

**ZC Case No. 16-10**  
**400 Florida Avenue, NE (Square 3588, Lots 4, 25 and 803)**  
**Applicant's Response to Comments from Office of Planning and DDOT**

	<b>Relevant Topic</b>	<b>OP Comments from Hearing Report (Ex. 29)</b>	<b>Applicant's Response</b>
1.	Building Connection	Update the plans to more clearly show the meaningful connection between the portions of the building.	A meaningful connection between the hotel and residential portions of the building is shown on the updated ground floor plan included as Sheet A102 of <u>Exhibit A</u> .
2.	Art Gallery	Remove the "retail" label from the art gallery space, and provide more detail about the operations of the gallery.	In lieu of providing a separate, designated art gallery space, the Applicant now proposes to dedicate, for the life of the project, a minimum of 100 square feet of wall space in the residential lobby and 100 square feet of wall space in the hotel lobby to be reserved for local artists in the general areas identified on Sheet A102 of <u>Exhibit A</u> . The gallery space shall be reserved for art selected in coordination with the hotel operator and ANC 5D and will be rotated with new art annually.
3.	Ground Floor Plan	Significant additional detail on how the ground floor is used and configured is necessary on the plans.	As shown on Sheet A102 of <u>Exhibit A</u> , the Applicant has provided additional details on the uses of the ground floor. The hotel will include a lobby, lounge, food and beverage activities, business incubator space of at least 200 square feet, reception, café, guest lounge, "business center" work area, various seating areas, back-of-house areas, and wall space devoted to art exhibitions. The residential ground floor will include over 2,000 square feet of retail as well as apartment building concierge desk, mailboxes, package room, lounge, leasing office, loading area, bicycle storage for residents, and at least 100 square feet of wall space for local artist exhibitions as outlined herein. In addition, the Applicant has removed the proposed lay-bys on 4th and 5th Streets.
4.	Loading	Clarify how residential loading occurs. The plan indicates that access would be provided from the loading dock to a "move in/out vestibule." From there, however, there does not appear to be access to the elevators.	As shown on Sheet A102 of <u>Exhibit A</u> , the loading flow is more clearly presented, and as requested by DDOT, the Applicant has incorporated a second loading berth into the project, such that the residential and hotel uses will have separate loading facilities. A dashed line indicating the travel path from each loading berth to the elevators is shown on Sheet A102.
5.	Alley Improvements	Clarify whether the alley is intended to be repaved, and where lighting fixtures would be located in the alley.	The Applicant proposes to repave the alley, consistent with DDOT standards. The special paving shown on the renderings was a renderer's embellishment and not accurate. Lighting will be affixed to the rear of the building along the alley in the locations shown on Sheet A102 of <u>Exhibit A</u> .

