

Single Member District Commissioners
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ANC 3C Resolution No. 2016-032
A Resolution Concerning The Bozzuto Group's Application for a
Modification to BZ 08-15 Concerning the 3300 and 3400 Blocks of
Wisconsin Ave NW

WHEREAS, The Bozzuto Group has applied for a Minor Modification in Z.C. Case No. 08-15, which established a Planned Urban Development ("PUD") for the 3300 and 3400 blocks of Wisconsin Avenue NW, and ANC3C passed Resolution 2016-020 objecting to the application's consideration as a Minor Modification;

WHEREAS, the Zoning Commission denied the applicant's request to consider the application as a Minor Modification and scheduled the application for a public hearing on July 28, 2016;

WHEREAS, the Bozzuto Group and commissioners of ANC3C have had ongoing discussions about the terms of the application in an effort to find a compromise that would be acceptable to both the applicant and the ANC;

WHEREAS, as reflected in Resolution 2016-020, the principle points of negotiation have been:

1. A restriction in the original PUD on the linear street frontage that could be used for restaurants, currently limited to 20% versus the applicant's requested relief of an increase to 23.42%;
2. The size of the sign to be displayed by the proposed tenant of the space, which would be approximately 30" in height versus the PUD-established limit of 18"; and,
3. Implementation of the original PUD-established parking benefits for the community and modifications to that program to better accomplish the goals of those benefits;

WHEREAS, in its discussions with ANC3C, the Bozzuto Group has proffered the following terms, in addition to others (the majority of which are reflected in Exhibit A), as a compromise:

1. Adjust the start time for the first tranche of validated parking for neighboring (non-PUD) businesses from 7pm to 6pm;
2. Addition of a second tranche of validating parking for neighboring businesses that will become available at 8pm;
3. The effect of the above would be the provision of 90 space for a period of up to two hours each;

4. To adjust the terms of the PUD such that any tenant of the subject space would “provide all-day food service, including breakfast”;
5. To provide a detailed report on usage of the community parking benefits (both for non-PUD businesses and for residents) on an annual basis.
6. To provide 20 parking spaces between the hours of 7:00 am and 4:00 pm to the teachers and staff of John Eaton Elementary School for the 2016-2017 and 2017-2018 school years;

WHEREAS, the commissioners of Single Member Districts 3C06 and 3C07 have received input from residents indicating overwhelming support for a modification that would welcome a breakfast-serving restaurant into the neighborhood;

WHEREAS, the Bozzuto Group has indicated other parties interested in the space have included a cellular phone carrier and a medical supply company, which would provide increased revenue to the Bozzuto Company in the form of rent from those tenants, but its representatives have stated their opinion is a restaurant would be a better fit for the community and better accomplish one the PUD’s goals of providing neighborhood-servicing businesses;

WHEREAS, the Bozzuto Group’s original application has not yet been modified to incorporate the above-referenced terms;

THEREFORE, BE IT RESOLVED:

- (1) ANC3C maintains its originally stated objections to the application as it is currently filed;
- (2) ANC3C would withdraw its objections if the application’s terms were amended to be consistent with the terms represented in Exhibit A subject to the following modifications:
 - a. Section 5(b)(ii) would read, “The restaurant tenant shall provide breakfast service, seven days a week, starting not later than 7 a.m.”;
 - b. Section 5(b)(iv) would read, “The initial restaurant tenant shall be permitted to incorporate signage and storefront design elements as shown on Exhibit 2D of the record in Z.C. Case No. 08-15A, provided that it may have a single sign the height of which, including all elements, shall be limited to 30” in height, any subsequent tenants of the space shall be required to comply with the original 18” restriction, and no other PUD-tenant’s signage may exceed the 18” restriction”;
 - c. Section 8(d)(i) would read, “The current system of providing free parking within the garage for periods of 30 minutes or less shall remain in effect and will not be diminished”;
 - d. An additional Section would be added to provide for twenty (20) parking spaces for the teachers and staff of John Eaton Elementary School for use between the hours of 7:00 am and 4:00 pm for the 2016-2017 and 2017-2018 school years.

FURTHER RESOLVED, the Chair and the commissioner for SMD 3C06, or their designees, are authorized to represent ANC3C in this matter.

Attested by

A handwritten signature in blue ink, appearing to read "Carl Roller", written in a cursive style.

Carl Roller

Chair, on June 20, 2016

This resolution was approved by a roll-call vote of 6-0-2 on June 20, 2016 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

EXHIBIT A

**CATHEDRAL COMMONS – SILVER MODIFICATION
REVISED CONDITIONS OF APPROVAL**

5. The Property shall be used for residential, commercial, and commercial parking uses, as shown on the plans marked as Exhibits 20 and 156 of the record, provided:

b. Restaurants, prepared food shops, and fast food establishments are permitted, but shall occupy no more than 23.42% of the commercial linear street frontage within the PUD Site, provided:

i. Any additional linear frontage above 20% of the commercial linear street frontage within the PUD Site shall only be used to increase the street frontage for a single restaurant tenant along Wisconsin Avenue, as identified on Exhibit 2C of the record in Z.C. Case No. 08-15A;

ii. The restaurant tenant shall provide all-day food service, including breakfast;

iii. The Applicant shall provide a minimum of two-hour parking validation within the Project's South Parcel garage for patrons of the restaurant tenant; and

iv. The restaurant tenant shall be permitted to incorporate signage and storefront design elements as shown on Exhibit 2D of the record in Z.C. Case No. 08-15A, provided that the height of the signage letters shall be limited to 30 inches.

8. The Project shall include commercial parking facilities as shown on the plans referenced above; provided:

b. The Project shall make available, at no charge, parking spaces in the South Parcel garage as follows:

i. Parking spaces shall be made available for patrons of neighborhood restaurants and other retail uses that are not part of this PUD ("Neighborhood Retail Patrons") on a first-come, first-served basis as set forth below; and

ii. At least 30 spaces shall be made available for overnight parking for the surrounding community not part of this PUD from 9:00 p.m. to 8:00 a.m.;

d. Parking spaces for Neighborhood Retail Patrons shall be provided within the commercial parking garage as follows:

i. At least 6 parking spaces shall be striped within the garage for short-term 15 minute parking on the first level near the 38th Street exit, and the validation system shall be set such that no charge will be incurred for 15-minute short term parking in such spaces.

- ii. At least 180 hours of parking validation (which is the equivalent of 90 two-hour parking spaces) shall be made available to Neighborhood Retail Patrons on a first-come, first-serve basis beginning at 6:00 PM.

- iii. An additional 60 hours of parking validation (which is the equivalent of 30 two-hour parking spaces) shall be made available to Neighborhood Retail Patrons on a first-come, first-serve basis beginning at 8:00 PM.

- iv. The Applicant shall work with representatives of ANC 3C to reach out to neighborhood restaurants and other retail establishments to explain the parking validation system and encourage its use by neighborhood restaurants and other retail establishments.

- e. Any validation period for parking in the commercial parking garage, whether for patrons of the Project or for patrons of neighborhood restaurants pursuant to subsection 8(b)(i) above shall be for a minimum period of two hours. The validation for on-site parking shall remain valid even if a patron stays longer than the validation period (i.e. the patron will only have to pay for the amount above the validation period); and

- f. The Applicant shall provide an annual written report to ANC 3C detailing the actual usage of the South Parcel garage by Neighborhood Retail Patrons and community residents under Condition 8(b). The report shall also detail outreach to and participation by neighborhood restaurants and other retail establishments.