

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
10Q NW LLC**

ANC 5E02

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, 10Q NW LLC (the “**Applicant**”), which has been awarded the ability to develop the long-vacant and under-utilized property located at 10 Q Street NW (Square 615, Lot 318) (the “**Property**”)¹ by the District’s Department of Housing and Community Development (“**DHCD**”), which owns the Property. The Applicant files this statement in support of its application for special exception relief from the requirements of Subtitle A § 207.2 and area variance relief from the requirements of Subtitle A § 207.1 for approval of an adjustment to the zone boundary line crossing the Property. The Applicant proposes to construct a new 29-unit, 100% affordable and accessible residential development with an art gallery space and community meeting room (the “**Project**”).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “**Board**”) has jurisdiction to grant the variance and special exception relief requested herein pursuant to Subtitle X §§ 1002.1 and 901.2 of the Zoning Regulations.

¹ The Property was recently consolidated in a plat recorded by the Office of the Surveyor on March 28, 2024, from an assemblage of Lots 75, 148-152, 806, and 825 in Square 615.

III. BACKGROUND

A. Prior BZA Approval

In June 2019, a substantially similar application was filed under BZA Case No. 20095 (the “**Prior Approval**”)² requesting area variance relief from the requirements of Subtitle A § 207.1 and special exception relief from the requirements of Subtitle A § 207.2 for an adjustment to the zone boundary line allowing the use, height and bulk regulations of the MU-4 zone to extend to a portion of the Property in the RF-1 zone.³ The architectural plans submitted in the Prior Approval are consistent with the plans submitted with this Application, with the exception that the ground floor is no longer retail but entirely residential space and ancillary uses. of. *See* BZA Case No. 20095, Ex. 32B. The Office of Planning and Advisory Neighborhood Commission (“ANC”) supported the Prior Approval and DDOT had no objection. *See* BZA Case No. 20095, Ex. 35, 39, and 36.

The Board approved the Prior Approval by order dated September 19, 2019 (the “**Order**”), which is attached at **Tab A**. As part of the Order, the Board found that the Applicant met its burden for both an area variance and special exception relief, stating that “the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations” and that “the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and... any other specified conditions for special exception relief have been met.” *See* **Tab A**.

² The prior application was filed on behalf of Mi Casa, Inc. The current applicant is a wholly-owned subsidiary of Mi Casa, Inc.

³ Loading relief was also requested. The current application does not require loading relief.

Following the Prior Approval, the Applicant encountered unexpected challenges in the conveyance of the Property owned by DHCD and delays resulting from the COVID-19 pandemic. As a result, the Order was not vested and the Applicant is now applying for the same area variance and special exception relief to adjust the zone boundary line and extend the MU-4 zone boundary to the other side of the Property which lies in the RF-1 zone.

B. The Applicant

The Applicant is a wholly-owned subsidiary of Mi Casa, Inc., a non-profit affordable housing development company that has been developing affordable housing in the Washington, DC and Baltimore, MD regions for over 27 years. The Applicant's mission is to provide access to quality housing for low- and moderate-income families. This mission is accomplished by constructing new housing or renovating deteriorated housing to enhance communities and build stronger neighborhoods. The Applicant is a 501(c)(3) organization since 1994.

C. The Property and the Surrounding Neighborhood

The Property is a split-zoned lots in the MU-4 and RF-1 Zone Districts with a total land area of 12,411 sq. ft. A copy of the zoning map is attached at **Tab B**. Approximately 106 feet of the Property's frontage and 9,569 sq. ft. of land area (77%) is zoned MU-4. Approximately 29 feet of the Property's frontage and 2,833 sq. ft. in land area (23%) is zoned RF-1. A portion of the Property is the improved with a vacant two-story building.

The Property is uniquely-shaped with an angled frontage along Florida Avenue NW. It is bounded by Q Street NW to the north and Florida Avenue NW to the northeast. To the east of the Property is a 14.33-foot alley and to the south is a 15-foot alley. There are improved lots to the west of the Property on Florida Avenue NW.

The Property is located on the northern edge of the Truxton Circle and NoMa neighborhoods. Across Florida Avenue NW to the north is the Bloomingdale neighborhood. The Property is not located in a historic district, nor is the existing building landmarked; however, the Bloomingdale Historic District is across Florida Avenue NW to the north. The MU-4 zone permits a mix of uses including retail, office, and multi-family residential uses. The RF-1 zone permits single-family homes, flats, religious institutions, some schools and certain parking uses as a matter of right.

The District has long sought to have the Property redeveloped and activated. The Property was the subject of a DHCD Disposition Solicitation of Offers issued in July 2014 (the “**Solicitation**”). A copy of the Solicitation is attached here at **Tab C**. The Solicitation grouped all lots in the Property together, with no option to exclude the lots zoned RF-1. In 2018, following the completion of the Solicitation process, DHCD awarded the Project to the Applicant.

As part of the Solicitation, DHCD requires a 40-year affordability covenant for rental housing based on the AMI chart included in the Solicitation. In particular, the Solicitation requires that at least fifty-one percent (51%) of the units in the Project be rented to persons with annual household incomes that do not exceed 80% of “AMI” (as defined in the Solicitation). The Project would also need to meet the requirements for the LEED Silver standard as well as certain Energy Star requirements.

D. Traffic Conditions and Mass Transit

The Property has excellent mass transit options. The NoMa-Galludet Metro Station is just 0.4 miles from the Property, and the Shaw-Howard University Metro Station with access to the green and yellow line is just 0.7 miles away. Metrobus lines 92, 90, P6, X3 and 80 run directly adjacent to the Property. There are eight is a Capital Bikeshare station within 0.4 miles of the

Property, with the closest just 0.2 miles away at 128 Q Street NE. Walkscore.com indicates that the area is a “Walker’s Paradise” with “Excellent Transit” and is a “Biker’s Paradise.”

E. The Project

As part of the Project, the Applicant proposes to raze the existing building on Lot 148 and construct a four-story, 29-unit apartment building with 11 off-street parking spaces. A copy of the architectural plan set (the “**Plans**”) is attached at **Tab D**. The 29 dwelling units will be all-affordable. The Applicant intends to provide a mix of one-, two-, and three-bedroom units, with over 75% of units being “family-sized” at two and three bedrooms. These family-sized units are in high demand in the District. The units will provide a balanced mix of rental housing for a range of incomes below 30% AMI to 50% and 80% AMI.

In addition to five residential units, the ground floor will also contain a lobby, community art gallery, office, community meeting space, and long term bicycle storage. The Applicant has established a goal of achieving “net zero” energy on the apartment component of the Project. To meet this goal, the Project proposes solar panels on the building rooftop.

In order to efficiently use the oddly-angled lot and work effectively to provide the affordable project awarded by DHCD, the Applicant seeks a variance and special exception pursuant to Subtitle A §§ 207.1 and 207.2. The zoning relief would allow the Applicant to extend the zone boundary line 35 feet to permit the allowed bulk, uses and height of the MU-4 zone over the RF-1 portion of the Property.

The Project will have a maximum building height no greater than 50 feet, with a mechanical penthouse that satisfies the zone’s penthouse requirement. The Project will have a maximum floor-area-ratio (“**FAR**”) of 2.7, which is permitted in the MU-4 zone for a building with IZ. The Project

will comply with the maximum permitted lot occupancy of 75% in the MU-4 by providing a lot occupancy of 70%.

The Applicant proposes a 24'2" rear yard adjacent to the rear alley, with 11 surface parking spaces and a loading area located in the rear yard. There are no loading requirements as the project is residential and provides less than 50 residential units. *See* Subtitle C § 901.1.

IV. APPLICANT MEETS BURDEN FOR VARIANCE RELIEF

A. Nature of Variance Relief

The Applicant requests an area variance to extend the bulk and use standards of the MU-4 zone across the portion of the Property located in the RF-1 zone. Under Subtitle A § 207.1, zone bulk and uses can be extended only “when a zone boundary line divides a lot that was in single ownership on May 12, 1958.” This requirement of single ownership is a prerequisite to applying the 35-foot extension under Subtitle A § 207.2. The Property was not in single ownership as of May 12, 1958 and variance relief is required.

As part of the Prior Approval, the Board concluded that the Property faces a unique condition that results in practical difficulty for the Applicant. The Board is bound by its prior findings and conclusions as it relates to the Prior Approval, and should only review new facts or circumstances that would impact the relief. The unique conditions and practical difficulty upon which the Board relied on in granting the relief has not changed. The Property remains the same and thus should lead to the same conclusion under the current application. To provide a complete record, the Applicant will reiterate how the variance test is being met; however, the scope of the current review should be limited to the third prong of the variance test because that is the only prong for which conditions can change since the Prior Approval.

B. More Flexible Standard of Relief for Public Service

Under D.C. Code § 6-641.07(g)(3) and 11 DCMR § X-1000.1, the Board is authorized to grant an area variance where it finds that:

- (1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) The owner would encounter practical difficulties if the Zoning Regulations were strictly applied; and
- (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995).

Applicants for an area variance must demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

Importantly, the Board may apply a more flexible standard of review when it assesses a public service organization, “especially where the organization is seeking the zoning relief in order to meet a public need or serve the public interest.” *See Neighbors for Responsive Government v. D.C. Bd. of Zoning Adjustment*, 195 A.3d 35, 56 (D.C. 2018); *see also Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (1979). The flexible standard of review can be applied regardless of whether the applicant seeks to expand an existing use or add a new use to the property in question. *See id.* at 59. As part of this reduced standard of review, the Board may more fully weigh the equities of an individual case, including the organization’s needs, in finding an exceptional situation or condition. *See id.* at 56; *see also Monaco* at 1098; *see also National Black Child Development Institute, Inc. v. D.C. Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (1984).

Here, the Board should apply a more flexible standard of review to the Applicant, which is a non-profit organization seeking to accomplish its mission by constructing an all-affordable residential building with family-sized units.

C. The Property is Affected by an Exceptional Situation or Conditions

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin*, 579 A.2d at 1168. The Property is characterized by an exceptional situation and condition arising from a confluence of six factors: (1) the Property was an assemblage of eight lots that were offered as one in the Solicitation; (2) the shape of the lot is unique because the Florida Avenue NW lot line is angled; (3) the Property’s long-vacant and underutilized condition; (4) the programmatic needs to adhere to the DHCD Solicitation; (5) the north-south alley connecting the Property to a public right of way is only 14.33 feet in width; and (6) the Property is bounded on two sides by alleys, separating it from other MU-4 property to the east.

D. Strict Application of the Zoning Regulations Would Result in Practical Difficulty If The Relief is Not Granted.

The Applicant is only seeking variance relief from the requirement of Subtitle A § 207.1 that a property be in single ownership on May 12, 1958. Strict application of this regulation would result in a practical difficulty because the Applicant would not be able to apply the special exception standard to extend the MU-4 zone boundary line up to 35 feet across the western side of the Property. The RF-1 zone does not allow multi-family apartment house uses. This limitation would create substantial practical difficulties, including losing the six largest two-to-three

bedroom units proposed for the western portion of the Property in the RF-1 zone. It would be a practical difficulty to reduce those six family-sized units to – *at maximum* – two flats.

Strict application of the Zoning Regulations could also create a situation where the necessary fire access proximities are not satisfied. Due to the angled lot line along Florida Avenue NW, it would be practically difficult to push the eastern staircase further east toward Florida Avenue NW because doing so would likely result in inefficient layouts and loss of capacity.

Finally, strict application of the Zoning Regulations would limit the Applicant's ability to satisfy the DHCD requirements in the Solicitation. In particular, strict application would not allow for the Applicant to meet its programmatic needs of providing 29 residential units. The residential component was a key aspect of the Applicant's response to the Solicitation. If the Applicant were to lose the DHCD award, then DHCD would need to re-advertise and re-open the Solicitation. This would further delay the process of redeveloping the underutilized parcel and providing additional affordable units to District residents.

E. No Substantial Detriment to the Public Good or Impairment of the Zone Plan

The requested relief under Subtitle A § 207.1 will not be of substantial detriment to the public good nor substantial impairment of the intent, purpose, and integrity of the zone plan. The Project is designed to step down toward at the western end of the Property; as such, the portion of the Project in the RF-1 zone is closer in height and massing to the row dwellings to the west along Q Street. If relief is not granted, then the Project would taper down in a sudden and non-harmonious manner. Thus, the relief allows for the Project to be designed in a way that blends into the existing neighborhood.