6.	Loggia	Revise floor plans to be consistent with renderings of the loggia. The renderings of the loggia show it as two stories tall, but the floorplans show it open through the 4 <sup>th</sup> floor.	As shown on Sheet A105 of <u>Exhibit A</u> , the Applicant revised the floor plans to show a two-story loggia, which is consistent with the renderings
7.	Projections	Ensure that the design fully complies with Construction Code regulations that would limit the width of bays.	<p>As indicated on Sheet A113 of <u>Exhibit A</u>, the balconies on Florida Avenue are not structurally attached to the bay projections, and therefore are fully compliant with the Building Code requirement permitting a maximum of 121'-6" of bays for the residential portion of the building along Florida Avenue, whereas the Applicant is providing a total bay width of 104'-10".</p> <p>However, the Applicant is seeking a code modification from DCRA for the projections on 5<sup>th</sup> Street, and thus requests flexibility from the Zoning Commission to construct either Option A or Option B as shown on Sheet A222 and A222a of Exhibit 27A2, depending on whether the code modification is approved.</p>
8.	Job Training Program	Provide more detail about the jobs program discussed in the list of amenities, and examine a more robust jobs commitment for District residents.	<p>The Applicant anticipates that the hotel will require 80 employees. Of the 80 employees, the Applicant commits that a minimum of 25% will be District of Columbia residents (with a preference for Ward 5 residents). The Applicant will partner with the Goodwill Hospitality Training Program for the recruitment, screening, training, and referral of hotel employees, in order to achieve the 25% goal. As indicated in the letter of support from Goodwill included in the record at Exhibit 32, Goodwill will recruit, screen, train, and refer a pool of potential employees, out of which the Applicant will hire hotel employees. In order to ensure that hotel employees are trained and hired in this manner, the Applicant proposes the following condition:</p> <p><b><u>Prior to issuance of a Certificate of Occupancy for the hotel portion of the building,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has executed a memorandum of understanding with the Goodwill Hospitality Training Program governing the recruitment, screening, training, and referral of hotel employees, in order to assist in achieving the goal that 25% of hotel employees will be District residents.</p>
9.	Off-site Parking Agreement	<p>The applicant should specify that the parking agreement is for the life of the project and that it would survive a change of ownership, should either building be sold.</p> <p>The applicant should better detail why parking on-site is not being proposed.</p>	<p>In order to ensure that parking will be available for the life of the project, the Applicant proposes the following condition:</p> <p><b><u>Prior to issuance of a Certificate of Occupancy and for the life of the project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has contracted with the owner of the proposed parking garage at Square 3587, Lot 9, or with the owner/operator of other parking facility(ies) within a quarter mile radius of the PUD Site, to provide up to</p>

		<p>The applicant should work with Edens, the owner of the subject property and the applicant in case 14-07 to provide a parking study for the entire Florida Avenue Market, to better illustrate how the pooled parking in some of the larger buildings would serve the entire neighborhood.</p>	<p>50 available parking spaces for the project on a monthly, hourly, or daily basis, for hotel and residential use.</p> <p>The Applicant has requested flexibility to provide three parking spaces on the PUD Site where 69 spaces are required. The Applicant believes that on-site parking is not needed in this case, since both the hotel and residential portions of the project are targeted to a demographic that does not own or use a personal vehicle. Moreover, the project is extremely well-located to public transportation, including Metrorail, Metrobus, shared car services, and bicycle facilities, and is also located in a mixed-use neighborhood adjacent to a variety of major employers and visitor destinations, all of which are accessible without motor vehicles.</p> <p>As set forth in the CTR (Exhibit 27D), given the PUD Site’s location in a mixed-use, walkable, and transit-rich neighborhood, combined with the extensive parking management plan and hotel valet plan proposed by the Applicant, there is no need to provide on-site parking. The Applicant also proposes to implement substantial TDM measures, which will reduce automobile use and encourage use of alternative transportation modes. <i>See</i> CTR pp. 16-17. As set forth in the DDOT Report (Ex. 30), “[t]he proposed mode split and subsequent trip generation is consistent with the level of off-site parking provided” and the TDM plan is “sufficiently robust to justify the assumed mode splits and support the level of proposed off-site vehicle parking.” <i>See</i> DDOT Report, pp. 2 and 13.</p> <p>Moreover, as set forth in the CTR, almost 500 public vehicle parking spaces are expected to be in operation within a quarter-mile of the PUD Site by the time the PUD opens in 2018. Accordingly, residents, visitors, and hotel guests and employees will be able to park in the nearby public parking garages, and those garages will be able to absorb any valet or self-parking needs beyond those contracted by the Applicant. <i>See</i> CTR, p. 17. Based on this analysis, the CTR concluded that project will be able to accommodate the expected site-generated demand for parking (<i>id.</i> at 17), and DDOT agreed in its report (<i>see</i> DDOT Report, pp. 2 and 13).</p>
10.	Penthouse Setback	Redesign to ensure that the mechanical penthouse space conforms to the 1:1 required setback	As shown on Sheet A111 of <u>Exhibit A</u> , the Applicant has revised the configuration of the penthouses, such that both penthouses meet the 1:1 setback requirement in all locations except for portions of the mechanical equipment and stair tower. As OP noted, the core is positioned to minimize disruption to the floor plate, especially at the lobby level, and “results in a superior layout for the lower floors, especially the lobby level.” <i>See</i> OP Report, p. 12.
11.	Office Space	Provide more detail about the proffered office space, including where it is	The Applicant is committed to providing a minimum of 200 square feet in the hotel lobby devoted to free office space for local start-up companies in the general area indicated on

