

July 14, 2016

VIA ONLINE FILING

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 15-32 – Application of 1126 9th Street, LLC to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development and Related Zoning Map Amendment for 1126 9th Street, NW (Square 369, Lot 880) (the “Property”) – Applicant’s Proposed Chart of Conditions for Order

Dear Chairman Hood and Commissioners:

Pursuant to the requirements in Sections 2403.16–2403.18 of the Zoning Regulations, on behalf of 1126 9th Street, LLC (the “**Applicant**”), the applicant in Zoning Commission Case No. 15-32, this letter addresses the public benefits and project amenities being proffered by the Applicant and sets forth draft conditions that are both specific and enforceable. Below is a chart of the proffered amenities and proposed conditions related to the Project.

<u>Benefits and Amenities</u>	<u>Proposed Condition</u>
<u>Exemplary Urban Design and Architecture</u> , by contributing to the Shaw neighborhood’s strong, visually interesting sense of place, incorporating elements from the area’s past, and tying the Project to an exciting and vibrant future of new residential opportunities and a re-emerging 9th Street commercial corridor, and respecting the existing grain of the block and adding a contemporary feel that is respectful of the surrounding historic architecture without being imitative.	A1. The Project shall be developed in accordance with the architectural plans and drawings submitted on April 12, 2016 (Exhibit 12A), and as modified by the plans and drawings presented the Applicant’s presentation to the Zoning Commission on July 7, 2016 (Exhibit 31A) and the guidelines, conditions, and standards herein (collectively, the “ Plans ”).
<u>Site Planning and Efficient Land Utilization</u> , by	A2. The Project shall include a mixed-use building with upper floor residential

accommodating both residential and commercial uses in a transit-accessible location, by making the Property's unusual configuration a virtue, using it to present to two streets at different heights and to infill between a newer large building and an older three story building, by efficiently transforming a currently vacant site into an appropriate density of housing, including much-needed affordable housing, and high quality green roofscaping covering more than half of the site.

units and commercial uses on the ground floor containing up to approximately 40,290 gross square feet (“**GSF**”) in total, with an equivalent FAR of up to approximately 5.3. Such GSF will be composed of up to approximately 3,723 GSF of commercial, retail and service uses and up to approximately 33 new residential units. The Project will have approximately two (2) to three (3) nonconforming surface parking spaces for commercial and/or residential parking and/or car-sharing services. The Project will be constructed to a maximum height of up to approximately 100 feet. Along the 9th Street façade, the Project will step back from the street before rising to the full 100 feet, allowing the existing structure to be solely expressed within such setback area. Along the M Street façade, the Project will have a height of approximately 51 feet, eight (8) inches, with two sixth floor loft areas rising to approximately 61 feet, four (4) inches.

A3. Approximately 6,408 square feet of the DD/C-2-A Zone District designation for the Property shall be amended to become the DD/C-2-C Zone District (as shown in the Plans). Pursuant to 11 DCMR § 3028.9, such amendment of zoning shall be effective upon the recordation of the covenant discussed in Condition No. D(2).

A4. The Applicant shall have flexibility from the Zoning Regulations with respect to the Project's parking requirement, closed court requirements, roof structure setback requirements, and M Street, NW height setback (pursuant to Section 1706.15) requirements as shown on the Plans.

<p><u>Historic Preservation of Private Structures</u>, by retaining and rehabilitating the existing structure thereby allowing the structure to contribute to 9th Street’s historic core and Shaw’s unique identity.</p>	<p>A5. The Project will include the preservation and restoration of the existing 1126 9th Street structure in accordance with the Plans.</p>
<p><u>Environmental benefits and Sustainable Design</u>, by obtaining LEED Gold certification for the Project, exceeding the minimum required GAR, and incorporating a wide range of sustainable design features including intensive green roofs and a high efficiency Variable Refrigerant Flow (“VRF”) mechanical HVAC system.</p>	<p>A6. The Project’s LEED and sustainable design requirements shall be as follows:</p> <ul style="list-style-type: none"> a. <u>Prior to the issuance of the first Certificate of Occupancy for the Project</u>, the Applicant shall provide evidence that the Project has been designed to achieve a LEED NC v. 2009 Gold (or higher) level. The Applicant will obtain certification of such Gold level from the US Green Building Council within two years of the issuance of the first Certificate of Occupancy for the Project; and b. <u>Prior to the issuance of the first Certificate of Occupancy for the Project</u>, the Applicant shall provide evidence that the Project has been designed to achieve a GAR of not less than approximately 0.318.
<p><u>Housing and Affordable Housing</u>, by constructing housing at a location where it is a highly preferred use and by constructing affordable housing where it would otherwise not be required, including one unit reserved for households earning no more than 50% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size) and one unit reserved for households earning no more than 80% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size).</p>	<p>B1. <u>Prior to the issuance of the first Certificate of Occupancy for the residential component of the Project</u>, and for the life of the Project, the Applicant shall demonstrate that it has set aside a minimum of 4% of the residential gross floor area of the Project as affordable housing.</p> <ul style="list-style-type: none"> a. One affordable housing unit shall be available to households with an annual income of no more than 50% of the Area Median Income for the Washington, DC Metropolitan Statistical Area

