

December 27, 2013

VIA ELECTRONIC FILING AND HAND DELIVERY

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Zoning Commission Case Nos. 06-40B and 06-40C – Application of Gateway Market Center, Inc., for 340 Florida Avenue, NE (Lot 8 in Square 3587), Washington, DC (the “Property”) – Review and Approval of a Modification to, and Extension of, an Approved Consolidated Planned Unit Development and Related Zoning Map Amendment – Applicant’s Public Benefits and Proffers

Dear Chairperson Hood and Members of the Commission:

Pursuant to the requirements in Sections 2403.16 – 2403.18, this letter addresses the public benefits and project amenities being proffered by the Applicant and the draft conditions that are both specific and enforceable. Below is a chart of the proffered amenities and proposed related conditions.

<u>Proffer</u>	<u>Proposed Condition</u>
<u>Exemplary Urban Design and Architecture</u> , through the use of thoughtful integration into the neighborhood, innovative architecture, the use of high-quality materials, hardscape improvements, and visually appealing landscaping features. Further, the project will replace a vacant lot with a vibrant retail and residential building that will enhance the neighborhood in an area that the District has targeted for new residences and retail uses.	1. The PUD shall be developed in accordance with the plans prepared by SK&I Architects, Bohler Engineering, and Landscape Architecture Bureau, dated April 12, 2013, in the record as Exhibit 2A, as modified by the plans dated November 14, 2013, in the record as Exhibits 19A and 24D and the plans dated January 6, 2014, in the record as Exhibit ____ <i>[Applicant’s post-hearing submission on January 6, 2014]</i> , and as modified by the

	guidelines, conditions, and standards herein (collectively, the "Plans"). 2. The PUD shall be a mixed-use residential and retail project, containing approximately 189,036 square feet of gross floor area and including approximately 170-216 residential units. Approximately 27,410 square feet of gross floor area, located on the ground and first floors, shall be devoted to retail and approximately 153,310 square feet of gross floor area, located on the second through sixth floors, inclusive, shall be devoted to residential use. The maximum density of the project shall be 5.0 FAR. 3. The maximum height of the building shall be approximately 80 feet as shown on the Plans. 4. The project shall include approximately 215 vehicle parking spaces in the below-grade parking garage. The project shall provide one 30-foot loading berth, one 55-foot loading berth, and one 20-foot delivery vehicle space, as shown on the Plans.
<u>Neighborhood serving amenities</u>, through the provision of approximately 27,410 square feet of retail use on the ground and first floors. <u>Site Planning and Efficient Land Utilization</u>, through the replacement of a vacant surface lot in close proximity to the Metro station with a mixed-use transit oriented development that acts at the gateway to the emerging Market. The design also takes advantage of significant grade change, while optimizing retail frontage and street activation and knitting the urban fabric together across Florida Avenue.	1. <i>(repeated)</i> The PUD shall be developed in accordance with the plans prepared by SK&I Architects, Bohler Engineering, and Landscape Architecture Bureau, dated April 12, 2013, in the record as Exhibit 2A, as modified by the plans dated November 14, 2013, in the record as Exhibits 19A and 24D and the plans dated January 6, 2014, in the record as Exhibit ____ [<i>Applicant's post-hearing submission on January 6, 2014</i>], and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans"). 2. <i>(repeated)</i> The PUD shall be a mixed-use residential and retail project, containing approximately 189,036 square feet of gross floor area and including approximately 170-

