	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
• Trips per Residential Unit (reflecting 50% transit use)*	0.04	0.21	0.25	0.17	0.08	0.25
• Trips per 1,000 SF Day Care Center (reflecting 65% pass-by & walk trips)**	2.36	2.09	4.45	2.17	2.45	4.62
Trip Generation						
A. Development Proposal #2						
• Trips/215 Apartment Units*	9	45	54	37	17	54
• Trips/3,000 SF Day Care Center**	7	6	13	7	7	14
Total (A)	16	51	67	44	24	68
B. Current Development Proposal						
• Trips/125 Condominium Units*	5	26	31	21	10	31
• Trips/3,000 SF Day Care Center**	7	6	13	7	7	14
Total (B)	12	32	44	28	17	45
C. Existing Clinic Facility	36	14	50	17	38	55

* Based on DDOT's Memorandum dated October 8, 2002.

** Based on rates recommended by the Institute of Transportation Engineers (ITE), and reflects internal walk trips and pass-by trips. Pass-by trips are those attracted from through traffic currently passing the site on adjacent roadways.

Source: DDOT, ITE Trip Generation Manual (6th Edition, 1997) and O. R. George & Associates.

The data presented in Table 2 shows that the current development proposal would generate approximately thirty-five percent (35%) less peak hour trips, relative to Proposal No. 2, and fifteen percent (15%) less peak hour trips compared with the existing Washington Clinic facility. This clearly demonstrates that the current proposal would have a positive impact on the study area road network, from the perspective of trip generation. This situation further supports the findings of the previous traffic studies prepared for the subject development, as well as the review comments and conclusions of the DDOT Transportation Planning Administration.

3.0 PARKING EVALUATION

The current proposal calls for the provision of a minimum of one hundred forty-one (141) on-site spaces to support the proposed land uses. One hundred thirty-three (133) of these spaces would be provided in an underground garage, and the remaining spaces would be provided at grade adjacent to the proposed day care center. As noted earlier, the proposed development would occur under the proposed R-5-C/R-2 zoning districts. The City's parking ratio requirements for the proposed land uses are as follows:

<u>Land Use</u>	<u>No. of Spaces Required</u>
▪ Apartment	1 per 3 apartment units
▪ Day Care Center	1 per every 4 teachers and other employees

Based on the above, the required parking spaces are developed in the table following. The parking proposed for the subject development is also shown to facilitate comparison.

Land Use	Required Parking	Proposed Parking
• Condominium (125 Units)	42	137
• Day Care Center (10 Employees)	3	4
Total	45	141

The data presented above reflects a proposed parking ratio of 1.1 space per condominium unit, which exceeds the required ratio of 0.33 by a factor of 3.3. This ratio is in keeping with the vehicle availability patterns indicated by the 1990 US Census records for the Friendship Heights area, as well as parking demand/supply surveys conducted for comparable development sites within adjacent areas of the City and Montgomery County.

Based on the above considerations, it is concluded that the proposed parking would be more than adequate, in terms of the projected demand for the proposed land uses. This provision would also obviate any adverse parking impacts the proposed development could have on the adjacent community.

4.0 LOADING PROVISIONS

As noted earlier, the proposed loading areas will be accessed via a new entrance along Western Avenue. This entranceway would also provide vehicular access to the day care facility and the adjacent surface parking. Access to these facilities would not present any significant operational and safety constraints, due to the following:

- a) The proposed entranceway is located approximately seventy-five (75) feet from the adjacent Western Avenue/Wisconsin Circle intersection. This is in accordance with Sections 2204.6, (a) and (b) of the City's Zoning Regulations, which require a separation of at least fifty-five feet (55 ft) between the proposed entranceway and the nearest street intersection, and that vehicles entering/exiting the loading/delivery area do not block any street intersection.
- b) It is projected that delivery and loading operations would be scheduled primarily during off-peak daytime and nighttime periods, as well as on weekends, by the prospective facility management. Access by semi-trailers would be extremely rare. The proposed day care facility would generate an insignificant volume of trips during the daytime off-peak periods. In addition, pedestrian activity along the adjacent sidewalk is observed to be low during the daytime off-peak periods. As such, access to the proposed loading and delivery areas would not result in any appreciable truck-passenger vehicle-pedestrian conflicts and related safety hazards at or within the entranceway.
- c) Parking is restricted at all times along both sides of Western Avenue, in the vicinity of the proposed development. This would prevent the occurrence of queuing by trucks and curbside drop-offs by patrons of the day care facility. This in turn would provide for safe and efficient operational conditions along Western Avenue.

Considering the above, it is concluded that the proposed shared vehicular access to the loading and surface parking uses (visitor parking and day care center) would be efficient and safe. This access would not have any adverse impacts on the prospective uses or the adjacent vehicle and pedestrian traffic conditions.

5.0 CONCLUSION

Based on the above data, analysis and discussion, this study concludes that the current development proposal represents a positive land use change, in terms of traffic and parking impacts. The proposed land uses would represent a thirty-five percent (35%) reduction in peak hour trip generation when compared with the most recent land use proposal, and a fifteen percent (15%) reduction when compared with the trip generation for the existing Washington Clinic facility. The study has also demonstrated that the proposed new entranceway off Western Avenue to serve the proposed loading areas and the day care center, would operate efficiently and safely, without adverse impacts on the adjacent study area. This study therefore supports the conclusions of the previous traffic studies, as well as the DDOT memorandum referred to above, which indicate that the proposed development could be accommodated by the existing roadway network without being objectionable to adjacent properties.

We trust that the above satisfies your requirements. Should you have any questions or comments, please let us know. Thank you.

ORG/CEE/tdj

ATTACHMENT

**DDOT MEMORANDUM TO OFFICE OF PLANNING
DATED 10/8/02-REGARDING ZONING COMMISSION
CASE 02-17C**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION



Transportation Policy and Planning Administration

2002 OCT 9 11:00
DISTRICT DEPARTMENT OF TRANSPORTATION

Memorandum

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth Laden *Rich Opefeh for KL*
Associate Director
Transportation Planning Administration

DATE: OCT - 8 2002

SUBJECT: Zoning Commission Case No. 02-17C – Request for a consolidated review and approval of a Planned Unit Development (PUD) and related Zoning Map Amendment from R-2 and R-5-B to R-5-D at 5401 Western Avenue, N.W.

The Department of Transportation (DDOT) has reviewed the application and other material submitted by the applicant. This report addresses the transportation elements of the proposal.

The Proposal

The applicant requests a consolidated review and one-step approval of a Planned Unit Development (PUD) and a related Map Amendment to construct an apartment building. The site is split zone as a R-5 B and R-2. The applicant is requesting that the entire property be rezoned R-5-D district to permit the construction of an apartment building containing between 185 and 215 units and 3,000 square feet of child care facility. Currently, the site is developed with a three-story building with a basement used as the Washington Clinic for the past 50 years. The project will provide 224 parking spaces in a three-level underground garage and one loading berth plus one service delivery area. Access to both the parking and loading area will be from Western Avenue opposite and aligned to the Wisconsin Circle.

Zoning Commission
District of Columbia
Case 02-17
Exhibit

The Transportation System

The subject property is located at the intersection of Western Avenue and Military Road, north of Wisconsin Avenue. Other streets serving the immediate area are Jennifer Street a local roadway east of Wisconsin Avenue, and 43rd Street, a local 30-foot wide local street with a traffic diverter at Jennifer Street.

The applicant has furnished a detailed description of the local street in his transportation assessment of the project. The description includes the number of lanes, turning movements, functional classification and signalized intersections for these streets. We concur with the findings of the applicant's report on the local street system. The Department notes that the project is situated within 300 feet from the Friendship Metro rail and Metrobus Station located within the northeast quadrant of the intersection of Western Avenue and Wisconsin Avenue. There are numerous bus routes including the Montgomery Ride-On and taxis standing originating or terminating on Wisconsin Circle adjacent the Station. We conclude that this project is ideally located with respect to the transit system.

The Impact of the Proposal

As was stated previously, the applicant proposed to construct an apartment building containing between 185 and 215 units and a 3,000 square foot of a child care facility. For the purpose of this report, we have addressed the impact of the proposal in the following areas:

- Trip generation and level of service,
- Project access, parking and loading facilities,
- Pedestrian and bicycle access, and
- Transportation Management Program

Trip Generation and Level of Service

We have reviewed the applicant's transportation report with regard to trip generation and level of service calculations on the critical intersections leading to and from the proposed project. DDOT has requested additional data supporting the vehicle trip reduction factor applied to this proposal. The applicant has provided this information and notes that the project is located along Western Avenue, within the Friendship Central Business District (CBD). The analysis covers the existing pre-development traffic conditions and the post-development traffic conditions.

To properly analyze the area impact of the proposal on the local street system, it is necessary that vehicular trips generated by known future developments in the area be included in this analysis. The applicant has done so by including in his report the impact of the WMATA Northwest Bus Garage Redevelopment, the Wisconsin Place (Height's), the Geico site and the Chevy Chase Center, all located in the Friendship Height CBD. We note that the proposed development will replace the existing Washington Clinic facility.

The trips associated with the existing development were estimated and subtracted from the trips generated by the proposed PUD.

The result of the applicant's calculation indicates that the net trip generated by the PUD will be **one trip** during the a.m. peak hour and **six trips** during the p.m. peak hour. If this scenario happens, this proposal will have a negligible impact on the surrounding street in terms of capacity and level of service. However, the applicant trip generation rates used for this development is based on 65 percent trip reduction to reflect the available ample public transportation supply in the area. Trip rates used by the applicant are lower than DDOT normally uses for similar residential development. For this reason, DDOT will apply rates derived from the D.C. trip generation study performed by the Council of Government (COG)'s in the Friendship Area. Applying 0.25 trips per dwelling unit and a 50 percent transit use, approximately 18 vehicles will be generated by the PUD during the morning peak hour and 13 trips during the evening peak hour. **The additional traffic generated by this project will have no significant impact** with regard to capacity and level of service at the critical intersections of Western Avenue and Wisconsin Avenue and Military Road at Western Avenue.

