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July 30, 2020

VIA IZIS

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 200S
Washington, DC 20001

Re: Z.C. Case No. 19-19: Application of Terrace Manor Redevelopment LP (the “Applicant”) to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development (“PUD”) at 3301 23rd Street SE (Square 5894, Lot 63, the “Property”) — Applicant’s Final Proffers and Conditions

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X, Section 308.12, the Applicant hereby submits its final of proffers and corresponding conditions of approval for the above-referenced project. The final proffers and conditions have been revised in response to comments received from the Office of the Attorney General (“OAG”). Set forth below is a chart outlining the final proffers and corresponding conditions.

The below reflects changes to the condition setting forth the Applicant’s affordable housing proffer, made in response to OAG feedback. These changes are primarily minor, non-substantive revisions to the condition language, except that the condition was clarified to confirm that the control period for the project’s initial affordability period will begin upon issuance of the first Certificate of Occupancy for the project.

Public Benefits	
Proffer	Condition
<p><u>Housing in Excess of Matter-of-Right Development and Provides Three-Bedroom Units (<i>id.</i> §§ 305.5(f)(1) and (3))</u>: The Project includes a greater number of housing units than would be required on the Property as a matter-of-right. The Project provides no fewer than four (4) three-bedroom units.</p>	<p>1. The Project shall provide affordable housing as set forth in this condition.</p> <p>a. The Applicant shall provide the affordable housing as set forth in the following chart. The chart assumes that the Project is exempt from the Inclusionary Zoning regulations (“IZ Regulations”) set forth in Subtitle C, Chapter 10 of the Zoning Regulations, pursuant to 11-C</p>

<p><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (id. § 305.5(g)):</u> The Project reserves one hundred percent (100%) of its residential GFA for affordable housing units set aside at 60% of Median Family Income (“MFI”) for a 30-year term. If the Project receives funding from the District’s Housing Production Trust Fund, this initial affordability period will be increased to 40 years. After expiration of the initial period of affordability, the Project will revert to Inclusionary Zoning (“IZ”) requirements.¹</p>	<p>DCMR § 1001.6 (“IZ Exemption”);</p>
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Project Affordability After Expiration of Initial Affordability Period					
Residential Unit Type	Floor Area/% of Total*	# of Units	Income Type	Affordability Control Period	Affordable Unit Type
Total	129,936/100%	130	Mixed		
Affordable Non-IZ	115,773/89.1%	114	Up to 60% of MFI	30 years if the Project does not receive funding from the D.C. Housing Production Trust Fund or 40 years if the Project does receive such funding	N/A
Affordable Non-IZ**	14,163/10.9%	16	Up to 60% of MFI	Life of Project	Rental
<p><i>* Refers to the residential gross floor area, but the floor area may be adjusted to subtract the building core factor.</i></p>					
<p><i>** If at permitting it is determined that the Project does not qualify for the IZ exemption, these units shall be Inclusionary Zoning units instead of Affordable Non-IZ units.</i></p>					

¹ Pursuant to Subtitle C § 1001.6(a), IZ requirements will not apply during the initial affordability period.

	<p>b. Each control period shall commence upon the issuance of the first certificate of occupancy; and</p> <p>c. The affordable housing requirements of this condition shall be stated in the covenant required by 11-C DCMR § 1001.6(a)(4); however, in the case that Project does not qualify for the IZ exemption under 11-C DCMR § 1001.6(a), the Applicant shall nevertheless provide affordable housing in accordance with this condition, unless the IZ Regulations as of the date of this order impose more restrictive standards. The Applicant shall record the covenant required by the Inclusionary Zoning Act as to 11% of the residential gross floor of the building, and shall execute the monitoring and enforcement documents required by 11-X DCMR § 311.6 as to the remaining residential gross floor area.</p> <p>2. For the life of the Project, at least four (4) of the residential units will be three-bedroom units.</p>
<p>Superior Urban Design and Architecture (11-X DCMR § 305.5(a)): The Project's design is reflective of superior architectural and urban design characteristics relative to any matter-of-right development, including the Project's careful shifts in massing and materials to help break up the facade.</p>	<p>3. The Project shall be constructed in accordance with the Final Plans.</p> <p>4. For the life of the Project, the Applicant shall provide a community garden space at the rear (west) of the building consisting of a minimum of 2,145 square feet of area that will be made available for all residents of the Project.</p>
<p>Site Planning and Efficient Land Utilization (id. § 305.5(c)): The Project revitalizes a site that is currently dilapidated, vacant, and underutilized. The Project has been carefully developed to provide residents with an attractively designed apartment building that is well-sited on the lot, with appropriate setbacks and open green space, including a rear garden area for residents.</p>	<p>5. The Property shall be subject to the requirements of the RA-1 zone except as set forth herein or modified hereby as shown on the Final Plans. The Project shall be constructed to a maximum height of approximately 47 feet, seven (7) inches. The Project shall be entitled to flexibility to increase the FAR for the Project to a maximum of 1.296, all as shown in the Final Plans. The Applicant shall have flexibility in the following areas: [<i>See below on pages 3-4</i>]</p>
<p>The Applicant shall have flexibility in the following areas:</p> <p>a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the Project as shown on the Final Plans;</p>	

