

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

KYRUS L. FREEMAN  
202-862-5978  
kyrus.freeman@hklaw.com

October 31, 2013

## VIA IZIS AND HAND DELIVERY


D.C. Zoning Commission  
441 4<sup>th</sup> Street, N.W., Suite 210  
Washington, DC 20001

Re: **Applicant's Final Proffers and Conditions for Z.C. Case No. 06-04C (Florida & Q Street, LLC – Modification to PUD @ Square 3100)**

Dear Members of the Commission:

On behalf of Florida & Q Street, LLC (the “Applicant”), as Applicant in the above-referenced case, we hereby submit the Applicant's final list of proffers and corresponding conditions for the draft PUD order, in compliance with the Commission's procedures of 11 DCMR 2403.15 *et seq.* Neither the Office of Planning, ANC, nor the Office of the Attorney General suggested any changes to the Applicant's submission of October 10<sup>th</sup>, and thus no changes have been made to the chart since October 10<sup>th</sup><sup>1</sup>.

Sincerely,



Kyrus L. Freeman

## Attachment

cc: Advisory Neighborhood Commission 5E (w/attachment, via U.S. Mail)  
Karen Thomas, D.C. Office of Planning (w/attachment, via Hand)  
Jake Ritting, D.C. Office of the Attorney General (w/attachment, via Hand)

---

<sup>1</sup> The Applicant requests that the Zoning Commission waive its rules to accept this submission more than 21 days after the Zoning Commission took proposed action since the Applicant received final confirmation on October 31, 2013 that none of the required parties had any comments to the Applicant's initial BOFA submission chart.

**Z.C. Case No. 06-04C**  
**(Florida & O Street, LLC – Modification to PUD @ Square 3100)**

Approved Benefits and Amenities	Approved Conditions	Modified Conditions
<p>Z.C. Order No. 06-04, Finding of Fact No. 26.a. <i>Urban Design, Architecture, Landscaping, and Open Space.</i></p>	<p>1. The PUD shall be developed substantially in accordance with the Scheme C plans prepared by Bonstra Haresign Associates, filed on October 25, 2006 and marked as Exhibit No. 52 of the record (the “Plans”), as modified by the guidelines, conditions, and standards herein.</p> <p>2. The PUD shall be a mixed-use building having a combined gross floor area of approximately 85,428 square feet and two levels of underground parking. Approximately 81,428 square feet will be devoted to residential use, providing between 65 and 85 dwelling units, and approximately 4,970 square feet of floor area will be provided for retail use in the cellar. The Project will have a maximum density of 4.5 FAR.</p> <p>3. The Project shall have a maximum building height of 86 feet. The building may include a roof structure in excess of that height, with a height not to exceed 18.5 feet above the roof upon which it is located, as shown on the Plans.</p>	<p>1. The PUD shall be developed substantially in accordance with the plans prepared by Bonstra Haresign Associates, dated September 13, 2013 and marked as Exhibit No. 18A1 -18A6 of the record (the “Plans”), as modified by the guidelines, conditions, and standards herein.</p> <p>2. The PUD shall be a mixed-use building having a combined gross floor area of approximately 85,428 square feet and one level of underground parking. Approximately 81,428 square feet will be devoted to residential use, providing between 85 and 95 dwelling units, and approximately 4,998 square feet of floor area will be provided for retail use in the cellar. The Project will have a maximum density of 4.5 FAR.</p> <p>3. The Project shall have a maximum building height of 72 feet, 4½ inches. The building may include a roof structure in excess of that height, with a height not to exceed 18.5 feet above the roof upon which it is located, as shown on the Plans.</p>

