

**Z.C. Case No. 16-13**  
**Applicant's Proposed Proffer Chart**  
**May 1, 2017**

Proffer	Condition
<p>28. As shown on the Plans, the Applicant is seeking approval of a consolidated PUD and related Zoning Map amendment to redevelop the PUD Site with a mixed-use residential and PDR building. The Project will contain approximately 60,244 square feet of gross floor area, which equates to a 6.0 FAR. The maximum building height is 90 feet. Approximately 56,419 square feet of GFA will be devoted to residential uses and 3,825 square feet of GFA will be devoted to PDR uses. The penthouse will include an additional 2,035 square feet of GFA devoted to residential uses, approximately 350 square feet of GFA for community space, and 675 square feet of GFA for mechanical purposes. The two-story penthouse will be 18.5 feet in height for the mechanical portion; the habitable portion will be 12 feet in height.</p> <p>39. <u>Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a))</u>. The single largest benefit to the area and the city as a whole is the creation of new residential development just blocks from the NoMA-Gallaudet Metrorail Station with a design that reflects the industrial history of the area and its emergence as a community within the Central Employment Area. Nelson Architects has designed a project that skillfully blends a contemporary residential vocabulary with an Art Deco idiom reflective of the Woodward &amp; Lothrop Warehouse just east of the railroad tracks. The Congress Street façade is punctuated with a regular pattern of windows, with the verticality of the building emphasized by vertical brick piers not unlike the Woodies Warehouse. The curved vertical façade of the L Street elevation pays subtle homage to the barrel vaulted-roof of the landmark Uline Arena immediately to the north. Like the surrounding light industrial buildings in the immediate vicinity, including Uline, the new residential Project is clad in brick but injects modern references through its use of metal panels and glass. The first floor and partially exposed lower level serve as a podium for the residential floors above, and differentiate the ground floor PDR uses accessed at street level. The design of the building responds well to its</p>	<p><b>A. Project Development</b></p> <p>1. The Project shall be developed in accordance with the Architectural Plans and Elevations dated January 12, 2017, (Ex. 37) (the “Plans”), the updated sheets submitted April 10, 2017, and as modified by the guidelines, conditions, and standards of this Order.</p> <p>2. In accordance with the Plans, the PUD shall be a mixed-use project consisting of approximately 60,244 square feet of gross floor area (6.0 FAR), with approximately 56,419 square feet of gross floor area devoted to residential use and approximately 3,825 square feet of gross floor area devoted to production, distribution and repair (“PDR”) uses, as further described in Paragraph A.3. The Project shall have 64 residential units, plus or minus 10%, and shall have a maximum height of 90 feet.</p> <p><b>B.5. Prior to the issuance of a certificate of occupancy for the building</b>, the Applicant shall demonstrate to the Zoning Administrator that it has expended, or is otherwise in the process of expending, funds necessary for completion of the design, permitting, and construction of all of the improvements on the north side of L Street, N.E., and the east side of Congress Street, N.E., consistent with Sheets L6.01, L6.02 and L6.03 of the Plans.</p>

<p>location on this half-block portion of Congress Street. The Applicant proposes to improve the streetscape of this small, narrow roadway to enhance the overall pedestrian experience and public safety, particularly for residents of the new residential building. The proposed Project exceeds what can otherwise be achieved on the site under the matter-of-right zoning. The design employs high-quality finishes and amenities that significantly increase the cost of the building over what would normally be achieved under a matter-of-right project in the C-M-1 or C-2-B Districts. The PUD also successfully blends housing with low-impact PDR uses on the ground floor in order to maintain the sense of the area's industrial heritage, as encouraged by the Comprehensive Plan. The Central Washington Policy governing the area east of the railroad tracks indicates that the striping on the Future Land Use Map in NoMA for mixed PDR/residential uses suggests sequential uses, when market conditions can support the transition from PDR uses to residential or other commercial uses. Here, the Applicant has successfully blended the uses in one location, ensuring the continuation of area's industrial quality.</p>	
