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January 3, 2023

VIA IZIS

Zoning Commission
of the District of Columbia
441 4th Street, NW - Suite 210
Washington, DC 20001

**Re: Applicant's Revised List of Proffers and Corresponding Conditions
Z.C. Case No. 22-11 - Consolidated PUD and Related Zoning Map Amendment
807 Maine Avenue, SW (Square 439-S, Lot 15)**

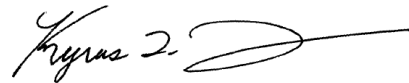
Dear Members of the Zoning Commission:

On behalf of MCRT Investments LLC (the "Applicant"), we hereby submit the Applicant's revised list of proffers and corresponding conditions, as reviewed by the Office of Zoning Legal Division in compliance with the Zoning Commission's procedures of 11-X DCMR § 308.8 *et seq.* Revisions agreed to with OZLD are shown in track changes.

Thank you for your attention to this matter.

Sincerely,

HOLLAND & KNIGHT, LLP



Kyrus L. Freeman
Jessica R. Bloomfield

Attachment

cc: Certificate of Service
Joel Lawson, Office of Planning (via Email)
Karen Thomas, Office of Planning (via Email)
Aaron Zimmerman, DDOT (via Email)
Emma Blondin, DDOT (via Email)
Jacob Ritting, OZLD (via Email)

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2023, a copy of this letter and the Applicant's revised list of proffers and corresponding conditions were served on the following by email:

1. Ms. Jennifer Steingasser
D.C. Office of Planning
jennifer.steingasser@dc.gov

2. Advisory Neighborhood Commission 6D
c/o Commissioner Edward Daniels, Chair
6D@anc.dc.gov
6D07@anc.dc.gov

3. Commissioner Marjorie Lightman
Single-Member District Representative
ANC 6D01
6D01@anc.dc.gov



Jessica R. Bloomfield
Holland & Knight, LLP

PROPOSED PUD BENEFITS AND AMENITIES

Updated Submission – January 3, 2023

Z.C. Case No. 22-11

Consolidated PUD and Related Zoning Map Amendment to MU-10

807 Maine Avenue, SW

Square 439-S, Lot 15

<u>Proffer</u>	<u>Condition</u>
<p><u>Urban Design and Architecture ((11-X DCMR § 305.5(a)); Superior Landscaping (11-X DCMR § 305.5(b)); and Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c)).</u> The Project reflects a superior architectural and landscape design compared to what would otherwise be developed as a matter-of-right. The Project includes high-quality building materials and utilizes unique architectural features, setbacks, and articulation that will create a visually interesting building at an underutilized site.</p> <p>The Project also incorporates superior urban design features such as new and engaging streetscape improvements, plaza spaces, seating areas, street trees and planting beds, special and permeable paving, bioretention areas, and other pedestrian-centric spaces that create better connections within the neighborhood. All of these spaces will be open to the public and will result in a significant upgrade compared to the existing fenced-off condition. Moreover, the Project represents economical land utilization as it will redevelop the existing vacant office building with a new higher-density residential building that is fully consistent with the Comprehensive Plan.</p>	<p>The Project shall be developed and constructed substantially in accordance with the Plans and Elevations prepared by SK+I Architects dated October 25, 2022, and included in the case record at Exhibit 69A, as updated by the drawings and diagrams prepared by SKI+I Architects dated November 28, 2022, and included in the case record at Exhibit 86A (together, the “Approved Plans”) as modified by the guidelines, conditions, and standards herein.</p>