- b. To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction, without reducing the quality of the materials, provided such colors are within the color ranges shown on the Final Plans; and to make minor refinements to exterior details, dimensions and locations, including curtainwall mullions and spandrels, window frames and mullions, glass types, belt courses, sills, bases, cornices, balconies, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or to address the structural, mechanical, design, or operational needs of the building uses or systems;
- c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the Project as shown on the Final Plans; examples of exterior details include, without limitation, doorways, canopies, railings, and skylights;
- d. To provide a range in the number of residential units in the Project of plus or minus five percent (5%) relative to the number depicted on the Final Plans, with no reduction in the number of three-bedroom units (four (4));
- e. To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus ten percent (10%), provided the number of parking spaces maintains a ratio of no more than 0.3 spaces per residential unit;
- f. To make minor refinements to the floor-to-floor heights, so long as the maximum height and total number of stories as shown on the Plans do not change;
- g. To vary the design of the public space surrounding the Property and/or the selection of plantings in the landscape plan depending on seasonal availability within the range and quality as proposed in the Final Plans or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies and/or service to the Property from utilities;
- h. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR required by the Zoning Regulations and provides a minimum of approximately 18,412 square feet ($\pm 2\%$) of roof area containing green roof and a minimum of approximately 13,850 square feet ($\pm 2\%$) of roof area containing solar panels and related equipment;
- i. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below the minimum required for the LEED standard specified by the order;
- j. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Final Plans and remain compliant with all applicable penthouse dimensional requirements of the Zoning Regulations; and
- k. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming and to accommodate special events and programming needs of those areas from time to time.

<p><u>Employment Opportunities (id. § 305.5(h)):</u> Should the Project receive funding from the District's Housing Production Trust Fund or from the D.C. Housing Finance Agency, the Applicant commits to entering a First Source Employment Agreement and Certified Business Enterprise Agreement.</p>	<p>6. <u>Prior to the issuance of a building permit for the Project,</u> the Applicant shall provide the Zoning Administrator with evidence that the Project has not received funding from either the District of Columbia Housing Production Trust Fund or the District of Columbia Housing Finance Agency or, if the Project has received such funding, that the Applicant has (a) executed a First Source Employment Agreement with the Department of Employment Services and (b) executed a Certified Business Enterprise Agreement with the Department of Small and Local Business Development.</p>
<p><u>Environmental and Sustainable Benefits: LEED Gold (id. § 305.5(k)(5)):</u> The Applicant proposes to construct the Project to LEED Gold v4 certification. An updated LEED checklist will be included with the Final Plans.</p>	<p>7. <u>Prior to the issuance of a certificate of occupancy for the Project,</u> the Applicant shall provide the Zoning Administrator with evidence that the Project has or will achieve the requisite number of prerequisites and points necessary to secure LEED Gold v4 certification from the U.S. Green Building Council.</p>
<p><u>Environmental and Sustainable Benefits: Rooftop Solar, Green Roof, and Electric Vehicle Accommodations (id. § 305.5(k)):</u> The Applicant proposes to include on the Project 13,850 square feet of rooftop solar panels, 18,412 square feet of green roof features, and electric vehicle accommodations.</p>	<p>8. <u>Prior to the issuance of the first certificate of occupancy for the Project,</u> the Applicant shall provide the Zoning Administrator with information showing that solar panel systems and associated equipment installed on the Project occupy approximately 13,850 square feet ($\pm 2\%$) of roof area.</p> <p>9. <u>Prior to the issuance of the first certificate of occupancy for the Project,</u> the Applicant shall provide the Zoning Administrator with information showing that green roof features installed on the Project occupy approximately 18,412 square feet ($\pm 2\%$) of roof area.</p> <p>10. <u>For the life of the Project,</u> the Applicant shall install and maintain two (2) electric vehicle charging stations within the garage.</p>
<p>Transportation Mitigation Measures – Transportation Demand Management</p>	
<p>1. <u>For the life of the Project,</u> the Applicant shall implement the following with respect to the Project's transportation demand:</p> <p style="padding-left: 40px;">a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a</p>	

