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May 10, 2017

VIA IZIS

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

Re: Z.C. Case No. 14-18A – Application of Mid-City Financial Corporation (the “Applicant”) – Applicant’s Final Conditions

Dear Chairperson Hood and Members of the Commission:

Pursuant to the requirements of Section 308.8 of Subtitle X of the Zoning Regulations, the Applicant hereby submits this list of final proposed benefits and amenities, revised relative to its April 26, 2017 draft conditions pursuant to feedback from the Office of Attorney General. Set forth below is a chart outlining the benefits and amenities being provided by the above-referenced project and the corresponding final condition that is both specific and enforceable.

Proffer	Proposed Condition
<p><u>Urban Design, Architecture, and Landscaping.</u> This Commission finds that the Project’s urban design, architecture, and landscaping are superior public benefits. The Project incorporates numerous urban design precepts that guide attractive urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the existing buildings on the</p>	<p>A.1. <u>Approved Plans.</u> The Project shall be developed in accordance with the plans prepared by Torti Gallas Urban marked as Exhs. 24E, 101A and supplemented by drawings submitted on April 10, 2017 as Exh. 179F of the record (“Approved Plans”), as modified by the guidelines, conditions and standards herein.</p>

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<p>Property. This Commission judges the following elements indicative of superior design and architecture: the two Buildings' strong orientation to the surrounding streets, the prioritization of pedestrians over vehicles, the thoughtful site planning as part of the integrated redevelopment of the RIA Site, the use of open courtyards along the alley to the south, and the high quality of design, materials, and finishes. The Project's superior architecture establishes a baseline for future phases of the RIA Site's redevelopment and helps re-calibrate expectations about the quality of design and architecture for future development nearby.</p>	<p>A.3. <u>Flexibility</u>. The Applicant shall have flexibility with the design of the PUD in the following areas:</p> <ul style="list-style-type: none"> 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 of the materials types as proposed based on availability at the time of construction; c. To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction; d. To vary the final streetscape design and materials in response to direction received from District public space permitting authorities; e. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings, trim, and outdoor assembly space or any other changes to comply with Construction Codes; f. To vary the number of units by plus or minus 10 percent (except as provided below in Condition B.1.d) and to adjust the location of affordable units to reflect the final unit mix of the Project, provided that the Applicant complies with Condition B.1 of this Order and provided further that the allocation of such units does not overly distinguish between market rate and affordable units in any area of Building A; and g. To vary the number of parking spaces plus or minus five percent.

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<p><u>Site Planning</u>. The Project’s site plan is another superior benefit of the Project. The benefits of the Project’s site plan and efficient land utilization are captured in the Project’s overall density and absolute number of new residential units provided. At an FAR of just under 3.0, the proposed density is appropriate for the Property given the proximity to transit options while not overbearing the lower density residential neighborhoods to the north, south, and east of the RIA Site. Given the considerable economic development opportunities emerging along Rhode Island Avenue, NE and in Northeast DC generally, the transportation options, and the services and stores to become available as a result of the redevelopment of the RIA Site, preserving and replacing a significant number of deeply affordable residential units at this location is a benefit of the Project. Exh. 1 at 42. Moreover, the Project represents efficient and thoughtful site planning in the context of the Applicant’s plans for the RIA Site generally. The Project is an opportunity to establish a dedicated building for Brookland Manor’s senior residents and to provide flexibility to allow other Brookland Manor residents to be relocated to a new building on site during future phases of construction. This Commission finds that taken together these attributes of the Project are reflective of superior site planning and economical and efficient land use</p>	<p>A.2. <u>Site Plan</u>. The Second-Stage PUD project consists of: (i) Building A, a four-story apartment building containing approximately 131 mixed-income units with associated ground floor level amenity space, 68 below-grade vehicular parking spaces, and 54 bicycle parking spaces (44 long-term and 7 short term); and (ii) Building B, a four-story residential building containing approximately 200 seniors-only independent living units with associated ground floor level amenity space, 48 below-grade vehicular parking spaces, and 32 bicycle parking spaces (22 long-term and 10 short term). Building A has 169,342 square feet of gross floor area, a maximum height of 49 feet 4 inches, and an FAR of 2.97. Building B has 172,266 square feet of GFA, a maximum height of 51 feet, and an FAR of 3.0. Block 7 has a total FAR of 2.98 and contains 341,608 square feet of GFA, all of which is devoted to residential uses.</p> <p>D.1. The Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (“DCRA”) shall not issue any building permits for the PUD 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 the Attorney General and the Zoning Division, DCRA. Such covenant shall bind the Applicant and all successors in title to construct and use the property 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 the Office of Zoning.</p>

