

October 6, 2014

VIA ELECTRONIC FILING AND HAND DELIVERY

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

Re: Z.C. Case No. 14-04
Best and Final Offer Response re: Proffers

Dear Chairman Hood and Members of the Commission:

Pursuant to Section 2403.16 of the Zoning Regulations, this letter identifies the public benefits being proffered by the Applicant in the above-captioned case and the associated proposed conditions for each proffered benefit that are both specific and enforceable. Below is a chart of each proffered amenity and proposed condition. For the Commission's convenience, the Applicant has also included revised language for the proposed design flexibility. The language below denotes changes to the conditions included in the Applicant's proposed findings and facts and conclusions of law that were made in response to the Commission's comments at the September 29, 2014 public meeting.

<u>Proffer (per finding of fact 27)</u>	<u>Proposed Condition</u>
Exemplary urban design, architecture, and landscaping, including high-quality materials, pedestrian-oriented streetscape improvements, clear separation of pedestrian and vehicular entrances and circulation patterns, and sustainable features Site planning and efficient land utilization, through the redevelopment of a strategic underutilized site located along K Street NW near the Foggy Bottom-GWU Metrorail station.	<u>Project Development</u> 1. This project shall be developed in accordance with the plans marked as Exhibit 20, Tab A and Exhibit 32, Tab A of the Record, as modified by guidelines, conditions, and standards herein. 2. The density of the Project shall not exceed a floor area ratio ("FAR") of 10.49. 3. The Applicant shall have flexibility from the roof structure requirements of the Zoning Regulations as shown on the approved plans.

Housing and affordable housing, through the direct contribution of \$2,639,582, <u>reduced by a credit for the value of TDRs required to construct the Project</u>, to a housing trust fund, based on the formula set forth in Section 2404.7 of the Regulations. Although required, the housing linkage contribution would not otherwise be made under a matter of right project, and thus qualifies as a public benefit of the PUD. <u>Consistent with prior housing linkage calculations approved by the Office of Planning, the housing linkage contribution shall be adjusted to account for the value of any TDRs required to construct the Project. This shall be achieved by reducing the assessed value of the increase in permitted gross floor area for office use by the total purchase price of TDRs required to increase the maximum FAR from 10.0 to 10.49, in effect providing the Applicant with a 50% credit for the value of such TDRs.</u>	<u>Public Benefits</u> 4. <u>Housing Linkage.</u> The Applicant shall contribute a total of \$2,639,582, <u>reduced by a credit for the value of transferable development rights required to construct the Project (the "TDR Credit")</u> to the Housing Production Trust Fund managed by the D.C. Department of Housing and Community Development, or such other housing trust fund defined under Section 2499.2 of the Regulations. a. Consistent with Section 2404.9 of the Regulations, not less than one-half of the required total financial contribution shall be made prior to the issuance of a building permit, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy. b. <u>The TDR Credit shall be equal to one-half of the total purchase price of the additional TDRs above a 10.0 FAR that are required to construct the Project.</u>
Environmental benefits, through the development of a building to the equivalent of a Gold rating under the LEED-CS 2009 rating system.	<u>Public Benefits</u> 1. <u>Sustainable Design.</u> The Applicant shall submit with its building permit application a LEED checklist indicating that the Project includes sustainable design features such that the Project would be able to meet the standards for certification at a minimum of Gold rating on the LEED-CS 3.0 2009 rating system, although the Applicant is not required to seek such LEED Gold certification for the Project.
Effective and safe vehicular and pedestrian access and transportation management measures, including a narrowed and relocated curb cut on 21st Street, 39 bicycle parking spaces within the building, a transit screen in the building in the office lobby, and showers and changing facilities for employees. <u>The Applicant will also provide a Transportation Demand Management ("TDM") Plan that will: identify a TDM coordinator for planning, construction, and operations, and provide</u>	<u>Project Development</u> 5. The Project shall provide parking as shown on the approved plans, except that the Applicant shall be permitted to make alterations to the size and design of the underground parking garage, provided that the garage contains approximately 48 parking spaces, which requirement may be satisfied with any combination of accessible, full-sized, compact,

