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October 26, 2011

VIA ELECTRONIC FILING

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

2011 OCT 27 AM 8:12

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U.S. OFFICE OF ZONING

Re: Zoning Commission Case No. 11-08: Procedural Order

Dear Commissioner Hood and Members of the Commission:

We would ask the Commission to re-open the record to accept the enclosed filing. We understand that the Office of the Attorney General had outstanding questions regarding the procedural order filed on October 17 and we would like to provide some information in response to their questions. The substance of today's filing is largely the same as that which was filed on October 17; none of the changes made herein are controversial so we do not believe the ANC would be unfairly disadvantaged if the Commission moves forward with final action October 27, 2011. Below is a revised chart of the proffered amenity and proposed condition. The conditions proposed herein mirror those from our filing on October 17, with the exception of the black-lined items below and the affordable housing provision, which is also black-lined and explained in further detail below.

Proffered Amenity	Proposed Condition
1. Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. <u>Under the inclusionary zoning regulations, the mix of affordable unit types is to be proportionate to the market rate unit mix. While the provision of affordable units is not an amenity, the mix of unit is an</u>	The Applicant shall reserve a minimum of six of the residential units as affordable for households having an income not exceeding 80% of the Area Median Income ("AMI") for the Washington, DC Metropolitan Statistical Area (adjusted for family size). The Applicant shall dedicate at least five four of the six proffered affordable units as two-bedroom units, as depicted on Sheets — A29-A44

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ZONING COMMISSION
District of Columbia

<u>amenity as it will enable more families to live in the building.</u> This project will create approximately 110-135 residential units, with 6 units reserved for households earning up to 80% of the Area Median Income. At least five <u>four</u> of the affordable units will be two-bedroom units and at least one of the affordable units will be located in the historic landmark.	Exhibit 30, as modified by Exhibit 36 filed on October 6, 2011. <u>The final location of the affordable units shall be determined upon finalizing the affordable covenant for the Project with the Department of Housing and Community Development.</u>
2. Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. The project exhibits all of the characteristics of exemplary urban design and architecture. The project will invigorate a vacant site along a major District corridor. The superior architecture of the addition complements the landmark and highlights the historic resource rather than overpowering it. The Applicant is incorporating high quality materials and a quality design that is consistent with the surrounding neighborhood as well as the landmark.	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein.
3. Pursuant to Section 2403.9(b) of the Zoning Regulations, "site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission. The creation of this significant residential project on the Subject Property and the preservation of a historic landmark is an example of appropriate site planning and efficient and economical land use as a project amenity. The landmark is currently vacant and its conversion to residential use will return an underutilized site to a contributing part of the community and will enhance greatly the 16th Street corridor.	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein.
4. The Zoning Regulations, pursuant to Section 2403.9(c), state that "effective and safe vehicular and pedestrian access" can be	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and

considered public benefits and project amenities. The Applicant is proposing a simple circulation plan for the Project, which will diminish vehicular and pedestrian conflicts at the intersection of Mozart Place and Fuller Street. All vehicular traffic will enter the parking garage from Fuller Street and, similarly, all vehicular traffic will exit the garage from a single exit onto Mozart Place.	marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein.
5. According to Section 2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The Applicant has agreed to provide the following project amenities as a result of this project: (a) According to Section 2403.9(e), “employment and training opportunities” are representative public benefits and project amenities. The Applicant shall hire a minimum of 12 District of Columbia residents for construction positions for the duration of the development of a construction project in the District of Columbia. The positions are not limited to the development of Il Palazzo. The Applicant shall also host job fairs for District residents at least once every 90 days.	Per the Employment Agreement entered into the record as Exhibit 21, Tab B, tThe Applicant shall hire a minimum of 12 District of Columbia residents for positions on a construction project in the District. This obligation shall run for the duration of the construction of the Il Palazzo development.
(b) Renovation of Commercial Kitchen at Festival Center: 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. In the event the Festival Center is not ready to move forward with its renovations at the time the Applicant is ready to secure a certificate of occupancy, the Applicant shall work with the ANC to revise the timeline of the renovation.	Per the agreement entered into the record as Exhibit 21, Tab C, pPrior 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 dernolition and moving of the men’s restroom, demolition and building of the new kitchen space and installation of the new kitchen equipment.
(c) Tree Fence Buy-In Program: the Applicant shall establish a tree fence buy-in program with the Reed-Cooke Neighborhood Association	Prior to issuance of a certificate of occupancy for the Project, the Applicant shall establish a tree fence buy-in program with the Reed-

