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August 25, 2006

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VIA HAND DELIVERY

Carol Mitten, Chairperson
DC Zoning Commission
441 4th Street, NW
Second Floor
Washington, DC 20001

Re: **CSX Realty Development Corp. and FF Realty, LLC**
PUD and Zoning Map Amendment Application - Z.C. Case No. 05-23
Additional Post-Hearing Submission

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D.C. OFFICE OF ZONING

RECEIVED

Dear Chairperson Mitten and Members of the Commission:

Enclosed please find FF Realty, LLC's (the "**Applicant**") additional post-hearing submission for the above-referenced matter. As noted in the Applicant's August 11, 2006, submission to the Commission, the Applicant's proposed Findings of Fact and Conclusions of Law are included with this submission. (See Exhibit A.) In addition, the Applicant has attached a document that addresses the final community amenities package, with detailed specifications for the use of the financial contributions and a procedure for monitoring the use of such contributions. Finally, this submission addresses issues that were raised by the Office of Planning ("**OP**") in response to the Applicant's August 11, 2006, post-hearing submission.

Final Community Amenities Package and Procedure for Monitoring Use of Financial Contributions

The major change that has occurred to the community amenities package since the July 13, 2006, public hearing is that the \$35,000 that was to be distributed to Advisory Neighborhood Commission ("**ANC**") 5C, is now being distributed to North Capitol Main Streets, Inc., and additional funds are being distributed to the Eckington Civic Association and to Emery Elementary School. A detailed description of the required uses for these financial contributions, and a procedure for monitoring their implementation is attached as Exhibit B.

ZONING COMMISSION
District of Columbia

CASE NO. 05-23

EXHIBIT NO. 34
ZONING COMMISSION
District of Columbia
CASE NO. 05-23
EXHIBIT NO. 34

Responses to OP Comments

Representatives of OP discussed the Applicant's August 11, 2006, submission with representatives of the Applicant. In response to issues raised by OP, the Applicant agrees to the following:

- **Financial Contribution for Traffic Improvements** – It is the Applicant's understanding that DDOT has concluded that it is necessary for a signalized intersection to be constructed at Rhode Island Avenue and 3rd Street, NE. The Applicant agrees to make a financial contribution to DDOT for such intersection. The amount of the financial contribution shall be commensurate with the percentage of traffic that this project contributes to that intersection, but not less than \$25,000. This condition, and the proposed timing of such contribution, is reflected in the Applicant's proposed Findings of Fact and Conclusions of Law.
- **Retail Demand** – The Applicant continues to believe, based on input from members of the surrounding residential and commercial community, the retail brokerage community, and from data obtained from the Washington, DC Economic Partnership, that there is a strong demand for the 15,000 square feet of community-serving retail proposed in this project. At this time, the Applicant does not believe that more detailed information can be easily obtained. The Applicant notes that if it is not able to rent this retail space, it will return to the Zoning Commission to seek minor modification approval of the PUD project.
- **Affordable Housing** – OP requested additional clarification from the Applicant regarding the distribution of the affordable units in the larger residential buildings and the unit types. The Applicant hereby assures OP and the Commission that the affordable units shall not constitute a majority of units on any floor of any building and the affordable units will be evenly distributed among the three larger residential buildings. The affordable unit types (i.e., studio, one-bedroom, one-bedroom with den, two-bedroom, etc.) will be proportionate to the market rate unit types. The final Summary of the Affordable Housing Program is attached as **Exhibit C**.
- **Phased Approval of the Project** – The discussion of the proposed phasing of the project in the Applicant's August 11, 2006, submission included one time period that was inconsistent with the Applicant's proposal submitted at the July 13, 2006, public hearing. In order to avoid any confusion, the Applicant has attached a

Carol Mitten, Chairperson

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corrected description of the proposed phased approval of the project. (See Exhibit D.).

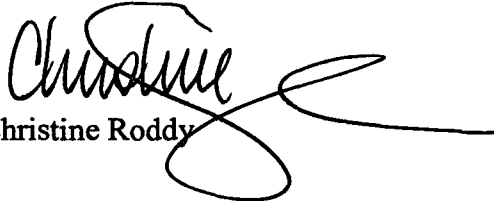
- Elements of "Green" Design – OP requested additional information regarding the elements of "green" design that were added to the project as a result of the Zoning Commission's comments on July 13, 2006. The Applicant notes that the following "green" design elements are not typically included in its projects, and are therefore included in this project in response to the request from the Zoning Commission:
 - Garage exhaust fans that will be controlled by sensors to prevent continuous running;
 - Low flow showerheads, sinks, and toilets;
 - Three of the cars provided by the car-sharing service (Zip Cars) will be hybrids or low emissions vehicles;
 - Recycling program for residents; and
 - Energy efficient appliances.

The Applicant looks forward to the Zoning Commission's decision on this application at the September 11, 2006, Zoning Commission Public Meeting.

Sincerely,



Paul Tummonds



Christine Roddy

Enclosures