<p><u>Commemorative Works or Public Art (11-X DCMR §305.5(d))</u>. The Applicant will incorporate public art into the design and program of the Project as follows:</p> <ul style="list-style-type: none"> A. The Applicant will design and install a publically-accessible art piece within the property line located at the northeast corner of the PUD Site; and B. The Applicant will contribute \$75,000 to MYLY Design, a local minority-owned, women-owned, certified business entity based in Washington, D.C., which will design, fabricate, and install public art on Maine Avenue, SW, between 7th and 9th Streets, SW. 	<p><u>Prior to the issuance of the final certificate of occupancy (“COO”) for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it has:</p> <ul style="list-style-type: none"> A. Designed and installed a publically-accessible art piece within the property line located at the northeast corner of the PUD Site; and B. Contributed \$75,000 to MYLY Design for the design, fabrication, and installation of public art on Maine Avenue, SW, between 7th and 9th Streets, SW.
<p><u>Housing that Exceeds the Amount that Would Have Been Required Through Matter-of-Right Development Under Existing Zoning (11-X DCMR § 305.5(f)(1))</u>. The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the SW Plan. The Project will replace an existing office building with approximately 195 new residential units. Given that existing zoning does not require housing, this amount of housing substantially exceeds the amount that could be provided if the PUD Site was developed as a matter-of-right.</p> <p>Specifically, under the existing MU-12 zone with IZ, the PUD Site could be developed as a matter-of-right with approximately 70,992 square feet of GFA devoted to residential use (3.0 FAR x 23,664 sq. ft. land area). This is compared to the 194,839 square feet of GFA proposed for the Project (8.2 FAR), which is an increase of 123,847 square feet of residential use compared to matter-of-right development (174.5% increase).</p>	<p><u>For the life of the Project</u>, the Applicant shall dedicate approximately 194,839 square feet of GFA to residential use in the Project.</p> <p><u>For the life of the Project</u>, the Applicant shall provide nine three-bedroom units.</p>

The Project will also include a mix of unit types, including nine 3-bedroom units.

Affordable Housing that Exceeds the Amount that Would Have Been Required Through Matter-of-Right Development Under Existing Zoning (11-X DCMR § 305.5(g)). In addition to the creation of new housing, the Project will also produce significant new affordable housing. Specifically, the Applicant will set aside a minimum of 15% of the residential GFA and penthouse floor area to IZ units as follows: (i) approximately 1% reserved for households earning up to 50% of the MFI; and (ii) approximately 14% reserved for households earning up to 60% of the MFI. The Applicant’s affordable housing proffer will help foster a mixed-income community on a site where no housing currently exists and that is in close proximity to public transit and numerous neighborhood amenities.

In addition, the Project will include a mix of unit types, including three 3-bedroom IZ units.

The Applicant’s affordable housing proffer represents a substantial increase compared to the amount of affordable housing that would be required for a matter-of-right development in the MU-12 zone.

As a matter-of-right (MU-12), the PUD Site would be required to set aside approximately 8,874 square feet of residential GFA to IZ, assuming non-Type I construction, as follows:

- 3.0 FAR with IZ = 70,992 sq. ft. of residential GFA permitted
- 10% of residential GFA = 7,099 sq. ft. of residential GFA devoted to IZ
- 75% of bonus density utilized = 8,874 sq. ft. of residential GFA devoted to IZ

The Applicant shall provide the affordable housing in accordance with this condition.

For the life of the Project, the affordable housing shall be administered by the D.C. Department of Housing and Community Development through the IZ program. The affordable housing shall comply with all development standards, tenancy regulations, and implementation requirements for IZ units as set forth in 11-C DCMR, Chapter 10 and 14 DCMR, Chapter 22.

For the life of the Project, the Applicant shall provide the affordable housing as set forth in the following chart:

Residential Unit Type	Residential GFA (Includes Penthouse and Projections) % of Total	# of Units	Affordable Control Period	Affordable Unit Type
Total	203,034	195	Life of the Project	Rental
Market Rate	172,579 (85%)	168	Life of the Project	Rental
IZ	28,666 (14%)	24	Life of the Project	Rental
IZ	1,789 (1%)	3	Life of the Project	Rental
IZ Total	30,455 (15%)	27	Life of the Project	Rental

For the life of the Project, the Applicant shall provide three three-bedroom IZ units at 60% of the MFI.

The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this condition.

For the life of the Project, the Applicant shall maintain a website that includes information directing potential tenants on how to apply for IZ units.

The 8,874 square feet of IZ is compared to the 29,465 square feet of residential GFA proposed to be devoted to IZ as part of the PUD, excluding the IZ generated by the penthouse. Accordingly, the affordable housing provided in the PUD represents a 20,591 square foot increase (232% increase) in affordable housing compared to what would be provided as a matter-of-right under existing zoning.

