

**Zoning Commission Case No. 17-14**

**Applicant’s Post-Hearing Submission**

ZC Comment	Applicant’s Response
<p>1. Some sort of treatment of Maurice Electric façade/entrance to continue building eastern edge line of new construction</p>	<p>The attached <u>EXHIBIT A</u> further illustrates how the architectural design responds to this condition.</p> <p>The new record lot boundaries were carefully determined with this façade termination / entrance in mind.</p> <p>As shown in <u>EXHIBIT A</u>, the existing entrance to the building includes two separate sets of double-doors; one providing an entrance to the west portion of the building, and one providing an entrance to the east portion of the building. Separating the two sets of doors is a white cinder block column that does not have any visual relation to the rest of the building. The most elegant way to extend the eastern edge of the new building to the ground is to remove the existing white cinder block column, and treat it similar to the metal panel edge of the new building, which is the chosen solution, as shown on the Project’s elevation. While not represented well in elevation, the existing two double-doors are recessed approximately five feet, similar to the six foot setback of the new tower from the existing façade, which further creates the visual appearance of the tower’s edge extending to the ground.</p> <p>The Project’s edge also aligns with the right-of-way on the west side of 5<sup>th</sup> Street, rather than terminating at a point which does not have any visual connection to the street grid.</p>
<p>2. IZ commitment derived from penthouse should be square footage rather than payment into affordable housing trust fund.</p>	<p>The overall affordable housing proffer is significant. Regarding the requirement derived from the penthouse, Subtitle C § 1006.10(c) allows for payment into the District’s affordable housing trust fund if low income inclusionary units (50% MFI) are not otherwise required in the building and the required set-aside (8% of the residential floor area in the penthouse level) is less than the smallest residential unit in the building. In this case, the first and possibly the second criteria apply. The flexibility requested is because of the possibility that the final demising plan of the penthouse level will need to respond to potential ceiling height and accessibility conflicts associated with the competing uses of the roof that may result in less residential floor area in the penthouse than is currently anticipated. The applicant maintains its request for flexibility in the event that Subtitle C § 1006.10(c) applies.</p>
<p>3. Proposed IZ unit distribution should be more randomized and evenly distributed.</p>	<p>Following the hearing, the draft IZ unit distribution plans have been adjusted to be more random and evenly dispersed, as shown in <u>EXHIBIT B</u>. The final IZ unit locations will be reviewed and approved by both the Zoning Administrator and the Department of Housing and Community Development to ensure that the units are distributed in accordance with the applicable regulations</p>
<p>4. No up-lighting on penthouse</p>	<p>Unless required by applicable building, fire, or life safety codes, the final lighting plan of the penthouse will not include any up-lighting.</p>

<p>5. Look at reconfiguring loading and parking access on ground floor so that they are not through the same entrance (move garage ramp).</p>	<p>The Applicant and its design team have studied a number of parking/ramp layouts in an effort to respond to the varying needs of the site, neighboring uses, as well as requests of and responses to the District Department of Transportation and Office of Planning. Following the hearing, the Applicant reviewed the parking and loading entrance condition again, working with a number of constraints, including the following:</p> <ul style="list-style-type: none"> <li>- Avoiding conflicts with the back-in loading movements that are part of the approved PUD directly across the alley.</li> <li>- Maintaining enough ground floor retail space to activate the site to its highest and best use.</li> <li>- Maintaining enough room in the loading area to allow for head-in / head-out loading and trash movements (as requested by DDOT).</li> <li>- Limiting the number of ingress / egress points in the alley given the existing number of similar points in both approved and future PUD's adjacent to the alley.</li> </ul> <p>Given the above constraints, the Applicant found that the existing layout is the most efficient to meet the needs of all stakeholders for a number of reasons, including the following:</p> <ul style="list-style-type: none"> <li>- The designed entrance acts as a 3-way stop between the three developments' vehicular egress points, providing a level of safety for the egressing vehicles.</li> <li>- Adding an access point further south down the alley would be adjacent or close to the 411 New York Avenue PUD's loading dock, which has been designed for back-in truck movements, and would result in direct vehicular conflicts between the two projects.</li> <li>- This Project would lose additional retail space with a second vehicular entrance which has already been reduced by the head-in / head-out loading movements that were designed per the request of DDOT.</li> <li>- A shared drive aisle between loading and residential traffic is not an unfamiliar condition in the District, and is the most efficient use of space.</li> </ul>
<p>6. Additional detail regarding the existing Maurice Electric Sign</p>	<p>The revised sign plan in <u>Exhibit C</u>, indicates the area where the existing Maurice Electric sign is attached and will remain. The existing Maurice Electric sign may be temporarily removed during construction, but it will be rehabilitated and replaced in the same position as now after façade retention and major construction is complete.</p>
<p>7. Continuation of sidewalk by PNC Bank site</p>	<p>Per DDOT's request, the Applicant will install a high-visibility crosswalk running north to south across 4<sup>th</sup> Street at its intersection with New York Avenue. In addition, the Applicant has agreed to install a sidewalk commencing at the southeast corner of New York Ave and 4<sup>th</sup> Street, and running southeasterly approximately 120 feet to the existing ramp at the southwest corner of 4<sup>th</sup> Street and Penn Street. Also, the Applicant will install a pedestrian crosswalk running east to west across 4<sup>th</sup> Street. These sidewalk and crosswalk improvements are shown in <u>EXHIBIT D</u>. DDOT has acknowledged that these improvements are temporary and would be upgraded to a final condition with any future redevelopment of the PNC and Motel 6 parcels. The Applicant has been informed by DDOT that DDOT will work with the Applicant to provide a solution that</p>

