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February 13, 2006

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By Hand Delivery

Carol J. Mitten, Chairman
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, N.W.
Washington, DC 20001

**Re: Zoning Commission Cases No. 05-17 & 05-32 – 9th & V Streets, NW
(the "Project")
Broadway Atlantic One LLC (the "Applicant")
Post-Hearing Submission**

Dear Chairman Mitten and Members of the Commission:

In response to issues raised by members of the Zoning Commission at the Applicant's consolidated public hearing on January 26, 2006, for the above-mentioned cases, the Applicant respectfully submits the following materials. These documents include:

- (1) information on the distribution, duration, and enforcement mechanism for Project's affordable housing units;
- (2) plans and written statements demonstrating the appropriateness of the proposed design for Parcel B;
- (3) written argument in favor of Applicant's design for Parcel B's vehicular entrances;
- (4) plans and written statements detailing the Project's parking and loading;
- (5) details regarding the proposed live/work spaces;
- (6) a discussion of the proposed phasing for the four buildings, and
- (7) a resolution of support for our project from Advisory Neighborhood Commission (ANC) 1C.

**ZONING COMMISSION
District of Columbia**

**ZONING COMMISSION
Case 05-17
EXHIBIT 38**

- **Affordable Housing:** The current unit count is 695 units for all four parcels. Of these approximately 14% are studio apartments, 29% are one-bedroom units, 40% are one-bedroom with den units, and 16% are two-bedroom units. The Applicant proposes a similar mix of units for the affordable housing requirement. If the allocation of market rate unit types changes, the allocation of affordable units will change to reflect this allocation. These units would be distributed among floors 1-8 on Parcels A and C and among floors 2-6 on Parcel B.

The units will be affordable for a twenty-year period of time. DCHD will set the pricing and enforce the affordability requirements through covenants and other legal mechanisms as has been the case with the other PUDs that involve affordable units.

- **Parcel B—FAR:** The Applicant was asked to provide justification for exceeding the 6.0 FAR by 5% pursuant to Section 2405.3 of the Zoning Regulations. There are two site factors that have directly affected the design of the building and created a need for an additional 5% FAR on Parcel B. First, the alley that once existed to the west of this property has been incorporated into the neighboring property. As a result, the building's loading functions must be located within the first floor plan, where they now count as FAR.

Second, the narrow right of way and sidewalks of 8th Street to the west have forced the bay projections to be pushed back into the property. They cannot project into public space. (Bays in public space do not count towards FAR.) The bays are an important part of the design of the this building that help it to integrate with the adjacent row houses. Also, because of the bay design, the entire elevation of the building has been pushed back four inches, therefore affecting all eight levels of the building.

- **Parcel B—Vehicular Circulation:** The Applicant was asked to provide justification for its proposed vehicular entrances to Parcel B in light of DDOT's concerns. The service entry to Parcel B, off the north frontage of V Street near the center of the block, meets the DC Streetscape Standards dimension from the western property line. It is also the recommended maximum width for garage or loading entries. It primarily serves the approximately 73-space parking garage and, to a much lesser extent, a loading area that will be used, at most, once a day for trash pick-up and possibly twice a month for moving. The small number of units in the building and the much

lower turnover rate for condominium units when compared to rental units suggests that a second entry exclusively for the minimal loading that will occur is not necessary. A second entry would, moreover, seriously adversely affect the quality of the streetscape. Additionally, moving activities are normally scheduled by condominium unit owners to occur off-peak when the level of garage activity and local pedestrian traffic is at its lowest, and possible conflicts are therefore minimized.

The minimum width of the garage ramp is 14 feet, and the minimum width of the loading berth is 12 feet. The total 26-foot width can be handled by one 24-foot wide opening and curb cut as illustrated in the attached plan. A six-foot wide wall segment has been left between our loading/parking entry and the adjacent property to allow for pedestrian clearance, should the neighboring site locate their service entries in a manner similar to ours.

