




**Memorandum**

**TO:** District of Columbia Zoning Commission

**FROM:**  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** September 23, 2013

**SUBJECT:** **ZC 06-04 C- Modification** –Florida & Q Street, LLC - 1600 North Capitol Street, N.W. (Square 3100, Lot 48).

**I. RECOMMENDATION**

OP recommends approval of the requested modifications to the approved Consolidated PUD (06-04), including:

Item	Approved: Order 06-04	Proposed 06-04C
<b>Building Height</b>	86 ft.	72 4" ft. by removal of 7 <sup>th</sup> floor unit and lowering of height of the embellishment (not including roof structures).
<b>Number of units</b>	65-85 units	85-95 units (84,306 gsf)
<b>Retail area sf.</b>	4,970 sf.	4,998 sf. (With flexibility to convert to residential use if unable to lease) <sup>***</sup>
<b>Parking</b>	2 levels below-grade (84 spaces)	One level (41 spaces min.)
<b>Flexibility</b>		
<ul style="list-style-type: none"> <li>• Court width</li> <li>• Loading</li> </ul>	15.2 feet 1 loading berth @ 30' 1 service/delivery space @ 20' 1 platform @200 sf.	15.2 feet 1 loading berth @ 30' 1 service/delivery space @ 20'. 1 platform @ 525 sf
<ul style="list-style-type: none"> <li>• Roof Structure</li> </ul>	N/A	Varying heights of stair and elevator enclosures, with a stair and elevator enclosure not meeting one to one setback req't.
<ul style="list-style-type: none"> <li>• Additional flexibility Benefits and Amenities</li> </ul>	Item 9. Decision of the Order Item 26 (g) Findings of fact	Order modified as shown in Attachment I <sup>***</sup> Order modified as shown in Attachment I- Reallocation of contributions to existing community groups.

subject to the modified conditions outlined at the end of this report. In all respects other than height, the design of the building will be substantially consistent with the prior approval and conditions in Z.C. Order No. 06-04.

**II. BACKGROUND**

The subject application was setdown for a public hearing by the Commission at its July 8, 2013 public meeting. At that time, the Commission requested the applicant to provide:

- Additional information regarding the garage entrance and its relationship to future DDOT's improvements of the Florida Avenue/Q Street/North Capitol intersection;
- The project's compliance with IZ requirements; and
- Specifics regarding the reallocation of amenities.

The Applicant provided a prehearing statement on July 17, 2013. The additional information is discussed subsequently. A synopsis of the PUD's history is as follows:

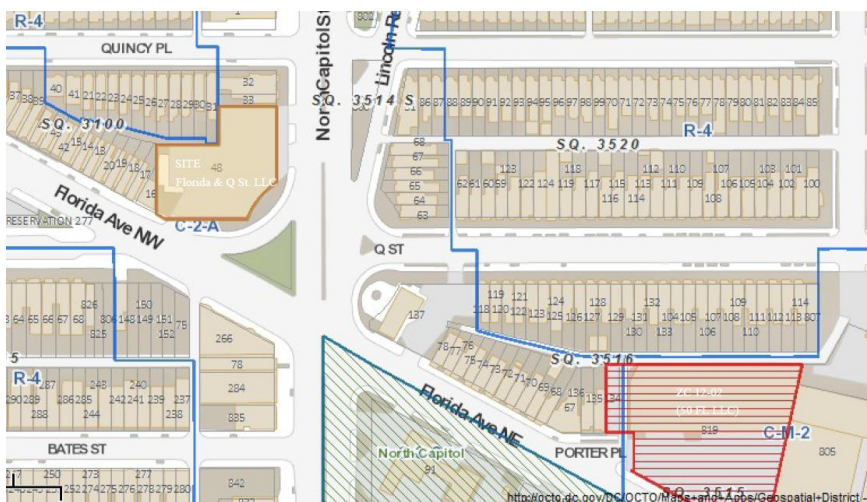


Date	Action
12/2/2006	Application for PUD filed.
04/20/2006	ZC sets public hearing date.
07/27/2006	Public Hearing held.
09/26/2006	Proposed Action: ZC requests refinement of the façade.
01/08/2007	Final Action to approve.
06/15/2007	Order 06-06 effective date.
03/09/2009	Order 06-04A - Extension granted until June 15, 2011. (for BP)
07/11/2011	Order 06-04B – Extension granted until June 15, 2013.(for BP)
05/21/2013	06-04C – PUD Modification and concurrent extension request.
07/08/2013	ZC sets down application for a public hearing.
10/03/2013	Public Hearing scheduled on the requested modification.

