

BROOKLAND ARTSPACE LOFTS, LLC



SUPPLEMENTAL STATEMENT TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR REVIEW AND APPROVAL OF A CONSOLIDATED PLANNED UNIT DEVELOPMENT, A FIRST-STAGE PLANNED UNIT DEVELOPMENT, AND A RELATED MAP AMENDMENT

July 6, 2009

ZONING COMMISSION
District of Columbia

CASE NO. U9-C8
EXHIBIT NO. 25 A

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DEVELOPMENT TEAM

APPLICANT:	Brookland Artspace Lofts, LLC
ARCHITECTS:	Hickok Cole Architects, Inc. 1023 31st Street, NW Washington, DC 20007
LAND USE COUNSEL:	Pillsbury Winthrop Shaw Pittman 2300 N Street, N.W. Washington, D.C. 20037

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Plans, including Landscape Plan, and Elevations	A
Photographs of Property	B
Outlines of Witness Testimony	C
Expert Resume	D

PREFACE

This statement is submitted by Brookland Artspace Lofts, LLC (“**Applicant**”), an affiliate of Artspace Projects, Inc., in support of an application for review and approval of a Consolidated Planned Unit Development (“PUD”) and map amendment for property located at 3305-3313 8th Street, NE (formally known as Square 3831, Lot 47 and informally known as the site of the “Brookland Studios”) and for review and approval of a First-Stage PUD at 3225 8th Street, NE (formally known as Square 3832, Lot 803 and informally known as the “Dance Place” site) and a one-block portion of Kearny Street, which the Applicant intends to close in connection with the Second-Stage of the PUD (collectively, “**Project Site**” or “**Property**”). The Applicant is proposing to redevelop the site of Brookland Studios as artist studios and apartments and to develop the site of Dance Place as a state-of-the-art dance studio. It is seeking consolidated PUD review and approval of the artist studios and apartments and first-stage PUD approval for the dance studio and performance venue.

The Applicant has funding to proceed immediately with a new building containing the artist studios and apartments on the site of the Brookland Studios. Plans for the dance studio on the existing Dance Place site are in the preliminary design phase; thus, the Applicant seeks first-stage PUD approval for that property rather than consolidated PUD approval. The Applicant seeks a PUD-related map amendment for the entire Property.

**SUPPLEMENTAL STATEMENT OF BROOKLAND ARTSPACE LOFTS,
LLC FOR REVIEW AND APPROVAL OF A CONSOLIDATED AND FIRST-
STAGE PUD APPLICATION AND RELATED MAP AMENDMENT**

**I.
Introduction**

This statement and the attached documents are submitted in support of the application of Brookland Artspace Lofts, LLC, an affiliate of Artspace Projects, Inc., pursuant to Chapter 24 of the Zoning Regulations, for consolidated review and approval of a PUD for property located in Square 3831, Lot 47 and for review and approval of a First-Stage PUD for property located in Square 3832, Lot 803 and in a one-block portion of Kearny Street, east of 8th Street, NE. The Applicant also seeks a PUD-related map amendment to rezone the Property from the C-M-1 Zone District to the C-2-B Zone District.

The Property is currently the site of Brookland Studios and Dance Place. Dance Place is and has been an active participant in the Brookland community for over two decades. It was founded in 1978 as a touring educational and performing arts company, which toured public schools in the Greater D.C. Metropolitan area. From 1980-1985 the organization developed and operated a cultural community center in a rented facility in the Adams Morgan neighborhood. In 1986, Dance Place purchased and renovated its permanent home located at 3225 8th Street, NE in the Brookland neighborhood in order to secure the organization's future. With ownership of its own building, Dance Place increased its development of artistic and educational programs drawing many citizens and new business into its Brookland neighborhood.

The heart of the organization has resided in linking arts, education and community in a rich, diverse atmosphere of nurturing support. In 2002, Dance Place expanded its campus to include three rented facilities located adjacent to its main space in the Brookland Studios to serve as an additional office space, a teaching studio and a creative education center (CEC). A wide

variety of programs has been generated throughout Dance Place's twenty-five year history – feeding the development of a vital community center while simultaneously growing a reputation as a national and international presenter of high acclaim. Dance Place has served as a vital catalyst in parenting, partnering and supporting the growth of individuals, families, schools, organizations and business in the DC area. Also, Dance Place has played a significant role in the creation of a model program for underserved youth and in the development of the DC dance community. Dance Place has enhanced the reach of its national presence while strengthening its connections to DC and its immediate neighborhood. Dance Place has become a strong community arts center and an important thread in the city's cultural fabric, making Washington, DC a safer and more vibrant city in which to live.