Project access and Parking and Loading Facility

As previously stated, vehicular access to the development will be from Western Avenue across from Wisconsin Circle. **The combined loading and parking garage entrance, as proposed does not meet DDOT design standards.** The present design of the loading facilities requires trucks to back into the proposed loading area, encroaching on the intersection of Wisconsin Circle and Western Avenue. Driveways and loading facilities shall be designed to avoid vehicle backing and vehicle waiting in the street, thereby, blocking through traffic on a major arterial street. The minimum acceptable width of the sidewalk along Western Avenue and Military Road adjacent to the project should be at least six feet wide.

The applicant will provide 224 parking spaces compared to 72 spaces required by the Zoning Regulations. In our estimation, the proposed level of parking supply is adequate to service the project and minimize parking spillover into the neighboring residential area. As regard to loading, the project will provide one loading berth and one service delivery area as required by the Zoning Regulations. DDOT is concerned with the concentration of all vehicular ingress and egress on a single point on Western Avenue and its impact on pedestrian safety in the area. **This circulation arrangement is not acceptable to the Department** and DDOT recommends that the applicant provide a site plan scale one inch to 30 feet for DDOT staff review and comment.

Transportation Management Plan

The applicant has developed a Transportation Management Plan (TMP) the essence of which consists of on-site transit and a ridesharing information program, car sharing services and bicycle racks. DDOT welcomes car sharing and the provision of bicycle parking spaces as a means to encourage residents to leave their cars at home and

commute by bike. In addition, the applicant undertook an extensive traffic mitigation study to address existing identified traffic operational and safety issues within the Friendship Heights area. DDOT will carefully analyze the findings and determine the applicable traffic calming measures to address the negative impacts of traffic and to ensure the overall safety and livability of residential neighborhoods.

Friendship Heights Transportation Study

The Department of Transportation will investigate traffic management and truck management improvements in the Friendship Heights area of Northwest Washington DC. These efforts are in response to citizen concerns regarding speeding traffic, truck traffic and other safety concerns. The study area for this project is bounded by Fessenden Street to the south, 45 Street to the west, 41st Street to the east and Western Avenue to the northwest. The purpose of the study is to examine existing and future traffic conditions in the study area and to determine short-term and long-term traffic management and infrastructure improvements to reduce traffic congestion, especially during the peak morning and evening hours; improve traffic and pedestrian safety; reduce truck traffic and protect surrounding residential streets from commuter and commercial traffic impacts. It is anticipated that over a 20-week period, the DDOT contractor will investigate current and future needs regarding vehicle, pedestrian and bicycle mobility, truck movements and safety work in close coordination with community stakeholders in addressing their traffic and safety concerns. The study will begin soon and should be concluded by May 2003.

In addition, the Department has been closely working with the Montgomery County Planning Board to resolve traffic and transportation problems generated by planned project developments on the Maryland side of the Friendship Heights area. As a result of our cooperation, the developer of the Friendship Place and the Chevy Chase Center will provide funding for a traffic mitigation program and intersection improvements (Wisconsin and Western Avenue, Military Road and Western Avenue) to accommodate their proposed development. Another area of cooperation is the coordination of traffic signals along Wisconsin Avenue in Maryland and those along Wisconsin Avenue in the District of Columbia. Finally, The District is a member of a Transportation Management District (TMD) established for the Friendship Heights CBD. As shown above, the proposed PUD will not operate in a vacuum. It will benefit from all the proposed traffic and transportation improvements in the Friendship Heights sector.

Conclusion

The Department of transportation supports the proposed Planned Unit Development. As shown by the applicant's transportation study and verified by the Department, vehicular traffic generated by this project can be accommodated with little or no negative impact on the area road network. However, access design to the garage and to the loading facility are not acceptable at the present time. The streetscape elements will also require further coordination with the Department.

BOLAN SMART ASSOCIATES, INC.

900 NINETENTH ST. NW, SUITE 600, WASHINGTON, DC 20006 • (202) 371-1333 • FAX (202) 371-1334

October 2002

District of Columbia Zoning Commission
Washington, DC

**RE: 5401 Western Avenue Application for a Consolidated Planned Unit Development
Economic Impact Analysis**

Dear Members of the Zoning Commission:

Bolan Smart Associates has been asked to analyze the potential economic impact on the District of Columbia of constructing the proposed an residential condominium building totaling some 125 units. Based on evaluating a 100% completed project, assuming 125 residential condominiums, a 44 child day care facility, plus requisite parking, our findings are summarized as follows:

1. **Direct Annual District Tax Revenue:** The principal direct tax revenues to the District of Columbia resulting from the completion of 5401 Western Avenue -- calculated in \$2002 per the attached Table 2, ANNUAL DIRECT DC TAX REVENUE -- total approximately \$1,819,700 per year. The primary components of this sum are estimated to be comprised of:
 - a) \$576,000 per year in real estate taxes, based on a finished property valuation of \$60,000,000 (valued @ \$400 per saleable square foot, or an average of \$480,000 per unit);
 - b) \$944,800 per year in new DC resident income taxes (based on an average required household gross income of \$144,000 to qualify to purchase @ 30.0% income to value ratios);
 - c) \$221,100 per year in residential based new DC resident retail sales tax revenues, attributable to \$2,948,400 in DC based taxable sales (65% DC capture of new DC resident retail sales);
and
 - d) \$77,800 per year in new DC resident related use taxes and fees (residential building operation's, resident DMV fees, utility and telecommunications fees, etc.).

2. **One-Time Construction Related Benefits:** The combination of recordation and transfer fees associated with the proposed condominium sales, coupled with development processing fees and permits, could generate well in excess of \$1,200,000 of direct District of Columbia fee revenues during the early stages of development. In addition, close to 150 direct construction jobs are estimated to be created as part of a two year, \$33+ million construction budget. (See Table 1 for estimated job impacts.) The economic multipliers directly benefiting the District associated with this size of construction expenditure -- while not explicitly quantified as part of this report -- can be very substantial.

3. **Additional Project Related DC Residents:** Per a broad-based District goal, the proposed residential building should result in the addition of a valuable number of new, relatively high-income residents to the District. By creating additional supply of highly desired multi-family units at this location, not only will new residents currently living outside of the District be attracted to relocate, but those existing DC residents that choose to relocate will free up needed inventory for other prospective DC residents. We estimate that the net effect of developing new homes for the approximately 180 residents (1.5 persons per household) projected for 5401 Western Avenue would be to facilitate the equivalent of a 162 person increase in the District's population, representing 90% of the building's population (housed in 108 units), of which 90% of these households (96) are assumed to be taxpayers (net new taxpaying households for the buildings equates to 81%).

4. **Employment Benefits:** While not the most directly important aspect of the economic impact of the proposed project, there are nonetheless a range of employment benefits which accrue from the completion of a mixed-use apartment development at 5401 Western Avenue. As portrayed on the attached Table 1, these include the creation of an estimated 12 direct apartment and day care facility related jobs. This job generation is in addition to the 143 construction related jobs estimated to be created covering an approximate two-year construction period.

5. **Neighborhood Enhancement**: Apart from any street oriented and security related enhancements resulting from the higher use of the currently underdeveloped existing Washington Clinic site, the proposed development will accrue a number of business benefits to the Washington side of Western Avenue. The vitality of the retail offerings and the hotel located near to 5401 will benefit not only from the combination of resident and visitor traffic generated but will be enhanced as well by the visual details and quality 24 hour management of the proposed project.

6. **Net Washington Clinic Relocation Benefits**: If the Washington Clinic relocated elsewhere within the District of Columbia, there should be no net loss of existing DC revenues currently associated with this operation. In practice, part of the Washington Clinic proceeds realized from redeveloping the existing site that are applied to build anew elsewhere should in fact add value to the recipient location.

If it was assumed that the current Washington Clinic use closed down, or relocated outside of the District, the loss of direct tax revenues accruing to the District of Columbia would be minimal compared with the proposed project. The Clinic property is currently assessed at a minor fraction of the estimated value of the new project (\$2.0 million, generating less than \$40,000 per year in real estate tax revenues), and imparts virtually none of the extensive DC higher income resident expenditure benefits onto the District economy that a new luxury condominium development would accrue. Assuming an average additional DC direct tax revenue ratio of \$1.50 per square foot of generic office space – akin to the existing 30,000 gross square foot Clinic building – would total to \$45,000 per year in District tax receipts comprised of business profit taxes, personal property taxes, utility and telecommunications fees, and other office related operating licenses and fees. Liberally extrapolated to approximate \$100,000 per year in direct DC tax revenues derived from the existing office use of the property means that the existing use generates approximately 5% of the equivalent direct DC tax revenues expected from the proposed residential use.

7. **Existing Matter-of-Right Benefits**: Applying the same basic economic factors in an analysis of a matter-of-right residential building results in District revenue benefits being reduced generally in proportion to the decreased size of the development. As illustrated in Tables 3 and 4, assuming a 54-unit residential building is built under identical income assumptions as the proposed 125-unit development, and net of the day care center, the projected annual District tax revenue comes in at \$786,000.

8. **Summary**: The proposed development has the potential to provide over \$1.5 million in additional annual tax revenues to the District of Columbia compared with the present use of the property. Furthermore, the proposed project would more than double the District's positive revenue impacts when compared with a matter-of-right residential development. Adjusting for a target margin of error typical to this type of analysis of up to 20% between the projected overall revenues and those actually achieved indicates that the minimum net annual revenue gain to the District could be on the order of \$800,000 to \$1,200,000 per year when contrasting a matter-of-right scenario with the proposed development.