		located, its size, who would manage it, how many companies would be selected, etc. The applicant should also commit to provide the space in perpetuity.	<p>Sheet A102 of <u>Exhibit A</u>. The incubator space is proffered as a perpetual commitment, will be operated by the hotel management, and will offer creative local start-up entrepreneurs the cost-free opportunity to gain a footing in a more solid environment outside the not-unusual “Starbucks” home office. The hotel will seek out compatible uses that are fun and complementary to the hotel mission- youthful, playful, colorful, creative and edgy. In order to find start-up companies, the hotel manager will advertise the incubator space in local media and select applicants for the designated incubator space. The space will rotate no less frequently than annually and those selected to use it will be chosen by the hotel operator with input from Ward 5 leadership. The Applicant is seeking flexibility regarding the right to relocate the exact position of the incubator space within the hotel lobby from time-to-time, since providing the space is a perpetual commitment.</p> <p>The Applicant proposes the following language as a condition to the Zoning Commission Order:</p> <p><b><u>Prior to issuance of a Certificate of Occupancy</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has reserved a minimum of 200 square feet in the hotel lobby for office space for local start-up companies (the “Office Space”). <b><u>For the life of the project</u></b>, the Applicant shall provide the Office Space at no cost to the start-up companies.</p>
12.	Streetscape Elements	Clarify if streetscape elements above and beyond DDOT standards are proposed.	All streetscape elements will meet DDOT’s standards.
13.	Bicycle Parking	The applicant should clarify who would have access to the public bike storage area, and how it would be managed.	As shown on Sheet A102 of <u>Exhibit A</u> , the Applicant removed the public bicycle room and replaced it with additional ground floor, street-activating retail space. The Applicant also added a separate new space for bicycle parking for hotel employees.
14.	LEED	<p>OP does not object to flexibility in the method of achieving the proffered LEED scores or the required GAR, but the applicant should propose conditions of approval that would clearly spell out the minimum sustainability levels that would be achieved in the design.</p> <p>OP cannot support flexibility in the number of carshare and electrical charging parking spaces, unless the existing amount shown in the plans serves as a minimum.</p>	<p>In order to clearly spell out the minimum sustainability levels that will be achieved as part of the project, the Applicant proposes the following conditions for compliance with the LEED and GAR requirements:</p> <p><b><u>Prior to issuance of a Certificate of Occupancy</u></b>, the Applicant shall demonstrate to the Zoning Administrator that the residential component of the Project has been designed to include no fewer than the minimum number of points necessary to achieve LEED-Gold, and that the hotel component of the Project has been designed to include no fewer than the minimum number of points necessary to achieve LEED-Silver.</p> <p><b><u>Prior to issuance of a Certificate of Occupancy</u></b>, the Applicant shall demonstrate to the Zoning Administrator that the project has been constructed to achieve a minimum of 0.2 GAR, consistent with Chapter 34 of the 1958 Zoning Regulations.</p>

			The Applicant hereby confirms that the two car-share spaces and one electric vehicle space shown on the ground floor plan represent the minimum number that will be provided.
15.	Life Quality Enhancement Fund	The applicant should clarify who administers the Life Quality Enhancement Fund, and whether it is related to other security measures undertaken by other developments in the area.	The Life Quality Enhancement Fund will be managed and operated by EDENS until a formal Florida Avenue Market BID is created. Once the BID is created, and for the life of the project, the Applicant will make contributions to the BID instead of to the Life Quality Enhancement Fund. The purpose of the Fund is to provide security, street cleaning, and other services typically provided by a BID.
16.	Cell Phone Charging Station	This item is not a benefit or amenity.	The Applicant agrees that the cell phone charging station will not be considered as a public benefit or amenity for purposes of the PUD proffer.
17.	First Source	As of this writing, the applicant has not committed to a First Source Agreement or an LSDBE agreement. The applicant should either commit to these items or present a rationale for a lack of commitment.	The Applicant will enter into a First Source Employment Agreement with the Department of Consumer and Regulatory Affairs (“DCRA”), consistent with the First Source Employment Agreement Act of 1984 and the Apprenticeship Requirements Amendment Act of 2004 for hiring during construction of the project.

