

ZC Case No. 16-10
400 Florida Avenue, NE
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 Project will have a positive impact on the visual and aesthetic character of the neighborhood and will therefore further the goals of urban design while enhancing the streetscape. The Project has a superior international design with a unique sensitivity to the Union Market aesthetic. The building includes a large open loggia fronting Florida Avenue, NE, which will have the effect of introducing greenery and contrast in a highly visible location. Moreover, replacing the two existing buildings and associated vacant lots that currently lack any green or sustainable features with a new mixed-use infill development constitutes a significant urban design benefit. The Project includes new landscape, garden, and open space features. The streetscape will include permeable pavers and tree amenity panels, bio-retention planters and new trees, scored concrete pavers, and ADA-compliant sidewalks, consistent with DDOT standards and with the public space improvements being implemented for surrounding projects along Florida Avenue, NE. New street furnishings will include benches, trash receptacles, LED lighting, bicycle racks, and a cell phone charging kiosk. Moreover, the ground floor of the building will be programmed with active retail uses, amenity spaces, and an engaged lobby design, and will employ a minimum of 50% transparent material, which together will further enliven the streetscape. Throughout the Project, open spaces are used to create programmed amenity areas, including the landscaped garden, hotel terrace, loggia, green roof, roof terrace, and roof dining/bar. Overall, the excitement of the Project will draw the public in from afar with an unusual and exciting venue and public events.</p> <p>In order to ensure active retail space at the ground level, the Applicant will also implement the following design techniques:</p> <ol style="list-style-type: none"> 1. Devote not less than 50% of the surface area of the streetwall(s) at the ground level to display 	<p>The Project shall be developed in accordance with the Architectural Plans and Elevations dated _____ (Ex. __), as modified by the plans dated _____ (Ex. __) (together, the “Plans”) and as modified by the guidelines, conditions, and standards of this Order. The materials shown on Sheets _____ of the Plans and on the photographs of the materials boards (Ex. __) shall be used as indicated on those sheets. All landscape, park, open space, and streetscape designs shall be developed in accordance with the landscape plans included as Sheets ___ of the Plans.</p> <p>In accordance with the Plans, the Project shall be a mixed-use building with residential, hotel, and ground floor retail uses. The Project shall have a total of approximately 164,288 square feet of gross floor area (8.0 FAR) and a maximum building height of 120 feet, not including penthouses. Approximately 94,632 square feet of gross floor area shall be devoted to residential use (110 units, plus or minus 10%), approximately 66,924 square feet of gross floor area shall be devoted to hotel use (155 rooms, plus or minus 10%), and approximately 2,732 square feet of gross floor area shall be devoted to ground floor retail use. The Project shall provide three on-site parking spaces (two car share spaces and one EV-charging space) and off-street loading facilities accessed from the public alley. The Project shall also provide a minimum of 50 off-site parking spaces located at Square 3587, Lots 0827, 0828, 7012 and 7013 for the life of the Project, as set forth in Exhibit 42A.</p> <p><u>Prior to issuance of a Certificate of Occupancy for the applicable residential or hotel portion of the Project, respectively,</u> the Applicant shall demonstrate to the Zoning Administrator that it has ensured active retail space at the ground level of the building by implementing the following design techniques:</p> <ol style="list-style-type: none"> 1. Devote not less than 50% of the surface area of the streetwall(s) at the ground level