The Applicant learned, through conversations with DDOT, that a comprehensive study of streets, curbs, and sidewalk widths in this neighborhood is likely in the near future. The Applicant will continue to work closely with DDOT to ensure that the streetscape of the Project addresses the needs and requirements set forth by any new standards of street and sidewalk design for the neighborhood.

- **Parking Management:** All parking spaces for retail use are now at grade and outside of the garage. The spaces will be easily accessible and there will be none of the conflicts that could result from the combined use of the garage for residential and retail parking.
- **Live/work spaces examples:** The Applicant has abandoned plans to provide proposed "live/work" spaces because, upon further exploration, the live/work concept was difficult to implement as there is limited interest. These units will now be developed as apartments. The attached ground floor plans now show the units as residential units.
- **Phasing Plan:** it is likely that the Florida Avenue building will be constructed first (Parcel C), the large building north of V Street second (Parcel A), and the remaining two buildings last. It is critical that the Applicant retain flexibility to handle the phasing in the manner that is most appropriate for market conditions.

February 10, 2006

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- **Agreement with DDOT**: Despite repeated attempts, we have been unable to confirm the acceptability of our proposed \$250,000 contribution toward the civil engineering associated with the proposed traffic circle and east-west street extension. Based on estimates that we have secured from two contractors that regularly construct streets for the District of Columbia, we believe that this contribution will cover a substantial portion, if not all, of the civil engineering costs associated with the proposed traffic improvements.
- **ANC Approval**: Enclosed please find a letter from ANC 1B, dated February 12, 2006, that outlines its support for the Project and states that at the ANC's February 2, 2006 regularly scheduled meeting, ANC 1B voted 7-2 to endorse this application. We understand from the ANC Chairman that the ANC will determine the specific use of the funds and submit a letter to the Zoning Commission prior to the decision date of March 2, 2006. We urge the Commission to accept the ANC's letter despite its delayed filing.

The attached documents address the issues that were raised by the Commissioners at the January 26, 2006 Public Hearing in this case. The Applicant believes that the information included in the record of this case fully satisfies the requirements for PUD and Zoning Map Amendment approval and looks forward to the Commission's decision on this case at the March 2, 2006 Public Meeting.

Sincerely,



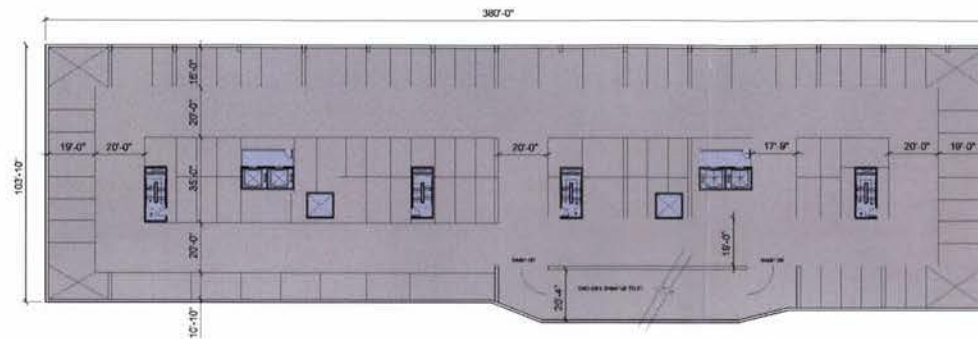
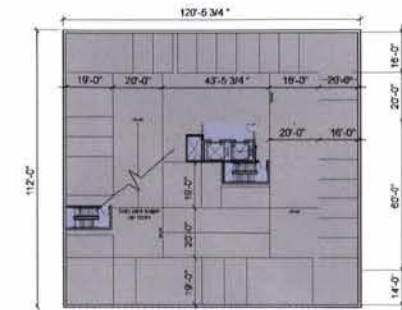
Allison C. Prince