Proffer	Proposed Condition
<p><u>Housing and Affordable Housing.</u> The Commission finds that the Project provides housing and affordable housing in excess of the amount possible under a matter-of-right development. The Project provides approximately 331 new residential units (a net of 267 new units), a minimum of 265 of which will be affordable immediately upon completion. The Project’s housing and affordable housing are a superior public benefit for the following reasons:</p> <p>The District faces a shortage of virtually every kind of housing product, but the need for additional affordable housing in established neighborhoods, affordable senior housing, and affordable housing near transit is particularly severe. The Project makes a significant contribution of new affordable units on a site that is transit-accessible and well-positioned to take advantage of economic opportunities that emerge in the Brentwood neighborhood in the future.</p> <p>The housing proposed as part of the Project exceeds the amount possible through a matter-of-right redevelopment pursuant to the applicable limits in the underlying zone (i.e., the RA-1 zone) by approximately 217,965 square feet.</p> <p>The affordable housing proposed substantially exceeds the amount that would be required under the Inclusionary Zoning provisions of the Zoning Regulations. A matter of right project on Block 7 constructed pursuant to the Inclusionary Zoning requirements of the Zoning Regulations would be required to provide at most 15,455 square feet of affordable housing if constructed to a theoretical maximum density.</p>	<p>B.1. <u>Affordable Housing.</u> The second-stage PUD Project shall initially include a minimum of approximately 265 units (80 percent of the total units delivered as part of this phase) that shall be deeply affordable and reserved for occupants eligible to receive Section 8 assistance through the project based contract with HUD or through a DCHA Housing Choice Voucher.</p> <ol style="list-style-type: none"> a. <u>For so long as the Project exists,</u> in Building A, 25 units shall be reserved as permanently affordable units reserved for residents who shall be assisted by the project based and/or HCV Section 8 programs and shall be used to house existing Brookland Manor residents as demand dictates, subject in all instances to Condition B.1 of the First-Stage Order.¹ b. <u>For so long as the Project exists,</u> in Building B, all 200 of the units in shall be reserved for residents who shall be assisted by the project based and/or HCV Section 8 programs and shall be used to house existing Brookland Manor residents as demand dictates with the balance of units open to income-qualified tenants, subject in all instances to Condition B.1 of the First-Stage Order. c. <u>For so long as the Project exists,</u> the Project shall include 331 units, subject to these Conditions. d. <u>For so long as the Project exists,</u> the Project shall include (without

¹ To the extent the Section 8 and/or HCV are inapplicable to the Project, the Project shall instead comply with the applicable requirements of Condition B.1.b or Condition B.1.c of the First-Stage Order.

