

ZC Case No. 16-07
Consolidated PUD and Related Map Amendment @ Square 399
Proposed Public Benefits and Amenities

<u>PROFFER</u>	<u>CONDITION</u>
<p><u>Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a))</u> –The Applicant proposes to redevelop the PUD Site with a mixed-use building comprised of ground floor retail and residential units above (the “Project”). The Project will contain approximately 90,558 square feet of gross floor area (6.0 FAR) and a maximum building height of 90 feet. Approximately 83,658 square feet of gross floor area will be devoted to residential use, not including the penthouse (approximately 66 total units) and approximately 6,900 square feet of gross floor area will be devoted to ground floor retail use. The Project will provide a total of 71 on-site parking spaces, 12 of which are vault spaces.</p> <p>The Project will have a positive impact on the visual and aesthetic character of the immediate neighborhood and will thus further the goals of urban design while enhancing the streetscape. The Project includes significant new public space improvements, including new street trees, groundcover, and ornamental plantings; raised metal planters; a low wall for seating with decorative coping and LED lighting on O Street; lighting; bicycle racks; permeable paving and granite curbs; decorative stone unit pavers; and ADA-compliant curb ramps with detectable warning pavers. All proposed vaults for the building are located on private property and not in public space.</p> <p>Moreover, the Project’s ground level is programmed with retail uses that will activate the surrounding streets. With respect to site planning and efficient and economical land utilization, the Applicant's proposal to replace the existing low-density church building with a new mixed-use, mixed-income apartment</p>	<p>The Project shall be developed in accordance with the Architectural Plans and Elevations dated October 4, 2016 (Ex. 24A) as modified by the supplemental architectural drawings submitted on October 31, 2016 (Ex. 35A), and as further modified by the additional supplemental architectural drawings submitted on November 18, 2016 <u>(Ex. 38A)</u> (together, the “Plans”), and as modified by the guidelines, conditions, and standards of this Order.</p> <p>In accordance with the Plans, the Project shall be a mixed-use building with approximately 90,558 square feet of gross floor area (6.0 FAR) and a maximum building height of 90 feet. Approximately 83,658 square feet of gross floor area shall be devoted to residential use in the main building (62 units), plus 4,822 square feet of gross floor area devoted to residential use in the penthouse (4 units), for a total of 66 residential units, plus or minus 10%. In addition, approximately 6,900 square feet of gross floor area shall be devoted to ground floor retail use. The Project shall provide a minimum of 56 zoning-compliant parking spaces.</p> <p>The public space improvements on O and 9th Streets shall be developed in accordance with Sheets ——<u>L01</u> of the Plans, and shall include new street trees, groundcover, and ornamental plantings; raised metal planters; a low wall for seating with decorative coping and LED lighting on O Street; lighting; bicycle racks; permeable paving and granite curbs; decorative stone unit pavers; and ADA-compliant curb ramps with detectable warning pavers.</p>

<p>house constitutes a significant urban design benefit.</p>	
<p><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 Applicant will dedicate no less than a total of 6,997 square feet (“sq. ft.”) of gross floor area (“gfa”) devoted to IZ units, with 4,610 sq. ft. of gfa (4 units) dedicated to families earning up to 50% of AMI and 2,387 sq. ft. of gfa (2 units) dedicated to families earning up to 80% of AMI.</p>	<p><u>Prior to issuance of a Certificate of Occupancy for the residential component of the Project and for the life of the Project,</u> the Applicant shall demonstrate <u>the following to the Zoning Administrator that it has dedicated:</u></p> <p><u>a. For the life of the Project, the Applicant shall:</u></p> <ul style="list-style-type: none"> <u>i. Provide a total of approximately 82,403 square feet of residential Gross Floor Area (“GFA”) of housing.</u> <u>ii. Set aside no less than 8% of the residential GFA, equaling not less than 6,997 square feet as inclusionary units pursuant to 11-C DCMR Chapter 10.</u> <u>iii. Set aside no less than 4 units (66% of the inclusionary units) comprising at least 4,610 sq. ft. of GFA as inclusionary units for households earning equal to or less than 50% of the MFI (“50% MFI Units”).</u> <u>iv. Set aside no less than 2 units (33% of the inclusionary units) comprising at least 2,387 sq. ft. of GFA as inclusionary units for households earning equal to or less than 80% of the MFI (“80% MFI Units”).</u> <p><u>b. For the life of the Project, the 50% MFI Units shall include a one-bedroom unit with 1,101 square feet of GFA, a one-bedroom unit with 1,197 square feet of GFA, a two-bedroom unit with 1,156 square feet of GFA,</u></p>

