

**Applicant’s Proposed Public Benefits and Amenities and Corresponding Conditions**

**Case No. 19-10  
 Valor Development, LLC  
 Consolidated PUD @ Square 1499, Lots 802, 803, 806, and 807**

*October 17, 2019*

<b><u>Proffer</u></b>	<b><u>Condition</u></b>
<p><b><u>Superior Urban Design, Architecture, and Landscaping (11-X DCMR § 305.5(a) and (b)) and Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c)).</u></b></p> <p>The proposed height and mass of the Project has been carefully designed to relate to the surrounding context through height reductions, courtyards, landscaping, façade articulation, upper-level setbacks, and high-quality, context-sensitive materials. The Project includes development of Windom Park, a new publicly accessible open space along 48<sup>th</sup> Street; the Northwest Plaza, a new landscaped plaza adjacent to the grocery store entrance along Yuma Street; and a variety of private landscaped courtyards and terraces. The Project’s site plan takes into consideration the potential for pedestrians to circulate through the public alley system through pedestrian improvements that do not currently exist, including a new three foot delineated pedestrian path along the north-south alley, a new six foot side walk along the east-west alley, and improvements at the alley intersections.</p> <p>In addition to the superior landscaping surrounding the PUD Site and within Windom Park and the Northwest Plaza, the Applicant will construct improvements specifically intended to activate these spaces and the surrounding streetscape. To demonstrate this</p>	<p>The Project shall be developed substantially in accordance with the architectural and landscape plans prepared by Torti Gallas Urban, dated September 17, 2019 (Ex. 28A), as modified by the revised drawings dated October 3, 2019 (Ex. 151C) and October 24, 2019 (Ex. ___) (collectively, the “Architectural Drawings”), and as modified by the guidelines, conditions, and standards herein.</p> <p><b><u>Prior to the issuance of the first certificate of occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has (i) worked with ANC 3E to identify specific improvements to be installed within Windom Park, the Northwest Plaza, and/or other open spaces surrounding the PUD Site that are intended to activate these spaces; (ii) considered options for installing playable and interactive elements into the design of Windom Park, the Northwest Plaza, and/or other open spaces surrounding the PUD Site, and either committed to providing such playable elements or provided a reasonable justification for why they will not be provided; and (iii) dedicated \$15,000 for the purchase, installation, or permitting of the improvements identified under items (i) and (ii) above.</p>

<p>commitment, the Applicant will dedicate \$15,000 toward such improvements, the design of which will be developed based on input from ANC 3E, and will be subject to review and approval by District public space permitting authorities, as necessary. As part of this effort, the Applicant will also consider incorporating playable and interactive elements into the design of these spaces.</p> <p>The Project also exhibits efficient and economical land utilization through (i) the provision of multiple residential building types (multi-family and townhomes) within a designated neighborhood commercial center in close walking proximity to numerous amenities, such as retail, services, parks, high-quality schools, and convenient bus service; and (ii) the utilization of unused density from the historic Massachusetts Avenue Parking Shops (“MAPS”) site, which will facilitate additional housing, restore a full-service grocery store to the neighborhood, and permanently reduce the amount of density that could potentially be constructed on the historic MAPS site in the future.</p>	
<p><b><u>Historic preservation of private or public structures, places, or parks. (11-X DCMR § 305.5(e)).</u></b></p> <p>The Project will assist in protecting the historic MAPS site by permanently reducing the amount of density that could potentially be constructed on the MAPS site in the future.</p>	<p>The Project shall be developed substantially in accordance with the architectural and landscape plans prepared by Torti Gallas Urban, dated September 17, 2019 (Ex. 28A), as modified by the revised drawings dated October 3, 2019 (Ex. 151C) and October 24, 2019 (Ex. ___) (collectively, the “Architectural Drawings”), and as modified by the guidelines, conditions, and standards herein.</p>

**Housing, including housing that provides units with three or more bedrooms; and Affordable Housing in an amount that exceeds what would have been required through matter-of-right development (11-X DCMR § 305.5(f) and (g)).**

The Project results in the creation of new housing consistent with the objectives and policies of the Comprehensive Plan and the Mayor’s Housing Initiative. Overall, the Project will replace a long vacant and underutilized site with approximately 219 new residential units in approximately 214,094 square feet of residential gross floor area (“GFA”). The Project’s unit mix includes studio, one-, two-, and three-bedroom units, including three-bedroom IZ units.

