9th and V Streets, NW

BROADWAY ATLANTIC ONE LLC

PREHEARING STATEMENT IN SUPPORT OF THE APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR CONSOLIDATED REVIEW AND APPROVAL OF A PLANNED UNIT DEVELOPMENT

ZC CASE NO. 05-32

November 3, 2005

ZONING COMMISSION
CASE No. 05-32
EXHIBIT No. 2

ZONING COMMISSION
District of Columbia
CASE NO.05-32
EXHIBIT NO.2

DEVELOPMENT TEAM

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TABLE OF CONTENTS

DEVELOPMENT TEAM 2
EXHIBITS 5
ATLANTIC PLUMBING NORTH 6
PREFACE 6

I. INTRODUCTION 8

A. Summary of Requested Action 8

B. The Applicant 8

C. Project Goals and Objectives and Benefits of Using the PUD Process. 9

D. Development Timetable. 10

II. ATLANTIC PLUMBING NORTH 10

A. Site Location and the Surrounding Neighborhood 10

B. Project Description of Atlantic Plumbing North 11

C. Development Parameters Under Existing Zoning 13

D. Flexibility under the PUD Guidelines 13

III. PLANNING ANALYSIS 14

A. Introduction 14

B. Land Use Impact 15

C. Zoning Impact 15

D. Environmental Impact 16

E. Facilities Impact 16

IV. EVALUATION STANDARDS 16

A. Public Benefits and Project Amenities 17
1. Housing and Affordable Housing 17
2. Urban Design and Architecture 17
3. Site Planning 18

4. Effective and Safe Vehicular and Pedestrian Access....19
5. Revenue for the District....19
6. First Source Employment Program....19
7. Local Business Opportunity Program....19
8. Comprehensive Plan....20
9. Public Benefits of the Project....20

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN....21

A. Compliance with Major Themes....21
1. Stabilizing the District's Neighborhoods....21
2. Respecting and Improving the Physical Character of the District....22
3. Preserving and Ensuring Community Input....22

B. Compliance with Major Elements....22
1. Housing Element....23
2. Urban Design Element....24
3. Generalized Land Use Map....24
4. Ward 1 Goals and Policies....24
5. DUKE Plan....25

VI. CONCLUSION....26

EXHIBITS

Exhibit	Description
A	Supplemental Architectural Drawings and Elevations of the Site
B	Outline of Traffic Impact Study
C	Compliance with Consolidated PUD Requirements and Environmental Analysis

ATLANTIC PLUMBING NORTH

PREFACE

This statement is submitted by Broadway Atlantic One LLC ("**Applicant**") in support of an application before the Zoning Commission for the consolidated review and approval of a Planned Unit Development ("**PUD**") for a portion of the Atlantic Plumbing site located between 9th Street and Florida Avenue, just south of the Howard University parking lot. The Applicant has simultaneously submitted a statement in support of ZC No. 05-17, which also is part of the project. The Applicant requests that the public hearings for the two applications be held during the same evening.

A. The Project

The Applicant is requesting PUD relief in order to create an exciting mixed-use project on a highly-visible site that will transform the Greater Shaw/U Street neighborhood. This project has been thoughtfully designed to complement the existing structures and properties near the Site, and the Applicant plans to develop the entire project under the existing zoning. The Site currently is improved with a mixture of undesirable uses, including parking lots, concrete-block industrial buildings, and warehouses, all of which will be demolished. In total, the applicant proposes to construct four buildings with a combined total of approximately 571 residential units (the "**Project**"). The Project will devote 15% of the bonus density achieved through the PU&d process to affordable housing – at this time approximately 28,000 square feet. This is the largest affordable housing component ever offered as a PUD amenity. The Project also will feature much-needed ground floor retail that will transform and enliven the streetscapes of the neighborhood. The Project will provide a total of approximately 627 parking spaces.

B. Atlantic Plumbing North

This PUD application ("**Atlantic Plumbing North**") includes the following properties in Square 2873, Lots 232, 852, 853, 859, and 864 ("**Parcel C**"). Atlantic Plumbing North encompasses the portion of the Project located west of 9th Street (Parcel C). This portion of the Project is located in the CR zone. Atlantic North includes only one parcels that will be improved with one building.