- quarter mile.
- b. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
 - c. Provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
 - d. Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
 - e. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
 - f. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
 - g. Provide residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
 - h. Transportation Coordinator shall subscribe to goDCgo's residential newsletter.
 - i. Post all TDM commitments on website, publicize availability, and allow the public to see what has been promised.
 - j. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident.
 - k. Meet ZR16 short- and long-term bicycle parking requirements. There shall be no fee to the residents for usage of the bicycle storage room.
 - l. Long-term bicycle storage rooms shall accommodate non-traditional sized bikes including cargo, tandem, and kids bikes.
2. **Following the issuance of a certificate of occupancy for the Project**, the Transportation Coordinator shall submit documentation summarizing compliance with the transportation and TDM conditions of the Order to the Office of Zoning for inclusion in the IZIS case record of the case.
 3. **Following the issuance of a certificate of occupancy for the Project**, the Transportation Coordinator shall submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the Project) summarizing

continued compliance with the transportation and TDM conditions in the Order.

Loading Mitigation Measures – Loading Management Plan

4. **For the life of the Project**, the Applicant shall implement the following with respect to the Project's loading operations:
 - a. The building's on-duty maintenance technician shall serve as the loading manager during the weekdays, and the front desk/concierge will serve as loading manager on weekends. The loading manager shall be on duty from 8 am to 5 pm and will coordinate with vendors and tenants to schedule deliveries and with the community and neighbors to resolve any conflicts should they arise.
 - b. A lease provision shall require all tenants to use only the loading docks for deliveries and move-in/move-out activities.
 - c. All tenants shall be required to schedule deliveries that utilize the loading dock (any loading operation conducted using a truck 20' in length or larger) and all loading activities shall be required to occur at the loading dock.
 - d. The loading manager shall 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 shall be directed to return at a later time when a berth will be available so as to compromise safety or impede street or intersection function.
 - e. The loading manager shall schedule residential loading activities so as not to conflict with commercial deliveries, such as FedEx and UPS. All residential loading shall need to be scheduled with the loading manager.
 - f. The loading manager shall monitor inbound and outbound truck maneuvers and shall ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along Savannah Street SE except during those times when a truck is actively entering or exiting a loading berth.
 - g. Service vehicle/truck traffic interfacing with Savannah Street SE traffic shall be monitored during peak periods and management measures shall be taken if necessary to reduce conflicts between truck and vehicular movements.
 - h. Trucks using the loading dock shall 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 Map (godcgo.com/truckandbusmap).
 - i. The loading manager shall monitor the timing of the residential deliveries to see if any adjustments need to be made to ensure any conflicts are minimized.

The Applicant looks forward to the Commission's action on this application at its September 14, 2020 Public Meeting. Please feel free to contact the undersigned with any questions.

ZC Case No. 19-19
Applicant's Draft Proffers and Conditions
July 30, 2020

Respectfully submitted,

/s/ Paul A. Tummonds

/s/ Lawrence Ferris

Enclosures

CC: Maximilian L.S. Tondro, Office of the Attorney General
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Certificate of Service

I certify that on or before July 30, 2020, I delivered a copy of the foregoing document and attachments via e-mail to the addresses listed below.

/s/ Lawrence Ferris _____

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