We hope this overview and the attached tables are helpful in framing the magnitude of economic impact that the completion of 5401 Western Avenue would have on the District of Columbia.

Sincerely,



Eric Smart
Principal, Bolan Smart Associates, Inc.

**Table 1 - Proposed Consolidated PUD
ECONOMIC IMPACT SUMMARY - \$2002
5401 WESTERN AVENUE, WASHINGTON, DC**

Direct Annual District Tax Revenues		<u>% of total</u>
1) Real Estate Tax	\$576,000	32%
2) New DC Resident Income Tax	\$944,784	52%
3) New DC Resident Retail Sales Tax	\$221,130	12%
4) Other New DC Resident Use Taxes and Fees	\$77,760	4%
5) Net Additional DC Retail Sales Tax Not Related To New Residents	\$0	0%
6) Parking Revenue Tax (commercial related)	<u>\$0</u>	<u>0%</u>
7) Total Direct Annual District Tax Revenue	\$1,819,674	100%

One-time District Revenue

8) Recordation (1.5%) and Transfer Fees (1.5%)	\$1,200,000+
9) Development Fees & Permits	\$150,000+
10) Construction Related Sales Tax	not calculated

Additional Project Related DC Residents

11) Estimated Average Project Household Size	1.5	persons
12) Average Occupied Units (@ 96% occupancy)	120	units
13) Total Additional DC Residents @ 100% Net Population	180	persons
14) Total Additional DC Residents @ 90% Net New Population	162	persons
15) Total Additional DC Households @ 90% Net New Occupied Units	108	households
16) Total Additional Income Taxpaying DC HHs @ 90% Net New Occupied HHs	97	taxpaying HHs

Direct Project Employment

	<u>DC Jobs</u>		<u>DC Residents</u>
17) Direct Condominium FTE Jobs (a)	4	(50%)	2
18) Direct Day Care FTE Jobs	<u>8</u>	(50%)	<u>4</u>
19) Indirect Condominium and Retail FTE Jobs		not calculated	
20) Total Permanent FTE Jobs	12		6
21) Temporary Construction FTE Jobs (b)	<u>143</u>	(35%)	<u>50</u>
22) Indirect Temporary Construction FTE Jobs		not calculated	
23) Total Temporary FTE Jobs	143		50
24) Total FTE Jobs	155		56

Notes:

(a) FTE - full time equivalent job

(b) Construction employment: \$33,000,000 construction cost @ \$175 per gsf x 40% direct labor divided by \$46,000 average annual income, equaling 287 person years divided by 2.0 years for project completion, realizing 143 construction full time equivalent jobs.

Table 2 - Proposed Consolidated PUD
ANNUAL DIRECT DC TAX REVENUE NET OF MULTIPLIERS - \$2002
5401 WESTERN AVENUE, WASHINGTON, DC

Project Description

1)	Condominiums	125 units	
2)	Average Size	<u>1,200</u> sf	
3)	Total Saleable SF	150,000 sf	182,000 gsf
4)	Day Care	44 children	
5)	Parking	141 spaces	

Real Estate Tax

		one sf	total sf
7)	Condominium Real Estate Value	\$400.00	\$60,000,000
8)	Day Care Real Estate Value	\$0.00	\$0
9)	Parking (included above)		<u>NA</u>
10)	Total Real Estate Value		\$60,000,000
11)	Residential Real Estate Tax	0.96% residential tax rate	\$3.84 \$576,000
12)	Commercial Real Estate Tax	1.85% commercial tax rate	\$0.00 <u>\$0</u>
13)	Total Real Estate Taxes		\$576,000

Residential Direct Tax Revenues

		one unit	125 units
14)	Average Unit Value	\$400.00 per sf	\$480,000
15)	Required Gross HH Income	30.0% multiple of unit value	\$144,000 \$18,000,000
16)	Taxable Income	75.0% of gross	<u>\$108,000</u> <u>\$13,500,000</u>
17)	Taxable Income Adjusted for Average Occupancy	96.0% occupancy	\$103,680 \$12,960,000
18)	Potential DC Income Tax from New DC Residents	9.0% DC tax rate	\$9,331 \$1,166,400
19)	Potential New DC Residents	90.0% new residents	\$8,398 \$1,049,760
20)	Income Tax Revenue Adjusted for Resident Status	90.0% new taxpaying residents	\$7,558 \$944,784
21)	New Resident Retail Expenditures Subject to Sales Tax	35.0% of taxable income	\$36,288 \$4,536,000
22)	District of Columbia Resident Sales Capture	65.0% of expenditures	\$23,587 \$2,948,400
23)	DC Average Applicable Sales Tax (a)	7.5% blend of categories	\$1,769 \$221,130
24)	Other Resident Related Use Taxes and Fees (b)	0.6% of taxable income	\$622.08 \$77,760
25)	Personal Property Tax (not applicable) (c)		<u>NA</u>
26)	Total Residential Direct Tax Revenues	\$9,949	\$1,243,674

Other Retail Direct Tax Revenues

		one rsf	total rsf
27)	On-site Taxable Retail Sales (adjusted for 15% vacancy)	\$0 per rsf	\$0.00 \$0
28)	DC Average Applicable Sales Tax (a)	0.0% blend of categories	<u>\$0.00</u> <u>\$0</u>
29)	Sales Tax Net of On-Site Residents	0.0% not on-site consumers	\$0.00 \$0
30)	DC Corporate Tax of Retail Sales	0.0% on 10% profit on gross	<u>\$0.00</u> <u>\$0</u>
31)	Total Retail Related Taxes		\$0.00 \$0
32)	Net New DC Retail Sales Tax Capture	0.0% net new DC sales	\$0.00 \$0

Parking (commercial related)

		one space	0 spaces
33)	Parking Income	\$0 per space per day	
34)		\$0 per space per yr.	\$0 \$0
35)	DC Parking Revenue Tax	0.0% of gross revenue	\$0 <u>\$0</u>

Total Direct Annual Tax Revenue

\$1,819,674

Notes:

- (a) Based on blend of sales tax on general goods and services and sales tax on restaurant related sales.
- (b) Condominium building operations purchases, resident DMV fees, utility and telecommunications fees, other licensing fees and charges.
- (c) Fixtures, etc. included in real property value; residents assumed not to exceed \$50,000 personal property exemption.

**Table 3 - Existing Matter of Right
ECONOMIC IMPACT SUMMARY - \$2002
5401 WESTERN AVENUE, WASHINGTON, DC**

Direct Annual District Tax Revenues		<u>% of total</u>
1) Real Estate Tax	\$248,832	32%
2) New DC Resident Income Tax	\$408,147	52%
3) New DC Resident Retail Sales Tax	\$95,528	12%
4) Other New DC Resident Use Taxes and Fees	\$33,592	4%
5) Net Additional DC Retail Sales Tax Not Related To New Residents	\$0	0%
6) Parking Revenue Tax (commercial related)	<u>\$0</u>	<u>0%</u>
7) Total Direct Annual District Tax Revenue	\$786,099	100%

One-time District Revenue

8) Recordation (1.5%) and Transfer Fees (1.5%)	\$500,000+
9) Development Fees & Permits	\$60,000+
10) Construction Related Sales Tax	not calculated

Additional Project Related DC Residents

11) Estimated Average Project Household Size	1.5	persons
12) Average Occupied Units (@ 96% occupancy)	52	units
13) Total Additional DC Residents @ 100% Net Population	78	persons
14) Total Additional DC Residents @ 90% Net New Population	70	persons
15) Total Additional DC Households @ 90% Net New Occupied Units	47	households
16) Total Additional Income Taxpaying DC HHs @ 90% Net New Occupied HHs	42	taxpaying HHs

Direct Project Employment

	<u>DC Jobs</u>		<u>DC Residents</u>
17) Direct Condominium FTE Jobs (a)	4	(50%)	2
18) Direct Day Care FTE Jobs	<u>0</u>	(50%)	<u>0</u>
19) Indirect Condominium and Retail FTE Jobs		not calculated	
20) Total Permanent FTE Jobs	4		2
21) Temporary Construction FTE Jobs (b)	<u>60</u>	(35%)	<u>21</u>
22) Indirect Temporary Construction FTE Jobs		not calculated	
23) Total Temporary FTE Jobs	<u>60</u>		<u>21</u>
24) Total FTE Jobs	64		23

Notes:

(a) FTE - full time equivalent job

(b) Construction employment: \$13,800,000 construction cost @ \$175 per gsf x 40% direct labor divided by \$46,000 average annual income, equaling 120 person years divided by 2.0 years for project completion, realizing 60 construction full time equivalent jobs.

