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318 I STREET, NE

BROADWAY I ASSOCIATES LLC



**APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
THE MODIFICATION OF CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT**

July 2, 2007

**ZONING COMMISSION
District of Co**

CASE NO. 05-154 **ZONING COMMISSION**
District of Columbia
EXHIBIT NO. CASE NO. 05-15A
EXHIBIT NO. 2

DEVELOPMENT TEAM

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EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
Application Form	A
Copy of the Zoning Map showing Subject Site in Red	B
Certificate of Notice and Notice of Intent to File	C
List of Owners of Property within 200 feet of the Subject Site	D
Compliance with Consolidated PUD Requirements and Environmental Analysis	E
Architectural Drawings and Elevations	F
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PREFACE

This statement is submitted by Broadway I Associates LLC in support of an application for the modification of Zoning Commission Order No. 05-15, which involved the consolidated review and approval of a Planned Unit Development for the property known as 318 I Street, NE (Lot 50 (formerly Lots 1, 22, 23, 32, 826, and 827) in Square 775) before the District of Columbia Zoning Commission. The property that is the subject of this application was formerly the site of Uptown Bakers, a wholesale bakery establishment, and the related parking lot for the many trucks owned by the bakery. It is located at the northwest corner of 4th and I Streets, NE.

The Applicant is requesting the modification of the approved PUD in order to create an exciting residential project on the site that will contribute significantly to the Near Northeast residential neighborhood. In total, approximately 160 to 180 residential units, with a significant affordable housing component, will be created as a result of this project. The proposed project has been thoughtfully designed to complement the existing structures and properties near the site.

The Applicant is requesting the modification as a result of the changing real estate market in the Washington, DC area. The approved PUD proposed a building of 65 feet, 5.65 FAR, 85% lot occupancy. The proposed building is 70 feet in height, an FAR of 5.65, and 80% lot occupancy. The total square footage of the building would remain approximately 160,000 square feet. The building's design and site layout will remain significantly similar to the design and site layout of the building approved under Zoning Commission Order No. 05-15.

Submitted in support of this application are a completed application form, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings, and a map depicting the zoning districts for the property and the surrounding area. As

set forth below, this statement and the attached documents meet the filing requirements for a PUD modification application under Chapter 24 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

A. Summary of Requested Action

This document supports the application of Broadway I Associates LLC ("**Applicant**") to the Zoning Commission of the District of Columbia ("**Commission**") for the modification of Zoning Commission Order No. 05-15 (the "**Order**"), a consolidated review and one-step approval of a Planned Unit Development ("**PUD**") for the site. The project site consists of Lot 50 (formerly Lots 1, 22, 23, 32, 826, and 827) in Square 775 (the "**Subject Property**" or "**Property**"). The Subject Property is located in the Near Northeast neighborhood of Ward 6 and consists of approximately 28,353 square feet of land area. The Subject Property is located in the C-2-B Zone District (as shown on Exhibit B), and the proposed height and density of the project are significantly less than the maximum provided under the PUD guidelines in the C-2-B District. The Applicant proposes to develop a signature residential project on the Subject Property that will help to enhance and revitalize the long-established residential neighborhood. In total, the project will include approximately 160 to 180 new residential units. The PUD project will also include approximately 9,150 square feet of affordable housing.

The Applicant wishes to modify Zoning Commission Order No. 05-15 due to the transformation of the dynamics of the residential market since the Order was issued by the Zoning Commission last year. Due to developing market fundamentals, the Applicant desires to alter the building from a condominium project of 125 to 140 units to a rental project of 160 to 180 units. That proposed change to the building would only slightly increase the height of the building and would decrease the building's lot occupancy. There would be no change to the FAR.

B. The Applicant

Applicant's parent company, The Broadway Group ("**Broadway**"), is an owner, manager and developer of both commercial and residential properties. Since 1978, Broadway has owned and managed in excess of twenty-three million square feet of income-producing property. Broadway's initial area of specialty was the renovation, rehabilitation and upgrade of commercial office buildings located primarily in New York City. Under-performing assets were given substantial makeovers both structurally and aesthetically and repositioned in the market.

