

March 11, 2019

VIA ELECTRONIC FILING

Anthony J. Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 02-38J: Application of WFS2, LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Second-Stage PUD Application for 1000 4th Street, SW (Square 542, Lot 822, the “Property”) – Applicant’s Further Revised Submission Regarding Public Benefits and Proffers and Proposed Findings of Fact and Conclusions of Law

Dear Chairman Hood and Members of the Commission:

The Applicant hereby submits this further revised list of proffers and corresponding conditions of approval. These revisions reflect comments from ANC 6D and the Office of Attorney General received since the Applicant’s February 21, 2019 submission. Set forth below is a chart outlining the proffers for the above-referenced project and the corresponding revised draft condition that is both specific and enforceable. Note that an additional condition or conditions related to the Amidon-Bowen PTA and AppleTree issue will be updated once discussions are complete.

Attached to this letter is a copy of the Applicant’s proposed findings of fact and conclusions of law pursuant to Subtitle Z, Section 601.1.

<u>Public Benefits</u>	
<u>Proffer</u>	<u>Condition</u>
<u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a))</u> : The Project’s design is reflective of superior architectural	1. The Project shall be constructed in accordance with the plans prepared by Torti Gallas Urban, dated January 11, 2019

<p>and urban design characteristics relative to any matter-of-right development. Key indicia of superior architecture are the Project’s contemporary yet contextual form, its material selection, and its inclusion of numerous high-quality private outdoor spaces.</p>	<p>and included in the record at Exhibit 22G, as updated by the plans dated January 31, 2019 and included in the record as Exhibit 34A and the plans dated March 11, 2019 and included in the record as Exhibit [47H] (the “Final Plans”), modified by the guidelines, conditions, and standards herein.</p>
<p><u>Superior Landscaping (id. § 305.5(b)):</u> The Project’s landscaping and hardscaping are also superior to any matter-of-right development. The Private Drive and ground floor quasi-public spaces, including the Private Drive and Play Area, are indicative of the Project’s superior landscaping.</p>	<p>2. The Property shall be subject to the requirements of the C-3-C Zone District except as set forth herein or modified hereby as shown on the Final Plans. The Project shall be constructed to a maximum height of 114 feet and as measured from the measuring point on M Street as shown on the Final Plans. The Project shall have flexibility from the rear yard and side yard requirements of the Zoning Regulations as set forth in the Final Plans. The Applicant shall have flexibility in the following areas: [See Section II.B and C]</p>
<p><u>Site Planning and Efficient Land Utilization (id. § 305.5(c)):</u> The Project makes efficient use of a significant site that is near a Metrorail location, places all parking underground and helps to complete a maturing neighborhood-scale commercial center.</p>	<p>3. <u>Retail Use:</u> For the life of the Project, the Applicant will reserve 11,000 square feet of the Project’s ground floor for neighborhood-serving uses in the retail, general service, financial service, or eating/drinking establishments. use categories set forth in Subtitle B of the Zoning Regulations [the ANC requested this language be struck] in accordance with the requirements of Conditions 13 and 14 of Z.C. Order No. 02-38A and to the extent required pursuant to the LURA¹ with respect to the Property.</p>
<p><u>Uses of Special Value to the Neighborhood: Neighborhood-Serving Diner (id. § 305.5(q)):</u> The Project also includes a minimum of 1,200 square feet of space on the ground floor to be reserved for a restaurant use that serves three meals a day with an opening time of no later than 7:00 a.m. on most business days. This is yet another newly-proffered benefit that was not otherwise required in the underlying zone or by the Waterfront Station PUD.</p>	<p>3. <u>Retail Use:</u> For the life of the Project, the Applicant will reserve 11,000 square feet of the Project’s ground floor for neighborhood-serving uses in the retail, general service, financial service, or eating/drinking establishments. use categories set forth in Subtitle B of the Zoning Regulations [the ANC requested this language be struck] in accordance with the requirements of Conditions 13 and 14 of Z.C. Order No. 02-38A and to the extent required pursuant to the LURA¹ with respect to the Property.</p>

¹ [Note: the LURA is the Land Use Restriction Agreement, dated September 15, 2008 and recorded in the Land Records as Instrument No. 2008099321, between the District as the owner of the Northeast Parcel and Waterfront Associates LLC, as the then-owner of the other seven parcels, which laid out the restrictions, covenants, and agreements between the parties with respect to the PUD. This background will be included in the Findings of Fact.]