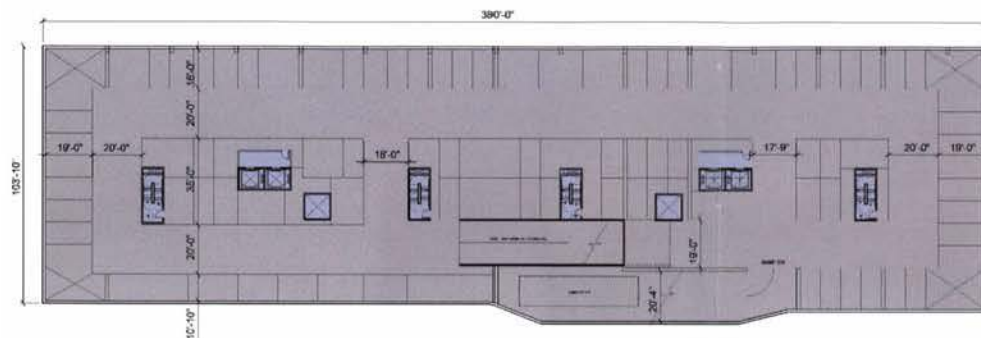
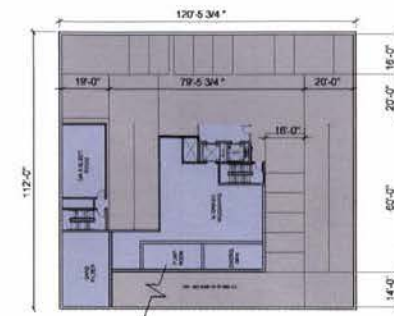
Enclosures