In more recent years, Broadway has entered the D.C. market and has positioned itself to be a major developer of residential projects in the District. In addition to 318 I Street, NE, current projects include The DuMont, a high-profile site at 425 Massachusetts Avenue, NW, a large site in the vicinity of 9th and V Streets, NW, and in partnership with Abdo Development, Senate Square, which is the former Capital Children's Museum site. The DuMont project will contain 400,000 square feet of residential space in a 14-story building. The 370 condominium apartments will contain a mix of sizes ranging from studios to three bedrooms in a wide variety of layouts. The project in the vicinity of 9th and V Streets, NW will consist of four parcels and will have combined footprints totaling approximately 80,000 square feet. On that site, all existing structures will be demolished and condominium apartments will be constructed. The project will also contain retail components on its V Street, NE frontage. Finally, Senate Square is an all residential project that spans the square block bounded by H and I Streets, NE and 2nd and 3rd Streets, NE and consists of over 400 condominium apartments.

C. Project Goals and Objectives and Benefits of Using the PUD Process

The PUD process provides a means for creating a "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical

land utilization, attractive urban design and the provision of desired public spaces and other amenities." The notice and hearing requirements of the PUD regulations ensure that adjacent property owners and area residents will have the opportunity to express their views about the application. The use of the PUD process gives the community and District agencies an opportunity to work together with the Applicant to ensure a well-planned development. The PUD process will also provide the Zoning Commission with an opportunity to review the design of the project.

D. Development Timetable

The Applicant plans to start construction upon approval of the modification of Zoning Commission Order No. 05-15 and expects that the total construction period will last approximately 18 - 24 months.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Subject Property consists of approximately 28,353 square feet of land area and includes the southeastern portion of the block of 4th and I Streets, NE. It is commercially-zoned and has a long history of non-residential use. The square to the west of the Subject Property includes commercial office buildings that line the entire length of I Street, NE directly across 3rd Street, NE from the site. To the south are five rowhouses located at the intersection of 3rd and I Streets, NE. To the southwest at the intersection of 3rd and H Streets, NE, is a large commercially-zoned, vacant property (formerly a gas station) and the former Capital Children's Museum (currently being converted to a residential project). Directly to the east of the Subject

Property are rowhouses and single family homes. To the north of the Subject Property are rowhouses and a few warehouses.

The Subject Property is approximately a ten-minute walk to Union Station. In addition, the recently approved Station Place PUD project is located on the west side of Second Street, NE between F and H Streets, NE. The Station Place PUD project included a rezoning to the C-3-C Zone District and approved a commercial office development with retail and service uses of approximately 1,396,950 square feet (5.9 FAR) and a building height of 115.5 feet measured from F Street, NE. In March 2005, the Zoning Commission also granted final action to the Capital Children's Museum PUD, which is located on the west side of 3rd Street between H and I Streets, NE. The Capital Children's Museum PUD includes a rezoning to the C-3-C Zone District and a residential development of approximately 599,134 square feet (5.72 FAR). The new buildings on that site will have a maximum height of approximately 110 feet and the other building (the existing Capital Children's Museum building) will have a height of approximately 64 feet. That project is nearing completion.

The City's planning objectives call for more residential use in the area of the Subject Property. The site is located in the Moderate Density Residential land use category as shown on the District of Columbia Generalized Land Use Map. In addition, a majority of the site is located in the Moderate Density Commercial land use category. The properties to the north, east, and immediately south of the Property are included in the Moderate Density Residential land use category. The square directly to the west of the Property is included in the Low Density Commercial/Medium Density Residential land use categories. The properties to the southeast of the Property and further south, along H Street NE, are located in the Moderate Density

Commercial and Moderate Density Residential land use categories. The properties further to the west, which include the Station Place PUD site, are located in the High Density Commercial land use category (which includes a patch of High Density Residential land).

B. Project Description

As discussed above, the Applicant wishes to modify the Order due to the transformation of the dynamics of the residential market since the Order was issued. As a result of a shifting real estate market, the Applicant desires to convert the PUD approval from a condominium project of 125 to 140 units to a rental project of 160 to 180 units.

The plans, elevations and drawings of the proposed modification to the PUD project are attached as Exhibit F. The plans are similar to the plans that were approved by Zoning Commission Order No. 05-15. The Applicant will create an inviting residential building with approximately 160 to 180 residential units. Zoning Commission Order No. 05-15 approved the construction of a residential building of 125 to 140 residential units.

