

ADVISORY NEIGHBORHOOD COMMISSION 5C
WASHINGTON, DC 20013
www.anc5c.org

**RESOLUTION
 IN FURTHER SUPPORT**

Florida & Q Street, LLC
Planned Unit Development
Zoning Commission Case No. 06-04

2006 SEP 21 PM 5:07

D.C. OFFICE OF ZONING

RECEIVED

WHEREAS: The Florida & Q Street, LLC Planned Unit Development application has been submitted to the Zoning Commission for the District of Columbia; and

WHEREAS: ANC 5C previously submitted to the Zoning Commission a Resolution, adopted June 20, 2006, in support of the Application; and

WHEREAS: ANC 5C has reviewed the Applicant's August 24, 2006 submission to the Zoning Commission and the Applicant made a presentation to ANC 5C at the ANC's properly noticed public meeting of September 19, 2006; and

WHEREAS: The Applicant has addressed ANC 5C's concerns about the application, as related to the standards against which the application must be judged, and ANC 5C finds that the design of the Applicant's proposed building compliments the surrounding neighborhood and will be a benefit to the community;

and

ZONING COMMISSION
 District of Columbia

CASE NO. 06-04 (FAX)
 EXHIBIT NO. 51
ZONING COMMISSION
 District of Columbia
 CASE NO. 06-04
 EXHIBIT NO. 51

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WHEREAS: ANC 5C is concerned about the impact of parking upon pre-existing small businesses in the area, like the Soul Day Spa, we recommend that the Applicant lease five underground parking spaces to this business and that the owner of the business provide liability insurance to cover the cost of potential losses incurred by the Applicant in connection with this arrangement. To assist in this arrangement, ANC 5C will petition the DC Department of Transportation to locate metered parking along Florida Avenue and North Capitol Street, N.W. to, perhaps, alleviate the continued need for the lease arrangement at some point and it will support the request of the owner of the Soul Day Spa as well as other small businesses currently located on this block in its request that the DC Department of Housing permit them to use a vacant lot under their control at the intersection of Q Street and Florida Avenue, N.W. for this interim use.

WHEREAS: Florida & Q Street, LLC has executed a Construction Management Plan as requested by this ANC; and

WHEREAS: ANC 5C approves the Applicant's proposal to purchase, prior to the issuance of the first building permit for the project, the items listed below on behalf of the identified organizations in the following amenities package:

- \$1,000 to Shaed Elementary School for the purchase of hardware and software for computer classes and the purchase of supplemental classroom reading materials.

- \$6,600 to J.F. Cook Elementary School for the purchase of student school supplies.
- \$6,600 to Dunbar Senior High School for the purchase of band and cheerleader uniforms and band instruments.
- \$6,600 to McKinley Technology High School for the purchase of books, classroom materials and computer equipment for the school's Biotechnology, Broadcast Technology and Information Technology instructional programs.
- \$6,600 to William E. Doar, Jr. Public Charter School for the Performing Arts for the purchase of musical instruments, including percussion, wind and string instruments.
- \$6,600 to D.C. Preparatory Academy PCS for the purchase of supplies and materials to support the school's academic tutoring, sports and arts enrichment programs.
- \$1,000 to contractor selected by ANC 5C for the installation of an entrance gate at the Florida Avenue Park located at the intersection of First Street and Florida Avenue.
- \$6,600 to the North Capitol Main Street Inc. for community improvement projects, such as the purchase of materials for the planting of trees.
- \$35,000 for the North Capitol Street BID Incubation Fund for the creation of a community improvement district project on the North Capitol Street corridor from R Street to O Street.
- \$6,600 to the Bloomingdale Civic Association for the purchase of equipment and uniforms for youth sports activities and contribution to the association's student scholarship fund.
- \$6,600 to the Eckington Civic Association for the purchase of equipment and materials necessary to develop a neighborhood website and community newsletter, as well as for the creation of a fund to assist seniors with quality of life issues.

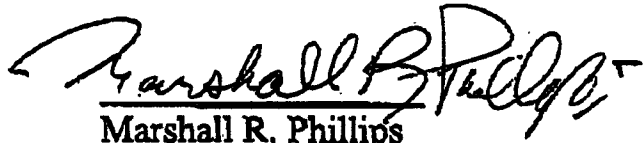
- \$6,600 to the Stronghold Civic Association for the purchase of equipment and materials for youth sports activities and contribution to the association's student scholarship fund.
- \$6,600 to the Bates Street Civic Association for the installation of gates for a pocket park and wrought iron borders for tree boxes and for other community beautification projects.
- \$6,600 to the 5th District Citizens Advisory Committee for the sponsorship of and purchase of materials for local youth-related events and programs.

