

Zoning Commission Case No. 17-09
(Consolidated PUD and Related Map Amendment)
Proffers and Conditions
Updated as of February 16, 2018

<u>Proffer</u>	<u>Draft Condition</u>
<p><u>Superior urban design and architecture site planning and efficient and economical land utilization</u> <i>Subtitle X § 305.5(a) and (c)</i></p> <ul style="list-style-type: none"> • The Project is designed to be compatible with the adjacent residential community and to enhance both the East Park and South Park, since the Site sits at the confluence of these two important neighborhood amenities. The Project results in the replacement of a vacant and underutilized site and provides extra eyes on the East Park and South Park. 	<p><u>Condition A-1:</u> The PUD shall be developed in accordance with the plans titled “Eckington Park”, prepared by Torti Gallas Urban dated November 21, 2017, and marked as Exs. 28A1-28A3 of the record, as modified by Sheet G07 titled “Zoning Analysis”, submitted with the Applicant’s Post-Hearing Submission, and marked as Ex. 41A of the record (collectively the “Plans”).</p>
<p><u>Superior landscaping, or creation or preservation of open spaces</u> <i>Subtitle X § 305.5(b)</i></p> <ul style="list-style-type: none"> • The Project includes the creation of important public open spaces, including the following: <ul style="list-style-type: none"> ○ The Applicant will deed to the NoMa Parks Foundation approximately 20,050 square feet of the Site for creation of a park on the eastern portion of the Site (the “East Park”) to house the realigned Metropolitan Branch Trail (“MBT”), a neighborhood dog park, and general open space. The land area for the creation of the East park is approximately 27% of the Site. 	<p><u>Condition B-1:</u> <u>Prior to the issuance of a certificate of occupancy for the Project</u>, the Applicant shall deed to the NoMa Parks Foundation approximately 20,050 square feet of the Site for creation of the East Park to house the realigned MBT, a neighborhood dog park, and general open space.</p> <p><u>Condition B-2:</u> The Applicant shall maintain the MBT open <u>during construction of the Project</u>. In the event that temporary closures of the MBT are necessary, the Applicant shall obtain approval from DDOT.</p>

<ul style="list-style-type: none"> ○ The Applicant will donate \$165,000 for improvements to the neighborhood dog park within the East Park. 	<p><u>Condition B-3:</u> Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall donate \$165,000 to NoMa Parks Foundation (“NPF”), or its designee, to fund the construction of a neighborhood dog park within the East Park, and the Applicant shall provide proof to the Zoning Administrator that the funds have been donated, and that the item described in this condition has been provided.</p>
<p><u>Commemorative works or public art</u> <i>Subtitle X § 305.5(d)</i></p> <ul style="list-style-type: none"> • The Applicant has incorporated public art into the Project in two locations. Permanent art installations will be provided at the ground floor fronting on the MBT and on the upper level roof deck at the southeast corner of the Project. Precedent images for the ground floor art installation are included at Sheet A29 of the Plans. An initial proposed rendered piece for the roof deck has been included on Sheet A28 of the Plans. • The public art piece for the roof deck is being designed and curated by No Kings Collective, which works with new and established District artists to create pop-up exhibitions, murals and client-focused design materials. Recent noteworthy art installations include the following: The Lot at the Liz, a summer pop-art experience at one of Whitman-Walker Health’s four locations; The Mural Poster at The Colonel; the CAS Reigler and City Interests’ development in Mount Vernon Square; and The Alley pop-up exhibition in Blagden Alley and Naylor Court. 	<p><u>Condition B-4:</u> For the life of the Project, the Applicant shall provide art installations of similar size and quality as the precedent images included at Sheets A29 and A28 at the ground floor fronting on the MBT and on the upper level roof deck at the southeast corner of the Project.</p>
<p><u>Housing and Affordable Housing</u> <i>Subtitle X</i></p>	<p><u>Condition B-5:</u> The Applicant shall provide the affordable housing as set forth in this</p>

