

February 15, 2018

Via IZIS and Hand Delivery

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: **Zoning Commission Case No. 11-08C; Modification of Consequence of Order No. 11-08 (Square 2578, Lots 832 and 833) (“Property”)**

Dear Chairperson Hood:

MCREF Embassy LLC (the “Applicant”), hereby requests a Modification of Consequence (“Modification”) of Order No. 11-08 (“Order”). Order No. 11-08 approved a consolidated Planned Unit Development (“PUD”) and PUD-related map amendment for the construction of a residential building on the site of the former Italian Embassy. The Applicant is the owner of the Property, which is located in the northwest corner of the intersection of 16th and Fuller Streets, NW. The Zoning Commission previously approved two extensions of the Order (Case Nos. 11-08A and 11-08B). The Applicant has since secured its building permit and construction of the approved project is well underway, with initial occupancy anticipated in the summer of 2018. The Applicant files the instant application to modify two conditions of approval, as detailed below.

An agent authorization letter is attached as Exhibit A. Copies of ZC Orders No. 11-08, 11-08A and 11-08B are attached as Exhibit B. This modification request is made pursuant to Subtitle Z Section 703 of the 2016 Zoning Regulations.

A. Background

Pursuant to Chapter 24 of the 1958 Zoning Regulations, the Zoning Commission approved a consolidated PUD and PUD-related map amendment for the Property. The project included the renovation and conversion of the former Italian Embassy into residential units as well as a residential addition to the west of the historic building. In total, the project includes 134 residential units.

The original approval became effective on March 9, 2012, with the issuance of the Order. The approval was extended through March 9, 2015, pursuant to Order No. 11-08A. The Applicant timely filed its building permit but sought an extension of time to start construction of the project. Order No. 11-08B extended this time period through March 9, 2017, and construction of the project is now well underway. The historic building will complete

construction first and occupancy is anticipated in Summer 2018. The new building has been “topped up” and interior framing and installation is underway. Occupancy of the new building is expected by Fall 2019.

B. Modification Request and Applicant’s Satisfaction of the Standards for Approving a Modification of Consequence

Section 703 of Subtitle Z of the 2016 Zoning Regulations establishes the standards and requirements for approval of modifications of consequence, without a public hearing. Section 703.4 notes that examples of modifications of consequence:

[i]nclude, but are not limited to, **a proposed change to a condition in the final order**, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. (emphasis added in bold).

The modifications proposed in this application are related to the modification of two conditions in the final order.

1. Condition B.3

Condition B.3 of Order No. 11-08 provides:

Prior to the issuance of a certificate of occupancy for the project, the Applicant shall renovate the commercial kitchen at the Festival Center located at 1640 Columbia Road, NW. The renovation of the kitchen shall include the demolition and moving of the men's restroom, demolition and building of the new kitchen space and installation of the new kitchen equipment.

The Applicant seeks to modify this condition to read as follows:

Prior to issuance of a certificate of occupancy for the project, the Applicant shall provide \$250,000 to the Festival Center to be put toward major constructional maintenance, including, but not limited to, repairs to the HVAC, roof and elevators, performing accessibility and energy efficiency improvements, or implementing electrical, security system, and kitchen upgrades. Prior to issuance of a certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator in the form of a letter, confirming that the funds have been provided to the Festival Center and that the Festival Center is using them for the intended use.

Attached as Exhibit C is a letter from the Festival Center indicating that its Board of Directors requested the proposed modification to the condition, noting that the funds will better serve the Center, and the community, if put toward maintenance of the facility rather than toward construction of the kitchen. The Festival Center serves the Adams Morgan community and

maintenance of its existing facilities is critical to continuing its mission. Also attached as Exhibit C is an agreement with the Festival Center that amends the agreement entered into the record for Case No. 11-08 as Exhibit 21C. The ANC voted unanimously in support of the modification to Condition B.3 at its public meeting on February 7, 2018. A copy of its resolution is attached as Exhibit D.