The Applicant views this project as an opportunity to enhance these cultural assets for the community and to strengthen the neighborhood's artistic character. The development will introduce forty-one (41) affordable artist studios and apartments into the Brookland community as well as a state-of-the-art dance studio. The Applicant will close Kearny Street for use as an outdoor plaza connecting the two buildings and providing outdoor space for performances or community gatherings. In all, there will be nearly 68,000 square feet of development on the Property.

II. **PUD**

A. PUD Site

The Property is located on the east side of Eighth Street, NE immediately north and south of Kearny Street, approximately two blocks south of Monroe Street. To the north of the Property is an automotive service station and to the south of the Property is a large industrial site. The Property is bisected by Kearny Street, which does not function as a roadway since it dead-ends

on this block and does not connect with Kearny Street to its west. Train tracks serving Union Station run along the eastern boundary (rear) of the Property. The Property is approximately one quarter mile from the Brookland/CUA Metrorail Station. In total, the Property is approximately 25,017 square feet in size: the site of the dance studio is approximately 6,727 square feet in size, Kearny Street is approximately 3,915 square feet in size, and the site of the artist studios and apartments is approximately 14,375 square feet in size.

Properties to the north and south of the Property are also located in the C-M-1 Zone District and properties to the west are located in the R-4 Zone District. Catholic University's South Campus is located approximately 1.5 blocks to the northwest of the Property. The proposed redevelopment of the South Campus calls for rezoning portions of it to the C-2-B Zone District, making the rezoning set forth in this application consistent with future development.

B. Existing Zoning

The existing zoning in the vicinity of the site is C-M-1, and R-4. The Property is currently located in the C-M-1 Zone District. The C-M-1 Zone District is intended to provide sites for heavy commercial and light manufacturing activities employing large number of people and requiring heavy machinery. Given the site's proximity to residential uses on the western side of 8th Street, the Metrorail Station, and the redevelopment of Catholic University's South Campus, the Property is not well-suited for industrial uses. The Applicant is instead proposing to rezone the Property to the C-2-B Zone District.

The C-2-B Zone District is designated to serve commercial and residential functions along arterial streets and near Metrorail stations. The C-2-B Zone District permits moderate density development, with a matter-of-right maximum floor area ratio ("FAR") of 3.5, with commercial uses being capped at 1.5. A maximum height of 65 feet is permitted. This zone district provides a transition from the intensity of the industrially-zoned properties to the

residentially-zoned properties.

III. The Applicant

Artspace Projects, Inc.'s ("Artspace") is a non-profit corporation with a mission to create, foster, and preserve affordable space for artists and arts organizations. Artspace first started in 1979 as an advocate for artists' space needs; however, by the late 1980s it made the leap from advocate to developer. Since then, the scope of Artspace's activities has grown dramatically and Artspace is now a national leader in the field of developing affordable space that meets the needs of artists. It has projects all over the country, including, Minnesota, Oregon, Pennsylvania, Nevada, Texas, Illinois, Washington, Maryland, New York, Florida, Connecticut. In all, their projects represent more than 720 live/work units for artists.

In the mid-1990s, Artspace broadened its mission to include non-residential projects. The first of these, the Traffic Zone Center for Visual Art (1995), transformed an historic bakery in the Minneapolis Warehouse District into 24 studios for mid-career artists. Other non-residential Artspace projects include the Minnesota Shubert Performing Arts and Education Center, a three-building cultural complex in downtown Minneapolis. When completed in 2010, it will serve as a performing home for more than 15 small and midsize dance, music, and theater groups. It will also have a multifaceted education program that will include interactive long-distance learning technology capable of reaching every school district in the state.

Over the last few years, Artspace has evolved from a Minnesota organization with a few national projects into a truly national organization based in the Twin Cities. It now has projects in development, predevelopment, or feasibility in more than a dozen states. Its national consulting program has helped communities in 45 states address their arts-related space issues.

The nature of its work is evolving to include multiple-facility projects, long-range planning, and arts districts.

The long waiting lists – often in the hundreds – attest to its success. Its national portfolio has less than a 3% vacancy rate. Artspace owns, operates, and manages all of its properties for a minimum of 30 years.