The relief requested does not impair the Zone Plan because it permits the Applicant to construct a thoughtfully-designed building with family-sized, affordable units. This aligns with

both the DHCD award criteria and several District planning objectives. The Property is located primarily on Florida Avenue NW, an 80-foot-wide main thoroughfare that is conducive to higher-density uses. Though the RF-1 zone is primarily intended for two-unit dwellings, the intent of the zone recognizes that there will be limited buildings with more density. *See* Subtitle E § 100.1, 100.2. Only residential units will be located in the current RF-1 zone, thereby remaining respectful of the rowhome neighborhood to the west.

V. **NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW**

The Applicant seeks a special exception under Subtitle A § 207.2 in order to extend the bulk and uses in the lesser restrictive MU-4 zone up to 35 feet into the more restrictive zone RF-1 zone. Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The requested relief will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The MU-4 zone is intended to “permit moderate-density mixed-use development” that is “located in low- and moderate-density residential areas with access to main roadways or rapid transit stops.” *See* Subtitle G § 101.9(c). The MU-4 zone also encourages “facilities for shopping and business needs, housing, and mixed uses.” *See id.*

The relief to extend the MU-4 zone will further the goals of the MU-4 zone by allowing the Applicant to construct a four-story apartment building in a neighborhood with other moderately-scaled buildings. The Project will advance the important goal of increasing the housing supply in the District by delivering 29 affordable dwelling units, as well as revitalizing vacant land along a main thoroughfare, Florida Avenue NW. The extension of the boundary line allows the Project to include additional square footage dedicated to retail and office uses.

The Project aligns with the pattern of development near the intersection of Florida Avenue NW and North Capitol Street. There is a large, mixed-use planned unit development that was approved in Zoning Commission Case No. 06-04 for the corner lot across Florida Avenue to the north.⁴ Additionally, there is a 13-story, 388-unit mixed-use building under construction to the east of the Property on the corner lot at the intersection of Florida Avenue NW and North Capitol Street. Further north along North Capitol Street is a 97-unit hotel with a ground floor restaurant also under construction. For these reasons, the relief is harmonious with the general purpose and intent of the Zoning Regulations and maps.

⁴ Though approved by the Zoning Commission, construction of the PUD has been delayed for various reasons, the most recent of which is to update the building’s design in accordance with a recent designation of the Bloomingdale Historic District. *See* ZC Case No. 06-04H.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The Project’s proposed height and massing are consistent with the design standards for the MU-4 zone. Notably, the Project’s design and uses are configured to limit any impact on the more restrictive RF-1 zone. The building is designed in a manner that steps down toward the RF-1 zoned lots to the west. The 24-foot rear yard provides an adequate buffer for the properties across the alley to the south.

The Project will complement the surrounding character of the neighborhood by proposing an elegantly-designed, attractive building that adds to the affordable housing supply. Accordingly, the Project is similar to neighboring properties that include numerous apartment buildings and residential homes of varying sizes in the immediate area.

C. The Project Satisfies the Special Conditions of Subtitle A § 207.2 for the Zone Boundary Line Crossing a Lot

In addition to meeting the general special exception standard, Subtitle A § 207.2 permits the extension of the zone boundary line on a split-zoned lot when the following requirements are met:

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five (35 ft.);

The Applicant proposes to extend the zone boundary line of the MU-4 portion of the Property 29 feet over the RF-1 portion of the Property. The portion of the Property in the RF-1 zone is 29 feet in width. As such, the MU-4 lot line can only be extended for 29 feet. All portions of the building in the MU-4 zone comply with the development standards of the MU-4 zone.

(b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);

This section does not apply to the Project because the MU-4 Zone is being extended over the RF-1 portion of the Property.

(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood;

The Project will have a positive impact on the present and future character of the neighborhood by improving the long-vacant and underutilized Property. The attractively-designed Project will bring affordable apartment units to a main thoroughfare and intersection in the District.

Along Q Street NW, the Project was designed to reflect the present character and features of the nearby rowhome lots. The Project has residential characteristics including a series of four bay windows with corresponding cut-outs for balconies. The features mimic the two- and three-story rowhomes in the area. The Project is designed to step down in height to the west near the residential lobby. The Project is buffered from neighboring uses by alleys to the east and south. As such, the design mitigates any potential impact of the lot line extension to the present character of the neighborhood.

Likewise, the relief will not adversely affect future development of the neighborhood. The Florida Avenue NW corridor reflects a mix of residential and commercial uses. Across the alley to the east is the recently-completed Truxton, a mixed-use building that has similar massing to the Project. There is an approved planned unit development proposed for the northwest corner of Florida and North Capitol Streets, directly across from the Property. The Project will contribute to and build upon the growing number of residential uses in the neighborhood. To that end, the Project aligns with the recommendation in the Comprehensive Plan's Generalized Policy Map, designating the Property as within the "Main Street Mixed Use Corridor."

Accordingly, the extension of the boundary line will not adversely affect the present and future character of the neighborhood.

(d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

The Applicant will work with the Board of Zoning Adjustment to comply with any requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary.

Based on the above justifications, the requested relief meets the conditions of Subtitle A § 207.2(a) through (d) to qualify for special exception review, and, as articulated above, meets the general special exception standard.

VI. COMMUNITY OUTREACH

The Applicant has presented the Project publicly throughout the DHCD award process. In terms of the BZA, the Applicant will contact ANC 5E when the application is filed and request that the Applicant present to ANC 5E at the next available public meeting.

VII. SUMMARY OF WITNESS TESTIMONY

A representative of the Applicant, Elin Zurbrigg, will testify regarding the project and community outreach. Greg Powe, the project architect from Powe Studio Architects, will testify regarding architecture and project design. The Applicant reserves the right to add witnesses or expert witnesses as necessary

VIII. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for variance and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,
COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Eric J. DeBear", positioned above a horizontal line.

Eric J. DeBear
1200 19th Street NW
Washington, DC 20036

A handwritten signature in blue ink, appearing to read "Madeline Shay Williams", positioned above a horizontal line.

Madeline Shay Williams
1200 19th Street NW
Washington, DC 20036

Tab A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 20095 of Mi Casa, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the zone boundary line provisions of Subtitle A § 207.2, and pursuant to Subtitle X, Chapter 10, for variances from the loading requirements of Subtitle C § 901.1, and from the zone boundary line requirements of Subtitle A § 207.1, to raze the existing detached principal dwelling unit, subdivide eight lots, and to construct a mixed use building with 24 residential units, retail space and non-profit office space in the MU-4 and RF-1 Zones at premises 14 Florida Avenue N.W. (Square 615, Lots 75, 148, 149, 150, 151, 152, 806, and 825).

HEARING DATE: September 18, 2019
DECISION DATE: September 18, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 17, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 39.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 35.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application, subject to recommended Transportation Demand Management measures. (Exhibit 36.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for area variances from the loading requirements of Subtitle C § 901.1, and from the zone boundary line requirements of Subtitle A § 207.1.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exception under the zone boundary line provisions of Subtitle A § 207.2.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 32B.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Lesylleé M. White, and Robert E. Miller to APPROVE; Carlton E. Hart not participating.)

¹ Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: September 24, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

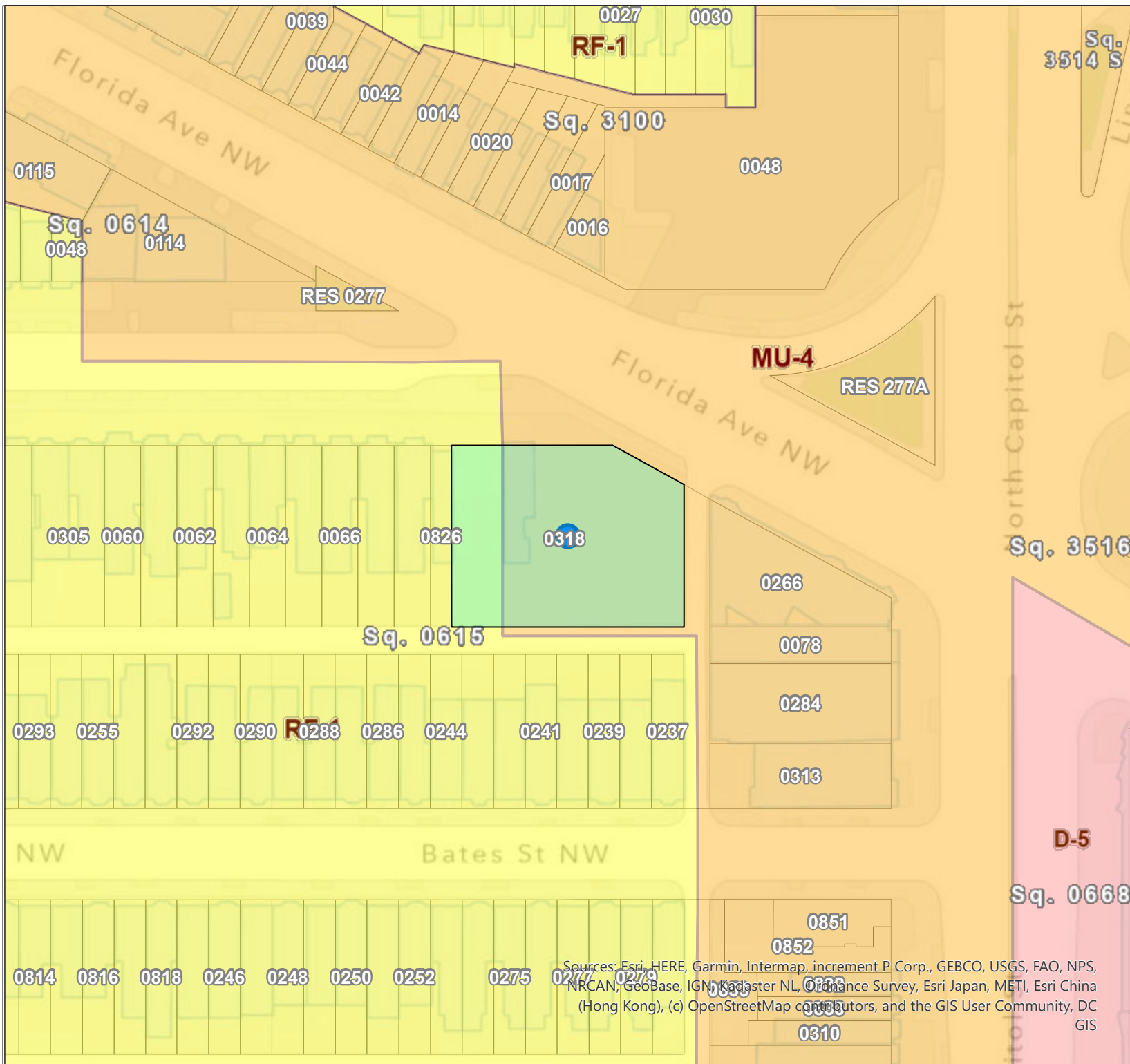
IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION,

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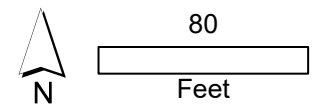
HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

Tab B

DC Zoning Map



- Square
 Zone District
 Specific Zone Label
- Specific Zone
- Downtown Zone
 - Mixed-Use Zone
 - Mixed-Use Zone (IZ+)
 - Mixed-Use Zone (IZ+ Exempt)
 - Neighborhood Mixed-Use Zone
 - Neighborhood Mixed-Use Zone (IZ+)
 - Production, Distribution, and Repair Zone
 - Residential Apartment Zone
 - Residential Apartment Zone (IZ+)
 - Residential Flat Zone
 - Residential Zone
 - Special Purpose Zone
 - Special Purpose Zone (IZ+)
 - Unzoned
- Zone District
- Downtown Zone
 - Mixed-Use Zone
 - Mixed-Use Zone (IZ+)
 - Mixed-Use Zone (IZ+ Exempt)
 - Neighborhood Mixed-Use Zone
 - Neighborhood Mixed-Use Zone (IZ+)
 - Production, Distribution, and Repair Zone



Generated on maps.dcoz.dc.gov/zr16

Web Extract of the Official Zoning Map of the District of Columbia created on 8/1/2024.

Service provided by the DC Office of Zoning.