	<p>a. For a minimum of two years after the date of issuance of the first certificate of occupancy for the Project, the Applicant will reserve a minimum of 1,200 square feet of the Project's ground floor for a restaurant use serving three meals a day with typical hours of operation beginning not later than 7:00 a.m. ("<u>Preferred Restaurant Use</u>"), or other use as approved by ANC 6D. The Applicant will ensure that the Project is designed to accommodate kitchen equipment functions for the Preferred Restaurant Use (e.g. exhaust systems and grease traps). After the expiration of this period, the Preferred Restaurant Use may be used for any other use in the retail, service, financial service, or eating/drinking establishment use categories set forth in Subtitle B of the Zoning Regulations—[the ANC requested this language be struck].</p> <p>b. Following the issuance of a building permit for the Project and until two years after the date of issuance of the first certificate of occupancy for the Project, the Applicant will provide ANC 6D representatives with quarterly updates on retail marketing and leasing efforts for Preferred Restaurant Use as well as other retail space.</p>
<p><u>Building Spaces for Special Uses: Arts (id. § 305.5(j))</u>: The Project also anticipates setting aside approximately 9,000 square feet of space for a theater or cultural use, which is a public benefit under the Zoning Regulations as well. Again, this use is not otherwise required in the underlying zone or by the Waterfront Station PUD, but would be an additional benefit over</p>	<p>4. <u>Theater/Cultural Use</u>: For a minimum of five years after the date of issuance of the first certificate of occupancy for the Project, the Applicant will reserve a minimum of 9,000 square feet of the Project's ground floor for a theater or similar performing arts venue. After the expiration of this period and for the life of the Project, the space will be reserved for</p>

<p>and above the base conditions for neighborhood-serving ground floor space.</p>	<p>any use in the entertainment/assembly/performing arts, arts/design/creation, or arts-related educational use categories set forth in Subtitle B of the Zoning Regulations—[the ANC requested this language be struck].</p> <p>a. Prior to the issuance of a building permit for the Project, the Applicant will issue solicitations for a potential theater operator through a “request for proposals” or similar process. The Applicant will request that respondents address neighborhood engagement and inclusivity in their respondents and include them as evaluation criteria within such request for proposals. The Applicant will provide ANC 6D representatives with an opportunity to review and advise on proposals that are received.</p>
<p><u>Other Retail / Educational Space</u></p>	<p>5. <u>Retail/Educational Use</u>: For the life of the Project, the Applicant will reserve 9,000 square feet of the Project’s ground floor for neighborhood-serving uses in the retail, general service, financial service, eating/drinking establishment, education, or daytime care uses categories set forth in Subtitle B of the Zoning Regulations. <u>The maximum number of students at any educational use in the Project shall not exceed 132.</u></p>
<p><u>Design Flexibility</u></p>	<p>6. The Applicant shall have flexibility in the following areas:</p> <p>a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not</p>