IV. Project Design and Description

A. Project Description

The Plans describing this proposal are attached as Exhibit A. Hickok Cole, the Project Architect, has designed a building that reflects the uniqueness of the neighborhood but comports with the existing, more traditional residential uses in the vicinity. This project promises to invigorate a stretch of Eighth Street that has been overlooked during the redevelopment of other parts of the Brookland neighborhood and will make it accessible to the greater community. Each of the forty-one artist studios and apartments will be affordable to households with an annual income no greater than 60% of the Area Median Income (“AMI”). The dance studio will be open to the greater community and will continue to provide culturally enriching experiences as it has for the past 23 years it has been in this location.

The PUD requires redeveloping two sites that are currently occupied. The ultimate objective is to improve upon the existing uses and structures and to tie the two sites together so that they complement each other. One of the goals of the development is to enhance Dance Place’s neighborhood presence by recruiting additional artists to live right next door. So complete is the idea of collaborating on this goal that the artist studios have incorporated performance, practice and administration space into the first floor of the building. A first floor gallery will double as a dance room, and will have a wall of operable doors which will allow

dance to spill out of the building and onto the Kearny Street space between the artist studios and the dance studio.

Thus, this development does not reduce the amount of open space in the city. Instead, the open space in front of the artist studios and the part of Kearny Street between residential units and the dance studio will be fully designed with hardscape and landscape. A stand of Yellowwood trees in front of artist studios and residences will create a shaded public space that is now non-existent. The residents will be well served by public transportation and the zoning requirements for parking of the residential units will be met in the below grade garage beneath the residential component.

The architecture of the artist studios and residences reflects the interior program, namely, that the ground floor contains the public areas (to be shared with Dance Place) and therefore is articulated as a separate base to the residential units above. Because the units function as live/work spaces, Hickok Cole Architects intentionally maximized the size of the exterior openings. Large windows bring light into each of the units. As a means to call attention to the importance of the activity at this part of the building, the southeast corner of the building is activated by a large “cut out” of the building exterior. This setback allows for a change in color and pattern in the façade. The overall impact of the architecture is intended for the building to suit its context (sitting between a soon-to-be redeveloped residential quarter and the industrial quality of the Metro tracks). The simplicity of the massing lends a degree of monumentality for such a small building while the light grey color ensures that it will not overpower the site. The Applicant will also use “green screens” to screen its penthouse structures, which will improve views of the building from neighboring residential buildings across 8th Street.

It should be noted that the Applicant’s mission is to “create, foster, and preserve

affordable space for artists and arts organizations.” For this reason, both the design and the materials must be cost effective. The top portion of building will be sheathed in painted fiber cement board panels; the base will be oversized masonry units patterned with a narrow, accenting colored band. As a way to truly make this building a part of the community, the Applicant is proposing a mosaic on the front façade that will be created by the community. Examples depicting the success of this feature are included as a part of Exhibit A.

The Dance Place building is currently at an early stage of schematic design. Submitted as part of this package are plans which denote the layout of the spaces. The building mass, given the need to maximize interior space within a limited site, will necessarily be quite simple. The exterior envelope, however, may include gestural and colorful elements that will call attention to the building and its function. Located at the edge between industrial and residential uses, it will remain a bridge between the site’s previous history and the future of the area.

In order to create a viable project that will provide effective workspaces for its tenants, the Applicant seeks to rezone the Property from the C-M-1 Zone District to the C-2-B Zone District. The following chart compares the parameters of development permitted as a matter-of-right to what is permitted in a C-2-B PUD and, finally, compared to what the Applicant is proposing:

	C-M-1 Zone District	C-2-B PUD	Proposed Design
Use	Repair garage, light manufacturing, etc.	Multi-family residential uses; office; artist studio	Artist studios and apartments; dance studio
FAR	3.0	6.0 (2.0 commercial)	2.7 (.7 commercial)
Height	40 feet (3 stories)	90 feet	48’

	C-M-1 Zone District	C-2-B PUD	Proposed Design
Lot Occupancy	N/A	100%	77%
Parking	Dance studio: 24 spaces Artist Apartments: N/A	Total: 38 spaces -Dance studio: 24 -Artist Studios: 14	Total: 23 spaces -Dance Studio: 0 -Artist Studios: 23

The application requires flexibility with regard to the rear yard, roof structure and parking requirements. With regard to the rear yards, artist studios/apartments are larger than typical residential units because of the space dedicated to the artist's work area. Providing ample space for an artist to work with his medium results in deep units, which creates a larger building footprint than standard apartment buildings. The design of the dance studio lends itself to similar issues in that expansive spaces are required for the proposed use, which extend the building further into the rear yard. A distinguishing feature of the Property, however, is that the rear property line abuts railroad tracks, thus a rear yard on this site likely would not hold the same recreational value as it would in another context. Further, given the proposed uses, most of the recreation will occur indoors or in the plaza area the Applicant proposes for Kearny Street after it is closed.