Table 4 - Existing Matter of Right
ANNUAL DIRECT DC TAX REVENUE NET OF MULTIPLIERS - \$2002
5401 WESTERN AVENUE, WASHINGTON, DC

Project Description

1)	Condominiums	54 units	
2)	Average Size	<u>1,200</u> sf	
3)	Total Saleable SF	64,800 sf	78,912 gsf
4)	Day Care	0 children	
5)	Parking	60 spaces	

Real Estate Tax

		one sf	total sf
7) Condominium Real Estate Value		\$400.00	\$25,920,000
8) Day Care Real Estate Value		\$0.00	\$0
9) Parking (included above)			<u>NA</u>
10) Total Real Estate Value			\$25,920,000
11) Residential Real Estate Tax	0.96% residential tax rate	\$3.84	\$248,832
12) Commercial Real Estate Tax	1.85% commercial tax rate	\$0.00	<u>\$0</u>
13) Total Real Estate Taxes			\$248,832

Residential Direct Tax Revenues

		one unit	54 units
14) Average Unit Value	\$400.00 per sf	\$480,000	
15) Required Gross HH Income	30.0% multiple of unit value	\$144,000	\$7,776,000
16) Taxable Income	75.0% of gross	<u>\$108,000</u>	<u>\$5,832,000</u>
17) Taxable Income Adjusted for Average Occupancy	96.0% occupancy	\$103,680	\$5,598,720
18) Potential DC Income Tax from New DC Residents	9.0% DC tax rate	\$9,331	\$503,885
19) Potential New DC Residents	90.0% new residents	\$8,398	\$453,496
20) Income Tax Revenue Adjusted for Resident Status	90.0% new taxpaying residents	\$7,558	\$408,147
21) New Resident Retail Expenditures Subject to Sales Tax	35.0% of taxable income	\$36,288	\$1,959,552
22) District of Columbia Resident Sales Capture	65.0% of expenditures	\$23,587	\$1,273,709
23) DC Average Applicable Sales Tax (a)	7.5% blend of categories	\$1,769	\$95,528
24) Other Resident Related Use Taxes and Fees (b)	0.6% of taxable income	\$622.08	\$33,592
25) Personal Property Tax (not applicable) (c)			<u>NA</u>
26) Total Residential Direct Tax Revenues		\$9,949	\$537,267

Other Retail Direct Tax Revenues

		one rsf	total rsf
27) On-site Taxable Retail Sales (adjusted for 15% vacancy)	\$0 per rsf	\$0.00	\$0
28) DC Average Applicable Sales Tax (a)	0.0% blend of categories	<u>\$0.00</u>	<u>\$0</u>
29) Sales Tax Net of On-Site Residents	0.0% not on-site consumers	\$0.00	\$0
30) DC Corporate Tax of Retail Sales	0.0% on 10% profit on gross	<u>\$0.00</u>	<u>\$0</u>
31) Total Retail Related Taxes		\$0.00	\$0
32) Net New DC Retail Sales Tax Capture	0.0% net new DC sales	\$0.00	\$0

Parking (commercial related)

		one space	0 spaces
33) Parking Income	\$0 per space per day		
34)	\$0 per space per yr.	\$0	\$0
35) DC Parking Revenue Tax	0.0% of gross revenue	\$0	<u>\$0</u>

Total Direct Annual Tax Revenue

\$786,099

Notes:

- (a) Based on blend of sales tax on general goods and services and sales tax on restaurant related sales.
- (b) Condominium building operations purchases, resident DMV fees, utility and telecommunications fees, other licensing fees and charges.
- (c) Fixtures, etc. included in real property value; residents assumed not to exceed \$50,000 personal property exemption.

Updated List of Witnesses

Douglas Firstenberg, Stonebridge Associates, Inc.
Expert in Real Estate Development

Shalom Baranes, Shalom Baranes Associates, P.C.
Expert in Architecture

Mark Gilliland, Shalom Baranes Associates, P.C.
Expert in Architecture

Roger Courtenay, EDAW Landscape Architects
Expert in Landscape Architecture

Cullen Elias, O.R. George & Associates
Expert in Traffic Engineering

Eric Smart, Bolan Smart Associates, Inc.
Expert in Real Estate Economics

Roger Lewis
Expert in Architecture and Urban Design

Steven E. Sher, Holland & Knight, LLP
Expert in Urban Planning

**ESTIMATED TIME REQUIRED FOR
PRESENTATION OF APPLICANT'S CASE:**

1.5 Hours

OUTLINE OF TESTIMONY OF ROGER LEWIS..
EXPERT IN ARCHITECTURE AND URBAN DESIGN

- I. Introduction
- II. Experience and Expertise
- III. Urban Design and Architectural Merits
- IV. Smart Growth and Transit Oriented Development Considerations
- V. Conclusions and Opinions

STONEBRIDGE

Douglas M. Firstenberg

Douglas M. Firstenberg, a founding principal of Stonebridge, focuses on providing strategic planning and project conceptualization services and takes a primary role in major transaction negotiation. He has twenty years of experience working on complex real estate financings and directing the implementation of the firm's strategic plans.

Mr. Firstenberg has extensive investment management experience having overseen real estate projects in excess of 3.5 million square feet and more than \$750 million in value. He is actively involved in all phases of investment management activities having negotiated acquisitions and joint ventures in excess of \$300 million, debt financing in excess of \$400 million and space leases for more than 1.75 million square feet. He has also worked on a variety of restructurings for the firm's clients on an array of projects including office buildings, ground leases, hotels, marinas and other investments.

For not-for-profit clients, Mr. Firstenberg has focused on creating structures that maximize the opportunities for these institutions using techniques such as ground leases, public/private partnerships, combining public institution debt placement and real estate tax-exemption with private sector development programs among others. He has undertaken creative financing and transaction structuring on a variety of projects ranging from developing office/research facilities to arenas and stadiums to large scale land developments for educational institutions such as Duke University, St. John's University, University of North Carolina at Chapel Hill and the University of Virginia Foundation.

Mr. Firstenberg received a BA degree from Duke University and currently serves on the Board of Visitors for Duke's Terry Sanford Institute of Public Policy and is President of the Duke Club of Washington.

SHALOM BARANES, FAIA
PRINCIPAL

As founding principal of Shalom Baranes Associates, PC, Mr. Baranes has established a firm nationally recognized for its work on significant buildings in the nation's capital and surrounding regions. As director of all design work within the firm, he has won over forty design awards for projects involving renovation and new construction. He has an exceptionally strong background in commercial and governmental work, as well as an intimate familiarity with local and federal regulatory review processes.

Mr. Baranes has distinguished himself through his success in working through complicated reviews, and is highly regarded by members of local and federal review boards. His twenty-four years of experience in architecture have included serving as an expert witness before boards and commissions in the areas of preservation, zoning, and commercial development. He has served four terms on the Redevelopment Land Agency's Architectural Review Panel, two of them as its Chairman as well as co-authoring the Board of Realtors' leasing standards and several articles on preservation and development issues.

Mr. Baranes has also served as juror for the A.I.A. chapter awards, BOMA's International Office Building Awards, and the Northern Virginia N.A.I.O.P Awards. He has taught and been a guest lecturer at several Washington area universities, as well as at Yale University where he received both his B.A. and M.Arch. degrees. Mr. Baranes is N.C.A.R.B. certified and licensed in the District of Columbia, Virginia, Maryland, and Pennsylvania.

Mr. Baranes' recent projects have included:

101 Constitution Avenue, NW
Ritz Carlton 2200 M Street, NW
Ritz Carlton Georgetown Incinerator
1111 Pennsylvania Avenue, NW
American Geophysical Union
American Red Cross Headquarters
Army and Navy Club
Federal Courthouse, Pittsburgh PA.

816 Connecticut Avenue, NW
Square 677
Homer Building
Capitol Square
Turkish Chancery
Warner Theater
Westory Building
NAVAIR Headquarters

MARK GILLIAND, AIA
PRINCIPAL

As a Senior Designer with Shalom Baranes Associates, Mr. Gilliland has particular expertise in the design of urban infill projects that require community participation and the approval of review agencies. Among his notable recent projects are the Waterside Mall redevelopment, a National Headquarters for the American Red Cross and a new office building at 101 Constitution Avenue. Mr. Gilliland also served as Senior Designer for the mixed-use Ritz Residences located at 2200 M Street.

Since joining SBA in 1986, Mr. Gilliland has been responsible for design documents for more than ten million sf of office and retail space. He is thoroughly knowledgeable of all local codes and standards. Mr. Gilliland works closely with Mr. Baranes in the development of preliminary designs, and ensures a consistent and rigorous follow-through as designs are finalized and documented as construction drawings.

Prior to joining SBA, Mr. Gilliland worked with both a major Texas architectural firm and a national architectural firm. He earned his B.S. in Architecture from the University of Texas at Arlington and his M.Arch. degree from the University of Virginia. He is a registered architect with the Commonwealth of Virginia.

Among Mr. Gilliland's relevant projects are:

Planned Unit Developments –

- Waterside Complex, 401 M Street, SW
- Ritz Residences, 2200 M Street, NW
- Woodward & Lothrop, 10th & F Streets, NW
- Salvation Army Headquarters and Turning Point Residential

Residential Projects –

- Ritz Residences, 2200 M Street, NW
- Salvation Army Headquarters and Turning Point Residential
- N Street Village, 14th & N Streets, NW
- The Rhode Islander, 1440 P Street, NW

Other Projects –

- 101 Constitution Avenue, NW
- The American Red Cross National Headquarters, 2025 E Street, NW
- The Westory Building, 14th & F Streets, NW
- The Hospital for Sick Children

OSBORNE R. GEORGE

President

Traffic Engineer/Transportation Planner

EDUCATION:

George Washington University, Washington, D.C., 1974: M.Sc., Engineering and Applied Science, (Focal Area: Transportation Planning & Engineering).

Howard University, Washington, D.C., 1972: B.Sc., Civil Engineering.

Northwestern University, Traffic Institute, Chicago, Illinois, 1991: Highway Geometric Design Course.

George Mason University, Fairfax, VA, 1990: Computer Applications in Transportation Engineering.

EXPERIENCE:

Mr. George is a professional traffic engineer and transportation planner specializing in providing consulting services in support of land planning and zoning, infrastructure planning and design, and urban revitalization projects. He has had twenty-seven (27) years of broad experience in traffic engineering and transportation planning, and in related areas of civil engineering. As founder/president of O.R. George & Associates, he directs all aspects of the firm's consulting activities, which include planning and engineering consulting services to public and private sector clients. Prior to founding O.R. George & Associates, Mr. George worked for nine (9) years with the firm Planning Research Corporation (PRC) where he was involved in a wide range of projects in the United States, Canada and elsewhere internationally, with assignments ranging from project engineer to regional office manager.