	<p>change the exterior configuration or appearance of the structure;</p> <p>b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;</p> <p>c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;</p> <p>d. To provide a range in the approved <u>vary the final number of residential dwelling units of by plus or minus ten percent (10%), and accordingly adjust the type and location of affordable units to reflect the final unit mix of the Project, provided that the Applicant shall provide the except that the number of affordable housing set forth in Condition B.7 of this Order and units reserved for affordable housing shall not modify the size and bedroom counts of the affordable units as shown in Exhibit 47H unless the flexibility results in larger affordable units or units with more bedrooms, and provided further that the affordable units shall continue to be distributed evenly throughout the building including on all floors of the building other than the penthouse level and in roughly the proportion between the north and south sides of the building as shown in Exhibit 47H be reduced;</u></p>
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	<p><i>[these edits reflect the combined requests of the ANC and OAG]</i></p> <ul style="list-style-type: none">e. To make refinements to the approved parking configuration, including layout and number of parking spaces between a range of 205 to 233 parking spaces, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;f. 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 Division;g. To vary the final streetscaping and landscaping materials on private property within the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;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 of 0.2 and installs solar panels on a minimum of 3,000 square feet of roof area;i. 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,
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	<p>so long as such changes do not substantially alter the exterior dimensions shown on the Plans and remain compliant with all applicable penthouse setback requirements;</p> <ul style="list-style-type: none"> j. To vary the final design and layout of the indoor and outdoor residential amenity spaces to reflect their final design and programming; k. To vary the location, layout, and type of play equipment within the Play Area; l. To vary the location of the residential lobby entrance on 4th Street, SW and/or relocate the lobby entrance to the Project's frontage on the Private Drive to accommodate the final retail demising plan; m. To vary the size and location of the theater/cultural use entrance to accommodate the final plans for the theater use, provided that the entrance will remain on the Private Drive; and n. To vary the final design of the ground floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the needs of the specific tenants within the parameters set forth in the Storefront and Signage Plans.
<p><u>Housing in Excess of Matter-of-Right Development (<i>id.</i> § 305.5(f)(1))</u>: Independent of the Project's significant affordable housing contribution, the Project provides a significant amount of new market-rate housing that</p>	<p>7. Housing and Affordable Housing</p> <ul style="list-style-type: none"> a. For the duration of the Ground Lease, the Project shall provide affordable housing pursuant to the

<p>responds to the significant demand for new transit-accessible, housing in the District. The provision of housing above the amount allowed or required as a matter-of-right is for very good reasons a core policy objective in the Zoning Regulations, Comprehensive Plan, and other District policies: as the housing supply increases to meet demand, such supply expansion helps to counteract other upward pressures on housing prices.</p>	<p>terms of the LDDA² and as set forth in the following chart: [<i>see chart below</i>]</p> <p>b. In addition to the affordable housing required by B.7.a, following the expiration of the Ground Lease and for the remainder of the life of the Project, the Applicant shall set aside a minimum of eight percent (8%) of the penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of the residents of the residential building for households earning up to 50% MFI. This provision assumes that the Zoning Administrator will grant the Applicant an exemption from the Inclusionary Zoning regulations (“IZ Regulations”) set forth in Subtitle C, Chapter 10 of the Zoning Regulations pursuant to 11-C DCMR Section 1001.6 (“IZ Exemption”). However, the Commission takes no position as to whether the exemption should be granted. Should the Zoning Administrator deny the IZ Exemption, the Applicant shall provide the affordable housing in accordance with Condition B.7.a, and comply with the requirement of 11-C DCMR Section 1500.11, unless the IZ Regulations impose more restrictive standards.</p> <p>c. Each control period shall commence upon the issuance of the first certificate of occupancy.</p>
<p><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (<i>id.</i> § 305.5(g)):</u> As noted above, the Project’s affordable housing is a superior benefit because it provides affordable housing (a) in excess of the amount required under first-stage PUD and in excess of the inclusionary zoning requirements (b) at much deeper levels of affordability than is required under the first-stage PUD or under inclusionary zoning, and (c) for a longer period than contemplated in the first-stage PUD. The Project will deliver approximately 136 affordable housing units (half affordable at 30 percent MFI and the other half at 50 percent MFI), which is significantly more than the 91 units provided per the first-stage PUD and is more than triple the 37 units provided under inclusionary zoning.</p>	

² [Note: the LDDA is the Land Disposition and Development Agreement dated December 13, 2018 between the District and WFS2 LLC, which lays out the affordable housing requirements for the Project. This background will be included in the Findings of Fact.]