<p>§ 305.5 (f) and (g)</p> <ul style="list-style-type: none"> • The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. Overall, the Project will replace a vacant site with approximately 328 units. This exceeds the amount that would have been provided if the Site was developed as a matter-of-right under the existing PDR zoning as no multifamily residential use is permitted in PDR Districts • The Applicant will set aside 8% of the residential square footage for Inclusionary Zoning (“IZ”) units reserved for households earning equal to or less than 60% of the median family income (“MFI”), which represents a substantial increase in the amount of affordable residential floor area when compared to the fact that no affordable housing would be generated if the Site was developed as a matter-of-right. This affordable housing will be provided with larger units with a focus on families, including the following: <ul style="list-style-type: none"> ○ 14 two bedroom units; and ○ 4 two-story, three-bedroom units on the ground floor, fronting on either the East Park or the internal courtyard. • The Applicant will reserve five two-story loft spaces that front on the East Park as artist live-work spaces. The artist-live work spaces will be reserved for local artists earning equal to or less 60% MFI, which results in approximately 6,728 square feet of additional affordable housing reserved for households earning equal to or less than 60% of the MFI and increases the overall amount of affordable housing to 	<p>condition.</p> <ul style="list-style-type: none"> a. <u>For the life of the Project</u>, the Applicant shall provide the following housing and affordable housing set forth in the following chart**: b. 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.
---	--

<p>more than 10.7% of residential square footage in the Project. The artist-live work spaces will remain affordable for the life of the Project and will be administered through a partnership with Cultural Development Corporation (“CuDC”).</p>	
<p><u>Employment and training opportunities</u> <i>Subtitle X § 305.5(h)</i></p> <ul style="list-style-type: none"> The Applicant will provide at least four construction, design, and engineering skills seminars, which will be made available to students at McKinley Technology High School.¹ 	<p><u>Condition B-6:</u> Prior to the issuance of a <u>certificate of occupancy for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it has provided at least four construction, design, and engineering skills training seminars for the students at McKinley Technology High School during construction of the Project, in accordance with the outline marked as Ex. 41C of the record.</p>
<p><u>Environmental and sustainable benefits</u> <i>Subtitle X § 305.5(k)</i></p> <ul style="list-style-type: none"> The Project is designed to integrate a host of sustainable features including an expansive green roof, and will be designed to achieve a minimum of 60 points, which is equivalent to the LEED Gold standards under LEED NC-2009. The Applicant will incorporate solar panels on the building’s roof. As shown on the roof plan on Sheet A05 of the Plans, the solar panels will cover approximately 1,500 square feet of the roof area, which will generate approximately 1% of the building’s total energy use. 	<p><u>Condition B-7:</u> The Applicant shall submit with its building permit application, a checklist evidencing that the Project has been designed to achieve 60 points under LEED NC-2009, which is equivalent to the USGBC LEED Gold standard.</p> <p><u>Condition B-8:</u> Prior to the issuance of a <u>certificate of occupancy for the Project</u>, the Applicant shall install approximately 1,500 square feet of solar panels on the building’s roof, as shown on Sheet A05 of the Plans.</p>
<p><u>Streetscape plans</u> <i>Subtitle X § 305.5(l)</i></p> <ul style="list-style-type: none"> The Applicant will construct a pedestrian- 	<p><u>Condition A-2:</u> Prior to the issuance of a <u>certificate of occupancy for the Project</u>, the Applicant shall construct the streetscape and</p>

¹ The revised Community Benefits Agreement submitted by ANC 5E (Exhibit 44A) references training seminars for construction trades, consistent with the Applicant’s Revised Public Benefits and Project Amenities Chart (Exhibit 41D). However, at ANC 5E’s meeting on January 17, 2018, ANC 5E requested that the training programs be geared towards design and engineering skills in accordance with requests from McKinley Technology High School. The Applicant agreed and thus revises its proposed condition to reflect this expanded scope of training.

<p>friendly streetscape abutting the Site, including new paving for the sidewalks, street lighting fixtures, and new and replacement shade trees.</p>	<p>landscape improvements as shown on Sheets L-01 through L-06 of the Plans. All sidewalks and elements in public space shall be built to DDOT standards and shall be subject to DDOT approval.</p>
<p><u>Transportation infrastructure</u> <i>Subtitle X § 305.5(o)</i></p> <ul style="list-style-type: none"> • Extensive Transportation Demand Management Plan. 	<p><u>Condition B-9:</u> <u>During the operation of the building (unless otherwise noted),</u> the Applicant shall provide a Transportation Management Program, as set forth in the Transportation Demand Management (“TDM”) section of the Comprehensive Transportation Review in the record at Ex. 26A, as supplemented by the Applicant’s Response to DDOT in the record at Ex. 34A, and as further supplemented by the Applicant at the public hearing. The TDM Plan shall include the following:</p> <ol style="list-style-type: none"> a. The Applicant shall identify TDM Leaders (for planning, construction, and operations). The TDM Leaders shall work with goDCgo staff to create free customized marketing materials and a TDM outreach plan for residents and retail employees, including developing a site-specific transportation guide for residents and visitors. b. The Applicant shall provide updated contact information for the TDM Leader and report TDM efforts and amenities to goDCgo staff once per year. c. The Applicant shall stock Metrorail, Metrobus, DC Circulator, Capital Bikeshare, Guaranteed Ride Home, DC Commuter Benefits Law, and other brochures through building management. d. The Applicant shall unbundle all parking costs from the cost of the leases. The parking costs shall be based on the average parking rate for multi-

family developments within a quarter-mile of the Site that have been constructed within the last 5 years.

