

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

Leila M. Jackson Batties
leila.batties@hklaw.com
202.419.2583

May 28, 2015

VIA IZIS

Ms. Sharon Schellin
Secretary to the Zoning Commission for the
District of Columbia
Office of Zoning
441 Fourth Street, NW, Suite 210-S
Washington, DC 20001

**Re: Barry Place Partners, LLC (ZC Case No. 14-21)
List of Proffers and Conditions**

Dear Ms. Schellin:

On behalf of Barry Place Partners, LLC, we respectfully submit the attached chart of proffers and conditions for the above-referenced case, pursuant to Sections 2403.16 through 2403.18 of the Zoning Regulations.

Thank you for your considerate attention to this matter.

Sincerely yours,



Leila M. Jackson Batties

Attachment

cc: Advisory Neighborhood Commission 1B c/o Chair James Turner
Mr. Alan Bergstein, Office of the Attorney General
Ms. Maxine Brown-Roberts, Office of Planning

BARRY PLACE PUD
Z.C. Case No. 14-21
(Consolidated PUD and Related Map Amendment)

Proffer	Condition
1. <u>Affordable Housing.</u> The PUD is required to devote 8% of the residential gross floor area for households with incomes that do not exceed 80% of the area median income ("AMI"). The mix of affordable units for the project will include at least 4 two-bedroom units. In order to address concerns about the supply of affordable units for families and depth of affordability, the Applicant agrees to reserve all of the two bedroom units for households with incomes not exceeding 60% AMI. The remainder of the affordable units will include a mix of studio and one bedroom units for households not exceeding 80% AMI. Notwithstanding any change in the mix of units for the PUD, the Applicant shall provide a minimum of 4 two-bedroom units for the PUD at 60% AMI and an additional 23 units at 80% AMI. The mix and placement of the affordable units shall comply substantially with the approved plans for the PUD.	B.1. <u>Inclusionary Zoning.</u> The mix of required inclusionary zoning units shall include at least 4 two-bedroom units all of which shall be reserved for households with incomes not exceeding 60% AMI. Also, the Applicant shall provide an additional 23 units at 80% AMI in substantial accordance with the IZ matrix and plan (Sheet 11) marked as Exhibit 42 of the record.
2. <u>Housing for Howard Faculty and Staff.</u> During the life of the project, a minimum of 59 units in the building shall be leased or available for lease by Howard University faculty and staff at all times. In addition to the affordable units for the project required under the Zoning Regulations, at least 9 of the 59 units available for Howard University faculty and staff (approximately 3% of the overall residential gross floor area) will be set aside as affordable units. The mix of affordable units reserved for Howard will include at least 2 two-bedroom units for households with incomes not exceeding 60% AMI. The remainder of the units will be a mix of studios and one bedrooms for households with incomes not exceeding 80% AMI.	B.2. <u>Affordable Units for Howard Faculty, Staff and Graduate Students.</u> Prior to the issuance of a certificate of occupancy, the Applicant shall record a covenant against the Property that reserves, for Howard University faculty and staff, a minimum of 2 two-bedroom units reserved for households with incomes not exceeding 60% AMI and at least 7 units, that are a mix of studios and one bedrooms, reserved for households with incomes not exceeding 80% AMI. Said affordability levels shall be maintained for the life of the PUD project. The location of the 9 units shall be in substantial accordance with the IZ matrix and plan (Sheet 12) marked as Exhibit 42 of the record. B.3. <u>Housing for Howard Faculty, Staff and Graduate Students.</u> The Applicant and the University shall enter into an agreement whereby the Applicant is obligated to make no fewer than 50 units within the project for lease by Howard University faculty and staff at all times, for the life of the project. These units shall be in addition to the 9 affordable units reserved for Howard faculty and staff. Prior to the

