

March 21, 2016

VIA ELECTRONIC SUBMISSION

Mr. Anthony J. Hood
Chairman
D.C. Zoning Commission
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: **Zoning Commission Case No. 13-09 – Consolidated and First Stage PUD and
Zoning Map Amendment Application- Applicant's Satisfaction of Section
2403.20**

Dear Chairman Hood and Members of the Zoning Commission:

Stanton Square, LLC (the “**Applicant**”) hereby addresses the comments received from the Office of the Attorney General (OAG) and the Department of Transportation (DDOT) regarding the proffers and conditions that were filed with the Zoning Commission on March 7, 2016.

Throughout this case the Applicant has proposed that 10% of the residential units in the multi-family buildings will be reserved as Inclusionary Zoning (“IZ”) units. Half of those units (5%) would be reserved for people making up to 50% of AMI and the other half (5%) would be preserved for people making up to 60% of AMI. OAG representatives noted that the Department of Housing and Community Development (DHCD) does not have the ability to administer IZ units at 60% of AMI. Therefore, in order to allow DHCD to administer all of the proposed IZ units, the Applicant is now proffering that all of the IZ units will be reserved for people making up to 50% of AMI. If the Zoning Commission finds it necessary to reopen the record to allow the Applicant to increase the amount of affordable housing that it is reserving in this project as IZ units at 50% of AMI, the Applicant hereby requests that the Zoning Commission reopen the record pursuant to the authority enumerated in 11 DCMR § 3024.5.

The Applicant is not proposing any changes to the remainder of the residential units in the multi-family buildings, all of those units will continue to be reserved as permanent supportive housing units or for households making up to 60% of AMI. The other changes noted in the attached chart of final proffers and conditions are non-substantive.

PUD Public Benefits and Conditions

<u>Proffer</u>	<u>Proposed Condition</u>
Description of Proposed Project The proposed PUD project includes a mixed-income residential community of rental and for-sale units and a community service center campus. The residential community will consist of approximately 120 residential units included in three multi-family buildings and 42 townhouses. Twelve of the multi-family residential units will be reserved as permanent supportive housing units. The community service center campus includes a Consolidated PUD application and a First Stage PUD application. The Consolidated PUD application for the Commons will include an approximately 54,000 square foot building that will be occupied by Martha's Table and Community of Hope. Martha's Table will use approximately 42,000 square feet of the building for early childhood programming, nutrition and wellness services, and after-school programming. Community of Hope and other complementary non-profit organizations will use approximately 12,000 square feet of the building for employment and behavioral services counseling.	A.1. The PUD project shall be developed in accordance with the plans marked as Exhibits 70A1-70A7 of the record ("Approved Plans"), as modified by guidelines, conditions, and standards herein. [NO CHANGE]
Housing and Affordable Housing This project provides both for-sale and rental residential units (42 for-sale townhouses and 120 units in the multi-family buildings). This project will create approximately 162 residential units on a five acre parcel that is currently unimproved. Ten percent of the for-sale townhouses will be set aside as the required IZ units, half of these IZ townhouses will be reserved for those making up to 50% of AMI and the other half for those making up to 80% of AMI. <i>The multi-family building will satisfy the Inclusionary Zoning requirements by reserving 10% of the units (in perpetuity) to residents making up to 50% of AMI.</i> All of the	B.1. <i>The Applicant shall provide the following housing and affordable housing:</i> (a) <i>Multi-family Building A -</i> (1) <i>4 units comprising 4,574 square feet (gross floor area) IZ units at 50% AMI</i> (2) <i>4 units comprising 5,793 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units)</i> (3) <i>30 units comprising 35,370 square feet (gross floor area) non-IZ affordable units at 60% AMI</i>

remaining residential units in the multi-family building will be reserved for residents making up to 60% AMI for a period of 40 years. [**The language in italics has been provided in response to OAG comments.**]

(b) *Multi-family Building B -*

- (1) *4 units comprising 3,949 square feet (gross floor area) IZ units at 50% AMI*
- (2) *4 units comprising 3,949 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units)*
- (3) *30 units comprising 31,584 square feet (gross floor area) non-IZ affordable units at 60% AMI*