The new building will be built to a height of 70 feet (measured from I Street, NE), within the maximum height under the PUD height requirements in the C-2-B Zone District. Zoning Commission Order No. 05-15 approved a building height of 65 feet for the project.

The total gross floor area included in the proposed modification to the PUD is approximately 160,000 square feet for a total Floor Area Ratio ("FAR") of approximately 5.65. This FAR and building square footage is the same as that approved by Zoning Commission Order No. 05-15. The proposed modification to the project will have a lot occupancy of approximately 80%. Previously, a lot occupancy of 85% was approved under Zoning Commission Order No. 05-15. As modified, the project remains considerably smaller than the

building size is permitted under the C-2-B District PUD Guidelines (maximum FAR of 6.0 and a maximum building height of 90 feet). The following table illustrates the zoning parameters already approved for the Subject Property under Zoning Commission Order No. 05-15 and those proposed by the modification described herein:

	<u>As approved</u>	<u>As proposed by modification</u>	<u>Allowed by C-2-B PUD</u>
<u>Height</u>	65	70	90
<u>Number of units</u>	125 – 140	160 – 180	n/a
<u>FAR</u>	5.65	5.65	6.0
<u>Square footage</u>	160,000 square feet	160,000 square feet	169,866 square feet
<u>Lot occupancy</u>	85%	80%	80%
<u>Parking</u>	One to one ratio	140 – 180 spaces	1 for each 3 dwelling units
<u>Visitor Parking</u>	12 spaces	12 spaces	n/a

The revised design remains very similar to the design approved under Zoning Commission Order 05-15. The main lobby for the building will be accessed from the I Street, NE entrance to the project which create a visual connection to I Street, NE. The Project will enliven the street by having ground floor access to individual units along I and 4th Streets, NE.

The building will be primarily brick and masonry with metal windows and precast concrete and stone trim. The massing of the building, the façade and bays will create a richness of expression appropriate to this neighborhood. Along 4th and I Streets, NE, the design provides soft edges through the secondary massing of bays, balconies, and setbacks. Elevational elements within these bays, ornamental brickwork, and window patterns will further establish an

appropriate scale relationship to nearby buildings. Elevational elements within the bays, ornamental brickwork, and window patterns will further establish an appropriate scale relationship to nearby buildings and an intricate design that will bring richness to a site presently devoid of charm.

The project design and massing is compatible with the surrounding area. As shown on Exhibit F, special attention has been paid to the scale and massing of the surrounding area, particularly on 4th Street, NE, so that the project complements the residential neighborhood. In fact, the Applicant planned a building with a height lower than the PUD guidelines and greater lot occupancy to make the design appropriate for the neighborhood. In addition, the Project acts as a bridging element between the low scale Near Northwest neighborhoods to the larger structures to the south and west of the Project, including Station Place and Senate Square projects.

The roof of the new building will serve as a landscaped recreation space that will allow a lively visual ending to the building that will give it a memorable skyline. Esocoff & Associates have created similar emblematic roofscapes at 220 H Street, NE, 1499 Massachusetts Avenue, NW, 616 E Street, NW and 400 Massachusetts Avenue, NW. Mr. Esocoff was also the architect for 2401 Pennsylvania Avenue, NW. All these projects are well known for adding character and quality to the urban fabric of Washington. The last three projects also received public design review by a selection of the following: Office of Planning, GSA Design Excellence, Historic Preservation Review Board (HPRB), Zoning Commission, BZA and the Federal Commission of Fine Arts.

Access to the below-grade parking garage of approximately 140 to 180 parking spaces will be from the public alley located on I Street, NE in the middle of the block between 3rd and 4th Streets, NE. The originally approved access will not change. Based on community requests, the Applicant included 12 additional visitor parking spaces in the parking garage and intends to maintain those spaces in the requested modification.

The vehicular entrance and exit opens onto a courtyard that has been designed as an attractive and inviting entry for residents of the project and their guests. The vehicular entrance will be used for resident and guest drop-off and pick-up only, as residents of the project can go directly from their parking space in the below-grade garage to their units. A pedestrian-only entrance will be located on I Street, NE.