The development team has now reconsidered the building’s engineering, adjusting the building’s height and its construction to include a partial stick-built for cost efficiencies. The current proposal is similar to the approved PUD in that it continues to provide the following:

- A mixed-use building, including residential and retail space;
- Underground parking;
- Height and density that are generally consistent with the previous approval;
- Dedication of 8% of the residential gross floor area as IZ units (80% of AMI);
- 18% increase in the residential gross floor area devoted to IZ over matter-of-right under C-2-A zoning;
- Inclusion of green roof elements and streetscape improvements, including new street plantings and sidewalk renovation, according to DDOT standards; and
- Targeted allocation to neighborhood entities and/or associations of up to \$109,600.

**III. SITE DESCRIPTION**



**Zoning Vicinity Map**

The 18,984 square-foot vacant lot, located in Square 3100 is prominently located at the northwest intersection of North Capitol Street, Florida Avenue, a portion of Q Street and a remaining portion of what was originally known as Truxton Circle. It is served by six Metrobus routes and is 2,200 feet from the entrance to the New York Avenue Metrorail Station. Generally, the square is comprised of row structures and multi-family townhouse dwellings. There are no nearby historic districts.

The C-2-A commercial zone extends along North Capitol Street in the immediate neighborhood, abutting the residential row-house R-4 district to the northwest, northeast and southwest of the intersection. The squares in the C-3-C district on the southeast corner of North Capitol Street and Florida Avenue are in Transferable Development Rights (TDR) receiving zones. The North Capitol Street corridor and its retail potential are currently under study as part of the Mid City Small Area Plan.

#### IV. MODIFICATION PROPOSAL

The development is proposed as a seven-story mixed-use building at a maximum height of 72 feet. An architectural “tower” proposed at 81 feet high would anchor the corner of North Capitol Street and Florida Avenue. The building would have a combined gross floor area of 85,428 square feet, of which 84,306 square feet would be dedicated to a maximum of 95 residential units. Neighborhood serving retail space at 4,998 square feet (some area included in cellar calculation) would front along Florida Avenue, as in the previous version of the design. The project would remain as designed at a total FAR of 4.5.

The residential units would be comprised of efficiencies (7%); one bedroom units (34%); one bedroom with den (9%) and two-bedroom units (50%). There would be no three bedroom units, which represented at least 1% of the units in the previous design. The applicant previously committed to 15% of the bonus density (5,695 square feet) at 80% of the AMI. The revision satisfies the IZ requirement at 8 % or 6,744 gsf of the residential gross floor area, which represents an increase in the area dedicated to affordable units. One parking level below grade would accommodate a minimum of forty-one parking spaces to be accessed via a curb cut off Florida Avenue. Loading facilities would also be accessed through the same curb cut.

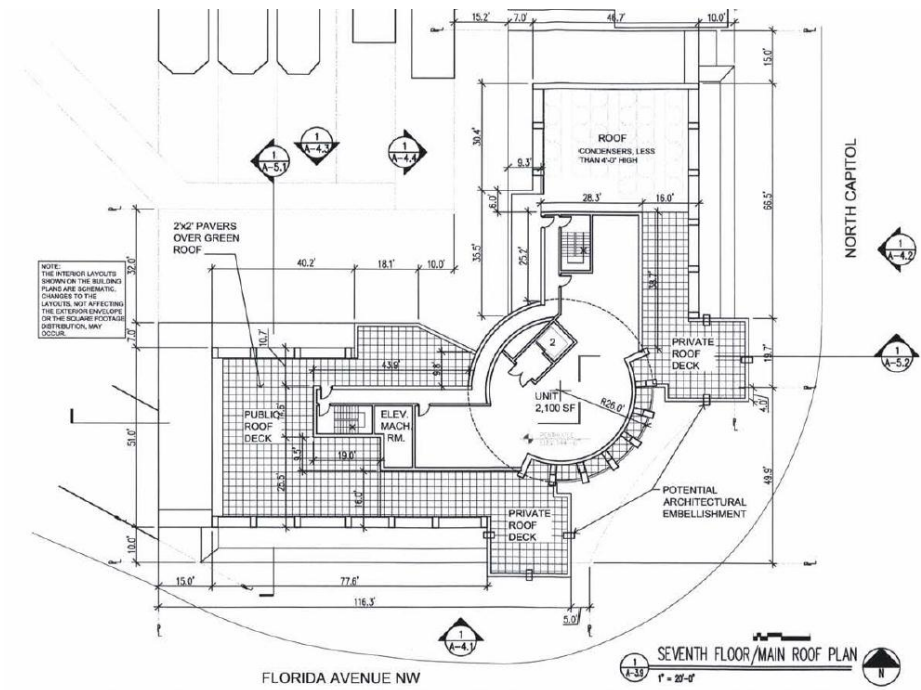


North Capitol Street Elevation (06-04) (2007)