(c) *Multi-family Building C -*

- (1) *4 units comprising 5,233 square feet (gross floor area) IZ units at 50% AMI*
- (2) *4 units comprising 5,233 square feet (gross floor area) non-IZ affordable units at 30% AMI (PSH Units)*
- (3) *36 units comprising 41,856 square feet (gross floor area) non-IZ affordable units at 60% AMI*

(d) *Townhouses*

- (1) *2 units comprising 3,872 square feet (gross floor area) IZ units at 50% AMI*
- (2) *3 units comprising 5,808 square feet (gross floor area) IZ units at 80% AMI*
- (3) *37 units comprising 90,426 square feet (gross floor area) market rate.*

The IZ units shall be set aside for so long as the project exists. The term IZ signifies that the units be subject to the Inclusionary Zoning Regulations currently codified at Chapter 26 of Title 11 DCMR. The term PSH signifies permanent supportive housing units. The non-IZ affordable units and the PSH units shall be set aside for a period of 40 years (from the date of the issuance of the Certificate of Occupancy for each multi-family building).

	[The language in italics has been provided in response to OAG comments.]
Social Services/Facilities This project will include 12 PSH units and related social services, as well as an entire community service center campus. The programs offered by Martha's Table and Community of Hope are tailored to meeting the needs of the surrounding community. Early childhood education, after-school programming, parent engagement, healthy eating and nutrition, employment opportunities, and employment and behavioral counseling are social services programs that will benefit residents of the surrounding neighborhood, as well as the residents of this project.	B.2. The multi-family buildings will include a total of twelve (12) permanent supportive housing (PSH) units, operated by Community of Hope, for a period of 40 years (from the date of the issuance of the Certificate of Occupancy for the multi-family building). If Community of Hope can no longer provide the required services to the PSH units, the Applicant will find a replacement service provider. [NO CHANGE]
Environmental Benefits The residential portion of the PUD project is designed to be able to achieve Green Communities certification. The community service center (the Commons) is designed to achieve at least a LEED Silver certification.	B.4. The Applicant shall provide evidence that the multi-family buildings will be designed to achieve Green Communities certification, prior to the issuance of a Certificate of Occupancy for the multi-family buildings. The community service center building will be designed to achieve at least LEED Silver certification. There is no requirement that the Applicant complete the LEED or Green Communities commissioning process. [NO CHANGE]
Effective and Safe Vehicular and Pedestrian Access The Applicant proposed a series of public space improvements and a Transportation Demand Management Program. In addition, the Applicant agreed to the conditions of support noted by the District Department of Transportation in their report submitted into the record of this case. The Applicant has agreed to: (1) make public space improvements along Stanton, Elvans and Pomeroy Roads; (2) implement a TDM program; (3) install electronic displays in the lobbies of all three multi-family buildings and the community	B.5. The Applicant shall complete the public space improvements along Stanton, Elvans and Pomeroy Roads, <i>noted on pages 11-16 of Exhibit 70A7</i> , prior to the issuance of a certificate of occupancy for the structure that abuts that portion of Stanton, Elvans, or Pomeroy Road. [The language in italics has been provided in response to OAG comments.] B.6. The Applicant <i>will</i> implement the following Transportation Demand Management (TDM) programs:

service center building to display real-time transit arrival and transportation options information; (4) reserve a parking space for a car sharing service; (5) host annual transportation fairs for both Stanton Square and Stanton Commons to educate all users about available transportation options; and (6) include at least 14 short-term bicycle parking spaces, including 8 in Stanton Square and 6 in Stanton Commons.

- The Applicant will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with residents to distribute and market various transportation alternatives and options.
- The Applicant will establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. An effective marketing strategy should consist of a multi-modal access guide that provides comprehensive transportation information. This information can be compiled in a brochure for distribution. The marketing program should also utilize and provide website links to CommuterConnections.com and goDCgo.com, which provide transportation information and options for getting around the District.
- Applicant shall install electronic displays in the lobbies of all three multi-family buildings and the community service center building to display real-time transit arrival and transportation options information.
- The Applicant shall reserve a parking space in the project for a car sharing service which may revert to general use if no car sharing company expresses interest.
- The Applicant will host annual transportation fairs for both Stanton Square and Stanton Commons to educate all users about available transportation options.
- The project shall include at least 14 short-term bicycle parking spaces, including 8 in Stanton Square and 6 in Stanton Commons.