The Project will also include extensive hardscape improvements. Since the passage of the Alley Dwelling Act in the 1930's, the spaces at the centers of the Districts squares have been forgotten and neglected. As a result, they have become service areas devoid of charm or aesthetic design consideration. The Project addresses such aesthetic issues and will reinvigorate the alley space by carefully cultivating the interior of the Property. The Project entails the repaving of the north/south alley and the eastern extensions of that system in unit pavers in consultation with DDOT and the community. The Applicant also will pave the northwest corner of the Property in similar materials to effectively create a central, urban courtyard around a bosque of trees as an amenity for residents of the Project and the square. The trees are located on the Property – not in public space – and outside the footprint of the garage to ensure their long-term survival and growth. The trees will be surrounded with bollards to protect them from vehicles and include appropriate, aesthetic lighting. Such trees will soften the space and create a

livable alley area in great contrast to typical District properties. Small, walled gardens adjoining ground level units of our building will allow individual residents to add varied background greenery to this environment.

Designing the courtyard in the manner proposed, as an observed, figurative, cared-for communal space will be an effective way to improve security for all the surrounding residents. The aesthetic incorporation of the surrounding alley system into one, coherent design will suggest implicitly that all that space has been 'claimed' by the surrounding residents. Psychologically this may help establish the implicit, behavioral norms acceptable in that space. By contrast the typical alley is no one's space where few implicit rules are established.

In addition, along the I Street frontage, the Applicant will work closely with the DDOT to implement the proposed I Street streetscape improvements adjacent to the site. The ground level units along 4th and I Streets, NE will have direct access to the street and their own personalized landscaped areas.

C. Development Parameters Under Existing Zoning

The PUD guidelines for the C-2-B District allow a height of 90 feet and a maximum FAR of 6.0, with a limit of 2.0 of non-residential FAR. The C-2-B District, as a matter-of-right, permits a maximum height of 65 feet, a maximum lot occupancy of 80% for residential uses, and a FAR of 3.5 with a limit of 1.5 of non-residential FAR.

D. Flexibility under the PUD Guidelines

The PUD Process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning Commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment ("BZA"). The proposed development complies with the broad

parameters of the C-2-B Zone District. The design scheme proposed for the PUD modification no longer requires the relief from the lot occupancy requirement of 80% required under the plan for the Property proposed initially.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia.

B. Land Use Impact

The proposed PUD project will create a significant residential development and will improve dramatically the appearance of the site. The proposed height and massing of the project is consistent with recently approved PUD projects in the area and with the District's planning goals for the future of this area of the City. The Applicant has not sought a height in excess of that permitted as matter of right in recognition of the site's location east of 3rd Street, NE.

C. Zoning Impact

The Applicant does not propose any change in zoning and all uses proposed for the Project are permitted in the C-2-B Zone District.

D. Environmental Impact

As more specifically detailed in Exhibit E, no adverse environmental impact will result from the construction of this project. In addition, the increased use of water and sanitary services that will occur as a result of the project, will have an inconsequential effect on the District's delivery systems. The site is currently served by all major utilities. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent property

and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project.

E. Facilities Impact

The proposed project will not have an adverse impact on the public facilities that it will rely on for service. As previously mentioned, the Subject Property is located within easy walking distance of the Union Station transportation hub, which offers Metrorail, MARC and VRE service. In addition, numerous Metrobus lines utilize H Street, NE, which is only one block south of the Subject Property, such that the project is adequately served by public transportation. Bicycle usage by residents of the project has been integrated into the design of the project. Secure bike storage areas will support and encourage bicycle use.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application.

A. Public Benefits and Project Amenities

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning. The instant consolidated application will achieve the goals of the PUD process by creating high quality residential development, with a significant affordable housing component, on the Subject Property which will help to enliven and revitalize the Near Northeast neighborhood of Ward 6.

1. Housing and Affordable Housing

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. This project will create approximately 160 – 180 new residential units in the Near Northeast neighborhood. In addition, the project will result in the creation of approximately 9,150 square feet of affordable housing units. This amount represents 15% of the additional density secured through the PUD process and is the amount of affordable housing provided under the approved Zoning Commission Order No. 05-15. Given the current strong interest in the production of affordable housing in the District of Columbia, this is a significant amenity.

2. Urban Design and Architecture

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown in the detailed plans, elevations, and renderings included in Exhibit E, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The landscaping, high level of detailed articulation to the building façade, and alternating composition of projecting bays, all combine to create a sense of scale and visual interest. Finally, the building as a whole employs traditional, time-tested materials in new and modern ways in a design that is aesthetically enduring and which adds to the fine urban texture of the City.