<p>40. <u>Housing and Affordable Housing (11 DCMR § 2403.9(f))</u>. The PUD will add to the District's market-rate and affordable housing stock as contemplated under the PUD regulations and the Comprehensive Plan. The Project will set aside at least 12 percent of the residential square footage to for-sale affordable housing, with at least eight percent of that square footage devoted to households earning no more than 50 percent of AMI. The remaining four percent would be set aside for households earning no more than 80 percent of AMI. The 50 percent AMI units would be located offsite, would have an average size of 900 square feet each and an average of two-bedrooms, and would be constructed as single-family houses or flats. Approximately 1,815 square feet of the onsite units and 1,893 square feet of the offsite housing (3,708 sf GFA total) will satisfy the minimum IZ set aside requirement of eight percent of the PUD residential space and the habitable penthouse. The remaining affordable housing proffer of approximately 2,607 square feet will be governed by restrictive covenants with D.C. Habitat. This provision of affordable housing significantly exceeds the eight percent requirement in the IZ regulations, and offers deeper</p>	<p><b>B.1. Prior to the issuance of a Certificate of Occupancy for the building, and for the life of the Project</b>, the Applicant shall dedicate: (a) a minimum of four percent of the Project's residential gross floor area to households earning up to 80% of the AMI, and (b) a minimum of eight percent of the Project's residential gross floor area to households earning up to 50% of the AMI at an offsite location consistent with this Order. The onsite 80% AMI affordable units (1,815 sf GFA) and 1,893 sf of the offsite location at 50% AMI (3,708 sf GFA total) shall satisfy the minimum IZ set-aside requirement, and shall be maintained in accordance with all applicable requirements of Chapter 26 of the Zoning Regulations. The remaining offsite affordable units offered at 50% AMI (approximately 2,607 sf GFA) shall be governed by restrictive covenants with D.C. Habitat. The Applicant shall have the flexibility to vary the location and unit layout of the onsite IZ units provided the percentage of square footage devoted to IZ units is consistent with this condition B.1. The offsite IZ units and affordable units shall be a minimum of 900 square feet each, shall be single-family residences or flats; and shall be located within the boundaries of ANC 6C, 6A, 6E,</p>

<p>affordability than what would otherwise be achievable in a matter-of-right project.</p>	<p>5D or 5E. The Applicant may locate the offsite IZ units and affordable units in other areas of Ward 5 or Ward 6 upon approval from the Commission as a consent calendar item.</p> <p><b>B.2. Prior to the issuance of a building permit,</b> the Applicant shall provide proof to the Zoning Administrator that it has paid \$625,000 to D.C. Habitat for Humanity no later than October 31, 2017, D.C. Habitat for Humanity has the offsite housing location under its control, that each of the offsite units consist of a minimum of 900 square feet and two bedrooms, and that the units will be constructed as single-family residences or flats.</p>
<p>41. <u>Environmental Benefits (11 DCMR § 2403.9(h))</u>. The Project will be designed to a LEED-Gold standard. Among some of the qualifying features are high performance envelope, glazing and mechanical system designed to reduce energy use; bike storage; a green roof with native and adapted vegetation, with low water using irrigation; stormwater capture and reuse; recycled and/or salvaged construction waste; and recycled building materials.</p>	<p><b>B.3. Prior to the issuance of a building permit, and for the life of the Project,</b> 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>42. <u>Transportation Benefits (11 DCMR § 2403.9(c))</u>.</p> <p>a. <i>Alley Circulation and Improvements</i>. The proposed PUD will greatly enhance alley circulation within the square through a new access easement at the north end of the site. Currently, the PUD site is bisected at the south by a substandard alley only nine feet in width. It leads to a narrower north-south alley only 8.71 feet wide, which separates the Project from the seven rowhouses fronting on Third Street, N.W. In order to provide efficient trash storage and loading facilities for the new building, the Applicant proposes to close the east-west alley to the south and dedicate an access easement at the north end of the site to connect with the 8.71-foot wide alley to the east. As part of the alley dedication process, the Applicant will clean and improve the 8.71-foot alley to the east and proposes to repave it</p>	<p><b>A. Project Development</b></p> <p>1. The Project shall be developed in accordance with the Architectural Plans and Elevations dated January 12, 2017, (Ex. 37) (the “Plans”), the updated sheets submitted April 10, 2017, and as modified by the guidelines, conditions, and standards of this Order.