The Applicant also agreed to pay for the design and cost of improvements to the pedestrian environment near the site. These improvements included: improved marking and signage, including stop bars, crosswalks and curb ramps at the intersection of Elvans Road and Gainesville Street so that they meet DDOT and ADA standards; and improved marking and signage, including stop bars, crosswalks and curb ramps at the intersection of Elvans Road and Morris Road so that they meet DDOT and ADA standards

The installation of the electronic displays shall be completed prior to the issuance of a certificate of occupancy for each of the multi-family buildings and the community service center building. The Applicant will provide evidence that it has reserved a parking space for a car sharing company and will identify the location of the required short-term bicycle parking spaces in the plans that are submitted for a building permit for the multi-family buildings and/or the community service center building. The Applicant will provide evidence of the TDM marketing plan and the identification of the TDM Leaders to the Zoning Administrator prior to the issuance of a Certificate of Occupancy for each of the multi-family buildings or the community service center building. The Applicant shall provide the Zoning Administrator, DDOT, and the Office of Zoning with an annual report, once a certificate of occupancy has been issued for the community service center building, which notes when the annual transportation fair was held. **[The language in italics has been provided in response to OAG comments.]**

B.7. Pursuant to DDOT approval, the Applicant shall be responsible for the design and cost of improving marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Gainesville Street so that they meet DDOT and ADA standards; and the design and cost of improving marking and signage, including stop bars, crosswalks, and curb ramps at the intersection of Elvans Road and Morris Road so that they meet DDOT and ADA standards. The Applicant will not be responsible for any costs associated with non-transportation issues such as utility pole relocation costs, conflicts with sewer/stormwater infrastructure, and/or right-of-way limitations. The Applicant will provide evidence that these marking and signage improvements have been completed

	prior to the issuance of a certificate of occupancy for the community service center building. [The language in italics has been provided in response to DDOT comments.]
Construction Management Plan The Applicant agreed to abide by a construction management agreement in order to mitigate any potential adverse impacts on the surrounding community due to construction activity.	B.13. The Applicant shall abide by the following Construction Management Plan terms and conditions: A. <u>Traffic and Construction Control Plan</u>: Vehicular ingress and egress will be only through approved, permitted construction entrances. At no time are trucks permitted to queue (which is deemed to be waiting for more than 15 minutes) or idle on the adjacent streets. Nor are workers allowed to individually congregate, queue or idle in the surrounding residential areas before the 7 a.m. or 8 a.m. start of the construction day. Flagmen will be positioned as necessary, to direct the flow of construction traffic and to maintain the public's safety in this residential area. Throughout construction, the Applicant agrees to ensure safe pedestrian access around the perimeter of the site. The Applicant agrees to develop and implement (after approval by DDOT) a plan for temporary pedestrian and vehicular circulation during construction. At a minimum, the plan shall identify temporary sidewalks, interim lighting, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction. B. <u>Construction Parking</u>: Parking for construction workers will be provided within the boundaries of the construction site. Construction personnel will be encouraged to utilize

mass transit, including Metro rail and Metro bus.

C. Site Management:

- a. Trailers and Materials: All construction trailers, all construction materials and all equipment, and portable toilets will be located and always retained on the Applicant's property for the duration of the construction.
- b. Odors: There will be no noxious odors emanating from the construction site.
- c. Lighting: Ongoing temporary on-site lighting during construction will be erected for the site to provide lighting for safety and security. No generators will be used at night to provide temporary site lighting. The Applicant will keep the lighting directed into the site only and not impact the surrounding community.
- d. Electrical Generators: All electrical generators and compressors will be turned off at the end of each day's construction activities, i.e., by 7 p.m.
- e. Stormwater Management: The Applicant will maintain temporary stormwater management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved, and

functioning such that there shall be no adverse water impacts on the adjacent neighborhood.

D. Excavation and Rodent Infestation:

The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues, the Applicant will immediately resolve any problems and inconvenience resulting from rodent infestation.

