

ZC Case No. 17-14
Applicant's Final Benefits and Proposed Conditions
August 9, 2018

Proffered Benefit	Proposed Condition
<p><u>Superior urban design and architecture</u></p> <p>37(a). The design of the Project will include including use of high-quality materials, building articulation and modulation, preservation of the Maurice Electric showroom façade, green elements on the façade, and context-specific design features that will distinguish this building from typical residential development.</p>	<p>The Project shall be developed in accordance with the plans marked as Exhibit 27B of the Record, as modified by the plans marked as Exhibits 35A-D of the Record, and as modified by guidelines, conditions, and standards herein (collectively, the “Plans”).</p> <p>The Project shall have a total of approximately 314,724 square feet of gross floor area (excluding the penthouse area), equivalent to an 8.4 FAR. The Project shall include approximately 285,482 square feet of gross floor area devoted to residential use including approximately 13,828 feet of gross floor area of habitable penthouse space subject to such reductions in that space as are required based upon the final demising plan for the penthouse space and approximately 22,714 feet of ground floor gross floor area devoted to retail/PDR/Maker space. The Project shall shave a maximum of height of 12 stories and 130 feet, plus an additional 20 feet for the penthouse, and a maximum lot occupancy of approximately 73.9% for the residential portion of the Project (i.e. floors 2 through 12).</p>
<p><u>Site planning and efficient and economical land utilization</u></p> <p>37(b). The Applicant will create of a new mixed-use development on an underutilized site in a transit-oriented location specifically targeted for such uses. The Project will capitalize on its location near a Metrorail station, New York Avenue, and myriad (planned) services and retailers to provide a mix of residential and retail uses of appropriate higher levels of height and density that the District has identified as goals for this neighborhood</p>	<p>The Project shall be developed in accordance with the plans marked as Exhibit 27B of the Record, as modified by the plans marked as Exhibits 35A-D of the Record, and as modified by guidelines, conditions, and standards herein (collectively, the “Plans”).</p> <p>The Project shall have a total of approximately 314,724 square feet of gross floor area (excluding the penthouse area), equivalent to an 8.4 FAR. The Project shall include approximately 285,482 square feet of gross floor area devoted to residential use including approximately 13,828 feet of gross floor area of habitable penthouse space subject to such reductions in that space as are required based upon the final demising plan for the penthouse space and approximately 22,714 feet of ground floor gross floor area devoted to retail/PDR/Maker space. The Project shall shave a maximum of height of 12 stories and 130 feet, plus an</p>

	additional 20 feet for the penthouse, and a maximum lot occupancy of approximately 73.9% for the residential portion of the Project (i.e. floors 2 through 12).
<u>Streetscape and public realm improvements</u> 37(c). The Applicant will construct streetscape and public realm improvements along Penn Street in accordance with the approved standards in the Union Market Streetscape Guidelines.	<u>Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12,</u> the Applicant shall construct the streetscape improvements as shown on pages L-02 to L-06 in Exhibit 14A6 of the Record, subject to the flexibility granted in Condition A(5)(f).
<u>Affordable Housing</u> 37(e). For the life of the Project, the Applicant will reserve 12% of the residential floor area (excluding the penthouse and core and common areas) for inclusionary zoning units. Seventy percent (70%) of the IZ floor area shall be reserved for households earning up to 60% of the median family income (“MFI”), and 30% of the IZ floor area shall be reserved for households earning up to 50% of the MFI. At least one of the IZ units shall be three-bedrooms.	[See Affordable Housing Conditions and Table at the end.]
<u>Three-bedroom units</u> 37(d). For the life of the Project, the Applicant will provide at least 15 three-bedroom units, and at least one of the three- bedroom units will be affordable.	<u>For the life of the Project,</u> at least 15 of the residential units will be three-bedroom units, one of which shall be an Inclusionary Zoning unit.
<u>Environmental and sustainable benefits</u> 37(f). The Applicant will certify the Project at the LEED Gold level (v2009).	<u>Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12,</u> the Applicant shall: <ol style="list-style-type: none"> Demonstrate to the Zoning Administrator that it has registered the Project with the USGBC to