	<p>d. Prior to the issuance of a certificate of occupancy, the Applicant shall record the monitoring and enforcement documents required by 11-X DCMR Section 311.6, which shall require compliance with this Condition. (For the avoidance of doubt, the Affordable Housing Covenant required pursuant to the LDDA shall satisfy this requirement.) If the IZ Exemption is denied by the Zoning Administrator, the Applicant shall also record the covenant required by the Inclusionary Zoning Act.</p>
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Residential Unit Type	Gross Residential Square Feet (Percent of Total)	Units	MFI	Affordability Control Period	Tenure
Total	366,842 sf + <u>23,469 sf³</u> 390,311 sf (100%)	450		Varies	Rental
Market Rate	273,217 sf (70%)	314	N/A	N/A	Rental
YEARS 1 - 50					
Affordable Units	58,547 sf (15%)	68	30% MFI	Years 1-50	Rental
Affordable Units	58,547 sf (15%)	68	50% MFI	Years 1-50	Rental
YEARS 51-99					
Affordable Units	29,000 sf (7.5%)	34	30% MFI	Years 51-99	Rental
Affordable Units	88,000 sf (22.5%)	102	50% MFI	Years 51-99	Rental

³ Habitable penthouse space.

<p><u>Employment and Training Opportunities</u> (<i>id.</i> § 305.5(h)): The Applicant has already entered into a First Source Employment Agreement with the District’s Department of Employment Services and is subject to certain small business enterprise requirements pursuant to its agreement with DMPED.</p>	<p>8. <u>Prior to the issuance of a building permit for the Project</u>, the Applicant shall submit to the Zoning Administrator a copy of the executed First Source Agreement and Certified Business Enterprise agreement for the Project.</p>
<p><u>Environmental and Sustainable Benefits: LEED Gold</u> (<i>id.</i> § 305.5(k)(5)): The Applicant proposes to construct the Project to LEED Gold certification. An updated LEED checklist is included with the Revised Plans.</p>	<p>9. <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 Gold certification or higher from the U.S. Green Building Council under the LEED-2009 rating system.</p>
<p><u>Environmental and Sustainable Benefits: Rooftop Solar</u> (<i>id.</i> § 305.5(k)): The Applicant proposes to include on the Project rooftop solar panels, which are another benefit that was not contemplated in the first-stage PUD.</p>	<p>10. <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 installed on the Project occupy no less than 3,000 square feet of roof area.</p>
<p><u>Outdoor Children’s Play Area</u> (<i>id.</i> § 305.5(m)): The Project also includes the outdoor Play Area that is to be reserved for use by the school when it is in session and open to the community at other designated times. The play area is secure, separated from parking and vehicle maneuvering areas by a permanent fence and gating system, and designed to facilitate adult supervision. The play area is approximately 3,000 square feet, includes play equipment and natural features, to be installed to manufacturer’s specifications and suitable for pre-school-aged children. This is yet another newly-proffered benefit that was not otherwise required in the underlying zone or by the Waterfront Station PUD.</p>	<p>11. <u>For the life of the Project</u>, the Applicant shall provide and maintain a children’s play area of no less than 3,000 square feet which shall be open to general public use during daylight hours except during the hours of use by any educational/daytime care use in the Project and/or at other designated times, <u>provided, however, that if there is an educational or daytime care use in the Project such play area shall be open to public use by not later than 5:00 p.m. daily, and if there is no educational/daytime care use in the Project such play area shall be open to general public use during all daylight hours and/or at other designated times (e.g., to allow</u></p>

	<p><u>cleaning, maintenance, repairs and the like</u>). [the ANC requested this language]</p> <p>12. <u>Prior to the issuance of a certificate of occupancy for the Project</u>, the Applicant shall submit evidence to the Zoning Administrator that it has engaged a lighting consultant to incorporate sufficient lighting to discourage loitering after dark and developed a protocol for the placement and monitoring of security cameras in consultation with MPD officers.</p>
<p><u>Construction Management Plan</u></p>	<p>13. <u>During the construction of the Project</u>, the Applicant shall abide by the terms of the CMP included in the record at Exhibit 22E.</p> <p>14. <u>During the construction of the Project</u>, the Applicant shall assist the Southwest Library with wayfinding through signage or other means.</p>
<p><u>Uses of Special Value to the Neighborhood (id. § 305.5(q))</u>: Following post-hearing discussions between the Applicant and the Amidon-Bowen PTA, the Applicant has committed to purchase \$75,000 worth of [describe equipment] for Amidon-Bowen Elementary School.</p>	<p>15. <u>Not more than [90] days after the issuance of this Order with no appeal having been taken (or in the event of an appeal of this Order, no more than [90] days following the issuance of a mandate fully and finally affirming this Order)</u>, the Applicant shall deliver to Amidon-Bowen Elementary School either (i) \$75,000-worth of (a) laptop computers and (b) corresponding number of compatible laptop computer storage carts, or (ii) such other combination of up to \$75,000-worth of information technology equipment as may be agreed-upon by the Applicant, the Amidon-Bowen PTA, and DCPS representatives. In satisfaction of this condition, the Applicant shall submit to DCRA invoices evidencing proof of purchase of such \$75,000 of equipment together with evidence that all such</p>