Assuming the same size penthouse habitable space on a matter-of-right development, approximately 660 square feet of IZ would be required (10% of 6,599 sf penthouse space) at 50% of the MFI. However, the Project is providing 1,789 square feet at 50% of the MFI, which is a 171% increase in the amount of affordable housing that would be provided at 50% MFI for matter-of-right development at the Site.

Taking the IZ generated by the base building and penthouse together, the Project will provide 30,455 square feet of IZ, whereas a matter-of-right project with the same penthouse would only provide 9,534 square feet of IZ. This represents a 20,921 square foot increase in IZ (219% increase) compared to matter-of-right development.

In addition to the foregoing, **for the life of the Project**, the Applicant will ensure that the Project's website includes information directing potential tenants regarding how to apply for IZ units.

Environmental and Sustainable Benefits that Exceed the Standards Required by Zoning or Other Regulations (11-X DCMR § 305.5(k)).

The Project will be designed to satisfy the LEED-H Multifamily Midrise v4 Gold rating standard. In doing so, the Applicant will implement a holistic and integrative

The Applicant shall provide the environmental and sustainable benefits for the Project in accordance with this condition.

- A. **The Applicant shall submit with its building permit application for the Project** a checklist evidencing that the Project has been designed to meet the LEED-H Multifamily Midrise v4 Gold rating standard;

<p>approach to sustainable design, including the incorporation of innovative stormwater management techniques, high performance mechanical and ventilation systems, and high performance building envelope systems.</p> <p>In addition, the Applicant will (i) provide 100% electric appliances within all residential units; (ii) provide eight EV charging spaces in the parking garage and ensure that an additional 16 vehicle parking spaces are EV-ready; and (iii) ensure that 10% of the bicycle parking spaces will have access to an electrical outlet for charging. The Applicant will also install a minimum of 925 square feet of solar on the roof of the building.</p> <p>In addition, the Applicant will incorporate a number of strategies set forth in the DOEE <i>Climate Ready D.C. – Resilient Design Guidelines</i>, and specifically those identified in the Resilient Design Strategies Matrix included at p. 36 of the Resiliency Guidelines. The strategies that will be incorporated into the Project are set forth in the Project Resiliency Checklist included in the case record, which will help to enhance the Project’s climate readiness.</p>	<p>B. <u>Prior to the issuance of the final COO for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it has incorporated the following into the building’s design and operation:</p> <ul style="list-style-type: none"> i. Provided 100% electric appliances within all residential units; ii. Installed eight EV charging spaces and installed conduit in the parking garage in an amount that would permit an additional 16 vehicle parking spaces to be EV-ready; iii. Installed electrical outlets in the long-term bicycle storage room to provide electrical charging for at least 10% of the bicycle parking spaces; iv. Installed a minimum of 925 square feet of solar on the roof of the building; and v. Incorporated the resilient design strategies identified in the Project Resiliency Checklist included at Exhibit 28B.
<p><u>Streetscape Plans (11-X DCMR § 305.5(l)); Superior Landscaping, or Creation of Preservation of Open Spaces (11-X DCMR § 305.5(b)).</u></p> <p>As recommended in the SW Plan, the Project will include significant new streetscape improvements that create a safe and pedestrian friendly urban environment. On Maine Avenue, bike racks, benches, planter beds, tree boxes, and new concrete sidewalks will be provided. On 7th Street, bike racks, benches, planter beds, tree boxes, bioretention areas, new concrete sidewalks, public art, and an area of special/permeable paving will be provided.</p>	<p><u>Prior to the issuance of the final COO for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it has:</p> <ul style="list-style-type: none"> A. Installed the improvements shown on Sheets L02, L04, and L05 of Exhibit 69A and Sheet 2 of Exhibit 86A in the public and private spaces along Maine Avenue and 7th Street, SW, subject to DDOT approval; and B. Installed the improvements shown on Sheets L02, L04, and L05 of Exhibit 69A and Sheet 2 of Exhibit 86A in the private space along Maine Avenue.