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<p>Exh. 1 at 44. Building B alone will provide 172,266 square feet of affordable housing. <i>Id.</i> Building A will provide a variable amount of affordable housing, but is anticipated to provide up to 65,192 square feet of affordable housing upon construction. <i>Id.</i></p> <p>The Project will simultaneously modernize and preserve a significant amount of affordable housing reserved for households eligible to participate in HUD’s Section 8 program.</p> <p>The Project’s proffer of affordable housing is at a deeper level of affordability than is ordinarily required. That is, by reserving a majority of the Project’s units for families eligible to participate in the Section 8 program (which generally involves residents earning less than 30 percent of the area median income), the Project provides housing at a deeper level of affordability than is currently required under the Inclusionary Zoning regulations.</p> <p>The Project includes two types of housing—senior housing, and three bedroom units—that the Zoning Regulations specifically identify as constituting public benefits. The Project includes 200 units of senior housing (with all such units being affordable, and most anticipated to house existing residents of Brookland Manor, allowing them to remain on site as RIA is introduced) and 18 units of three-bedroom housing (with all such three-bedroom units being either affordable or market-rate units).</p> <p>The Project’s housing and affordable housing are superior public benefits and vastly exceed what would be possible through a matter-of-right development.</p>	<p>future reduction) no fewer than 18 three-bedroom units, of which no fewer than 3 shall be reserved as affordable units in partial satisfaction of the requirements of this Condition B.1.</p> <p>e. The Applicant shall have the flexibility from time to time to utilize up to all of the units in Building A (i.e., up to all 131 units contained therein) as affordable housing and to reallocate to other buildings in the RIA development any affordable units initially provided in Building A, subject to the 25-unit minimum set forth in Condition B.1.a and the 3-unit three-bedroom minimum set forth in Condition B.1.d.</p> <p>f. In addition to the information required under the Zoning Regulations and the First-Stage Order, in connection with any subsequent second-stage application arising out of the First-Stage Order, the Applicant shall provide an update on the allocation of affordable housing units throughout the redevelopment site and the remaining Brookland Manor buildings, as applicable.</p>
<p><u>Employment Benefits.</u> The Applicant has entered into a First Source Agreement with the District Office of Employment Services</p>	<p>B.2. <u>Employment Benefits.</u> The Applicant has entered into a First Source Agreement with DOES to promote and</p>

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<p>(“DOES”) to promote and encourage the hiring of District residents. Exh. 121. This Commission finds that such an Agreement constitutes a public benefit. This Commission also finds that the Applicant has a long history of providing job-training and career development opportunities for Brookland Manor residents and that it has committed to providing additional employment and education programs at its expense in an attempt to ensure its residents and Ward 5 residents have job opportunities. Exh. 179 at 8.</p>	<p>encourage the hiring of District residents. The Applicant shall provide updates in all future second-stage applications as to the Applicant’s satisfaction of the terms of the First Source Agreement associated with approved second-stage PUD applications.</p>
<p><u>Social Service Programs.</u> The Applicant currently provides, and will continue to provide, a number of programs that are designed for all residents, including the children and seniors who live in the community. Existing programs for children living in Brookland Manor include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer camp, meal programs to ensure that no child goes home hungry, girls’ self-esteem workshops, reading and math tutoring, school supply drives, holiday gifts and a food pantry for families. Exh. 1 at 45; Exh. 12. Existing programs for Brookland Manor’s senior residents include brown-bag lunches and other events designed to bring Brookland Manor’s senior community together. <i>Id.</i> The Applicant has undertaken a survey of the residents to program the amenity space in the new buildings. This Commission adjudges these programs to be a public benefit of this Project. The Commission finds that the Applicant’s long history of providing such programs justifies determining these programs to be a public benefit notwithstanding their ongoing status after the issuance of a certificate of occupancy for the Project.</p>	<p>B.4. <u>Social Services and Facilities.</u></p> <p>a. <u>For so long as the Project exists,</u> the Applicant shall continue to provide programs that are designed for the children and seniors that live in the community. Such programs for children shall include a variety of enrichment activities, such as after school care, tutoring, arts and crafts, community gardening, summer camp, meal programs to ensure that no child goes home hungry, girls’ self-esteem workshops, reading and math tutoring, school supply drives, holiday gifts and a food pantry for families. Such programs for senior residents shall include brown-bag lunches and other events designed to bring the senior community together.</p> <p>b. <u>Prior to the issuance of the final certificate of occupancy for the Project,</u> the Applicant shall submit a memorandum to the Zoning Administrator, with a simultaneous copy to the Office of Zoning, certifying that the social services required hereunder have been arranged as set forth herein, provided the Applicant shall have the flexibility to reallocate such social services from time to time in accordance with the preferences and demands of the target communities.</p>

