

<u>PROFFER</u>	<u>CONDITION</u>
<p><u>Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a))</u> - The Project will have a positive impact on the visual and aesthetic character of the immediate neighborhood and will further the goals of urban design while enhancing the streetscape. The Project includes a significant amount of new public space features, including new curb extensions, bulb outs, parklets, expanded green areas, enhanced landscaping, and additional short-term bicycle parking spaces. Moreover, with respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing one-story building and surface parking with a new mixed-use, mixed-income building constitutes a significant urban design benefit. The Project will eliminate four existing curb cuts, thus minimizing pedestrian/vehicle conflicts and improving the pedestrian experience. This is particularly significant given the PUD Site's location immediately across Florida Avenue from Union Market.</p>	<p>The Project shall be developed in accordance with the Architectural Plans and Elevations dated February 22, 2016, (Ex. 26A), as modified by the supplemental architectural drawings submitted on March 7, 2016 (Ex. 35A) and the additional supplemental architectural drawings submitted on April 11, 2016 (Ex. ___) (the "Plans") and as modified by the guidelines, conditions, and standards of this Order.</p> <p>In accordance with the Plans, the PUD shall be a mixed-use project consisting of approximately 66,010 square feet of gross floor area (7.57 FAR), with approximately 61,173 square feet of gross floor area devoted to residential use and approximately 4,837 square feet of gross floor area devoted to retail use. The Project shall have 56 residential units, plus or minus 10%, and shall have a maximum height of 101 feet.</p>
<p>b) <u>Housing and Affordable Housing (11 DCMR § 2403.9(f))</u> – The Project will create new housing and affordable housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The Project will include a total of approximately 61,173 square feet of residential gross floor area (approximately 56 units). Approximately 5% of the residential gross floor area will be devoted to households earning up to 80% of the AMI, and approximately 3% of the residential gross floor area will be devoted to households earning up to 50% of the AMI. Given that the PUD Site's existing zoning does not permit any residential use as a matter of right, all of the housing and affordable housing proposed for the PUD Site is treated as a project amenity pursuant to 11 DCMR § 2403.9(f). Moreover, the majority of the</p>	<p><u>Prior to the issuance of a Certificate of Occupancy for the building, and for the life of the Project</u>, the Applicant shall dedicate (i) a minimum of 5% of the building's residential gross floor area to households earning up to 80% of the AMI, and (ii) a minimum of 3% of the building's residential gross floor area to households earning up to 50% of the AMI. The IZ units shall maintain affordability in accordance with all applicable requirements of Chapter 26 of the Zoning Regulations.</p>

<p>residential units are anticipated to be larger three- and four-bedroom units to accommodate families, which will result in an important amenity to the District’s housing supply.</p>	
<p><u>Environmental Benefits (11 DCMR § 2403.9(h))</u> – The Applicant will ensure environmental sustainability through the implementation of sustainable design features and strategies to enhance the sustainable nature of the PUD Site’s mixed-use, transit-rich location, and to promote a healthy lifestyle that will holistically benefit the Project 's residents while minimizing impact on the environment. The Project provides a host of environmental benefits consistent with recommendations of 11 DCMR § 2403.9(h), which include street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, methods to reduce stormwater runoff, and ample bicycle parking. Moreover, the Project will be designed to achieve the equivalent of LEED-Gold under the LEED for Homes Rating System, Multi-family Mid-rise, October, 2010.</p>	<p><u>Prior to the issuance of a building permit, and for the life of the Project</u>, the Applicant shall provide proof to the Zoning Administrator that the building has been designed to include no fewer than the minimum number of points necessary to be the equivalent of a LEED-Gold designation under the LEED for Homes Rating System, Multi-family Mid-rise, October, 2010. The Applicant shall put forth its best efforts to design the PUD so that it may satisfy such LEED standards, but the Applicant shall not be required to register or to obtain the certification from the United States Green Building Council.</p>