<p>The proposed landscape improvements represent the redevelopment of a significant amount of public and private space, with approximately 3,524 square feet of landscaping in public space and approximately 3,520 square feet of landscaping on private property, for a total of approximately 7,044 square feet. The proposed streetscape improvements are valued at approximately \$1 million, of which approximately half is being provided over and above what would otherwise be required for matter-of-right development at the Site. These improvements will leverage the PUD Site’s corner location, complement the energy and activity of the surrounding area, and provide a safe and comfortable space for building residents, visitors, and passers-by to enjoy.</p>	
<p><u>Transportation Infrastructure Beyond that Needed to Mitigate any Potential Adverse Impacts (11-X DCMR § 305.5(o)).</u></p> <p>The Applicant will implement the following improvements that are being provided as benefits to the PUD and are not needed to mitigate any potential adverse impacts created by the Project:</p> <p>The Applicant will design, fund, and construct a protected bicycle lane on the west side of 7th Street, SW, between I Street and Maine Avenue, SW, as well as any infrastructure determined necessary by DDOT to manage the conflicts between buses and bicycles, subject to DDOT approval. The protected bicycle lane will be limited to pavement markings, concrete barriers, and/or flexipost bollards along the PUD Site’s frontage and across the west leg of the intersection of 7th Street and Maine Avenue.</p> <p>The Applicant will abide by the Loading Management Plan (“LMP”), as agreed to by</p>	<p><u>Prior to the issuance of the final COO for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it has installed a protected bicycle lane on the west side of 7th Street, SW, between I Street and Maine Avenue, SW, as well as any infrastructure determined necessary by DDOT to manage the conflicts between buses and bicycles, subject to DDOT approval. The protected bicycle lane will be limited to pavement markings, concrete barriers, and/or flexipost bollards along the PUD Site’s frontage and across the west leg of the intersection of 7th Street and Maine Avenue, all subject to any modifications required to obtain DDOT’s final approval during public space permitting.</p> <p><u>For the life of the Project</u>, the Applicant shall abide by the terms of the LMP included at Exhibit 28C.</p> <p><u>For the life of the Project</u>, the Applicant shall not seek any RPP designations for the Project on streets that would allow residents of the Project to apply for or obtain RPPs. <u>Prior to issuance of the first COO for the Project that includes residential use</u>, the Applicant shall demonstrate to the Zoning Administrator that it has included a rider in all residential leases that restricts residents of the Project from obtaining an RPP.</p>

DDOT, for the life of the Project. A copy of the proposed LMP is included at Exhibit 28C of the case record.

The Applicant will not seek any Residential Parking Permit (“RPP”) designations for the Project on streets that would allow residents of the Project to apply for or obtain RPPs, and will also include a rider in all residential leases that restricts residents of the Project from obtaining an RPP.

Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (11-X DCMR § 305.5(q)).

A. Donation to Jefferson Middle School Academy

The Applicant will contribute \$150,000 to Jefferson Middle School Academy (“Jefferson”) to be used for the following educational resources, as finally allocated at Jefferson’s discretion: (i) supplementary curricular resources to support student learning, particularly for struggling readers and students furthest from academic success; and (ii) field trips and excursions, particularly because these opportunities were eliminated during the Covid-19 pandemic.

B. Donation to Habitat for Humanity

The Applicant will contribute \$100,000 to Habitat for Humanity of Washington D.C. & Northern Virginia (“Habitat”) to aid in the production of new for-sale affordable housing units in Ward 6, which will be reserved for households earning between 50% and 60% of the MFI. The Applicant’s contribution will help subsidize down payment assistance for the future homeowners and/or lower costs of construction.

Prior to the issuance of the first certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has made the following contributions, and that the items or services listed have been or are being provided~~done~~ the following:

1. Contributed \$150,000 to Jefferson to be used for the following educational resources, as finally allocated at Jefferson’s discretion: (i) supplementary curricular resources to support student learning, particularly for struggling readers and students furthest from academic success; and (ii) field trips and excursions, particularly because these opportunities were eliminated during the Covid-19 pandemic; and
2. Contributed \$100,000 to Habitat to aid in the production of new for-sale affordable housing units in Ward 6, which will be reserved for households earning between 50% and 60% of the MFI. The Applicant’s contribution may be used to help subsidize down payment assistance for the future homeowners and/or lower costs of construction.