The Applicant requests flexibility for its rooftop structures. It is providing three rooftop structures on the artist studio building – two are 5'10" tall and one is 16'4" tall. Pursuant to Section 411.4 and 411.5, only one roof structure is permitted and it must be a uniform height. The Applicant is proposing multiple roof structures of multiple heights in an effort to diminish their effect on the community.

The Applicant also seeks relief for the number of parking spaces it is providing. The artist studios generates a requirement of 14 spaces, which is satisfied onsite. The dance studio is a hybrid use – it is an auditorium as well as a classroom. Accordingly, the Applicant takes a conservative approach to calculating the requirement and combines the parking requirements for a dance hall and a school, generating a total requirement of 24 spaces for the dance studio.¹ The Applicant is providing 23 of the required 38 spaces.

The Applicant seeks flexibility from Section 2115.2 which requires at least 25 regulation size parking spaces to be provided before providing compact spaces. The Applicant is providing 20 regulation size parking spaces and 3 compact size spaces. The Applicant is trying to maximize the efficiency of the garage so is proposing 3 compact spaces despite the fact they don't meet the 25 parking space threshold.

The Applicant requires additional flexibility for its parking since it is locating all required parking on one lot. Section 2216.1 requires all parking spaces to be located on the same lot with the structures they are intended to serve. Parking for both sites will be located in a below-grade garage on the artist studios site. Locating all parking on a single lot is a more efficient use of space and resources, both of which are limited in this project.

V. **Planning Analysis**

A. **Land Use Impact**

The proposed development will replace two structures that have slowly started to dilapidate over the years. Despite the work the Applicant is proposing, the cultural value that the buildings provide the community will remain. The development will enliven the block, and allow for the creation of more urban-minded and efficient structures. The height and massing of

¹ Eighteen spaces are required pursuant to the dance hall requirement and 6 spaces are required pursuant to the classroom requirement.

the buildings are only slightly greater than what is permitted under the existing zoning of the site and are fully consistent with new development proposed for the neighborhood just blocks away.

B. Zoning Impact

The Applicant is requesting a simultaneous amendment to the Zoning Map to rezone the property from the C-M-1 Zone District to the C-2-B Zone District. The C-2-B Zone District is consistent with development proposed for the Catholic University's South Campus. It is also more complementary to the existing residential uses across 8th Street than industrial uses. Most importantly, perhaps, is that the proposed rezoning is consistent with the Brookland/CUA Small Area Plan, discussed in more detail below.

C. Environmental Impact

There will be no adverse environmental impacts resulting from the construction of the proposed buildings. The increased use in water and sanitary services that will result from construction of these buildings will have an inconsequential effect on the District's delivery systems. The Property is currently served by all major utilities. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project. The Applicant will also incorporate a number of green design principles, that will help reduce the carbon footprint of the building and minimize its environmental impact.

Specifically, the design for the artist studios and apartments contributes to the city by creating well designed green spaces around the building that use all native plant materials. Existing curb cuts located along 8th Street will be removed to allow for a safer, more pedestrian friendly streetscape environment that includes new street tree plantings and a generous sidewalk. Storm water is being managed in storm water vaults. In addition, a portion of Kearny Street between the two buildings will be used as an outdoor performance space. Thus the existing open space—now used as an informal parking lot-- will be activated with additional arts-related use.

D. Facilities Impact

The proposed building will not have an adverse impact on the public facilities on which it will rely for service.

VI.
Environmental Analysis

A. Water Demand

The Project will contain approximately 67,840 square feet of development and its water demand can be met by the existing District water system. The proposed connection for fire water supply will be made within the existing distribution system and will be coordinated with WASA.

B. Sanitary Sewer Demand

The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with WASA.

C. Storm Water Management

The Project's storm water run-off will be accommodated by a storm water management system in compliance with standards set by the Department of the Environment. The proposed systems will be designed, constructed, and maintained in accordance with standards set by the Department of the Environment.

