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ZONING COMMISSION
District of Columbia

September 1, 2006

CASE NO. 05-17A/05-32A

EXHIBIT NO. 1

Hand Delivered

Ms Carol Mitten, Chair
District of Columbia Zoning Commission
441 4th Street, Room 210
Washington, DC 20001

#05-17A/05-32A

Re: Application for a Minor Modification to Approved Planned Unit Developments for the Property Located in the Vicinity of the Intersection of Florida Avenue, 9th Street, and V Street, N.W. (Square 2073, Lots 1, 232, 852, 853, 859, and 864; Square 2875, Lots 1106, 1107, 2012, 2026, and 2030) Zoning Commission Order No. 05-17 and 05-32

Dear Chairman Mitten and Members of the Commission

Broadway Atlantic One, LLC (the "**Applicant**") hereby submits an application to the Zoning Commission for the review and approval of a minor modification to an approved Planned Unit Development ("**PUD**") pursuant to Section 3030.1 of the D.C. Zoning Regulations. The original PUD Order, Order No. 05-17 and 05-32 ("**Order**") (copy attached as Exhibit A), became final and effective on June 2, 2006. The Order approved two PUDs that together would result in the construction of four mixed-use buildings, including ground floor retail and a combined total of up to 700 residential units ("**Project**").

The Applicant believes that the proposed modifications are of a minor nature considering the scope of the Project and satisfies the requirements of 11 DCMR Section 3030 for consideration by the Zoning Commission as a Consent Calendar item. The proposed minor modification request has been forwarded to Advisory Neighborhood Commission 1B. The Applicant has also reviewed this application with the Office of Planning.

The buildings included in this PUD are designated as follows: Parcel "C" along Florida Avenue, Parcel "B" on the south side of V Street, Parcel "A" with frontage on the north side of V and along 8th Street, and Parcel "D", the smallest of the four parcels located directly north of the 930 Club, a night club. An aerial view of the parcels is attached as Exhibit B.

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The Applicant requests this highly time-sensitive modification to allow this project to proceed in a challenging real estate market. The real estate market no longer commands the price per square foot that it did a year ago and to make up the difference in cost, the Applicant is being forced to reduce the size of the units and increase their number. The lending climate has changed in conjunction with the change in the real estate market, thus this move is required in order for the Applicant to obtain the requisite financing for the project. With the changes, the Applicant is prepared to proceed immediately, without them, the project will be in jeopardy.

The Applicant requests a minor modification in order to accommodate four market-driven changes: (1) an increase in the permitted number of units from a maximum of 700 to a maximum of 781, (2) a slight reduction in the parking ratio, (3) the removal of Parcel D, the smallest of the four properties, from the PUD, and (4) an increase in the amount of retail space on the ground level of the building on Parcel C. Despite these modifications, the fundamental characteristics of the PUD will not be modified including the total gross square footage of construction, the amount of affordable housing, the overall project amenities, the materials, and the designated uses for the building.

(1) Unit Increase

Market conditions for residential buildings have changed significantly since the public hearing. Inventory has increased and the pace of sales has slowed. At the time of the hearing, the Applicant requested flexibility to construct between 630 and 700 residential units in the Project and the approved plans featured a total of 645 residential parking spaces. The Applicant also proposed to provide a minimum of one parking space per residential unit. Based on the Applicant's recent condominium sales experience with other residential buildings currently under development, such as the Capital Children's Museum (3rd and H Streets, NE) and the Dumont (4th and Massachusetts Ave, NW), sales of larger, more expensive units have slowed far more significantly than sales of smaller units. In addition, demand for parking spaces is less than originally anticipated. While most unit purchasers also purchase a parking space, several do not, resulting in an overall ratio of 8 parking spaces per unit. Also, the purchasers of smaller, less expensive units are less likely to buy a parking space than purchasers of larger units.

In order to respond to the changed market conditions, the Applicant requests a modification that would permit a greater number of smaller units. The Applicant is not requesting additional square footage – only the flexibility to increase the number of units to up to 781. This will be accomplished by reducing the average unit size and providing more efficiencies and 1 bedroom plus den units with fewer two bedroom units.

(2) Parking Ratio

In connection with the increase in unit count, the Applicant plans to increase the parking to a total of 693 residential parking spaces. These spaces will accommodate the anticipated additional parking demand resulting from the 81 additional units. With this increase in parking, the Project will provide slightly less than a 1:1 ratio of parking spaces to units as originally proposed. See the parking matrix attached as Exhibit C. As shown on the attached update to the traffic study, the increased unit count and reduced ratio will have minimal effects on parking and traffic.