Since filing its application on June 14, 2005, Broadway has worked with the community, the District Department of Transportation ("DDOT") and the Office of Planning ("OP") to further refine and improve the Project. Broadway initially requested a rezoning of Parcel B but has decided to retain the existing ARTS/C-2-B zoning and to develop the entire Project under the existing zoning. Also during these discussions, Broadway was informed that an important goal of the DUKE Plan was to create an east-west cut through to connect Florida and Georgia Avenues in the vicinity of Parcel C. Broadway determined that it could help address this need by acquiring additional property and shifting the building planned for Parcel C to the south. This shift allows Broadway to dedicate an easement at the northern end of Parcel C to the District of Columbia. This easement will be a critical component of the city's effort to create a new public street.

Submitted with this prehearing statement are the following items requested by the Zoning Commission during its public meeting on October 17:

i. an area map illustrating the proposed route for the new Bryant Street and the dedicated easement; and
ii. text noting where key dimensions are on the drawings to illustrate areas of relief for roof setbacks of penthouses, recreational areas that do not meet the 25 foot setback requirement, and the varying height of roof structures (See Exhibit A).

Also included is an outline of the traffic report the Applicant plans to file prior to the public hearing (Exhibit B).

I. INTRODUCTION

A. Summary of Requested Action

This document supports the application of Broadway Atlantic One LLC to the Zoning Commission of the District of Columbia for the consolidated review and one-step approval of a PUD. Atlantic Plumbing North consists of Lots 232, 852, 853, 859, and 864 in Square 2873. It is located in Ward 1 and contains approximately 34,491 square feet of land area.

The Applicant plans to develop the entire Project under the existing zoning. The proposed height is less than that allowed under the PUD guidelines for the applicable zone district, and the proposed density is within those requirements as well. The Applicant proposes to develop a signature residential project on the Site that will help to enhance and revitalize this neighborhood. In total, the Project will include approximately 571 new residential units and will include approximately 627 parking spaces. The Project will also include affordable housing in the amount of approximately 15% of the additional GFA gained through the PUD process and a retail presence along V Street. Finally, the Applicant has agreed to dedicate an easement on to the District of Columbia on a portion of its property.

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 the Site, Broadway currently is involved in several other projects in the District, including a residential project at 318 I Street, NE, a high-profile site at 425 Massachusetts Avenue, NW, and, in partnership with Abdo Development, Senate Square, which is the former Capital Children's Museum site. The site at 318 I Street, NE is located one block east of the Senate Square complex and is approximately 28,000 square feet. The Applicant plans to raze the existing structure, formerly a commercial bakery, and construct a building featuring 120 condominium apartments. The project at 425 Massachusetts Avenue, NW in the Mount Vernon Triangle, 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. Finally, Senate Square is an all residential project that will span the square block bounded by H and I Streets, NE and 2nd and 3rd Streets, NE and will consist of approximately 500 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 provide the Zoning Commission with an opportunity to review the design of the Project.

D. Development Timetable.

The Applicant plans to start construction no later than the Fall of 2006 and expects that the total construction period will last approximately 24 months.

II. ATLANTIC PLUMBING NORTH

A. Site Location and the Surrounding Neighborhood

Atlantic Plumbing North comprises 34,491 square feet of land area. Currently, the site is improved with a mixture of uses, including parking lots, concrete-block industrial buildings, and warehouses. All existing structures will be demolished.

Atlantic Plumbing North is located between Florida Avenue and 9th Street, just south of the Howard University parking lot. The surrounding area is an emerging and underdeveloped neighborhood that is experiencing a renaissance in residential development. Several new residential condominium buildings are under development near the site. The Rhapsody, located at Florida Avenue and W Street, N.W. will feature 162 condominium units with loft-like features and a large rooftop terrace with underground parking. P. N. Hoffman is developing Union Row north of the site. This project will feature a conversion of existing warehouse structures into an eight-story mixed-use building housing more than 250 condominium units and townhomes with a vibrant urban streetscape including shops and cafes. The Floridian, a condominium building near the site at Florida Avenue and V Streets, N.W., will feature two eight-story towers of condominium loft units. The Project will be a signature development in this emerging area in

keeping with the height and density of other projects, and will provide ample parking and the pedestrian-oriented retail uses to service the new residents who will be entering the community.

Atlantic Plumbing North is designated Moderate Density Residential, Moderate Density Commercial, and Institutional as shown on the District of Columbia Generalized Land Use Map. The properties to the east of Atlantic Plumbing North are included in the Institutional land use category. To the north of the Atlantic Plumbing North, the land is designated as Parks, Recreational and Open Space on the District of Columbia Generalized Land Use Map. The properties directly to the west of Atlantic Plumbing North running from north to south are located in the Moderate Density Residential, Low Density Commercial and Local Public Facilities land use categories, respectively. The properties to the south of Atlantic Plumbing North are located in the Moderate Density Residential land use category.

