

301 Florida Avenue, NE (Square 772N, Lot 803)
Z.C. Case No. 15-22
Additional Comments from OP and DDOT

	Relevant Topic	OP Comments from Hearing Report (Ex. 28)	Applicant's Response
1.	Building design	OP would support the inclusion of further design elements to reference the existing industrial character of the neighborhood.	The Applicant has designed the building with features that reference the existing character of the neighborhood. For example, the building's ground floor is designed to reflect the industrial character of the surrounding neighborhood. Dark iron spot masonry and granite plinths along Florida Avenue, 3rd Street, and N Street echo the deep color of the adjacent rustic stone wall underpass. The exterior sculptural steel truss columns at the corner of Florida Avenue and N Street, and Florida Avenue and 3rd Street, are reminiscent of the existing railroad signal bridges. These elements form the base the building that ties the seven-story building top to the ground.
2.	Mitigation measures for parking relief	OP supports the provision of mitigation measures for the proposed parking relief, acceptable to DDOT, which should be made conditions in the Order.	<p>The Applicant submitted a Comprehensive Transportation Review ("CTR") to DDOT on January 8, 2016, and filed a copy of the CTR as Exhibit 26B in this case. As detailed in the CTR, the Applicant has proposed the following TDM measures, and the Applicant added the <i>italicized</i> measures in response to the conditions set forth in DDOT's hearing report marked as Exhibit 27 in this case:</p> <ol style="list-style-type: none"> 1. Designate a Transportation Management Coordinator responsible for organizing and marketing the TDM plan; 2. Restrict future residents from securing RPP permits;

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			<ol style="list-style-type: none"> 3. Develop a marketing program detailing transportation information; 4. Provide 56 long-term and 18 short-term bicycle parking spaces; 5. Install a bicycle maintenance facility in the bicycle room; 6. For the first three years of operation, offer an in-unit bicycle rack for each residential unit; 7. Provide ridesharing information through Commuter Connections to retail employees; 8. <i>For the first five years of operation, offer each residential unit the option of either a one-time annual carsharing membership and application fee or a one-time annual Capital Bikeshare membership; and</i> 9. <i>Install a transit information screen in the residential lobby.</i> <p>The Applicant believes these measures constitute appropriate mitigation for the requested parking relief. The Applicant further notes that DDOT recommends approval of the application, subject to the additional TDM measures to which the Applicant has agreed.</p>
3.	Street level renderings	The Applicant should provide renderings which focus more exclusively on the street-level so as to more closely depict materials and signage.	Attached hereto as <u>Exhibit A</u> is a rendering focusing on the street level, as requested by OP.

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4.	Proffer: Affordable housing	OP supports this offer of additional affordability depth for two of the units, but notes that the IZ regulations use 50% and 80% AMI, and would support increasing the housing subsidy from 60% AMI to 50% AMI.	As requested by OP and DHCD, the Applicant hereby commits to revise its affordable housing proffer to increase the housing subsidy from 60% of the area medium income ("AMI") to 50% of the AMI. Thus, the Applicant is now proposing to dedicate approximately 5% of the project's total residential gross floor area (2 units) to households earning up to 80% of the AMI, and will dedicate approximately 3% of the project's total residential gross floor area (2 units) to households earning up to 50% of the AMI.
5.	Proffer: N Street, NE Closure	<p>This proffer remains confusing and uncertain, in terms of what is being proffered and how this might be an amenity. OP requested a site plan depicting the proposed changes and maintenance agreements. To date, the Applicant has not provided this information.</p> <p>The Applicant should also detail an interim plan for streetscape improvements along N Street, NE if construction of the Project commences prior to completion of the PUD to the south (ZC 15-28). OP notes that DDOT and ultimately Council approval of a street closing would be required, and such an application has not been filed.</p>	ANC 6C has indicated that is strongly supports the closure of N Street, NE, while DDOT has indicated that it is not inclined to support the closure. In order to balance the ANC's request with DDOT's concerns, the Applicant has agreed to place \$125,000 in escrow to be dedicated to improvements along the north side of N Street, NE, between 3 rd and 4 th Streets, NE. A copy of the Escrow Agreement is included as Exhibit 26C in the record. As indicated in the draft Escrow Agreement, the Applicant has agreed to deposit \$125,000 for the following items and activities, including but not limited to: (i) building permit or public space application fees, (ii) feasibility studies and plans, (iii) construction drawings, (iv) excavation, and (v) construction materials and work, including the installation of curbs and gutters, pavers, landscaping, inlets and stormwater management features, irrigation, and streetscape furnishings. If the items and activities listed above are not provided by a date certain, then the escrowed funds would instead be released to the NOMA Business Improvement District to be used for improvements to parks and public space within the boundaries of ANC 6C.