<p>37(f). The Applicant will install solar panels to provide at least 1% of the energy for the residential portion of the Project.</p>	<p>commence the LEED certification process; and</p> <p>b. 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 v2009 standard.</p> <p>c. Install solar panels on the roof of the Project sufficient to generate 1% of the projected energy for the residential portion of the Project.</p>
<p><u>Recreation Improvements</u></p> <p>37(h)(iii). The Applicant will contribute \$10,000 to DPR for the purchase of new computers for the Trinidad Recreation Center computer lab.</p>	<p><u>Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12,</u> the Applicant shall contribute \$10,000 to DPR for the purchase of new computers for the Trinidad Recreation Center. Compliance with this condition shall be demonstrated by a letter from DPR evidencing that the contribution has been received and allocated for the purchase of the computers or that DPR has an established plan for the purchase of the computers.</p>
<p><u>Employment and training opportunities</u></p> <p>37(g). The Applicant will contribute \$30,000 to Jubilee Jobs for the establishment of a jobs readiness program targeting ANC 5D residents. Ten thousand dollars (\$10,000) of the contribution shall be for program administration and job readiness skills, \$10,000 shall be for scholarships targeted at ANC 5D residents for construction trades, and \$10,000 shall be for SmartTrip cards for program participants who are placed and maintain employment through Jubilee Jobs.</p>	<p><u>Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12,</u> the Applicant shall contribute \$30,000 to Jubilee Jobs for the establishment of a jobs readiness program targeting ANC 5D residents. Ten thousand dollars (\$10,000) of the contribution shall be for program administration and job readiness skills, \$10,000 shall be for scholarships targeted at ANC 5D residents for construction trades, and \$10,000 shall be for SmartTrip cards for program participants who are placed and maintain employment through Jubilee Jobs. The Applicant shall demonstrate to the Zoning Administrator that: the Job Readiness program and the scholarships have been established and that the SmartTrip cards have been purchased or that Jubilee Jobs has an established plan for the creation of the program and scholarships and the purchase of the SmartTrip cards.</p>
<p><u>Uses of special value</u></p> <p>37(h)(iv). The Applicant will commit at least 5% of the non-residential ground floor gross floor area to PDR/Maker uses</p>	<p><u>For a period of five (5) years from the date of the first Certificate of Occupancy for the ground floor retail/PDR/Maker space,</u> the Project shall reserve at least five percent (5%) of the non-residential ground floor gross floor area for “PDR/Maker Uses,” defined as follows:</p>