<p>windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to the building;</p> <ol style="list-style-type: none"> 2. Design the building so as not to preclude an entrance every 40 feet, on average, for the linear frontage of the building on Florida Avenue, including entrances to ground floor uses and the main lobby; and 3. At the ground floor level of the building, provide a uniform minimum clear floor-to-ceiling height of at least 10 feet. 	<p>to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to the building;</p> <ol style="list-style-type: none"> 2. Design the building so as not to preclude an entrance every 40 feet, on average, for the linear frontage of the building on Florida Avenue, including entrances to ground floor uses and the main lobby; and 3. At the ground floor level of the building, provide a uniform minimum clear floor-to-ceiling height of at least 10 feet.
<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 PUD Site is presently zoned C-M-1, such that new residential uses are not permitted to be developed. Thus, the Applicant's proposal to develop the Project as a PUD under the C-3-C zone requirements, and to construct approximately 94,632 square feet of gross floor area dedicated to residential uses, including affordable units, is significant.</p> <p>Pursuant to 11 DCMR § 2403.2, the Project is required to devote a minimum of 8% of the residential gross floor area to IZ units. However, the Applicant proposes to devote a minimum of 12% of the residential gross floor area to affordable housing, with 6% set aside for households earning up to 50% of the AMI and 6% set aside for households earning up to 80% of the AMI. In contrast, under the existing zoning, there would be no housing or affordable housing at the PUD Site at all. The Applicant's affordable housing proffer includes significantly more square footage and a deeper subsidy than is required by the IZ regulations. The breakdown of affordable housing by gross floor area and level of affordability is set forth below.</p>	<p><u>Prior to issuance of a Certificate of Occupancy for the residential portion of the Project and for the life of the residential portion of the Project</u>, the Applicant shall demonstrate <u>the following</u>:</p> <ol style="list-style-type: none"> 1. <u>For the life of the Project, the Applicant shall:</u> <ol style="list-style-type: none"> a. <u>Provide a total of approximately 94,632 square feet of residential gross floor area ("GFA") of housing;</u> b. <u>Devote no less than 12% of the residential GFA equaling not less than 11,356 square feet of GFA as inclusionary units pursuant to 11 DCMR Chapter 26;</u> c. <u>Set aside no less than 7 units (50% of the inclusionary units), equaling not less than 5,678 square feet of GFA as inclusionary units for eligible households earning equal to or less than 50% of the MFI; and</u> d. <u>Set aside no less than 7 units (50% of the inclusionary units), equaling not less than 5,678 square feet of GFA as inclusionary units for eligible households earning equal to or less than 80% of the MFI.</u> 2. <u>The affordable housing units shall be</u>

distributed in accordance with the Plans marked as Ex. _____ of the record, and shall be provided in accordance with the chart below; and

3. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this Condition.

~~to the Zoning Administrator that it has dedicated (i) a minimum of 6% of the residential gross floor to households earning up to 50% of the AMI; and (ii) a minimum of 6% of the residential gross floor area to households earning up to 80% of the AMI. The IZ units shall maintain affordability in accordance with all applicable requirements of the Zoning Regulations. A breakdown of the required and provided IZ units is set forth in the IZ Chart on page ____ of this Order.~~

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	94,632 sf of GFA (100%)	110	NA	NA	NA
Market Rate	83,276 sf of GFA (88%)	96	Market Rate	NA	NA
IZ	5,678 sf of GFA (6%)	7	Up to 50% AMI	Life of the project	Rental
IZ	5,678 sf of GFA (6%)	7	Up to 80% AMI	Life of the project	Rental

Environmental Benefits (11 DCMR § 2403.9(h)) – The Applicant will ensure environmental sustainability by implementing a variety of sustainable design features, materials, and systems that are consistent with the recommendations of 11 DCMR § 2403.9(h). These include landscaping, street tree planting and maintenance, use of energy efficient and alternative energy sources, implementing methods to reduce stormwater runoff, and establishing green engineering practices. The building will register to be certified as LEED Gold for the residential portion of the Project and LEED Silver for the hotel portion of the Project. The

Prior to issuance of a Certificate of Occupancy for the applicable residential or hotel portion of the Project, respectively, the Applicant shall demonstrate to the Zoning Administrator that it has registered that portion of 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 for the applicable residential or hotel portion of the Project,** the Applicant shall also furnish a copy of its LEED certification application submitted to