	Relevant Topic	DDOT Comments from Hearing Report (Ex. 30)	Applicant's Response
1.	Lay-bys and Valet Staging Zones	DDOT does not support the proposed lay-bys on both 4th and 5th Streets NE or valet staging for pick-up/drop-off for the residential portion on 5th Street. Instead, residents should utilize the proposed valet for the hotel portion along 4th Street NE	As requested by DDOT, the Applicant has removed the lay-bys on 4 <sup>th</sup> and 5 <sup>th</sup> Streets, and will work with DDOT to establish a hotel valet zone in the public space on 4 <sup>th</sup> Street. The Applicant will hire a third-party valet service or will designate a member of the hotel staff to manage the valet operations.
2.	Loading	The development is expected to generate a significant amount of truck trips. The proposed loading berth and loading management plan does not sufficiently address loading impacts. Applicant should revise the site plan to include one additional loading berth at 30' in length.  Strengthen the loading management plan to (i) include a contingency for trucks larger than 30' in length, and (ii) address accommodations for larger trucks expected to serve the restaurant and coffee bar uses.	As shown on Sheet A102 of <u>Exhibit A</u> , and as requested by DDOT, the Applicant has incorporated a second loading berth into the project, such that the residential and hotel uses will have separate loading facilities. Both loading facilities will have direct access to their associated elevators. The new loading berth will provide adequate loading accommodations for trucks serving the hotel.
3.	Bicycle Parking	Additional description needed regarding the operations and eligibility criteria of the indoor public bicycle spaces.  Provide interior connections from the long-term bicycle parking rooms to the hotel and residential lobbies.	As shown on Sheet A102 of <u>Exhibit A</u> , the Applicant removed the public bicycle room and replaced it with additional ground floor, street-activating retail space. The Applicant also added a separate new space for bicycle parking for hotel employees.  The private bicycle room in the residential portion of the building is for use by building residents and will provide direct access from the public alley at the rear of the PUD Site and from the mail room.
4.	Pedestrian Improvements	Reconstruct the curb ramps and stripe highly visible crosswalks on Morse Street NE at the intersections with 4th and 5th Street NE to provide pedestrian connections to the off-site parking, if not already constructed by others.	As requested by DDOT, the Applicant will reconstruct the curb ramps and stripe the crosswalks on Morse Street at the intersections of 4 <sup>th</sup> and 5 <sup>th</sup> Streets, consistent with DDOT standards.
5.	Electric Vehicle Charging Space	The EV charging space should be 240 volts, consistent with the industry standard. At least one EV station should be provided in the event that the existing space is converted into a second loading berth.	As shown on Sheet A102 of <u>Exhibit A</u> , the Applicant confirms that it will provide one on-site 240-volt EV charging station.

6.	Public Space Improvements	<p>The Applicant is expected to continue to work with DDOT on the following matters outside of the Zoning Process:</p> <ul style="list-style-type: none"> <li>• Public space improvements;</li> <li>• Curbside management and signage plans;</li> <li>• Lay-bys;</li> <li>• Sidewalk widths;</li> <li>• Short-term bicycle parking; and</li> <li>• The location of the Capital Bikeshare station.</li> </ul>	<p>The Applicant will continue to work with DDOT to ensure that matters regarding public space improvements, curbside management and signage plans, lay-bys, sidewalk widths, short term bicycle parking, and the location of the proffered Capital Bikeshare station are consistent with DDOT standards.</p>
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