Proffer	Condition
	issuance of a building permit, the Applicant shall furnish a letter from Howard University confirming said agreement between the parties.
3. <u>Job Training.</u> During the operation of the project, the Applicant, through the Refrigeration Supply Company, agrees to provide scholarships for HVAC Technician training and EPA Type 1 CFC Certification. Over a five-year period, the training shall be provided for at least 50 persons, who reside within certain zip codes in proximity to the Property. The Applicant shall advertise the training program through the Pleasant Plains Civic Association and the Single Member District Representative for ANC 1B-11. Prior to the issuance of a building permit for the PUD, the Applicant shall submit to the Zoning Commission an agreement with a job training organization that details the process for accepting and processing applications.	B.4. <u>Job Training Scholarships.</u> Over a five-year period, starting June 1, 2017, the Applicant, through the Refrigeration Supply Company, shall provide a minimum of 50 scholarships for HVAC Technician training and EPA Type 1 CFC Certification. The scholarships shall be available to those persons who reside within a 1.5 mile radius of the Property. An agreement between the Developer and the organization responsible for collecting and processing applications shall be required prior to the issuance of a building permit for the PUD.
4. <u>LEED Gold.</u> The Applicant commits that the resulting PUD will be certified as LEED Gold.	B.6 <u>LEED Certification.</u> The resulting PUD shall be certified as LEED Gold.
5. <u>Green Roof.</u> The project features an extensive 29,000 s.f. green roof that covers 76% of the roof area. The green roof will reduce heat island effect, promoting community health and assisting with storm water management. It also provides additional insulation for the building. By covering a substantial part of the upper roof with plant material and providing shade in the courtyard through the use of roof top trees, the amount of reflective heat will be greatly diminished from a traditional roof top condition. In addition to the environmental benefits, the human condition will be improved by providing a space that can be used for active and passive recreation. The planting areas will not just be an aesthetic amenity. These areas will filter and store storm water for re-use on the project. In addition to the roof covering the parking deck, a sky lounge with a green wall or hydroponic garden is planned on the upper floor of the roof tower.	B.7. <u>Green Roof.</u> The project shall include a 29,000-square foot green roof that covers 76% of the roof area. The planting areas on the green roof will be designed to filter and store storm water for re-use on the project. In addition, the project shall include a sky lounge on the upper floor of the roof tower with a green wall or hydroponic garden. The green roof and sky lounge shall be in substantial accordance with the Plans, marked as Exhibit ____ of the record.
6. <u>Transportation Demand Management.</u> In order to further encourage the use of non-auto	B.8. <u>Transportation Demand Management.</u> In order to further encourage the use of non-auto

Proffer	Condition
modes of transportation, the Applicant will implement a Transportation Demand Management (TDM) plan with strategies to limit the need for and use of vehicles at the proposed residential building. The TDM plan would include: • A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual. • Information on and/or links to transportation programs and services will be provided on the property management website. Such programs and services may include: ▪ Capital Bikeshare, ▪ Car-sharing services, ▪ Uber, ▪ Ridescout, ▪ Commuter Connections Rideshare Program, ▪ Commuter Connections Guaranteed Ride Home, ▪ Commuter Connections Pools Program, ▪ DDOT's DC Bicycle Map, ▪ Nearby Bicycle vendors and service providers, ▪ goDCgo.com, and ▪ WMATA. • An electronic display will be provided in a common, shared space in the building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location. • Convenient and covered secure bike parking facilities will be provided with storage for a minimum of 107 bicycles.	modes of transportation, the Applicant shall implement a Transportation Demand Management (TDM) plan with strategies to limit the need for and use of vehicles at the proposed residential building. The TDM plan shall include: • A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual. • Information on and/or links to current transportation programs and services will be provided on the property management website. Such programs and services may include: ▪ Capital Bikeshare, ▪ Car-sharing services, ▪ Uber, ▪ Ridescout, ▪ Commuter Connections Rideshare Program, ▪ Commuter Connections Guaranteed Ride Home, ▪ Commuter Connections Pools Program, ▪ DDOT's DC Bicycle Map, ▪ Nearby Bicycle vendors and service providers, ▪ goDCgo.com, and ▪ WMATA. • An electronic display will be provided in a common, shared space in the building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location. • At the initial occupancy of each unit, the Applicant will provide a one year Capital