**Z.C. Case No. 06-04C**  
**(Florida & Q Street, LLC – Modification to PUD @ Square 3100)**

	<p>7. The Applicant shall include landscaping, streetscape, and open space treatment for the Project as shown on the Plans. The Applicant or its successors shall maintain all landscaping, streetscape, and open space treatments in good growing condition.</p> <p>8. Landscaping in the public space on the surrounding public streets shall be in accordance with the Plans, as approved by the Public Space Division of DDOT. The Applicant or its successors shall maintain all such landscaping in the public space in good growing condition.</p>	<p>7. No change.</p> <p>8. No change.</p>
<p>Z.C. Order No. 06-04, Finding of Fact No. 26.b. <i>Site Planning and Efficient Land Utilization.</i></p>	<p>No Specific Condition.</p>	<p>No Change.</p>
<p>Z.C. Order No. 06-04, Finding of Fact No. 26.c. <i>Transportation Features.</i></p>	<p>4. The Project shall provide a minimum of 84 parking spaces. Access to the parking garage and the loading dock area will be from Florida Avenue.</p>	<p>4. The Project shall provide a minimum of 41 parking spaces. Access to the parking garage and the loading dock area will be from Florida Avenue.</p>

Z.C. Case No. 06-04C  
(Florida & Q Street, LLC – Modification to PUD @ Square 3100)

	<p>5. The Project shall include one 30-foot deep loading berth and one 20-foot deep loading berth, as shown on the Plans. Residential and commercial deliveries shall be limited to non-peak hours on weekdays and weekends.</p>	<p>5. During the life of the project, the Applicant shall implement to following Transportation Demand Management ("TDM") measures:</p> <ul style="list-style-type: none"><li>i. <u>Loading Facilities</u> - The Project shall include one 30-foot deep loading berth and one 20-foot deep loading berth, as shown on Sheet A-3.2 of the Plans.</li><li>ii. <u>Delivery Day/Hours</u>- The Applicant shall require residents of the building to schedule use of the loading berth on Monday through Friday from 10:00 AM to 2:00 PM and after 7:00 PM, and on Saturdays and Sundays from 7:00 AM to 7:00 PM.</li><li>iii. <u>Truck Size</u> – The Applicant shall prohibit trucks larger than 30 feet from utilizing the loading berth.</li><li>iv. <u>Loading Management Coordinator</u> - The Applicant shall assign a loading management coordinator to prevent truck queuing and to help guide trucks' back-in movements.</li><li>v. <u>Residential Parking Permit Prohibition</u> - The Applicant shall include in each residential lease/purchase agreement a provision prohibiting the tenant/owner from applying for an off-site permit under the Residential Parking Permit</li></ul>
--	--	--

Z.C. Case No. 06-04C  
(Florida & Q Street, LLC – Modification to PUD @ Square 3100)

		<p>(RPP) Program. In addition, the Applicant will request that DDOT remove the PUD site from the list of properties eligible for RPPs, or if presently not on the list, classifying it as ineligible for RPP. For so long as the Applicant owns the PUD site, and once DDOT has removed the PUD site from the list of properties eligible for RPPs or has classified the PUD Site as ineligible for RPP, the Applicant shall not reapply to have the PUD site added back to the list of properties eligible for RPPs or reclassified as eligible for RPP. The Applicant shall also include in each residential lease/purchase agreement a provision prohibiting the tenant/owner from reapplying to have the PUD site added back to the list of properties eligible for RPPs or reclassified as eligible for RPP.</p> <p>vi. <u>Unbundling of Parking</u> - The Applicant shall unbundle all parking cost from the cost of lease or purchase.</p> <p>vii. <u>Posting of Transportation Demand Management Commitments and Promotion of Public Transportation Options</u> - The Applicant shall post all TDM commitments online, publicize availability, and allow the public to see what commitments have been promised.</p>
--	--	---

Z.C. Case No. 06-04C  
(Florida & Q Street, LLC – Modification to PUD @ Square 3100)

		<p>The Applicant will also provide each initial tenant a welcome package that promotes website links such as CommuterConnections.org, goDCgo.com, Capital Bikeshare, carsharing, WMATA, and DC bicycle maps.</p> <p>viii. <u>Site Access</u> - The Applicant shall restrict the Florida Avenue curb cut to right-in/right-out movements. The Applicant shall post signage prohibiting left turns in or out of the Florida Avenue curb cut.</p> <p>ix. <u>Bikeshare or Carshare Membership</u> - The Applicant shall offer each initial tenant/owner of the building the one-time option of either a one-year Capital Bikeshare membership or a one-year carshare membership.</p> <p>x. <u>Transportation Screen</u> - The Applicant shall provide a transportation information screen in the residential lobby that will show real time arrival /availability for nearby buses, trains, carshare, and bikeshare.</p> <p>xi. <u>Bike Parking Spaces</u> - The building shall include a minimum of 60 bike parking spaces in the building.</p>
--	--	--