- e. For a total of three years, the Applicant shall offer to each new residential lease either a one-year membership to Capital Bikeshare or a one year membership to a carsharing service in an amount of \$85 for an annual membership. The maximum amount the Applicant will pay for this benefit is \$27,880.
- f. The Applicant shall provide approximately 174 long-term bicycle parking spaces in the below-grade parking garage. The Applicant shall provide approximately 30 short-term bicycle parking spaces in the form of 15 U-racks within and along the perimeter of the Site, subject to approval by DDOT.
- g. The Applicant shall install Transportation Information Center Displays (kiosks or screens) within the lobby of the building, containing information related to local transportation alternatives.
- h. The Applicant shall dedicate two spaces for carsharing services to use with the right of first refusal. If the Applicant is unable to secure a carsharing provider for the two dedicated carsharing spaces, then the Applicant shall host WABA's Everyday Bicycling Seminars two times a year for a total of three years.
- i. The Applicant shall include a provision in all residential leases restricting the building's lessees from obtaining Residential Parking Permits.

- j. The Applicant shall provide at least one shopping cart for every 25 residential units, for a total of 13 shopping carts.
- k. The Applicant shall provide two electric vehicle charging stations at the Site.
- l. The Applicant shall install a bicycle maintenance facility within the long-term bicycle parking area.

Condition B-10: Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall fund the full cost as determined by DDOT of the installation of striping and signage and of the improvements necessary to convert the intersection of Eckington Place, N.E. and Harry Thomas Way, N.E. to an all-way stop controlled intersection. These improvements shall consist of the installation of stop signs, stop bars along Eckington Place, NE, new crosswalks along Eckington Place, N.E. and Harry Thomas Way, N.E., ADA compliant curb ramps that align with each crosswalk, and detectable warning strips at each curb ramp at the intersection of Eckington Place, N.E. and Harry Thomas Way, N.E., subject to approval by DDOT. The Applicant shall also construct curb extensions at the intersection of Eckington Place, N.E. and Harry Thomas Way, N.E., pending DDOT's final redesign of Eckington Place, N.E. and subject to approval by DDOT. The Applicant shall also construct curb extensions on the southwest and southeast corners of the intersection of Harry Thomas Way, N.E. and R Street, N.E., subject to approval by DDOT. Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall provide proof to the Zoning Administrator that funds have been donated and the items described in this condition have been provided.

<ul style="list-style-type: none"> The Applicant will contribute \$80,000 to NoMa Parks Foundation to fund the realignment of the MBT as it crosses the Site through the East Park. The realignment results in the elimination of the hard right angle along this portion of the MBT, creating a more gentle curve to access the MBT to north of R Street. The realignment will increase safety on the MBT for all District residents who utilize this vital form of transportation to commute and travel throughout the city. Based on current estimates, the \$80,000 donation is anticipated to fully fund the realignment of the MBT. 	<p><u>Condition B-11:</u> <u>Prior to the issuance of a certificate of occupancy for the Project,</u> the Applicant shall contribute \$80,000 to NPF, or its designee, to fund the realignment of the MBT as it crosses the Site through the East Park. The Applicant shall provide proof to the Zoning Administrator that the funds have been donated and that the items described in this condition have been provided.</p>
<p><u>Uses of special value to the neighborhood or the District of Columbia as a whole</u> <i>Subtitle X § 305.5(q)</i></p> <ul style="list-style-type: none"> The Applicant will donate \$350,000 to the NoMa Parks Foundation to assist with improvements in the South Park. <ul style="list-style-type: none"> Based on current estimates, the \$350,000 donation to the NoMa Parks Foundation is anticipated to fully fund South Park Amphitheater, which has an approximate construction cost \$300,000. All remaining money donated will fund the construction food service kiosks within the South Park. The Applicant has agreed to donate a total of \$62,500 to local schools, the Eckington Recreation Center, and the Bloomington Civic Association to fully fund the following initiatives: <ul style="list-style-type: none"> <u>McKinley Technology High School:</u> \$27,500 allocated as follows: \$15,000 	<p><u>Condition B-12:</u> <u>Prior to the issuance of a certificate of occupancy for the Project,</u> the Applicant shall contribute \$350,000 to NPF, or its designee, to fund the construction of an amphitheater in the South Park and to the extent funds remain, to construct food services kiosks in the South Park. The Applicant shall provide proof to the Zoning Administrator that the funds have been donated and that the items described in this condition have been provided.</p> <p><u>Condition B-13:</u> <u>Prior to the issuance of a certificate of occupancy for the Project,</u> the Applicant shall donate a total of \$62,500 to local schools, the Eckington Recreation Center, and the Bloomingdale Civic Association to fully fund the following initiatives:</p> <ul style="list-style-type: none"> <u>McKinley Technology High School:</u> \$27,500 allocated as follows: \$15,000 for paid construction trade internships