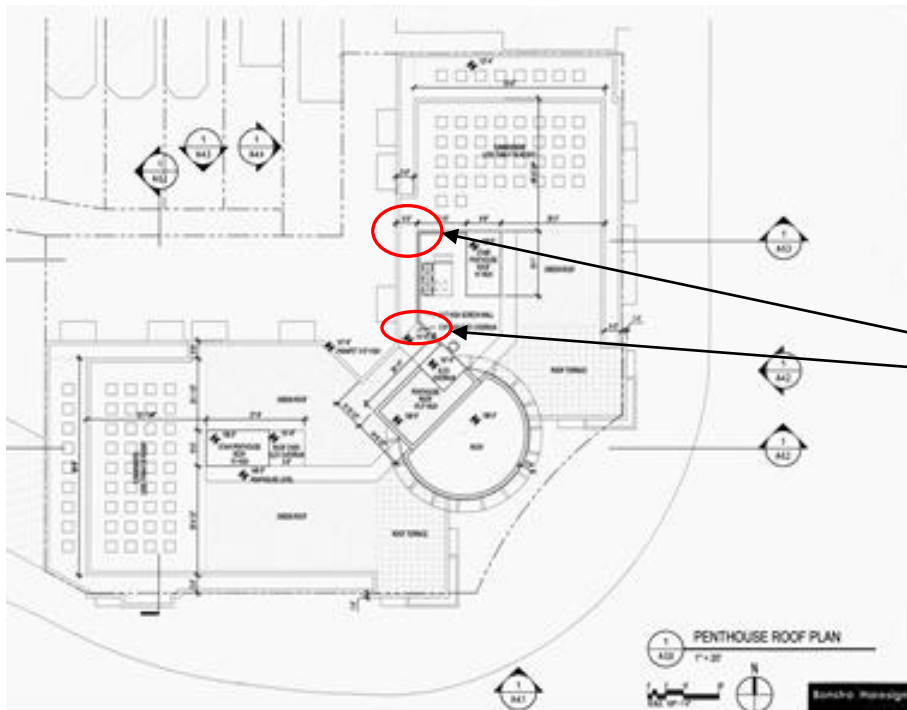
#### Revised Elevation 06-04C (5/31/2013)

There is a visible grade change at the front of the building which shows a lower entrance and lobby area. The tower element has been revised. (See A-1.5 for street perspective)





**Approved Plan**



The upper level roof plan shows less area devoted to roof decks, relocation of green roof areas and installation of more rooftop condensers.

Flexibility requested from roof structure requirements in these locations.

**Modified Plan (Sheet A 3.8 (9/13/2013))**



**V. ZONING**

The current proposal remains conforming to the permitted height and FAR under the approved map amendment from the C-2-A to the C-2-B District. However, flexibility is requested, as highlighted in the following table:

Standard	C-2-A	C-2-B/M-O-R	C-2-B/PUD	Approved	Proposed
Area	18,984 sf	18,984 sf.	<b>(15,000 sq. ft)</b>	18,984 sf.	18,984 sf
Height	50 ft. (65ft. -PUD)	65 ft.	90 ft.	86 ft (max)	<b>69 ft.</b>
FAR	Non Residential – 0.5 Residential – 2  2.5 - 47,460 sf 3.0 PUD - 56,954 sf	Retail – 1.5 Residential – 2  <b>3.5 (max.)</b> (66,444 sf)	Non-Residential – 2.0 Residential – 4.0  <b>6.0 (max.)</b> (113,904 sf)	Retail (4,970 sf in cellar) Residential – 4.45 (81,428 sf) <b>4.5</b> (85,428 sf).	<b>Retail – 4,998 sf in cellar Res. – 4.35 (84,306sf)</b>  <b>4.5 (85,428 sf)</b> <b>No change</b>
L/O (§772)	Residential – 60%	80%	Residential – 80%	76.5%	77% - Minor Change
Rear Yard § 774	12 ft. minimum or 2.5 ins./ft. of height or 17 ft.	15feet	15 ft. minimum or 2.5 ins./ft. of height or 17 ft.	40 ft. (Measured from centerline at FL. Ave.)	No Change
Court §§ 776.3 776.4 Width = 4” / ft. ht, - not < 15 feet. Area not < 350 sf	N/A	N/A	<b>25 ft. 10 ins required</b>  <b>Required area 350 sf.</b>	<b>15.2 feet</b>	15 feet 2 inches <b>Flex. Requested</b> 773 sf proposed
<b>Parking §2100</b> Residential Retail	1 per 2 D.U 1 for less than 3,000 sq. ft. of retail	1 per 3 D.U	1 per 3 D.U (32 required)	84 spaces	<b>41 spaces (satisfies requirements)</b>
Loading § 2201 Residential 0 for < 5,000 sf retail	1 loading berth @ 55’ 1loading berth @ 30’ 1 platform @ 200 sf 1 delivery sp.@ 20’.	1 loading berth @ 55’ 1 platform @ 200 sf. 1 delivery space @ 20’	<b>1 loading berth @ 55’</b> <b>1 platform @ 200 sf</b> <b>1 delivery space @ 20’.</b>	<b>1 loading berth @ 30’</b> <b>1 delivery space @ 20’</b>	1loading berth @ 30 ft; 1 platform @525 sf 1 delivery sp. @ 20 ft  <b>Flexibility requested</b>
Residential Rec. Space15% GFA (No longer required)	N/A	N/A	15% = 12,214 sq. ft.	<b>7.3% = 5,920 sq. ft.</b> <b>5.82% = 4,392 sq. ft. (non-qualifying space)</b>	N/A
Roof Structure §§411.2;411.3;411.4; 770.6(a); 770.6(b)	N/A	N/A	Varying setbacks and non-uniform height. 10 ft.; 13.5 ft. (elevator enclosure behind the tower element)	N/A	<b>Flexibility requested</b>

**FLEXIBILITY**

The flexibility from the court, loading, and roof structure requirements are reviewed herein:

**Court**

The court width remains at 15.2 feet, as previously approved, in an attempt to provide reasonable open space which would act as a buffer between the proposed development and the existing row homes which front Quincy Place. If the court width was increased to 25 feet as required, the building would be narrowed to adversely impact the residential layout of the floors, including smaller apartment sizes along North Capitol Street, which would not be feasible. It is noted that the apartment building would provide units with a slightly larger square footage than what is currently available on the market. OP has no objection to this flexibility as it would have no effect on the light and air to nearby properties.

### **Loading**

Flexibility was previously granted from the residential loading requirement, including the provision of a loading berth at 30 feet instead of 55 feet deep due to the configuration of the entryway off Florida Avenue, and the depth of the lot west of the site (93 feet). Provision of a 55-ft loading berth would negatively impact the provision of other necessary space for in-house functions, such as trash storage and utility areas. Further, the size of the apartment units does not necessitate a larger loading berth. No loading is required for the retail component, which would be less than 5,000 square feet. OP has no objection to the flexibility currently requested, as facts upon which the previous decision was made still exist under the current application. *DDOT informed OP that the main impact of the Mid City East Plan study would be on the public space surrounding the building with minimal impacts projected on the building's vehicular site access.*

### **Roof Structure**

This request involves multiple roof structures of uneven height, two of which are not set back a distance equal to its height above the roof (*Sheet A 3.8 9/13/ 2013*). The multiple roof structures with uneven heights, including those of the stair towers and elevators to the roof serve to minimize the massing on the roof at a prominent corner. The two stair towers would satisfy Building Code requirements for a separate egress for each wing of the apartment building. The drawings show – the elevator enclosure behind the tower and the 9ft-high screen wall - not set back from the courtyard wall a minimum of 10 feet as required. This would not adversely impact the availability of light and air to neighboring structures. OP has no objection to the flexibility requested.

### **Additional areas of flexibility**

The applicant has also requested flexibility to convert the proposed retail space to residential space if a tenant cannot be secured for the assigned retail space during its advertised period prior to the filing for a building permit. The applicant has shown two alternative designs for the space (Sheets A3-2 and A3.2B). OP has no objection to this request.

OP has no objection to the additional areas of flexibility requested by the applicant regarding the ability to vary the design and location of interior components and exterior materials (without reduction in quality), within the color ranges proposed, the number of parking spaces, and location of those spaces (not below the required number), as it remains consistent with prior approval.