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.	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.
(d) Sarah's Circle Repairs: the Applicant shall survey and repair all visible damage to units in Sarah's Circle caused by the August 2011 earthquake.	Prior to issuance of a certificate of occupancy for the Project, the Applicant shall survey and repair all visible damage to units in Sarah's Circle caused by the August 2011 earthquake.
(e) HD Cooke Elementary School Investments: the Applicant shall provide the following materials to the HD Cook Elementary School: library books that reflect the IB learner profile, key concepts and attitudes in Spanish and English, choral sheet music to support the choral program, and musical instruments to support the band program. The Applicant shall also establish the following prior to commencement of construction of the Project: scholarship for H.D. Cooke Elementary School Students to attend classes at the SITAR art center also located in the Adams Morgan Area, and funding to support training parents with local community agency. Training to be focused in one of the areas of job readiness, computer basics, educational advocacy, life skills, and language acquisition.	Prior to the issuance of a building permit for the Project, the Applicant shall provide the following materials to the HD Cook Elementary School: (a) library books that reflect the IB learner profile, key concepts and attitudes in Spanish and English, at a cost of up to \$12,000. (b) choral sheet music to support the choral program, at a cost of up to \$500. (c) musical instruments to support the band program, at a cost of up to \$2,500. The Applicant shall also establish the following prior to commencement of construction of the Project: (a) scholarship for H.D. Cooke Elementary School Students to attend classes at the SITAR art center also located in the Adams Morgan Area, at a cost of up to \$2,500. (b) funding to support training parents with local community agency. Training to be focused in one of the areas of job readiness, computer basics, educational advocacy, life skills, and language acquisition, at a cost of up to \$2,500.
6. Section 2403.9(i) states that "uses of special value to the neighborhood or the District of Columbia as a whole" are deemed to be public benefits and project amenities. The creation of approximately 110-135 new households will result in the generation of significant additional	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein.

tax revenues for the District.	
7. According to Section 2403.9(j), public benefits and project amenities include "other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan." The proposed PUD is consistent with and furthers many elements and goals of the Comprehensive Plan.	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein.
8. Sections 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Zoning Commission, including: ☐ Superior architecture; ☐ Affordable housing; ☐ Transit-oriented development; ☐ Job creation; ☐ Low impact design features; ☐ Financial support for local schools; ☐ Job preparedness training; and ☐ Preservation and renovation of a historic landmark.	The PUD shall be developed in accordance with the plans prepared by Trout Design Studio, submitted September 15, 2011 and marked as Exhibit 30, as further modified by Exhibit 36 and the guidelines, conditions, and standards herein. The Applicant shall have flexibility with the PUD in the following areas: (e) To respond to comments or concerns initiated by the Historic Preservation Review Board or the Historic Preservation Office staff in connection with final review.

In drafting this amendment, we realized that there was an error in the proposed findings of fact and conclusions of law as well as the previous procedural order. Exhibits 30 and 36 reflect that there are four two-bedroom affordable units, not five, as stated in the draft and procedural orders. Exhibits 30 and 36 are consistent with all submissions in the record; it was an inadvertent error that five units were committed as two-bedroom affordable units in the draft order, as that is not supported by the record in this case. We would like to take this opportunity to clarify this discrepancy. We would also like to clarify that the two bedroom units are in fact an amenity, as only 33% of the affordable units would be required to be two bedroom units pursuant to Section 2605.2 of Title 11. The Applicant is proposing to provide 56% of the affordable units as two-bedroom units – double what would otherwise be required. In our

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conversations with the Office of Planning, this increase was treated as an amenity as it increased the availability of units for families in this community.

We look forward to final action on this matter.

Sincerely,


Allison C. Prince
Christine A. Roddy

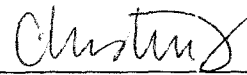
Certificate of Service

I hereby certify that a copy of the foregoing document has been sent by hand delivery, electronic mail or first class mail to the following addresses on October 26, 2011:

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