



Advisory Neighborhood Commission 5E

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ANC 5E Resolution No. 2019-008

IN SUPPORT OF APPLICANT 50 FLORIDA AVENUE, N.E.'S MODIFICATION OF CONSEQUENCE APPLICATION TO MODIFY TWO CONDITIONS IN Z.C. ORDER NO. 12-02.

WHEREAS, 50 Florida Avenue, N.E. (Square 3516, Lots 134 and 138) falls within the boundaries of Advisory Neighborhood Commission (ANC) 5E, Single Member District (SMD) 5E04;

WHEREAS, Pursuant to the Z.C. Order No. 12-02, dated October 21, 2013, final and effective November 29, 2013, the Zoning Commission approved a PUD with a related Zoning Map amendment to the C-3-B zone district, to facilitate the development of 196,029 square feet of residential use, 7,858 square feet of retail space, and associated parking in a below-grade garage for approximately 210 vehicles at the property.

WHEREAS, ANC 5E supported the PUD and related Zoning Map amendment application.

WHEREAS, construction of the approved building is nearly complete, and the developer will need to obtain a Certificate of Occupancy.

WHEREAS, the Applicant intends to submit a Modification of Consequence application to modify two conditions in Z.C. Order No. 12-02. The Applicant is not proposing any changes to the plans approved in Z.C. Order No. 12-02.

WHEREAS, the Applicant has made every effort to comply with the requirements of Decision No. B(4) of Z.C. Order No. 12-02 and has met all of the other conditions set forth in the order. In addition, the Applicant has worked with the ANC Commissioner for SMD 5E04 and the property owners on the north and south sides of Q Street and R Street, N.E. between North Capitol Street and Eckington Street regarding the execution of the required covenants for maintenance of the tree boxes.

WHEREAS, the Applicant proposes to modify the language of Decision No. B(4) as follows (additions are shown in *italics underlined* text and deletions are shown in ~~strikethrough~~ text:

- a. The Applicant provided *at least* \$220,000 to Cultural Tourism DC for the development, fabrication and installation of *at least eight* signs for an Eckington Heritage Trail in the neighborhood.
- b. The Applicant paid a contractor or **otherwise incurred costs of up to \$65,000 for the fabrication and** installation of three-sided perimeter tree enclosures ("commonly referred to as "tree boxes") and mulch at the locations on the north and south sides of Q Street, *Quincy Place*, and R Street, N.E. between North Capitol Street and Eckington *Place*; ~~and~~
- c. The ~~eight~~ heritage trail signs have been installed or are in the process of being developed, *fabricated, and installed*, and that *the Applicant has secured permits for the installation of* the tree boxes and mulch *at the*

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ZONING COMMISSION
District of Columbia
CASE NO.12-02A
EXHIBIT NO.2



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location adjacent to the properties of owners who have provided the requisite fully executed, notarized covenant for maintenance have been installed; and

d. In the event the Applicant is unable to incur costs of \$65,000 to install tree boxes and mulch at the locations on the north and south sides of Q Street, Quincy Place, and R Street, N.E. between North Capitol Street and Eckington Place, the Applicant shall provide any remaining funds to Cultural Tourism DC for the development and installation of additional signs for an Eckington Heritage Trail in the neighborhood. The Applicant's total contribution for the heritage trail signs, tree boxes, and mulch shall be \$285,000.

WHEREAS, approval of this revised language will enable the developer to obtain a Certificate of Occupancy for the building in a timely manner, while still working with the ANC and residents to ensure delivery of the amenities for the project.

NOW THEREFORE, BE IT RESOLVED, that ANC 5E hereby supports the applicant's Modification of Consequence application.

THIS RESOLUTION came before ANC5E at its duly noticed public meeting held at Friendship-Armstrong Public Charter School, on June 18, 2019. ANC 5E is comprised of ten (10) Commissioners, the presence of six (6) of which constitutes a quorum. With 9 Commissioners present, by a vote of 9 in favor, 0 opposed, and with 0 abstentions, ANC 5E voted to adopt this resolution.


Bradley A. Thomas, Chair, ANC 5E


Nick Cheolas, Corresponding Secretary