The Applicant will set aside a minimum of 12% of the residential GFA to IZ units devoted to households earning up to 60% of the median family income (“MFI”), and 12% of the non-communal penthouse habitable space to IZ units devoted to households earning up to 50% of the MFI. The Applicant will also set aside 12% of cellar floor area dedicated to residential dwelling units, and projection floor area dedicated to residential use, to IZ units devoted to households earning up to 60% of the MFI. The Applicant’s affordable housing proffer exceeds the amount of affordable GFA that would have otherwise been required through matter-of-right development on the PUD Site by 20%. Further, the Applicant will provide a minimum of four, three-bedroom IZ units in Building 1.

The Project shall be developed substantially in accordance with the architectural and landscape plans prepared by Torti Gallas Urban, dated September 17, 2019 (Ex. 28A), as modified by the revised drawings dated October 3, 2019 (Ex. 151C) and October 24, 2019 (Ex. \_\_\_\_ ) (collectively, the “Architectural Drawings”), and as modified by the guidelines, conditions, and standards herein.

The Applicant shall provide affordable housing as set forth in this condition:

1. **For the life of the Project**, the Applicant shall provide the housing and affordable housing set forth in Sheet \_\_\_\_ of Ex. \_\_\_\_, dated October 24, 2019, as may be modified in accordance with flexibility granted by the Commission.

*\*Updated IZ chart attached as last page of this document.*

<p><b><u>Environmental and sustainable benefits (11-X DCMR § 305.5(k)).</u></b> The Project has been designed to integrate a host of sustainable features and will be designed to achieve LEED Gold v.4 certification.</p> <p>The Applicant will redevelop the PUD Site, which is presently impervious and lacks any form of sustainable storm water management, with new landscaping, trees, park space, green roof systems, and bioretention areas. The parking garage includes eight electric vehicle charging stations that will be Level 2 chargers or greater, and the Applicant will install infrastructure to permit the installation of additional electric vehicle charging stations in the future. Electrical outlets will also be provided within the long-term bicycle storage rooms for the charging of electric bikes. Locations for car-share vehicles, interior retail bike storage, showers, and interior residential bike storage that exceeds the required number of spaces will also be provided.</p>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate that it has registered the Project with the United States Green Building Council (“USGBC”) to commence the LEED certification process by furnishing a copy of its LEED certification application to the Zoning Administrator. The application shall indicate that the Project has been designed to include at least the minimum number of points necessary to achieve Gold certification under the USGBC’s LEED v.4 standards.</p> <p><b><u>Prior to the issuance of the first certificate of occupancy and for the life of the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has provided the following:</p> <ol style="list-style-type: none"> <li>a. Eight electric vehicle charging stations in the parking garage that are Level 2 chargers or greater;</li> <li>b. The ability to increase the number of electric vehicle charging stations in the garage in the future;</li> <li>c. Electrical outlets in the long-term bicycle storage rooms;</li> <li>d. Locations for car-share vehicles in the parking garage; and</li> <li>e. Interior residential bicycle storage and interior retail bicycle storage and showers.</li> </ol>
<p><b><u>Transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application, including provision of a public easement for a pedestrian walkway that would not otherwise be required (11-X DCMR § 305.5(o)).</u></b></p> <p>The Applicant will provide the following transportation-related benefits that are not needed to mitigate any potential</p>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has provided the following transportation-related benefits that are not needed to mitigate any potential adverse transportation impacts created by the Project:</p>