	<p>(adjusted for household size).</p> <p>b. One affordable housing unit shall be available to households with an annual income of no more than 80% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size).</p> <p>c. The Applicant shall distribute the mix of affordable housing unit types in proportion to the mix of market rate unit types. The size of the affordable units shall be of a size substantially similar to the market rate units. The location of the affordable housing units shall be substantially similar to the locations shown on Pages ZC-31 and ZC-32 of Exhibit 31A.</p>
<p><u>Uses of special value to the neighborhood or the District of Columbia as a whole, by contributing \$12,500 to nonprofit community organizations or resources as determined pursuant to agreement with the Commissioners of ANC 2F.</u></p>	<p><u>B2. Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide evidence that it has completed the following:</p> <p>a. Provided supplies and materials, including soil, planters, and other similar materials worth a total of \$2,500 for the Thompson Elementary School rooftop garden; and</p> <p>b. Provided a sunshade to be located over the play area of the 10th Street Park with an estimated value of approximately \$10,000.¹</p>


¹ The Applicant notes that it is still working with Advisory Neighborhood Commission 2F representatives regarding this public benefit and that this benefit is subject to further input from or modification by such representatives as a result.

	<p>Such evidence shall be in the form of a letter (or letters) and/or receipts submitted to the Zoning Administrator stating that the above work, funding, or materials have been provided in the amounts set forth above and have been utilized for the purposes set forth above.</p>
<p><u>Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts, including bicycle parking and financial incentives for tenants and/or residents to utilize public transportation and the provision of up to two (2) car share parking spaces at the rear of the Project for car sharing services to use with right of first refusal, if the demand exists from car share companies.</u></p>	<p>C1. For the life of the Project, the following transportation demand management (“TDM”) measures shall be in place:</p> <ul style="list-style-type: none">a. Removal of the existing curb cut at the Property along M Street, NW;b. Provision of up to two (2) non-conforming parking spaces for car sharing services to use with a right of first refusal, and such spaces shall be available to members of the car sharing service 24 hours a day, seven (7) days per week (subject to sufficient demand for such space or spaces from such car share companies);c. At least sixteen (16) long term bike parking spaces as shown on the Plans;d. An interior bike repair area for the residents and commercial uses and a shower facility for the commercial uses for bike riders;e. A transit information display in the residential lobby; andf. A transportation management coordinator to provide information to residents and

	<p>employees.</p> <p>In addition, the TDM measures shall include the following items for a fixed period of time:</p> <ul style="list-style-type: none"><li data-bbox="922 510 1421 653">g. Bike helmets shall be provided to the initial purchasers of the residential units at the time of the initial purchase;<li data-bbox="922 688 1421 831">h. A SmarTrip card with \$25.00 shall be provided to new condominium owners for five (5) years from project opening;<li data-bbox="922 867 1421 1010">i. A SmarTrip card with \$25.00 provided to initial tenants of rental units for five (5) years from project opening;<li data-bbox="922 1045 1421 1188">j. A two (2) year bike-share or car-share membership shall be offered to residents upon initial move-in; and<li data-bbox="922 1224 1421 1545">k. Any resident choosing a car-share membership shall receive the equivalent cash value of a one year bike-share membership (i.e., the one-year car-share membership fee plus a usage credit in the total cash equivalent amount equal a one year bike-share membership).
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We look forward to the Zoning Commission taking Final Action on this case. If you have any questions regarding this application, please feel free to contact Jeff at 202-721-1132 and Dave at 202-721-1127. Thank you for your attention to this application.

Respectfully submitted,



A handwritten signature in blue ink, consisting of stylized initials 'JU' followed by a circled 'PAZ'.

Jeffrey Utz



A handwritten signature in blue ink, consisting of stylized initials 'DL'.

David Lewis

CERTIFICATE OF SERVICE

I certify that on July 14, 2016, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



David Lewis

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