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			<p>The Applicant coordinated the details of the Escrow Agreement with a representative of ANC 6C to ensure that the funds provided would be spent for work requested by the ANC. The Applicant submitted to ANC 6C a theoretical streetscape plan for the potential improvements on the north side of N Street, NE. These improvements include features such as new landscaping, site furnishings, inlets, and stormwater management facilities. The Applicant also submitted to ANC 6C a conceptual budget that identifies work that could be undertaken within a \$125,000 budget. A copy of the conceptual site plan and budget is attached hereto as <u>Exhibit B</u>. The Applicant notes that the conceptual streetscape plan and budget are still theoretical, and that the final features installed will ultimately be subject to DDOT approval. The Applicant further notes that the proposed improvements that would be paid for from the Escrow fund would exceed the work otherwise required for development of the PUD site.</p> <p>The Applicant anticipates that the proposed improvements to N Street will occur simultaneously with development of the PUD, and that the proposed improvements can occur without legally closing N Street. Thus, an interim plan for streetscape improvements is not necessary. Moreover, consistent with DCRA and DDOT requirements, the Applicant will maintain any non-standard items that the Applicant installs.</p> <p>As noted in DDOT's hearing report (Exhibit 27), the Applicant has met with DDOT and developers of other parcels in the vicinity of the PUD Site to discuss potential changes to N Street. The Applicant is committed to continuing to work with DDOT and</p>

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			<p>surrounding developers to ensure that the improvements to N Street are completed in a timely and appropriate manner.</p> <p>The Applicant notes that the Zoning Commission has recently approved the placement of funds in an Escrow account for off-site improves as a proffer. (See Z.C. Order No. 15-04, Decision No. B(4)(f), stating that “[p]rior to the issuance of a Certificate of Occupancy for the Project, the Applicant shall comply with the terms of the escrow agreement attached to Exhibit 64 of the record. A Certificate of Occupancy shall not be issued before the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided.)” The Applicant further notes that the Zoning Commission has recently approved public space improvements as a proffer. (See Z.C. Order No. 14-19, Decision No. B(8), stating that “[p]rior to the issuance of a Certificate of Occupancy for the building, the Applicant shall submit to DCRA evidence that the Applicant has made the following contributions or expenditures. The Applicant shall provide proof to the Zoning Administrator that the items or services funded have been or are being provided in order to obtain a Certificate of Occupancy.”)</p> <p>Similar to these precedents, and to ensure that the placement of the \$125,000 into escrow meets the requirements of 11 DCMR § 2403.8, the Applicant agrees to include the following language as a condition in the Zoning Commission Order approving the PUD:</p> <p><i>“Prior to the issuance of a Certificate of Occupancy for the project, the Applicant shall submit to DCRA a fully executed Escrow Agreement, similar to the Escrow</i></p>