<p>adverse transportation impacts created by the Project:</p> <ul style="list-style-type: none"> <li>a. Fund a new high-intensity activated crosswalk (“HAWK”) signal on Massachusetts Avenue, between 48th and 49th Streets, subject to DDOT public space approval;</li> <li>b. Allocate \$100,000 to means for connecting Project residents to the Tenleytown Metro station through shuttle or geofence with ride hailing services.</li> <li>c. Restrict residents of Building 1 from obtaining a Residential Parking Permit (“RPP”) with penalty of lease termination;</li> <li>d. Consolidate trash receptacles currently located in the north-south alley and in public space along Yuma Street to a new enclosure along the north-south alley;</li> <li>e. Improve the existing alley system by widening the north-south public alley by seven feet onto private property to maintain a 20-foot vehicle travel way and provide a new 3-foot pedestrian path; providing a new 6-foot sidewalk on private property along the east-west alley; constructing a new 5- to 6-foot sidewalk along the western side of the public alley entrance from Massachusetts Avenue; and constructing improvements to the alley intersection to increase pedestrian safety and visibility;</li> </ul>	<ul style="list-style-type: none"> <li>a. Funded a new “HAWK” signal on Massachusetts Avenue, between 48th and 49th Streets, subject to DDOT public space approval. If approved by DDOT, evidence of funding may be in the form of a check to DDOT and/or to a third party responsible for installing the HAWK signal;</li> <li>b. Deposited \$100,000 into an escrow account or otherwise spent \$100,000 to provide a means for connecting residents of the Project to the Tenleytown Metro station through a private shuttle or ride hailing service. The Applicant shall demonstrate to the Zoning Administrator that it has worked with DDOT and ANC 3E in selecting the means of connection. The Commission authorizes the use of an escrow account to satisfy this condition.</li> <li>c. Restricted residents of Building 1 from obtaining an RPP by placing a clause in emphasized type in all residential leases that prohibits residents from applying for or obtaining RPPs, upon penalty of mandatory lease termination to the full extent permitted by law;</li> <li>d. Consolidated the trash receptacles located in the north-south alley and in public space along Yuma Street to a new enclosure along the north-south alley, subject to DDOT public space approval;</li> <li>e. Improved the existing alley system by (i) widening the north-south public alley by seven feet onto private property to maintain a 20-foot vehicle travel way and provide a new 3-foot pedestrian path; (ii) providing a new 6-foot sidewalk on private property along the east-west alley; (iii) constructing a 5- to 6-foot sidewalk along the western side of the public alley entrance from Massachusetts Avenue; and (iv) constructing improvements to the alley intersection to increase pedestrian</li> </ul>
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<ul style="list-style-type: none"> <li>f. Contribute \$15,000 toward studying the potential to open the median on Massachusetts Avenue to improve porosity and turning movements at the MAPS site and/or studying the installation of a “pork chop” near Massachusetts Avenue and 49th Street;</li> <li>g. Work with ride hailing services to designate the building entrance on Yuma Street as the preferred pick-up and drop-off location;</li> <li>h. Work with DDOT to designate a section of 48th Street between Yuma Street and Warren Street as an “alternative transportation block” where transit options such as electric scooters, bikes, and mopeds; bike shares; and car shares can be co-located;</li> <li>i. Work with DDOT on installing a Capital Bikeshare station in the vicinity of the PUD Site; and</li> <li>j. Work with JUMP or other electric bike share service on its efforts to include electric bicycles and scooters in close proximity to the PUD Site.