441 4th St NW Ste 200S
 Washington, DC 20001

For reference only. To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, DC GIS

Tab C

**District of Columbia
Department of Housing and Community Development**



**Property Acquisition and
Disposition Division**

**Florida and Q Street (Square 615) Disposition
Solicitation For Offers**

To Be Released: July 11, 2014
Pre-Bid Meeting: August 6, 2014
Responses Due: October 10, 2014 by 4PM



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- Exhibit A – Property Disposition Agreement with form exhibits
- Exhibit B – PADD Residential Design and Performance Standards
- Exhibit C – Sample Certified Business Enterprise Utilization and Participation Agreement
- Exhibit D – First Source Employment Agreement
- Exhibit E – Right of Entry Agreement
- Exhibit F – Developer’s Kit with forms
- Exhibit G – Images & Maps of the Development sites
- Exhibit H - Lead, Asbestos and Structural Reports
- Exhibit I - Green Building FAQs and overview
- Exhibit J - Affirmative Action Plan



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1 Introduction

1.1 Purpose of Solicitation for Offers

The Property Acquisition and Disposition Division (“**PADD**”) of the Department of Housing and Community Development (“**DHCD**”) acquires and disposes of vacant and abandoned property. PADD has three main functions:

- Encourage property owners to rehabilitate and/or occupy their vacant residential property;
- Acquire vacant, abandoned and deteriorated properties through negotiated friendly sale, eminent domain, donation or tax sale foreclosure when owners are unwilling or unable to maintain their properties; and
- Dispose of properties in the PADD inventory by selling the properties to individuals or developers to be rehabilitated into high quality affordable and market-rate housing or economic development opportunities in District of Columbia (“**District**”) neighborhoods.

Pursuant to Mayor’s Order 2007-209, dated September 27, 2007, the Mayor of the District of Columbia delegated his authority under the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, as amended, the Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002, as amended, the Homestead Preservation Act of 1986 and certain portions of the Tax Clarity Act of 2000, as amended to DHCD for the purpose of addressing blight, crime and neighborhood instability caused by vacant, abandoned and deteriorated properties in the District by allowing DHCD to acquire and dispose of such properties for redevelopment.

For this Solicitation for Offers, PADD seeks to develop the following vacant lots 0075, 0152, 0151, 0149, 0150, 0806 and 0825 in Square 00615 and the building on the site at 10 Q Street, Lot 0148 in Square 00615, all located at the intersection of Florida Ave and Q Street, NW. DHCD anticipates that the redevelopment of this property will have a positive impact and continue the revitalization efforts that have begun in Bloomingdale Neighborhood.

1.2 Development Opportunity

In this Solicitation for Offers (the “**Solicitation**”), PADD, under the authority of D.C. Official Code § 42-3171.03 (2009) (the “**Code**”), intends to dispose of certain property and seeks to develop the above mentioned parcel (a



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“**Development Site**”). PADD shall award the Development Site to a developer for the purpose of planning, financing, building and operating a project at the above site. (the “**Project**”). The mix of uses shall include mixed-income housing. Offerors are encouraged to design creative development programs that address the stated preferences of the District and the community stakeholders. PADD is pleased to issue this Solicitation and invites developers to respond to this Solicitation with project proposals (an “**Offer**”).

PADD will evaluate all Offers according to the following selection criteria:

- Development Plan
- Affordability Component (if applicable)
- Pricing Proposal and Financing Plan
- Community Benefits
- Executive Summary

Developers will be expected to participate in a transparent and collaborative process involving the District, PADD, and community stakeholders. Offers submitted in response to this Solicitation shall comply with the requirements set forth in Sections 4 and 5.

1.3 Agency Goals

Based on prior experience, PADD has identified the following development standards and goals that contribute to successful projects. This list is not intended to be a substitute for the above selection criteria, but merely a guide for developers as they prepare their Offers. Successful proposals will incorporate the following:

- Vocational training, job creation for District residents, and opportunities for Certified Business Enterprises (“CBEs”);
- Excellent workmanlike construction, quality design and architecture that complements the existing architecture of the neighborhood;
- Adequate financing from pre-development of the project through final completion;
- Community outreach and development coordination;
- The creation of a model for sustainable development; and use of green materials, techniques and systems that meet the Green Building Act of 2006.

*For this Solicitation, PADD requires at least 15 years of affordability for homeownership and



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40 years for rental housing.

Household Size ¹	120% AMI	100% AMI	80% AMI	60% AMI	50% AMI	30% AMI
1	\$89,880	\$74,900	\$59,920	\$44,940	\$37,450	\$22,470
2	\$102,720	\$85,600	\$68,480	\$51,360	\$42,800	\$25,680
3	\$115,560	\$96,300	\$77,040	\$57,780	\$48,150	\$28,890
4	\$128,400	\$107,000	\$85,600	\$64,200	\$53,500	\$32,100
5	\$141,240	\$117,700	\$94,160	\$70,620	\$58,850	\$35,310
6	\$154,080	\$128,400	\$102,720	\$77,040	\$64,200	\$38,520

AMI for Washington DC MSA 2014

1.4 DHCD Funding

Developers are permitted to request Housing Production Trust Fund (HPTF) available to DHCD to fund affordable housing development. Request for these funds will be evaluated simultaneously with evaluation of the property disposition application. All request for HPTF funds must comply with the HPTF priorities and regulations See <http://www.dcregs.dc.gov/Gateway/ChapterHome.aspx?ChapterNumber=10-B41> for HPTF regulations.

1.5 Development Vision

In this Solicitation for Offers (the “Solicitation”), PADD under the authority of § 42-3171.03 of the D.C. Official Code (the “Code”) intends to dispose of certain properties currently in its inventory. The properties have been arranged in a grouping based on geographic proximity (a “Site Cluster”). This Site Cluster consist of eight properties (each “Property” and collectively, the “Properties”) are adjacent to each other, to allow for continuity in development and design. PADD shall award the properties to a Developer who will acquire the Site Cluster for the purpose of developing, financing, constructing, and owning a mixed use-mixed income multi-family housing and commercial project (the “Project”). PADD is pleased to issue this Solicitation and invites developers (“Developers”) to respond to this Solicitation with project proposals (an “Offer”). PADD will evaluate all Offers according to the following selection criteria: Development Plan Requirement, Pricing Proposal Requirement, Affordability Requirement, and Local, Community, Business, LSDBE and CBE Participation Requirement



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(collectively, the “Selection Criteria”). Developers will be expected to participate in a transparent and collaborative process involving the District, PADD, and community stakeholders. Offers submitted in response to this Solicitation should comply with the requirements set forth in Sections 3 and 4. This disposition meets the Community Development Block Grant (CDBG) national objective of benefiting low and moderate-income persons.

2 Property and Neighborhood Information

NoMa is a vibrant, growing neighborhood nestled between Union Station, the U.S. Capitol, Shaw, and the H Street, NE corridor in Washington, D.C. Over the last several years, private developers have invested more than \$5 billion in the 35-block area within the NoMa BID boundary, and have plans to develop more than 20 million square feet of additional office, residential, hotel, and retail space. With a capital investment of \$50 million from the District government in 2013, NoMa will soon have great new parks and public spaces as well. NoMa is home to more than 3,900 terrific new apartments, and more than 40,000 people work here each day.

2.1 Property Characteristics

Site Cluster:

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
0615, 0075	14 Florida Ave, NW	Vacant	5	C-2-A	NO	Old City 2
0615, 0152	16 Florida Ave, NW	Vacant	5	C-2-A	NO	Old City 2
0615, 0151	4 Q St, NW	Vacant	5	C-2-A	NO	Old City 2
0615, 0149	6 Q St, NW	Vacant	5	C-2-A	NO	Old City 2
0615, 0150	8 Q St, NW	Vacant	5	C-2-A	NO	Old City 2
0615, 0148	10 Q St., NW	Building	5	C-2-A	NO	Old City 2
0615, 0806	12 Q St., NW	Vacant	5	R-4	NO	Old City 2
0615, 0825	14 Q St., NW	Vacant	5	R-4	NO	Old City 2

Total Estimated Land Area: 12,042sf

2.2 Ownership and Property Conditions

The Development Site is owned by the District. The site will be conveyed at fair market value, based upon an appraisal performed by the District, to the selected offeror(s) for the purposes of developing the site into a residential mixed-use project. The District shall convey the Development Site pursuant to the terms of a Property Disposition Agreement in the form attached hereto as **Exhibit A**



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(“**PDA**”), and the developer shall take title to the Development site “as-is” condition, without any representations or warranties.

The District makes no representations regarding the character of soil or subsurface conditions or the existence, location or condition of any utilities which may serve the Development Site or any Property within such Development Site. The zoning information listed herein is for informational purposes only. PADD makes no representation as to the accuracy of any zoning information. Upon execution of the Right of Entry Agreement, each developer will be provided an opportunity to view the property during the solicitation period. Each developer is strongly encouraged to conduct its own research and should draw its own conclusions concerning the conditions that may affect the methods or cost of development. Developers shall be responsible for all pre-development expenses incurred to assess the conditions of the Property.

2.3 Comprehensive Plan

The property is located in an area designated on the Comprehensive Plan Future Land Use Map for moderate density residential development and, for the portion proximate to Florida Avenue NW, mixed low density commercial / moderate density residential development. The entire site is designated on the Generalized Policy Map as being within a Main Street Mixed Use Corridor. The site is within the Comprehensive Plan Near Northwest Planning Area. The Comprehensive Plan is available on the DC Office of Planning website (www.planning.dc.gov).

2.4 Small Area Plan

The property is located within the Mid City East Small Area Plan boundary. The small area plan recommends the following:

MCE 3.1 - Pursue a future land use designation change on the west side of North Capitol Street at New York Avenue and North Capitol and Florida Avenue NE, from low density commercial/moderate density residential to moderate density commercial/medium density residential to encourage mixed-use development and create a thriving neighborhood edge with a welcoming physical environment.

MCE 3.3 - When development is achieved through a PUD process, redevelopment of vacant and underutilized properties at the four corners of the intersection of Florida Avenue and North Capitol Street within Mid City East should incorporate ground floor commercial uses with entrances facing sidewalks along or proximate to North Capitol.



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MCE 3.6 -Solicit proposals to redevelop properties controlled by the District into creative mixed-use residential or commercial developments. * BE1.1, BE2.3, NA2.1, NA 2.2, NA2.4, WT2.2, NA3.5

The DHCD parcels on the south side of Florida Avenue at Q Street NW – Pursue a land use designation change from Moderate Density Residential/ Low Density Commercial to Medium Density Residential/Moderate Density Commercial in an effort to encourage site redevelopment.

For further details goto

<http://planning.dc.gov/DC/Planning/In+Your+Neighborhood/Wards/Ward+5/Small+Area+Plans+&+Studies/Mid+City+East+Small+Area+Plan+Main+Page>

2.5 Zoning

The site is split zoned – lots 806 and 825 are zoned R-4, while the remainder of the lots are zoned C-2-A. R-4 is a low to moderate density residential zone which permits single family, duplex, rowhouse, and flat (2 residential units) development by right, but does not permit new multi-family development. C-2-A is a low to moderate density mixed use zone which allows residential multi-family and limited commercial development.

Preference will be given to developers who submit Offers for Projects that may be constructed as a matter of right over those which require regulatory relief. Developers should review all applicable District zoning regulations while preparing their Offers. Please refer to Title 11 of the District of Columbia Municipal Regulations (“**DCMR**”) for a complete list of zoning provisions and requirements. Developers may elect to develop the Development Site and Properties to conform to the existing zoning designation or to apply for a Planned Unit Development (PUD), a zoning variance, or special exception, which may include a request to extend the C-2-A zoning to the R-4 zoned portion of the site. Developers will be responsible for all costs associated with obtaining any zoning relief or change. . A developer should detail its zoning strategy and present an estimated schedule that fully describes each step in the approval process necessary for the entitlements assumed in the Offer.

The zoning regulations are available on the Office of Zoning (OZ) website (www.dcoz.dc.gov). Information on any proposed changes to the zoning is also on the OZ website, or may also be obtained from the District’s Office of Planning (<http://planning.dc.gov/planning>). This website may also contain city and



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neighborhood revitalization plans relevant to this Solicitation. All proposals must be consistent with the appropriate plans. Developers must demonstrate this consistency, through narrative and by using relevant land use maps.

