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VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: MidAtlantic Realty Partners, LLC / ZC Case No. 06-14D
Applicant's Revised Proffers and Conditions

Dear Members of the Commission:

On behalf of MidAtlantic Realty Partners, LLC (the "Applicant"), we hereby submit the Applicant's revised list of proffers and corresponding conditions, in compliance with the Zoning Commission's procedures of Subtitle X § 308.8 *et seq.*

The previously-approved PUD included a number of significant public benefits and project amenities, the majority of which were delivered with the construction of the apartment house in the first phase of the PUD. The project benefits and amenities that have already been delivered are listed on pages 6 through 8 of the Applicant's Supplemental Filing, dated December 29, 2016, and marked as Exhibit 30 of the record. The project benefits and amenities that were previously accepted but have not yet been delivered by the Applicant are listed on pages 8 and 9 of the Supplemental Filing marked as Exhibit 30 of the record.

The PUD benefits and amenities package was expanded under this modification application to include a proffer of affordable housing at levels greater than what is required under the Inclusionary Zoning Regulations; LEED Gold certification for the office tower; extended hours for the Trail Connection Lobby; and the maintenance of improvements along the Metropolitan Branch Trail. The outstanding previously accepted proffers and conditions, and amendments to the same, and new proffers and conditions related to the PUD modification are listed in the chart below.

Proposed Proffer	Proposed Condition
<u>Housing and Affordable Housing.</u> In order to expand the affordable housing opportunities throughout the PUD, the Applicant proposes to <u>provide a greater level of affordable housing than what is required under the Inclusionary Zoning regulations. Specifically, for the North Tower, of the 8%</u>	<u>North Tower</u> <u>Prior to the issuance of a Certificate of Occupancy for the North Tower and for the life of the Project, the Applicant shall demonstrate to the Zoning Administrator the following:</u>

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of residential gross floor area devoted to inclusionary units, 2% will be reserved for households with incomes not exceeding 60% of the AMI. The remaining 6% will be reserved for households with incomes not exceeding 80% of the AMI~~dedicate 6% of the residential gross floor area in the North Tower for households with incomes not exceeding 80% of the area medium income (“AMI”), and 2% of the residential gross floor area in the North Tower for households with incomes not exceeding 60% of the AMI.~~

1. For the life of the Project, the Applicant shall:
 - a. Provide a total of approximately _____ square feet of residential gross floor area (“GFA”) of housing;
 - b. Devote no less than 8% of the residential GFA equaling not less than _____ square feet of GFA as inclusionary units pursuant to 11-C DCMR Chapter 10;
 - c. Of the GFA devoted to inclusionary units, no less than 2% equaling not less than _____ square feet of GFA shall be reserved for households earning equal to or less than 60% of the AMI; and
 - d. Of the GFA devoted to inclusionary units, no less than 6% equaling not less than _____ square feet of GFA shall be reserved for households earning equal to or less than 80% of the AMI.
- ~~1. The project shall provide affordable housing in the North Tower, for the life of the project, as follows:
 - a. ~~Devote no less than _____% of the residential GFA of the North Tower to inclusionary units for eligible households earning equal to or less than 80% of the AMI; and~~
 - b.a. ~~Devote no less than _____% of the residential GFA of the North Tower to inclusionary units for eligible households earning equal to or less than~~~~

~~60% of the AMI.~~

2. The affordable housing units shall be distributed in accordance with **Sheet _____ A310** of the Plans marked as Ex. _____ of the record, and shall be provided in accordance with the chart below; and
3. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this Condition.

South Tower/Office Use

If the South Tower is devoted to office use, the Applicant shall comply with the provisions of 11-C DCMR § 1505.

South Tower/Residential Use

If the South Tower is devoted to residential use, no building permit shall be issued for the South Tower unless the Commission has approved the revised project as a Modification of Consequence. The Commission shall not approve a Modification of Consequence unless the Applicant has provided:

- a. A residential redesign of the building's façade; and
- b. An explanation of how the South Tower satisfies all requirements for residential buildings, including Inclusionary Zoning.