</li> </ul>	<p>safety and visibility. The improvements shall be consistent with those shown on the Architectural Drawings, as modified and approved by DDOT during public space permitting;</p> <ul style="list-style-type: none"> <li>f. Donated \$15,000 to DDOT and/or a third party transportation consultant toward studying the potential to open the median on Massachusetts Avenue to improve porosity and turning movements at the MAPS site and/or studying the installation of a “pork chop” near Massachusetts Avenue and 49th Street;</li> <li>g. Established the building entrance on Yuma Street as the preferred pick-up and drop-off location for ride-hailing services;</li> <li>h. Established a section of 48th Street between Yuma Street and Warren Street as an “alternative transportation block” where transit options such as electric scooters, bikes, and mopeds; bike shares; and car shares can be co-located; as modified and approved by DDOT during public space permitting;</li> <li>i. Worked with DDOT to identify a location for a new Capital Bikeshare station in the vicinity of the PUD Site. The Applicant shall not be required to pay for the installation or maintenance of the Capital Bikeshare station, but shall provide evidence that it has worked with DDOT to identify the location of a station; and</li> <li>j. Worked with JUMP or another electric bicycle provider on locating electric bicycles and scooters in close proximity to the PUD Site. The Applicant shall not be required to demonstrate that it has reached an agreement with a particular provider, but shall provide evidence that it has engaged with a provider and requested that electric bicycles and scooters be</li> </ul>
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	located in close proximity to the PUD Site.
<p><b><u>Uses of special value to the neighborhood or the District of Columbia as a whole (11-X DCMR § 305.5(q)).</u></b></p> <p>The Applicant will dedicate approximately 18,000 square feet of GFA to ground floor retail space, of which approximately 16,000 square feet will be dedicated to a full-service grocery store. Per the Memorandum of Understanding (“MOU”) with ANC 3E, for at least ten years from the date of the first certificate of occupancy, the Applicant shall dedicate a minimum of 13,000 square feet of the ground floor retail space to a full-service grocery store.</p>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has reserved a minimum of 13,000 square feet of the ground floor retail space to a full-service grocery store. The full-service grocery store shall meet the definition of a “Full-service grocery store” under D.C. Code § 25-101.</p> <p><b><u>For the first ten years of the Project,</u></b> the Applicant shall dedicate a minimum of 13,000 square feet of the ground floor retail space to a full-service grocery store that meets the definition of a “Full-service grocery store” under D.C. Code §25-101. The ten year time period required under this condition shall commence upon the date of issuance of the first certificate of occupancy for the Project.</p>
<p><b><u>Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan (11-X DCMR § 305.5(r)).</u></b></p> <p>The Applicant will plant any missing trees within the tree-box areas located along the east side of 48<sup>th</sup> Street between Yuma Street and Massachusetts Avenue, and along north side of Yuma Street between 48<sup>th</sup> and 49<sup>th</sup> Streets</p>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has planted a tree in any vacant tree box located along the east side of 48<sup>th</sup> Street between Yuma Street and Massachusetts Avenue, and along north side of Yuma Street between 48<sup>th</sup> and 49<sup>th</sup> Streets.</p>