Z.C. Case No. 06-04C  
(Florida & Q Street, LLC – Modification to PUD @ Square 3100)

<p>Z.C. Order No. 06-04, Finding of Fact No. 26.d. <i>Special Value to the Neighborhood.</i></p>	<p>No Specific Condition.</p>	<p>No Change.</p>
<p>Z.C. Order No. 06-04, Finding of Fact No. 26.f. <i>Housing.</i></p>	<p>6. Affordable housing shall be provided as specified in the Affordable Housing Commitment standards identified as Exhibit No. 42 of the record.</p>	<p>6. During the life of the project, a minimum of 8% of total residential gross floor area (i.e., 6,744 square feet of gross floor area) shall be dedicated as affordable housing units and shall comply with the applicable Inclusionary Zoning (“IZ”) Regulations.</p>
<p>Z.C. Order No. 06-04, Finding of Fact No. 26.g. <i>Other Public Benefits and Project Amenities.</i></p>	<p>12. No Certificate of Occupancy shall be issued for this PUD until the Applicant has submitted to DCRA evidence demonstrating that the Applicant has provided the funding for the items identified in the community amenities package included at Tab D of the Applicant's Post-Hearing Submission, filed on August 24, 2006 and marked as Exhibit No. 49 of the record.</p>	<p>12. (a) No Certificate of Occupancy shall be issued for this PUD until the Applicant has submitted to DCRA evidence demonstrating that the Applicant has provided the funding for the following items:</p> <ul style="list-style-type: none"> <li>i. \$6,600 to Dunbar Senior High School for the purchase of band and cheerleader uniforms and band instruments.</li> <li>ii. \$6,600 to McKinley Technology High School for the purchase of books, classroom materials, and computer equipment for the school's Biotechnology, Broadcast Technology, and Information Technology instructional programs.</li> <li>iii. \$6,600 to William E. Doar, Jr. Public Charter School for the Performing Arts for the purchase of musical instruments.</li> </ul>

Z.C. Case No. 06-04C  
(Florida & O Street, LLC – Modification to PUD @ Square 3100)

		<p>iv. \$6,600 to D.C. Preparatory Academy PCS for the purchase of supplies and materials to support the school's academic tutoring, sports, and arts enrichment programs.</p> <p>v. \$6,600 to the North Capitol Main Street, Inc. for community improvement projects, such as the purchase of materials for the planting of trees.</p> <p>vi. \$6,600 to the Bloomingdale Civic Association for the purchase of equipment and uniforms for youth sports activities and a contribution to the association's student scholarship fund.</p> <p>vii. \$6,600 to the Eckington Civic Association for the purchase of equipment and materials necessary to develop a neighborhood website and community newsletter, as well as for the creation of a fund to assist seniors with quality-of-life issues.</p> <p>viii. \$6,600 to the Stronghold Civic Association for the purchase of equipment and materials for youth sports activities and a contribution to the association's student scholarship fund.</p> <p>ix. \$6,600 to the Bates Street Civic Association for the installation of gates</p>
--	--	--



**Z.C. Case No. 06-04C**  
**(Florida & Q Street, LLC – Modification to PUD @ Square 3100)**

		<p>for a pocket park and wrought iron borders for tree boxes and for other community beautification projects.</p> <p>x. \$6,600 to the 5th District Citizens Advisory Committee for the sponsorship of and purchase of materials for local youth-related events and programs.</p> <p>12. (b) Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall submit to DCRA evidence that the Applicant provided \$37,000 to North Capitol Main Street, Inc. for storefront improvements and technical assistance.</p> <p>12. (c) Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall submit to DCRA evidence that the Applicant provided \$6,600 to the NOMA Bid or a similar, established organization for neighborhood cleaning and/or beautification projects determined by, and within the boundaries of, the Hanover Area Civic Association.</p> <p>12. (d) Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall submit to DCRA a letter from each organization identified in 12 (a) - 12 (c) verifying that the services funded have been or are being provided.</p>
--	--	--