	216 residential units. Approximately 27,410 square feet of gross floor area, located on the ground and first floors, shall be devoted to retail and approximately 153,310 square feet of gross floor area, located on the second through sixth floors, inclusive, shall be devoted to residential use. The maximum density of the project shall be 5.0 FAR.
<u>Housing and Affordable Housing</u>, through the provision of approximately 170-216 new residential units, 20% (or approximately 30,662 square feet) of which will be set aside for as affordable housing units for households earning up to 80% of the Area Median Income.	5. Prior to the issuance of a certificate of occupancy for the project, the Applicant shall demonstrate that it has set aside 20% (approximately 30,662 square feet) of the residential units as affordable housing in perpetuity. The affordable units shall be equitably dispersed among the market-rate units in the project on all floor of the project, and shall be of a size and type comparable to the market-rate units. 6. The affordable housing units shall be available to households with an annual income of no more than 80% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size).
<u>Environmental Benefits</u> that provide a significant improvement over existing conditions, and an improvement to the project previously approved by Order No. 06-40. The project will be designed to achieve the equivalent of 40 LEED points (such point total is the required number to achieve a LEED certified project). The Project will incorporate the additional environmental benefit of a “cool roof” as requested by the Office of Planning.	7. Prior to the issuance of the certificate of occupancy, the Applicant shall provide evidence that the building has been designed to achieve the equivalent of 40 LEED points. However, the Applicant shall not be required to obtain LEED Certified or any other certification level from the United States Green Building Council. In addition, the project will provide a “cool roof” as requested by the Office of Planning.
<u>Community Meeting Space</u>	8. Within 90 days of the issuance of a certificate of occupancy for the Project, the Applicant shall provide, at no cost and in perpetuity, a community meeting room and related amenities, an ANC office, and a Metropolitan Police Department work station

	comprising a total of approximately 2,422 square feet of gross floor area, and the furnishings for such uses, as shown on the Plans and in accordance with Exhibit ____ <i>[Applicant's post-hearing submission on January 6, 2014]</i> of the record. If the Metropolitan Police chooses not the use the work station, the Applicant may use the space for building security purposes. 9. The ANC office shall be assigned to ANC 5D, or any successor ANC which may be designated to represent the PUD Site by redistricting legislation enacted by the Council of the District of Columbia and signed by the Mayor.
<u>Streetscape Improvements along Florida Avenue, 4th Street, and Morse Street NE, through the upgrading of public space and installation of benches and landscaping.</u> <u>Continued Coordination with DDOT</u>	1. <i>(repeated)</i> The PUD shall be developed in accordance with the plans prepared by SK&I Architects, Bohler Engineering, and Landscape Architecture Bureau, dated April 12, 2013, in the record as Exhibit 2A, as modified by the plans dated November 14, 2013, in the record as Exhibits 19A and 24D and the plans dated January 6, 2014, in the record as Exhibit ____ <i>[Applicant's post-hearing submission on January 6, 2014]</i>, and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans"). 10. Within one (1) year of the issuance of a certificate of occupancy for the Project, unless other timing results from the public space permitting process, the Applicant will provide benches in public space adjacent to the project. The final number and location of improvements in public space shall be implemented in coordination with DDOT. 11. The Applicant shall have flexibility to revise the design of the public space surrounding the property as needed, based upon the continued coordination with DDOT.

Effective and Safe Vehicular and Pedestrian Access and Transportation Management Measures, including pedestrian-friendly streets, bicycle parking, and transportation network improvement features such as stop bars.

12. The Applicant shall implement measures to promote the use of public transit and bicycle transportation, and discourage the use of motor vehicles, as set forth in the Applicant's Transportation Demand Management Plan described on Page 19 of Exhibit 19C of the record (the Applicant's Transportation Impact Study) and the supplemental and additional elements described by Applicant in Exhibit ____ [*Applicant's post-hearing submission on January 6, 2014*]. Such additional elements are as follows:

- reserving at least one (1) parking space for a car-sharing service in the underground parking garage. If the reserved space is not desired by any car-sharing service, then it shall revert to the Applicant's general use;
- providing a \$40 subsidy for a car sharing program or bike share program upon move-in for each new resident for the first three (3) years after the issuance of the Certificate of Occupancy for the building's residential use;
- providing an electronic message screen displaying real-time transportation information in the building's lobby; and
- providing the electrical wiring and disconnects to allow for the subsequent outfitting, at the request of retail tenants or as market demand otherwise dictates, of two (2) parking spaces with 208/240-volt electric car charging stations in the parking garage accessible to residents and visitors.

