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November 12, 2024

VIA IZIS

Anthony J. Hood, Chairman
District of Columbia Zoning Commission

Re: Z.C. Case No. 23-29: Applicant's Revised Proposed Proffers and Conditions

Dear Chairman Hood and Members of the Commission:

Pursuant to the requirements of Subtitle X § 308.6, the Applicant hereby submits its list of revised proffers and corresponding conditions of approval. Set forth below is a chart outlining the proffers for the above-referenced case and the corresponding draft condition that is both specific and enforceable. For ease of reference, the Applicant includes all proposed conditions of approval in the chart below.

Public Benefits	
Proffer	Condition
<u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a))</u> : The Project's high-quality design carefully echoes and respects the traditional design qualities of the existing residential development in the surrounding neighborhood to create a natural extension of the residential and institutional community.	<ol style="list-style-type: none"> 1. The Project shall be built in accordance with the plans and elevations dated June 21, 2024 (Ex. 21B1-21B9) (collectively, the “Final Plans”), and as modified by the guidelines, conditions, and standards herein. 2. The Property shall be developed with four residential buildings containing a total of approximately 821 units and having a maximum height of 60 feet and FAR of 2.592. 3. The Project shall be developed pursuant to the RA-2 Zone District, as permitted through a PUD, except as set forth herein or
<u>Superior Landscaping (id. § 305.5(b))</u> : The Project offers extensive landscaping in the center “social garden” amenity area, along the private driveway between Buildings 3 & 4, and streetscape improvements along Martin Luther King Jr. Avenue SW and Elmira Street SW.	

<p>Streetscape Plans (<i>id. §§ 305.5(l)</i>): The Project offers extensive landscaping and streetscape improvements along Martin Luther King Jr. Avenue SW and Elmira Street SW.</p>	<p>modified hereby as shown in the Final Plans, and with a variance from the mechanical penthouse height requirement of Subtitle X § 303.18 and zoning flexibility to allow a community service center use.</p>
<p>Three-Bedroom Units (<i>id. § 305.5(f)(3)</i>): The Project provides a substantial amount of family-sized rental units to the Bellevue neighborhood and the District at large. At least eight percent (8%) of the total units (approximately 63 units) are three-bedrooms.</p>	<p>4. The Project shall provide a minimum of eight percent (8%) of the total residential units as three-bedroom units.</p>
<p>5. The Project shall have design flexibility as follows:</p> <ol style="list-style-type: none">Interior Components. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings as shown on the plans approved by the Order.Exterior Materials – Color. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;Exterior Details – Location and Dimension. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights.	

- d. Number of Residential Units. To provide a range in the approved total number of residential dwelling units plus or minus ten percent (+/-10%), provided that (1) the total square footage of the Project's residential dwelling units shall not be reduced, and (2) the percentage of gross floor area square footage reserved for affordable housing shall not be reduced.
- e. Parking Layout. To make modifications to the parking configuration, including layout, and to vary the number of parking spaces plus or minus ten percent (+/-10%) so long as the number of automobile and bicycle parking spaces is at least the minimum number of spaces required by the Zoning Regulations.
- f. Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Review Division or the Public Space Committee.
- g. Sustainable Features. 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 LEED Gold.
- h. GAR Calculation and Satisfaction. To vary the features to satisfy the GAR requirement and to satisfy the GAR requirement across the entire Project as opposed to individual phases or Buildings, and satisfaction of the GAR requirement shall be determined upon completion of all four Buildings in the Project.
- i. Unit Type Distribution. To vary unit types and sizes contained in the Project and in individual Buildings, provided that at least eight percent (8%) of all units in the Project are three-bedrooms.
- j. Inclusionary Zoning (“IZ”) Units. To satisfy the IZ development standards under Subtitle C § 1005 and the IZ floor area set aside requirements across the entire Project as opposed to individual phases or Buildings, provided that at least 13% of the residential floor area per Building is devoted to IZ units.