<p>d) <u>Transportation Benefits (11 DCMR §2403.9(c))</u> – The Applicant incorporated a number of elements designed to promote effective and safe access to the PUD Site, convenient connections to public transit services, and onsite amenities such as bicycle parking. The Applicant will implement the following TDM strategies:</p> <ul style="list-style-type: none"> a. Designate a Transportation Management Coordinator responsible for organizing and marketing the TDM plan; b. Restrict future residents from securing residential parking permits (“RPPs”);<u>Include in its residential leases a provision that prohibits</u> 	<p><u>Prior to issuance of a Certificate of Occupancy for the building and for the life of the Project</u>, the Applicant shall provide the following TDM strategies:</p> <ul style="list-style-type: none"> a. Designate a Transportation Management Coordinator responsible for organizing and marketing the TDM plan; b. Restrict future residents from securing RPPs;<u>Include in its residential leases a provision that prohibits tenants from</u>

<p><u>tenants from obtaining a Residential Parking Permit ("RPP") from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination;</u></p> <p>c. Develop a marketing program detailing transportation information;</p> <p>d. Provide 56 long-term (secure, interior) and 18 short-term (exterior) bicycle parking spaces;</p> <p>e. Install a bicycle maintenance facility in the bicycle room <u>that includes a bike pump and tool set;</u></p> <p>f. Provide a bicycle gutter along the stair between the ground and cellar levels for ease of bicycle access to the bicycle storage room;</p> <p>g. Provide ridesharing information through Commuter Connections to retail employees;</p> <p>h. Install a transit information screen in the residential lobby;</p> <p>i. Install an automatic push-button door opener on one of the building's egress doors onto N Street, NE, so that cyclists can more easily enter and exit the building with their bikes;</p> <p>j. For the first three years of the Project, offer an in-unit bicycle rack for each residential unit; and</p> <p>k. For the first five years of the Project, offer each residential unit the option of either a one-time annual car-sharing membership and application</p>	<p><u>obtaining an RPP from the DMV under penalty of lease termination;</u></p> <p>b.c. Develop a marketing program detailing transportation information;</p> <p>e.d. Provide 56 long-term (secure, interior) and 18 short-term (exterior) bicycle parking spaces;</p> <p>d.e. Install a bicycle maintenance facility in the bicycle storage room <u>that includes a bike pump and tool set;</u></p> <p>e.f. Provide a bicycle gutter along the stair between the ground and cellar levels for ease of bicycle access to the bicycle storage room;</p> <p>f.g. Provide ridesharing information through Commuter Connections to retail employees;</p> <p>g.h. Install a transit information screen in the residential lobby; and</p> <p>h.i. Install an automatic push-button door opener on one of the building's egress doors onto N Street, NE, so that cyclists can more easily enter and exit the building with their bikes.</p> <p><u>Prior to issuance of a Certificate of Occupancy for the building and for the first three years of operation of the Project,</u> the Applicant shall offer an in-unit bicycle rack for each residential unit.</p> <p><u>Prior to issuance of a Certificate of Occupancy for the building and for the first five years of operation of the Project,</u> the Applicant shall offer each residential unit the option of either a one-time annual car-sharing membership and application fee or a</p>
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<p>fee or a one-time annual Capital Bikeshare membership.</p>	<p>one-time annual Capital Bikeshare membership.</p>
<p><u>Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I))</u> – The Applicant will expend up to \$150,000 for the following design, permitting, and construction work on the north side of N Street, NE, between 3rd and 4th Streets, NE:</p> <ul style="list-style-type: none"> a. Extend the sidewalk width along the north side of N Street, NE, between 3rd and 4th Streets, NE, a minimum of two feet, with the final sidewalk width to be subject to DDOT and utility agency approvals; b. Install enhanced landscaping along the north side of N Street, NE, between 3rd and 4th Streets, NE, which will include oak trees, landscaped beds, drought-tolerant shrubs, ornamental grasses, and perennials, with the final design and location of the enhanced landscaping to be subject to DDOT and utility agency approvals; c. Install short-term bike racks on the north side of N Street, NE, between 3rd and 4th Streets, NE, with the final design, number, and location of the bike racks to be subject to DDOT and utility agency approvals; d. Install