<p>(defined below) for five (5) years from the initial certificate of occupancy for the ground floor retail/PDR/Maker space, and at least 50% of the non-residential ground floor gross floor area will be built to PDR / Maker Specifications (defined below).</p> <p>37(h)(iv). The Applicant will preserve and commit 20,000 square feet in Maurice Office for PDR/Maker uses for five (5) years, beginning on March 1, 2018.</p> <p>37(h)(ii). For a period of 10 years, the Applicant will display art in an area of at least 80 square feet in the residential lobby. In selecting the art for this display, the Applicant shall give preference to local artists.</p> <p>37(h)(i). The Applicant will contribute \$25,000 per year for three (3) years to a Life Quality Enhancement Fund to provide street cleaning and security for the Union Market District prior to the formation of a formal Business Improvement District.</p>	<div data-bbox="760 222 1421 1528" data-label="List-Group"> <ul style="list-style-type: none"> (i) PDR/Maker Uses shall be defined as the following: production, sale, and/or distribution of food and beverages (provided that the onsite consumption of food and beverages shall only be permitted when associated with such production, sale, and/or distribution user); food incubators and food hubs; robotics and 3-D manufacturing; small-scale production, distribution or repair of goods and related accessory sales; curation and sale of small-scale production goods; or new and locally-owned small businesses as certified with the Department of Small & Local Business Development. (ii) PDR / Maker Uses also shall include “Creative economy” uses, which shall be defined as the following: incubators; graphic design; product or industrial design; engineering and design; technology design and production; design and product curation; fashion design; horticultural design; green businesses and sustainable design; specialty sports and recreation uses; media/communications production and distribution. (iii) PDR / Maker Uses further shall include “Arts” uses, which shall be defined as the following: arts, design and creation uses as defined in Subtitle B § 200.2(e) of the Zoning Regulations and entertainment, assembly and performing arts as defined in Subtitle B § 200.2(n) of the Zoning Regulations. </div> <p><u>Commencing on the effective date of this order and continuing until March 1, 2023,</u> the Applicant shall reserve 20,000 square feet of floor area in Maurice Office for PDR/Maker Uses, as defined above.</p> <p><u>Prior to the issuance of the first Certificate of Occupancy for the ground floor retail/PDR/Maker space,</u> at least fifty percent (50%) of the non-residential ground floor gross floor area shall be built to PDR/Maker</p>
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	<p>Specifications, defined below. Compliance shall be demonstrated by self-certification to the Zoning Administrator that the reserved area has been constructed to include:</p> <ul style="list-style-type: none"> a. A Structural Slab Load (Ground Floor) live load of 125 psf. b. Clear height of approximately 16'-0" from ground floor slab to bottom of structure above. c. An electrical supply of 50 watts per square foot. d. A loading dock that includes a 48" raised loading dock and/or levelers. e. An Open floor plan layout. f. A sound attenuation for mixed-use that satisfies NC-25 minimum noise criteria and includes 7" thick minimum concrete podium slab. g. HVAC designed for 1 ton per 300 square feet. h. Ventilation (Fresh Air / Make-Up Air) louvers at façade. <p><u>Commencing on the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12 and for 10 years thereafter,</u> the Applicant shall display visual art in an area of at least 80 square feet in the residential lobby of the Project.</p> <p><u>Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12 and annually for two years thereafter (a total of three years),</u> the Applicant will contribute \$25,000 (for a total payment of \$75,000 to "Union Market Coalition" (or other entity administering a Union Market District security and/or maintenance program)) for enhanced street cleaning and security for the Union Market District and shall demonstrate to the Zoning Administrator that the enhance street cleaning and security measures are being provided or that "Union Market Coalition" (or other entity administering a Union Market District security and/or maintenance program) has an established plan for the provision of the cleaning and security measures.</p>
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Affordable Housing Conditions and Table:

1. Except as provided in paragraph (2), the Project shall include the affordable housing in the following chart.

(i) Chart

Residential Unit Type	GFA/Percentage of Total Residential GFA	Units	Reserved for household earning equal to or less than:	Affordable Control Period	Tenure (rental or sale)
Total	Approx. 285,482 sq. ft. of GFA + approx. 13,828 sq. ft. of penthouse habitable floor area/100%	Approx. 299	NA	NA	Rental
Market Rate	Approx. 251,224 sq. ft. of GFA + approx. 12,722 sq. ft. of penthouse habitable floor area/ 88% (base building) and 92% (penthouse)	TBD	Market Rate	NA	Rental
IZ	Approx. 12,028 sq. ft. of GFA/no less than 3.8% (base building) and 8% (penthouse)	TBD	50% MFI	Life of the project	Rental
IZ	Approximately 23,980 sq. ft. of GFA/no less than 8.4% (base building)	TBD	60% MFI	Life of the project	Rental

(ii) At least one of the IZ units shall be a three bedroom unit.

2. The Applicant is granted the flexibility to reduce the size of the penthouse habitable space based upon the final demising plan for the penthouse. If, as a result of any such reduction of the size of the habitable penthouse, the Zoning Administrator determines that the Project qualifies for the exemption from the set-aside required for penthouse habitable space pursuant to 11-C DCMR 1006.10(c), then the Applicant may either set aside the equivalent

of at least 8% of the penthouse habitable space for households earning equal to or less than 50% of the MFI or make a contribution to the housing trust fund, consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16.