B. Project Description of Atlantic Plumbing North

Atlantic Plumbing North includes Parcel C, which will be improved with one building. The location of Parcel C in relation to the parcels included in Atlantic Plumbing South is shown in Exhibit A. Atlantic Plumbing North is located in Square 2873 and includes Lots 232, 852, 853, 859, and 864. It has a land area of 34,491 square feet. It is located between Florida Avenue and 9th Street, north of V Street and south of the Howard University parking lot.

The building to be constructed on Parcel C will feature approximately 220 residential units with approximately 8,839 square feet of ground-floor retail. The total gross floor area of the building will be approximately 275,928 square feet, resulting in an FAR of 8.0. Approximately 10,347 square feet of the gross floor area devoted to residential use will be affordable housing. The building will be built to a height of 100 feet. The height will be stepped

back to 90 feet in order to harmonize with the 90 foot Rhapsody building to be constructed across the street. The lot occupancy will be 80%.

The building will feature an attractive open courtyard and loggia, providing a public gathering place. The first two floors of the building will be set back five feet along 8th Street in order to provide ample room for street trees and a more lively, pedestrian-oriented space. Access to the below-grade parking garage will be directly from 9th Street. This parking garage will include four levels below grade and will provide approximately 238 parking spaces. The building will include extensive landscape and hardscape improvements. The courtyard area will feature private gardens. The building frontages will feature ample sidewalks and street trees. Ground level units along 9th Street will have direct access to the street and their personalized landscaped areas. A central courtyard, which will be richly paved and landscaped, will be a common amenity for all residents. The roof of the Parcel C building will feature a pool. Atlantic Plumbing North will add significantly to the number of street trees in the neighborhood, considerably enhancing the pedestrian environment.

The architect for the Project is Esocoff & Associates. The building will be constructed primarily of masonry with metal windows and precast concrete and stone trim. The massing of the building, balconies, and rooftop elements will create a richness of expression appropriate to this neighborhood. Ornamental brickwork and window patterns will further establish an appropriate scale relationship to nearby buildings. The building has been stepped back five feet from 8th Street to provide ample room for the growth of street trees, further enhancing the proposed streetscape. The roof of the building will serve as a landscaped recreation space. The need for shade will allow a lively visual ending to the building that will give them a memorable skyline. Esocoff & Associates has created similar emblematic roofscapes at 220 H Street, NE,

1499 Massachusetts Avenue, NW, 616 E Street, NW and 400 Massachusetts Ave., NW. Mr. Esocoff also was the architect for 2401 Pennsylvania Ave., NW. Each of these projects is well known for adding character and quality to the urban fabric of Washington. The last three projects also received public design review by various District agencies, including the Office of Planning, GSA Design Excellence, HPRB, the Zoning Commission, the BZA, and the Commission of Fine Arts.

All of the residential units will be for-sale units. The building will contain retail components on 9th Street and along the future Bryant Street. In addition to the ground-floor retail, the Atlantic Plumbing North will enliven the street by having ground floor access to individual units along 9th Street.

Atlantic Plumbing North is within the requirements of the PUD Guidelines for the CR District. The maximum FAR for a PUD in the CR District is 8.0 and the maximum building height is 110 feet. The building will have an FAR of 8.0 and a height of 100 feet, which will be stepped down to 90 feet along the Florida Avenue and 9th Street frontages.

C. Development Parameters Under Existing Zoning

The CR District allow a matter-of-right height of 90 feet, a maximum lot occupancy of 75% for residential uses, and a maximum FAR of 6.0, with a limit of 3.0 for 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 allow the Zoning Commission to approve any zoning relief that otherwise would require the approval of the Board of Zoning Adjustment ("**BZA**").