The applicant also requested a reallocation of funding offered to various community groups which are no longer in existence. The applicant has held discussions with the neighborhood through the Bloomingdale Civic Association and the ANC 5E. The proposed reallocation is highlighted as a modification to the Findings of Facts Item 26 (g) of the Order (Attachment I).

## **VI. PUD EVALUATION STANDARDS**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved. Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities.

In its review of a PUD application, §2403.8 states that “*the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.*” Sections 2403.9 and 2403.10 state that... “*a project must be acceptable in all the listed proffer categories, and must be superior in many.*” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “*show how*

*the public benefits offered are superior in quality and quantity to typical development of the type proposed...*” (§2403.12) The amenity package evaluation is partially based on an assessment of the additional development gained through the application process. The following table compares base zone, previously approved and currently proposed densities and heights:

<b>Item</b>	<b>Density</b>	<b>Non-residential density</b>	<b>Height</b>
C-2-A	2.5 (47,460 sf)	1.5 (28,476 sf)	50 ft.
Approved C-2-B PUD	4.5 (85,428 sf)	0.26 (4,970 sf)	86 ft.
Current Proposal	4.5 (85,428 sf)	0.06 (1,122 sf) <sup>1</sup>	72 ft.

The project gains no additional density through this PUD modification over what was previously approved. The height is reduced by 17 feet through the removal of the penthouse unit and lowering of the tower element.

The order issued for the approved PUD stated that *“the project benefits and amenities are reasonable tradeoffs for the requested development flexibility.”* The modification requests minimal additional flexibility through due to redesign of the roof structure elements and it generally remains within the granted flexibility of the approved PUD identified in Item 9 of the Decision of the Order.

**A. COMPREHENSIVE PLAN AND PUBLIC POLICIES**

An evaluation standard for PUD’s also requires that the proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§ 2403.4). The prior PUD was evaluated under the 1999 Comprehensive Plan. An evaluation of the development proposal is also consistent with the 2006 Comprehensive Plan, including the including the Land Use, Housing, Urban Design and Mid-City Area elements and their related policies.

**Land Use Element**

- *The renewed popularity of city living generates the need for more housing and new amenities. 300.4*
- *Land use changes have the potential to make the city more vibrant, economically healthy, exciting, and even more environmentally sustainable than it is today. 300.5*
- *Fully capitalizing on the investment made in Metrorail requires better use of the land ..... along transit corridors. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District’s neighborhood stations. These include:*
  - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
  - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
  - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; .... 306.4*

The proposed mixed-use development would enable future residents to capitalize on the location’s proximity to several transit options.

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<sup>1</sup> GFA counted towards FAR does not include that portion of a cellar, the ceiling of which is less than four feet above finished grade calculated on the perimeter method by the applicant (A1.5)

## **Housing Element**

**Policy H-1.1.1: Private Sector Support** *Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2*

**Policy H-1.1.4: Mixed Use Development** - *Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5*

The development proposes to add up to 95 residential units along the Florida Avenue corridor, consistent with the policies of the Housing Element.

## **Urban Design**

**Policy UD-2.2.4: Transitions in Building Intensity** - *Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.*

**Policy UD-2.2.5: Creating Attractive Facades** - *Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. 910.12*

**Policy UD-2.2.7: Infill Development** - *Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15*

**Policy UD-3.1.11: Private Sector Streetscape Improvements** - *As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties. 913.18*

The project's design provides a transition to the adjacent row dwellings to the north of the site as it steps down from Florida Avenue at 69 feet towards the adjacent structure to the north at 50 feet. The façade is separated in two areas by a tower feature focused on a prominent intersection. The applicant is also committed to streetscape improvements consistent with current District standards.

## **Mid-City Area Element**

The property is located in the MidCity area and the area around North Capitol Street, New York Avenue and Florida Avenue intersections provides the commercial center for the surrounding neighborhoods of Bloomingdale, Eckington and Truxton Circle.

**Policy MC-2.7.1: North Capitol/Florida Business District:** *Upgrade the commercial district at Florida Avenue/North Capitol/New York Avenue, restoring vacant storefronts to active use and accommodating compatible neighborhood-serving infill development. 2017.4*

The proposal would redevelop a currently vacant lot with appropriate retail use to serve the surrounding neighborhood needs.