13. Within one (1) year of the issuance of a certificate of occupancy for the Project, unless other timing results from the public space permitting process, the Applicant shall make the traffic network improvements described as

	Recommendation 13 on Page 29 of Exhibit 19C of the record (the Applicant's Transportation Impact Study). The final design of any improvements in public space shall be subject to final approval from DDOT and the Applicant shall have flexibility to modify such improvements in response to DDOT direction as well as modify the corresponding elements in private space to align with the final design of streetscape improvements in public space. 14. The Applicant will provide approximately 72 bike parking spaces within the parking garage. Within one (1) year of the issuance of a certificate of occupancy for the Project, unless other timing results from the public space permitting process, the Applicant will provide bike racks in public space adjacent to the project for at least sixteen (16) short-term bicycle parking spaces. The final number and location of improvements in public space shall be implemented in coordination with DDOT.
<u>Loading</u> and continued coordination with DDOT.	15. The Project shall provide loading consistent with the Plans, provided that the Applicant shall have flexibility to modify such plans in response to continued coordination efforts with DDOT. The Applicant shall implement the Loading Management Plan described as on Page 18 of Exhibit 19C of the record (the Applicant's Transportation Impact Study) and the supplemental and additional elements described by Applicant in Exhibit ____ <i>[Applicant's post-hearing submission on January 6, 2014]</i>. Such additional elements are as follows: • Requiring residential and retail tenants to schedule loading activities with loading coordinator; and • Including loading requirements and

	obligations as exhibits or rules incorporated into retail and residential leases.
<u>Employment Opportunities</u> , including a first Source employment agreement and a workforce intermediary program. The applicant's construction manager/contractor for the project will include the agreement as a part of its contracts with all subcontractors, and will require the construction manager/contractor to provide documentation to the District.	16. The Applicant shall abide by the terms of its Certified Business Enterprise ("CBE") Agreement dated September 4, 2004 executed with the D.C. Department of Small and Local Business Development ("DSLBD") in order to achieve the goal of 35% participation by D.C.-certified local, small, and disadvantaged businesses in the project development and construction contracts. 17. The Applicant shall abide by the terms of its First Source Employment Agreement dated May 30, 2008 executed with the Department of Employment Services to achieve the goal of utilizing District of Columbia residents for at least 51% of the new jobs created by the PUD project.

Mr. Anthony Hood
December 27, 2013
Page 8

We look forward to the Zoning Commission taking Final Action on this case. If you have any questions regarding this application, please feel free to contact us.

Very truly yours,

A handwritten signature in blue ink, reading "Maureen E. Dwyer". The signature is written in a cursive style with a large initial 'M' and a distinct 'E'.

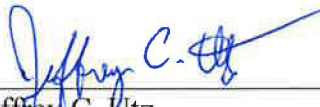
Maureen E. Dwyer

A handwritten signature in blue ink, reading "Jeffrey C. Utz". The signature is written in a cursive style with a large initial 'J' and a distinct 'U'.

Jeffrey C. Utz

CERTIFICATE OF SERVICE

I certify that on December 27, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

Stephen Gyor (2 copies)
District of Columbia Office of Planning
1100 4th Street, SW, Suite 650E
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Jacob Ritting
Office of the Attorney General for the District of Columbia
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Jamie Henson
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Advisory Neighborhood Commission 5D (7 copies)
1807 L Street, NE
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ANC Commissioner Peta-Gay Lewis (5D01)
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Washington, DC 20002

Advisory Neighborhood Commission 6C (Adjacent ANC) (6 copies)
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Washington, DC 20002

ANC Commissioner Tony Goodman (6C06) (Adjacent ANC SMD)
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