

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C**

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July 27, 2006

Chairperson Carol Mitten
Government of the District of Columbia
Zoning Commission
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

RE: Zoning Commission Case # 06-04 (Consolidated PUD - Fla & Q St, LLC)

Dear Chairperson Mitten:

I write on behalf of the residents of Single Member District 5C01 in support of the Planned Unit Development (PUD) application submitted by Florida Avenue and Q Street, LLC. in the above-referenced case. It was my intention to appear at today's hearing to register my support in person; however, the press of a competing professional obligation may preclude me from doing so. Hence, I commit the following thoughts and recommendations to writing in the expectation that they will become a part of the official record in this case.

In addition to meeting a critical housing need in the District of Columbia, the development project that Mr. Joe Mamo seeks to locate at the northwest corner of Florida Avenue and North Capitol Street, N.W. is one that should substantially improve the appearance as well as the current social climate in that area. Indeed, it is our hope that the addition of 90+ households to the residential mix in the neighborhood will also stimulate a certain degree of business development along the two commercial corridors that will surround them. It should be known that ANC 5C was originally concerned about the size of the project -- specifically, the degree to which this building would essentially "dwarf" those that surround it -- however, Mr. Mamo's work with the DC Office of Planning (OP) in making certain significant and appropriate adjustments to his original designs caused us to reconsider our initial objections to the size of the proposed project, in the same way that his work with the OP helped us to feel more comfortable with regard to the mitigation of the adverse traffic and parking impacts that we feared in the beginning.

With regard to the formulation of an "amenities package" that would accompany Mr. Mamo's PUD application, we have been impressed with his willingness to cooperate with the varied interests of the community in this regard. In particular, we respect his commitment to assist the DC Department of Parks and Recreation in erecting wrought iron gates that will enclose the pocket park located at 1st & Florida Avenue, N.W. As you may know, this is an extremely troubled location that is often saturated with vagrants and transients, so the completion of the wrought iron fencing with gates at both ends of the park will be extraordinarily helpful to

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the Metropolitan Police Department's Fifth District, as they attempt to clear the park when it officially closes from dusk until dawn everyday.

Additionally, the Bates Area Civic Association, Inc. has recommended that Mr. Mamo make a contribution to a Community Chest that would "incubate" a pilot program at and about the intersection of North Capitol Street and Florida Avenue. That is, using the model of a Business Improvement District or a Community Improvement District, we would seek to hire a few residents from the Emery School Shelter, at the 1700 block of Lincoln Road, N.E., to serve as a cleanup detail for this location as well as providers of directions and information about the corridor for passersby. If we could amass the funds to start up a program like this at the intersection of North Capitol Street and Florida Avenue, that we would accept the challenge of locating funds (both private and public) from other sources to sustain it after its first year of operation. At some point in the future, it is anticipated that we will be able to get the merchants along this corridor to substantially assist in the financial support of the program or that we could get their "Association" to take it on as one of their featured projects. Clearly, such a program would directly benefit the residents of the building that Mr. Mamo is about to construct at this intersection and, of equal importance, a uniformed presence of street sweepers and information providers would signal to those who now live as well as those who visit this location in the future, that we are making meaningful strides to improve the quality of all who live, work, worship and/or pass through our neighborhoods. Importantly, FF Realty, LLC made a written commitment to ANC 5C to contribute \$30,000.00 to such a fund to, again, "incubate" the program. And, if approved, it is our intention to ask the H Street Community Development Corporation (the CDC that has been doing projects in our community for the last number of years) to serve as the fiduciary agent of the funds to administer the program.

Mr. Mamo's respect for a business, i.e., Soul Day Spa and Salon, 25 Florida Avenue, N.W., that has suffered through some lean years at this intersection and was one of the first of its kind to locate on this portion of the Florida Avenue corridor, is also impressive. That is, Mr. Mamo's expressed commitment not to site a competing business such as a spa in the retail space that is expected to be located on the ground floor of his building deserves recognition and praise, in my opinion. Indeed, when the owners of the Soul Day Spa made a commitment to locate their business in our area and, thereby, invest in the future development of the commercial corridor, it added a certain amount of luster to the intersection and, at least in part, contributed to some of the residential growth that has taken place in the area over the past several years.