E. Cleanliness: The Applicant will require the continuous removal of rubbish and construction debris during the normal construction day and during any other periods of work. During construction activities, there will be a dumpster on-site for the removal of trash and construction debris. The dumpster will remain covered at all times and will never overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. All excavation or back-fill trucks will be covered before proceeding from the Applicant's property onto city streets.

a. The areas adjacent to the site will be policed daily by the contractor and will always remain clean of any trash or debris resulting from construction activities.

b. At the end of each work day during construction, the

	Applicant agrees to ensure that any streets used for hauling construction materials and the entrance to the construction site are free of mud, dirt, trash, dust and debris and that all streets adjacent to the construction site are free of trash and debris. c. The Applicant agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. F. <u>Work Hours and Workers:</u> The normal construction work-week will be Monday through Friday, 7 a.m. to 7 p.m., and Saturday, 8 a.m. to 6 p.m. The Applicant will make good faith efforts to limit the work that could disturb the residents of the surrounding neighborhood to weekdays. No Sunday work hours will be utilized. a. <u>Trucks:</u> All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours. b. <u>Workers:</u> Workers will not be on Applicant's property prior to stated work hours. c. <u>Noise:</u> There will be no noise generating activities prior to the start of the work day. There will be no start-up or idling of equipment prior to the start of the work day. Indoor construction activity, defined as
--	--

	activity occurring entirely within a structure fully enclosed on all sides by insulated exterior walls, windows and or doors shall end at midnight each day, and any such activity that occurs after 7:00 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The Applicant agrees to place a minimum of one (1) sign per street-front around the perimeter indicating the permissible hours of construction, to place additional signage within construction field offices, and to provide a written copy of the permissible hours and rules of construction to all subcontractors prior to the start of their work. G. <u>Communication</u>: The Applicant shall designate a representative (the “Representative”) to be the key contact for interaction with members of the community regarding construction. The Representative will have a local office, cell, fax and voice mail and be accessible during all business hours. The Representative will respond to all community queries within the same business day (Monday-Saturday). In addition, the Applicant will provide an emergency point of contact who can be reached 24 hours a day for construction concerns. The name of the key contact and his or her telephone numbers will be conspicuously posted on the Applicant’s property at all times. The Applicant will work with neighboring residents and the surrounding community to designate a single contact person (“Neighborhood
--	--

Contact Person”), who may change from time to time, to represent the surrounding community. The initial Neighborhood Contact Person shall be designated by the community and will be determined prior to the start of construction activity on the Property. The Neighborhood Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Neighborhood Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate. In the event that a single Neighborhood Contact Person cannot be agreed upon, the Applicant shall provide the information described in this Plan to the ANC 8B Single-Member District Commissioner for the Property.

- a. The Applicant’s designated Representative shall: (a) receive notice of violations of the Construction Management Agreement; (b) respond to the person who reported the violation within the same business day (Monday-Saturday); (c) act to remedy the violation as soon as possible; (d) correspond with the Neighborhood Contact Person to explain the complaint, proposed remedy, and timeframe for resolution of the problem; and (e) maintain a log of all complaints received and the steps taken to address the complaints.

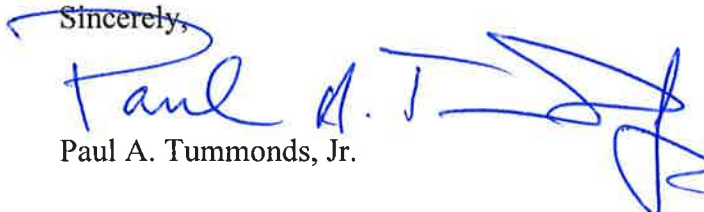
	b. Before commencing any clearing, grading, or demolition activities, the Applicant shall hold a meeting with the neighboring community to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Applicant further agrees to meet with the neighboring community should the exigencies of construction require modifications to any details specified herein. In addition, the Applicant shall meet with the neighboring community periodically during the construction activities and shall meet with the neighboring community, at a minimum, once every three (3) months in order to address any construction related issues. c. Copies of the plan shall be posted on the construction site and provided to each subcontractor before its work commences. H. <u>Contractors</u>: The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and sub-contractor oral and written contracts. The Applicant will require that all contractors and subcontractors use only licensed vehicles and that they comply with all DC traffic laws and regulations.
--	---