NOW, THEREFORE BE IT RESOLVED Advisory Neighborhood Commission 5C, at its properly noticed meeting on September 19, 2006, voted unanimously to further support the application of Florida & Q Street, LLC and request that the project be approved by the Zoning Commission. Advisory Neighborhood Commission 5C is composed of 11 Commissioners, and therefore 6 Commissioners is the minimum number required to constitute a quorum. Seven Commissioners were present and voting at the September 19th meeting.

NOW, THEREFORE BE IT FURTHER RESOLVED Advisory Neighborhood Commission 5C requests the Zoning Commission of the District of Columbia to approve the application at its September special public meeting.

ADOPTED: September 19, 2006

We hereby certify this resolution to be true and correct.

A handwritten signature in cursive script, appearing to read "Marshall R. Phillips".

Marshall R. Phillips
Vice Chair

A handwritten signature in cursive script, appearing to read "Robert Vinson Brannum".

Robert Vinson Brannum
Secretary

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 65-85 residential units and 4,000 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 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.** Consistent with its obligations under the executed LSDBE MOU¹ and First Source Employment Agreement², the 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. The term preference is defined herein to mean that, 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, when future professional services are 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, provided such services are priced within 3-5% of other commercially available goods and services and are of comparable capacity.
- d. Resume Bank.** During the construction phase, 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 cellular phone numbers and beeper numbers, as

¹ Pursuant to the LSDBE MOU executed by the Applicant, the Applicant agreed to make a bona fide effort to contract and subcontract with Local, Small and Disadvantaged Business Enterprises certified by the D.C. Local Business Opportunity Commission ("LSDBEs") to achieve a contracting and subcontracting goal of thirty-five percent (35%) (the "35% Goal") LSDBEs participation in the contracted development costs in connection with the architectural and design, development, construction, including but not limited to, excavation, provision of construction materials, interior design and improvements, purchase of goods and supplies and equipment, janitorial and refuse collection services and other pre and post construction activities, maintenance and security for the project. The Applicant will work with the D.C. Department of Small and Local Business to direct 20% of the 35% Goal to firms that are based in the ANC 5C area/Ward Five and/or firms that are operated by residents of the same.

² The Applicant has also executed a First Source Employment Agreement with the Department of Employment Services ("DOES") to ensure cooperation with DOES for employee recruitment for jobs created by the Project with the objective that fifty-one percent (51%) of the employees hired in connection with the development of the project are District of Columbia residents.

appropriate. The Neighborhood Contact Person shall also have the ability to review the Resume Bank on a monthly basis and work with the Applicant's Representative to prepare a final report indicating how many persons were hired for the project utilizing the Resume Bank.

- 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.** Consistent with the requirements of the D.C. Construction Code, the Applicant will remove rubbish and construction debris continuously during the construction period during the normal construction 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 Saturday from 7:00 a.m. until 7:00 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 the start of 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 7:00 p.m. on Monday through Saturday.

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.

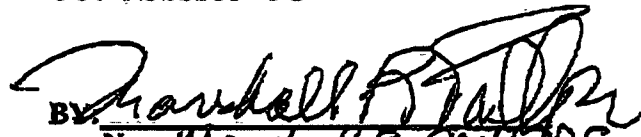
f. Traffic, Loading, and Parking

- (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 and Quincy Place. 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 or nearby parking lots. No construction related parking will be permitted on the adjacent neighborhood streets.

DATE THIS _____ DAY OF _____, 2006

**ADVISORY NEIGHBORHOOD
COMMISSION 5C**

FLORIDA & Q STREET, LLC

BY: 
 Name Marshall S. Phillips
 Title Vice-Chair ABCSC

BY: _____
 Name _____
 Title _____

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C
POST OFFICE BOX 77761
WASHINGTON, D.C. 20013**

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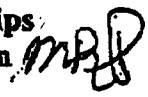
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**TO: Sharon Schellin Secretary
Zoning Commission**

DATE: 9/21/2006

**Chairperson Carol Mitten
Zoning Commission**

FAX #: 202-727-6072

**FROM: Marshal R. Phillips
Vice Chairperson** 

NO. of PAGES: 11

FAX #: 202-824-2819

SUBJECT: RE: Zoning Commission Case No. 06-04 – Florida & Q LLC PUD

Please deliver to Secretary Schellin upon receipt. Thanks!

JDB