</p> <p><b>C. Transportation Incentives and Benefits</b></p> <p>1. <b>Prior to issuance of a Certificate of Occupancy for the building and for the life of the Project,</b> the Applicant shall provide the following transportation incentives and transportation demand management (“TDM”) strategies:</p> <p>a. Designate a resident transportation coordinator (“RTC”) for planning, construction, and operations. The RTC will work with residents and employees in the building to distribute and market various transportation alternatives and options.</p>

<p>with impervious pavers, if approved by DDOT.</p> <p>b. <u>Capital Bikeshare Station.</u> At the request of the ANC, and in coordination with DDOT, the Applicant will fund the installation of and one year maintenance of a 19-rack Capital Bikeshare Station at the northeast corner of 3<sup>rd</sup> and L Streets, N.E., with the consent of the owner of the adjacent rental apartment building at that corner. Based on discussions between the Applicant and the ANC, this site was determined to be the most advantageous location because it would be more accessible to the area residents than if located at the PUD site, thereby providing the greatest benefit to the community at large.</p> <p>c. <u>Transportation Demand Management (“TDM”) Measures.</u> The PUD will also provide transportation demand management measures to encourage the use of public transit by building occupants. The site is advantageously situated just two blocks south of the NoMA-Gallaudet Metrorail Station and is well-served by Metrobus lines. The Applicant will implement the following transportation demand management measures at the PUD:</p> <p>i. <u>Resident Transportation Coordinator:</u> The Applicant's site management will designate one employee as the Resident Transportation Coordinator ("RTC"). This person's duties would principally be to provide information to residents (particularly those incoming) regarding transit opportunities and schedules, and the location of bike share stations within the area, and bicycle parking provisions within the building. The RTC will encourage non-private auto usage and will have related information prominently displayed in the lobby, community rooms, and other appropriate common space.</p> <p>ii. <u>Digital Multimodal Display:</u> The Applicant will install a digital multimodal display in the lobby of the residential building that provides schedule information of Metrobus and Metrorail, and locations of bike share and car-share stations, among other transportation related information.</p>	<p>b. The Applicant will provide TDM materials to new residents in the New Buyer Welcome Package materials.</p> <p>c. The Applicant will install a digital multimodal display in the lobby of the residential building that provides schedule information of Metrobus and Metrorail, and locations of bikeshare stations and carshare vehicles, among other transportation related information.</p> <p>d. The Applicant will provide bicycle parking/storage facilities at the proposed development. This includes secure parking located on-site, short-term bicycle parking around the perimeter of the site.</p> <p>e. The Applicant will provide a bicycle repair station.</p> <p>f. The Applicant will offer the first buyer of each residential unit a one-time annual car sharing membership or a one-time annual Capital Bikeshare membership to help alleviate the reliance on personal vehicles. These incentives will be included in a move-in transportation package that includes brochures for transit facilities as well as bicycle and car sharing services for the initial buyer of each residential unit.</p> <p>g. The Applicant will offer a one-time \$50 SmartTrip card to each initial residential tenant and employee in the building to encourage non-auto mode usage.</p> <p>h. The Applicant will fund the installation of a Capitol Bikeshare station near the intersection of 3rd Street and L Street, N.E. and pay for one year of operational and maintenance costs.</p>
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<p>iii. <u>Bicycle Usage Program</u>: The Applicant will provide 22 bicycle spaces inside the building with a bike repair station. Additionally, the Applicant will install five racks for ten bicycles in the public space on L Street. Additionally, the Applicant will provide a one-time annual membership fee for a bike share program for each initial tenant of the residential units.</p> <p>iv. <u>Transit Subsidies</u>. The Applicant will offer a one-time \$50.00 transit fare card to each initial residential tenant and employee in the building to encourage non-auto mode usage.</p>	