<u>DDOT/Zoning Enforcement with annual TDM coordinator contact updates; post all TDM commitments on IFC intranet, publicize availability to employees, and allow employees to see what commitments have been promised (including providing website links to CommuterConnections.com and godcgo.com and information regarding nearby transit, carsharing, and bikesharing services on the IFC intranet); and provide reserved spaces for carpools that are conveniently located with respect to elevators serving the building.</u>	valet, and tandem spaces. 6. The Project shall provide a minimum of 39 bicycle parking spaces within the building. The Project shall also include showers and changing facilities for office building employees. 7. The Project shall include a transit screen in the office lobby. 8. The Project shall provide loading as shown on the approved plans. 9. <u>The Applicant shall provide the following Transportation Demand Management (“TDM”) measures:</u> a. <u>identify a TDM coordinator for planning, construction, and operations, and provide DDOT/Zoning Enforcement with annual TDM coordinator contact updates;</u> b. <u>post all TDM commitments on IFC intranet, publicize availability to employees, and allow employees to see what commitments have been promised (including providing website links to CommuterConnections.com and godcgo.com and information regarding nearby transit, carsharing, and bikesharing services on the IFC intranet); and</u> c. <u>provide reserved spaces for carpools that are conveniently located with respect to elevators serving the building.</u>
Uses of special value, including: a. \$50,000 to the Foggy Bottom / West End Village for its Medical Advocacy Program. b. \$105,881 to Cultural Tourism DC for the planning, research, and graphic design for the development of the North Loop of the Foggy Bottom Heritage Trail.	<u>Public Benefits</u> 3. <u>Contributions to Community Organizations.</u> Prior to the issuance of a building permit, the Applicant shall demonstrate that it has provided the following public benefits: a. Contribute \$50,000 to the Foggy Bottom/West End Village for its medical advocacy program.

	b. Contribute \$105,881 to Cultural Tourism DC for the planning, research, and graphic design for the development of the North Loop of the Foggy Bottom Heritage Trail. This contribution shall be delivered prior to the issuance of a building permit for the Project. Compliance with the above conditions shall be demonstrated by letters from the recipients listed above stating that the funding has been received and used towards the public benefits set forth above.
c. Community meeting space within the existing IFC headquarters, subject to certain restrictions.	<u>Public Benefits</u> 2. <u>Community Meeting Space.</u> The IFC shall continue to offer the ANC 2A and members of the community the opportunity to use IFC's auditorium for public events. IFC will absorb the annual cost required to cover electricity, security, heating, air conditioning, and ventilation services as needed for these events. To balance the IFC's security and use concerns, the following guidelines apply to use of the auditorium: a. Events shall be limited to weekday evenings (after 6 PM) and weekends. b. No more than two public events per month. c. Advance notice of 30-60 days prior to scheduling of a public event. d. Advance notice of 2 weeks will be given by IFC to an external user if their event comes in conflict with important IFC business functions and the user event must be rescheduled. e. Security screening for public event participants, including magnetometer, x-ray, or bag inspection). ID verification shall not be required. Advance notice of the names of event participants is not necessary, but providing such names within 24 in advance of the event will facilitate

	the check-in process.
d. Approximately 4,000 square feet of retail space.	<u>Project Development</u> 4. The Property shall be used for any use permitted in the C-3-C Zone District provided that at least 4,000 square feet of gross floor area is set aside for retail or service uses.
Design Flexibility	<u>Project Development</u> 10. The Applicant shall have flexibility with the design of the PUD in the following areas: 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 or appearance of the structure; b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction; c. To vary the final streetscape design and materials <u>in response to direction from</u> subject to review and approval by the appropriate District <u>public space</u> permitting authorities; d. To make minor refinements to exterior details and dimensions, including balcony 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, or to address the structural, mechanical, or operational needs of the building uses or systems; e. To vary the number, size, location and design features of retail entrances and windows, including the size, location, and design of windows, doors, awnings,

	canopies, and similar features, to accommodate the needs of specific retail tenants and storefront design; f. To vary the number, size, location, and other features of proposed <u>retail and building entrance</u> signage, provided that such signage is otherwise permitted under the applicable provisions of the District of Columbia Municipal Regulations; g. To locate green roof on the existing IFC headquarters as well as on the roof of the Project; and h. To vary the height of <u>the front portion of the roof structure between a height of 12' and 16' as well as</u> and the location of roof terrace doors, provided that the final design complies with the applicable maximum height and setback requirements.
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We look forward to the Zoning Commission taking Final Action on this case.

Very truly yours,



Phil Feola



David Avitabile

DA/da

CERTIFICATE OF SERVICE

On October 6, 2014, I caused a copy of the foregoing letter and enclosure to be delivered by electronic, hand or by U.S. Mail to the following:

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