**Proposed Mid-City East Plan**

The Office of Planning and the District Department of Transportation are currently conducting neighborhood outreach in the North Capitol, Florida Avenue and Rhode Island Avenue neighborhoods, with the intent to draft a Mid-City East Small Area Plan. The objective of this plan would be to revitalize North Capitol Street, Rhode Island Avenue, New Jersey Avenue and Florida Avenue as thriving retail and pedestrian-friendly corridors and preserve the individual character of adjoining neighborhoods. OP anticipates that the plan would be submitted for Council consideration in mid-2014. The approved PUD site is within the proposed plan boundaries.

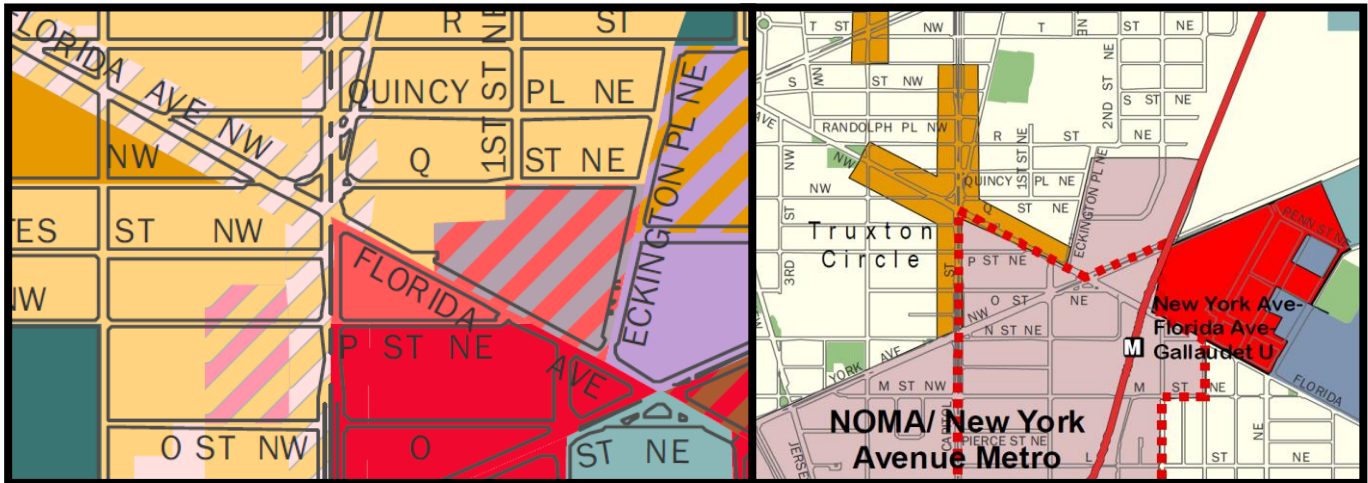
**B. COMPREHESIVE PLAN MAPS**

**FUTURE LAND USE MAP**

The Generalized Land Use Map recommends the subject site for low density commercial and moderate density residential. The proposed development at a total FAR of 4.5 comprised of mixture of residential (4.3 FAR) and limited retail uses (0.2 FAR) is not inconsistent with the Comprehensive Plan.

**GENERALIZED POLICY MAP**

The Generalized Policy Map locates the subject site within a main street mixed use corridor. This type of corridor is a traditional commercial business corridor with a concentration of older storefronts along the street. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.



**Future Land Use Map**

**Generalized Policy Map**

The Commission approved the requested map amendment to the C-2-B PUD as consistent with the Comprehensive Plan policies and maps. No substantial changes have occurred since the PUD's approval that would change the material facts upon which the decision was made.

## C. PUBLIC BENEFITS AND AMENITIES

§ 2403.9 addresses the requirement for public benefits and amenities as follows:

*“Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:*

### **Urban Design and Site Planning**

The site planning and land utilization has been approved as efficient and would not be modified by the current proposal. The proposed design would ensure the availability of light and air to the residences with the inclusion of the open landscaped courtyard, which is approximately 29 feet from the property line to the north and the 15-foot setback of the areaway, as shown on the plans (A3.6).

A flat roof and double bays are included to address the row house fabric of the neighborhood. Proposed lower level units with North Capitol Street frontage will be accessed by stairs to the first and cellar levels, as shown in the applicant’s plans, similar to the pattern of residences along North Capitol Street.