For the life of the Project, the Applicant shall advertise the Project in traditional rental guides as well as in publications such as The AARP Magazine, Today’s Senior Magazine, Inspired Magazine, and/or other similar publications to specifically target senior citizens as potential residents of the Project.

Prior to the issuance of the first COO for the Project that includes residential use, the Applicant shall demonstrate to the Zoning Administrator that it has installed blocking for

C. Targeted Senior Advertising

The Applicant will advertise the residential units within the Project in traditional rental guides as well as in publications such as The AARP Magazine, Today’s Senior Magazine, Inspired Magazine, and other similar publications to specifically target senior citizens as potential residents of the Project. In addition, all units will be outfitted with blocking for installation of grab bars should a resident request their installation.

D. Construction Management Plan

The Applicant will abide by a Construction Management Plan (“CMP”) to be in place throughout construction of the Project.

installation of grab bars in all units should a resident request their installation.

During construction of the Project, the Applicant shall abide by the terms of the CMP included at Exhibit 28E.

OTHER CONDITIONS

Tree Preservation Plan. The Applicant will submit and receive approval from DDOT’s Urban Forestry Division and implement a tree preservation plan (“TPP”) for the existing street trees along Maine Avenue and 7th Street, SW. The TPP will be substantially similar to the TPP included at Exhibit X. The Applicant will abide by the TPP and comply with all District requirements regarding the preservation and/or removal and replacement of existing trees on and surrounding the PUD Site.

Prior to the issuance of a building permit for the Project, the Applicant shall submit and receive approval from DDOT’s Urban Forestry Division of a TPP for the existing street trees located along Maine Avenue and 7th Street, SW, which TPP shall be substantially similar to the TPP included at Exhibit 69A.

Prior to the issuance of the first COO for the Project, the Applicant shall demonstrate to the Zoning Administrator that it implemented and abided by the approved TPP.

Transportation Demand Management (“TDM”) Plan. The Applicant will implement the TDM plan as proposed in the August 1, 2022, Transportation Statement (Ex. ___), except that with respect to long-term bicycle parking spaces, the Applicant will state the specific minimum number of long-term bicycle parking spaces to be provided as

For the life of the Project unless otherwise noted, the Applicant shall provide the following TDM measures:

- 1. 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 quarter mile;

horizontal on the floor, cargo/tandem-sized, and served by electrical outlets, rather than as percentages.

2. Identify a Transportation Coordinator for the planning, construction, and operations phases of development. The Transportation Coordinator will (i) act as the point of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo; (ii) conduct an annual commuter survey of building employees and residents on-site and report TDM activities and data collection efforts to goDCgo once per year; (iii) develop, distribute, and market various transportation alternatives and options to residents, including promoting transportation events (e.g., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications; and (iv) subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this Project and available options for implementing the TDM Plan;
3. Provide welcome packets to all new residents that will, 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;
4. Provide residents who wish to carpool with detailed carpooling information and refer them to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or another comparable service if MWCOG does not offer this in the future;
5. Provide a copy of the LMP to the Transportation Coordinator so they are aware of this commitment;
6. Post all transportation and TDM commitments on the building website, publicize availability, and allow the public to see what has been promised;
7. Offer a SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to every new resident;
8. Provide at least 12 short- and 84 long-term bicycle parking spaces across the site, ~~exceeding ZR16~~

~~minimum requirements for at least 10 short and 58 long term bicycle parking spaces;~~

9. Accommodate non-traditional sized bikes including cargo, tandem, and kids bikes in the long-term bicycle storage room, with a minimum of four spaces that will be designed for longer cargo/tandem bikes, a minimum of eight spaces that will be designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 42 spaces that will be placed horizontally on the floor.
10. Not charge a fee to building residents for the usage of the bicycle storage room;
11. Install a minimum of two electric vehicle charging stations, per DDOT recommendations of a minimum of one out of every 50 vehicle parking spaces being served by an EV charging station;
12. Direct the Transportation Coordinator to 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 following the issuance of a COO for the Project; and
13. Direct the Transportation Coordinator to submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final COO for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order following the issuance of a COO for the Project.