2.6 Historic Preservation

The parcel found in this Solicitation is not located within a Historic District. All relevant regulations must be followed if the site or any buildings on the site are landmarked or deemed to be eligible for landmarking as a historic resource, or if it is determined that archaeological work is required to be completed prior to any site disturbance. The development plan and budgets should note any associated cost items. Maps, regulations and other information on District historic districts are at [http://planning .dc.gov/DC/Planning/Historic + Preservation](http://planning.dc.gov/DC/Planning/Historic+Preservation).

3 Selection Criteria

3.1 Development Plan

Developers are required to submit a development plan that provides a narrative description of the proposed development project for the Development Site or individual Properties. The development plan must be consistent with the agency goals and development vision described in Sections 1.3 and 1.4, and should also incorporate elements that demonstrate the Developer's own vision for the site. At a minimum, development plans must address land use and ownership, zoning, green building, historic preservation, pricing and financing, community benefits, and developer qualifications.

Detailed guidelines and parameters for each of these items are described throughout Section 3.

3.1.1 Land Use and Ownership Model

Developers should submit a brief narrative on the ownership model to be used for any commercial and/or retail units . The narrative should include a description of the Developer's experience with the ownership model proposed.

In narrating the proposed land uses for the site, Developers should follow the guidelines outlined below:



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3.1.2 Commercial

This portion of the narrative should describe the type of commercial and/or retail uses, ownership, and rent structure proposed. This section should also include the net versus gross square footage and total commercial units to be produced. Briefly describe the quality and grade of construction materials, equipment, and finishes if providing tenant improvements for each unit. In addition to the above, please provide the following information described below for rehabilitation and restoration work, additions to historic properties, and new construction projects:

- Provide conceptual facades, floor plans showing the location of all commercial units. Site plans should show the relationship between the proposed structure and the structures on the immediately adjacent lots with consideration to existing setbacks and other zoning requirements. Please identify all zoning relief required if proposing something other than a matter of right project;
- Describe the amenities and rent structure;
- Address exterior design issues and parking; and
- Provide a detailed description of the scope of work.

3.2 Affordability Requirement

- 3.2.1 No Offer shall be selected unless the Project conforms with the Affordability Covenant attached to the PDA and at a minimum requires at least fifty-one percent (51%) of the Units in the Project be sold or rented to persons with annual household incomes that do not exceed 80% of “AMI” (as defined below). The affordability period for homeownership is fifteen years (15) and forty years (40) for rental projects. AMI is defined as the most current area median household income as established periodically for the disbursements of funds by the Department of Housing and Urban Development (“HUD”) for the Washington DC-Virginia-Maryland metropolitan statistical area, as adjusted for family size.
- 3.2.2 Developer shall demonstrate that all affordable Units to be developed are affordable to persons with incomes at or below 80% of AMI.
- 3.2.3 Preference will be given to Developers with Offers that exceed the minimum required percentages of affordable Units in their Project.



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- 3.2.4 Preference will also be given to Developers that create affordable housing opportunities for homebuyers or renters with incomes at or below 60% of AMI.

The District's IZ program requires new residential development projects of ten or more units, and rehabilitation projects that are expanding an existing building by 50 percent or more and adding ten or more units to set-aside a percentage of the residential floor area for affordable units. Low Density Zones (R-2 to R-5-B, C-2-A, W-1; Stick Built Construction) require greater of 10% of residential floor area ratio (FAR) or 75% of the bonus density"

- 3.2.5 Pursuant to the Affordability Covenant, affordable homeownership Units must be both income and price restricted. In accordance with the Affordability Covenant, the Developer shall set an initial maximum sales price based on the following assumptions: (i) a 5% down payment with an additional 5% equity payment at closing; and (ii) a monthly housing payment of principal, interest, taxes, insurance and condominium fees, if applicable, not exceeding 30% of the maximum allowable monthly gross income, based on the applicable AMI range of a prospective homebuyer, assuming a ninety (90%) percent loan-to-value ratio, thirty (30) years fully amortizing mortgage, with a minimum ten (10) year term, at a then market rate of interest. Please refer to the Developer's Kit attached hereto as Exhibit F for additional guidance.

3.3 Green Building Requirements

3.3.1 Green Building Act

In accordance with the Green Building Act of 2006 and the goals of DHCD, all proposals shall comply with the following green building standards for projects of 10,000 SF or more, which involve 15% or more public financing as broadly defined in the Act:

3.3.1.1 Non-residential and mixed use buildings:

All non-residential projects will be required to meet the Leadership in Energy and Environmental Design (LEED) Silver standard, available online at www.usgbc.org.



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An applicant for new construction or substantial improvement of a mixed-use space shall fulfill or exceed the current edition of the LEED standard for commercial and institutional buildings at the certified level for the mixed-use space of the project. Any requirements of § 6-1451.05 shall apply to the mixed-use space of the project. For the purposes of mixed-use space in this paragraph, he term;

(A) "LEED" also includes LEED for Commercial Interiors and LEED for Retail: Commercial Interiors; and

(B) "Certificate of occupancy" refers to the first certificate of occupancy issued for a usable, habitable space at grade or above grade for the mixed-use space of the project.

The following additional standards also apply:

- New construction – Energy Star Target Finder Tool minimum score(75) & annual benchmarking with Energy Star Portfolio Manager (See Energy Star websites in “Additional Resources”)
- Rehabilitation– exempt from Energy Star Target Finder minimum score requirement. However, benchmarking with the Energy Star Portfolio Manager, and the Energy Star Target Finder scoring, are still mandated. Developers must include in their submission:
- Documentation of the findings of the integrated design charrette which has been conducted prior to this submission to consider the most cost-effective ways to integrate required green design elements (**Exhibit I, Form # 9B and #9A**); and
- Submission of “Intended Method of Satisfying Green Communities Criteria” (**Exhibit I, Form #9A and #9B**) with an appropriate minimum score:
- **New construction** - All mandatory criteria and a minimum of 35 points on optional criteria.
- **Substantial and Moderate Rehabilitation** - All mandatory criteria and a minimum of 30 points on optional criteria.

3.3.2 Additional Considerations



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- 3.3.2.1 Developers should consider all applicable Federal and District laws and regulations when preparing development plans.
- 3.3.2.2 Developers should conduct their own due diligence, including design and engineering for the Project and will be held accountable for design, cost, and pricing upon submission of an Offer. Developers should include in their Offers the development plan that will work best to achieve the goals of the District and community stakeholders.

3.4 **Pricing Proposal Requirement**

- 3.4.1 Offers should propose a total Development Site offer price (the “Offer Price”) with the greatest economic benefit to the District. The Offer Price should be assumed to be equal to the fair market value of the Properties comprising the Development Site, reduced, if necessary, by the amount necessary to make the proposed Project economically feasible. Should the Developer propose a reduced price, a detailed explanation for the requested reduction must be provided.. Please note, in accordance with the Property Disposition Agreement (“PDA”), the Developer is required to provide the District with an initial deposit of at least ten percent (10%) of the assessed value at the time of a fully executed PDA, and a Performance Letter of Credit (as defined in Section 4.5 herein) at closing on the Development Site.
- 3.4.2 The Developer’s Kit must evidence the developer’s ability to pay the Offer Price as calculated through the cash flow analysis (See Exhibit A, Form #10). This is based on the initial commercial rental rates and the total development costs or the rents over the period of holding, expenses, and assumed capitalization rate.
- 3.4.3 Each offer shall contain a statement of proposed financing, which should include development cost budget, amount and sources of debt and equity financing. Developers should provide documentation for funding commitments, and their Offers should evidence a significant amount of “at risk” capital during the pre-development and development process. The Developer should include documentation of all financing and/or investment commitments, terms and covenants, as well as the availability of said funds. The Developer shall not include funds from



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the District operating or capital budget (unless appropriated for such purpose on a multi-year basis) or unidentified Federal funding in its funding plan.

3.5 **Community Benefits**

The District is committed to maximizing community benefits for its residents. In view of this commitment, Offerors must present:

- Their overall concept and vision for the Site and how the vision will integrate with and enhance the surrounding neighborhood;
- An approach that ensures the meaningful involvement in the development process by stakeholders and members of the local community who might be affected by the Offeror's proposed development; and
- A commitment and plan for maximizing Certified Business Enterprises ("CBEs") participation in the project. Preference will be given to proposals that exceed the District's CBE participating goals.
- A detailed description of the post-award approach and strategies to working with the community and with stakeholders to ensure their meaningful involvement in the development process.

First Source Hiring

Pursuant to Mayor's Order 83-265, DC Law 5-93, as amended, and DC Law 14-24, Respondents recognize that one of the primary goals of the District of Columbia government is the creation of job opportunities for District of Columbia residents. Accordingly, the Respondent selected by the District to negotiate a disposition agreement shall enter into a First Source Agreement, prior to execution of a disposition agreement, with the Department of Employment Services ("DOES") that shall, among other things, require the Respondent to: (i) use diligent efforts to hire and use diligent efforts to require its architects, engineers, consultants, contractors, and subcontractors to hire at least fifty one percent (51%) District of Columbia residents for all new jobs created by the development project, all in accordance with such First Source Employment Agreement and (ii) use diligent efforts to ensure that PADD's goal of at least fifty one percent (51%) of apprentices and trainees employed are residents of the District of Columbia and are registered in apprenticeship programs approved by the DC Apprenticeship Council.



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Respondents must complete the Form of Acknowledgement attached as Appendix B and submit this form with their proposal. Please refer to the following website to find a copy of the First Source Agreement:

http://does.ci.washington.dc.us/does/frames.asp?doc=/does/lib/does/frames/New_FIRST_SOURCE_EMPLOYMENT_PLAN_3_22_11.pdf

Please contact DeCarlo Washington, Contract Compliance Monitor, at DOES at 202.698.5772, decarlo.washington@dc.gov, for more information.

Certified Business Entity Requirements

- Developers will be required to comply with all applicable requirements as set forth in the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2013 (D.C. Law 20-108).”
- Developers should provide equity and development opportunities for Local and Small Disadvantaged Business Enterprises (“**LSDBE**”) and contracting opportunities for **CBEs**.
- Developers should provide detailed plans on how residents living near the Development Site will be trained and offered apprenticeships in connection with the Project.
- Developers should include copies of any binding letters of intent (“**LOI**”) between the lead developer and an LSDBE equity partner(s), and an LSDBE development partner(s) and/or a CBE contractor(s).
- Developers who are CBEs shall receive preference in the evaluation process. If the developer or development team is composed of CBE entities, developer shall submit: (1) company name; (2) certification number; (3) status of company; and (4) term of certification for each CBE firm. Proposals should describe the service(s) each team member will provide and the percentage of the total project cost for which each CBE firm is responsible.
- Preference will be given to developers that include local, neighborhood-based businesses. Evidence of the inclusion of such businesses shall be in the form of written confirmation which shall include the scope and details of the said businesses’ involvement in the Project.



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- Preference will be given to developers which provide business owners with businesses located adjacent to the Development Site with opportunities to participate in the Project.

3.6 **Executive Summary**

The developer shall provide a summary with a focus on the developer's vision for the Project. In its summary, the developer shall: (1) address how the Project will benefit the existing residents; (2) articulate the developer's vision for the Project; (3) discuss how well the Project fits into the surrounding area landscape; and (4) illustrate the value and types of synergies it will create.

3. 6.1 Team Members.

The developer shall identify the following key team members of the development team: master developer (firm or joint venture partners), CBEs, master plan architect, engineer, financing team (proposed construction lenders, major investors, and other key consultants, if any, related to the financing plan), and legal counsel. For each team member, developer shall identify:

- a. Name, address, telephone number, EIN, and fax number.
- b. Identity of each principal, partner, or entity of said team member and said team member's roles or titles within the entity comprising the developer.
- c. Name, address, telephone number, fax number, and e-mail address of the representative authorized to act on behalf of the developer, who will be available to respond to questions or requests for additional information.
- d. Identification of any affiliation or other relationship between any of the members of the developer and any development company, parent company, or subsidiary.