Finally, we have some thoughts about the terms of the Development and Construction Management Plan that is to accompany Mr. Mamo's application. In this regard, I am pasting into this letter a draft document that has been sent to Mr. Mamo for his consideration and expected adoption. The elements of the Draft Development and Construction Management Plan that we propose are as follows:

DEVELOPMENT AND CONSTRUCTION MANAGEMENT PLAN

Florida & Q Street, LLC (the "Applicant") seeks to mitigate any adverse impact on the surrounding neighborhood resulting from construction activity related to the Applicant's plans to construct a planned unit development consisting of approximately ____ residential units and ____ square feet of ground floor retail at the corner of Florida Avenue and North Capitol Street, N.W. (the "Project").

1. Communication.

- a. Applicant's Representative.** The Applicant shall designate a representative ("Representative") to be key contact during the period of construction of the Project for interaction with Advisory Neighborhood Commission 5C.

The Representative will have a local office and will be accessible during all business hours. At any time construction activity is occurring on the Applicant's property, the Representative or his/her designee shall be available on-site by telephone to receive complaints or other communications from the surrounding community. The name and work telephone number of the Representative or his/her appointed designee shall be conspicuously posted on the Applicant's property and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by Applicant to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community.

- b. Duties of the Applicants Representative.** The Representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the construction process and have authority to remedy promptly violations of this Development and Construction Management Plan and enforce its provisions. The Representative, designee and emergency contact shall:

- (i) receive notice of violations of this Development and Construction Management Plan;
- (ii) respond as soon as possible, to the person who has reported the violation and to the Contact Person (described below);
- (iii) act to remedy the violation as soon as possible; and
- (iv) contact ANC 5C and relate complaint, remedy and time frame for resolution.

- c. Purchase of Professional and Other Services.** Applicant will give preference to the purchase of professional services for this Project from residents and firms who/that are indigenous to the ANC 5C area/Ward Five. That is, where possible developer selections and purchases of services and products will be targeted to firms that are based in the ANC 5C area/Ward Five and/or firms that are operated by residents of the same. To the maximum extent possible, the professional services purchased for this Project will include construction managers, architects, engineers, lawyers and accountants, as well as construction services, from firms based in our neighborhoods. In addition, the developer will purchase other services and products that are sold by these community-based businesses.

- d. Resume Bank.** The Applicant and the Applicant's Representative will maintain a resume bank on-site for members of the community to submit resumes for potential employment on this Project and future projects of the Applicant in the District of Columbia and surrounding jurisdictions. The Applicant encourages the submission of

resumes of architects, projects managers, and other real estate professions, in addition to resumes of tradesmen and construction workers.

- e. **Neighborhood Contact Person.** The Applicant will work with representatives of Advisory Neighborhood Commission 5C and the ANC 5C Single Member District Representative in order to designate a single contact person ("Contact Person"), who may change from time to time, to represent the surrounding community. The initial Contact Person will be determined prior to the start of construction activity on the Applicant's property. The Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate.
2. **Construction.** The Applicant shall require that all their personnel and vendors, including supply and service vendors, will comply with all applicable District of Columbia Municipal Regulations applicable to hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction -related issues and shall be binding on the Applicant, its subcontractors and any successors and/or assigns of the Applicant.
 - a. **Permits.** The Applicant will secure all permits that are required to complete the Project. All plans and permits will be on-site as required under the DC Construction Code.
 - b. **Site Management**
 - (i) The Applicant will erect and maintain construction fencing and barricades in order to screen and secure the site during the construction process. The Applicant and its contractors will work with community members and the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood.
 - (ii) A minimum amount of lighting, directed away from residential properties will be provided at the Applicant's proper at night. These lights will be sufficient to provide necessary security and to comply with federal and municipal safety standards.
 - (iii) Subject to District of Columbia approval, the Applicant will attempt to locate the construction trailer on the Applicant's property so as to minimize the impacts on adjacent neighbors. If such approval is not granted, such trailer(s) will be located to minimize neighborhood impacts.
 - c. **Cleanliness.** The Applicant will remove rubbish and construction debris continuously during the construction period during the normal construction