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			<i>Agreement included at Exhibit 26C of the case record, and the Applicant shall provide evidence to the Zoning Administrator that the escrowed funds have been used or are in the process of being used for improvements along the north side of N Street, NE, between 3rd and 4th Streets, NE, or have otherwise been released to the NOMA Business Improvement District for improvements to parks and public space within the boundaries of ANC 6C.”</i>
6.	Proffer: Potential alternative plan for a new entrance to the NOMA-Gallaudet Metro Station	The new metro entrance would be of considerable benefit to this development, as it would likely be located directly across the street from the site. A group of area landowners is meeting to discuss ways to provide this entrance, and this Applicant is highly encouraged to participate in those discussions, and to provide a meaningful contribution towards the new entrance to round out a weak and uncertain amenity package.	The Applicant is participating in discussions with other developers, the NOMA Business Improvement District, WMATA, and the District, regarding the new entrance to the NOMA-Gallaudet Metrorail station. However, at the request of ANC 6C, and as described above, the Applicant proposes to dedicate \$125,000 to improvements to N Street, NE. The Applicant believes that the \$125,000 contribution and the additional proffered amenities for the PUD (including increased affordable housing, LEED Gold equivalency, extensive TDM measures, and the conversion of the underutilized site into a new mixed-income residential building) achieve an adequate balance against the relative value of the degree of development incentives requested.
7.	Public space encroachments on Florida Avenue, NE	Although OP is supportive of the overall building design intent, the OP representative to the DDOT public space committee has indicated that the projections, particularly on Florida Avenue, may significantly exceed normal allowances, and may not be supportable. While not directly a Zoning Commission issue, this could impact the design and massing of the building, particularly along Florida Avenue.	The Applicant is aware of OP's comments regarding the projections on Florida Avenue and the Applicant will continue to work with the appropriate District agencies as part of the entitlement process to ensure that the proposed projections are approved. The Applicant believes that the proposed projections are a vital feature of the building's design. The proposed bay window projections and the architectural frame embellishment enhance the design

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			<p>aesthetic of the building and create a visual variety so as to help to reduce the overall building scale that otherwise may be monolithic for the 101-foot tall building, particularly along the 203-foot long Florida Avenue facade. In addition to scale, the bay windows improve the prominence and visibility of the building, bring light into the residential units, as well as create a consistent facade massing and articulation on all three sides.</p> <p>The four primary objectives for the bay window and architectural frame embellishment projections along Florida Avenue are to (i) provide an appropriately scaled building that harmonizes with the neighborhood; (ii) provide a consistent facade reading with the N and 3rd Street building facades and to establish the visual importance of Florida Avenue as the building front; (iii) to increase building prominence and visibility in order to compete with the developing Class 'A' market; and (iv) to provide the residential units additional light and visual connection to the outside.</p> <p>The Applicant believes the proposed projections will be approved in due course by DCRA. However, if DCRA does not approve the projections, then the Applicant will return to the Zoning Commission to seek approval of modifications to the building design if necessary.</p>
8.	Maker spaces	Although not part of the Applicant's proposed benefits and amenities package, OP supports the marketing of the retail space to "maker" uses, and would support the Applicant also including commitments, assurances, and potential subsidies for maker space, to ensure consistency of the proposal with	As outlined in the Applicant's prehearing submission (Ex. 17), the Applicant is committed to creating a vibrant mix of retail and service uses in the project. Given the small size of the proposed retail space, the Applicant is not proposing to set aside or otherwise subsidize "maker" space. However, the Applicant has committed to market the retail space to a variety of

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		<p>the Comprehensive Plan Land Use designation. Such commitments could also be considered project amenities.</p>	<p>potential tenants and will take the following actions to help potentially attract “maker” uses as tenants:</p> <ol style="list-style-type: none"> 1. Retain a retail broker with experience marketing to and securing a variety of tenant types, including makers; 2. Sponsor a workshop that encourages the maker movement and sponsor a job fair that targets the maker movement; 3. Market the proposed retail space to retail tenants within Union Market; and 4. Market the proposed retail space to retail tenants operating in Union Kitchen. <p>The final selection of retailers for the project will be a function of market demands, but the Applicant believes that these steps will assist in attracting “maker” retail uses to the project.</p> <p>To ensure the Applicant’s commitment to attracting “maker” tenants to the site, the Applicant proposes to include the following language as a condition in the Zoning Commission Order approving the PUD:</p> <p><i>“Prior to the issuance of a Certificate of Occupancy for the project, the Applicant shall demonstrate to the Zoning Administrator that it has:</i></p> <ol style="list-style-type: none"> 1. Retained a retail broker with experience marketing to and securing a variety of tenant types, including makers;