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- e. Identification of any personal or professional relationship among or between any members of the developer and any person working for, appointed to a position in, or elected to an office of the District or any entity for which there may be a conflict of interest or the appearance of a conflict. The District, in its sole discretion, reserves the right to determine a conflict of interest or the appearance thereof.
- f. A list of the professionals the developer will be employing or retaining for the Project. For each professional firm, developer should include a description of the staff capabilities, the resumes of all professional staff who will be working on the Project, a description of their role on the Project and their past relevant experience.
- g. Satisfactory evidence with respect to the developer and its team members that all tax liabilities and other government impositions are current and that there are no ongoing litigations in which the District is a party that relates to any team member of the developer or to any other entity or individual having a controlling interest in the entity (or entities) that comprise the developer (or, if such litigation exists, the name and civil action number of such litigation and a description of the subject matter of such litigation).
- h. Summary of the experience of the developer or its team members partnering with community groups, institutions, or the District during the planning and redevelopment of a community and experience of team members in developing affordable and/ or federally subsidized housing, including a description of the project, the community partnerships and the actions taken to include the community's input.

3. 6.2 Qualifications and Experience. Developer shall identify:

- a. In the developer's summary of projects in **Exhibit F, Form 8**, list three (3) to five (5) relevant projects, which developer or its team members have had primary involvement, which demonstrate success in similar urban mixed use or commercial projects. Favorable consideration will be given to Solicitations that delineate prior successful experience working with PADD or other DHCD



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programs/divisions. For each relevant project, developer shall identify the following:

- Development Team Name
 - Project Name
 - Location/address of Project
 - Status
 - Project Scope (new construction, rehab, commercial, residential, mixed use)
 - Estimated total development cost at time of award or start of the project, actual total development cost, including all changes and exercised options
 - Original start and completion date, current and actual completion date
 - Name and telephone number of persons familiar with the project who may offer performance letters of recommendation and respond to inquiries from the District
- b. An organization chart and a summary of qualifications of the team's senior-level staff who will be directing this project, including a description of their roles and relevant experience.
- c. The status of the developer's organization (whether a corporation, a non-profit corporation or charitable institution, a limited partnership, a limited liability company, or other entity) indicating under which laws it is organized and operating, and a brief history of the organization and its principals. Please include a certificate of good standing from the formation jurisdiction and a certificate of good standing showing that it is registered to do business in the District.
- d. A copy of any written agreement or document creating any entity responding to this Solicitation. The principals, partners, or joint-venture partners who are part of the developer's team must be eligible to transact business both within and with the District.
- e. A statement regarding any debarments, suspensions, bankruptcy or loan defaults on real estate development projects and/or government contracts of developer or any member of the development team.



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- f. References for the developer and its team members, including names, addresses, and telephone numbers. References should be prepared to respond to inquiries regarding the design, financing, and development of prior projects.
- g. List of all current projects in the developer's pipeline and a disclosure of all current or pending DHCD financing or other DHCD related projects.
- h. Such other information developer believes will assist the District in evaluating the capabilities of the developer, the design architect, and any other team member who will be participating in the Project. The District may request additional information from the authorized representatives, if deemed necessary, to facilitate the consideration of the developer's submissions.

3. 6.3 Implementation Strategy.

Developer shall identify and describe:

- a. Any possible difficulties implementing the Project outlined in the Offer and possible solutions for those difficulties.
- b. Any required zoning changes and/or approvals, and proposed schedule of obtaining the required approvals.
- c. Developer's plan to guarantee the implementation of the development plan, demonstrating the following:
 - Developer's willingness to assume the risk of pre-development work;
 - Developer's phasing plan, if any, for the redevelopment;
 - Developer's timetable and milestones for the next 24 months, including ability to mobilize and commence development programming immediately upon selection;
 - Developer's time and financial commitment to guarantee to the District that Developer's milestones will be met;
 - Developer's property rights on parcels within close proximity to the Development site, if any; and
 - Developer's approach and strategies to working with the community to ensure meaningful involvement in the



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development process and mitigation of any negative impact of the potential development project on the surrounding community. Please see the Development Schedule Worksheet included in the Developer's Kit (**Exhibit F, Form #3**).

3.6.4 Financial Capacity and Framework.

Developer shall include the following:

- a. A description of the financial capacity of developer and its team members, including, but not limited to, audited financial statements (balance sheets, profit and loss statements, statements of cash flows), letters of credit and lines of credit.
- b. A description of the nature and share of each team member's financial investment in the acquisition and redevelopment of the Development Site.
- c. A proposed financial structure between developer and the District. The developer should assume the following:
 - In general, the Offer Price should be assumed to be equal to the fair market or assessed value of the Properties comprising the Development Site, reduced, if necessary, and explained by the amount necessary to make the proposed Project economically feasible.
- d. A proposed financing plan for the overall proposed redevelopment, including a listing of all anticipated sources of financing (pre-development, land acquisition, construction and seller financing, if any). Developer should provide sufficient detail for the District to determine the feasibility of the proposed financing plan, including:
 - An estimate of proposed pre-development costs and statement of capacity to carry said costs, how said costs will be paid for and how said costs will be factored into the financing of the Project;
 - Statement of the proposed financial structure, including penalties for lack of performance;
 - Satisfactory evidence of the developer's ability to secure financing for the Project; and,



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- Specifics as to the sequencing of the development process including the proposed sources and uses of funds (submitted on CD in Excel), including the timing of the funding commitments to the Project.
- e. Functional pro forma model(s), such as the guides provided in the Developer's Kit as **Exhibit F, Form #5 or #6**, with detailed underlying assumptions (submitted on CD in Excel) which calculates the internal rate of return, return on equity and return on cost. A developer may submit their own pro forma model, so long as it includes at a minimum the information provided as applicable in **Forms #5 and #6**.
- f. Detailed development budget, provided in the Developer's Kit as **Exhibit F, Form #4**, (submitted on CD in Excel) for the proposed Project plan(s) which includes a summary and cost breakdown of each line item.
- g. Submission of a proposed Schedule of Performance in the form attached hereto and included in the Developer's Kit (**Exhibit F, Form #3**) which details each step in the development process.

3.6.5 Conflict of Interest

In its response to this Solicitation, developer should represent and warrant the following to the District:

- a. The Offer has been developed and provided independently and without consultation, communication or other interaction with any other competitor for the purpose of restricting competition related to this Solicitation or otherwise.
- b. No person or entity employed by the District or otherwise involved in preparing this Solicitation on behalf of the District (i) has provided any information to developer which was not also available to all entities responding to this Solicitation, (ii) is affiliated with or employed by developer or has any financial interest in developer, (iii) has provided any assistance to developer in responding to this Solicitation, or (iv) will benefit financially if developer is selected in response to this Solicitation.



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- c. The developer has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under this Solicitation or any other solicitation or other contract, and developer has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Developer has not and shall not offer, give or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers or other person or firm representing the District, or to a member of the immediate family (i.e., a spouse, child, parent, brother or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this Solicitation. As used herein, "anything of value" shall include but not be limited to any (a) favors, such as meals, entertainment, transportation (other than that contemplated by this Solicitation, if any, or any other contract with the District), etc., which might tend to obligate a District employee to developer, or (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation thereof, preferential treatment or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.
- d. The developer shall report to the District directly and without undue delay any information concerning conduct which may involve: (a) corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority; or (b) any solicitation of money, goods, requests for future employment or benefit of thing of value, by or on behalf of any government employee, officer or public official, any developer employee, officer, agent, subcontractor, or labor official, or other person for any purpose which may be related to the procurement of this Solicitation by developer, or which may affect performance in response to this Solicitation in any way.

3.6.6 Developer's Kit

NOTE: DEVELOPER'S KIT NOT REQUIRED IF APPLYING FOR DFD FUNDING

A sample of each of the required evaluation spreadsheet is available in **Exhibit F**.



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Note: This tool kit is included for the sole purpose of serving as a model for putting together your proposal to the solicitation. Please modify the spreadsheets as needed to fit your proposal.

A. Property Identification Spreadsheet – Form #1

For a Development Site with multiple units, list each unit separately designated as “a”, “b” etc. For example, three units developed on “Development Site #2” would be identified as unit 2A, 2B and 2C. Once a unit is listed under a Development Site identification number, use the same number throughout the proposal.

This spreadsheet should also be used to identify which units are affordable, designated income levels, projected sales price / initial rents housing type (single family detached, semi-detached, row house or multifamily) as well as the ownership type (rental, homeownership, condo, co-op).

B. Affordability Spreadsheet – Form #2

C. Development Timeline Spreadsheet – Form #3

Please identify the projected month and year in which the following will occur: (1) permits obtained, and (2) closing on construction financing (3) finishing construction and (4) marketing to the initial tenants and buyers. The timeline should take into account, where applicable, any board of zoning adjustments action required. PADD requires that whenever feasible, affordable units must be constructed prior to constructing market rate units.

D. Sources and Uses Spreadsheet – Form #4

This spreadsheet is to be used to list project assumptions, sources and terms of funds available. A project budget is also included to document the uses.

E. Rental Operating Proforma – Form #5 – Use as a guide

This form must be used if the developer proposes developing rental units. This form documents the net operating income and the developer’s ability to pay for the Development site.

Note: A developer may submit their own pro forma model, so long as it includes at a minimum the information provided as applicable in **Forms #5 and #6**.



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F. Land Residual Spreadsheet – Form #6 – Use as a guide

This spreadsheet is a summary of the overall project budget and documents the developer’s ability to pay for the Development Site. Under certain limited circumstances, developers may be able to request a change in the initial sales price for the market rate units following the award of a Development Site. In these instances, if the revised Land Residual Spreadsheet shows an increase in the land residual, the District shall be entitled to fifty percent (50%) of the increase in the land residual at the time of sale if the developer receives prior written approval for a revised initial sales price. PADD will exempt any property bought at the fair market value from any sharing of future increased profits or land residual.

After the award of properties, PADD will not approve sales price increases for any affordable units, unless the AMI has been adjusted during the period of the solicitation submission and review.

Note: A developer may submit their own pro forma model, so long as it includes at a minimum the information provided as applicable in **Forms #5 and #6.**

G. PADD Residential Design & Performance Standards – Form #7

Please identify the level of finish, equipment, appliances, and products to be used in the development.

H. Summary of Projects – Form #8

Provide details of projects currently under construction, including original and estimated start dates, estimated completion date, project scope, and estimated cost.

I. Checklist to satisfy Green Communities Criteria, 2011 – Form #9A (if applicable)

A guide to complete the checklist is attached in the Developer’s Kit. For more information, please go to www.greencommunitiesonline.org.

J. Green Development Plan, – Form #9B (if applicable)

This form must be used to document the design charrette. For more information, please go to www.greencommunitiesonline.org.



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Note: Offerors must provide evidence of compliance with the District of Columbia's Green Building Act of 2006, as well as any LEED certification requirements for the construction, rehabilitation, or renovation of District public assets, as applicable.

3.7 Section 3 Fair Housing Requirement

Developer shall comply with the following:

- 3.7.1 Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135. During construction of the project, developer will comply with and cause its successors, assigns and agents to comply with 24 CFR Part 135. The Section 3 requirement applies to assistance that exceeds \$200,000.00 or where the contract or subcontract exceeds \$100,000.00.
- 3.7.2 All Section 3 covered contracts must include the following clause in its entirety:
 - 3.7.2.1 The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted project covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low- income persons, particularly persons who are recipients of HUD assistance for housing.
 - 3.7.2.2 The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
 - 3.7.2.3 The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this



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Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment practices can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

3.7.2.4 The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

3.7.2.5 The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected, but before the contract is executed, and (2) with persons other than those to whom the regulation of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24CFR part 135.

3.7.2 Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, default under the Loan Documents, and debarment or suspension from future HUD-assisted contracts.

3.7.3 The First Source Program which requires that contractors and subcontractors of a government-assisted project totaling \$100,000 or more comply with the District's goals for the recruitment, referral and placement of D.C. residents. See D.C. Law 5-93, as amended, D.C. Official Code 2-219.01 *et seq.*



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3.7.3 The Federal statutory and regulatory requirements of the Davis Bacon Act (40 USC Section 276a-276a-7).

4 Submission Requirements and Selection Process

4.1 Developer Submissions

Any developer may submit an Offer on the Development site(s) offered pursuant to this Solicitation. The Development site shall be awarded as listed in this Solicitation. No substitution of properties will be permitted.