The following projects involved traffic engineering, transportation planning and parking analyses, and are indicative of Mr. George's professional involvement and experience:

- Master plan transportation studies for Georgetown University, Catholic University of America, Howard University, Trinity College and several academic institutions within Washington, D.C. (1996 – 2001).
- Corridor Traffic Operational study for Reservoir Road between Foxhall Road and Wisconsin Avenue (2001).
- Traffic impact assessments for the Washington Hospital Center Physicians Office Building II and garage facility, America National Red Cross Headquarters and the International Monetary Fund Headquarters II (1995 – 2001).
- Downtown Schenectady Economic Development Feasibility and Master Plan Study. (Town of Schenectady, New York, 1999).
- Carroll Camden Industrial Park Sub-area Revitalization Masterplan Study (City of Baltimore, Maryland 1999 - 2000).
- Georgia Avenue Corridor Master Plan and Implementation Study (City of Washington, D.C., 1999).
- Federal Transportation Management Plan Handbook 1999 Update (US General Services Administration, Washington, D.C., 1999).
- Southeast Oak Cliff Community Master Land Use Plan and Economic Development Study (City of Dallas, Texas, 1990).
- Master plan traffic and parking studies for Medlantic Healthcare Campus, Howard University Law School campus, Washington, D.C. and for Virginia Commonwealth University Medical and Academic campuses, Richmond, Virginia (1995 - 2000).
- Traffic impact analyses and expert witness testimony in support of a large number of private and public sector development projects, with study settings throughout Maryland, Virginia, District of Columbia and elsewhere (1985-Present).

OSBORNE R. GEORGE
(Page Two)

- John Hopkins University Applied Physics Laboratory Research Campus Master Plan and Implementation Study (Howard County, Maryland, 1999).
- Traffic engineering and neighborhood mitigation studies, signal warrant analyses, as well as extensive data collection and analysis of various intersections in Montgomery County under Maryland State Highway Administration and Montgomery County on-call services contracts (1990 -Present).
- Development studies for Metrorail station areas, involving several stations and a transit corridor over the Washington Metropolitan Area Transit Authority (WMATA) system (1990-1994).
- Transportation access and public safety impacts for the Washington Redskins/Jack Kent Cooke Stadium, Prince George's County, Maryland (1998).
- Transportation assessment study for Washington Village/Pigtown Area Empowerment Zone, City of Baltimore, Maryland (1996).
- Multi-modal access and feasibility study for the Norfolk International Terminals, Norfolk, Virginia (1995).

Mr. George's responsibilities on the above projects have covered the full range from field reconnaissance and data collection, to analyses, documentation, as well as public presentations and expert witness testimony before administrative and judicial bodies and civic organizations.

POSITIONS HELD: Principal, O.R. George & Associates (1985 - Present).

Associate, KELLERCO, Inc., McLean, Virginia (1984 - 1985).

Project Engineer/Regional Manager, Planning Research Corporation, McLean, VA (1972 - 1977 and 1981 - 1984).

Consultant/Resident Engineer, Ministry for The Federal Capital Development Authority, Federal Government of Nigeria (1977 - 1981).

PROFESSIONAL AFFILIATIONS/ CITATIONS:

Member, Institute of Transportation Engineers.

Fellow, American Society of Civil Engineers.

Member, Association of Professional Engineers of Ontario, Canada.

Outstanding Civil Engineer, Howard University (1972): Citation by American Society of Civil Engineers.

EXPERT WITNESS EXPERIENCE:

Admitted as Expert Witness in the field of traffic engineering & transportation planning and/or provided testimony before the following bodies:

- Prince George's County, (Zoning Hearing Examiner, and District Council)
- Prince George's County, (Board of Zoning Appeals)
- Howard County, (Board of Appeals)
- Montgomery County, (Planning Board)
- District of Columbia, (Zoning Commission)
- District of Columbia, (Board of Zoning Adjustment)
- City of Laurel, Maryland, (Planning Commission)
- City of Laurel, Maryland, (Board of Zoning Appeals/Public Safety Committee)
- City of Bowie, Maryland, (Planning Commission/City Council)
- Fairfax County, (Board of Supervisors)

CULLEN E. ELIAS
Vice President
Transportation Planner

EDUCATION: University of Iowa, Iowa City, Iowa, 1989. M. Sc., Urban and Regional Planning. Major: Transportation Planning.

University of Guyana, Georgetown, Guyana, 1985. B. A., Geography/ Economics, (Cum Laude).

Institute of Transportation Engineering: Educational Foundation short course on "Transportation Access and Impact Studies for Site Development," 1990.

EXPERIENCE: Transportation Planner, O. R. George & Associates, Inc., Silver Spring, Maryland. July 1989 - Present.

Cullen Elias has had over ten (10) years of responsible experience as a transportation planner/engineer and project manager. His involvement has covered a wide range of public and private sector planning/engineering projects, which have included traffic access and circulation studies for major retail/commercial, industrial, office and institutional land uses; urban sub-area economic revitalization studies; planning studies/analyses for bus and rail transit facilities/services; traffic studies for marine terminal master development plans as well as for major highway corridor studies. He has been responsible for the management, client liaison and quality control elements of a large number of site access, traffic impact and parking demand studies in support of land development projects within the States of Washington, Maryland, Virginia and beyond.

Key representative projects and involvement include the following:

- Currently serves as Project Manager for the Reservoir Road Corridor study and the Catholic University of America Master Plan transportation assessment.
- Was Project Manager for traffic engineering studies in support of the on-going Trinity College Campus Center development and the Johns Hopkins University Applied Physics Laboratory Master Plan update.
- Provided traffic engineering review services in support of the recent Georgetown University and Hospital Master Plan update.
- Was project manager for the preparation of traffic access/circulation, and parking inventory/demand studies in support of the City of Schenectady (New York) Downtown Master Plan Update.
- Served as Project Manager for the firm on the Baltimore East End Design and Washington Pigtown Economic Revitalization studies.
- Managed numerous site impact analysis studies in support of various land use development proposals, including residential, office, commercial/retail, industrial, institutional, as well as sand and gravel surface mining projects. Has conducted such studies for sites located within the Washington Metropolitan Area and beyond. Has also provided expert witness testimony before the judicial and administrative review bodies of several Washington area jurisdictions.
- Was Project Manager for numerous parking inventories, usage analyses and needs assessments undertaken by the firm for several major land uses, including the Bell Atlantic Fairview Park office building, the Virginia Commonwealth University Academic and Medical Campuses, and the Montgomery College Takoma Park Campus.

CULLEN E. ELIAS
PAGE 2

- Served as Project Manager for transportation impact assessments and Transportation Management Programs (including parking mitigation strategies) developed for the American National Red Cross, Washington, D.C. headquarters building and the United States Department of Agriculture Beltsville Office Facility.
- Was responsible for managing the firm's involvement on recent master plan studies for the Newport News and Portsmouth Marine Terminals in the Tidewater Area of Virginia.
- Served as Project Manager and Statistical Analyst on the Baltimore Metropolitan Council (BMC) 1993 regional household travel survey.
- Managed the multi-modal access feasibility study undertaken by the firm for the Norfolk International Terminals and adjacent military base.
- Site selection and environmental impact assessment studies for the proposed National Museum of Health and Medicine planned for the Washington, D.C. monument core.
- Managed and supervised data collection and analyses in support of Major Investment Studies for the US Rte 29, I-66, Dulles (Airport) Toll Road, I-81 and US Rte 250 corridors in Virginia.
- Currently manages numerous data collection, analyses, and special studies as part of planning efforts for several statewide and district projects of the Maryland State Highway Administration.
- Currently involved in supervising, as well as managing several transportation planning/engineering study elements in support of the Master Plan/Economic Revitalization Study for the Carroll-Camden Industrial Park area within the City of Baltimore, Maryland

POSITIONS HELD:

Vice President, O.R. George & Associates, Inc.	May 1999 to present
Sr. Associate, O.R. George & Associates, Inc.	July 1995 to April 1999
Transportation Planner, O.R. George & Associates, Inc.	July 1989 to June 1995
Transportation Planner, Johnson County Council of Governments, City of Iowa, Iowa	1988 -1989
Teaching Assistant (Transportation Planning Studies) University of Iowa, Iowa	1987 - 1989
Lecturer (Economic/Transportation Geography) University of Guyana, Guyana	1985 - 1987

SPECIAL SKILLS:

Mr. Elias has considerable knowledge and skill in the use of several computer software packages, including QRS-II (Quick Response System II), Microsoft Excel/PowerPoint, TMODEL-2, HCS (Highway Capacity Manual), TRANSYT-7F, NETSIM.

PROFESSIONAL AFFILIATIONS:

Member, Institute of Transportation Engineers (ITE)
Member, Washington, D.C. Section of ITE

EXPERT WITNESS:

Admitted as expert witness in the field of traffic engineering and transportation planning, and testified before planning and administrative bodies within suburban Maryland jurisdictions.

ERIC SMART
Principal

BOLAN SMART ASSOCIATES, INC.

Mr. Smart is a founding principal of Bolan Smart Associates, Inc., a national real estate economic consulting firm based in Washington DC. Prior to that, he was Vice President and Manager of the Washington office of Leggat McCall Advisors, Inc., which was acquired in 1990 to form Bolan Smart Associates. He has over twenty years of diversified experience in planning and development practice, with expertise in marketability, valuation, financial analysis, negotiations and strategic planning. His clients have included investors, financial institutions, developers, architects, law firms, major users and government. Bolan Smart Associates is affiliated with Grubb & Ellis, one of the largest multi-disciplinary real estate service firms in the United States.

Before joining Leggat McCall Advisors, Inc. in 1985, Mr. Smart was a senior research associate at ULI - the Urban Land Institute, an international land use development research and education organization based in Washington, DC. He was project manager responsible for creating development guidelines for a variety of forms of real estate, including mixed-use, housing, recreational and infill development, each resulting in a major publication. During his six years at ULI, Mr. Smart was senior editor for Urban Land, ULI's monthly periodical on land use and development.