Materials for the building’s facades would include brick, stone and pre-cast accents, and decorate metal railings with metal frame architectural embellishments. An architectural embellishment as a tower is proposed as a connector between the east/west and north/south wings of the apartment building, while directing the mass towards the intersection, away from existing residences. This is an appropriate context since it directly borders the NOMA redevelopment area and the C-3-C district in a TDR receiving zone, with a development potential height of up to 130 feet. This building would provide a respectable transition between potential development to the east of the site and the residential neighborhood to the north and west.

The design continues to conform to the neighborhood’s character with respect to the building’s proposed material and its articulation at the intersection of two major arterials as approved by the Commission under Order 06-04.

### **Transportation, Pedestrian and Vehicular Access**

The lack of an accessible alley system limits the provision of loading areas and vehicular access to the building to the rear of the building. However, with the reduction in the number of on-site parking spaces, traffic to and from the development should not pose an adverse impact on the existing traffic patterns. Both corridors (North Capitol Street and Florida Avenue) serve many Metrobus routes and are pedestrian and bike accessible to Metro’s Red Line (New York Avenue Metro Station), and via Metrobus to the Green Line to the east (Shaw/Howard U. Metro Station) or the main transportation center at Union Station, to the south. DDOT had no concerns regarding pedestrian safety or vehicular access, and concurred that the location is well served by several Metrobus lines including the 80, 90, 92, and 93, P6 and X3. The applicant agreed by Order, to limit residential and commercial deliveries to non-peak hours on weekdays and weekends. The applicant has introduced the following TDM measures based on its projected vehicle trips for the project including:

- Unbundling of parking costs from the cost of lease or purchase;
- Provision of four bike racks for eight bikes on Florida Avenue (60 bike spaces would be provided onsite);
- TDM commitments would be posted online, as well as welcome packages promoting commuter connections.com, goDCgo.com, Capital Bikeshare, car-share locations, bus routes and DC Bicycle maps.

### **Affordable Housing**

The applicant would satisfy the IZ requirement of 8% for residents at 80% AMI. The units would include 3, 2-bed/2bath units (one of which would be an ADA unit on the cellar floor); 4 1-bed/bath units on the cellar, 1<sup>st</sup>, 2<sup>nd</sup> and 5<sup>th</sup> Floors (ADA included); and 1, 1 bed/den/1.5 bath unit on the 5<sup>th</sup> floor. (A1.6 9/13/2013 PUD Set)

### **Environmental Benefits**

The applicant’s preliminary LEED scorecard noted on A1.7 indicates that the development would meet Silver certification (53 points). A major environmental benefit would be the accommodation of onsite stormwater

through the green roof areas of the main building roof and the courtyard planter system (L-101, L-102). Additional stormwater capture would be made available through structural stormwater filters designed to current DDOE standards.

**Other Benefits**

The applicant committed to a community amenities package in the amount of \$109,600 to be divided up among 14 community groups, schools and associations, (listed in the original order) upon the issuance of the final building permit. Since approval of the PUD, some groups no longer exist.

The applicant has requested that flexibility be granted to reallocate the amount among existing or new community groups. Approved amounts of \$1,000 for Shaed Elementary School; \$6,600 for J.F. Cook Elementary School; \$35,000 for the North Capitol Street BID Incubation Fund; and \$1,000 for the installation of an entrance gate at the Florida Avenue Park (for a total \$43,600.00) will be reprogrammed to North Capitol Main Street, Inc. for storefront improvements and technical assistance since initial recipients closed/no longer operational. The proposed reprogramming is consistent with Section 2403.6 of the Zoning Regulations.

The current proposal would continue to provide the following public benefits and amenities:

Applicant's Amenities/Benefits	Required	Mitigation	Public Benefit	Project Amenity	Proffer
New Housing on a vacant site			X	X	X
IZ units	X		X		
Environmental Benefits, including Green Roof and other features		X	X	X	X
Contextual Arch/Urban Design	X	X	X	X	
Neighborhood retail			X	X	
Streetscape improvements			X	X	
More bicycle spaces than required			X	X	
First Source Agreement (executed)			X	X	
Contributions to various community groups (\$109,600K)			X	X	X
Construction Management Plan		X	X		

**VII. AGENCY COMMENTS**

The District Department of Transportation will submit their comments under separate cover. OP was informed by DDOT that the main impact of the on-going study in the Mid-City East Plan would be on the public space surrounding the building and any proposed changes to the intersection would have minimal impacts on the building's vehicular site access.