<p>for paid construction trade internships for McKinley Technology students; and \$12,500 to upgrade classroom and auditorium technology such as speakers, projects, and/or screens.</p> <p>b. <u>Harmony Elementary</u>: \$8,500 to purchase laptops to support in-classroom educational technology and standardized testing methods.</p> <p>c. <u>Langley Elementary</u>: \$12,500 to purchase laptops to replace outdated technology and to increase the total number of work stations available for student use.</p> <p>d. <u>Harry Thomas Recreation Center</u>: \$11,000 allocated as follows: \$8,500 to purchase tablets/computers for before/after school programs focused on enhancing literacy skills for children ages pre-k to 5th grade; and \$2,500 to purchase a new TV or projector</p> <p>e. <u>Bloomington Civic Association Scholarship Fund</u>: \$3,000 total to fund two (2) scholarships for high school students who live within the District-recognized boundaries of Bloomington and/or are a student or alumni of McKinley Technology High School or Dunbar High School.</p> <ul style="list-style-type: none"> • In close consultation with the Eckington Civic Association, the Applicant has committed to contribute \$40,000 to a partnership between Manna, Inc. and the Latino Economic Development Center (“LEDC”) to fund affordable housing 	<p>for McKinley Technology students; and \$12,500 to upgrade classroom and auditorium technology such as speakers, projects, and/or screens.</p> <p>b. <u>Harmony Elementary</u>: \$8,500 to purchase laptops to support in-classroom educational technology and standardized testing methods.</p> <p>c. <u>Langley Elementary</u>: \$12,500 to purchase laptops to replace outdated technology and to increase the total number of work stations available for student use.</p> <p>d. <u>Harry Thomas Recreation Center</u>: \$11,000 allocated as follows: \$8,500 to purchase tablets/computers for before/after school programs focused on enhancing literacy skills for children ages pre-k to 5th grade; and \$2,500 to purchase a new TV or projector.</p> <p>e. <u>Bloomington Civic Association Scholarship Fund</u>: \$3,000 total to fund two (2) scholarships for high school students who live within the District-recognized boundaries of Bloomington and/or are a student or alumni of McKinley Technology High School.</p> <p>f. <u>Prior to the issuance of a certificate of occupancy for the Project</u>, the Applicant shall provide proof to the Zoning Administrator that the identified items and scholarships have been provided.</p> <p><u>Condition B-14</u>: <u>Prior to the issuance of a certificate of occupancy for the Project</u>, the Applicant shall contribute \$40,000 to a partnership between Manna, Inc. and the LEDC to fund affordable housing training and assistance for Eckington residents in</p>
---	---

training and assistance for Eckington residents who rent or own in the Eckington neighborhood. The partnership will conduct a neighborhood facilities tenant's rights workshops and detailed training on how to apply/qualify for local affordable housing programs. A door to door survey will be conducted to promote awareness and determine training priorities.	accordance with the outline marked as Ex. 33D of the record. The Applicant shall provide proof to the Zoning Administrator that the funds have been donated and that the services described in this condition have been provided.
--	---

**

Residential Unit Type	Net Residential Square Feet/ Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Affordable Unit Type	Notes
Total	244,744 sf (100%)	328	N/A	N/A	N/A	
Market Rate	218,436 sf (89.3%)	305	Market Rate	N/A	Rental	
IZ	19,580 sf (8%)	18	Up to 60% MFI	Life of the project	Rental	The Applicant shall reserve a minimum of 14 two-bedroom units and 4 two-story, three bedroom units on the ground floor as IZ units
Non IZ affordable	6,728 sf (2.7%)	5	Up to 60% MFI	Life of the project	Rental	The Applicant shall reserve five, two-story loft spaces that

						front on the East Park as artist live-work spaces. The artist-live work spaces shall be reserved for and made affordable to local artists earning equal to or less 60% MFI. The artist live-work spaces shall be administered through a partnership with CuDC in accordance with the outline marked as Ex. 33B of the record
--	--	--	--	--	--	--