D. Solid Waste Services

Solid waste will be collected by the District of Columbia from covered receptacles for appropriate disposal.

E. Electrical Service

Electricity for the Project will be provided by the Potomac Electric Power Company in accordance with its usual general terms and conditions of service. All electrical systems will be

designed to comply with the District of Columbia Energy Code.

F. Energy Conservation

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings.

G. Erosion Control

During excavation and construction, erosion on the Project Site will be controlled in accordance with District of Columbia Law.

VII.
Evaluation Standards

The Project meets the standards of the PUD Regulations, Chapter 24 of 11 DCMR (Zoning). A PUD must be consistent with District plans; it may not be used to circumvent the Zoning Regulations, and it must provide “present or future occupants of the planned unit development with a living or working environment and amenities superior to those that could be achieved by applying the provisions of this title.” 11 DCMR Section 2400.7(c).

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 application will achieve the goals of the PUD process by creating cultural centers of superior design. As demonstrated herein, the Project supports superior benefits in several of the categories listed in Section 2403.9.

A. Comprehensive Plan

The proposed design is consistent with and furthers many of the District’s goals and objectives. Section VI below discusses the proposed development in light of the Comprehensive

Plan in greater detail.

B. Urban Design, Architecture, and Landscaping

From a sustainability perspective, reducing parking supplies near transit nodes is good from an urban design standpoint and encourages non-auto modes of transportation. The Property is located within walking distance of the Brookland/CUA Metrorail Station and will provide less parking than would otherwise be required under the Zoning Regulations. This is consistent with the Small Area Plan, which calls for “adequate” parking but at “low transit-oriented development parking ratios.”

C. Site Planning

The Project will develop the Property to create superior products serving similar needs for the existing buildings. Both properties are currently located in the C-M-1 Zoning District. Rezoning the Property to the C-2-B Zone District will allow for a more efficient and higher quality development. The proposed rezoning of the Property is fully consistent with the Brookland/CUA Small Area Plan, as discussed below.

D. Effective and Safe Vehicular and Pedestrian Access

The existing buildings on the Property provide surface parking spaces and four extended curbcuts. The Applicant’s proposal will reduce the number of curbcuts to two: one will be located on the northern site, the other will remain at Kearny Street to allow for both buildings to use the street for loading and unloading of arts-related equipment. All parking will be provided in a garage, which will improve pedestrian safety and provide more efficient and effective vehicular circulation. It will also provide environmental benefits, such as reducing stormwater runoff from the Property.

E. Additional Public Benefits of Project

The PUD will provide a number of benefits and amenities for the community. The

residential component of the project will be entirely affordable. Each of the artist studios will be available to households with an annual income no more than 60% of the AMI; in fact, half of the units will be available to households with an annual income no more than 50% of the AMI. The PUD will also provide cultural benefits for the community. The dance studio will be open to the greater community and will also host events throughout the year. The artist studios will also be open for events throughout the year to display the artists' work, and provide a modern practice studio, administrative space, and instruction space for Dance Place. The PUD will incorporate green design principles – a vast improvement over the existing buildings on-site, which were constructed in an era in which building environmentally sound developments was not a priority.

VIII. **The Project is Consistent with the Comprehensive Plan**

The proposed project is consistent with and fosters numerous goals and policies enumerated in the new Comprehensive Plan, adopted in 2006 (the “**Plan**”).

The purposes of the comprehensive Plan are to:

(a) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) Guide executive and legislative decisions and matters affecting the District and its citizens; (c) Promote economic growth in jobs for District residents; (d) Guide private and public development in order to achieve District and community goals; (e) Maintain and enhance the natural and architectural assets of the District; and (f) Assist in conservation, stabilization and improvement of each neighborhood and community in the District (D.C. Code Section 1-245(b)).

The Project will assist in the improvement and stabilization of the urban environment in the Brookland neighborhood.

A. Compliance with Citywide Elements

The Project serves the goals of several of the citywide elements of the Comprehensive Plan.

1. Land Use Map

The Future Land Use Map designates the Property as appropriate for Production, Distribution and Repair. It should be noted that while the Future Land Use Map typically is helpful in determining appropriate uses and density in areas of the city, it is not intended to serve as a “general” zoning map nor does it mandate a parcel-by-parcel limitation on permitted development.