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			<p>2. Sponsored a workshop that encourages the maker movement and sponsored a job fair that targets the maker movement;</p> <p>3. Marketed the proposed retail space to retail tenants within Union Market; and</p> <p>4. Marketed the proposed retail space to retail tenants operating in Union Kitchen.</p>
9.	Materials Board	The Applicant should provide a materials board at the public hearing.	The Applicant will provide a materials board at the public hearing.
10.	LEED	The Applicant should definitively commit to LEED Gold.	<p>The Applicant commits that the building will be designed to include no fewer than the minimum number of points necessary to be the equivalent of a LEED-Gold designation under the LEED for Homes Rating System, Multifamily Mid-Rise, October 2010.</p> <p>To ensure the Applicant's commitment, the Applicant proposes to include the following language as a condition in the Zoning Commission Order approving the PUD:</p> <p><i>“For the life of the project, the building shall be designed to include no less than the 60 points necessary to be the equivalent of a LEED Gold designation under the LEED for Homes Rating System, Multifamily Mid-Rise, October 2010. The Applicant shall put forth its best efforts to design the building to satisfy such LEED standards, but the Applicant shall not be required to register or to obtain a certification from the United States Green Building Council.”</i></p>

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2.	TDM plan	<p>The TDM plan as proposed needs to be strengthened to further encourage non-auto travel and support the requested parking relief. The TDM plan should include the following:</p> <ol style="list-style-type: none"> 1. Limit the financial incentive as part of the TDM plan to bikeshare and carshare memberships only and offer annual memberships to all new tenants for a period of five years; and 2. Install a transit information screen in the residential lobby. 	<p>The Applicant agrees to incorporate DDOT's additional TDM commitments as conditions to the Zoning Commission order as follows, with the new or revised items in response to DDOT shown in <i>italics</i>.</p> <p><i>"The Applicant shall implement the following TDM measures:</i></p> <ol style="list-style-type: none"> 1. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall designate a Transportation Management Coordinator responsible for organizing and marketing the TDM plan;</i> 2. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall restrict future residents from securing RPP permits by including a provision in the rental documents and a consent and authorization to the property management to police and enforce this prohibition for the life of the project;</i> 3. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall develop a marketing program detailing transportation information;</i> 4. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall provide 56 long-term and 18 short-term bicycle parking spaces;</i>

			<ol style="list-style-type: none">5. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall install a bicycle maintenance facility in the bicycle room;</i>6. <i>For the first three years of operation of the project, the Applicant shall offer an in-unit bicycle rack for each residential unit;</i>7. <i>For the life of the project, the Applicant shall provide ridesharing information through Commuter Connections to retail employees;</i>8. <i>For the first five years of the project, the Applicant shall offer to each residential unit the option of either a one-time annual carsharing membership and application fee or a one-time annual Capital Bikeshare membership; and</i>9. <i>Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall install a transit information screen in the residential lobby.”</i>
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EXHIBIT A