	I. <u>Permits</u>. All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community. [NO CHANGE]
Community Amenities The Applicant agreed to include space in the community service center building which will allow the community to hold meetings. The Applicant agreed that the community service center building will include flex-office space for use by Ward 8 non-profits. The Applicant agreed to include a Ward 8 development partner in the construction of the rental housing component of the project. The Applicant agreed to make an initial financial contribution to the reserve fund for the Stanton Square Homeowners' Association (which will include the owner of the multi-family buildings). This capital contribution will be \$250 for each approved townhouse	B.8. The Applicant shall include space in the community service center campus building that will be made available for community organizations to hold meetings. Reservations for the use of such space shall be made through a designated representative of the Applicant. <i>This space will be provided for the life of the project.</i> [The language in italics has been provided in response to OAG comments.] B.9. The community service center shall include flex-office space for use by Ward 8 non-profits. Reservations for the use of such space shall be made through a designated representative of the Applicant. <i>This space will be provided for the life of the project.</i> [The language in italics has been provided in response to OAG comments.] B.10. The Applicant <i>shall</i> include a Ward 8 development partner in the construction of the rental housing component of the project. The Applicant <i>shall</i> provide evidence to the Zoning Administrator of the identity of the Ward 8 development partner prior to the issuance of a building permit for any of the multi-family buildings in the project. This space will be provided for the life of the project. [The language in italics has been provided in response to OAG comments.] B.11. The Applicant shall make an initial capital contribution to the reserve fund for the Stanton Square Homeowners' Association (which will include the owner of the multi-family buildings). This capital contribution will be \$250 for each approved townhouse

unit, and \$250 for each of the multi-family buildings. The Applicant agreed that the Stanton Square Homeowners' Association by-laws and regulations shall require that the Homeowners' Association shall maintain, repair, and replace the common areas of the project (which includes the private street and alleys) and all improvements and facilities in the common areas, in good order at all times. This obligation shall include without limitation, the maintenance, repair and, as necessary replacement of the private street, alleys and parking areas within the common areas.	unit, and \$250 for each of the multi-family buildings <i>and will be made prior to the issuance of a certificate of occupancy for the first multi-family building or prior to the occupancy of the first townhouse.</i> [The language in italics has been provided in response to OAG comments.] B.12. <i>Prior to the occupancy of the first townhouse or issuance of the certificate of occupancy for the first multi-family building, the Applicant shall provide evidence to the Zoning Administrator that the Stanton Square Homeowners' Association by-laws and regulations shall require that the Homeowners' Association shall maintain, repair, and when necessary, replace the common areas of the project (which includes the private street and alleys) and all improvements and facilities in the common areas, in good order at all times.</i> [The language in italics has been provided in response to OAG comments.]
Project Flexibility and Design Flexibility The Applicant requested flexibility from the strict requirements of the Zoning Regulations with regard to: rear yard, side yard and lot occupancy requirements for some of the proposed lots; relief from the driveway spacing requirements for the front-loaded townhouses; and permission to build multiple buildings on a single record lot. The Applicant is also requesting the standard design flexibility which the Zoning	C.1. The Zoning Commission grants the requested flexibility from the Zoning Regulations with regard to: a. side yards for four of the townhouse lots and for one of the multi-family buildings (§405); b. rear yard for 35 of the townhouse lots (§404); c. lot occupancy for 19 of the townhouse lots (§403); d. multiple buildings on a single record lot (§2516); and e. the driveway spacing requirements for the front-loaded townhouse lots (§2117.9). [NO CHANGE] C.2. The Applicant shall have flexibility with the design of the PUD in the following areas:

Commission typically approves in PUD cases.	a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures; b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and c. To make minor refinements to exterior details and dimensions, including balcony enclosures, trash enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit. [NO CHANGE]
---	--

Please feel free to contact the undersigned if you have any questions or comments regarding the information presented in this letter.

Sincerely,

Paul A. Tummonds, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of the foregoing document to the following addresses on March 21, 2016 by e-mail:

Karen Thomas
Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC 20024

Jonathan Rogers
Department of Transportation
55 M Street, SE
4th Floor
Washington, DC 20003

ANC 8B
1809 Savannah Street, SE (#A)
Washington, DC 20020

Anthony Lorenzo Green
ANC 8B04
1600 Frankford Street, SE
Apt. 101
Washington, DC 20020

Natalie Williams
ANC 8A07
2619 Douglas Place, SE
#403
Washington, DC 20020

Jacob Ritting and Alan Bergstein
Office of the Attorney General
441 4th Street NW, Suite 1010 South
Washington, DC 20001
(By E-Mail)



Paul Tummonds