<p>Affordable Housing in Excess of Inclusionary Zoning Requirements (id. § 305.5(g)(1)): The Project provides a substantial amount of permanent affordable rental housing. Seventeen percent (17%) of the Project's residential floor area (approximately 111,809 square feet) is devoted to IZ units reserved for households earning up to 60% MFI.</p>	<p>6. For the life of the Project, the Applicant shall set aside no less than 17% of the residential floor area as affordable housing.</p> <p>7. For the life of the Project, the Inclusionary Zoning units in the Project shall be generally in accordance with the following chart, subject to the flexibility noted herein: [see chart below]</p>
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Residential Unit Type	Residential GFA/% of Total	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	657,700 SF (includes 119,764 SF of residential floor area in cellars and projections)		Life of Project	Rental	NA
	66,955 SF of habitable penthouses		Life of Project	Rental	NA
Market Rate	545,891 SF (excludes penthouses)	Market	Life of Project	Rental	This includes the units for returning residents that will be rented at current rents (below market) for as long as those returning residents live in them.
IZ	111,809 SF / 17%	60% MFI	Life of Project	Rental	NA
	6,696 SF / 10% of PH	50% MFI	Life of Project	Rental	NA
<p>The Inclusionary Zoning Covenant required by D.C. Official Code § 6-1041.05(a)(2) (2012 Repl.) shall include a provision or provisions requiring compliance with all the terms of this Condition.</p>					
<p>Environmental and Sustainable Benefits (id. § 305.5(k)(5)): The Project has been designed to meet environmental design standards at the LEED Gold level, and the Project will achieve the minimum GAR requirement. The Project includes bioretention, extensive tree and landscape plantings, and approximately 8,000 square feet rooftop solar.</p>				<p>8. Prior to the issuance of the final certificate of occupancy for the Project, in accordance with the requirements in Subtitle X § 305.5(k)(5), the Applicant shall provide the Zoning Administrator with evidence that the Project will meet the minimum standards necessary for LEED Gold certification, but the Project does not need to achieve actual LEED certification.</p> <p>9. Prior to the issuance of the final certificate of occupancy for the Project, the Project shall include at least 8,000 square feet of rooftop solar panels.</p>	

On-Site Daycare (<i>id. § 305.5(i)</i>): The Project is also committed to providing an on-site child daycare, a much discussed and desperately needed resource as childcare costs continue to skyrocket. The Project will devote 5,500 square feet to a child daycare.	10. For the life of the Project , the Applicant shall reserve at least 5,500 square feet in Buildings 2 & 3 for a child daycare, which will serve the public and operate during normal business hours at least 5 days each week for at least 50 weeks per calendar year.
Mid-Block Pedestrian Crossing (<i>id. § 305.5(o)</i>): The Project will provide a mid-block pedestrian crossing on Elmira Street from Building 1 to the central courtyard amenity space and daycare located in between Buildings 2 and 3.	11. Prior to the issuance of the final certificate of occupancy for the Project , the Applicant shall install a raised mid-block pedestrian crossing on Elmira Street SW between Buildings 1 and 2, as shown on Sheet L03 of the Final Plans, subject to final review and approval by DDOT public space permitting authorities, as well as drainage and engineering limitations.
Jobs Partner Space (<i>id. § 305.5(q)</i>): The Project will provide a 1,000 square foot space to be occupied by a locally based jobs partner nonprofit organization that will provide job-search and job-training assistance to residents and the broader neighborhood.	12. For the life of the Project , the Applicant shall reserve at least 1000 square feet in the Project for a locally based jobs training and jobs assistance nonprofit organization that will provide job-search and job-training assistance to residents of the Project and the broader neighborhood, at no cost to the organization.
Other Public Benefits (X § 305.5(r)): The Applicant will provide the below additional public benefits: <ul style="list-style-type: none">• The Project will include wayfinding signage at the corner of MLK Jr. Ave. SW and Elmira Street SW and at Fort Greble Park's entrance to highlight the park's location.• The Applicant will provide a utilities subsidy, up to \$100 per month, to all returning residents aged 65 and older.• The Applicant will offer parking to all returning residents at a 50% reduction	13. Prior to the issuance of the final certificate of occupancy for the Project , the Applicant shall install a wayfinding sign for Fort Greble Park at the corner of MLK Jr. Ave. SW and Elmira Street SW and an entrance sign at the west end of Elmira Street SW at the entrance to Fort Greble Park. The final designs and locations of the signs are subject to final review and approval by DDOT public space permitting authorities and the Department of Parks and Recreation, as applicable. 14. A. Prior to the issuance of the first building permit for the Project , the Applicant shall provide to the Zoning Administrator a list of all current Martin's View residents aged 65 and above (as of