3. Site Planning

Pursuant to Section 2403.9(b) of the Zoning Regulations, "Site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed project has been designed to provide residents and their guests with open and inviting spaces for entertainment, recreation, and relaxation, including the

large amenity and health club space and the large landscaped open space on the interior of the site.

4. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to Section 2403.9(c), state that "Effective and safe vehicular and pedestrian access" can be considered public benefits and project amenities of a project. The proposed project will provide a below-grade parking garage with approximately 140 to 180 parking spaces. This vehicular entrance and exit will be accessed from a public alley off of I Street, NE, and will be appropriately landscaped and buffered from neighboring properties. Residents of the project can go directly from their parking space in the below-grade garage to their units. A pedestrian only entrance/exit will be constructed on I Street, NE. These separate and distinct entrances/exits will mitigate any potential pedestrian and vehicular conflicts.

5. Revenue for the District

According to Section 2403.9(i), "uses of special value to the neighborhood or the District of Columbia as a whole" are deemed to be public benefits and project amenities. The addition of approximately 160 to 180 new households will result in the generation of significant additional tax revenues in the form of income, sales, use and employment taxes for the District.

6. First Source Employment Program

According to Section 2403.9(e), "employment and training opportunities" are representative public benefits and project amenities. Therefore, the Applicant will voluntarily enter into an agreement to participate in the Department of Employment Services ("DOES") First Source Employment Program to promote and encourage the hiring of District of Columbia residents.

7. Local Business Opportunity Program

Pursuant to Section 2403.9(e), the use of local firms in the development and construction of the project is a representative public benefit and project amenity. Therefore, the Applicant will enter into a Memorandum of Understanding ("MOU") with the Local Business Opportunity Commission ("LBOC") to use the resources of the LBOC to utilize local business enterprises in the development of this project.

8. Comprehensive Plan

According to Section 2403.9(j), public benefits and project amenities include "other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan." As described in greater detail in Section V, the PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.

9. Public Benefits of the Project

Section 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. The Applicant has addressed this issue in the text of the statement, and in the table on page 6. It is only as a result of the additional density provided through the PUD process that the Applicant is able to construct such a well-designed project. The architectural detailing of the proposed building and the large open spaces provided in this project set it apart from a matter-of-right residential project. In addition, a matter-of-right project would not be required to provide any affordable housing. The approval of this PUD application will result in the creation of approximately 9,150 square feet of affordable housing.

Further, as a result of meeting with ANC 6C, the community, and OP, the Applicant created a sizable amenities package that were incorporated into the Order that included several other items. Those items included the enhanced landscaping and hardscaping work, including refurbishing and improving the alley, and the incorporation of substantial environmental elements into the project's design.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters the goals and policies enumerated in the newly-adopted District of Columbia Comprehensive Plan, ("**Comprehensive Plan**"). The proposed project significantly advances the purposes of the Comprehensive Plan by furthering the social and economic development of the District through the creation of approximately 160 to 180 new residential units. As a general matter the project satisfies Section 217.6, which states that "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods." The project is just such an opportunity.

A. Compliance with Citywide Elements

The project satisfies the Citywide Elements enumerated in the Comprehensive Plan. The Applicant's proposal is consistent with these Elements as follows:

1. Land Use

The Comprehensive Plan includes the following goals with regard to the Land Use element:

Policy LU-1.3.3: Housing Around Metrorail Stations - Recognize the opportunity to build ... more affordable "starter" housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 306.12

Policy LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.4

Policy LU-2.1.11: Residential Parking Requirements - Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. 309.15

The proposed project has been designed to be the an ideal infill development. As a result, the project will improve the site's integration with the surrounding neighborhood and dramatically improve the streetscape on 4th and I Streets, NE. The 4th and I Street facades, landscaping, raised first floor level access, and alternating composition of projecting bays, all combine to create a sense of scale and visual interest and weave the project into the surrounding community. Further, the project is intended to take advantage of the site’s proximity to the Union Station Metro Station. Similarly, the amount of parking included in the structure is intended to be responsive to the level of demand that would be associated with constructing a residential building of this size at this exact site.

2. Transportation

The Comprehensive Plan includes the following action with regard to the Transportation element:

Action T-2.3-A: Bicycle Facilities - Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. 409.11

The project has been planned to be responsive to such focus on bicycle facilities. The project will include a great deal of bicycle parking, on two levels of the parking garage that will facilitate the greater use of bicycles by the residents of the project, and direct them away from the use of cars and taxis.

