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VIA IZIS

Anthony J. Hood, Chairperson
Zoning Commission for the District of Columbia
441 4th Street, NW
Suite 200
Washington, DC 20001

Re: Z.C. Case No. 04-14H: Application of Florida Rock Properties, Inc. (the “**Applicant**”) for Review and Approval of a Modification with Hearing to a First-Stage Planned Unit Development (“**PUD**”) and a Second-Stage PUD for the Property Located at Square 708, Lot 16 (the “**Property**”) – **Applicant’s Draft Proffers and Conditions**

Dear Chairperson Hood and Members of the Commission:

The Applicant seeks a modification of the First-Stage PUD and approval of a Second-Stage PUD for a mixed-use residential and retail project, which was previously approved for office and hotel use. The Applicant proposes two buildings, each approximately 130 feet tall: the Phase Three building will be fully residential with approximately 309 units, and the Phase Four building will be mixed-use with approximately 281 units and approximately 6,331 square feet (“**SF**”) of combined ground- and second-floor retail along the Anacostia River (the “**River**”) (the “**Project**”).

Pursuant to Subtitle X §§ 308.2-.4, the Applicant hereby submits its list of proffers and corresponding conditions of approval. The chart below sets forth the proffers for the above-referenced project and the corresponding draft conditions that are both specific and enforceable.

Public Benefits	
Proffer	Condition
<u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a)):</u> The Project’s design is reflective of superior architectural and urban design characteristics relative to any matter-of-right development.	<div>1. The Project shall be developed in accordance with the plans and materials, as modified by the guidelines, conditions, and standards herein, submitted February __, 2025 as Exhibit __ (the “Approved Plans”).</div> <div>2. The Project shall maintain a minimum of 46% of the site as open space. The cost of construction and maintenance of these public open spaces shall be the responsibility of the Applicant or its agent, designee, or successor.</div>
<u>Superior Landscaping and Public Open Space (id. § 305.5(b)):</u> The Project’s landscaping and hardscaping are superior to any matter-of-right development. The Riverwalk, generous open space with a central plaza and public gardens, and a community dog park are indicative of the Project’s superior landscaping and public open space.	
<u>Site Planning and Efficient Land Utilization (id. § 305.5(c)):</u> The Project’s make efficient use of a significant site that is near the Nationals Park, Audi Field, and Navy Yard-Ballpark Metrorail.	
<div>3. In accordance with the Approved Plans, as modified by the guidelines, conditions, standards, and flexibility herein, the Approved PUD shall have:<div><div>A maximum building height of approximately 130 feet;</div><div>Approximately 602,553 SF of gross floor area (“GFA”);</div><div>A floor area ratio (“FAR”) of approximately 6.14 for the Project; and</div><div>Approximately 590 residential units.</div></div></div> <div>4. The Project shall have special exception relief from the waterfront setback requirements of 11-C DCMR § 1102.1(a), as shown on the Approved Plans.</div> <div>5. The Project shall have the following flexibility from the Approved Plans in the following areas:<div><div><u>Interior Components</u>. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the Approved Plans;</div></div></div>	

- b. Exterior Materials – Color. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the Approved Plans;
- c. Exterior Details – Location and Dimension. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights;
- d. Number of Units. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), except that (1) the total square footage of the residential dwelling units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced;
- e. Parking Layout. To make refinements to the approved parking configuration, including layout and number of parking spaces plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
- f. Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
- g. Signage. To vary the number, font, message, logo, and color of the project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations;
- h. Sustainable Features. To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED (Gold) standard;
- i. Balconies. To make refinements to the location, number, and dimensions of exterior and interior balconies, so long as the final design remains consistent with the design intent of the Commission’s approval, as depicted in the Approved Plans, and the final number of balconies varies by no more than $\pm 10\%$ from the number of balconies shown in the Approved Plans;
- j. Courtyards and Rooftop. To vary the configuration and layout of the exterior courtyards, penthouses, and rooftops, including the location of the pool, so long as they continue to function in the manner proposed and the overall design intent, general locations, and quality of materials are maintained, and that no additional relief is required;
- k. Mechanical penthouse. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes

<p>do not substantially alter the exterior dimensions shown on the Approved Plans and remain compliant with all applicable penthouse setback requirements;</p> <p>l. <u>Ground-floor Design</u>. To vary the final design of the ground floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, marquees, and similar storefront design features, to accommodate the needs of the specific tenants and users within the parameters set forth in the Approved Plans;</p> <p>m. <u>Retail Spaces</u>. Retail storefronts, signage, and associated features and fixtures in public space are subject to change upon individual retailer modifications, subject to approval by the Public Space Committee, as necessary;</p> <p>n. <u>Uses</u>. Convert the amenity space located in Phase Four to retail use, as denoted in the Approved Plans; and</p> <p>o. <u>Interim Uses</u>. To maintain temporary uses and structures on the site of Phase Three during construction of Phase Four, including staging, a dog park, pop-up retail or services uses, and a maximum of 30 surface parking spaces accessory to the on-site retail and park uses.</p>	
<p><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (<i>id.</i> § 305.5(g))</u>: The Project sets aside ten percent (10%) of its residential GFA for affordable housing units at 60% of the Median Family Income (“MFI”). Of the affordable housing units, 29 are planned for the Phase Three building and 30 are planned for the Phase Four building. In addition, an area equal to 10% of the penthouse habitable space, as described in Subtitle C § 1507.2, shall be set aside for affordable housing units at 50% MFI.</p>	<p>6. For the life of the Project, the Project shall dedicate approximately 302,050 SF of GFA to residential use in the Phase Three building, subject to the flexibility contained herein. The Project shall dedicate approximately 294,172 SF of GFA to residential use in the Phase Four building, subject to the flexibility contained herein.</p> <p>7. For the life of the Project, the Applicant shall reserve the equivalent of no less than 10% of the Project’s residential GFA for households with incomes not exceeding 60% of MFI.</p> <p>8. For the life of the Project, the Applicant shall reserve the equivalent of no less than 10% of the Project’s residential GFA set aside for the penthouse habitable space as that term is described in Subtitle C § 1507.2 for households with incomes not exceeding 50% of MFI.</p> <p>9. For the life of the Project, the Inclusionary Zoning (“IZ”) units in the Project shall be generally in accordance with the following</p>

			chart, subject to the flexibility noted herein. [See chart below]		
Residential Unit Type	Residential GFA		MFI	Affordability Control Period	Tenure
	Phase Three	Phase Four			
Total	Approx. 302,050 SF of GFA	Approx. 294,172 SF of GFA	Varies	N/A	N/A
Market Rate	90% of residential GFA less an area equal to 10% of habitable penthouse area (= approx. 271,845 SF)	90% of residential GFA less an area equal to 10% of habitable penthouse area (= approx. 264,755 SF)	Market Rate	N/A	N/A
IZ – 10% @ 60% MFI	10% of residential GFA (= approx. 30,205 SF)	10% of residential GFA (= approx. 29,417 SF)	60% MFI	Life of the Project	Rental
IZ – 10% of penthouse habitable area @ 50% MFI	10% of penthouse habitable area (= approx. 607 SF)	10% of penthouse habitable area (= approx. 520 SF)	50% MFI	Life of the Project	Rental
<u>Employment and Training Opportunities</u> <i>(id. § 305.5(h))</i> : The Applicant has executed a Memorandum of Understanding (“ MOU ”) with the D.C. Department of Small and Local Business Development (“ DSLBD ”) with a goal to achieve 35% participation in contracted development costs with Certified Business Enterprises (“ CBEs ”) and it has executed a First Source Agreement with the Department of Employment Services to achieve a goal of utilizing District of Columbia residents for at least 51% of the new jobs created by the Project.			10. Prior to the issuance of the first residential Certificate of Occupancy for each the Phase Three and Phase Four buildings, the Applicant shall demonstrate to the Zoning Administrator that it has complied with the terms of the First Source Agreement with the Department of Employment Services and the Employment Training Skills program entered into the record as Exhibit 94D in Z.C. Case No. 04-14. 11. Prior to the issuance of the first residential Certificate of Occupancy for each the Phase Three and Phase Four buildings, the Applicant shall demonstrate to the Zoning		