**Applicant’s TDM Mitigation Measures and Corresponding Conditions**

<b><u>TDM Mitigation</u></b>	<b><u>Condition</u></b>
<p>The Applicant will fund and construct pedestrian network improvements in the immediate vicinity of the PUD Site to encourage walking and mitigate the impacts of being over-parked. Specifically, the Applicant will upgrade substandard curb ramps, stripe missing crosswalks, and install curb extensions, subject to DDOT public space approval, at the following intersections:</p> <ul style="list-style-type: none"> <li>a. 49th Street and Yuma Street NW;</li> <li>b. 48th Street and Yuma Street NW;</li> <li>c. 48th Street and Windom Place NW; and</li> <li>d. 48th Street and Warren Street NW.</li> </ul>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has upgraded substandard curb ramps, striped missing crosswalks, and installed curb extensions at the following intersections, as modified and approved by DDOT during public space permitting:</p> <ul style="list-style-type: none"> <li>a. 49th Street and Yuma Street NW;</li> <li>b. 48th Street and Yuma Street NW;</li> <li>c. 48th Street and Windom Place NW; and</li> <li>d. 48th Street and Warren Street NW.</li> </ul>
<p>The Applicant will implement the following TDM measures:</p>	<p><b><u>Prior to the issuance of the first certificate of occupancy and for the life of the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has implemented the following TDM measures:</p>
<p>1. Exceed the minimum zoning requirements for bicycle parking/storage facilities, which includes secure long-term bicycle storage rooms located within Building 1 and short-term bicycle parking located around the perimeter of the PUD Site;</p>	<p>1. Installed more than the minimum number of bicycle parking/storage facilities required by the Zoning Regulations, which include secure long-term bicycle storage rooms located within Building 1 and short-term bicycle parking located around the perimeter of the Site;</p>
<p>2. Install a bicycle repair station in each of the long-term bicycle storage rooms located within Building 1;</p>	<p>2. Installed a bicycle repair station in each of the long-term bicycle storage rooms located within Building 1;</p>
<p>3. Unbundle the cost of residential parking from the cost of lease or purchase of each residential unit in Building 1. The unbundled cost of parking will be at a minimum equal to the average market rate within a quarter mile;</p>	<p>3. Unbundled the cost of residential parking from the cost of lease or purchase of each residential unit in Building 1. The Applicant shall demonstrate that the unbundled cost of parking is at a minimum equal to the average market rate for a parking space within a quarter mile of the Site;</p>

<p>4. Not offer free parking to any resident, employee, student, or otherwise, and only offer daily, weekly and monthly rates for purchase;</p>	<p>4. Offered parking rates only for daily, weekly and/or monthly subscriptions for purchase only, with no free parking offered to residents, employees, students, or otherwise;</p>
<p>5. Identify TDM leaders (for planning, construction, and operations) who will work with residents and grocery/retail employees to distribute and market various transportation alternatives and options;</p>	<p>5. Identified TDM leaders (for planning, construction, and operations) who will work with residents and grocery/retail employees to distribute and market various transportation alternatives and options;</p>
<p>6. Work with DDOT and goDCgo to implement TDM measures;</p>	<p>6. Worked with DDOT and goDCgo to implement TDM measures;</p>
<p>7. Share the full contact information of the TDM leaders with DDOT and goDCgo;</p>	<p>7. Shared the full contact information of the TDM leaders with DDOT and goDCgo;</p>
<p>8. Post all TDM commitments online for easy reference;</p>	<p>8. Posted all TDM commitments online for easy reference;</p>
<p>9. Provide TDM materials to new residents in the Resident Welcome Package materials;</p>	<p>9. Created a Resident Welcome Package that includes TDM materials;</p>
<p>10. Provide residents and grocery/retail employees who wish to carpool with detailed carpooling information and refer them to other carpool matching services sponsored by MWCOG;</p>	<p>10. Provided residents and grocery/retail employees who wish to carpool with detailed carpooling information, including a reference to other carpool matching services sponsored by MWCOG;</p>
<p>11. Install a Transportation Information Center Display (electronic screen) within the residential lobby of Building 1 containing information related to local transportation alternatives;</p>	<p>11. Installed a Transportation Information Center Display (electronic screen) within the residential lobby of Building 1 containing information related to local transportation alternatives;</p>
<p>12. Offer either a one-year membership to Capital Bikeshare or a one-year membership to a car-sharing service to each residential unit for the initial lease of each unit;</p>	<p>12. Purchased or secured either a one-year membership to Capital Bikeshare and/or to a car-sharing service to be provided to each residential unit during the initial lease of each unit;</p>
<p>13. Dedicate four vehicle parking spaces in the parking garage for car-sharing services to use with right of first refusal. If an agreement has not been reached with a carsharing service to occupy the four spaces, then the Applicant will provide an additional year of</p>	<p>13. Dedicated four vehicle parking spaces in the parking garage for car-sharing services to use with right of first refusal. If an agreement has not been reached with a carsharing service to occupy all of the four spaces prior to issuance of the first certificate of occupancy, then the Applicant shall demonstrate that it has purchased</p>

Capital Bikeshare memberships to new residents within Building 1;	a one-year membership to Capital Bikeshare for each residential unit;
14. Provide one shopping cart for grocery shopping and running errands for every 30 residential units in Building 1.	14. Purchased and provided one shopping cart for grocery shopping and running errands for every 30 residential units in Building 1.