Mr. Smart has also worked as a planner for local jurisdictions in the State of Virginia and for PRC Jacobs, a real estate appraisal firm in Buffalo, New York. He is a frequent speaker and writes regularly on real estate and development planning issues. He has served on the Development Review Board in Arlington County, Virginia. Mr. Smart has testified in a variety of municipal and federal hearings and has acted as an expert witness in court proceedings. He was a member of the University of Maryland University College Real Estate Advisory Board and was Chairperson of the Urban Land Institute's District Council for the 850 member Washington, DC area for four years. Mr. Smart currently teaches as an adjunct professor in the Master of Science in Real Estate program at Johns Hopkins University.

EDUCATION

Bachelor of Arts in Economics, University of Toronto
Masters of Urban & Regional Planning, Virginia Polytechnic and State University

PUBLICATIONS

Editor, Urban Land; Author, Making Infill Projects Work, Housing for a Maturing Population, and Recreational Development Handbook; Contributing author, Urban Waterfront Development, Mixed-Use Development Handbook, Shopping Center Development Handbook, New Uses for Obsolete Buildings, Resort Development Handbook, and annual editions of Development Review and Outlook, all published by the Urban Land Institute. Mr. Smart contributes often to a variety of real estate periodicals.

AFFILIATIONS

The Urban Land Institute
American Planning Association
Lambda Alpha, International Honorary Land Economic Society

CERTIFICATION

Real Estate Salesperson - State of Maryland (1989)

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professor University of Maryland School of Architecture, College Park, MD 20742
columnist The Washington Post

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fx: 202-686-8603
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fx: 301-314-9583
rogershome@aol.com

Biographical Summary ROGER K. LEWIS, FAIA

Roger K. Lewis, FAIA, is an architect and planner, educator, and author. His firm, Roger K. Lewis & Associates, is based in Washington, DC, and he is a professor of architecture at the University of Maryland. Since 1984, his award-winning column -- "Shaping the City" -- on architecture and urban design has appeared weekly and bi-weekly in The Washington Post.

Born in Houston, Professor Lewis studied at the Massachusetts Institute of Technology, receiving a Bachelor in Architecture degree in 1964. After two years as a Peace Corps volunteer architect in Tunisia, where he designed and built a number of projects, he returned to M.I.T. and, in 1967, earned a Master in Architecture degree. Beginning his career in architectural education in 1968, he helped start the University of Maryland's new architectural school and also first established his architecture and planning practice.

Elected to the College of Fellows of the American Institute of Architects in 1986, Professor Lewis was recognized for "his commitment to architecture and architectural education" and for his "exemplary writing, practice, and teaching." He has designed private residences, multi-unit housing developments, recreational facilities, arts institutions, community centers, commercial buildings and schools. His urban design and planning work has included designs for new communities and creation of urban and architectural design guidelines. Built projects have received AIA and other design awards, including a 1988 Federal Design Achievement award - the highest award conferred by the National Endowment for the Arts in its quadrennial Presidential Awards Program - for design of a H.U.D. financed elderly housing project. Recently, he was the design architect for an award-winning, 120,000 square foot, public middle school, and his firm recently designed civic, commercial and residential projects in Maryland, Virginia and Florida.

Professor Lewis authored Architect? A Candid Guide to the Profession, published in 1985 by The MIT Press. A revised edition was published in 1998. Used as an introductory text at architecture schools throughout North America, it also has been translated and published in Japan, Korea and Mexico. The AIA Press published Shaping the City in 1987, a collection of selected essays and cartoons from The Washington Post. He was a co-author of the widely disseminated Growth Management Handbook, published in 1989, when he also began writing reviews of museum architecture for the American Association of Museums. Professor Lewis' articles on architecture, planning and urban design, historic preservation, housing, zoning, and public policy affecting the built environment appear regularly in national journals, periodicals, anthologies and encyclopedias. His "Shaping the City" cartoons, in addition to appearing continually in books and other regional and national publications, have been the subject of several exhibitions, including an exhibition in 1998-99 at The National Building Museum in Washington, DC.

A frequent guest speaker, lecturer or panelist at universities, professional conferences, and cultural and business institutions, he serves regularly on regional and national design award juries and design review committees. He also serves as a design and planning consultant to numerous governmental agencies, including the City of Alexandria, Virginia, and the U.S. General Services Administration, as well as private organizations. Professor Lewis is a member of the Board of Advisors of the Faberge Arts Foundation and the Board of Trustees of the Capital Children's Museum.

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REPORT TO THE ZONING COMMISSION

CASE NO. 02-017C
5401 WESTERN AVENUE, N.W.

STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP

NOVEMBER 14, 2002

- I. Introduction
- II. Nature of applications
 - A. Consolidated review of planned unit development
 - B. Map amendment from R-5-B and R-2 to R-5-C and R-2
- III. Site location
 - A. 5401 Western Avenue, N.W.
 - B. Friendship Heights area, adjacent to the intersection of Wisconsin and Western Avenues and within 250 feet of the Friendship Heights Metrorail Station
- IV. Site description
 - A. Wedge-shaped property located at the intersection of Western Avenue and Military Road, N.W. (Square 1663, Lot 805 and part of lot 7)
 - B. Contains approximately 58,840 square feet of land area
 - C. Has frontage of approximately 428 feet on Western Avenue and approximately 371 feet on Military Road

D. Existing condition:

1. Developed with three story plus basement brick building currently devoted to the Washington Clinic
2. Eastern portion of the site is open space currently part of the Lisner Home property
3. Pedestrian access from both Western Avenue and Military Road; vehicular access from Western Avenue (driveway on Military Road currently not operational)

E. Abutting streets

1. Western Avenue - 120 feet wide
2. Military Road - 90 feet wide

V. Description of the surrounding area

- A. General area: Friendship Heights commercial and residential area, including portions of both the District of Columbia and Montgomery County, Maryland
- B. To the north: Chevy Chase Shopping Center – one story retail complex, approved for redevelopment to a maximum height of 90 feet and a maximum of 2.0 FAR
- C. To the northeast and east: existing Lisner Home (three story brick building)
- D. To the southeast: residential neighborhood comprised of pre-1950's single family detached, semi-detached and row dwellings, mainly on smaller lots than now required
- E. To the south:
 1. East side of 43rd Street between Military Road and Jenifer Street comprised of single family detached dwellings
 2. West side of 43rd Street between Military Road and Jenifer Street:
 - a) 29 townhouses

- b) At the northwest corner of the intersection of 43rd and Jenifer Streets, two story portion of the Chevy Chase Plaza development containing four residential units and the Chevy Chase Plaza Children's Center
 - 3. Chevy Chase Pavilion, at the southeast corner of the intersection of Wisconsin and Western Avenues and Military Road, including the Embassy Suites hotel, office and retail space, to a maximum height of 100 feet and an approved FAR of 5.175
 - 4. Friendship Centre retail space, at 5333 Wisconsin Avenue, to a height of fifty-four feet and an approved FAR of 0.99
 - 5. Chevy Chase Plaza office building, at the northeast corner of the intersection of Wisconsin Avenue and Jenifer Street, to a height of 90 feet and an approved FAR of 5.5 overall
- F. To the southwest, retail mall known as Mazza Gallerie, on the west side of Wisconsin Avenue between Western Avenue and Jenifer Street to a height of 65 feet
- G. To the west and northwest:
- 1. Chevy Chase Metro Building
 - 2. Hecht's department store at the northwest corner of the intersection of Wisconsin and Western Avenues, approved for redevelopment to a maximum height of 143 feet and a maximum of 3.01 FAR

VI. Zoning

- A. Existing zoning: R-5-B and R-2
- 1. R-5-B (Clinic property)
 - a) General residential district permitting single family, two family and multi-family dwellings, as well as a broad range of institutional uses (e.g., clinic, hospital, museum) as a matter-of-right
 - b) Maximum height: fifty feet

- c) Maximum FAR: 1.8
 - d) Maximum percentage of lot occupancy: sixty percent
 - e) Minimum required rear yard – four inches per foot of height at the rear, minimum of fifteen feet
 - f) Side yard – not required
 - g) Minimum required parking:
 - (1) For apartment house use: one space for each two dwelling units
 - (2) For clinic use: one space for each 300 square feet of gross floor and cellar floor area
 - h) PUD guidelines
 - (1) Height: sixty feet
 - (2) FAR: 3.0
 - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
2. R-2 (Lisner property)
- a) Single family detached and semi-detached dwellings with certain other institutional uses
 - b) Minimum lot size:
 - (1) Area:
 - (a) Semi-detached dwellings: 3,000 square feet
 - (b) Detached dwellings: 4,000 square feet

- (2) Width:
 - (a) Semi-detached dwellings: 30 feet
 - (b) Detached dwellings: 40 feet
- c) Maximum percentage of lot occupancy: forty percent
- d) Minimum rear yard: twenty feet
- e) Minimum side yard: eight feet (where required)
- f) Minimum required parking: one space for each dwelling
- g) PUD guidelines
 - (1) Height: forty feet
 - (2) FAR: 0.4
 - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

B. History

- 1. Clinic property was zoned R-2 in 1958
- 2. Property was rezoned to C-3-A in 1963
- 3. Property was rezoned to R-5-B in 1974

C. Proposed zoning:

- 1. R-5-C for the Clinic Property
 - a) General residential district permitting single family, two family and multi family dwellings, as well as a broad range of institutional uses (e.g., clinic, hospital, museum) as a matter-of-right

- b) Maximum height: sixty feet
- c) Maximum FAR: 3.0
- d) Maximum percentage of lot occupancy: seventy-five percent
- e) Minimum required rear yard – four inches per foot of height at the rear, minimum of fifteen feet
- f) Side yard – not required
- g) Minimum required parking:
 - (1) For apartment house use: one space for each three dwelling units
 - (2) For day care center: one space for each four teachers and other employees
- h) PUD guidelines
 - (1) Height: sixty feet
 - (2) FAR: 4.0
 - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