	<p><u>and a three-bedroom unit with 1,156 square feet of GFA; and the 80% MFI Units shall include a one-bedroom unit with 1,197 square feet of GFA and a two-bedroom unit with 1,190 square feet of GFA.</u></p> <p><u>c. The distribution of the affordable housing units shall be in accordance with Sheet A1 of the Plans submitted on November 21, 2016, marked as Exhibit 38A of the record, and in accordance with the following chart (included on final page of this document):</u></p> <p><u>d. 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.</u></p> <p><u>a. No less than 2,387 square feet of the building's residential gross floor area (2 units) to households earning up to 80% of the AMI; and</u></p> <p><u>b. No less than 4,610 square feet of the building's residential gross floor area (4 units) to households earning up to 50% of the AMI.</u></p> <p><u>The IZ units generated by the penthouse habitable space shall not be required to be located in the penthouse. A breakdown of the required and provided IZ units is set forth in the IZ Chart below and shown on Sheet A1 of the plans filed on November 21, 2017.</u></p>
<p><u>Environmental Benefits (11 DCMR § 2403.9(h)) – The Applicant will ensure environmental sustainability through the implementation of a variety of sustainable design features, including strategies to further</u></p>	<p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that it has:</p>

<p>enhance the already sustainable nature of the PUD Site’s mixed-use, transit-rich location, and to promote a healthy lifestyle that will holistically benefit Project 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 LEED-Gold under the LEED 2009 for New Construction rating system, and the Applicant will certify the Project as LEED Gold with the United States Green Building Council (“USGBC”).</p>	<p>a. <u>Incorporated street tree planting, landscaping, energy and water efficient systems, construction waste management techniques, stormwater management features, and bicycle parking, consistent with Sheets L01-L04, C0.01-C7.02, and G.01 of the Plans (Ex. 24A); and</u></p> <p>b. <u>Registered the Project with the USGBC to commence the LEED certification process under the USGBC’s LEED 2009 for New Construction rating system. Prior to the issuance of a Certificate of Occupancy, the Applicant shall also furnish a copy of its LEED certification application submitted to the USGBC to the Zoning Administrator. The application shall indicate that the building has been designed to include at least the minimum number of points necessary to achieve LEED-Gold certification under the USGBC’s LEED for New Construction v2009 standards.</u></p>
<p><u>Employment Benefits (11 DCMR § 403.9(j))</u> The Applicant will submit to the Department of Consumer and Regulatory Affairs (“DCRA”) a First Source Employment Agreement executed by the Applicant, consistent with the First Source Employment Agreement Act of 1984.</p>	<p><u>Prior to issuance of a Building Permit</u>, the Applicant shall demonstrate to the Zoning Administrator that it has executed and submitted a First Source Employment Agreement to DOES, consistent with the First Source Employment Agreement Act of 1984.</p>
<p><u>Transportation Benefits (11 DCMR §2403.9(c))</u> – The Project includes a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation management measures, and connections to public transportation services. The Project provides 56 zoning-compliant parking spaces (plus 12 vault spaces and 3 tandem spaces), all located in the below-grade parking garage, which is an adequate amount given the PUD Site’s highly walkable</p>	<p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that it has:</p> <p>a. <u>Provided funding to DDOT for the installation and first year’s operation expenses of a new Capital Bikeshare station, to be located within the boundaries of ANC 6E and in a mutually acceptable location to the Applicant and DDOT. The fee for the</u></p>

location. To promote pedestrian travel, the Applicant will improve the streetscape surrounding the PUD Site and will incorporate new pedestrian-oriented lighting and street furnishings. To promote bicycle travel, the Applicant will provide secure, indoor bicycle parking and will work with DDOT to install bicycle racks in the public space adjacent to the PUD Site. The Applicant will also provide funding to DDOT for the installation and first year's operation expenses of a new Capital Bikeshare station located within the boundaries of ANC 6E and in a mutually acceptable location to the Applicant and DDOT.