<p>43. <u>Uses of Special Value to the Neighborhood and the District (11 DCMR § 2403.9(i))</u>. The Applicant will provide a \$10,000 contribution to the Friends of NoMA Dogs, Inc. (“FOND”) for operating expenses to maintain and improve the dog park at 3<sup>rd</sup> and L Street, N.E., and potential future proposed dog parks in the NoMA area such as at the future NoMA Green bounded by Harry Thomas Way, N.E., and the Metro Branch Trail. The covered expenses would include, among other things, supplying waste disposal bags, sanitary spray supplies, and other services to improve and maintain the dog park. The contribution would be contingent upon FOND executing and having in place at the time of the donation a Dog Park Partner Cooperative Agreement (or equivalent) with the D.C. Department of Parks and Recreation for every dog park where the funds would be used.</p>	<p><b>B.4. Prior to the issuance of a building permit for the Project</b>, the Applicant shall demonstrate to the Zoning Administrator that it has paid \$10,000 to the Friends of NoMa Dog, Inc., to maintain and improve the dog park at 3<sup>rd</sup> and I Street, N.E., and other potential future dog parks in the NoMa area, such as the future NoMa Green bounded by Harry Thomas Way, N.E., R Street, N.E., and the Metropolitan Branch Trail. The maintenance and improvement funds would cover waste disposal bags, sanitary spray supplies, and other services to improve and maintain the dog park. At the time of the payment of funds, the Friends of NoMa Dogs, Inc., shall have in place a dog park cooperative agreement (or an equivalent agreement) with the D.C. Department of Parks and Recreation for every dog park where the funds will be used.</p>
<p>44. <u>PDR Uses</u>. The Applicant will promote “maker” uses to support the PDR designation on the Future Land Use Map of the Comprehensive Plan. The PDR uses required on the site may include the following:</p> <ul style="list-style-type: none"> <li>a. Production, distribution or repair of goods including accessory sale of related products;</li> <li>b. Uses encompassed within the Arts, Design, and Creation use category in 11 DCMR § 100.2, but not including a museum, theater, or gallery as a principal use;</li> <li>c. Production and/or distribution of food or beverages and the accessory sale or on-site consumption of the related food and beverage, including Union Kitchen;</li> </ul>	<p><b>A.3.</b> The PDR or PDR-related uses that shall be provided in the PUD may include:</p> <ul style="list-style-type: none"> <li>a. Production, distribution or repair of goods including accessory sale of related products;</li> <li>b. Uses encompassed within the Arts, Design, and Creation use category in 11 DCMR § 100.2, but not including a museum, theater, or gallery as a principal use;</li> <li>c. Production and/or distribution of food or beverages and the accessory sale or on-site consumption of the related food and beverage, including Union Kitchen;</li> <li>d. Design-related uses, including media/communications, computer system and software design; fashion design; graphic design; or product and industrial design;</li> </ul>

<p>d. Design-related uses, including media/communications, computer system and software design; fashion design; graphic design; or product and industrial design;</p> <p>e. An urgent care center;</p> <p>f. A neighborhood hardware and/or paint store; or</p> <p>g. A package distribution center.</p>	<p>e. An urgent care center;</p> <p>f. A neighborhood hardware and/or paint store; or</p> <p>g. A package distribution center.</p> <p><b>B.6. Prior to the issuance of a certificate of occupancy for the PDR/retail component of the building,</b> 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 retained a retail broker with experience marketing to and securing a variety of tenant types, including “maker uses.”</p>
<p>Add New Paragraph 45 on page 15 of Revised Draft Order (and renumber subsequent paragraphs):</p> <p>"45. <u>Employment and Training Opportunities (11 DCMR § 2403.9)</u>: The Applicant will enter into a First Source Employment Agreement with the D.C. Department of Employment Services with the goal of hiring 51% District of Columbia residents for all new jobs created by the PUD."</p>	<p><b>B.7. Prior to the issuance of a building permit for the Project,</b> the Applicant will enter into a First Source Employment Agreement with the D.C. Department of Employment Services.</p>