<p>LEED features will include a green roof, solar panels, energy efficient LED lighting, irrigation of landscaping from stormwater collection, daylight control with automatic shades and lighting controls, use of locally-sourced products, an electric charging station, carsharing spaces, and bicycle parking facilities for the residential and hotel portions of the building.</p>	<p>the USGBC to the Zoning Administrator. The application shall indicate that the residential portion of 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, and that the hotel portion of the building has been designed to include at least the minimum number of points necessary to achieve LEED-Silver certification under the USGBC’s LEED for New Construction v2009 standards.</p>
<p><u>Employment Benefits (11 DCMR § 403.9(j)).</u> Development of the hotel portion of the Project will generate significant new employment opportunities, and the Applicant is committed to hiring locally. Accordingly, the Applicant will partner with the Goodwill Hospitality Training Program for the recruitment, screening, training, and referral of hotel employees, with a minimum of 51% of hotel employees being District residents.</p> <p>In addition, 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 Certificate of Occupancy for the hotel portion of the Project,</u> the Applicant shall demonstrate to the Zoning Administrator that it has executed a memorandum of understanding with the Goodwill Hospitality Training Program (or a successor program if Goodwill is no longer available) governing the recruitment, screening, training, and referral of hotel employees. <u>For the life of the hotel portion of the Project,</u> a minimum of 51% of hired hotel employees shall be District residents.</p> <p><u>Prior to issuance of a Building Permit for either portion(s) of the Project,</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 transit services. For example, for the life of the Project, the Applicant will contract with EDENS to secure 50 parking spaces at the EDENS Site for the life of the Project. The Applicant will also contribute up to \$80,000 to DDOT for the purchase and one year of operation costs for a new Capital Bikeshare station, and will provide secure, long term bicycle parking facilities on the ground level for the hotel and residential portions of the project. In addition, the Applicant will close existing curb cuts onto the PUD Site and replace them with a single entry point at the rear alley, with all access to the on-site parking and loading facilities located in the alley so as to reduce the impact on pedestrian travel. The Applicant will also improve the</p>	<p><u>Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first), and for the life of either portion of the Project,</u> Applicant shall demonstrate to the Zoning Administrator that it has contracted with the owner of Square 3587, Lots 0827, 0828, 7012 and 7013, to provide 50 dedicated parking spaces for the Project. The 50 parking spaces (at this or another location within three blocks of the Project if Square 3587 is not yet available) shall be available for use prior to issuance of a Certificate of Occupancy.</p> <p><u>Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first),</u> the Applicant shall demonstrate to the Zoning Administrator that it</p>

sidewalk connections by reconstructing the curb ramps and striping the crosswalks on Morse Street at the intersections of 4th and 5th Streets.

The Applicant will implement the following transportation demand management (“TDM”) strategies for the residential portion of the Project to reduce travel demand:

- a. Dedicate two parking spaces along the alley for car sharing services and one parking space along the alley as an EV-charging space (240 volt);
- b. Install a Transportation Information Center display within the residential lobby containing information related to local transportation alternatives;
- c. Prepare materials for residents that provide carpooling information and refers them to other carpool matching services;
- d. Designate TDM leaders to work with residents to market transportation alternatives and options;
- e. Prepare TDM materials to give to new residents in the Resident Welcome Package;
- f. Exceed zoning requirements for the provision of secure indoor and outdoor bicycle parking facilities;
- g. Install a bicycle repair station within the long-term bicycle storage room;
- h. Include in the residential leases a provision that the cost of residential parking is unbundled from the cost of lease or purchase of each residential unit.

has contributed \$80,000 to DDOT for the operations and maintenance for one year of a new Capital Bikeshare station.

Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has reconstructed the curb ramps and striped the crosswalks on Morse Street, NE, at the intersections of 4th and 5th Streets, NE.

Prior to issuance of a Certificate of Occupancy for the residential portion of the Project, and for the life of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has undertaken the following actions with respect to implementation of the TDM plan:

- a. Dedicated two parking spaces along the alley for car sharing services and one parking space along the alley as an EV-charging space (240 volt);
- b. Installed a Transportation Information Center display within the residential lobby containing information related to local transportation alternatives;
- c. Prepared materials for residents that provide carpooling information and refers them to other carpool matching services;
- d. Designated TDM leaders to work with residents to market transportation alternatives and options;
- e. Prepared TDM materials to give to new residents in the Resident Welcome Package;
- f. Exceeded zoning requirements for the provision of secure indoor and outdoor bicycle parking facilities;
- g. Installed a bicycle repair station within the long-term bicycle storage room;
- h. Included in the residential leases a provision that the cost of residential

Parking shall be available on a monthly basis at market rate;

- i. Record a covenant among the Land Records of the District of Columbia prohibiting any tenant of the residential portion of the Project from obtaining an RPP for so long as the PUD Site is used as an apartment building. The Applicant will (i) not seek or support any change to designate the PUD Site as becoming eligible for RPP; (ii) include in its residential leases a provision that prohibits tenants from obtaining an RPP for the PUD Site from the DMV, under penalty of lease termination and eviction; and (iii) obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the PUD Site; and

- j. Offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each residential unit for the initial lease up of each unit.