4.2 Pre-Offer Procedures

- A pre-bid meeting will be held in accordance with the schedule in Section 4.4. For those who intend to respond to this Solicitation, attendance at the pre-bid meeting is strongly encouraged. The purpose of this meeting is to provide a forum for all concerned parties to discuss the Development Sites and to network with PADD and other real estate professionals. In the event that any discussions or questions at the pre-proposal conference require official additions, deletions, or clarifications of this Solicitation, or any other document, PADD, in its sole discretion, will address such revisions in writing and make such revised Solicitation available at PADD's offices and on the DHCD website.
- Any developer that wants to visit any Properties or Development Sites prior to the date of submission must sign and return the Right of Entry Agreement attached hereto as **Exhibit E** (the "**Right of Entry Agreement**"). Any site visits to a Property or Development Site must be in accordance with the Right of Entry Agreement and the developer must inform PADD prior to accessing the properties. Developer shall conduct any inspection activities in accordance with the Right of Entry Agreement and shall hold PADD and the District harmless from and against any and all liabilities, actions, claims, suits, losses, judgments and damages caused by entry onto the Properties. Please note that the Right of Entry Agreement terminates at 3 p.m. on September 26, 2014, after



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which time no developer shall have any right to visit any Property or Development Site in connection with this Solicitation.

- 4.2.1 Offers shall be submitted as follows:
- a. Developers shall respond to each item included in Section 5 in the order it is presented and separate each item with tabs marked to indicate the section number. Developers should include site plans, tables, charts, and any other applicable documents, to the extent possible.
 - b. At a minimum, Offers for each Development Site should address all of the submission requirements listed in Section 5 and stated in this Solicitation. Offers submitted without addressing all such items may be deemed incomplete and therefore, may be rejected and withdrawn from consideration.
 - c. All Offers shall be typed in 12-point font on 8½” x 11” standard letter-size paper, bound on the long side, with material on one side only and tabs to separate sections.
 - d. Each Offer shall not exceed 25 pages, not including credit references, LOIs, renderings, excel-based worksheets/models, tables, charts, etc.
 - e. Offer materials will not be returned.
 - f. Four (4) printed, bounded copies of each Offer must be submitted along with an electronic copy (a complete PDF File) along with the Developer Kit on compact disc (CD) to PADD at the address below by October 10, 2014 (**the “Submission Date”**):

Housing Resource Center, Ground Floor
Department of Housing and Community Development
1800 Martin Luther King Avenue, SE, 3rd Floor
Washington, DC 20020
202-478-1355 (office)
202-654-6161 (fax)
Attn: Michael Woodson



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No Solicitation shall be accepted after 4:00 p.m. on the Submission Date. There will be no exceptions to this policy.

- 4.2.2 While the District, through PADD, may enter into negotiations with one or more developers based on offers submitted in response to this Solicitation, this Solicitation does not commit PADD or the District to select any developer or to enter into negotiations with any developers that may respond. The District reserves the right to reject any Offer it deems incomplete or unresponsive to the submission requirements, to amend this Solicitation or to reject all Offers and re-issue a Solicitation at a later date at its sole discretion.
- 4.2.3 After review of one or more Offers, the District may request submission of additional information from some or all of the developers, within the District's sole discretion.
- 4.2.4 Team members may participate in submissions from more than one developer. If a developer wishes to change the composition of the proposed development team at any time in the selection process after it has submitted its offer to the District, the developer must notify the District in writing. The District reserves the right to evaluate the proposed change to the development team and eliminate the developer from further consideration. The District will require similar notification and approval rights of any change to the development team following the award.

4.3 Selection Process and Evaluation Team

- PADD will determine in its sole discretion whether each Offer received in response to this Solicitation is complete according to the guidelines set forth herein (a "**Responsive Offer**"). Any developer that submits an incomplete and unresponsive Offer will be notified by PADD in writing after the submission deadline. The decision of PADD in this regard is final and will be explained to the developer upon request.
- A selection panel selected by PADD will be established to review and evaluate the Responsive Offers and to select one or more of the Responsive Offers.
- The selection panel will evaluate each Responsive Offer based on the information requested in this Solicitation. The selection panel may in



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its sole discretion request that one or more developers modify their Offers, provide additional information or provide a “best and final offer” for the selection panel’s review.

- Once the selection panel has selected the winning developer(s), it will inform PADD and the Director of DHCD of its recommendations. Once the Director has approved the decision of the selection panel, PADD will notify the selected developer(s).
- Any selected developer that elects to withdraw an accepted Offer will be precluded from responding to and applying for any DHCD requests for proposals and/or solicitations for a period of one (1) year. Such penalty period shall run one (1) year from the date of withdrawal.

4.3.1 All Offers will be evaluated for Market Feasibility and Policy Priorities.

Offers that do not meet median requirements for Financial and Economic Feasibility and Capacity of Development and Management Team will be considered unresponsive. Any developer that submits such an unresponsive offer will be notified by PADD in writing after the submission deadline. The decision of PADD in this regard is final and will be explained to the developer upon request.

Median requirements for Financial and Economic Feasibility are: There is a good likelihood that the project will proceed into construction within 180 days of a receiving a DHCD commitment. Long term financial sustainability of the project is likely. Letters of commitment or interest from all financial sources expected to participate are included.

Median requirements for Capacity of Development and Management Team are: Most development team members demonstrate a successful track record in projects of similar size, scale, type and complexity to the proposed project. There is no more than one critical capacity gap which the development team is in the process of filling.



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4.4 Selection Process Timetable

PADD shall select the winning Offer within forty five (45) days of the submission deadline and notify the selected developer by award letter. The selection process will follow the schedule outlined below. All offers must be submitted to PADD by **4.00 p.m., October 10, 2014.**

Action	Development Site Award Timeline
Release Date	July 11, 2014
Pre-Bid Meeting	August 6, 2014
Submission Deadline	October 10, 2014 by 4PM

These above-referenced dates are estimated timelines and shall not be binding on PADD or District.

4.5 Pre-offer Conference, Questions and Further Information

Any questions regarding this Solicitation should be submitted in writing via e-mail to Michael.Woodson@dc.gov or fax to 202-645-6727. Responses to questions and other clarifications will be emailed to all developers and posted on the DHCD website.

4.6 Award

- Following receipt of notification from the District of the selection, the selected Offeror shall execute another right of entry agreement with the District to allow the selected Offeror to begin due diligence and sites studies.
- The District, through DHCD, and the selected Offeror shall execute a conditional property disposition agreement (“PDA”) which shall incorporate the requirements contained in the Solicitation, the minimum term sheet, and such other terms as may be required by DHCD or may be agreed upon by DHCD and the selected Offeror. The sole condition of the PDA shall be the satisfaction of a public hearing requirement on the award which shall take place within approximately forty five (45) days after the execution of the conditional PDA. After the public hearing is held and the CBE and First Source requirements are met, the conditional PDA shall no longer be conditional and shall be in full force and effect.
- If DHCD and the selected Offeror are unable to execute a conditional PDA within seven (21) business days after Offerors receipt of notification



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of selection, DHCD, in its sole and absolute discretion, may terminate negotiations and select a different Offeror from among the Offerors who submitted offers to the Solicitation, or reissue this Solicitation or take such other measures as it deems reasonable or appropriate.

- If DHCD terminates negotiations, DHCD shall be entitled to pursue any and all legal and equitable remedies available.
- At Closing, developer shall deliver to District a deposit to secure developer's performance of developer's obligations under the Construction Covenant in the form attached to the PDA (the "Performance Bond"). The Performance Bond can be in the form of: (a) a letter of credit from a reputable bank, in the amount of one hundred percent (100%) of the cost of the Improvements as shown on the Project Budget, or (b) a payment and performance bond from a reputable surety company and such bond shall be: (i) in an amount that is one hundred percent (100%) of the cost of the Improvements as shown on the Project Budget, (ii) be issued by an entity satisfactory to the District, (iii) be in form and substance satisfactory to the District, and (iv) name the District as an obligee, or (c) a cash reserve in the amount of twenty percent (20)% of the cost of the Improvements as shown on the Project Budget to be held in escrow by a title company chosen by the District, to secure the developer's performance of its obligations under the Construction Covenant. The District shall also require that an affiliate of the developer, approved by the District, execute a Development and Completion Guaranty in the form attached to the PDA guaranteeing the completion of the Project in accordance with the Construction Covenant.
- A developer shall be expected to close on a Development Site no later than forty-five (45) days after the satisfaction of the public hearing condition pursuant to the PDA. Closing for the Property shall occur only after all the zoning approvals and building permits have been obtained.
- The developer shall be expected to complete construction within 24 months of closing on the acquisition of the Property or Development Site, unless special circumstances such as the Board of Zoning Adjustment ("BZA") requirements dictate a longer period.



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5 Reservation of Rights and Miscellaneous Provisions

5.1 District Reservations

The District reserves the right to:

- Cancel or withdraw the Solicitation prior to or after the submission deadline;
- Modify or issue clarifications to the Solicitation prior to the submission deadline;
- Reject any submission it deems incomplete or unresponsive to the submission requirements;
- Consider a submission that is incomplete or unresponsive to the submission requirements;
- Reject all submissions that are submitted under the Solicitation for any reason; and,
- Modify the deadline for submissions or other actions.

The District may exercise one or more of these rights, in its sole discretion, as it may deem necessary, appropriate, or beneficial to the District.

5.2 Notice of Modifications

The District shall post on its website (<http://dhcd.dc.gov>) notices or information regarding cancellations, withdrawals, modifications to deadlines, and other modifications to this Solicitation. Developers shall have an obligation to check the website for any such notices and information and the District shall have no duty to provide direct notice to developers.

5.3 Changes in Developer Information

If information provided in a submission changes (e.g., change or addition to any of the developer's team members or new financial information), the developer shall provide updated information in the same format for the appropriate section of the Solicitation and the District may consider the modified submission. Developer may not change the composition of its team at any time without the District's prior written approval, in its sole discretion, provided; however, that nothing shall prohibit short-listed developer teams from (i) adding new CBE parties to their teams or (ii) increasing the level of CBE equity participation on their teams.

5.4 Ownership and Use of Offers



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All Offers shall be the property of the District. The District may use any and all ideas in any Offer, whether the Offer is selected or rejected.

5.5 Restricted Communications

Upon release of this Solicitation and until selection of a developer, developers shall not communicate with PADD staff about the Solicitation or issues related to the Solicitation except as authorized in this Solicitation.

5.6 Non-Binding

The selection by the District of a developer indicates only an intent by the District to negotiate with the developer and the selection does not (i) constitute a commitment by the District to execute any agreement with the developer or (ii) confer onto developer any property right, interest or expectancy.

5.7 Confidentiality

5.7.1 Offers and all other information submitted in response to this Solicitation are subject to the District's Freedom of Information Act ("**FOIA**") under D.C. Code § 2-531 et seq., (2008 Supp.), which generally mandates the disclosure of documents in the possession of the District upon the request of any person, unless the content of the document falls within a specific exemption category. Section 2-534 of the D.C. Code states that information may be exempt from disclosure, if it is "trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained."

5.7.2 If a developer provides information that it believes is exempt from mandatory disclosure under FOIA, the developer shall include the following legend on the title page of the submission:

THIS PROPOSAL CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT ("FOIA").



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In addition, on each page that contains information that the developer believes is exempt from mandatory disclosure under FOIA, the developer shall include the following separate legend:

THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT ("FOIA").

On each such page, the developer shall also specify the exempt information and shall state the exemption category within which it believes the information falls.

PADD has the right to independently determine whether the information designated by the developer is exempt from mandatory disclosure, and shall comply with all applicable FOIA laws and court orders regarding the disclosure of any information that is determined not to be exempt. Moreover, exempt information may be disclosed by PADD, at its discretion, unless otherwise prohibited by law, and the District shall have no liability related to such disclosure.

5.8 Non-Liability

By participating in the Solicitation process, the developer agrees to hold the District, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this Solicitation, including but not limited to any costs of rezoning, site studies, appraisals, or surveys.

5.9 Other Limiting Conditions

- The Project is expected to “stand alone,” thus, the developer is prohibited from cross collateralizing and cross defaulting the project with any other assets. Moreover, the developer is prohibited from assigning, pledging, hypothecating or otherwise transferring its interest in the ownership of the Project in part, or in its entirety, without prior written District approval. Any additional debt shall require prior written District approval.
- Under no circumstances shall the District be liable for any real estate brokerage commissions, finder’s fees or other forms of compensation related in any way to activities undertaken by any person as a result of this Solicitation.