3. Housing

The Comprehensive Plan includes the following policies with regard to the production of new housing:

Policy H-1.1.1: Private Sector Support - 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. 503.2

Policy H-1.1.2: Production Incentives - Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing. 503.3

Policy H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4

Policy H-1.1.5: Housing Quality - Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. 503.6

Policy H-1.2.1: Affordable Housing Production as a Civic Priority - Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. 504.8

Policy H-1.2.7: Density Bonuses for Affordable Housing - Provide zoning incentives to developers proposing to build low- and moderate-income housing.

Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. 504.14

Policy H-2.1.3: Avoiding Displacement - Maintain programs to minimize displacement resulting from the conversion or renovation of affordable rental housing to more costly forms of housing. 509.7

The creation of approximately 160 to 180 new residential units on a site that is currently an underutilized industrial and commercial property, fenced off from the remainder of the neighborhood with a barbed wire fence, fully satisfies all of the above-noted provisions of the Housing Element of the Comprehensive Plan. The creation of a significant residential development on the Subject Property is also likely to help stimulate additional residential development and stabilize the neighborhood. The influx of these new residents in this neighborhood will provide the critical mass of customers needed to patronize existing, and hopefully new, commercial uses on nearby H Street, NE. Perhaps most importantly, the project will provide additional housing without displacing any current residents of the District.

Further, by providing these 160 to 180 units as rental units close to Capitol Hill, the project will offer another housing option for current and future residents of this Near Northeast neighborhood.

As previously stated, the project will provide approximately 9,150 square feet of affordable housing. The inclusion of these affordable units in the project is also entirely consistent with the provisions of the Comprehensive Plan noted above. These units will be of the same high-quality and finish levels as the market rate units in the project. The affordable units will also be distributed evenly throughout the project and amongst the various configurations of the project's unit types.

4. Environmental

The Comprehensive Plan includes the following policies with regard to the Environmental Element:

Policy E-1.1.1: Street Tree Planting and Maintenance - Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. 603.4

Policy E-1.1.3: Landscaping - Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. 603.7

As part of its project design, the project architects have intertwined a high degree of landscaping and hardscaping into the project. In addition, the project will include a great deal of planting street trees along both 4th and I Streets, NE. The result will be a site that is significantly more attractive than it is now, but also a site that is greatly more environmentally-beneficial.

5. Economic Development

The Comprehensive Plan includes the following policies with regard to the Economic Development Element:

Policy ED-3.1.1: Neighborhood Commercial Vitality - Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5

Policy ED-4.2.12: Local Hiring Incentives - Maintain requirements for resident job training and placement for projects built and/or operated with any form of public subsidy/loan, grant or other incentives. Promote incentives for similar training and hiring programs by the private sector. 717.20

Clearly the project will achieve these economic development policies. As a result of altering a vacant, foreboding site to an active well-designed residential site with 160 – 180

households, the project will stimulate the vitality of the area. By the same token, the project will bring residents close to the H Street corridor and will assist in creating a critical mass of residents able to support the desired new commercial uses on that corridor, and elsewhere in the Near Northeast neighborhood.

As stated elsewhere, the project will also include both a Local Small and Disadvantaged Business Entity Memorandum of Understanding with LBOC that will require the greater inclusion of LSDBE entities in the project and a First Source Agreement with DOES that will require the employment of District residents.

6. Urban Design Development

The Comprehensive Plan includes the following policies with regard to the Urban Design Element:

Policy UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6

Policy UD-2.2.5: Creating Attractive Facades - Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (see Figure 9.12) 910.12

As shown in the detailed plans, elevations, and renderings included in Exhibit F, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The construction of a prominent residential building will both complement and enhance the established residential neighborhood that surrounds the site.

The building as a whole employs traditional, time-tested materials in new and modern ways in a design that is aesthetically enduring and which adds to the fine urban texture of the city. The project is intended to demonstrate a great deal of visual interest and a high degree of

articulation that will add to the experience of the pedestrian in the near vicinity. Finally, the construction of a high quality residential project will be an important asset for the community.