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workday and during periods of weekend construction work. In addition, the Applicant will monitor and police the construction site daily or more often as required to ensure cleanliness. The applicant will also undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period. All excavation or back fill trucks will be covered before proceeding from the Applicant's property onto city streets. Dust and debris will be removed from the Applicant's property on an as needed basis. Portable latrines will be located on the Applicant's property to minimize impacts upon adjacent properties.

d. Work Hours.

- (i) The normal construction work week will be Monday through Friday from 7:00 a.m. until 7:00 p.m., and Saturday from 8:00 a.m. until 4:00 p.m. All trucks for delivery of materials, construction and otherwise, will arrive, depart and operate on the Applicant's property only during the foregoing hours. There will be queuing of construction related vehicles or arrival of workers prior to state work hours.
- (ii) All truck for deliver of materials construction or otherwise will be instructed to avoid R Street and Quincy Place, N.W. during morning peak hours.
- (iii) The Applicant will make good faith efforts to limit work that is likely to disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40 hours work week.
- (iv) The Applicant will not permit any activity on the Applicant's property that requires the movement of heavy vehicle traffic or other significant traffic to or from, the Applicant's property or which generates sound levels in excess of sixty decibels (60 db) or otherwise is likely to significantly disturb the residents of the adjacent neighborhoods prior to 7:00 a.m. or after 6:30 p.m. on weekdays and prior to 9:00 a.m. or after 4:00 p.m. on weekends.

e. Contractors and Subcontractors. The Applicant will require that all contractors and subcontractors be contractually required to follow the terms of, and comply with, the policies set forth in this Development and Construction Management Plan. The Applicant will also require that all contractors and subcontractors use only licensed vehicles and drivers and that they comply with all DC traffic laws and regulations.

f. Traffic, Loading, and Parking

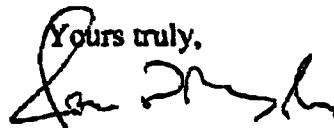
- (i) Truck queuing and routing will be worked out with the DC Department of Transportation and adjacent property owners.

- (ii) The Applicant will use its best efforts to ensure that construction related traffic will not impede rush hour traffic on R Street, Quincy Place and Florida Avenues. A flagman will be assigned to expedite movement of construction related traffic, if any consistent traffic backups occur on any of these streets.
- (iii) Parking for all construction workers will be provided for on the Applicant's property. No construction related parking will be permitted on the adjacent neighborhood streets.

JDB

I thank you in advance for looking with favor upon these comments and for making them a part of your official record as well as factoring them into your deliberations in this case. If you have any questions or concerns about the contents of this letter, you may contact me at (202) 824-2803, Monday through Friday, between the hours of 9:00 a.m. and 5:30 p.m., and at (202) 387-8520 during the evening hours. You may also reach me on my mobile telephone at (202) 528-5428; unless I am in a meeting or am otherwise occupied, I keep my cell phone activated.

Yours truly,



James D. Berry, Jr.
Commissioner, SMD 5C01

JDB

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TO: Carol Mitten, Chairperson
Zoning Commission

DATE: 7/27/2006

FAX #: 202-727-6072

FROM: James D. Berry, Jr.

NO. of PAGES: 7

FAX #: 202-824-2819

SUBJECT: Zoning Commission Case No. 06-04 (Consolidated PUD - Fla & Q St, LLC.

This matter is to be considered by the Zoning Commission on this evening, July 27, 2006. Therefore, please hand-deliver to Chairperson Mitten, upon arrival. Thanks!

JDB