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- The District has the right to begin negotiations with the next preferred developer in the event that a PDA cannot be executed within the allotted period of negotiations with a prior selected developer. The District may terminate such negotiations if the developer introduces comments or changes to a PDA that are inconsistent with previously submitted offer materials.
- The District fully expects and requires that the selected developer will not alter the proposed Project, including its proposed construction schedule and process. However, should certain deteriorating market conditions warrant a Project alteration, the District, in its sole discretion, may authorize such an alteration. As a general matter, the District will consider such alterations, if it believes such market conditions would impact all other developers that submitted offers in response to this Solicitation.
- The District reserves the right to memorialize modifications to any proposal in a written agreement between the District and developer where such modifications arise in the course of best and final negotiations between the parties.
- Developers are hereby advised that the District is subject to various laws, rules, policies and agreements that impose ethical constraints upon, among other situations: (i) current District employees and consultants with respect to developers (and members of their teams) on projects where such employee/consultant had “personal and substantial” participation or official responsibilities and (ii) current and former District employees and consultants with respect to post-employment restrictions.
- Members of developers (whether corporate or individual) are prohibited from conducting any negotiations for employment or consulting agreements (or other forms of financial benefits) with any current District employees/consultants who are “personally and substantially” participating on this Project or from hiring any such employees/consultants, during the conduct of this competition.
- Members of developers (whether corporate or individual) must disclose in their initial offers the names of employees (or consultants retained for this project) who, within the immediate past three years, were District employees/consultants. On a going forward basis, members of developers will be required to provide the District with notice of updates within five (5) days of any new hires/retained consultants.



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- Failure to comply with either of these obligations may result, in the District's sole discretion, in the disqualification by developer from the solicitation or rescission of a selection or agreement with the District.
- Developers must immediately disclose the existence of any employment discussions or consulting agreements with or hiring of current District employees that occur contrary to the prohibition in section 5.9.7. Notwithstanding such disclosure, the District reserves the right to disqualify or rescind award to a company whose member(s) section 5.9.7.



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Exhibit A

PROPERTY DISPOSITION AGREEMENT



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Exhibit B

**PROPERTY ACQUISITION AND DISPOSITION DIVISION
RESIDENTIAL DESIGN & PERFORMANCE STANDARDS**



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Exhibit C

**SAMPLE CERTIFIED BUSINESS ENTERPRISE
UTILIZATION AND PARTICIPATION AGREEMENT**



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Exhibit D

FIRST SOURCE EMPLOYMENT AGREEMENT



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Exhibit E

RIGHT OF ENTRY AGREEMENT



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Exhibit F

THE DEVELOPER'S KIT

The following exhibit includes a number of helpful forms to prepare an Offer that is responsive to this Solicitation.

NOTE: DEVELOPER'S KIT IS NOT REQUIRED IF APPLYING FOR DFD FUNDING



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Exhibit G

IMAGES OF THE DEVELOPMENT SITES



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Exhibit H

LEAD, ASBESTOS AND STRUCTURAL REPORTS (AS APPLICABLE)



Government of the District of Columbia

Exhibit I

GREEN BUILDING FAQs and OVERVIEW

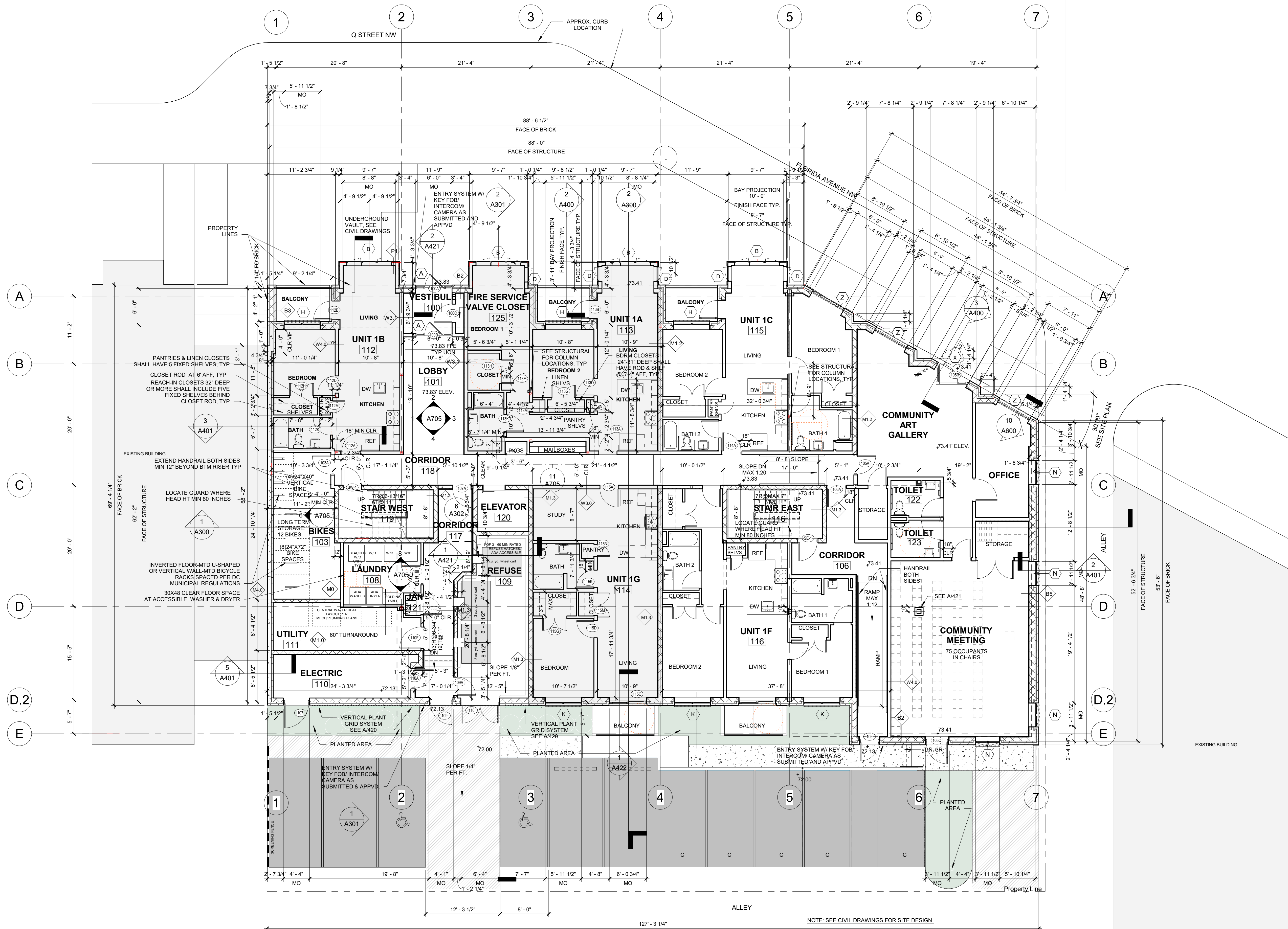


Government of the District of Columbia

EXHIBIT J

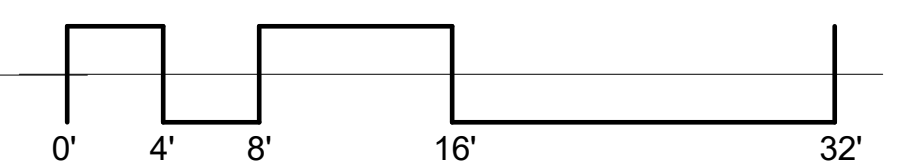
AFFIRMATIVE ACTION PLAN

Tab D



FLOOR PLANS - GROUND
 1/8" = 1'-0"

NOTES:
 1. TYPICALLY DO NOT SCALE DRAWINGS. USE NOTED DIMENSIONS. REPORT ANY DISCREPANCIES IMMEDIATELY.
 2. DIMENSIONS SHOWN ARE TYPICALLY FROM FACE OF STUD FRAMING, FACE OF CMU, OR CENTERLINE. DIMENSIONS NOTED AS CLEAR OR CLR OR MIN OR MAX ARE FROM FINISHED SURFACE TO FINISHED SURFACE.



Developer/ Owner:
 Mi Casa
 6230 3rd St. NW, Suite 2
 Washington, DC 20011
 202.722.7423

Architect:
 Powe Studio Architects
 102 Fifth Street SE
 Charlottesville, VA 22902
 434.979.0979

Structural Engineer:
 Simpson Gumpertz & Heger
 1625 I St., Suite 900
 Washington, DC 20006
 202.239.4199

Mechanical/Electrical/Plumbing Engineers:
 Staengl Engineering
 1747 Allied Street, Suite L
 Charlottesville, VA 22903
 434.295.8105

Civil Engineer:
 CV Inc.
 1395 Piccard Dr., Suite 370
 Rockville, MD 20850
 301.637.2510

Landscape Architecture:
 Studio AKA LLC
 213 6th St. NE
 Washington, DC 20002
 516.445.8654

Green Certifications:
 Pando Alliance
 3525-K Ellicott Mills Dr.
 Ellicott City, MD 21043
 443.852.5969

Architect / Engineers Seal

NOT FOR CONSTRUCTION

Issued / Revised

No.	Date	Description
1	10/25/22	Revision 1
2	12/6/22	Revision 2
3	01/31/24	Revision 3

Project Title
The Barnett-Aden
 2 Q ST NW, Washington DC

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 Scale 1/8" = 1'-0"
 Date September 15, 2022
 Drawn By: MG, AT
 Check By: GP
 Project No. 1600-01

Drawing Title
PLANS - GROUND

Drawing No.
A100
 Revised Ground Floor Plan

Developer/ Owner:
Mi Casa
 6230 3rd St. NW, Suite 2
 Washington, DC 20011
 202.722.7423

Architect:
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 102 Fifth Street SE
 Charlottesville, VA 22902
 434.979.0979

Structural Engineer:
Simpson Gumpertz & Heger
 1625 I St., Suite 900
 Washington, DC 20006
 202.239.4199

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 Ellicott City, MD 21043
 443.852.5969

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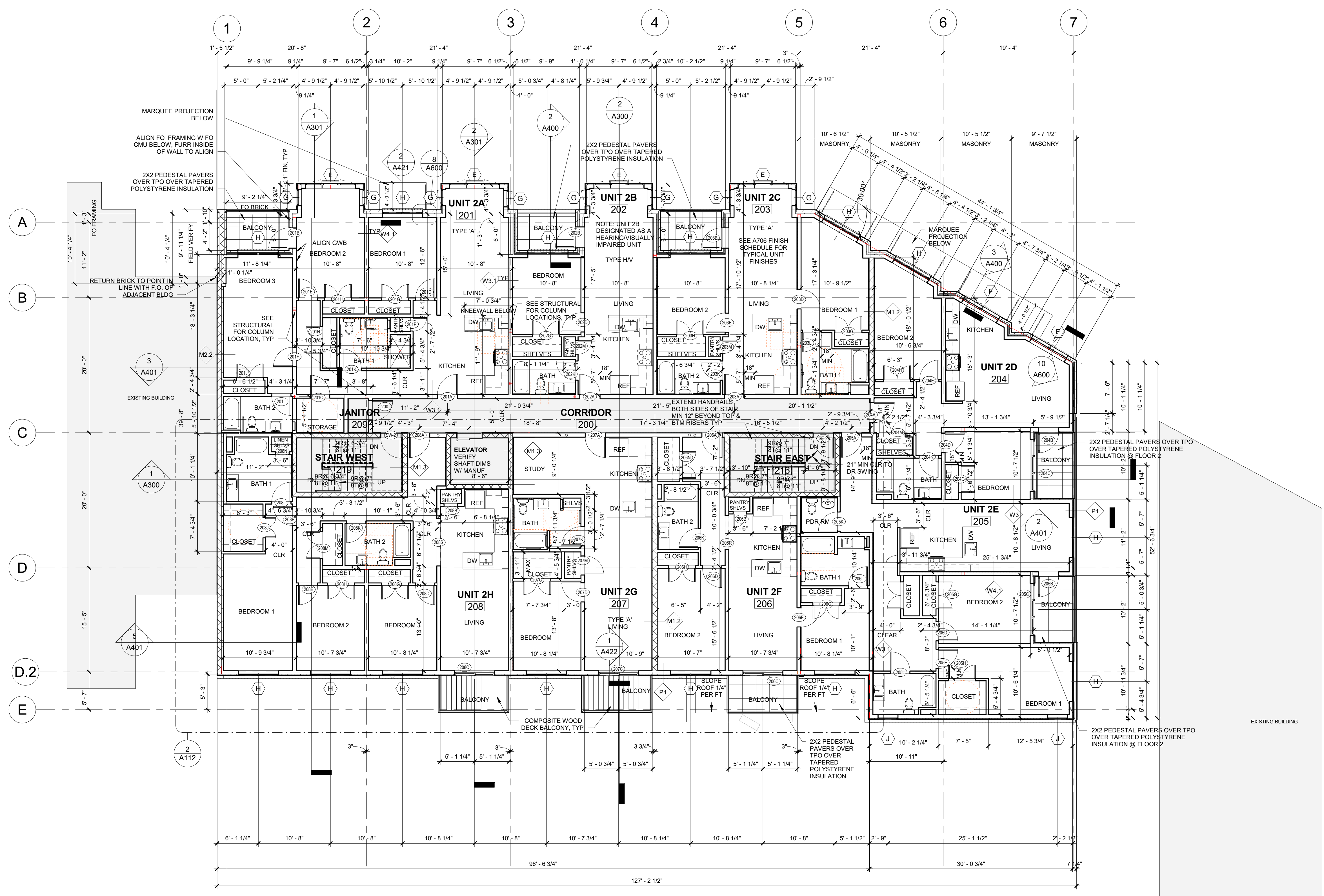
No.	Date	Description