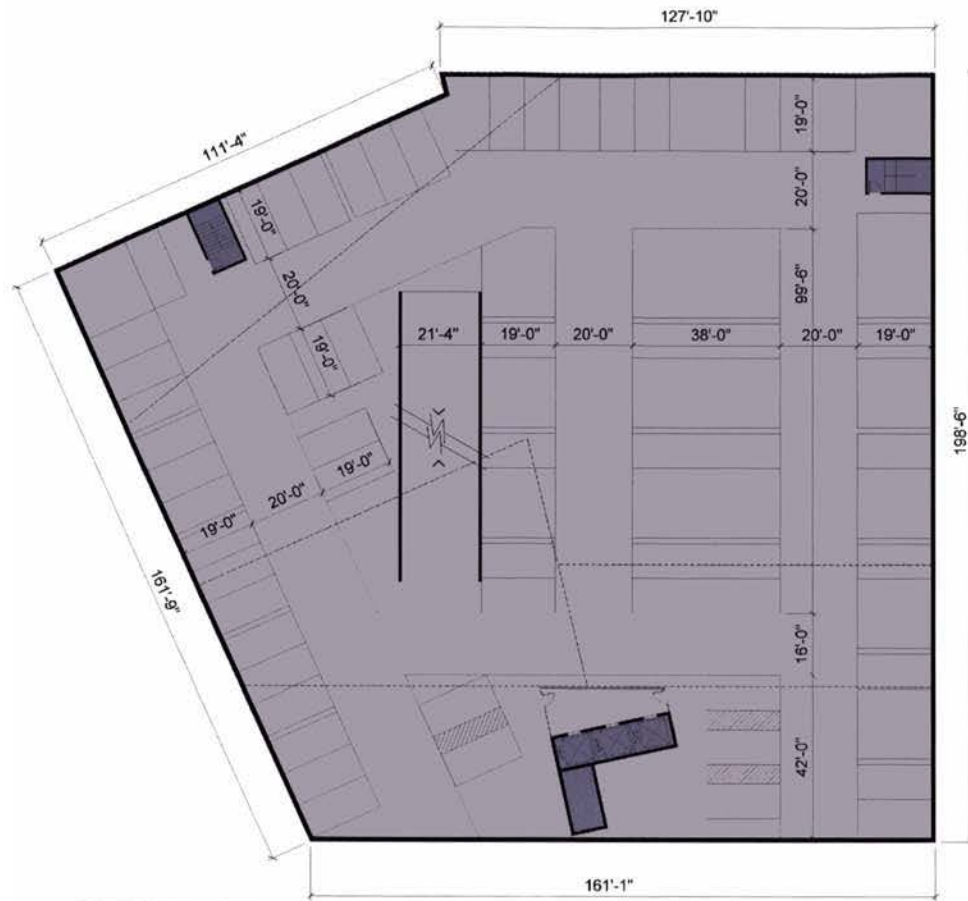
cc: ANC 1B

Office of Planning

DDOT

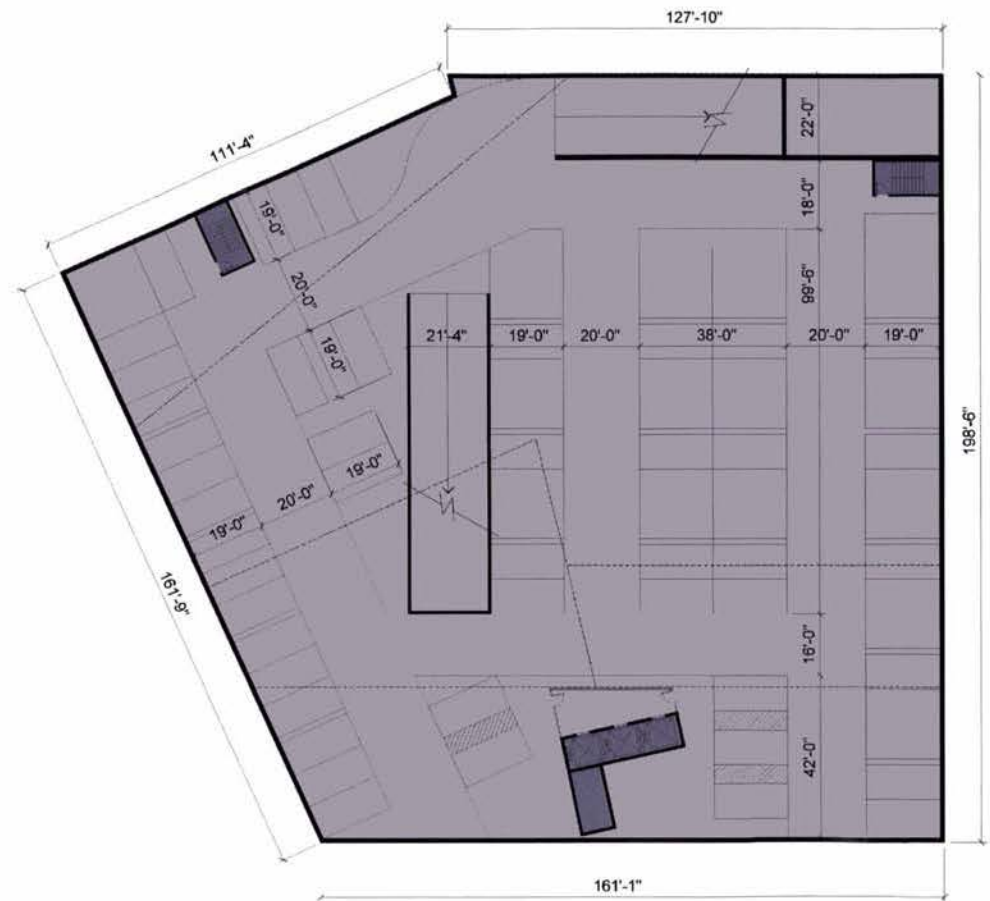






P2-P3 PARKING PLAN

85 FULL @ EA. LEVEL
 5 HC (FULL) @ EA. LEVEL
 180 TOTAL SPACES P2/P3 LEVELS
 256 TOTAL ON ALL LEVELS



P1 PARKING PLAN

71 FULL
 5 HC (FULL)