The Applicant will implement the following transportation demand management ("TDM") strategies to reduce travel demand:

- a. Provide bicycle parking facilities for at least 23 long term bicycles (secure, interior) and at least six short-term bicycles (exterior);
- b. Identify TDM leaders for planning, construction, and operations of the PUD. The TDM leaders will work with residents and employees of the building to distribute materials and market various transportation alternatives and options;
- c. Provide TDM materials to new residents in the Residential Welcome Package;
- d. Provide a bicycle repair station in the bicycle storage room;
- e. Provide a bicycle cleaning facility in the bicycle storage room;
- f. Provide a cargo bicycle for use by residents of the building for purposes of running errands;

installation and first year's operation costs shall be determined at the time of issuance of a Certificate of Occupancy for the Project;

b. Installed a minimum of 56 zoning-compliant parking spaces and 3 tandem spaces in the below-grade parking garage-; and

c. Applied to DDOT for approval of the installation of 12 vault spaces adjacent to the PUD Site.

Prior to issuance of a Certificate of

Occupancy, the Applicant shall demonstrate to the Zoning Administrator that it has undertaken the following actions with respect to implementation of the TDM plan:

- a. Installed bicycle parking facilities for at least 23 long term bicycles (secure, interior) and at least six short-term bicycles (exterior), as shown on Sheets A14 and L01 of the Plans;
- b. Identified TDM leaders for planning, construction, and operations of the PUD. The TDM leaders shall work with residents and employees of the building to distribute materials and market various transportation alternatives and options;
- c. Prepared TDM materials to distribute to new residents in the Residential Welcome Package;
- d. Installed a bicycle repair station in the bicycle storage room;
- e. Installed a bicycle cleaning facility in the bicycle storage room;
- f. Purchased a cargo bicycle for use by residents of the building; and

<ul style="list-style-type: none"> g. Install a TransitScreen in the residential lobby area; h. If any units within the PUD are rental units, unbundle the cost of the associated parking space from the cost of the residential lease; and i. For the first year following Certificate of Occupancy for the building, offer each unit’s incoming residents a one-year membership to Capital Bikeshare. 	<ul style="list-style-type: none"> g. Installed a TransitScreen in the residential lobby area; h. If any units within the PUD are rental units, unbundle the cost of the associated parking space from the cost of the residential lease. <p><u>For the first year of operation of the Project</u>, the Applicant shall offer each unit’s incoming residents a one-year membership to Capital Bikeshare.</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 make the following contributions:</p> <ul style="list-style-type: none"> a. Contribute \$35,000 to Bread for the City to support its feeding program and provide monthly grocery bags for seniors and low income families. Bread for the City provides vulnerable District residents with comprehensive services, including food, clothing, medical care, and legal and social services, in an atmosphere of dignity and respect. Bread for the City promotes the mutual collaboration of clients, volunteers, donors, staff, and other community partners to alleviate the suffering caused by poverty and to rectify the conditions that perpetuate it; b. Contribute \$15,000 to Emmaus Services for the Aging for 20 iPads to support the workforce development program for seniors age 55 and over. Emmaus Services is a social justice, not-for-profit organization that provides educational, nutritional, advocacy services and social programs to older adults (55+) in Washington, DC. Emmaus’ mission is to help seniors remain active, 	<p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that it has done the following:</p> <ul style="list-style-type: none"> a. Contributed \$35,000 to Bread for the City to support its feeding program and provide monthly grocery bags for seniors and low income families, and provide proof to the Zoning Administrator that the feeding program services are being provided and the grocery bags have been purchased; b. Contributed \$15,000 to Emmaus Services for the Aging for 20 iPads to support the workforce development program for seniors age 55 and over, and provide proof to the Zoning Administrator that the iPads have been purchased;