The Applicant will implement the following TDM strategies for the hotel portion of the Project to reduce travel demand:

- a. Install a Transportation Information Center display within the hotel lobby containing information related to local transportation alternatives;

- b. Establish a TDM marketing program that provides detailed transportation information to

parking is unbundled from the cost of lease or purchase of each residential unit. Parking shall be available on a monthly basis at market rate; and

- i. Recorded a covenant among the Land Records of the District of Columbia prohibiting any tenant of the residential portion of the Project from obtaining an RPP for so long as the PUD Site is used as an apartment building. **For the life of the residential portion of the Project**, the Applicant shall: (i) not seek or support any change to designate the PUD Site as becoming eligible for RPP; (ii) include in its residential leases a provision that prohibits tenants from obtaining an RPP for the PUD Site from the DMV, under penalty of lease termination and eviction; (iii) obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the PUD Site.

Prior to issuance of a Certificate of Occupancy for the residential portion of the Project, and for the initial lease-up of each residential unit, the Applicant shall offer each unit's incoming residents either a one-year Capital Bikeshare membership or a one-year membership to a carsharing service.

Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, and for the life of the Project, 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 a Transportation Information Center display within the hotel lobby containing information related to local transportation alternatives;

- b. Established a TDM marketing program that provides detailed transportation

hotel guests regarding parking and transportation options;

- c. Prepare materials for hotel employees that provide carpooling information and refers them to other carpool matching services;
- d. Designate TDM leaders to work with hotel employees and guests to market transportation alternatives and options;
- e. Install shower and changing facilities for bicycle commuters;
- f. Install a bicycle repair station within the long-term bicycle storage room;
- g. Provide free daily Capital Bikeshare passes to provide to hotel guests, available upon request; and
- k. Offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to all hotel employees during the first year of hotel operation.

The Applicant will establish a hotel parking plan that includes valet services and provides information to hotel guests that no on-site parking is available. The Applicant will do the following to implement the hotel parking plan:

- a. Work with DDOT to establish a hotel valet zone in the public space on 4th Street, NE;
- b. Hire a third-party valet service or designate a hotel staff member to manage valet operations, greet incoming hotel guests, and direct vehicles to the valet zone or a nearby local garage;
- c. Install signage at the valet zone stating that there is no parking at the PUD Site and that valet service is offered upon request. If guests choose

information to hotel guests regarding parking and transportation options;

- c. Prepared materials for hotel employees that provide carpooling information and refers them to other carpool matching services;
- d. Designated TDM leaders to work with hotel employees and guests to market transportation alternatives and options;
- e. Installed shower and changing facilities for bicycle commuters;
- f. Installed a bicycle repair station within the long-term bicycle storage room; and
- g. Purchased daily Capital Bikeshare passes (or other forms of conveyance as applicable at the time) to provide to hotel guests, available upon request.

Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, and for the first year of hotel operations, the Applicant shall offer all new hotel employees either a one-year Capital Bikeshare membership or a one-year membership to a carsharing service.

Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, and for the life of the Project, Applicant shall demonstrate to the Zoning Administrator that it has done the following with respect to hotel parking and valet services:

- a. Established a hotel valet zone in the public space on 4th Street, NE, subject to DDOT approval;
- b. Hired a third-party valet service or designated a hotel staff member to manage valet operations, greet incoming hotel guests, and direct vehicles to the valet zone or a nearby local garage;
- c. Installed signage at the valet zone stating that there is no parking at the PUD Site and that valet service is offered upon request. If guests choose to valet their

to valet their vehicles, the valet will transport the vehicles between the valet zone the designated parking facility. The valet will provide tickets that will instruct guests on how to retrieve their vehicle. This may include contacting the valet stand directly, contacting the hotel front desk, and/or the ability to request the vehicle via text and/or smartphone app. The number of valets may be adjusted in order to achieve the most efficient and cost effective valet parking system; and

- d. Establish the following system to inform hotel guests about parking and alternate modes of transportation at every step of the reservation process, through check-in, so that guests know what to expect when booking a reservation:
 - i. Display transportation and parking information on the hotel website, Online Travel Agency websites, other online booking and informational websites with which the hotel partners (including rating review websites), email booking confirmations and reminders, printed brochures, and verbally via reservationists. All information will emphasize and encourage alternate modes of travel and will indicate off-site parking locations; and
 - ii. Ensure that all hotel confirmations contain notice to guests that no parking is available on-site and that the hotel encourages and emphasizes alternative modes. The reservation email will provide the alternative transportation options and the locations of off-site parking facilities, in the event guests decide to drive, and the Applicant will assist guests in planning ahead to use alternative methods of transportation.