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<p><u>Building Space for Special Uses.</u> The Project provides for residents of Block 7 amenity spaces in each of the two Buildings. <i>Id.</i> at 46. Such resident spaces (“Amenity Spaces”) are depicted in the Approved Plans (as hereinafter defined) and include no less than approximately 4,000 square feet in Building A and no less than approximately 7,000 square feet in Building B. Buildings A and B each provide amenity spaces for special uses including, but not limited to, community educational or social development, promotion of the arts or similar programs. These amenity spaces support the Applicant’s strong commitment to providing services for children and seniors and give residents of the two Buildings safe indoor and outdoor places to gather in community, recreate, and relax. This Commission finds that these amenity spaces are public benefits given the supporting role such spaces play in facilitating the social services and programs described herein.</p>	<p>B.5. <u>Building Space for Special Uses.</u></p> <p>a. <u>For so long as the Project exists</u>, the Project shall include the Amenity Spaces in each of the two Buildings. Buildings A and B shall each include amenity spaces for special uses including, but not limited to, community, educational or social development, promotion of the arts or similar programs.</p> <p>b. <u>Prior to the issuance of the final certificate of occupancy for the Project</u>, the Applicant shall submit a memorandum to the Zoning Administrator, with a simultaneous copy to the Office of Zoning, describing the availability of such space and the guidelines for use by residents and community groups, which availability and guidelines the Applicant shall have the flexibility to amend from time to time in accordance with usage patterns for such space.</p>
<p><u>Environmental and Sustainable Benefits.</u> The Project complies with the requirements of the Enterprise Green Communities checklist and is part of a master development that will achieve LEED-ND level of Silver. Exh. 12, 12A. The Commission finds that these programs constitute public benefits.</p>	<p>A.1. <u>Approved Plans.</u> The Project shall be developed in accordance with the plans prepared by Torti Gallas Urban marked as Exhs. 24E, 101A and supplemented by drawings submitted on April 10, 2017 as Exh. 179F of the record (“Approved Plans”), as modified by the guidelines, conditions and standards herein.</p> <p>A.4. <u>LEED-ND Update.</u> Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall provide the Zoning Administrator with written evidence that the Project advances the First-Stage Order’s requirement that the overall area subject to the First-Stage Order is on track to satisfy the requirements of the LEED-ND program at</p>

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	the Silver level. ²
<p><u>Uses of Special Value to the Neighborhood or the District of Columbia as a Whole.</u> As part of the First-Stage Order, the Applicant agreed: (i) to ensure that existing qualified Brookland Manor residents, at the time that the redevelopment commences, will have the ability to remain at the new RIA redevelopment; (ii) to manage the onsite relocation of residents to minimize the impact on educational, social, emotional, and employment needs of individuals and families and phase the overall redevelopment (including building out its infrastructure) in a manner that is most efficient; and (iii) to implement a robust construction management for each phase of the redevelopment, including for this Project.</p>	<p>B.3. <u>Relocation and Construction Management Plans.</u></p> <ul style="list-style-type: none"> a. The Applicant shall abide by the terms of the tenant relocation and construction phasing plan as detailed at Exhs. 1G and 179 of the record in this case. b. The Applicant shall abide by the terms of the Construction Management Plan as detailed in Exh. 179B.

Please feel free to contact the undersigned with any questions.

Sincerely,


 Paul A. Tummonds, Jr.


 David A. Lewis

² Compliance with the LEED-ND program will be established on the basis of the build-out of the entire PUD area and cannot be accomplished prior to issuance of C of O for this phase, but the Applicant can provide an update on its progress towards satisfaction of such requirement of the First-Stage Order.

CERTIFICATE OF SERVICE

I certify that on or before May 11, 2017, I delivered a copy of the foregoing document via e-mail or first class mail to the addresses listed below.



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