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September 25, 2006

VIA HAND DELIVERY

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

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Re: Revised 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:

Please accept this letter as Broadway Atlantic One, LLC's (the "**Applicant's**") revised request for approval of a minor modification to an approved Planned Unit Development ("**PUD**") pursuant to Section 3030.1 of the D.C. Zoning Regulations. The Applicant initially submitted its request to modify the PUD located in the vicinity of the intersection of Florida Avenue, 9th Street and V Street, N.W. on September 1, 2006 ("**Initial Application**"). The Applicant now files a revised application, which significantly **narrows the scope** of the requested relief.

Section 3030 authorizes the Commission, in the interest of efficiency, to make minor modifications to previously approved final orders without a public hearing. The application provided herein requests modifications that are minor, or are of little consequence, to the overall character of the PUD that the Commission previously approved. The Applicant has been in discussions with both the Advisory Neighborhood Commission and the Office of Planning regarding this modification. Pursuant to conversations with the Office of Planning, the Applicant has significantly limited the extent of its Initial Application and believes that the request herein is truly a minor modification and can be considered on the Commission's October consent calendar.

ZONING COMMISSION
District of Columbia

CASE NO. 05-17A/05-32A
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 6
CASE NO. 05-17A/05-32A
EXHIBIT NO. 6

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's application of September 1 sought to modify four aspects of the Project: (1) an increase in the permitted number of units from a maximum of 700 to a maximum of 781 units; (2) a 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.

The Applicant has narrowed the amount of relief it is seeking. It seeks minor modifications of the same four aspects of the Project, but to a lesser degree: (1) an increase of 2% in the unit count of the PUD to 714 units; (2) a reduction in the parking ratio on Parcel C; (3) the removal of Parcel D from the PUD and moving the ten units previously allocated to Parcel D to Parcel C for a total of 724 units; and (4) an increase in the amount of retail space on the ground level of the building on Parcel C.¹

(1) Unit Increase

In its Initial Application, the Applicant requested the flexibility to create 781 units from the space previously approved for 700 units. The Applicant now reduces its request by nearly 60 units and seeks to modify the PUD to allow a total of 724 units, which does not require additional square footage. This modification increases the amount of units previously approved by 2% and accounts for the transfer of those units originally approved for Parcel D to Parcel C.

The increase in unit numbers is necessary because market conditions for residential buildings have changed significantly since the public hearing for the PUD. 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. 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 order to respond to the changed market conditions, the Applicant would like to modify the PUD to permit a greater number of smaller

¹ 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 9:30 Club, a night club. An aerial view of the parcels is attached as Exhibit B.

units which will be accomplished by reducing the average unit size and providing more efficiencies and 1 bedroom plus den units and fewer two bedroom units. It is the Applicant's belief that this will help counteract the impact the decline of the real estate market has on the PUD.

(2) Parking Ratio

The Initial Application proposed a reduction in the overall parking ratio for the PUD below the 1:1 ratio that had previously been approved. In the instant modification request, the Applicant seeks to reduce the parking ratio on Parcel C to slightly less than 1:1. The Applicant plans to increase the residential parking for the PUD to a total of 693 spaces, with 311 of the parking spaces to be located on Parcel C. Nevertheless, 89% of the units on Parcel C will have a parking space. See the parking matrix attached as Exhibit C.

The slight reduction in the parking ratio on Parcel C will have a minimal effect on parking and traffic, if any. See the updated traffic study included as Exhibit D of the Initial Application. The demand for owning a parking space has changed; many residents do not purchase a parking space when they purchase a unit, which results in a surplus of spaces. Specifically, the purchasers of smaller, less expensive units are less likely to buy a parking space than purchasers of larger units. In light of the Applicant's simultaneous request to reduce unit sizes, it anticipates that it will no longer require the number of parking spaces it previously did on Parcel C.

(3) Elimination of Parcel D

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 9:30 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 9:30 Club expressed an interest in purchasing Parcel D for use as parking. Broadway is currently under contract to sell Parcel D to the 9:30 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; however, there will be no effective increase in density on Parcel A. The FAR 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 Section 2405.3. The .12 FAR represents an increase of less than 2% and it is essential for the functioning of the Project.

(4) Retail

The Applicant seeks permission to devote the entire ground floor of the building on Parcel C to retail use. The ground floor of the building currently 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 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 and continuing for the upper stories. See Plans attached as Exhibit D.

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.

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 prices that it did when this project was designed and approved. Similarly, the lending climate has also changed and this modification is required in order for the Applicant to obtain the requisite financing for the project. With the proposed changes, the Applicant is prepared to proceed immediately; without them, the project will be in jeopardy.

Despite the proposed modifications, the fundamental characteristics of the PUD will not be modified including: the total gross square footage of the PUD, the amount of affordable housing, the overall project amenities, the materials, and the designated uses for the building. As described in greater detail above, the proposed modifications are of a minor nature and the Applicant asks that this application be considered during the Commission's October consent calendar.

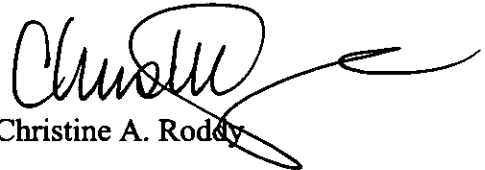
Ms. Carol Mitten, Chairperson
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If you have any questions or comments regarding this minor modification application, please feel free to contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Allison C. Prince".

Allison C. Prince

A handwritten signature in black ink, appearing to read "Christine A. Roddy".

Christine A. Roddy

Attachments

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2006, a copy of the Applicant's revised 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 Dee Hunter
2124 12th Place, NW
Washington, DC 20009

Myla Moss, ANC 1B01
335 U Street, NW
Washington, DC 20001


Christine Roddy