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	_____ sf of GFA (100%)	#	NA	NA	NA
Market Rate	_____ sf of GFA (92%)	#	Market Rate	NA	NA
IZ	_____ sf of GFA (2%)	#	Up to 60% AMI	Life of the project	Rental
IZ	_____ sf of GFA (6%)	#	Up to 80% AMI	Life of the project	Rental

Trail Connection Lobby. The Project integrates the Metropolitan Branch Trail (“MBT”) into the PUD by creating an open-air, two-story bicycle/pedestrian connection through the South Tower into the Plaza. The Trail Connection Lobby accessed from the MBT on the second floor of the South Tower. Inside the Trail Connection, a grand stair with four bike troughs will mediate the grade difference allowing cyclists to easily access the Plaza located on the ground floor. An elevator that can accommodate a minimum of two bicycles will also be located in the Bike Lobby to provide access from the MBT to the Plaza. The Trail Connection will provide bicycle storage for approximately 32 short-term bicycle spaces, information about the MBT and surrounding neighborhoods, station maps, bicycle tire pumps and repair areas, a drinking fountain, an emergency call box, free public WiFi, and a restroom open to the public during normal retail hours.

The Trail Connection will be open to the public from 6:00 a.m. to 12:00 a.m. (midnight).

4. **Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall provide evidence to the Zoning Administrator that it has constructed the PUD shall include** the Trail Connection Lobby, ~~constructed~~ in substantial accordance with **Sheets A201A, A202, and A207-A212** of the Plans, and has incorporateds the following elements into the lobby design: (i) a grand stair with risers of approximately 5.5 inches, treads approximately 15 inches long, and four bike troughs; (ii) an elevator that can accommodate a minimum of two bicycles; (iii) bicycle storage ~~space~~ that is accessed by wide internal walkways and can accommodate a minimum of 32 short-term bicycle spaces; (iv) information about the MBT and surrounding neighborhoods; (v) station maps; (vi) bicycle tire pumps and repair areas; (vii) a drinking fountain; (viii) an emergency call box; (ix) free public Wi-Fi; and (x) a restroom open to the public for use during normal retail hours.

5. **For the life of the Project**, the Applicant shall provide public access from New York Avenue and the Metropolitan Branch Trail in accordance with the following daily schedule:

- a. The New York Avenue staircase shall be open from 7:00 a.m. to 7:00 p.m.; and
- b. The Trail Connection Lobby, including the stairs and elevator to the

	Plaza, shall be open from 6:00 a.m. to 12:00 a.m. (midnight).
<p><u>Improvements to the Metropolitan Branch Trail.</u> The Applicant will improve the paving, landscaping, and lighting along the MBT adjacent to the North and South Towers, and will maintain the MBT improvements and landscaping adjacent to the North and South Towers for the life of the Project.</p> <p>The Applicant will install pole lighting along the North Tower adjacent to the MBT, which will be connected to DDOT’s planned electrical power service and maintained by DDOT.</p> <p>The Applicant will install light fixtures on the South Tower adjacent to the MBT, which will be connected to the South Tower’s electrical service and will be maintained by the Applicant. The Applicant will also install a thermoplastic decorative design on the MBT directly in front of the Bike Lobby.</p>	<p>6. Applicant shall construct or install at its sole expense, the following improvements for the MBT:</p> <ul style="list-style-type: none"> a. <u>Prior to the issuance of a Certificate of Occupancy for the North Tower, the Applicant shall demonstrate to the Zoning Administrator that it has installed</u> install the paving, landscaping, and lighting along the MBT adjacent to the North Tower, consistent with Sheets L102, L104, L201, and L301 of the Plans.; b. <u>Prior to the issuance of a Certificate of Occupancy for the North Tower, the Applicant shall demonstrate to the Zoning Administrator that it has installed</u> Install pole lighting along the North Tower adjacent to the MBT that is designed to connect to DDOT’s electrical power service. <u>The Applicant shall m</u> Maintain the MBT improvements and landscaping adjacent to the North Tower <u>for the life of the Project.</u> c. <u>Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has installed</u> install the paving, landscaping, and lighting along the MBT adjacent to the South Tower, consistent with Sheets L102, L104, L201, and L301 of the Plans.; d. <u>Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has mounted</u> Mount light fixtures to the South Tower adjacent to the MBT that