	equipment has been delivered to Amidon-Bowen Elementary School. ⁴
<u>Transportation Mitigation Measures</u>	
<p><u>School Pick-up/Drop-Off Measures</u></p> <p>1. <u>For as long as an educational or day care (i.e., a “School”) use exists in the Project,</u> the Applicant shall implement the following transportation mitigation measures with respect to the School use:</p> <ul style="list-style-type: none">a. Pick-up/drop-off operations may either occur along the Private Drive, or within the parking garage, or a combination of both, depending on the ultimate needs of the School;b. During the morning drop-off period and afternoon pick-up period, vehicles dropping off students may use the Private Drive only when staffed by a School employee(s), and at all other times, any caregiver dropping off a student must park in one of the designated parking spaces in the Project’s garage and walk the student(s) into the School unless special arrangements are made in advance with the School;c. A School staff member or designee shall monitor the queue along the Private Drive during pick-up and drop-off periods, and if such queues extend past the point in which a vehicle can comfortably pass standing vehicles, such School staff member shall direct vehicles dropping off students to continue to the Project’s garage;d. To accommodate caregivers parking in the garage for pick-up/drop-off activity, a minimum of 10 spaces in the garage shall be designated for School-related users, shall be signed as such, and shall be available without charge for up to 30 minutes per user;e. School officials shall inform caregivers that parking for pick-up/drop-off activity is to occur within the garage and not within on-street parking spaces surrounding the school on 4th Street, SW, Wesley Place, SW, or K Street, SW; andf. School officials, and the property manager as necessary, shall monitor pick-up/drop-off operations during the first year of operation and thereafter make adjustments as necessary;	

⁴ This Condition may be updated in a subsequent filing by the Applicant pending ongoing discussions about the equipment and resources requested by the PTA.

- g. The foregoing requirements and all other applicable transportation-related conditions contained herein shall be incorporated into any School operator's lease with the Applicant, and the Applicant shall reserve its rights under the lease to enforce the operator's compliance with such conditions.

Safe Routes to School Measures

2. **Prior to the issuance of a certificate of occupancy for a School use in the Project**, the Applicant shall submit evidence to the Zoning Administrator that the Applicant and School officials have met with DDOT Safe Routes to School staff to prepare a safe routes plan for the School.

Private Drive Management Measures

3. **For the life of the Project**, the Applicant shall implement the following measures with respect to the Private Drive:
 - a. Pick-up and drop-off activities in the Private Drive shall be limited to only that portion of the Drive that is sufficiently wide to allow through traffic to pass standing vehicles;
 - b. The Applicant shall not permit residential or commercial pick-up/drop-off activities to occur along any of 4th Street, SW, Wesley Place, SW or K Street, SW;
 - c. "No Parking" signage shall be installed and maintained along the Private Drive to direct vehicles not to park along the Private Drive in accordance with the plans shown on [*Exhibit D*]; and
 - d. The Private Drive may from time to time be closed to vehicular traffic for special events but only during times that do not coincide with School pick-up/drop-off activity.
4. **For the life of the Project**, the Private Drive shall be open to vehicular and pedestrian through traffic but may be closed to public vehicular and/or pedestrian through traffic for events and programming.