	<p>Administrator that it has complied with the terms of the Memorandum of Understanding to utilize certified local, small, and disadvantaged business enterprises as set forth in Exhibit 94E in the record for Z.C. Case No. 04-14.</p>
<p><u>Environmental and Sustainable Benefits (<i>id.</i> § 305.5(k)):</u> The Applicant proposes to achieve LEED Gold certifiability for both buildings. The Project landscaping incorporates extensive plantings, including native species, integrated stormwater management systems facilities, and green roof areas across both buildings.</p>	<p>12. Prior to the issuance of the first residential certificate of occupancy for each the Phase Three and Phase Four buildings, the Applicant shall provide the Zoning Administrator with a notarized certificate from the project architect that the Project is capable of achieving the requisite number of prerequisites and points necessary to secure a LEED Gold-level of certification or higher as set forth in Exhibit 2B.</p>
<p><u>Mass Transit Improvements (<i>id.</i> § 305.5(p)):</u> The Applicant commits to Capital Bikeshare improvements.</p>	<p>13. Prior to the issuance of the first residential certificate of occupancy for Phase Three, the Applicant shall fund the installation of the new Capital Bikeshare station up to \$90,000. The cost of the bikeshare station shall be reevaluated in the event an application is filed to extend the approval for Phase Three.</p>
<p><u>Uses of Special Value to the Neighborhood (<i>id.</i> § 305.5(q)):</u> The Applicant has already funded \$800,000 to Diamond Teague Park. The Applicant also commits to providing a dog park that is open to the public.</p>	<p>14. Prior to the issuance of a Certificate of Occupancy for the Phase Three building, the Applicant shall establish publicly accessible open spaces, including a public dog park and garden park, consistent with the Approved Plans.</p> <p>15. Prior to the issuance of a Certificate of Occupancy for the Phase Four building, the Applicant shall establish public access points to the Anacostia River, including pedestrian and bicycle paths, consistent with the Approved Plans.</p>
<p>Transportation Mitigation Measures – Transportation Demand Management</p>	
<p>1. For the life of the Project, the Applicant shall comply with the following TDM measures:</p>	

- a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and retail space and charge a minimum rate based on the average market rate within a quarter mile. Free parking, validation, or discounted rates will not be offered for retail customers.
- b. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.
- c. Require the Transportation Coordinator to conduct an annual commuter survey of building employees and residents onsite, and report TDM activities and data collection efforts to goDCgo once per year.
- d. Require the Transportation Coordinator to develop, distribute, and market various transportation alternatives and options to residents and employees, including promoting transportation events (i.e., Bike to Workday, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
- e. Require the Transportation Coordinator to subscribe to goDCgo’s residential newsletter and receive TDM training from goDCgo.
- f. Provide residents and employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (“**MWCOG**”) or other comparable service if MWCOG does not offer this in the future.
- g. Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised.
- h. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident and employee.
- i. Provide a minimum of 78 long-term bicycle spaces in Phase Three and a minimum of 72 long-term bicycle spaces in Phase Four. The Applicant shall have the flexibility to increase the number of long-term bicycle spaces prior to the issuance of each respective residential certificate of occupancy in order to comply with the long-term bicycle parking requirements of Title 18 of the DMCR Section 1214, as applicable.
- j. Provide a minimum of 31 short-term bicycle parking spaces.
- k. Long-term bicycle storage will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes, with a minimum 5% of spaces (minimum two) be designed for longer cargo/tandem bikes, and a minimum of 10% of spaces will be designed with electrical outlets for the charging of electric bikes and scooters. There will be no fee to the employees for usage of the bicycle storage room. There will be no fee to the residents for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room.

1. Install a minimum of four electric vehicle (“**EV**”) charging stations across all vehicle parking spaces.

For the life of the Project, for the residential component of the Project, the Applicant shall comply with the following TDM measures:

- m. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (“**GRH**”) brochure, and the most recent DC Bike Map.
- n. Install a Transportation Information Center Display (electronic screen) or provide comparable information by other digital or electronic means (such as an app, subject to DDOT approval) containing information related to local transportation alternatives. At a minimum, the display will include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles.
- o. Provide a bicycle repair station in each long-term bicycle parking storage room.

For the life of the Project, for the retail component of the Project, the Applicant shall provide the following TDM measures:

- p. Post “getting here” information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking (RPP) zones.
- q. Require the Transportation Coordinator to demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law to participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future such as the Parking Cash-Out Law.

Validity

1. No building permit shall be issued for the Project until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of Zoning Legal Division and the Zoning Division, DCRA (the “**PUD Covenant**”). The PUD Covenant shall bind the Applicant and all successors in title to construct and use the Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of Office of Zoning.
2. The Applicant shall file for a building permit for the construction of Phase Four within two years of the effective date of this Order and construction shall commence within three years

of the effective date of this Order. The Applicant shall file for a building permit for the construction of Phase Three within two years of the issuance of the Certificate of Occupancy for Phase Four and construction shall commence within three years of the issuance of the Certificate of Occupancy for Phase Four.

The Applicant looks forward to the Commission's action on this matter. Please feel free to reach out to Christine at 202-721-1116 or Cindy at 202-721-1117 if you have any questions. Thank you for your attention to this application.

Respectfully submitted,

____/s/_____
Christine Roddy

____/s/_____
Cindy Vong*
*(*admitted in Massachusetts only)*

Enclosures

Certificate of Service

I hereby certify that I sent a copy of the foregoing document to the following addresses on January 30, 2025, by first class mail or hand delivery:

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