<p>respected, independent and vital members of their community;</p> <p>c. Contribute \$15,000 to the Family Life Center Foundation (“FLCF”) to support its Champion for Children anti-human trafficking awareness program. FLCF is a not-for-profit public charity that benefits the underserved by strengthening and nurturing them regardless of age, race, socioeconomic status, culture or background. FLCF has a variety of diverse community outreach programs for persons living under the shadows of violence, substance abuse and other pathological conditions;</p> <p>d. Contribute \$15,000 to DC Artspace for materials, framing, staffing, and other costs for its after-school youth arts program, in association with the Touchstone Foundation. DC ArtSpace was created as an artistic extension of the New Community Church, serving the Shaw and surrounding neighborhoods with art programs, workshops, and seminars. ArtSpace provides an affordable avenue for artists of all ages and walks of life to express themselves, share skills, create economic opportunities, and find common ground through art while adding significant value to the renewal of the Shaw neighborhood;</p> <p>e. Contribute \$15,000 to Banneker City Little League (“BCLL”) for equipment for the T-ball league, including but not limited to bats, baseballs, helmets, gloves, pitching machines, pop-up nets, tees, batting cages. BCLL was founded to help children learn healthy competition, sportsmanship, work ethic, teamwork, and conditioning fundamentals and provide a progressive continuum of that</p>	<p>c. Contributed \$15,000 to FLCF to support its Champion for Children anti-human trafficking awareness program, and provide proof to the Zoning Administrator that the contribution is being used to further development and activities within the Champion for Children program;</p> <p>d. Contributed \$15,000 to DC Artspace for materials, framing, staffing, and other costs for its after-school youth arts program, and provide proof to the Zoning Administrator that materials have been purchased and that the contribution is being provided to staff and generally improve the youth arts program;</p> <p>e. Contributed \$15,000 to BCLL for equipment for the T-ball league, including but not limited to bats, baseballs, helmets, gloves, pitching machines, pop-up nets, tees, batting cages, and provide proof to the Zoning Administrator that the equipment has been purchased;</p>
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<p>education in a healthy, safe and encouraging culture. The T-ball league is for children ages four through six;</p> <p>f. Contribute \$15,000 to Friends of Kennedy Playground, Inc. for uniforms for its youth basketball and football teams; and</p> <p>g. Contribute \$15,000 to Shaw Main Streets for training and employing ex-offenders to maintain public space along 7th and 9th Streets, NW as part of the Shaw Clean + Safe Team program. The Clean + Safe Team collects trash, abates graffiti, plants and waters tree boxes, and serves as ‘eyes and ears’ on the street seven days per week. Ex-offenders in the program receive comprehensive training and are paid a living wage.</p> <p>In addition, the Applicant will expend up to \$500,394 to install the streetscape improvements on 9th and O Streets, NW, as shown on Sheet L01 of the Plans and subject to DDOT approval. The \$500,943 figure exceeds DDOT’s minimum requirements by approximately \$255,000 and includes undergrounding of some utilities.</p> <p>The Applicant will install two 240-volt electric car charging stations in the below-grade parking garage.</p>	<p>f. Contributed \$15,000 to Friends of Kennedy Playground, Inc. for uniforms for its youth basketball and football teams, and provide proof to the Zoning Administrator that the uniforms have been purchased; and</p> <p>g. Contributed \$15,000 to Shaw Main Streets for training and employing ex-offenders to maintain public space along 7th and 9th Streets, NW as part of the Shaw Clean + Safe Team program, and provide proof to the Zoning Administrator that the contribution is being provided to train and employ ex-offenders.</p> <p>h. Expended up to \$500,394 to install the streetscape improvements on 9th and O Streets, NW, as shown on Sheet L01 of the Plans, subject to DDOT approval, and provide proof to the Zoning Administrator that the improvements have been installed.</p> <p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that it has installed two 240-volt electric car charging stations in the below-grade parking garage.</p>
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Inclusionary Zoning Chart

	GFA Required	Units	Income Type	Affordable Control Period	Affordable Unit Type	Required Set-aside percentage	Required AMI
Total Residential GFA within Main Building	82,403 sf GFA (67,175 sf net) (100% of building)	62	Market rate + IZ	NA	NA	NA	NA
Market Rate within Main Building	75,811 sf GFA (61,801 sf net) (92% of building)	56	Market rate	NA	NA	NA	NA
IZ within Main Building	6,592 sf GFA (5,374 sf net) (8% of building) PLUS 386 sf GFA from penthouse (8% of penthouse habitable space) (314 sf net) TOTAL IZ REQ'D = <u>6,978</u> sf GFA in main bldg (5,688 net) TOTAL IZ PROVIDED: <u>6,997</u> sf GFA (5,905 net)	2 4	80% AMI 50% AMI	For the life of the Project	For-sale	8% of residential GFA	80% AMI
Total Penthouse Habitable GFA	4,822 sf habitable GFA (3,931 sf net habitable) (100% of penthouse habitable space will be market rate)	4	Market rate	NA	NA	8% of penthouse habitable space	50% AMI
IZ within Penthouse	0 sf Generates 386 sf of habitable GFA <i>to be located in main building</i> (314 sf net habitable) (8% of penthouse habitable space)	0 Generates 1 IZ unit located in Main Building	50% AMI	For the life of the Project	For-sale	0	NA
Total	87,225 sf GFA (71,106 net) <i>includes penthouse habitable space</i>	66	Market rate + IZ	All IZ units: for the life of the Project	For-sale	8% residential GFA in main building and penthouse	80% main building 50% penthouse