**VIII. COMMUNITY COMMENTS**

The applicant met with the Bloomingdale Civic Association on September 16, 2013 and the full ANC 5E on September 17, 2013. The Civic Association and the ANC voted to support the modification on condition that two levels of parking be provided, one of which would be for the public's use. Further, should the Commission deny this request; future residents' should be denied access to Residential Permit Parking (RPP). The applicant has agreed to program the denial of the RPP program into its lease/purchase agreements. The ANC requested that the applicant attend the Hanover Civic Association's meeting on September 18, 2013 in order to discuss the ANC 5E's request regarding the reallocation of \$6,600 to the Civic Association's beautification program. All reports will be forwarded to the Commission under separate cover.

**IX. RECOMMENDATION**

OP continues to support the proposal to develop this key intersection in the Eckington/Bloomingdale neighborhood and recommends approval of the requested modification of the approved PUD as highlighted in the summary of the report and as shown in the Attachment.

ATTACHMENT

## ATTACHMENT

### A. Modify the **FINDINGS OF FACTS** as follows:

#### 26 (g) Other Public Benefits and Project Amenities

The Project will provide new development in an area designated by the Comprehensive Plan, as a Main Street Mixed Use is recognized by the Office of Planning as a Priority Economic Development area along a Main Street Mixed Use Corridor a, as designated by the Policy Map of the 2006 Comprehensive Plan. The proposed mixed-use development will give a much needed boost to the economic development of the area, as shown by the Economic Impact Analysis submitted by the Applicant. Moreover, the Applicant proffered a Construction Management Plan with ANC 5C in an effort to minimize any potential adverse impacts resulting from the construction of the Project. The Construction Management Plan addresses issues such as pre-construction surveys, construction site management, construction site cleanliness, work hours, traffic and parking, and complaint procedures and communication. In addition, The Applicant committed to make financial contributions to various schools and community groups, consistent with the amenities package approved by ANC 5C (Exhibit 51) 5E as outlined below:

1. ~~\$1,000 to Shaed Elementary School for the purchase of hardware and software for computer classes and the purchase of supplemental classroom reading materials. Explanation: This school is closed.~~
2. ~~\$6,600 to J.F. Cook Elementary School for the purchase of student school supplies. Explanation: This school is closed. Amount to be reallocated to the Hanover Civic Association at the request of ANC 5E.~~
3. \$6,600 to Dunbar Senior High School for the purchase of band and cheerleader uniforms and band instruments.
4. \$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.
5. \$6,600 to William E. Doar, Jr. Public Charter School for the Performing Arts for the purchase of musical instruments.
6. \$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.
7. ~~\$1,000 to a 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. Explanation: This project was completed without the use of these funds.~~
8. ~~\$6,600~~ **\$43, 600** to the North Capitol Main Street, Inc. (NCMS) for community improvement projects, such as the purchase of materials for the planting of trees. **Storefront improvements and provision of technical assistance to businesses. (Explanation: reallocated funds in support of NCMS programming)**
9. ~~\$35,000 for the North Capitol Street BID Incubation Fund for the creation of a business improvement district along the North Capitol Street corridor from R Street to O Street.~~

10. \$6,600 to the Bloomingdale Civic Association for the purchase of equipment and uniforms for youth sports activities and a contribution to the association's student scholarship fund.
11. \$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.
12. \$6,600 to the Stronghold Civic Association for the purchase of equipment and materials for youth sports activities and a contribution to the association's student scholarship fund.
13. \$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.
14. \$6,600 to the 5<sup>th</sup> District Citizens Advisory Committee for the sponsorship of and purchase of materials for local youth-related events and programs.

**B. Modify the Decision of the Order (06-04) as follows:**

Delete Item 9 (a) through (d), replace with

**NEW**

**9. The Applicant shall have flexibility with the design of the PUD in the following areas:**

- a) **To be able to convert the proposed retail spaces into residential space, as shown on Sheet A 3.2B of the Modified Architectural Plans and elevations, if a tenant cannot be secured for the retail space.**
- b) **To be able to provide a range of 85 to 95 residential units.**
- c) **To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.**
- d) **To vary the number, location and arrangement of parking spaces, provided that the total is not reduced below the number required by the Zoning Regulations.**
- e) **To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit**

**Order 06-04**

**9.**

- a. ~~To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atrium, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not materially change the exterior configuration of the building;~~



- b. ~~To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials;~~
- e. ~~To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments, and trim, or any other minor changes to comply with the District of Columbia construction codes or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and~~
- d. ~~To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, as long as the number of parking spaces does not decrease below the minimum number specified.~~