 76 TOTAL SPACES P1
 256 TOTAL ON ALL LEVELS



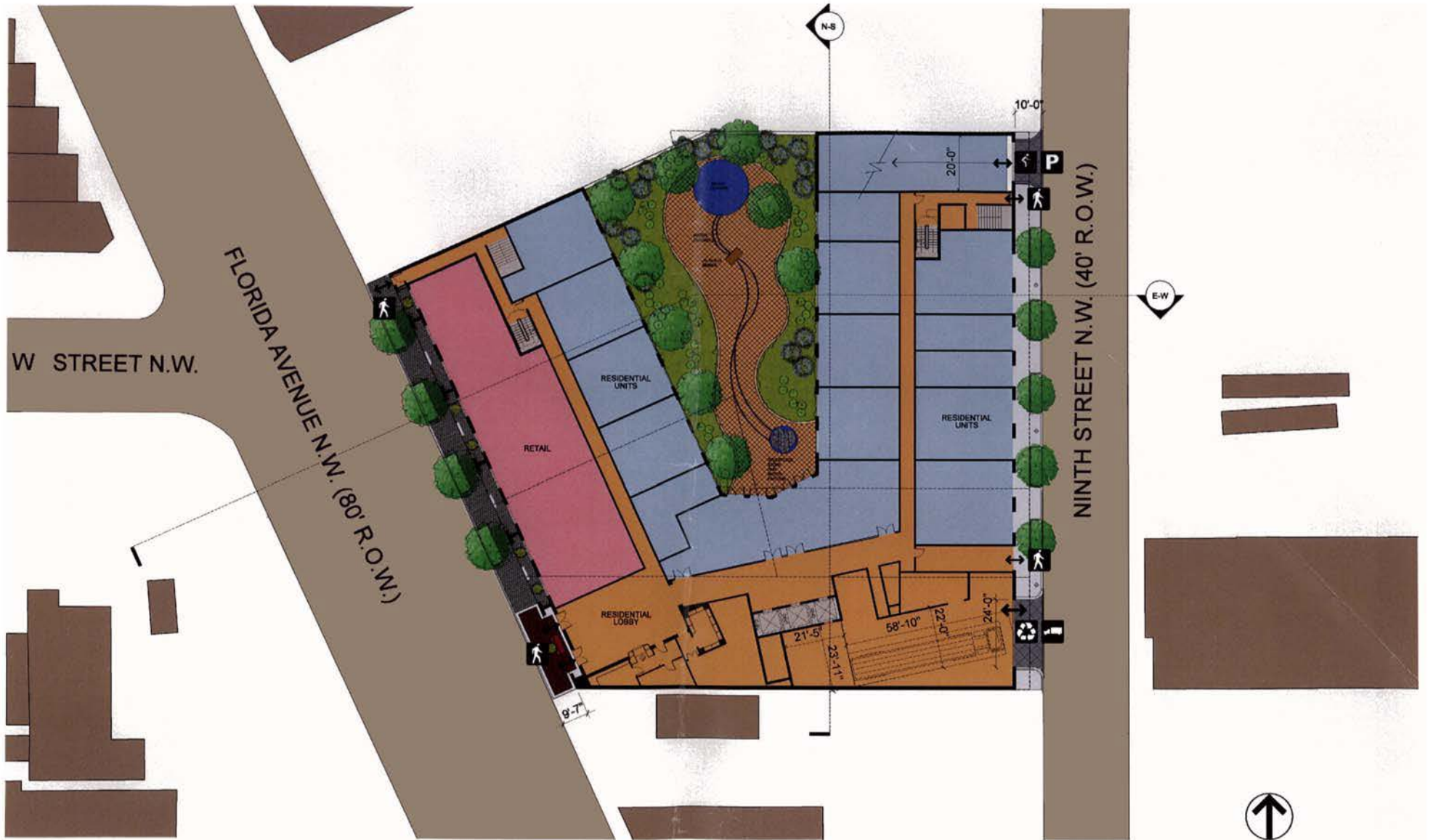
Atlantic Plumbing Site - North

ESOCOFF & ASSOCIATES architects

Parcel C - Parking Levels

12





Atlantic Plumbing Site - North

ESOCOFF & ASSOCIATES | architects

Parcel C - Ground Floor