2. Condition B.4

Condition B.4 of Order No. 11-08 provides:

Prior to the issuance of a certificate of occupancy for the project, the Applicant shall establish a tree fence buy-in program with the Reed-Cooke Neighborhood Association and the Applicant shall contribute \$50,000 to the program. Once the program is established, the Applicant shall be responsible for selling and installing up to 625 tree fences. The tree fences shall be sold at-cost.

The Applicant seeks to modify this condition to read as follows:

Prior to the issuance of a certificate of occupancy for the project, the Applicant shall contribute \$120,000 to the Reed-Cooke Neighborhood Association to be used in its Block Beautification program. The funds will be used for maintenance of existing tree boxes, landscaping, and other neighborhood projects that beautify the public spaces in the Reed-Cooke neighborhood. Prior to issuance of a certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator in the form of a letter, confirming that the funds have been allocated for the Reed-Cooke Neighborhood Association as set forth in the Amendment and Restatement of Agreement and that the Reed-Cooke Neighborhood Association is using the funds for the intended use.

The modification of this condition comes at the request of the Reed-Cooke Neighborhood Association (“RCNA”). The RCNA requested that the use of the funds be expanded to allow additional beautification efforts than just the tree fence program that was initially approved. As such, RCNA and the Applicant entered into the Amendment and Restatement of Agreement, attached as Exhibit E, which outlines the proposed Beautification Program and proposed use of the funds and amends the agreement between the parties submitted in Exhibit 28 in the record for Case No. 11-08. Under the Beautification Program, the RCNA will appoint 10-15 “area captains” who will serve as the appointed captains for their respective zones. Each area captain will work with residents to generate a beautification proposal for their respective zone. Each proposal will be evaluated by the RCNA Executive Board, who will distribute funds for approved projects.

The ANC voted unanimously in support of the modification to Condition B.4 at its public meeting on February 7, 2018, as set forth in the resolution attached as Exhibit D.

Anthony Hood, Chairperson
District of Columbia Zoning Commission
February 15, 2018
Page 4

C. Service on Party

The only party in Zoning Commission Case No. 11-08 was ANC 1C. Therefore, ANC 1C is being served with this application (in satisfaction of Section 703.13 of Subtitle Z). (See attached Certificate of Service). As noted above, the ANC has voted unanimously in support of the proposed modifications to Conditions B.3 and B.4; a copy of its resolution is attached as Exhibit D.

D. Conclusion

The proposed modifications are consistent with the Zoning Commission's previous approval of the PUD. Five years have passed since the Commission's initial approval and the contributions approved in the initial case no longer align with current priorities for the Festival Center and Reed-Cooke Neighborhood Association. In light of this, the Applicant seeks approval to modify the relevant conditions in Order No. 11-08 to reflect the current priorities for each respective organization so that the funds are used in a manner that benefits the community most effectively. As noted above, both organizations, as well as the ANC, support the proposed modifications. Given the uniform support for the proposed conditions, the use of the consent calendar process outlined in Section 703 of Subtitle Z of the 2016 Zoning Regulations is appropriate for this application. All other conditions of Order No. 11-08 will remain as approved.


Please feel free to contact the undersigned if you have any questions or comments regarding this consent calendar modification application.

Respectfully Submitted,


Christine Roddy

Certificate of Service

I hereby certify that I sent the foregoing document to the addresses below on February 15, 2018 by first class mail and hand delivery.


Christine Roddy

Joel Lawson
Maxine Brown Roberts
D.C. Office of Planning
1100 4th Street, NW, Suite E650
Washington, DC 20024

ANC 1C
PO Box 21009
Kalorama Station
Washington, DC 20009

Anna Chamberlin
District Department of Transportation
55 M Street, SE
4th Floor
Washington, DC 20024

ANC 1A
3400 11th Street, NW, #200
Washington, DC 20010