(3) Elimination of Parcel D

Throughout the PUD process, the Applicant has sought to work with the community and immediate neighbors. The Applicant has made particular efforts to accommodate the 930 Club, which abuts both Parcel A (Square 2875, Lots 1107, 2012, and 2026) and Parcel D (Square 2875, Lot 1106). Parcel D is the smallest of the properties included in Atlantic Plumbing South, comprising only 4,073 square feet, and is located just north of the 930 Club. The Order approved a building for Parcel D comprising 10 residential units with an optional, small ground floor retail component and no parking. Following the approval of the PUDs, the 930 Club expressed interest in purchasing Parcel D for use as parking. Broadway is currently under contract to sell Parcel D to the 930 Club, and, accordingly, requests that Parcel D be removed from the PUD.

The removal of Parcel D from the PUD will have a minor effect on the FAR for the building to be located on Parcel A. The Order approved a combined FAR for Parcels A and D of 8.0. With the removal of Parcel D, the FAR for Parcel A will be 8.12. There will be no effective increase in density on Parcel A. The increase is merely a result of the removal of the Parcel D land area from the PUD. Although the maximum permitted FAR for a PUD in the CR Zone is 8.0, the Applicant requests that the Commission approve an FAR of 8.12 for Parcel A pursuant to § 2405.3. The 12 FAR represents an increase of less than 2% and it is essential for the functioning of the Project. Relief from Section 2405.3 was already granted in connection with the building on Parcel B south of V Street, NW.

(4) Retail

Finally, the Applicant seeks permission to devote the entire ground floor of the building on Parcel C to retail use. Currently the ground floor of the building contains 4,000 square feet of retail use and 25,000 square feet of residential use. The Applicant has determined that ground floor retail is likely to be far more successful in the location than ground floor residential use. To

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achieve a successful layout for ground floor retail, the Applicant seeks to fill in the courtyard that was originally proposed along the side of the building. Though the lot occupancy of the building will increase slightly at the ground floor, the FAR of the building will not change because of adjustments to the courtyard starting on the second floor (see plan) and continuing for the upper stories.

The Applicant has also added an additional loading berth to accommodate the increase in retail on Parcel C. Pursuant to the Zoning Regulations, one loading dock is required for less than 20,000 square feet of retail use (two are required for more than 20,000 square feet) and one loading dock is required for the residential use. Though the Applicant will be providing slightly more than 20,000 square feet of retail use at the site and technically two retail berths are required, the portion of retail space along 9th Street is designed to also accommodate live/work space rather than traditional retail. Moreover, less than 20,000 square feet of the retail space is concentrated in one area of the site and will require one loading berth. The 4,000 square feet of space originally dedicated to retail is separately located and does not justify the need for an additional berth.

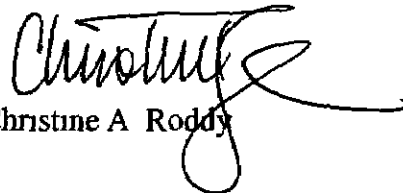
The Applicant has attached as Exhibit C the relevant plans as they were approved by the Zoning Commission and the proposed plans depicting the modifications. Attached as Exhibit D is an updated traffic analysis which takes into account the proposed modifications.

If you have any questions or comments regarding this minor modification application, please feel free to contact the undersigned.

Sincerely yours,



Allison C. Prince



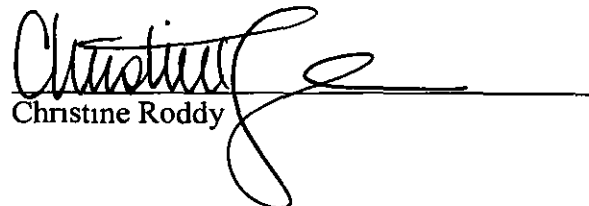
Christine A. Roddy

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2006 a copy of the Applicant's PUD minor modification application was delivered via hand delivery or first-class mail, to the following

Travis Parker
Office of Planning
801 N Capitol Street, NE
3rd Floor
Washington, DC 20002

Advisory Neighborhood Commission 1B
c/o Myla Moss, ANC 1B01
335 U Street, NW
Washington, DC 20001


Christine Roddy