Although Atlantic Plumbing North complies with the broad parameters of the existing CR Zone District, the proposed design has created a configuration that does not completely meet the requirements. The Applicant requests flexibility with respect to the amount of residential FAR, lot occupancy, the rear yard requirements, the rooftop setback requirements, and the minimum court width requirements. The proposed zoning parameters for Atlantic Plumbing North are shown on the plans, the Tabulation of Development Data, and the additional plans attached as Exhibit A. Exhibit A also includes a chart setting forth the requested relief from the rooftop requirements. These changes will allow the Applicant to construct a high quality mixed-use project that will satisfy the District's and neighborhood's planning goals for the area.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will implement numerous goals of the District of Columbia and provide significant amenities, including increased housing and affordable housing, superior urban design and architecture, and improved pedestrian and vehicle access. This signature mixed-use project (Atlantic Plumbing North and Atlantic Plumbing South combined) will provide approximately 28,000 square feet of affordable housing – the largest amount of affordable housing provided as a PUD amenity to date. The Project will be consistent with the initiatives of the DUKE Plan developed by the Office of Planning to create a cultural destination district within Washington, DC's Greater Shaw/U Street neighborhood. In furtherance of the DUKE Plan, Broadway is pleased to be able to offer a significant amenity by designing Atlantic Plumbing North to accommodate a proposed east-west expansion of Bryant Street. As shown in Exhibit A, Broadway will grant an easement to the District of Columbia for use of this portion of the Atlantic Plumbing North site as a future public street. The easement

will include approximately 3,710 square feet of land area. This amenity will be the first step towards reconnecting Georgia and Florida Avenues by extending Bryant Street. Atlantic Plumbing North also will provide superior site planning, effective and safe vehicular and pedestrian access, revenue for the District, and employment and training opportunities.

B. Land Use Impact

The Project will create a significant residential development with ample parking and an improved streetscape. The Project also will feature ground floor retail uses that will provide services to the new residents who will moving into the area. Atlantic Plumbing North will widen the sidewalk along 9th Street five additional feet. The improved sidewalk space, together with the pedestrian-oriented uses will help enliven the street level to provide an 18 hour destination. The Project as a whole is consistent with the initiatives proposed for the Howard Town Center Area Sub-district of the DUKE Plan. The plan for this sub-district includes restaurants, residential, clubs, and neighborhood-serving retail and services. The new retail and restaurant uses will help preserve and build upon the success of the 9:30 Club. The neighborhood-serving retail and service uses will be located along V Street as provided for in the DUKE Plan, as well as along 8th Street, 9th Street, and Florida Avenue. The Project will provide a significant amount of underground parking. The proposed height and massing of the Project is consistent with recently approved projects in the area and with the District's planning goals for the future of this area of the City.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone Districts. The entire Project will be developed under the existing zoning. The applicable CR and ARTS/C-2-B Zone Districts are consistent with the

Moderate Density Residential and Moderate Density Commercial Land Use Category designations for the site and the surrounding Generalized Land Use Map designations. They also is consistent with the DUKE Plan's vision of a highly complementary mixed use sub-district.

D. Environmental Impact

As more specifically detailed in Exhibit C, no adverse environmental impact will result from the construction of Atlantic Plumbing North. 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 Atlantic Plumbing North site currently is served by all major utilities. The Project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project.

E. Facilities Impact

Atlantic Plumbing North will not have an adverse impact on public facilities. It is located within easy walking distance of the U Street/Cardozo Metrorail Station. In addition, numerous Metrobus lines utilize the major thoroughfares in the immediate vicinity of Atlantic Plumbing North. Bicycle usage by residents of the project has been coherently integrated into the design of the building. Secure bike storage areas with convenient access to a shuttle elevator that provides street-level egress 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 Project will achieve the goals of the PUD process by creating a high quality residential development with a significant affordable housing component on the site, which will help to enliven and revitalize the Near Northeast neighborhood of Ward 1.

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. Atlantic Plumbing North will create approximately 220 new, for-sale, residential units in the U Street/Cardozo neighborhood. In addition, Atlantic Plumbing North will result in the creation of approximately 10,347 square feet of affordable housing units for low and moderate-income residents. When combined with the affordable housing being provided as part of the Atlantic Plumbing South PUD, this is the largest amount of affordable housing provided as a PUD amenity to date.