	<p>does not impact any existing utility infrastructure. The Applicant has also agreed to design and install a traffic signal at the intersection of Penn Street and 4<sup>th</sup> Street, which will help increase pedestrian safety.</p> <p>As indicated by DDOT at the public hearing, since the Applicant is upgrading the east/west crossing on 4<sup>th</sup> Street, further extension of the sidewalk south along the PNC property is no longer requested.</p>
8. Increase time of commitment for PDR/Maker use in project or otherwise commit to more PDR/Maker use elsewhere.	See <u>EXHIBIT E</u> .
9. Provide DC Water with master utility plan.	<p>The 30% design set of the Master Utility Plan (MUP) was developed in coordination with multiple property owners and all utilities, including DC Water. DC Water is in possession of the most recently updated version of the MUP, which was updated to incorporate comments received from DC Water, and was transmitted to DC Water on April 10, 2018. As its name indicates, the Master Utility Plan is an area-wide plan that will support the needs of the entire Market and not a specific individual project or PUD site. As such, significant coordination between the various owners, agencies, stakeholders and utilities is required. No single developer or property owner has control over the MUP's development and progression, so it cannot be tied to one individual project.</p> <p>As the coalition of owners and stakeholders progress the MUP design forward, it shall continue to coordinate closely with all utilities. At this stage, the Applicant and its team will continue to progress the civil design of the 500 Penn PUD to conform to the Master Utility Plan. It is important to note that even though the existing utilities have the capacity to service this PUD, the Applicant agrees to work with the utility providers to incorporate specific upgrades along the Project site's frontage based on age and condition of the existing infrastructure, and to align with the upgrades recommended in the MUP.</p>
10. Specify how funds to DPR will be used.	Per DPR's request the \$10,000 contribution will be used to purchase new computers for the Trinidad Recreation Center computer lab. DPR is converting all standard computer labs into tech lounges, allowing for more flexible, multigenerational programming.
11. Retail parking pricing	An affordable parking scenario is critical to the success of this evolving retail particularly given its location at the intersection of major arterials.
12. Access through site to adjacent site to east.	Upon further discussion with DDOT, the Applicant has agreed to provide a break-out panel on the east side of the Project's garage to accommodate potential future vehicular access to and from the alley for the parcel to the east of the subject site in this case. If such access is feasible with a future project on the adjacent site, then any easement related to such access will be reviewed and discussed at that time.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 21, 2018, copies of the Applicant's Post-Hearing Submission and exhibits were delivered via email to the following:

Brandice Elliott  
D.C. Office of Planning  
brandice.elliott@dc.gov

Jonathan Rogers  
DDOT  
jonathan.rogers2@dc.gov

Advisory Neighborhood Commission 5D  
5D@anc.dc.gov

Peta-Gay Lewis – SMD 5D01  
petagaylewis@yahoo.com

\_\_\_\_\_/s/\_\_\_\_\_  
Cary Kadlecek