**Applicant’s Loading Management Plan and Corresponding Conditions**

<b><u>Loading Management Plan Requirement</u></b>	<b><u>Condition</u></b>
The Applicant will implement the following Loading Management Plan (“LMP”):	<b><u>For the life of the Project</u></b> , the Applicant shall implement the LMP, as set forth in Finding of Fact No. ____ of this Order [ <b><u>THE FINDING OF FACT NUMBER WILL REFERENCE THE ITEMS STATED TO THE LEFT.</u></b> ]
1. A loading dock manager will be designated by the building management. The dock manager will coordinate with vendors and tenants to schedule deliveries and will be on duty during delivery hours;	
2 All tenants in Building 1 will be required to schedule deliveries that utilize the loading docks – defined here as any loading operation conducted using a truck 20-feet in length or larger;	
3. Commercial deliveries will be scheduled between 7 AM – 7 PM (7 days a week), and discouraged from making deliveries after 4 PM on weekdays;	
4. Waste collection (both commercial and residential) is allowed 7 AM – 4 PM (7 days a week);	
5. Residential move-ins/outs are allowed 9 AM – 4 PM (7 days a week);	
6. The dock manager(s) will schedule deliveries such that the dock’s capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;	

<p>7. The dock manager(s) will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering or exiting the alley;</p>	
<p>8. The loading manager(s) will monitor the alley to keep the designated loading areas clear for deliveries, keep the alley from being blocked due to vehicle loading/unloading activity, and enforce the no parking restrictions;</p>	
<p>9. Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;</p>	
<p>10. The Applicant will continue to coordinate with DDOT and the owners of the MAPS site (Lots 802 and 803) regarding loading operations for the MAPS site;</p>	
<p>11. All trash bins and dumpsters belonging to the MAPS site (Lots 802 and 803) currently located along Yuma Street NW will be relocated to the alley and placed in the proposed trash enclosures; and</p>	
<p>12. Trucks traveling to the MAPS site will be directed not to pick-up or drop-off on Yuma Street NW and will be directed to use the alley network.</p>	

**Inclusionary Zoning Chart**

<b>Residential Unit Type</b>	<b>Residential GSF* / Percentage of Total</b>	<b>Units</b>	<b>Reserved for Household Earning Equal to or Less Than</b>	<b>Affordable Control Period</b>	<b>Tenure Type</b>
<b>Total</b>	272,057 / 100%	219			
<b>Market Rate</b>	239,410 / 88.0%	189	Market Rate		
<b>IZ**</b>	29,008 / 10.7%	26	60%	Life of the Project	Rental
<b>IZ**</b>	3,639 / 1.3%	4	50%	Life of the Project	Rental
<b>Affordable/ Non-IZ</b>	0 / 0%	0	N/A	N/A	N/A

\*Square footages shown represent gross square feet (“GSF”) of residential use within the project. GSF is inclusive of building area devoted to residential use that meets the definition of “gross floor area” under the 2016 Zoning Regulations (“ZR16”), including building area devoted to residential dwelling units within a penthouse, and also includes building area devoted to dwelling units located within a cellar and building area devoted to residential use within building projections.

\*\*The number of IZ units is approximate based on the current dwelling unit count and layout. The number, location, and mix of IZ units may change if the total number of dwelling units changes in accordance with flexibility granted by the Commission. However, a minimum of four (4), three bedroom IZ units shall be provided.