<p>in price below what other residents will pay.</p> <ul style="list-style-type: none">• The Applicant will pay the cost of Residential Permit Parking (“RPP”), for three years, for all residents within 200 feet of the Project site where RPP is established.	<p>the date that the Applicant files its first raze permit application) (the “Senior Residents List”).</p> <p>B. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide a copy of the lease for all returning residents from the Senior Residents List who will live in the Project, and such lease shall include a provision that the Applicant will provide a utilities subsidy, up to \$100 per month, to the lessee.</p> <p>15. A. <u>Prior to the issuance of the first building permit for the Project,</u> the Applicant shall provide to the Zoning Administrator a list of all current Martin’s View residents (as of the date that the Applicant files its first raze permit application) (the “Current Residents List”).</p> <p>B. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide a copy of the lease for all returning residents from the Current Residents List who will live in the Project, and such lease shall include a provision that automobile parking will be available to those lessees at a price that is 50% less than otherwise available to other Project residents.</p> <p>C. <u>For three (3) years after the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant will reimburse the cost of Residential Permit Parking for residents living within 200 feet of the Project site, as identified in Exhibit 2D. Eligible residents must provide proof of payment of the RPP fee to the Applicant or the Applicant’s agent to receive the reimbursement.</p>
<p style="text-align: center;">Transportation Mitigation</p>	

- 1. Prior to issuance of the final Certificate of Occupancy for the Project and for the life of the Project, the Applicant shall adhere to the following Transportation Demand Management plan measures:**
 - a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit or commercial lease and charge a minimum rate based on the average market rate within a quarter mile. Only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered.
 - 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 and will provide their contact information to goDCgo.
 - c. Transportation Coordinator will conduct an annual commuter survey of building employees and residents onsite, and report TDM activities and data collection efforts to goDCgo once per year.
 - d. Transportation Coordinator will 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.
 - e. 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.
 - f. Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised.
 - g. Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to residents, employees, and customers, 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.
 - h. Provide residents and employees 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.
 - i. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident or employee.

- j. Long-term bicycle storage rooms will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes, with a minimum 5% of spaces (14 for this project) being designed for longer cargo/tandem bikes (10' by 3'), a minimum of 10% of spaces (28 for this project) will be designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 50% of required spaces (138 for this project) will be placed horizontally on the floor. There will be no fee to the residents or employees for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room.
- k. Install a minimum of five (5) electric vehicle (EV) charging stations.
- l. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
- m. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will 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 substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter
- n. Provide at least 43 short- and 276 long-term bicycle parking spaces in accordance with the minimums required by the Zoning Regulations.
- d. Incorporate high-contrast materials in the mid-block crossing of the curbless private driveway between Buildings 3 and 4.

2. **Prior to issuance of the final Certificate of Occupancy for the Project and for the life of the Project**, the Applicant shall provide evidence to the Zoning Administrator demonstrating completion of the following public space improvements subject to DDOT public space permitting, review, and approval where necessary subject to public space permitting and draining and design limitations.

- a. Install missing crosswalk and curb ramps on the northern leg of the MLK Jr. Ave. SW and Darrington St. intersection; and
- b. Construct permanent curb extension and pedestrian refuge island at the MLK Jr. Ave. SW intersections with Darrington and Elmira Sts. SW.

Miscellaneous

- 1. No building permit shall be issued for the Project until the Applicant has recorded a Notice of covenant binding the Property in the land records of the District of Columbia by the Applicant for the benefit of the District of Columbia that is satisfactory to the Office of

Zoning Legal Division and to the Zoning Administrator (the “PUD Covenant”). The PUD Covenant shall bind the Applicant and all successors in the title to construct and use the Property in accordance with this Order, as may be amended by the Commission. The Applicant shall file a certified copy of the PUD covenant with the Office of Zoning.

2. The PUD shall be valid for a period of two years from the effective date of this Order within such time an application shall be filed for a building permit for Building 1. Construction on Building 1 must begin within three years of the effective date of this Order. Then, within two years after the completion of Building 1, defined as the date of issuance of a final certificate of occupancy, an application shall be filed for a building permit for Buildings 2 and 3. Construction on Buildings 2 and 3 must begin within three years after the completion of Building 1. Finally, within two years after the completion of Buildings 2 and 3, defined as the date of issuance of a final certificate of occupancy, an application shall be filed for a building permit for Building 4. Construction on Building 4 must begin within three years after the completion of Buildings 2 and 3.
3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-1401.01 et al (Act), the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, familial responsibilities, matriculation, political affiliation, genetic information, disability, source of income or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

The Applicant looks forward to the Commission’s final action on this matter. Please feel free to contact the undersigned with any questions.

Respectfully submitted,

/s/
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/s/
Derick Wallace

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CERTIFICATE OF SERVICE

I certify that on or before November 12, 2024, a copy of the foregoing document was delivered via e-mail to the addresses listed below.

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