parklets along the north side of N Street, NE, between 3rd and 4th Streets, NE, that will expand public space along the N Street sidewalk and provide seating areas for pedestrians, with the final design, programming, and location of the parklets to be 	<p><u>Prior to the issuance of a certificate of occupancy for the building</u>, the Applicant shall demonstrate to the Zoning Administrator that it has expended, or is otherwise in the process of expending, up to \$150,000 (or shall post a deposit with DDOT of up to \$150,000) for the design, permitting, and improvements to N Street, NE, between 3rd and 4th Streets, NE, as shown on the N Street Improvements site plan dated March 3, 2016, and marked as Exhibit 35A in the record of this case:</p> <ul style="list-style-type: none"> a. Extend the sidewalk width along the north side of N Street, NE, between 3rd and 4th Streets, NE, a minimum of two feet, with the final sidewalk width to be subject to DDOT and utility agency approvals; b. Install enhanced landscaping along the north side of N Street, NE, between 3rd and 4th Streets, NE, which will include oak trees, landscaped beds, drought-tolerant shrubs, ornamental grasses, and perennials, with the final design and location of the enhanced landscaping to be subject to DDOT and utility agency approvals; c. Install short-term bike racks on the north side of N Street, NE, between 3rd and 4th Streets, NE, with the final design, number, and location of the bike racks to be subject to DDOT and utility agency approvals; d. Install parklets along the north side of N Street, NE, between 3rd and 4th Streets, NE, that will expand public space along the N Street sidewalk and provide seating areas for pedestrians, with the final design, programming, and location of the parklets to be

<p>subject to DDOT and utility agency approvals;</p> <ul style="list-style-type: none"> e. Install bulb-outs on the north side of N Street, NE, between 3rd and 4th Streets, NE to discourage vehicular traffic on N Street, with the final design and location of the bulb-outs to be subject to DDOT and utility agency approvals; and f. Decrease the cart path width of N Street, NE, between 3rd and 4th Streets, NE, with the final design and dimension of the cart path width subject to DDOT and utility agency approvals. <p>The Applicant will allocate its contribution of up to \$150,000 to the work identified in section 1(a) first, with remaining proceeds allocated to the work identified in sections 1(b) through 1(f), respectively.</p> <p>In addition, the Applicant will market the retail space in building to a variety of potential tenants and will take the following actions to help attract “maker” uses as tenants:</p> <ul style="list-style-type: none"> a. Retain a retail broker with experience marketing to and securing a variety of tenant types, including makers; b. Sponsor a workshop that encourages the maker movement and sponsor a job fair that targets the maker movement; c. Market the proposed retail space to retail tenants within Union Market; and 	<p>subject to DDOT and utility agency approvals;</p> <ul style="list-style-type: none"> e. Install bulb-outs on the north side of N Street, NE, between 3rd and 4th Streets, NE to discourage vehicular traffic on N Street, with the final design and location of the bulb-outs to be subject to DDOT and utility agency approvals; and f. Decrease the cart path width of N Street, NE, between 3rd and 4th Streets, NE, with the final design and dimension of the cart path width subject to DDOT and utility agency approvals. <p>The Applicant shall allocate its contribution of up to \$150,000 to the work identified in section 1(a) first, with remaining proceeds allocated to the work identified in sections 1(b) through 1(f), respectively.</p> <p><u>Prior to the issuance of a certificate of occupancy for the retail component of the building</u>, the Applicant shall provide evidence to the Zoning Administrator confirming that it has and/or is in the process of marketing the retail space in the building to a variety of potential tenants and has taken the following actions to help attract “maker” uses as tenants:</p> <ul style="list-style-type: none"> a. Retain a retail broker with experience marketing to and securing a variety of tenant types, including makers; b. Sponsor a workshop that encourages the maker movement and sponsor a job fair that targets the maker movement; c. Market the proposed retail space to retail tenants within Union Market; and
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<p>d. Market the proposed retail space to retail tenants operating in Union Kitchen.</p>	<p>d. Market the proposed retail space to retail tenants operating in Union Kitchen.</p>
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