7. Capitol Hill Area Element

The proposed PUD is consistent with the goals and policies of the Capitol Hill Area Element (Section 1502) in myriad ways. It is particularly more in alignment with the Capitol Hill Area Element in contrast to the current industrial/commercial bakery and larger-scale delivery operation. The project will “reinforce the fabric of the neighborhood and provide needed housing” on a site that is “already zoned for commercial use” (1507.2(b)), allow for a greater critical mass of residents to assist in the continued revitalization of H Street and other desirable retail destinations in the neighborhood (1507.2(d)), reinforce the residential nature of the neighborhood (1507.2(e)), reinforce and complement the “unique urban design” of the area and the neighborhood and reconcile “issues relating to scale, texture, materials, and context” in the neighborhood (1507.2(h)), allay concerns about affordable housing (1507.2(i)) both by the creation of affordable housing in the project and by the project offering another option for housing with several configurations of units and increases the supply of housing on Capitol Hill and in the Near Northeast Neighborhood, and address concerns about parking (1507.2(j)) by the building design and the parking allowance since the building will be “over parked” according to the Zoning Regulation requirements, including some visitor spaces.

In addition, the proposed PUD will satisfy many of the Capitol Hill Area Element policies and actions:

Policy CH-1.1.1: Conserving Residential Uses - Maintain the integrity and quality of Capitol Hill’s residential uses, and recognize the importance of its historic architecture and housing stock to the entire District of Columbia. 1608.2

Policy CH-1.1.2: Renovation of Housing Stock - Where infill development occurs, its scale and character should be compatible with prevailing neighborhood densities and its design should contribute to neighborhood continuity and quality. 1608.3

Policy CH-1.1.4: Directing Growth - Direct growth in the Capitol Hill Planning Area to commercially zoned land, with a particular emphasis on the H Street/ Benning Road corridor. 1608.5

Policy CH-1.1.7: Alleys - Protect Capitol Hill's system of historic alleys and develop plans for the use of large block interior spaces where appropriate. 1608.8

Policy CH-1.1.9: Conversion of Non-Residential Structures - Allow the conversion of obsolete or vacant non-residential structures ... to housing, provided that important architectural resources are conserved and the resulting development is consistent in density with surrounding uses. 1608.10

As described above, the proposed project will achieve each of these aspects of the Capitol Hill Area Element.

Further, to ensure a greater amount of Capitol Hill Area input, the applicant will work through the PUD modification process with representatives of ANC 6C, as well as the surrounding neighborhood, similar to its participation for its initial PUD approval. The Applicant created an amenities package based on the input of the community and the ANC as a result of the prior PUD process and intends to maintain that amenities package in this modification request.

8. Generalized Land Use Map

As previously mentioned, the recently-revised and adopted Generalized Land Use Map includes the Subject Property in the Moderate Density Residential Land Use Category. In Zoning Commission Case No. 821, all of the lots on the Subject Property, with the exception of Lot 32, were rezoned from C-M-1 to C-2-B. These lots were rezoned, in large part, because the Office of

Planning determined that a designation permitting high-density residential and mixed uses was more appropriate for the largely residential area. Such a change in the designation supports the construction of a high-quality residential project on a site that is currently home to a wholesale bakery and accessory parking lot.

The proposed project and C-2-B Zone District are consistent with the flexibility that the Moderate Density Residential Land Use category provides for the Subject Property. In addition, the proposed residential project is foregoing all commercial density that would otherwise be allowed on the Subject Property in the existing C-2-B Zone District.

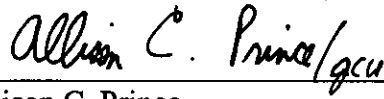
VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the modification request to the consolidated PUD approval meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of the modification of a consolidated PUD; provides significant public benefits; and advances important goals and policies of the District of Columbia. Therefore, the modification request to the consolidated PUD approval should be approved and adopted by the Zoning Commission.

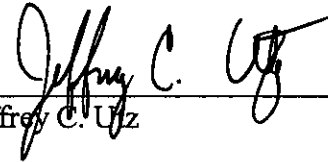
Accordingly, the Applicant respectfully requests the Zoning Commission to set the PUD modification down for a public hearing at the earliest possible date.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP

Handwritten signature of Allison C. Prince in cursive script, followed by a horizontal line.

Allison C. Prince

Handwritten signature of Jeffrey C. Uz in cursive script, followed by a horizontal line.

Jeffrey C. Uz

Date: July 2, 2007