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Drawing Title
PLANS - FLOOR 2

Drawing No.
A101
 CD SET

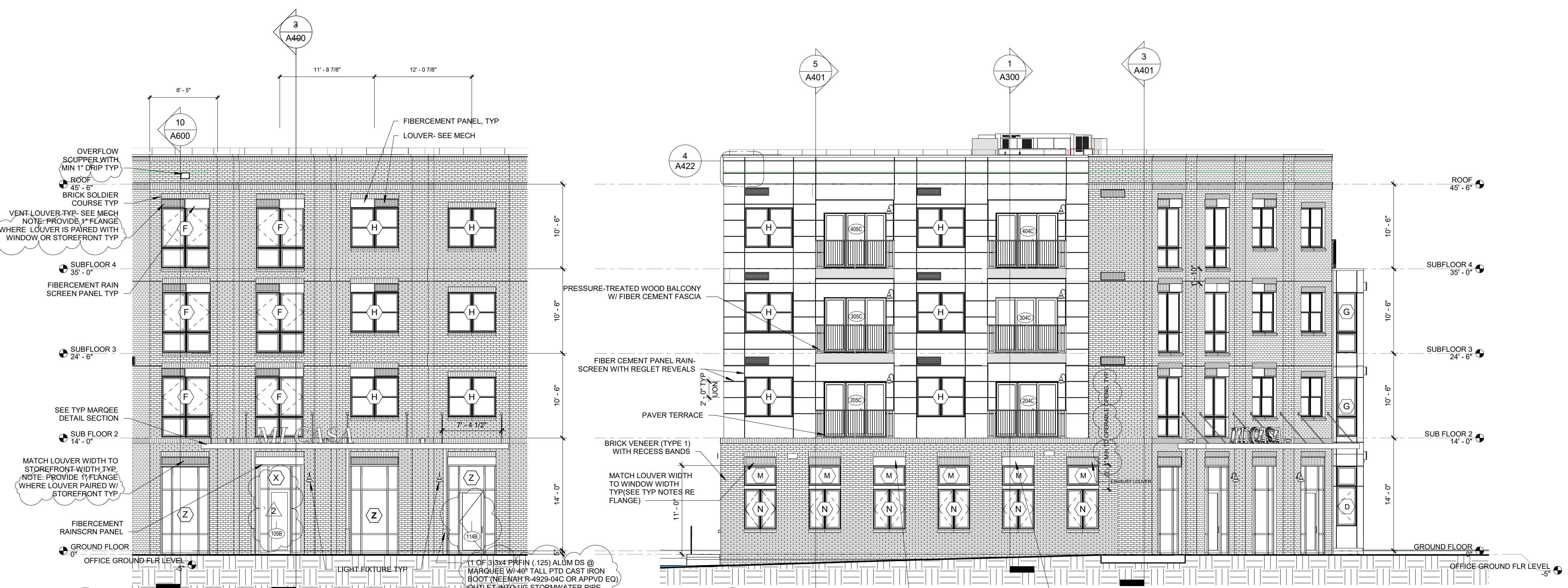


FLOOR PLANS - LEVEL 2
 1/8" = 1'-0"

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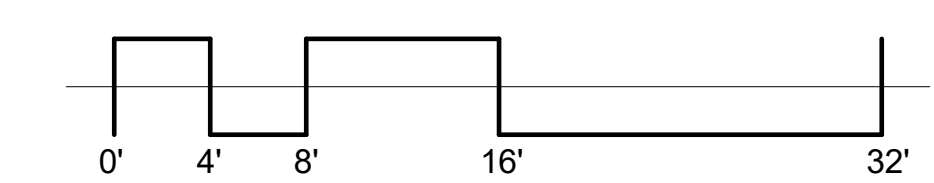
NORTH ELEVATION
 A110 1
 A200 1/8" = 1'-0"



NORTH-EAST ELEVATION
 A110 3
 A200 1/8" = 1'-0"

EAST ELEVATION
 A110 2
 A200 1/8" = 1'-0"

NOTE: SEE 1/1A100 AND CIVIL DRAWINGS FOR GRADE INFORMATION
 SEE NORTH ELEVATION FOR FINISHES INFORMATION TYPICALLY



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Architect:
 Powe Studio Architects
 102 Fifth Street SE
 Charlottesville, VA 22902
 434.979.0979

Structural Engineer:
 Simpson Gumpertz & Heger
 1625 I St., Suite 900
 Washington, DC 20006
 202.239.4199

Mechanical/Electrical/Plumbing Engineers:
 Staengl Engineering
 1747 Allied Street, Suite L
 Charlottesville, VA 22903
 434.295.8105

Civil Engineer:
 CV Inc.
 1395 Piccard Dr., Suite 370
 Rockville, MD 20850
 301.637.2510

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 Studio AKA LLC
 213 6th St. NE
 Washington, DC 20002
 516-445-8654

Green Certifications:
 Pando Alliance
 3525-K Ellicott Mills Dr.
 Ellicott City, MD 21043
 443.852.5969

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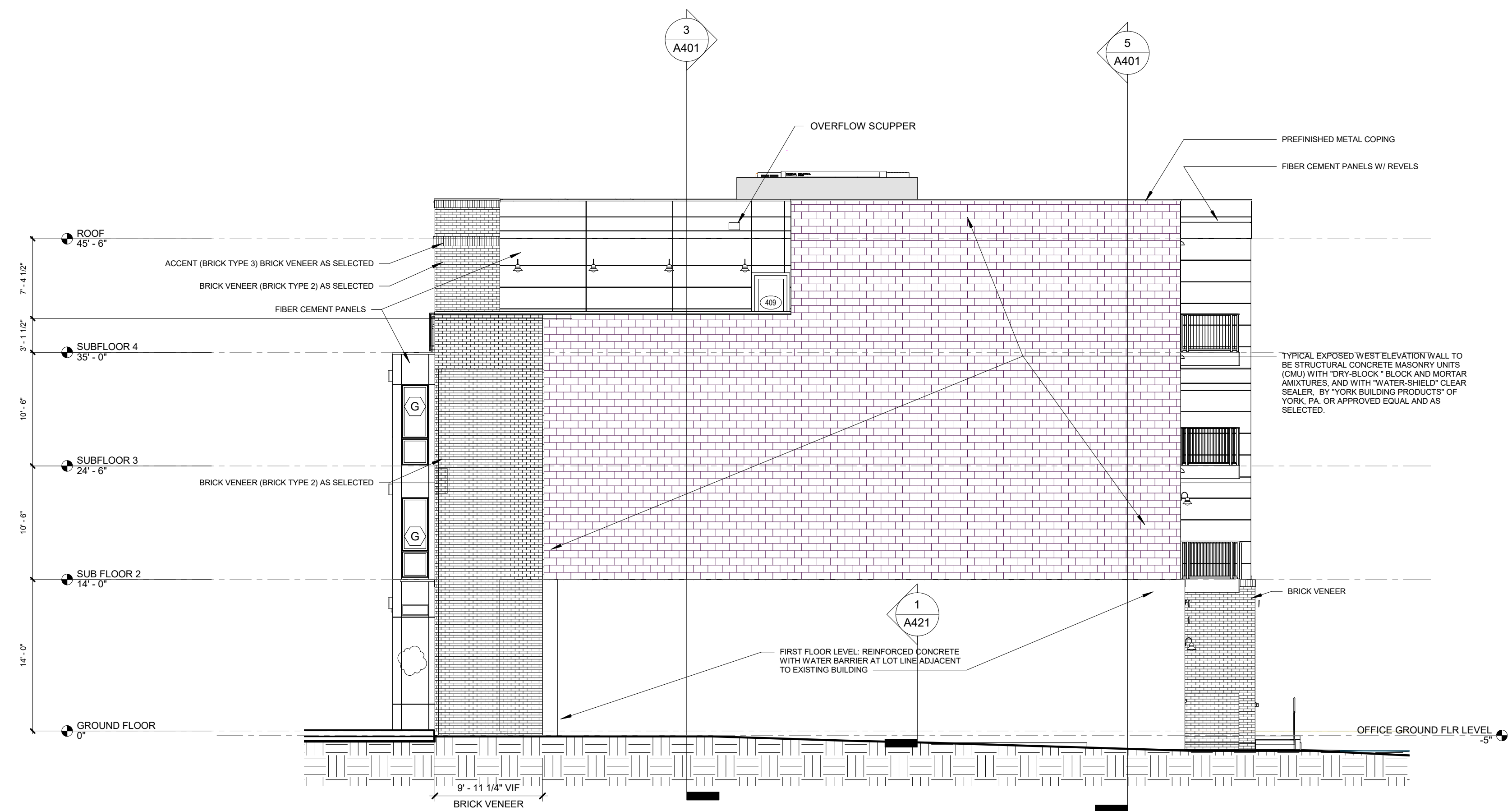
Drawing Title
BUILDING ELEVATIONS

Drawing No.
A200
 CD SET

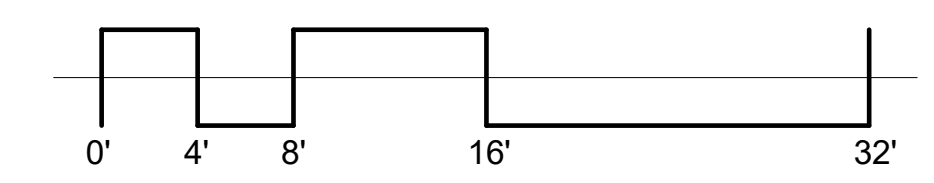


SOUTH ELEVATION
 1/8" = 1'-0"

NOTE: SEE NORTH ELEVATION FOR TYPICAL FINISH MATERIAL INFORMATION.



WEST ELEVATION
 1/8" = 1'-0"



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Architect:
Powe Studio Architects
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Structural Engineer:
Simpson Gumpertz & Heger
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Drawing Title
BUILDING ELEVATIONS

Drawing No.
A201
 CD SET

GENERAL NOTES

- Existing conditions are from Client provided survey.
- Size and location of existing features shown on these documents are for Contractor's convenience only. The Contractor is solely responsible to verify by field measurement the size and location of all features.
- Contractor shall verify location of any existing utilities and services and provide protection during construction. Utilities damaged during construction shall be repaired at contractors expense. Contact the local utility agency a minimum of 72 hours prior to commencing work.
- Contractor shall obtain permits for the work as required and comply with all laws, ordinances, rules and regulations of the local jurisdiction, the state, and all other authorities having jurisdiction.
- The Contractor is responsible for licensing, bonding, and insurance as required by applicable regulatory agencies. The Contractor is responsible for all sales, use and capital gains taxes.
- Contractor shall leave site clean and orderly during construction process. Remove from site all excess materials, soil, debris and equipment. Store materials only in an approved location.

PUBLIC SPACE SITE NARRATIVE

- DDOT Standard Concrete walks to lead to entrances.
- Plant beds to be located between existing concrete sidewalk and new face of building.
- DDOT Standard Bike Racks, Typical of 4, to be placed at two entrances for building.

PUBLIC SPACE SITE PLAN NOTES

- All existing features are not necessarily shown on this plan. See existing conditions plan or survey.
- This plan to depict work in public space only. All work shown on private property is for information purposes only. Refer to site plans for work on private property.
- Refer to Civil Coversheet for additional information.