Loading Management Measures

5. **For the life of the Project**, the Applicant shall implement the following measures with respect to the Project's loading:
 - a. The Project's property manager shall designate a loading facility manager ("**Loading Manager**") and shall deliver the contact information (including the

cell phone number and e-mail address) for such Loading Manager to the property manager for the adjacent office building at 1100 4th Street, SW. The Loading Manager shall communicate regularly and work cooperatively with the property and loading managers of that adjacent building to avoid conflicts in the private alley and to comply with all written agreements between the property owners;

- b. The Loading Manager shall schedule deliveries so as to not exceed the Project's loading facility capacity, and in the event that an unscheduled delivery vehicle arrives while the Project's loading facility is full, the Loading Manager shall direct the driver of such vehicle to return at a later time when the loading facility has adequate capacity;
- c. The Project's property manager shall provide all tenants of the Project with information regarding loading dock restrictions, rules, and suggested truck routes;
- d. The Project's property manager shall require all tenants (i.e., residential and non-residential) to use trucks 30 feet or shorter in length, and in the event that a tenant requires the use of a truck that is longer than 30 feet in length, the truck will be directed to load/unload within the east-west private drive and not within public space;
- e. The Project's property manager shall require all residential tenants to schedule move ins/move outs in advance of the occurrence of same;
- f. The Project's property manager shall instruct all short-term deliveries (e.g., UPS, FedEx, USPS, etc.) to be made from within the Project's loading docks in accordance with the conditions herein and not from any of the Private Drive, 4th Street, SW, K Street, SW, Wesley Place, SW, or the private extension of Wesley Place, SW;
- g. The Applicant shall coordinate with the property management of other buildings within the overarching Waterfront Station development to instruct deliveries be made within the provided loading docks.
- h. The Loading Manager shall not permit tenants or delivery trucks serving the Project to (i) permit any vehicle accessing the loading area to park, stand, load, or unload in the restricted "Access Area" in the private extension of Wesley Place, SW, (ii) store or otherwise permit any trash, refuse, rubbish, debris, structure, or equipment within the Access Area, (iii) cause or permit any use of the Access Area that would otherwise conflict with loading dock operations for the Safeway or other tenants of the adjacent office building, or (iv) use or permit to be used the Access Area in a manner that interferes with or disturbs use and

enjoyment of the Access Area by the grocery store tenant or other tenants of the adjacent office building;

- i. The Loading Manager shall not permit trucks using the loading facility to idle and shall require such trucks to follow all District guidelines for heavy vehicle operation including but not limited to 20 DCMR § 900 (Engine Idling), the requirements set forth in DDOT’s “Freight Management and Commercial Vehicle Operations” document, and the primary access routes listed in DDOT’s “Truck and Bus Route System” as applicable from time to time; and
- j. The Loading Manager shall disseminate to drivers from delivery services that frequently utilize the loading facility (1) suggested truck routing maps and (2) other applicable materials such as DDOT’s “Freight Management and Commercial Vehicle Operations” document, as needed to encourage compliance with idling laws.

Parking Management Measures

6. **For the life of the Project**, the Applicant shall implement the following with respect to the Project’s parking:
 - a. A minimum of 35 spaces in the Project’s garage shall be reserved for non-residential uses; and
 - b. Such non-residential parking spaces shall be made available for educational and/or daytime care uses in the Project for short-term parking at no cost to encourage non-residential pick-up/drop-off activity to take place within the Project’s garage rather than on public streets or within the Private Drive.
7. **For the life of the Project**, the Applicant shall install and maintain electric vehicle charging stations within the garage that can accommodate a minimum of six (6) vehicles at any given time.