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 the Applicant's October 11 submission, the Atlantic Plumbing North exhibits all of the characteristics of exemplary urban design and architecture. The landscaping, balconies, ornamental brickwork, and window patters, all combine to create a sense of scale and visual

interest. The open courtyard will be an attractive amenity for the building's residents. The building has been set back from 9th Street in order to widen the sidewalks by five feet. This will be a significant benefit to pedestrians and will make available the option of sidewalk cafes and other lively pedestrian-oriented uses. The building has been designed to provide ample room for street trees to grow and thrive. Finally, the Project 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. Most significantly, the building to be constructed on Parcel C has been shifted to the south to provide Broadway the means to grant and easement to the District of Columbia for the future expansion of Bryant Street. Broadway found it necessary to purchase additional properties in order to shift the building and provide the easement. The easement will include approximately 3,710 square feet of land area. This future east-west cut through is one of the major goals of the DUKE Plan for this area. In addition, the Project has been designed to provide residents and their guests with open and inviting spaces for entertainment and relaxation. These spaces include the large landscaped open space on the interior of Atlantic Plumbing North, rooftop recreation areas, and private garden areas. The building frontage on 8th Street has been set back five feet from the property line to provide improved pedestrian access to the ground floor retail areas.

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. Atlantic Plumbing North will provide a below-grade parking garage with approximately 238 parking spaces. In addition, it will widen the sidewalk on the 9th Street frontage of the building, providing safer and more effective pedestrian access. The future creation of a new public street to link Georgia and Florida Avenues will further improve the vehicular and pedestrian access to the site as well as other properties in the neighborhood.

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 220 new households will result in the generation of significant additional tax revenues in the form of recordation, transfer, property, 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. 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 the 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 believes that this issue is more thoroughly addressed in the text of the statement, rather than in the annotated table required by Section 2403.11, which is attached as Exhibit C. 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 Atlantic Plumbing North 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 10,347 square feet of much-needed affordable housing. This project will be a signature mixed-use development essential for the revitalization of the Greater Shaw/U Street neighborhood. It be a significant contribution toward realizing the vision set forth in the DUKE Plan for a cultural, 18 hour destination district. The additional density also has enabled the

Applicant to forgo development on a portion of the Atlantic Plumbing North site in order to grant an easement to the District of Columbia for the future extension of Bryant Street.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Project is consistent with, and fosters the goals and policies enumerated in, the District of Columbia Comprehensive Plan, ("**Comprehensive Plan**") D.C. Law 12-275, 10 DCMR (Planning and Development) § 100 et seq. (1998).

The purposes of the District of Columbia Comprehensive Plan Act are to:

> (1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization and improvement of each neighborhood and community in the District.

(D.C. Code § 1-245(b) (1994 Supp.))

Atlantic Plumbing North significantly advances these purposes by furthering the social and economic development of the District through the creation of approximately 220 new residential units on an underutilized site.

A. Compliance with Major Themes

Three major themes applicable to Atlantic Plumbing North were adopted as part of the Comprehensive Plan. The Applicant's proposal is consistent with these themes as follows:

1. Stabilizing the District's Neighborhoods

The creation of approximately 220 new residential units which will be sold rather than rented will help enhance and stabilize the U Street/Cardozo neighborhood. The creation of a

significant residential development on the Atlantic Plumbing North site also is likely to attract additional residential and retail development and stabilize the neighborhood.

2. Respecting and Improving the Physical Character of the District

Atlantic Plumbing North has been designed to improve the site's integration with the surrounding neighborhood and to dramatically improve the streetscape on Florida Avenue and 9th Street. The Florida Avenue and 9th Street facades, landscaping, window patterns, and ornamental brickwork, all combine to create a sense of scale and visual interest. The height of the building to be constructed on Parcel C has been stepped back from 100 feet to 90 feet in order to provide a roofline consistent with the Rhapsody project to be located across Florida Avenue. The Project 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. Finally, the construction of a high quality residential project will be an important asset for the community.

3. Preserving and Ensuring Community Input

Through the PUD process, the Applicant will work with representatives of ANC 1B, as well as the surrounding neighborhood, to create a new residential community that is a benefit to the neighborhood and the District of Columbia. The Applicant hosted a community meeting at the 9:30 Club on August 31. The Applicant presented the Project to the LeDroit Park Civic Association on Sept 27 and to the Cardozo Shaw Neighborhood Association on October 13.

B. Compliance with Major Elements.

The Comprehensive Plan also contains 11 major elements. The Project furthers the objectives and policies of several of these elements as follows:

1. Housing Element

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

> "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" (10 DCMR § 302.2(a));
>
> "Review and recommend **suitable regulatory zoning**, tax and financing incentives under appropriate controls to meet housing production goals, particularly for low-income, **moderate income** and elderly households" (10 DCMR § 302.2(b)); and
>
> "**Encourage housing** on suitably located public or private properties that are vacant, surplus, **underutilized**, or unused . . ." (10 DCMR § 302.2(e)); and
>
> "Encourage the private sector to meet housing needs through the development of **infill housing** . . ." (10 DCMR § 302.2(f)). (Emphasis added.)