Proffer	Condition
- At the initial occupancy of each unit, the Applicant will provide a one year Capital BikeShare membership or the registration fee for Car2Go, which would give each resident who chooses the Car2Go option a lifetime membership to Car2Go since it does not have an annual membership fee. - A minimum of 10 bicycle helmets will be made available for use by the residents.	BikeShare membership or the registration fee for Car2Go, which would give each resident who chooses the Car2Go option a lifetime membership to Car2Go since it does not have an annual membership fee. - A minimum of 10 bicycle helmets will be made available for use by the residents. - Unbundle parking from rent. - Provide approximately 19 short term bicycle racks on Sherman Avenue. - Install a bike maintenance facility in the building. - Provide no fewer than 140 bicycle parking spaces in the building. - Designate one space for use by a carsharing vehicle, subject to interest from a carshare vendor.
7. <u>Improvements to Community Recreation Space.</u> The Applicant agrees to meet with the Single Member District Representative for ANC 1B-11 and the residents of the LeDroit Park Apartments and the Garfield Terrace Apartments in order to outline improvements for the community rooms in the respective buildings. The improvements will be made, installed and/or constructed at the sole expense of the Applicant. Prior to the issuance of a building permit for the PUD, the Applicant shall enter into agreements with the DC Housing Authority for the improvement of the community room at the LeDroit Park Apartments located at 2125 4th Street, NW, and for the improvement of the top floor community room at the Garfield Terrace Apartment located at 2301 11th Street, NW, respectively.	B.5. <u>Improvements to Community Recreation Spaces.</u> Prior to the issuance of a building permit for the project, the Applicant shall either (1) donate \$110,308 to the DC Housing Authority ("DCHA") to cover the cost of certain improvements to the community rooms at the LeDroit Park Apartments and the Garfield Terrace Apartments, respectively, or (2) enter into an agreement with DCHA to make the improvements to said spaces. This obligation shall be in accordance with the letter from DCHA, including the attached plans, marked as Exhibit 40 of the record.
8. <u>Site Planning and Efficient and Economical Land Utilization.</u> The Applicant is redeveloping a site that is currently underutilized and redeveloping it with a new mixed-use project that includes market and affordable residential units and retail uses. The building will have frontages	A.1. The PUD Shall be developed in accordance with the plans titled "Lower Sherman Avenue Redevelopment PUD Document", prepared by Niles Bolton Associates, dated _____, and marked as Exhibit ____ of the public record.

Proffer	Condition
on three streets – Sherman Avenue, Barry Place, and 9th Street – and will activate all of the frontages with retail uses along Sherman Avenue and residential units with direct street access along Barry Place and 9th Street. Additionally, at the corner of Sherman Avenue and Barry Place, the long expanses of glass on each level of the building will afford eyes on the street as well allow views into the building. Parking, loading and trash collection areas are internal to the building and are accessed from one entrance with activities internal to the building. The building encircles an internal court that provides a pool, seating and landscaped areas for the enjoyment of the residents.	

CERTIFICATE OF SERVICE

This is to certify that on May 28, 2015, copies of the foregoing List of Proffers and Conditions were delivered, by electronic mail and hand, to the following:

Advisory Neighborhood Commission 1B
c/o James A. Turner, Chair
1236 Girard Street, NW
Washington, DC 20009
1B@anc.dc.gov

Office of the Attorney General of the District of Columbia
Attn: Mr. Alan Bergstein
Land Use and Public Works Section Chief
1100 15th Street, N.W. - Suite 800
Washington, DC 20005-1707
alan.bergstein@dc.gov

District of Columbia Office of Planning
Attn: Ms. Maxine Brown-Roberts
Development Review Specialist
1100 4th Street, SW - Suite E650
Washington, DC 20024
Maxine.brown-roberts@dc.gov



Leila M. Jackson Batties