Transportation Demand Management (“TDM”) Measures

8. **Prior to the issuance of a certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has paid for the cost of installation and one year of operating costs for a 19-dock Capital Bikeshare station in the vicinity of the Property at a location to be selected by DDOT.
9. **For the life of the Project**, the Applicant shall implement the following with respect to the Project’s transportation demand:

- a. The Applicant shall identify a “TDM Leader” (for planning, construction, and operations), who shall distribute and market to the residents and tenants of the building various transportation alternatives and options in existence from time to time, which materials shall include TDM materials to new residents and tenants in a welcome package;
- b. The Applicant shall provide the TDM Leader’s contact information to DDOT and report TDM efforts and amenities to goDCgo staff once per year;
- c. The TDM Leader shall receive TDM training from goDCgo to learn about the TDM conditions for this Project and nearby available options;
- d. The Applicant shall post all TDM commitments online, publicize the availability of the same, and allow the public to see what commitments have been promised;
- e. The Applicant shall provide website links to CommuterConnections.com and goDCgo.com on Project-related websites;
- f. The Applicant shall unbundle the fee it charges for parking from the base rent under a lease or the purchase price of a residential unit and shall set the minimum parking fee at the average market rate, where the market rate is determined by the average price in garages within 0.25 miles of the Project;
- g. The Applicant shall install a “Transportation Information Center Display” on an electronic screen within the residential lobby, which Display shall contain information related to local transportation alternatives;
- h. The Applicant shall meet or exceed the Zoning Regulations’ requirements for bicycle parking, including the requirement to provide secure interior bicycle parking and short-term exterior bicycle parking around the perimeter of the Property, and long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids’ bikes;
- i. The Applicant shall install a bicycle repair station within each of the long-term bicycle storage rooms;
- j. The Applicant shall install a minimum of two (2) showers and six (6) lockers, which shall be available for use by employees of the Project’s ground floor uses;
- k. The Applicant shall provide ten (10) shopping carts for resident use to run errands and for grocery shopping.
- l. For the residential use, the Applicant shall distribute welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, Capital

Bikeshare coupon or rack brochure, Guaranteed Ride Home (GRH), and the most recent DC Bike Map.

m. For the theater/cultural use, the Applicant shall coordinate with the theater/cultural tenant to post “getting here” information on the tenant website for attendees/visitors that includes information about how to travel to the site via Metro, biking, and walking. A printable map should also be available and goDCgo can assist with this effort.

10. For the life of the Project, residents of the Project shall be ineligible to participate in the District’s RPP or VPP programs by notice given and enforced through a lease provision or similar mechanism.

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

Respectfully submitted,

/s/ David M. Avitabile

Enclosure

cc:

Gail Fast, 700 7th Street SW #725, Washington, DC 20024 (1 copy via hand delivery)
Anna Forgie, 28 K Street SE, #1008, Washington, DC 20003 (1 copy via hand delivery)
Ronald Collins, 301 G Street SW #609, Washington, DC 20024 (1 copy via hand delivery)
Andy Litsky, Vice Chair, 423 N Street SW, Washington, DC 20024 (1 copy via hand delivery)
Anthony Dale, 222 M Street, SW, #820, Washington, DC 20024 (1 copy via hand delivery)
Rhonda N. Hamilton, 44 O Street SW, Washington, DC 20024 (1 copy via hand delivery)
Edward Daniels, 301 Tingey Street SE, #433, Washington, DC 20003 (1 copy via hand delivery)
PN Hoffman, 760 Maine Avenue SW, Washington, DC 20024, Attn: David Roberts (2 copies via hand delivery)
Mr. Joseph Lapan, DMPED, 1350 Pennsylvania Avenue NW, Suite 317, Washington, DC 20004
DC Public Library, Southwest Neighborhood Library, 900 Wesley Place, SW, Washington, DC 20024 (1 copy via hand delivery)

CERTIFICATE OF SERVICE

I certify that on or before March 11, 2019, I delivered a copy of the foregoing document via e-mail, hand delivery, or first class mail to the addresses listed below.

Jennifer Steingasser (*1 copy via hand delivery*)

Joel Lawson

Brandice Elliott

District of Columbia Office of Planning

1100 4th Street, SW, Suite 650E

Washington, DC 20004

Anna Chamberlin (*1 copy via hand delivery*)

Aaron Zimmerman

Policy and Planning

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Attn: Paul Greenberg and Paula Van Lare

Carrollsborg Square Condo Assn. (*1 copy via U.S. Mail*)

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/s/ David A. Lewis _____