The Applicant will ensure that construction work on the MBT is undertaken in a safe and efficient manner that avoids closures during peak-periods and maintains the MBT trail width in all locations. The Applicant will enter into a Maintenance of Traffic (“MOT”) plan with DDOT to ensure minimal trail closures and determine detour routing, supporting signage, and public outreach. The MOT will include the following elements:

- a. The Applicant will provide no less than 30 days notice of any MBT closures by posting notices at the intersection of the MBT and R Street, and at the MBT adjacent to the Marriott Hotel next to the NOMA Metrorail station;
- b. During the permitting process, the Applicant will work with DDOT to develop a detour routing path that will be utilized during any MBT closures; and
- c. The Applicant will present the approved MOT plan to ANC 5E and the Eckington Civic Association prior to its implementation.

are designed to connect to the South Tower’s electrical service, ~~and~~

- e. Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall install a thermoplastic decorative design on the MBT directly in front of the Bike Lobby. The Applicant shall maintain the thermoplastic decorative design for the life of the Project.

7. Prior to the issuance of a Certificate of Occupancy building permit for the North or South Tower, whichever is first, the Applicant shall include landscaping, streetscape, and open space treatment for the Project as shown on the Plans. The Applicant or its successors shall maintain all landscaping, streetscape, and open space treatments in good growing condition.

8. Prior to the issuance of a building permit for the North or South Tower, whichever is first, the Applicant shall enter into a MOT plan with DDOT to ensure minimal closures of the MBT and determine detour routing, supporting signage, and public outreach. The MOT shall include the following elements:

- a. The Applicant shall provide no less than 30 days notice of any MBT closures, and shall post notices at the intersection of the MBT and R Street, and at the MBT adjacent to the Marriott Hotel next to the NOMA Metrorail station;
- b. During the permitting process, the Applicant shall work with DDOT to develop a detour routing path that will be utilized during any MBT closures; and
- c. The Applicant shall present the approved MOT plan to ANC 5E and

	<p>the Eckington Civic Association prior to its implementation.</p>
<p><u>Sidewalks on Florida and New York Avenues.</u> The Applicant will extend the widened sidewalks and enhanced streetscapes along Florida Avenue to the PUD Site’s southeast corner (to the south of the South Tower), and along New York Avenue to the PUD Site’s northwest corner (to the west of the North Tower), consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14.</p>	<p><u>9. Prior to the issuance of a Certificate of Occupancy for the North Tower,</u> the Applicant shall extend the widened sidewalks and enhanced the streetscapes along New York Avenue to the PUD Site’s northwest corner, as shown on <u>Sheets L102-L104, L201, L301, and L302</u> of the Plans, and consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14.</p> <p><u>10. Prior to the issuance of a Certificate of Occupancy for the South Tower,</u> the Applicant shall extend the widened sidewalks and enhanced the streetscapes along Florida Avenue to the PUD Site’s southeast corner, as shown on <u>Sheets L102-L104, L201, L301, and L302</u> of the Plans, and consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14.</p>
<p><u>LEED Certification.</u> The North Tower will achieve LEED Silver certification under the USGBC LEED v.4, and will also include rooftop solar panels that will generate approximately 1% of the North Tower’s power requirements. The solar panels will meet DOEE’s goal of having projects incorporate renewable energy technology into their development plans.</p> <p>The South Tower, if occupied as an office use, will achieve LEED Gold certification. If the South Tower is constructed for a residential use, the South Tower will achieve LEED Silver certification under the USGBC LEED v.4.</p>	<p><u>11. Prior to the issuance of a Certificate of Occupancy for the North Tower,</u> the Applicant shall</p> <ul style="list-style-type: none"> a. Furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the North Tower has been designed to include at least the minimum number of points necessary to achieve LEED Silver certification under LEED v.4; and b. Install rooftop solar panels in accordance with <u>Sheet A308</u> of the Plans. <p><u>12. Prior to the issuance of a Certificate of Occupancy for the South Tower for an office use,</u> the Applicant shall furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the South Tower has been designed to include at least the minimum</p>