The Comprehensive Plan includes the following goals of the District with regard to the production of low and moderate-income housing:

> "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**" (10 DCMR § 303.2(d)) (Emphasis added.)

The creation of approximately 220 for-sale residential units on this currently underutilized site fully satisfies all of the above-noted provisions of the Housing Element of the Comprehensive Plan. As previously stated, the Atlantic Plumbing North will provide approximately 10,347 square feet of affordable housing. The inclusion of these affordable units in the project also is entirely consistent with the provisions of the Comprehensive Plan noted above.

2. Urban Design Element

It is the goal of the District to:

> "Encourage **in-fill development** to be complementary to the established character of the area. In-fill development in stable areas shall not create sharp changes in physical pattern which might lead to deterioration." (10 DCMR § 711.2(a))

As shown in the detailed plans, elevations, and renderings included in the Applicant's October 11 submission, the Project exhibits all of the characteristics of exemplary urban design and architecture. The construction of a prominent residential building will complement the established residential neighborhood that surrounds Atlantic Plumbing North. The building has been constructed to the building line along Florida Avenue in order to provide a consistent street frontage, and the height has been stepped back from 100 feet to 90 feet to provide a roofline in harmony with the Rhapsody building across the street.

3. Generalized Land Use Map

As previously mentioned, the Generalized Land Use Map includes Atlantic Plumbing North in the Moderate Density Residential, Moderate Density Commercial, and Institutional Land Use Categories. Atlantic Plumbing North will be developed under the existing CR Zone District and is consistent with the flexibility that these land use categories provide for the site. In addition, the proposed residential project is foregoing a majority of the commercial density that would otherwise be allowed on Atlantic Plumbing North in the existing CR Zone District.

4. Ward 1 Goals and Policies

The Ward 1 Element of the Comprehensive Plan seeks to stimulate production of new housing, maintain and strengthen the quality and construction of housing, and promote low and moderate income housing development opportunities. (See 10 DCMR § 1206.1 and 10 DCMR §

1207.1). Atlantic Plumbing North is consistent with these provisions of the Ward 1 Elements of the Comprehensive Plan and the "appropriate study" discussed below.

5. DUKE Plan

Atlantic Plumbing North is located within the area of land studied under the Draft Development Framework for a Cultural Destination District within Washington, DC's Greater Shaw/U Street Plan ("**DUKE Plan**"). The DUKE Plan has been proposed by the Office of Planning to celebrate and re-create an historical economic, cultural, social and institutional center for the District's African-American community. The DUKE Plan seeks to guide future development of the project area by capitalizing on the area's historic context to restore the neighborhood with 18-hour destinations. As discussed in depth above, the Atlantic Plumbing North will be consistent with the DUKE Plan's vision and will be the first step in accomplishing a major goal of the DUKE Plan by facilitating the extension of Bryant Street.

Several goals of the DUKE Plan will affect the Atlantic Plumbing North site. The DUKE Plan seeks: (1) residential development which includes affordable housing, (2) the development ground floor retail/entertainment uses and a mix of national and unique, locally-owned retail establishments on 7th, 9th and U Streets, and Florida Avenue, and (3) extending the street system in the vicinity of Bryant and W Streets to provide an east-west cut through to link Georgia and Florida Avenues.

The redevelopment of the Atlantic Plumbing North site is an integral component of the Plan's goals for the revitalization of the Greater Shaw/U Street area. Atlantic Plumbing North is consistent with the guidelines established in the DUKE Plan and will help achieve the goals and policies of the Plan by providing a signature residential project with both an affordable housing

component and ground floor retail, and by creating a critical mass of future residents in the area that will patronize the restaurants, shops and services that will be offered within this district.

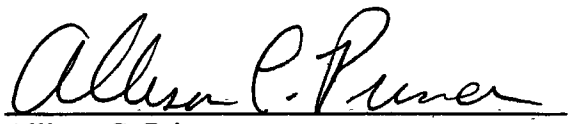
VI. CONCLUSION

For the foregoing reasons, the Applicant submits that this consolidated PUD application 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 a consolidated PUD; provides significant public benefits; and advances important goals and policies of the District of Columbia. Therefore, the consolidated PUD application should be approved and adopted by the Zoning Commission.

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

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP



Allison C. Prince

Date: November 3, 2005