Street Level Rendering

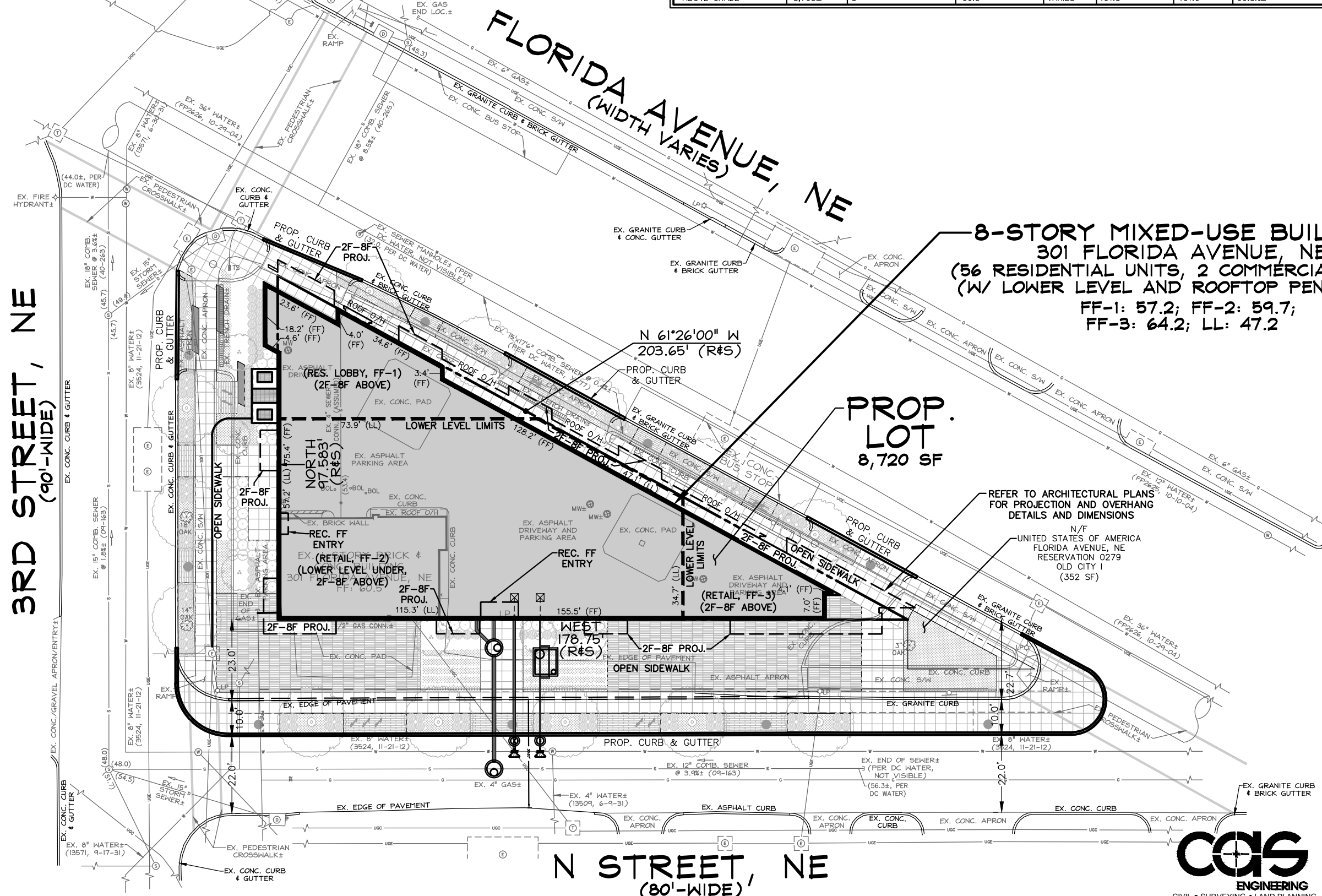


EXHIBIT B

BUILDING COVERAGE/HEIGHT TABULATION

BUILDING	FOOTPRINT	NUMBER OF STORIES	MEASURE POINT	FF	TOP PARAPET	HEIGHT	% OCCUPANCY
LOWER LEVEL	6,131±	1	N/A	N/A	N/A	N/A	70.3%±
FIRST FLOOR	8,070±	N/A	N/A	N/A	N/A	N/A	92.5%±
ABOVE GRADE	8,705±	8	60.3	VARIES	161.3	101.0'	99.8%±

NOTES:



301 FLORIDA AVENUE, NE
PROP. LOT (N/F LOT 803), SQUARE 772N

**N STREET, NE STREETScape
IMPROVEMENTS EXHIBIT
SITE DEVELOPMENT PLAN**

C-0.3

Conceptual Budget for N Street, NE Improvements

Excavation & Streetscape			
Surface Demolition	\$ 2,900	2,900	SF
Granite Curb and Gutter	\$ 7,000	40	LF
Concrete Paver Base	\$ 6,375	1,275	SF
Special Paving	\$ 19,125	1,275	SF
Landscaping, Irrigation, Sod	\$ 22,500		
Site Furnishings	\$ 22,500		
Subtotal	\$ 80,400		
General Conditions			
General Conditions	\$ 4,398		
GC Insurance	\$ 378		
Builder's Risk Insurance	\$ 1,010		
Subcontractor P&P Bonds	\$ 569		
Contractor Fee	\$ 3,248		
Subtotal	\$ 9,601		
Total*	\$ 90,001		
* NOTE: This includes minimal landscape and site furnishings. This also does not include costs for inlets and increased Stormwater Management facilities.			