	<p>number of points necessary to achieve LEED Gold certification.</p> <p><u>If the South Tower is constructed for a residential use, then prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the South Tower has been designed to include at least the minimum number of points necessary to achieve LEED Silver under the USGBC LEED v.4.</u></p>
<p><u>Transportation Demand Management (“TDM”) Measures.</u> The Applicant will implement the following TDM measures from the North and South Towers:</p> <ul style="list-style-type: none"> a. Install one TransitScreen in the lobby of the North Tower and one TransitScreen in the lobby of the South Tower instead of the Electronic Transportation Kiosk identified in the Transportation Impact Study included as Ex. 29 of Z.C. Case No. 06-14; b. Provide the minimum number of long- and short-term bicycle parking spaces in the North and South Towers, as required under the 2016 Zoning Regulations; c. If developed as office use, provide the minimum number of showers and lockers in the South Tower, as required under the 2016 Zoning Regulations; d. Offer an annual carsharing membership or an annual Capital Bikeshare membership to each residential unit for a period of three years, up to a maximum amount of \$85.00 per unit, and a maximum total benefit of \$94,350; 	<p>13. The Applicant shall implement the following TDM measures for the North and South Towers <u>for the life of the Project, unless stated otherwise:</u></p> <p><u>North Tower</u></p> <ul style="list-style-type: none"> a. Install one TransitScreen in the lobby of the North Tower instead of the Electronic Transportation Kiosk identified in the Transportation Impact Study included as Ex. 29 of Z.C. Case No. 06-14; b. Install the minimum number of long- and short-term bicycle parking spaces required for the North Tower under the 2016 Zoning Regulations; c. For a period of three years following the issuance of a certificate of occupancy for any new residential building, the Applicant shall offer to each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit, for a maximum total benefit of \$94,350.00; d. Unbundle the parking costs from the lease or purchase of residential units;

<ul style="list-style-type: none"> e. Unbundle the parking costs from the lease or purchase of residential units; f. Provide five rolling shopping carts for use by residents of the North Tower; and g. Install two EV-charging stations in the North Tower and two EV-charging stations in the South Tower. 	<ul style="list-style-type: none"> e. Purchase five rolling shopping carts for use by residents of the North Tower; and f. Install two EV-charging stations in the North Tower. <p><u>South Tower</u></p> <ul style="list-style-type: none"> a. Install one TransitScreen in the lobby of the South Tower instead of the Electronic Transportation Kiosk identified in the Transportation Impact Study included as Ex. 29 of Z.C. Case No. 06-14; b. Install the minimum number of long- and short-term bicycle parking spaces required for the South Tower under the 2016 Zoning Regulations; c. If the South Tower is developed as office use (Option 1), install the minimum number of showers and lockers in the South Tower, as required under the 2016 Zoning Regulations; d. <u>If the South Tower is developed as residential use, then for a period of three years following the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall offer each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit.</u> e. If the South Tower is developed as residential use (Option 2), unbundle the parking costs from the lease or purchase of residential units; and f. Install two EV-charging stations in the South Tower.
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Thank you for your considerate attention to this matter.

Sincerely yours,

By:  
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