2. R-2 for the Lisner property (no change from current zoning)

D. Zoning of the area

1. To the northeast, north, northwest and west (in Montgomery County):

- a) CBD-2 for the Metro building (allows a maximum height of 143 feet and a maximum of 4.0 FAR for commercial use and up to 5.0 FAR if residential is included)

- b) CBD-1 for the Chevy Chase shopping center immediately across Western Avenue (approved at a maximum height of ninety feet and a maximum of 2.0 FAR for commercial use)
 - c) CBD-2 for the Hecht's site across Wisconsin Avenue from the Metro building (approved at a maximum height of 143 feet and a maximum of 3.01 FAR)
- 2. To the east and southeast: R-2
 - 3. To the south: C-3-B and R-5-D in Square 1661 under three PUDs
 - 4. To the west and southwest:
 - a) C-3-A for Mazza Gallerie and the parking lot to the west
 - b) C-2-A for Lord & Taylor
 - c) C-2-B for the southwest corner of Wisconsin Avenue and Jennifer Street
 - d) R-5-B for the WMATA Western Garage
 - e) C-2-A further south along Wisconsin Avenue
 - 5. Zoning history
 - a) 1958 zoning (see map attached)
 - (1) C-2 for the area around the intersection of Wisconsin and Western Avenues and for the Lord & Taylor site
 - (2) C-M-1 for both sides of Wisconsin Avenue between Harrison and Jennifer Streets
 - (3) R-2 for the residential areas east and west of commercial strips
 - b) 1966 Zoning Map (see attached)
 - (1) C-3-A for all commercial areas north of Harrison Street, including the clinic property

- (2) R-2 remaining for the residential areas
- c) 1974 Rezoning
 - (1) Amendments adopted on an emergency basis by Order No. 75, October 18, 1973
 - (2) Permanent amendments adopted in Case No. 73-29, Order No. 87, February 12, 1974 (see 1975 Zoning Atlas, portion attached)
 - (a) C-3-A only for the area immediately at the "core" intersection on Wisconsin and Western Avenues
 - (b) Bands of C-2-B and C-2-A around the "core"
 - (c) R-5-B for the area to the east of the "core" in Squares 1661 and 1663
 - (d) R-5-B for the bus garage and other properties in Square 1657
- d) Planned unit developments in Square 1661
 - (1) Chevy Chase Pavilion – known as 5335 Wisconsin Avenue, hotel, office and retail development with a maximum of 100 feet in height and 5.175 FAR overall and rezoning from C-3-A, C-2-B and R-5-B to C-3-B (Case No. 85-16F/84-20P, Order No. 517, January 12, 1987)
 - (2) Office and apartment house PUD and map amendment from R-5-B and C-2-B to R-5-C and C-3-B on the east side of Wisconsin Avenue between Jenifer Street and Western Avenue, approved but not built (see modification below) (Case No. 86-21F/85-9P, Order No. 528, April 13, 1987)

- (3) Friendship Centre – known as 5333 Wisconsin Avenue, retail and townhouse development with a maximum of fifty-four feet in height and 0.99 FAR for the commercial component and forty-five feet in height and 0.87 FAR for the residential component and rezoning from R-5-B and C-2-B to R-5-C and C-3-B (Case No. 96-13M, Order No. 824, July 14, 1997)
- (4) Chevy Chase Plaza – known as 5301 Wisconsin Avenue, office, retail, residential and child care facility with a maximum height of ninety feet and 5.15 FAR overall and rezoning from R-5-B and C-2-B to R-5-C and C-3-B (Case No. 85-20C, Order No. 519, February 9, 1987)

VII. Description of the proposed project

- A. Uses: apartment house of approximately 125 units and child development center capable of accommodating forty-four children
- B. Height: 78.75 feet
- C. Floor area ratio:
 1. Apartment house
 - a) Total gross floor area of 182,000 square feet
 - b) FAR of 4.15 on Clinic property
 2. Day care center
 - a) Total gross floor area of 3,000 square feet
 - b) FAR of 0.2 on Lisner property
 3. Overall
 - a) Total gross floor area of 185,000 square feet
 - b) FAR of 3.14

D. Parking:

1. Two level underground garage containing 133 spaces with access from Western Avenue opposite Wisconsin Circle
2. Eight visitor parking spaces provided on the surface adjacent to the apartment house and day care center
3. Minimum of 1.1 spaces for each dwelling unit (including visitor parking) and four spaces for the day care center provided

E. Loading

1. One fifty-five foot berth with platform located on the northeast side of the first floor
2. One service delivery loading space
3. Access from Western Avenue

F. Comparison to matter-of-right and PUD standards for R-5-C

1. Use: residential use permitted as a matter-of-right, day care center permitted with BZA approval
2. Height:
 - a) Matter-of-right: sixty-five feet
 - b) PUD guideline: seventy-five feet
 - c) Proposed: 78.75 feet (guideline plus five percent)
3. FAR:
 - a) Matter-of-right: 3.0
 - b) PUD guideline: 4.0
 - c) Proposed: 4.15 (guideline plus 3.75 percent)
4. Proposed apartment house gross floor area of 182,000 square feet is approximately 103,000 square feet more than existing matter-of-right and approximately 50,000 square feet more than permitted as a matter-of-right under proposed R-5-C

VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
 - 1. Replacing clinic with an apartment house and day care center, both favored uses under the Comprehensive Plan and city policies
 - 2. Traffic will be less than current development, per O.R. George and Associates and DDOT
 - 3. Proposed height and density are consistent with existing and permitted height and density to the north and south
 - 4. Tax base implications for District are favorable
- B. Project is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§2403.4): see section IX, below
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)
- D. Public benefits and project amenities
 - 1. On-site benefits and amenities
 - a) Residential use
 - b) Affordable housing equal to five percent of the increase in residential floor area over existing matter-of-right
 - c) Expansion of existing community day care center
 - d) Open space and tree preservation
 - e) Pedestrian connection to neighborhood shopping area
 - f) Excess parking for project residents
 - g) Free visitor parking

2. Community benefits and amenities
 - a) Chevy Chase Park improvements
 - b) Neighborhood traffic mitigation measures

balanced against

E. Development incentives:

1. 1.15 FAR increase in residential gross floor area over proposed matter-of-right density
2. 13.75 foot increase in height from proposed matter-of-right

F. Areas of flexibility from R-5-C or PUD standards:

1. Approval of day care center otherwise requiring BZA approval as a special exception
2. Proposed height of 78.75 feet is five percent higher than guideline, subject to approval of the Commission under §2405.3
3. Proposed FAR of 4.15 for the apartment house on the Clinic site is 3.75 percent higher than guideline, subject to approval of the Commission under §2405.3

IX. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)
2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)
3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)
4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)

5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)
6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. “The primary dynamic of the District elements of the Plan is the overlapping of its elements’ goals. This overlapping is intentional.” (§112.1)
2. “District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly.” (§111.(a))
3. “The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements.” (§112.1(b))
4. “An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements.” (§112.1(c))
5. “The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan.” (§112.2)

C. Major Themes

1. Stabilize and Improve the District's neighborhoods (§102)
2. Respect and improve the physical character of the District (§106)

D. Land Use element

1. Generalized Land Use Map: institutional (reflecting existing uses)

2. "Encourage the appropriate and compatible development of public land near selected Metrorail stations and provide for development at appropriate levels of intensity and use to capitalize fully on the development and public transportation opportunities which the stations provide" (§1115.1(a))
3. Generalized Land Use Policies Map: housing opportunity area and regional center
4. "Housing opportunity areas are areas where the District expects and encourages either new housing or rehabilitated housing. These housing opportunity areas are not the only areas where new housing units will become available, but represent locations of significant concentrations. Most Metrorail stations outside the Central Employment Area, and some within, will support additional housing units. The conversion of existing nonresidential buildings for housing and the return of vacant units to the housing market are two (2) additional devices which will result in additional housing units." (§1118.6)
5. Criteria for designating housing opportunity areas (§1118.7):
 - a) Areas at or near selected Metrorail stations
 - b) Areas where there is a significant amount of vacant or poorly used land
 - c) Areas that represent unrealized employment and economic development potential, such as regional or other shopping areas
 - d) Areas where development can be used to improve neighborhood quality and stability
6. Regional center (§1107.5):
 - a) Located along major arterials served by transit
 - b) Largest commercial functions outside the Central Employment Area
 - c) Large office component

E. Housing element

1. Major policies

- a) Central theme to "stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units" (§300.2)
- b) "Extend affordable homeownership opportunities to low- and moderate-income households" (§300.2(a))
- c) "Increase the supply of child care facilities in each residential area" (§300.7)

- 2. "Stimulate the production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the type of housing needed at desired locations" (§302.1)
- 3. "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" (§302.2(a))
- 4. Residential development opportunity areas are "sites where significant housing development can appropriately occur" (§302.2(d))
- 5. Residential development opportunity areas "encourage multi-unit housing development near selected Metrorail stations" (§302.2(d))
- 6. "Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused" (§302.2(e))
- 7. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))
- 8. "Provide zoning incentives, as appropriate , to developers prepared to build low- and moderate-income housing, such as permitting additional densities in exchange for incorporating low- and moderate-income housing in development projects ... and give zoning preferences to mixed-use sites that include housing near appropriate Metrorail stations" (§303.2(d))

F. Environmental Protection element

1. Policy to promote improvement of air quality by "promot[ing] land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips" (§403.2(c))
2. Policy to protect the quality of land areas by "encourag[ing] the planting and retention of private trees" (§405.2(h))

G. Transportation element:

1. "Support land use arrangements that simplify and economize transportation services ..." (§502.2(a)).
2. "Require appropriate and adequate traffic circulation systems that include and emphasize mass transportation options ... in new residential developments and consider including pedestrian walkways and bicycle paths" (§505.2b))
3. "Require major developments to demonstrate that adequate parking will exist for occupants and other users" (§505.2(e))