vehicles, the valet shall transport the vehicles between the valet zone the designated parking facility. The valet shall provide tickets that will instruct guests on how to retrieve their vehicle. This may include contacting the valet stand directly, contacting the hotel front desk, and/or the ability to request the vehicle via text and/or smartphone app. The number of valets may be adjusted in order to achieve the most efficient and cost effective valet parking system; and

- d. Established and implemented the following system to inform hotel guests about parking and alternate modes of transportation at every step of the reservation process, through check-in, so that guests know what to expect when booking a reservation:
 - i. Display transportation and parking information on the hotel website, Online Travel Agency websites, other online booking and informational websites with which the hotel partners (including rating review websites), email booking confirmations and reminders, printed brochures, and verbally via reservationists. All information shall emphasize and encourage alternate modes of travel and will indicate off-site parking locations; and
 - ii. Ensure that all hotel confirmations contain notice to guests that no parking is available on-site and that the hotel encourages and emphasizes alternative modes. The reservation email shall provide the alternative transportation options and the locations of off-site parking facilities, in the event guests decide to drive, and the Applicant shall assist guests in planning ahead to use alternative methods of transportation.

	<p>Applicant shall continually adapt the hotel parking plan in order to streamline the process based on continued experience and feedback.</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 provide the following additional public benefits as part of the Project:</p> <p>a. Contribute \$25,000 annually to <u>Edens Realty, Inc., an entity formed by EDENS, to wards a “Life Quality Enhancement” fund that will provide security and street cleaning services in the surrounding neighborhood. If an official Business Improvement District (“BID”) is created for the Florida Avenue Market area, then the Applicant will contribute \$25,000 annually to the BID instead;</u></p> <p>b. Dedicate a minimum of 200 square feet of professional office space on the ground floor of the hotel portion of the building to support start-up companies. The office space will include desks, chairs, printers, free wi-fi, and will be free of charge for one year, after which a new group of start-ups will be selected;</p>	<p><u>Prior to issuance of a Certificate of Occupancy of either the residential or hotel portion of the Project (whichever is first) and for the life of either portion of the Project,</u> the Applicant shall demonstrate to the Zoning Administrator that it has:</p> <p>a) <u>Established an escrow account for the benefit of Edens Realty, Inc., an entity formed by EDENS, to provide security and street cleaning services in the surrounding neighborhood; and</u></p> <p>b) <u>Contributed \$25,000 to the escrow account.</u></p> <p><u>The Applicant shall contribute \$25,000 annually to the escrow account for the life of the Project. If an official BID is created for the Florida Avenue Market area, then the Applicant shall amend the escrow account to benefit the BID instead of Edens Realty, Inc.</u></p> <p>towards a “Life Quality Enhancement” fund that will provide security and street cleaning services in the surrounding neighborhood. The contribution shall be provided annually. If an official Business Improvement District (“BID”) is created for the Florida Avenue Market area, then the Applicant shall contribute \$25,000 annually to the BID instead.</p> <p><u>Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, and for the life of the hotel,</u> the Applicant shall demonstrate to the Zoning Administrator that it has dedicated a minimum of 200 square feet of professional office space on the ground floor of the hotel portion of the building to support start-up companies. The office space shall include desks, chairs, printers, free wi-fi, and shall be free of charge for one year, after which a new group of start-ups will be selected.</p>

c. Rebuild the sidewalks and curbs and install trees on the east side of 4th Street and the west side of 5th Street, NE, from the alley to Morse Street, NE. These improvements will be designed and constructed to match the sidewalks adjacent to the PUD Site and will be consistent with DDOT standards;

d. Incorporate deaf-space principles into the design of the building's ground floor and adjacent public spaces by implementing multiple design strategies. These include: (i) establishing wide pedestrian sidewalks free of barriers; (ii) providing good sightlines and space for signers to maintain full view of visual language while comfortably circulating the site; (iii) incorporating additional pedestrian streetlights to enable clear visual communication and a safer space for travel at night; (iv) planting street trees that provide shaded relief and reduced glare and understory plantings with bold color palettes, textures, and fragrance for seasonal interest and heightened sensory; and (v) providing fixed casual seating areas with conversation tables to enable signers to rest carried objects and face each other while communicating.

Prior to issuance of a Certificate of Occupancy of either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees (if DDOT and the abutting property owners approve trees) on the east side of 4th Street and the west side of 5th Street, NE, from the alley to Morse Street, NE. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.

Prior to issuance of a Certificate of Occupancy of either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has installed or otherwise constructed the Project to be consistent with the deaf-space design principles, set forth in Finding of Fact No. __ of this Order.