Moreover, the Brookland/CUA Metro Station Small Area Plan recently issued by the Office of Planning and approved by the City Council calls for new residential infill including artist housing and cultural facilities. It specifically seeks new, moderate density residential uses for north of Kearny Street and low to moderate density residential and cultural facilities south of Kearny Street. This project will be the first in the city to provide affordable rental housing for artists; that use is specifically contemplated by the Small Area Plan.

2. Land Use Element

The Plan cites the importance of transit-oriented development. (LU–1.3). The Project will be located a short walk from the Brookland/CUA Metrorail Station. It is also located along several bus routes. As such, it fulfills the Plan’s desire for development near established infrastructure.

The Project has also been designed to integrate into the existing fabric of Eighth Street, NE. Eighth Street is home to a wide variety of uses ranging from residential to automotive service shops. The proposed development successfully bridges the gap between the service uses

and the residential uses in the immediate vicinity. The new development will also improve pedestrian and vehicular safety by reducing curbcuts and accommodating vehicular ingress and egress with only two curbcuts on the Property.

3. Transportation Element

The Plan supports transit-oriented development and encourages investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. This Project is within walking distance of a Metrorail station, and is also located along a major bus corridor. Numerous bus routes make this location easily accessible by public transportation.

4. Economic Development Element

The proposed development will provide the only affordable rental housing for artists in the District. It will attract a new type of resident to the City, as well as provide a cultural amenity to area residents. By promoting the provision of affordable artist housing in the District, the District is broadening its traditional understanding of economic development to recognize the merits of culturally rich programs for the community. The project will also redevelop an underutilized stretch of property along a major corridor in Northeast Washington.

5. Urban Design Element

The Urban Design Element of the Plan seeks to, among other goals, reinforce boulevards and gateways and improve the aesthetic character of the city's avenues. This Project replaces older, more dilapidated buildings with a well thought design for artist housing and a dance studio. It is also consistent with the Small Area Plan which calls for developing new residential uses and extending and integrating with the existing street fabric. Development of the Property will establish a streetwall along 8th Street to set a precedent for future development.

6. Compliance with Area Element

The Project is located within the boundaries of the Upper Northeast Area Element. The Plan encourages transit-oriented development and suggests new development be located near the Brookland/CUA Metrorail Station. It proposes new moderate-density development on the underutilized sites near the Metrorail Station. It also calls for establishing a Small Area Plan, which has been completed and was recently adopted by the City Council. The Small Area Plan envisions new residential and cultural uses woven into the neighborhood street fabric. Specifically, development south of Kearny should consist of low to moderate density residential and limited commercial or cultural facilities while development north of Kearny Street may be allowed up to five stories or a maximum of 60 feet through a PUD. The Plan further calls for new residential infill including artists housing and cultural facilities, improved streetscape, landscape and lighting, integration of the Metropolitan Branch Trail and buffering and screening from tracks and industrial uses.

The uses proposed with this development are consistent with the uses recommended by the Office of Planning in the Plan. Further, the density and height the Applicant is proposing for north and south of Kearny Street are also consistent with the Small Area Plan.

IX. Community Outreach

The Applicant has hosted two community meetings to present the project and respond to any concerns or comments from the community. The Applicant was pleased to receive positive feedback at both community meetings. The Applicant has also presented the application at two ANC 5C meetings. The ANC is scheduled to vote on the application at its July 21, 2009, meeting.

X.
Presentation

The Applicant will have three witnesses testify on its behalf: Heidi Kurtze, a representative of Artspace, Carla Perlo, a representative of Dance Place, and Laurence Caudle, an expert in architecture. Outlines of their witness testimony are attached as Exhibit C and a copy of Mr. Caudle's resume is attached as Exhibit D. The Applicant anticipates needing approximately 30 minutes to present this application.

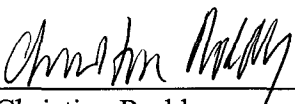
XI.
Conclusion

For the foregoing reasons, the Applicant submits that the application for review and approval of a Consolidated and First Stage PUD 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; is not inconsistent with the Comprehensive Plan; provides significant public benefits; and advances important goals and policies of the District of Columbia.

PILLSBURY WINTHROP SHAW PITTMAN



Allison Prince



Christine Roddy

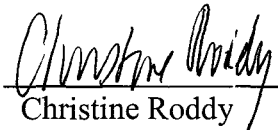
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent by first class mail or hand delivery on July 6, 2009 to:

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Christine Roddy