H. Urban design element:

1. "Preserve and enhance the outstanding physical qualities of District neighborhoods" (§702.1(b))
2. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))
3. "Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region." (§708.2(b))
4. "Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;" (§709.2(a))

5. Areas of Stable Architectural Character (§711):

- a) Objective to "maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character." (§711.1)
- b) "Encourage infill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration" (§711.2(a))
- c) "Use landscaping in areas without strong building character to present a more positive physical image" (§711.2(c))

I. Ward 3 element

- 1. Major theme: "protect and preserve the low density, high quality character of the ward" (§1400.2(a)(2))
- 2. Economic Development:

"Priority for stimulating and facilitating a variety of commercial, retail, and residential development investments appropriate to selected Metrorail station areas outside the Central Employment Area should be consistent with the Land Use Element and accompanying maps. Residential development adjacent to Metrorail stations in the ward should include "starter homes" and owner-occupied housing." (§1401.6(b))
- 3. Housing
 - a) "Underutilized land in the ward that should be the focus for the development of new housing ... have been designated in the Land Use Element as housing opportunity areas" (§1402.1(g))
 - b) "Provide the greatest housing densities on those corridors that have the best access to transportation and shopping" (§1402.2(d))
 - c) "Encourage a mix of populations" (§1402.3(b))

- d) Provide zoning flexibility for the production of new housing by:
 - (1) "permitting increased densities (consistent with design scale and infrastructure capacity) in exchange for incorporating low- and moderate-income or elderly housing in development projects" (§1402.4(c)(1))
 - (2) "Giving zoning preference to projects that include housing near each of the ward's Metrorail stations" (§1402.4(c)(5))
- e) "Treat housing, when consistent with this ward plan and when for low, moderate or fixed-income households, as an important public amenity" (§1402.5(d))

4. Environment

- a) "The Land Use Element is drafted in part to minimize reliance on automobiles and instead promote pedestrian transit and public transportation" (§1403.5(b))
- b) "aggressive policy to replace trees and plant additional trees" (§1403.5(d))

5. Transportation

- a) "Transportation impacts must be a critical factor in the review of development plans" (§1404.2(f))
- b) "Improving the level of service at street intersections to "B," or "C" at worst, is important for the protection and improvement of the quality of life, air quality and residential character of the ward" (§1404.2(g))
- c) "Medium and high density residential use ... should be limited to the major arterials well served by either Metrorail or Metrobus" (§1404.3(a)(1)(B))
- d) For PUDs, government should require traffic mitigation studies (§1404.3(c)) and transportation system management programs (§1404.3(i))

6. Urban Design

- a) "Land use and development must be carefully controlled to protect the existing scale and low density character and to enhance the maintenance of existing natural open spaces and other qualities of the ward" (§1406.2)
- b) "Relate the overall height of new construction ... to that of adjacent structures" (§1406.9(a))
- c) "Relate the size and proportions of new construction to the scale of adjacent buildings" (§1406.9(b))
- d) High density residential development adjacent to residential districts must provide buffers (§1406.9(h)(2))

7. Land Use

- a) "Maintain and expand the housing stock" (§1409.2(k))
- b) "Increase the supply of child care facilities" (§1409.2(m))
- c) "Direct development to the housing opportunity areas" (§1409.4(a)(1))
- d) "Give zoning preference to projects which include housing near each of the ward's Metrorail stations" (§1409.4(c)(5))

X. Other planning policies

A. Transit oriented development (*Trans-Formation*, Mayor's Task Force on Transit Oriented Development, September, 2002, and *Recreating Neighborhood Centers with Transit*, D.C. Office of Planning)

- 1. "A land use strategy to accommodate new growth, strengthen neighborhoods, expand choices and opportunities by capitalizing on bus and rail assets to stimulate and support vibrant, compact, diverse and accessible neighborhood centers within an easy walk of transit"
- 2. "Transit assets provide an opportunity to steer growth to where it can best be accommodated"

3. Development near transit:
 - a) Provides multiple travel options
 - b) Maximizes public investment
 - c) Reduces growth of auto traffic and congestion
 - d) Increases pedestrian activity and safety
 - e) Strengthens neighborhood retail
 - f) Provides diverse housing options
 - g) Equalizes access to opportunity
 4. Strategies for creating a defined transit oriented center
 - a) Connectivity
 - b) Quality public realm
 - c) Pedestrian friendly
 - d) Appropriate architecture and design
 - e) Mix of uses
 - f) Traffic management
- B. Smart Growth
1. Programs to target growth in areas where infrastructure is already in place or planned to support it
 2. Concentrate development to reduce the costs and burdens of sprawl

XI. Compatibility with the area

- A. Only abutting property is devoted to institutional use (all other properties are separated by at least a ninety foot wide street)

B. Use

1. Apartment house and day care center replacing medical offices
2. Closest uses to the north and south are hotel, office and retail

C. Height

1. Existing building to the south and north are of greater height than that proposed
2. Proposed and approved height to the north is ninety feet
3. Proposed height of subject building matches the approximate cornice height of the Embassy Suites hotel
4. Building is substantially removed from the nearest single family dwellings (approximately 180 feet from the nearest townhouse on the west side of 43rd Street and approximately 240 feet from the nearest detached single family dwelling on the east side of 43rd Street)

- D. Density: proposed FAR for an all residential project, is lower than the existing and approved commercial projects to the south and west, equivalent to the density to the north and above but removed from the single family neighborhood to the east

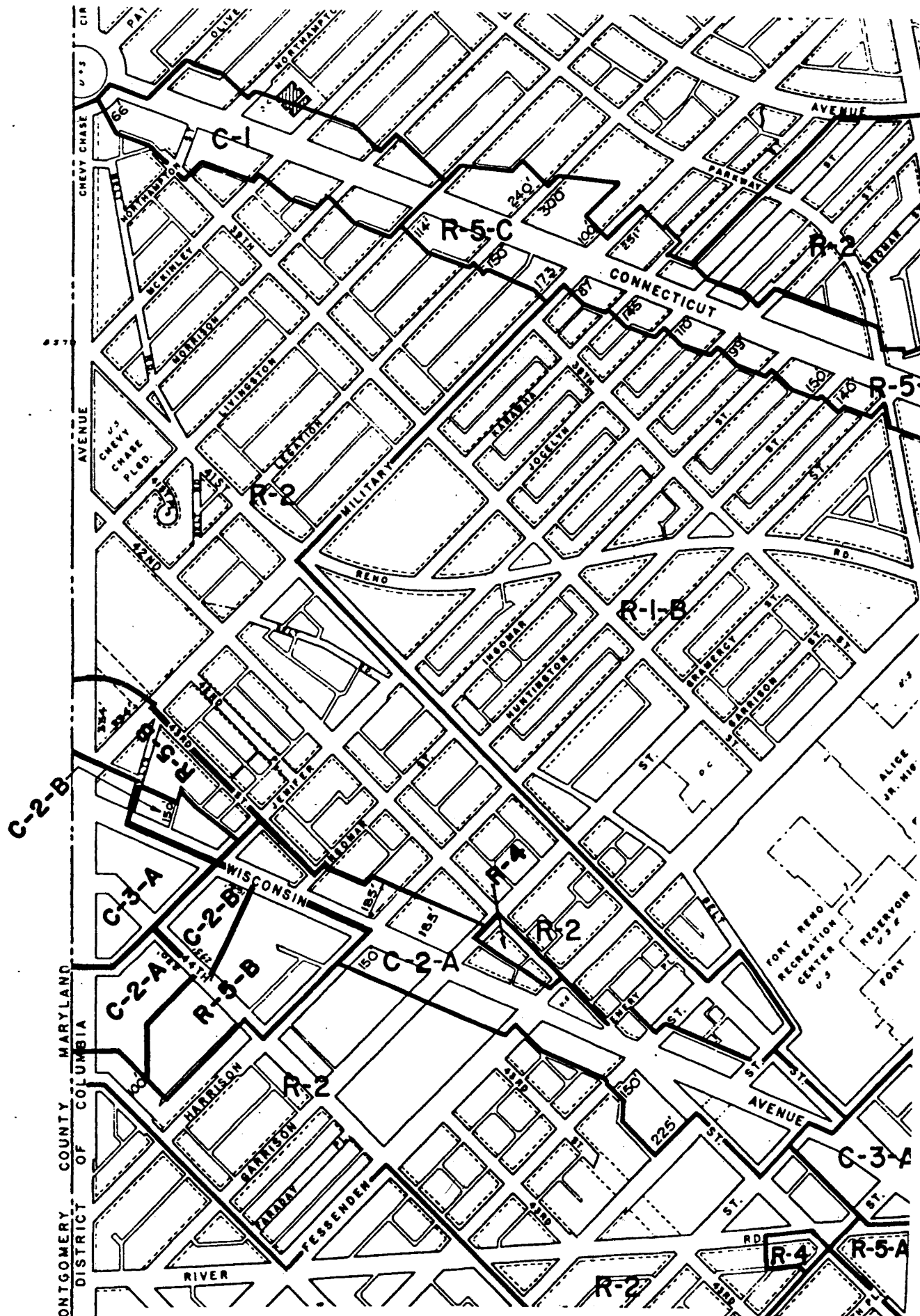
XII. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Project is within the applicable height and bulk standards of the Zoning Regulations
- C. Project adds the residential component of the "mix" in "mixed use" on the District side of Friendship Heights
- D. Given the Comprehensive Plan and other policies regarding development near Metrorail, the permitted height and density on this site for residential use should be as high as can be accommodated without creating adverse impacts

- E. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development
- F. Project should be approved



ZONING MAP - 1958



ZONING MAP - 1975